



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/7177
16 August 1968

ORIGINAL: ENGLISH

Twenty-third session

ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE*

Note by the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. GENERAL ASSEMBLY RESOLUTION 2295 (XXII)	1	3
II. BACKGROUND INFORMATION CONCERNING THE PREPARATION OF THE DRAFT DECLARATION AND OF THE DRAFT INTERNATIONAL CONVENTION	2 - 20	3
A. General Assembly resolution 1781 (XVII)	2	3
B. Draft Declaration on the Elimination of All Forms of Religious Intolerance	4 - 9	4
C. Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	10 - 15	6
D. Action taken by the General Assembly at its twenty- second session	16 - 20	7

ANNEXES

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

* Item 54 of the provisional agenda.

CONTENTS (continued)

ANNEXES (continued)

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

I. GENERAL ASSEMBLY RESOLUTION 2295 (XXII)

1. The General Assembly, at its 1625th plenary meeting on 11 December 1967, adopted resolution 2295 (XXII) relating to the elimination of all forms of religious intolerance, the text of which reads as follows:

"2295 (XXII). Elimination of all forms of religious intolerance

"The General Assembly,

"Recalling its resolutions 1781 (XVII) of 7 December 1962 and 2020 (XX) of 1 November 1965,

"Bearing in mind the decisions of the Third Committee:

(a) Not to mention any specific examples of religious intolerance in the draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief,

(b) To amend the title, the preamble and article I of the draft Convention proposed by the Commission on Human Rights,

"Having been unable to complete the consideration of the draft Convention owing to its heavy agenda and the lack of time,

"Decides to accord priority during its twenty-third session to the item entitled:

'Elimination of all forms of religious intolerance:

'(a) Draft Declaration on the Elimination of All Forms of Religious Intolerance;

'(b) Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.'

II. BACKGROUND INFORMATION CONCERNING THE PREPARATION OF THE DRAFT DECLARATION AND OF THE DRAFT INTERNATIONAL CONVENTION

A. General Assembly resolution 1781 (XVII)

2. In resolution 1781 (XVII) of 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 the

Protection of Minorities, the debates at the seventeenth session of the General Assembly, any proposals on the matter that might be submitted by Governments and any international instruments already adopted in this field by the specialized agencies, to prepare: (a) a draft declaration on the elimination of all forms of religious intolerance, to be submitted to the Assembly for consideration at its eighteenth session; and (b) 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. The Assembly invited Member States to submit their comments and proposals concerning the draft convention by 15 January 1964.

3. At its resumed thirty-fourth session, the Economic and Social Council, on 19 December 1962 (1238th meeting), decided to transmit the resolution of the General Assembly to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and the Protection of Minorities.

B. Draft Declaration on the Elimination of All Forms of Religious Intolerance

4. At its nineteenth session, in 1963, the Commission held a preliminary debate on resolution 1781 (XVII) and decided^{1/} to give priority at its twentieth session to the preparation of a draft declaration on the elimination of all forms of religious intolerance. The Commission requested the Sub-Commission to prepare and submit to the Commission at its twentieth session a preliminary draft of such a declaration, taking into account the views expressed during the debate on the subject at the nineteenth session of the Commission, and requested the Secretary-General to invite the Governments of Member States to submit any proposals which they might wish to make as to the provisions which such a declaration should contain in time for consideration by the Commission at its twentieth session.

5. The Sub-Commission on Prevention of Discrimination and Protection of Minorities at its sixteenth session, in 1964, prepared and submitted to the Commission^{2/} a preliminary draft of a United Nations Declaration on the Elimination of All Forms of Religious Intolerance, together with other relevant documentation.

1/ Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 8 (E/3873) chap. X, resolution 10 (XIX).

2/ E/CN.4/873, para. 142.

6. The Commission, at its twentieth session in 1964,^{3/} set up a working group to prepare, on the basis of the preliminary draft of the Sub-Commission and all other relevant documentation, a draft declaration on the elimination of all forms of religious intolerance. The working group, however, was able to consider only the first six articles of the text submitted by the Sub-Commission, in relation to which it prepared a provisional text consisting of six articles. It also submitted to the Commission certain alternative texts and proposals. Owing to lack of time, the Commission was unable to adopt a draft declaration on the elimination of all forms of religious intolerance. In resolution 2 (XX), the Commission requested the Secretary-General to transmit to Member Governments for comments the report of the working group^{4/} and the preliminary draft of a Declaration on the Elimination of All Forms of Religious Intolerance submitted by the Sub-Commission,^{5/} and to submit to the Economic and Social Council at its thirty-seventh session the comments of Governments as well as the working group's report and the Sub-Commission's draft of a Declaration. The Commission recommended to the Council:

"To give such further consideration as it may deem practicable to the drafting of a Declaration on the Elimination of All Forms of Religious Intolerance, in the light of the comments of Governments, and that it transmit the appropriate documents to the General Assembly for consideration at its nineteenth session."

7. The Council, in resolution 1015 C (XXXVII) of 30 July 1964, decided to refer to the General Assembly resolution 2 (XX) of the Commission, together with the documents mentioned therein, as well as the records of the debate held on the subject at the Council's thirty-ninth session,^{6/} and suggested to the Assembly that it take a decision on the further course to be followed in the matter. The General Assembly was unable to consider the draft Declaration at its nineteenth session.

3/ See Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), chap. III.

4/ Ibid., para. 296.

5/ Ibid., para. 294.

6/ E/SR.1314 and 1338, and E/AC.7/SR.490-496. See also the report of the Economic and Social Council to the General Assembly, Official Records of the General Assembly, Nineteenth Session, Supplement No. 3 (A/5803), chap. IX, section II.

8. The General Assembly, in resolution 2020 (XX) of 1 November 1965, requested the Council to invite the Commission on Human Rights to make every effort to complete, at its twenty-second session, the preparation of the draft Declaration and the draft Convention, in order that they might be submitted to the Assembly at its twenty-first session. The Commission on Human Rights has not taken up the preparation of the draft Declaration since its twentieth session.

9. The text of the preliminary draft of a Declaration prepared by the Sub-Commission and the report of the working group of the Commission at its twentieth session are reproduced in the report of the Commission at its twentieth session.^{7/}

C. Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

10. The Commission at its twentieth session, in 1964, 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 on Prevention of Discrimination and Protection of Minorities to prepare and submit to the Commission at its twenty-first session a preliminary draft convention.

11. The Sub-Commission at its seventeenth session, in 1965, prepared and submitted to the Commission a preliminary draft International Convention on the Elimination of All Forms of Religious Intolerance, consisting of a preamble and thirteen articles.^{8/} The Sub-Commission also prepared and transmitted to the Commission a "preliminary draft as an expression of the general views of the Sub-Commission on additional measures of implementation which might help to make the draft more effective".^{9/} At the request of the Sub-Commission, the Secretary-General transmitted to the Commission the records^{10/} containing the views expressed by the members of the Sub-Commission on these additional measures of implementation.

7/ Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), chap. III. The comments of thirty-one Governments on the Sub-Commission's preliminary draft and on the report of the working groups are contained in documents E/3925 and Add.1-5.

8/ E/CN.4/882 and Corr.1, para. 321, resolution 1 (XVII).

9/ Ibid., para. 329, resolution 2 (XVII).

10/ E/CN.4/Sub.2/SR.454 and 455.

12. The Commission at its twenty-first session, in 1965, considered the question of a draft International Convention on the Elimination of All Forms of Religious Intolerance, taking as a basis the preliminary draft submitted by the Sub-Commission. At that session, the Commission adopted a preamble and four articles of the draft Convention.^{11/}
13. The Commission at its twenty-second session, in 1966, resumed the preparation of the draft International Convention. It adopted five additional articles, but was unable to complete its work.^{12/}
14. The Commission considered the draft International Convention further at its twenty-third session, in 1967. In resolution 3 (XXIII), adopted at its 919th meeting on 9 March 1967, the Commission transmitted to the Economic and Social Council, and recommended that the Council transmit to the General Assembly: (a) a preamble and twelve articles of a draft international convention on the elimination of all forms of religious intolerance, adopted by the Commission and annexed to the resolution; (b) an additional draft article submitted by the delegation of Jamaica and draft article XIII proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities which, after some discussion, the Commission considered should be submitted to the General Assembly; and (c) the preliminary draft of additional measures of implementation submitted by the Sub-Commission in its resolution 2 (XVII), which the Commission did not consider for lack of time. The Commission expressed the hope that the General Assembly would decide upon suitable measures of implementation and final clauses of the draft Convention.
15. The Economic and Social Council, in resolution 1233 (XLII), adopted at its 1479th plenary meeting on 6 June 1967, transmitted to the General Assembly, the documentation which it had received from the Commission.

D. Action taken by the General Assembly at its twenty-second session

16. At the twenty-second session of the General Assembly, the Third Committee devoted twenty-nine meetings (1486th to 1514th meetings, held from 17 October to

^{11/} Official Records of the Economic and Social Council, Thirty-ninth Session, Supplement No. 8 (E/4024), chap. II. The text of provisions of the draft Convention adopted by the Commission will be found in paragraph 327.

^{12/} Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8 (E/4184), chap. II, paras. 28-162.

14 November 1967) to the consideration of the draft International Convention.^{13/}

The Committee began by holding a general debate on the item "Elimination of all forms of religious intolerance". The views expressed in the general debate are summarized in documents A/C.3/SR.1486 to 1497.

17. At its 1497th meeting, the Committee adopted a draft resolution in which it decided not to mention any specific example of religious intolerance in the International Convention on the Elimination of All Forms of Religious Intolerance.

18. At its 1505th meeting, the Third Committee changed the title of the draft Convention to International Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

19. The Committee discussed the preamble to the draft Convention at its 1498th to 1505th and 1511th meetings. The preamble as a whole was adopted at the 1511th meeting, by 58 votes to none, with 45 abstentions, as follows:

"The States Parties to the present Convention,

"Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"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, and that these are consecrated in the International Covenants on Human Rights,

"Considering that the disregard and infringement of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion or belief have brought, directly or indirectly, wars and great suffering to mankind, especially when manifestations of religion or belief had served and are still serving as a means or as an instrument of foreign interference in the internal affairs of other States and peoples,

"Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life, and that freedom of religion or belief should be fully respected and guaranteed,

"Considering it essential that Governments, organizations and private persons should strive to promote through education, as well as by other means,

^{13/} For the report of the Third Committee, see Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 54, document A/6934.

understanding, tolerance and respect in matters relating to freedom of religion and belief, and to combat any exploitation or abuse of religion or belief for political or other ends inconsistent with the purpose and principles of the present Convention,

"Noting with satisfaction the adoption of several, and the coming into force of some, Conventions under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

"Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

"Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

"Convinced that the right to freedom of religion or belief should not be abused so as to impede any measures aimed at the elimination of colonialism and racialism,

"Have agreed as follows:".

20. The Committee, after considering article I of the Convention at its 1507th to its 1511th meetings, adopted, by 91 votes to 2, with 6 abstentions, the following text:

"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 of exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life;

"(c) The expression 'religious intolerance' shall mean intolerance in matters of religion or belief;

"(d) 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 religious intolerance or discrimination on the ground of religion or belief; provided that this paragraph shall not be construed as permitting violation of the provisions of this Convention."

ANNEX I

PRELIMINARY DRAFT OF A UNITED NATIONS DECLARATION ON THE
ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE,
PREPARED BY THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES a/

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for 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 that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, in particular as to race, colour, religion or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination.

Considering further that the right of everyone to freedom of thought, conscience and religion has been proclaimed in the Universal Declaration of Human Rights, which right includes freedom to change one's religion or belief, and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship or observance,

Noting that the disregard of human rights and fundamental freedoms through discrimination because of religion and the denial of the right to freedom of thought, conscience and religion has brought in the past untold sorrow to mankind by inflicting grievous suffering on those who were its victims and in injuring those responsible for them,

Considering that in order to eliminate and prevent all such forms of religious intolerance it is vital for Governments to take legislative, educational and other measures to that end, and for organizations and private persons to lend their fullest support to the achievement of this objective,

a/ Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8 (E/3873), para. 294.

Convinced that the building of a world society free from all forms of religious intolerance is one of the fundamental objectives of the United Nations,

Solemnly affirms the necessity of adopting national and international measures to that end and in order to secure the universal and effective recognition and observance of the principles set forth below,

Proclaims this declaration:

Article I

Discrimination between human beings on the grounds of religion or belief is an offence to human dignity and shall be condemned as a denial of the principles 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.

Article II

No States, institution, group or individual shall make any discrimination in matters of human rights and fundamental freedoms in the treatment of persons on the grounds of their religion or their belief.

Article III

1. Particular efforts shall be made to prevent discrimination based on religion, 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 his country.

2. Everyone has the right to effective remedial relief by the competent national tribunals against any discrimination he may suffer on the grounds of religion or belief, through acts violating fundamental rights granted him by the constitution or by law.

Article IV

Everyone has the right to adhere, or not to adhere, to a religion or belief and to change in accordance with the dictates of his conscience - without being subjected to any pressure, inducement or undue influence likely to impair his freedom of choice or decision in this matter.

Article V

Parents or legal guardians have the right 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, the best interests of the child being the guiding principle, their expressed or presumed wish shall be duly taken into account.

Article VI

Everyone has the right to comply with what is prescribed by his religion or belief and shall be free to worship, and profess, in public or in private, without suffering any discrimination on account of his religion or belief and specifically:

1. Every person and every group has the right to worship, either alone or together with others, in public or in private, and to maintain houses of worship in accordance with the prescription of their belief.

2. (i) Every individual has the right in association with others, without any limitation based on the number of members, to form and maintain religious communities and institutions.

(ii) Every religious community and institution has the right, in association with similar religious communities and institutions, to form territorial federations on a national, regional or local basis.

3. Everyone has the right to teach and to learn his religion or belief, his sacred language and religious traditions, either in public or in private. No one shall be compelled to receive instruction in a religion or belief contrary to his convictions or, in the case of children, contrary to the wishes of their parents, or legal guardians. All education shall be directed to promote understanding, tolerance and friendship among all religions and beliefs.

4. Every religious group or community has the right to write, to print and to publish religious books and texts and shall be permitted to train the personnel required for the performance of its practices or rites. No religious group or community shall be prevented from bringing teachers from abroad for this purpose. Every religious group or community shall be enabled to have contacts with communities and institutions belonging to the same religion abroad.

5. (i) Everyone has the right to observe the dietary practices prescribed by his religion or belief. Any individual or any religious community shall be permitted to acquire and produce all materials and objects necessary for the observance of prescribed ritual or practices, including dietary practices.

(ii) Where the State controls the means of production and distribution, it shall help to provide the above-mentioned materials, or the materials and means necessary for their production, to religious communities of the religions concerned and to its members, and if necessary allow them to be imported.

6. Everyone has the right to make pilgrimage to sites held in veneration, whether inside or outside his country, and every State shall grant freedom of access to these places.

7.. Equal legal protection shall be accorded to all forms of worship, places of worship and institutions. Similar guarantees shall be accorded to ritual objects, language of worship and sacred books.

8. Due account shall be taken of the prescriptions of each religion or belief relating to holy days and days of rest, and all discrimination in this regard between persons of different religions or beliefs shall be prohibited.

Article VII

Everyone shall have the right to have marriage rites performed in accordance with the prescriptions of his religion or belief, and no one shall be compelled to undergo a religious marriage ceremony not in conformity with his convictions. Nothing in this Article shall, however, dispense anyone from the obligations to observe other requirements and formalities laid down by the law regarding marriage.

Article VIII

The prescriptions of the religion of a deceased person shall be followed in all matters affecting burial customs, subject to the wishes, if any, expressed by the deceased during his lifetime, or failing that those of his family.

Article IX

Equal legal protection shall be afforded to all cemeteries or other burial place and also to the funeral or memorial rites of all religions or beliefs.

Article X

[Religious communities shall have the right to receive the funds necessary for the carrying out of their functions.]

Article XI

No one shall be compelled to take an oath of a religious nature contrary to his convictions.

Article XII

No State shall discriminate in the granting of subsidies, in taxation or in exemptions from taxation, between different religions or beliefs or their adherents. However, public authorities shall not be precluded from levying general taxes or from contributing funds for the preservation of religious structures recognized as monuments of historic or artistic value.

Article XIII

1. The freedoms and rights set out in articles I, II, III, IV, V and XI shall not be subject to any restrictions.

2. The freedoms and rights set out elsewhere in this Declaration 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 in no case be exercised contrary to the purposes and principles of the United Nations.

Article XIV

1. All acts directed or intended to prevent or to restrict the freedom of religion or cult shall be prohibited.

2. All incitements to hatred or acts of violence, whether by individuals or organizations against any religious group of persons belonging to a religious community, shall be considered an offence against society and punishable by law and all propaganda designed to foster or justify it, shall be condemned.

3. In order to put into effect the purposes and principles of the present declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or declare illegal organizations which promote and incite to religious discrimination or incite to, or use violence for purposes of discrimination based on religion.

4. The United Nations, the specialized agencies, Member States and non-governmental organizations shall do all in their power to promote energetic action, through research, education, information and appropriate legislation, with a view to hastening the elimination of all forms of religious discrimination and intolerance.

ANNEX II

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 a/

.... The working group was instructed by the Commission to prepare a draft declaration on the elimination of all forms of religious intolerance, using as a basis for its discussion the text submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873, para. 142).

There was no disagreement in the working group that the declaration should protect equally the right to adhere to any religion and the right to maintain any non-religious belief. Certain members felt, however, that the text of the draft declaration submitted by the Sub-Commission (E/CN.4/873, para. 142), which used the words "religion or belief", did not adequately cover the notion of non-religious beliefs, particularly "atheism". They would like to have the draft declaration spell out clearly and categorically the right to non-religious beliefs, including "atheism" and to this end proposed that a definition along those lines should be inserted before Article I. On the other hand, several members felt that it was unnecessary to define the terms "religion" and "belief" since they were terms whose meanings were well understood in United Nations usage. However, a number of members were prepared to co-operate in drafting a definition if one was deemed essential. The working group agreed to leave the question of a definition to the Commission and decided to transmit to the Commission the following suggested definitions:

(a) Austria: "For the purpose of this Declaration the term 'belief' is understood as expression for the various theistic creeds or such other beliefs as agnosticism, free thought, atheism and rationalism."

(b) Ukrainian SSR: "In this Declaration the term 'religion or belief' means both religious beliefs and atheistic convictions."

(c) United Kingdom: "In this Declaration the term 'belief' includes both religious and non-religious beliefs."

The working group was not able to take into consideration more than the first six articles of the text submitted by the Sub-Commission (E/CN.4/873, para. 142) in relation to which it prepared the draft provisions set forth below. The words in square brackets are those on which no agreement was reached in the working group. The words "religion or belief" which appear throughout the working group's text are provisional only, and their final form will depend on the Commission's decision on the question of a definition mentioned above.

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

Text of the articles as prepared by the working group

Article I

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 non-religious] 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.

Article II

Discrimination between human beings on the ground of religion or belief is an offence to human dignity and shall be condemned 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.

Article III

1. No individual or group shall be subjected by any State, institution, group or individual on the ground of religion or belief to any discrimination in the recognition, exercise and enjoyment of human rights and fundamental freedoms.

2. Everyone has the right to effective remedial relief by the competent national tribunals against any acts violating the rights set forth in this Declaration 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].

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.]

Article V

1. Parents or legal guardians have the right 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 his parents, their expressed or presumed wish shall be duly taken into account, the best interests of the child being the guiding principle. If the child has reached a sufficient degree of understanding, his wish shall be taken into account.

2. The decision concerning the religion or belief in which a child should be brought up must not be injurious to its interest or health, and must not do him physical or moral harm. The child must be guarded against practices which might inculcate in him any discrimination on account of religion or belief.

Article VI^{b/}

Every person and every group or community has the right to manifest their religion or belief in public or in private, without being subjected to any discrimination on the grounds of religion or belief; this right includes 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 to observe the rites or customs of their religion or belief.

Annex

The following proposals submitted to the working group could not be discussed because of lack of time:

1. Ukrainian SSR: proposal for a new article:

1. In order to ensure full freedom of conscience, the Church is shall be separated from the State and the School from the Church.

b/ The inclusion of this article was agreed upon by all members of the working group. The representative of the United States of America felt, however, that the text failed to reflect all of the points covered in the original text of article VI, as transmitted by the Sub-Commission, and that it needed completing with the further provisions proposed by his delegation and appearing in the annex.

2. All churches, religious creeds and movements are equal before the law. No church, creed or religious organization is or may be the object of any privileges or restrictions in their activities. The domination, whether in name or in fact, of a particular church or creed shall be eliminated.

2. Union of Soviet Socialist Republics: (a) proposal for a new preambular paragraph:

Considering that freedom of atheistic beliefs is of the utmost importance to those who profess them, and that freedom of those beliefs, including the right to express them, should therefore be respected and guaranteed,

(b) proposal for a new article:

Freedom of religious and non-religious belief, and the rights and duties of persons of different beliefs, shall not be used for purposes of political or electoral campaigns or the kindling of hatred between peoples and different religious and national groups.

(c) proposal for a new article:

No religious creed or belief of any kind shall in any circumstances be used in order to prejudice the interests of strengthening universal peace and security or friendship and co-operation between peoples and States.

3. United States of America: proposal for new articles to follow after Article VI:

I

Everyone, alone or in association with others, shall be free to comply with the tenets of his 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.

II

Everyone shall be free to observe the Holy Days associated with his religion or belief. Everyone shall have the right to make pilgrimages and other journeys in connexion with his religion or belief, whether inside or outside his country, and free access shall be granted to all Holy Places.

III

Every individual and religious group has the right to legal protection for its places of worship, for its rites, ceremonies, and activities, and for the burial places associated with its religion or belief.

IV

Every person and every group, in accordance with his religion or belief, shall have the right to organize and maintain local, regional, national and international associations in connexion with their activities. Everyone shall have the right to communicate with and visit his co-religionists and believers, whether individuals or organizations at home and abroad.

ANNEX III

PREAMBLE AND TWELVE ARTICLES OF THE DRAFT INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE, ADOPTED BY THE
COMMISSION ON HUMAN RIGHTS AT ITS TWENTY-FIRST, TWENTY-SECOND AND
TWENTY-THIRD SESSIONS a/

Preamble

The States Parties to the present Convention,

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

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 and infringement 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 or belief, for anyone who professes either, 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 freedom of religion and belief,

Noting with satisfaction the coming into force of conventions concerning discrimination, inter alia, on the ground of religion, such as the International Labour Organisation Convention on Discrimination in Respect of Employment and Occupation, adopted in 1958, the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education, adopted in 1960, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948,

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

a/ See A/6660, annex I.

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

Have agreed as follows:

Article I

For the purposes 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, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life;

(c) The expression "religious intolerance" shall mean intolerance in matters of religion or belief;

(d) 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 religious intolerance or discrimination on the ground of religion or belief; provided that this paragraph shall not be construed as permitting violation of specific provisions of this Convention.

Article II

States Parties recognize that the religion or belief of an individual is a matter for his own conscience and must be respected accordingly. They condemn all forms of religious intolerance and all discrimination on the ground of religion or belief and undertake to promote and implement policies which are designed to protect freedom of thought, conscience, religion or belief, to secure religious tolerance and to eliminate all discrimination on the ground of religion or belief.

Article III

1. States Parties undertake to ensure to everyone within their jurisdiction the right to freedom of thought, conscience, religion or belief. 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 either to any of the limitations referred to in article XII or to any coercion likely to impair his freedom of choice or decision in the matter, provided that this sub-paragraph shall not be interpreted as extending to manifestations of religion or belief;

(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 ground of religion or belief;

(c) Freedom to express opinions on questions concerning a religion or belief.

2. States Parties shall in particular ensure to everyone within their jurisdiction:

(a) Freedom to worship, to hold assemblies related to religion or belief and to establish and maintain places of worship or assembly for these purposes;

(b) Freedom to teach, to disseminate and to learn his religion or belief and its sacred languages or traditions, to write, print and publish religious books and texts, and to train personnel intending to devote themselves to its practices or observances;

(c) Freedom to practise his religion or belief by establishing and maintaining charitable and educational institutions and by expressing in public life the implications of religion or belief;

(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 the places of worship or assembly, the rites, ceremonies and activities, and the places of disposal of the dead associated with his religion or belief;

(g) Freedom to organize and maintain local, regional, national and international associations in connexion with his religion or belief, to participate in their activities, and to communicate with his co-religionists and believers;

(h) Freedom from compulsion to take an oath of a religious nature.

Article IV

1. States Parties undertake to respect the right of parents and, where applicable, legal guardians, to bring up in the religion or belief of their choice their children or wards who are as yet incapable of exercising the freedom of choice guaranteed under article III, paragraph 1 (a).

2. The exercise of this right carries with it the duty of parents and legal guardians to inculcate in their children or wards tolerance for the religion or belief of others, and to protect them from any precepts or practices based on religious intolerance or discrimination on the ground of religion or belief.

3. In the case of a child who has been deprived of his parents, their expressed or presumed wishes shall be duly taken into account.

4. In applying the provisions of this article, the best interests of the child shall be the guiding principle for those who are responsible for his upbringing and education.

Article V

States Parties shall ensure to everyone freedom to enjoy and to exercise political, civic, economic, social and cultural rights without discrimination on the ground of religion or belief.

Article VI

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices as, for example, anti-Semitism and other manifestations which lead to religious intolerance and to discrimination on the ground of religion or belief, and to promoting and encouraging, in the interest of universal peace, understanding, tolerance, co-operation and friendship among nations, groups and individuals, irrespective of differences in religion or belief, in accordance with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and this Convention.

Article VII

1. In compliance with the fundamental obligations laid down in article II, States Parties shall take effective measures to prevent and eliminate discrimination on the ground of religion or belief, including the enactment or abrogation of laws or regulations where necessary to prohibit such discrimination by any person, group or organization.

2. States Parties undertake not to pursue any policy or enact or retain laws or regulations restricting or impeding freedom of conscience, religion or belief or the free and open exercise thereof, nor discriminate against any person, group or organization on account of membership or non-membership in, practice or non-practice of, or adherence or non-adherence to any religion or belief.

Article VIII

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, religion or belief and to equal protection of the law against any discrimination on the ground of religion or belief.

Article IX

State Parties shall ensure equal protection of the law against promotion of or incitement to religious intolerance or discrimination on the ground of religion or belief. Any act of violence against the adherents of any religion or belief or against the means used for its practice, any incitement to such acts or incitement to hatred likely to result in acts of violence against any religion or belief or its adherents, shall be considered as offences punishable by law. Membership in an organization based on religion or belief does not remove the responsibility for the above-mentioned acts.

Article X

State Parties shall ensure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts, including 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 acts.

Article XI

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

ANNEX IV

ADDITIONAL DRAFT ARTICLE SUBMITTED BY JAMAICA TO THE
COMMISSION ON HUMAN RIGHTS a/

Add the following before article XIII:

"No provision of this Convention shall be interpreted as to require or to authorize any derogation from any provision in the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights."

a/ See A/6660, annex II.

ANNEX V

DRAFT ARTICLE XIII SUBMITTED BY THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES TO THE COMMISSION
ON HUMAN RIGHTS a/

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;

(b) Thereafter every two years and whenever the Economic and Social Council of the United Nations 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.

a/ See A/6660, annex III.

ANNEX VI

PRELIMINARY DRAFT ON ADDITIONAL MEASURES OF IMPLEMENTATION TRANSMITTED
TO THE COMMISSION ON HUMAN RIGHTS BY THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES a/

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.

Article XVII

When electing members of the Committee, the Economic and Social Council shall also designate, on the recommendation of the Secretary-General of the United Nations, 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.

a/ See A/6660, annex IV.

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 United Nations Office at Geneva, 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, which 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 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 of this article, 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 of the United Nations 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 paragraph 1 of this article may be made in general terms, or for a particular case or for a specific period, and shall be deposited with the Secretary-General of the United Nations 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 XXVII

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 with which the Committee is dealing.

Article XXVIII

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.