



Twentieth session
Agenda item 62

ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

- (a) DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE;
- (b) DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

Report of the Third Committee

Rapporteur: Mr. R. St. John MACDONALD (Canada)

1. At its 1336th plenary meeting, on 24 September 1965, the General Assembly allocated to the Third Committee, for consideration and report, agenda item 62 entitled:

"Elimination of all forms of religious intolerance:

- (a) Draft Declaration on the Elimination of All Forms of Religious Intolerance;
- (b) Draft International Convention on the Elimination of All Forms of Religious Intolerance".

The Third Committee discussed the item at its 1299th, 1302nd and 1303rd meetings, on 11 and 13 October 1965.

2. In resolution 1781 (XVII) of 7 December 1962, the General Assembly requested the Economic and Social Council to ask the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth session of the General Assembly,^{1/} any proposal on the matter that might be submitted by Governments and any international instruments already adopted in that field by the specialized agencies,

^{1/} Official Records of the General Assembly, Seventeenth Session, Third Committee, 1165th to 1173rd meetings, and ibid., Plenary Meetings, 1187th meeting.

to prepare: (a) a draft declaration on the elimination of all forms of religious intolerance, to be submitted to the Assembly for consideration at its eighteenth session; (b) a draft international convention on the elimination of all forms of religious intolerance, to be submitted to the Assembly if possible at its nineteenth session and, in any case, not later than at its twentieth session. The Assembly also invited Member States to submit their comments and proposals concerning the draft convention by 15 January 1964.

3. At its resumed thirty-fourth session, the Economic and Social Council, on 19 December 1962^{2/} decided to transmit the General Assembly resolution to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

4. With regard to the draft declaration, the Commission on Human Rights, at its nineteenth session, from 11 March to 5 April 1963, held a brief exchange of views on the General Assembly resolution, and decided (resolution 40 (XIX)) to give priority at its twentieth session to preparing a draft declaration. The Commission requested the Sub-Commission to prepare and submit to the Commission, at its twentieth session, a preliminary draft of a declaration, and requested the Secretary-General to invite the Governments of Member States to submit any proposals which they might wish to make regarding the provisions which such a declaration should contain (E/3743, chap. X). On the recommendation of the Commission, the Economic and Social Council, in resolution 958 F (XXXVI) of 12 July 1963, drew the attention of the General Assembly to the Commission's decision. Owing to the lack of time, the Assembly at its eighteenth session was unable to consider the item and at its 1279th plenary meeting, on 12 December 1963, postponed consideration of the item to its nineteenth session.

5. In accordance with the Commission's request, the Sub-Commission submitted to the Commission at its twentieth session a preliminary draft of a declaration, together with other relevant documentation (E/3873, paras. 291 and 294). The

^{2/} Official Records of the Economic and Social Council, Resumed Thirty-fourth Session, 1238th meeting.

Sub-Commission indicated that the draft represented its general views, consistent with the Principles on Freedom from Discrimination in Religious Rights and Practices that it had adopted in 1960 (E/CN.4/800, resolution 1 (XII)).

6. The Commission, at its twentieth session (E/3873, chap. III), set up a working group to prepare a draft declaration on the basis of the Sub-Commission's preliminary draft and all other relevant documentation. The group was not able to take into consideration more than the first six articles of the text submitted by the Sub-Commission, in relation to which it prepared a provisional text consisting of six articles. At the request of the Commission, the Secretary-General transmitted the report of the working group and the preliminary draft declaration submitted by the Sub-Commission to the Governments of Member States for comments, and he also transmitted those documents and the comments of Governments (E/3925 and Corr.1 and Add.1) thereon to the Council at its thirty-seventh session. The Commission recommended to the Council (E/3873, para. 303) that it give such further consideration as it might deem practicable to the drafting of a declaration in the light of the comments of Governments, and that it transmit the appropriate documents to the General Assembly for consideration at its nineteenth session.

7. By its resolution 1015 C (XXXVII) of 30 July 1964, the Council expressed its high appreciation to the Commission for its work, although the difficulties encountered had not enabled it to complete the draft declaration within the terms of General Assembly resolution 1781 (XVII). The Council decided to refer to the Assembly the Commission's resolution 2 (XX), together with the documents mentioned therein and the records of the debates held on the subject in the Council, and suggested to the Assembly that it take a decision at its nineteenth session on the further course to be followed on the matter (A/5925). Because the Assembly was unable to deal with the matter at its nineteenth session, it was placed on the provisional agenda of the twentieth session.

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF
ALL FORMS OF RELIGIOUS INTOLERANCE

8. The Commission on Human Rights at its twentieth session (see paragraph 3 above and E/3873, chap. III) also decided to prepare at its twenty-first session a draft international convention on the elimination of all forms of religious intolerance

/...

in compliance with General Assembly resolution 1781 (XVII), and it invited the Sub-Commission to prepare and to submit to it a preliminary draft of such a convention.

9. At its twenty-first session, held from 22 March to 15 April 1965, the Commission examined the preliminary draft prepared by the Sub-Commission and adopted a preamble and four articles for inclusion in the draft convention. It was however unable, because of lack of time, to complete its work on the draft convention and decided to give absolute priority to that task at its twenty-second session (resolution 1 (XXI)).

10. On the recommendation of the Commission, the Economic and Social Council, in its resolution 1074 B (XXXIX) of 28 July 1965, drew the attention of the General Assembly to the decision of the Commission (A/5939).

PROCEDURAL DRAFT RESOLUTION

11. The Committee agreed to concentrate its discussion on a procedural draft resolution relating to the preparation of a draft declaration and a draft convention presented by Argentina, Brazil, Canada, El Salvador, France, Greece, Israel, Italy, Jamaica, Japan, Madagascar, Mexico, the Netherlands and the United States of America (A/C.3/L.1215). The operative part of the proposal read as follows:

"1. Regrets that the Economic and Social Council and the Commission on Human Rights were unable to complete the preparation of the draft Declaration and the draft Convention on the Elimination of All Forms of Religious Intolerance in time to submit them to the Assembly at its twentieth session;

"2. Requests the Council to invite the Commission on Human Rights to complete the preparation on the two drafts during the twenty-second session of the Commission in order that they may be submitted to the Assembly at its twenty-first session;

"3. Decides to consider the draft Declaration and draft Convention as a matter of priority at its twenty-first session."

12. Most of the members of the Committee who spoke regretted that the work on the draft Declaration and the draft Convention had not yet been completed, although they recognized that the various bodies charged with their preparation were prevented from doing so because of a heavy workload. They stressed the

importance of eliminating religious intolerance, which they thought was as important as the elimination of racial discrimination, and they hoped that the Commission and the Assembly at their next sessions would deal with the question as a matter of priority. It was pointed out that the draft resolution was purely procedural in nature and merely reaffirmed the wish already expressed by the General Assembly in its resolution 1781 (XVII).

13. Several members, however, expressed surprise that drafting of a declaration and a convention should be carried out simultaneously. In their view the question of the desirability of drafting a convention should be decided and the contents of such an instrument discussed only after the declaration had been completed. Moreover, they pointed out, in addition to the great religions there were a great variety of other religions and beliefs, including those of free-thinkers, which had an equal right to be protected. However necessary it might be to eliminate religious intolerance, the adoption of a convention on the subject could, in certain cases, create unforeseen difficulties. In addition, the procedure of preparing first a declaration and subsequently a convention had been adopted in the case of the Universal Declaration of Human Rights and the draft covenants on human rights, as well as the declaration and the convention on the elimination of all forms of racial discrimination. This point of view was expressed in the amendments of Saudi Arabia (A/C.3/L.1227) to the draft resolution which were as follows:

1. Operative paragraph 2

(a) Replace the words "on the two drafts" by "of the draft Declaration"; (b) Replace the word "they" which appears before "may be submitted", by the word "it".

2. Operative paragraph 3

Replace this paragraph by the following text:

"3. Decides to postpone the question of completing the preparation of the draft Convention until the General Assembly has adopted the draft Declaration".

14. With regard to the Saudi Arabian amendments and the oral amendment of Mauritania to omit operative paragraph 3 because it was unnecessary in the light of operative paragraph 2, it was pointed out that the General Assembly, in its resolution 1780 (XVII) and 1781 (XVII) stressed equally the importance of

eliminating racial discrimination and religious intolerance and that members of the Committee were under an obligation to carry out the decisions of the Assembly which requested the preparation of a declaration and convention in both cases. The drafting of a convention should therefore not be deferred to the future.

The Commission on Human Rights would itself decide on the procedure which it wished to follow in this matter. In this connexion, the representative of India orally proposed that in operative paragraph 2 the words "to make every effort" be inserted before the words "to complete the preparation on the two drafts...".

15. Several members felt that operative paragraph 1 was unnecessarily critical of the work of the Council and the Commission, which had been unable to complete the preparation of a draft declaration and a draft convention solely for lack of time and not because of lack of devotion. At the 1303rd meeting the sponsors of the draft resolution accepted the oral amendments of Mauritania and the amendment of the Philippines (A/C.3/L.1215) for deletion of operative paragraph 1 and withdrew the first operative paragraph of their draft resolution.

16. At its 1303rd meeting, on 13 October, the Committee voted on the fourteen-Power draft resolution (A/C.3/L.1215), as revised by the sponsors to omit paragraph 1, and the amendments thereto as follows:

- (a) The paragraphs of the preamble were adopted unanimously;
- (b) Operative paragraph 1 (formerly operative paragraph 2):
 - (i) The first amendment of Saudi Arabia (A/C.3/L.1227, No. 1 (a)) was rejected by 44 votes to 28, with 13 abstentions;
 - (ii) The oral amendment of India (see paragraph 14 above) was adopted by 58 votes to 20, with 7 abstentions;
 - (iii) Operative paragraph 1, as a whole, as amended, was adopted by 64 votes to 2, with 14 abstentions;
- (c) Operative paragraph 2 (formerly operative paragraph 3):
 - (i) The amendment of Saudi Arabia (A/C.3/L.1227, No. 2) was rejected by 49 votes to 22, with 12 abstentions;
 - (ii) A separate vote was requested by Lebanon on the words "and the draft Convention"; these words were maintained by 52 votes to 22, with 14 abstentions;

(iii) Operative paragraph 2, as a whole, was adopted by 67 votes to 1, with 21 abstentions;

(d) The draft resolution, as amended, as a whole, was adopted by 81 votes to none, with 6 abstentions.

RECOMMENDATION OF THE THIRD COMMITTEE

17. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Draft Declaration on the Elimination of All Forms of Religious Intolerance and draft International Convention on the Elimination of All Forms of Religious Intolerance

The General Assembly,

Recalling its resolution 1781 (XVII) of 7 December 1962, requesting the Economic and Social Council to ask the Commission on Human Rights to prepare a draft declaration on the elimination of all forms of religious intolerance, to be submitted to the General Assembly for consideration at its eighteenth session, and a draft international convention on the elimination of all forms of religious intolerance,

Noting Economic and Social Council resolution 1015 C (XXXVII) of 30 July 1964, suggesting to the General Assembly that it take a decision at its nineteenth session on the course to be followed with respect to the draft Declaration,

Recalling resolution I (XXI) of the Commission on Human Rights concerning the draft Convention on the Elimination of All Forms of Religious Intolerance,

Appreciating the work already done by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the draft Declaration and the draft Convention,

1. Requests the Economic and Social Council to invite the Commission on Human Rights to make every effort to complete the preparation of the two drafts during the twenty-second session of the Commission, in order that they may be submitted to the General Assembly at its twenty-first session;

2. Decides to consider the draft Declaration on the Elimination of All Forms of Religious Intolerance and the draft International Convention on the Elimination of All Forms of Religious Intolerance as a matter of priority at its twenty-first session.