

for children to be given religious instruction against their will or the will of their parents.

50. The history of the German Democratic Republic, like that of other States and peoples, provided many examples of the way in which different political groups had tried at various times to use religion and the churches for their own ends. For that reason, the German Democratic Republic considered that the elimination of religious intolerance should be combined with the elimination of any misuse of religion for political purposes which ran counter to the struggle for justice, social progress, peaceful coexistence and the independence and equal rights of peoples. The German Democratic Republic believed that, in accordance with the purposes and principles of the Charter of the United Nations, the elimination of religious intolerance should not result in the granting of privileges to religions or churches as opposed to non-religious or atheistic beliefs, since that would be inconsistent with the principle of equality and tolerance for all convictions, whether religious or atheistic. Furthermore, the rights of the churches and religious communities should not run counter to the sovereignty or legal order of States or lead to interference in their internal affairs.

51. The Declaration on the Elimination of All Forms of Religious Intolerance should be so formulated that, in accordance with the principle of universality of the United Nations, it would be acceptable to all States involved. His delegation approved of the view of the Netherlands, expressed in document A/9134, that the draft Declaration should include only general

guidelines on the promotion of the right to religion and belief. The basic principles of the draft Declaration should serve to ensure international security and to strengthen peace and peaceful co-operation among States.

52. Mr. COSTA COUTO (Brazil) said it might be advisable to close the general debate, or at least the list of speakers, on the following day. Furthermore, he continued to believe that it would be useful to examine certain articles separately, especially those which had been taken as a basis for the work. A number of very interesting suggestions had been made at the current session, but it was difficult to obtain a general picture of all of them. Perhaps on the following afternoon the Committee could undertake a rapid examination of the six articles prepared by the Working Group and the three additional articles proposed by the Netherlands, as well as any amendments or other articles that might be submitted. That was not a formal proposal, but he wished to suggest that consultations should be undertaken to determine whether it was supported by the members of the Committee.

53. The CHAIRMAN observed that thus far only 27 speakers had taken the floor, and that it would therefore be preferable to wait a little before ascertaining whether there was a consensus regarding the second Brazilian suggestion. As to the first suggestion, he could only urge delegations to refer to the articles under consideration. That was the only way in which the Committee could make progress with its work.

*The meeting rose at 6.05 p.m.*

## 2011th meeting

Wednesday, 31 October 1973, at 10.50 a.m.

*Chairman:* Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2011

### AGENDA ITEM 55

**Elimination of all forms of religious intolerance (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027):**

- (a) **Draft Declaration on the Elimination of All Forms of Religious Intolerance: report of the Secretary-General (*continued*) (A/8330, A/9134 and Add.1 and 2, A/9135, A/C.3/L.2027);**
- (b) **Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (*continued*) (A/8330)**

1. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said his delegation had already had occasion to state that the draft Declaration under consideration needed further work so that it would meet the required standards for such international documents.

2. Article 18 of the Universal Declaration of Human Rights had originally laid down the right of everyone to freedom of thought, conscience and religion. In addition, in the relevant articles of the International Covenants on Human Rights, States parties had undertaken

the obligation to guarantee fundamental human rights and freedoms without discrimination of any kind, including discrimination on the basis of religion. The principal reason why a separate document on religious intolerance had not yet been adopted was that much time had been spent on determining whether a draft convention or a draft declaration was preferable.

3. The draft Declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I)<sup>1</sup> had been before the Commission on Human Rights, but had not been considered in substance despite the fact that use could have been made of a considerable number of its provisions. That consideration, and in particular the fact that work on the draft Convention had been suspended even though it had in essence been approved, caused his delegation to wonder whether the switch to the preparation of a declaration was justified; even if it was, had the Committee not embarked upon consideration and adoption of such a declaration with too much haste?

<sup>1</sup> For the printed text, see *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8, para. 294.*

4. An acceptable draft declaration should contain, above all, a precise definition of freedom of conscience, having regard both to the right to profess any religion and to the right not to profess any religion. Everyone, regardless of his views on religion, should be guaranteed equal rights in all aspects of economic, government, cultural, social and political activity and the Declaration should reflect that fact. Only if it did would it be in keeping with the spirit of the Charter of the United Nations, the Universal Declaration of Human Rights and other United Nations documents on the subject. His delegation believed that the drafts which had been submitted to the Committee did not yet meet those requirements.

5. His delegation wished to see the adoption of an instrument which would contain appropriate recommendations of a moral and political nature addressed to States Members of the United Nations having differing social and political structures and various religions and faiths. It went without saying that the subordination of the Church to the State, or of schools to the Church, gave rise to and encouraged religious intolerance and discrimination. His delegation believed that, in order fully to ensure freedom of conscience, the Declaration should contain a specific provision recognizing the right to the separation of the Church from the State and the separation of schools from the Church and the equality before the law of all churches, faiths and beliefs, and specifying that the *de jure* or *de facto* predominance of one particular church or faith should be eliminated.

6. Religious intolerance was based on the proposition that it was justifiable for the adherents of a particular religion, believing their religion to be the truest religion, to regard all believers in other faiths as having gone astray and to subject them to all kinds of coercion and discrimination with the aim of ensuring their acceptance of the one "true" faith. While both members of other religions and persons of non-religious convictions experienced intolerance and discrimination, the latter were more severely discriminated against than the former, since atheism was regarded as a graver sin. History was full of cases of oppression, crusades and blood-letting which one religion or another had regarded as justified when carried out against persons of other faiths. History had also recorded persecutions, the bonfires of the Inquisition and other acts of fanaticism performed in the name of one religion or another against atheists. Even in the modern world there were groups and organizations who found the sole justification for their existence in the struggle against atheism, the sowing of enmity among peoples and even appeals for "crusades" against other countries. It was regrettable that the drafts of the Declaration which were before the Committee did not contain provisions designed to prevent such activities or to prevent attacks on and persecution of atheists.

7. The reasons for the rise of religious beliefs were understandable. In the development of human society, Christianity should be given its due, since it had arisen as the religion of the enslaved and oppressed masses of the Roman Empire. Buddhism and Islam were analogous phenomena. However, religion had soon been placed at the service of sectoral interests. The natural consequence had been the revolt of the oppressed masses, struggling for their liberation, against their exploiters and against the church which had justified that

exploitation. During that struggle, faith in religious dogma had become dissipated, and the force of atheism had increased.

8. Atheism had a long history and firm traditions. Many well-known thinkers of the past had adhered to atheistic beliefs, and the world now contained hundreds of millions of non-believers. Conscious that the progressive development of human society was unthinkable unless science was allowed to develop without hindrance, and that religion had always had an inhibiting influence of philosophers and scientists, the adherents of atheistic views believed that it was essential to guarantee freedom to conduct atheistic propaganda.

9. Atheists, fortified by the gigantic achievements of modern science, were convinced that their cause was right and that religion would inevitably disappear, since in the end the light of knowledge and science would supplant religious notions. It was therefore quite logical and justified to demand that the right to conduct religious propaganda should be supplemented by the right to conduct atheistic propaganda. The right to public worship and the right to maintain places of worship—which constituted a particular form of religious propaganda—should be extended to the dissemination of atheistic propaganda and the maintenance of atheistic clubs and other institutions.

10. The ideological struggle between atheism and religion should not be conducted on terms preferential to one side or the other. An even-handed policy was unswervingly pursued in the Ukrainian SSR in conformity with its Constitution. Legislation in force in the country provided firm protection for the rights of believers. In accordance with the Ukrainian Criminal Code, it was a crime to insult believers or to discriminate against them in any way. Churches practised freely in his country, and were able to make use of church buildings, train church officials, issue religious literature, produce religious objects and so on. It could thus be seen that his country genuinely guaranteed to everyone the right to believe or not to believe in a specific God and freedom to organize religious cults or to conduct anti-religious propaganda.

11. His delegation believed that a declaration establishing norms of international law on the subject of religious convictions should contain a specific provision stating that such convictions should not be used for the purposes of inciting hatred and enmity among peoples. Persons of all convictions should act in the interests of strengthening universal peace and security, friendship and co-operation among peoples and States.

12. In addition to those general observations, his delegation would have comments to make in the light of its desire to prevent any infringement of State sovereignty and any interference in States' internal affairs. Also, the order of the articles in the drafts of the Declaration should be changed, and the title of the final instrument should be "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief". His delegation reserved the right to return to specific points raised by the drafts of the Declaration at a later stage.

13. Miss MENESES (Venezuela) said that her delegation had voted in favour of General Assembly resolution 3027 (XXVII), in which the Assembly had decided

to give priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance.

14. Her country had no official religion, although the State recognized the Catholic religion as the religion of the majority of the people. Her country's laws guaranteed the right of everyone to profess his own beliefs. Under the Constitution, it was illegal to invoke one's beliefs in order to restrict the rights of others or to evade one's responsibilities. Also under the Constitution, the country co-operated with the international community in securing fair guarantees of individual and social rights. Her delegation would co-operate with others in order to ensure that the Committee arrived at a declaration acceptable to the largest possible number of delegations. A basis for that aim could be found in the draft articles prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II).<sup>2</sup> With minor reservations, those six articles were in conformity with her country's laws. She reserved her delegation's right to speak later in the debate concerning specific provisions.

15. Mr. PARIS (Costa Rica) expressed appreciation of the efforts made by the delegation of the Netherlands to facilitate the Committee's work.

16. His delegation had been amazed that both the draft Declaration and the draft Convention appeared on the Committee's agenda despite the fact that General Assembly resolution 3027 (XXVII) had indicated clearly that priority was to be given to the completion of the Declaration on the subject. Consequently, his delegation would welcome the deletion from the agenda of the subitem relating to the draft Convention, and hoped that all the Committee's meetings on the item relating to religious intolerance could be devoted to consideration of the draft Declaration.

17. Although more than a decade had passed since the adoption of General Assembly resolution 1781 (XVII), the desired objective had not been achieved. His delegation would have no difficulty in supporting the proclamation of an instrument designed to protect the freedom of religious beliefs, especially since that freedom had already been laid down in the Universal Declaration of Human Rights. While it was aware of the legal problems involved, they should not be an unsurmountable obstacle preventing an unequivocal reaffirmation of the moral principle of freedom of worship.

18. His delegation wondered whether an effort was being made in the Committee to ensure that the Declaration never saw the light of day. All kinds of subterfuge had been used to hinder the adoption of a declaration, including the claim that protection of freedom of religion would give *carte blanche* to missionaries who, it was alleged, constituted the spearhead of imperialism and neo-imperialism. His country would expel any missionary who interfered in the country's policies. That would not be a case of religious intolerance: missionaries were subject to the laws of his country and would incur the penalties laid down by them if they violated them.

19. Either there was freedom of religion or there was not; if there was such freedom, the activities of missionaries who respected local laws could not validly be hindered. There was no justification for discrimination

against missionaries on the mere suspicion that they might be enemy agents.

20. In his country, every citizen had the inalienable right to profess his religion, change his religion, or have no belief whatsoever. It was extremely difficult to believe that religious freedom was a subversive, immoral or destructive factor, except in so far as any new idea, and especially that of human liberty and dignity, might subvert absolutist social systems which were in a state of petrification.

21. A previous speaker had referred to demagoguery. He wished to point out that demagogues could succeed only in oppressive circumstances where justice and human dignity were ignored. To claim that a reaffirmation of freedom of belief was nothing other than a new tentacle of Western neo-colonialism was to display an extreme form of paranoia.

22. Modern psychology and sociology had confirmed that religious convictions were essential factors in the psychic equilibrium and social adjustment of human beings. It was to be expected that the protection of religious freedom would cause a certain amount of social conflict: however, that was the inevitable price to pay for the reaffirmation of human freedom and dignity.

23. His delegation fully agreed with those which had stated that the phrase "religious convictions" also covered beliefs which were not religious ones. He felt that the phrase covered theistic, atheistic, rationalistic or agnostic beliefs, relating to the existence or non-existence of supernatural or transcendental entities and man's relations with them. He firmly believed that the concept of religious freedom also included the freedom to have no religion and the protection of non-believers.

24. He reserved his delegation's right to speak at a later stage on individual articles in the drafts before the Committee.

25. Mr. KABINGA (Zambia) said that his Government had made its position clear in its reply contained in document A/9134. That reply indicated that Zambia tolerated all forms of religious beliefs and practices, provided that the conduct of those beliefs and practices did not disturb the peace of the State or encroach upon the accepted norms of behaviour of Zambian society. Two questions therefore arose. First, what were the accepted norms of behaviour in Zambian society, and, secondly, to what extent did Zambia actually tolerate religious beliefs? In reply to the first question, he stressed that the accepted norms of day-to-day life in Zambia were based on respect for the human value of every citizen. That implied a rejection of the oppression or domination of anyone in Zambia by any other person, whether from within or outside the country. It further implied that no purely individual, group or sectional interest fundamentally opposed to the interests of Zambian society as a whole could be permitted. Bearing that in mind, the answer to the second question was given by article 13 of the Zambian Constitution, which provided, among other rights, for the freedom of conscience. Various churches and many other religious organizations were actively involved in many facets of Zambian life, and some religious bodies were making a commendable contribution to the task of national reconstruction and development. It was partly in recognition of their positive role that religious beliefs and practices were protected in Zambian society.

<sup>2</sup> *Idem*, para. 296.

26. At the current stage of Zambia's history; the all-round improvement of the material and cultural well-being of the people as a whole was a matter of the utmost importance. Accordingly, any religious belief or practice which ran counter to that objective had been, and would continue to be, regarded as unacceptable. Zambia's experience had shown that the idea of religious freedom had to be developed, so as not to neglect the obligations of the Church or religious organizations or of individuals to society as a whole. The case of the Lumpa Church and the Watchtower Sect, which were referred to in his Government's reply and which had engaged in unreligious and seditious practices, confirmed that need.

27. Moreover, some churches were based on philosophies which preached domination and oppression by one people over another. The Dutch Reformed Church in South Africa was a case in point, as were those churches in Mozambique which had acquiesced in the recent massacres in that country. It was naïve to expect unlimited privileges, without concomitant obligations to be granted to men of religion who only decades earlier had been in the forefront of colonialism and imperialism, and to churches which had no respect for legitimate Governments in some parts of the world. Zambia did not oppose constructive religious freedom, but it rejected religious freedom when it was used to further the interests of foreign Powers.

28. The freedoms mentioned in the draft Declaration (A/8330, annex I), the draft Convention (*ibid.*, annex III), and the text submitted by the delegation of the Netherlands (A/C.3/L.2025) appeared to have no ideological bias, but the truth of the matter was quite different, as was shown by the following examples. Article I of the Netherlands draft, article III, paragraph 1 (a), of the draft Convention and article VI of the draft Declaration called for religious freedom without subjection to any coercion or pressure likely to impair freedom of choice. Why grant such an absolute right? What about the ultimate right of Governments to use coercive force in the legitimate interests of society as a whole? In addition, article V of the Netherlands draft and article IV of the draft Convention were open to question. He wondered why the rights referred to in those articles were limited to parents and so-called legal guardians. Article VI, paragraphs 3 and 4, of the draft Declaration, article VI, paragraph 2, of the Netherlands draft, and article III, paragraph 2 (b) of the draft Convention, called for freedom to teach, to disseminate, and to learn a religion or belief and its sacred languages or traditions. Such provisions were difficult to accept when the traditions in question were foreign-based and when there was a likelihood of conflict with local traditions. Furthermore, article VI, paragraph 5 (i), of the draft Declaration and article III, paragraph 2 (d), of the draft Convention implied that preferential treatment should be given to the imports of special food-stuffs by religious bodies. He wondered why locally produced material could not be used.

29. Constant reference was currently being made to the democratization of international relations. However, in his delegation's view, there was also a need for a democratization of religious institutions in order to prevent them from continuing to be the representatives of the countries in which they originated.

30. Mr. CHIRILA (Romania) said that his delegation attached special importance to the adoption, at the international level, of measures designed to encourage Member States to ensure respect for human rights. The promotion and exercise of those rights and fundamental liberties, without discrimination on the basis of race, sex, language or religion, contributed to the establishment of friendly relations among peoples, to the development of co-operation among States, and to the maintenance and strengthening of world peace. Article 30 of the Romanian Constitution guaranteed freedom of conscience to all citizens of the Romanian Socialist Republic, and provided that anyone was free to hold or reject a religious belief, and to practise a religious faith. In accordance with the principle of religious freedom, all churches in Romania could organize themselves according to their own traditions and maintain relations with other churches abroad. The principles of religious freedom were set forth in detail in a law on the general regulation of religious worship, which prohibited discrimination for religious reasons, incitement to religious hatred or other acts likely to jeopardize freedom of conscience and the freedom to practise a religious faith. Romania not only guaranteed freedom to engage in religious activities, but also proclaimed complete equality for such activities. In his country there were no dominant, privileged or subordinate churches, and the various religious groups contributed in their own way to the constructive work of the Romanian people in the various fields of social and civil life, and to the achievement of its aspirations of peace and progress.

31. The questions under consideration were based on article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights. He felt that any international instrument covering such matters should reflect the rights and freedoms incorporated in those articles, namely freedom of thought, conscience and religion. It was therefore necessary to introduce suitable provisions in the draft texts under consideration affirming the right to hold or reject religious beliefs. Proposals had already been made to that end in the Working Group of the Commission on Human Rights and in the observations sent to the Secretary-General by some Member States. It was also important that in drawing up any international instrument dealing with freedom of conscience and religion the previous achievements of international co-operation, as well as the framework in which such co-operation was conceived, should be taken into account. It would therefore be useful to incorporate a provision designed to ensure that religious convictions and the practice of a religious creed should not jeopardize international peace and security, or friendship and co-operation among peoples and States. Finally, his delegation was prepared to support any suggestions likely to create the practical conditions necessary for the elaboration of texts which would be balanced and would command widespread support.

32. Mrs. BERTRAND DE BROMLEY (Honduras) expressed satisfaction at the efforts being made to adopt in 1973 a declaration on the elimination of all forms of religious intolerance, and hoped that it would be completed in time for the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights. Religious freedom was perhaps the most basic, intimate and personal of all fundamental

freedoms. Man had always striven for something which went beyond what was transitory, worldly or created by his intellect or imagination, in other words, something divine and holy. At various times men had arisen who had achieved a deeper understanding of the meaning of life, truth and God, and their teachings had formed the basis of various religions or faiths. In some cases, however, the interpretation of their teachings had led to fanaticism, intolerance and bloodshed. For that reason, she felt that religious tolerance was all-important, and that it was the duty of each member of the Committee to do his utmost to achieve that goal.

33. The text under consideration raised few difficulties for her delegation, and she expressed appreciation to the representative of the Netherlands for having submitted his suggestions in the form of amendments (A/C.3/L.2027), which should greatly facilitate the Committee's task. Her delegation was convinced that if all members of the Committee showed understanding and tolerance, it would be possible to produce an instrument which would show the world their determination to secure for humanity not only some of the fundamental freedoms but all of them.

34. Finally, she observed that while Honduras was by tradition and culture a Catholic country it respected the faith or lack of faith of each of its citizens, and protected their right to practise or not practise a religion. Church and State were completely separated, education was secular, and Honduras, despite its profound sense of religion, had a tradition of keeping the influence of the Church outside the realm of politics. Only civil marriages were recognized, and those who wished to marry in the Church were required to hold two ceremonies, religious and civil. Many different religions existed in Honduras, and all were treated with respect and tolerance.

35. Miss ILIĆ (Yugoslavia) said that the question of the freedom of religion or belief was a very important one, which had in both distant and more recent times led to discrimination against individuals or groups, and sometimes to serious international disputes or conflicts. In some cases it had been, and remained, a pretext for interference in other people's affairs, and in others, a *casus belli*. Religion was also exploited in the process of colonization. She felt that the international community could contribute to solving such problems by elaborating a well-balanced instrument on the subject. Such an instrument should provide for equality between atheistic and religious beliefs on the one hand and between different religions on the other.

36. Her delegation did not consider that the reasons put forward by the sponsors of the text adopted as General Assembly resolution 3027 (XXVII) for the adoption of a declaration rather than a convention had been very convincing. It had therefore abstained when the resolution was put to the vote. In that resolution the General Assembly decided to give priority, if possible, to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the draft International Convention on the subject. She felt that the use of the words "if possible" indicated some doubt as to the feasibility of the procedure thus outlined. That doubt had become even stronger, since the replies from Governments, as well as the discussions within the Committee, had shown that significant differences remained. The texts pre-

pared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/8330, annex I) and the Working Group of the Commission on Human Rights (*ibid.*, annex II) had never been fully considered by the Commission and had not been adopted by it. Nor had the Governments or the Commission had the opportunity to consider the amendments proposed by the delegation of the Netherlands (A/C.3/L.2027). She therefore felt that after examining the drafts the Committee should transmit them to the Commission on Human Rights with a request that it should reconsider the whole question and advise the Committee accordingly.

37. Finally, she said that her delegation, representing as it did a federal, multinational State in which the Church was separated from both the State and education and in which atheists and the followers of about 30 different religions lived in equality of rights and harmony, hoped that a document on such an important and delicate subject, once adopted, would promote the cause of human rights and contribute to better relations between States and to peace throughout the world.

38. Mr. FUENTES IBÁÑEZ (Bolivia) said that despite its strongly Catholic tradition, Bolivia protected freedom of belief and religion. The draft documents under consideration were highly important, and were linked with the principles of the Charter and the Universal Declaration of Human Rights.

39. He commended the draft articles prepared by the Working Group of the Commission on Human Rights (see A/8330, annex II). The provisions of article IV, paragraph 2, of that text were very important and should in some way be incorporated in the draft submitted by the Netherlands, which attempted to crystallize certain general principles but did not refer to specifics. Religious freedom was meaningless unless the rights enumerated in that paragraph were protected.

40. Mr. KARASSIMEONOV (Bulgaria) said that his Government had not had an opportunity to submit its observations on the preliminary draft of a Declaration on the Elimination of All Forms of Religious Intolerance or the report of the Working Group set up by the Commission on Human Rights to prepare a draft Declaration on that subject. For that reason, his delegation wished to set forth its position of principle with regard to the question of a draft Declaration.

41. It was a well-known fact that, as a socialist country, Bulgaria legally guaranteed the right of all citizens to carry on both religious and atheistic propaganda. His delegation shared the concern of some members at the fact that, by virtue of resolution 3027 (XXVII), the General Assembly had decided to accord priority to the completion of a declaration before resuming consideration of the draft International Convention. In that connexion, his delegation noted that the Holy See was convinced that a convention was more effective than a mere declaration (see A/9134/Add.2, para. 2). His delegation favoured the adoption of both a declaration and a convention but it was not very enthusiastic about the texts of a declaration that had been prepared thus far.

42. The problem of the elimination of religious intolerance had been under consideration in the United Nations for 13 years. No solution to it had yet been found because of the wide variety of religions practised in the world and the different status accorded to reli-

gions in different countries. The title of the instrument itself was a source of difficulty, since there was some feeling that it should embody the concept of freedom of religion and religious belief. The basic principles to be covered by the instrument needed to be defined precisely, so as to ensure that no one religion was accorded a privileged position in relation to any other. One fundamental principle that was lacking in the texts under consideration was the concept of the separation of the State and the educational system from the Church. That omission might give rise to speculation that the drafts of the Declaration had some political content, in so far as religion had always been used in the service of politics.

43. His delegation proposed the insertion of a new article stating that the Church must be kept separate from the State and guaranteeing equal rights to those who held both religious and non-religious beliefs. The Declaration should further state that religion should not be used to incite hatred among peoples or for political goals harmful to international and national peace and security. It should also be borne in mind that the elimination of religious intolerance was part of a much broader problem, the solution of which presupposed the full implementation of the International Covenants on Human Rights.

44. Much work remained to be done on the draft Declaration, but his delegation was convinced that a more constructive approach to the subject would emerge in the light of the Committee's discussion of it article by article. His delegation intended to submit a draft resolution<sup>3</sup> on the subject shortly.

45. Mrs. WATANABE (Japan) said that her delegation found no difficulty in supporting articles I, II, III and IV of the text of a draft Declaration prepared by the Working Group set up by the Commission on Human Rights (see A/8330, annex II) and the corresponding articles, together with article IX, in the amendments submitted by the Netherlands (A/C.3/L.2027), the more so since article 19 of the Japanese Constitution provided for the inviolability of freedom of thought and conscience, and article 20 guaranteed freedom of religion to all and provided that the State and its organs should refrain from religious education or any other religious activity. The laws on labour and employment contained provisions requiring compliance with those articles of the Constitution.

46. Her delegation had difficulty in accepting article V of the draft Declaration (A/8330, annex I), the substance of which differed from religious practice in Japan regarding children. She wondered whether the scope of the article in question was to be limited to the right of the parents or legal guardians of a child to decide upon the religion or belief in which a child should be brought up without taking into account the rights of children themselves in respect of religion, as provided for in the Declaration of the Rights of the Child.

47. With regard to article VIII of the Netherlands amendments, she pointed out that the Japanese Constitution embodied the principle of separation of religion from the State. The State was not allowed to grant special privileges to any religion or to discriminate in favour of any religion.

48. Mr. LOSHCININ (Byelorussian Soviet Socialist Republic) drew attention to the reply received

from the Holy See (A/9134/Add.2), which referred to various decisions and declarations of the Catholic Church and the Vatican Council and seemed to imply that the draft texts prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and by the Working Group set up by the Commission on Human Rights were nothing more than a repetition of principles expounded by the Vatican. Thus, he had the impression that the position of the Catholic Church on the subject of religious intolerance had been taken as the basis for the draft texts of the Declaration prepared thus far. If that was true, the draft Declaration as it stood was a biased and discriminatory document.

49. An article in *The New York Times* of 31 August 1973 had quoted the Minister of Culture of a Western European country as having condemned the Catholic Church as a reactionary force which had suppressed peoples and led them astray throughout its history. There was no doubt that many enlightened thinkers had been persecuted, especially during the Inquisition. The Protestant denominations had been more progressive, but even Martin Luther had been guilty of advocating the persecution of peasant factions in sixteenth-century Germany. Nor should it be forgotten that religion had paved the way for the evils of colonialism. The report of the Seminar on Human Rights in Developing Countries,<sup>4</sup> held at Dakar in 1966, had emphasized that colonialism often assumed the guise of evangelism. In Africa, priests had often taken a reactionary stand, had attempted to stamp out local religions, and in some countries had obstructed reforms like the nationalization of religion.

50. It was thought by some that missionaries had played an outstanding role in the development of Asia and Africa. It should be borne in mind, however, that in the past the use of missionaries to win the confidence of the peoples in under-developed countries and thus gain control of their lands had been cynically advocated in the West by those who had sought to expand the hegemony of so-called Christian civilization. Any document concerned with the elimination of religious intolerance should make it clear that freedom of religion was not to be used as a weapon of foreign interference in the internal affairs of States.

51. Referring to the title of the draft Convention, he pointed out that the term "religious intolerance" could be interpreted in various ways and required some clarification.

52. Mr. ARGÜELLO (Nicaragua) said that his country's Constitution fully guaranteed freedom of conscience and the profession and practice of all beliefs which did not conflict with morality, tradition or public order, with the exception of religious activities which were incompatible with the physical safety of the individual. In his country, no one could be compelled to declare officially his religious beliefs; public cemeteries had secular status; and ministers of all religions could practise them and teach any kind of religious belief. The principles of the draft Declaration and the draft Convention being considered by the Committee coincided with those of his country's Constitution and, consequently, his delegation looked forward to the earliest possible adoption of a declaration on the subject.

*The meeting rose at 1 p.m.*

<sup>3</sup> Subsequently circulated as document A/C.3/L.2030.

<sup>4</sup> ST/TAO/HR/25.