



UNITED NATIONS
 GENERAL
 ASSEMBLY



Distr.
 GENERAL

A/9893
 5 December 1974

ORIGINAL: ENGLISH

Twenty-ninth session
 Agenda item 54

ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

Report of the Third Committee

Rapporteur: Mr. Dietrich von KYAW (Federal Republic of Germany)

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 5	2
II. CONSIDERATION OF THE DRAFT RESOLUTION	6 - 19	5
III. RECOMMENDATION OF THE THIRD COMMITTEE	20	8

I. INTRODUCTION

1. The General Assembly, at its 2237th plenary meeting, on 21 September 1974, allocated to the Third Committee agenda item 54, entitled "Elimination of all forms of religious intolerance".
2. The Committee considered the item at its 2091st to 2096th meetings, from 15 to 21 November 1974. The summary records of these meetings (A/C.3/SR.2091-2096) contain the views expressed by representatives of Member States.
3. The Committee had before it a note by the Secretary-General containing (a) information on the action taken, pursuant to resolution 3069 (XXVIII) of 30 November 1973, by the Commission on Human Rights, at its thirtieth session, and the Economic and Social Council, at its fifty-sixth session, on the elaboration of a draft Declaration on the Elimination of All Forms of Religious Intolerance; and (b) background information on the question of the completion of a draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (A/9644).
4. At the 2091st meeting, on 15 November, the Director of the Division of Human Rights introduced agenda item 54.
5. At the same meeting, the representative of the Netherlands, on behalf of the Netherlands and Sweden, introduced a working paper (A/C.3/L.2131) containing the text of a draft Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. The working paper read as follows:

"The General Assembly,

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

"Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the right to freedom of thought, conscience, religion and belief, including the right to manifest one's religion or belief in worship, observance, practice and teaching, as well as the principle of non-discrimination and the right of equality before the law,

"Considering that the disregard and infringement of human rights and fundamental freedoms, and in particular of the right to freedom of thought, conscience, religion or belief have brought, directly or indirectly, wars and great suffering to mankind, especially when manifestations of intolerance and of discrimination based on religion or belief amount to kindling hatred between peoples and nations,

/...

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

"Considering it essential that Governments, organizations and private persons should strive to promote through education, as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief, and that they should not engage in any activities or perform any acts aimed at the destruction of any of the purposes and principles set forth in the present Declaration,

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

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

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

"Convinced that the right to freedom of religion or belief should not be abused as a means to pursue or to continue any ideologies or practices of colonialism and racism.

"ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

"Protection of the freedom of religion or belief

"Article I

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

"Article II

"Discrimination between human beings on the ground of religion or belief is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and elaborated in the International Covenants on Human Rights and as an obstacle to friendly and peaceful relations among nations.

"Article III

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

"2. Everyone has the right to effective remedial relief by the competent national authorities against any acts violating the rights set forth in this Declaration or any acts of discrimination he may suffer on the grounds of religion or belief with respect to his fundamental rights and freedoms.

"Article IV

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

"Article V

"Parents or legal guardians have the right to decide upon the religion or belief in which a child should be brought up. When the child has reached a sufficient degree of understanding his wish shall be taken into account.

"Article VI

"Every person and every group or community has the right to manifest their religion or belief in public or in private, without being subjected to any discrimination on the ground of religion or belief; this right includes in particular:

"1. Freedom to worship, to assemble and to establish and maintain places of worship or assembly;

"2. Freedom to teach, to disseminate, and to learn their religion or belief and also its sacred languages or traditions;

"3. Freedom to practise their religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;

"4. Freedom to observe the rites or customs of their religion or belief.

"Article VII

"Religious congregations have the right to train ministers and teachers and to have contacts with communities and institutions belonging to the same religion or belief both within the country and abroad.

"Article VIII

"Neither the establishment nor the recognition of a religion or belief by a State nor the separation of religion or belief from a State shall by itself be considered discrimination on the ground of religion or belief.

"Article IX

"Governments, organizations, and private persons shall strive to promote, through education as well as by other means, understanding, tolerance and respect in matters relating to freedom of religion and belief. Freedom of religious and non-religious belief shall not be used for purposes of kindling hatred between peoples and different religious and national groups."

II. CONSIDERATION OF THE DRAFT RESOLUTION

6. At the 209th meeting, on 20 November, the representative of Bulgaria introduced a draft resolution (A/C.3/L.2130) sponsored by Bulgaria and the Byelorussian Soviet Socialist Republic. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 3069 (XXVIII) of 30 November 1973,

"Taking note that the Commission on Human Rights is seized with the task of elaborating a draft Declaration on the Elimination of all Forms of Religious Intolerance and has established a working group for this purpose,

"Endorsing the intention of the Commission on Human Rights to give the elaboration of the Declaration priority at its next session,

"Decides to defer consideration of the item entitled 'Elimination of all forms of religious intolerance' until a single draft Declaration is submitted to the Assembly by the Commission on Human Rights through the Economic and Social Council."

7. At the same meeting, the representative of the Netherlands introduced draft amendments (A/C.3/L.2132) to the draft resolution on behalf of the Netherlands and Sweden. The amendments were as follows:

/...

(a) The addition, as a new third preambular paragraph, of the following text:

"Desirous that the elaboration of a draft Declaration on the Elimination of All Forms of Religious Intolerance be actively pursued";

(b) The addition of the following text as operative paragraph 1:

"1. Invites the Economic and Social Council to bring to the attention of the Commission on Human Rights all the opinions expressed and suggestions put forward in the course of the discussions of this question at the twenty-ninth session of the General Assembly";

(c) The addition of the following text as operative paragraph 2:

"2. Requests the Commission to submit through the Economic and Social Council to the thirtieth session of the General Assembly a single draft Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief";

(d) The replacement of the operative paragraph by the following text:

"3. Decides to inscribe this item on the agenda of the thirtieth session of the General Assembly with a view to considering, completing and adopting, if possible, a Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief."

8. At the 2095th meeting, on 21 November, the representative of the Netherlands, on behalf of the sponsors, accepted oral subamendments, proposed by the representative of Pakistan, to the fourth amendment in A/C.3/L.2132 (see para. 7 (d) above), to read as follows:

"Decides to include this item on the agenda of the thirtieth session of the General Assembly with a view to assessing progress on the elaboration of a Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief and to considering, completing and adopting, if possible, the Declaration if the completion of a single draft has been accomplished by the Commission on Human Rights."

9. After a procedural debate at its 2096th meeting, on 21 November, the Committee decided, by 58 votes to 1, with 25 abstentions, to close the debate on item 54.

10. At the same meeting, the Committee had before it a revised text (A/C.3/L.2130/Rev.1) of the draft resolution. In the fourth preambular paragraph and operative paragraph 1 of the revised draft, the sponsors had accepted the substance of the first and second amendments in A/C.3/L.2132. The text of the revised draft resolution (A/C.3/L.2130/Rev.1) read as follows:

/...

"The General Assembly,

"Recalling its resolution 3069 (XXVIII) of 30 November 1973,

"Taking note that the Commission on Human Rights is currently seized with the task of elaborating a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and has established a Working Group for this purpose,

"Taking note also of the intention of the Commission on Human Rights to give priority to the elaboration of the Declaration at its next session,

"Desirous that the elaboration of the Declaration be actively pursued,

"1. Requests the Secretary-General to transmit to the Commission on Human Rights all the opinions expressed and suggestions put forward in the course of the discussion of this question at the twenty-ninth session of the General Assembly;

"2. Requests the Commission on Human Rights to submit through the Economic and Social Council to the General Assembly a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;

"3. Decides to take up this item again when a single draft Declaration is submitted to the General Assembly by the Commission on Human Rights."

11. At the same meeting, the representative of Bulgaria submitted oral subamendments to the draft amendments contained in A/C.3/L.2132 which, in the third amendment (see para. 7 (c) above), would delete the words "to the thirtieth session of" and, in the fourth amendment (see para. 7 (d) above), would delete the word "completing" from the second line and add the words "provided the completion of a single draft by the Commission on Human Rights" to the end of that paragraph.

12. At the same meeting, the Committee decided, by 48 votes to 29, with 22 abstentions, to vote first on the oral subamendments of the representative of Bulgaria.

13. The Committee then voted on the revised draft resolution (A/C.3/L.2130/Rev.1) and on the amendments (A/C.3/L.2132) and oral subamendments thereto (see para. 11 above) as follows:

(a) The words "to the thirtieth session of" in the third amendment (see para. 7 (c) above) were retained by 50 votes to 24, with 31 abstentions;

(b) The third amendment (see para. 7 (c) above) as a whole was adopted by 63 votes to 13, with 23 abstentions;

/...

(c) The word "completing" in the fourth amendment (see para. 7 (d) above) was retained by 44 votes to 21, with 33 abstentions;

(d) The words "provided the completion of a single draft by the Commission on Human Rights" were added to the end of the fourth amendment (see para. 7 (d) above) by 40 votes to 32, with 23 abstentions;

(e) The fourth amendment (see para. 7 (d) above), as subamended, was adopted by 60 votes to 23, with 19 abstentions;

(f) The oral subamendments submitted by Pakistan (see para. 8 above) were not voted upon;

(g) The revised draft resolution as a whole (A/C.3/L.2130/Rev.1), as amended, was adopted by 67 votes to 1, with 29 abstentions (see para. 14 below).

III. RECOMMENDATION OF THE THIRD COMMITTEE

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Elimination of all forms of religious intolerance

The General Assembly,

Recalling its resolution 3069 (XXVIII) of 30 November 1973,

Noting that the Commission on Human Rights is currently seized with the task of elaborating a draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and has established a Working Group for this purpose, 1/

Noting also the intention of the Commission on Human Rights to give priority to the elaboration of the Declaration at its thirty-first session, to be held from 3 February to 7 March 1975, 2/

Desirous that the elaboration of the Declaration be actively pursued,

1. Requests the Secretary-General to transmit to the Commission on Human Rights all the opinions expressed and suggestions put forward in the course of the discussion of this question at the twenty-ninth session of the General Assembly;

1/ See Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5 (E/5464), paras. 56-58.

2/ See Economic and Social Council decision 14 (LVI) of 17 May 1974.

2. Requests the Commission on Human Rights to submit, through the Economic and Social Council, to the General Assembly at its thirtieth session a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

3. Decides to include in the provisional agenda of its thirtieth session the item entitled "Elimination of all forms of religious intolerance" with a view to considering, completing and adopting, if possible, a Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, provided a single draft is completed by the Commission on Human Rights.
