COMMISSION ON HUMAN RIGHTS

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Chairman: Mr. SENE (Senegal)

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Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)


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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

1. Mr. HERNDL (Observer for Austria) said that his Government believed in the need for efficient action, at both the national and international levels, to combat intolerance and discrimination on the grounds of religion or belief. Concerning the situation in Austria the Commission had before it document E/CN.4/1988/43/Add.1, the contribution of his Government to the compendium of national legislation, submitted pursuant to Commission resolution 1987/15. As the report indicated, freedom of religion and conscience was safeguarded in Austria, not only by the rights and freedoms enshrined to curb State interference but also by provisions of the criminal law punishing acts of discrimination on the grounds of religion or belief.

2. At the international level, the second report of the Commission's Special Rapporteur on the question (E/CN.4/1988/45 and Add.1) revealed thorough and competent work. Many organizations and countries had co-operated with the Special Rapporteur and it was to be hoped that others would follow suit. The willingness of Governments in that regard showed that the monitoring of situations through special rapporteurs was increasingly accepted by the community of nations. However, as his delegation had stated in connection with the corresponding agenda item in 1987, it was important for States to be more honest concerning their difficulties in implementing freedom of religion and conscience.

3. In his report, the Special Rapporteur stated that the proposal to elaborate new international standards for the protection and promotion of the freedom of religion or belief should be kept under consideration. In the view of the Austrian delegation, that recommendation should be examined in the light of the relevant work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. At its thirty-ninth session, the Sub-Commission had considered the study by its own Special Rapporteur on intolerance and discrimination on grounds of religion or belief (E/CN.4/Sub.2/1987/26) and, by its resolution 1983/33, had requested its Chairman to appoint one of its members to examine the issues and factors which should be considered before any definitive drafting of a binding international instrument took place.

4. The Commission should take time to reflect on the advisability and the possible content of a convention on freedom of religion and belief. In any event it should be for the Sub-Commission - as the Commission's think-tank - to provide a first draft of a convention at the appropriate moment. While that process was in course, the Commission should endeavour to maintain its vigilance and to continue to apply its existing procedure, i.e. extend the mandate of the Special Rapporteur.

5. Mr. HAMMOND (Observer for Canada) said that the unfortunate phenomenon of discrimination based on religion or belief manifested itself in violations of the most fundamental of human rights across the spectrum of civil, political, economic, social and cultural rights. His delegation commended the Commission's Special Rapporteur on his excellent second report on the implementation of the Declaration on the Elimination of All Forms of
Intolerance and Discrimination Based on Religion or Belief (E/CN.4/1988/45 and Add.1). The report by the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1987/26) also made a significant contribution to the Commission's consideration of the question.

6. In the view of his delegation, the Commission's Special Rapporteur had appropriately stressed the responsibilities of Governments in matters of religious intolerance and repression. The Special Rapporteur had entered into discussion with Governments about alleged specific infringements of the provisions of the Declaration, an approach which was fully in keeping with his mandate and that of the Commission, and all States should be prepared to respond to the Special Rapporteur's inquiries. He hoped that those Governments which had been reluctant to co-operate would come to realize that such an attitude served only to lend weight to the charges against them. The obstacles created by lack of co-operation should be addressed forthrightly in Commission resolutions and decisions.

7. The Special Rapporteur had also made a number of useful recommendations concerning the need for States to bring their legislation and administration into line with the existing international standards, the importance of attitudinal change as an essential component for ending religious discrimination, and the prospective value of training courses for persons responsible for the application of relevant laws and administrative practices. Concerning the proposal that consideration be given to the establishment of a working group to prepare a draft convention, his Government endorsed the ultimate goal but was convinced that hasty drafting exercises should be avoided.

8. Careful study - as recommended by the Sub-Commission - was in order before any new standard-setting exercises were launched. The Commission must in all circumstances continue to pay urgent attention to encouraging the implementation of the existing Declaration, in which connection the Special Rapporteur would remain a critical element.

9. Mr. MESTDAGH (Observer for the Netherlands) said he agreed with the approach followed by the Special Rapporteur in his report (E/CN.4/1988/45 and Add.1). It was gratifying to note that the Special Rapporteur's request for comments from Governments had elicited replies from, in particular, Bulgaria, Burundi, Turkey and the Union of Soviet Socialist Republics. He hoped that those Governments that had not yet replied to the request for information would do so at their earliest convenience.

10. The countries mentioned in chapter III.A in connection with infringements of the rights defined in the Declaration should provide the Special Rapporteur with information that would enable him to include a chapter in his next report containing more details, including their statements regarding the allegations. In connection with the suggested elaboration of an international convention, his delegation welcomed Sub-Commission resolution 1988/33, which followed the procedure the Commission had adopted in the past when drafting declarations or conventions giving effect to other human-rights instruments.

11. The Special Rapporteur's visits to Bulgaria and Ireland were significant in that he had been invited by both an Eastern and a Western European country. Other countries should follow suit, since such visits facilitated the presentation of a fuller and often more balanced picture. They also made
it possible to gather additional information from non-official sources, which
was a major advantage of the special rapporteur's system as a human-rights
monitoring instrument. Visits were also a useful means of listing practical
issues to be addressed in a future convention. In that connection,
human-rights conventions should not restrict information-gathering from other
than official sources. In conclusion, his delegation strongly recommended the
extension of the mandate of the Special Rapporteur.

12. Monsignor MULLOR (Observer for the Holy See) said that the message of
His Holiness John Paul II for the World Day of Peace shed light on the history
and geography of religious discrimination traced in the Special Rapporteur's
two reports. The Pontiff had noted that, 40 years after the Universal
Declaration, millions of persons throughout the world were still suffering
because of their religious convictions, and that such a situation was a
serious hindrance to peace. In the last analysis, the Commission was being
asked to find a way to cure some States of a grave social and political
disease which caused them to lead a double life: their behaviour in the
international sphere was completely contradicted by the day-to-day reality in
their own countries.

13. The Special Rapporteur proposed a wide range of remedies to put an end to
that situation, all of which were useful. His delegation believed, however,
that it was more urgent, and ultimately easier, to end administrative
practices that went against true religious freedom than to begin a long and
complicated process of elaborating an international convention. At the
national level, States could, in a matter of weeks, provide their citizens
with an entire range of rights linked to freedom of religion and could, in
particular, eliminate the segregation existing in some States between first-
and second-class citizens on the basis of philosophical, political or
religious belief.

14. His delegation believed strongly in dialogue, the weapon of the strong,
rather than in physical force, the weapon of the weak. An intolerant State
was actually a weak one, incapable of wagering on the freedom of all its
citizens. That wager must, however, be made one day, if peace was to reign
both inside and outside every country. In that connection, his delegation
welcomed the progress made by the Commission, which had been attaching
increasing importance to the question of religious freedom for several years.
The item should remain on its agenda, and the mandate of the Special Rapporteur
should be extended, as a number of delegations wished, especially if the
principle of a future convention in the area were to be accepted.

15. The work of the Special Rapporteur was very useful in that it maintained
the awareness of the international community and made possible a constructive
dialogue between States respecting religious freedom and the more
than 40 States that had not yet completely met their obligations under the
international human-rights instruments.

16. In the area of human rights, there were only two paths to follow. The
first was that of compromise, the second that of a constructive and loyal
commitment to human-rights victims. His delegation was convinced that most
members of the Commission were determined to take the second path. Only that
path would lead to the enlightened freedom which the world needed if it were
successfully to enter the third millennium of an era that had been opened by
the birth, life and death of Jesus Christ, who had also been the victim of
religious intolerance.
17. Mr. ANDRES (Observer for Switzerland), said that his Government noted with concern, from the report submitted by the Special Rapporteur (E/CN.4/1988/45 and Add.1), that men and women continued to be persecuted, imprisoned and even tortured on account of religion, in many countries with different political, social and economic systems. It was for the international community and especially the Commission to bring pressure to bear on Governments to refrain from practising intolerance for religious or philosophical reasons that were, in the last analysis, an expression of scorn for democracy and the personal opinions and convictions of others.

18. International organizations, Governments and non-governmental organizations, as well as denominational communities, should take the necessary steps, particularly in the area of information and education, towards understanding, tolerance and respect for the freedom of religion or conviction of others, since intolerance was often due to ignorance. Thus, in 1988, his Government would be publishing the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in the three official languages of the Confederation. States should also develop human-rights teaching further at the primary, vocational and university levels.

19. Before an international instrument on the elimination of all forms of discrimination based on religion or belief was elaborated, the criteria for establishing binding standards in that area should be determined at the level of the Sub-Commission, and the ultimate effects of the instrument should be carefully appraised. Such an instrument should be given a binding and effective control mechanism, and the institution of Special Rapporteur, which had proved its value, should be maintained.

20. For the time being, the Special Rapporteur's mandate should be extended for two years, and he should continue trying to establish a dialogue with the Governments concerned. Governments should also show a constructive spirit by co-operating with the Special Rapporteur and allowing him, if necessary, to make on-the-spot observations. In conclusion, he said that his delegation would be a sponsor of the draft resolution that was to be submitted at the appropriate moment by the Irish delegation.

21. Mr. TUKA (Czechoslovakia) said that his country attached great importance to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Czechoslovak legislation guaranteed both freedom of religion and freedom of atheistic beliefs and contained effective legal safeguards relating to freedom of conscience and the equality of all citizens before the law, regardless of their religious convictions. More detailed information on that subject could be found in the document submitted by his Government at the previous session.

22. Regarding the report of the Special Rapporteur on implementation of the Declaration (E/CN.4/1988/45), he recalled that, in 1986, the socialist countries and some other members of the Commission had expressed their reservations about the need to appoint a special rapporteur but that, at the forty-third session, they had nevertheless accepted his first report as a suitable basis for discussion. Regrettably, the latest report was in some respects unbalanced and focused undue attention on one particular group of States while at the same time neglecting the important issue of safeguards relating to the freedom of atheistic beliefs.
23. His delegation was also surprised to note several claims cited in the report to the effect that his Government had allegedly failed to abide by the provisions of the Declaration. The Special Rapporteur was required, under his mandate, to respond to "credible and reliable information", and it was surprising, therefore, that he had seen fit to use information that was patently one-sided and inconsistent with reality. If the Special Rapporteur thought it appropriate to include allegations against a particular country in his report, without consulting the Government concerned, then the least he could have done was to refer to such information in the conditional tense.

24. Concerning paragraph 75 of the report, he said that relations between Church and State in his country were generally characterized by mutual respect and lack of conflict. Believers took an active part in the building of socialist society and supported the foreign and domestic policies of the Government. Certain contentious issues were being resolved by means of dialogue at the international level through negotiations between the Government of Czechoslovakia and representatives of the Vatican. Dialogue at both the national and international levels, however, could in no way be promoted by the use of inaccurate, unreliable or one-sided information.

25. While his delegation could not accept all the conclusions and recommendations in the report, it nevertheless felt that they formed a possible basis for discussion. The recommendations in paragraphs 66 and 67 regarding the preparation of an international convention on the elimination of all forms of intolerance and of discrimination based on religion or belief merited particular attention. Such a convention must be based on genuinely democratic principles, including the inalienable right to freedom of worship and the right to propagate atheism. His delegation supported the establishment of an open-ended working group for the purpose of drafting the convention and was ready to take an active part in its work.

26. Mr. GOODMAN (United States of America), speaking on a point of order, said that the Soviet representatives appeared to be somewhat selective regarding timing. They had said nothing about the previous speaker's running on for 13 minutes and 29 seconds, whereas they had been quite interested in cutting short the Israeli statement, which had exceeded the 10 minute deadline by one minute only.

27. Mr. GRABOWSKI (Observer for Poland) said that his Government continued to attach the utmost importance to the implementation of the Declaration, which had been widely publicized in the Polish mass media. The main pillars of the Polish legal system for the protection of freedom of religion or belief included the principle of equal rights, irrespective of religion or belief, the prohibition on spreading hatred or contempt for reasons of religion, the freedom of churches and religious denominations to carry out their functions, the prohibition on forcing citizens either to participate or to refrain from participating in religious activities and the separation of Church and State.

28. Examples of the implementation by Poland of the Declaration included the construction of churches and other sacral buildings, the renovation of historic synagogues and the construction of new synagogues and mosques at Gdansk and Warsaw and of the Muslim centre in Bialystok.
29. Although Poland was traditionally a Catholic country, increasing interest in other religions, including the Pentecostal Church, Far Eastern religions and the Jehovah's Witnesses, could be observed. The latter were currently participating in discussions with State authorities on the question of their legal recognition as a religious community. In the meantime, they were given permission to organize prayer meetings and public assemblies.

30. The question of the practical realization of the right to freedom of thought, conscience, religion or belief had led to an impressive production by United Nations bodies of documents, studies and materials. What was currently needed was a serious reflection on further action by the United Nations in that area. His delegation supported the idea that the work of the Commission should be directed mainly towards the adoption of an appropriate international convention, the aim of which should be not only the elimination of discrimination based on religion or belief but also the promotion of tolerance. Positive actions, both national and international, leading to better understanding of religions and beliefs were as important as the legal prohibition of religious discrimination.

31. The Special Rapporteur should carefully study such actions, not only in the area of educational policies and programmes but concerning any other means that might lead to the elimination of the roots of religious discrimination, misunderstanding, ignorance, prejudice and false stereotypes, since a better knowledge of national measures to promote tolerance and understanding would assist in the preparation of the future convention. In that connection, the Commission should avoid any automatic extension of the Special Rapporteur's mandate but should think rather in terms of completing its previous efforts.

32. Mr. YAVUZALP (Observer for Turkey) said that the report on religious intolerance and discrimination should be assessed in the light of the delicacy of the subject, which made it difficult for those who wanted to preserve objectivity. For example, the grave situation of the Muslim Turks in Bulgaria was discussed in relatively moderate terms, which nevertheless attested to a serious problem of respect for religious rights and liberties in Bulgaria.

33. The ordeal of the Turkish Muslim minority in Bulgaria had been debated before the Commission for two years, during which attention had been drawn to the illogical nature of the objective sought, namely to expect that a community would give up its religious and ethnic origin under pressure. The Bulgarian position with regard to world-wide reaction had, unfortunately, been a denial and an assertion that all those who were supposed to be Turks had recognized the fact that they were no longer Turks, but Bulgarians, that they had voluntarily renounced their religious rituals and customs and had spontaneously changed their Turkish Muslim names into Slavic ones. The replies by the Bulgarian authorities quoted in the report showed that that approach was unfortunately being maintained.

34. The question was not being brought before the Commission for purposes of political exploitation, particularly during a period in which the relations between Turkey and Bulgaria were in a process of positive development. However, the persistence of the oppressive assimilation campaign by the Bulgarian Government and the extreme gravity of the situation of the Muslim Turkish minority left no other alternative.
35. An Amnesty International paper dated July 1987 concluded that the Bulgarian authorities had, by severe censorship, attempted to conceal both the forcible assimilation of a minority people and substantial human-rights abuses which had occurred during the implementation of that policy. It expressed concern at the imprisonment of ethnic Turks for their non-violent opposition to the assimilation campaign, and stated its belief that ethnic Turkish families had been forcibly resettled and that large numbers of ethnic Turks had been killed by security forces during the campaign without any investigation into the circumstances of their deaths. Reports of the ill-treatment and torture of ethnic Turk detainees had also been received.

36. The Norwegian Helsinki Committee, in a paper dated January 1987, spoke of the disappearance of Turkish books and newspapers from the news-stands and bookshops, the ban on speaking Turkish, the prohibition of most Islamic customs, such as the circumcision of young boys, and the closing of many mosques. It stated that the official Bulgarian newspaper had written of a religious fanaticism among the Bulgarian Turks and condemned those who raised their families according to the Koran and the Muslim religion.

37. The 1987 report of the Committee on the Elimination of Racial Discrimination had expressed concern at the possible assimilation of Turkish or Muslim minorities in Bulgaria, referred to members' serious doubts about the explanation given by the representative of Bulgaria regarding the Bulgarization of Muslim names and concluded that it was difficult to see how Bulgaria was fulfilling its international human-rights obligations if it chose in its reports to disregard the very existence of national minorities and ethnic groups living on its territory.

38. Most of the foregoing information had been collected despite severe limitations on foreign visitors, and it appeared that the Special Rapporteur had been no more fortunate than previous visitors in that regard. It was most surprising that he had not been taken to Kircali and Delorman, the two regions where most of the Muslim Turkish population lived. Kircali had been the main target of violence and bloodshed during the 1984 forced assimilation campaign, when all the Turkish Muslim villages and cities there had been put under complete siege. Other allusions by the Special Rapporteur in his report attested to the constraints under which his visit to Bulgaria had taken place.

39. The report admitted many facts, albeit in cautious diplomatic terms, that had so far been rejected by the Bulgarians. A few observations, however, were in order. For example, the current problem was not the result of a crisis in relations between the two countries, but, on the contrary, any crisis in those relations was certainly due to the sudden, brutal and unfortunate assimilation campaign. Furthermore, any attempt to link intolerance towards a particular religion with an historico-political past or with feelings against the ethnic group in question was a dangerous one, inasmuch as it might be taken as a green light for violations in other similar cases.

40. His Government was fully in agreement with the statements in paragraphs 35 and 36 of the report. If the vague wording of paragraph 36 indicated a change in the position of the Bulgarian Government - which had so far refused to negotiate - that was a positive development. There was no reason for the slightest doubt concerning the position in that regard of his Government, which had made numerous public statements to the effect that the problem should be solved through bilateral talks and that it was ready to
enter into such talks. His Government had also made public statements that, to alleviate the sufferings of the Muslim Turks in Bulgaria, it was even ready to receive them all in Turkey.

41. The representative of Bulgaria had expressed the readiness of his Government to engage in bilateral negotiations but indicated disagreement with the reference in paragraph 35 of the report to guaranteeing respect for the religious rights and freedoms of the Muslim minority in Bulgaria. That was tantamount to rejecting the Special Rapporteur's recommendation.

42. Mr. LEBAKINE (Observer for the Ukrainian Soviet Socialist Republic) said that the conclusions and recommendations of the Special Rapporteurs of the Commission on Human Rights and the Sub-Commission on the question of the elimination of intolerance and discrimination based on religion or belief provided a basis for future discussion and action, particularly in the field of codification. Nevertheless, his delegation was somewhat puzzled at the rather one-sided approach adopted by the Commission's Special Rapporteur in the discharge of his mandate. The fact that Bulgaria was the only country whose invitation had been accepted by the Special Rapporteur in no way justified the undue attention given in his report (E/CN.4/1988/45) to the issue of freedom of conscience and to dubious allegations of human-rights violations in that and a number of other countries (paras. 41, 44, 46, 47 and 48). It should be emphasized that the duty of any special rapporteur was to be strictly impartial in the selection and analysis of the material available to him.

43. In the view of his Government, freedom of conscience must be understood to include both freedom of religion and freedom of atheistic beliefs. Thus, the Constitution of the Ukrainian SSR (art. 50) guaranteed all citizens the right to profess or not to profess a religion and to perform religious worship or to conduct atheistic propaganda. Believers in his country enjoyed the same rights and privileges as all other citizens. Some 5,700 religious associations were registered and active in the Republic, which helped to provide for their needs by placing at their disposal houses of worship, many of which were maintained at State expense as monuments of national architecture. Improvements were currently being made in the legislation governing religious worship and a new act on freedom of conscience and religious association was also being drafted.

44. Festivities to mark the thousandth anniversary of the introduction of Christianity to Kiev would be held in June in St. Vladimir's Cathedral and other churches in Kiev by ministers of the Russian Orthodox Church - incidentally, the same church that the representative of the United States had referred to as "prohibited". It could only be regretted that the anniversary was being used in some quarters as yet another pretext for unleashing malicious and totally un-Christian propaganda against the Ukrainian SSR in order to sow hatred of its way of life and laws and to distort the real situation of religion and believers in the country.

45. The Special Rapporteur might do well to investigate manifestations of intolerance of that kind. In addition, he should examine situations in which the existence of a State religion led to discrimination against non-believers or persons professing a different religion. There were well-known cases, for example, in which public statements of an atheistic nature were treated as punishable offences. It was essential to promote the broadest possible
co-operation between believers and atheists in the contemporary world both to overcome the problems of intolerance and to ensure peace and international security.

46. Ms. BOJKOVA (Bulgaria) said that the statement by the representative of Turkey was an example of the exploitation of a sensitive and complex matter for political purposes. Representatives of Turkey missed no opportunity to spread allegations against her country precisely in order to make the international community forget the consistent violations of freedom of religion, among other human-rights violations, that took place in Turkey itself. Members of various Christian minorities, such as Armenians, Assyrians, Greeks and Bulgarians, as well as atheists, were imprisoned and tortured in Turkey on account of their beliefs. Of the 1 million Christians who had been living in Turkey in 1914, barely 150,000 had survived the genocide carried out in pursuit of the creation of a nationally homogeneous State.

47. As for the allegations contained in the report (E/CN.4/1988/45), Bulgaria was not a Muslim State and should not be compared to such countries. Most Bulgarians were atheists and, according to the Declaration, had the same rights as religious believers. Of the believers in Bulgaria, the majority were Christians who still had strong feelings regarding the 500 years of Ottoman rule, during which the Bulgarian Orthodox Church had safeguarded the national identity and enabled the Bulgarian people to survive.

48. That should not be construed, however, as discrimination against any other religious group in her country, including Muslims. All religious minorities in Bulgaria had equal rights before the law; there was no legislative basis for discrimination against any religion or belief. Nevertheless, the State could not be held responsible for the feelings and sympathies of individual Bulgarian citizens.

49. It was ironic that the Turkish reply to the Special Rapporteur spoke of pride in Turkey's historical tolerance and understanding of religious minorities, when it was precisely the Ottoman empire that had forcibly converted a portion of the population of Bulgaria to Islam. The Turkish reply was a challenge to the memory of the hundreds of thousands of Bulgarians who had sacrificed their lives rather than be converted to Islam.

50. Her delegation thus rejected the Turkish Government's attempt to pose as the protector of Bulgarian Muslims and it was against that background that her Government was unable to accept the formulation in paragraph 35 of the report.

51. Mr. AHMAD (Minority Rights Group) said that, in a last-minute reply hastily circulated to the Commission (E/CN.4/1988/45/Add.1), the Government of Pakistan had repeated the statements it had previously made regarding the human rights of the community of Ahmadi Muslims. The Government reply conveniently omitted the fact that the anti-Ahma'diyya martial law Ordinance of 1984 was diametrically opposed to the Constitution and rendered null and void its provisions relating to freedom of religion, conscience and belief.

52. For four years, the Ahmadi Muslims in Pakistan had been denied their right to profess, practise and propagate their beliefs. It was a criminal offence for an Ahmadi Muslim in Pakistan to profess his faith, and the Government of Pakistan had declared Ahmadi Muslims to be "non-Muslims" and
required Ahmadis so to declare themselves. Ahmadis in Pakistan were known to have been sent to prison for "posing as Muslims" simply on account of wearing insignia declaring their creed or greeting others with the words "Peace be upon you".

53. The persecution of Ahmadi Muslims was legalized through the military decree known as Ordinance XX, whose provisions were so flexible and couched in such vague terms that they could be stretched to include almost anything an Ahmadi did or said. Hundreds of Ahmadi Muslims were languishing in prison and hundreds more awaiting trial, the places of worship of Ahmadi Muslims had been raided, desecrated and destroyed by ruffians with the active support of the authorities. Some 20 distinguished members of the Ahmadiyya community had been killed, without their murderers having been apprehended by the police, and fanatical mullahs incited illiterate mobs to attack Ahmadi property while the police stood by. Government circulars instructed local authorities to intensify the anti-Ahmadiyya campaign in their areas.

54. In addition to Ordinance XX, new laws were being passed to carry out the plans of General Zia, who had publicly declared Ahmadis to be a cancer which he was determined to cut out. One such law was the "Defamation of the Prophet Act", stipulating the death sentence - or life imprisonment for females - for defiling the sacred name of the Prophet Muhammad. That law was a cunning way of incriminating Ahmadis, for General Zia had said that Ahmadis defiled the name of the Prophet. Charges against Ahmadis were henceforth likely to be tried under the new law. Recently, a judge of the Lahore High Court had declared that the wearing of the insignia of the Ahmadi creed was such a heinous crime that it should be tried under the new Act.

55. Yet another law called "The publication of the holy Qur'an Act" sought to prohibit the publications and proscribe the religious literature of the Ahmadis, although not less than 135 Ahmadi publications had already been proscribed under Ordinance XX.

56. The impartial and independent report of the International Commission of Jurists on its mission to Pakistan to investigate violations of human rights devoted 13 pages to the plight of the Ahmadis, various extracts from which he read out. In a letter written to the Government of Pakistan, the Chairman of the All Parties' British Parliamentary Committee on Human Rights, said that the Pakistani leaders were stirring up hatred against the Ahmadis in language reminiscent of Nazi Germany in the 1930s.

57. Another law, the "Apostasy Act", was in the offing. It stipulated death for apostasy, of which the Ahmadis had already been accused.

58. As for the judicial remedies available in Pakistan, one example would suffice. Some Ahmadi individuals who had appealed to the Supreme Court against a verdict of the so-called "Shariah Court" had found to their amazement that two of the judges on the Supreme Court bench were the same persons who had delivered the verdict in the lower court. Under the circumstances, they had no recourse but to withdraw their appeal.

59. Ordinance XX, which had subsequently become a part of the Constitution of Pakistan, had been condemned by human-rights organizations throughout the world, and the Sub-Commission, in its resolution 1985/21, had requested the Commission to seek its repeal. Pakistan, a State which was a Member of the
United Nations and of the Commission on Human Rights, had consistently refused to ratify the International Covenant on Civil and Political Rights. He wondered how long the Commission would continue to take the claims and statements of the Government of Pakistan at their face value.

60. Mr. LITTMAN (World Union for Progressive Judaism) recalled that, in a statement to the forty-second session of the Commission, he had provided the general historical background concerning the situation of the ancient Jewish communities of the Middle East and North Africa, which had been one of persecution and oppression for well over a millennium until the Ottoman reforms of the nineteenth century. Of the more than 900,000 Jews living in 10 Arab countries 40 years previously, scarcely 20,000 remained. Those were the forgotten refugees of the Arab-Israel conflict, whose lives or livelihoods had been gravely jeopardized before and especially after the rejection of the United Nations General Assembly resolution 181 (II) of 29 November 1947 by the Arab League and the Palestinian Arabs, then represented by Mufti of Jerusalem, an admirer of the Nazi régime's genocidal policies, a fact that should be remembered when the Commission came to debate and condemn Nazi, Fascist and neo-Fascist ideologies.

61. On 30 November 1947, the day after the Arab League had rejected the United Nations compromise Partition Plan, a jihad had been proclaimed against the Jews with the benediction of the Mufti of Jerusalem. That tragedy had contributed to an exchange of populations, an equal number of Jews of the Orient and Arabs of Palestine, all victims of war.

62. The World Organization of Jews from Arab Countries had held its third Conference at Washington D.C. in October 1987. In resolutions passed on that occasion, it reminded the international community that those of the 900,000 Jews from Arab countries who had fled or sought security in Israel currently totalled, with their children, nearly half the Jewish population of the State of Israel. The majority of Israel's Jewish population thus had its roots in the Orient and Africa, and Israel had spent more than $11 billion to absorb those Jews from Arab countries, whereas the Arab League had rejected a humanitarian solution to the Palestinian Arab refugee problem.

63. The jihad had failed, but the grand design remained, and among its ghastly spillovers had been refugee problems of tragic human dimensions on both the Arab and the Jewish sides. In that context, the main United Nations resolution remained Security Council resolution 242 of 22 November 1967, to which Mr. Arafat had appeared to indicate his organization's adherence at the previous meeting. That resolution also applied to the grievances of the Jewish refugees from Arab countries.

64. The statement by the World Organization of Jews from Arab Countries had mentioned approvingly those Arab Governments which adopted a moderate attitude towards their Jewish citizens, called upon three Arab Governments to cease their mistreatment of the remaining Jewish populations in their countries and appealed to the international community to use its influence on those Governments to fulfill their obligations under the international human-rights instruments. The Prime Minister of France had recently declared that he would not visit Syria until the régime there had made a significant gesture towards its Jewish community, and the plight of Jews in some Arab countries had been treated in some detail in a 1987 Act of the United States Congress. It was to be hoped that other Governments would follow those most welcome initiatives and that they would be heeded by the Arab Governments concerned.
65. The statements by the Secretary-General of the League of Arab States and the Chairman of the Executive Committee of the Palestine Liberation Organization had stressed the universality of human rights and the importance of the international instruments on human rights. In that connection, the section of the report on the human-rights situation in the Islamic Republic of Iran (E/CN.4/1988/24) on the compatibility of international law with Islamic law was most revealing.

66. The reconciliation of Islamic law with the Universal Declaration of Human Rights was not just an Iranian problem but one that faced all Muslim States that held the Shariah to be one of the pillars of State legislation. That dichotomy was one of the chief reasons why, in so many Muslim countries, non-Muslim minorities were not treated on the basis of equality with Muslims. The Commission must appeal to Muslim intellectuals to encourage their peoples to abandon the concepts of dhimmis and jihad since, if the jihad mentality remained unchecked, it would develop not only against the Jews but also against Eastern and Western Christians and especially against secular and moderate Muslims.

67. Mr. Blishenko (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that he wished to read out a statement on behalf of Rabbi Efim Levitis, the head of the Leningrad Jewish community, who was unable to address the Commission personally in view of the late hour on the eve of the Sabbath.

68. In his statement, Rabbi Levitis explained that there were about 160 Jewish communities in the Soviet Union, mostly of three denominations: Orthodox Jewish and Hasidic in the European part of the country, and Sephardic in the Caucasus and Soviet Central Asia. The leading community, in Moscow, published all the required religious literature, such as the Pentateuch and Torah, in addition to prayer books, calendars and other materials, and also maintained links with Jewish communities in other countries, from which it received religious texts with a parallel translation in Russian, as well as ritual objects and kosher food.

69. A yeshiva - religious seminary - had been in existence in Moscow for many years and its graduates were working in various communities throughout the Soviet Union. Since 1973 students had also been sent, through the Moscow yeshiva, to the Higher Rabbinical Academy at Budapest to complete their education. Earlier in the current year, Rabbi Shayevich, head of the Moscow community, had gone to the Yeshiva University in New York to engage in advanced studies and consultations. That practice would be continued in future by other religious leaders.

70. Many Jewish communities possessed fine and extensive libraries, the one in Leningrad having about 40,000 volumes, including manuscripts and printed books dating from the fourteenth and fifteenth centuries. A large number of communities baked unleavened bread for Passover using flour supplied by the State. An increasing number of young people were becoming members of Jewish congregations and, in order to help them, many communities had started classes to explain the sacred writings, religious laws and traditions.

71. Rabbi Levitis wished to emphasize that the Jewish religion enjoyed the same rights as all other religions in the Soviet Union and that, in his many years of community work, he had never known any instance where a member of his
community had complained of being subjected to religious persecution. He therefore found it strange, at the current session of the Commission on Human Rights, to hear incompetent opinions being offered by certain representatives. Rather than dwell on the deplorable facts taking place in the countries which they represented, it was perhaps worth recalling the words of the ancient Jewish sage Hillel: "Do not pass judgement upon thy neighbour while you are not in his position".

72. Mr. ASSADI (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that the Bahá'ís were not considered to be a religion either in his own or in any other Islamic country. There was an unfortunate trend in the Commission whereby any group could arrogate to itself the title of a religious minority. He was not attacking any individual's right to religious freedom, but he did not believe that anyone shrewd enough to put together a few ideas and pose as a prophet should be said to have created a religion.

73. It was true that the Constitution of the Islamic Republic of Iran did not consider the Bahá'ís to be a religion, but that represented no change in their status. Considering that even a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities had referred to the Bahá'ís as a fiendish conspiracy against Islam and the Islamic world, he failed to see why there was so much pressure against the Islamic Republic of Iran in the international press.

74. Representatives of several Western countries had warned the Commission against selectivity. He hoped the representative of the United States of America would not confuse the issues. Those who were genuinely interested in whether or not the Bahá'ís constituted a religion and could prove that they were not selective should invite a group of competent experts to discuss the matter calmly, free from political exigencies.

75. His Government was prepared to conduct an argument in public, for it was able to prove that the Bahá'ís were not a religion but a political group created in the mid-nineteenth century by the then colonial powers and that the group had committed numerous crimes against the Islamic Republic of Iran and other Islamic countries. Because some elements of the group had been punished for such crimes did not mean that their right to individual freedom was not respected in the Constitution and in practice.

The meeting rose at 9.05 p.m.