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

REPORT OF THE SEVENTEENTH SESSION OF THE SUB-COMMISSION
ON PREVENTION OF DISCRIMINATION AND PROTECTION OF
MINORITIES TO THE COMMISSION ON HUMAN RIGHTS

Geneva, 11 to 29 January 1965

Rapporteur: Mr. Peter Calvocoressi

(144 p.)

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I. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its seventeenth session at the European Office of the United Nations, Geneva, from 11 to 29 January 1965, inclusive.
2. The session was opened by Mr. Hernán Santa Cruz (Chile), Chairman of the Sub-Commission at its sixteenth session (432nd meeting).
3. Before examining the first item of the agenda the Sub-Commission, at the request of Mr. Santa Cruz, observed a minute's silence in memory of the late Mme. Marie Hélène Lefauchaux, who had represented the Commission on the Status of Women at various sessions of the Sub-Commission.

Attendance

4. Attendance at the session was as follows:

MEMBERS AND ALTERNATES

Mr. Morris B. Abram	(United States of America)
Mr. C. Clyde Ferguson (Alternate)	
Mr. Mohammed Abu Rannat	(Sudan)
Mr. Mohammed Awad	(United Arab Republic)
Mr. Peter Calvocoressi	(United Kingdom of Great Britain and Northern Ireland)
Mr. Francesco Capotorti	(Italy)
Mr. José D. Ingles	(Philippines)
Mr. Pierre Juvigny	(France)
Mr. Wojciech Ketrzynski	(Poland)
Mr. Arcot Krishnaswami	(India)
Mr. Eugeny Nassinovsky	(Union of Soviet Socialist Republics)
Mr. Voitto Saario	(Finland)
Mr. Hernán Santa Cruz	(Chile)
Mr. Ramon Huidobro (Alternate)	
Mr. Eduard Schiller	(Austria)
Mr. Manuel Tello Macias	(Mexico)

5. Three members of the Sub-Commission, Mr. Gabino Fraga (Mexico), Mr. Boris S. Ivanov (Union of Soviet Socialist Republics) and Mr. Franz Matsch (Austria), informed the Secretary-General that they were unable to attend the session and that, in accordance with rule 70 of the rules of procedure of the functional Commissions of the Economic and

Social Council, and with the consent of their Governments, they appointed as alternates for the whole of the session Mr. Manuel Tello Macias, Mr. Eugeny Massinovsky, and Mr. Eduard Schiller, respectively. Mr. Morris B. Abram was unable to attend certain meetings of the Sub-Commission and, with the consent of his Government, designated as his alternate for those meetings, Mr. C. Clyde Ferguson. Mr. Hernan Santa Cruz was unable to attend certain meetings of the Sub-Commission and, with the consent of his Government, designated as his alternate for those meetings, Mr. Ramon Huidobro. The Secretary-General was in full agreement with these nominations and the alternates therefore enjoyed during the session the same status as members of the Sub-Commission, including the right to vote.

6. The following observers from Governments attended the session:

<u>Canada:</u>	Mr. Charles Stone
<u>Israel:</u>	Mr. N. Michael Bavly Mr. David I. Marmor
<u>Netherlands:</u>	Mrs. Clare Graham
<u>United States of America:</u>	Mr. Warren E. Hewitt

COMMISSION ON THE STATUS OF WOMEN

7. In accordance with Economic and Social Council Resolution 48(IV), the Commission on the Status of Women was represented at the session by:

Mrs. Helvi Sipilä (Finland)

SPECIALIZED AGENCIES

8. The following representatives of specialized agencies attended the session:

<u>International Labour Organisation (ILO):</u>	Mr. Rudolf A. Métall Mr. Mauricio Paranhos da Silva
<u>United Nations Educational, Scientific and Cultural Organization (UNESCO):</u>	Mr. Hauna Saba Mr. Pierre Lebar

NON-GOVERNMENTAL ORGANIZATIONS

9. The following observers from non-governmental organizations in consultative status attended the session:

CATEGORY A

<u>International Confederation of Free Trade Unions:</u>	Mr. Albert Heyer Mr. Heribert Maier
<u>International Federation of Christian Trade Unions:</u>	Mr. Georges Eggermann
<u>World Federation of Trade Unions:</u>	Mr. Giuseppe Boglietti

CATEGORY B

<u>Agudas Israël World Organization:</u>	Chief Rabbi Alexander Safran
<u>All Pakistan Women's Association (Pakistan):</u>	Mrs. Rani Mirza-Khan
<u>Catholic International Union for Social Service:</u>	Miss Marie-Madeleine Brazzola
<u>Commission of the Churches on International Affairs:</u>	Mr. Dominique Micheli
<u>Consultative Council of Jewish Organizations:</u>	Mr. Armand Himy
<u>Co-ordinating Board of Jewish Organizations:</u>	Mr. Gustav Warburg Mr. Charles Rappaport
<u>Friends World Committee for Consultation:</u>	Mr. J. Duncan Wood
<u>International Catholic Migration Commission:</u>	Mr. Michel Moreau
<u>International Alliance of Women - Equal Rights, Equal Responsibilities:</u>	Miss Marie Ginsberg Mrs. Gerbie Deneke
<u>International Catholic Child Bureau:</u>	Miss Odile Roullet
<u>International Commission of Jurists:</u>	Mr. Sean MacBride Mr. David Sagar Mr. Janos Toth
<u>International Council of Jewish Women:</u>	Mrs. Myriam Warburg
<u>International Council of Women:</u>	Miss Louise C.A. van Eeghen Mrs. Antoinette Rochedieu
<u>International Council on Jewish Social and Welfare Services:</u>	Mr. Daniel Lack
<u>International Federation of Women Lawyers:</u>	Miss Elke Schmitz
<u>International League for the Rights of Man:</u>	Mr. Sidney Liskofsky
<u>International Union for Child Welfare:</u>	Miss Audrey Moser
<u>Pax Romana - International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students:</u>	Mr. Tadeusz Szmitkowski
<u>World Jewish Congress:</u>	Mr. Maurice L. Perlzweig Mr. Gerhart-L. Riegner Mr. André Jabès
<u>World Alliance of Young Men's Christian Associations:</u>	Mr. Maher T. Doss
<u>World Union of Catholic Women's Organizations:</u>	Mrs. Yvonne Darbre Mrs. Marcelle Driant Miss Alice Arnold
<u>World Young women's Christian Association:</u>	Mrs. Miyako Ishibashi

REGISTER

<u>Soroptimist International Association:</u>	Mrs. Blanche Merz
<u>Zonta International:</u>	Mrs. Gertie Deneke

Election of Officers

10. At its 432nd meeting, the Sub-Commission elected the following officers:

<u>Chairman:</u>	Mr. Hernán Santa Cruz (Chile)
<u>Vice-Chairman:</u>	Mr. Wojciech Ketrzynski (Poland)
<u>Rapporteur:</u>	Mr. Peter Calvocoressi (United Kingdom of Great Britain and Northern Ireland)

Secretariat

11. Mr. Edward Lawson, Deputy Director of the Division of Human Rights, represented the Secretary-General. Mr. İlhan Lıtam acted as secretary of the Sub-Commission.

Agenda

12. At its 432nd meeting, the Sub-Commission adopted without objection the items listed in the provisional agenda (E/CN.4/Sub.2/242/Rev.1) as its agenda for the seventeenth session. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda.
3. Invitation to the Commission on the Status of Women.
4. Draft international convention on the elimination of all forms of religious intolerance.
5. Study of discrimination against persons born out of wedlock.
6. Study of equality in the administration of justice.
7. Review of further developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission:
 - (a) Discrimination in education;
 - (b) Discrimination in the field of employment and occupation;
 - (c) Discrimination in the matter of religious rights and practices;
 - (d) Discrimination in the matter of political rights;
 - (e) Discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country;
 - (f) Manifestations of racial prejudice and national and religious intolerance.
8. Measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence, jointly or separately.
9. Protection of minorities.
10. Periodic reports on human rights.
11. Consideration of the future work of the Sub-Commission.

12. Communications relating to the prevention of discrimination and the protection of minorities.

13. Report of the seventeenth session of the Sub-Commission to the Commission on Human Rights.

13. On 27 January 1965, the Sub-Commission held a private meeting to consider item 12 of its agenda, "Communications relating to the prevention of discrimination and the protection of minorities". The Sub-Commission had before it a non-confidential list of communications (E/CN.4/Sub.2/CR.9) and a confidential list of communications (E/CN.4/Sub.2/Communications List No. 14). The Sub-Commission took note of the lists of communications.

Meetings, resolutions and documentation

14. The Sub-Commission held twenty-six plenary meetings. The views expressed at those meetings are summarized in the records of the 432nd to 457th meetings (E/CN.4/Sub.2/SR.432 - 457).

15. At its 438th and 439th meetings, the Sub-Commission heard statements by the representative of the Commission on the Status of Women (Mrs. Helvi Sipilä).

16. At its 433rd, 434th, 453rd, 454th and 456th meetings, the Sub-Commission heard statements by the representative of the International Labour Organisation (Mr. Rudolf A. Métall). At its 440th, 453rd and 454th meetings, the Sub-Commission heard statements by the representatives of UNESCO (Mr. Pierre Lobar and Mr. Hauna Saba).

17. In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Sub-Commission granted hearings (at the 433rd, 436th, 438th, 439th, 440th, 441st, 447th, 451st and 456th meetings) to representatives of the following non-governmental organizations:

Category A: International Federation of Christian Trade Unions
(Mr. Georges Eggermann).

Category B: Commission of the Churches on International Affairs
(Mr. Dominique Mächeli); Co-ordinating Board of Jewish Organizations (Mr. Gustav Warburg); International Commission of Jurists (Mr. Janos Toth); Pax Romana (Mr. Tadeusz Szmitkowski); World Jewish Congress (Mr. Maurice L. Perlzweig); International League for the Rights of Man (Mr. Sidney Liskofsky); Friends World Committee for Consultation (Mr. J. Duncan Wood).

18. The resolutions (1 to 8 (XVII)) and decisions of the Sub-Commission appear below under the appropriate headings.

19. Texts submitted by members of the Sub-Commission relating to the draft international convention on the elimination of all forms of religious intolerance are reproduced in Annex I to the present report; statements of financial implications of the decisions taken by the Sub-Commission at its seventeenth session are reproduced in Annex II; and the documents before the Sub-Commission at its seventeenth session are listed in Annex III.

II. DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RELIGIOUS INTOLERANCE

Item 4 of the agenda

Introduction

20. The Sub-Commission devoted twenty of its twenty-six plenary meetings to the examination of item 4 of its agenda, "Draft international convention on the elimination of all forms of religious intolerance."

21. In resolution 1781 (XVII), adopted at its 1187th plenary meeting on 7 December 1962, the General Assembly requested the Economic and Social Council to ask the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth session of the Assembly, any proposals on this matter that might be submitted by Governments and any international instruments already adopted in this field by the specialized agencies, to prepare, inter alia, a draft international convention on the elimination of all forms of religious intolerance, to be submitted to the Assembly if possible at its nineteenth session, and, in any case, not later than at its twentieth session. In the same resolution the General Assembly invited Member States to submit their comments and proposals concerning the draft convention by 15 January 1964.

22. The Economic and Social Council, at its resumed thirty-fourth session on 19 December 1962, transmitted General Assembly resolution 1781 (XVII) to the Commission on Human Rights as well as to the Sub-Commission.

23. At its twentieth session, in 1964,^{1/} the Commission on Human Rights decided, in resolution 2 (XX), to prepare at its twenty-first session a draft convention on the elimination of all forms of religious intolerance in compliance with General Assembly resolution 1781 (XVII) and invited the Sub-Commission to prepare and submit to the Commission at its twenty-first session a preliminary draft convention on the elimination of all forms of religious intolerance.

24. The Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/243) summarizing the consideration of the draft convention on the elimination of all forms of religious intolerance in the United Nations. The note referred to substantive comments

^{1/} See Official Records of the Economic and Social Council, Thirty-seventh session, Supplement No. 8 (E/3873), Chapter III.

or proposals concerning the proposed draft convention which had been submitted, in accordance with the General Assembly's invitation to Member States, by the Governments of Chad, Finland, Ireland, Nigeria and the United Kingdom of Great Britain and Northern Ireland (E/CN.4/Sub.2/243, Annex), China and Kenya (E/3925), and the Netherlands (E/3925/Add.1). The Sub-Commission also had before it a memorandum (E/CN.4/Sub.2/L.365), circulated at the request of the Chairman, setting out the text of article 18 of the draft covenant on civil and political rights as adopted by the Third Committee of the General Assembly (A/5705, Annex), and the paragraphs adopted by the Commission on Human Rights at its eighteenth session for inclusion in the preamble of the proposed draft principles on freedom and non-discrimination in the matter of religious rights practices^{1/}; and referring to the 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.^{2/} In the latter report were to be found the texts of articles adopted by the working group for inclusion in the draft declaration.

25. Written statements relating to the draft convention on the elimination of all forms of religious intolerance were submitted to the Sub-Commission by the Co-ordinating Board of Jewish Organizations (E/CN.4/Sub.2/NGO/41) and the International Humanist and Ethical Union (E/CN.4/Sub.2/NGO/42). Oral statements were made by the representatives of the International League for the Rights of Man (438th meeting), the Commission of the Churches on International Affairs (438th meeting), the Co-ordinating Board of Jewish Organizations (436th meeting), Pax Romana (439th meeting) and the World Jewish Congress (438th and 441st meetings).

26. An oral statement on this item was made by the observer from Israel at the 437th meeting. In connexion with this statement, the Chairman of the Sub-Commission expressed the view that the Commission on Human Rights should be asked to give a ruling on the powers and authority of the chairman of a United Nations body of experts when an observer from a Member State exercises his right to make a statement to that body.

1/ See Official Records of the Economic and Social Council, Thirty-fourth session, Supplement No. 8 (E/3616/Rev.1, para. 158).

2/ See Official Records of the Economic and Social Council, Thirty-seventh session, Supplement No. 8 (E/3873, para.296).

27. Three draft conventions on the elimination of all forms of religious intolerance were submitted to the Sub-Commission at its 436th meeting. The draft convention submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360) is reproduced in part A of annex I of this report. The draft convention submitted by Mr. Abram (E/CN.4/Sub.2/L.361 and Rev.1) is reproduced in part B. The draft convention submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364 and Add.1 and 2) is reproduced in part C. Six draft articles for the draft convention were submitted to the Sub-Commission at its 440th meeting by Mr. Nassinovsky (E/CN.4/Sub.2/L.369); these articles are reproduced in Part D. In the course of the discussion of the draft convention two additional articles were submitted to the Sub-Commission by Mr. Ingles (E/CN.4/Sub.2/L.392 and 395); these articles are reproduced in part E.

28. At the 436th meeting, the authors of the three draft conventions then before the Sub-Commission, Messrs. Abram, Calvocoressi and Krishnaswami, were requested to meet in an informal working group, open to all interested members of the Sub-Commission, with a view to combining the three conventions into a single joint text which could serve as a basis for further discussion. While this work proceeded, a general debate on the various proposals was held.

General debate

29. Various members of the Sub-Commission expressed their satisfaction with the texts which had been submitted, and their appreciation of the valuable contribution which the authors of those texts had made to the work of the Sub-Commission. Numerous similarities, as well as striking differences, were noted in the texts. It was pointed out that each of the draft conventions contained valuable elements which could not be omitted from the convention. However, it was precisely because of the difficulty of choosing one among them to serve as a basis for the Sub-Commission's further discussion that the working group had been constituted.

30. Several members referred to the difficulties and complexities of the task which the Sub-Commission had been requested to undertake. In particular, it was noted that in this case it was not possible for the Sub-Commission to proceed as it had when preparing the draft convention on the elimination of all forms of racial discrimination, when the final text of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination had been available for reference, because the draft declaration on the elimination of all forms of religious intolerance which the Sub-Commission had prepared at its sixteenth session had not yet been drafted in final form or approved

by its superior bodies. Some members said that without a declaration in final form it was premature to proceed to the drafting of a convention, though work could be done on some articles. Other members however maintained that the Sub-Commission could be guided by the provisions of the draft convention on the elimination of all forms of racial discrimination, as adopted by the Commission on Human Rights; by the six articles drafted by the working group of the Commission at its twentieth session for inclusion in a declaration on the elimination of all forms of religious intolerance; and by the remaining articles of the preliminary draft declaration on the elimination of all forms of religious intolerance which had been forwarded to the Commission by the Sub-Commission but not considered by the working group for lack of time.

31. Moreover, it was said that the subject of religious intolerance was more delicate and complicated than that of racial discrimination, since an international convention on this impinged upon the area where the State touched upon the most intimate emotions of human beings. The world was passing through a period of ideological turbulence characterized by disputes between the great religions of the world and by a renewal and increased confrontation between theism and atheism, in which some States had chosen to play an active part. Historically, the suppression and persecution of religion and belief by the State had been a long, unhappy tragedy in which States, individuals, groups and even religious institutions had been offenders as well as victims. On the other hand, it was noted that a welcome change had occurred in recent years in the atmosphere surrounding the question of freedom of thought, conscience and religion, due in part to the feeling of revulsion which had spread over the world after outbursts of feeling against the Jewish religion, and in part to debates in various United Nations bodies which had served to clarify the basic issues and to demonstrate the need for international action.

32. Members were in general agreement that the intention of the General Assembly, in using the words "religious intolerance" in its resolution 1781 (XVII), had been to refer not only to religious intolerance itself but also to such intolerance as manifested in action. In this respect it was pointed out that religion was a matter of faith, that the only measure of its truth was the personal conviction of its possessor, and that each person's concept of the truth was somewhat different. Accordingly, personal faith should be inviolate, unquestioned, and fully respected by all others. No law or international convention could achieve the ideal situation in which everyone accorded to all others the necessary degree of respect, for only the individual conscience could

provide such a guarantee. Nevertheless, the law could reflect that conscience and could prevent State action which curtailed all or some religions or beliefs, discriminated against particular religions or beliefs, or penalized persons on the ground of their religion or belief. It could provide a climate in which private action against freedom of thought, conscience and religion could be minimized, and it could set community standards and provide a moral force capable of changing past attitudes and creating new ones.

33. A number of members agreed that the convention should commit the contracting States to take immediate and effective measures to eradicate all forms of religious intolerance, as it would not be sufficient for them merely to express once more their aspiration or intention to promote and practice tolerance. In this respect it was pointed out that some of the provisions in the various drafts before the Sub-Commission had been couched in terms more appropriate to a declaration than to a convention, and that some were too vague or ambiguous to be included in an international convention.

34. Several members referred to the difficulty arising from the fact that each State has its own approach to the question of freedom of thought, conscience and religion, and that from a juridical point of view there were at least three main categories of countries: those which have an Established Church or State religion, those in which several religions are recognized by the State, and those in which the State and religion are separate. In this connexion the general view was that neither the establishment of a religion, nor recognition of a religion or belief by a State, nor separation of State and religion, was by itself discriminatory.

35. Other members referred to the question of where the line could be drawn between protecting freedom of thought, conscience and religion, and eliminating religious intolerance. It was pointed out that there was a need to safeguard public safety and public order, and even national security, in connexion with the exercise of that freedom.

Draft convention submitted by Mr. Calvocoressi

36. The draft convention on the elimination of all forms of religious intolerance submitted to the Sub-Commission by Mr. Calvocoressi (see Annex I, part A) consisted of a preamble and two parts; part I dealt with the question of intolerance, while part II dealt with the question of discrimination.

37. In introducing the draft convention, Mr. Colvocoressi stated that he had divided it into two parts because he felt that intolerance was distinct from discrimination and should be dealt with in a different way. The provisions in part I of his draft, he explained, were based largely on those which had been prepared for the draft declaration on the elimination of all forms of religious intolerance by the working group which had been established by the Commission on Human Rights at its twentieth session, plus the additional articles which had been proposed in the working group by the United States of America. Those in part II were based on the draft convention on racial discrimination, prepared by the Sub-Commission during the previous year.

38. While some members of the Sub-Commission endorsed the suggestion that intolerance and discrimination should be dealt with separately, others considered any such separation to be undesirable. It was pointed out that the mere existence of such separate sections might give the erroneous impression that one of these subjects was of greater importance than the other.

Draft convention submitted by Mr. Abram

39. The draft convention on the elimination of all forms of religious intolerance submitted to the Sub-Commission by Mr. Abram (see Annex I, part B) consisted of a preamble and eight articles. In introducing the draft convention, Mr. Abram pointed out that he had submitted only a brief preamble in view of the impossibility of setting out all the antecedents. In article I he had defined the terms "freedom of religion and belief" and "discrimination on the ground of religion or belief" solely for the purposes of the Convention. In the following articles he had stated the rights to be protected in elementary terms and in language broad enough to encompass and protect every legitimate exercise of religious principles and belief, as well as the right to hold no religion or belief. Later he had elaborated upon the obligation of the State to protect those rights. He expressed the hope that the Sub-Commission would adopt the text which he had presented and that it would, in addition, transmit to the Commission on Human Rights an annex on measures of implementation of the convention, as it had done in the case of the draft convention on the elimination of all forms of racial discrimination.

40. While fully supporting the principles set out in Mr. Abram's draft convention, and commending its brevity and clarity, some members of the Sub-Commission expressed a preference for a more detailed convention which would not only establish precise standards for the States Parties but would also indicate with some specificity how those standards might be achieved.

Draft convention submitted by Mr. Krishnaswami

41. The draft convention on the elimination of all forms of religious intolerance submitted to the Sub-Commission by Mr. Krishnaswami (see Annex I, part C), consisted of a preamble, seven substantive articles, and sixteen articles relating to measures of implementation. In introducing the draft convention, Mr. Krishnaswami explained that he had made use, as far as possible, of texts which had already been approved by the Sub-Commission, the Commission on Human Rights, or the Third Committee of the General Assembly. In particular he had drawn upon the text of article 18 of the draft international covenant on civil and political rights, as adopted by the Third Committee; the preambular paragraphs relating to freedom and non-discrimination in the matter of religious rights and practices, prepared by the Commission on Human Rights at its eighteenth session; the provisions adopted by the working group set up by the Commission on Human Rights at its twentieth session in connexion with the preparation of the draft declaration on the elimination of all forms of religious intolerance; and the "Additional Measures of Implementation" which had been adopted by the Sub-Commission at its sixteenth session in connexion with the preparation of the draft international convention on the elimination of all forms of racial discrimination.

42. While some members expressed a preference for the draft convention submitted by Mr. Krishnaswami, the provisions of which reflected the results of many years' consideration of the problem, others felt that it was unduly long and that the form of some of its provisions could be improved.

43. There was also a difference of opinion in the Sub-Commission with reference to the inclusion in the draft convention of measures of implementation. Some members strongly favoured the inclusion of such measures while others expressed the view that the Sub-Commission, being composed of experts participating in their personal capacity, was not competent to deal with matters of implementation which were necessarily linked directly to the decisions of sovereign States.

Draft articles submitted by Mr. Nassinovsky

44. Six draft articles for the draft convention were submitted to the Sub-Commission by Mr. Nassinovsky (see Annex I, part D). In introducing them, Mr. Nassinovsky expressed the view that none of the draft conventions which had been presented to the Sub-Commission reflected certain views which had been expressed by Soviet experts in the Sub-Commission, and Soviet representatives in the Commission on Human Rights and other bodies. In his opinion a draft convention on the elimination of religious intolerance which failed to take such views into account would not be acceptable to a

number of States. The articles which he had prepared were intended to provide a basis whereby the Sub-Commission might prepare draft articles for the convention in order that it might command the widest possible support among all States. In particular, they reflected the principle that the full freedom of conscience of every individual should be ensured by the separation of religion from the State and of the school from the church. They provided for the right of everyone to engage in religious worship or to express atheistic beliefs. They prohibited the propagation and fomentation of religious enmity and hatred, and ensured equality before the law to all churches and religious doctrines and movements. They contained a clear statement of the permissible limitation upon the freedom to hold religious or anti-religious beliefs. Finally, they provided against the forcible inculcation of religion in children.

Additional article submitted by Mr. Ingles

45. The additional articles submitted to the Sub-Commission by Mr. Ingles (see annex I, part E) included an article on equality before the law in the exercise of the right to freedom of thought, conscience and religion, and to equal protection of the law against discrimination on the ground of religion or belief; and an article on the receipt of petitions from persons or groups of individuals claiming to be victims of a violation of the convention.

Procedure followed by the Sub-Commission

46. In preparing the draft international convention on the elimination of all forms of religious intolerance, the Sub-Commission examined the preamble and provisions presented by the informal working group which it had set up, the draft articles submitted by Mr. Nassinovsky, and the additional articles submitted by Mr. Ingles. The amendments proposed, the voting thereon and the texts adopted are set out below, together with a brief indication of the main issues discussed.

47. The draft convention adopted by the Sub-Commission contains a preamble and thirteen articles. The numbers of the articles quoted in this report are those of the text of the draft convention as finally adopted by the Sub-Commission (see resolution 1 (XVII), annex).

PREAMBLE

48. Texts for the preamble of the draft convention were submitted by Messrs. Calvocoressi, Abram and Krishnaswami.

49. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360) read as follows:

"States Parties to this Convention,

"Believing that the practice of tolerance, affirmed in the United Nations Charter as an aim of the United Nations, should include and require the practice of religious tolerance,

"Considering that the Universal Declaration of Human Rights provides that everyone has the right of freedom of thought, conscience and religion - including freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship or observance,

"Have agreed as follows:-"

50. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361) read as follows:

"The States Parties to this Convention,

"Considering that the Charter of the United Nations is based on the principle 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 for the achievement of one of the purposes of the United Nations, which is 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 was adopted by the General Assembly as a common standard of achievement for all peoples and all nations, and Article 18 thereof has proclaimed the right to freedom of thought, conscience and religion,

"Have agreed as follows:"

51. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364) read as follows:

"The States Parties to the present Convention,

"Considering that the peoples of the United Nations have, in the Charter, reaffirmed their faith in human rights and fundamental freedoms, and have taken a stand against all forms of discrimination;

"Considering that the Universal Declaration of Human Rights proclaims the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief;

"Considering that the disregard of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion and belief, have brought great suffering to mankind;

"Considering that religion, for anyone who professes it, is a fundamental element in his conception of life, and that therefore freedom to practice religion as well as to manifest a belief should be fully respected and guaranteed;

"Considering it essential that Governments, organizations, and private persons should strive to promote through education, as well as by other means, a spirit of understanding, tolerance and friendship in matters of religion and belief;

"Concerned by manifestations of religious intolerance still in evidence in some areas of the world;

"Resolved to adopt all necessary measures for eliminating speedily religious intolerance in all its forms and to prevent and combat discrimination in respect of the right to freedom of thought, conscience, religion and belief;

"Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by the ILO in 1958 and the Convention Against Discrimination in Education adopted by UNESCO in 1960;

"Have agreed as follows:"

52. After considering these texts, the informal working group submitted to the Sub-Commission the following text for the preamble (E/CN.4/Sub.2/L.383):

"The States Parties to the present Convention,

"Considering that the Charter of the United Nations is based on the principle 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 for the achievement of one of the purposes of the United Nations, which is 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 proclaims the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief;

"Considering that the disregard of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion and belief, has brought great suffering to mankind;

"Considering that religion, for anyone who professes it, is a fundamental element in his conception of life, and that freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed;

"Considering it essential that Governments, organizations, and private persons should strive to promote through education, as well as by other means, a spirit of understanding, tolerance and friendship in matters of religion and belief;

"Concerned by manifestations of religious intolerance still in evidence in some areas of the world;

"Resolved to adopt all necessary measures for eliminating speedily religious intolerance in all its forms and to prevent and combat discrimination in respect of the right to freedom of thought, conscience, religion and belief;

"Bearing in mind the Convention Concerning Discrimination in Respect of Employment and Occupation adopted by the ILO in 1958 and the Convention against Discrimination in Education adopted by UNESCO in 1960;

"Have agreed as follows:"

Amendments submitted

53. No written amendments to the preamble prepared by the working group were submitted, but members proposed a number of amendments orally in the course of the discussion of the text.

Paragraph 1

54. The deletion of the words "all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of ...", and the consequential deletion of the word "which", was proposed by several members, and accepted by the members of the working group.

55. Substitution of the words "religion or belief" for the words "race, sex, language or religion" at the end of the paragraph, was suggested by Mr. Nassinovsky.

Paragraph 3

56. Mr. Ketrzynski suggested the addition, at the end of the paragraph, of the following words: "and which engendered persecutions from which inter alia great minds of the past have suffered," but withdrew the suggestion.

Paragraph 4

57. Mr. Nassinovsky proposed the deletion of the words "that religion, for anyone who professes it, is a fundamental element in his conception of life, and". Mr. Juvigny proposed that the words "or belief" should be added after the word "religion".

Paragraph 5

58. Mr. Ketrzynski suggested that the words, "a spirit of understanding, tolerance and friendship in matters of religion and belief" should be replaced by the words, "a spirit of respect for the right to freedom of thought, conscience and religion". Mr. Krishnaswami suggested, and Mr. Ketrzynski agreed, to add the words "and belief" to this formulation.

59. Mr. Tello Macias proposed the deletion of the words, "through education, as well as by other means." Mr. Nassinovsky proposed that the words "understanding, tolerance and respect with regard to freedom of religion and belief" should be substituted for the latter part of the paragraph starting with the words, "spirit of".

60. The members of the working group agreed, in the light of the suggestions made by Messrs. Ketrzynski and Krishnaswami, to substitute the word "respect" for the word "friendship".

Paragraph 6

61. Mr. Juvigny proposed the substitution of the words "in these fields" for the word "religious", in order to link the sixth paragraph with paragraph 4 as adopted.

Paragraph 7

62. Mr. Ingles proposed the deletion of the words "in respect of the right of freedom of thought, conscience, religion and belief", and the substitution of the words "on the ground of religion or belief". The members of the working group accepted this amendment. Mr. Nassinovsky proposed that the words "in the aforesaid fields" should be substituted for the word "religious".

Paragraph 8

63. Mr. Nassinovsky suggested the deletion of the paragraph.

Issues discussed

64. Members of the working group explained that they regarded the preamble as an integral part of the convention, which would be taken into consideration by any body charged with the task of interpreting that instrument. Although they would have preferred a briefer text, they had formulated their draft along the lines of the preamble to the draft convention on the elimination of all forms of racial discrimination. The first five preambular paragraphs were based substantially on preambular paragraphs which had been adopted by the Commission on Human Rights at its eighteenth session, when it had examined the draft principles on freedom and non-discrimination in the matter of religious rights and practices.

65. Some members of the Sub-Commission were critical of the length and complexity of the draft preamble, and proposed the deletion of various elements. Others, however, suggested additional words or phrases for inclusion in the final text.

66. The amendment of Mr. Ketrzynski to the third preambular paragraph, referring to "persecutions from which inter alia great minds of the past have suffered", was not acceptable to a number of members of the Sub-Commission, who feared that it would seem invidious to single out the "great minds" who had suffered and not to mention many others whose mental equipment might not have been unusual but whose suffering from persecution had been no less severe.

67. The text of preambular paragraph 4 gave rise to considerable debate on the ground that it was unbalanced and as a result gave greater weight to religious convictions than to other beliefs. Several formulas were suggested in an effort to correct the lack of balance, and some members maintained that the paragraph should be deleted from the preamble.

68. The word "friendship" in the fifth preambular paragraph was criticized as being too idealistic. Members of the working group agreed to change it to "respect".

Adoption of the preamble

Paragraph 1

69. A proposal of Mr. Juvigny, to reinsert in the paragraph the words deleted by members of the working group (see para. 54), was adopted by 4 votes in favour and 2 against, with 8 abstentions.

70. The paragraph was adopted by 13 votes in favour, none against, and 1 abstention.

Paragraph 2

71. The paragraph was adopted unanimously.

Paragraph 3

72. The paragraph was adopted unanimously.

Paragraph 4

73. The amendment of Mr. Nassinovsky, to delete the words "that religion, for anyone who professes it, is a fundamental element in his conception of life and...", was not adopted, 3 votes being cast in favour and 3 against, with 8 abstentions.

74. The amendment of Mr. Juvigny, to add the words "or belief" after the word "religion", was adopted by 7 votes in favour and 4 against, with 3 abstentions.

75. The paragraph as a whole, as amended, was adopted by 12 votes in favour and none against, with 2 abstentions.

Paragraph 5

76. The amendment by Mr. Tello Macias, to delete the words "through education, as well as by other means," was rejected by 4 votes in favour and 6 against, with 4 abstentions.

77. The amendment by Mr. Nassinovsky to substitute the words, "understanding, tolerance and respect with regard to freedom of religion and belief" for the latter part of the paragraph starting with the words, "spirit of," was adopted by 9 votes to 1, with 4 abstentions.

78. The paragraph as amended was adopted by 11 votes in favour and none against, with 3 abstentions.

Paragraph 6

79. The amendment by Mr. Juvigny, to substitute the words "in these fields" for the word "religious" was adopted by 6 votes in favour, 5 against and 3 abstentions. It was decided to insert the words "in these fields" before the word "still".

80. The paragraph, as amended, was adopted unanimously.

Paragraph 7

81. The amendment by Mr. Nassinovsky, to substitute the words, "in the aforesaid fields" for the word "religious", was not adopted, 3 votes being cast in favour and 3 against, with 8 abstentions. .

82. The paragraph, as submitted by the working group, was adopted by 13 votes in favour and none against, with 1 abstention.

Paragraph 8

83. The paragraph was adopted by 13 votes in favour and 1 against.

Preamble as a whole

84. The preamble as a whole as amended, was adopted by 12 votes in favour and none against, with 2 abstentions.

For the text of the Preamble, see resolution 1 (XVII), annex.

DEFINITIONS

Article I of the draft convention

85. Texts of definitions to be included in the draft convention were submitted by Messrs. Calvocoressi, Abram and Krishnaswami.

86. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part II, Article VII), read as follows:

"In this Part of the Convention the term 'discrimination on ground of religion or belief' shall mean any distinction, exclusion, restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

87. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361 and Rev.1, Article I), read as follows:

"For the purpose of this Convention:

"1. 'Freedom of religion and belief' shall include freedom of theistic and non-theistic religion, freedom of conscience, and freedom to reject or to deny the validity of all or part of any religion or belief.

"2. 'Discrimination on the ground of religion or belief' shall mean any distinction, exclusion, restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

88. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364 and Add.1, Article I) read as follows:

"1. In this Convention the term 'discrimination on the ground of religion or belief' shall mean any distinction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public activity, as well as any interference with, or restriction of, the profession, observance or manifestation of any religion or belief by individuals or groups which impairs, or tends to impair, the free exercise, profession or manifestation of any religion or belief in accordance with the dictates of that religion or belief.

"2. For the purposes of this Convention the term 'religion or belief' includes both religious beliefs and non-religious beliefs such as agnosticism, free thought, atheism and rationalism.

"3. For the purposes of this Convention the establishment of a religion or belief by a State shall not be considered automatically to be discriminatory."

89. After considering these texts, the informal working group submitted to the Sub-Commission the following article on definitions (E/CN.4/Sub.2/L.371):

"For the purpose of this Convention:

- "(a) the expression 'religion or belief' shall include theistic, non-theistic, agnostic and atheist beliefs;
- "(b) the expression 'discrimination on the ground of religion or belief' shall mean any distinction, exclusion, restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of civil, political, economic, social or cultural rights and fundamental freedoms, as well as any interference with, or restriction of, the profession, observance or manifestation of any religion or belief by individuals or groups;
- "(c) neither the establishment of a religion or belief by a State nor the separation of Church from State shall be considered to be necessarily discriminatory."

90. Mr. Nassinovsky submitted the following text relating to definitions (E/CN.4/Sub.2/L.369):

"1. Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or to any religious or atheistic belief and to change his religion or belief in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair his freedom of choice or decision in the matter ...".

91. The Sub-Commission considered these texts at its 440th to 442nd meetings. No written amendments were proposed. However amendments were put forward orally by various members of the Sub-Commission. In sub-paragraph (a), deletion of the word "agnostic" was proposed by Mr. Nassinovsky. After the sponsors had accepted the amendment, re-insertion of the word in the text was formally moved by Mr. Juvigny. In sub-paragraph (b), replacement of the words "civil, political, economic, social or cultural rights" by the words "the rights granted by the constitution of each State" was proposed. While this amendment was not acceptable to the members of the working group, they revised their text to refer to "the rights proclaimed in the Universal Declaration of Human Rights". In sub-paragraph (c), the addition of the words "and of Church from School" after the words "Church from State" was proposed. Further, the members of the working group accepted a suggestion that the final clause of the sub-paragraph should be revised to read "shall by itself be considered discriminatory".

Issues discussed

Sub-paragraph (a)

92. In proposing the deletion of the word "agnostic" from the text, Mr. Nassinovsky expressed the view that any reference to agnosticism was out of place since it was an abstract philosophical concept; he felt that if reference to such a concept were to be included in the convention, many others would also have to be mentioned there. While some members of the Sub-Commission supported this proposal, and all members of the working group accepted it, other members maintained that it was necessary to retain the word "agnostic" in the text because it referred not only to those who had not been able to make up their minds but also to those who had adopted an a priori position of doubt which they regarded as a prerequisite for access to truth. Mr. Juvigny formally proposed re-insertion of the word in the text.

93. Mr. Ketrzynski suggested that the first two sentences of Mr. Nassinovsky's draft article 1, which defined freedom of religion and belief, should become sub-paragraph (a), replacing the sub-paragraph prepared by the working group. However, he later withdrew the suggestion.

Sub-paragraph (b)

94. Some members of the Sub-Commission suggested that sub-paragraph (b) was unnecessarily complex; they suggested that it might be omitted entirely, in view of the fact that discrimination on the ground of religion or belief was referred to in subsequent substantive articles and that its meaning was clear from the context in which it was used there. Mr. Tello Macias proposed that if the sub-paragraph were to be retained, the words "civil, political, economic, social or cultural rights" should be replaced by the words "the rights granted in the constitution of each State". In support of this view he explained that the relationship between Church and State varied from country to country, and that States could not commit themselves to the recognition of rights not provided for in their constitutions. In opposition, it was pointed out that the purpose of any document relating to human rights drawn up under the auspices of the United Nations was to establish international standards and not to entrench and confirm existing situations whatever they might be.

95. In the light of the discussion, the members of the working group revised their text by replacing the words "civil, political, economic, social or cultural rights" by the words "the rights proclaimed in the Universal Declaration of Human Rights."

Sub-paragraph (c)

96. Some members pointed out that whereas a religion or a belief could be recognized, a belief - as distinct from a religion - could not be established. Mr. Krishnaswami's proposal, that the sub-paragraph should be altered to read "Neither the establishment of a religion nor the recognition of a religion or belief by a State, nor the separation of Church from State, shall by itself be considered discriminatory," was accepted by the other members of the working group.

Adoption of the article

97. At the 442nd meeting the Sub-Commission voted on the text of the article and the amendments thereto. The proposal to re-insert the word "agnostic" in the text of sub-paragraph (a) was rejected by 8 votes to 1, with 4 abstentions. The proposal to delete sub-paragraph (b) was rejected by 11 votes to 1, with 2 abstentions. The proposal to add the words "nor the separation of Church and school" in sub-paragraph (b) was rejected by 9 votes to 3, with 2 abstentions. The draft article, as amended, (E/CN.4/Sub.2/L.387), was adopted by 14 votes to none, with 1 abstention.

For the text of the article, see resolution 1 (XVII), annex, article I.

OBLIGATION OF STATES TO PROMOTE AND IMPLEMENT POLICIES
DESIGNED TO SECURE RELIGIOUS TOLERANCE

Article II of the draft convention

98. Texts relating to the obligation of States to promote and implement policies designed to secure religious tolerance were submitted by Messrs. Calvocoressi, Abram, Krishnaswami and Nassinovsky.
99. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part I, Article I) read as follows:
- "States Parties to the present Convention condemn all forms of religious intolerance and undertake to practise a policy of religious tolerance in the territory under their jurisdiction."
100. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361, Article II) read as follows:
- "States Parties shall take all appropriate action to preserve, to protect and to defend the right to freedom of religion and belief including the freedom to change one's religion or belief, and the freedom either alone or in community with others, and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance."
101. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Article II) read as follows:
- "1. States Parties to the present Convention shall assure to everyone within their jurisdiction the right to freedom of thought, conscience, religion and belief; 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 in private, to manifest his religion or belief in worship, observance, practice and teaching.
- "2. States Parties shall assure to everyone within their jurisdiction freedom from any coercion which would impair his freedom to have or to adopt a religion or belief of his choice."
102. After considering these texts, the informal working group submitted to the Sub-Commission the following draft article (E/CN.4/Sub.2/L.372/Rev.1):
- "States Parties condemn all forms of religious intolerance and undertake to practise a policy of religious tolerance in the territory under their jurisdiction."
103. The text submitted by Mr. Nassinovsky (E/CN.4/Sub.2/L.369, Article 2) read as follows:
- "All States shall embody the principle of freedom of conscience in their constitutions and legislation, enact or repeal legislation where necessary to prohibit discrimination based on religion or anti-religious belief, and take all appropriate steps to combat such discrimination."

104. The Sub-Commission examined these texts at its 442nd meeting. No written amendments were proposed. However, amendments were put forward orally by various members of the Sub-Commission. Mr. Ferguson suggested that the first phrase in the text should be revised to read, "States Parties shall condemn ...". Mr. Calvocoressi suggested that the word "condemn" should be replaced by "Condemning", and that the word "and" between the two phrases should be deleted. Mr. Capotorti suggested that the words "all forms of religious intolerance and discrimination" should be replaced by the words "all forms of religious intolerance and all discrimination on the ground of religion or belief."

105. Mr. Ketrzynski suggested the following wording:

"States Parties undertake to condemn all forms of religious intolerance and discrimination on the ground of religion or belief, and undertake to practise in those matters"

106. Mr. Juvigny suggested the following wording:

"States Parties undertake to practise a policy of tolerance and religious non-discrimination in the territory under their jurisdiction with a view to eliminating all forms of intolerance and discrimination."

107. Mr. Nassinovsky proposed the addition of the following text:

"States Parties condemn all forms of intolerance on the ground of religion and belief, and undertake to guarantee freedom of conscience and not to tolerate discrimination on the ground of religion or belief."

108. In line with these suggestions, Mr. Calvocoressi suggested a re-drafting of the text to read as follows:

"States Parties shall condemn all forms of religious intolerance and all discrimination on the ground of religion or belief and undertake to practise policies designed to secure religious tolerance, to protect freedom of conscience and to eliminate all discrimination on the ground of religion or belief."

109. Mr. Krishnaswami suggested that the words "to promote and implement" should be substituted for the words "to practise" in the re-drafted text. Mr. Calvocoressi accepted that proposal.

Issues discussed

110. There was general agreement on the need for an article clearly defining the obligation of States to promote and to implement policies designed to secure religious tolerance, to protect freedom of conscience, and to eliminate all discrimination on the ground of religion or belief.

111. There was some discussion as to whether to include a definition of the term "religious intolerance" in the draft convention. On the one hand it was pointed out that the term was ambiguous and might be interpreted in many different ways, but on

the other hand several members expressed the view that there was no need to define the expression "religious intolerance" since it had been adopted by the General Assembly as the title of the convention. It was agreed that no definition of the term should be included in the draft convention, but that the present report should explain that in the view of the Sub-Commission the term was to be construed as meaning both reciprocal intolerance between religions or beliefs, and intolerance by the State toward religions, beliefs, groups or individuals, and vice versa.

Adoption of the article

112. At its 442nd meeting, the Sub-Commission voted on the text of the article as re-drafted by Mr. Calvocoressi. The article was adopted unanimously.

For the text of the article, see resolution 1 (XVII), annex, article II.

THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

Article III of the draft convention

113. Texts relating to the right to freedom of thought, conscience and religion were submitted by Messrs. Calvocoressi and Abram.

114. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part I, Article 4) read as follows:

"States Parties undertake to guarantee the right of every person and every group or community to manifest their religion or belief in public or private; and in particular:-

- "(a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- "(b) freedom to teach, to disseminate at home and abroad, and to learn their religion or belief, and also its sacred languages or traditions;
- "(c) freedom to practise their religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;
- "(d) freedom, alone or in association with others, to comply with the tenets of their religion or belief, to observe its rituals, dietary and other practices, and to produce the objects, foods and other articles and facilities customarily used in its observances and practices, with freedom to import such articles from abroad if necessary. Where the State controls the means of production and distribution it shall make these articles and foods available or provide the means for their purchase or production;
- "(e) freedom to observe the Holy Days associated with their religion or belief, the right to make pilgrimages and other journeys in connexion with their religion or belief, whether inside or outside their country, and freedom of access to all Holy Places;
- "(f) legal protection for their places of worship, for their rites, ceremonies, and activities, and for the burial places associated with their religion or belief;
- "(g) freedom to organize and maintain local, regional, national and international associations in connexion with their activities, and to communicate with and visit their co-religionists and believers, whether individuals or organizations, at home or abroad."

115. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361 and Rev.1, Article III, paras. 1-7) read as follows:

"The obligations of States Parties assumed in Article II include in particular the guarantee to every person or legal entity within its jurisdiction of the following freedoms and protections to be enjoyed individually or as a member of a group or community in public or private:

- "1. Freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- "2. Freedom to teach, to disseminate, and to learn his religion or belief, including its sacred languages or traditions;
- "3. Freedom to observe the rites, dietary practices and customs of his religion or belief, and to produce the objects, foods and other articles and facilities customarily used in its observances and practices. Where the State controls the means of production and distribution, it shall make these articles and foods available or provide the means for their purchase or production, including freedom to import them from abroad if necessary;
- "4. Freedom to practice his religion or belief through acts of service and mercy, including establishing and maintaining charitable and educational institutions, and by expressing the implications of religion or belief in public life;
- "5. Freedom to observe the Holy Days associated with his religion or belief, to make pilgrimages and other journeys in connexion with his religion or belief, whether inside or outside his country, and to be granted access to all Holy Places;
- "6. Legal protection for his places of worship, and for the rites, ceremonies, activities, and burial places associated with his religion or belief;
- "7. Freedom to organize and maintain local, regional, national and international associations in connexion with the activities of his religion or belief, and to communicate with and visit his co-religionists and believers, whether individuals or organizations, at home or abroad."

116. After considering these texts the informal working group submitted to the Sub-Commission the following article on the right to freedom of thought, conscience and religion (E/CN.4/Sub.2/L.375):

"States Parties shall take all appropriate action to preserve, to protect and to defend the right to freedom of religion and belief including the freedom to change one's religion or belief, and the freedom either alone or in community with others, and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance.

"States Parties shall assure to everyone within their jurisdiction freedom from any coercion which would impair his freedom to have or to adopt a religion or belief of his choice, in particular:-

- "(a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- "(b) freedom to teach, to disseminate and to learn their religion or belief and its sacred languages or traditions, and to train personnel intending to devote themselves to the performance of its practices or observations including the right to bring teachers from abroad if necessary;
- "(c) freedom to practise their religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;
- "(d) freedom, alone or in association with others, to comply with the tenets of their religion or belief, to observe its rituals, dietary and other practices, and to produce the objects, foods and other articles and facilities customarily used in its observances and practices, with freedom to import such articles from abroad if necessary. Where the State controls the means of production and distribution it shall make these articles and foods available to provide the means for their purchase or production;
- "(e) freedom to make pilgrimages and other journeys in connexion with their religion or belief, whether inside or outside their country, and freedom of access to all Holy Places held in veneration;
- "(f) legal protection for their places of worship, for their rites, ceremonies, and activities, and for the burial places associated with their religion or belief;
- "(g) freedom to organize and maintain local, regional, national and international associations in connexion with their activities, and to communicate with and visit their co-religionists and believers, whether individuals or organizations, at home or abroad;
- "(h) freedom from compulsion to take an oath of a religious nature contrary to his convictions."

117. Mr. Nassinovskiy submitted the following text on this subject

E/CN.4/Sub.2/L.369 Article 1):

"1. Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or to any religious or atheistic belief and to change his religion or belief in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair his freedom of choice or decision in the matter,

118. The Sub-Commission considered this article at its 445th to 447th meetings.

Amendments submitted

Paragraph 1

119. No written amendments to the paragraph were submitted. However, various members of the Sub-Commission suggested amendments orally. Mr. Nassinovsky proposed that the article should consist of the first two sentences of his draft article 1 (see para. 117), followed by a second paragraph based upon the working group's draft, amended to read as follows:

"States Parties shall assure to everyone the right to freedom from any coercion which would impair his freedom to have or to adopt a religion or belief of his choice."

120. Taking into consideration this and other views expressed in the Sub-Commission, members of the working group revised the first paragraph of their proposal to read as follows:

"States Parties undertake to ensure to everyone the right to freedom of thought, conscience and religion. This right shall include:

"(a) freedom to adhere or not to adhere to any religion or belief and to change his religion or belief in accordance with the dictates of his conscience without being subjected to any coercion likely to impair his freedom of choice or decision in the matter; and

"(b) freedom to manifest his religion or belief either alone or in community with others, and in public or in private, without being subjected to any discrimination on the grounds of religion or beliefs!"

121. Mr. Tello Macias proposed that in sub-paragraph (b), the words "in homes and places reserved for worship" should be inserted after the words "in public or in private".

Paragraph 2

122. Mr. Awad suggested the addition to the paragraph of a text drafted along the following lines:

"Nothing in the preceding paragraphs shall be construed in a sense affecting the full exercise by Member States of their sovereign rights as well as their financial and cultural interests."

123. Mr. Tello Macias suggested the addition of a draft along the following lines:

"In cases where there is a discrepancy between the rights set out above and the legislative provision of States, the latter shall prevail."

124. In the light of the discussion, the working group submitted the following revised text for paragraph 2 to the Sub-Commission:

"Subject to the limitations contained in articles VIII, IX and X,^{1/} the States Parties shall, in particular, ensure to everyone:

- (a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- (b) freedom to teach, to disseminate and to learn his religion or belief and its sacred languages or traditions, and to train personnel intending to devote themselves to the performance of its practices or observances;
- (c) freedom to practise his religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;
- (d) freedom to observe the rituals, dietary and other practices of his religion or belief, and to produce, or, if necessary, import, the objects, foods and other articles and facilities customarily used in its observances and practices;
- (e) freedom to make pilgrimages and other journeys in connexion with his religion or belief, whether inside or outside his country;
- (f) equal legal protection for his places of worship, for his rites, ceremonies and activities, and for the burial places associated with his religion or belief;
- (g) freedom to organize and maintain local, regional and national associations, and to participate in international associations in connexion with his activities, and to communicate with his co-religionists and believers;
- (h) freedom from compulsion to take an oath of a religious nature contrary to his convictions."

125. Mr. Ingles proposed (E/CN.4/Sub.2/L.393) that a new sub-paragraph should be added to the second paragraph of the text submitted by the working group, as follows:

- "(i) freedom from compulsion to undergo a religious marriage ceremony not in conformity with his religion or belief, as distinguished from civil formalities laid down by law regarding marriage."

126. In the light of the discussion in the Sub-Commission, and because he considered reference to minor details unnecessary, Mr. Nassinovsky proposed that sub-paragraphs (b) and (d) of the paragraph should be replaced by sub-paragraphs (b) and (d) of article VI of the draft declaration prepared by the working group of the Commission on Human Rights, amended to read as follows:

^{1/} In the draft convention adopted by the Sub-Commission (see resolution I(XVII), annex), the articles referred to appear as articles IX, XI and XII.

"(b) freedom to teach, to disseminate and to learn his religion or belief and also its sacred languages or traditions;

"(d) freedom to observe the rites and customs of his religion or belief..."

127. Mr. Schiller proposed that the word "convictions," in sub-paragraph (h), should be replaced by "religion or belief". In the same paragraph, Mr. Tello Macias proposed deletion of the words "contrary to his convictions". Mr. Schiller withdrew his proposal in favour of that submitted by Mr. Tello Macias.

128. Mr. Tello Macias proposed a sub-amendment to the amendment to sub-paragraph (h) submitted by Mr. Ingles, to delete the words "as distinguished from civil formalities laid down by law regarding marriage". Mr. Ingles accepted the proposal.

129. Mr. Nassincovsky proposed that sub-paragraphs (h) and (i) should be merged, but did not press the proposal.

Issues discussed

130. There was considerable discussion in the Sub-Commission on the question whether the article relating to freedom of thought, conscience and religion should be general in nature, or should specify a series of rights. All members agreed that the article should contain a general statement of fundamental principles; some felt that these general principles should be illustrated by a set of examples while others considered the general statement alone to be adequate.

131. Those who favoured specification pointed out that a convention should by its legal nature be specific. Specification in this case would not only make the text clearer and easier to interpret, but would also demonstrate to individuals what rights they were entitled to enjoy. Moreover, if the rights were specified, the basis would be laid for subsequent verification of the good faith of States Parties to the convention in their implementation of its provisions. They recalled that even the Universal Declaration of Human Rights specified certain rights in its article 18, such as the individual's right to change his religion or belief and to manifest it in teaching, practice, worship and observance, and that the draft convention on the elimination of all forms of racial discrimination, as well as the draft declaration on the elimination of all forms of religious intolerance (as prepared by the working group of the Commission on Human Rights), included illustrations and examples of specific rights.

132. Those who opposed specification argued in favour of a text easier to understand and to interpret. In their view, any attempt to enumerate religious freedoms was bound to be unsatisfactory, for the enumeration would be regarded as too extensive by some and too restrictive by others. In addition, they felt that an unduly specific text might upset the balance of the whole convention.

133. The consensus in the Sub-Commission was for a detailed formulation.

134. The aim and purpose of the convention was also considered in connexion with the drafting of this article. Some members expressed the view that the convention should aim at equal treatment for everyone without regard to his religion or belief. It was pointed out, however, that it was impossible to achieve uniformity in this field because the very essence of religious freedom was the right to diversity. The requirements and prescriptions of various religions and beliefs varied widely, and complete uniformity - as in the case of a single established church in a State, or the prohibition of any religious activity whatsoever - was not the goal to be aimed at.

135. The consensus in the Sub-Commission was that the convention should deal not only with the elimination of intolerance and discrimination but also with religious freedom itself, particularly in view of the fact that some members considered the total denial of freedom to be the most extreme form of discrimination.

Adoption of the article

Paragraph 1

136. At its 445th meeting the Sub-Commission voted on the first paragraph of the article, as revised and submitted by the working group (see para. 120). The paragraph was adopted by 13 votes in favour and none against, with 1 abstention.

Paragraph 2

137. At its 447th meeting, the Sub-Commission voted on the second paragraph of the article, as submitted by the working group. (see para. 124).

138. Sub-paragraph (a) was adopted by 13 votes to none, with 1 abstention.

139. Mr. Nassinovsky's proposal, that sub-paragraph (b) of the working group's redraft should be replaced by sub-paragraph (b) of the article VI of the draft declaration prepared by the working group of the Commission on Human Rights, with appropriate drafting changes, was rejected by 8 votes to 4, with 2 abstentions.

140. Sub-paragraph (b) was adopted by 10 votes to 3, with 1 abstention.
141. Sub-paragraph (c) was adopted by 11 votes to 1, with 2 abstentions.
142. Mr. Nassinovsky's proposal, that sub-paragraph (d) should be replaced by sub-paragraph (d) of the draft declaration prepared by the working group of the Commission on Human Rights, was rejected by 8 votes to 4, with 2 abstentions.
143. Sub-paragraph (d) was adopted by 10 votes to 2, with 2 abstentions.
144. Sub-paragraph (e) was adopted by 9 votes to 4, with 1 abstention.
145. Sub-paragraph (f) was adopted by 11 votes to 1, with 2 abstentions.
146. Sub-paragraph (g) was adopted by 9 votes to 2, with 2 abstentions.
147. Mr. Tello Macias' proposal, to delete the words "contrary to his convictions" from sub-paragraph (h), was adopted by 12 votes to none, with 2 abstentions. Sub-paragraph (h), as amended, was adopted by 12 votes to none, with 2 abstentions.
148. The proposal of Mr. Ingles (see paras. 125 and 128), to add a new sub-paragraph (i), was adopted by 11 votes to none, with 2 abstentions.
149. A roll call vote was taken on paragraph 2 as a whole. The voting was as follows:

In favour: Mr. Abu Mannat, Mr. Calvocoressi, Mr. Capotorti,
Mr. Ferguson, Mr. Ingles, Mr. Juvigny, Mr. Krishnaswami,
Mr. Saario, Mr. Santa Cruz, Mr. Schiller.

Against: Mr. Nassinovsky, Mr. Tello Macias.

Abstaining: Mr. Ketrzynski.

Absent: Mr. Awad.

Paragraph 2 was adopted by 10 votes to 2, with 1 abstention.

For the text of the article, see resolution I(XVII), annex, article III.

RIGHT OF PARENTS AND GUARDIANS TO CHOOSE THE RELIGION
OR BELIEF OF THEIR CHILDREN

Article IV of the draft convention

150. Texts relating to the right of parents and guardians to choose the religion or belief of their children were submitted by messrs. Calvocoressi, Abram, Krishnaswami, and Nassinovsky.

151. The text proposed by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part I, Article V) read as follows:

"States Parties undertake to guarantee the right of parents or legal guardians to decide upon the religion or belief in which a child should be brought up. In the case of a child who has been deprived of its parents, their expressed or presumed wish shall be duly taken into account."

152. The text proposed by Mr. Abram (E/CN.4/Sub.2/L.361, Article V) read as follows;

"A child has the right to be brought up in the religion or belief determined by his parents or legal guardians, the best interest of the child being the guiding principle."

153. The text proposed by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Article II, para. 4) read as follows;

"States Parties undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions; however, where a child has been deprived of its parents, the decision as to the religion or belief in which that child is to be brought up should be made primarily in accordance with the objectively ascertained interests of the child, the expressed or presumed wishes of the parents being duly taken into account."

154. After considering these texts, the informal working group submitted to the Sub-Commission the following draft article (E/CN.4/Sub.2/L.373):

"The States Parties undertake to respect the prior right of parents and, when applicable, legal guardians, to decide upon the religion or belief in which their children should be brought up. In the case of a child who has been deprived of its parents, their expressed or presumed wishes shall be duly taken into account, the best interest of the child being the guiding principle."

155. The text submitted by Mr. Nassinovsky (E/CN.4/Sub.2/L.369, Article 6) read as follows:

"The determining factor in deciding whether a child should receive a religious or atheistic upbringing shall be the interests of the child. If a child has attained a sufficient degree of discretion, his will shall be decisive. The forcible inculcation of religion in children is a violation of their conscience and feelings."

156. The Sub-Commission examined these texts at its 442nd and 443rd meetings. No written amendments were proposed. However, amendments were put forward orally by various members of the Sub-Commission.

157. Mr. Calvo-coressi, in the light of the discussion of the various texts submitted to the Sub-Commission, proposed that the text of the working group should be redrafted to read as follows:

"The States Parties undertake to respect the prior right of parents and, when applicable, legal guardians, to choose the religion or belief of their children. In the case of a child who has been deprived of its parents, their expressed or presumed wishes shall be duly taken into account. In the case of a child who has reached a sufficient degree of understanding, his wishes shall be taken into account. In both these cases, the best interests of the child shall be the guiding principle."

158. Mr. Tello Macias proposed to insert the words "within the family" at the end of the first sentence of the article as redrafted by Mr. Calvo-coressi.

159. Mr. Ketrzynski proposed to delete the phrase "or presumed" in its second sentence.

160. Mr. Nassinovsky proposed that the word "both", in its final sentence, should be replaced by the word "all".

161. Mr. Awad proposed to add, at the end of its last sentence, the phrase "as determined by the competent authorities".

Issues Discussed

162. There was wide agreement among the members of the Sub-Commission that parents and, when applicable, legal guardians, should have the prior right to choose the religion or belief in which their children should be brought up, as provided in the first sentence of the text submitted by the working group. It was pointed out, however, that if the term "brought up" were used in the article, this expression might be interpreted by some as giving to parents a right (which does not exist in many countries) to require religious instruction for their children in schools. It was in order to avoid any misunderstanding on this point that Mr. Tello Macias proposed (see paragraph 158) that the words "within the family" should be added at the end of the first sentence. There was, however, little support for the amendment. It was argued that parents had a definite responsibility to decide on the religion or belief in which their children should be brought up, and that this responsibility was not entirely confined to the family circle.

163. With regard to the method of determining the religion or belief of a child deprived of its parents, the text of the working group provided that the "expressed or presumed wishes of the parents should be duly taken into account." Reference was made to the extreme difficulty, or even impossibility, of establishing the presumed wishes of the parents, particularly in the case of foundlings or adopted or refugee children. The situation was also complex when the parents themselves did not agree. To meet these cases it was maintained the convention should specify that the best interests of the children should be the guiding principle.

164. There was some discussion on the effect to be given to the wishes of a child who had reached "a sufficient degree of understanding". It was pointed out that such a provision had not appeared in the text proposed by the Sub-Commission's informal working group, although it had been considered by the working group established by the Commission on Human Rights and had been suggested in Mr. Nassinovsky's proposal (see paragraph 155). Objection was taken on the impossibility of establishing a general rule relating to the age at which a child would have reached "a sufficient degree of understanding"; national laws differ considerably or are silent in this respect. By way of compromise, members accepted the provision establishing the best interests of the child as the guiding principle.

165. Mr. Awad proposed (see paragraph 161) that the words "as determined by competent authorities in the State to which the child belongs" should be added at the end of the draft article, pointing out that unless such an addition were made there would be no indication as to how the best interests of the child were to be determined. His proposal was supported by Mr. Ketrzynski, who suggested that the addition should be shortened to read: "as determined by competent authorities". Mr. Awad agreed to this phrase. Other members opposed it on the grounds that it was unnecessary.

Adoption of the article

166. At the 443rd meeting, the Sub-Commission voted on the article as submitted by the working group, and the amendments thereto.

167. The amendment of Mr. Tello Macias, to add the words "within the family" at the end of the first sentence of the draft article as redrafted by Mr. Calvocoressi, was rejected by 8 votes to 3, with 3 abstentions.

168. The first sentence of the draft article, as redrafted by Mr. Calvocoressi, was adopted by 13 votes to 1, with no abstentions.

169. Mr. Ketrzynski's proposal to delete the phrase "or presumed" from the second sentence of the draft article, as redrafted, was rejected by 8 votes to 3, with 3 abstentions.

170. The second sentence of the draft article, as redrafted by Mr. Calvocoressi, was adopted by 13 votes to none, with one abstention.

171. The third sentence of the draft article, as redrafted by Mr. Calvocoressi, was adopted by 9 votes to none, with 5 abstentions.

172. Mr. Nassinovsky's proposal, to replace the word "both" by the word "all" in the last sentence of the draft article, as redrafted by Mr. Calvocoressi, was rejected by 3 votes to 2, with 7 abstentions.

173. Mr. Awad's proposal, to add the words "as determined by the competent authorities" to the last sentence of the draft article, was adopted by 7 votes to 2, with 4 abstentions.

174. The last sentence of the draft article, as amended, was adopted by 11 votes to none, with 3 abstentions.

175. The draft article as a whole, as amended, was adopted by 12 votes to 1, with 1 abstention.

For the text of the article, see resolution 1 (XVII), annex, article IV.

OBLIGATION OF STATES TO PROMOTE UNDERSTANDING,
TOLERANCE AND FRIENDSHIP AMONG NATIONS AND
RELIGIOUS GROUPS

Article V of the draft convention

176. Texts relating to the obligation of States to promote understanding, tolerance and friendship among nations and religious groups were submitted by Messrs. Calvocoressi, Abram, Krishnaswami and Nassinovsky.

177. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part I, Article II) read as follows:

"States Parties undertake to strive to promote the spirit of mutual understanding and tolerance between persons and groups of different religions and beliefs. In particular they agree to take all possible steps, by means of education, information and instruction, to eradicate those prejudices which give rise to intolerance between such persons and groups."

178. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361, Article VI) was as follows:

"States Parties undertake to adopt immediate and effective measures as appropriate, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to discrimination based on religion or belief, and to promote understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights."

179. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Article V(2) read as follows:

"States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information with a view to combating prejudices which lead to religious intolerance and to discrimination between persons, groups of persons or institutions on the ground of religion or belief, and to promote understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights."

180. After considering these proposals, the informal working group submitted to the Sub-Commission the following text (E/CN.4/Sub.2/L.374):

"States Parties undertake to promote understanding, respect and tolerance between persons and groups of different religions and beliefs, and therefore to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to religious intolerance and to discrimination between persons, groups and institutions, on the ground of religion or belief."

181. The text submitted by Mr. Nassinovsky (E/CN.4/Sub.2/L.369, Article 4) read as follows:

"All States shall take effective measures to prevent and eliminate discrimination based on religion or anti-religious belief in all the fields of civil, political, economic, social and cultural life".

182. The Sub-Commission considered this article at its 444th meeting. No written amendments were submitted. However, amendments were put forward orally by various members of the Sub-Commission.

Amendments submitted

183. Mr. Ingles proposed to delete from the text of the working group the phrase "to promote understanding, respect and tolerance between persons and groups of different religions and beliefs, and therefore," which duplicated certain elements in an earlier article, and to add at the end the following text based on the proposal by Mr. Krishnaswami (see para. 179):

"to promoting understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights."

184. Mr. Nassinovsky suggested the deletion of the article and the inclusion of certain elements of its provisions either in article II, as already adopted by the Sub-Commission, or in a later article. The suggestion was, however, withdrawn by the sponsor at a later stage.

185. Mr. Juvigny suggested the deletion of the words "immediate and" in the revised text of the working group.

186. Mr. Capotorti suggested the deletion from the revised text of the working group the words "immediate and effective", replacing them with the words "all appropriate", and proposed to revise the text of the article as follows:

"States Parties undertake, in particular, to adopt all appropriate measures, particularly in the fields of teaching, education and information, with a view to promoting understanding, respect and tolerance between persons and groups of different religions and beliefs, and to combating prejudices which lead to religious intolerance and to discrimination, between persons, groups and institutions, on the ground of religion or belief."

187. Mr. Tello Macias proposed to replace the revised text of the working group by a new text reading as follows:

"States Parties undertake in particular to adopt effective measures to combat, by any means they consider appropriate, prejudices which lead to religious intolerance and to discrimination between persons, groups and institutions, on the ground of religion or belief, and to promote understanding, tolerance and friendship between all nations and ethnic or religious groups."

188. Mr. Ketrzynski proposed to replace the words "by any means they consider appropriate" in Mr. Tello Macias' text with the words "by all appropriate means".

Mr. Tello Macias accepted this suggestion.

189. In the light of the discussion, and on the basis of the various suggestions, the working group amended its text to read as follows:

"States Parties undertake to adopt immediate and effective measures by methods appropriate to national conditions and practice, particularly in the fields of teaching, education and information, with a view to promoting understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and to combat prejudices which lead to religious intolerance between persons, groups and institutions and to discrimination on the ground of religion or belief."

190. Mr. Tello Macias withdrew the amendment he had put forward (see paras.187 and 188) and proposed to replace, in the new text, the words "methods appropriate to national conditions and practice" by the words "methods appropriate to national legislation and practice".

Issues discussed

191. There was a brief discussion about the similarity between the provisions under consideration and those of article II as adopted by the Sub-Commission. This debate revealed three tendencies: some members were in favour of adopting the text prepared by the working group as an independent article, others felt that it should be merged with article II, while still others suggested its deletion. There was, however, little support for the suggestion to delete the article, and it was later abandoned.

192. Those in favour of adopting the text as an independent article pointed out that article II dealt with condemnation of intolerance and discrimination in general, while the new text called for specific measures to be taken to eliminate both intolerance and discrimination. Nevertheless, they noted that certain provisions of the new text

had been included in article II, and did not need to be repeated. It was suggested that the latter part of the text proposed by the working group should be modified to bring it into line with the language of article 26, para. 2, of the Universal Declaration of Human Rights and the relevant portions of the draft declaration on the elimination of all forms of racial discrimination. The amendment proposed by Mr. Ingles (see para. 183) satisfied these members, and the proposal to merge the text with article 2 was not pressed further.

193. There was some opposition to the term "immediate and effective" on the ground that the words could be contradictory, since some time would necessarily elapse before the effectiveness of measures could be judged. It was also pointed out that the term "immediate" in this context could be interpreted as implying that other provisions in the convention could be executed less immediately. It was therefore proposed to delete the words "immediate and" (see para. 185), or alternatively to replace the term "immediate and effective" by the words "all appropriate" (see para. 186). Some members pointed out that the term "immediate" had been used in article VII of the draft convention on the elimination of all forms of racial discrimination, and that the term "effective" implied only an opinion as to the result which might legitimately be expected of the measures taken.

194. Some misgivings were expressed concerning the formula "to adopt immediate and effective measures, particularly in the fields of teaching, education and information ...", which, it was said, could be interpreted as prohibiting anti-religious scientific teaching in schools. In order to clarify the text in this and other respects, Mr. Capotorti proposed a modified text for article IV (see para. 186).

195. The purpose of Mr. Tello Macías' amendment (see para. 187) was to take into account all the views expressed. But it found little support and even those members who favoured it in principle suggested further modifications. In particular, it was suggested that the words "by any means they consider adequate" should be replaced by the words "by all appropriate means" (see para. 188), and there was opposition to the use of the term "ethnic groups" in the convention under consideration.

196. After further discussion of the texts submitted and the amendments thereto, and informal consultation between various members, a revised text was submitted (see para. 189).

197. Mr. Tello Macias withdrew the text which he had proposed in favour of the revised text. He asked that the words "methods appropriate to national conditions and practice" be replaced by the words, "methods appropriate to national legislations and practice", but this amendment was not accepted.

Adoption of the article

198. The article, as revised, was adopted by 12 votes in favour and one against, with one abstention.

For the text of the article, see resolution 1 (XVII), annex, article V.

OBLIGATION OF STATES TO TAKE EFFECTIVE MEASURES TO PREVENT AND ELIMINATE
DISCRIMINATION BASED ON RELIGION OR BELIEF

Article VI of the draft convention

199. Texts relating to the obligation of States to take effective measures to prevent and eliminate discrimination based on religion or belief were submitted to the Sub-Commission by Mr. Calvocoressi, Mr. Abram, Mr. Krishnaswami and Mr. Nassinovsky.

200. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part II, Art. VIII) read as follows:

"1. States Parties to the present Convention condemn discrimination on ground of religion or belief and undertake to pursue by all appropriate means and without delay a policy of eliminating such discrimination in all its forms, and to this end:

"(a) Each State Party undertakes to engage in no act or practice of discrimination on ground of religion or belief against persons, group of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

"(b) Each State Party shall take effective measures to review governmental and other public policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating discrimination on ground of religion or belief wherever it exists;

"(c) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation if necessary, discrimination on ground of religion or belief by any person, group or national organization."

201. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361, Art. IV) read as follows:

"Without limiting any human right or fundamental freedom presently enjoyed, no State Party or public authority thereof shall make or enforce any policy, law, rule or regulation restricting or impeding freedom of religion and belief or the free and open exercise thereof; nor discriminate against any person, group or organization on account of membership in, practice of, or adherence to, any religion or belief, or lack thereof.

202. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Art. III) read as follows:

"States Parties to this Convention condemn discrimination between human beings on the ground of religion or belief, which is an offence to human dignity, as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations, and to this end:

(a) No State Party or public authority thereof shall subject any person, group, or institution, on the ground of religion or belief, to any discrimination in the recognition, exercise or enjoyment of human rights and fundamental freedoms;

.....

(c) Each State Party shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, including the enactment or rescinding of legislation where necessary to prohibit such discrimination and the taking of all appropriate measures to combat those prejudices which lead to religious intolerance;

(d) Each State Party shall take effective measures to prevent discrimination based on religion or belief in the fields of civil rights, citizenship, and the enjoyment of political rights such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country, as well as in the field of labour and employment;"

203. After considering these proposals, the informal working group submitted the following text (E/CN.4/Sub.2/L.376):

"A State Party undertakes that, without limiting any human right or fundamental freedom now enjoyed, it shall not by itself or any public authority make or enforce any policy, law, rule or regulation restricting or impeding freedom of religion and belief or the free and open exercise thereof; nor discriminate against any person, group or organization on account of membership in, practice of, or adherence to any religion or belief."

204. The text submitted by Mr. Nassinovsky (E/CN.4/Sub.2/L.369, Art. 2) read as follows:

"All States shall embody the principle of freedom of conscience in their constitutions and legislation, enact or repeal legislation where necessary to prohibit discrimination based on religion or anti-religious belief, and take all appropriate steps to combat such discrimination."

205. The Sub-Commission considered the text submitted by the working group (see para. 203) at its 450th meeting. A written amendment to this text was submitted by Mr. Ingles (E/CN.4/Sub.2/L.390). In addition, amendments were put forward orally by Messrs. Nassinovsky and Calvocoressi.

206. In his amendment Mr. Ingles proposed to add a second paragraph to the article, as follows:

"2. Each State Party shall prohibit and bring to an end, by all appropriate means including legislation if necessary, discrimination on the ground of religion or belief by any person, group or national organization."

207. Mr. Nassinovsky proposed that the text of the informal working group should be replaced by the text of article 4 prepared by the working group of the Commission on Human Rights. This text read as follows:

"Article IV

"1. All States shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life. They should enact or rescind legislation where necessary to prohibit such discrimination and take all appropriate measures to combat those prejudices which lead to religious intolerance.

"2. Particular efforts shall be made to prevent discrimination based on religion or belief, especially in the fields of civil rights, access to citizenship and the enjoyment of political rights, such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country as well as in the field of labour and employment."

208. As a compromise, Mr. Calvocoressi orally proposed the following wording:

"(1) States Parties shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, including the enactment or rescinding of legislation where necessary to prohibit such discrimination.

"(2) States Parties undertake in particular that they shall not make or enforce any policy, law, rule or regulation restricting or impeding freedom of religion and belief or the free and open exercise thereof; nor discriminate against any person, group or organization on account of membership in, practice of, or adherence to any religion or belief; nor permit any public authority to do so."

209. In the light of the discussion in the Sub-Commission, Mr. Calvocoressi deleted from the first part of this text the phrase, "in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life"; and modified the expression "make or enforce" to read: "make or retain" in the first sentence of the second paragraph.

210. After a discussion of this proposal, in which a number of suggestions were made by various members, the working group submitted a revised text as follows:

"1. States Parties shall take effective measures to prevent and eliminate discrimination based on religion or belief including the enactment or abrogation of legislation where necessary to prohibit such discrimination by any person, group or organization.

2. States Parties undertake in particular that they shall not pursue any policy or enact or retain rules and regulations restricting or impeding freedom of religion and belief or the free and open exercise thereof; nor discriminate against any person, group or organization on account of membership in, practice of, or adherence to any religion or belief."

Issues discussed

211. During the discussion of the various texts and amendments thereto, the sponsors explained their objectives in some detail. They recalled that article II, which the Sub-Commission had adopted earlier, proposed that States Parties should undertake three obligations: (a) to promote and implement policies designed to secure religious tolerance, (b) to protect freedom of conscience and (c) to eliminate all discrimination on the ground of religion or belief. Further commitments for States Parties were envisaged in other articles already adopted by the Sub-Commission.

212. It was pointed out that the proposal submitted by Mr. Krishnaswami followed the formula adopted by the working group of the Commission on Human Rights; that the proposal submitted by Mr. Calvocoressi followed that of the draft convention on the elimination of all forms of racial discrimination; and that the proposal submitted by the working group was based on the provisions of article 2 of the draft convention on racial discrimination but failed to take account of one element which appeared in that article, namely the obligation of States to put an end to discrimination on the ground of religion or belief. The purpose of Mr. Incles's amendment was to remedy this omission.

213. There was general agreement to take into account both the proposal of the working group and that put forward by Mr. Incles, but there was some discussion concerning the wording of the article. In particular it was proposed to replace the texts submitted to the Sub-Commission by the provisions prepared by the working group of the Commission on Human Rights, or to combine the two texts; amendments to this effect (see paras. 207 and 208) were considered by the Sub-Commission.

214. In the light of the discussion which ensued, a revised text was prepared and proved generally acceptable.

215. In the course of the debate it was stressed that the proposed article embraced every kind of individual and organization, including those with particular positions in public life (e.g. priests, monasteries) and public authorities who were in a strict sense not State authorities (e.g. local authorities). On the other hand,

it was pointed out that these were extreme cases where the distinction between what relates, and what does not relate, to religious life is not entirely clear. The working group of the Sub-Commission had intended to enumerate such distinctions in its provisions concerning discrimination (as has been done in the UNESCO Convention) but had abandoned the idea owing to the difficulties of formulation.

adoption of the article

216. The article, as revised, was adopted by 13 votes to none, with one abstention.

For the text of the article, see resolution (XVII), annex, article VI.

EQUALITY BEFORE THE LAW AND EQUAL PROTECTION OF THE LAW

Article VII of the draft convention

217. A text relating to the obligation of States to ensure to everyone equality before the law and equal protection of the law without discrimination on the ground of religion or belief was submitted to the Sub-Commission by Mr. Ingles; the text (E/CN.4/Sub.2/L.395/Rev.1) read as follows:

"States Parties undertake to ensure to everyone equality before the law without any discrimination in the exercise of the right to freedom of thought, conscience and religion, and to equal protection of the law against any discrimination on the ground of religion or belief."

218. The Sub-Commission considered this article at its 451st meeting.

Amendments submitted

219. No written amendments to the text were submitted, but, during the discussion Mr. Krishnaswami suggested orally that the article might be improved if redrafted to read:

"States Parties undertake to ensure to everyone equality before the law without any discrimination on the grounds of religion or belief, and equal protection of the law in the exercise of the right to freedom of thought, conscience and religion."

This amendment was however not pressed to a vote.

Issues discussed

220. Mr. Ingles explained that his text was intended to fulfil the same purpose as article V of the draft convention on the elimination of all forms of racial discrimination, adopted by the Sub-Commission at its sixteenth session. Similar ideas had been reflected in the text of the working group of the Commission on Human Rights, in particular in article IV, paragraph 2, of that group's text. In his view, the proposed article would ensure that all persons received equal treatment in law when exercising their right to freedom of thought, conscience and religion, and that they would be guaranteed equal protection of the law against any discrimination on the ground of religion or belief.

221. Mr. Nassinovsky tentatively suggested that the ideas contained in paragraph 2 of the draft articles adopted by the working group of the Commission on Human Rights should be introduced into the text. When, however, it was pointed out that references to such matters as the right to hold public office and to participate in elections would be out of place in an article dealing primarily with equality before the law, Mr. Nassinovsky did not press his suggestion.

Adoption of the article

222. At its 451st meeting the Sub-Commission voted on the article, and adopted it unanimously.

For the text of the article, see resolution 1 (XVII), annex, article VII.

PROTECTION AGAINST PROMOTION OR INCITEMENT TO
RELIGIOUS INTOLERANCE OR DISCRIMINATION ON THE
GROUND OF RELIGION OR BELIEF

Article VIII of the draft convention

223. Texts relating to protection against promotion or incitement to religious intolerance or discrimination on the ground of religion or belief were submitted by Messrs. Calvocoressi, Abram and Krishnaswami.

224. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part II., article IX), read as follows:

"States Parties condemn all propaganda and organizations which justify or promote hatred and discrimination based on religion or belief in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination."

225. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361, article III (8)), read as follows:

"Protection of the law against promotion or incitement of discrimination on ground of religion or belief by any public authority or public institution, national or otherwise; and against violence or incitement to violence on ground of religion or belief by private persons or groups."

226. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Article V(1)), read as follows:

"1. States Parties to the present Convention condemn all propaganda and organizations which justify or promote intolerance and discrimination between individuals, groups or institutions on the ground of religion or belief, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, inter alia:

"(a) Shall declare an offence punishable by law all incitement to such discrimination resulting in acts of violence, as well as all acts of violence or incitement to such acts against any religion or belief or its adherent;

"(b) Shall declare illegal and prohibit organizations or the activities of organizations, as appropriate, and also organized propaganda activities, which promote and incite such discrimination resulting in acts of violence;

"(c) Shall not permit public authorities or public institutions, national or local, to promote or incite to such discrimination resulting in acts of violence."

227. After considering these texts, the informal working group submitted to the Sub-Commission the following text (E/CN.4/Sub.2/L.377):

"States Parties condemn all propaganda and organizations which justify or promote intolerance and discrimination between individuals, groups or institutions, on the grounds of religion or belief. States Parties shall ensure protection of the law against promotion or incitement of discrimination on the grounds of religion or belief by any public authority or public institution, national or otherwise, and shall declare an offence punishable by law all acts of violence, or incitement of such act, against any religion or belief or its adherents by private persons or groups."

228. Mr. Nassinovsky submitted the following text (E/CN.4/Sub.2/L.369 article 4):

"All States shall take effective measures to prevent and eliminate discrimination based on religion or anti-religious belief in all fields of civil, political, economic, social and cultural life ..."

229. The Sub-Commission considered this article at its 451st and 452nd meetings.

Amendments submitted

230. Mr. Ketrzynski proposed the addition of the following sentence to the end of the text submitted by the working group (E/CN.4/Sub.2/L.401):

"Religious institutions, ministers of religion and other authorities responsible for religious activities shall not be exempt from the obligations laid down in this article."

231. In addition, amendments to the text submitted by the working group were put forward orally by various members of the Sub-Commission. Mr. Saario proposed the deletion of the phrase "by private persons or groups". Mr. Nassinovsky proposed the deletion of all the words following the word "belief". Mr. Capotorti proposed the deletion of the words "by any public authority or public institution, national or otherwise" and "by private persons or groups". Mr. Awad proposed that the word "justify" be replaced by "seek to justify" or "attempt to justify". The insertion of the word "equal" before the word "protection" in the second sentence was proposed by Mr. Inglés and accepted by members of the working group.

Issues discussed

232. Consideration of the texts proposed by various members of the Sub-Commission raised the question of the balance to be maintained between, on the one hand, measures to be taken against propaganda and organizations justifying or promoting hatred and discrimination based on religion or belief and, on the other hand, freedom of information. It was pointed out that in this area the nature and scope of the obligations to be undertaken by contracting States should be defined with particular care, in order to avoid any conflict with the equally important obligation to protect the right of freedom of opinion and expression.

233. In presenting his amendment to the text proposed by the working group, Mr. Ketzrynski explained that its purpose was to prevent religious institutions, ministers of religion and other authorities responsible for religious activities from claiming special privileges and exemptions. It was his intention to make clear that all persons and groups were equally responsible before the law, irrespective of whether or not they were members of religious institutions or ministers of religion; in presenting the text, however, he did not mean to imply that acts of discrimination or the violation of human rights were characteristic of various religions.

234. While members of the Sub-Commission did not object to the principle enunciated in the amendment, they considered that it was implicit both in the article as submitted by the working group and in the convention as a whole, and therefore superfluous.

235. The various amendments submitted orally were intended primarily to clarify wording which was considered ambiguous or vague. In particular, questions were raised about the action which could properly be taken against organizations which promoted religious intolerance. On the one hand it was pointed out that many legal systems did not recognize the criminal liability of bodies corporate, so that only individual members of an organization could be held responsible for the organization's acts. On the other hand, organizations were said to be normally liable, in their corporate capacity, to punishment by fines or to being restrained by injunctions from carrying on unlawful activities, so that law was able to put a stop to many acts of discrimination.

236. Another question raised in the course of the debate related to the meaning of the words "by any public authority, national or otherwise". Some members thought that "otherwise" could be held to extend to participation in intergovernmental and international activities, and objected to so broad a formulation.

237. The declaratory nature of the opening sentence of the working group's text was also criticized on the ground that a requirement to "condemn" certain propaganda and organizations had only the force of a general statement of policy or intent, and did not specify the measures to be taken by States to put that policy into effect.

238. In support of the text submitted by the working group, it was pointed out that the article was drafted in a logical form, following the arrangement in a corresponding article of the draft convention on the elimination of all forms of racial discrimination; and that the opening sentence merely indicated that States should adopt a condemnatory attitude towards religious intolerance as a preliminary to the implementation of that attitude in action. It was suggested that the two sentences might be joined by a phrase such as "and undertake therefore to ensure protection".

239. In the light of the discussion in the Sub-Commission, Mr. Inglés submitted a revised text for the article reading as follows:

"States Parties shall ensure equal protection of the law against promotion or incitement to discrimination on the ground of religion or belief."

"Any incitement to hatred or acts of violence against any religion or belief or its adherents shall be considered an offence punishable by law, and all propaganda designed to foster it shall be condemned."

240. Mr. Tello Macias proposed the insertion of the words "religious intolerance or" between the words "to" and "discrimination" in the new text. This change was accepted by Mr. Inglés.

241. Mr. Ketrzynski withdrew his amendment (see para.230) to the text submitted by the working group.

Adoption of the article

242. At the 452nd meeting the Sub-Commission voted on the article proposed by Mr. Inglés, as revised. The article was adopted by 11 votes to none, with 1 abstention.

For the text of the article, see resolution 1 (XVII), annex, article VIII.

NON-DISCRIMINATION IN THE EVENT OF GRANTING OF SUBSIDIES
OR EXEMPTION FROM TAXATION

Article IX of the draft convention

243. A text relating to non-discrimination in the event of granting of subsidies or exemption from taxation to a religion or belief or its followers or institutions was submitted to the Sub-Commission by Mr. Krishnaswami. The text (E/CN.4/Sub.2/L.364, article VI), read as follows:

"States Parties to the present Convention undertake to make no adverse distinction between, and to give no undue preference to, any religion or belief or its followers or institutions as regards the granting of subsidies or exemptions from taxation, but this shall not preclude the levying of general taxes, the carrying out of obligations assumed as a result of arrangements made to compensate a religious organization for property taken over by the State, or the making of contributions from public funds towards the preservation of religious structures recognized as of historic or artistic value."

244. After considering this text, the informal working group submitted to the Sub-Commission the following article on the subject (E/CN.4/Sub.2/L.381):

"States Parties undertake to make no adverse distinction between, and to give no undue preference to, any religion or belief or its followers or institutions as regards the granting of subsidies or exemption from taxation."

245. The Sub-Commission considered this article at its 449th meeting.

Amendments submitted

246. No written amendments were submitted; however, in the course of the discussion, amendments were put forward orally by various members of the Sub-Commission.

Mr. Abu Rannat proposed that the text should be replaced by the following:

"States Parties undertake to make no adverse distinction between, and to give no undue preference to, any religion or belief or its followers or institutions in the event of granting of subsidies, exemption from taxation, or assistance towards the preservation of religious structures recognized as monuments of historic or artistic standing."

247. Mr. Tello Macias suggested the deletion of the words "adverse" and "undue".

248. Mr. Capotorti suggested an addition along the following lines to the provision proposed by Mr. Abu Rannat:

"Any distinction or preference provided for by law on grounds of public interest shall not be considered discriminatory within the meaning of this convention."

249. Mr. Capotorti accepted a suggestion, put forward by Mr. Ingles, to add the words "in this regard" after the words "public interest", in order to make clear that the proposed text referred only to the substance of the article under consideration.

Issues discussed

250. Several members of the Sub-Commission indicated that they had misgivings about the implementation of the provision regarding the granting of subsidies or exemption from taxation in the form as first proposed by Mr. Krishnaswami. It was objected that such a provision might be construed in some quarters as meaning that equal subsidies should be granted to all private schools. It was also said that the term "institutions", which was not defined, could be applied to a great variety of bodies other than those Mr. Krishnaswami had in mind; indeed, the provision as a whole was so broad that it could be interpreted as prohibiting preferential tax treatment on any grounds whatsoever.

251. There was also some discussion on the significance of the concepts of "adverse distinction" and "undue preference" as referred to in Mr. Krishnaswami's text. Some members felt that reference to these concepts was unnecessary because the forms of discrimination covered by the convention had already been defined. For this reason the deletion of the words "adverse" and "undue" was proposed (see para. 247).

252. The concept of "public interest", introduced by Mr. Capotorti (see para. 248) also gave rise to discussion. Mr. Capotorti explained that his text was intended to make it clear that a distinction made by law on the ground of public interest should not fall within the prohibition imposed by the convention. His purpose was to draw a dividing line between a distinction which might legitimately be made on the ground of public interest, and a discrimination which was detrimental to some and advantageous to others, and was inspired by a private interest. In this connexion he recalled that the proposed convention on the elimination of all forms of racial discrimination recognized that a State could give preferential treatment to certain under-developed communities or take local conditions into account.

253. Members of the working group accepted the addition suggested by Mr. Capotorti, but other members pointed out that under its terms a State might exercise discrimination and preference provided only that it did so in accordance with a law enacted in the public interest; they suggested that it might be preferable to formulate the idea in positive terms and to stipulate that States Parties might grant subsidies or exemption from taxation on the condition that they made no distinction between, and gave no preference to, any religion or belief or its followers or institutions.

Adoption of the article

254. At the 449th meeting the Sub-Commission voted on the text submitted by Mr. Abu Rannat (see para. 246), and the amendments thereto.
255. The proposal by Mr. Capotorti for an additional provision (see para. 248) was adopted by 10 votes to none, with 4 abstentions.
256. The proposal to delete the word "undue", in the text submitted by Mr. Abu Rannat, was adopted by 12 votes to none, with 2 abstentions.
257. The proposal to delete the word "adverse" before "distinction" in that text was adopted by 12 votes to none, with 2 abstentions.
258. The paragraph as a whole, as proposed by Mr. Abu Rannat and amended, was adopted by 12 votes to none, with 2 abstentions.
259. The article as a whole, as amended, was adopted by 11 votes to none, with 3 abstentions.

For the text of the article, see resolution 1 (XVII), annex, article IX.

REMEDIAL RELIEF

Article X of the draft convention

260. Texts relating to remedial relief for any violation of the rights protected by the convention were submitted to the Sub-Commission by Messrs. Calvocoressi, Abram and Krishnaswami.

261. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part II, Article X), read as follows:

"State Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent tribunals against any acts of discrimination on ground of religion or belief which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination."

262. The text submitted by Mr. Abram (E/CN.4/Sub.2/L.361, Article VII), read as follows:

"State Parties shall assure to everyone within their jurisdiction effective protection and remedies through competent tribunals against any acts of discrimination on the ground of religion or belief which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination."

263. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Article III(b) read as follows:

"Each State Party undertakes to make available effective remedial relief by the competent national tribunals against any acts of discrimination that may be suffered by any person, group or institution on the ground of religion or belief with respect to his fundamental human rights and freedoms as set forth in the Universal Declaration of Human Rights."

264. After considering these proposals, the informal working group submitted the following text (E/CN.4/Sub.2/L.378):

"States Parties undertake to make available effective remedial relief by the competent national tribunals for any violation of the rights protected by this convention."

265. The Sub-Commission considered this article at its 452nd meeting. No written amendments were proposed; however, amendments were put forward orally by various members of the Sub-Commission.

Amendments proposed

266. Mr. Nassinovsky proposed a formula based on article III, paragraph 2, of the draft declaration on the elimination of all forms of religious intolerance, as prepared by the working group of the Commission on Human Rights, as follows:

"States Parties to the present Convention undertake to ensure to everyone effective remedial relief by the competent national tribunals against any acts violating the rights set forth in this Convention or any acts of discrimination he may suffer on the grounds of religion or belief with respect to his fundamental rights and freedoms as defined by the Constitution or by law."

267. Mr. Capotorti suggested the addition of the following words at the end of the text proposed by the working group: "or all acts of discrimination on grounds of religion or belief".

268. Mr. Ingles proposed the addition of the following words:

"as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such violation or discrimination."

269. Mr. Juvigny proposed the addition of the following text:

"and to do so in accordance with the procedure provided by the Convention and with the law and practice of each State."

270. Taking these suggestions into account, Mr. Calvocoressi proposed a re-drafted text to read as follows:

"States Parties undertake to make available appropriate remedial relief by their competent judicial or administrative authorities for any violation of the rights protected by the Convention."

271. Mr. Nassinovsky proposed the following addition to Mr. Calvocoressi's text:

"or any acts of discrimination anyone may suffer on the ground of religion or belief with respect to his fundamental rights and freedoms as defined by the convention, constitution or by law."

Issues discussed

272. There was general agreement on the need for an article providing remedial relief by the judicial or administrative authorities of a State Party to the convention for any violation of the rights protected by the convention. Some members preferred to adapt to the purposes of the draft convention the entire text, including the words in brackets, of article III, paragraph 2, of the draft declaration on the elimination of all forms of religious intolerance prepared by the working group of the Commission on Human Rights.

In support of this view, it was argued that this wording had the merit of precision and established the proper relation between the provisions of the convention on the one hand, and, on the other hand, national constitutions and laws. Other members, however, expressed the view that the text prepared by the working group was only a tentative one, and that there had been diverging views on the words in brackets. They maintained, moreover, that reference to national constitutions and laws would only tend to entrench the status quo and absolve signatories of the convention from the obligation to raise their standards.

Adoption of the article

273. At the 452nd meeting, the Sub-Commission voted on the text of the article and the amendment thereto.

274. Mr. Nassinovsky's proposal for addition to Mr. Calvocoressi's redraft (see paragraph 271) was rejected by 4 votes to 3 with 6 abstentions. The article, as re-drafted (see para.270) was adopted by 11 votes in favour and 1 against, with 2 abstentions.

For the text of the article, see resolution 1 (XVII), annex, article X.

INTERPRETATION

Article XI of the draft convention

275. A text relating to interpretation of the convention was submitted to the Sub-Commission by the informal working group (E/CN.4/Sub.2/L.382); it read as follows:

"Nothing in this Convention shall be interpreted as giving to any person, group or institution the right to engage in activities aimed at prejudicing national sovereignty or at destroying or impairing the rights or freedoms of others."

276. The Sub-Commission considered this article at its 449th meeting. Amendments were put forward orally by Messrs. Ketrzynski, Tello Macias, Nassinovsky, Awad, Capotorti and Calvocoressi.

Amendments submitted

277. Mr. Ketrzynski proposed deletion of the words "or at destroying or impairing the rights or freedoms of others" at the end of the draft article, and their replacement by the words "or friendly relations between nations."

278. Mr. Tello Macias proposed replacement of the words "national sovereignty" by the words "national security", and the deletion of the text following these words.

279. Mr. Nassinovsky proposed replacement of the words "national sovereignty" by the words "national security and sovereignty"; he later modified the proposed new text to read "national security and the sovereign rights of States".

280. Mr. Awad proposed use of the expression, "State sovereignty and national security" instead of the words "national sovereignty".

281. Mr. Capotorti proposed use of the expression "security and sovereignty" instead of "national sovereignty".

282. Mr. Calvocoressi proposed substitution of the words, "national security, national sovereignty or friendly relations between nations" for the words "national sovereignty or at destroying or impairing the rights or freedoms of others" in the text of the working group.

Issues discussed

283. Members of the working group explained that they had prepared and submitted their text as a result of the view which had been expressed by Mr. Abu Rannat at the 438th meeting of the Sub-Commission, to the effect that the Convention should provide against any abuse of religious freedom which might serve as a cloak for subversive or separatist activities.

284. There was some discussion of the relationship between the proposed interpretation article and the limitations article (see resolution 1(XVII), annex, article XII) which had already been adopted. It was pointed out that whereas the limitations article had been designed to offer to States guidance in the application of the Convention, the interpretation article was designed to prevent certain abuses of freedom of religion or belief. In this respect it was an adaptation, to the more limited field of religious rights, of the provisions of article 30 of the Universal Declaration of Human Rights.

285. There was also some discussion of the proposal to include in the article a reference either to "national security", "public security" "national sovereignty", or several of these terms. While there was general agreement as to the inclusion of "national security", there was a difference of opinion regarding the proposed reference to "national sovereignty". In favour of the suggestion, it was pointed out that "national security" referred only to the external manifestations of State sovereignty; there were, in addition, many internal manifestations which might be prejudiced by the activities referred to in the article, and only an explicit reference to State sovereignty would ensure that they would be brought within the scope of the article. Two kinds of activity that could be prejudicial to the sovereignty of the State were mentioned: those which represented a threat to the territorial integrity of the State and those which resulted from a refusal, on grounds of religious principle, to submit to the law of the State. Against the suggestion, it was maintained that the expression "national security" covered all material aspects of the sovereignty of the State, and that the expression "national sovereignty" would carry implications more far-reaching than was intended.

286. There was general support for the amendment proposed by Mr. Ketrzynski (see para.277).

287. In order to consolidate the various amendments, Mr. Calvocoressi proposed (see para. 282) to insert, after the words "at prejudicing", the words "national security, national sovereignty or friendly relations between States". This proposal also met with general approval.

Adoption of the Article

288. The article, as a whole, as revised by the working group in the light of the discussion, was adopted unanimously.

For the text of the article, see resolution 1 (XVII), annex, article XI.

LIMITATIONS

Article XII of the draft convention

289. Texts relating to limitations were submitted to the Sub-Commission by Messrs. Calvocoressi, Abram and Krishnaswami.

290. The text submitted by Mr. Calvocoressi (E/CN.4/Sub.2/L.360, Part I, Article VI), read as follows:

"States Parties agree that:

"(1) no limitations shall be placed on the right to freedom of thought, conscience and religion;

"(2) the freedoms and rights set out elsewhere in this Convention shall be subject only to the restrictions prescribed by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the legitimate requirements of morality, health, public order and the general welfare in a democratic society. Any restrictions which may be imposed shall be consistent with the purposes and principles of the United Nations and with the rights and freedoms stated in the Universal Declaration of Human Rights. These freedoms and rights may be in no case exercised contrary to the purposes and principles of the United Nations."

291. The text submitted by Mr. Abram, (E/CN.4/Sub.2/L.361, Article VIII), read as follows:

"In the exercise of the rights and freedoms herein, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

292. The text submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Article II (3)), read as follows:

"States Parties shall subject manifestations of freedom of thought, conscience, religion and belief 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;"

293. After considering these texts, the informal working group submitted to the Sub-Commission the following article on limitations (E/CN.4/Sub.2/L.380):

"Nothing in this Convention shall be construed to preclude a State Party

"(a) from prescribing by law such limitations as are necessary to protect public safety, order, health or morals, or individual rights and freedoms of others;

"(b) from carrying out obligations assumed as a result of arrangements made to compensate a religious organization for property taken over by the State, or from assisting towards the preservation of religious structures recognized as monuments of historic or artistic value."

Amendments submitted

294. The Sub-Commission considered this article at its 448th and 449th meetings. Amendments were put forward orally by various members of the Sub-Commission.

295. The deletion of the word "or" in sub-paragraph (a), and the addition at the end of the sub-paragraph of the words "or the general welfare in a democratic society," were proposed by Mr. Ketrzynski.

296. The transfer of the substance of sub-paragraph (b) to a subsequent article was proposed by Mr. Capotorti, and was accepted without objection.

297. The following amended text was proposed by Mr. Ferguson:

"Nothing in this Convention shall be construed to preclude a State Party from prescribing by law such limitations as are necessary for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

The proposal was however not pressed to a vote.

298. The replacement of the expression "public order" by the words "public security" was proposed by Mr. Abu Rannat; this proposal likewise was not pressed to a vote.

Issues discussed

299. Members of the Sub-Commission were in general agreement that an article relating to limitations was essential to the draft convention. Whereas some members considered it better to follow either the wording of article 29 (2) of the Universal Declaration of Human Rights or that of article 18 (3) of the draft covenant on civil and political rights, others proposed new forms of words.

300. Mr. Ketrzynski explained that his proposal, to add a reference to the general welfare in a democratic society (see para. 295), had been put forward in order to include the idea which appeared in article 29 (2) of the Universal Declaration of Human Rights but which had been omitted from the text submitted by the working group. Mr. Ferguson explained that his amendment, was intended to cover the substance of article 29 (2) of the Universal Declaration of Human Rights, subject only to the slight change of style required by a convention.

301. There was some discussion of the scope of the term "public order", and of the French concept of "ordre public", the meaning of which had often been defined within the United Nations. One member pointed out that in the absence of some such limitation there would be a danger of appearing to sanction such practices as cannibalism and incest in very primitive societies.

302. Mr. Nassinovsky proposed to include a statement on the necessity of safeguarding children against constraint in matters of religion, but it was also argued that the interests of children had been sufficiently dealt with in article IV, which the Sub-Commission had adopted earlier. To a suggestion by Mr. Awad, that some limitation might have to be placed upon the ownership of property by religious groups in order to prevent discrimination as between such groups, it was pointed out that the question of religious property was covered by the term "public order," as well as by the term "general welfare in a democratic society". Neither of the suggestions was put as a formal amendment.

303. Mr. Abu Rannat indicated his preference for the words "public security" rather than "public safety" as proposed by the working group. Other members however preferred a literal reproduction of the wording of article 29 (2) of the Universal Declaration of Human Rights, while still others supported the working group's text with an addition of a reference to the concept of the general welfare in a democratic society.

Adoption of the article

304. At the 448th meeting the Sub-Commission voted on the text of the introduction and sub-paragraph (a) of the working group, with the addition of the words "or the general welfare in a democratic society," as proposed by Mr. Ketrzynski (see para. 295) and adopted this text by 12 votes in favour and none against, with 2 abstentions. At its 449th meeting the Sub-Commission decided that the subject-matter of sub-paragraph (b) of the working group's text should be dealt with elsewhere in the draft convention (see article IX).

For the text of the article, see resolution 1 (XVII), Annex, Article XII.

REPORTING

Article XIII of the draft convention

305. A text relating to the obligation of contracting States to submit reports on the legislative and other measures which they had adopted, and which gave effect to the provisions of the convention, was submitted to the Sub-Commission by Mr. Krishnaswami (E/CN.4/Sub.2/L.364, Article VII), it read as follows:

"1. The States Parties to this Convention undertake to submit a report on the legislative or other measures which they have adopted and which give effect to the provisions of this Convention,

- (a) within one year after the entry into force of the Convention for the State concerned, and
- (b) thereafter every two years and whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

"2. All reports shall be submitted to the Secretary-General of the United Nations for consideration by the Economic and Social Council which may transmit them to the Commission on Human Rights or to a specialized agency for information, study and, if necessary, general recommendations.

"3. The States Parties directly concerned may submit to the Economic and Social Council observations on any general recommendations that may be made in accordance with paragraph 2 of this article."

306. After considering this text, the informal working group submitted to the Sub-Commission the following article on reporting (E/CN.4/Sub.2/L.384):

"1. States Parties undertake to submit a report on the legislative or other measures which they have adopted and which give effect to the provisions of this Convention,

- (a) within one year after the entry into force of the Convention for the State concerned, and
- (b) thereafter every two years and whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

"2. All reports shall be submitted to the Secretary-General of the United Nations for consideration by the Economic and Social Council which may transmit them to the Commission on Human Rights or to a specialized agency for information, study and, if necessary, general recommendations.

"3. The States Parties directly concerned may submit to the Economic and Social Council observations on any general recommendations that may be made in accordance with paragraph 2 of this article."

307. The Sub-Commission considered this article at its 453rd and 454th meetings. No amendments to the article were submitted. However, there was a proposal not to consider this article but to transmit it to the Commission on Human Rights with other proposals on measures of implementation. In the course of the debate on the article the Sub-Commission heard statements by the representatives of the ILO and UNESCO.

Issues discussed

308. While some members felt that the Sub-Commission should examine the proposed article and adopt it as an integral part of the draft convention to be transmitted to the Commission on Human Rights, others expressed the view it was essentially an implementation provision which should be dealt with only in conjunction with the discussion of measures of implementation as a whole. In particular it was said that in the light of the work in progress in the Third Committee of the General Assembly, on the implementation of the convention on the elimination of all forms of racial discrimination, the elaboration at this stage of measures to implement the draft convention on the elimination of all forms of religious intolerance would be premature and might lead to difficulties later. The Sub-Commission decided to hold a brief general debate on the article, and to transmit it to the Commission along with the substantive provisions for the convention which it had already adopted.

309. Members of the working group explained that the draft article was identical in every respect with article 10 of the draft convention on the elimination of all forms of racial discrimination which the Sub-Commission had adopted at its sixteenth session. They suggested that the Sub-Commission should take the same action with respect to the proposed article on reporting as it had taken in the case of the earlier draft convention.

310. In the course of the discussion, the point was made that any new reporting procedure ought to be reconciled with the system of periodic reports on human rights, which had been functioning successfully for some years. It was also pointed out that the reporting procedure envisaged in the draft article was the minimum required if the draft convention was to be effective, and that the United Nations, unlike, for example, the International Labour Organisation, had no "built-in" reporting procedure.

311. The Sub-Commission decided, by 7 votes in favour and 4 against, with 3 abstentions, to close the debate on the article.

312. The article, as submitted by the working group, was adopted by a roll-call vote.

The voting was as follows:

In favour: Mr. Abu Rannat, Mr. Awad, Mr. Calvocoressi, Mr. Capotorti,
Mr. Ferguson, Mr. Ingles, Mr. Juvigny, Mr. Krishnaswami,
Mr. Saario and Mr. Schiller.

Against: None

Abstaining: Mr. Ketrzynski, Mr. Nassinovsky and Mr. Tello Macias.

313. Thus the article was adopted by 10 votes in favour and none against, with 3 abstentions.

314. The article was included with other provisions as an integral part of the draft convention prepared by the Sub-Commission.

For the text of the article, see resolution 1 (XVII), annex, article XIII.

Order of the articles in the draft convention

315. At its 454th meeting, the Sub-Commission considered a suggestion by Mr. Calvocoressi as to the order in which the articles adopted by the Sub-Commission should be placed in the text of the draft convention. The order proposed by Mr. Calvocoressi was accepted by the Sub-Commission (see resolution I(XVII), annex).

Adoption of the draft convention

316. A roll-call vote was taken on the draft convention as a whole, consisting of the preamble and 13 articles. The voting was as follows:

In favour: Mr. Awad, Mr. Abu Rannat, Mr. Calvocoressi, Mr. Capotorti, Mr. Ferguson, Mr. Huidobro, Mr. Ingles, Mr. Juvigny, Mr. Krishnaswami, Mr. Saario and Mr. Schiller;

Abstentions: Mr. Ketrzynski, Mr. Nassinovsky and Mr. Tello Macias.

317. Thus the draft convention was adopted by 11 votes in favour, none against and 3 abstentions.

Title of the draft convention

318. At the 455th meeting, the Sub-Commission considered the question of the title to be given to the draft convention. Some members favoured retention of the title "Draft international convention on the elimination of all forms of religious intolerance", which they regarded as having been prescribed by the Commission on Human Rights. Others wished to add the words, "and discrimination on the ground of religion or belief" on the ground that the draft in fact covered this additional subject matter. It was finally agreed to retain the title "Draft international convention on the elimination of all forms of religious intolerance", with the understanding that the proposed change should be drawn to the attention of the Commission on Human Rights in the present report.

Consideration of draft resolution

319. At its 454th and 455th meetings, the Sub-Commission considered a draft resolution (E/CN.4/Sub.2/L.408), submitted jointly by Messrs. Abu Rannat, Calvocoressi, Ferguson, Ingles and Krishnaswami, the operative paragraph of which proposed that the Sub-Commission should submit to the Commission on Human Rights the "preliminary draft International Convention on the Elimination of All Forms of Religious Intolerance including measures of implementation, annexed to this resolution, which the Sub-Commission adopted ..."

320. After a brief discussion in the Sub-Commission, the co-sponsors agreed to amend their draft by deleting the words "including measures of implementation, annexed to this resolution" and substituting the words, "consisting of a preamble and 13 articles".

321. The draft resolution, as amended, was adopted unanimously, as follows:

RESOLUTION 1 (XVII)

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF
ALL FORMS OF RELIGIOUS INTOLERANCE

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, in accordance with General Assembly resolution 1781 (XVII), the Economic and Social Council has asked the Commission on Human Rights, bearing in mind inter alia the views of the Sub-Commission, to prepare a draft international convention on the elimination of all forms of religious intolerance to be submitted to the Assembly not later than at its twentieth session;

Noting that the Commission on Human Rights has decided, in resolution 2 (XX), to prepare at its twenty-first session a draft convention on the elimination of all forms of religious intolerance in compliance with General Assembly resolution 1781 (XVII), and has invited the Sub-Commission to prepare and submit to the Commission at that session a preliminary draft convention on the elimination of all forms of religious intolerance;

Submits to the Commission on Human Rights the preliminary draft International Convention on the Elimination of All Forms of Religious Intolerance, consisting of a preamble and 13 Articles, which the Sub-Commission adopted by 11 votes in favour and none against, with 3 abstentions.

ANNEX

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RELIGIOUS INTOLERANCE

The States Parties to the present Convention,

Considering that the Charter of the United Nations is based on the principle 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 for the achievement of one of the purposes of the United Nations, which is to promote and encourage universal respect for an 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 proclaims the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief;

Considering that the disregard of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion and belief, has brought great suffering to mankind;

Considering that religion or belief, for anyone who professes them is a fundamental element in his conception of life, and that freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed;

Considering it essential that Governments, organizations, and private persons should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to the freedom of religion and belief;

Concerned by manifestations of intolerance in such matters still in evidence in some areas of the world;

Resolved to adopt all necessary measures for eliminating speedily religious intolerance in all its forms and to prevent and combat discrimination on the ground of religion or belief.

Bearing in mind the Convention Concerning Discrimination in Respect of Employment and Occupation adopted by the ILO in 1958 and the Convention against Discrimination in Education adopted by UNESCO in 1960;

Have agreed as follows:

ARTICLE I

For the purpose of this Convention:

- (a) the expression "religion or belief" shall include theistic, non-theistic, and atheistic beliefs;
- (b) the expression "discrimination on the ground of religion or belief" shall mean any distinction, exclusion, restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of the rights proclaimed in the Universal Declaration of Human Rights;
- (c) neither the establishment of a religion nor the recognition of a religion or belief by a State nor the separation of Church from State shall by itself be considered discriminatory.

ARTICLE II

States Parties shall condemn all forms of religious intolerance and all discrimination on the ground of religion or belief and undertake to promote and implement policies designed to secure religious tolerance, to protect freedom of conscience and to eliminate all discrimination on ground of religion or belief.

ARTICLE III

1. States Parties undertake to insure to everyone the right to freedom of thought, conscience or religion. This right shall include:
 - (a) freedom to adhere or not to adhere to any religion or belief and to change his religion or belief in accordance with the dictates of his conscience without being subjected to any coercion likely to impair his freedom of choice or decision in the matter; and
 - (b) freedom to manifest his religion or belief either alone or in community with others, and in public or in private, without being subjected to any discrimination on the grounds of religion or belief.
2. Subject to the limitations contained in Articles IX, XI and XII, States Parties shall in particular ensure to everyone:

- (a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- (b) freedom to teach, to disseminate and to learn his religion or belief and its sacred languages or traditions, and to train personnel intending to devote themselves to the performance of its practices or observances;
- (c) freedom to practise his religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;
- (d) freedom to observe the rituals, dietary and other practices of his religion or belief and to produce or if necessary import the objects, foods and other articles and facilities customarily used in its observances and practices;
- (e) freedom to make pilgrimages and other journeys in connexion with his religion or belief whether inside or outside his country;
- (f) equal legal protection for his places of worship, for his rites, ceremonies, and activities, and for the burial places associated with his religion or belief;
- (g) freedom to organize and maintain local, regional and national associations, and to participate in international associations in connexion with his activities and to communicate with his co-religionists and believers;
- (h) freedom from compulsion to take an oath of a religious nature;
- (i) freedom from compulsion to undergo a religious marriage ceremony not in conformity with his religion or belief.

ARTICLE IV

1. The States Parties undertake to respect the prior right of parents and, when applicable, legal guardians, to choose the religion or belief of their children.
2. In the case of a child who has been deprived of its parents, their expressed or presumed wishes shall be duly taken into account.
3. In the case of a child who has reached a sufficient degree of understanding, his wishes shall be taken into account.
4. In both these cases the best interests of the child, as determined by the competent authorities, shall be the guiding principle.

ARTICLE V

States Parties undertake to adopt immediate and effective measures by methods appropriate to national conditions and practice, particularly in the fields of teaching, education and information, with a view to promoting understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and to combat prejudices which lead to religious intolerance between persons, groups and institutions and to discrimination on the ground of religion or belief.

ARTICLE VI

1. States Parties shall take effective measures to prevent and eliminate discrimination based on religion or belief, including the enactment or abrogation of legislation where necessary to prohibit such discrimination by any person, group or organization.

2. States Parties undertake in particular that they shall not pursue any policy or enact or retain rules and regulations restricting or impeding freedom of religion and belief or the free and open exercise thereof; nor discriminate against any person, group or organization on account of membership in, practice of, or adherence to any religion or belief.

ARTICLE VII

States Parties undertake to ensure to everyone equality before the law without any discrimination in the exercise of the right to freedom of thought, conscience and religion, and to equal protection of the law against any discrimination on the ground of religion or belief.

ARTICLE VIII

States Parties shall ensure equal protection of the law against promotion or incitement to religious intolerance or discrimination on the ground of religion or belief. Any incitement to hatred or acts of violence against any religion or belief or its adherents shall be considered an offence punishable by law, and all propaganda designed to foster it shall be condemned.

ARTICLE IX

1. States Parties undertake to make no distinction between, and to give no preference to, any religion or belief or its followers or institutions in the event of granting of subsidies, exemption from taxation, or assisting towards the preservation of religious structures recognized as monuments of historic or artistic value.

2. Any distinction or preference provided for by law for reasons of public interest in this regard, shall not be considered discriminatory within the meaning of this Convention.

ARTICLE X

States Parties undertake to make available appropriate remedial relief by their competent judicial or administrative authorities for any violation of the rights protected by this convention.

ARTICLE XI

Nothing in this Convention shall be interpreted as giving to any person, group or institution the right to engage in activities aimed at prejudicing national security, national sovereignty or friendly relations between nations.

ARTICLE XII

Nothing in this Convention shall be construed to preclude a State Party from prescribing by law such limitations as are necessary to protect public safety, order, health or morals, or the individual rights and freedoms of others, or the general welfare in a democratic society.

ARTICLE XIII

1. States Parties undertake to submit a report on the legislative or other measures which they have adopted and which give effect to the provisions of this Convention:

- (a) within one year after the entry into force of the Convention for the State concerned, and
- (b) thereafter every two years and whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

2. All reports shall be submitted to the Secretary-General of the United Nations for consideration by the Economic and Social Council, which may transmit them to the Commission on Human Rights or to a specialized agency for information, study and, if necessary, general recommendations.

3. The States Parties directly concerned may submit to the Economic and Social Council observations on any general recommendations that may be made in accordance with paragraph 2 of this article.

Additional measures of implementation

222. At its 454th and 455th meetings, the Sub-Commission considered a series of sixteen articles relating to measures of implementation submitted by Mr. Krishnaswami (E/CN.4/Sub.2/L.364/Add.2), and an additional article on the same subject submitted by Mr. Ingles (E/CN.4/Sub.2/L.392).

223. Mr. Krishnaswami indicated that the articles which he had proposed were based largely upon, and to a certain extent were identical with, similar articles on measures of implementation which had been considered by the Sub-Commission at its sixteenth session in connexion with the draft international convention on the elimination of all forms of racial discrimination. The only important difference was the proposal that members of the Good Offices and Conciliation Committee should be selected by the Economic and Social Council rather than by the General Assembly. A number of drafting improvements had also been incorporated in the series of articles.

224. The additional article submitted by Mr. Ingles (E/CN.4/Sub.2/L.392) proposed that the Good Offices Committee should be authorized to receive petitions addressed to the Secretary-General "from any person or groups of individuals claiming to be the victim of a violation of this Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council alleging that a State Party is not giving effect to this Convention, provided that the State Party complained of has declared that it recognizes the competence of the Committee to receive such petitions." Mr. Ingles explained that his proposal was based upon an optional provision which had been inserted in the UNESCO Convention against Discrimination in Education.

225. Mr. Krishnaswami accepted the amendment proposed by Mr. Ingles and incorporated the new article in the text which he had put forward (see resolution 2 (XVII), article XXVI).

326. As an opposing point of view it was argued that the consideration of measures of implementation was premature at this stage, especially in view of the fact that superior bodies were engaged in working on implementation measures in another context.

327. At its 455th meeting, the Sub-Commission considered a draft resolution, submitted by Mr. Calvocoressi, on additional measures of implementation (E/CN.4/Sub.2/L.409). The operative paragraph of the draft resolution proposed that the Sub-Commission should transmit to the Commission on Human Rights the preliminary draft of measures of implementation prepared by Mr. Krishnaswami (E/CN.4/Sub.2/L.364/Add.2 and L.392) as an expression of the general views of the Sub-Commission on additional measures of implementation which would help to make the draft international convention on the elimination of all forms of religious intolerance more effective; and would request the Secretary-General to transmit to the Commission on Human Rights the records summarizing the views expressed by the members of the Sub-Commission on this item. Objection was taken to the use of the term "general views" on the ground that it implied full discussion of the articles by the Sub-Commission and unanimous approval of them.

328. After Mr. Calvocoressi had revised the text in the light of the discussion, the draft resolution was put to a roll-call vote. The voting was as follows :

In favour: Mr. Abu Rannat, Mr. Awad, Mr. Calvocoressi, Mr. Capotorti,
Mr. Ferguson, Mr. Huidobro, Mr. Ingles, Mr. Juvigny,
Mr. Krishnaswami, Mr. Saario and Mr. Schiller.

Against: Mr. Nassinovsky and Mr. Tello Macias.

Abstaining: Mr. Ketrzynski.

329. Thus the Sub-Commission adopted, by 11 votes in favour and 2 against, with 1 abstention, the following draft resolution:

RESOLUTION 2 (XVII)^{1/}

ADDITIONAL MEASURES OF IMPLEMENTATION

The Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Convinced of the importance of giving due consideration to all measures of implementation which might help to give effect to the substantive provisions approved in the draft international convention on the elimination of all forms of religious intolerance.

^{1/} The financial implications of this resolution are set out in Annex II

Lacking the time to give full consideration to the implementation of a convention on the elimination of all forms of religious intolerance,

Recalling the additional measures of implementation transmitted to the Commission on Human Rights in connexion with the draft convention on the elimination of all forms of racial discrimination (E/CN.4/873, resolution 2(XVI), Annex),

Convinced that the measures relating to the implementation of the draft convention on the elimination of all forms of religious intolerance are closely linked with the measures of implementation to be approved by the General Assembly for the convention on the elimination of all forms of racial discrimination,

1. Transmits to the Commission on Human Rights the following preliminary draft as an expression of the general views of the Sub-Commission on additional measures of implementation which will help to make the draft international convention on the elimination of all forms of religious intolerance more effective.

2. Requests the Secretary-General to transmit to the Commission on Human Rights the record containing views expressed by members of the Sub-Commission on this item (E/CN.4/Sub.2/SR.454 and SR.455).

ANNEX

Preliminary Draft: Additional measures of Implementation

ARTICLE XIV

There shall be established under the auspices of the United Nations a Good Offices and Conciliation Committee (hereinafter referred to as "The Committee") to be responsible for seeking the amicable settlement of disputes between States Parties concerning the interpretation, application or fulfilment of the present Convention.

ARTICLE XV

1. The Committee shall consist of eleven members who shall be persons of high moral standing and acknowledged impartiality.

2. The members of the Committee, who shall serve in their personal capacity, shall be elected by the Economic and Social Council of the United Nations, on the recommendation of the Secretary-General, due consideration being given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

3. The Committee may not include more than one national of the same State.

ARTICLE XVI

The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if nominated. The terms of six of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these six members shall be chosen by lot by the President of the Economic and Social Council of the United Nations.

ARTICLE XVII

When electing members of the Committee, the Economic and Social Council of the United Nations shall also designate, on the recommendation of the Secretary-General, an alternate for each member so elected. An alternate need not be of the same nationality as the member concerned, but both of them should be from the same geographical area or region.

ARTICLE XVIII

1. In the event of the death or resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

2. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, or is unable to continue the discharge of his duties, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall thereupon declare the seat of such member to be vacant.

3. In each of the cases provided for by paragraphs 1 and 2 of this article, the Secretary-General of the United Nations shall forthwith induct into office the alternate concerned as member of the Committee for the unexpired term and shall inform each State Party to this Convention accordingly.

ARTICLE XIX

Members of the Committee shall receive travel and per diem allowances in respect of the periods during which they are engaged on the work of the Committee from the resources of the United Nations on terms laid down by the General Assembly.

ARTICLE XX

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations. Subsequent meetings may be held either at the Headquarters or at the European Office of the United Nations, as determined by the Committee.

2. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

ARTICLE XXI

1. The Committee shall elect its Chairman and Vice-Chairman for a period of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure. Before adopting such rules, the Committee shall send them in draft form to the States then Parties to the Convention who may communicate any observation and suggestion they may wish to make within three months.

3. The Committee shall re-examine its rules of procedure if at any time so requested by any State Party to the Convention.

ARTICLES XXII

1. If a State Party to this Convention considers that another State Party is not giving effect to a provision of the Convention, it may, by written communication, bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the complaining State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Secretary-General of the United Nations and to the other State.

ARTICLE XXIII

The Committee shall deal with a matter referred to it under article XXII only after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law.

ARTICLE XXIV

In any matter referred to it, the Committee may call upon the States concerned to supply any relevant information.

ARTICLE XXV

1. Subject to the provisions of article XXIII, the Committee after obtaining all the information it thinks necessary, shall ascertain the facts, and make available its good offices to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention.

2. The Committee shall in every case, and in no event later than eighteen months after the date of receipt by the Secretary-General of the United Nations of the notice under article XXII, paragraph 2, draw up a report in accordance with the provisions of paragraph 3 below which will be sent to the States concerned and then communicated to the Secretary-General of the United Nations for publication. When an advisory opinion is requested of the International Court of Justice, in accordance with article XXVII, the time-limit shall be extended appropriately.

3. If a solution within the terms of paragraph 1 of this article is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Committee shall draw up a report on the facts and indicate the recommendations which it made with a view to conciliation. If the report does not represent, in whole or in part the unanimous opinion of the members of the Committee, any member of the Committee shall be entitled to attach to it a separate opinion. Any written or oral submission made by the parties to the case shall also be attached to the report.

ARTICLE XXVI

1. The Committee may receive petitions addressed to the Secretary-General from any person or groups of individuals claiming to be the victim of a violation of this Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council alleging that a State Party is not giving effect to this Convention, provided that the State Party complained of has declared that it recognizes the competence of the Committee to receive such petitions.

2. The declaration of a State Party mentioned in the preceding paragraph may be made in general terms, or for a particular case or for a specific period, and shall be deposited with the Secretary-General who shall transmit copies thereof to the other States Parties.

3. In considering petitions submitted under this article, the Committee shall be guided as far as possible by the principles and procedures outlined in articles XVII, XVIII and XIX of this Convention.

ARTICLE XXVI

The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion of any legal question connected with a matter of which the Committee is seized.

ARTICLE XXVII

The Committee shall submit to the Economic and Social Council, through the Secretary-General of the United Nations, an annual report on its activities.

ARTICLE XXIX

The States Parties to this Convention agree that any State Party complained of or lodging a complaint may, if no solution has been reached within the terms of article XXV, paragraph 1, bring the case before the International Court of Justice after the report provided for in article XXV, paragraph 3, has been drawn up.

ARTICLE XXX

The provisions of this Convention shall not prevent the States Parties to the Convention from submitting to the International Court of Justice any dispute arising out of the interpretation or application of the Convention in a matter within the competence of the Committee; or from resorting to other procedures for settling the dispute, in accordance with general or special international agreements in force between them.

III. STUDY OF DISCRIMINATION AGAINST PERSONS BORN OUT OF WEDLOCK

Item 5 of the agenda

330. At its 432nd, 433rd, 435th and 438th meetings, the Sub-Commission considered item 5 of the agenda, "Study of discrimination against persons born out of wedlock".

331. The Sub-Commission had before it the second progress report on the study of discrimination against persons born out of wedlock (E/CN.4/Sub.2/248), submitted by the Special Rapporteur, Mr. V.V. Saario. The report was divided into three chapters, preceded by an introduction.

332. In the introduction, the Special Rapporteur pointed out that the second progress report supplemented the preliminary report which he had presented to the Sub-Commission at its fifteenth session (E/CN.4/Sub.2/223) and the first progress report which he had presented at its sixteenth session (E/CN.4/Sub.2/236 and Corr.1 and Add.1). He indicated that, as of 15 November 1964, information had been received concerning sixty-three States Members of the United Nations and a number of non-self-governing territories. In addition, information had been furnished by twelve non-governmental organizations. On the basis of this and other available data, he had prepared, with the assistance of the Secretariat, draft monographs summarizing the situation in fifteen countries. He hoped that by 15 September 1965 a sufficient number of monographs would be completed to serve as the basis for a draft report which could be considered by the Sub-Commission at its eighteenth session in 1966, and that the remaining papers would be completed by 15 September 1966, making it possible for him to submit his final report to the Sub-Commission in time for consideration at its nineteenth session in 1967.

333. In Chapter I, the Special Rapporteur summarized the debates which had taken place in the Third Committee, at the eighteenth session of the General Assembly, on the article on the rights of the child to be inserted in the draft covenant on civil and political rights; and reported on the consideration of various problems relating to the status of persons born out of wedlock in regional seminars organized under the programme of advisory services in the field of human rights. In Chapter II he gave, on the basis of new information which he had received from governments since the submission of the first progress report, further examples of contemporary general tendencies in respect of the status of persons born out of wedlock. In Chapter III, he presented a sampling of constitutional provisions relating to persons born out of wedlock.

334. In introducing the report, Mr. Saario said that he regretted having been unable to submit a draft report, approximating as far as possible to the final report on the study, for consideration at the seventeenth session, as had been requested by the Sub-Commission in resolution 4(XVI). He drew attention to the fact that the Sub-Commission had established a procedure which called for the study to be carried out in three successive stages, namely (a) the collection, analysis and verification of material; (b) the preparation of a report; and (c) the formulation of recommendations for action; the most time-consuming part of the study was the first stage. Because of the difficulty encountered in collecting, summarizing and verifying the necessary material, he had been able to prepare only a comparatively small number of monographs in their final form. He felt that the material in those monographs was not sufficiently representative to provide a clear picture of the situation throughout the world or to serve as a basis for the formulation of recommendations for action. Nevertheless, he had already begun to discern certain broad general tendencies. For example, in various countries discriminatory laws against persons born out of wedlock had been repealed in recent years. However, although legal discrimination had abated, the social and human aspect of the problem still remained. Persons born out of wedlock usually grew up in circumstances where they lacked the affection which only a family atmosphere could provide; that lack could have a very serious effect on the character of a child, and often led to the formation of an asocial personality and in some cases to juvenile delinquency. Ways and means of combating those serious effects should be sought; one possibility was to develop the institution of adoption, in order that children born out of wedlock might be able to enjoy the benefits of the affectionate atmosphere of family life.

335. In reply to a question, the Special Rapporteur affirmed that, as in the case of previous studies, his report would endeavour to give a general synthesis of the problem throughout the world and would not attempt to analyse the situation in individual countries.

336. In the course of the debate, various members of the Sub-Commission expressed their appreciation to the Special Rapporteur for the progress which he had made during the past year. It was pointed out that in some respects it was easier to combat discrimination against persons born out of wedlock resulting from Government action than to combat it where family interests, such as property rights, were involved.

It was also pointed out that it was extremely difficult to reconcile the ultimate goal of complete equality as between persons born in wedlock and those born out of wedlock with the concept of the family as the fundamental group unit of society.

337. The view was expressed that the study should cover discrimination practised against persons born of certain forms of marriage which were considered illegal in various regions, such as inter-racial marriage. The Special Rapporteur indicated that he would pay particular attention to this problem.

338. The representative of the Commission on the Status of Women made a statement on the study of discrimination against persons born out of wedlock at the 438th meeting of the Sub-Commission; the statement is summarized in document E/CN.4/Sub.2/SR.439.

339. A draft resolution on the study of discrimination against persons born out of wedlock (E/CN.4/Sub.2/L.362), submitted by the Chairman as expressing the consensus in the Sub-Commission, was adopted unanimously by the Sub-Commission at its 435th meeting, as follows:

RESOLUTION 3 (XVII)
STUDY OF DISCRIMINATION AGAINST PERSONS
BORN OUT OF WEDLOCK

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the second progress report on the study of discrimination against persons born out of wedlock submitted by the Special Rapporteur, Mr. V.V. Saario (E/CN.4/Sub.2/248),

1. Expresses its warm appreciation to Mr. Saario for his second progress report, which represents a further step forward in the Sub-Commission's work in this field;
2. Joins with Mr. Saario in thanking the Governments and non-governmental organizations which have responded to his request for information, and requests the Secretary-General to invite those Governments and non-governmental organizations which have not already supplied information to do so as soon as possible;
3. Invites Mr. Saario, taking into account the exchange of views on his progress reports during the sixteenth and seventeenth sessions of the Sub-Commission, to submit a draft report, approximating as far as possible to the final report on the study, in time for it to be considered by the Sub-Commission at its eighteenth session.

IV. STUDY OF EQUALITY IN THE ADMINISTRATION OF JUSTICE

Item 6 of the agenda:

340. At its 433rd and 435th meetings, the Sub-Commission considered item 6 of its agenda, "Study of Equality in the Administration of Justice".

341. The Sub-Commission had before it the progress report (E/CN.4/Sub.2/246), submitted by the Special Rapporteur, Mr. Mohammed Ahmad Abu Rannat, in accordance with resolution 5(XVI) of the Sub-Commission.

342. In the report, the Special Rapporteur indicated that he had revised the Outline for the collection of information which he had submitted to the Sub-Commission at its sixteenth session, (E/CN.4/Sub.2/237, annex I), taking into account the views which had been expressed by members of the Sub-Commission at that time and the results of a study of the matter made by the Government of the United States of America. The revised outline was presented in the annex to the report.

343. The revised Outline had been transmitted to the Governments of States Members of the United Nations and of the specialized agencies on 16 July 1964, and to a selected list of non-governmental organizations having consultative status with the Economic and Social Council on 24 July 1964. The Outline had not been sent to any specialized agency, as none appeared to have special competence in the matter under study. Information had been received, up to the date of the progress report, from only one Government.

344. In introducing his report, Mr. Abu Rannat said that following its publication the Governments of five additional countries had furnished information for the study. He expressed the hope that other Governments, as well as non-governmental organizations, would submit information as soon as possible, although he realized that the preparation of such information involved a good deal of research.

345. In the course of the debate, several members of the Sub-Commission expressed concern over the wide scope of the Outline and the failure of Governments to submit the information requested. It was felt that by asking for too much information, the Special Rapporteur might receive too little. The Special Rapporteur pointed out, however, that the Outline had been expanded on the basis of suggestions made by some members of the Sub-Commission at its sixteenth session, and that the revised Outline had already been submitted to Governments.

346. The view was expressed that the Special Rapporteur should avail himself as far as possible of information from non-governmental sources, since in the study under consideration it might be found that practice often lagged behind the provisions of the law. On this point, the Chairman reminded the Sub-Commission of the terms of reference for its studies, which had been settled before the first study had been undertaken.

347. The Special Rapporteur was of the view that it was too late to amend the Outline. He felt that the fact that replies were slow in coming from governments might be attributable to reasons other than the broad scope of the Outline. With regard to the sources of information and the actual structure of the report, he indicated that he would not rely exclusively on governments but, under the discretionary powers granted to him by the Sub-Commission, would also draw on information supplied by non-governmental organizations and on other relevant material.

348. Other members expressed the opposite view, that the Special Rapporteur should deal with the subject as exhaustively as possible. It was suggested, for example, that the term "tribunals", as defined in the note in section I of the Outline, should be broadened to cover fiscal tribunals as well; that special attention should be given to the need for a powerful and independent Bar as an essential prerequisite for equality in the administration of justice; that a more detailed study should be made of the question of enforcement measures; that the cost of the administration of justice should be surveyed since for large sections of the population the expenses of a trial and the services of counsel were sometimes prohibitive; and that the question of immunity from, or increased liability to, legal process of persons belonging to some racial or religious groups should be looked into. The Special Rapporteur, for his part, undertook to study each of these questions thoroughly, and added that he also intended to pay particular attention to the right of a person who has suffered an injustice through police or administrative action to apply to the courts for a remedy.

349. Noting that the Outline had not been sent to any specialized agency, one member of the Sub-Commission suggested that the Special Rapporteur might find interesting material in studies by the ILO on special or exceptional tribunals in labour and social security matters, by UNESCO on the implementation of the right to education, and by the FAO on the jurisdictional and legal questions involved in land reform. The Special Rapporteur agreed to reconsider the question whether the Outline should be sent to certain of the specialized agencies. One member also noted that non-governmental organizations, particularly the International Institute for the Unification of Private Law, could also contribute valuably to the study.

350. At the 433rd meeting, a statement on the study of equality in the administration of justice was made by the representative of the International Labour Organisation, assuring the Special Rapporteur of the full co-operation of the ILO within the fields within its competence.

351. A draft resolution on the study of equality in the administration of justice (E/CN.4/Sub.2/L.363), submitted by the Chairman as expressing the consensus in the Sub-Commission, was adopted unanimously by the Sub-Commission at its 435th meeting as follows:

RESOLUTION 4 (XVII)

STUDY OF EQUALITY IN THE ADMINISTRATION OF JUSTICE

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
Having examined the progress report submitted by the Special Rapporteur, Mr. Mohamed Abu Rannat (E/CN.4/Sub.2/246), on the study of discrimination in the administration of justice.

1. Expresses its grateful appreciation to the Special Rapporteur for his valuable work;
2. Requests the Special Rapporteur to continue his study and to present to the Sub-Commission, at its eighteenth session, a second progress report taking into account the views expressed in the debate on this question;
3. Expresses the hope that all Governments Members of the United Nations and of the specialized agencies, specialized agencies, and non-governmental organizations in consultative status will provide the Special Rapporteur with relevant information as soon as possible;
4. Requests the Secretary-General to transmit this resolution to the Governments, specialized agencies and non-governmental organizations concerned.

V. REVIEW OF FURTHER DEVELOPMENTS IN THE FIELDS WHICH HAVE
ALREADY BEEN THE SUBJECT OF STUDY OR INQUIRY INITIATED
BY THE SUB-COMMISSION

Item 7 of the agenda

352. At its 434th, 435th, 440th and 456th meetings, the Sub-Commission examined item 7 of its agenda: "Review of further developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission". The item was divided into six parts, as follows:

- (a) Discrimination in education;
- (b) Discrimination in the field of employment and occupation;
- (c) Discrimination in the matter of religious rights and practices;
- (d) Discrimination in the matter of political rights;
- (e) Discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country; and
- (f) Manifestations of racial prejudice and national and religious intolerance.

353. The Sub-Commission had before it a memorandum submitted by the United Nations Educational, Scientific and Cultural Organization summarizing recent activities of UNESCO in the field of combating discrimination in education and in race relations (E/CN.4/Sub.2/247); a memorandum submitted by the International Labour Office on recent activities of the ILO relating to discrimination in the field of employment and occupation (E/CN.4/Sub.2/245); and a memorandum presented by the Secretary-General summarizing developments within the United Nations system, between 15 November 1969 and 30 September 1964, relating to discrimination in the matter of religious rights and practices, discrimination in the matter of political rights, discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country; and manifestations of racial prejudice and national and religious intolerance.

354. The Sub-Commission heard statements by the representatives of the International Labour Organisation (434th meeting), the United Nations Educational Scientific and Cultural Organization (440th meeting), and the Commission on the Status of Women (440th meeting). A statement was also made by the observer from Israel (434th meeting)

Discrimination in education

355. The Sub-Commission was informed, in the memorandum submitted by UNESCO, that the Convention Against Discrimination in Education, adopted by the General Conference at its 11th session in 1960 had, as of 15 October 1964, been ratified or accepted by 24 Member States^{1/}, and that the Protocol to the Convention, providing for the establishment of a Conciliation and Good Offices Commission to seek a settlement of disputes arising between States Parties to the Convention, adopted by the General Conference at its 12th session in 1962, had been ratified by three Member States.^{2/} The Sub-Commission was further informed that the UNESCO Secretariat had prepared a draft plan for periodic reports by Member States on the implementation of the Convention and Recommendation against Discrimination in Education (UNESCO Document 13C/12), including separate questionnaires concerning the Convention and the Recommendation, which had been presented to the General Conference at its 13th session. The Conference, taking note of the plan, had invited the Executive Board to pursue its examination in the light of the observations made at the Conference, and to take whatever measures it considered appropriate for the implementation of this plan as from 1965.

356. The representative of UNESCO, in his statement to the Sub-Commission, indicated that subsequent to the preparation of the memorandum five additional Member States had ratified or accepted the Convention against Discrimination in Education, and two additional Member States had ratified the Protocol to the Convention.

357. Various members of the Sub-Commission expressed their satisfaction with the progress which had been made by UNESCO in combating discrimination in education and in dealing with other questions of race relations. One member pointed out that the reports submitted to the General Conference of UNESCO, and the action taken by the General Conference, reflected the concern of UNESCO that information from government sources should, if necessary, be supplemented by information from other sources, in particular from UNESCO's National Committees and the appropriate non-governmental organizations.

^{1/} Albania, Argentina, Bulgaria, Byelorussia, Central African Republic, Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, France, Hungary, Israel, Kuwait, Liberia, New Zealand, Norway, Poland, Romania, Ukraine, USSR, United Arab Republic, United Kingdom, Yugoslavia.

^{2/} Denmark, France, United Kingdom.

358. In the memorandum submitted by UNESCO, the Sub-Commission was informed that twenty-two experts in the field of race (geneticists, biologists, anthropologists) had been invited by UNESCO to participate in a meeting on the biological aspects of race held in Moscow in August 1964. At the end of the discussions, a set of proposals had been unanimously adopted in a provisional form. Taking these proposals into account UNESCO proposed to convene a subsequent meeting in 1966 to examine the social and ethical aspects of the race question and to formulate a new statement on race and racial prejudice incorporating the conclusions reached by both meetings. In this connexion, the Sub-Commission requested the Secretariat to circulate as a Sub-Commission document, for its information, the set of proposals on the biological aspects of race which the experts convened in Moscow under the auspices of UNESCO had adopted unanimously (see E/CN.4/Sub.2/249).

359. On the suggestion of the Chairman, the Sub-Commission agreed to record in the present report its view that the United Nations should be appropriately represented at the meeting to be convened by UNESCO in 1966 to examine the social and ethical aspects of the race question and to formulate a new statement on race and racial prejudice, in order to ensure co-ordination between the United Nations and UNESCO on matters relating to race and racial prejudice.

Discrimination in the field of employment and occupation

360. The Sub-Commission was informed, in the memorandum submitted by the International Labour Office, that the Discrimination (Employment and Occupation) Convention, 1958, (No. 111) had been ratified by six Member States during the year 1964, bringing the total number of ratifications to 49.^{1/} The representative of

1/ Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, China, Costa Rica, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Federal Republic of Germany, Gabon, Ghana, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Islamic Republic of Mauritania, Israel, Italy, Ivory Coast, Jordan, Liberia, Libya, Malagasy Republic, Mali, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Portugal, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Viet-Nam, Yugoslavia.

the International Labour Organisation, supplementing the information contained in the ILO memorandum, said that, since the preparation of that document, Canada had ratified Convention No. 111, bringing the total number of ratifications to 50.

361. The Sub-Commission was further informed that the Committee on the Application of Conventions and Recommendations of the International Labour Conference had, at its 48th session in 1964, appealed to the States Members of the International Labour Organisation which had not ratified the Conventions dealing with fundamental human rights (notably the instruments relating to discrimination) to endeavour to do so as soon as possible, and to all Member States to remove all obstacles which may prevent the effective implementation of these Conventions both in law and in practice. The Committee likewise called on the International Labour Organisation to give such technical assistance as it might be requested to provide to countries in process of development which might experience difficulties in implementing these Conventions.^{1/}

362. The Sub-Commission was further informed that the Governing Body of the International Labour Office, at its 159th session, had approved the long-term programme of the International Labour Organisation in the field of discrimination. So far as research is concerned, this programme includes the preparation of studies of the entire problem of discrimination in employment and occupation, including the closely-related fields of education, housing and social relationships. In addition, it provides for a clearing house for information on discrimination in employment and occupation and for the introduction of a promotional and educational programme in connexion with the campaign against discrimination in employment and occupation and related fields. Thirdly, this programme provides for technical assistance by the International Labour Organisation to governments which request it for the elimination of discrimination in employment and occupation. The Governing Body of the International Labour Office recommended furthermore that, in connexion with discrimination, there should be close co-operation between the International Labour Organisation, the United Nations, the United Nations Educational, Scientific and Cultural Organization, employers' and workers' organizations, and non-governmental organizations actively engaged in combating discrimination.

^{1/} International Labour Conference, Forty-eighth session, 1964. Report of the Committee on the Application of Conventions and Recommendations, para.12.

363. Various members of the Sub-Commission expressed their satisfaction with the ratification of the convention on Discrimination in Employment and Occupation by fifty countries and with the additional ratifications of other conventions in related fields, such as the Equal Remuneration Convention, 1951 (No.100), the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) and the Equality of Treatment (Social Security) Convention, 1962 (No. 118). Members also expressed their satisfaction with the recommendation of the Governing Body of ILO that there should be close co-operation between the United Nations, ILO, UNESCO, employers' and workers' organizations, and non-governmental organizations actively engaged in combating discrimination.

Studies on discrimination

364. The Sub-Commission was informed by the Secretary-General that the Commission on Human Rights had not had the time to complete its consideration of the draft principles on freedom and non-discrimination in the matter of religious rights and practices, the draft principles on freedom and non-discrimination in the matter of political rights, the study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, or the draft principles on freedom and non-discrimination in respect of that right. Various members of the Sub-Commission expressed their concern at the slow rate of progress in the Commission on Human Rights, and recalled that some years had elapsed since the Sub-Commission had submitted the studies in question to its parent body. The hope was expressed that the Commission on Human Rights would find it possible to consider these studies as soon as possible and, in particular, to deal with the draft principles prepared by the Sub-Commission relating to discrimination in the matter of political rights and discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

Manifestations of racial prejudice and national and religious intolerance

365. In the memorandum submitted by the Secretary-General, the Sub-Commission was informed that, at its eighteenth session, the General Assembly had postponed consideration of a report (A/5473 and Add.1-3) entitled "Manifestations of racial prejudice and national and religious intolerance", submitted to it by the Secretary-General. A further

report on the subject (A/5703 and Add.1) had been submitted to the General Assembly at its 19th session by the Secretary-General. Both reports summarized action taken by the Governments of Member States, the specialized agencies, and the non-governmental organizations concerned, in compliance with General Assembly Resolution 1779 (XVII). 366. Members of the Sub-Commission expressed the view that energetic measures should be taken to combat any manifestations of racial prejudice and national and religious intolerance. In this connexion the question was raised concerning the sufficiency of reports on this subject prepared by governments. In particular, the view was expressed that there was a need to fill any gaps which might exist in the information supplied by governments, since government departments were not always well-informed and government officials had an understandable reluctance to acknowledge deficiencies in their own countries. On the other hand, it was asserted that governments should remain the basic sources for the studies undertaken by the Sub-Commission, since they were as a matter of course fully informed as to the facts. It was pointed out that the Sub-Commission had never confined itself to government reports for its studies, but had utilized, in addition, information supplied by the Secretary-General, the specialized agencies, and non-governmental organizations, as well as information obtained from the writings of recognized scholars and scientists. In this way the Sub-Commission had avoided drawing exclusively upon governmental sources. At the same time it had found it necessary to exercise great care in order to ensure that the non-governmental sources utilized were sound and that its studies were not based on rumour or on materials of a polemical nature. One member of the Sub-Commission suggested that, having regard to the Declaration on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly in 1963, the Sub-Commission should retain at the centre of its work the subject of racial discrimination and should appoint a Special Rapporteur to make a systematic survey of manifestations of racial discrimination, and to prepare a report for the Sub-Commission.

Consideration of draft resolutions

367. Three draft resolutions relating to the Sub-Commissions review of further developments in fields which had already been the subject of study or enquiry were submitted by members of the Sub-Commission: the first by Mr. Ingles and Mr. Krishnaswami (E/CN.4/Sub.2/L.366), the second by Mr. Calvocoressi and Mr. Capotorti (E/CN.4/Sub.2/L.368), and the third by Mr. Juvigny and Mr. Ketrzynski (E/CN.4/Sub.2/L.367).

368. Mr. Calvocoressi and Mr. Capotorti, noting the similarity of many portions of their draft resolution to that submitted by Mr. Ingles and Mr. Krishnaswami, withdrew their text with the exception of operative paragraph 3. Mr. Ingles and Mr. Krishnaswami revised their draft resolution to incorporate operative paragraph 3 of the text which had been submitted by Mr. Calvocoressi and Mr. Capotorti, as well as the full substance of the resolution submitted by Mr. Juvigny and Mr. Ketrzynski. Mr. Nassinovsky proposed the inclusion in the draft resolution of a provision by which the Sub-Commission would decide to continue its study of racial discrimination, but did not press this proposal to a vote.

369. The revised draft resolution (E/CN.4/Sub.2/L.370), as amended orally, was adopted unanimously by the Sub-Commission at its 440th meeting, as follows:

RESOLUTION 5 (XVII)^{1/}

REVIEW OF FURTHER DEVELOPMENTS IN THE FIELDS WHICH HAVE ALREADY
BEEN THE SUBJECT OF STUDY OR INQUIRY INITIATED BY THE SUB-COMMISSION

i.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Having received the memorandum submitted by UNESCO on its recent activities in the field of discrimination in education (E/CN.4/Sub.2/247), the memorandum submitted by the International Labour Office on discrimination in the field of employment and occupation (E/CN.4/Sub.2/245), the memorandum submitted by the Secretary-General relating to discrimination in the matter of religious rights and practices, in the matter of political rights, and in respect of the rights of everyone to leave any country, including his own, and to return to his country; and to manifestations of racial prejudice and national and religious intolerance (E/CN.4/Sub.2/244), and

Having heard the statements of the representatives of the International Labour Organisation and of UNESCO,

1. Thanks the Secretary-General, the Director-General of ILO and the Director-General of UNESCO for the steps they have taken to apprise the Sub-Commission of further measures adopted by their Organizations to prevent discrimination;

^{1/} The financial implications of this resolution are set out in Annex II.

2. Takes note with satisfaction (a) of the ratification, by fifty States Members of ILO, of the Discrimination (Employment and Occupation) Convention, 1958 (No.111); of the appeal of the International Labour Conference to the States Members of ILO which have not yet ratified the ILO Convention dealing with fundamental human rights (notably the instruments relating to discrimination) to endeavour to do so as possible, and to all Member States to remove all obstacles which may prevent their effective implementation both in law and in practice; and (b) of the approval by the Governing Body of ILO of a long-term programme to combat discrimination;

3. Also takes note with satisfaction (a) of the ratification or acceptance, by twenty-nine States Members of UNESCO, of the Convention Against Discrimination in Education, of the ratification by five States Members of UNESCO of the Protocol to that Convention providing for the establishment of a Conciliation and Good Offices Commission to seek settlement of disputes arising between States Parties; and (b) of the steps taken to draft a plan for periodic reports by Member States on the implementation of the Convention and Recommendation against Discrimination in Education;

4. Welcomes the recommendations of the Governing Body of ILO that there should be close co-operation between the United Nations, ILO, UNESCO, employers' and workers' organizations, and non-governmental organizations actively engaged in combating discrimination;

5. Expresses the hope that the Commission on Human Rights will be able at its twenty-first session to initiate, or pursue to a conclusion, consideration of the reports prepared by Mr. Krishnaswami on discrimination in the matter of religious rights and practices, by Mr. Santa Cruz on discrimination in regard to political rights and by Mr. Ingles on discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, and the draft principles approved by the Sub-Commission and appended to these reports;

6. Requests the Commission on Human Rights to appeal to all States Members of the United Nations and of the specialized agencies to ratify, as soon as possible, the ILO Discrimination (Employment and Occupation) Convention and the Convention Against Discrimination in Education, as well as the Protocol thereto;

7. Welcomes with satisfaction the adoption by the General Assembly of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, and resolves to continue to review further developments in the field of elimination of all forms of racial discrimination;

8. Decides to retain on its agenda the item: "Review of further developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission".

B

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Desiring its members and collaborators to be kept informed of current developments relating to the prevention of discrimination and the protection of minorities,

Requests the Secretary-General to prepare and circulate three times each year, within the budgetary resources available to him, to the members of the Sub-Commission and to the specialized agencies and non-governmental organizations which collaborate in the Sub-Commission's work, a news-letter summarizing current developments throughout the world, and particularly within the United Nations system, relating to the prevention of discrimination and the protection of minorities. .

VI. MEASURES TO BE TAKEN FOR THE CESSATION OF ANY ADVOCACY OF NATIONAL, RACIAL OR RELIGIOUS HOSTILITY THAT CONSTITUTES AN INCITEMENT TO HATRED AND VIOLENCE, JOINTLY OR SEPARATELY

Item 8 of the agenda

370. At its 455th and 456th meetings, the Sub-Commission examined item 8 of its agenda, "Measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately".

371. The Sub-Commission had before it a draft resolution submitted by Mr. Nassinovskiy (E/CN.4/Sub.2/L.396), which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Guided by the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, adopted in 1963, (General Assembly Resolution 1904 (XVIII)),

"Bearing in mind General Assembly resolution 1905 (XVIII) concerning publicity to be given to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

"Having regard to Economic and Social Council resolution 1016 (XXXVII), which calls for effective steps, including legislative measures, to implement the Declaration of 1963, and for the prohibition and prosecution of racist organizations,

"Recognizing that racial discrimination is a form of discrimination which is not only offensive to human dignity but constitutes one of the most flagrant violations of elementary human rights and creates a serious danger to peace,

"Being anxious to promote the speediest elimination of all forms of racial discrimination,

"1. Decides to carry out, in the light of the Declaration on the elimination of All Forms of Racial Discrimination, a special study of racial discrimination in the political, economic and social spheres, including a study of the prohibition of the activities of racist organizations and of racist propaganda;

"2. Appoints Mr. Rapporteur for the subject mentioned in paragraph 1,

"3. Requests the Secretary-General of the United Nations to provide the Rapporteur named in paragraph 2 with the necessary assistance,

"4. Requests Mr., the Special Rapporteur, to submit a preliminary study for consideration at the eighteenth session of the Sub-Commission".

372. The Sub-Commission also had before it a statement submitted by the Co-ordinating Board of Jewish Organizations (E/CN.4/Sub.2/NGO/40). During the debate it heard a statement by the Observer from Israel (E/CN.4/Sub.2/SR.434).

373. In introducing his draft resolution, Mr. Nassinovsky stressed the importance of the subject under consideration and urged that the Sub-Commission should give it due attention. He pointed out that the wording of his draft resolution had been inspired by the text of the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, and that its purpose was to initiate a study similar to those which the Sub-Commission had already undertaken.

374. In the ensuing debate, several members of the Sub-Commission expressed an interest in the proposed study and the hope that it could be undertaken in the near future. But it was recognized that there were serious financial and administrative implications, to which the attention of the Sub-Commission was drawn (E/CN.4/Sub.2/SR.455).

375. A number of members felt that it would be unrealistic to initiate such an important new study immediately, in view of the fact that the Secretariat was not in a position to give assistance to the Rapporteur if one were to be appointed. They therefore suggested various preliminary steps which could be taken in the immediate future: for example, the preparation of an inventory of all available literature relating to measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence. It was pointed out that UNESCO could provide references to publications available in the field of race relations, and that various non-governmental organizations in consultative status might be able, upon request, to supply information on relevant studies which they had completed. In addition, a survey of all the relevant activities undertaken by organs and agencies within the United Nations system was suggested.

376. In the light of the debate on the draft resolution, Mr. Ferguson proposed the following amendments:

1. Insert a new paragraph after preambular paragraph 3, reading as follows:

"Bearing in mind the work of the United Nations relating to religious intolerance and discrimination based on religion or belief."

2. Delete, from the fourth preambular paragraph, the words "creates a serious danger to peace" and replace them by the words "which is capable of disturbing peace and security among peoples".

3. In operative paragraph 1, delete the words "including a study of prohibition of the activities of racist organizations and of racist propaganda".

4. Delete operative paragraphs 2, 3 and 4, and replace them by the following operative paragraph:

"2. Requests the Secretary-General to prepare, as soon as possible, a list of documentary references to studies undertaken by the United Nations, UNESCO and other specialized agencies and competent non-governmental organizations in consultative status, relating to advocacy of national, racial or religious hostility."

377. After Mr. Nassinovsky had accepted the first, third and fourth amendments proposed by Mr. Ferguson, had revised the text of his proposal accordingly, and had made several drafting changes in the light of the debate which had occurred, the second amendment proposed by Mr. Ferguson was put to the vote, by roll-call. The voting was as follows:

In favour: Mr. Awad, Mr. Calvo-Cressi, Mr. Capotorti, Mr. Ferguson, Mr. Ingles and Mr. Juvigny.

Against: Mr. Ketrzynski, Mr. Nassinovsky.

Abstaining: Mr. Abu Rannat, Mr. Huidobro, Mr. Krishnaswami, Mr. Tello Macias, Mr. Saario and Mr. Schiller.

Thus the amendment was adopted by 6 votes in favour and 2 against with 6 abstentions.

378. The draft resolution as amended, was adopted unanimously as follows:

RESOLUTION 6(XVII)

MEASURES TO BE TAKEN FOR THE CESSATION OF ANY ADVOCACY
OF NATIONAL, RACIAL AND RELIGIOUS HOSTILITY THAT CONSTITUTES
AN INCITEMENT TO HATRED AND VIOLENCE, JOINTLY OR SEPARATELY

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, adopted in 1963, (General Assembly resolution 1904(XVIII)),

Bearing in mind General Assembly resolution 1905 (XVIII) concerning publicity to be given to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Having regard to Economic and Social Council resolution 1016 (XXXVII), which recommends to the General Assembly to call upon the Member States to take effective steps, including legislative measures, for the implementation of the Declaration of 1963, and for prosecution and or prohibition of racist organizations.

Bearing in mind the work of the United Nations relating to religious intolerance and discrimination based on religion or belief,

Recognizing that racial discrimination is a form of discrimination which is not only offensive to human dignity but constitutes one of the most flagrant violations of elementary human rights and which is capable of disturbing peace and security among peoples,

Being anxious to promote the speediest elimination of all forms of racial discrimination and religious hostility,

1. Decides to carry out, in the light of the Declaration on the Elimination of all Forms of Racial Discrimination, a special study of racial discrimination in the political, economic, social and cultural spheres;
2. Requests the Secretary-General to prepare, as soon as possible, a list of documentary references to studies undertaken by the United Nations, UNESCO and other specialized agencies, and competent non-governmental organizations in consultative status, relating to advocacy of national, racial or religious hostility.

VII. PROTECTION OF MINORITIES

Item 9 of the agenda

379. At its 456th meeting, the Sub-Commission examined item 9 of its agenda, "Protection of Minorities".

380. A draft resolution relating to the protection of minorities was submitted to the Sub-Commission by Mr. Schiller (E/CN.4/Sub.2/L.379). It proposed that the Secretary-General should be requested to take the appropriate steps, within the budgetary resources available to him, for printing, circulating and making available for sale to the public a publication which would include the memorandum by the Secretary-General listing and classifying special protective measures of an international character for ethnic, religious or linguistic groups (E/CN.4/Sub.2/221), and the compilation of the texts of those international instruments and similar measures of an international character which are of contemporary interest and which provide special protective measures for ethnic, religious or linguistic groups (E/CN.4/Sub.2/214). A statement of the financial implications of the draft resolution was presented by the Secretary-General (see Annex II, part B).

381. In explaining his proposal, Mr. Schiller recalled that the Sub-Commission had, by 8 votes to none, with 1 abstention, addressed a similar request to the Secretary-General at its sixteenth session (E/CN.4/873, resolution 6(XVI)). The Commission on Human Rights had considered the request, and its financial implications, at its 312th meeting, but had not approved it, rejecting a draft resolution submitted by the representative of Austria by 4 votes to 3, with 13 abstentions. Since that time, however, there had been a notable increase of public interest in the matter of the protection of minorities. This new factor, Mr. Schiller believed, might influence the Commission to reconsider its earlier decision.

382. Various members of the Sub-Commission expressed the view that the publication envisaged by Mr. Schiller would be a useful one, subject (in the case of some members) to reservations about the financial implications. A few drafting changes in the preambular paragraphs were suggested, and accepted by Mr. Schiller. On the suggestion of Mr. Ingles, and in view of the financial implications of the draft resolution, Mr. Schiller agreed that the request in the operative paragraph should be addressed to the Commission on Human Rights, which should

be asked to authorize the Secretary-General to print and circulate the publication in question.

383. The draft resolution, as revised, was adopted by 12 votes in favour and none against, with 2 abstentions, as follows:

RESOLUTION 7 (XVII)^{1/}
PROTECTION OF MINORITIES

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 6 (XVI), on the protection of minorities, in which it requested the Secretary-General to print as a single publication, available to the public, the memorandum by the Secretary-General listing and classifying special protective measures of an international character for ethnic, religious or linguistic groups (E/CN.4/Sub.2/221) and the compilation of the texts of those international instruments and similar measures of an international character which are of contemporary interest and which provide special protective measures for ethnic, religious or linguistic groups (E/CN.4/Sub.2/214),

Noting that action was not forthcoming last year, as proposed in the said resolution, which was not adopted,

Considering that the proposed publication is still desirable,

1. Requests the Commission on Human Rights to authorize the Secretary-General to take appropriate steps, within the budgetary resources available to him, for printing, circulating and making available for sale to the public such a publication as soon as possible;

2. Decides that the question of the Protection of Minorities shall remain on the agenda of the Sub-Commission.

^{1/} The financial implications of this resolution are set out in Annex II.

VIII. PERIODIC REPORTS ON HUMAN RIGHTS

Item 10 of the agenda

384. As requested by the Economic and Social Council in resolution 888 B (XXXIV), the Secretary-General transmitted to the Sub-Commission, for its comments, a summary (E/CN.4/860) of the periodic reports on human rights transmitted by Governments under the reporting procedure initiated in 1956 by the Economic and Social Council (resolution 624 B (XXII)) and the Commission on Human Rights (resolution 1 (XII)). These reports constitute the third series of periodic reports, covering the years 1960-1962. The Secretary-General also transmitted to the Sub-Commission the report received from the International Labour Office (E/CN.4/861/Add.1) on Measures in the Field of Human Rights. Within the Competence of the I.L.O. Adopted During the Period 1960-1962, and the report received from the United Nations Educational, Scientific and Cultural Organization (E/CN.4/861/Add. 2 and 3), on Developments and Progress Achieved by Members States with Respect to Articles 19, 26 and 27 of the Universal Declaration of Human Rights (1960-1962).

385. The Sub-Commission considered this item at its 456th meeting.

386. Being unable, through lack of time, to examine the periodic reports or to prepare comments on them, the Sub-Commission took note of them.

IX. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION

Item 11 of the agenda

387. At its 456th meeting, the Sub-Commission examined item 11 of its agenda, "Consideration of the future work of the Sub-Commission". A draft resolution was submitted to the Sub-Commission by Mr. Krishnaswami (E/CN.4/Sub.2/L.412), which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities

"Recalling that the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948, aimed at preventing and punishing the intentional destruction of national, racial, religious or ethnic groups as such, has been in force since 12 January 1951;

"Noting that nevertheless allegations of genocide occurring in various parts of the world have been made in recent years;

"Believing that there may exist a need for further measures to prevent and punish the crime of genocide, including the possibility of establishing an international organ for the investigation and assessment of allegations of genocide;

"Requests the Commission on Human Rights to recommend to the Economic and Social Council that it undertake a study of what further measures are required to implement the Convention on the Prevention and Punishment of the Crime of Genocide."

388. Mr. Krishnaswami pointed out that although the United Nations Convention on the Prevention and Punishment of the Crime of Genocide had been adopted by the General Assembly of the United Nations in 1948, and had been in force since 12 January 1951, there was still evidence of the occurrence of acts of genocide in various parts of the world. On several occasions, allegations of genocide had been brought to the attention of the General Assembly. Mr. Krishnaswami recalled that the crime of genocide was invariably directed against a minority group, although the destruction of the group might take various forms, including massacres, executions or acts subjecting the group to such conditions that its members could not continue to live. The General Assembly, in adopting the Convention, had considered the question of international jurisdiction and had referred, in Article VI of the Convention, to the trial of persons charged with genocide "by such international penal tribunal as may have jurisdiction with respect to those contracting States that shall have accepted its jurisdiction." The International Law Commission had been invited to study the desirability and possibility of establishing such an international judicial organ.

389. However, in Mr. Krishnaswami's view, the urgent need was not so much for an international criminal organ as for an international body which would endeavour to prevent the crime of genocide before it actually occurred on a massive scale. Such a body should be able to investigate and to assess allegations of genocide, and to take the steps necessary to halt at its outset the deliberate destruction of a national, racial, religious or ethnic group.

390. The suggestion put forward by Mr. Krishnaswami was warmly supported by several members of the Sub-Commission. Mr. Nassinovsky expressed the view that the proposal was an extremely important and necessary one, as it aimed at the effective implementation of the Convention on the Prevention and Punishment of the Crime of Genocide. He pointed out that the climate of public opinion had changed considerably since that Convention had been adopted in 1948, and that in subsequent years effective measures had been adopted for the implementation of less important conventions. In the light of these developments, he felt, the Sub-Commission was fully justified in requesting the Commission on Human Rights to take the initiative in studying what further measures might be required to implement the genocide convention. Mr. Ferguson likewise warmly supported the draft resolution and felt that it dealt with a matter which was extremely important for all victims of persecution and discrimination throughout the world. Mr. Saario added his support and emphasized that racial, national and ethnic groups had the same right to live as individuals, and that genocide was a massive deprivation of the right to life which was almost invariably directed against minorities.

391. Some doubts were expressed about the competence of the Sub-Commission to deal with the question of genocide, but others argued that it was clearly within the field of the protection of minorities and pointed out that the Sub-Commission, on at least one previous occasion, had forwarded a recommendation to the Commission on Human Rights relating to the need for further ratifications of the Genocide Convention without challenge to its competence.

392. Some members queried whether the draft resolution, as presented by Mr. Krishnaswami, properly fell within the terms of the agenda item "Consideration of the future work of the Sub-Commission". Mr. Krishnaswami replied that he had had in mind that the Sub-Commission itself might undertake the study referred to in his draft, although he had considered it preferable to suggest that it should be initiated by the Commission on Human Rights in as much as the Commission was composed of government representatives.

393. As regards other aspects of the future work of the Sub-Commission, Mr. Nassinovsky urged that the Sub-Commission should in the future concentrate on central rather than subordinate issues relating to discrimination, and in particular should concentrate on the elimination of the problems of apartheid, racial discrimination and discrimination in the fields of civil, political, economic, social and cultural rights. In this connexion, Mr. Ferguson observed that the Sub-Commission should not lose sight of the fact that it is the only organ of the United Nations authorized to deal directly with problems of discrimination in respect of the recognition and enjoyment of civil and political rights, and that it should therefore endeavour to concentrate on those rights, which were not within the terms of reference - as were many of the economic, social and cultural rights - of any specialized agency.

394. In the light of the discussion of his draft resolution (see para. 387), Mr. Krishnaswami revised it by deleting the second part of the third preambular paragraph and substituting for the operative paragraph the following text:

"1. Requests the Commission on Human Rights to give consideration to further measures that are required to reinforce the prevention and punishment of the crime of genocide, and to give wider effect to the Convention on the Prevention and Punishment of the Crime of Genocide;

"2. Decides to put the question of genocide on the agenda of its eighteenth session."

395. The draft resolution, as revised by Mr. Krishnaswami, was adopted unanimously as follows:

RESOLUTION 3 (XVII)

FUTURE WORK OF THE SUB-COMMISSION

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recalling that the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 and aimed at preventing and punishing the intentional destruction of national, racial, religious or ethnic groups as such, has been in force since 12 January 1951;

Noting that nevertheless allegations of genocide occurring in various parts of the world have been made in recent years;

Believing that there may exist a need for further measures to prevent and punish the crime of genocide;

1. Requests the Commission on Human Rights to give consideration to further measures that are required to reinforce the prevention and punishment of the crime of genocide and give wider effect to the Convention;
2. Decides to put the question of genocide on its agenda for its eighteenth session.

X. ADOPTION OF THE REPORT OF THE SUB-COMMISSION TO THE
COMMISSION ON HUMAN RIGHTS

Item 13 of the agenda

396. The Sub-Commission considered the draft report of its seventeenth session (E/CN.4/Sub.2/L.368 and Adds 1-8) at its 457th meeting on 29 January 1965, and adopted this report, as revised by the Rapporteur, unanimously.

ANNEX I

Texts relating to the Draft Convention on the Elimination
of all Forms of Religious Intolerance submitted by members
of the Sub-Commission

A

Mr. Calvocoressi: Draft Convention on the elimination of all
forms of religious intolerance

States Parties to this Convention

Believing that the practice of tolerance, affirmed in the United Nations Charter as an aim of the United Nations, should include and require the practice of religious tolerance,

Considering that the Universal Declaration of Human Rights provides that everyone has the right of freedom of thought, conscience and religion - including freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship or observance,

Have agreed as follows:-

PART ONE - INTOLERANCE

Article I

States Parties to the present Convention condemn all forms of religious intolerance and undertake to practise a policy of religious tolerance in the territory under their jurisdiction.

Article II

States Parties undertake to strive to promote the spirit of mutual understanding and tolerance between persons and groups of different religions and beliefs. In particular they agree to take all possible steps, by means of education, information and instruction, to eradicate those prejudices which give rise to intolerance between such persons and groups.

Article III

States Parties undertake to respect the right of every person to freedom of thought, conscience and religion; this right includes the freedom of every person to change his religion or belief.

Article IV

States Parties undertake to guarantee the right of every person and every group or community to manifest their religion or belief in public or private; and in particular:-

- (a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- (b) freedom to teach, to disseminate at home and abroad, and to learn their religion or belief, and also its sacred languages or traditions;
- (c) freedom to practise their religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;
- (d) freedom, alone or in association with others, to comply with the tenets of their religion or belief, to observe its rituals, dietary and other practices, and to produce the objects, foods and other articles and facilities customarily used in its observances and practices, with freedom to import such articles from abroad if necessary. Where the State controls the means of production and distribution it shall make these articles and foods available or provide the means for their purchase or production;
- (e) freedom to observe the Holy Days associated with their religion or belief, the right to make pilgrimages and other journeys in connexion with their religion or belief, whether inside or outside their country, and freedom of access to all Holy Places;
- (f) legal protection for their places of worship, for their rites, ceremonies, and activities, and for the burial places associated with their religion or belief;
- (g) freedom to organize and maintain local, regional, national and international associations in connexion with their activities, and to communicate with and visit their co-religionists and believers, whether individuals or organizations, at home or abroad.

Article V

States Parties undertake to guarantee the right of parents or legal guardians to decide upon the religion or belief in which a child should be brought up. In the case of a child who has been deprived of its parents, their expressed or presumed wish shall be duly taken into account.

Article VI

States Parties agreed that:

- (1) no limitations shall be placed on the right to freedom of thought, conscience and religion.
- (2) the freedoms and rights set out elsewhere in this Convention shall be subject only to the restrictions prescribed by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the legitimate requirements of morality, health, public order and the general welfare in a democratic society. Any restrictions which may be imposed shall be consistent with the purposes and principles of the United Nations and with the rights and freedoms stated in the Universal Declaration of Human Rights. These freedoms and rights may be in no case exercised contrary to the purposes and principles of the United Nations.

PART TWO - DISCRIMINATION

Article VII

In this Part of the Convention the term "discrimination on ground of religion or belief" shall mean any distinction, exclusion, restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article VIII

1. States Parties to the present Convention condemn discrimination on ground of religion or belief and undertake to pursue by all appropriate means and without delay a policy of eliminating such discrimination in all its form, and to this end:

(a) Each State Party undertakes to engage in no act or practice of discrimination on ground of religion or belief against persons, group of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party shall take effective measures to review governmental and other public policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating discrimination on ground of religion or belief wherever it exists;

(c) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation if necessary, discrimination on ground of religion or belief by any person, group or national organization.

Article IX

State Parties condemn all propaganda and organizations which justify or promote hatred and discrimination based on religion or belief in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination.

Article X

State Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent tribunals against any acts of discrimination on ground of religion or belief which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

B

Mr. Abram: Draft Convention on the elimination of all forms
of religious intolerance

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principle 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 for the achievement of one of the purposes of the United Nations, which is to promote and encourage universal respect for an 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 was adopted by the General Assembly as a common standard of achievement for all peoples and all nations, and Article 18 thereof has proclaimed the right to freedom of thought, conscience and religion,

Have Agreed as Follows:

Article I. For the purpose of this Convention:

1. "Freedom of religion and belief" shall include freedom of theistic or non-theistic religion, freedom of conscience, and freedom to reject or to deny the validity of all or part of any religion or belief.
2. "Discrimination on ground of religion or belief" shall mean any distinction, exclusion, restriction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article II. States Parties shall take all appropriate action to preserve, to protect and to defend the right to freedom of religion and belief including the freedom to change one's religion or belief, and the freedom either alone or in community with others, and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance.

Article III. The obligations of States Parties assumed in Article II include in particular the guarantee to every person or legal entity within its jurisdiction of the following freedoms and protections to be enjoyed individually or as a member of a group or community in public or private:

1. Freedom to worship, to assemble and to establish and maintain places of worship or assembly;
2. Freedom to teach, to disseminate, and to learn his religion or belief, including its sacred languages or traditions;
3. Freedom to observe the rites, dietary practices and customs of his religion or belief, and to produce the objects, foods and other articles and facilities customarily used in its observances and practices. Where the State controls the means of production and distribution, it shall make these articles and foods available or provide the means for their purchase or production, including freedom to import them from abroad if necessary;
4. Freedom to practice his religion or belief through acts of service and mercy, including establishing and maintaining charitable and educational institutions; and by expressing the implications of religion or belief in public life;
5. Freedom to observe the Holy Days associated with his religion or belief, to make pilgrimages and other journeys in connexion with his religion or belief, whether inside or outside his country, and to be granted access to all Holy Places;
6. Legal protection for his places of worship, and for the rites, ceremonies, activities, and burial places associated with his religion or belief;
7. Freedom to organize and maintain local, regional, national and international associations in connexion with the activities of his religion or belief, and to communicate with and visit his co-religionists and believers, whether individuals or organizations, at home or abroad.
8. Protection of the law against promotion or incitement of discrimination on ground of religion or belief by any public authority or public institution, national or otherwise; and against violence or incitement to violence on ground of religion or belief by private persons or groups.

Article IV. Without limiting any human right or fundamental freedom presently enjoyed, no State Party or public authority thereof shall make or enforce any policy, law, rule or regulation restricting or impeding freedom of religion and belief or the free and open exercise thereof; nor discriminate against any person, group or organization on account of membership in, practice of, or adherence to any religion or belief, or lack thereof.

Article V. A child has the right to be brought up in the religion or belief determined by his parents or legal guardians, the best interest of the child being the guiding principle.

Article VI. State Parties undertake to adopt immediate and effective measures as appropriate, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to discrimination based on religion or belief, and to promote understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

Article VII. State Parties shall assure to everyone within their jurisdiction effective protection and remedies through competent tribunals against any acts of discrimination on the ground of religion or belief which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article VIII. In the exercise of the rights and freedoms herein, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

C

Mr. Krishnaswami: Draft Convention on the elimination of
all forms of religious intolerance

PREAMBLE

The States Parties to the present Convention,

Considering that the peoples of the United Nations have, in the Charter, reaffirmed their faith in human rights and fundamental freedoms, and have taken a stand against all forms of discrimination;

Considering that the Universal Declaration of Human Rights proclaims the principle of non-discrimination and the right to freedom of thought, conscience, religion and belief;

Considering that the disregard of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion and belief, have brought great suffering to mankind;

Considering that religion, for anyone who professes it, is a fundamental element in his conception of life, and that therefore freedom to practise religion as well as to manifest a belief should be fully respected and guaranteed;

Considering it essential that Governments, organizations, and private persons should strive to promote through education, as well as by other means, a spirit of understanding, tolerance and friendship in matters of religion and belief;^{1/}

Concerned by manifestations of religious intolerance still in evidence in some areas of the world;^{2/}

Resolved to adopt all necessary measures for eliminating speedily religious intolerance in all its forms and to prevent and combat discrimination in respect of the right to freedom of thought, conscience, religion and belief;^{3/}

1/ The first five paragraphs are taken from the text of paragraphs of the preamble of the draft principles on freedom and non-discrimination in the matter of religious rights and practices, adopted by the Commission on Human Rights at its Eighteenth Session (E/3616/Rev.1, para. 158).

2/ Based on the preamble of the Draft Convention Against all Forms of Racial Discrimination (para. 7).

3/ Ibid, para. 8

Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by the ILO in 1958 and the Convention Against Discrimination in Education adopted by UNESCO in 1960;^{4/}

Have agreed as follows:

ARTICLE I^{5/}

(1) In this Convention the term "discrimination on the ground of religion or belief" shall mean any distinction or preference based on religion or belief which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public activity, as well as any interference with, or restriction of, the profession, observance or manifestation of any religion or belief by individuals or groups which impairs, or tends to impair, the free exercise, profession or manifestation of any religion or belief in accordance with the dictates of that religion or belief.

(2) For the purposes of this Convention the term "religion or belief" includes both religious beliefs and non-religious beliefs such as agnosticism, free thought, atheism and rationalism.

(3) For the purposes of this Convention the establishment of a religion or belief by a State shall not be considered automatically to be discriminatory.

ARTICLE II^{6/}

1. States Parties to the present Convention shall assure to everyone within their jurisdiction the right to freedom of thought, conscience, religion and belief; 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 in private, to manifest his religion or belief in worship, observance, practice and teaching.

2. States Parties shall assure to everyone within their jurisdiction freedom from any coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

4/ Ibid, para.9

5/ Based on suggested definitions transmitted to the Commission on Human Rights by the Working Group on the Draft Declaration (E/CN.4/L.713/Rev.1, para.5)

6/ The first four paragraphs comprise the text of Article 18 of the Draft Covenant on Civil and Political Rights, adopted by the Third Committee of the General Assembly, except for portions in parentheses.

3. States Parties shall subject manifestations of freedom of thought, conscience, religion and belief 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;

4. States Parties undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions; (however, where a child has been deprived of its parents, the decision as to the religion or belief in which that child is to be brought up should be made primarily in accordance with the objectively ascertained interests of the child, the expressed or presumed wishes of the parents being duly taken into account.)

ARTICLE III^{1/}

States Parties to this Convention condemn discrimination between human beings on the ground of religion or belief, which is an offence to human dignity, as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations, and to this end:

- (a) No State Party or public authority thereof shall subject any person, group, or institution, on the ground of religion or belief, to any discrimination in the recognition, exercise or enjoyment of human rights and fundamental freedoms;
- (b) Each State Party undertakes to make available effective remedial relief by the competent national tribunals against any acts of discrimination that may be suffered by any person, group or institution on the ground of religion or belief with respect to his fundamental human rights and freedoms as set forth in the Universal Declaration of Human Rights.
- (c) Each State Party shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, including the

^{1/} Based on articles 2, 3 and 4 of the text prepared by the working group on the declaration, except for sub-paragraph (e), which is based on Principle 4 formulated by the Sub-Commission (E/CN.4/Sub.2/200/Rev.1, Annex 1).

enactment or rescinding of legislation where necessary to prohibit such discrimination and the taking of all appropriate measures to combat those prejudices which lead to religious intolerance;

- (d) Each State Party shall take effective measures to prevent discrimination based on religion or belief in the fields of civil rights, citizenship, and the enjoyment of political rights such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country, as well as in the field of labour and employment;
- (e) Each State Party shall declare an offence punishable by law the destruction or desecration of any sacred place, place of worship or place for burial associated with a religion or belief, or of the religious or other symbols displayed in those places.

ARTICLE IV^{8/}

1. No State Party to this Convention or public authority thereof shall prevent members of a religion or belief from acquiring or producing the materials and objects necessary for the performance or observance of prescribed rituals or practices, including dietary practices.

2. Such States Parties as control the means of production or distribution of such materials or objects shall make them, or the means of the producing them, available to members of the religion or belief concerned (and if necessary permit them to be imported).

ARTICLE V^{9/}

1. States Parties to the present Convention condemn all propaganda and organizations which justify or promote intolerance and discrimination between individuals, groups or institutions on the ground of religion or belief, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination and to this end, inter alia:

- (a) Shall declare an offence punishable by law all incitement to such discrimination resulting in acts of violence, as well as all acts of violence or incitement to such acts against any religion or belief or its adherent;

^{8/} Based on Principle 4 formulated by the Sub-Commission.

^{9/} Based on Articles 4 and 7 of the draft convention against all forms of racial discrimination (E/3873, Chapter XI, Annex).

- (b) Shall declare illegal and prohibit organizations or the activities of organizations, as appropriate, and also organized propaganda activities, which promote and incite such discrimination resulting in acts of violence;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite to such discrimination resulting in acts of violence.

2. States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to combatting prejudices which lead to religious intolerance and to discrimination between persons, groups of persons or institutions on the ground of religion or belief, and to promote understanding, tolerance and friendship among nations and religious groups, as well as to propagating the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

ARTICLE VI^{10/}

States Parties to the present Convention undertake to make no adverse distinction between, and to give no undue preference to, any religion or belief or its followers or institutions as regards the granting of subsidies or exemptions from taxation, but this shall not preclude the levying of general taxes, the carrying out of obligations assumed as a result of arrangements made to compensate a religious organization for property taken over by the State, or the making of contributions from public funds towards the preservation of religious structures recognized as of historic or artistic value.

ARTICLE VII^{11/}

1. The States Parties to this Convention undertake to submit a report on the legislative or other measures which they have adopted and which give effect to the provisions of this Convention,

- (a) within one year after the entry into force of the Convention for the State concerned, and
- (b) thereafter every two years and whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

^{10/} Based on Part IV, para.2 of the draft principles on freedom and non-discrimination in the matter of religious rights and practices prepared by the Sub-Commission (E/CN.4/Sub.2/200/Rev.1, Annex I).

^{11/} Based on the text of Article 10 of the draft convention on the elimination of all forms of racial discrimination, prepared by the Sub-Commission (E/CN.4/873, resolution (XVI), Annex.)

2. All reports shall be submitted to the Secretary-General of the United Nations for consideration by the Economic and Social Council which may transmit them to the Commission on Human Rights or to a specialized agency for information, study and, if necessary, general recommendations.

3. The States Parties directly concerned may submit to the Economic and Social Council observations on any general recommendations that may be made in accordance with paragraph 2 of this article.

ARTICLE VIII

There shall be established under the auspices of the United Nations a Good Offices and Conciliation Committee (hereinafter referred to as "the Committee") to be responsible for seeking the amicable settlement of disputes between States Parties concerning the interpretation, application of fulfilment of the present Convention.

ARTICLE IX

1. The Committee shall consist of eleven members who shall be persons of high moral standing and acknowledged impartiality.

2. The members of the Committee, who shall serve in their personal capacity, shall be elected by the Economic and Social Council of the United Nations, on the recommendation of the Secretary-General, due consideration being given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

3. The Committee may not include more than one national of the same State.

ARTICLE X

The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if nominated. The terms of six of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these six members shall be chosen by lot by the President of the Economic and Social Council of the United Nations.

ARTICLE XI

When electing members of the Committee, the Economic and Social Council of the United Nations shall also designate, on the recommendation of the Secretary-General, an alternate for each member so elected. An alternate need not be of the same nationality as the member concerned, but both of them should be from the same geographical area or region.

ARTICLE XII

1. In the event of the death or resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

2. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, or is unable to continue the discharge of his duties, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall thereupon declare the seat of such member to be vacant.

3. In each of the cases provided for by paragraphs 1 and 2 of this article, the Secretary-General of the United Nations shall forthwith induct into office the alternate concerned as member of the Committee for the unexpired term and shall inform each State Party to this Convention accordingly.

ARTICLE XIII

Members of the Committee shall receive travel and per diem allowances in respect of the periods during which they are engaged on the work of the Committee from the resources of the United Nations on terms laid down by the General Assembly.

ARTICLE XIV

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations. Subsequent meetings may be held either at the Headquarters or at the European Office of the United Nations, as determined by the Committee.

2. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

ARTICLE XV

1. The Committee shall elect its Chairman and Vice-Chairman for a period of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure. Before adopting such rules, the Committee shall send them in draft form to the States then Parties to the Convention who may communicate any observation and suggestion they may wish to make within three months.

3. The Committee shall re-examine its rules of procedure if at any time so requested by any State Party to the Convention.

ARTICLE XVI

1. If a State Party to this Convention considers that another State Party is not giving effect to a provision of the Convention, it may, by written communication bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the complaining State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Secretary-General of the United Nations and to the other State.

ARTICLE XVII

The Committee shall deal with a matter referred to it under article 16 only after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law.

ARTICLE XVIII

In any matter referred to it, the Committee may call upon the States concerned to supply any relevant information.

ARTICLE XIX

1. Subject to the provisions of article 17, the Committee, after obtaining all the information it thinks necessary, shall ascertain the facts, and make available its good offices to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention.

2. The Committee shall in every case, and in no event later than eighteen months after the date of receipt by the Secretary-General of the United Nations of the notice under article 16, paragraph 2, draw up a report in accordance with the provisions of paragraph 3 below which will be sent to the States concerned and then communicated to the Secretary-General of the United Nations for publication. When an advisory opinion is requested of the International Court of Justice, in accordance with article 20, the time-limit shall be extended appropriately.

3. If a solution within the terms of paragraph 1 of this article is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Committee shall draw up a report on the facts and indicate the recommendations which it made with a view to conciliation. If the report does not represent, in whole or in part the unanimous opinion of the members of the Committee, any member of the Committee shall be entitled to attach to it a separate opinion. Any written or oral submission made by the parties to the case shall also be attached to the report.

ARTICLE XX

The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter of which the Committee is seized.

ARTICLE XXI

The Committee shall submit to the Economic and Social Council, through the Secretary-General of the United Nations, an annual report on its activities.

ARTICLE XXII

The States Parties to this Convention agree that any State Party complained of or lodging a complaint may, if no solution has been reached within the terms of article 19, paragraph 1, bring the case before the International Court of Justice after the report provided for in article 19, paragraph 3, has been drawn up.

ARTICLE XXIII

The provisions of this Convention shall not prevent the States Parties to the Convention from submitting to the International Court of Justice any dispute arising out of the interpretation or application of the Convention in a matter within the competence of the Committee; or from resorting to other procedures for settling the dispute, in accordance with general or special international agreements in force between them.

Mr. Nassinovsky : Draft articles for the draft convention on the elimination of all forms of religious intolerance

1. Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or to any religious or atheistic belief and to change his religion or belief in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair his freedom of choice or decision in the matter. Since religious or atheistic belief is a private matter affecting the conscience of every individual, the full freedom of conscience of every individual shall be ensured by the separation of religion from the State and of the school from the church.
2. All States shall embody the principle of freedom of conscience in their constitutions and legislation, enact or repeal legislation where necessary to prohibit discrimination based on religion or anti-religious belief, and take all appropriate steps to combat such discrimination.
3. Discrimination between human beings on the ground of religion or atheistic belief shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights. Every human being shall have the right to engage in religious worship or express atheistic beliefs. The propagation and fomentation of religious enmity and hatred shall be prohibited. All religious and atheistic organizations shall so conduct their activities as to strengthen universal peace, friendship among peoples and co-operation among States.
4. All States shall take effective measures to prevent and eliminate discrimination based on religion or anti-religious belief in all fields of civil, political, economic, social and cultural life. All churches and religious doctrines and movements are equal before the law. No church or religion may be granted any privileges or placed under any restrictions.
5. The freedom to hold religious or anti-religious beliefs is incompatible with the infringement or elimination of the rights and freedoms of others, breaches of public order, and impairment of morals. The conduct and propagation of all rites and ceremonies which are humiliating and offensive to human dignity, harmful to health or dangerous to human life shall be condemned.
6. The determining factor in deciding whether a child should receive a religious or atheistic upbringing shall be the interests of the child. If a child has attained a sufficient degree of discretion, his will shall be decisive. The forcible inculcation

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Mr. Inglès : Draft articles for the draft convention on the
elimination of all forms of religious intolerance

(I) Add a new article as follows:

States Parties undertake to assure to everyone equality before the law without any discrimination in the exercise of the right to freedom of thought, conscience and religion, and to equal protection of the law against any discrimination on the ground of religion or belief.

(II) Insert a new article, as follows :

1. The Committee may receive petitions addressed to the Secretary-General from any person or groups of individuals claiming to be the victim of a violation of this Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council alleging that a State Party is not giving effect to this Convention, provided that the State Party complained of has declared that it recognizes the competence of the Committee to receive such petitions.
2. The declaration of a State Party mentioned in the preceding paragraph may be made in general terms, or for a particular case or for a specific period, and shall be deposited with the Secretary-General who shall transmit copies thereof to the other States Parties.
3. In considering petitions submitted under this Article, the Committee shall be guided as far as possible by the principles and procedures outlined in Articles 17, 18 and 19 of this Convention.

ANNEX II

Financial implications of the decisions taken by the
Sub-Commission at its seventeenth session

Resolution 2 (XVII): Additional Measures of Implementation

1. The preliminary draft of additional measures of implementation in articles XIV to XXX of the draft convention on the elimination of all forms of religious intolerance, transmitted to the Commission on Human Rights (resolution 2 (XVII), Annex), proposes the establishment of a Good Offices and Conciliation Committee to consist of eleven members (see article XIV). Articles XV through XX provide inter alia that the members would serve in their personal capacity and be persons of high moral standing and acknowledged impartiality, elected by the Economic and Social Council on the recommendation of the Secretary-General.

2. Since the members of the Committee will be serving in their personal capacity and not as representatives of their Governments, they will, under the provisions of paragraph 2(a) of General Assembly resolution 1798 (XVII), be eligible to travel expenses and subsistence allowance for the duration of the meetings of the Committee. Articles XX and XXI provide for the initial meeting of the Committee to be held at United Nations Headquarters, New York, to draw up its rules of procedure and presumably agree on its methods of work. On the assumption that this session would last for no more than a period of four weeks, the estimated costs to the Organization are:

Round-trip travel of 11 members at an average of		
\$1,200 each	\$13,200	
Subsistence allowance for 11 members at \$30 per		
day for 30 days	<u>\$9,900</u>	\$23,100

3. No provision is made for payment of fees to the members of the Committee. In this connexion, the Secretary-General invites the attention of the Sub-Commission to the basic principles recommended to the General Assembly by the Fifth Committee and adopted by it at its 1082nd plenary meeting whereby neither fee nor other remuneration shall normally be paid to members serving on organs and subsidiary organs of the United Nations in an individual capacity.^{1/}

^{1/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 17 (A/5100), p. xiii, foot-note 18 and Document A/5095, paragraph 10.

4. While it is difficult to foresee at the present time the additional workload that would arise in consequence of the establishment of this Committee, the Secretary-General would hope to provide the Secretariat for the first session of the Committee from within the available resources. On the basis of the experience of the first session (and the programme and methods of work drawn up by the Committee) a better assessment could perhaps be made of the need for additional substantive and other resources necessary for the functioning of the Committee.

5. In regard to the servicing of the Committee's first session, the Secretary-General assumes that the dates for the meetings could be so scheduled as to be fitted conveniently into the annual programme of meetings. On this assumption, and the further one that summary records of the discussions would not be required, the need for additional resources for conference servicing will not arise. However, the Committee's final report will presumably require to be printed in the three working languages - on the basis of a report of no more than sixty printed pages (8½" x 11" format), the related costs would be \$3,500 for a press run of 6,000 copies (3,000 in English; 1,500 in French; and 1,500 in Spanish).

6. In regard to subsequent sessions of the Committee, it is noted that the preliminary draft provides for their being held either in New York or in Geneva, as determined by the Committee. With regard to regular meetings of the Committee which may be planned, the Secretary-General invites attention to General Assembly resolution 1202 (XII), regarding the pattern of conferences, and particularly to paragraphs 2 and 4 of this resolution regarding the timing and location of meetings. The Secretary-General would hope that decisions for calling a session of the Committee are taken sufficiently in time for appropriate provision to be made in the annual budget estimates. In this connexion, the Secretary-General would draw attention to the considerations he has been urging since the thirty-fourth session of the Economic and Social Council (E/3702, paragraph 12), and most recently reiterated in his report in the Pattern of Conferences (A/5638) submitted to the eighteenth session of the General Assembly.

7. Furthermore, the Secretary-General notes that: (i) under Article XXII, if a State Party to the Convention considers that another State Party is not giving effect to the provision of the Convention, it may by written communication bring the matter to the attention of that State, (ii) under article XXV, the Committee shall make available its good offices to the States concerned with a view to an amicable solution

to the matter on the basis of respect for the Convention, and (iii) under article XXVI, the Committee may receive petitions addressed to the Secretary-General from any person or groups of individuals claiming to be the victim of a violation of this Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council, alleging that a State Party is not giving effect to this Convention. With regard to the costs incurred as a result of making available the Committee's good offices under these articles, the Secretary-General suggests that the allocation of such costs, whether on the regular scale of assessment or to the interested States Parties, would be a matter for determination by the General Assembly.

<u>Summary of costs for the first session to be held in New York</u>	
Travel and subsistence of members	\$23,100
Printing of report	3,500
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	\$26,600

Resolution 5 (XVII): Review of further developments in the fields which have already been the subject of study or enquiry initiated by the Sub-Commission^{1/}

1. The resolution adopted by the Sub-Commission requests the Secretary-General (Part B) "to prepare and circulate three times each year, within the budgetary resources available to him, to the members of the Sub-Commission and to the specialized agencies and non-governmental organizations which collaborate in the Sub-Commission's work, a news-letter summarizing current developments throughout the world, and particularly within the United Nations system, relating to the prevention of discrimination and the protection of minorities".
2. Under existing arrangements the Secretary-General provides, through the periodic reports on human rights, information submitted to him by governments. The proposal in the draft resolution would require the Secretary-General to full information on the prevention of discrimination and the protection of minorities on a world-wide basis from many different sources, official and unofficial. The task would be so extensive that it would hardly be possible to undertake it within existing budgetary resources. At the minimum, one additional professional officer (P-4 level) and one secretary (G-3 level) would be necessary. The annual cost of this additional staff is estimated at \$25,000.

^{1/} A statement relating to the financial implications of resolution 5 (XVII) was made by Mr. Ketrzynski at the 456th meeting of the Sub-Commission (see E/CN.4/Sub.2/SR.456).

3. The method of collecting the world-wide data for inclusion in the news-letter is yet to be determined. However, added expenses may well arise in connexion with subscriptions to publications, or for communications costs for the transmittal of information to Headquarters. An estimate of such costs cannot be made until more is known concerning the method to be used for collecting information on current developments throughout the world.

4. In addition, the publication of the news-letter in limited quantities in the three languages (English, French and Spanish) would require additional budgetary credits of some \$3,000, assuming that each issue is no more than some 25 mimeographed pages in length and that a limited edition of about 1,200 copies (500 English, 400 French and 300 Spanish) would meet the distribution needs. The costs include the translation of the news-letter into the working languages of the United Nations.

Resolution 7 (XVII): Protection of Minorities

1. The resolution requests the Commission on Human Rights to authorize the Secretary-General to take appropriate steps, within the budgetary resources available to him, for printing, circulating, and making available a publication reproducing the memorandum listing and classifying special protective measures of international character for ethnic, religious or linguistic groups (E/CN.4/Sub.2/221), and the compilation of the texts of those international instruments and similar measures of international character which are of contemporary interest and which provide special protective measures for ethnic, religious or linguistic groups (E/CN.4/Sub.2/214).
2. On the assumption that the issue of the publication in photo-offset from fair copy with a cover would meet the requirements, and that a press run of 6,400 copies (3,200 - English; 1,500 - French; 1,200 - Spanish; and 500 - Russian) would meet the demand, the related costs are estimated at \$2,500 for a booklet of seventy-two pages in a 8½" x 11" format.
3. The publications programme as currently envisaged for 1965, if fully implemented, would require credits in excess of the appropriations expected to be available. Therefore, to provide the costs for the printing of the compilation and memorandum as a single publication in 1965, supplementary credits would be necessary. Under these circumstances and having regard to the terms of General Assembly resolution 1449 (XIV), it would be the Secretary-General's intention to include the necessary funds in his initial estimates for 1967, on the assumption that the Commission on Human Rights, at its 21st session, and subsequently the Economic and Social Council, endorse the request for printing.

ANNEX III

LIST OF DOCUMENTS BEFORE THE SUB-COMMISSION AT
ITS SEVENTEENTH SESSION

1. Documents issued in the general series:

- E/CN.4/Sub.2/242 - Provisional Agenda
(Note by the Secretary-General)
- E/CN.4/Sub.2/242/Rev.1 - Revised Provisional Agenda
- E/CN.4/Sub.2/243 - Draft Convention on the Elimination of
All Forms of Religious Intolerance
(Note by the Secretary-General)
- E/CN.4/Sub.2/244 - Review of Further Developments in Fields
which have already been the subject of
study or inquiry initiated by the Sub-
Commission: Discrimination in the matter
of religious rights and practices;
discrimination in the matter of political
rights; discrimination in respect of the
right of everyone to leave any country,
including his own, and to return to his
country; and manifestations of racial
prejudice and national and religious
intolerance
- E/CN.4/Sub.2/245 - Review of further developments in the
fields which have already been the subject
of study or inquiry initiated by the
Sub-Commission
- E/CN.4/Sub.2/246 - Study of Equality in the Administration
of Justice (Progress report submitted
by the Special Rapporteur, Mr. Mohammed
Ahmed Abu Rannat)
- E/CN.4/Sub.2/247 - Review of Further Developments in Fields
which have already been the Subject of
Study or Inquiry Initiated by the Sub-
Commission: Recent Activities of UNESCO
in the Field of Combating Discrimination
in Education and in Race Relations
(Memorandum submitted by the United
Nations Educational, Scientific and
Cultural Organization)

- E/CN.4/Sub.2/248 - Study of Discrimination Against Persons Born out of Wedlock
(Progress report submitted by the Special Rapporteur, Mr. V.V. Saario)
- E/CN.4/Sub.2/249 - Review of further developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission: Proposals on the Biological Aspects of Race
- E/CN.4/Sub.2/CR.9 - Non-Confidential List of Communications Concerning Discrimination and Minorities

2. Documents issued in the limited series:

- E/CN.4/Sub.2/L.360 - Draft Convention on the Elimination of All Forms of Religious Intolerance
(Mr. Peter Calvocoressi: Draft Convention on the elimination of all forms of religious intolerance)
- E/CN.4/Sub.2/L.361
L.361/Rev.1 - Draft Convention on the Elimination of All Forms of Religious Intolerance
(Mr. Morris B. Abram: Draft Convention on the elimination of all forms of religious intolerance)
- E/CN.4/Sub.2/L.362 - Study of Discrimination Against Persons Born out of Wedlock:
Draft resolution suggested by the Chairman as expressing the consensus in the Sub-Commission
- E/CN.4/Sub.2/L.363 - Study of Equality in the Administration of Justice:
Draft resolution suggested by the Chairman as expressing the consensus in the Sub-Commission
- E/CN.4/Sub.2/L.364
L.364/Add.1
L.364/Add.2 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Mr. Arcot Krishnaswami: Draft Convention on the elimination of all forms of religious intolerance)

- E/CN.4/Sub.2/L.365
- Draft International Convention on the Elimination of All Forms of Religious Intolerance:
Relevant Texts
- E/CN.4/Sub.2/L.366
- Review of Further Developments in the Fields which have already been the subject of study or inquiry initiated by the Sub-Commission:
(Mr. Ingles and Mr. Krishnaswami: draft resolution)
- E/CN.4/Sub.2/L.367
- Review of Further Developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission:
(Mr. Juvigny and Mr. Ketrzynski: draft resolution)
- E/CN.4/Sub.2/L.368
- Review of Further Developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission:
(Mr. Calvocoressi and Mr. Capotorti: draft resolution)
- E/CN.4/Sub.2/L.369
- Draft international convention on the elimination of all forms of religious intolerance:
(Mr. Nassinovsky: Draft articles for the draft convention on the elimination of all forms of religious intolerance)
- E/CN.4/Sub.2/L.370
- Review of Further Developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission:
(Text adopted by the Sub-Commission)
- E/CN.4/Sub.2/L.371
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.372
L.372/Rev.1
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Article)
- E/CN.4/Sub.2/L.373
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)

- E/CN.4/Sub.2/L.374 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.375 - Draft Convention of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
(IV^A - Specific Rights)
- E/CN.4/Sub.2/L.376 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.377 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.378 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.379 - Protection of Minorities:
(Mr. Schiller: Draft Resolution)
- E/CN.4/Sub.2/L.380 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.381 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.382 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles)
- E/CN.4/Sub.2/L.383 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles, Preamble)
- E/CN.4/Sub.2/L.384 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles, Reporting)
- E/CN.4/Sub.2/L.385 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Working Group: Draft Articles, Annex, Implementation)

- E/CN.4/Sub.2/L.386
and Adds 1-8
- Draft Report of the Seventeenth Session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/Sub.2/L.387
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission)
- E/CN.4/Sub.2/L.388
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - Article II)
- E/CN.4/Sub.2/L.389
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - Article III)
- E/CN.4/Sub.2/L.390
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Mr. Ingles: Amendment to E/CN.4/Sub.2/L.376)
- E/CN.4/Sub.2/L.391
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - Article IV)
- E/CN.4/Sub.2/L.392
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Mr. Ingles: Amendment to E/CN.4/Sub.2/L.385 (L.364/Add.2) Article XIXbis)
- E/CN.4/Sub.2/L.393
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Mr. Ingles: Amendment to E/CN.4/Sub.2/L.375 Article IVA)
- E/CN.4/Sub.2/L.394
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission: Article IVA - Specific Rights)
- E/CN.4/Sub.2/L.395
L.395/Rev.1
- Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Mr. Ingles: Additional Article)

- E/CN.4/Sub.2/L.396 - Measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence, jointly or separately:
(Mr. E.N. Nassinovsky: Draft resolution)
- E/CN.4/Sub.2/L.397 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - VIII. Restrictions and limitations)
- E/CN.4/Sub.2/L.398 - Draft Convention on the Elimination of All Form of Religious Intolerance:
(Text adopted by the Sub-Commission - IX. Non-discrimination in relation to subsidies and taxation)
- E/CN.4/Sub.2/L.399 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - X. Interpretation)
- E/CN.4/Sub.2/L.400 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - Article V. Obligations of States to follow a policy of eliminating discrimination on ground of religion or belief)
- E/CN.4/Sub.2/L.401 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Mr. Ketrzynski: amendment to article VI - E/CN.4/Sub.2/L.377)
- E/CN.4/Sub.2/L.402 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - Article Vbis)
- E/CN.4/Sub.2/L.403 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - Article VI. Condemnation of all propaganda and of organizations which justify or promote hatred and discrimination based on religion or belief)
- E/CN.4/Sub.2/L.404 - Draft Convention on the Elimination of All Forms of Religious Intolerance:
(Text adopted by the Sub-Commission - VII. Effective protection and remedies)

- E/CN.4/Sub.2/L.405 - Financial implications of Articles VIII to XXIII of the draft convention on the elimination of all forms of religious intolerance proposed by Mr. Krishnaswami: (Additional measures of implementation)
- E/CN.4/Sub.2/L.406 - Financial implications of the draft resolution submitted by Mr. Schiller on the Protection of Minorities
- E/CN.4/Sub.2/L.407 - Review of further developments in the fields which have already been the subject of study or inquiry initiated by the Sub-Commission: (Statement of financial implications of resolution adopted by the Sub-Commission - E/CN.4/Sub.2/L.370)
- E/CN.4/Sub.2/L.408 - Draft International Convention on the Elimination of All Forms of Religious Intolerance: (Mr. Abu Rannat, Mr. Calvocoressi, Mr. Ferguson, Mr. Ingles and Mr. Krishnaswami: draft resolution)
- E/CN.4/Sub.2/L.409 - Draft International Convention on the Elimination of All Forms of Religious Intolerance: (Mr. Calvocoressi: draft resolution on draft measures of implementation)
- E/CN.4/Sub.2/L.410 - Draft Convention on the Elimination of All Forms of Religious Intolerance: (Text adopted by the Sub-Commission - Preamble)
- E/CN.4/Sub.2/L.411 - Draft Convention on the Elimination of All Forms of Religious Intolerance: (Text adopted by the Sub-Commission - Reporting)
- E/CN.4/Sub.2/L.412 - Consideration of the Future Work of the Sub-Commission: (Mr. Krishnaswami: draft resolution)
- E/CN.4/Sub.2/L.413 - Draft International Convention on the Elimination of All Forms of Religious Intolerance: (Resolution adopted by the Sub-Commission)
- E/CN.4/Sub.2/L.414 - Draft International Convention on the Elimination of All Forms of Religious Intolerance: (Resolution adopted by the Sub-Commission)

- E/CN.4/Sub.2/L.415
- Measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence, jointly or separately:
(Resolution adopted by the Sub-Commission)
- E/CN.4/Sub.2/L.416
- Protection of Minorities:
(Resolution adopted by the Sub-Commission)
- E/CN.4/Sub.2/L.417
- Consideration of the Future Work of the Sub-Commission:
(Resolution adopted by the Sub-Commission)
3. Documents issued in the NGO series:
- E/CN.4/Sub.2/NGO/40
- Measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence, jointly or separately:
(Statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in consultative status, Category B)
- E/CN.4/Sub.2/NGO/41
- Draft International Convention on the Elimination of All Forms of Religious Intolerance:
(Memorandum submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in consultative status, Category B)
- E/CN.4/Sub.2/NGO/42
- Draft International Convention on the Elimination of All Forms of Religious Intolerance:
(Statement submitted by the International Humanist and Ethical Union, a non-governmental organization in consultative status (Register))