

What educational or other measures have been taken or are being taken to ensure that all persons are acquainted with the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief?

III. RECOMMENDATIONS

Information concerning measures suggested to combat intolerance and discrimination in the matter of religion or belief, with special emphasis on action that can be taken in the field of education.

What educational or other measures could be taken to disseminate knowledge of the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief?

What educational or other measures could be taken to implement the Declaration effectively?

What educational or other measures could be taken to promote understanding, tolerance and respect among human beings?

What other governmental or non-governmental measures might be taken effectively at the international, regional or national levels, to combat and eliminate discrimination and intolerance on grounds of religion or belief?

What judicial, technical, administrative, financial or other assistance or co-operation would be helpful in eliminating or reducing conditions conducive to intolerance and discrimination on grounds of religion and belief?

Do you think that such assistance or co-operation could be provided under the auspices of the United Nations and the specialized agencies?

What role can non-governmental organizations play in the struggle against discrimination and intolerance on grounds of religion and belief?

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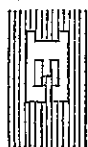
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ELIMINATION OF ALL FORMS OF INTOLERANCE AND
DISCRIMINATION BASED ON RELIGION OR BELIEF

Preliminary report by Mrs. Odio Benito,
Special Rapporteur



TERMS OF REFERENCE OF THE SPECIAL RAPPORTEUR

1. At its thirty-sixth session in 1981, the United Nations General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55).
2. This was the culmination of a long process of preparation of the text of the Declaration, preceded by years of intensive and thorough discussion of all aspects of the problem in various human rights bodies of the United Nations.
3. The adoption of the Declaration is without any doubt a step of immense importance in the struggle of the United Nations and the international community against discrimination based on religion or belief.
4. In accordance with its traditional concern with this matter and its active involvement in the search for solutions to the grave problems resulting from discrimination and intolerance on grounds of religion or belief, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to consider at its thirty-sixth session in 1983, the question of updating the Study of Discrimination in the Matter of Religious Rights and Practices prepared by its Special Rapporteur, Mr. Annot Krishnaswami in 1960 I/ to which end it requested the Secretary-General to submit all relevant information (resolution 1982/28).
5. In the same year, in resolution 37/187 of 18 December 1982, the General Assembly requested the Secretary-General to bring the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief to the attention of the appropriate specialized agencies for the consideration of measures to implement the Declaration. The General Assembly also requested the Commission on Human Rights 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.
6. In its turn, the Economic and Social Council adopted in May 1982 decision 1982/L38, in which it requested the Secretary-General to disseminate the Declaration widely, as a matter of priority, and in as many languages as possible, and to issue a pamphlet containing the text of the Declaration in the six official languages of the United Nations.
7. The Commission on Human Rights considered the implementation of the Declaration at its thirty-ninth session and adopted resolution 1983/40, in which it decided, *inter alia*, to request the Sub-Commission to undertake a comprehensive and thorough study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, using the Declaration as terms of reference.
8. At its thirty-sixth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1983/31 by which it:
 - 1/ United Nations publication, Sales No.: 60.XIV.2.

- (a) Recommended to the Secretary-General that the projected seminar on the encouragement of understanding, tolerance and respect in matters relating to the freedom of religion and belief should discuss the development of programmes of education designed to foster religious tolerance, and suggested topics that might be included in such programmes.
 - (b) Appointed Mrs. Odio Benito as Special Rapporteur to undertake the comprehensive and thorough study requested by the Commission on Human Rights in its resolution 1983/40.
9. Do that end, it requested the Special Rapporteur to include in her study:
- (a) A report on the various manifestations of intolerance and discrimination on the grounds of religion or belief in the contemporary world, and on the specific rights violated, using the Declaration as a standard;
 - (b) The various manifestations of intolerance and discrimination on the grounds of religion or belief, identifying their root causes;
 - (c) Recommendations as to specific measures that can be adopted to combat intolerance and discrimination on the grounds of religion or belief, with special emphasis on action that can be taken in the field of education.
- It also requested the Special Rapporteur to include in her study all relevant information received from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, particularly those in consultative status with the Economic and Social Council.
10. At its fortieth session, the Commission on Human Rights adopted resolution 1984/57 of 15 March 1984, in which it recommended that the Economic and Social Council should authorize the Sub-Commission to entrust Mrs. Odio Benito with the preparation of a study, in accordance with the terms of Sub-Commission resolution 1983/31, on the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief.
 11. In accordance with the general objectives specified for the study and the procedure indicated, the Special Rapporteur first gathered and analysed material and documents relating to discrimination and intolerance in the matter of religious rights and practices and belief. They comprised essentially: the outstanding study by Mr. Krishnaswami; other studies on related topics prepared by distinguished Special Rapporteurs of the Sub-Commission; General Assembly, Commission and Sub-Commission documents and resolutions on the subject; the text of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and possible measures to implement it and to combat intolerance and discrimination in those matters; and an account of the stage reached by discussions on the question of preparing a possible international convention on the subject.
 12. In order to gather the reliable information necessary to determine the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief in the contemporary world, and to identify the root causes and propose specific measures to combat them, the Special Rapporteur prepared a revised version of the questionnaire used by Mr. Krishnaswami for his report, using the Declaration as terms of reference.
 13. As the Special Rapporteur has had little time available down to August 1984, she has only been able to prepare this preliminary report - a proposed outline of contents of the final report, and the annexed questionnaire.

PROPOSED OUTLINE OF THE FINAL REPORT

Preface. Terms of reference of the Special Rapporteur and preparation of the study
Introduction

- A. Preliminary considerations concerning the right to freedom of thought, conscience and religion
 - 1. Historical notes
 - 2. Mr. Krishnaswami's study; its continuing relevance
- B. Religious and non-religious beliefs
 - 1. Religious beliefs. Meaning of the term
 - 2. Non-religious beliefs. Meaning of the term
 - 3. The majority-group religions; their philosophical bases
 - 4. Indigenous and minority-group religions
 - 5. Non-religious beliefs
- 6. Religion and the Church. Political importance of the distinction
 - 1. Church and State
 - 2. Confessional States and non-confessional States. Meaning of the terms

Part One

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

- Chapter I Its background
- Chapter II Its scope and effectiveness as an international juridical instrument
- Chapter III Rights protected
 - A. Right to the freedom to have a religion
 - B. Right to the freedom not to have a religion
 - C. Right to the freedom to manifest it individually or in community with others, in public or in private

Dimensions of the problems of intolerance and discrimination based on religion or belief in the contemporary world

Part Two

Chapter I Manifestations of intolerance and discrimination in the present-day world
Typology

Chapter II Specific rights violated:

- A. The freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
 - B. The freedom to establish and maintain appropriate charitable or humanitarian institutions;
 - C. The freedom to make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
 - D. The freedom to write, issue and disseminate relevant publications in these areas;
 - E. The freedom to teach a religion or belief in places suitable for these purposes;
 - F. The freedom to solicit and receive voluntary financial and other contributions from individuals and institutions;
 - G. The freedom to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of a religion or belief;
 - H. The freedom to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
 - I. The freedom to establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.
- Chapter III Possible causes of manifestations of intolerance and discrimination
- Chapter IV Dimensions of the problem from the legal point of view in the national, regional and international settings
- Chapter V Dimensions of the problem from the practical point of view in the national, regional and international settings

Conclusions

Part Three

Part Four

Recommendations

Chapter I

Legislative measures to eliminate, prevent and combat intolerance and discrimination based on religion or belief

A. International law

1. The elaboration of a draft international convention on the elimination of all forms of intolerance and discrimination based on religion or belief
2. Other measures

(a) Role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(b) The establishment of a special body within the United Nations system.

B. Domestic law

1. The enactment of specific laws
2. The repeal of laws

Measures in the field of education to eliminate, prevent and combat intolerance and discrimination based on religion or belief

A. Measures at the international level

1. Campaigns by specialized agencies of the system (UNESCO, ILO)
 2. Campaigns by regional bodies
 3. Campaigns by non-governmental organizations
- B. Measures at the national level

1. Specific campaigns in institutions of formal education (nursery schools, primary schools, secondary schools, universities, technical institutes, etc.), and in civic, political and workers' organizations (trade unions, co-operatives, political parties, cultural associations, etc.);

2. Inclusion of the study of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief in the syllabus of civics and human rights courses in schools.

Annex I
QUESTIONNAIRE

I. MANIFESTATIONS OF INTOLERANCE AND DISCRIMINATION IN THE MATTER OF RELIGION OR BELIEF IN THE TEMPORARY WORLD AND THE SPECIFIC HUMAN RIGHTS VIOLATED

A. Basic principles (adapted from the study by Mr. Krishnaswami and article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief).

1. Constitutional provisions, other written or customary laws and guarantees; administrative proceedings and judicial decisions concerning freedom of thought, conscience and religion in general.
2. Information concerning legal restrictions upon the freedom to manifest religion or belief imposed in order to protect security, public order, health or morals, or the fundamental rights and freedoms of others. This information will indicate the existence or otherwise of constitutional provisions or other laws or judicial decisions restricting the freedom to manifest one's religion or beliefs enacted or imposed for the purposes indicated.

3. Other information concerning the situation of religion and religious groups, including religious minorities. This information will indicate, in particular, whether there is an official religion, whether any particular religion or religion are at a disadvantage or are not recognized by law, whether several religions are recognized (stating which), and whether the principle of separation of Church and State is applied. This information will also indicate, specifically, the situation as it affects indigenous populations and their right to profess their religion or belief.

4. Other information concerning the situation of non-believers and areligious groups. This information will indicate whether or not they suffer from any disadvantage, whether legal or practical, as compared with those professing religious beliefs.

B. Rights covered by article 1 of the Declaration

1. The right to freedom of thought, conscience and religion includes the freedom to have a religion or any belief of each person's choice.

Information concerning any restriction on the right of every person to have and maintain his religion or other belief, to adhere or not to adhere to a particular religion, or any religion, to change a religion or belief without any coercion restricting these freedoms.

This information will include any evidence of persecution, discrimination, restriction, punishment, intimidation or coercion compelling or inducing adherence or non-adherence to a dominant or other religion, or to an areligious or anti-religious or other belief (adapted from Krishnaswami).

2. The right to freedom of thought, conscience and religion includes the freedom to manifest it either individually or in community with others, and in public or private.

Information concerning restrictions in general, legal or practical, upon the right of every person to manifest his religion or belief. (Matters relating to specific types of manifestations and restrictions will be considered in the relevant section).

C. Rights covered by articles 2 to 4 of the Declaration

For the purposes of the present study, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

1. Intolerance: What legislative, administrative, or educational measures have been taken to combat intolerance (understood as distinction, exclusion, restriction or preference) whether proceeding from official circles or individuals or groups of persons, in the field of religion or belief?

What difficulties have been encountered in implementing such measures?

What specific types of intolerance remain?

2. Discrimination:

What measures - including the enactment or repeal of legislation - have been taken to prevent and eliminate discrimination (understood as distinction, exclusion, restriction or preference), whether proceeding from official circles or individuals or groups of persons, on grounds of religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all spheres of civil, economic, political, social and cultural life?

What difficulties have been encountered in implementing such measures?

What specific types of discrimination remain?

3. The information on the above subjects will indicate, in particular,

(a) written or customary laws, administrative or private practices or concrete cases of deprivation or denial of the right to life, personal liberty or private property on grounds of religion or belief;

(b) impairment or curtailment of personal legal standing (for example, denial or loss of matrimonial status, citizenship or the right to obtain identity papers or a passport) on grounds of religion or belief;

(c) denial or deprivation of working rights (for example, unjustified dismissal, denial of employment, postponement of promotion or of admission to training courses, different pay for equal work) on grounds of religion or belief;

(d) denial or deprivation of the right to education on the grounds of religion or belief.

D. Rights covered by article 6 of the Declaration

With regard to each of the following freedoms, please indicate in what way they are protected by law and how they are implemented in practice, as well as legal or practical restrictions imposed on their exercise:

1. The freedom to worship or assemble in connection with religion or belief, and to establish and maintain places for these purposes.

2. The freedom to establish and maintain appropriate charitable or humanitarian institutions, (for example, schools, and hospitals administered or directed by religious organizations).

3. The freedom to make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief.

4. The freedom to write, issue and disseminate relevant publications in these areas.

5. The freedom to teach a religion or belief in places suitable for these purposes.

6. The freedom to solicit and receive voluntary financial and other contributions from individuals and institutions and to send contributions to national and international religious funds.

7. The freedom to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief.

8. The freedom to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief.

9. The freedom to establish and maintain communications with individuals in communities in matters of religion or belief at the national and international levels.

II. MANIFESTATIONS OF INTOLERANCE AND DISCRIMINATION IN THE MATTER OF RELIGION OR BELIEF: THEIR CAUSES

Information concerning manifestations of intolerance and discrimination in the matter of religion and belief and the causes that produce them.

What are the political, economic, social, historical or other causes that may lead to or have led to manifestations of intolerance and discrimination on grounds of religion or belief?

What are the political, economic, social, historical or other causes that may prove an obstacle to the elimination of intolerance and discrimination on grounds of religion or belief?

What measures have been taken to deal with these causes?

Have economic reforms or social changes contributed effectively to the elimination of such causes? Specify.