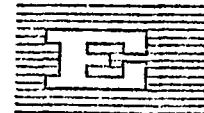


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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 13 March 1985, at 10 a.m.

Chairman: Mr. CHOWDHURY (Bangladesh)  
later: Mr. KHMEL (Ukrainian SSR)

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and of Discrimination Based on Religion or Belief

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GE.85-15559

The meeting was called to order at 10.30 a.m.

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (agenda item 13) (continued)  
(E/CN.4/1985/NGO/24, 41 and 48; E/CN.4/1985/L.1, L.74 and L.86)

1. Mr. CERDA (Argentina) expressed appreciation for the work done by the Working Group on a draft convention on the rights of the child. His delegation hoped that a draft convention acceptable to all States would shortly be agreed on in accordance with General Assembly resolution 39/135.
2. A particular form of violation of the rights of the child had occurred recently in Argentina; some children had been abducted with their parents, and **others** had been born in prison; in both cases they had subsequently disappeared. The identity of the children concerned had been falsified by registering them as the children of third parties or of the abductors themselves. His Government had taken measures to identify such children and return them to their families. At the most recent session of the Working Group, his delegation had proposed the addition to the draft convention of a new article (reproduced in document E/CN.4/1985/WG.1/L.2/Add.3). The proposed text laid down the inalienable right of the child to retain his true and genuine personal, legal and family identity and the obligation of the State to give him special protection and assistance, and to restore him to his blood-relations to be brought up.
3. A particular problem arose when parents of different nationalities were separated or divorced, since it was often difficult for both parents to have access to the child or to supervise his education. States should redouble their efforts to establish bilateral contacts in order to achieve a satisfactory legal solution to the problem in the child's best interests.
4. Ms. ROMERO (International Federation of Human Rights) said that every year, more than 600 children from broken families were abducted by one or the other parent. In 97 per cent of cases, it was the mother who was denied her rights vis-à-vis her children. There were often delays of six to seven years before cases were heard, especially in the Maghreb countries. Another subtle obstacle was the failure of some countries, including some EEC and Nordic countries, to ratify international conventions. There was then further delay in the implementation of conventions once they had been ratified. For children who had been abducted and for their mothers, the result was an interminable wait and many wasted years which could never be replaced. A child snatched from his familiar environment and deprived of his relationship with his mother often suffered irreparable damage. Mothers were exhausted by fruitless procedures without the protection which all persons were entitled to expect from their own country. The Commission should adopt a resolution requesting the States concerned in the matter to collaborate closely so as to prevent further violations, for otherwise many more desperate parents were liable to take the law into their own hands.
5. Mr. GAY (Pax Romana) paid tribute to the Working Group on a draft convention on the rights of the child, which would supplement the provisions of the Declaration of the Rights of the Child of November 1959. His organization supported the substance of documents E/CN.4/1985/NGO/41 and E/CN.4/1985/L.86.
6. He agreed with the representative of Senegal that the human rights of the child were indeed the same as those of all other persons, but violations of the rights of the child were even less pardonable, since a child was more vulnerable than an adult.

7. Children of divorced parents were often used as a means of blackmail or arbitrarily deprived of contact with one parent. The problem was particularly acute in the case of mixed-nationality or mixed-religion marriages, where each parent tried to ensure that legal jurisdiction was exercised in his or her country. The problem had been discussed at a congress held in November 1984 in Strasbourg on the subject of "The right of families to live in dignity".

8. Children, the weakest members of the family, needed special protection, and there was an urgent need for States to ratify conventions like that signed on 20 May 1930 in Luxembourg under the aegis of the Council of Europe and the Hague Convention of 25 October 1980. Many States had made efforts to solve the problem. His organization offered its full co-operation to the Working Group in its future activities.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 23) (E/CN.4/1985/33; E/CN.4/Sub.2/1984/28; ST/HR/SER.A/16; E/CN.4/1985/NGO/47; E/CN.4/1985/L.72)

9. Mr. HERNDL (Assistant Secretary-General for Human Rights), introducing agenda item 23, said that the issue of religious and so-called racial persecution and discrimination had been the subject of one of the first substantive resolutions to be adopted by the General Assembly (19 November 1946). The subject was also covered in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been adopted on 25 November 1981, and its implementation had been a major concern of the General Assembly, the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In 1984, Mrs. Odio-Benito had been entrusted with a study of the current dimensions of the problem of religious intolerance and it was expected that she would present her final report in 1986. The report of the Secretary-General on the issue, prepared in accordance with Commission resolution 1984/57, was contained in document E/CN.4/1985/33.

10. A United Nations Seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief had been held in Geneva from 3 to 14 December 1984, and its report was available in document ST/HR/SER.A/16.

11. Mr. CURTIN (Australia) said that, following the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the international community faced the challenge of implementing it at all levels. The Seminar referred to by the Assistant Secretary-General had provided useful conclusions and recommendations. Australia had sent an expert from one of its State governments as an observer to the Seminar. His delegation endorsed the recommendations made by the Seminar concerning greater use of the media, "education for tolerance", translation and dissemination of the Declaration and other relevant human rights instruments, and the provision of accurate information on different religions and beliefs, since prejudice often arose from ignorance. It had been proposed at the Seminar that public officials and teachers should be trained to ensure that they did not act in a discriminatory or intolerant fashion in the exercise of their official duties. Religious intolerance could only be overcome if children developed a healthy attitude towards different religions and beliefs.

12. He emphasized the need for action at all levels, including the clergy and non-governmental organizations, and stressed the value of the regional and subregional approach to religious tolerance: in many parts of the world, different religions had co-existed for centuries.

13. The study currently under preparation by Mrs. Odio-Benito had received great attention at the Seminar, and the accompanying questionnaire provided a valuable opportunity for Governments, non-governmental organizations and other bodies to record

their views. He called for a substantial and comprehensive response to the questionnaire from all parties.

14. Mr. KHMEL (Ukrainian SSR) took the Chair.

15. Mr. BIGGAR (Ireland) said that the need for religious tolerance had been universally accepted, but there were still numerous cases of discrimination against individuals on the grounds of religion or belief. Action was needed at all levels, and the Seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief had given a useful outline of the action needed to promote religious tolerance. The Seminar had stressed the need for constitutional and legal guarantees; in that connection, it would be useful to have a compendium of the legislation of individual States in that field. However, legislation could not solve the problem unless it was actively implemented. States had a major responsibility to ensure that public servants exercised tolerance in administrative matters. The role of education in promoting tolerance was of great importance, and his delegation supported the proposal that the United Nations University and other academic institutions should undertake research on ways to promote religious tolerance: religious organizations and non-governmental organizations had a large part to play in that work.

16. His delegation had noted with interest the outline drawn up by Mrs. Odio-Benito for her study: it was to be hoped that her final report would cover specific situations where the problems of intolerance and discrimination occurred. He called upon Governments to respond fully and rapidly to the questionnaire prepared by Mrs. Odio-Benito in order to provide the widest possible information.

17. His delegation considered that there was a need for a convention on the elimination of discrimination based on religion or belief, although it acknowledged that strict adherence to the principles of the Charter, the Universal Declaration of Human Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief would be an adequate guarantee against that kind of discrimination.

18. Monsignor BERTELLO (Observer for the Holy See) said that many restrictions in a large number of countries prevented believers from manifesting their belief; the situation called for measures to be taken to ensure the genuine and universal implementation of Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

19. It was well known that one of the primary objectives of the contacts which the Holy See maintained with public officials concerned the fate of the religion and legitimate freedom of believers. That freedom was a basic right which affected the essence of the human person and revealed to the greatest extent his dignity as an individual in quest of the absolute. In view of the fact that so many Governments which had signed the Universal Declaration invoked it with regard to other countries but trampled the most elementary human rights in their own countries, one could see how difficult it was to make reality correspond to the law.

20. The media confirmed the existence of religious persecution in many countries. On the one hand, there were people who, not wishing to deny their faith in God, lacked the bare necessities of life, frequently because they had the courage to be independent thinkers. There were parents who, in order to protect their children's chances for the future, were obliged to avoid sending them to religious schools. There were children who became atheists because of their school curricula and were even demoralized by their experiences in school; pressure was exerted on students, who were well aware that their religious practice might make it very difficult, if not impossible, to advance in their chosen career; there were priests who were prevented from exercising their ministry;

and there were religious communities forced to remain silent or to practise their religion in secret. On the other hand, there was a phenomenon of religious exaltation, which might be called "fanaticism". In that case, man was no longer aided by his emotions in making appropriate judgements and acting properly but became a slave to his exaltation and was therefore no longer free.

21. Lastly, there was what the Pope had recently denounced: the imposition in one country of a particular law which trampled the civil and religious rights of a minority and the prohibition in others of any observance of the Christian faith, in the name of the State religion, even where the citizens of those countries were in a position to practise their religion freely.

22. To counteract those serious violations, his delegation regarded as important the initiative taken by the Commission to hold in December 1984 at Geneva a Seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief. The Seminar's conclusions and recommendations, although somewhat general and evasive, constituted a specific application of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, through which the international community manifested a political will and concern for justice. It was essential not to be discouraged in the face of apparently insurmountable difficulties, since any attack on human dignity had an imperceptible impact on the lives of all persons because of the indestructible link uniting all human beings.

23. In conclusion, his delegation wished every success to the Special Rapporteur entrusted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities with the preparation of a study on the current dimensions of the problems of intolerance and discrimination on grounds of religion or belief. That study was a special opportunity to help to mould public opinion and to ensure greater solidarity between all believers and those who suffered because of their faith. It could also be an opportunity to examine the causes of such discrimination and to note to what extent, the public authorities created a climate in which social groups were able to bring about the full development of their members. In that connection, it was essential not to ignore the opportunities relating to religious life, having regard in particular to their positive impact on social life, since the sincere practice of religion made the believer act with increased awareness of his commitments for greater justice and peace.

24. Mr. NAJM (Christian Democratic International) recalled the devotion of Christian Democrats to freedom of religion, and their concern with all cases of intolerance and discrimination such as those which still existed in some countries, including Lebanon. As a founding member of the League of Arab States and a founding Member of the United Nations, Lebanon was a parliamentary democratic republic whose population was composed mainly of Christians and Muslims and which had since its independence, practised tolerance and understanding within the framework of the national interest. However, the massive influx of Palestinian refugees into its territory and the consequent formation of resistance, which had developed to such an extent as to become a State within a State, had constituted the basis of the war which had afflicted Lebanon for more than 10 years, with the most tragic consequences. The country had been shaken by several foreign political and military interventions, which had sown intolerance among the various communities by exacerbating religious antagonisms through deliberately provocative actions.

25. The acts of intolerance had reached their climax with the terrorist attacks carried out in the country during the past few years, particularly after the Israeli military intervention in 1982. Dozens of churches, convents and schools had been destroyed or damaged. Christians had been massacred by the hundred, and thousands of persons had had to leave their villages and seek refuge elsewhere. He referred to some cases of religious intolerance which had occurred in early 1984 and constituted serious violations of international human rights instruments, in particular the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

26. It could be said that in general human rights were not respected in Lebanon and that the Christians believed they were the subject of an offensive aimed at the Islamization of the country. Faced with that situation, the Lebanese Government was powerless and could only stigmatize what was taking place. There was therefore an urgent need for the Commission to conduct an inquiry and to use all the means at its disposal to help the Lebanese, and especially the Christians who were defending their religious and cultural heritage, to free themselves from the foreign intervention which endangered their democratic and pluralist political system - a system which was based on the rights of all their communities to equality and freedom, in particular freedom of religion and belief.

27. Mr. KOLESNIK (Union of Soviet Socialist Republics) said that in some countries attempts were made to impose a particular religion on the individual, thereby violating his freedom to choose his own religion, and in others, the individual had become the subject of intolerance and discrimination because of his atheistic beliefs. Such a situation was clearly incompatible with international instruments relating to questions of freedom of conscience. Both the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief provided that the freedom of thought, conscience and religion covered both the right to practise any religion and the right not to have a religion, i.e. to hold atheistic beliefs.

28. Referring to allegations that persons who professed religious beliefs in the USSR were discriminated against, he wished to make it clear that there were no social grounds in the Soviet State for the manifestation of intolerance or discrimination based on religion or belief. Freedom of conscience had been enshrined in his country's legislation since the first days of its establishment. In accordance with the Soviet Constitution, citizens of the USSR were guaranteed freedom of conscience, i.e. the right to practise any religion or not to have a religion, to hold religious services or to profess **atheistic** beliefs. Incitement to hatred or hostility connected with religious beliefs was prohibited. In the USSR, the Church was separate from the State.

29. All citizens of the USSR, regardless of their attitude towards religion, were equal and enjoyed full rights. Soviet legislation categorically prohibited any discrimination against believers. Refusing to employ citizens, denying them access to educational establishments or imposing similar restrictions on their rights because of their attitude towards religion were acts that were punishable by law. Believers establishing a religious association could elect Church leaders, solicit and receive voluntary contributions for the maintenance of religious premises, and hold ceremonies in accordance with the precepts of their religion.

30. At present there were about 20,000 associations and groups of various religions in the Soviet Union. The largest religious group in the Soviet Union belonged to the Orthodox faith but every religion was practised, including the Muslim, Buddhist, Catholic and Protestant faiths. Religious associations corresponded with similar organizations in foreign countries and sent representatives to attend congresses and conferences. They had at their disposal workshops to produce religious articles and church decorations. Religious centres had educational institutions for the training of priests, which were also attended by students from Ethiopia, Kenya, India and other countries. Such centres in their turn sent students abroad to study in foreign religious educational institutions. The protection of the right of believers and the loyal attitude of the Soviet State towards the Church were among the requirements of socialist legislation. That was the true situation in his country, where genuine freedom of conscience was fully ensured.

31. Mr. DOWEK (Observer for Israel) said that the most tragic and incomprehensible aspect of the situation of the Soviet Jewish minority was that it was not only virtually impossible for a Jew to leave the USSR, but it was also impossible for him to practise his religion and to live in the country as a Jew. One of the most onerous of the unwarranted and discriminatory measures taken by the Soviet authorities against Judaism was the rigorously enforced, though unpublished, ban on the study of the Hebrew language among Jews. Hebrew was the language of the Bible, the Talmud and all rabbinical writings, and was indispensable for the practice of the Jewish religion. Yet the Soviet authorities, regardless of numerous appeals, continued to deny Jews access to their sacred language. Jews as a rule were excluded from the few officially approved Hebrew courses, no textbooks were published in Hebrew, and Jews who sought to study or teach Hebrew privately fell victim to police repression. Hebrew teachers were vilified by name in the officially controlled press, which had published articles attacking Hebrew study circles as centres of espionage and treason against the Soviet Government.

32. Books in Hebrew, including the Bible, the Torah and the Passover Haggadah, had been seized by the police, acting in accordance with warrants authorizing the seizure of anti-Soviet material. It seemed as if an effort was being made to brand the study and practice of Judaism itself as an anti-Soviet activity. Great difficulties were encountered in the training of Jewish clergy. There were today not more than five properly ordained rabbis in the Soviet Union for a Jewish population of 2 million. By comparison, in Geneva there was a similar number of rabbis for a Jewish population of less than 5,000. No facilities existed in the USSR for training additional rabbis and the sole possibility was the rabbinical seminary at Budapest, where two Soviet Jews were currently permitted to study.

33. While the propagation of atheism was official Soviet policy, no other religion was attacked so viciously as Judaism. The two terms - Judaism and Zionism - were interchangeable in Soviet usage and the distinction was merely academic. It was a fact that Soviet Jews were being systematically discriminated against by the Soviet authorities. The Soviet delegation was aware that the gloomy picture he had depicted was a faithful description of the desperate situation of Jews in the Soviet Union and that it represented a grave breach of the USSR's international commitments and, indeed, of its own laws and Constitution. His delegation would have liked to portray an altogether different situation but could not do so in the light of the anti-Jewish incitement and slander emanating from officially sanctioned Soviet sources, the anti-Semitic brutality of the Soviet police, and the active discrimination and hostility on religious grounds towards Soviet Jews solely because they wished to preserve their Jewishness.

34. In conclusion, he said that granting Soviet Jews their religious and national rights would in no way prejudice the long-term or short-term interests of the USSR. On the contrary, it would gain the USSR international respectability and the gratitude of Jewish people throughout the world.

35. Mr. WADLOW (International Fellowship of Reconciliation) said that, when the question of religious liberty had been raised at the Commission's thirtieth and thirty-first sessions, it had considered situations prevailing in several parts of the world. The situation in China, which had not been a member of the Commission at the time, had not been discussed; it was timely, however, to consider the fate of Buddhism in Tibet, for two reasons. Firstly, Buddhism had long been a synthesis of all aspects of Tibetan life - spiritual, cultural, economic, social and political; it was not a Church separate from the civil order. Secondly, the Chinese Government had recently spoken of measures to increase tolerance of religious observance in Tibet. His organization appreciated the difficulties involved in such a radical shift in government practice, but was convinced that further steps along those lines, in conformity with the Declaration contained in General Assembly resolution 36/55, was in the interests of all.

36. The test facing the Centre for Human Rights was whether its currently weak advisory services could provide the requisite expertise to assist the Chinese Government, should the latter acknowledge that the backlog of suspicion and fear created by its previous policies in the areas inhabited by Tibetans could not be overcome without outside help, which the Centre might suitably provide.

37. His organization, although mindful of the coercion applied against Tibetans since 1950, appealed to the Government of China to modify its policies and administrative practices in order to protect religious rights in Tibet and to establish the requisite conditions to give effect to the Declaration.

38. Ms. FAHRI (International Council of Jewish Women) said that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been the result of 20 years of tenacity and hard work; it remained to be seen how long States would take to implement it. One current specific form of intolerance, that of anti-Semitism, had been growing in recent years, and its manifestations included acts of terrorism. The pattern had been irregular since a peak between 1979 and 1982, but when Israel had entered Lebanon in 1982, accusations in the media in many parts of the world had gone beyond condemnation on political or military grounds. Terms such as "genocide" and "final solution", reminiscent of nazism at its worst - terms never applied to any of the numerous States throughout the world which flagrantly violated human rights, had been uttered and seized upon. Clearly the opprobrium resulting from the horrors uncovered at the end of the Second World War had been removed from anti-Semitism by replacing the Jew's image as a victim by one as a persecutor, thereby substituting anti-zionism for anti-Semitism and allowing old prejudices to resurface.

39. A new feature of current anti-Semitism was its political nature. The prevailing concept of the 1980s was the State, a political entity, of which Israel was the only one which Jews had; to attack Israel as a nation was thus to attack all Jews.



40. Although existing Nazi groups were insignificant in power and numbers, there was a disturbing rise in right-wing extremism, reflected in attacks not only on Jews but on coloured people and immigrants in some countries. Likewise disturbing were the claims of pseudo-historians who deliberately distorted history by denying the holocaust and even accusing the Jews of fraud, thus not only vilifying the living but insulting the memory of the millions who had suffered and died most dreadfully simply for having been Jews. A further trend, that of the so-called new intellectual right - primarily a French phenomenon, although it could well spread elsewhere - was alarming because of its possible intellectual appeal, asserting racial inequality, rejecting Judeo-Christian civilization and blaming Judaism for a philosophy which had contributed to mankind's enslavement. Perhaps the most dangerous attitude was that of anti-zionism - the anti-Semitism of the Left. Its appeal was to the socialist countries and to the so-called "new left" in the West, and was frequently associated with support for the Arab countries. Behind a seemingly political stance, it reflected, consciously or not, ideas inherited from medieval religious intolerance.

41. Such intolerance had clearly found a new vehicle in the anti-Zionist campaign raging in some socialist countries, with the aim not only of denying Israel's legitimacy but of dehumanizing Israel, and with it every Jew. The supposed Zionist collaboration with Hitler was explained by a Zionist hatred of the anti-imperialist working-class movement and socialism - an absurd contradiction with the right's accusations that Jews were revolutionaries and egalitarians. As a result of such a paradox, anti-Semitism could unite all types of extremism, from the far right to the far left. The artificial nature of anti-Jewish alliances should be exposed. The international community should not permit the resurgence of an ideology which had led, in the past, to the almost total annihilation of a people.

42. Mrs. FATIO (Baha'i International Community) said that the root cause of all forms of religious intolerance was mere prejudice, which could be eliminated through proper education aimed at a positive appreciation based on recognition of the fundamental unity of all religions and the oneness of all mankind. Moreover, everyone's right to practise a religion or belief should be safeguarded by law, including access to recourse procedures. Her organization had commented on the Declaration in document E/CN.4/1985/NGO/47; it would like to suggest additional action to encourage the collection and sharing of information about problems of religious intolerance, since it viewed a continued exchange of information as essential to the Declaration's full implementation.

43. There were two specific ways in which the exchange of information initiated by the Seminar held at Geneva in December 1984 and by the Special Rapporteur could be constantly pursued. Firstly, UNESCO might co-ordinate information-sharing among Governments, non-governmental organizations and educational institutions on educational measures adopted to promote religious tolerance. Perhaps it could circulate a questionnaire, compile responses and make the information available to interested Governments, organizations or institutions; it could also compile a bibliography which could be used in relevant curricula, and propose guides for the latter. Secondly, one of the human rights bodies in the United Nations might consider recommending the establishment of a working group to monitor problems in protecting religious rights throughout the world, helping to give the Declaration effect by increasing awareness of particular problems, and identifying new measures and areas for action. It could invite information from sources such as specialized agencies, Governments and non-governmental organizations,

using it for an annual report to its parent body, making general recommendations about possible legislative, administrative and educational measures, highlighting general problems of implementation, commenting on situations in specific countries or throughout the world, and drawing attention to situations which, in its view, revealed a consistent pattern of violations of the rights set forth in the Declaration.

44. Such measures would help greatly in giving effect to those rights. The international community should continue with that task, drawing greater attention to the world-wide problem of religious intolerance. Baha'is everywhere were committed to publicizing the Declaration and striving, in their individual countries, to achieve the elimination of all forms of intolerance based on religion or belief.

45. Mr. Chowdhury (Bangladesh) resumed the Chair.

46. Mr. GAY (Pax Romana) thanked the Special Rapporteur for her preliminary report (E/CN.4/Sub.2/1984/28), whose aim was to make religious tolerance the norm and to cause discrimination and intolerance to be treated as an exception, to be condemned and combated. His organization, being associated with the Catholic Church, humbly acknowledged the latter's past errors but had never ceased to uphold its evangelical mission. The plurality of beliefs was welcome testimony to humanity's rich pattern, and the profession of God the Father reflected not an exclusive dogmatism but a love for mankind.

47. The most recent Popes had pronounced the dignity of man and respect for freedom of religious observance. Therefore, the Declaration proclaimed by the General Assembly in resolution 36/55 was a welcome measure; in particular, implementation of article 1, paragraph 1, and of article 3 would eliminate the horrors of religious conflict and persecution which were still claiming so many victims.

48. Unfortunately, the right to freedom of conscience was not respected everywhere. For example, in Albania, which had declared itself an officially atheist State in 1967, the ministry of all faiths was forbidden. According to data provided by the Vatican, large numbers of Catholic clergy had been imprisoned there, and many had died in prison; two priests had been executed for baptizing children. In Burundi, a number of measures had recently been taken to restrict the freedom of Muslims and Christians. And in Czechoslovakia, Catholics and Protestants alike were obstructed and even harassed on account of the exercise of their religion; children of practising Christians could not obtain higher education, and entry to theology faculties was restricted and controlled by the State secretariat for religious affairs. Of 3,500 priests in that country, over 200 had been denied State permission to exercise their ministry. Similar cases of violation of the right to religious freedom were to be found in many countries, including China, Egypt, Ethiopia, Iran, Nepal, Pakistan, Romania, Sudan, the Union of Soviet Socialist Republics and Viet Nam, according to data provided by Amnesty International and other sources.

49. His organization therefore requested the Commission to do all it could to put an end to racial intolerance and persecution. The right to religious freedom was at one with other human rights, and violations of that right were often linked to the violation of other rights.

50. Mr. ROSSI (International Association for the Defence of Religious Liberty) said that his organization greatly appreciated the Commission's concern to uphold the right to freedom of religion or belief, a fundamental freedom on which all other freedoms were based. A wider recognition of that freedom would, inter alia, contribute towards détente, disarmament and world peace. During the current, critical stage in history, in which ideological conflict had already led to war in various parts of the world, with the attendant risk of nuclear catastrophe, there was an urgent need to create a climate of the greatest mutual understanding and respect among all religions and beliefs. For that purpose, his organization had held a world congress in Rome in September 1984, with the theme "Freedom of religion and belief, a basis for peace". There had been over 300 participants, from 42 countries in all continents, representing different religions and beliefs. The President of Italy had given the congress his patronage and had addressed an important message to the participants; and the Assistant Secretary-General for Human Rights had delivered the opening address, which had been greatly appreciated.

51. The Association had helped to organize the congress, seeing in it an opportunity not so much to level complaints and charges as to note and accept the positive features of others' beliefs, with a view to removing prejudice and establishing a climate of confidence essential to the reduction of tension, particularly between East and West, and the cessation of the arms race.

52. The Commission doubtless did its utmost to contribute towards eliminating all forms of intolerance and discrimination based on religion or on belief. However, they could be eliminated only by means of a true and sincere conviction on the part of everyone, especially leaders of religious communities, political parties and Governments, of the right of every person to freedom of religion or belief, including freedom of expression. Most acts of intolerance and discrimination stemmed, in fact, from a failure to acknowledge that freedom. The right of freedom to express a religion or belief, individually or jointly, in public or in private, was recognized in all international instruments; the right extended to religious and atheistic beliefs alike. The Secretary-General of the World Council of Churches, referring to a recent gathering of Muslim and Christian missionaries, had noted its conclusions that every person had the right to convince and to be convinced, and that all must learn to live in a pluralist community. The former Vice-President of the Hungarian Council of Ministers had expressed a similar view and had stressed the need for understanding and dialogue between religious believers and humanists, respecting the convictions of others and their right to propagate their views, since systems irreconcilable in ideology could still co-operate in action for the good of mankind and against hatred and conflict.

53. Many of mankind's problems could be solved if such statements were everywhere put into effect. In many countries, unfortunately, freedom to express religion or belief was not recognized. Even some Member States legislated against such freedom, either in general or against particular religious groups; the withholding from any such group of freedom to profess and diffuse its religion or belief was, in fact, a form of repression by one part of the nation against another.

54. For that reason, his organization deemed it essential to intensify efforts to achieve wider recognition of the right to freedom of religion or belief. To that end, the Commission could contribute significantly by endorsing the recommendations of the Seminar on the encouragement of understanding, tolerance and respect in

matters relating to freedom of religion or belief. In particular, the recommendation urging States to harmonize their relevant legislation with international instruments, including the Declaration contained in General Assembly resolution 36/55, would be a step towards universal brotherhood, co-operation and peace.

55. Mr. KHMEI (Ukrainian Soviet Socialist Republic) said that the adoption of a declaration on the elimination of religious discrimination would promote respect for the right of individuals to profess any religion they chose or to be atheists. It was unfortunate that coercion and pressure were still being used to force non-believers into practising religions, that attempts were still being made to represent the profound social crises in Western countries as religious conflicts, and that the discussion of religious discrimination was being manipulated for political purposes, including the dissemination of anti-Soviet propaganda.

56. In order to divert attention from the crimes Israel was committing under its racist and colonialist policy of zionism, the observer for Israel had indulged in anti-Soviet insinuations which his delegation categorically rejected as malevolent and totally groundless. In the Ukrainian SSR, and indeed throughout the Soviet Union, freedom of conscience was a constitutional principle and a part of government policy and practice. Everyone, including Jews, was entirely free to express religious or atheistic beliefs.

57. Mrs. GU Yijie (China) said that the Chinese people were ethnically and religiously diverse, and her Government was committed to guaranteeing freedom of religious belief and practice. The Constitution stipulated that all citizens had the right to profess any religion they chose and that all religions had equal status. The Penal Code stipulated that officials who illegally restricted freedom of religion could be sentenced to imprisonment. China had welcomed the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, with which its domestic legislation for the most part coincided.

58. Her Government had recently taken many steps to guarantee freedom of religion to citizens. It had allocated funds for the renovation of temples in order to facilitate the holding of religious services and gatherings: from 1979 to 1984, more than 20,000 temples and churches had been repaired and opened to the public. The Chinese christian association had published approximately 1 million copies of the Bible over the past three years and there were 15 theological institutions in the country. Citizens of all faiths lived together in harmony and were working together to achieve the goal of modernizing China.

59. With regard to the statement by the representative of the International Fellowship of Reconciliation concerning freedom of religion in Tibet, she said that before its liberation Tibet had been a feudal society under the autocratic domination of overlords who had wielded both religious and secular power, while monks had used the force of religion to enslave the people.

60. After the peaceful liberation of 1951, the Chinese Government had proclaimed a policy of religious freedom for Tibet, but because the old feudal system had not been entirely destroyed, religious freedom had not immediately been fully ensured. An armed insurrection had been orchestrated in a vain attempt to separate Tibet from the rest of China, but it had failed, the feudal system had been abolished and democratic reforms had begun. The 10-year period of turmoil represented by

the cultural revolution had had disastrous effects throughout China. In Tibet, temples had been closed and even demolished. The Government had adopted effective measures to counteract the consequences of the cultural revolution. The temples had subsequently been reopened, and religious organizations and institutions had resumed their activities. Monks had taken up permanent residence in the temples and young men could go to them for training to become lamas if they so desired. Recitation chambers had been built to facilitate regular religious observance and there was a continuous stream of pilgrims to the main temple in Lhasa.

61. It should be clear that there was no religious repression in China. Her delegation categorically rejected the groundless accusations which were tantamount to interference in China's internal affairs and raised serious doubts about the true intentions of the representative who had made them.

62. Mr. THLATHY DIONE (Senegal) said that every day the media reproduced the terrible spectacle of religious groups tearing each other apart in senseless strife. Such modern-day crusades demonstrated that the international community had not yet been able to eradicate the gangrene of religious intolerance.

63. In fact, religious intolerance was becoming more and more widespread. In some countries, religious minorities were excluded from participation in politics and the management of society. In others, a given religion was arbitrarily declared to be the religion of the State and all those who were not of that conviction were either persecuted or forced to practise their religion in secret. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief was a dead letter. Since its general provisions did not have binding force, his delegation considered that an international convention along the lines of the conventions on the elimination of racial discrimination and of discrimination against women should be formulated. States should demonstrate their commitment to freedom of religion by incorporating the provisions of the Declaration in their domestic legislation, as his country had.

64. Since its accession to independence, Senegal had attempted to build a society based on the tolerance which was characteristic of traditional African societies. The first article of the Constitution unequivocally provided for the separation of Church and State. The Fundamental Law prohibited political parties from affiliating themselves with any religion, made religious discrimination a criminal offence, and gave religious communities and institutions the right to operate free from State control.

65. Religious freedom was a reality in Senegal. Although 90 per cent of the population was Islamic, the ruler for two decades had been a member of the Catholic minority. Within a single family, individuals often held different religious beliefs. There were a great many mixed marriages, religious publications prospered and there were no restrictions on the teaching of religion or the holding of religious holidays and ceremonies.

66. Mr. LACK (World Jewish Congress and Co-ordinating Board of Jewish Organizations) said that the Commission had been informed of many serious and continuing violations of the right to freedom of religion and conscience, and much thought had been given to how best to implement the 1981 Declaration. Although the

principles set out in it were morally binding, respect for them would be better ensured if States became parties to a convention. Considerable work had been done on drafting such a convention, but those efforts had halted a number of years before. No matter how arduous the enterprise might be, however, the international community should persevere. The specific measures to combat religious intolerance and discrimination outlined in document HR/GENEVA/1984/BP.2 should be incorporated into the convention. The organizations he represented strongly endorsed the recommendation that the Economic and Social Council should use its powers under Article 64 of the Charter to request reports from Member States on the specific measures they had adopted to comply with their commitments under the 1981 Declaration: the Commission might consider adopting a resolution making such a recommendation to the Council. In examining reports from States parties to the International Covenant on Civil and Political Rights, the Human Rights Committee could also use the 1981 Declaration as the basis for analysing compliance with article 18 of the Covenant.

67. There were two basic rights and freedoms which were of particular concern to the organizations he represented. Under article 18, paragraph 4, of the International Covenant, States parties undertook to respect the freedom of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. Article 5, paragraph 2, of the 1981 Declaration proclaimed that every child had the right to religious education in accordance with the wishes of his parents or legal guardians. The right to religious education obviously entailed the right to learn and teach the sacred languages in which the liturgical and other texts of a given religion were written. In the Soviet Union, however, there were difficulties involved in teaching religion to children and providing instruction in the Hebrew language, even though the constitutions of that country and its autonomous republics contained progressive provisions regarding freedom of religion. Under Soviet law, children could not receive religious instruction, including instruction in Hebrew, outside the home, while facilities to enable adults to receive such instruction were either non-existent or extremely limited.

68. Many of the difficulties could well arise from genuine differences in social and legal systems and might be mitigated by free and frank discussion of the practical problems. The organizations he represented would always be willing to participate in such a discussion. The Soviet Union had consistently demonstrated its awareness of the dangers of cultural genocide, but the systematic denial of religious, cultural and linguistic rights to children and adults of a specific religious or ethnic group could well have equally harmful consequences. In the context of the examination of effective measures to implement the 1981 Declaration, it was to be hoped that concrete proposals for removing the immediate and long-term problems would be sympathetically evaluated.

69. Mr. EL MAY (Observer, League of Arab States), speaking in exercise of the right of reply, said that an attempt had been made to camouflage the barbarous practices of the Zionist régime by accusing certain Arab countries of anti-Semitism. The Arab States were by no means antagonistic to Jews or the Jewish religion, but they opposed the Zionist régime because of its policies based on racial discrimination, expansionism and displacement of peoples. The allegations regarding the persecution of Jews were unacceptable: it was in fact the Zionist authorities who persecuted the people of southern Lebanon.

70. The CHAIRMAN noted that the Commission had concluded its consideration of item 23.