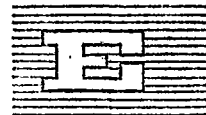


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 50th MEETING

First part*

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1983, at 3 p.m.

<u>Chairman:</u>	Mr. OTUNNU	(Uganda)
later:	Mr. HAYES	(Ireland)
later:	Mr. GONZALEZ DE LEON	(Mexico)

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* The second part of this summary record appears as document E/CN.4/1983/SR.50/Add.1.

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The meeting was called to order at 3.05 p.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (agenda item 10 (b))
(continued) (E/CN.4/1983/14; E/CN.4/1285; E/CN.4/1409; E/CN.4/1427;
E/CN.4/1493; E/CN.4/WGO/213; E/CN.4/Sub.2/1982/15; E/CN.4/WG.1/WP.1)

1. Mr. SOFFER (Observer for Israel), speaking in exercise of the right of reply, said that it was ironic to hear the Observer for Syria, a country which blatantly violated the fundamental precepts of the Geneva Convention and many other international humanitarian norms, preaching to others. The Syrian regime refused to identify the bodies of Israeli soldiers it claimed to have buried. In contrast, the Government of Israel had provided the International Red Cross with the complete list of all Al Ansar detainees and full lists of the 250 Syrian prisoners whom Israel was willing to exchange for all captured and missing Israeli soldiers. While Israel was firmly committed to all humanitarian principles, Syria continued stubbornly to refuse to fulfil its international obligations.

2. In its most recent report, Amnesty International had referred to its main concerns - the wide powers of arrest and detention of the Syrian Government, summary procedures in trials of political prisoners by State security and military courts, the use of torture and the death penalty.

3. His delegation was perplexed that the Commission on Human Rights adopted a large number of resolutions condemning Israel but refrained from calling upon Syria to fulfil its most basic humanitarian obligations.

4. The representatives of the Arab world all manifested an irrational hatred against Israel, but that champion of human rights, the representative of the Libyan Arab Jamahiriya, had excelled himself. That country had been repeatedly condemned by Amnesty International for a multitude of human rights transgressions including the imprisonment of prisoners of conscience, long-term incommunicado detention of political prisoners, inadequate legal safeguards in political trials, torture and insufficient medical care for prisoners, extra-legal executions and the death penalty. Amnesty International had been working for the release of 74 prisoners of conscience from the Libyan Arab Jamahiriya, and continued to receive reports of torture and ill-treatment of prisoners, under the authority of the intelligence services and revolutionary committees in Tripoli and Benghazi.

5. The representative of Bangladesh, who was in the habit of approaching human rights issues very selectively, should use his status in the Commission to make a constructive contribution to the cause of human rights by probing into the policies of his Government and other countries which persistently and flagrantly violated human rights.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 25) (continued)
(E/CN.4/1983/34 and Add.1; E/CN.4/1983/L.68)

6. Mr. MAHALLATI (Observer for Iran), speaking in exercise of the right of reply to allegations of religious intolerance made against Iran, said that it was imperative for the Commission to refer to the definitions of a religious minority given by the Sub-Commission on Discrimination and Protection of Minorities in its

Study on the rights of persons belonging to ethnic, religious and linguistic minorities (E/CN.4/Sub.2/384/Rev.1); none of those definitions covered the Baha'i political group. It was not for the delegation of the Netherlands to consider the Baha'i group as a religious minority. The problem was not religious but political; the Baha'i community conducted immoral activities under the cover of religion. He wished to remind the Netherlands delegation that the prohibition of the activities of some religious sects in Europe, including the Netherlands, had been under serious consideration by the European Parliament. It should also be asked what measures the Government of the Netherlands had taken regarding aid to the Pretoria regime, which practised an inhuman policy of racial discrimination, and whether the Netherlands People's Union, whose activities had been recognized as contrary to article 4.(b) of the International Convention on the Elimination of All Forms of Racial Discrimination, still existed.

7. As had been said before, the activities of the Baha'is were contrary to the public order and morals of Iranian society. Their membership of a political group did not exempt them from implementation of the law, but they had never been subjected to persecution or detention for their faith.

8. The representative of the Netherlands had for the second time accused Iran of religious intolerance, because of his personal friendship with the Baha'i political group; at the previous meeting he had gone beyond the limits of interference in the internal affairs of a country.

9. Mr. O'DONOVAN (Ireland) recalled that the proclamation by the General Assembly at its thirty-sixth session of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been the conclusion of 20 years of effort. Standards now existed for the protection of persons or groups of persons against discrimination based on religion or belief, and the right of parents to give their children a moral education and that of religious congregations to practise their religion and to avail themselves of the means necessary for that purpose had been explicitly recognized.

10. While the standards and provisions of the Declaration were clear and practical, it might be asked what they could do to diminish intolerance of religion in the world. No one would believe that intolerance and discrimination on grounds of religion were going to end because of the proclamation of the Declaration, but it might be hoped that it would provide food for thought, serve to protect those in need of protection and exert a steadily growing influence.

11. The Economic and Social Council in its decision 1982/138 had requested the Secretary-General to issue a pamphlet containing the text of the Declaration in the six official languages of the United Nations since it had only been issued in some. That omission should be rectified as quickly as possible, since the persuasive influence of the Declaration obviously depended a great deal on public knowledge of the provisions it contained.

12. In the light of General Assembly resolution 37/187, in which the Commission on Human Rights was requested to consider what measures might be necessary to implement the Declaration and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief, his delegation and others had requested the inclusion of an item on religious intolerance in the agenda of the Commission.

13. While declarations were not legally binding instruments, they were nevertheless a solemn act on the part of the international community and their provisions might in time become part of the body of international law. Since it was not the first declaration which the General Assembly had proclaimed, its implementation raised no new problems. It would be useful to undertake a comprehensive and thorough study of the current dimensions of the problem of intolerance and discrimination based on religion or belief. His delegation particularly welcomed the proposal by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in resolution 1982/28 that it would be appropriate to update the study of discriminatory measures in the sphere of religious freedom. As a first step the Commission could authorize the Sub-Commission to undertake that study, taking account of the report which the Sub-Commission had requested from the Secretary-General and being guided by the terms of the Declaration itself.

14. The Declaration was not solely concerned with expressions of religious intolerance and discrimination; the preamble stated that it was essential "to promote understanding, tolerance and respect in matters relating to freedom of religion or belief". According to the author of the study which the Sub-Commission intended to update, the notion of tolerance was present in all civilizations and had a history in all the great religions. The promotion of understanding, tolerance and respect in matters relating to freedom of religion and belief, therefore, would fulfil the purposes of the United Nations as set out in article 1 of the Charter, and would also create circumstances in which action would not be necessary - as it currently was - to protect persons against religious intolerance. His delegation considered that special attention should be devoted to that positive aspect of the Declaration and proposed that the Secretary-General should hold a seminar to consider that question, at which the participants should reflect all the principal civilizations, religions and streams of thought in the world; many non-governmental organizations dealing with the matter should also take part, and all interested organizations, like the World Council of Churches, should be invited to comment.

15. The International Covenant on Civil and Political Rights specifically dealt with freedom of thought, conscience and religion, but that was not the case with the International Convention on the Elimination of All Forms of Racial Discrimination or the Declaration on the Elimination of Discrimination Against Women, which had a direct bearing on the subject of discrimination on the grounds of religion or belief. It would be desirable for major statements of principle by the General Assembly in that regard to be brought to the attention of the bodies responsible for the implementation of conventions other than the Covenant, such as the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination Against Women.

16. All those points were reflected in draft resolution E/CN.4/1983/L.68; his delegation, which was one of the 16 sponsors, would welcome the comments of delegations, and especially their ideas for the implementation of the Declaration.

17. The comments by the International Labour Organisation and the Office of the High Commissioner for Refugees (E/CN.4/1983/34 and Add.1) were very interesting. For the UNHCR, the proclamation of the Declaration would contribute to the elimination of conditions which prevented persons from requesting the protection of their country of origin and forced them to become refugees. His delegation was also pleased that the

International Labour Organisation had indicated its willingness to contribute to any special programme which the United Nations might undertake for the purpose of the implementation of the Declaration. Equally important in that regard was the role of UNESCO, which had already done notable work on the questions of prejudice, intolerance, racism and apartheid. His delegation hoped that UNESCO could submit written observations to the Sub-Commission by its next session.

18. Mr. LIGAIRI (Fiji) noted that in 1981 the General Assembly had proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, reaffirming the belief of people throughout the world in the moral role of the United Nations.

19. The inhabitants of Fiji were of many races and faiths; all the major world religions were represented there and their followers had been able to live harmoniously for many years without intolerance or discrimination. Fiji was a united country where justice, harmony and tolerance reigned.

20. Its Constitution protected religious freedom and its inhabitants were able to propagate and maintain their faith or to have none at all. The key to religious dialogue was understanding. At present, Moslems, Hindus, Jews, Buddhists, members of the Baha'i faith, Sikhs and Christians were meeting and were listening to and questioning one another. In Fiji, inter-faith acts of worship were often held, helping adherents of differing religions to trust and to know one another. Despite a differing understanding of God and man, different religions had a generally unifying rather than divisive force.

21. The adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had not solved the problem of religious intolerance, glaring cases of which continued to exist. It was regrettable that Governments in certain parts of the world were determined to pursue their remorseless campaign to eradicate minority groups solely because of their religious beliefs. There was no lack of examples of Governments which sought to impose a particular religion on the entire nation. That phenomenon was not new but had greatly increased in scale during the last twelve months. Isolated and unprotected, minority religious groups were continually used as scapegoats during times of constitutional unrest.

22. It was in order to end the atrocious acts systematically perpetrated to suppress and eradicate minority religious groups and provide moral authority that the Declaration had been drawn up, and the delegation of Fiji had strongly supported it for that reason. Deeply committed to the protection of the fundamental right to religious freedom, Fiji hoped that the Commission would spare no effort to achieve the noble aims proclaimed in that historic document. Freedom of religion was a right of humanity, independent of and prior to the prerogatives of States.

23. Mr. BERNIS (United States of America) said that he was grateful to the delegation of Ireland for having taken the lead in preparing draft resolution E/CN.4/1983/L.68. While the Commission's influence in the sphere of protection against violations of certain human rights was restricted, it could be profound where religious freedom was concerned. In a great many countries elimination of religious intolerance and discrimination could take place without significant political reverberations. His delegation therefore hoped that the draft resolution would be adopted and practical steps taken to ensure its implementation.

24. Mr. ADJOYI (Togo) said that the inclusion of item 25 in the agenda reflected the desire of the international community for implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. That Declaration, which stressed a particular aspect of human rights, rightly recalled that religion or belief was a fundamental element for anyone who professed either. Generally speaking, man sought fulfilment through the application of values deriving from his religion or belief, whatever it might be. To endeavour to prevent him from achieving that was to violate one of his essential attributes. Yet such violations, against individuals or groups, were witnessed daily.

25. There had been lamentable instances of such violations, which had sometimes provoked wars and the destruction of human life, throughout history. Tribute should be paid to the authors of the Charter, who had made provision for averting such violations, and to the United Nations, which had adopted important international legal instruments, particularly the Universal Declaration of Human Rights, article 18 of which on freedom of thought and religion had been incorporated, in particular, in the International Covenant on Civil and Political Rights.

26. It had, however, to be noted that instances of persecution on the grounds of religion or personal beliefs were at present still very frequent. Many people were refused jobs because they belonged to certain persuasions or religions, or were even quite simply executed, like the Baha'is.

27. Without embarking on an exhaustive analysis of all the measures which would lead to the effective implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, his delegation wished to make some brief comments. Togo, a country of peace and dialogue, had enshrined respect for philosophical and religious freedoms in article 6 of its Constitution. A variety of religions and sects existed alongside each other in Togo in a spirit of tolerance. The Head of State himself illustrated that tolerance by attending services organized by the three main religious trends - Protestant, Catholic and Moslem. One measure might be to invite political authorities to take part in religious ceremonies other than those of their own beliefs. With the assistance of the United Nations, sociological surveys should first be undertaken at the national level so that the competent authorities could learn how their citizens behaved with regard to the question of respect for freedom of religion and belief.

28. The results of such surveys would help to determine the measures to be taken both to combat intolerance and to prevent it. With a view to the former, States should incorporate relevant provisions in their legislation together with sanctions against persons found guilty of discriminatory practices. Their application would be given widespread publicity so as to make the entire population aware of the issue. For its part, the United Nations Secretariat should continue to ensure that no such discriminatory practices existed within its own services and sanction those who engaged in them.

29. In the area of prevention, action was required through information, teaching and education. Information campaigns must be undertaken nationally and internationally with the aid of the mass media in order to publicize the contents of the Declaration. States not in a position to undertake such campaigns should be given United Nations assistance. Civic education courses should be instituted or encouraged, stressing the evils of intolerance and discrimination. Those prevention measures could be combined with anti-discrimination measures and the

United Nations itself should organize seminars and publish the Declaration in all languages. The education of children and young people would seem an essential means of making the society of tomorrow more tolerant in religious matters. It was the duty of parents and educators to guide the behaviour of those citizens of the future with a view to creating a more united society.

30. André Malraux had said that the twenty-first century would either be or would not be religious. People could make the twenty-first century more homogeneous if they refined their approach and modified their behaviour. People must become aware of their bond with humanity by showing tolerance and solidarity so as to build a world of love, peace and fraternity where human rights would have acquired their full meaning.

31. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation had taken part in the adoption by the General Assembly at its thirty-sixth session of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The General Assembly had been able to adopt that Declaration without a vote because intensive consultations had made it possible to fill some gaps in the original draft submitted by the Commission, which had not respected the principle of consensus.

32. Some delegations had endeavoured to put forward a unilateral interpretation of the Declaration or give it special status by placing it on the same footing as the International Covenant on Civil and Political Rights in opposition to other documents. They had probably not done so intentionally. As the representative of Ireland had pointed out, the Declaration was not a binding legal instrument but a solemn statement containing a number of recommendations, unlike the International Covenant on Civil and Political Rights, which was binding on States which had ratified it.

33. When the Declaration had been adopted, some delegations had stressed that freedom of thought and conscience included the right of expression, as well as the right to have no religion and to make propaganda for atheism. If the Declaration were taken literally, without tendentious interpretations, and in the light of the International Covenant on Civil and Political Rights, no one should be subject to discrimination on the grounds either of religion or of atheism.

34. The Soviet Union was a party to the International Covenant on Civil and Political Rights and had fulfilled all the obligations incumbent on it in that regard, particularly concerning freedom of thought and religion. That policy had been confirmed in the discussions which had taken place in the Commission concerning the report submitted by the Soviet Union on the implementation of the International Covenant on Civil and Political Rights. Provision was made in Soviet legislation for the exercise of the right to freedom of conscience and articles 34, 39 and 52 of the Constitution of the Soviet Union provided for the right to have or not to have a religion, the right to freedom of worship and to atheistic propaganda, and for the equality of all citizens and all religions before the law. The right to free expression of religious or non-religious beliefs was not subject to any restriction and the State did not interfere in the internal affairs of the churches. Soviet legislation imposed no restriction on the rights of believers, and believers and non-believers were protected from the possible hostility of other religious groups. Refusing anyone a job on religious grounds was prohibited on pain of

punishment by law. Believers and non-believers were citizens equal in law, engaged together in the building of a new society. No church was forbidden and all religious practices were protected, provided that they were not harmful to health.

35. More than 20,000 religious communities existed in the Soviet Union, representing some 40 religions and religious trends. Religious associations had the right to publish religious works. The Russian Orthodox Church published a monthly bulletin, theological works, a religious calendar, etc. The Bible, the Holy Gospels and the Koran were also published as well as the Moslem lunar calendar. There were six Orthodox seminaries, two Roman Catholic seminaries, a Moslem academy and a Jewish school. The Armenian Apostolic Church and the Georgian Church also had a seminary and courses were organized by the Baptist and Evangelical churches. The rise in the standard of living in the Soviet Union, however, meant that the population was increasingly moving away from religion. That was an objective process.

36. The Soviet delegation regretted that the Netherlands had made unfair attacks on some countries, including the Soviet Union, and categorically rejected its slanderous and unfounded allegations. There was no reason to believe that discrimination based on religion or belief did not exist in certain Western countries, particularly the Netherlands.

37. Mr. BOZOVIC (Yugoslavia) said that his delegation had taken part in the drafting of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and was prepared to co-operate, if necessary, in drafting a convention on that subject, but found it difficult to accept the idea that the Commission could review the application of the Declaration every year or every two years. If the Commission were made responsible for monitoring the application of the Declaration, why should it not be responsible for monitoring the application of all other declarations already adopted?

38. Mr. GASMI (Libyan Arab Jamahiriya) welcomed the Secretary-General's report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1983/34 and Add.1). Discrimination based on religion was an insult to the dignity of mankind and a negation of the Charter. It should be condemned as a violation of human rights as defined in the Charter, the Universal Declaration on Human Rights and the International Covenants on human rights, and an obstacle to the development of peaceful relations between human beings. The right to equality in employment, in particular, was a basic principle of the International Labour Organisation proclaimed in the Philadelphia Declaration of 1944 and enshrined in Recommendation No. 111 concerning Discrimination in Respect of Employment and Occupation, without discrimination particularly on the grounds of religion, which had been ratified by 102 countries.

39. The Libyan Arab Jamahiriya considered that the condemnation of all discrimination on the grounds of religion was a reassertion of the fact that basically there was no difference between one religion and another. It was human beings themselves who had introduced certain differences or even falsified divine messages for ideological and racist purposes. All religions based on the Torah, the Bible and the Koran aspired to the unity of mankind. There were no differences between races, except perhaps that some were believers and others not.

40. Some countries had falsified those messages for purely political reasons. That was the case of the Zionist entity, which claimed to base itself on the Torah so as to assert that the Jews were God's Chosen People. That was an erroneous racist belief and Zionism had been condemned by the General Assembly as a form of violation of human rights. Zionism violated all human rights and all fundamental freedoms in the occupied Arab territories and in certain neighbouring Arab States. At Jerusalem Zionists had burned mosques and churches and everyone was aware of the crimes perpetrated by the Zionist entity at Kuneitra.
41. Mr. BERNIS (United States of America), speaking on a point of order, said he found it paradoxical that the representative of the Libyan Arab Jamahiriya should make out-of-place comments on Judaism during a debate on religious tolerance.
42. Mr. GASMI (Libyan Arab Jamahiriya) said that he was not attacking Judaism as a religion but merely the Zionist practices which contradicted the teachings of the Torah. There could be no difference between Christianity, Judaism and Islam, since there was only one God.
43. Unmistakable evidence existed of the crimes perpetrated in Lebanon, where Zionist forces had attacked churches and mosques and sought to sow discord among the Moslem and Christian peoples who had been coexisting in peace. Since the Arabs were also Semites, he wondered how they could be the enemies of the Jewish people. It was Zionism that was a racist movement.
44. If the United States was sincere, it would not supply aid to certain elements in Afghanistan, nor would it aid the Zionist entity to annihilate Moslem populations, as had been the case at Sabra and Chatila, or persecute black Moslems in the United States.
45. Mgr. ROVIDA (Observer for the Holy See) said that in the face of the tragic vicissitudes of modern times the human conscience emerged in all its spiritual and religious fullness to advance the major causes of peace and justice in order to make the world more welcoming and more human. In that regard, he quoted the third paragraph of the preamble of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
46. A glance at all the instruments of the United Nations and of other organizations concerning the issue under consideration led to the conclusion that human rights had their origin in man's dignity, which he held from God alone. Furthermore, liberty was inherent in man and consequently inalienable and inviolable; hence the universal value of human rights. That meant that man could experience his dignity as a spiritual and religious being as long as no one disturbed his activity as a free being, a responsible protagonist of society in observance of the common good. It was not possible to proceed down from the State or the collectivity to the individual, in that religious freedom rested basically on the intangible right of all men within their own original dignity.
47. His delegation wished to make some clarifications concerning the idea of intolerance. Intolerance was considered to be a hostile attitude which led to hatred and condemnation of displeasing aspects of the opinions or conduct of other persons, and even to persecution, with the inevitable consequence of discrimination. In the Declaration under consideration, of which he referred to articles 3 and 4, intolerance was presented precisely as an evil which must be eliminated from its very root. The Declaration was not content to recommend the elimination of all

forms of intolerance and merely propose tolerance, the promotion of which sometimes required a gradual approach. It went further in referring to "universal respect for and observance of human rights and fundamental freedoms", which went far beyond any consideration of understanding and tolerance and was a goal to be achieved by all persons and States, involving the recognition, exercise and enjoyment of the right of religious freedom on a basis of equality with all other human rights.

48. Like the Roman Catholic Church, the international community had in recent years turned to the topic of human rights, particularly that of religious freedom, and the right to freedom of thought, conscience and religion had now acquired a legal as well as a moral value.

49. Despite the progress achieved since the proclamation of the Universal Declaration, it must be recognized that respect for human rights, and particularly the right to religious freedom, was still far from being universal. Many situations in fact constituted an infringement of the incorruptible and indestructible side of man and his spiritual nature; there was therefore a need to ensure respect for human rights and to educate all men and Government bodies and to increase their awareness of the problem.

50. It was in the light of those considerations that His Holiness Pope John Paul II had said in an address to the diplomatic corps accredited to the Holy See: "Among the grave attacks on the dignity of man, I must again mention the assaults on his private beliefs, particularly his religious beliefs, on the free expression of his faith, and his renewal in the religious community to which he belongs". He had added that the wishes expressed by the representative of the Holy See to the Conference on Security and Co-operation in Europe had not yet been taken into account, and that the Holy See would continue to draw world attention to violations of religious freedom which took various forms that were flagrant or subtle, but always dangerous and unjust in so many countries.

51. The subject of religious freedom was a basic element of the pontificate of John Paul II, and the delegation of the Holy See had distributed to the Commission a document on the issue which His Holiness had addressed to the Heads of State of the signatory countries of the Final Act of Helsinki. The Holy See, which was already working to ensure the implementation of the principles proclaimed in the international instruments concerning human rights, would therefore support the efforts made by the Commission with regard to the logical follow-up to be given to the implementation of the Declaration.

52. Mr. PICTET (Switzerland) said that his country, which had for more than a century declared in its Constitution that freedom of conscience and belief was inviolable, welcomed the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The importance of a document which incorporated the major principles in the matter, especially those enshrined in the Charter and the International Covenant on Civil and Political Rights, could be measured by the 20 years that had been needed to draw it up. The Declaration had been adopted at a time when a religious renaissance and reaffirmation was taking place in several regions of the world, and constituted a new and important reference document in the fight against all forms of discrimination.

53. Switzerland attached great importance to individual rights and freedoms and considered respect for them an essential condition for the successful operation of a truly democratic and pluralist society; it had therefore signed the Declaration on Intolerance adopted by the Committee of Ministers of the Council of Europe on 14 May 1981, and had earlier signed the Final Act of Helsinki in 1975.

54. Experience showed, however, that nothing final had been achieved in that sphere. Even in the most balanced societies which showed most respect for human rights, germs of intolerance continued to exist, particularly when a minority or persons on the fringe of society asserted their beliefs. Religious freedom, too, carried some risk of excess when the legitimate desire to convince others became dogmatic intolerance. It was a well-known fact that religious or dogmatic intolerance was assuming increasingly new and dangerous forms.

55. The Swiss authorities observed with alarm that once again people were being imprisoned, sentenced and even tortured on religious grounds and it was unfortunately still a current practice to limit and restrict the rights of believers in societies which had made atheism their new profession of faith.

56. The international community, and in particular, the Commission must be vigilant and keep up the pressure on Governments to prevent them from falling back into intolerance or even persecution on religious or philosophical grounds, which in the last instance only concealed their contempt for democracy and the personal opinions and beliefs of other people.

57. The Commission had been right to include the item under consideration in its agenda and should ensure respect for the Declaration, particularly article 7.

58. Mr. ALVAREZ VITA (Observer for Peru) said that his country had constantly upheld all the measures taken to eliminate a form of discrimination which ran counter to one of the most important elements of human dignity. Whether as individuals or as a social group, human beings had the right to religious freedom. In that sphere, no restrictions should be imposed on the human conscience and nothing should prevent people from expressing their beliefs, privately or in public, alone or in groups. The right to religious freedom must be recognized as a civil right. To infringe that right was to do wrong to human beings and to assume the right to guide, prevent or alter religious activities was to go beyond the limits of power. Religious groups stemmed from the social nature of men and religion itself and consequently had the right to govern themselves freely and to teach their beliefs.

59. Families had the right freely to organize their religious life, under the guidance of the parents, who had the right to decide on the upbringing they wished to give their children. The State should grant parents the right to choose schools and other forms of education for their children in full freedom.

60. It was in the light of those principles that the Peruvian Constitution, the Education Act and other legal provisions governed the right of religious freedom, tolerance and respect. The Criminal Code punished any attack on that freedom, although fortunately there had been no occasion as yet to apply the relevant provisions.

61. His delegation noted with satisfaction the growing respect shown to persons who professed a different opinion or religion and the inclusion of that freedom as a civil right in most constitutions. It was none the less true that the international community still had much to do in that sphere.

62. At present, peoples of different cultures and religions were tightening the bonds between them and individuals were acquiring greater awareness of their personal responsibility. In order to establish and strengthen peaceful relations between men, religious freedom must be guaranteed everywhere by efficient legal measures, and the duty and right of men to live their religious lives within society must be respected.

63. It was in that spirit that his delegation would be one of the sponsors of the draft resolution on religious tolerance.

64. Mrs. MOLTKE-LÆTH (Observer for Denmark), reviewing the various aspects of freedom of religion dealt with in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, wondered what the impact of the adoption of the Declaration had been. Considering the number of conflicts around the world that involved religion and the extent of religious persecution, it could be argued that the impact, if indeed there was any, was hard to see. The principle of religious freedom was expressed in the constitution of almost every sovereign State, but there were some which not only failed to guarantee it, but directly prohibited all religious practices.

65. Nevertheless, the fact that the principle of religious freedom was expressed in almost all constitutions did not imply that religious persecution did not take place in those countries. Discrimination, intolerance and even persecution were inherent in the policies of a number of States. One disturbing example was the religious intolerance with regard to the Baha'is in Iran. The persecution of which the Baha'is were victims in that country had caused the Danish Government to urge the Government of Iran to grant them the protection to which they were entitled under the International Covenant on Civil and Political Rights.

66. Further steps must be taken to encourage understanding, tolerance and respect in religious matters. It therefore would be advisable to organize a seminar to that end as part of the Advisory Services Programme. Measures must also be taken to give effect to the Declaration. Her delegation hoped that the report to be submitted by the Secretary-General to the Commission at its fortieth session in accordance with draft resolution E/CN.4/1983/L.68 would contain suggestions in the matter.

67. Mrs. WYNTER (United Nations Educational, Scientific and Cultural Organization) said that it was not the first time that UNESCO had been invited by the Commission to participate in debates relating to the Declaration and she recalled Commission resolution 20 (XXXV) in that connection. Pursuant to that resolution, UNESCO had in 1979 organized a meeting of experts, representing nine religions, on the subject of the place of human rights in cultural and religious traditions. The experts had devoted particular attention to religious intolerance between holders of different beliefs and between the faithful and non-believers. After briefly summing up the conclusions of the meeting, she said that she would make copies of its report available to interested delegations and that the topics dealt with by the meeting of experts had also been the main subject of the second issue of the Bulletin on the Teaching of Human Rights.

68. With regard to the latest resolution adopted by the General Assembly on the subject, UNESCO had not had time to send the Commission a paper on the measures to be taken to implement the Declaration. That burning question required detailed reflection. It would be over-ambitious on the part of UNESCO to try to prepare relevant proposals in two months. In the hope of providing a valuable contribution to the work of the Commission, UNESCO requested authorization to postpone reporting until the fortieth session.

69. UNESCO always proceeded on the basis of broad consultations and even within the Organization several divisions were interested in the question of religious intolerance. If there was time, UNESCO would also examine the manner in which various mechanisms, of which she gave examples, could be brought to bear on the question of religious intolerance. UNESCO had already provided assistance to other United Nations bodies on the implementation of international standards, and its experience should be taken into account if the Commission intended to invite it to contribute to work on the implementation of the Declaration.

70. The question under consideration was a major preoccupation of the Organization, as could be seen from the Medium-Term Plan for 1984-1989, adopted in December 1982, which involved studies and research on prejudice, intolerance and racism in the spheres of education, science and culture. Those activities would permit UNESCO to consider the question of intolerance in greater detail and to present a report which might be helpful at the next session of the Commission.

71. Mrs. BALTASSAT (International Federation of Rural Adult Catholic Movements) quoting the second part of paragraph 2 of the preamble to the Universal Declaration, said that it was apparent that freedom of conscience and religion was subject to serious restrictions in some regions of the world. In Guatemala, the climate of insecurity and terror, with the persecution and assassination of priests, religious instructors, nuns and ordinary Christians, had continued ever since the coup d'état of 23 March 1982. The surveillance and the threats to which the Church had been subjected had not ended. The Basic Statute of the Government restricted the right of members of religious orders to undertake social work. The obligation to disseminate in schools and places of work sermons written by the President himself, who belonged to the fundamentalist sect of the Divine Word, was resented by the population as a violation of their freedom of religion. In short, the Catholic and Protestant churches were subjected to terrible repression at present in Guatemala, while sects mainly of North American origin were favoured by the Government to the detriment of religious freedom. Her organization hoped that the Commission would examine the measures to be taken to ensure respect for the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

72. Mr. CONCEPCION (Christian Democratic World Union) said that in Poland, on 23 February 1983, during religious services for deceased and arrested miners, the police had entered the Church of the Holy Heart in Katowice and had dragged out Mr. Kasimierz Switon, one of the leaders of the independent trade unions, which had been dissolved a few months previously. That attitude on the part of the police was an offence to the traditional religious feelings of the Polish nation.

73. He himself came from the Philippines, which had 50 million people, of which 40 million were Christians and 6 million Moslems; it was the only Christian country in Asia. In 1972, the imposition of martial law had put an end to

democracy, and since then relations between the Marcos Government and the Roman Catholic church had been tense. In January 1981 an end had been officially declared to martial law, but since then there had been an escalation of gross violations of human and religious rights. The Roman Catholic church was persecuted and the Government-controlled press and television were carrying out a campaign to discredit the clergy.

74. Faced with that propaganda, the Philippine bishops and Cardinal Jaime Sin had protested; Cardinal Sin had three times asked the President to step down, since in 17 years of continuous rule he had not been able to solve the grave problems of the country. The Roman Catholic church had also become the champion of the poor, the hungry and exploited workers. The unemployment rate had reached 26 per cent and the Government had exported 2 million workers as slaves in order to obtain more dollars.

75. Mr. MANALO (Philippines), speaking on a point of order, requested that the speaker should restrict himself to the question of religious freedom.

76. The CHAIRMAN asked the representative of the Christian Democratic World Union to restrict himself to the question under consideration.

77. Mr. CONCEPCION (Christian Democratic World Union) referred to the cases of priests who had been victims of the military: Father della Torre had been imprisoned for six years, released and again arrested; Father Alingal had been murdered in the autumn of 1981, guilty only of seeking justice after having witnessed the rape of a young woman by a group of soldiers (his assassination had then been attributed to the communist guerrillas); Father Zuzila had been killed while saying mass, like Archbishop Romero of El Salvador; Father Agatep had been killed for protecting the rights of tribal minorities. Even foreign missionaries had been arrested; in 1982, 33 priests, nuns and lay assistants had been arrested. All those persons had been guilty only of the Christian mission of helping the poor and oppressed; the Roman Catholic Church had pledged solidarity with workers and farmers in the encyclical "Laborem Excercens". That role devolved all the more on the Roman Catholic Church since 70 labour union members had been imprisoned by the regime. He requested that the Commission should act to stop militarization and religious persecution in the Philippines and all over the world.

78. Mr. GILBERT (World Jewish Congress) recalled that his organization had been engaged with other religious organizations in the preparation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and noted with satisfaction that since the adoption of the Declaration by the General Assembly in November 1982 the Commission had devoted an item of its agenda to its implementation. The World Jewish Congress had also noted with satisfaction General Assembly resolution 37/187 and Economic and Social Council decision 1982/138. His organization was involved in a programme of encouraging understanding and tolerance, and co-operated on a continuing basis with major religious bodies in that endeavour. The Commission should be working on a draft convention on religious freedom, but it was perhaps too early to undertake that task. For the moment there were other methods of implementing the principles of the Declaration, such as for example the establishment of a permanent sub-commission.

79. The climate of religious and racial intolerance in the world required the adoption of urgent measures. In particular, political, economic and social difficulties incited disillusioned persons, particularly young people, to join

extremist groups bent on the destruction of a pluralistic democratic society. The education of young people was an essential solution, and the Commission should give it prominence. The Commission should also institute measures to provide protection for vulnerable groups and to co-ordinate action between Governments, particularly against international acts of terrorism. Governments should continue to bring legislation prohibiting incitement to religious, racial and national hatred and violence up to date.

80. Since the Commission's previous session, very serious anti-Semitic terrorist acts had been perpetrated, in particular the attack in the Rue des Rosiers in Paris and another attack on 9 October 1982 against the synagogue in Rome. The European Parliament had repeated with utmost determination its previous resolutions which had condemned terrorism in all its aspects, whether racial, ideological, religious or political, and had appealed to all the Governments of the Community for the closest co-operation between the competent institutions of their countries in order to control the dangers resulting from discriminatory and blind acts of terror.

81. The authors of those attacks sometimes claimed that their acts were part of the continuing Middle East conflict. The Commission, however, must condemn all forms of intolerance, regardless of their inspiration or aim and denounce those who, while outwardly professing a concern for human rights, used them to spread hatred and falsehoods. At the current session it had been a shock to hear zionism placed on the same footing as nazism and fascism. Fifty years after Hitler's accession to power, that attempt to tarnish the victims with the very crimes and ideologies of their executioners was contemptible. The sacred teachings of Judaism proclaimed the unity of mankind and totally rejected any concept of racism. The World Jewish Congress urged the Commission, in the framework of the agenda item under consideration, to promote an effective programme against intolerance and the threat which it posed to the structure of democratic society.

82. Mr. ZOLLER (Pax Christi) said that the international Catholic movement for peace, Pax Christi, had never hesitated to take a stand on each occasion that religious freedom was systematically violated somewhere in the world. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief explicitly described the substance of religious freedom: freedom of worship, the right to maintain charitable institutions, to issue and disseminate publications, to teach religion in suitable places, to train and appoint appropriate leaders, and to establish communications at the national and international levels.

83. Unfortunately, some countries had voted in favour of the Declaration in November 1981 but had not since then amended their legislation accordingly. He quoted the example of the Czechoslovak Socialist Republic, which violated the Declaration in permitting only religious activity which had been approved and controlled by the official authorities. That country's Constitution guaranteed freedom of faith, but that freedom had been seriously restricted by various decrees which ensured total State control of all religious activities. Persons could be prosecuted for holding a religious service or giving religious instruction without prior authorization from the Department for Religious Affairs, pursuant to article 178 of the Penal Code concerning the obstruction of State supervision of churches, which provided for prison sentences of up to two years.

84. Among those sentenced under that article and other articles of the Criminal Code, he mentioned Father Frantisek Lizna and five other persons, whose trial had been held at Olomouc in September 1981. Those persons had received prison sentences of up to three years under article 118 of the Penal Code on illicit trading; in fact they had distributed religious tracts without obtaining the slightest profit from them. Father Jan Barta who, together with Father Kosman Trojan, had organized an unauthorized Franciscan convent, had been sentenced in April 1982 to 18 months' imprisonment; he had also organized a theology course for young persons who had been refused admission to the faculties of theology. Father Barta's sentence had subsequently been reduced to 12 months, but he had already been seriously ill during his trial and had died in prison of a heart attack in December 1982. In the verdict on Father Barta and Father Trojan handed down by the district court of Liberec, it had been stated that in Czechoslovakia Roman Catholic services and religious teaching were not permitted without State authorization. The verdict had added that the activities of religious orders were not permitted in Czechoslovakia, and had been abolished by Act No. 218/495b. Czechoslovakian citizens could uphold their religious vows in private, but were not permitted public activity.

85. In the opinion of Pax Christi, declarations of that type proved that in Czechoslovakia the understanding of religious freedom ran counter to the provisions of the Declaration. Pax Christi thus appealed urgently to the Czechoslovak Government to review the clauses of its legislation restricting the exercise of religious activities and ensure the religious freedom of all Czechoslovak citizens.

86. Mrs. FATIO (Baha'i International Community) said that enlightened laws could prevent the frequent persecution of individuals or groups but could not take prejudice from the heart of man. The surest means of eliminating prejudice was education, which dispelled ignorance. At the thirty-seventh session of the General Assembly, several delegations had in the Third Committee stressed the role of education in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In the course of the discussion, it had also been requested that effective measures should be taken nationally and internationally to promote religious tolerance.

87. According to the Baha'i writings, the basic purpose of the faith was to safeguard the interests of the human race, establish its unity and develop among men the spirit of love and brotherhood. Unfortunately, religious intolerance was often at the root of dissension and conflict. That was particularly because the religions of the world were considered to be separate entities. From the Baha'i standpoint, however, all religions were one in their essence, and it was the voice of the one God that spoke to mankind. God had sent a series of teachers: Krishna, Buddha, Zoroaster, Abraham, Mosés, Christ, Mohammed, and in our times the Bab and Baha'u'llah, at successive stages of the development of a religion that was still young. The Baha'is believed that Baha'u'llah, the founder of their faith, was the most recent of those divine teachers, but not the last.

88. The Baha'i belief gave rise to the basic principle that all religious prejudices should be abolished; each person should have the right freely to practise the religion or belief of his choice, or of course the right not to

believe. The Baha'i International Community welcomed the proposals contained in draft resolution E/CN.4/1983/L.68, which constituted a first important step towards the implementation of the provisions of the Declaration.

89. Mr. QUINTEROS (Pax Romana) said that his organization, an international movement of Catholic students and intellectuals, considered that the recognition of a supreme God, the master of history and father of all mankind, was the most solid basis for a society of brotherhood, justice and love. He quoted Mr. Robert Muller, Assistant Secretary-General of the United Nations, who on the occasion of a conference of the North American Commission of Pax Romana in 1982 had said that the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been a major event in the history of the United Nations General Assembly, although the world press had passed it over in silence. Mr. Muller had said that the Declaration should give rise to a convention.

90. The Declaration on Religious Freedom, adopted by the Second Vatican Council on 7 December 1965, had deplored the fact that while many constitutions recognized religious freedom as a civil right, some Governments endeavoured to dissuade their citizens from professing their religion by making the life of religious communities difficult and even dangerous. Fortunately, nowadays there was some rapprochement between different cultures and religions. Pax Romana considered that a dialogue between religious cultures was extremely important and devoted much effort to that objective, which required respect for the pluralism of religious expressions and practices. Such a dialogue was necessary for achieving true unity. It made it possible to assert the profound religious nature of the masses which was expressed in Islam, Buddhism, Hinduism, Christianity, etc. and represented a great wealth accumulated in the course of history.

91. Pax Romana wished to contribute to the implementation of the Declaration and strongly supported draft resolution E/CN.4/1983/L.68, and particularly the idea of organizing a seminar which would be an invitation to understanding, tolerance and respect in the spheres of freedom of religion or belief, within the framework of the Advisory Services Programme for the period 1983-1984.

92. The CHAIRMAN gave the floor to delegations which wished to speak in exercise of their right of reply.

93. Mr. CONTRERAS (Observer for Guatemala) expressed regret that a non-governmental organization should have made remarks about his country which might mislead public opinion. Religious freedom did exist in Guatemala, as had been shown by the welcome given to Pope John Paul II both by the Catholic church and by the Government. President Rios Montt, who was receiving the Pope that very day, had said that the visit was an honour for Guatemala and evidence of religious freedom in that country. The people of Guatemala had been Catholic since the sixteenth century, and freedom of worship had been safeguarded by law since 1873. There was no discrimination on religious grounds, and no one was prevented from freely practising his beliefs. The allegations against his country did not reflect the love which Jesus Christ himself had taught. He said that his delegation welcomed draft resolution E/CN.4/1983/L.68 and hoped that it would be adopted by consensus.

94. Mr. MANALO (Philippines) said that his delegation rejected the allegations about his country made by the Christian Democratic World Union. The militarization of the country which that organization had claimed to denounce was foreign to the tradition and Constitution of the Philippines. Even during the period of martial law, civilian legislation had been applied. With regard to the relations between the Government and the Roman Catholic Church, it should be recalled that Church and State were separate in the Philippines, but that situation should not be interpreted as a divergence. The Constitution prohibited discrimination on grounds of religion and belief. The Working Group on Forced or Involuntary Disappearances had investigated the fate of the priests who had been mentioned and references were to be found in the documents of the Group; those priests had not been persecuted for their beliefs but punished for their actions, since they were rebel priests.

95. The CHAIRMAN said that the discussion on item 25 had been completed.

[The second part of this summary record will appear as document E/CN.4/1983/SR.50/Add.1].