COMMISSION ON HUMAN RIGHTS
Forty-fourth session
SUMMARY RECORD OF THE FIRST PART */ OF THE 28th MEETING
Held at the Palais des Nations, Geneva,
on Friday, 19 February 1988, at 3 p.m.
Chairman: Mr. MEZZALAMA (Italy)
later: Mr. SENE (Senegal)

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GE.88-10988/3427G
The meeting was called to order at 3.30 p.m.

STATEMENTS MADE IN EXERCISE OF THE RIGHT OF REPLY

1. The CHAIRMAN said that, before moving on to agenda item 23, he would give the floor to two speakers who wished to exercise their right of reply.

2. Mr. ASSADI (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply in connection with the statement made at the 27th meeting by Mr. Yasser Arafat of the PLO, said that the collective conscience of mankind was moved by the suffering endured each day by the oppressed people of Palestine. His delegation had therefore waited with hope for the voice of the Palestinian people to be heard in the Commission. However, Mr. Arafat had dashed that hope by siding with an immoral and criminal aggressor of the Islamic Republic of Iran. Mr. Arafat had been right to criticize the policy of the United States in regard to the rights of the Palestinians. However, he was wrong in paying no heed to the voice of his people, who were deeply attached to the Islamic Republic of Iran and whose struggle was inspired by the Iranian Revolution.

3. Mr. INGLES (Philippines), speaking in exercise of the right of reply, said that he wished to refute the allegations made by a representative of Pax Romana in a statement at the 25th meeting, under agenda items 8 and 18.

4. With regard to the allegation that the Philippine Government was doing nothing to resolve the situation of the slum dwellers in Manila, he stated that despite the Philippines limited resources, the current national budget was oriented towards health care, education and social services. For 1987, the Government had made available 4.2 billion pesos for the national shelter programme. Representatives of the Department of Social Welfare and Development were visiting slum areas, including the Smoky Mountain district, with a view to involving residents in livelihood programmes and teaching them self-employment skills. The Government had also prepared relocation programmes for slum dwellers which would be implemented in consultation with them and with the communities where they would be rehoused. Unfortunately, some "professional" squatters refused to be relocated unless they were given money. The Government was determined to resolve the problem of housing, although it could not do so overnight. Were the developing countries to be faulted for their slums, as the representative of Pax Romana seemed to be doing, although slums were also to be found in the developed countries, despite their greater resources?

5. The representative of Pax Romana had also stated that the Philippine Government had used its problem of external debt as an excuse not to increase the minimum wage to the official poverty level and not to speed up agrarian reform. The President of the Republic had in fact increased the wages of all workers by 10 pesos. Together with the cost-of-living allowance and the thirteenth month of pay also received by all workers, that increase brought the mandatory monthly income to just above the poverty line. It was enough to satisfy almost all the essential needs of a family of six persons. The President had allotted 1 billion pesos to the community employment and development programme which should generate 1 million new jobs by the end of the year. All those measures showed that the authorities of the Philippines had no less compassion for the poor than the authorities of other developing countries.
6. The agrarian reform programme was currently being debated in the Congress of the Philippines. The President had proposed a maximum retention of 7 hectares for landowners, as was currently the case for rice lands. Some members of the Congress would like a maximum retention of 24 hectares for coconut and sugarcane lands. It was also argued that the Government should distribute public land and idle private land before touching land cultivated by its present owners. Agrarian reform continued to be one of the priorities of the Government, mandated by the new Constitution of the Philippines, and work had already begun on those reforms independently of the problem of the external debt.


7. Mr. NADAIS (Portugal) recalled the provisions of the main international instruments whose purpose was to protect freedom of thought, conscience, religion and belief (Universal Declaration of Human Rights, article 18, and International Covenant on Civil and Political Rights, article 18 (1)) or to protect those rights and to prohibit any form of discrimination impeding their exercise (Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief).

8. It was obvious that those instruments did not all have equal legal force. The Portuguese Constitution, for instance, expressly recognized the Universal Declaration of Human Rights as a source of international as well as internal law. Whatever the position of countries might be with regard to the sources of international law and the value of those instruments, the legal binding force of the International Covenant on Civil and Political Rights was unquestionable.

9. Despite the adoption of those instruments, the international situation in respect of freedom of religion and belief, instead of improving, had actually worsened over the previous decade, as was attested by the reports submitted by the Special Rapporteur of the Commission (E/CN.4/1987/35 and E/CN.4/1988/45), and by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1987/26). In his latest report, the Special Rapporteur of the Commission, Mr. d'Almeida Ribeiro, listed violations of the freedom of thought, conscience, religion and belief affecting various religious groups in some 40 countries.

10. Manifestations of intolerance or discrimination based on religion or belief had a number of features in common that had been studied by the two Special Rapporteurs: they occurred everywhere; they took various forms (ranging from State, including legislative, activities to group or individual actions); and they could be attributed to many causes (political, economic, social and cultural). The Commission was required to examine what could be done to protect freedom of thought, conscience, religion and belief in all parts of the world and to eliminate all forms of discrimination based on the exercise of that freedom.
11. His delegation considered that two issues deserved attention in that context. First, one of the most important tasks of the Commission should be to expose and analyse concrete cases of violation, shedding light on their causes and exploring remedies for them. It therefore needed the assistance of rapporteurs. His delegation consequently attached the highest importance to the renewal of the mandate of the Special Rapporteur appointed under Commission resolution 1986/20. In discharging their mission, the Special Rapporteurs must be able to rely on the co-operation of States. While welcoming the co-operation of the States listed in document E/CN.4/1988/45 with Mr. d'Almeida Ribeiro, his delegation deplored the attitude of Albania and the Islamic Republic of Iran, which had not even bothered to reply to the requests for information addressed to them. Such lack of co-operation, in addition to complicating the work of the Special Rapporteur, merely gave credence to the allegations made against those States.

12. Among the precise remedies for violations of the freedom of thought, conscience, religion and belief, particular attention should be paid to education and school programmes, since tolerance and respect for human rights and fundamental freedoms would be promoted by inculcating respect for others and for differences. The Commission on Human Rights, in co-operation with other organs and specialized agencies of the United Nations system, could play a significant role in that field of activity, whose importance made it worthwhile to devote considerable time and resources to it.

13. The second issue which his delegation considered worthy of attention concerned the drafting of a binding international convention aimed at eliminating all forms of intolerance and discrimination based on religion or belief. It considered that such an instrument could be useful, as it would, in principle, provide more effective protection for freedom of thought, conscience, religion and belief. However, bearing in mind the urgent need to redress specific cases of the violation of that freedom, his delegation took the view that the elaboration of new rules was not a matter of priority. International rules already existed in that field, notably articles 18, 26 and 27 of the International Covenant on Civil and Political Rights. Further, the drafting of an international convention was a long-term undertaking which might deflect the Commission's attention from its essential task of exposing and analysing specific instances of violations through the intermediary of a special rapporteur, and the quest for relevant solutions.

14. In conclusion, his delegation was confident that despite the considerable work that still had to be done in order to achieve that end, genuine international co-operation would progress, step by step, towards universal and effective protection of human rights.

15. Mr. RASHTI (Bangladesh) recalled that, when the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been adopted, the international community had expressed the hope that the implementation of that instrument would make for greater respect for human dignity and worth as a universally accepted norm of behaviour, not only among nations, but also among various religious communities within the same country. His delegation was gratified to see that legitimate aspiration being carried forward through the follow-up activities undertaken by the United Nations General Assembly, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
16. His delegation noted with satisfaction that a large number of countries had co-operated actively with the Secretary-General in preparing a compendium of national legislation and regulations on the freedom of religion or belief, with particular regard to the measures taken to combat intolerance or discrimination in that field. It was encouraging that a number of countries had also provided the Secretary-General with information on their legislation since the presentation of the compendium at the Commission's forty-third session. The information transmitted by Bangladesh, whose Constitution specifically recognized the fundamental right to freedom of religion and belief, appeared in document E/CN.4/1988/43 and Add.1.

17. With a view to achieving the objectives of the Declaration, the Commission on Human Rights and its Sub-Commission had undertaken various studies and prepared a series of reports which had made for considerable progress in that field. Several ideas had emerged which seemed likely to result in specific measures aimed at eliminating all forms of intolerance and discrimination based on religion or belief. The activities undertaken by the Commission, through its resolutions, its Sub-Commission or its special rapporteurs, were multi-dimensional. On the one hand, they sought to mobilize international opinion in favour of the implementation of the principles set forth in the Declaration. On the other hand, they attempted to find solutions to the manifestations of intolerance which unfortunately appeared to occur in some parts of the world. The latter aspect of the Commission's work presupposed carefully selected methods for the preparation of reports on the question. His delegation felt strongly that the material collected for inclusion in the reports should be studied objectively and thoroughly. The quality and credibility of those documents would be enhanced, as would their usefulness for the work of the Commission. Such an approach would also encourage all the parties concerned to co-operate with the special rapporteurs and with the Commission. His delegation therefore believed that the Commission should consider adopting guidelines or a set of criteria for determining the reliability of the communications. It should also ensure that there were no references to allegations which had not been transmitted to the Governments concerned for comment.

18. While congratulating the Special Rapporteur of the Commission on his report (E/CN.4/1988/45), his delegation was distressed to see that unfounded allegations concerning Bangladesh had been made in paragraphs 40 and 42 of the report. In fact, Bangladesh could be rightly proud of its history of tolerance, complete religious harmony and amity among the various religious groups. There had not been a single case of a communal incident or an act of intolerance in Bangladesh.

19. From the time of its foundation, the State of Bangladesh had recognized and guaranteed, in its Constitution, freedom of religion and belief as an inviolable fundamental right of every citizen, irrespective of caste, creed or religion. That right was protected by the Constitution and legislation, as indicated in document E/CN.4/1988/43 and Add.1. Members of all religious communities in Bangladesh enjoyed complete freedom of worship. To guarantee the exercise of that right, the Government endeavoured to preserve the religious and cultural heritage of all religious groups, including Hindus, Buddhists and Christians, who formed an integral part of the population of the country. In that regard, it pursued a policy of generous financial assistance...
to all religious communities for the development of their respective religion. It had created endowment funds for each religious community which were managed by the members of the community concerned and whose resources were used, *inter alia*, for the annual repair and maintenance of places of worship.

20. Convinced of the need to find ways and means of securing peace and amity among the various religious communities and in conformity with its tradition of religious tolerance, Bangladesh would continue to co-operate actively in the efforts of the Commission on Human Rights to rid the world of all forms of intolerance and discrimination based on religion or belief, in accordance with the principles of the Declaration.

21. Mr. Sene (Senegal) took the Chair.

22. Mr. JAEGER (Federal Republic of Germany) said that religious tolerance had a special place among human rights, since the expression of religious freedom was the source of the modern concept of human rights. Indeed, people fleeing religious intolerance had sought recognition of freedom of religion and had prepared the ground for world-wide recognition of the fundamental rights of the human person. Religious faith was an essential part of an individual's personality, and the recognition of his right to freedom of religion enabled him to find his personal identity and a moral basis for his conscience. The true spirit of humanity of a community revealed itself in the tolerance shown to religion and its exercise.

23. The history of mankind contained many examples of religious intolerance and repression, perhaps because religion formed part of the culture and social environment of a people. For centuries, in many European countries particularly devastating wars had been waged on religious issues, and it was no accident that the countries which had suffered most were those in which the freedom of religion had taken root most strongly. The Federal Republic of Germany had had a terrible experience of religious intolerance, from which had stemmed its determination to combat that evil with all its force. The Constitution (Basic Law) of the Federal Republic of Germany placed respect for human dignity and the rights of the individual at the centre of the structure of the State. Respect for basic human rights was a binding principle for the legislative, judicial and executive powers.

24. His delegation therefore deemed it vital to protect the religious freedom of each individual and, consequently, his freedom of conscience. It was proud of the ratification of the Charter of the United Nations, which reaffirmed the faith of peoples in fundamental human rights and in the dignity and worth of the human person. It regretted, however, that so small a part of those principles had subsequently been translated into international political realities.

25. The report of the Commission's Special Rapporteur (E/CN.4/1988/45) showed the width of the gap between commitment and action in matters of religious freedom. The Special Rapporteur's remarks concerning the quasi-universality of the phenomenon of religious intolerance were indicative of how much still had to be done to ensure that freedom of conscience and religion were guaranteed everywhere in the world. Only slightly more than half of the States Members of the United Nations had ratified both International Covenants on Human Rights. Moreover, the international machinery for securing
implementation of the principles set out in those instruments had so far not proved very effective. That was why his delegation had for many years advocated strengthening that machinery. In the meantime, it considered that the means available should be put to the best possible use and it therefore supported an extension of the Special Rapporteur's mandate to enable him to continue his important dialogue with Member States.

26. As far as the preparation of a new and binding instrument on religious intolerance was concerned, his delegation believed that it would be advisable to defer to the informed opinion of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to continue to comply with the guidelines formulated by the Sub-Commission in resolution 1987/33. Care should be taken, above all, to ensure that any new international instrument did not infringe the rights proclaimed in the International Covenants on Human Rights and in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. His delegation therefore considered that it would be premature to set up a working group to draft a convention, since the Commission's main objective must continue to be the elimination, once and for all, of religious intolerance in all parts of the world.

27. In conclusion, his delegation considered that the progress made in protecting freedom of conscience and religion should encourage the Commission to continue its objective examination of the issue of religious intolerance.

28. Mr. GREEN (United States of America) said that the adoption of the Declaration and the appointment of two special rapporteurs, first by the Sub-Commission and afterwards by the Commission was indicative of the importance attached by Member States and non-governmental organizations to combating religious intolerance. The United States believed that the present arrangements were of considerable utility. The negotiation of a convention on religious intolerance would divert scarce United Nations and Member State resources from other pressing human rights issues, especially as the Declaration had only recently been disseminated in the six official languages and the Special Rapporteur of the Commission had been appointed only in 1986. The preparatory work on a convention might well detract from the dissemination of the Declaration and the work of the Special Rapporteur. In that regard, the United States delegation considered the work of non-governmental organizations to be of immense importance, due to the contacts they had developed through a transnational chain of believers of all denominations, which enabled them to draw attention to incidents or trends in the sphere of religious intolerance. The United States urged non-governmental organizations to focus their future activities on promoting the implementation of the Declaration and assisting the Special Rapporteur of the Commission to carry out his mandate.

29. His delegation had always been an ardent defender of religious freedom; the United States Constitution specifically provided for religious freedom and the separation of Church and State, and prohibited any sort of religious tests for the holding of any Federal office. Referring to the report of the Special Rapporteur (E/CN.4/1988/45, para. 42), his delegation was grateful to the Special Rapporteur for drawing its attention to the possibility that certain mining concessions were in danger of hampering the use of places regarded as holy by the Hopi and Havasupai peoples; it would look into the matter and provide the Special Rapporteur with all relevant information.
30. The United States had not forgotten that the founding of the United Nations had followed and was a reaction to the genocide of the European Jews and a madness which had begun as a phenomenon of religious discrimination and had engulfed the world in a devastating war. One could never place sufficient emphasis on the need to eliminate religious intolerance. In a human rights context, the right to life and the protection from physical abuse and torture should be the primary focus of attention, but it should not be forgotten that many believers preferred to die rather than to recant their beliefs; they too deserved protection.

31. His delegation supported the extension of the mandate of the Commission's Special Rapporteur, since his work was the main tool available to the Commission for investigating and drawing attention to those situations in which Governments might be involved in abuses of religious freedom. The key to the Special Rapporteur's credibility was his ability to work with discretion and independence. His delegation therefore urged the Special Rapporteur to continue to be assiduous in seeking out reliable information from as many sources as possible and to work closely with Member States in trying to remedy the problems encountered. It also took note of the co-operation of many States with the Special Rapporteur, thereby indicating that they considered the prevention of religious intolerance to be a legitimate concern of the international community.

32. There were several situations of religious intolerance by Governments which the United States considered particularly egregious and worthy of scrutiny. For both adults and children, the freedom to learn about one's religion was one of the most important aspects of religious liberty. That right was frequently restricted, and at the same time atheism was required learning in public schools. Religious liberty also presupposed access to religious literature and objects; restrictions on the manufacture, importation and distribution of holy books was a serious hindrance to the right to worship. Some Governments attacked religion by discriminating against believers in housing, employment, education and political activities. The situation was particularly difficult in one-party States where active believers were denied the party membership often essential to advancement or higher education.

33. There were some specific cases of religious intolerance that deserved attention. No Government had so openly prohibited religious activity as the Government of Albania. In 1967, Albania had proclaimed itself the first atheist State in the world, had closed more than 2,100 mosques, churches, monasteries and other religious institutions and seized their assets, and had persecuted, imprisoned or executed many religious leaders. Albania continued to repress religious activities.

34. The Government of Iran had maintained its very poor record of respect for religious freedom. It refused to accord the Baha'i faith the status of a religion, treating it as an Islamic heresy. Neither were the Baha'is treated as a minority, although 300,000 strong and forming the largest non-Muslim group in Iran. The Baha'is, in fact, had no legal status. During the previous year, over 200 Baha'is had been imprisoned, and 5 executed. Students had been banned from universities, Baha'i communal property had been confiscated and Baha'i holy places desecrated. Baha'is were denied legal protection and they were vulnerable to all types of depredation.
35. There had been many promises of improvement in the Soviet Government's treatment of religion, but progress had been limited. The Soviet Government continued to ban the Ukrainian Catholic and Orthodox churches, and to persecute unregistered Protestant denominations, Muslims, Lithuanian Catholics and Hare Krishnas. It had incarcerated believers in labour camps and psychiatric hospitals, and had suppressed fundamental practices, such as the private education of children, Bible study groups, the importation of religious literature and objects, and participation in charitable activities. The present year, which would mark the thousandth anniversary of the acceptance of Christianity in the Soviet Union, was an ideal opportunity to restructure Soviet society to proffer religious freedom to all.

36. The tragic plight of Soviet Jewry was well known. The Israeli Government, in accordance with Soviet emigration regulations, had forwarded 373,000 invitations on behalf of individual Soviet Jews who desired to emigrate. Those permitted to emigrate - some 8,000 in 1987 - constituted only a small fraction of those who wished to leave. The Jews remaining in the Soviet Union suffered from severe restrictions on their cultural and religious life. The teaching of Hebrew was prohibited and sometimes punished by imprisonment; few prayer books or Hebrew bibles were available, and the Soviets refused to print more or to allow Bibles to be imported. There were no more than one or two synagogues in even the largest cities and even fewer rabbis; there were no Jewish schools.

37. The United States and the Soviet Union had conducted high level consultations on human rights matters, mainly on religious freedom. The United States urged the Soviet Union to take the steps necessary to make religious practice normal. The Soviet Union was too powerful a State to need to resort to the practice of religious intolerance. The Soviet delegation had announced that the Rabbi of Leningrad had joined its delegation. He wished to take advantage of the opportunity to ask that rabbi to intercede on behalf of two co-religionists in Leningrad, Raoul Zelichenok and his wife Galina, who had been asking to emigrate since June 1978. His delegation would also be grateful for any assistance the Rabbi of Leningrad could give to ensure that the many Leningrad Jews were supplied with the prayer books and bibles they needed.

38. The Bulgarian Government continued its repression of Islamic practice. It had forbidden many rites and had destroyed a large number of mosques. The campaign against Islam had been accompanied by violence, injuries and death. It was closely allied to the efforts to assimilate forcibly the Turkish minority. Turkish names had been forbidden, as had the use of the Turkish language and Turkish publications, and bizarre racial and historical theories had been developed to justify those violations of religious rights.

39. Syrian Jewry, a community of 4,500 persons, lived in servitude and fear. The Syrian Government refused to allow young Jewish women to emigrate, thereby condemning them in many instances to involuntary spinsterhood.

40. While those and other serious situations merited attention, it was gratifying to be able to commend a Government that had vastly improved its treatment of believers and religious institutions, namely, the Government of Burundi, which had reversed all its restrictions on religion and proclaimed religious freedom for all denominations.
41. Mr. LEPRETTE (France) recalled that, at the Commission's forty-second session, his delegation had endorsed the appointment of a Special Rapporteur to study the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. On the occasion of his second report (E/CN.4/1988/45), the Special Rapporteur had tried to initiate a dialogue with Governments. Accordingly, he had transmitted to a number of them information regarding various alleged inconsistencies with the provisions of the Declaration, and had asked them to clarify those allegations. In certain cases, that procedure had prompted a response from the authorities concerned, and the Special Rapporteur had also been able to visit one country in order to collect relevant information concerning specific aspects of his mandate. That was to the credit of the Commission, its organs and its methods. Further, his delegation expressed its appreciation to the Special Rapporteur of the exemplary manner in which he had conducted those exchanges.

42. Such a constructive approach, together with the "opening up" to be seen in certain countries, gave grounds for hope that the concern shown by Governments about infringements of freedom of religion or belief in their countries would increase, and prompted his delegation to support the extension of the Special Rapporteur's mandate. His delegation considered that the dialogue which the Special Rapporteur had begun should be continued and even explored more fully. More comprehensive information on the causes and forms of religious intolerance and a good deal of thought about the ways and means of rectifying or preventing it were needed before the drafting of a new international instrument could be envisaged.

43. His delegation regarded freedom of conscience as including freedom of worship. It considered respect by the State for that basic and objective right of the human person to be a test of respect for human rights. It was that principle which prevented a State or nation or a tribe, race or party from becoming autocratic, and thereby alienating man. The right to a religious conscience might be defined positively, by proclaiming the moral obligation to respect, from a legal viewpoint, religious freedom, as well as negatively, by recalling that a man could not be compelled to worship anyone or anything, since that would be tyranny. The proof of recognition of the freedom of the individual and respect for human rights was that a State, a nation, a culture or an empire might not use or deny the exercise of that freedom, which was, as it were, the guarantee of guarantees and the absolute condition for all other freedoms.

44. Mr. OUDIANE (Senegal) noted that intolerance and discrimination based on religion or belief continued to occur in all forms and in all parts of the world, as the Special Rapporteur noted in his relevant analysis. It must be recognized that the guarantee of freedom of religion and belief was a condition for social peace. Senegal, which had played an active role in preparing the 1981 Declaration, had established the fundamental guarantee of religious freedom in its Constitution, article 1 of which read: "The Republic of Senegal is secular, democratic and social. It guarantees the equality before the law of all citizens, without distinction as to origin, sex, race or religion. It respects all beliefs." Thus, secularism, non-discrimination and respect for beliefs formed the basis of the entire Senegalese doctrine for guaranteeing religious development and freedom.
45. In the Senegalese view, secularism did not mean neutrality; it called for a positive attitude by the authorities towards the harmonious development of the various religions by recognition of the religious community institutions as a means of education. Under the Senegalese Constitution, those institutions had the right to develop without hindrance, and they regulated and administered their affairs independently. It was not the function of the Senegalese law-maker to impose the intellectual form of belief on the citizen. Secularism, understood in that way, became a solution to the problems which the existence of religious minorities set the modern State. The Senegalese State not only encouraged the different religious communities but guaranteed the organization and celebration of religious rites. Senegalese legislation also advocated non-discrimination and punished any act of discrimination based on religion. It went well beyond mere tolerance since it specified that the Republic should respect all beliefs, which suggested a constructive approach. In the same spirit, his delegation supported the Special Rapporteur in stressing dialogue and the desire of Governments for co-operation.

46. The Special Rapporteur had underscored the fact that violations very frequently arose from acts or measures by Governments and he described the situations caused by the severity shown by the authorities. One should not lose sight of the fact, however, that intolerance was not solely the outcome of violence by the State and that it was frequently the consequence of the conduct of individuals and groups vis-à-vis other groups, in the conviction that their belief was superior to that of another. His delegation therefore believed that education and information directed towards the individual and the group should be a priority in combating phenomena of religious intolerance. As the Special Rapporteur had suggested, the elaboration of an international instrument would give a broader and more profound dimension to existing concepts and would allow the standards which had been or would be set forth to be made binding.

47. In the meantime, as the Special Rapporteur suggested in paragraph 73 of the report, some thought might be given to using the international machinery already in existence by, for instance, requesting the Human Rights Committee to give more importance, when considering reports by States parties, to the implementation of the right to freedom of religion and conscience. The implementation of the Declaration depended largely on the will of each State to work for the stability and tranquility of society by guaranteeing individuals or groups the power to exercise their freedom of religion or belief. The State should also supervise education and information in that area.

48. Mrs. COLVIN (United Kingdom) noted that religious conflict within societies, between nations and sometimes within religions themselves regrettably still occurred and that in those cases it was vital that Governments should intervene to take measures to prevent discrimination and promote tolerance. It was disturbing, therefore, that the Commission's Special Rapporteur had drawn attention to so many shortcomings on the part of Governments concerning incidents or measures which were incompatible with the provisions of the Declaration. If Governments themselves were guilty of deliberate discrimination, how could their citizens look to them to prevent the rivalries and divisions which arose between people?
49. The report of the Special Rapporteur, as well as the 1986 report of Mrs. Odio Benito, the Sub-Commission's Special Rapporteur, clearly showed that cases of intolerance and discrimination arose in all parts of the world and were directed against members of the major religions as well as against some minority groups. But it was with regard to the latter that the international community was particularly required to act, since they had less likelihood of finding someone to defend them in other countries than the members of a major religion who found themselves in a minority.

50. The Special Rapporteur of the Commission had worked on the basis of consultation with the Governments concerned; he had even visited one country whose Government had extended commendable co-operation. Her delegation noted that most Governments to which the Special Rapporteur had addressed a particular request had responded and that, in two cases, he considered that the situation had improved. Concerning the three Governments which had not replied at the time when the Special Rapporteur had drafted his report, her delegation hoped that since one of them had now done so, the other two would follow its example.

51. The United Kingdom had consistently supported United Nations work aimed at preventing all forms of religious intolerance. In 1981, it had co-sponsored Commission resolution 37/21 recommending the adoption of the draft Declaration and, in 1986, it had welcomed the appointment of the Special Rapporteur. Her delegation believed that the Special Rapporteur had done a good job and that he should be given a further mandate. In his next report, he might be able to identify workable remedial measures which would encourage Governments to take action to improve the situation in their countries. As to whether it was the moment to establish further machinery and elaborate more instruments, her delegation had noted the suggestion that a working group might be established to consider the possibility of preparing a binding international instrument. It had also noted the Sub-Commission's indication in resolution 1987/33 that it should further examine the issues and factors which needed to be considered before any definitive drafting of such an instrument. Her delegation endorsed the latter view and believed that it was premature to establish a working group of the Commission, particularly at a time when the United Nations was already engaged in elaborating two draft conventions, one on the rights of the child and the other on the rights of migrant workers, with all the concomitant reporting responsibilities which they would entail.

52. Mr. EVMENOV (Byelorussian Soviet Socialist Republic) said that in his country there were 370 Orthodox churches, 100 Roman Catholic churches, 23 Old Believers' churches, some 300 Protestant communities and groups, and also Jewish and Muslim religious groups. In the Byelorussian SSR there was no impediment to adopting a religion or changing religion, or restrictions on the freedom to join or leave religious communities. Compulsion in matters of religion was prohibited. Discrimination based on an individual's adherence to a religion or lack of a religion was forbidden. No one could be prosecuted for his religious beliefs.

53. Under Byelorussian law religion could not be taught in the State schools, but citizens of the Republic were permitted to pursue religious education privately or in places of religious instruction. All citizens were equal before the law regardless of their religious status, and such equality was protected by legislation. The Judicial System Act of 26 November 1981
stipulated in article 5 that citizens were equal before the law and the courts, and established the equal right to legal protection against any attack on personal freedom, honour, dignity, life, health or property. The Act of 12 December 1978 concerning elections to the Supreme Soviet of the Byelorussian SSR forbade all restrictions, direct or indirect, based on an individual's attitude towards religion. All citizens had the same family rights. Article 4 of the Marriage and Family Code banned any restriction of rights or any privileges on religious grounds within the framework of marriage or the family. Article 16 of the Labour Code banned any direct or indirect restriction of rights or granting of privileges on religious grounds when recruiting employees. The National Education Act of 25 December 1974 established equal access for all citizens to education, regardless of religious belief, as a fundamental principle of public education.

54. Freedom to practise a religion or belief was also assured by the provision, to religious communities, of private buildings and objects of worship - which in the Byelorussian SSR were public property. Where buildings, used for religious purposes, were bought or constructed by the religious organization at its own expense, the buildings then became the property of that religious organization. Religious communities and groups were able to meet to pray and worship. The activities of religious associations were governed by the principle of self-management. The members elected an executive body, known as the Council, and, where necessary, a supervisory committee. The executive body was able to manage the community's assets and funds, to open an account at a State bank, and to have an official stamp and documents. It had the right to go to court and to employ personnel to maintain the religious buildings.

55. In the Byelorussian SSR, there were three central religious bodies elected by religious groups to deal with internal matters, representing the Russian Orthodox Church, the Baptists, and the Seventh Day Adventists. All other religions were autonomous. The central religious bodies managed the canonical activities of the religious groups which had elected them, sent postulants to religious educational establishments and supplied religious literature and artefacts. They also had links with similar organizations abroad. Each year more than 30 foreign religious delegations - some consisting of as many as 200 delegates - came to the Byelorussian SSR. Byelorussian ministers of religion also travelled abroad to take part in symposia, conferences, etc.

56. Freedom of conscience was protected by the Penal Code, and in particular by article 140 which penalized acts by which an official could oppose the celebration of religious rites not causing a breach of the peace or jeopardizing the rights of citizens. Under article 139 it constituted a violation - liable to prosecution - of the laws relating to the separation of Church and State, and of school and Church, to refuse to employ a person or to admit him to an educational establishment, or to expel or exclude that person from such an establishment, on the grounds of his religious beliefs; it was also illegal to deprive a citizen of a benefit or prerogative instituted by the State. Clearly the law was implemented by human beings and it was human nature to make mistakes or even to abuse one's position. It was therefore possible that problems might arise in practice. However, the most important features of relations between the State and religious communities were those he had mentioned.
57. With regard to the report concerning the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1988/45), his delegation had doubts about the seemingly arbitrary criteria applied for choosing the countries to be analysed. How was it possible to compare the situation in Bulgaria with the situation in Turkey or Iran, for example? Moreover, the information in the report seemed to be based entirely on allegations, without any reference to reliable sources. With regard to the very principle of the report, his delegation had often emphasized that it had narrowed down the issue of freedom of conscience or belief by reducing such freedom to religious liberty alone. In some countries discrimination against atheists existed. The report as a whole was not satisfactory, even though the Special Rapporteur might have been overwhelmed by the magnitude of his task. However, the Special Rapporteur's recommendations concerning the formulation of an international convention on the elimination of all forms of intolerance and discrimination based on religion or belief, and the establishment of an informal, open-ended working group responsible for considering a draft convention, merited further consideration.

58. With regard to the assertions made by the United States delegation, he wondered how it was possible for representatives of a country with considerable scientific potential to formulate such simplistic ideas. What gave the United States delegation the right to lecture on the subject of alleged discrimination against Jews in certain countries, when in certain parts of the United States anti-Semitism was rife, synagogues were desecrated or even razed to the ground, Jewish citizens were terrorized, and even the sanctitude of Jewish cemeteries was violated? In certain areas of the United States, there was also blatant discrimination against Jews in regard to employment. President Reagan himself, had recently stated that a wave of anti-Semitism was sweeping across the country. If a fraction of such events were to occur in the Byelorussian SSR, there would be world-wide protests. It was clear from its statements that the United States delegation was, deliberately or otherwise, distorting the facts and drawing mistaken conclusions about the alleged repression of the Jewish people in certain countries. In the Byelorussian SSR, for example, the vast majority of the Jewish population were atheists. He said he was particularly familiar with the situation, as a child, he had lived in a region with a large Jewish population. He had spoken Yiddish and had had Jewish teachers and friends. In the USSR as well, the majority of Jews were atheists and only a small group of older people wished to practise the Jewish religion. Why did the United States delegation persist in making such absurd allegations?

59. Mr. SUKUL (India) recalled that in 1946 the United Nations General Assembly had adopted a resolution on the elimination of discrimination based on religion, considered to be the cause of much suffering. Following the study by Mr. Krishnaswami, Special Rapporteur of the Sub-Commission, on discrimination in the matter of religious rights and practices, the United Nations had undertaken the preparation of a declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief, which had been adopted in 1981. Despite the fact that the Declaration was not a legally binding instrument, India hoped that it would be widely implemented.
60. Freedom of religion or belief was intrinsic to true democracy and equality. The Indian Constitution declared India to be a secular and democratic republic in which freedom of thought, expression and belief was guaranteed to all citizens. The guarantee of freedom of religion covered freedom of conscience and the right to profess a religion. The individual was able to exercise his freedom either individually or in community with others and in public or private, according to the customs of the respective religion. With regard to violations of rights in that area, the individual had the right of recourse to the Supreme Court. Those rights and freedoms were protected not only by the Constitution and by legislation but also by a vigilant press and public opinion. The claim that some places of religious worship in India were being transferred from one denomination to another was completely unfounded, and no mosque in the country had been converted into a temple. Every religious denomination had the right to establish institutions, to manage its own affairs and to acquire movable and immovable property. On 12 November 1984, in his first address to the nation, the Prime Minister of India, Mr. Rajiv Gandhi, had emphasized that the Indian nation was based on secularism which implied not only tolerance but also an active effort towards harmony. Secularism was the very foundation of Indian democracy and of Indian unity in diversity, and the Indian Government remained committed to secularism, the rule of law, and the protection of all religious freedoms. Secularism was understood to mean freedom of religion and conscience. A secular State was a State where all faiths were regarded as being on an equal footing and where there was no official State religion. The authors of the Indian Constitution had believed that if the State had had a religion, those who did not belong to that religion would not consider that they had equal rights.

61. Tolerance was a state of mind which implied the toleration of the opinions of others even where those opinions differed from one's own. It was not only States or Governments which could be intolerant or discriminatory: while States and Governments must guarantee rights through constitutional and legal provisions, individuals must demonstrate tolerance towards other individuals. The Indian Constitution provided that all citizens should promote harmony and a spirit of brotherhood transcending religious, linguistic or regional diversities.

62. His delegation whole-heartedly agreed with the Special Rapporteur (see document E/CN.4/1988/45), concerning the need for States to adapt their legislation to existing international norms in order to combat intolerance and discrimination based on religion. It supported the Special Rapporteur's concrete suggestions on that subject, and in particular the possibility of establishing national institutions to promote tolerance in matters of religion and belief and to propose action to combat discrimination in that area, in line with article 4 of the Declaration. As for the suggestion of establishing an informal, open-ended working group to consider a convention on freedom of religion or belief (op.cit., para. 67), his delegation felt that, given the difficulty of the exercise, it would be advisable to decide upon any future action by consensus, and then only after careful reflection, taking into account the fact that article 27 of the International Covenant on Civil and Political Rights stated that religious minorities should not be denied the right to practise their own religion and that the Human Rights Committee monitored the implementation of the right by the States parties to the Covenant.
63. Mr. ADLING (German Democratic Republic) stated that the practical implementation of the principles outlined in the 1981 Declaration demonstrate the confidence-building process and the pursuit of constructive dialogue taking place between the State and religious denominations. The German Democratic Republic was making every effort to apply that principle and to involve the more than 40 religious denominations in the country increasingly in the search for a solution to global problems and furtherance of the social progress of the nation. The chairmen of local assemblies and bishops of the Evangelical Provincial Churches and other church leaders met regularly to examine international, domestic and local issues, and the mass media of the country had given wide publicity to these discussions.

64. In 1987 the churches and religious communities in the German Democratic Republic had been particularly active. The Evangelical Church of Berlin-Brandenburg had celebrated the seven hundred and fiftieth anniversary of the founding of Berlin in co-ordination with the competent government agencies. In July 1987 the Catholic Church had organized a meeting at Dresden in which 80,000 people had taken part and which had shown that believers in the German Democratic Republic had every opportunity to practise their religion. During the meeting Cardinal Meissner had declared that in the German Democratic Republic Catholics were considered as citizens enjoying full rights. In 1988, the German Democratic Republic was preparing for a solemn commemoration, namely the fiftieth anniversary of the infamous "Kristallnacht" pogroms which had signalled the beginning of a period that had meant exile or death for millions of Jews. The commemoration would at the same time offer an opportunity to reaffirm the constitutional principle of freedom of religion and belief, and to recall that article 6 of the Constitution forbade all forms of militarist and revanchist propaganda, war-mongering and the manifestation of hatred against creeds, races and nations. The eight Jewish communities in the German Democratic Republic were engaged in numerous activities and enjoyed generous assistance from the State. Public funds had been used to build new synagogues and restore others. The relatively small Jewish community had its own rabbi, who was a United States citizen. In the German Democratic Republic there were also a large number of publications on the history and contemporary life of Jewish citizens, as well as recordings of both sacred and secular Jewish music.

65. The Churches of the German Democratic Republic took part in various ecumenical activities within the framework of the World Council of Churches, the Lutheran World Federation and the Conference of European Churches. Representatives of the Roman Catholic Church attended the European Bishops' Conferences, and regular meetings of ecumenical bodies were organized in the country. The visit of the State Secretary for Religious Affairs to the Ecumenical Centre in Geneva was an indication of the interest that the Government of the German Democratic Republic showed in ecumenical work. During his visit the State Secretary had conferred with representatives of several other organizations in order to examine the question of the joint responsibility of Christians and Marxists for the future of humanity, the role of the ecumenical movement in that regard and the development of participation by German Democratic Republic churches in ecumenical activities. The relationship between the State and the Churches in the German Democratic Republic had also been discussed. The State Secretary had stressed that his Government wanted to develop that relationship in a spirit of trust and within the framework of the Constitution, and it had been his estimation that those points on which Marxists and Christians differed need not necessarily divide them.
66. With regard to the report under consideration (E/CN.4/1988/45), the German Democratic Republic shared the view expressed by the Special Rapporteur in his introductory statement, namely that it was necessary to deal with the problem of religious intolerance in a spirit of co-operation and dialogue. The Special Rapporteur had rightly tried to assess certain situations taking into account the historical, political and cultural development of religions in a given area. However, the Special Rapporteur had neglected entire regions and cultures whilst singling out the situation in certain States in an unjustifiable manner, and in contradiction to the universal character of the 1981 Declaration. The Special Rapporteur's recommendation that the supposedly necessary protection of a religious group should be ensured in a given State through negotiations with another State was at the very least questionable. It amounted to an attempt to follow a lopsided policy that had nothing to do with religious freedom. German history clearly illustrated what catastrophic consequences might ensue if a State claimed to act as a guardian of the interests of minorities in other States.

67. His delegation felt that the issues of religion and belief should not lead to confrontation, and also that the problems could not be solved by polemics or by an unjustifiable politicizing of the discussion. What was required was constructive and dispassionate action in line with the preambular part of the Declaration, which set forth that freedom of religion and belief should also contribute to the achievement of the goals of international peace, social justice and friendship among peoples, as well as to the elimination of ideologies and practices based on colonialism and racial discrimination.

68. Mr. KHERAD (Observer for Afghanistan) recalled that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief arose from the idea that contempt for and violation of the right to freedom of thought, conscience, religion or any sort of belief were at the root of conflicts, suffering and hatred. The promotion of respect for human rights for all, without distinction, had been inscribed in the Charter as one of the main objectives of humanity, and had been set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration under consideration. Despite such an arsenal of legislation, however, and although the freedom of religion or belief had been universally recognized, religious discrimination and intolerance, which had existed since the beginning of time, remained a disruptive factor in many regions of the world.

69. In the Republic of Afghanistan constitutional and legislative provisions in line with the instruments he had mentioned forbade discrimination and incitement to intolerance and religious hatred. Article 38 of the new Constitution stated that all Afghan citizens, both male and female, had equal rights and responsibilities before the law, regardless of nationality, race, language, tribe, level of education, social status, religion, creed, political opinion, occupation, ancestry, wealth or place of residence. Privileges or discrimination in respect of rights and obligations were forbidden. Article 2 of the Constitution stipulated that the religion of Afghanistan was Islam, the sacred religion, and that no law should be inconsistent with Islam and other values laid down in the Constitution. That provision reflected the reality of the existing situation in Afghanistan, where 98 per cent of the population were Muslims. With regard to freedom of thought, religion or worship, as provided for in article 18 of the Covenant, article 40 of the Afghan Constitution stipulated that freedom to practise religious rites was
guaranteed to all Muslims, as well as to members of other religions and
faiths. However, it also provided that no one could use religion either for
anti-State propaganda or against the population, or to incite hostile acts or
commit other acts contrary to the interests of the Republic of Afghanistan.
The freedom to practise and to manifest one's religion could be subject only
to those restrictions laid down by the law, and by article 18, (3) of the
relevant Covenant. The new Constitution assured all citizens of the
opportunity to practise their religious rites and to follow the traditions of
their religion.

70. Within the framework of the concerted efforts in the interest of Islam, a
Supreme Council of Clergy and Theologians had been set up, as had a Ministry
for Islamic Affairs and for Awqaf, the function of which was to ensure that
the State attended to the interests of religion, believers and ecclesiastics.
Clergy were trained in 20 primary and secondary religious schools as well as
at the Faculty of Theology of Kabul University. The Islamic Scientific Centre
in Kabul would serve as a basis for the foundation of an Islamic university
following the model of the Al-Azhar University. The State was responsible for
training clergy and provided, free of charge, all that students at such
institutions would need. The Muslim clergy and other religions were
represented in the Government and in the Councils of People's Representatives
in the different districts, towns, villages and provinces, where they had sat
since the first elections to the local organs of State power. Their
representatives had seats on almost every national reconciliation committee,
at either a higher or a local level. The Afghan clergy played a very
important role in the life of the country and had contributed greatly to
formulating the policy of national reconciliation.

71. States should adopt effective legal and practical measures at the
national level to promote respect for human rights and eliminate any
discrimination based on religion or belief. His delegation attached great
importance to increased co-operation between States in regard to human rights,
and particularly the elimination of discrimination and intolerance based on
religion or belief. It considered that the provisions of the 1981 Declaration
ought to be included in concrete international norms, and it supported the
Special Rapporteur's recommendations (E/CN.4/1988/45, paras. 66 and 67)
concerning the formulation of a draft international convention on the subject
and the establishment of an informal, open-ended working group for that
purpose.

72. Mr. YUTZIS (Argentina) stated that, as far as his delegation was
concerned, it was clear that personal freedom was closely linked to the right
to choose, namely the right to form a judgement and to define oneself
according to reality. The act of religious faith was a particular form of
choice which varied according to culture and tradition and which could be
defined not only in relation to the religious subject or object but, more
particularly, in relation to the human being. Religion was a part of everyday
life. All classical religions saw, amongst other things, in religious life an
instrument able to ensure salvation for the individual and liberate him from
all forms of servitude and suffering. Freedom had always been a fundamental
element of religious life, and to recognize the freedom of an act of religious
faith was equal to proclaiming the religious nature of freedom, and even
religion as freedom. It was not a question of making freedom into a religion,
but rather of transforming the very notion of religion into freedom and of
accepting that religious tolerance presupposed the recognition of religious
freedom as an integral part of overall freedom. That clearly excluded disrespect for the religious practices or concepts of others, or the indifference towards conflicts in which human beings were the victims. Such a concept of tolerance and religious freedom did not mean ignoring religious differences or seeking to overcome them by force. There was no question of keeping quiet about the irresponsible use of religious freedom or manipulation but rather, of pointing out the necessity to overcome religious differences peacefully in order to achieve peace and justice.

73. As the special rapporteurs responsible for studying those issues had clearly pointed out, competition between religions had in the past taken the form of an open struggle, and it still did in some cases; that could become a factor making for intolerance. It sometimes happened that certain religious concepts seemed to represent an obstacle to freedom and it seemed necessary, in order to win freedom, to suppress God and religion. But recent history had shown that intolerance exercised in the name of God or against him had nearly always caused suffering to individuals or groups. It therefore seemed appropriate to broaden the scope of the relevant international instruments and increase their effectiveness in order to contribute to the elimination of all forms of intolerance based on religion or belief, and to ensure respect for and protection of human rights.

74. Of course, the principles of religious freedom were already recognized in many national laws or international instruments, virtually all of which contained a provision banning all discrimination based on race, sex and religion; some, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, explicitly proclaimed the right to freedom of religion. The drawing up of a convention on the elimination of all forms of religious intolerance could, however, represent an important step forward, provided that it was the subject of a general consensus. As the formulation of international rules always took a considerable amount of time, parallel action should be taken to enhance the implementation of existing instruments, such as the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the International Convention on the Elimination of All Forms of Racial Discrimination.

75. Before formulating an instrument on religious freedom it was necessary to define the nature and principal characteristics of such an instrument, as well as its main objective and all its constituent elements, so that it might be accepted by the largest possible number of countries. In that connection, his delegation subscribed to the suggestion by the Norwegian Government (E/CN.4/1988/44/Add.1) concerning the possible establishment of an optional protocol, which could be a very useful intermediary instrument.

76. The world was still seeking tolerance and universal peace. As Pope Paul VI had said at the General Assembly on the occasion of the twentieth anniversary of the founding of the United Nations, a commitment to the path of a new and peaceful history was called for. It was in such a spirit that the Argentine delegation supported the renewal of the mandate of the Commission's Special Rapporteur, as well as the drafting of an international instrument likely to facilitate the full exercise of the fundamental right of religious freedom.
77. Mr. CHAK MUN SEE (Observer for Singapore) refuted the allegations made in paragraphs 41 and 44 of the Special Rapporteur's report (E/CN.4/1988/45), which conveyed the impression that Christians belonging to the New Testament Church (NTC) had been arrested by the Singapore Government on grounds of their religious beliefs and practices. In fact they had been arrested solely because they had violated Singapore laws, a fact which the Singapore Government had fully explained in a communication of 7 October 1987 addressed to the Centre for Human Rights. Since the Special Rapporteur had ignored the facts, his delegation felt obliged to repeat them.

78. According to the Special Rapporteur, Christians belonging to the NTC had been arrested "for distributing liturgical literature". He read out to the Commission some of the pamphlets, the distribution of which had been the justification for arresting the persons concerned. The pamphlets represented an incitement to violence and also contained virulent attacks against the Prime Minister. Moreover, several religious associations had publicly stated that the allegations of members of the NTC group were completely without foundation and that freedom of religion was guaranteed in Singapore.

79. The NTC, led by one Elijah Honq who lived in Taiwan, claimed to be the only Church that could offer salvation in Christ. The NTC was involved in a legal dispute with the Taiwanese Government over a mountain which the NTC considered holy and had renamed Mount Zion and to which it wanted free access. In Singapore there was an NTC which was duly registered and had a congregation of 90. In 1983 some of its members had left to form the "Church of Singapore-Senbawang" (COSS), which was not registered. It was members of the latter group who were agitating in Singapore after having become involved in the NTC's dispute with Taiwan in 1985. On 26 December 1985 nine COSS members had gathered at the Taiwanese Trade Mission to stage an illegal protest action against the Taiwanese Government's decision to bar 90 NTC pilgrims from entering Taiwan. The demonstration had been followed by eight subsequent demonstrations in different parts of Singapore between 9 October 1986 and 28 March 1987. Between 19 and 28 March 1987 47 demonstrators, of whom 44 were Malaysian, had been detained by the police for identification purposes, having refused to disclose their identities. Currently no member of the group was in detention. Two Singapore nationals arrested for taking part in an illegal demonstration would be tried in May 1988 and were currently free on bail.

80. The allegations that members of the NTC had been brutally treated by the police were completely without foundation. To date, not a single civil suit, for which there was provision in Singapore law, had been brought against any policeman. Representatives of foreign embassies in Singapore were free to visit the prisons and police stations to see how their nationals were treated, and to date no embassy had complained about so-called police brutality against the demonstrators mentioned.

81. Singapore citizens could freely practise any religion of their choice within the bounds of the law. A census in 1980 had shown that 56 per cent of Singapore nationals aged 10 years and above were Buddhists and Taoists, 16 per cent were Muslims, 10 per cent were Christians of various denominations and 4 per cent were Hindus. There were also other minor religious groups. The allegation that Singapore persecuted Christians was definitely not true. Christians were free to practise their religion and to hold rallies in public
places (19 rallies in 1985 and 1986). In recent years Pope John Paul II, the Archbishop of Canterbury and Mother Teresa had visited Singapore. There was in fact a lawfully established New Testament Church which had not taken part in the illegal demonstrations and had never complained about the lack of religious freedom in Singapore.

82. Singapore, however, would not allow religious freedom to be used to undermine law and order and no country could tolerate such breaches of the peace by aliens.

83. In conclusion, his delegation took exception to what it considered to be a one-sided report. It felt that the Special Rapporteur should be more discerning and not come to such hasty conclusions. If the misrepresentations in the report were not corrected and if an erroneous picture of the situation in Singapore persisted it could have serious consequences for a multiracial and multireligious society like Singapore.

84. Mr. NAHIMANA (Observer for Burundi) said that, since 3 September 1987, when the Third Republic had been proclaimed, Burundi had been undergoing a period of change. Since its proclamation the Third Republic had set itself the immediate task of re-establishing all fundamental civil rights and freedoms, and to that end had introduced several beneficial measures, such as the release of all political prisoners and all victims of arbitrary detention, and the discharge of certain categories of ordinary prisoner. The now deposed Government of the Second Republic had been noted for its religious intolerance and its flagrant and systematic violation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In violation of the Constitution, several religious buildings had been closed, and ministers of religion had been imprisoned without reason, whilst others had been expelled without justification. As the régime under the Second Republic had created a climate of distrust and constant tension, the proclamation of the Third Republic had been welcomed with feelings of relief and hope, particularly by religious denominations. The Military Committee for National Salvation had re-established dialogue between religious denominations and the State. It had acknowledged their right to carry out their specific mission and, so that their right might be effective and unequivocal, it had laid down clear principles in a declaration specifically dealing with the religious issue, which he then read out. The declaration stipulated that the State guaranteed the free exercise of faith to all religions subject to compliance with the law, that religious associations could participate in the socio-economic activities of the State, and that a condition of the guarantee was that it was incumbent on everyone not to act counter to the law or institutions by taking advantage of freedom of conscience or religion.

85. In order to re-establish freedom of religion completely, the Third Republic had authorized the practice of religion during the week, where such activity did not disrupt the working routine, and had permitted the creation of denominational schools and the institution of catechists. It had re-opened the parish councils and authorized religious meetings to take place on church premises. In the population's general interest and in line with other youth training schemes, the Government also intended to reconsider the state of training for young people. Religious movements could be created and the mass media could be used by the various denominations within the framework of suitable guidelines, issued by the Minister for Information. Clergymen
could be employed in public office, and a visit by any foreign clergy to Burundi was to be preceded by a request for permission from the Bishop, within a framework defined by representatives of the State and the clergy. Lastly, the issue of church property claims would be examined on a case-by-case basis.

86. Since the new régime was founded on dialogue, consultation, criticism and self-criticism, the President of the Republic had had discussions with all representatives of the religious denominations in order to hear their requests and proposals for their varied spheres of activity. The President had already allowed them to take part in working meetings that he had organized in all the provinces in order to discuss, with representatives of all strata of the population and provincial and local government, the political, economic, social and cultural future of the country.

87. All the measures taken in favour of freedom of worship and religion reflected the will of the new Government to build a society based on respect for human rights and fundamental freedoms, and to fulfil its international commitments. The new Government also wanted to reinforce co-operation with all freedom-, justice- and peace-loving peoples. It also hoped to do the same with religious denominations and with both secular and ecclesiastical non-governmental organizations.

88. His delegation wished to thank all those delegations which had recognized the positive changes made in Burundi since the founding of the Third Republic in the area of religious freedom, and which had encouraged the Government to move forward.

89. Mr. ELIAV (Observer for Israel) said it was evident from the reports by Mrs. Odio Benito (E/CN.4/Sub.2/1987/26), and Mr. Vidal d'Almeida Ribeiro (E/CN.4/1988/45) that religious intolerance still existed in the world and that discrimination was frequently the result of governmental policies.

90. His delegation felt bound once again to evoke the situation of Soviet Jewry which, despite some isolated improvements, was still more deplorable than that of other denominations in the USSR and that of Jews in other Eastern European countries. Jews had lived in some of the territories comprising the Soviet Union uninterruptedly since at least classical Greek times. They formed the third largest Jewish community in the world.

91. The note submitted by the USSR Government to the Special Rapporteur (E/CN.4/1988/45, para. 19) contained some telling material concerning the treatment of Jews in the Soviet Union. The Jewish religion laid down that Jews should study Judaism and its law - the Torah - the teaching of which was normally carried out from an early age at Jewish schools through to the Talmudic academy or yeshiva. The Soviet Union had admitted, however, that there was only one yeshiva for the 2 million Jews in the country; moreover, all indications showed that that establishment was hardly worthy of the name. Thus, any students aiming at rabbinical ordination were obliged to study at the Jewish seminary in Budapest.

92. The Soviet Government stated that theological seminars and conferences took place regularly; however, no such events were held for adherents to the Jewish faith, except for the occasional meeting on cultural, historical and religious issues of concern to Jews organized on private initiative and conducted in very difficult circumstances. In 1987, after 12 years of fruitless appeals to the local authorities, 70 Jews from Riga had applied to
the highest Soviet authorities and requested the means to pursue the various academic activities that would allow the Jewish community settled in the town for several centuries, to know, transmit and therefore safeguard its cultural heritage.

93. The Jews were not only prevented from studying their culture, but also experienced enormous difficulties in learning their sacred language, the Lashon Hakodesh, a knowledge of at least the rudiments of which was indispensable for the practice and teaching of Judaism. Throughout the ages the Hebrew language had represented the link between Jews all over the world, which was why it had quite naturally become the language of the State of Israel. There were schools in the USSR in which classes were conducted in Ukrainian, Russian, Polish, Hungarian or Moldavian, but there was not a single one with Hebrew as its language of instruction, or at least as a subject of study. Such a situation amounted to a denial to Jewish parents of the possibility of transmitting to their children the vehicle for their culture. Nevertheless Jews, and in particular the younger generation, were eager to discover their roots and some of them had been willing to risk prison and exile for having taught Hebrew in private. A Hebrew course, organized in 1987 as a result of a private initiative, had attracted 70 students in Baku, capital of the Azerbaijan SSR, even though the local Jewish community was quite small. That fact clearly demonstrated how great the demand for such courses would be in other areas. The situation was all the more paradoxical since Hebrew was taught in three specialized institutes of higher learning which trained officials whose work required a knowledge of Hebrew as well as the languages of Christian clergy. Furthermore, Hebrew was used in Soviet broadcasts beamed to Israel. On the other hand, Israeli broadcasts beamed to the Soviet Union continued to be jammed, in contrast to broadcasts by Voice of America and Radio Vatican, for example.

94. The Soviet authorities stated that many religious associations were able to publish works and that "State printing houses publish up to 50 religious titles". However the only Jewish publications permitted were almanacs; despite repeated promises for more than 20 years, the Jewish community was the only religious community not to have the right to periodicals, let alone books on Jewish topics, even on the Holocaust.

95. Mr. BLISHENKO (Union of Soviet Socialist Republics), speaking on a point of order, pointed out that the Commission had set a time-limit for statements and asked the Chairman to insist that all speakers respect that time-limit, particularly when the statement dealt with matters already discussed on numerous occasions and proved to be founded on untruths.

96. The CHAIRMAN recalled that the time-limit for statements by observers was 10 minutes and asked all speakers to observe that limit.

97. Mr. ELIAV (Observer for Israel) continued his analysis of the note by the Soviet authorities by pointing out that none of the 40 enterprises mentioned in the report as specializing in the manufacture of religious objects produced Jewish ritual objects, such as phylacteries or prayer shawls, which could not be bought elsewhere.

98. Mr. BLISHENKO (Union of Soviet Socialist Republics), speaking on a point of order, called upon the Chairman to use his authority to enforce the time-limit for statements, which had already been exceeded by the observer for Israel.
99. The CHAIRMAN replied that the time-limit had not yet been exceeded, but asked the observer for Israel to draw to a close as he had almost reached that limit.

100. Mr. ELIAV (Observer for Israel) thanked the Chairman for giving him a little more time. It was the least one could do for the 2 million people affected.

101. Unlike members of other religious denominations, Soviet Jewry did not have the right to maintain regular contacts with its co-religionists abroad, since no national institution relating to Judaism was authorized, with the exception of the Anti-Zionist Council.

102. In conclusion, he stated that although a greater number of Jews had been allowed to leave for Israel in 1987, very many Jews were still trying in vain to obtain permission to emigrate in order to fulfill the commandments which could only be carried out in the land of Israel.

The summary record of the second part of the meeting appears as document E/CN.4/1988/SR.28/Add.1.