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ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

Seminar on the Encouragement of Understanding, Tolerance and
Respect in Matters relating to Freedom of Religion or Belief

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Members of the General Assembly the report of the Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters relating to Freedom of Religion or Belief, in accordance with General Assembly resolution 39/131 of 14 December 1984.

* A/40/50/Rev.1.

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INTRODUCTION

A. Organization of the Seminar

1. At its thirty-ninth session on 9 March 1983 the Commission on Human Rights adopted resolution 1983/40 concerning the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief contained in General Assembly resolution 36/55 of 25 November 1981. By its resolution, the Commission, conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, requested the Secretary-General to hold within the framework of the Advisory Services Programme in the period 1984-1985 a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief. This request was endorsed by the Economic and Social Council in its decision 1983/150, adopted on 27 May at its first regular session of 1983.
2. The Seminar was held from 3 to 14 December 1984 at the Palais des Nations, Geneva.

B. Participation

3. Invitations to nominate participants were extended to the Governments of Argentina, Brazil, Canada, China, Costa Rica, Egypt, Finland, Greece, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Morocco, Nicaragua, Nigeria, Pakistan, Poland, Saudi Arabia, Senegal, Thailand, Togo, the Union of Soviet Socialist Republics, the United States of America and Yugoslavia. An invitation was also extended to the Holy See to send an observer.
4. The following specialized agencies were invited to send representatives: the International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Health Organization (WHO). An invitation was also addressed to the Office of the High Commissioner for Refugees (UNHCR) to send a representative.
5. The following regional intergovernmental organizations were invited to send observers: the Council of Europe, the League of Arab States, the Organization of African Unity, the Organization of American States and the Organization of the Islamic Conference.
6. The following national liberation movements were also invited to send observers: the African National Congress of South Africa, the Palestine Liberation Organization, the Pan Africanist Congress of Azania (South Africa) and the South West Africa People's Organization.
7. Non-governmental organizations in consultative status with the Economic and Social Council, whose purposes and programmes are closely connected with the subject-matter of the Seminar, were invited to send observers.

8. Participants from the following countries attended the Seminar: Argentina, Brazil, Canada, Costa Rica, Egypt, Finland, Greece, India, Ireland, Israel, Italy, Japan, Kenya, Morocco, Nicaragua, Nigeria, Pakistan, Poland, Saudi Arabia, Senegal, Thailand, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

9. Algeria, Australia, Cuba, Democratic Yemen, the Federal Republic of Germany, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, the Netherlands, Norway, Peru, Sudan, the Syrian Arab Republic, Turkey and Yemen designated observers to attend the Seminar.

10. A list of persons who attended the Seminar will be found in appendix I to the present report.

C. Opening of the Seminar and election of officers

11. The Seminar was opened on behalf of the Secretary-General of the United Nations by Mr. Kwadwo F. Nyamekye, Deputy-Director, Centre for Human Rights, who made a statement. The text of the statement is reproduced in appendix II.

12. At the invitation of the Centre for Human Rights, participants and observers at the Seminar attended a special commemorative session to celebrate the thirty-sixth anniversary of the adoption of the Universal Declaration of Human Rights by the General Assembly in its resolution 217 A (III) of 10 December 1948. At this celebration a statement was read on behalf of the Secretary-General of the United Nations. The Chairman of the Seminar, as well as a representative of the non-governmental organizations, and other participants and observers made statements on this occasion.

13. The following officers were elected by the Seminar:

Chairman: Mr. Adam LOPATKA (Poland)

Vice-Chairmen: Mrs. María Theresa MERCIADRI DE MORINI (Argentina)
Mr. Abdel Hamid ABDEL-GHANI (Egypt)
Mr. K. H. PATEL (India)

Rapporteur: Mr. Kevin BOYLE (Ireland)

14. The Secretary-General was represented by Mr. Kwadwo F. Nyamekye, Deputy-Director of the Centre for Human Rights. Mr. Munzer Anabtawi, Chief, Advisory Services Unit, was Secretary of the Seminar.

D. Agenda

15. The agenda of the Seminar was as follows:

1. The principle of tolerance in the Charter of the United Nations and freedom of religion or belief under international instruments on human rights.

2. Nature and dimensions of contemporary manifestations of intolerance of religion or belief.
3. Models of national or local action to prevent or combat intolerance of religion or belief.
4. Education programmes to foster tolerance of religion or belief.
5. Future activities to promote and to protect freedom of religion or belief with particular reference to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

E. Documentation

16. The following papers were prepared for the Seminar at the request of the United Nations Secretariat:

(a) Background paper prepared by Professor Adam Lopatka, Minister, Head of the Office of Church Affairs, Polish People's Republic (HR/GENEVA/1984/BP.1);

(b) Background paper prepared by Mrs. Elizabeth Odio-Benito, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (HR/GENEVA/1984/BP.2);

(c) Background paper prepared by Professor Roger S. Clark, Rutgers University School of Law, Camden, New Jersey, United States of America (HR/GENEVA/1984/BP.3).

17. The following working papers were prepared by participants and observers:

Judge Voitto Saario (Finland)	HR/GENEVA/1984/WP.1
International Association for the Defence of Religious Liberty	HR/GENEVA/1984/WP.2
B. K. Sister Jayanti (Brahma Kumaris World Spiritual University)	HR/GENEVA/1984/WP.3
Holy See	HR/GENEVA/1984/WP.4
Mr. Kevin C. Boyle, Professor of Law, University College, Galway (Ireland)	HR/GENEVA/1984/WP.5
Mr. Iwao Munakata, Faculty of Literature, Sophia University (Japan)	HR/GENEVA/1984/WP.6
Mr. Aleksandar Fira, Judge, Constitutional Court (Yugoslavia)	HR/GENEVA/1984/WP.7
Mr. Javid Iqbal, Chief Justice, Lahore High Court (Pakistan)	HR/GENEVA/1984/WP.8

Bahá'í International Community	HR/GENEVA/1984/WP.9
Mr. Georges Thiathy Dione (Senegal)	HR/GENEVA/1984/WP.10
Mr. Makumi Mwangiru, Second Secretary (Legal) Kenya High Commission, London	HR/GENEVA/1984/WP.11
H.E. Maarouf Al Dewalibi, Counsellor, Royal Court, Riyadh	HR/GENEVA/1984/WP.12
Mrs. María Teresa M. de Morini, Subsecretaria de Culto del Ministerio de Relaciones Exteriores, Buenos Aires	HR/GENEVA/1984/WP.13
Mr. James Finn, Editorial Director, Freedom House, New York	HR/GENEVA/1984/WP.14
International Labour Office	HR/GENEVA/1984/WP.15
Mr. Isaac Lewin, Agudas Israel World Organization	HR/GENEVA/1984/WP.16
Mr. K. H. Patel, Deputy Director, Ministry of External Affairs, New Delhi	HR/GENEVA/1984/WP.17
World Muslim League	HR/GENEVA/1984/WP.18
Mr. Saneh Vadanathorn, Deputy Permanent Secretary, Ministry of the Interior, Bangkok	HR/GENEVA/1984/WP.19

18. The following documents and publications were also made available to participants and observers:

Basic documents

Memorandum on the International Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief (reference number G/SO 216/3 (37))

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55)

General Assembly resolutions 37/187 and 38/110 on the elimination of all forms of religious intolerance

Commission on Human Rights resolutions 1983/40 and 1984/57 on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

E/CN.4/1983/SR.49 and SR.50

Sub-Commission resolution 1983/31 on the elimination of all forms of religious intolerance

Elimination of all forms of intolerance and discrimination based on religion or belief: preliminary report by the Special Rapporteur (E/CN.4/Sub.2/1984/28)

Reference documents

Reports of the Secretary-General on national institutions for the promotion and protection of human rights (A/36/440 and A/38/416)

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1983/34)

Study of discrimination in the matter of religious rights and practices by Arcot Krishnaswami (E/CN.4/Sub.2/200/Rev.1)

Study on the rights of persons belonging to ethnic, religious and linguistic minorities by Francesco Capotorti (E/CN.4/Sub.2/384/Rev.1)

Elimination of All Forms of Religious Intolerance: note by the Secretary-General (E/CN.4/Sub.2/1983/29)

Droits de l'homme: recueil d'instruments internationaux (ST/HR/1/Rev.2)

United action in the field of human rights (ST/HR/2/Rev.2)

Human rights, international instruments, signatures, ratifications, accessions etc. (ST/HR/4/Rev.4 and 5)

Seminar on National and Local Institutions for the Promotion and Protection of Human Rights (ST/HR/SER.A/2)

UNESCO: Final report of the Meeting of Experts on the Place of Human Rights in Cultural and Religious Traditions, Bangkok (Thailand), 3-7 December 1979 (UNESCO document SS-79/CONF.607/10)

Discrimination and religious conviction (New South Wales Anti-Discrimination Board, 1984)

I. THE PRINCIPLE OF TOLERANCE IN THE CHARTER OF THE
UNITED NATIONS AND FREEDOM OF RELIGION OR BELIEF
UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

19. Agenda item 1 was considered at the 3rd and 4th meetings on 4 December 1984. Mr. Aleksandar Fira (Yugoslavia) acted as discussion leader.

20. In introducing the item, the discussion leader observed that there was a provision in the preamble of the Charter of the United Nations in which the peoples of the United Nations expressed their determination to practise tolerance and live together in peace with one another as good neighbours. Freedom of religion or

belief was proclaimed in the Charter of the United Nations, in the Universal Declaration of Human Rights and in various other international instruments dealing with human rights. Reference was made in particular, to the preamble of the Charter and Article 1, paragraph 3, which states that one of the goals of the United Nations is to achieve international co-operation in solving international problems and in promoting and encouraging respect for human rights and fundamental freedom for all without distinction as to, inter alia, religion. Articles 4 and 18 of the International Covenant on Civil and Political Rights, a/ article 13 of the International Covenant on Economic, Social and Cultural Rights, b/ ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation c/ and the UNESCO Convention against Discrimination in Education d/ also contained provisions relating to the right of everyone to manifest and practise religion or belief. The discussion leader emphasized that States which had ratified or adhered to the above-mentioned instruments were under international legal obligations to ensure within their territories the full implementation of the rights contained therein. He further observed that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which was proclaimed by the General Assembly in 1981 contained detailed indications of what the right to freedom of thought, conscience and religion implied and what steps were required of States.

21. It was generally agreed that the recognition of the principle of tolerance and of the right of everyone to freedom of religion or belief was of paramount importance for the effective protection of other human rights and fundamental freedoms. The interrelationship between the right to freedom of conscience and belief and other rights was stressed. It was said that care should be exercised to ensure that differences in religion or belief would not lead to friction among States. Suggestions were made that the Seminar should invite States parties to give the highest priority to activities relating to the implementation of United Nations standards for the protection of freedom of religion or belief and in particular the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

22. It was pointed out that freedom of thought, conscience, religion or belief provided for in 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, protected not only the right to profess any religion but also the right to profess no religion or to change religious belief, or to adopt beliefs other than religious beliefs according to the individual's conscience. The Declaration also provided that no one should be subjected to coercion in the matter of belief or discriminated against on the ground of belief, whether religious, atheistic or agnostic.

23. The importance of the Declaration was particularly noted. It was said that it could be used as a valuable guide for the interpretation of existing international instruments, as it contained detailed provisions which gave more detailed content to the right to freedom of religion or belief in those instruments. The international instruments relating thereto should therefore be read as a body.

24. Many participants referred to the situation in their respective countries to illustrate the meaning they attached to the principle of tolerance and the nature

of the rights relating to religion and belief protected in the international instruments. They pointed out that the principle of understanding and tolerance in matters relating to religion or belief had been incorporated into the constitutions of their countries. All speakers emphasized the universal character of the principle and its positive impact on national legislation. Some speakers observed that only in conditions of peace, development and active coexistence of different political, social and economic systems, was it possible to secure the full enjoyment of all human rights, including freedom of religion or belief. Some participants suggested that each State should re-examine its constitutional provisions with a view to providing adequate constitutional guarantees for freedom of religion or belief consistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. States should re-examine their legislation with a view to ensuring that freedom of religion or belief was assured in a concrete manner, discrimination on grounds of religion or belief was proscribed, and that adequate safeguards and remedies were provided against such discrimination.

25. The view was expressed that freedom of religion or belief was closely linked with the overall situation throughout the world as regards respect for other human rights, such as the right to live in peace and the right to development - to mention just two. It was thus considered important that the principles of tolerance and non-discrimination as regards religion or belief should be universally applied and respected.

26. Various opinions were expressed on the interpretation to be given to the terms "tolerance" and "freedom". The opinion was expressed that while tolerance meant acceptance by individuals of the right of other individuals to hold different views, the concept of freedom went beyond the situation of individuals; it involved the State and placed heavy responsibilities upon it, in particular the duty to guarantee religious freedom and to ensure that discrimination on religious grounds was proscribed by law. It was also said that tolerance was not just a matter of non-discrimination but an act of understanding which had to come from the individual rather than from the State. However, the State should take measures to encourage such attitudes of tolerance and to ensure respect for different religions and beliefs. It was also noted in this connection that while tolerance entailed respect for the religion or belief of others, it need not imply approval of all beliefs. In the view of some participants the principle of tolerance should not be considered as something absolute. There were other fundamental values that a society had to defend and, therefore, there could be limits to the application of the principle of tolerance with respect to freedom to manifest religion or belief. Tolerance in this view meant only that it was not legitimate to exert physical or psychological pressure on persons because of their religion or belief. Some participants further noted that in relations between States, tolerance contributed greatly to the maintenance of peace and security.

27. Referring to the teaching of the great religions of the world, many participants observed that tolerance presupposed respect for others as human beings. The application of the principle of tolerance, it was said, was particularly important when a change in life circumstances, such as migrations or population displacements on a large scale, occurred. Tolerance, in the opinion of many participants, was a value which was linked to the inherent dignity of the

human person and, as such, had clear implications for the human rights policies of States. In that connection, it was also stressed that the right to freedom of religion had the special status of a right from which no derogation might be made under article 4 of the International Covenant on Civil and Political Rights.

28. Some participants drew attention to various problems relating to the implementation of the principle of tolerance. It was said, for example, that the right of young persons to manifest their religion or belief, was closely linked with the question of conscientious objection to military service. The view was held that the determination of the age at which a child could take a decision concerning his own development, including on matters related to religion or belief, was a question worth raising. Another question raised concerned the right to practise one's own religion in countries having an established religion or a State Church. Reference was also made to the proliferation of religious sects in certain regions of the world. In this context, it was said that in some instances religion was being used as a weapon to achieve political ends and to destabilize constitutional Governments.

29. The view was expressed that the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief should be followed by the elaboration of a convention. Such a convention would help to promote religious freedom by establishing international supervisory machinery for the implementation of its provisions. Another view was that a convention was not strictly necessary, because standards were already firmly established at the international level. According to this opinion, the obligations assumed by States under the International Covenant on Civil and Political Rights were explicit and the Covenant and the Optional Protocol thereto were being well served by the Human Rights Committee.

30. Summing up the debate, the discussion leader noted that it had been wide-ranging and said that the Seminar was unanimous in the view that international instruments dealing with freedom of religion and belief had a positive impact on national legislation and practice. He emphasized the importance of the principle of tolerance and non-discrimination as regards religion or belief, in conditions of peace, development and active coexistence of States with different political, social and economic systems. He suggested that the Seminar should consider at a later stage the possibility of elaborating a new international instrument dealing with the elimination of intolerance and discrimination based on religion or belief, taking into account the views expressed during the course of the discussion of agenda item 1.

II. NATURE AND DIMENSIONS OF CONTEMPORARY MANIFESTATIONS OF INTOLERANCE OF RELIGION OR BELIEF

31. Agenda item 2 was considered at the 5th to 8th meetings, on 5 and 6 December 1984. Mr. K. H. Patel (India) acted as discussion leader.

32. In introducing the item the discussion leader noted that although the right to freedom of religion or belief was recognized as a fundamental human right in various international instruments, manifestations of intolerance and discrimination based on religion or belief continued to occur in various parts of the world. In

his view the Seminar should determine the nature and the causes of such manifestations, examine the various forms that they took, and consider the problem in all its dimensions, paying particular attention to the role played by political, economic, social, cultural and historical factors. He then urged the Seminar to undertake an in-depth analysis of the violations relating to the specific rights listed in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

33. It was noted that countless wars had been waged throughout human history in the name of religion. Speakers were unanimous in recognizing that the world today was witnessing widespread manifestations of intolerance or discrimination on grounds of religion or belief. Reference was made in this connection to numerous ethnic and religious groups which, it was said, were victims of such manifestations in various countries. Intolerance was manifested between different religious belief systems, and between religious and non-religious beliefs. It was also noted that tolerance might be lacking between the adherents of the same beliefs and that it was necessary to guarantee the rights of individuals with regard to religious groups.

34. The view was expressed that there was inadequate information on, and understanding of, the phenomenon of religious intolerance, and that multidisciplinary research on the subject should be undertaken.

35. For many participants, manifestations of intolerance on grounds of religion or belief were attributable to the unwillingness to accept the right of everyone to be different. Intolerance, they argued, stemmed basically from a lack of respect for the belief of others, and was often associated with the domination exercised by a majority over minorities with different beliefs. They stressed that such an attitude led first to discrimination, then to persecution, and even to the most extreme forms of persecution: the physical elimination of persons.

36. Prejudice, feelings of superiority, including feelings of racial superiority, and the need to find a scapegoat for social or economic ills were also mentioned among the causes of religious intolerance.

37. In the opinion of some participants, the question of freedom of religion should not be considered only from a legal point of view. It was necessary, also, to consider how the legal system was applied in practice. Its sociological aspect should equally be taken into account. It was stressed in this regard that religion was often the essential characteristic of an ethnic group. History, they noted, taught us that on many occasions, religion and not language was the primary factor in the preservation of the identity and the unity of a group.

38. Many participants stressed that the teachings of the great religions of the world extolled the principle of tolerance. In this connection, some speakers expressed the view that religions, however originally tolerant, altruistic and humanistic they might be, nurtured the seeds of intolerance when they were professed in a rigidly dogmatic manner that divided peoples between believers of the faith and non-believers. Such an exclusive approach generated prejudice and helped to create negative stereotypes. The view was expressed that dogmatic theism as well as dogmatic atheism could lead to manifestations of intolerance. However, other participants did not consider that intolerance was inevitable where religious

beliefs differed, nor was it inevitable as between religious and other beliefs. It was suggested by some participants that the Seminar should recommend that case studies should be undertaken on the social and cultural conditions which generated intolerance. It was said that such studies could be inadequate if they treated religious beliefs only as social phenomena. The spiritual essence of a religion for believers must be appreciated in such studies.

39. It was also suggested in this connection that a study should be undertaken on the development of norms concerning the propagation of faith, so that such activity could be pursued in an atmosphere of peaceful coexistence and co-operation among different religions or beliefs.

40. The view was also expressed that when a religion had been declared official or a State religion, manifestations of intolerance for other religions by the State concerned might occur through a variety of means, such as the adoption of discriminatory measures or crude attempts at forced conversions. Other participants however expressed the conviction that tolerance could exist in a State where there was no separation between temporal and spiritual powers provided that freedom of religion or belief was legally guaranteed. The view was also held that the separation of State from religion, constitutional guarantees for freedom and equality of treatment of all religions and institutional arrangements for redress of grievances helped secure religious freedom.

41. It was emphasized that while tolerance of all religious beliefs and faiths should be regarded as a cardinal principle by every State, Governments had also the responsibility to ensure that communal passions did not threaten the integrity of the State.

42. It was pointed out that while tolerance was in its true sense an attribute of the individual, manifestations of intolerance were in many instances attributable to prevailing social conditions, and became, thus, an expression of collective behaviour. It was strongly stressed, however, that although such manifestations could be the consequence of inadequate social structures, their occurrence was not limited to certain regions. The view was expressed that such manifestations should not be regarded as inherent in particular social or political system. On the other hand, it was said that manifestations of intolerance and discrimination concerning beliefs often reflected structural factors in a society and the basic causes had therefore to be addressed.

43. It was said that in many parts of the world persons belonging to minorities continued to suffer from the worst forms of inequality, in all spheres of life. Reference in this regard was made to the protection provided by article 27 of the International Covenant on Civil and Political Rights which concerned minorities in general but also minorities distinguished by religion. Some participants deplored the fact that in some countries religious minorities were not allowed to participate in the political life of their countries. In some countries, where one religion was declared a State religion, all those who did not conform to that religion were either persecuted or obliged to practise their religion in secrecy. Such an attitude was said to be short-sighted and dangerous for internal peace. Numerous examples in recent history showed that, depending on their size, cohesion and leadership, religious minorities did not submit to the injustices to which they were subjected.

44. Attention was drawn to the violation of the right to freedom of religion or belief of the population in certain situations including those under the criminal system of apartheid and in territories under foreign occupation. It was said that the denial to the population of those areas of the right to worship in the churches of their choice constituted a violation of article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which proclaims the right of everyone, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. It was suggested that the Seminar should urge all Member States of the United Nations to redouble efforts in the struggle to put an end to such situations.

45. It was also emphasized that in multinational and multiconfessional States, where the equality of national groups was a sine qua non for stability, manifestations of intolerance, even in a minor form, could have serious consequences.

46. Some participants felt that the collection and monitoring of information on manifestations of intolerance throughout the world would be useful. They also stressed that concern for public order should not be used as a pretext to justify limitations of the right to freedom of religion or belief. On the other hand the opinion was strongly expressed that the Declaration should not in any circumstances be used as a pretext for interference in the internal affairs of States.

47. Some participants evoked the situation of young people who claimed their right to freedom of belief when making conscientious objection to military service. Another question evoked was the determination of the age at which a child could adopt the religion of his choice. In this connection, reference was made to article 5 of the Declaration which guaranteed "the right of the parents or, as the case may be, the legal guardians of the child to organize life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up". It was suggested that the Seminar should recommend to the Commission on Human Rights Working Group on the Rights of the Child to consider the above question. It was also suggested that an intensive and widespread campaign to educate children on the importance of the principle of tolerance should be undertaken.

48. In summing up the debate, the discussion leader noted the magnitude of intolerance and discrimination based on religion or belief, despite the existence of various constitutional provisions and relevant laws in national legal systems. Referring to the policy of apartheid, he said that all people should be enabled to enjoy the "right either individually or in community with others or in public or private, to manifest his religion or belief in worship, observance, practice and teaching" as provided in article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. He finally expressed the hope that the enjoyment of the right to freedom of religion or belief would remain possible for the people in all countries irrespective of their different systems of government.

III. MODELS OF NATIONAL OR LOCAL ACTION TO PREVENT OR COMBAT
INTOLERANCE OF RELIGION OR BELIEF

49. Agenda item 3 was considered at the 9th and 10th meetings, on 7 December. Judge Voitto Saario (Finland) acted as discussion leader.

50. In introducing the item, the discussion leader observed that, in considering models of national or local action to prevent or combat intolerance based on religion or belief, due account should be taken of the cultural and social as well as the legal dimensions of the problem. Therefore, in addition to the necessary legislative and administrative measures needed to ensure the implementation of relevant existing international norms, efforts should be made to change or eliminate all stereotyped ideas and prejudices in the field of freedom of thought, conscience and religion through educational means. He stressed the considerable social function of religion or belief in all societies. He stated that the role of religion or belief in the everyday life of countries and the problems relating to its manifestations could occur in various ways. Religious believers, he added, might need to be protected by specific measures in order to be able to conform to religious precepts and observe certain rituals, ceremonies or modes of worship deriving therefore, whereas secular believers could enjoy freedom of belief through the mere implementation of the general freedom of speech, assembly and association guaranteed by most constitutions. He observed that in multireligious societies certain specific limitations might be necessary in order to reconcile the various interests of the different religious groups of the society, and stressed the necessity to decide, in each particular case, the scope of such limitations. He stressed the need to reconcile traditional values and the alternative positive values resulting from the evolution of modern societies. He suggested various measures which could be taken in order to ensure the effective implementation of rights enshrined in relevant international instruments in the field of freedom of religion or belief. As examples of protective measures which could be effective in combating intolerance he cited the review, in the light of existing international instruments, of national legislation and the consequent review of administrative practices; the guarantee of an effective remedy, through judicial institutions or independent mediators, against violations of freedom of religion or belief; the provision of political, economic and social guarantees for the enjoyment of such freedoms. In the field of promotional measures, he mentioned the role of education, the contribution of relevant national institutions in the field of human rights, the establishment of a constructive dialogue between various religious groups, the role of non-governmental organizations and mass media in combating attitudes of prejudice and intolerance.

51. In the ensuing debate, participants reviewed the situation in their countries in the field of freedom of religion or belief. Some referred to specific historical circumstances which had, in their respective countries, fostered tolerance and understanding between the tenets of various faiths, and had resulted in a favourable trend towards freedom of religion or belief. Others expressed the opinion that the main source of tolerance was to be found in religious precepts which preached non-discrimination, fraternity and mutual respect between human beings. A number of participants stressed the importance of tolerance and non-discrimination in multireligious societies.

52. Many participants referred to the primary responsibility of States in safeguarding rights and freedoms enshrined in the Universal Declaration of Human Rights and other relevant instruments dealing with matters of freedom of religion or belief. In this connection, mention was made of relevant constitutional and other legal provisions in this field. Different aspects of rights covered by such provisions were evoked, such as the right of all to equal treatment without discrimination on grounds of religion or belief; the freedom to have or not to have a religion or belief; the freedom to profess, practise, teach and propagate any denomination or belief; or more specific rights relating to certain particular manifestations of freedom of religion, such as those pertaining to religious charitable or educational institutions, or to the observance of certain rituals and the production of objects and articles used in religious practice. Reference was also made to specific problems which might derive from the observance of some religious precepts, such as the question of objection to military service on religious grounds, and to solutions envisaged in some countries for such issues. The need to provide legal directives for affirmative action to ameliorate the situation of some religious groups which might be particularly disadvantaged and the existence of such directives in the legislation of some countries, was mentioned. It was suggested that States should examine the possibility of establishing or designating national institutions charged with the task of promoting tolerance of religion or belief and of combating discrimination.

53. A number of speakers raised the issue of limitations which should apply to the right to freedom of religion. It was stated that the right to worship was not to be considered as a right to disturb others in their worship and that the right to exercise religious liberty ceased when it transgressed the rights of others. The view was also expressed that religion should not be used for political manipulations, or to propagate hatred or hostility against the State. It was also said that limitations on rights relating to religion or belief should be interpreted strictly and in favour of the right at issue. In that regard it was said that article 18 of the International Covenant on Civil and Political Rights and article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief distinguished between the right to freedom of thought, conscience and religion, which was absolute and could be subject to no limitation, and freedom to manifest one's religion or belief, which could be subject to limitations but only on the grounds mentioned in these instruments.

54. The opinion was expressed that various factors such as economic, social, cultural or political conditions had a decisive impact on the religious life of a country, and that the lay character of a State should not be considered as an obstacle to the enjoyment of various religious rights. The view was also expressed that the lay character of a State and the full enjoyment of equal treatment without discrimination on grounds of religion need not inhibit a constructive dialogue between a State and religious groups nor the entering into conventions or protocols between States and churches. Some participants stated that freedom of religion related to the inner conscience of the individual and therefore belonged to the sphere of private affairs, and that the full enjoyment of freedom of religion or belief could best be guaranteed through a separation of Church and State. The view was, however, expressed that a State religion teaching mutual respect and understanding could very well safeguard tolerance and religious freedom.

55. It was observed that legislation did not always provide sufficient means to guarantee the effective implementation of principles and standards relating to freedom of religion or belief, and various concrete measures were cited which complemented legislative action in protecting and promoting tolerance and religious freedom in everyday life. In this connection, mention was made of the essential role of education in combating patterns of discrimination and intolerance. The teaching of human rights and of the values of tolerance and mutual respect, it was said, could take place at various levels in schools, or be promoted by religious institutions themselves. The importance of establishing constructive dialogue between believers of different faiths, through the holding of seminars or the establishment of inter-faith councils was also stressed, and concrete examples were cited in this regard. The role of religious and non-governmental organizations in favouring such dialogue was emphasized. Other examples of positive action were given such as the activities of human rights commissions or other national institutions in the field of human rights, the establishment of advisory services at various and particularly grass-root level, the provision of effective judicial and other recourse against unintended or individual cases of violations of religious freedom, or the utilization of mass media in instilling ideals of tolerance and mutual comprehension through better understanding of other creeds and beliefs.

56. In summing up the debate the discussion leader highlighted the main points which had been raised during the consideration of the item. He observed that many participants had stressed the need to reinforce legislative measures through concrete action in the field of education and constructive dialogue among different faiths and beliefs. He observed that many ideals and values were common to religious as well as non-religious beliefs, and that better mutual understanding of such values would greatly contribute to the eradication of intolerance of religion or belief. He noted with satisfaction that the various measures he had suggested in the field of the protection and promotion of religious freedom seemed acceptable to the participants and could therefore constitute a positive basis for further deliberations in various United Nations bodies as well as for Governments to take immediate steps to implement the principles enshrined in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

IV. EDUCATION PROGRAMMES TO FOSTER TOLERANCE OF RELIGION OR BELIEF

57. Agenda item 4 was considered at the 11th to 13th meetings, on 10 and 11 December 1984. Mr. Georges Thiathy Dione (Senegal) acted as discussion leader.

58. In introducing the item, the discussion leader said that the time had come for the consideration of specific suggestions concerning the education programmes that could be undertaken in order to foster tolerance of religion or belief. In his view action should be taken at three levels: at the level of the State, at the level of the family and at the level of the mass media. He observed that while the State had the responsibility of elaborating educational programmes in such a way as to foster a climate of tolerance of different religions and beliefs, it was in the family that children acquired the spirit of tolerance and acceptance of others. He further stressed that the mass media had a major role to play in disseminating information on human rights and respect for the beliefs and aspirations of different communities.

59. Several speakers explained the circumstances obtaining in their own countries. Some of them emphasized that although there was an official religion in their countries, minority religions were both respected and welcomed. Indeed, it was suggested that in the context of the right to freedom of religion or belief, it was better to use the word "respect" instead of the word "tolerance". Religions, it was said, should not simply be "tolerated" but given the means to prosper in peace.

60. The view was expressed that differences between religions were often more apparent than real. All great religions had, at their core, the idea of universal brotherhood and a common message of compassion and love. It was important to seek common denominators of all the great religions. It was suggested, in this regard, that students should be exposed to the teachings of different religions and that stress should be laid upon the unity of spiritual teaching.

61. Some speakers advocated greater dialogue between religions. Such a dialogue would produce common concepts: ideas of justice and liberty were common to most religions. Societies should seek to protect minorities from feelings of alienation. Pluralism meant that all communities had something of value to offer - something which should be welcomed and treasured by the majority.

62. It was observed that common church services and joint prayers would help build bridges between different religions. Churches, it was also said, should foster among their own congregations understanding and respect for neighbouring religions and communities.

63. Some speakers said that though changes brought by education may be slow, nevertheless, for the development of climates of tolerance, continuing emphasis on education was required. The importance of formal school education in shaping attitudes of tolerance and non-discrimination in matters of religion or belief was stressed. Educational authorities, it was argued, should ensure that a balanced, enlightened and tolerant approach was used in the teaching process, and that children were not taught intolerance. It was said that vigilance should be maintained to ensure that school textbook materials did not contradict the principle of tolerance. Curricula for educating teachers should emphasize the importance of human rights, including the freedom of religion, belief or conviction. The teaching of human rights at school was cited as a measure that could foster tolerance in matters of religion or belief. The special responsibilities of religious schools were also emphasized.

64. Speakers generally agreed that adequate education programmes were an essential condition for the success of national action in fostering tolerance and belief. Changing or eliminating all stereotyped ideas and prejudices in the field of freedom of religion or belief, it was pointed out, should be the primary aim at all levels and in all forms of education. The decisive role of Governments in educating citizens in the spirit of tolerance of religion or belief was emphasized. It was noted that Governments directed the actions undertaken in that sphere, and that they could use a wide range of measures in order to prevent and eliminate discrimination on the grounds of religion or belief. The importance of legislative measures was stressed, and it was observed that constitutions were also an instrument for educating societies, by providing an expression of values and

giving a hierarchy of values to which societies adhere or should adhere. It was observed that governmental action against discrimination could have an educative effect on individuals. The importance of providing effective mechanisms for the concrete implementation of rights relating to freedom of religion or belief and of educating individuals in order to make them aware of their rights in this field was stressed.

65. It was stressed that, in accordance with relevant provisions of the Universal Declaration of Human Rights, the Convention against Discrimination in Education, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the spirit of tolerance should prevail in education in schools and teaching institutions of all types and at all levels, and that the curricula for educating teachers and tutors for schools at all types and levels should deal extensively with problems of tolerance.

66. Referring to the role of non-governmental organizations, including churches and associations of every type - civil, political, trade-union - in disseminating knowledge and understanding of the principles of the Declaration, some speakers expressed the opinion that one of the main responsibilities of such organizations was to contribute to public consciousness and awareness of human rights and fundamental freedoms. Employers also had a contribution in the work place to advance tolerance of different beliefs. Guidelines on the avoidance of discrimination could be introduced as they had been already in some countries. Their contributions, it was said, could occur through constructive dialogue between tenets of various faiths, the celebration of commemorative days, the holding of conferences. These organizations, it was added, might organize special colloquia relating to the teachings of various religions and to the principles of tolerance or undertake a number of cultural programmes which would encourage religious understandings. It was noted that religious bodies in particular could enhance mutual understanding through inter-faith bodies. Their own attitude, in the profession of their faith, could be a good example of tolerance.

67. The opinion was expressed that the development of an appreciation for the common values of all religions was essential in fostering religious tolerance. It was noted that the most important role in teaching and propagating a religion was played by religious leaders and that the education and teaching of religious leaders in the spirit of tolerance determined the degree of tolerance of a given religion. In the opinion of some participants, religious leaders should address themselves to the whole field of human rights and not simply to matters concerning their own particular beliefs. Indeed, religious leaders were well placed to familiarize their own communities with human rights in their broadest sense. These leaders could, for example, distribute the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Church leaders might also address the Declaration in their preaching.

68. The importance of cross-cultural understanding of religions and beliefs was emphasized. The difficulty of providing objective descriptions of religions and beliefs, which were based primarily on personal faith and conviction, was stressed. However, it was added, there existed certain possibilities for providing an adequate and objective picture of each religion or belief in non-propagandistic ways. In this connection, it was suggested that the Centre for Human Rights,

acting jointly with the United Nations University, should be asked to set up a research group of experts in order to elaborate and publish educational material, including a series of publications on the major religions and other belief systems in the world to foster tolerance of religion or belief. It was noted that two main approaches could be envisaged in the preparation of such educational material: a direct approach, more suitable for mature and high school students, in which existing facts of intolerance and discrimination are exposed by teachers; and an indirect approach, avoiding specific reference to blunt facts of discrimination, but rather presenting various values, symbols and rituals of different religions and beliefs. It was said that it was important that scholars involved in the proposed studies of different religions and beliefs should include adherents from within the particular religions and beliefs.

69. Some participants observed that the teaching of history was often distorted. Children acquired attitudes of intolerance from a distorted teaching of history. In this regard, it was said that history textbooks should be improved. The improvement of history textbooks was a task that either UNESCO or other experts should undertake with a view to fostering inter-cultural respect.

70. Speakers generally agreed that the mass media could play a major role in educating society in a spirit of tolerance, by disseminating information on the recognition of freedom of religion or belief, by presenting cases of intolerance, and stimulating action to combat intolerance.

71. The opinion was also expressed that people in the literary and artistic world could also play a role in fostering tolerance, by promoting values which were helpful in shaping tolerant attitudes, and by avoiding the dissemination of values based on hatred and prejudice.

72. The role of UNESCO in fostering tolerance of religion or belief was emphasized. It was noted that this specialized agency, whose sphere of action was education and culture could, by means of posters, placards, leaflets, audio-visual aids and appropriate educational material, head a world crusade against intolerance and in favour of human rights, tolerance and respect between individuals and between peoples, focusing on children and young people.

73. It was also suggested by some speakers that 25 November of each year should be celebrated as the Day of Religious Tolerance - this would mark the anniversary of the adoption by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

74. Some speakers asked whether sufficient efforts were being made to bring to the attention of people around the world the Universal Declaration of Human Rights and the various international human rights instruments. The dissemination of those instruments was of great importance. Such dissemination should be greatly increased beyond present levels. Schools the world over should receive human rights documentation. In the opinion of some participants Governments should be encouraged to reprint United Nations texts and the text of human rights instruments for national distribution. This was, he said, an area where States could contribute directly to the dissemination of human rights information. Some participants reported that this was already the case in their own countries - with human rights texts reproduced for national distribution.

75. The situation of migrant workers and their families was raised. It was felt that societies concerned should find means to ensure access to their own culture by such minorities and greater understanding of their beliefs by the host country. Alienation of such minorities often gave rise to stereotyped ideas and fostered suspicion and intolerance.

76. In accordance with relevant provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, some speakers urged that appropriate legislative measures be taken so that children in school should not be forced to receive religious instruction contrary to their parents' convictions.

77. Other suggestions made by speakers included:

(a) The proposal that the United Nations Secretariat should arrange the preparation of a study by experts on how educational programmes might best be developed. The United Nations University, it was said, could help in that regard. It was also suggested that the Centre for Human Rights might organize another seminar to examine the results of such a study;

(b) The suggestion that educational programmes should be included in a lawyer's training. It was said that the legal profession should be made sensitive to the whole question of intolerance and prejudice. Courses on human rights in law schools should be organized.

78. In summing up the debate, the discussion leader underlined the extremely important role that education could play in promoting the principle of tolerance in matters relating to religion or belief. He noted that it was emphasized during the debate that schools should establish programmes that included the teaching of human rights in general, and in particular the right to freedom of religion or belief. He further observed that the United Nations and other international organizations, and in particular, UNESCO, as well as non-governmental organizations should redouble efforts to help promote the rights in question. He referred to the view expressed by many participants that the United Nations, through the Centre for Human Rights and the United Nations University, should undertake research studies with a view to drawing up relevant educational material. He also referred to the role that the mass media could play.

V. FUTURE ACTIVITIES TO PROMOTE AND TO PROTECT FREEDOM OF RELIGION OR BELIEF WITH PARTICULAR REFERENCE TO THE IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

79. Agenda item 5 was considered at the 14th to 16th meetings, on 11 and 12 December 1984. Mr. Bernardo Baruch (Costa Rica) acted as discussion leader.

80. In introducing the item, the discussion leader referred to measures to be taken at the international level to eliminate, prevent and combat intolerance and discrimination based on religion or belief which had been proposed by Elisabeth Odio-Benito, Special Rapporteur of the Sub-Commission on Prevention of

Discrimination and Protection of Minorities in the background paper she had prepared for the Seminar (HR/GENEVA/1984/BP.2).

81. In this connection, he drew the attention of the Seminar to the question of the elaboration of an international convention on the elimination of all forms of intolerance and discrimination based on religion or belief which could stimulate States parties, through binding legal provisions, to fully respect and implement the principles of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief that they had already accepted in 1981. In his opinion such a convention could define the concepts of religion and belief and discrimination on grounds of religion or belief and could specify what kind of freedoms were included in practice in the right to freedom of thought, conscience and religion.

82. In addition, the discussion leader, referring to various working papers prepared by participants of the Seminar, stressed that besides States, leaders of all religions also had an important role in promoting respect and understanding among different religions and beliefs. He stated that at the international level, the elaboration of educational programmes to promote such respect and understanding should fall under the responsibility of the United Nations acting in close co-operation with UNESCO. Furthermore, he expressed the opinion that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in particular, could prepare studies on ways and means to implement the 1981 Declaration with a view to making recommendations to the Commission on Human Rights.

83. In the ensuing debate, participants commended Mrs. Odio-Benito for her work as Special Rapporteur and pointed out that the Sub-Commission should continue to undertake studies on this and similar topics as a meaningful contribution to tolerance, understanding and friendship among peoples. Some participants said the proposals made by the Special Rapporteur in her background paper deserved close attention. Other participants, while appreciating the value of the Special Rapporteur's ideas and proposals, noted that her study was not yet complete, and detailed proposals in a final form could best be considered in the competent forum on completion of the study.

84. A number of participants considered that priority should be given to ratification of existing international instruments, which included protection of religion or belief. Participants also noted that tolerance could be promoted through united efforts to promote peace and self-determination. It was also said that matters of religion or belief should not be the source of interference in the internal affairs of countries and that it was important to note that the international standards gave equal protection to atheistic as well as religious belief. In this regard the view was expressed that differences in religion or belief or in ideology should not lead to confrontation between States. Tensions could thereby be reduced and a reduction in armaments obtained. Everyone, irrespective of religion or belief, should promote peace, harmony and social progress in accordance with the Charter of the United Nations, particularly given the existing threat to peace in the world.

85. Several participants stressed the importance of the existing obligations accepted by the international community to put into practice the right to freedom of religion or belief under international instruments such as the Universal Declaration of Human Rights, 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. These participants expressed the view that the International Covenant on Civil and Political Rights, in particular, contained substantial guarantees for the protection of freedom of religion and belief and that the Seminar should urge all States which had not yet done so to ratify that international instrument. Appeals were also made for the ratification by an increasing number of States of the Optional Protocol to the Covenant. However, many participants noted that, although the trend of the discussions in the Seminar appeared to indicate the continued desire of the international community in general to prevent intolerance and discrimination based on religion or belief, the nature and magnitude of the dimensions of the phenomena of religious intolerance and discrimination still existing in the contemporary world, and the massive violations of the basic principles of the 1981 Declaration, called for further positive action. In this context, wide support was expressed for the elaboration by competent United Nations organs of an international convention on the elimination of all forms of intolerance and of discrimination based on religion or belief which would constitute, with its legal obligations for States parties, a logical follow-up to the 1981 Declaration.
86. The view was also expressed that any such convention might have implementation machinery patterned on the lines of the one established by the International Covenant on Civil and Political Rights, or other international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination e/ and the Convention on the Elimination of All Forms of Discrimination against Women. f/
87. A new convention might incorporate in its binding legal provisions all the principles and rules of the 1981 Declaration and include, besides the definition of religion and belief and discrimination on grounds of religion or belief, a definition of religious groups. It could also include provisions relating to the right not to have a religion or belief, the right to change religion or belief, the right to free access to holy places and the right of parents, as the primary source of moral education for children, to provide them with instruction on religion or belief without State or other external interference.
88. Some participants, however, considered that there was no urgent necessity for elaborating a convention. In this connection, the view was expressed that other human rights projects should have higher priority in the activities of the United Nations, particularly with a view to making existing protections more effective in practice. In this regard, it was said that a gap could well exist between formal legal protection and the factual situation in the enjoyment of human rights. Concrete decisions by courts ensuring religious freedom could be more important than the mere existence of legal provisions that might not be effective in practice. Empirical studies as an aid to measuring the extent of religious observance and violations of religious freedom or belief were also mentioned. Information on religious observance would also be valuable as a guide to state policy in relation to religious education.

89. A number of participants referred to ways and means to strengthen and to make more effective the existing international instruments and procedures that included provisions for the protection of the freedom of religion or belief.

90. It was suggested that United Nations organs and specialized agencies dealing with human rights might encourage States, as well as non-governmental organizations, to disseminate widely information on the standards set forth in the 1981 Declaration, and in particular, to judges, legislators, magistrates, lawyers, public officials, civil servants and other officials whose duties might involve the protection of the right to freedom of religion or belief. To this end, it was necessary that the text of the Declaration be made available as soon as possible, at least in the six official languages of the United Nations, as provided for by Economic and Social Council decision 1982/138 of 7 May 1982.

91. Furthermore, participants considered it essential that States should, where necessary, adopt appropriate constitutional, legislative, judicial and administrative measures to ensure that all the rights set forth in the 1981 Declaration would be adequately and fully protected by national law. To this end, the technical assistance of the Centre for Human Rights should be utilized by States if required for drafting new legislation or reviewing existing legislation with a view to implementing the provisions of the 1981 Declaration.

92. Some participants suggested that, in accordance with Article 64 of the Charter of the United Nations, the Economic and Social Council could request Member States to submit periodic reports on their implementation of the 1981 Declaration, which could include, *inter alia*, information on the degree of tolerance existing in each country for the cultural and religious traditions of minority groups such as indigenous peoples. However, it was pointed out that the general trend of Governments and United Nations organs was to rationalize the already heavy burden imposed on Member States by numerous reporting systems established by various international instruments and procedures.

93. Several participants drew attention to ways and means of making more effective, in particular, the implementation of the International Covenant on Civil and Political Rights and especially the provisions concerning the right to freedom of thought, conscience and religion which was contained in its article 18. In this connection, it was noted that the provisions of article 27 of the Covenant dealing with the rights of minorities were linked to those of article 18, and it was suggested that the Human Rights Committee should be recommended to establish under the Covenant that the implementation of article 27 was extended to religious minorities. In addition, it was suggested that a study might be undertaken by an appropriate human rights organ of the United Nations on the Human Rights Committee's consideration of the measures that States Parties to the Covenant had taken to fulfil their obligations under article 18 of the Covenant, and that the Human Rights Committee should be guided by the provisions of the 1981 Declaration in examining the compliance of States Parties with article 18 of the Covenant.

94. Reference was made during the debate to obstacles still preventing individuals from a full and active participation in the manifestations of their religions. Concern was expressed at encroachments upon the sacred places of many indigenous peoples. Deep concern was also expressed by several participants over violations

of the right to profess and practise religion, acts of violence committed against members of religious groups, denials of access to places of worship and acts of destruction to which religious sites had been subjected. Limitations of freedom of movement applied in some countries to people and religious ministers propagating their faith were also referred to. The exclusion of women, established by various religions, from priesthood or from an active role in the practice of the religion in which they believed was also raised as a subject on which there should be further study. The exercise of freedom of religion or belief by persons who were not citizens of the country in which they lived, migrant workers and prisoners was also raised as requiring further consideration.

95. It was stressed that the right to freedom of religion or belief was closely linked to all the other fundamental human rights and interconnected with them, and that it was not possible to enjoy freedom of religion or belief if the enjoyment of other human rights were denied.

96. Participants recalled that educational measures were the best means to combat intolerance and that, at the international level, UNESCO should play a considerable part in religious education. It was stated that education brought knowledge which was necessary to dialogue and that through dialogue it was possible to achieve tolerance, respect and understanding which were necessary to create harmony among peoples.

97. It was pointed out that future activities of religious communities and non-governmental organizations dealing with human rights should include the commitment to continue the process of communication among faiths and to develop mutual respect and understanding, especially in urban areas where different cultures and religions had to live together, often in very close contact. It was also suggested that the establishment of a regular interreligious dialogue could be promoted under the auspices of the United Nations. Research projects and studies on different religions, a compilation and an analysis of existing legal and other provisions encouraging religious tolerance were indicated among the measures to be taken under the responsibility of experts of the United Nations University in Tokyo, in order to achieve a true interreligious dialogue.

98. Furthermore, educational programmes should be encouraged at the national level: they could include the study of the 1981 Declaration and other international instruments protecting freedom of religion or belief and the use of textbooks, teaching methods, training activities etc., aimed at promoting understanding and tolerance. Co-operatives, trade-union political parties etc., could also be involved in such educational programmes, and financial assistance should be provided by Governments for education in religious tolerance and especially for the teaching of religions of minority groups, and indigenous populations which were, it was said, among the most disadvantaged and defenceless groups in society.

99. Further measures were suggested to encourage the respect for and protection of the right to freedom of religion or belief at the international level. The view was expressed that other United Nations seminars and regional seminars could be organized which would examine particular regional situations and aspects with regard to the promotion of understanding and tolerance in matters relating to freedom of religion or belief. It was also proposed that every year, 25 November,

the date of the adoption of the 1981 Declaration, should be celebrated by the United Nations as Universal Religious Tolerance Day. It was observed that all these initiatives would contribute to the advance in the future beyond the stage of tolerance in order to reach the stage of respect for religion or belief in the international community. It was pointed out, in this connection, that in all existing international instruments, studies and procedures, freedom of religion or belief was defined as a fundamental human right and rights could not be merely tolerated, but had to be fully respected.

100. In summing up the debate, the discussion leader referred, in general, to the main points raised by participants and drew attention, in particular, to the discussion among the participants with regard to the necessity of elaborating an international convention on the elimination of all forms of intolerance and of discrimination based on religion or belief. He expressed the hope that the Seminar would be in a position to adopt a recommendation on the subject so that the drafting of the convention could be undertaken by a competent United Nations body as soon as possible. He recalled the preamble of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which affirmed that religion or belief, for anyone who professed either, was one of the fundamental elements in his conception of life.

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

101. The Seminar considers that:

(a) To practise tolerance and to live together in peace with one another as good neighbours is a duty accepted by Member States of the United Nations under the Charter. Tolerance, understanding and respect for religion or other belief is essential for living in peace. The full and faithful implementation of the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination would contribute greatly to the promotion of tolerance and to peaceful and good neighbourly relations. Therefore, the highest priority should be given to the universal ratification and full implementation of these instruments;

(b) Freedom of thought, conscience, religion or belief is a fundamental right to be guaranteed to all without discrimination;

(c) Manifestations of intolerance and the existence of discrimination in matters of religion or belief are still unfortunately in evidence in some parts of the world. Deep concern was expressed by participants over violations of the right to profess and practise religion, acts of violence against members of religious groups and acts of destruction perpetrated against places of worship;

(d) The religions of the world and the systems of humanistic belief are in their essence tolerant and have the same moral dignity. While safeguarding their own principles they can guide their followers or adherents to increasing harmony based on the dignity to be accorded to each human being and based on mutual

tolerance, respect and understanding for their respective interpretations of the truth;

(e) Action is required at all levels to eliminate intolerance and discrimination from the world and to ensure respect for and freedom of religion or belief.

B. Recommendations

102. The Seminar recommends that:

(a) High priority should be given to activities for the implementation of United Nations standards for the protection of freedom of religion or belief and in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

(b) Each State, in accordance with its own constitutional system should provide, if necessary, adequate constitutional and legal guarantees for freedom of religion or belief consistent with the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, with a view to ensuring that freedom of religion or belief is assured in a concrete manner, discrimination on grounds of religion or belief is proscribed and that adequate safeguards and remedies are provided against such discrimination;

(c) States should examine the possibility of establishing or designating national institutions charged with the task of promoting tolerance of religion or belief and of combating discrimination;

(d) Organs and institutions responsible for education and culture should include such promotional programmes in their ongoing activities;

(e) States should examine, where necessary, the training of their civil servants and other public officials with a view to providing adequate instruction and guidelines in the exercise of respect for different religions or beliefs in order to preclude discrimination against persons professing different religions or beliefs;

(f) The spirit of tolerance should prevail throughout society, in the family, in the workplace, in education in schools and teaching institutions of all types, from kindergarten to universities. The importance of education for tolerance from the earliest years should be emphasized;

(g) The curricula for educating teachers and tutors for schools and institutions of learning of all types and levels should emphasize the importance of human rights and deal with freedom of religion or belief in the context of an understanding of the international instruments on human rights;

(h) Religious bodies and groups at every level, which have a role to play in the promotion and protection of religious freedoms or beliefs, should foster the spirit of tolerance within their ranks and between religions or beliefs. Inter-faith dialogue based on the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief should be pursued at all levels. The Seminar further recommends that the text of the Declaration should be disseminated to memberships as a basis for instruction and that religious bodies should consider recommending a common day of prayer or of dedication to the aims set out in the Declaration. Other groups are similarly recommended to consider a day of dedication to the aims of the Declaration;

(i) A major role in educating society in the spirit of tolerance regarding religion or belief could be played by the mass media - press, radio, television and information agencies. They might disseminate information on the recognition of freedom of religion or belief, convince their audiences that tolerance is not only desirable but also practically possible, and that it has a positive effect on the life of the individual and of society in general;

(j) Since individuals everywhere have a right to know of the international standards protecting their rights, States should ensure that the texts of the international instruments, particularly the Universal Declaration of Human Rights and the International Covenants on Human Rights are widely available in national and local languages;

(k) Adequate publicity for international standards dealing with freedom of religion or belief being crucial, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief should be translated into as many national and local languages as possible and disseminated throughout the world. An urgent action programme should be launched to this effect by the United Nations, specialized agencies concerned, especially UNESCO and ILO, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;

(l) A special publication containing the various international standards relating to freedom of religion or belief should be issued by the United Nations and widely disseminated in as many languages as possible;

(m) The study under preparation by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, which is of the greatest importance, should be given high priority by the Sub-Commission. In addition to this study, the United Nations University and other academic and research institutions should undertake a programme of special studies to combat and to eliminate intolerance. As part of this programme, case studies of contemporary manifestations of intolerance and discrimination could be undertaken. Studies on the major religions or beliefs in the world could also be undertaken with the object of providing factual portrayals of the ideals and beliefs of others to believers and non-believers alike and to promote mutual tolerance;

(n) In the context of the Second Decade to Combat Racism and Racial Discrimination, g/ studies should also be made of situations where intolerance, denial of religious freedom and discrimination on grounds of religion or belief is linked to discrimination on grounds of race or ethnic or national origin;

(o) Governments which wish to review, or draft further legislation for the promotion and protection of freedom of religion or belief or for the establishment or development of related national or local institutions should utilize the advisory services of the Centre for Human Rights. A compendium of the national legislation and regulations of States on the question of freedom of religion or belief, with particular regard to the measures taken to combat intolerance in this field, would be valuable as a guide and aid to Governments;

(p) Non-governmental organizations, which have an important role to play in the promotion and protection of freedom of religion or belief, should initiate, develop, publish and present proposals on tolerance, on issues of religion or belief. They may also play a valuable role in disseminating international standards, particularly the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

(q) The need to develop further international standards for the protection of freedom of religion or belief should be kept under continuing review in the light of experience. While continuing emphasis should be given to the implementation of existing standards, attention could also be given to the question of drawing up an international convention for the promotion and protection of freedom of religion or belief.

Notes

a/ General Assembly resolution 2200 A (XXI), annex.

b/ Ibid.

c/ See International Labour Office, International Labour Conventions and Recommendations, 1919-1981 (Geneva, 1982).

d/ Adopted by the General Conference of UNESCO at its eleventh session, Paris, 14 December 1960.

e/ General Assembly resolution 2106 A (XX), annex.

f/ General Assembly resolution 34/180, annex.

g/ Proclaimed by the General Assembly in its resolution 38/14 of 22 November 1983 for the 10-year period beginning on 10 December 1983. The Programme of Action for the Second Decade to Combat Racism and Racial Discrimination is contained in the annex to the resolution.

APPENDIX I

Attendance

A. Participants and alternates nominated by Governments

Argentina

Mrs. María Teresa Merциadri de Morini, Under Secretary for Religious Affairs of the Ministry of Foreign Affairs and Religion

Mr. Jaime Sergio Cerda,* Second Secretary, Permanent Mission, Geneva

Brazil

Mr. Anuar Nahes, Secretary of Ministry of External Relations

Canada

Mr. Henry W. Richardson, Deputy Director, United Nations Affairs Division, Department of External Affairs

Costa Rica

Mr. Bernardo Baruch, Chief of Delegation

Mr. Elias Soley Soler,* Ambassador, Permanent Representative, Geneva

Mr. Jorge Rhenan Segura,* Counsellor, Permanent Mission, Geneva

Egypt

Mr. Abdel Hamid Abdel-Ghani, Ambassador, Senior Member of the Egyptian United Nations Association

Mr. Wafik Zaher Kamil,* Counsellor, Permanent Mission, Geneva

Finland

Mr. Voitto Saario, former President of the Court of Appeal, Helsinki

Greece

Mr. Alexis Heraclides, Special Adviser on Human Rights, Department of International Organizations and Conferences at the Ministry of Foreign Affairs

* Alternate.

India

Mr. K. H. Patel, Deputy Director of the United Nations Division, Ministry of External Affairs

Mr. Jayant Prasad,* First Secretary, Permanent Mission, Geneva

Ireland

Mr. Kevin Boyle, Dean of the Faculty of Law and Professor of Law, Director of the Irish Centre for the Study of Human Rights, University College, Galway

Mr. John D. Biggar,* First Secretary, Permanent Mission, Geneva

Israel

Mr. Aviezer Ravitzky, Department of Jewish Philosophy, Hebrew University, Jerusalem

Mr. Ephraim Dovek,* Ambassador, Permanent Representative, Geneva

Mr. David Danieli,* First Secretary, Permanent Mission, Geneva

Italy

Mr. Francesco Margiotta Broglio, Faculty of Political Science, University of Florence

Mr. Enrico de Maio,* First Counsellor, Permanent Mission, Geneva

Japan

Mr. Iwao Munakata, Faculty of Literature, Sophia University

Kenya

Mr. Makumi Mwangi, Second Secretary (Legal), Kenya High Commission, London

Morocco

Mr. Mekki Naciri, Member of the Moroccan Academy, President of the Council of Ulemas of the Moroccan Capital

Mr. Omar Hilale,* First Secretary, Permanent Mission, Geneva

Nicaragua

Mr. Oscar-Rene Vargas, Government Adviser, Managua

Mr. Gustavo Adolfo Vargas,* Ambassador, Permanent Mission, Geneva

Mr. Norman Miranda Castillo,* Minister Counsellor, Permanent Mission, Geneva

Nigeria

Mr. Nuhu Mohammed, Ambassador, Director-General, Ministry of External Affairs, Lagos

Mr. Abdu Usman Abubakar,* Second Secretary, Permanent Mission, Geneva

Pakistan

Mr. Javid Iqbal, Chief Justice, Lahore High Court

Mr. Mansur Ahmad,* Ambassador, Permanent Mission, Geneva

Poland

Mr. Adam Lopatka, Minister, Head of the Office of Church Affairs

Saudi Arabia

Mr. Maarouf Al Dawalibi, Counsellor, Royal Court, Riyadh

Mr. Ali Hassan Jafar,* Second Secretary, Permanent Mission, Geneva

Senegal

Mr. Georges Thiathy Dione, Chief, Legal Division, Ministry of Foreign Affairs, Dakar

Mr. Samba Cor Konate,* Second Counsellor, Permanent Mission, Geneva

Thailand

Mr. Saneh Vadanathorn, Deputy Permanent Secretary of the Interior, Ministry of the Interior

Mrs. K. Ampawan Vadanathorn, Lecturer, Srinakharinwirot University, Bangkok

Mr. Chamnong Chalermchat,* Deputy Director of Information and Foreign Affairs Division of the Permanent Secretary, Ministry of the Interior

Mr. Snanchart Devahastin,* First Secretary, Permanent Mission, Geneva

Union of Soviet Socialist Republics

Mr. Pyotr V. Makartsev, Vice-Chairman, Council for Religious Affairs, USSR Council of Ministers

Mr. Leonid A. Skotnikov,* Second Secretary, Treaty and Legal Department, Ministry for Foreign Affairs

Mr. Teimouraz O. Ramichvili,* Attaché, Permanent Mission, Geneva

United States of America

Mr. James Finn, Editorial Director, Freedom House, New York

Mr. Robert M. Perito,* First Secretary, Permanent Mission, Geneva

Yugoslavia

Mr. Aleksandar Fira, Judge of the Constitutional Court, Beograd

Miss Zagorka Ilić,* Counsellor, Permanent Mission, Geneva

B. Government observers

Algeria

Mr. Ayache Omari, Attaché, Permanent Mission, Geneva

Australia

Ms. Juliet Sheen, Research and Policy Division, New South Wales
Anti-Discrimination Board, Sydney

Mr. Jirra Moore,* First Secretary, Permanent Mission, Geneva

Cuba

Mr. Julio Heredia Pérez, First Secretary, Permanent Mission, Geneva

Democratic Yemen

Mr. Mohammed S. Al-Qutaish, Ambassador, Permanent Representative, Geneva

Mr. Salem Abdul S. Fares,* Minister Plenipotentiary, Permanent Mission, Geneva

Germany, Federal Republic of

Mr. Frank Lambach, First Counsellor, Permanent Mission, Geneva

Iran (Islamic Republic of)

Mr. Farhad Shahabi Sirjani, First Secretary, Permanent Mission, Geneva

Iraq

Mr. Amer Jomard, First Secretary, Permanent Mission, Geneva

Jordan

Mr. Ghaleb Z. Barakat, Ambassador, Permanent Representative, Geneva

Mr. Hisham Muhaisen,* Minister Plenipotentiary, Permanent Mission, Geneva

Kuwait

Mr. Hassan Ali Dabbagh, Ambassador, Permanent Representative, Geneva

Netherlands

Mr. Alexander Heldring, Counsellor, Permanent Mission, Geneva

Norway

Mr. Einar Vetvik, Assistant Professor, Lecturer, Chief of Research Department, Diakonhjemmet (Deacon Hospital), Oslo

Peru

Mr. Juan Alvarez Vita, Counsellor, Permanent Mission, Geneva

Miss Noela Pantoja,* Second Secretary, Permanent Mission, Geneva

Sudan

Mr. Mohamed Izzat El Deeb, Ambassador, Permanent Representative, Geneva

Mr. Omar Babiker Shouna,* Ambassador, Deputy Permanent Representative, Geneva

Mr. Yousif Ismail,* Minister Plenipotentiary, Permanent Mission, Geneva

Mr. Mohamed Salah El Din Abbas,* Counsellor, Permanent Mission, Geneva

Mr. Yehia Abdelgalil Mahmoud,* Second Secretary, Permanent Mission, Geneva

Syrian Arab Republic

Mr. Hicham Joundi, Minister Counsellor, Permanent Mission, Geneva

Mr. Fahd Salim,* Second Secretary, Permanent Mission, Geneva

Turkey

Mr. Naci Akinci, Counsellor, Permanent Mission, Geneva

Mr. Süphan Erkula,* Second Secretary, Permanent Mission, Geneva

Yemen Arab Republic

Mr. Abdul Elah Hajar, Counsellor, Permanent Mission, Geneva

Mr. Ahmed Basha,* Third Secretary, Permanent Mission, Geneva

C. Non-Member State

Holy See

Reverend René Coste, Professor of Social Theology, Faculty of Theology, Catholic Institute of Toulouse (France); Director of the Centre of African Studies, Catholic Institute of Toulouse

Monsignor Giuseppe Bertello,* Counsellor, Permanent Mission, Geneva

D. United Nations organs and bodies

United Nations High Commissioner for Refugees

Ms. Barbara Grainger, Legal Officer, Division of International Protection

E. Specialized agencies

International Labour Organisation

Mr. Claude Rossillion, Chief, Equality of Rights Branch, Geneva

Miss M. Hasegawa,* Equality of Rights Branch

Mr. Georges Minet,* Equality of Rights Branch

F. Intergovernmental organizations

League of Arab States

Mr. Moncef El May, Ambassador, Permanent Observer, Permanent Delegation, Geneva

Mr. Misbah Oreibi,* Deputy Permanent Observer, Permanent Delegation, Geneva

Mr. Osman El Hajje,* Attaché, Legal and Social Affairs, Attaché, Permanent Delegation, Geneva

Organization of the Islamic Conference

Mr. M. H. Belkhodja, Secretary-General of the Academy of Islamic Law, Jedda, Saudi Arabia

G. Liberation movements

African National Congress

Mr. Raymond Mokoena, Administrative Secretary, Department of International Relations, Lusaka

Pan Africanist Congress of Azania

Mr. Joseph Mkwanazi, Administrative Secretary; Lay Preacher of the Methodist Church in South Africa, Swaziland, Britain and Tanzania

Palestine Liberation Organization

Mr. Nabil Ramlawi, Director, Permanent Observer, Geneva

H. Non-governmental organizations

Category I

International Council of Women:

Mrs. Daisy Raymond
Mrs. Jeannine de Boccard

Muslim World League:

Mr. Najib El-Rawi
Mr. Hafid Ouardiri
Mr. Omar Khaliq

United Towns Organization:

Mr. Henry Bandier

World Federation of United Nations Associations:

Mr. Michael M. Roan

Category II

Amnesty International:

Mrs. Claudine Rey

Arab Lawyers' Union:

Mr. William Soliman Kilada

Bahá'í International Community:

Mr. Brian Lepard

Baptist World Alliance:

Rev. John M. Wilkes
Mr. Thorwald Lorenzen

Caritas Internationalis:

Miss Mary Tom

Commission of the Churches on International Affairs:

Mr. Eric Weingartner

Co-ordinating Board of Jewish Organizations:

Mr. Daniel Lack

/...

the Commission on Human Rights, contained in its resolution 1983/40 of 9 March 1983. The General Assembly of the United Nations, in its resolution 38/110 of 16 December 1983, pledged its determination to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and expressed its hope that this Seminar would contribute towards the realization of these aims.

The topics for discussion at the Seminar concern (a) the principle of tolerance in the Charter of the United Nations and freedom of religion or belief under international instruments on human rights; (b) nature and dimensions of contemporary manifestations of intolerance of religion or belief; (c) models of national or local action to prevent or combat intolerance of religion or belief; (d) education programmes to foster tolerance of religion or belief; and (e) future activities to promote and to protect freedom of religion or belief with particular reference to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

As part of the same implementation process and taking into account the importance which the realization of the provisions of the Declaration assumes in the world of today, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in 1983, designated a Special Rapporteur, Ms. Elizabeth Odio-Benito, a former Minister of Justice and Attorney-General of the Republic of Costa Rica, to undertake a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief. Ms. Odio-Benito who is also a former member of the Sub-Commission has especially been invited to participate in the Seminar. She presented a preliminary report to the Sub-Commission in August this year and is expected to present a further report to the Sub-Commission next year.

Before concluding this statement I would like to recall briefly the nature of seminars such as the present one. Seminars organized as part of the programme of advisory services in the field of human rights are meant to afford an opportunity to qualified participants from different parts of the world to share ideas and experiences, to profit from analyses and discussions and through their reports, to contribute to the work of the United Nations human rights organs such as the Commission on Human Rights. It has been the practice in organizing United Nations seminars that participants take part not as representatives of their Governments, but as independent experts who act in their personal capacity. The basic idea in organizing United Nations seminars this way is to gather persons whose functions or activities are closely related to the topics to be discussed by the seminar. Over the years, this arrangement has proved to be very useful in ensuring creative discussions free from formalities. It follows that in United Nations seminars voting is not a procedure to be followed, nor the adoption of resolutions; however, the opinions and suggestions of the participants are summarized in a report which may also include conclusions and recommendations which are agreed to by consensus. This Seminar is being organized on a similar basis. The report adopted by the Seminar will be submitted to the competent United Nations organs. In this connection, I may mention that the General Assembly and the Commission on Human Rights have on several occasions emphasized the importance of the work of these seminars and indeed a good number of their resolutions have been based on conclusions and recommendations contained in reports of such seminars.
