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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE SECOND PART\* OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 13 February 1990, at 6 p.m.

Chairman: Mr. DITCHEV (Bulgaria)

later: Ms. SINEGIORGIS (Ethiopia)  
Mrs. QUISUMBING (Philippines)

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\* The summary record of the first part of the meeting appears as  
document E/CN.4/1990/SR.22.

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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 23) (continued) (E/CN.4/1990/46, E/CN.4/1990/NGO/5 and E/CN.4/Sub.2/1989/32)

1. Mr. ALDORI (Iraq) said that his Government was convinced that the elimination of religious intolerance and of religious discrimination would contribute to the social stability and internal security of all countries. The existence of religious intolerance anywhere in the world was a threat to international peace and security.
2. Iraq was by tradition a country of religious tolerance, in which many religions had coexisted peacefully for thousands of years. Although it was an Arabo-Islamic State in which Muslims represented some 96 per cent of the population, it nevertheless respected the concept of religious diversity, and the fact that there was a large Muslim majority had never resulted in the imposition of any constraints on those who professed other faiths. Freedom of religion was guaranteed, first, by the precepts of the Koran, and secondly by the State's policy of non-interference in religious matters.
3. Article 19 of Iraq's Constitution provided that all citizens were equal before the law, without distinction as to sex, race, language, social origins or religion. Article 25 guaranteed freedom of conscience and religion, as well as freedom to practise religious observances, for all. That right was enshrined in Iraqi law, which guaranteed religious freedom for as many as 17 different religious groups in the country. The law penalized any attacks upon the beliefs of such groups, interference with the observance of their religious rites, or desecration of any symbols they held sacred. In particular, the law punished the printing and distribution of any publication which defamed a sacred book, or held up to ridicule any of the precepts it contained. Iraqi law guaranteed the right to religious education, including education in faiths other than that of Islam, as well as the right to disseminate religious literature both inside and outside the country. The right to observe religious ceremonies in connection with such matters as marriage, divorce or inheritance was also recognized.
4. It was his Government's consistent policy, in accordance with both the letter and the spirit of the Declaration, to co-operate in eliminating all forms of religious intolerance and religious discrimination, and to protect the religious freedom of its citizens, both individually and collectively.
5. Ms. Sinegiorgis (Ethiopia) took the Chair.
6. Mrs. RUESTA (Venezuela) said that her Government complied with the provisions of the Declaration, and had taken steps to strengthen its legislative guarantees against possible violations of religious freedom. It believed that everyone had the right to profess his faith, and should never be compelled to act otherwise than in accordance with his conscience, within the limits established by the law for believers and non-believers alike.
7. Intolerance led to acts of discrimination such as the repression of religious practices, the violation of holy places, the banning of religious publications and festivals, and, in extreme cases, deprivation of the elementary right to profess one's faith. Throughout history, religious intolerance had generated tragic wars and interminable conflicts.

8. Tolerance, on the other hand, ensured that individuals and communities could coexist peacefully, accepting and respecting differences of belief and custom. Such tolerance should be promoted by the State and enshrined in legislation which guaranteed the rights of believers and penalized discrimination. Religious tolerance strengthened the foundations of peace and understanding.

9. Mr. van Boven's working paper (E/CN.4/Sub.2/1989/32) showed that freedom of religion or belief was already protected by mandatory standards in a number of existing international instruments. However, despite the existence of those standards, it was noted as a fact by the Special Rapporteur of the Commission in his report (E/CN.4/1990/46, para. 117) that the problem of intolerance and discrimination still persisted. Consequently, her delegation had consistently supported all recommendations calculated to lead to the elimination of violations of the Declaration and favoured the development of a possible new human rights instrument such as that proposed by the Special Rapporteur.

10. On the other hand, she wondered whether the obstacles to the implementation of the Declaration listed by the Special Rapporteur in paragraph 114 of his report might not likewise render any new instrument ineffective. She agreed with Mr. van Boven (para. 10 of his working paper) that, when deciding whether to draft a new international instrument, a policy organ should take a number of considerations into account. In the first place, the process of preparing and drafting a new instrument and the ensuing stages of its adoption and acceptance could never serve as an excuse for failure to implement already existing standards. Secondly, any new binding instrument should raise the level of protection and build on the standards already adopted. Thirdly, the drafters of such an instrument should take into account the nature and range of problems identified and analysed by the Special Rapporteur if the future binding instrument was to gain broad international acceptance, particularly on the part of States which would have to undertake legal obligations. Moreover, incidents of religious intolerance and discrimination were attributable not only to Governments, but also to movements, groups and institutions based on religion or belief.

11. As far as the nature of any new instrument was concerned, her delegation was able on the whole to endorse Mr. van Boven's analysis of the possible options (paras. 14 to 17 of his working paper). It had noted, in particular, his interesting suggestion that, since the creation of new implementation machinery should not be taken for granted in view of the problems encountered by the existing treaty bodies, a single consolidated implementation system might be established for all United Nations human rights treaties, along the lines of the supervisory machinery functioning in the framework of the International Labour Organisation (ILO). Such a unified system might prove all the more advantageous in that the right to freedom of thought, conscience and religion was closely connected with other human rights.

12. The two documents complemented one another, and both deserved careful study if the Commission was to reach conclusions that would enable States to take effective measures to eradicate violations of so fundamental a human right. For its part, her Government would support whatever solution was found most appropriate to achieve that end.

13. Mr. GYURIS (Hungary) said his delegation was seriously concerned that, despite the progress being made in respect for human rights in many parts of the world, grave violations of one of the most fundamental of all rights, freedom of thought, conscience and religion, still occurred.

14. As the Special Rapporteur rightly pointed out in his report, religious intolerance and discrimination were often inseparable from the violations of other human rights (E/CN.4/1990/46, para. 106). It was an unfortunate fact that religious intolerance, extremism and fanaticism were often the root causes of regional conflicts, rendering them virtually insoluble. It was because the denial of the fundamental right of religious freedom led inevitably to the destruction of traditional values and cultural identity that his Government attached such importance to decisive international action to combat violations of the rights of national, ethnic and religious minorities.

15. Among all the violations of freedom of conscience, State interference in the spiritual lives of citizens deserved the strongest condemnation. After many decades of a relatively liberal - but nevertheless restrictive - policy towards the Churches, his Government had decided that, for the future, its only role should be to protect religious freedoms by a system of legal guarantees. Accordingly, the State Office for Religious Affairs had been abolished, and church investments were no longer subject to control. With parental consent, schoolchildren were free to take part in religious education, and there were no restrictions on the publishing of religious literature. A recent law provided for the complete separation of Church and State: however, that law did not imply that the Churches would no longer be working in co-operation with the State for the benefit of society as a whole; on the contrary, the Government believed that they had an important role to play in consolidating social and moral values and in educating the future generations.

16. Among the new religious freedoms recently introduced in Hungary were: the right of conscientious objectors to perform service in the community as an alternative to military service; the right of all sects and denominations to form organizations and communities; the re-establishment of a wide variety of religious orders that had formerly been banned; and the annulment of sentences passed on members of the clergy following "show trials". Diplomatic relations had been re-established between Hungary and the Holy See, with a view to promoting a constructive dialogue between the Government and the Catholic Church, which represented the majority of Hungary's believers.

17. He assured the Commission that his delegation was willing to participate in any international action designed to eliminate intolerance and discrimination based on religion or belief.

18. Mr. DUSEK (Observer for Czechoslovakia) said the recent important changes that had taken place in Czechoslovakia, including the abolition of the monopoly of Marxist-Leninist ideology enshrined in the former Constitution, had meant that the Government was currently in a better position to comply with its obligations under the Declaration. Henceforth there were to be no restrictions on religious belief or on the activities of Churches or religious groups, nor was any discrimination to be practised against believers. The law whereby State approval was required for the performance of church activities had been annulled, although the State still provided the Churches and religious societies with financial support.

19. New legislation was currently in preparation, with the help of church representatives, which would guarantee the right to profess religious belief and to form religious groups. In future, religious orders were to be allowed to operate freely: indeed, the Government greatly appreciated their assistance in the field of health and the social services. Churches and religious groups would have free access to the media, and special boards had been appointed to organize the broadcasting of religious programmes.
20. In the future, his delegation would be in a position to support even more enthusiastically than in the past the development of a new international instrument with mandatory provisions against religious intolerance.
21. Mr. IBRAHIM (Observer for Indonesia) said that freedom of religion was one of the most basic of human rights; it was fundamental to human dignity, as well as being highly personal and private in nature. Any society that included believers of different faiths should not only refrain from any attempt to impose one faith on another, but should work actively to promote greater mutual harmony and tolerance.
22. The Special Rapporteur, in carrying out the task entrusted to him by the Commission in resolution 196/20, should not have confined himself to uncovering shortcomings in the implementation of the Declaration, but should also have tried to identify any positive efforts being made to promote greater harmony in relations between different religious denominations as well as in relations between religion and the State. It was by developing and encouraging such efforts that all religions could be given an equal opportunity to flourish.
23. Indonesia was a nation composed of hundreds of ethnic groups dispersed throughout the archipelago, and religion had always been strongly rooted in Indonesian history and culture. Article 29 of the Constitution, while providing that the State should be based on belief in one Supreme Being, also provided that the State should guarantee every citizen the freedom to adhere to his own religion.
24. His Government made every effort to protect the rights of its citizens to practise the religion of their choice, and actively encouraged religious activities. As part of the Five-Year National Development Plan, it would be providing assistance to religious communities, notably by the reconstruction of places of worship. In the belief that religious intolerance often derived from ignorance, religious education has been made compulsory from primary school up to university level. His Government saw the guarantee of freedom of religion as a means of preventing conflicts between religious communities, or between such communities and the Government. Despite the fact that some 90 per cent of Indonesians were Muslims, the terms "majority religion" and "minority religion" were not used, since citizens regarded themselves first and foremost as Indonesians, irrespective of religious belief.
25. Freedom of thought, conscience and religion was not only important for social harmony within a single country, but also contributed to the attainment of the goals of peace, social justice and amity throughout the world.

26. Miss CHAALAN (Observer for the Syrian Arab Republic) said that Syria had always attached great importance to religious tolerance, at both the national and international levels. It had participated in the drafting of the United Nations Charter and the Universal Declaration of Human Rights, and had adhered to the two International Covenants on Human Rights and other international human rights instruments.

27. Syrian legislation guaranteed the freedom and equality of all its citizens, whatever their religious or ethnic affiliations. Under article 35 of the Constitution, the State undertook to safeguard the citizen's right to practise the religion of his choice, while incitement to any form of religious extremism or racism was considered a serious offence punishable by imprisonment from six months to six years under the Penal Code. Syria was proud of the fact that, as a result of those provisions, no racial or religious intolerance or discrimination existed in the country. In accordance with Arab traditions, all citizens - whether Muslims, Christians or Jews - were treated as equals.

28. Unfortunately, the Arab region, which had been the cradle of the three great revealed religions, was suffering the effects of the hatred engendered by Israel's aggressive and expansionist policies. In order to achieve the goal of Zionist supremacy through the establishment of a Jewish State based on Zionist principles, Israel had resorted to massacres and other acts of violence against the Palestinian people - massacres which had been condemned by many eminent Jewish personalities, including Albert Einstein. In the pursuit of those policies, Israel had used the same Nazi methods which had caused the sufferings of so many millions of Jews in Europe during the Second World War, and had done so without any regard for international law or for the opinion of the international community as expressed in numerous United Nations resolutions.

29. Although the courageous Palestinian uprising, together with recent international developments, had offered hopes of a just and lasting peace in the Middle East, those hopes had been dealt a serious blow by the Israeli Government's declared intention of continuing to colonize Arab territories, in order to provide more "living space" for Jewish émigrés, notably from the Soviet Union. It was that policy which had led Israel to reject recent peace initiatives, and to continue its campaign of oppression and terrorism against the Palestinians in the occupied territories. That policy constituted a flagrant violation of international law, and notably of the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religious Belief.

30. She failed to understand how international opinion could find it acceptable that members of the Jewish community, prompted by Zionist propaganda, should leave the lands where they had lived for hundreds of years in order to settle on Palestinian territory, thereby dispossessing the original inhabitants of that territory. It was not as if the immigrants had been the victims of injustice in their countries of origin: on the contrary, they had enjoyed the same rights as other citizens.

31. The policy of the United States in closing its own doors to Jewish immigrants, while at the same time encouraging continued Jewish immigration to Israel, seemed to be designed to help Israel realize its strategy. It was, in fact, comparable to the Balfour Declaration, whereby one nation publicly

undertook to hand over to a second nation the territory of a third. Her delegation wondered why the application of such policies was always at the expense of the Palestinian people, and of the people of the neighbouring Arab countries. It would have been more honourable of the United States, which constantly invoked the principles of democracy and of respect for human rights, to have spoken on behalf of the right of the Palestinian refugees to recover their homeland, a right recognized in a whole series of international instruments.

32. As was constantly being pointed out in various international forums, the current situation in the Middle East was extremely dangerous, and no lasting peace could be achieved unless and until Israel put an end to its racist and expansionist policies and recognized the right of the Palestinian people to self-determination through the establishment, on their own territory, of an independent Palestinian State.

33. Mrs. GABR (Observer for Egypt) said her delegation fully supported the view expressed in Mr. van Boven's working paper (E/CN.4/Sub.2/1989/32) that the scope of any new instrument should be clearly defined, and careful research done on the precise meaning of existing standards, before any actual drafting was embarked on.

34. The multiplicity of existing international instruments on a question of such vital concern for millions was at the same time a strength and a weakness. On the one hand, it reflected growing international concern that the principle of freedom of thought, conscience and religion should be publicly affirmed. On the other hand, it explained why the international community had so far failed to combine those numerous texts into a single instrument which would combine an enunciation of principles with specific measures for their implementation. She hoped that the practical provisions already contained in the Declaration, together with the work being carried out by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, would help to establish an effective mechanism for guaranteeing respect for religious freedoms. The report of the Special Rapporteur (E/CN.4/1990/46) was a positive step in that direction, and the recommendations contained in its chapter IV deserved careful study.

35. In that connection, a number of important considerations should be borne in mind. The guaranteeing of religious freedom should be seen as part of a general process of economic and social development which would increase awareness of individual rights and obligations and create a favourable atmosphere for a rational dialogue between persons of different faiths. It was also important to guarantee for all citizens the opportunity for full participation in political life, since that was the most effective way of guaranteeing freedom of thought, conscience and belief by peaceful means.

36. Article 40 of the Egyptian Constitution provided that all citizens were equal before the law, with no discrimination on the basis of sex, origins, language, religion or belief. Under article 46, the State guaranteed religious freedom, and also guaranteed the right to religious observance.

37. Egypt had always done its utmost to co-operate with the Special Rapporteur in his investigations, as was shown in paragraphs 40-41 of the report. However, it would seem that certain other countries were ignorant of one of the most basic principles of religious tolerance, namely respect for

the right to religious observance. Paragraph 54 of the report stated that the practice of religion had been curtailed by various measures taken by the Israeli Defence Forces in the territories occupied by Israel since 1967. In the course of the past year alone, there had been cases in those territories in which not only Muslims but also Armenians, Catholics and members of the Greek Orthodox Church had been prevented from worshipping.

38. Human rights and freedoms formed a single entity, and respect for freedom of thought, conscience and religion was only a part of respect for human freedoms in the widest sense. As such, it could be seen as a measure of the level of civilization attained by the society concerned.

39. Mr. Ditchev (Bulgaria) resumed the Chair.

40. Mr. VIGNY (Observer for Switzerland) said his Government considered freedom of religion to be one of the most important of human rights, since it was essential to the proper functioning of a truly democratic and pluralist society. Respect for religious freedom contributed, perhaps more than respect for other human rights, to international peace and security. Accordingly, every State should do all it could to ensure that the Declaration was effectively implemented, not only on its own territory, but also throughout the world.

41. It was noteworthy that the Final Document of the 1989 Vienna Meeting pursuant to the Conference on Security and Co-operation in Europe, had listed as many as 11 detailed measures designed to guarantee greater respect for freedom to profess and practise religion or belief. There was no doubt that the Vienna Document had helped to strengthen the positive impact produced by the new policy of openness and transparency in the field of human rights currently being applied in Central and Eastern Europe.

42. His Government had been concerned to note from the report of the Special Rapporteur that intolerance and discrimination based on religion or belief still persisted in many parts of the world, and that men and women were still being persecuted, imprisoned, tortured and even killed in the name of religion. They included members of religious minorities, persons who had publicly abandoned one religion and embraced another, and even persons who had been converted to atheism.

43. In 1989, the Special Rapporteur had brought to the attention of 29 Governments situations which seemed to indicate a departure from the provisions of the Declaration. Of those 29, 11 States - Afghanistan, Burundi, China, Ethiopia, Iran, Israel, Mauritania, Mexico, Nepal, Somalia and Zaire - had not replied by 20 December 1989. He appealed to those States to engage in a dialogue with the Special Rapporteur as soon as possible: the fact that the latter had transmitted to them allegations regarding their territories in no way implied any accusation or value-judgement on his part, but rather a request for clarification, with a view to finding solutions to a problem involving the most fundamental of human rights. Even if it were found that violations of the Declaration had occurred, it would still be in the interests of the State concerned to co-operate with the Special Rapporteur, since the Commission would see such co-operation as evidence of its willingness to combat all forms of intolerance and discrimination.



44. Of the 18 States which had replied to the Special Rapporteur, several had quoted at length from constitutional or legislative provisions relating to religious freedom, either giving no detailed response to the allegations made or else simply dismissing them out of hand as false and slanderous. The States in question should realize that such an approach was totally counter-productive, since readers of the report would conclude, rightly or wrongly, that those allegations must be well-founded.

45. He supported most of the report's conclusions and recommendations. In particular, he shared the concern expressed at the restrictions imposed by certain Governments on the religious practices of persons holding beliefs different from those of the majority. Some of those Governments permitted such persons to practise their religion only in their own homes: in other words, they prohibited them from building places of worship, while they themselves claimed the right to build their own places of worship in the countries of origin of the same persons.

46. He was also concerned about the report's evidence of religious intolerance, as shown in the sectarian and intransigent attitudes of some religious communities whose fanatical opinions derived from a literal and dogmatic interpretation of certain religious precepts. Such attitudes were not only prejudicial to the rights of religious minorities and to human rights in general, but also had a destabilizing effect on international relations, by creating tensions and conflicts between States.

47. He was also concerned to note from paragraph 110 of the report that many of the newer sects and religious associations seemed to be engaging in activities which were not always legal. That was a problem which should be investigated by the Commission, in view of the fact that article 1, paragraph 3, of the Declaration made clear that freedom to manifest one's religion was subject to certain limitations prescribed by law.

48. On the subject of the establishment of a new binding international instrument, he supported the conclusion in Mr. van Boven's working paper (E/CN.4/Sub.2/1989/32) that it should not be taken for granted and should be undertaken only after solid preparatory work had been done on the basis of sound research and careful analysis.

49. The work of the Special Rapporteur was a very important element in the mechanism for implementation of the Declaration, and his delegation would like to be a sponsor of the draft resolution recommending that his mandate be renewed for a further two years.

50. Religious intolerance was often the result of ignorance, and both Governments and institutions had an important role to play in making the public better informed about the basic principles of the Declaration. For its part, his Government had undertaken to publish the text of the Declaration in the German, French and Italian language versions.

51. Mr. GARAI (World Union for Progressive Judaism) said the spectacle of religious leaders calling for repressive measures against those who did not share their faith, while also clamouring for the assassination of members of their own faith who had dared to defy their injunctions, would seem to cast doubt on the positive influence of religious beliefs in today's world. It was

the actions of such leaders, not the religions which they alleged they were defending, which deserved condemnation. It should be borne in mind also that there were still countries in which any form of religion was considered as superstition, and where all believers were considered as sick persons, in need of treatment. The danger lay not in religion itself, but in religious extremism and the question arose whether the State was justified in taking correspondingly extreme measures to deal with that threat.

52. Although religious freedom was guaranteed under a number of human rights instruments, that freedom was usually declared to be subject to any limitations prescribed by law that were necessary to protect public order. Unfortunately, that meant that States were able to use their laws as an excuse for trampling underfoot the freedom concerned. The time had, perhaps, come to recognize that, since all human beings were born free and equal in dignity and rights, they were all entitled to enjoy unrestricted freedom of conscience. The duty to act towards others in a spirit of brotherhood that followed from the granting of that freedom would be the best defence against any unduly expansionist tendency on the part of particular religions. He urged the Commission to amend the international human rights instruments to take account of those considerations.

53. Mr. BARSH (Four Directions Council) suggested that, in the future, the Special Rapporteur should be more critical of Government replies, and should make specific recommendations to the Commission for action to be taken to deal with specific situations.

54. He could not agree, however, that there was any need for a binding international convention on the subject of religious intolerance. The number of international instruments and monitoring mechanisms for the protection of the rights of particular groups - women, children, migrant workers, the disabled, and so on - was constantly growing, with the result that concern for human rights was becoming increasingly fragmented, and the International Bill of Human Rights was in danger of disappearing under a mountain of paper.

55. Two arguments tended to be made for the development of separate instruments and mechanisms to cover particular groups. The first was that, since the group concerned was especially vulnerable to violations of its rights, its situation merited especially intensive scrutiny. The second argument was that existing human rights standards applicable to the group were too general or too imprecise. Those arguments raised important policy questions. The first was whether it was not possible to provide for special scrutiny within the framework of existing instruments and monitoring mechanisms. Bodies such as the Committee on Economic, Social and Cultural Rights were already responsible for the collection of information on vulnerable sectors of the population. Secondly, the question arose why it was necessary to create new mechanisms for explanatory or interpretative declarations, instead of addressing those declarations to existing monitoring bodies, such as the Human Rights Committee.

56. The real answer to both those questions was that the existing human rights mechanisms were not considered to be very effective. What needed to be done was not to create yet more mechanisms, but rather to discover why the existing ones were not functioning as they should. A proliferation of human rights instruments worked against universal compliance with human rights obligations,

because different States would tend to ratify different conventions. In addition, the proliferation of instruments dealing with particular sectors of society made it harder to understand the root causes of conflict, which cut across boundaries of sex, age and ethnic origin. In the same way, a proliferation of monitoring bodies tended to divide human rights work into competing domains, and worked against the realization of common interests.

57. A third argument advanced in favour of the creation of new instruments was that certain groups - notably minorities and indigenous peoples - had a distinct collective identity and collective rights, which could not be protected within the existing framework of human rights standards. While the elaboration of special standards was justifiable in the case of such groups, it should be recognized that most claims for autonomy and distinct political identity reflected the more general problem of a lack of genuine democracy in the States concerned. Before drafting any more conventions, it would be wise to examine the broader question of collective identity, which was equally relevant for economic, social, racial, ethnic and religious groups. The logical focus for that effort was the Declaration on the Right to Development.

58. He did not think much would be gained by restating the existing Declaration - which did not differ substantially from article 18 of the International Covenant on Civil and Political Rights - in the form of a convention. Nor would the setting up of another treaty body and reporting system make any significant contribution to the prevention of intolerance. The specific problems identified by the Special Rapporteur as arising from complex historical processes were problems common to all groups, not merely religious groups, and they should be addressed in a broader context.

59. Mr. ROSSI (International Association for the Defence of Religious Liberty) said his association strongly favoured the creation of a new international instrument guaranteeing freedom of religion and belief. The list of specific freedoms contained in article 6 of the Declaration was not exhaustive: the new instrument should include, for example, the rights and freedoms of religious communities, recognized in the Final Document of the 1989 Vienna Meeting pursuant to the Conference on Security and Co-operation in Europe.

60. The report submitted by the Special Rapporteur (E/CN.4/1990/46) clearly demonstrated that it was not sufficient to recognize the principle of freedom of thought, conscience and religion: there was a need actively to combat religious intolerance, which had led to the imprisonment or death of hundreds of thousands of men and women. In particular, religious fanaticism was a source of tension and conflict between peoples and a threat to international stability. The Commission should concern itself less with the possible disapproval of Governments which were violating human rights, and more with the fate of the victims of such violations.

61. Success in guaranteeing universal respect for so fundamental a human right as freedom of religion would represent a major service to mankind.

62. Ms. ENGEL (Human Rights Advocates) said she wished to draw the Commission's attention to the status of the implementation of the Declaration in Tibet. Article 1 of the Declaration guaranteed the freedom to manifest religion or belief in worship, observance, practice and teaching: however,

the People's Republic of China was stifling that freedom by its control of religious institutions, practices and education. Other human rights had also been violated in Tibet, notably the right to life and security of the person, the right to free expression and opinion, and the right to self-determination.

63. Much had been heard about the recent renovation, with government support, of Buddhist monasteries and temples in Tibet. However, not only did thousands of monasteries originally destroyed by the Chinese Government remain unrestored, but restrictions imposed by the Government continued to hamper reconstruction efforts, both public and private. According to paragraph 37 of the Special Rapporteur's report, no monasteries might be renovated without the Government's approval, and no donations for monasteries might be requested or given.

64. China was also guilty of infringing the right to religious worship provided for in article 6 of the Declaration, without which the restoration of religious buildings was meaningless. The performance of religious rituals in monasteries had been restricted by the introduction of political indoctrination sessions, and by the presence of armed troops at places of worship. In addition, many Tibetan monks and nuns had been killed, injured or imprisoned following peaceful demonstrations.

65. Article 5 of the Declaration provided that every child enjoyed the right of access to religious education: there again the Chinese Government had imposed severe restrictions. No new monks had been admitted to monasteries since martial law was declared in Tibet in March 1989: as a result, each monastery had large numbers of unofficial monks, who were not allowed to attend classes or participate in monastic debates.

66. The secular as well as the religious education of Tibetan children was threatened by such restrictions, since for many the monasteries offered their only opportunity of learning to read and write.

67. She urged the Commission to examine those allegations of infringements of religious freedoms in Tibet, particularly in the light of the Special Rapporteur's findings on the relation between such infringements and abuses of other human rights, and appealed to the Government of China to respect the fundamental right of all Tibetans freely to practise their religion.

68. Mr. PHILIPS (Minority Rights Group) said that conflicts surrounding religious minorities were potentially destabilizing for the progress achieved in international peace and security.

69. The ethnic discrimination and religious intolerance experienced by many minority groups in the Balkans had deep-rooted historical causes. Such attitudes were exacerbated by the fact that relatively new nation-States lacked the experience and confidence to respond positively to ethnic and religious diversity. However, the political changes currently occurring in Eastern Europe offered a unique opportunity to resolve such problems.

70. Whereas, in 1989, over 300,000 Muslim ethnic Turks had fled Bulgaria, more than 170,000 had since returned following the improvement in the situation in the country. Ethnic Turks and other Muslims had been granted the right to practise their religion, to speak Turkish, and to use their Turkish and Islamic

names. Those rights had not been won without a struggle, and he urged the Bulgarian Government to seek advice from the United Nations to ensure that the rights of religious minorities were guaranteed not only in theory under the new Constitution but also in practice.

71. Even more dramatic changes had taken place in Romania, where the ethnic Hungarian minority, together with other minority groups, had long suffered official persecution. He invited the Commission to congratulate Romania on its recent Declaration of the Rights of Minorities, and to welcome its promised introduction of new laws to protect those rights.

72. In Greece, the ethnic Turkish minority inhabiting Western Thrace, and accounting for one third of the population of the region, faced continuing restrictions on its civil rights, while Turkey, for its part, was still denying freedom of language, religion, education, property and residence to long-established minority communities, including Kurds and ethnic Greeks. He urged both the Greek and Turkish Governments to seek the good offices of the United Nations Secretary-General to initiate a dialogue that would resolve those conflicts.

73. The Group was also concerned at the Albanian Government's continued policy of repression towards its Greek minority, which suffered persecution partly because of its ethnic and linguistic identity and partly because of its religious beliefs. He urged all Governments, particularly those of Eastern Europe which had diplomatic representation in Albania, to express their deep concern to the Albanian Government.

74. The Commission should offer to assist all States in the Balkans to develop laws and constitutions designed to safeguard religious freedoms. The Special Rapporteur should continue to investigate reports of human rights violations in the region, and should encourage dialogue between Governments. Lastly, the Commission should congratulate Bulgaria and Romania on their recent adoption of measures to protect the rights of minorities.

75. Ms. FATIQ (Baha'i International Community) said she agreed with the Special Rapporteur that the persistence of the problem of religious intolerance called for the preparation of a new international instrument specifically designed to resolve it (E/CN.4/1990/46, para. 117). During the drafting process, consideration should be given to the setting up of an implementation mechanism, such as those existing under other human rights treaty-based régimes. For example, a committee on intolerance based on religion or belief, responsible for receiving communications from those whose rights had been violated, would greatly enhance the new convention's impact.

76. Legal measures notwithstanding, she believed that the root causes of religious friction and tension could be removed only by better public education. A study of the teachings of all the world's great religions would lead to a recognition of their common source, and to an understanding that there were no grounds for rivalries or disputes between the different religious communities. She welcomed the Special Rapporteur's recommendation that religious groups should play an active role in promoting religious tolerance by initiating dialogues which would emphasize the similarities, rather than the differences between religions. She also supported the suggestion that briefings be organized with the collaboration of UNESCO to make the principles set forth in the Declaration more widely known.

77. Mr. LACK (Co-ordinating Board of Jewish Organizations and World Jewish Congress) said the right to freedom of thought, conscience and belief lay at the core of all human rights, and amply justified the setting up of a separate instrument of a binding nature, with its own monitoring body. It was difficult to think of another human rights instrument which had received so much prior consideration and scrutiny by different United Nations bodies over a period of years.

78. He fully supported the Special Rapporteur's conclusion in his report that the persistence of the problem of religious intolerance called for the preparation of a new international instrument (para. 117), and also supported his recommendation that a working group be set up for that purpose (para. 118). At the same time, he endorsed Mr. van Boven's view that any such instrument should build on the standards already elaborated by the international community (E/CN.4/Sub.2/1989/32, para. 10).

79. There was no greater destabilizing force than religious intolerance, and there could be no sustainable quality of life in any society which denied its members enjoyment of the right to religious freedom. It was gratifying to know that in several countries of Eastern Europe, national standards were currently being revised to reflect the fundamental importance of that right.

80. His organization was ready to join with other non-governmental organizations in an attempt to devise suitable implementation machinery for the new instrument, which would take into account all the complexities and sensitivities involved, as well as the obligations already undertaken by States parties in relation to other human rights and fundamental freedoms. It was important that such machinery should avoid duplicating the work of other human rights treaty bodies. In due course, it would be necessary to set up a single consolidated implementation system (E/CN.4/Sub.2/1989/32, para. 17), consistent with reasonable demands on the States parties, and with the limitations of human, financial and material resources.

81. The question had been raised whether, in view of the competing demands in other human rights fields, a new instrument with its own monitoring and supervisory body was really necessary. As he saw it, the answer was an emphatic affirmative. There was a point beyond which further procrastination would only jeopardize the Commission's credibility, and would give the impression that it lacked the political will to act on the recommendations of its own special rapporteur. In addition, postponing action would be tantamount to adopting some kind of ban on the establishment of any new instruments, a ban which was clearly unjustified in view of the urgent need to combat the continuing and increasing phenomenon of religious intolerance throughout the world. It should be remembered that the right in question was one that admitted of no derogation, even in time of national emergency or a state of siege.

82. The time to begin work on drafting a new instrument was long overdue. The international climate for embarking on such an exercise had never been more propitious, but there was no guarantee that it would remain so. He strongly urged the Commission to adopt the Special Rapporteur's recommendation.

83. Mrs. Quisumbing (Philippines) took the Chair.

84. Mr. KARUNAN (Pax Romana) said he was deeply concerned to note from the Special Rapporteur's report that infringements of the rights defined in the Declaration seemed to persist in most regions of the world. A bill had recently been introduced in Singapore prohibiting the activities of religious institutions or groups, on the grounds that they were likely to heighten political and religious tensions. The bill, while claiming to promote religious harmony, in fact constituted a direct interference in the work of church leaders and in the life of the Christian community as a whole. In that connection, he wished to bring to the Commission's attention once again the case of Vincent Cheng, Secretary of the Catholic Justice and Peace Commission, who was still being held in detention.
85. The situation in El Salvador also continued to give rise for concern. Despite world-wide indignation following the murder of six Jesuit priests in that country, the Jesuit community in the refugee centre known as "El Despertar" in San Salvador had recently been threatened for the fourth time by members of the armed forces.
86. He urged the Commission to extend the mandate of the Special Rapporteur to enable him to update the information contained in his report and to make further inquiries into cases such as the two just mentioned.
87. Ms. SLESZYNSKA (Christian Democratic International) said that the profound changes that had recently taken place in Eastern Europe had opened the way to reconciliation between government authorities and the Churches. That reconciliation had helped to ensure greater freedom of religious observance, to reduce government interference in church affairs, and to end the professional and social discrimination that had been practised against believers. The right of the Churches to establish and maintain charitable, humanitarian, medical, social or cultural institutions, as well as their right to have access to the media, had been recognized. Only the right to establish church schools - a right which had been non-existent until 1989 - was as yet unrealized, but there were great hopes that 1990 would see further advances in various fields relating to religious freedom.
88. In China, on the contrary, freedom of thought, conscience and belief existed in theory only, and innumerable infringements and violations occurred in practice. Churches loyal to the Government were permitted to pursue certain activities, but only within the walls of their own places of worship, and only on condition that they were recognized by the State. The Catholic and Protestant Churches in China were singled out as particular targets for repression, and many persons had been arrested and assemblies broken up in the course of 1989. No progress had been achieved in the field of religious rights in Myanmar, Viet Nam or the Democratic People's Republic of Korea. In Albania, the authorities continued to ban any kind of religious life and to impose atheism on the entire population.
89. The fundamental right to practise the religion of one's choice was not respected in Saudi Arabia. Only the Muslim faith was authorized, and no other religion could be practised, even in private. In Iran, all the Baha'i places of worship had been confiscated.
90. In Turkey, minority groups persecuted by local Muslim communities had been threatened with extinction, and forced to emigrate. In many Muslim countries, change of religion was prohibited by law. An increasing number of countries

were making Islam the State religion, and were replacing existing civil and penal codes by the Shariah, application of which tended to marginalize other religious groups, who were then regarded as second-class citizens.

91. In Malaysia, a recent decree banned non-Muslims from using 25 words and 10 expressions which were deemed to belong exclusively to Islam, and fines or even prison sentences were imposed on non-Muslims who ventured to speak about their faith in the presence of a Muslim. In Egypt, converted Muslims were still in prison and hundreds of requests for authorization to build Coptic churches had been rejected by the Government.

92. In India, violent sectarian clashes between Hindus and Muslims and Hindus and Sikhs had occurred in 1989. In Nepal, where Hinduism was the State religion, a number of converts to Christianity were currently in prison.

93. Thus, while 1989 had seen marked advances in religious freedom in Europe, there had been no progress in China or neighbouring Asian countries, and the situation had worsened throughout the Muslim world. The Commission should devote particular attention to the four countries which had shown themselves most markedly lacking in respect for religious freedoms, namely Albania, China, Nepal and Saudi Arabia.

The meeting rose at 9 p.m.