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# IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986

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INTRODUCTION

1. At its forty-second session, the Commission on Human Rights decided, in resolution 1986/20 of 10 March 1986, to appoint for one year a Special Rapporteur to examine incidents and governmental actions inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures for such situations.

2. Pursuant to that resolution the Special Rapporteur submitted a first report to the Commission at its forty-third session (E/CN.4/1987/35). His mandate was extended for one year by Commission on Human Rights resolution 1987/15 of 4 March 1987 adopted at that session.

3. At its forty-fourth session, the Commission had before it a further report by the Special Rapporteur (E/CN.4/1988/45 and Add.1 and Corr.1) and it decided, by resolution 1988/55, to extend the Special Rapporteur's mandate for two years. At its forty-fifth session, the Special Rapporteur submitted his third report (E/CN.4/1989/44) to the Commission.

4. At its forty-sixth session, the Commission on Human Rights considered his fourth report (E/CN.4/1990/46) submitted in conformity with the provisions of resolution 1989/44. During that session, the Commission decided, by resolution 1990/27, to extend his mandate for two years.

5. The report which follows is submitted to the Commission on Human Rights at its present session in accordance with the provisions of paragraph 14 of resolution 1990/27.

6. In chapter I, the Special Rapporteur recalls the terms of his mandate and his interpretation of them, and describes the working methods he used in preparing this fifth report.

7. Chapter II concerns the activities of the Special Rapporteur during the present reporting period. It indicates the answers given by Governments to a questionnaire addressed by the Special Rapporteur to all States for the purpose of shedding light on the way in which certain problems with which he had been seized in earlier years are treated at the legislative level. It also contains allegations duly transmitted to the Governments concerned regarding situations which seem to depart from the provisions of the Declaration as well as the comments formulated in that regard by Governments. In order to be able to submit his report in time for the forty-seventh session of the Commission on Human Rights, the Special Rapporteur has not been able to take account of communications received after 20 December 1990. They will, however, be included in the report which he will submit to the Commission at its forty-eighth session, in 1992.

8. Lastly, in chapter III, the Special Rapporteur submits conclusions and recommendations based on his analysis of the information available on the numerous infringements of the rights set out in the Declaration during the period covered by this report and on the study of measures which could contribute to preventing intolerance and discrimination based on religion or belief.

## I. MANDATE AND WORKING METHODS OF THE SPECIAL RAPPORTEUR

9. In his previous reports, the Special Rapporteur included considerations on the subject of his interpretation of the mandate assigned to him by the Commission (E/CN.4/1988/45, paras. 1-8; E/CN.4/1989/44, paras. 14-18). He particularly stressed its dynamic nature. He therefore considered it necessary in the initial phase to set out the elements of the problem before him and in so doing to identify factors which might be an impediment to the implementation of the provisions of the Declaration; to make a general inventory of incidents and measures inconsistent with those provisions; to emphasize their adverse consequences in respect of the enjoyment of fundamental rights and freedoms; and to recommend a number of remedial measures.

10. In a second phase, the Special Rapporteur deemed it useful to take a more specific approach and to endeavour to identify more precisely particular situations where inconsistencies with the provisions of the Declaration might have been reported. For this purpose he specifically approached a number of Governments and requested clarification of allegations concerning their country in particular. He noted with satisfaction that most of the Governments in question had replied. He deems it essential at the present stage to continue with and to develop this dialogue, which clearly demonstrates a genuine interest in the issues raised in the context of his mandate, and sustains the hope of further mobilization with a view to reaching a solution.

11. This method of direct dialogue with Governments, used experimentally during his previous mandates, has been backed up to some extent during the last three years by the actual terms of Commission on Human Rights resolutions 1988/35, 1989/44 and 1990/27, adopted at the forty-fourth, forty-fifth and forth-sixth sessions. They invite the Special Rapporteur "to seek the views and comments of the Government concerned on any information which he intends to include in his report". In this report, the Special Rapporteur has included the answers provided by Governments to a questionnaire which he addressed to them on 25 July 1990. The questions appearing in it were selected in the light of the dialogue which the Special Rapporteur has been able to establish with many Governments since taking up his mandate and reflect aspects which, in his opinion, call for clarification.

12. The Special Rapporteur welcomed the decision of the Commission in resolution 1990/27 to extend his mandate for a further two years. He considers that the decision will enable him to develop in depth his dialogue with Governments, both generally and specifically, and to offer them further opportunities of providing their comments on issues raised or on particular allegations transmitted to them. This will enable him to present a more comprehensive analysis to the Commission at the end of the two-year period.

13. As in his previous reports, the Special Rapporteur has endeavoured, as the terms of Commission on Human Rights resolution 1990/27 require, to respond effectively to credible and reliable information coming before him, and to carry out his work with discretion and independence. In order to do so, he has drawn on a very broad range of governmental and non-governmental sources, of very varied geographical origins, stemming both from organizations and from



individuals. Among such sources, the Special Rapporteur has endeavoured to take due account of information from religious groups and denominational communities. He has given priority to the use of recent information for the period since the submission of his previous report to the Commission; however, particularly in the case of situations mentioned for the first time, or in order to take account of problems the origins or at least the manifestations of which go back a number of years, he has sometimes made use of earlier information and referred to it.

14. As regards the interpretation and scope of his duties, the Special Rapporteur wishes to reflect here, as in his previous report (E/CN.4/1990/46, paras. 13 and 14), some comments and observations arising out of his mandate. Some of these comments concerned the determination of causes and responsibilities in the field of intolerance based on religion or belief. Although the Special Rapporteur deemed it advisable in his report to the Commission on Human Rights at its forty-sixth session to stress the responsibility which might devolve on Governments in respect of religious restrictions or repression, it cannot be denied, as he stressed in his initial report (E/CN.4/1987/35, paras. 29-45), that the factors hampering the implementation of the Declaration are extremely complex. While intolerance may in some cases be the result of a deliberate policy on the part of Governments, it may also frequently derive from economic, social or cultural tensions, and take the form of acts of hostility or conflicts between different groups. Behind phenomena of intolerance may also be found certain dogmatic interpretations which stir up misunderstandings or hatred between different religious communities or encourage dissension within them.

15. Given this multiplicity of responsibilities, the dialogue established with Governments by the Special Rapporteur and the transmission of allegations concerning their countries in no way implies any kind of accusation or value judgement on the part of the Special Rapporteur, but rather a request for clarification with a view to trying to find, along with the Government concerned, a solution to a problem which goes to the heart of human rights and fundamental freedoms.

## II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

### A. Consideration of general information relating to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, including replies to a questionnaire

16. In the implementation of his mandate and in order to appraise better the constitutional and legal guarantees of freedom of thought, conscience, religion and belief, the Special Rapporteur has been collecting information transmitted to him by Governments, non-governmental organizations and other religious and lay sources, with a view to acquainting himself with the measures taken by States to combat intolerance, and incidents and governmental actions which might be inconsistent with the provisions of the Declaration. The Special Rapporteur wishes to express his gratitude for the thorough and detailed explanations as well as the voluminous legal documentation he has received in this regard.

17. On the basis of the information provided by Governments concerning legislation, the complaints regarding religious discrimination and intolerance received over the years, the answers of Governments concerning these allegations, and in view of the fact that his mandate is not to evaluate national legislation with regard to religious intolerance, the Special Rapporteur decided to examine specific questions that he felt needed additional clarification, within the limitations of his mandate. He therefore selected a number of general questions which he considered particularly relevant in light of the experience he has gained so far and addressed them on 25 July 1990 to all Governments in form of a questionnaire.

18. Most countries provided answers following the structure of the questionnaire. Their replies are reproduced in their totality and have only been summarized as far as purely historical references are concerned. A number of countries did not answer question by question but provided answers of a general nature, excerpts from legislation, or referred to earlier replies. Some countries gave interim replies. To the extent that material could be extracted from these answers, it has been reproduced. In other cases, a descriptive summary has been provided. As replies are still arriving, the Special Rapporteur intends to make an overall analysis in his next report.

19. At the time of the finalization of the present report, on 20 December 1990, replies had been received from the following Governments: Albania, Bahamas, Bahrain, Bangladesh, Chad, Chile, China, Colombia, Cuba, Dominica, Dominican Republic, Ecuador, Finland, Germany, Greece, Grenada, Indonesia, Iraq, Jamaica, Malta, Mexico, Morocco, New Zealand, Nicaragua, Norway, Oman, Romania, Saint Vincent and the Grenadines, Swaziland, Sweden, Switzerland, Tunisia, Union of Soviet Socialist Republics, Uruguay and Yugoslavia.

20. The following paragraphs reflect the questions sent out to the Governments and the answers provided by them.



21. (a) In national legislation or practice, is a distinction made between religion, religious sects and religious associations? If so, what criteria are used for determining which ones are legal or illegal?

#### Albania

"Freedom of religious belief exists and is considered to be a matter of conscience. In legislation as well as in practice, no distinction is made between religions, religious sects or religious associations."

#### The Bahamas

"No distinction is made between religion, religious sects and religious associations."

#### Bahrain

The Government of Bahrain did not provide a specific answer to this question but indicated that the basic law of the State of Bahrain (the Constitution), as well as its general legislation, prohibited discrimination among religious communities, unions and religious organizations, regardless of the faiths, beliefs or ideologies that they professed. It was further indicated that the State guarantees full freedom of religious observance and assembly, without distinction or discrimination, and that all persons were regarded as equal before the law.

#### Bangladesh

"In our national legislations or practice, no distinction is made between religion, religious sects and religious associations. In our Constitution, the equality of every citizen before law has been not only guaranteed but also implemented through the courts of law. The right of every citizen to equality before the law and the equal protection of the laws is directed against both legislative and the executive organs of the State, including all subordinate authorities."

#### Chile

In its reply, the Government of Chile did not provide a specific answer to this question, but stated that "no religious faith has been denied legal personality or had it annulled".

#### China

The Government of China did not provide a specific answer to this question. However, in its general reply, it referred thereto as follows:

"In China all religions enjoy equal status and there is not a particular dominating religion. The Chinese Government encourages religions to respect each other and to coexist in harmony. The State protects the legitimate rights of religious bodies which can manage religious affairs independently according to their own characteristics. This policy of the Chinese Government is in keeping with the basic interests of all nationalities in China and promotes social stability."

Colombia

In its reply, the Government of Colombia did not provide a specific answer to this question, but stated the following:

"... Colombian legislation does not make a distinction between religion, religious sects and religious associations. The criteria that confer legal status on them are based on recognition by the Government through the granting of legal personality; this makes them subject to rights and obligations, in the same way as natural persons."

Cuba

"In Cuba citizens are guaranteed the right to manifest the religion of their choice and to practise their belief without any limitations other than respect for public order and the law, in accordance with the provisions of article 54 of the Constitution of the Republic.

There is no legal distinction between religion, religious sects and religious associations; equal consideration is therefore given to all religions and religious beliefs. Consequently, we do not have an official religion or a State religion, nor do we have a privileged or a persecuted religion.

Religions, religious sects and religious associations enjoy equal legal status under the relevant legislation in Cuba."

Dominica

"There is no distinction made between religion, religious sects and religious associations in the legislation of the Commonwealth of Dominica."

Dominican Republic

"Article 8, paragraph 8, of the 1966 Constitution of the Dominican Republic establishes 'freedom of conscience and worship, subject to public order and respect for public morals'."

Ecuador

"The Constitution now in force prohibits in article 19, paragraph 5, 'any discrimination on grounds of race, colour, sex, language, religion, political or other affiliation, social origin, economic situation or birth ...'.

Further on, in the same article, paragraph 6 guarantees 'freedom of conscience and religion, individually or in community with others, in public or private. Individuals shall be free to practise the religion professed by them, subject only to such limitations as are prescribed by law to protect public safety and morals or the fundamental rights of other individuals'.

These articles show that no distinction is made between religions, religious sects and religious associations, since freedom of worship has the support of the Ecuadorian State, provided it is subject to the provisions of paragraph 6, in view of the need to protect the fundamental guarantees of all Ecuadorians."



Germany

"No. In national legislation and practice no distinction is made between religion, religious sects and religious associations. In terms of religion and ideology, the Federal Republic of Germany is a neutral State which is required by the Constitution to show tolerance towards all such associations. However, only religious communities that are corporate bodies are entitled under Article 140 of the Basic Law, in conjunction with Article 137(6) Weimar Constitution, to levy church tax.

"Our constitution, the Basic Law, provides in Article 4(1) that 'freedom of faith, of conscience, and freedom of creed, religious or ideological, shall be inviolable', and its paragraph 2 reads: 'The undisturbed practice of religion is guaranteed.'

"Article 4(1) guarantees freedom of faith and conscience - the individual's right to express, or not to express ('negative' freedom), his beliefs or non-beliefs. This also includes the right to canvass support for his own faith or to try and convert others. This provision of the constitution also guarantees the 'negative' right not to belong to any faith.

"The rights set out in Article 4 of the Basic Law are enjoyed by everyone, that is to say not only by members of certain faiths but also members of religious sects and religious associations."

Greece

"In accordance with the provisions of article 3 of the Constitution of the Hellenic Republic, freedom of religious conscience and enjoyment of individual and civil rights do not depend on the individual's religious conviction of belief.

"Although for longstanding historical and social reasons the Eastern Christian Orthodox Religion is recognized by the Hellenic Constitution as the official one, all known religions are free and their rites of worship are practised unhindered and under the protection of law, provided they do not offend public order or moral principles. Proselytism is prohibited.

"Greek legislation and practice are in harmony with the above provisions."

In reply to a question by the Special Rapporteur, the Greek Government provided the following additional explanations concerning the prohibition of proselytism:

"As already conveyed, the Greek Constitution stipulates that 'Proselytism is prohibited' (para. 2, art. 13 of the Greek Constitution).

"Moreover, proselytism in Greece is prohibited in accordance with the Penal Law. Indeed, it is qualified as a penal offence in article 4 of Law 1363/1938 of the Penal Code, as amended by article 2 of Law 1672/1939.

"The courts have had the opportunity of defining the term. More specifically, the Council of State, the highest judicial authority of the country, in a number of its decisions, has provided a definition, which can be

summarized as follows: proselytism is the effort to penetrate, through illegal means, into the religious conscience of a person, so as to convert his religious beliefs to the benefit of a certain religion, namely that of the proselytizer (see decisions 2276/1953 (Plenary), 2168/1961, 824/1963, 1533/1965).

"According to the provisions of the Penal Law, proselytism is acknowledged to be conducted:

- by means of any kind of offers, moral or material, or promises for such offers;
- through fraudulent means;
- through the abuse of the inexperience or trust, or through exploitation of the need, the mental inability or naivety, of the person against whom this effort is directed.

"The conduct of proselytism is punishable by imprisonment and fine (up to 50,000 drachmas), the culprit being asked to report periodically to a police station."

Grenada

"National legislation or practice does not make any distinction between religion, religious sects and religious associations."

Iraq

"Iraqi national legislation contains no provisions whatsoever under which discrimination among citizens is permitted on grounds of their religion, their religious sect or their membership of religious associations, with the exception of Masonic lodges, membership of which constitutes an offence under the terms of article 20 of the Iraqi Penal Code, since they are associated with Zionist doctrines which are prohibited in Iraq."

Malta

"There is no distinction between religion, religious sects and religious associations. Everybody has the right to freedom of conscience according to the Constitution and according to Act XIV of 1987."

Mexico

"Mexican legislation or practice make no distinction whatever between religion, religious sects and religious associations.

Article 24 of the Constitution of the United Mexican States guarantees religious freedom in Mexico.

This right to freedom of belief is reaffirmed in article 130 of the Mexican Constitution, which stipulates that 'The Congress may not enact laws establishing or prohibiting any religion'."



Nicaragua

"In conformity with our internal legislation, there is no distinction whatever in Nicaragua."

Romania

"Nowadays there is virtually no discrimination in Romania between religions, religious sects and religious associations; legislation on the activities of religious denominations is being prepared on the basis of democratic principles.

The most eloquent argument for this situation is the fact that the Romanian State, through its government agency, the Secretariat of State for Worship, materially, financially and morally supports the 15 religious denominations that exist in our country. These denominations have opened more than 2,500 new units for worship and religious instruction (churches, places of prayer, monastic establishments, educational institutions, etc.) with a material basis sufficient to meet the needs of believers.

This year, the Romanian State has earmarked 50 million lei for the construction of new churches, for all denominations, as well as 4.1 million lei for the restoration of a number of religious establishments.

The law on religious denominations, which will be drawn up by the 15 denominations officially recognized in Romania, will provide for full freedom of belief in our country.

Further, on the basis of a protocol by the Ministry of Education and Science and the Secretariat of State for Worship, beginning with the school year 1990-1991 lessons in moral and religious education have been introduced into State education. These lessons are optional (they have been organized separately for each religious denomination)."

Saint Vincent and the Grenadines

"No distinction is made in national legislation or practice between religions, religious sects and religious associations. Persons in St. Vincent and the Grenadines are free to practise whatever religious persuasions they wish."

Swaziland

The Government of Swaziland did not provide a specific answer to the question but indicated that there is at present no legislation relating to religion or religious associations, nor are there any court rulings connected with the exercise of the freedom of thought, conscience, religion and belief.

Sweden

"The protection of freedom of religion provided by the Constitution entails the prohibition of provisions which are explicitly directed against a particular religious practice or which, although they have a more general wording, obviously aim to counteract a particular religious movement. Distinctions of the type mentioned in the question, therefore, do not occur."

Switzerland

"Article 4 of the Federal Constitution guarantees the principle of equality in and before the law. Articles 49 (Freedom of conscience and belief) and 50 (Freedom of worship) of the Federal Constitution do not make a distinction between religions, religious sects and religious associations. Freedom of conscience and of belief lies in free personal decisions in religious matters. According to the Federal Tribunal, the highest Swiss Court, it includes the right to practise one's belief (Judgement by the Federal Court (ATF) 57 I 116). Freedom of worship is the right of every individual to perform the acts of the divine service. Article 49 concerns individuals alone, whereas article 50 mainly concerns groups. Freedom of conscience and belief and freedom of worship oblige the State to take a neutral stance on religious issues (ATF 113 I 307). Any religious association may organize itself under private law if it does not pursue a purpose that is unlawful or contrary to public morals. With the exception of the police measures necessary for the maintenance of public order and which, in the traditional formulation used by the Federal Court include security, public peace, health, morality and good faith (ATF 91 I 457) and peace among the various religious communities, the State may not exercise control over them. However, it may declare unlawful any communities which, having been formed as associations, have a purpose or use methods that are unlawful or dangerous for the State (cf. art. 56 of the Federal Constitution).

In Switzerland, however, there is a difference in treatment that is beneficial to some religious communities. Under the constitutional rule on the division of jurisdiction as between the Confederation and the cantons, the cantons remain, within the limits assigned to them by federal law, sovereign in determining their relations with these religious communities. They may therefore prescribe total separation between the two entities or confer on one or more communities public law status, in which case they may aid them by conferring on them, for instance, the right to levy taxes.

At the present time, only the cantons of Neuchatel and Geneva have effected the separation between Church and State. Elsewhere, the Roman Catholic Church and the Reformed Evangelical Church have acquired public law status. Some cantons have also conferred it on the Christian Catholic Church. Basel-Stadt has even extended it to the Jewish community.

The practice of the cantons has been deemed consistent with the principle of equality as well as with the freedom of religion (cf. also art. 2 (2) of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief). Under the judicial practice of the Federal Tribunal, the principle of equality is violated when one treats differently that which is essentially similar or equally that which is essentially different (ATF 103 I 245). In considering one of the privileges of the official churches, namely the tax privilege, the Federal Tribunal concluded, on the ground that 95 per cent of the population belongs to the official churches, that there is an essential de facto difference between Churches with public law status and private religious communities. Consequently, the privileges granted to the former do not violate the principle of equality. With regard to freedom of religion, the Federal Tribunal considered that the existence of official churches restricts



neither freedom of conscience and belief nor freedom of worship. Article 49, paragraph 2, of the Federal Constitution contains an absolute prohibition on compelling an individual to belong to a church (ATF 101 Ia 379), anyone who wishes to leave a church may do so at any time, without being subjected to an irksome or unduly protracted procedure (ATF 104 Ia 79). With regard to article 50 of the Federal Constitution, the Federal Tribunal, in hearing a case in which prison authorities scheduled religious service for members of official churches but did not do so for Muslim prisoners, said as follows: 'Recognition of one religious community as the official church may not be a criterion for the admissibility of a collective religious service.

In so far as the decision to deny Muslim prisoners the celebration of their Friday prayer is based on the fact that the Islamic community does not enjoy public law status, it is seen to be incompatible with the freedom of worship guaranteed by article 50 of the Federal Constitution.'

A popular initiative presented on 17 September 1976, requesting that the cantons should have their sovereignty in ecclesiastical matters withdrawn and that a federal constitutional rule should impose on them the complete separation of State and Church was rejected by a large majority of the people and by all the cantons."

Tunisia

"Neither legislation nor practice in Tunisia make distinctions between religions and sects in the respect and protection due to them.

There is no text determining the legality or otherwise of religions. Religions gain acceptance on their own merits and compel respect by their origin and by the holy books which sanctify them.

However, because of their very structure, religious associations are subject to the Associations Act of 7 November 1959 and amended by the Act of 2 August 1988.

This Act sets out the conditions for the establishment and existence of associations and also concerns foreign associations set up or engaged in any activity in Tunisia.

In order for it to be lawful, the association must not have an object or a purpose which is contrary to the law and public morals or which infringes public order or undermines national territorial integrity and the republican system.

The founders and leaders must not have been convicted for a crime or offence against public morals (art. 2 of the Act).

They are required to deposit at the head offices of the governorate (Regional Administration) or those of the delegation (Subregional Administration) in which the registered office of the association is located, a statement simply giving the name of the association, its object, its purpose and its head office, together with an administrative file.

When a period of three months after the date on which the statement was deposited has elapsed, subject to fulfilment by the association of official announcement formalities and unless, in the meantime, the establishment of the association has been rejected by decision of the Minister of the Interior, the association is legally constituted and entitled to carry out its activities.

A rejection must be substantiated and is transmitted to the persons concerned. Such a decision which is purely administrative, may give rise to an appeal to the Administrative Tribunal for annulment on the grounds of misuse of power."

Union of Soviet Socialist Republics

The Government of the Union of Soviet Socialist Republics did not provide a specific answer to this question but indicated in its general reply that "all religions and faiths are equal before the law" and that "no advantages may be established for, or restrictions placed on any one religion or faith relative to others".

Uruguay

"A constitutional rule (art. 5) prescribes that all religious denominations are free in Uruguay. The State supports no religion whatsoever. Temples used for worship by the various religious sects are exempt from all forms of taxes."

Yugoslavia

"Yugoslav national legislation does not make any distinction between religious associations, irrespective of their internal organization and the number of followers or members. Regardless of how long they have been active in Yugoslavia or how many believers they have, they are all considered as religious communities and as such are completely equal before the law.

Consequently, the term 'religious sect', which members of the largest, 'traditional' religious communities sometimes use in referring to smaller religious communities only recently active in our country, is considered derogatory or insulting.

In view of the significant degree to which all Yugoslav nations tend to identify their religious beliefs with their national feelings, there have been instances in some places of hindrance and abuse of the so-called 'small' religious communities for allegedly 'betraying their own nation'.

Freedom of citizens to organize religious communities to meet their own religious needs is rather wide and the procedure for the registration of new religious communities is so simple that, to our knowledge, there have been no illegal religious activities. However, there are some pro-oriental confessions which have never been organized or registered as religious communities; they practise their faith through societies for transcendental meditation and similar citizens' associations."



22. (b) Does your country afford equal protection both to believers of all faiths and to non-believers (free thinkers, agnostics and atheists)? If not, in what way is the treatment different?

Albania

"All citizens, believers or non-believers, without any distinction whatever, are equal before the law."

The Bahamas

"Equal protection is accorded to all."

Bangladesh

"Yes. In Bangladesh all citizens are equal before the law and are entitled to equal protection of law. No discrimination is made against any citizen on the ground of religion. The right of every citizen to freedom of religion, thought and conscience is guaranteed in the Constitution of Bangladesh."

Chad

The Government of Chad did not specifically answer this question. However, it stated that in Chad believers of all religious persuasions (Muslims, Christians and animists) and non-believers (atheists) receive equal protection and respect, in conformity with the provisions of the Constitution (art. 53) which guarantee freedom of worship.

China

In its reply, the Government of China did not specifically answer this question. However, in its general reply, it referred to it as follows:

"The Chinese Constitution explicitly stipulates 'citizens of the People's Republic of China enjoy the freedom of religious belief.' It means every citizen has the freedom to believe in or not to believe in religions, and the freedom to believe in this sect or that sect within a religion.

...

The Chinese Government gives equal treatment to all Chinese citizens politically and economically, whether they are religious believers or not. Article 36 of the Chinese Constitution provides: 'No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.' Some other Chinese laws carry likewise provisions that all citizens, be they religious believers or not, have the same rights."

Colombia

In its reply, the Government of Colombia did not refer specifically to this question, but stated the following:

"Colombian legislation affords equal protection to the believers of any religious faith and to non-believers, nationals or aliens."

Cuba

"All citizens are afforded equal protection and freedom of conscience, and the right of everyone to manifest any religious belief and to practise the religion of his choice, in a context of respect for the law, is recognized and guaranteed.

No one is persecuted for his religious beliefs or harassed on account of them. Anyone who infringes the law is tried and punished for the offence committed, regardless of the religious belief he professes or no longer professes.

In the new Penal Code, Act No. 62 of 1987, the practice of syncretic religious rites of African origin such as Yorubas, Carabali and Bantu ceased to be a misdemeanour aggravated by criminal responsibility."

Dominica

"Dominica affords equal protection to both believers of all faiths and non-believers."

Dominican Republic

"Yes, since freedom of worship is established in our Constitution, equal protection is afforded to non-believers, free-thinkers and agnostics."

Ecuador

"Article 19, paragraph 5, of the Constitution, guarantees equality before the law for all persons; as pointed out earlier, there must be no discrimination whatever on grounds of religious belief. Consequently, every citizen enjoys the same constitutional guarantees, irrespective of his views on religious questions."

Finland

"The rights and duties of a Finnish citizen are the same, whether or not he or she belongs to a religious community. In respect of public posts, legal restrictions in this regard shall, however, remain in force until a law stipulates otherwise." (art. 9).

Germany

"As already indicated in the reply to question (a), our country affords equal protection to believers and non-believers. Since the Federal Republic of Germany adopts a neutral position with regard to religious and ideological beliefs, it may not give privileged treatment to a particular faith or discriminate against non-believers."

Greece

"As stipulated in article 5, paragraph 2, of the Constitution of Greece, all persons living within the Greek territory enjoy full protection of their life, honour and freedom, irrespective of nationality, race or language, and of religious or political beliefs. Exceptions are permitted only in cases provided by international law."



Grenada

"The 1973 Constitution of Grenada affords equal protection to both believers of all faiths and non-believers (see sections 1,9 and 13 of the Grenada Constitution Order 1973)."

Iraq

"Iraqi national legislation affords equal protection to believers of all faiths, particularly in the case of divinely-revealed religions, and does not interfere with religious or sectarian beliefs except in cases in which these encourage terrorist acts against society. Criminal and terrorist acts are punishable, regardless of the religious or sectarian beliefs of their perpetrators.

Article 25 of the Constitution promulgated in 1970 guarantees freedom of religion, belief and religious observance, provided that it is exercised in a manner consistent with the provisions of the Constitution, the law and the requirements of public order and morality. The official State religions in Iraq is Islam, as stipulated in article 4 of the Constitution. However, although Iraq is therefore in favour of belief in God, the law does not condone any hostile attitudes or measures in regard to non-believers."

Malta

"Equal protection is afforded to believers of all faiths and to non-believers."

Mexico

"Mexican law does not make any kind of distinction between believers and non-believers. Again, it respects the freedom of religious belief and this right affords equal protection to all those individuals who do not hold such beliefs."

Morocco

The Government of Morocco did not provide a specific answer to this question. However, in its general reply, it mentioned that "... the 1972 Constitution clearly states in article 6 that 'Islam is the religion of the State, which shall guarantee the free exercise of religion for all'."

New Zealand

The Government of New Zealand did not provide a specific answer to this question but indicated, in its general reply, that "since the majority of New Zealand residents are of the Christian faith, Christianity has inevitably had an indirect influence on New Zealand law. There is no established church in New Zealand and a variety of religions are practised".

Nicaragua

"In Nicaragua equal protection is afforded both to believers and to non-believers. Article 27 of the Constitution says: 'Everyone is equal before the law and entitled to equal protection. There shall be no

discrimination on grounds of birth, nationality, political credo, race, sex, language, religion, opinion, origin, economic position or social status'. Article 29 says: 'Everyone is entitled to freedom of conscience, thought, and to profess or not to profess a religion. No one may be subjected to coercion that would impair these rights or compelled to declare his credo, ideology or belief'."

Norway

In its reply, the Government of Norway did not specifically answer this question. However, in its general reply, it referred to it as follows:

"Article 2, first paragraph, of the Norwegian Constitution expresses the right to freedom of religion as follows: 'All inhabitants of the realm shall have the right to free exercise of their religion'.

...

Norwegian legislation affords equal protection to both believers of all faiths and non-believers."

Romania

"In Romania, believers and non-believers are treated in the same way. The law at the present time does not provide for any exceptions as far as religious denomination is concerned. Today, our country, as an integral part of democracy, guarantees freedom of thought, conscience, religion and beliefs of any kind. In this regard, we would point out that, since the revolution in December 1989, persons who are held in Romanian prisons and belong to a religion are entitled, on request, to the benefit of a religious service."

Saint Vincent and the Grenadines

"The Constitution of St. Vincent guarantees protection to all citizens and assures equality of treatment whatever the citizen's attitude to religion is."

Swaziland

The Government indicated that Swaziland is presently a multidenominational country which affords equal protection to believers of all faiths and to non-believers.

Sweden

"Believers and non-believers (agnostics, atheists) are treated equally in all aspects."

Switzerland

"Belief, within the meaning of article 49 of the Federal Constitution, is any relationship between man and the deity. Religion is viewed in a broad sense. It includes the right to believe in a god, to believe in more than one god, to believe in none, to believe in nature or in man in general. Although freedom of conscience and belief relates first of all to a 'forum internum',



to a state of mind, the judicial practice of the Federal Tribunal shows that it also encompasses freedom to express and to spread one's religious beliefs, provided the limits of public order are respected. Within those limits, criticism of the religious opinions or beliefs of others must therefore be tolerated, for it is the corollary to spreading one's belief (ATF 57 I 116). Protection of believers of all faiths and non-believers is therefore guaranteed under the same basic law, and in the event of an alleged breach of that law, anyone can lodge an appeal with the Federal Tribunal (see the reply to question (h) for more details)."

Tunisia

"Equal protection is unquestionably afforded: it is rooted in tradition and is of fundamental importance in Tunisia.

The Tunisian Constitution of 1 June 1959, which has been amended on a number of occasions and is still in force, stipulates in article 5 that: 'The Republic of Tunisia guarantees the inviolability of the human person and freedom of conscience and protects free practice of religious worship ...'.

Article 6 of the Constitution goes on to add: 'All citizens have the same rights and the same duties. They are equal before the law'.

More recently, the National Pact, signed on 7 November 1988 by representatives of various political movements, affirmed that 'protection of fundamental human freedoms involves strengthening the values of tolerance, rejecting all forms of extremism and violence, and non-interference in the beliefs and in the behaviour of others, and above all in their opinions, so that religion remains free of any constraint'. It also emphasizes that 'The principle of equality is no less important than the principle of freedom. The equality of individuals means equality between men and women, without any distinction on grounds of religion, colour, opinion or political credo'."

Union of Soviet Socialist Republics

The Government of the Union of Soviet Socialist Republics did not provide a specific reply to this question. However, in its general reply, the following was indicated:

"Citizens of the USSR are equal before the law in all aspects of civil, political, economic, social and cultural life, irrespective of their attitude to religion."

Uruguay

"In our country there is no difference whatsoever in the treatment afforded to citizens who manifest a different religious faith. Article 8 of the Constitution states that 'all persons are equal before the law, and the sole distinction between them is that of talents or virtues'."

Yugoslavia

The Government of Yugoslavia provided the same reply to questions (a), (b) and (c).

23. (c) How does your country protect the right of its citizens to practise their faith when they constitute a religious minority?

Albania

"There is no interference in the private life of individuals, and consequently of members of minorities".

The Bahamas

"There are no prohibitions on the practise of any religion".

Bahrain

In its reply, the Government of Bahrain stated that no group of Bahraini citizens constitutes a minority in or outside the country.

Bangladesh

"Subject to law, public order and morality, every citizen has the right to profess, practise or propagate any religion in the country. Every religious community or denomination has the right to establish, maintain and manage its religious institutions, and this right of the citizen has been guaranteed by the Constitution of the State. The Government of Bangladesh has constituted Trust Funds (with taka 10 million each) for the maintenance and upkeep of worship of all religious faiths, including that of Hindus, Christians and Buddhists. The control and management of the Trust Funds have been placed at the disposal of the representatives of the respective religions."

Chad

In its general reply to the questionnaire, the Government of Chad emphasized that all citizens are protected by the law, whether or not they belong to the religious majority or minority.

Chile

In its reply, the Government did not refer specifically to this question, but it stated the following:

"In view of its Hispanic heritage, Chile is basically a Catholic country. However, in recent years various Protestant and Evangelical faiths have spread in spectacular fashion ... The only difference that remained between the various churches was the result of the administrative and judicial interpretation of the provision whereby the Catholic Church maintained legal personality under public law, whereas all other churches could lawfully establish themselves as bodies corporate under private law ... The importance of the difference lies in the fact that all non-Catholic Churches are dependent to some extent on the administrative authorities."



Colombia

In its reply, the Government of Colombia did not refer specifically to this question, but it stated:

"... for historical reasons, Catholicism is the religion of most Colombians. For this and other reasons, a Concordat was agreed with the Holy See and it governs relations between the State and the Church ... In this regard, it should be pointed out that the Concordat is not inconsistent with recognition of freedom of conscience, nor does it impair the right of non-Catholics to immunity from coercion in religious matters, nor does it jeopardize the equality of all citizens before the law ... In Colombia, minority groups are not, because of their religious practices, a target of flagrant violations on grounds of religious belief."

Cuba

"The right of individuals to practise their religion, even when they form a minority, is protected under constitutional rules. Article 54 of the Constitution specifically sets out this right."

Dominica

"Dominica protects the right of its citizens to practise their faith when they constitute a religious minority, under the Commonwealth of Dominica Constitution Order 1978."

Dominican Republic

"In our country, it is recognized that the chief aim of the State is to afford effective protection of the rights of the individual and to maintain the means for gradual improvement within a system of freedom for the individual and social justice compatible with public order, the general welfare and the rights of all."

Ecuador

"Ecuador has not had an official religion since 1897, and hence no church enjoys special protection. Nevertheless, the population of Ecuador is, in the main, of the Roman Catholic faith. Despite this majority, various religious are freely practised in Ecuador and indeed the most varied sects have emerged in recent years. They too enjoy all the necessary guarantees to manifest their beliefs in public".

Germany

"Article 4(2) of the Basic Law guarantees the undisturbed practice of religion. Thus, in conjunction with Article 3(3) - no one may be prejudiced or favoured because of his sex, his parentage, his race, his language, his homeland and origin, his faith, or his religious or political opinions (emphasis added) - all persons, therefore, including minorities, may practise their religion freely and without hindrance.

"These rights are also upheld by the country's laws. For instance, sections 166 to 168 of the Penal Code refer to violations of the freedom of

religion and creed. Anyone can have recourse to the courts if he feels that these basic rights and genuine laws have been violated. This, too, is guaranteed by the Constitution (art. 19 (4))."

Greece

"There is a Muslim minority living in Greece (Western Thrace), whose religious rights are fully protected as provided for in the Constitution and in the Treaty of Lausanne of 1923. In this respect, it should be remembered that in accordance with article 28, paragraph 1, of the Greek Constitution, international conventions, treaties, etc., when ratified by Parliament, become operative and constitute an integral part of domestic Greek legislation; they prevail over any contrary provision in domestic national law.

In this context, it should also be noted that, today, there are 258 mosques and 78 smaller religious establishements (mescids) served by 460 Muslim ministers (Imams).

Furthermore, the Greek State spends large amounts of money for the maintenance of these Muslim religious establishments. During the last 15 years, at least 40 religious establishments have been repaired, the relevant expenditure incurred by the Greek State."

Grenada

"This right is declared and entrenched under Chapters I and III of the Constitution. The citizen is given an unrestricted right under section 16 of the Constitution to apply to the High Court for redress if he alleges that that right is being or is likely to be contravened in relation to him."

Indonesia

In its reply, the Government of Indonesia did not provide a specific answer to this question. However, in its general reply, reference was made to certain aspects of this question, as follows:

"... although 90 per cent of 180 million Indonesians are Muslims, we do not adopt the terms 'majority' and 'minority' as these words are generally understood. In our community where the spirit of deliberation and consensus is upheld, irrespective of whether we are Muslim, Hindu, Buddhist or Christian, we are first and foremost Indonesians, with the inherent right to adhere to the religion of our choice."

Iraq

"Article 5 (b) of the Constitution explicitly recognizes all the legitimate rights of all the minorities, within the framework of Iraqi national unity, and the national legislation allows minorities full freedom to establish social and cultural associations and clubs. Article 200, paragraph 2, of the Penal Code stipulates that any person who provokes or propagates confessional or sectarian bigotry, incites others to engage in racial or intercommunal strife or stirs up a feeling of animosity among the population of Iraq is punishable by law. Under article 202 of the Penal Code, any person who insults any section of Iraqi society is also punishable. Article 372 of the Penal Code likewise prescribes penalties for any person who



publicly attacks the beliefs of a religious community or disparages or deliberately misrepresents its observances, celebrations or religious gatherings, who damages, destroys, defaces or desecrates a place of worship of a religious community, a religious symbol or other object of religious veneration, who publicly insults a symbol or person held sacred, venerated or respected by a religious community or who publicly mimics a religious ceremony or celebration with a view to turning it into an object of ridicule."

Malta

"Minorities have full freedom to practise their religion and this freedom is protected by the Constitution."

Mexico

"Article 24 of the Constitution states that 'Everyone is free to manifest the religious belief of his choice and to practise the related ceremonies, devotions or acts of worship ...'. Consequently, Mexican law respects the right of citizens to practise any type of religion, regardless of whether it is a minority religion in Mexico."

Morocco

The Government of Morocco did not provide a specific answer to this question. However, in its general reply, reference was made to certain aspects of this question, as follows:

"The Kingdom of Morocco, although a Muslim State, guarantees non-Muslims the right to practise their faith freely. This can be seen in regard to the Jewish and Christian religions, which are quite widespread compared with the others. This is a sign of the very high toleration in Morocco for the religions of the Book."

Nicaragua

"The criterion is recognition that all persons, either alone or in community with others, are entitled to manifest their religious beliefs in private or in public, in their worship, practices and teachings (art. 69 of the Constitution). As to the minorities of Nicaragua's Atlantic Coast, the State guarantees preservation of their cultures, languages, religions and customs (art. 180 of the Constitution)."

Oman

The Government of Oman did not provide a specific answer to this question. However, in its general reply, reference was made to several aspects of the question, as follows:

"Oman is a Muslim country with 100 per cent of the population adhering to the religion of Islam. Among the indigenous population of the country there are no religious minorities and there has never been any religious strife or clashes in the country. Therefore there was no need to make any special laws or protective measures in this respect."

Romania

"The Orthodox Church is the largest church in Romania. All other religious faiths number only a few million believers. All faiths none the less have the same right to perform their religious services in their own establishments in accordance with their doctrine, and have the right to build their own establishments and to train officiators in their own schools.

If the principles of the doctrine of a religious minority do not conflict with the interests of the State and public morals, the minority is legalized. In the period from January to September 1990, more than 25 religious associations which had not existed under the Communist régime were legalized."

Saint Vincent and the Grenadines

"The Constitution, the supreme law of the land, affords protection to religious minorities. Access to the Supreme Court is available to any person who alleges any attack or threat of attack on his right to practise his religion."

Sweden

"As described in the replies provided on previous occasions, different religions are treated equally in terms of the right to worship. In the first Chapter of the Constitution the following general principle is laid down: 'Opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own' (Chap. 1, art. 2, last para.). The regulations which serve to protect freedom of religion, briefly described below under (h), do of course apply to the same extent for minorities."

Switzerland

"Any religious community may avail itself of freedom of worship to perform acts of the divine service in the forms prescribed by the community, without, in principle, needing to request authorization from the State or to undergo any supervision. Religion is taken in the broad sense (cf. (b)). Consequently, freedom of worship signifies protection not only of 'traditional' religions but also of new forms of worship. It is apparent from judicial practice that freedom of worship may be invoked more particularly by all kinds of Christian associations (including the Salvation Army, ATF 20 I 744; Jehovah's Witnesses, ATF 57 I 112; Christian Science, ATF 51 I 485), all universal religions and subgroups (Islam, ATF 113 I 304; the Jewish community, including status as an official church in the canton of Basel-Stadt), as well as new communities such as the Scientology Church (Dec. Eur. Comm. DH of 14 July 1980, No. 8282/78, DR 21, pp. 109 et seq.) or the Divine Light Centre of Swami Olukarananda (Dec. Eur. Comm. DH of 19 March 1981, No. 8118/77, DR 25, pp. 105 et seq., 135/135)."

Tunisia

"Tunisia, which is predominantly Muslim, does not ignore its duty to protect religious minorities.



Such minority communities, Jewish or Christian, benefit from the necessary de jure and de facto protection.

Article 48-2 of the Press Code, promulgated under Act No. 75-32 of 28 April 1975, stipulates imprisonment for three months to two years and a fine as the penalty for an insult (in the press or by any other intentional method of dissemination) against an authorized religion.

Article 53 of the Code adds that defamation by the same means of a group of persons belonging by origin to a particular race or religion is punishable by imprisonment for one month to one year in addition to a fine, if the aim is to incite hatred amongst citizens or inhabitants.

These provisions are not the first to ensure protection of worship. As early as 1913, the Penal Code (still in force) stipulated imprisonment in addition to a fine for anyone who destroys, demolishes, defaces or defiles buildings, memorials, emblems or objects used for religious worship (art. 161).

The same penalties apply to anyone who defaces or destroys books or manuscripts kept in religious buildings (art. 163).

This relates to protection of religious places and property, and the law does not overlook the elimination of obstacles to the practice of a religion.

For example, disturbing or hindering the practice of religious worship or performance of religious ceremonies is punishable by six months' imprisonment and a fine, without prejudice to heavier penalties incurred for insults, assault or threats (art. 165).

Again, the Tunisian Penal Code does not fail to safeguard freedom to practise or not to practise religious worship; article 166 stipulates a penalty of three months' imprisonment for anyone who, without legal authority, uses violence or threats to force anyone to engage or not to engage in religious worship.

This attitude is even reflected in civil procedures for the enforcement of sentences and for serving notices. For instance, article 292 of the Tunisian Code of Civil and Commercial Procedure prohibits any act of enforcement of a judgement on religious holidays or in religious ceremonies, either for Muslims, or for Jews or Christians."

Uruguay

"The rights of citizens forming a minority religious group are fully guaranteed in Uruguay, in addition to the religious belief concerned. Citizens enjoy the right to free association (art. 39 of the Constitution), the right to peaceful, unarmed assembly (art. 38 of the Constitution), the right to free expression of thought (art. 29 of the Constitution), the right to ownership (art. 29 of the Constitution), and all other rights inherent in the individual or stemming from the republic form of government (art. 72 of the Constitution)."

Yugoslavia

The Government of Yugoslavia provides the same reply to questions (a), (b) and (c).

24. (d) Does your country apply the principle of reciprocity as regards the practice of religion by foreigners?

Albania

"With regard to civil rights, the law places foreigners on an equal footing with Albanian nationals."

The Bahamas

"Foreigners have an unfettered right to practise their religion."

Bahrain

The Government of Bahrain did not provide a specific answer to this question but indicated the following in its general reply:

"The State of Bahrain believes that the principle of reciprocity between States should be taken into consideration and respected in some fields. However, it does not believe that this applies to matters relating to human rights, such as freedom of religious observance. In the State of Bahrain, foreigners professing a variety of faiths and beliefs enjoy the right to practise their religion in their own places of worship, without regard for any other considerations.

These rights are protected by law in accordance with the above-mentioned provisions."

Bangladesh

"In Bangladesh, the practice of religion by foreigners is free. Like the citizens of the country, the foreigners also enjoy the same freedom of religion, thought and conscience."

Chad

The Government of Chad did not provide a specific answer to this question, but none the less pointed out that foreigners living on Chadian soil freely practise their religion, subject of course to observance of the laws of the Republic.

China

In its reply, the Government of China did not specifically answer this question. However, in its general reply, it referred thereto as follows:

"The Chinese Government has always supported domestic religious organizations and personages to develop friendly intercourse and academic exchanges with foreign religious organizations and personages, according to the principle of 'independence and self-management' and on the bases of total equality and mutual respect, for promoting mutual understanding and friendship and making contributions to the just and peaceful cause of mankind.

The Chinese Government respects the religious belief of foreign nationals in China and provides convenience for their normal religious activities. At



the same time they are required to abide by Chinese laws and to respect the sovereign rights of the Chinese churches. Article 36 of the Chinese Constitution stipulates 'Religious bodies and religious affairs are not subject to any foreign domination'."

Colombia

The Government of Colombia did not refer specifically to this question, but stated the following:

"Foreigners have the same rights as nationals in regard to freedom of conscience and religious practices."

Cuba

"There are no differences regarding foreigners, who are entitled to practise their religious beliefs when they are in Cuba."

Dominica

"Dominica applies the principle of reciprocity as regards the practice of religion by foreigners."

Dominican Republic

"Foreigners in our country enjoy the same civil rights as Dominicans and, unless they infringe our laws, act with complete freedom."

Ecuador

"Under article 14 of the Constitution, foreigners enjoy the same rights as Ecuadorians, but they are excluded from the exercise of political rights. In Ecuador, as pointed out earlier, everyone, whether Ecuadorian or foreign, enjoys the broadest freedoms and guarantees and may freely practise his religion, subject only to the limitations prescribed by law in order to protect public safety and morals or the fundamental rights of other individuals (art. 19, para. 6, of the Constitution)."

Germany

"No. Irrespective of the principle of reciprocity, foreigners, as already mentioned, are free to practise their faith."

Greece

"As mentioned above, all known religions are free in Greece and their rites of worship are practised unhindered and under the protection of law. The rules of international law and of the relevant international conventions are applicable to aliens under the condition of reciprocity."

Grenada

"Grenada does not apply the principle of reciprocity as regards the practice of religion by foreigners."

Iraq

"This does not pose a problem in Iraq, since the principle of freedom of religion and belief is fully recognized."

Malta

"No."

Mexico

"Freedom of worship is guaranteed to nationals and foreigners alike under the Mexican Constitution. However, article 130 prescribes that 'Anyone who is a minister of religion in the United Mexican States must be Mexican by birth'. The principle of reciprocity as regards the practice of religion by foreigners is not mentioned in Mexican law."

Nicaragua

"In Nicaragua, any religious practice by foreigners is respected, for foreigners have the same duties and rights as Nicaraguans (art. 27 of the Constitution)."

Norway

In its reply, the Government of Norway did not specifically provide an answer to this question. However, in its general reply, it indicated that:

"Norway does not apply the principle of reciprocity as regards the practice of religion by foreigners."

Oman

The Government of the Sultanate of Oman did not provide a specific answer to this question but stated that it has traditionally maintained religious freedom not only for the country's citizens but also for all the aliens who belong to different countries and follow different religions. It has also indicated that it has not only allowed them to practise their religions but given them free land to build places of worship, churches and temples which are administered and run by the respective communities, that there is a complete harmony among the locals and foreigners and that it is fully satisfied with the protection given to everyone irrespective of race and creed.

Romania

"Yes. The principle of reciprocity is applied as regards foreigners who practise their own religion."

Saint Vincent and the Grenadines

"Yes. Foreigners are free to adopt whatever religious practices they wish consistent with the exercise of the same right by citizens."

Sweden

"Aliens are guaranteed equal rights with Swedish citizens in terms of freedom of religion (Chap. 2, art. 2, of the Constitution)."



Switzerland

"The practice of a religion different from the religion of the majority does not, in Switzerland, entail any special restrictions or prohibitions, despite the fact that some foreign countries, on their own territory, recognize that foreigners of a different religion are free to practise their religion only in their home and in the limited setting of the family."

Tunisia

"Foreigners, like nationals, benefit from the necessary protection for the free practice of their religion.

Everyone is guaranteed such protection even under Tunisia's Constitution (art. 5), provided public order is not disturbed.

However, for the purposes of better organization, the matter can always be the subject of an agreement between the Tunisian Government and the parties concerned.

For example, an agreement between the Government of the Republic of Tunisia and the Holy See was signed at the Vatican on 27 June 1964 and it sets out the conditions for engaging in religious worship and for the establishment of the Catholic Church in Tunisia."

Uruguay

"Foreigners, regardless of the reasons for which they are living on Uruguayan territory, enjoy the same rights of freedom of expression and association as do the other inhabitants of the country. Similarly, they are under a legal obligation not to form illegal associations and to ensure that practice of their religion does not in itself entail acts contrary to the law and to public morals."

Yugoslavia

"Foreign nationals are free to practise their faith in Yugoslavia without restriction. There is only one kind of restriction - the requirement of prior notification to local internal affairs authorities by foreign priests who wish to perform religious services for either Yugoslav or foreign nationals although, in practice, this notification is not insisted upon.

Foreign residents in Yugoslavia practise their religion freely in the places of worship used by corresponding Yugoslav religious communities. In tourist resorts where large groups of visitors speak a foreign language (German, Italian, etc.), religious services are provided in those languages, and, if necessary or if requested by those foreigners, also performed by priests from their own countries.

Since there is a large Catholic community, two Orthodox religious communities, many Protestant religious communities and a Muslim community in Yugoslavia, foreigners have wide possibilities and good conditions to practise their religion."

25. (e) How does your country deal with conscientious objection to compulsory military service?

Albania

"In practice, there have been no cases of conscientious objection to compulsory military service. There are no special provisions governing such cases."

The Bahamas

"There is no compulsory military service."

Bahrain

In its reply, the Government indicated that "military service is not compulsory in the State of Bahrain; it is voluntary and based on the principle of patriotism, Arab national identity and the citizen's own wishes. Accordingly, the question of objection or refusal to perform military service does not arise."

Bangladesh

"Military service is not compulsory in our country. So, this question does not arise."

Chile

In its reply, the Government of Chile stated the following:

"Unfortunately, Chilean law does not provide for conscientious objection to military service, which is compulsory in character.

However, in view of the country's economic limitations, less than 20 per cent of young men actually do military service. This means that, for the large majority of conscientious objectors, it is perfectly possible not to do military service. Again, in view of the foregoing, the State unofficially agrees that persons training to become priests, preachers or ministers in the various churches are exempt. It also agrees that Jehovah's Witnesses should not do military service.

...

In any event, there is increasing concern in various circles in Chilean society about the need for formal respect of conscientious objection and to introduce a community service so that all Chilean youths will make a social commitment and a concrete contribution to the poorest social groups."

Colombia

In its reply, the Government of Colombia did not specifically refer to this question, but it said the following:

"... the law 'shall determine the conditions which, at any time, allow exemption from military service'. In this respect, and despite the fact that



immunity from coercion in religious matters is embodied in article 53 of the Constitution, so that nobody can be compelled 'to observe practices contrary to his conscience', this provision has not been supplemented by rules on the situation of conscientious objectors towards military service, for requests of this kind are not consistently made in our country."

Cuba

"Conscientious objection to compulsory military service by some religious communities has been solved in a practical manner. For example, members of the Seventh Day Adventist Church, who object to bearing arms and firing weapons, are used during their military service as drivers, stretcher bearers, cooks, and so on. Again, Jehovah's Witnesses, who demand to be exempt from military service, are either not called up - which does not signify that the Government recognizes their requests - or they may opt for the Young Peoples' Labour Army, which takes part in paid activities."

Dominica

"Dominica has no military service. Consequently, it does not have to deal with conscientious objection to compulsory military service."

Dominican Republic

"There is no compulsory military service in the Dominican Republic."

Ecuador

"Both the Constitution and the law on military service specify that it is a civic duty compulsory for all Ecuadorian males from 18 to 55 years of age. According to the Ministry of Defence, so far no cases of conscientious objection have arisen, and if they should, such convictions would not constitute a reason for exemption from military service."

Finland

Generally speaking, military service in Finland means bearing arms. In some circumstances, armed military service may be replaced by unarmed military service or by community service. Authorization for unarmed service or community service requires jusitification of religious or moral beliefs which forbid bearing arms. Hitherto, a special committee of inquiry was in charge of determining whether the beliefs advanced by conscripts were genuine and whether authorization for another kind of service was to be granted or refused.

As from 1987, Finland will adopt a system under which the religious or moral beliefs of conscripts will no longer need to be determined. At the same time, the substitute community service will be prolonged and will now last 16 months (normal military service lasts 8 to 12 months). In addition, a member of the Jehovah's Witnesses religious community may benefit periodically from deferral and ultimately from exemption from military service in times of peace.

The above-mentioned provisions appear in the Act amending the Unarmed Military Service and Substitute Community Service Act (647/85). Articles 1 and 3 of the Act state:

"A person who, for serious reasons connected with profound religious or moral beliefs, cannot perform armed military service as provided for in the Military Service Act (452/50) may request exemption in times of peace. While exempted from armed military service he shall perform unarmed military service or a substitute community service in accordance with the provisions of this Act (art. 1). Unarmed military service shall be 90 days longer, and substitute community service shall be 240 days longer than normal military service." (art. 3).

Paragraph 1 of article 1 of the Act on exemption from military service for Jehovah's Witnesses in certain circumstances (645/85) stipulates:

"Anyone who furnishes proof that he is a member of the religious community registered as Jehovah's Witnesses and declares that, for serious reasons connected with profound beliefs, cannot perform armed military service or a substitute service may, despite the provisions of the Military Service Act (452/50) and the Unarmed Military Service and Substitute Community Service Act (132/60), benefit from deferral and be exempted from military service in times of peace, in accordance with provisions of this Act."

Germany

"According to Article 4(3) of the Basic Law, everyone has the basic right to object to compulsory military service on grounds of conscience. That provision reads: 'No one may be compelled against his conscience to render war service involving the use of arms'. Details shall be regulated by a federal law.

'War service' in this sense is any activity directly connected with the use of weapons of war. The right to refuse military service is given a wide interpretation and also applies in times of peace. Refusal to do military service must be the result of a decision of conscience. Whether such refusal is justified is determined in a statutory procedure. However, those who are recognized as conscientious objectors are required, by virtue of the principle of equality before the law anchored in Article 3 of the Basic Law, to perform a substitute service. The relevant provision of the constitution (Art. 12a (2) of the Basic Law) reads as follows:

A person who refuses, on grounds of conscience, to render war service involving the use of arms may be required to render a substitute service. The duration of such substitute service shall not exceed the duration of military service. Details shall be regulated by a law which shall not interfere with the freedom of conscience and must also provide for the possibility of a substitute service not connected with the armed forces or the federal border guard.

The laws governing refusal on grounds of conscience to serve in the armed forces, dated 28 February 1983 (Federal Law Gazette Part I, p. 203), amended by the law of 30 June 1989 (Federal Law Gazette Part I, p. 1290), and civilian service by conscientious objectors, as published by notification of 31 June 1986 (Federal Law Gazette Part I, p. 1205), amended by article 5 of the law of 26 June 1990 (Federal Law Gazette Part I, p. 1211-1216), stipulate that 'persons who refuse on grounds of conscience to be involved in the use of force between States and therefore invoke Article 4 (3), first sentence, of the Basic Law in support of their refusal to render military service with the



use of arms (...) shall instead render substitute service outside the Federal Armed Forces in accordance with Article 12a (2) of the Basic Law (section I of the Conscientious Objectors Act)'. 'Recognized conscientious objectors who render civilian service are required to do work which serves the general public, especially in the social sphere' (section I, Civilian Service Act). In lieu of civilian service recognized conscientious objectors may also work in a development or charitable or relief service abroad. Thus no one may be compelled to do military service, but those who refuse are required to complete a period of substitute civilian service, usually in the social field."

Greece

"In Greece, the question of conscientious objection to military service is regulated by Law 763 of 1988, which offers an alternative, weaponless, military service of double the duration of normal service. The additional weaponless military service is in conformity with the European Convention of Human Rights of 1950 (article 4, para. 3b)."

Grenada

"There is no compulsory military service in Grenada."

Iraq

"This does not pose a problem in Iraq, since the performance of military service is an honour for all citizens, who have a legal obligation to perform it."

Malta

"There is no compulsory military service in Malta."

Mexico

"The Mexican Constitution establishes in article 31 that it is an obligation of Mexicans 'To attend, on such days and at such times as the municipality in which they live may prescribe, in order to receive civic and military training ... '. Military training in Mexico is generally done under a highly flexible system, unlike other countries, where the system of military billeting is compulsory. However, Mexican law does not provide for conscientious objection to compulsory military service."

Nicaragua

"In Nicaragua there is no conscientious objection to compulsory military service. At the present time, the Act regulating such service is suspended and the intention is to waive it."

Norway

In its reply, the Government of Norway referred to this question as follows:

"Norwegian provisions on the question of conscientious objection to compulsory military service are set out in the Act of 19 March 1965 relating to exemption from military service for reasons of personal conviction.

Section 1 first paragraph of the Act which lists the conditions for exemption, reads as follows: 'If there is reason to assume that a conscript is unable to perform military service of any kind without coming into conflict with his serious convictions, he shall be exempted from such service by the competent ministry or by judgment pronounced pursuant to the provisions of this Act.'

Each year there are some 2,000-2,500 applications for exemption pursuant to the Act. The Ministry of Justice, which is the competent ministry, grants approximately 80 per cent of these applications. About 40 per cent of the remaining cases are brought before a court, and some 80 per cent of these applicants are also exempted.

Those who are exempted from military service in accordance with the above-mentioned Act are required to perform compulsory civilian service."

Romania

"The Constitution in our country is being prepared on the basis of new principles. Previous legislation severely penalized those who refused to perform military service. Today, even before the new Constitution has been prepared, the Government of Romania has decided that theological students are exempt from military service".

Saint Vincent and the Grenadines

"There is no compulsory military service in St. Vincent and the Grenadines."

Sweden

"On the issue of the right to conscientious objection I should like to refer to the information presented on these issues in the note of the Swedish Government of 20 December 1989 regarding resolution 1989/59 of the Commission on Human Rights, entitled 'Conscientious objection to military service'. A copy of the note is enclosed for your convenience."

Swedish military defence is based on general conscription for men. The Act on Compulsory Military Service (1941:967) has the character of a general compulsory law which clearly prescribes that Swedish men from 18 to 47 years of age are liable for military service and may be called up for training and other service. There are few exceptions to the general rule that all Swedish men are liable for military service. Exemption from carrying out military service may be granted for physical and/or mental reasons. In addition, by virtue of the Act on Non-combatant Service (1966:413), there are possibilities for persons liable for military service to perform non-combatant service instead of military service.

According to Section 1 of the Act on Non-combatant Service, this service may be performed instead of military service "if it can be assumed that the use of weapons against another person is so irreconcilable with the serious personal convictions of the conscript that he will not fulfil his military service."



In Section 2 of the same Act, it is laid down that a non-combatant conscript "shall perform service in activities which are important for society in times of military preparedness and war. This service shall take place in a government or local government authority or in an association or institution".

According to the Act on Non-combatant Service, the non-combatant conscript is liable to do basic training and refresher training and the total training period shall be no less than 395 and no more than 420 days.

Applications for permission to carry out non-combatant service are examined by the Military Service Review Board. The applicant is called to an interview with an investigating official. The purpose of this interview is to clarify whether the applicant's views on the use of weapons against another person tally with the intentions of the Act on Non-combatant Service. The applicant is then given the opportunity of expressing an opinion on the written report and correcting any possible misunderstandings. The official carrying out the investigation then adds a comment in which he/she recommends the approval or rejection of the application. After this, it is the responsibility of the Military Service Review Board to take a decision on the matter. The decision of the Military Service Review Board is taken by a delegation consisting of a chairman and lay members. Appeals are lodged with the National-Service Board of Appeal for the Total Defence, which also includes lay members.

In 1988, 3,437 persons applied for non-combatant service; 79.8 per cent were granted non-combatant service while 20.2 per cent could not be granted such service, among other things because their views showed that they did not have such an unconditional repudiation of the use of weapons against another person as is required for approval according to the Act on Non-combatant Service. About 95 per cent of applicants applying for religious reasons are granted permission to do non-combatant service.

Four hundred and fifty-eight cases of conscientious objection were reported to the Enrolment Board of the Armed Forces in 1988. More than half of these conscripts had not applied for non-combatant service. It is the customary practice to impose a conditional sentence and fines on a person refusing military service for the first time. In the case of repeated refusal, a prison sentence, as a rule for a term of four months, is generally imposed. However, the rules on conditional release mean that the person in question only needs to serve half the prison term. According to practice, the Government usually prescribes, by virtue of Section 46, sub-section 1 of the Act on Compulsory Military Service, that a conscript who has received such a sentence shall not be called up for military service until further notice.

By virtue of Section 46 sub-section 2 of the Act on Compulsory Military Service, the Government, or an authority designated by the Government, may decide that a person liable for military service shall not be ordered to carry out service in accordance with the aforementioned Act until further notice or during a certain period, if that person declares that he will not carry out his military service and, on account of his membership of a religious sect, it can be assumed that he will not carry out his military service or non-combatant service. Citing this provision the Government has prescribed in Section 69 of the Decree concerning conscripts' military service, etc. (1969:380) that the Enrolment Board of the Armed Forces shall decide not to

enforce military service on a conscript who is a member of the Jehovah's Witnesses sect. A precondition for such a decision is that it can be assumed the conscript will not carry out any form of compulsory service."

Switzerland

"Article 18 of the Federal Constitution stipulates that every Swiss is under the obligation to perform military service. Article 49, paragraph 5, of the Federal Constitution states that religious beliefs do not exempt anyone from carrying out civic duties. Thus, there is a conflict between the fundamental right to religious freedom and the principle of compulsory military service, one which has not yet been satisfactorily resolved. However, efforts have begun with a view to reconciling these opposing principles. Hence, the Ordinance of 24 June 1981 on military service without weapons for reasons of conscience stipulates that men required to fulfill military obligations who would experience a serious conflict of conscience by the use of a weapon because of their religious or moral beliefs may perform service without weapons. Another possibility afforded to cut down the contradiction in this area is to allow the conscientious objector favourable treatment under criminal law. The Military Penal Code specifies less serious punishment for a person refusing to serve in the Swiss army if he can prove that he has acted for reasons of religious or moral belief and as a result of a serious conflict of conscience.

The Federal Parliament has just adopted a law, proposed by the Federal Council, on the decriminalization of penalties for conscientious objection. As the head of the Federal Military Department pointed out on 26 September 1990, the adoption of this law can be considered as a first step towards the introduction of a community service. Under this amendment of the Military Penal Code, the current maximum term of six months' imprisonment for conscientious objectors will be de-criminalized and replaced by a measure requiring work in an enterprise in the general interest. This measure, which will last a maximum of one and a half times the entire period of military service refused but not more than two years, will not appear on the subject's police record. Conscientious objection, however, will continue to be an offence; the conscientious objector will still need to prove that he is basing himself on fundamental ethical values and that he cannot reconcile military service with the requirements of his conscience.

In 1977 and 1984 respectively, two initiatives for the institution of a community service were voted on by the people and rejected by the majority of the people and by all the cantons. Two new initiatives were recently launched."

Tunisia

"Under current Tunisian law, there are no special provisions governing conscientious objection to compulsory military service, for lack of precedent, and it is not difficult to find the justification for this situation.

Article 15 of the Tunisian Constitution, which provides that the defence of the country and the integrity of its territory is a sacred duty of every citizen, simply confirms a long-standing belief shared by all."



Uruguay

"The permanent military system is based on career military personnel (top-echelon staff) who are graduates of the training schools. Entry to the schools is open to all. The rank and filer, for their part, sign on for a fixed-term contract which is periodically renewed.

Although there are legal provisions in force providing for compulsory military training for all citizens over 18 years of age (Act No. 9,943 of 20 July 1940), they have fallen into disuse because they have not been applied for over 40 years. Therefore, conscientious objection to military service is currently very unlikely to occur in our country."

Yugoslavia

"Until recently, a rather rigid attitude was adopted towards persons who for reasons of conscience object to carrying arms or doing compulsory military service. This was due to the provisions of the Constitution stipulating that military service is a general obligation, equal for all alike, and of special importance in the system of rights and duties of citizens.

However, in response to requests by certain religious communities whose teachings forbid their followers to take or use arms, provision has been made in the Law on Military Service for conscientious objectors to do a 24-month military service without carrying arms, while all other conscripts are obliged to serve 12 months and carry and use arms."

26. (f) Do clashes occur with some frequency between members of different religious denominations in your country? If so, what is the Government's position? What kinds of preventive measures have been adopted?

Albania

"Up to now there have been no clashes between members of different religious denominations. If such clashes did occur, the measures stipulated in special provisions of our legislation would be applied against the organizers, instigators and perpetrators, depending on the case."

The Bahamas

"No."

Bahrain

In its general reply to the questionnaire, the Government of Bahrain stated that "there is no intercommunal conflict in the State of Bahrain, since the citizens of Bahrain do not belong to a variety of religious denominations. All Bahrainis profess the Islamic faith and the foreign members of other religious communities enjoy freedom to practise their faith, regardless of their beliefs and doctrines"...

Bangladesh

"There is complete social and religious harmony among the citizens of the State. In fact, Bangladesh is proud of its unblemished record of religious

harmony, equality and tolerance. The people of Bangladesh, irrespective of their religions, live in an absolute sense of security, equality and amity. The visit of the Holy Pope in Bangladesh in November 1986 and the respect and esteem the Hindu leaders hold in Bangladesh illustrate in an exemplary manner the communal harmony, peace and tolerance."

Chad

In its general reply to the questionnaire, the Government of Chad indicated that "there have never been any religious wars in Chad; all the different denominations practise their religion with complete respect for the others."

Chile

In its reply, the Government of Chile did not refer specifically to this question, but stated the following:

"The fact that there is a definite majority religion - although its relative influence has declined - inevitably causes tensions with the religious minorities as a whole ...

Nevertheless, a situation has gradually been reached (...) which, in basically acceptable terms, makes for religious freedom in Chile.

Because of the foregoing there are no serious problems in this field in our country, as regards both the legislation in force and the relations between the various religious groups."

China

In its reply, the Government of China did not specifically answer to this question. However, in its general reply, it referred to it as follows:

"Owing to the full respect for and protection of the citizens' right of religious belief, the broad masses of religious believers lead a normal religious life. Various religions, sects of religions and religious bodies get along well with mutual respect for each other in harmony and unity."

Cuba

"Clashes between members of different religious denominations do not occur in our country; an atmosphere of normal relations between the different religious denominations prevails."

Dominica

"There are never clashes between members of different religious denominations in Dominica."

Dominican Republic

"No. Because freedom of religion and freedom of assembly exist, there have not been any clashes between members of different religious denominations."



Ecuador

"In recent decades there have been no clashes of a religious nature, since there is a clear and exemplary respect for freedom of religion."

Germany

"No. The undisturbed practice of religion is expressly guaranteed by Article 4(2) of the Basic Law. In our country this right is fully respected. Most people in the Federal Republic are Christians, belonging either to the Protestant or Roman Catholic Church. No clashes occur among Christians in Germany. Nor do any problems of this kind arise in connection with other denominations. The comprehensive freedom of religion and thus the lack of any constraints does not give rise to any conflict in the Federal Republic. Relations between religious denominations in Germany are manifold and peaceful."

Greece

"No clashes between members of different religious denominations occur in Greece."

Grenada

"There are no clashes between members of different religious denominations in Grenada."

Iraq

"No religion or religious community in Iraq can be regarded as exercising any form of religious hegemony. No clashes between religions or religious denominations have occurred in any part of Iraq and, if such clashes were to occur, their instigators and the guilty parties responsible would be punished in accordance with the above-mentioned legal provisions."

Malta

"There have never been any clashes between members of different religious denominations."

Mexico

"No clashes between members of different sects have occurred in Mexico. It can be said that Mexicans have succeeded in preserving broad mutual respect among the various churches."

Nicaragua

"No clashes between members of different religious denominations occur in Nicaragua."

Norway

In its general reply, the Government of Norway referred to this question as follows:

"Clashes between members of different religious denominations have not constituted a serious problem in Norway."

Romania

"Inter-denominational differences are not significant either in frequency or virulence. One of the first decrees to be promulgated after the revolution was the decree relating to the restoration of the Uniate (Greek Catholic) Church. At the same time, the problem of the restoration of the property of this religion was also raised. The retrocession of this property, which is presently in the possession either of the Romanian Orthodox Church or of certain State establishments (schools, boarding schools, hospitals, hostels, etc.) is a difficult problem that must be resolved with the greatest of care.

During this process, a series of conflicts have arisen between Orthodox and Greek Catholic believers because of the latters' desire to take possession of their former churches and establishments. To settle this problem, in April 1990 the Government of Romania issued a decree concerning the specific terms for restoration of the property belonging to this religion."

Saint Vincent and the Grenadines

"Ideological disputes between members of different religious denominations are limited to the verbal level. The Government does not intervene as this is inconsistent with the right of freedom of expression."

Sweden

"Clashes between members of different religious denominations, or expressions of extremist or fanatical opinions, are virtually non-existent in Sweden."

Switzerland

"There have been no clashes between members of different denominations for a very long time. This situation enabled the Swiss people and cantons, in 1973, to repeal the articles on religious denominations that had figured in the Federal Constitution since 1894 (arts. 51 and 52). These two provisions banned the Jesuits and other religious orders whose religious activities were dangerous for the State or disturbed the peace among the different creeds, as well as the establishment of new convents or religious orders.

Article 50 (inserted in 1848) and article 49 of the Federal Constitution (inserted in 1874) are the outcome of religious struggles and antagonisms. The priority task of the Federal Constitution of 1848 had been to restore peace between Catholics and Protestants, who had clashed very strongly during the Sonderbund inter-denominational war the same year. The 1874 revision of the Constitution also took place against a background of violent religious and inter-denominational struggles, where the issue was, once again, the establishment of peace between religions."

Tunisia

"The Tunisian people, which is largely Muslim and imbued with precepts prohibiting any spiritual duress, has acquired from its ancestors the habit of living alongside others and tolerating their difference, which explains with no need for further comment the fact that there are no clashes between members of different denominations in Tunisia."



Uruguay

"In our country there is complete tolerance of different philosophical and religious beliefs. Proof of this is the fact that, according to unofficial estimates, at least 31 different religious faiths are practised, namely Catholic: 700,000; Jewish: 30,000; Muslim: 30; Orthodox (Armenian, Greek, Russian): 13,000; Protestant: 60,000; Apostolic: 8,000; Seventh Day Adventists: 5,000; Mormons: 40,000; Jehovah's Witnesses: 15,000; Christian Scientists: 3,000; Followers of Reverend Moon: 5,000; Children of God: 50; Church of the Universal God: 50; Divine Light Mission: 2,000; Yoga: 300; Transcendental Meditation: 200; Zen Buddhism: 100; Ananda Marga: 30; Hare Krishna: 30; Masons: 12,000; Rosicrucians: 1,150; Gnostics: 300; Theosophists: 50; New Acropylis: 50; Church of Scientology: 3,000; Kardecists: 1,200; Umbanda and Candomble: 15,000; Bahaiis: 500; Mother Mary: 1,000; Lofosophy: 250; Misión Rama: 300; others: 530."

Yugoslavia

"Historically speaking, Yugoslavia has been the scene of civilizational clashes, including the division of Christianity into Eastern and Western. Furthermore, this has been an area in Europe where Islam established itself most deeply. Yet, various national, religious and cultural communities do not live in clearly distinct geographic locations, but are rather intermingled and mixed.

It is therefore understandable that religious tensions and strife, based on conflicting political interests vying for supremacy in this region, have always existed, with varying frequency and intensity.

Currently, against the background of a wide-ranging democratization of overall social and political relations in the country, we are witness to acute tensions among individual religious groups. This, as a rule, applies to those religious communities which are traditionally present in these territories and are identified to a high degree, with specific nations (Serbian Orthodox Church, Catholic Church, the Islamic community). Smaller, protestant religious communities, even if some of them are organized on the basis of the national principle (mainly national minorities) are not involved in these disputes. As political parties in Yugoslavia tend to establish themselves almost exclusively on the basis of the national principle, the current instances of inter-religious tensions and clashes result precisely from the politicization of religion, i.e. are defined as 'abuse of religion for political purposes'. There are also cases of political manipulation of the masses by the politically like-minded (potential or actual). They use the main elements of their 'national' religion and set them against those of 'alien' religions. This is, in our opinion, contrary to the fundamental principles laid down in the Universal Declaration of Human Rights and the Declaration on the Elimination of All Forms of Intolerance based on Religion or Belief, and is inadmissible as such from the viewpoint of all positive achievements of civilization in the field of human rights and fundamental freedoms."

27. (g) Has your country taken any steps against the expression or of extremist or fanatical opinions which may lead to religious intransigence or intolerance?

Albania

"There have been no expressions of extremist or fanatical opinions."

The Bahamas

"Such action has never been necessary."

Bahrain

In its reply the Government of Bahrain indicated that "... the phenomenon of religious intolerance or extremism does not exist in Bahrain since, in accordance with the provisions of the law, every person enjoys the right to freedom of belief and freedom of expression, provided that such is not prejudicial to public order and security in the country".

Bangladesh

"If the situation so happens, which is very very rare, the relevant laws for maintenance of public order and freedom of religion are invoked."

Cuba

"Yes. Steps have been taken against the limitation of religious worship. No fanaticism has occurred in Cuba."

Dominica

"Dominica has not taken any steps against the expression of extremist or fanatical opinions which may lead to religious intransigence or intolerance."

Dominican Republic

"No measures have been adopted in this connection since all religious manifestations have shown respect for our legal norms."

Ecuador

"The adoption of extremist or fanatical positions by members of religious sects or groups is inconsistent with the requirements of the law for guaranteeing freedom of religion. Article 19 of the Constitution prohibits any activity injurious to public safety and morals or the fundamental rights of other individuals. Fortunately, there have been no recent expressions of extremist religious behaviour in Ecuador."

Germany

"Our constitution guarantees freedom of expression. Article 5(1), first sentence, of the Basic Law reads: 'Everyone has the right freely to express and disseminate his opinion by speech, in writing and pictures and freely to inform himself from generally accessible sources' (...).



The limits to this right are expressed in the constitution itself and in general laws. As stated above, the constitution guarantees the undisturbed practice of religion and freedom of creed. Thus these two basic rights are mutually contrasting and complementary. In individual cases they have to be weighed against one another.

Sections 131 and 132 of the Penal Code, in addition to sections 166 to 168 already mentioned, afford protection against the dissemination of racist ideas and incitement to racial discrimination, including discrimination based on religious belief. These provisions make incitement of the people, the glorification of violence and incitement to racial hatred punishable offence."

Greece

"In Greece, there have been no signs so far of extremist or fanatical opinions of a nature to lead to religious intransigence or intolerance."

Grenada

"No steps have been taken in this regard."

Iraq

"The national legislation and all the various types of official and unofficial cultural and social institutions at all levels constantly advocate mutual affection and respect among all religions and religious communities, with the exception of non-humanitarian and terrorist movements such as zionism and freemasonry."

Malta

"As Malta has never known such fanaticism, the need to take the necessary steps has not arisen."

Mexico

"The Constitution of the United Mexican States stipulates in article 6 that 'The expression of ideas shall not be subject to any judicial or adminstrative investigations, unless it offends good morals, impairs the rights of third parties, incites to crime or causes a break of the peace'. There is no other limitation in Mexico on the exercise of freedom of ideas, with the exception of those stipulated in the above-mentioned article of the Constitution."

Nicaragua

"No incidents of this kind have occurred in Nicaragua."

Romania

"No laws concerning these situations have been enacted, since the previous legislation also prohibited religious intransigence and intolerance."

Saint Vincent and the Grenadines

"No steps have been taken by the Government to place limits on the freedom of expression of opinions in St. Vincent and the Grenadines."

Sweden

"Clashes between members of different religious denominations, or expressions of extremist or fanatical opinions, are virtually non-existent in Sweden."

Switzerland

"Article 261 of the Swiss Penal Code (CPS) protects individuals against attacks on their freedom of belief and religion by punishing anyone who publicly and basely offends against or ridicules the religious beliefs of others. However, in order for an act to be considered an offence, it need not be likely to cause racial intolerance or intrasigence.

In addition, a draft partial revision of the CPS, made necessary by Switzerland's accession to the Convention on the Elimination of All Forms of Racial Discrimination, to take place in 1991, stipulates similar treatment for discrimination based on belief and racial discrimination. Thus, the definition given of racial discrimination includes acts based on the beliefs of others (see CPS, draft art. 261 bis)."

Tunisia

"Despite the peaceful inter-denominational atmosphere in Tunisia, the legislature has spared no effort to overcome any possible occurrence of extremist or fanatical expressions liable to cause religious intransigence or intolerance.

We have already noted that article 53 of the Press Code provides for a prison term of up to one year for anyone who uses a publication to defame a group of persons belonging to a particular race or religion, when the purpose of the defamation is to incite hatred among citizens.

It should be added, however, that Act No. 88-32 of 3 May 1988 relating to the organization of political parties has dealt with the question from another angle, to meet the same concern to safeguard freedom of conscience.

It states that political parties must:

Respect and defend human rights as determined by the Constitution and the international conventions ratified by Tunisia;

Banish violence in all forms, as well as fanaticism, racism and any other form of discrimination;

Refrain from any activities that might impair the rights and freedoms of others (art. 2).

The Act adds that political parties cannot be based, in their principles, activities and programme, on one religion, one language, one race, one sex or one region (art. 3)."



Uruguay

"As a result of a serious offence, a multiple homicide that occurred in 1988, which deeply affected the public, the Executive sent a message and bill to the legislature amending an article of the Penal Code and qualifying criminal behaviour on racial or religious grounds as a separate offence.

Article 1 of Act No. 16,048 of 16 June 1989 replaces the provision of the Penal Code concerning incitement to hatred towards certain persons for racial or religious reasons.

Article 149 bis of the Penal Code stipulates: 'Anyone who, publicly or by any means capable of being used for public dissemination, incites to hatred, contempt or any form of moral or physical violence against one or more persons because of the colour of their skin, their religion or national or ethnic origin, shall be liable to six to 18 months' imprisonment.'

Article 149 (para. 3) states: 'Anyone who commits acts of physical or moral violence, hatred or contempt against one or more persons because of the colour of their skin, their race, religion or national or ethnic origin shall be liable to 6 to 24 months in prison'."

Yugoslavia

"Under our legislation, any instigation of religious intolerance and abuse of religion for these purposes is considered a criminal act and treated accordingly. Judicial practice, however, has been very diverse in various regions of the country."

28. (h) In cases of intolerance or discrimination based on religion or belief, are any effective remedies available to the victims to assert their rights? If so, please specify what type of judicial and administrative remedies are available.

Albania

"In the event of physical, material or moral harm to persons as a result of any act of intolerance or discrimination, even if also based on religion or belief, the citizen in question has the right to redress and to protection at both the judicial and the administrative levels."

The Bahamas

"All persons are protected equally under the law and have a constitutional redress in the event of an infringement upon their fundamental rights."

Bangladesh

"Outraging or wounding of religious feelings of others is a punishable offence in Bangladesh. Sections 205-298 of the Penal Code provide adequate punishment for these type of offences. The victims of such offences can seek protection of the Court against the offenders."

Chile

In its reply, the Government of Chile did not refer specifically to this question, but stated the following:

"The Constitution in article 20, allows for an application for protection whereby any person who, 'due to arbitrary or illegal actions or omissions, suffers privation, disturbance or threat in the legitimate exercise of the rights and guarantees' established in the Constitution (including the right to freedom of conscience and religion mentioned earlier) 'may, on his own, or through a third party, apply to the respective court of appeals, which shall immediately take the steps that it deems necessary to re-establish the rule of law and ensure due protection to the person affected, without prejudice to the other rights which he may invoke before the authorities or the courts'."

China

In its reply, the Government of China did not specifically answer this question. However, in its general reply, it referred thereto as follows:

"... Article 147 of the Criminal Law of the People's Republic of China provides: 'Any state functionary who unlawfully deprives citizens of their legitimate freedom of religious belief and infringes upon the customs and habits of minority nationalities, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention'."

Colombia

In its reply, the Government of Colombia did not refer specifically to this question, but stated the following:

"In the event of a case of intolerance or discrimination based on belief, the victim has legal remedies such as complaints and petitions before the competent authorities, on the basis of articles 294, 295, 296 and 297 of the Code of Criminal Procedure, and may also resort to the governmental agencies for the defence, protection and promotion of human rights."

Cuba

"The victim has judicial remedies as from the time he files a complaint under the criminal law, since anyone who hinders or disturbs public acts or ceremonies celebrated by registered denominations in accordance with the legal provisions is punishable as if the offence were committed by a public official who misuses his authority."

Dominica

"In cases of intolerance or discrimination based on religion or belief, victims may assert their rights by applying to the High Court for redress."

Dominican Republic

"There is no discrimination."



Ecuador

"Anyone who feels he has been discriminated against because of his religious belief may apply to the Tribunal of Constitutional Guarantees, an autonomous body with nation-wide jurisdiction, which is empowered under article 141, paragraph 3, of the Constitution, to hear complaints filed by any natural or legal person regarding violation of the Constitution in regard to rights and liberties that it guaranteed by the Constitution. If they are founded, notifies the respective authorities and bodies ... .

Remedies also exist before the ordinary courts, which may apply the rules of the Ecuadorian Penal Code, which in chapter II stipulates punishment of offences against freedom of conscience and thought and states in article 174 that: 'Anyone who, using violence or threats, prevents one or more individuals from practising any religion authorized or tolerated in the Republic, shall be liable to a prison term of six months to two years'. The next article states that 'Private individuals or ministers of religion who provoke disturbances or riots against the followers of another religion, either verbally or in writing, shall be liable to a prison term of one to six months'. Lastly, article 176 states that 'Anyone who impedes, delays or interrupts religious practices or public ceremonies not expressly prohibited by law, by disorderly conduct or riots in the place reserved for the said religion, but without committing violence or threats against anyone, shall be liable to a prison term of three months to one year'."

Germany

"The victims of intolerance or discrimination based on religion or belief have recourse to German courts. Article 19(4) first sentence, of the Basic Law reads as follows: 'Should any person's right be violated by public authority, recourse to the court shall be open to him'."

Greece

"There are no cases of intolerance or discrimination based on religion or religious belief. Of course, any person considering himself as having been offended or being a victim of any kind of intolerance (e.g. religious or other), has the possibility to assert his rights in full equality before the courts, as provided by law."

Grenada

"See (c) above."

Iraq

"As already indicated in the above replies, incitement to intercommunal bigotry is punishable by law, Intolerance is, in itself, an odious phenomenon which implies a lack of respect for other individuals and, if any persons were to suffer detriment or damage as a result thereof, the persons responsible would be punished by the courts in accordance with the law."

Malta

"For redress, anyone who has had his right to freedom of conscience infringed or who has been discriminated against because of his religious belief may file an application in the Civil Court, Fist Hall, pleading that the position be rectified. Since 1987, it is also possible to ask for redress on the basis of Act XIV of 1987 which has made the European Convention on Human Rights part of the law of Malta. Finally, one may file a petition before the European Convention on Human Rights."

Mexico

"In conformity with the provisions of articles 24 and 130 of the Constitution, freedom of religious belief and practice is firmly protected by Mexican law, which permits no discrimination whatever in this area, either by the State or by private individuals."

Nicaragua

"1. Exhaustion of administrative remedies before the national police.

2. Filing an application for protection amparo with the Supreme Court of Justice."

Norway

The Government of Norway provided the following answer to this question:

"In 1981 the Norwegian Penal Code was amended, and a new section 135A was added. The section has been incorporated into Part II, Felonies.

The wording is as follows: 'Anyone who threatens, insults or exposes any person or groups of persons to hatred, persecution or contempt on account of their religion, race, colour or national or ethnic origin by means of a public utterance or by other means of communication brought before, or in any other way disseminated among the general public, shall be liable to fine or imprisonment up to two years. The same applies to anyone levelling such insults against a person or group on account of their homosexual inclinations, way of life or orientation. Anyone who incites to, or aids and abets in, the commission of an offence referred to in the first paragraph, shall be penalized in the same way'."

Romania

"Yes. Legal remedies are available. Current legislation defends believers against any abuses caused by any acts of religious intolerance or discrimination."

Saint Vincent and the Grenadines

"Any person who alleges that his right to freedom of religious practice is being, has been, or is about to be infringed can apply to the High Court for relief.

This is a speedy and effective remedy."



Swaziland

In its general reply to the questionnaire, the Government of Swaziland has indicated that there were no administrative bodies that play a role in the protection of freedom of religion and belief.

Sweden

"The Swedish Penal Code contains regulations which serve to sanction the protection against persecution or discrimination on the grounds of religion or belief. In short, the stipulations imply the following: according to Chapter 16, Section 4 of the Penal Code, a person can be sentenced for disturbing or trying to interfere with a public religious service or other public devotional exercises. This stipulation does not only cover the services of the Church of Sweden, but also comparable public meetings of other religious denominations.

If a person publicly or otherwise in a statement or another communication threatens or expresses contempt for an ethnic group or other such group of persons with allusion to race, skin colour, national or ethnic origin or religious creed, he or she shall be sentenced for agitation against ethnic groups (Penal Code, Chapter 16, Section 8).

If a businessman in the conduct of his or her business discriminates against someone on the ground of his or her race, skin colour, national or ethnic origin or religious creed by refusing to deal with him or her under the same conditions as the businessman applies to others in the conduct of his or her business, he or she shall be sentenced for unlawful discrimination. The same applies to organizers of public assembly or entertainment (Penal Code, Chapter 16, Section 9).

Violations of these provisions are sanctioned through criminal procedures.

In terms of public activity there are additional institutions of control. Public power shall according to the Constitution be exercised with respect for the equal worth of all human beings and for the freedom and dignity of the individual. An official in public service that violates someone by disregarding his or her rights and freedoms can subjected to disciplinary actions by the public employer. The Parliamentary Ombudsman (JO) and the Chancellor of Justice (JK) may call attention to violations by public servants of rights and freedoms protected by the Constitution. In some cases even criminal prosecution may be initiated.

An Ombudsman Against Ethnic Discrimination (DO) was established through the Act to Counteract Ethnic Discrimination (1986). The Ombudsman's duties are concerned with matters of both individual and general nature. (For more information see the above mentioned memorandum)."

Switzerland

"Freedom of conscience and belief (art. 49 of the Federal Constitution), and freedom of religion (art. 50 of the Federal Constitution) are of constitutional standing. Under the Federal Courts Organization Act (OJ), violation of these constitutional rights through cantonal decrees or decisions

may be the subject of a public-law action before the Federal Tribunal (OJ, art. 81, para. 1) after exhaustion of internal remedies under cantonal law (OJ, art. 86) and if the alleged unconstitutionality cannot be submitted by any action or other means to the Federal Tribunal or another federal authority (OJ, art. 84, para. 3).

Constitutional rights aim first and foremost at protecting individuals against violations of their rights by the State. Protection of persons in their relations as individuals is ensured, in principle, by civil and criminal law. However, the Federal Tribunal has acknowledged that freedom of religion has both a negative and a positive function (ATF 97 I 230). The negative function lies in prohibiting unjustified police restrictions on freedom of religion. The positive function requires the State to intervene if the practice of a religion is impeded by a third party. Failure to intervene does not mean that there has been an inherent violation of freedom of religion, but constitutes a denial of justice, which can in turn form the subject of a public-law action.

Article 9 of the European Convention on Human Rights (ECHR), which was ratified by Switzerland in 1974, protects freedom of thought, conscience and religion. The rights guaranteed by the European Convention are directly applicable and, depending on their nature, have constitutional ranking (ATF 106 Ia 406). Hence they too can be the subject of a public-law action. Furthermore, the decisions of the Federal Tribunal may be appealed upon individual petition to the European Commission of Human Rights, which may lead to a judgement by the European Court of Human Rights (ECHR, art. 25 et seq.), whose jurisdiction Switzerland has declared that it recognizes as legally binding over all cases involving the interpretation and application of the Convention (ECHR, art. 46)."

Tunisia

"In view of the extensive legislative framework for preventing acts of intolerance and discrimination based on religion or belief, defending the rights of victims of such acts is an easy task.

Persons guilty of offences in this field, as stipulated in the Penal Code, are prosecuted directly by the Department of Public Prosecutions, which automatically initiates public proceedings.

In cases of offences under the Press Code, proceedings for abuse and slander are generally initiated only on the complaint of the person abused or slandered. Nevertheless, when the abuse or slander is directed against a group of persons belonging to a particular race or religion for the purpose of inciting hatred among citizens or inhabitants, proceedings may be initiated automatically by the Department of Public Prosecutions (Press Code, art. 72).

Regarding compensation for material and moral harm sustained by the victim, it is obvious that the victim is entitled to bring criminal indemnification proceedings (Code of Criminal Procedure, arts. 7 and 37).

He is also entitled to take civil proceedings directly in a civil court to obtain compensation.



Furthermore, a party who is injured by an administrative act that impairs his rights or interests as a result of discriminatory considerations based on religion or belief may avail himself of a remedy before the Administrative Tribunal to annulment proceedings."

Uruguay

"Our legal system offers victims the possibility of filing a complaint with the competent ordinary court so that the perpetrator will incur criminal responsibility.

Similarly, if the offence committed leads directly or indirectly to patrimonial injury, compensation is payable for the damage suffered."

Yugoslavia

"There have been very few cases in our judicial practice that victims of religious intolerance or discrimination have filed charges. This has caused concern on our part for some time now. The reason may be that the local judicial authorities in some areas fail to react to such cases because of their subjective negative attitude to religion, or that religious communities discourage their believers to report such cases, wishing to appear as their only protectors and thus depriving their own believers of the rights they enjoy as all other citizens."

29. (i) Does your country have conciliation arrangements (for example, a national human rights commission, an ombudsman, etc.) to which a victim of religious intolerance can turn for protection?

Albania

"In cases of intolerance, including religious intolerance, a victim in need of protection may turn to the conciliation ('social') courts, or to the district courts, which also perform conciliation functions."

The Bahamas

"No government-sponsored agencies; however, there are private Human Rights Commissions."

Bangladesh

"There are non-governmental organizations and a Commission on Human Rights in the country. The victims of religious intolerance, if any, can turn for protection to these organizations and to the courts of law. There is a provision of Ombudsman in the Constitution of Bangladesh."

Chad

In its general reply, the Government of Chad indicated that "there are not as yet any conciliation bodies (such as a national human rights commission, ombudsman, etc.) in Chad to which the victim of religious intolerance can turn".

Chile

In its reply, the Government of Chile did not refer specifically to this question but stated the following:

"There is, (...), currently under review a constitutional reform to introduce an ombudsman, one of whose functions will certainly be to intercede in actions by the administration that impair the individual's right to freedom of conscience and religion."

Colombia

In its reply, the Government of Colombia did not refer specifically to this question, but stated the following:

"In 1987 the Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights (...) was set up. Its main task is to encourage other State bodies and social organizations to undertake the protection of human rights. Similarly, the Office of the Presidential Adviser has served as a channel of communication for individuals and organizations who address themselves to the State for the redress of rights which have been infringed or in order to forestall possible violations. (...)

The Office of the Attorney-General of the Nation was also reorganized (...).

The strengthening of the Office of the Attorney-General of the Nation in administrative terms has enabled its Office for the Defence of Human Rights to assume the role of the judicial police and make direct rulings in disciplinary proceedings relating to human rights; as in the case of the Office of the Presidential Adviser, anyone can have access to it in order to have their rights restored to the full.

...

In this task the Government has assigned public officials the task of ensuring that human rights in Colombia are observed to the full. Act No. 2 of 1986 empowered municipal attorneys to act as ombudsmen, and Act No. 3 of 1990 gave them specific duties including wide-ranging means of protecting the basic rights of Colombians. Municipal committees for the defence, protection and promotion of human rights were also set up, and constitute advisory bodies to the municipal administration attached to the Office of the Municipal Attorney."

Cuba

"Yes, there is the nation-wide Office for Religious Affairs and it ensures compliance with the provisions of the law on religious matters."

Dominica

"The Commonwealth of Dominica does not have conciliation arrangements to which a victim of religious intolerance can turn for protection."

Dominican Republic

"There are no victims of religious intolerance."



Ecuador

"In Ecuador a number of governmental and non-governmental bodies are concerned with the observance and protection of human rights and all Ecuadorian citizens have access to them. The main bodies include:

Human Rights Commission of the National Congress;

Ad hoc Commission on Human Rights of the Court of Constitutional Guarantees;

Ecumenical Human Rights Committee (CEDHU);

National Human Rights Commission, the Chairman of which acts in a personal capacity as a member of the United Nations Human Rights Committee;

Committee for the Defence of Human Rights established in the city of Guayaquil."

Germany

"No. Recourse to the courts is available."

Greece

"Greece is a State Party to the Convention on the Prevention and Repression of the Crime of Genocide, to the International Convention on the Elimination of all Forms of Racial Discrimination, to the European Convention on Human Rights, etc. These international agreements are part of Hellenic legislation and prevail over all provisions of domestic national law."

Grenada

"No."

Iraq

"In addition to the official judicial and administrative sources of redress, in the event of such occurrences, the victims could apply to the National Commission on Human Rights, which is extremely active in this field. They could also apply to the unions and associations of jurists, lawyers and sociologists, or the Human Rights Association."

Malta

"There is no such institution in Malta."

Mexico

"In the event of a case of religious intolerance in Mexico, the person concerned could have recourse to the National Commission on Human Rights, which is responsible for the defence and protection of human rights."

New Zealand

The Government of New Zealand did not provide a specific answer to this question. However, in its general reply, reference was made to certain aspects of the question, as follows:

"The (...) enactment passed by the New Zealand Parliament specifically related to discrimination is the Human Rights Commission Act 1977. The Act established a Human Rights Commission and is designed to promote the advancement of human rights in New Zealand in general accordance with the United Nations International Covenants on Human Rights. ... The Human Rights Commission Act 1977 extends the scope of New Zealand's anti-discrimination legislation by forbidding discrimination in those areas on the grounds of sex, marital status or religious or ethical belief. (...)"

The Government also indicated inter alia that the Human Rights Commission established by the Act "has both general and specific functions. The general functions of the Commission are educational in nature." The Government stated that the Commission is required by the Act to submit an annual report to the Minister of Justice on the exercise of its functions under the Act. It is also empowered to report to the Prime Minister from time to time. Reports to the Prime Minister have included reports on, inter alia, the United Nations Draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

In addition, the Government of New Zealand stated the following:

"... Where on investigation it appears that a breach of the Human Rights Commission Act has been committed against a particular person, the Commission uses its best efforts to secure a settlement with the parties concerned and, if it considers it appropriate, a satisfactory assurance against a repetition of the act or omission constituting the breach. If the Commission's efforts fail, the Commission may refer the case to the Equal Opportunities Tribunal (...)."

Nicaragua

"Yes, Nicaragua has the National Commission for the Promotion and Protection of Human Rights; any person requiring protection as a victim of religious intolerance can apply to it."

Norway

The Government of Norway referred to this question as follows:

"The offences mentioned in section 135A can be reported to the police, who are obliged to undertake an investigation, and to prosecute the offender if he or she is thought to have violated the provisions of the section.

The Parliamentary Ombudsman for public administration is obliged to investigate a complaint by anyone who considers himself or herself to be a victim of religious intolerance, or other kind of injustice, exercised by a public administrative body.



There is also a general rule in Norwegian public administration which stipulates that decisions adopted in the exercise of public authority may be referred for appeal to a superior administrative agency by a person to whom the decision relates or whom the case otherwise concerns."

Romania

"Romania has Parliamentary Commissions Nos. 5 and 14, the Commission for Human Rights, Worship and the Problems of National Minorities, and the Commission for the Investigation of Abuses and for Petitions, respectively. The Secretariat of State for Worship is a government body and was set up in July 1990 to protect religious activity."

Saint Vincent and the Grenadines

"No ombudsman exists. There is a local Human Rights Association and additionally there is a practice whereby citizens with complaints address these to the Attorney General who deals with them. There has never been, however, any recorded instance of complaints of religious intolerance."

Sweden

"The Parliamentary Ombudsman (JO) shall supervise public officials to make sure that they observe laws and regulations, and otherwise perform their duties. To be able to fulfil this supervisory function the JO has been given certain powers. He or she may as special prosecutor take legal proceedings against an official who has committed a criminal act by neglecting the obligations that come with the office. The Ombudsman may also report a negligent public servant to the authority where he or she is employed for dismissal or disciplinary measures."

Switzerland

"No."

Tunisia

"The political and legislative environment in Tunisia, which is favourable to the protection of human rights, has made it possible to bring into being bodies which have undertaken to defend these rights.

At the present time, two associations are active on the national scene, namely:

The Tunisian League for the Defence of Human Rights; and

The Association for the Defence of Human Rights and Public Freedoms.

These bodies have taken on the role of protecting human freedoms and concern themselves to the full, when the need arises, with assisting the victims of acts of religious intolerance."

Uruguay

"Our legal system makes no provision for action by such conciliation bodies (national human rights commission, ombudsman)."

Yugoslavia

"At all levels, there are committees to deal with citizens' complaints and grievances. The Human Rights Forum as a non-governmental organization is also active. Since there is an acute need for an official body (commission or council) attached to the Government, the state Presidency or the Parliament, proposals have been submitted recently to establish such a body."

30. (j) In general, does your Government think it would be desirable to revise national legislation to bring it more into line with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief? If so, would your Government welcome appropriate technical assistance from the Centre for Human Rights?

Albania

"In order to bring in legislation, account has been taken of the specific factors and conditions for the country's economic and social development, and its requirements and needs. Measures have been taken recently on a large scale to improve the legislation, which proclaims and guarantees equality among individuals, and excludes any kind of intolerance or discrimination. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief meets with understanding on the part of the Government, and co-operation with the Centre for Human Rights, should this be necessary, is not precluded in principle."

The Bahamas

"Not required at this time."

Bangladesh

"The Government of Bangladesh has recently constituted a Law Reform Commission with a very senior and distinguished lawyer, Mr. Asraful Hossain, barrister-at-law and former Additional Attorney General. The Law Reform Commission is looking into all existing laws and will submit its recommendation to the Government."

Chile

In its reply, the Government of Chile did not refer specifically to this question, but stated the following:

"The democratic Government is considering how to improve legislation on the various churches and religious faiths so as to ensure a maximum of freedom of conscience and religion and eliminate all forms of intolerance and discrimination based on religion ..."

Colombia

In its reply, the Government of Colombia did not refer specifically to this question, but stated the following:

"... The Government has considered it desirable to review national legislation in order to bring it more into line with the international human



rights declarations. With this in mind (...), it issued Decree No. 1926 of 24 August 1990 to set up a Constitutional Assembly to plan the reform of the Constitution (...) with a wide-ranging agenda in which human rights and the exercise of those rights hold a major position."

Cuba

"Cuban law takes into account all the principles set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, in the light of the customs, culture and values of Cuban society. However, a law which complements article 54 of the Constitution is in the process of discussion and approval for the purpose of strengthening, extending and regulating religious freedom."

Dominica

"The Government of Dominica does not think it would be desirable to revise national legislation to bring it more into line with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief."

Dominican Republic

"National law is in keeping with the principles set out in the Declaration on the Elimination of All Forms of Religious Intolerance and of Discrimination, to which the Dominican Republic is a signatory, and we therefore consider that no change is required."

Ecuador

"From everything that has been said it is clear that Ecuadorian law provides a favourable environment for religious practices of any kind, provided they adhere to the rules which govern them. Notwithstanding, Ecuador would not object to receiving any advice which the Centre for Human Rights might consider appropriate and could help to strengthen religious guarantees."

Germany

"No."

Greece

"State officials and judicial and law enforcement personnel benefit from seminars organized on a national basis and pertaining to the subjects of protection of human rights in general or of the implementation of all relevant international conventions on human rights and to which Greece has acceded."

Grenada

"Yes."

Iraq

"The national legislation, consisting of the Constitution and the other laws, totally prohibits any form of intolerance or discrimination based on

religion or belief in any sphere of life. However, this does not preclude co-operation with the Centre for Human Rights in regard to the principle of assistance and an exchange of views and information in this field."

Malta

"Probably our legislation is already in line with the Declaration but Government will always appreciate technical assistance if it is felt that the guarantees referred to in (h) are not enough."

Mexico

"The Government of Mexico considers that the fundamental guarantees for respect for religious practices and beliefs are part of national law and standard practice, and are fully in accordance with the principles set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief; it therefore does not see any need for the technical assistance of experts from the Centre for Human Rights."

Nicaragua

"The Government of Nicaragua considers that, in the present circumstances, revision of national legislation on this subject is not appropriate."

Norway

The Government of Norway referred to this question as follows:

"The Norwegian Government considers Norwegian legislation to be in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief. At present there are no concrete plans for any major revisions of the legislation in this field."

Romania

"In the future Constitution of Romania which is in the process of preparation, the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief have been appropriately expressed. The Government of Romania has accepted and will always accept technical assistance from specialists who can help us through their experience."

Sweden

"Swedish legislation corresponds with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Therefore the Swedish Government feels that advisory assistance is not needed."

Switzerland

"Future article 26 bis of the CPS (cf. reply to question (g)) will provide an effective means of preventing and eliminating any discrimination based on religion or belief, as required by article 4 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief of 25 November 1981 (Feuille fédérale 1988 III 1351 ss.).

The Swiss Government does not consider it necessary to request technical assistance from the Centre for Human Rights."



Tunisia

"With regard to combating intolerance and discrimination based on religion or belief, Tunisian law is able to satisfy the requirements and to respond to the constant concern to maintain freedom of conscience and belief as well as freedom of worship, on the same footing as other freedoms of the individual, in keeping with the Declaration."

Uruguay

"Uruguayan law ensures freedom of worship, and in our opinion, adequately safeguards the rights of those who practise any religion."

Yugoslavia

"New constitutional provisions are to be adopted in this area. The starting point in the elaboration of these new provisions was precisely the desire to bring them in line with the principles and provisions of international documents to which Yugoslavia is a party."

31. (k) Does your country think it desirable to receive advisory assistance from the Centre for Human Rights to organize courses and seminars to train selected officials from your country (legislators, judges, lawyers, educators, law enforcement officials, etc.) in principles, rules and remedies applicable to freedom of religion and belief?

Albania

"As in the case of other United Nations bodies, Albania does not rule out the value of taking advantage of any advisory services which may be offered by the Centre for Human Rights in various fields. It will not fail, depending on the case and its needs, to make known its interest in activities falling within the purview of the Centre."

The Bahamas

"Not required at this time."

Bangladesh

"Not necessary in view of Bangladesh's consistent and exemplary record of freedom of religion in the country."

Chad

The Government of Chad stressed that it is prepared to accept the assistance of the advisory services of the Centre for Human Rights in organizing training courses or seminars.

Chile

In its reply, the Government of Chile did not refer specifically to this question, but stated the following:

"... We would be very interested in obtaining information from the Centre for Human Rights on legal systems in the world which more effectively guarantee conscientious objection and, hence, freedom of conscience."

Cuba

"There are no obstacles to activities of this nature, but I should like to point out that our country can offer the services of officials and experts so that the Centre for Human Rights can gain the knowledge and experience of Cuban society in this regard."

Dominica

"Dominica does not think it desirable to receive advisory assistance from the Centre for Human Rights to organize courses and seminars to train selected officials from our country in the principles of religion and belief."

Dominican Republic

"Although we genuinely have entire freedom of worship, we do not refuse your offer of training courses and seminars on principles, standards and resources for freedom of religion and belief, addressed to selected officials from our country. We are always open to advisory services, since it is our firm wish to learn more; we therefore accept your offer and, whenever you wish, shall organize such courses as you consider appropriate."

Ecuador

"As has already been said, Ecuador provides freedom of worship on a broad basis and would be prepared to co-ordinate with the Centre for Human Rights in holding courses and seminars on freedom of religion and belief that could lead to a better knowledge of this important subject. It should be noted that a number of meetings have been held nationally on the protection of human rights. Initiatives like this have been favourably welcomed and are considered very useful."

Germany

"No."

Grenada

"Yes."

Iraq

"The organization of seminars and training courses is useful in all scientific and other fields and activities, including this field."



Malta

"Regarding this question, Government welcomes the advisory assistance of the Centre for Human Rights."

Mexico

"In view of what was said regarding the previous question, the advisory services of the Centre for Human Rights in organizing courses or seminars on freedom of religion and belief are not regarded as necessary in this case either."

Nicaragua

"Nicaragua would agree to receive advisory services from the Centre for Human Rights, with a view to training officials in matters pertaining to the freedom of religion and belief."

Romania

"Yes. It is a matter of interest to the Government that our country should send delegates to the training courses on principles and standards in religious freedom and belief, provided that we receive an invitation of this kind."

Sweden

"Swedish legislation corresponds with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Therefore the Swedish Government feels that advisory assistance is not needed."

Switzerland

"No."

Tunisia

"Tunisia always considers it useful to give its national officials the opportunity of up-to-date training in sensitive matters.

In the circumstances, it can only welcome the offer of international co-operation from the United Nations Centre for Human Rights in organizing training courses or seminars for officials concerned with the protection of freedoms."

Uruguay

"Our country has a long-standing tradition of tolerance of all philosophical and religious ideas. However, we consider that the protection of human rights calls for constant vigilance if they are to be safeguarded. This largely depends on training and on familiarity with the international instruments among public officials who, because of their competence or posts, are the ultimate guarantors of such protection. In view of our country's present situation the advisory services of the Centre for Human Rights are not

a priority concern in this area, our country does none the less consider it beneficial to develop human rights technical assistance projects which take into account specific aspects of the principles and standards which govern freedom of religion and belief."

Yugoslavia

"In view of the current growing religious tensions and the negative experience in this respect throughout out history, Yugoslavia is interested in informing the world public about the developments and problems in this field, sharing experience with countries having similar problems and in participating in the exchange of views within the United Nations in order to contribute to the overall efforts aimed at eliminating intolerance and discrimination based on religion or belief at the national and global levels."

B. Specific incidents in various countries examined by the Special Rapporteur

32. In addition to the general questionnaire addressed to all Governments on 25 July 1990, the Special Rapporteur addressed specific requests to a number of Governments in accordance with the provisions of paragraph 12 of Commission on Human Rights resolution 1990/27, whereby the Special Rapporteur was invited "to seek the views and comments of the Government concerned on any information which he intends to include in his report", and with reference to the provisions of paragraph 13, whereby the Commission calls upon Governments "to co-operate with the Special Rapporteur, inter alia by responding expeditiously to requests for such views and comments". In these specific communications the Special Rapporteur requested any comments on the subject of information on situations which seemed to involve a departure from the provisions of the Declaration, particularly those dealing with the enjoyment of the right of freedom of thought, conscience and religion (arts. 1 and 6); the prevention, elimination and prohibition of discrimination and intolerance on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms (arts. 2-4); the right of parents to organize the life within the family in accordance with their religious beliefs and the right of children to have access to a religious education in accordance with the wishes of their parents, as well as the right of children to be protected from any form of discrimination on the grounds of religion or belief (art. 5).

33. By a letter dated 9 November 1990, the Special Rapporteur informed the Governments which had not sent their comments and observations on the cases which had been transmitted to them to do so by 10 December 1990. He indicated that communications arriving after this date would be reflected in his report to the forty-eighth session of the Commission on Human Rights in 1992.

34. As of 20 December 1990, the following Governments had replied to the specific communications transmitted to them by the Special Rapporteur during 1990 regarding situations which seemed to involve a departure from the provisions of the Declaration: Albania, Bulgaria, China, Colombia, Egypt, Greece, India, Indonesia, the Islamic Republic of Iran, Israel, Saudi Arabia and Turkey.

35. In addition, following specific communications transmitted to Governments during 1989, the Special Rapporteur received in 1990 replies from the Governments of Bulgaria, Burundi, China, Mauritania and Mexico. Both the specific communications and their replies are included in this report.



Albania

36. In a communication addressed to the Government of Albania on 5 October 1990, the Special Rapporteur transmitted the following information:

"According to information received, there has been no news of the fate of the Jesuit priest, Father Ndoc Luli, of Mali Jushit, who was allegedly imprisoned in 1980 after having baptised the child of a member of his family.

In addition, a 45 year-old Albanian citizen of Greek ethnic origin, Klearchos Papasavas, of Drim Himara Viona, is allegedly serving a long prison sentence on account of his religious beliefs. He is said to have twice attempted to leave the country in order to become a monk."

37. On 12 December 1990, the Permanent Mission of the Socialist People's Republic of Albania transmitted the reply of the Albanian authorities to the Special Rapporteur's communication. The reply stated, in particular:

"Kearchos Papasavas is free and able to exercise all his rights, like all other Albanian citizens.

As far as Father Ndoc Luli is concerned (...) the appropriate authorities have carried out the necessary checks and there is no mention of his name in the relevant records; in other words, he is unknown."

Bulgaria

38. In a communication dated 8 November 1989 addressed to the Bulgarian Government (E/CN.4/1990/46, para. 30), the following information was transmitted by the Special Rapporteur:

"It has been alleged that Baptists have not been able to hold a congress since 1946 and that the Government, rather than the Baptists themselves, has been appointing the leaders of their churches. Thus, the Baptists are allegedly being denied their right to meet freely and to elect their own leaders."

39. On 11 January 1990, the Permanent Representative of Bulgaria sent his comments to the Special Rapporteur regarding the above-mentioned information:

"The acting Chairman of the Baptist Church Union in the People's Republic of Bulgaria, Mr. Yordan Gospodinov, has confirmed the forthcoming convening of the Baptist Church Congress in this country to elect new Union leaders. In the opinion of the congregationists themselves, such a Congress has not been convened for a long time because of internal contradictions among various leadership bodies and personalities of the Baptist Church. Such contradictions were apparently dropped at a session of the Baptist Church held on 26 November 1989 in Sofia.

The Baptist Church in the People's Republic of Bulgaria is registered in accordance with article 16 of the Religious Denominations Act. It enjoys the same rights as the other Protestant churches in this country, including the right 'to convene congresses, conferences, general assemblies, etc. at the national and/or regional level' - article 8 of the Religious Denominations Act - as well as the right to have its own leaders and appointment system as

stipulated in its Statute - article 9 of the Religious Denominations Act. For instance, at the above-mentioned session (26 November 1989) the believers elected a new pastor and a church trusteeship.

The temples of the Baptist Church in the People's Republic of Bulgaria are attended by pastors and preachers. The religious officials are freely elected on a periodic basis by the believers themselves and are approved by the Union leadership.

There are no vacant seats for pastors. All Churches are open and function freely. The believers are fully able to satisfy their religious needs pursuant to the prescriptions of their cult.

Article 2 of the Religious Denominations Act stipulates that the religious denominations in this country 'are entitled to exercise freely their religious rites within the framework of the Constitution and the national legislation'. According to article 16 of this same Act, the central leadership bodies of the Baptist Church - as is the case of other Churches - are registered upon their election with the Committee on Matters of the Bulgarian Orthodox Church and the Religious Cults (CMBOCRC) at the Ministry of Foreign Affairs. Local leadership bodies are registered with the respective municipal council. The CMBOCRC itself does not interfere in the internal religious life of the Baptist Church or in the election of its leadership bodies and officials."

40. In a communication dated 24 September 1990, the Special Rapporteur transmitted the following information to the Government of Bulgaria:

"According to information received, Bulgarian Muslims of Turkish ethnic origin in the town of Kurdzhali, who allegedly resisted a forced assimilation campaign initiated in December 1984, had their houses and property taken away from them before being sent to prison or exiled inside Bulgaria. According to other information, material used in the Bulgarian educational curriculum contains a large number of expressions that encourage discrimination against Muslim Bulgarians of Turkish ethnic origin."

41. On 27 November 1990, the Government of Bulgaria sent its comments to the Special Rapporteur regarding the above-mentioned information:

"As you are aware, in the aftermath of the changes of November 1989 and the first free and democratic elections held in June 1990, Bulgaria has embarked firmly and undeviatingly on the road to building a parliamentary democracy.

The processes of democratization of Bulgarian society have brought about full guarantees for the freedom of speech and conscience, freedom of association, etc. In Bulgaria this is now the time for democratic transformations, the Grand National Assembly having started to elaborate a new Constitution. This is why the Republic of Bulgaria attaches prime importance to the full and effective enjoyment of human rights and fundamental freedoms, including the freedom of conscience and belief. This position is exemplified also in Bulgaria's attitude towards the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, as well as towards your recommendation about working out a legally binding document on these issues from the point of view of



international law, a document that would be able to contribute to a larger degree to the full and effective enjoyment of human rights as stipulated in the Declaration on Religious Intolerance.

As has been brought to your knowledge, on 29 December 1989 the Council of State and the Council of Ministers of Bulgaria adopted a decision condemning all actions infringing on the right to a free choice of name and religious belief, as well as the right of every citizen, with the Bulgarian language being officially recognized and utilized as language of State, to speak other languages in everyday life, to adhere to his or her customs. The competent State bodies were instructed to take measures to rectify the committed wrongs. In this same decision it was proposed to the National Assembly to grant amnesty for all political offences carried out in connection with the name changes which were not linked to terrorist acts.

In the wake of this decision, a session of the Public Panel to Discuss the National Question, held in Sofia, drafted a Declaration on the National Question. This same Declaration was adopted by the National Assembly on 15 January 1990.

This spring many legislative steps were taken, the aim of which was to lay the basis for building a democratic State governed by law in Bulgaria. Some of these have a direct bearing on the implementation of the Declaration on Religious Intolerance, as the following examples show.

On 16 January 1990, by virtue of the Law on Amnesty and Release from Purging Imposed Sentences which was adopted by Decree No. 95 of the Council of State of Bulgaria, amnesty was granted for certain crimes committed after 1 January 1984 in connection with Bulgarian citizens' name changes.

The Law to Amend and Supplement the Constitution of Bulgaria (see State Gazette, issue 29, 10 April 1990) proclaimed the freedom of religious propaganda.

The adoption of the Bulgarian Citizens' Names Law (see State Gazette, issue 20, 3 March 1990) furnished the possibility, under an accelerated court procedure, of examining and ruling on requests for restoration of forcibly changed names.

On 9 November 1990 the Grand National Assembly adopted at first reading a draft to amend the Bulgarian Citizens' Names Law. These amendments provided for replacing the court procedure with an administrative one, something that would ease and speed up the name-restoration process.

A number of other problems have been solved at relevant governmental levels, problems that arose in connection with encroachments on the rights of Bulgarian citizens of Muslim denomination. Early March this year an action-oriented Commission was set up for the purpose of tackling the problems resulting from the large number of Bulgarian citizens who left for Turkey throughout the summer of 1989: providing housing and jobs for those who returned, restoring educational rights of students and pupils, etc. This Commission is headed by a Vice-Chairman of the Council of Ministers.

In April 1990 the Council of Ministers of Bulgaria adopted a relevant decree whereby many major problems were settled: the procedure for issuing building permits was accelerated; additional financial and material resources

were redirected for urgent goals; the system of allocating provisional housing was corrected while a data base was created for all citizens in need of housing; citizenship was restored to persons returning from Turkey. A purpose-oriented fund of 30 million levas has been set up to meet the needs in the solution of these problems.

The issues related to the elimination of the consequences of these violations are the object of active public discussions. A special parliamentary commission on human rights and the national question is now studying all aspects of these problems.

The Republic of Bulgaria reaffirms its readiness to implement fully and effectively all provisions of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Bulgaria considers further that this cannot infringe in any way on the right of the freely and democratically elected Bulgarian Parliament to examine these matters and to determine suitable legal and other means to implement them in accordance with the sovereign will of the Bulgarian people."

Burundi

42. In a communication addressed to the Government of Burundi on 13 October 1989 (E/CN.4/1990/36, para. 31), the Special Rapporteur transmitted the following information:

"According to information received, at a meeting of governors of provinces in February 1989 attended by the President of the Republic, it was recommended that the parochial activities of Jehovah's Witnesses in Burundi should be limited and that Jehovah's Witnesses who were arrested should be severely punished. Since then, two Jehovah's Witnesses performing pastoral functions are said to have been arrested and one of them severely beaten in order to obtain the names and addresses of the other members of the congregation. They are alleged to be held at the security forces' police station in Gitega.

According to the same reports, the authorities are looking for an itinerant pastor who visits the country's congregation of Jehovah's Witnesses and they want to arrest him. In the meantime they are said to have arrested his wife, Charlotte Nijimbere and to be holding her until her husband gives himself up."

43. In a communication dated 8 November 1989 (E/CN.4/1990/46, para. 32), the following information was transmitted:

"According to information received, in March 1989 the Governor of the Province of Muramvya incited the local population to attack Jehovah's Witnesses. On 16 March 1989, the police burst into the houses of certain known Jehovah's Witnesses and beat both men and women for refusing to chant Party slogans. The next day, four women members of the congregation were beaten for having refused to renounce their faith. In addition, Pierre Kibina-Kanwa, headmaster of Nyabihanga primary school, is alleged to have expelled pupils who were Jehovah's Witnesses and whom he wanted to force to salute the national flag.



According to the same reports, two Jehovah's Witnesses in Bubanza Province were arrested for possessing bibles. In addition, when they refused to give the Party salute, Governor Kimbusa Balthazar, sent them to a military camp where they were tortured."

44. On 20 August 1990, in reply to two earlier communications, the Permanent Mission of Burundi transmitted the statements made by the delegation of Burundi to the forty-first and forty-second sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the relevant extracts of which are reproduced below:

Statement by Mr. Muyovu Grégoire, Chargé d'affaires a.i., at the forty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

"...

The Government of Burundi counts among those that fully endorse the ideals and principles contained in the Charter of the United Nations and in the Universal Declaration of Human Rights, one of the fundamental objectives of which is to promote and encourage respect for the rights and fundamental freedoms of all, without distinction as to race, sex, language or religion.

...

When the Third Republic was proclaimed in Burundi on 3 September 1987, the country's new leaders set themselves the priority task of restoring the rights and fundamental freedoms of all citizens.

You will recall that the Second Republic was marked by intolerance towards freedom of worship and religion, and that relations between the Church and the State had deteriorated.

The Third Republic restored the rights of all believers and resumed the dialogue between the religious denominations and the State. The new régime recognized the right of religious denominations to exercise their specific mission, and defined clear principles to allow that right to be unequivocally exercised in practice.

By way of illustration, the declaration of 16 October 1987 reaffirmed the will of the authorities to guarantee religious freedom to recognized religious denominations with Burundi legal representation. It further stated: 'those who benefit from the right to religious freedom have a duty to respect the same rights for others'.

It should be recalled that the State of Burundi is secular and does not give preference to any religion, but guarantees each person's right to practise his religion within the confines of the law.

...

As you are aware, Burundi is engaged in struggles on several fronts, among which that for national unity is not the least important. You have been

informed of the considerable efforts made by the Government of the Third Republic to consolidate national unity and establish a society in which social justice and equality of opportunities for all reign without exception.

...

It is paradoxical that, within such a favourable framework for democracy, freedom of expression in general and religious freedom in particular, Burundi should be accused of religious intolerance.

At present, approximately a dozen religious sects are established, while others are awaiting authorization. Where the latter are concerned, the Government reserves the right to grant or refuse authorization, as is the case in all sovereign States throughout the world. A refusal to grant authorization, may not, however, be arbitrary: it has to be justified, for instance, by considerations of public order, if, for example, a sect's objectives run counter to the ideals of peace, justice and the unity of the people of Burundi.

The Association of Jehovah's Witnesses, which is not even authorized in Burundi, and which has recently been importuning the entire international community with assertions that its members in Burundi are victims of persecution, is a case in point. However, it engages in its activities in Burundi, thus breaking the law of Burundi.

If that were its only offence, it would be a minor matter. However, not content with acting unlawfully, the Association of Jehovah's Witnesses instills in its followers ideas and practices which are contrary to the traditional values of the people of Burundi.

On the pretext that the Association eschews politics, it incites the population of Burundi not to salute the national flag, not to respect authority and to cease work on the day of prayer, all of which is contrary to the essential values of the people of Burundi, and encourages them to disregard their civic duties.

...

The delegation of Burundi wishes to stress that in Burundi all religions are equal before the law, and are subject to the same law throughout the national territory. The Third Republic of Burundi recognizes equality of rights for all religious communities and this is reflected in the application of one and the same legal system to all communities that wish to practise their faith in Burundi.

While the State recognizes its duty to guarantee the continued existence of these principles, it is understandable that Burundi, like other countries, should seek to reconcile religious freedom with order in its territory.

It is understandable that no one may invoke freedom of religion in order to avoid obligations relating to the laws and institutions of Burundi.

...



Religious practices are elements of social life in Burundi, and as is appropriate, the State merely harmonizes religious practices with other social activities. As the teachings of the Jehovah's Witnesses have already been rejected by the people to whom they were directed, the State has no other alternative than to comply with the deepest wishes of the people.

However, the leaders of the Third Republic have not departed from their initial intentions and constantly wish to maintain close co-operation with all religions in Burundi, without any form of discrimination whatsoever. A Department of Religious Affairs exists within the Ministry of the Interior to ensure a dialogue between the representatives of religions and the State.

The delegation of Burundi has but one recommendation to make to the Jehovah's Witnesses who wish to be heard in Burundi: they should apply to that Department to initiate a constructive dialogue, rather than engage in a sterile confrontation.

..."

Statement by Mr. Muyovu Grégoire, Deputy Permanent Representative at the forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

"...

One file is nevertheless still pending before your Sub-Commission: that concerning the recognition of Jehovah's Witnesses. Although the situation has evolved since last year, when we proposed, through a statement before the Sub-Commission, a constructive dialogue between the Jehovah's Witnesses who wish to be heard in Burundi and the country's Government, a proposal that did not go unanswered (a European delegation of Jehovah's Witnesses has just visited Burundi, where it held fruitful discussions with the authorities responsible for religious affairs), and although the situation has continued to evolve, the position of the Government of Burundi remains clear.

Burundi is a secular State in which freedom of religion is guaranteed to authorized congregations and sects, which coexist in large numbers in Burundi;

However, exercise of this freedom is subject to respect for social organization, for public order and for national laws and regulations;

If some members of the Jehovah's Witnesses were imprisoned for several days last year, it was because they had committed breaches of law and order. No person is currently detained in Burundi on grounds linked to the exercise of his religion, for the relevant laws and regulations are better observed.

The Government of Burundi will take a sovereign decision to grant or refuse authorization to Jehovah's Witnesses. The grounds for its decision will be explained, and both those concerned and the Sub-Commission will be informed of its decision."

...

45. In a communication dated 20 September 1990, the Special Rapporteur transmitted the following information to the Government of Burundi:

"According to information received, persecution of Jehovah's Witnesses has allegedly continued. Allegations have been made of cases of torture and confiscation of property. The authorities have allegedly not only tolerated such acts but have continued to incite the local population. According to the same information, Jehovah's Witnesses are rejected by the population on the grounds that they are 'unpatriotic'.

The most recent acts of violence are said to include the arrest in the regions of Kinyinya and Gitega of three children, two secondary-school students and a young girl, who were allegedly beaten on two occasions."

China

46. In a communication dated 8 November 1989 addressed to the Chinese Government (E/CN.4/1990/46, para. 37) the following information was transmitted by the Special Rapporteur:

"It has been reported that the Government authorities have announced that no further admission of monks in the monasteries of Tibet will be tolerated, that no monasteries may be renovated without the Government's approval and that no donations for monasteries may be requested or given. Furthermore, at least two of the largest monasteries near Lhasa, Sera and Drepung, are reportedly surrounded by armed troops. A third monastery near Lhasa, Ganden, has soldiers allegedly stationed at the entrance.

The following Buddhist monks and nuns were reportedly killed during or after a peaceful demonstration that took place in Lhasa on 5 March 1989: Gyurme (M), Gelong (M) and a nun, sister of Apho Gonpo.

The following Buddhist monks and nuns were allegedly arrested during or after the above-mentioned demonstration: Ven Jigme (M), Wangdu (M), Phakchol (M), Trachung (M), Kangzuk (F), Ven Dawa (M), Yeshi Choephel (M), four unnamed (M) of Gyutoe monastery, three unnamed (M) of Toelung Shongpa Lhachu monastery, Yeshi Palden (M), Ngawang Palkar (M), Ngawang Tenkyong (M), Thupten Wangchuk (M), Rabsel (M), Rigsang (M), Lobsang Gyatso (M), Sonam Wangdu (M), Trinley (M), Tsultrim (M), Phuntsog Tobgyal (M), Ugyen (M), Dorje (M), Tsedor (M), Topjhor (M), Lhodup (M) and Ngawang (M).

Six nuns, namely Ngawang Chosum, Ngawang Pema, Lobsang Chodon, Phuntsog Tensin, Pasang Dolma and Dawa Lhanzum, have allegedly been sent for three years' hard labour and re-education following their detention for chanting slogans calling for Tibetan independence. The six nuns were reportedly arrested on 2 September 1989 and condemned two weeks later, not by the judiciary but by the Lhasa Bureau of Labour and Re-education."

47. On 24 January 1990, the Government of China sent its comments to the Special Rapporteur regarding the above-mentioned information:

"The incident which took place in Lhasa from 5 to 7 March last year was aimed at splitting Chinese territory and undermining unity among nationalities and it was a riot staged through violence and terrorist means. It was, therefore, by no means a 'peaceful demonstration'. A handful of splittists



brazenly instigated the splitting of China on the streets in Lhasa, wilfully engaged in illegal sabotage activities, such as beating, smashing, looting and fire-setting, and they even opened fire on the officers and men of the security police and armed police, thus seriously endangering public order and the safety and property of the people. The Chinese Government took measures and stopped the riot according to law. This had nothing to do with the religious affairs of the temples or the normal activities of the people practising religion. The question of interference and restriction by the Government did not arise. Since the implementation of the martial law on 8 March, last year, the various temples and religious forums in Lhasa have been open as usual, all religious ceremonies and religious practices of the people have been conducted in as usual.

During the Lhasa riot last March, a number of monks and nuns were taken in for investigations, detained or arrested by the Chinese public security organs. This is because they participated in activities of splitting China and instigating riots in violation of the Constitution and the Criminal Law. It is perfectly normal and necessary for local judicial organs to mete out punishment to them according to law and in the light of the seriousness of their crimes.

On 2 September, last year, six nuns openly instigated activities for 'the independence of Tibet' during a folk customs festival in Lhasa. This is not permissible according to law. Since this is a minor offence, the authorities concerned did not investigate their criminal responsibility. Instead, they were given a three-year-rehabilitation-through-labour in accordance with the related provisions of the Chinese law, so that they can receive education through labour."

48. In a communication of 15 June 1990 addressed to the Government of China, the following information was transmitted by the Special Rapporteur:

"It has been reported that a number of Roman Catholic priests have been arrested in several provinces of northern China. The arrests were said to be connected with the implementation of new policy directives issued by the authorities in February 1989 in a document entitled 'Strengthening Catholic Church Work in the Present Situation'. It was reported that according to the document, Catholics who remain loyal to the Vatican and carry out religious activities outside the Government-recognized Church should be 'severely dealt with in accordance with the law'.

The following cases of arrest of Roman Catholic priests have been reported:

1. Liu Shuhe, a 69 year-old bishop from Hebei province is reported to have been detained since November 1988, allegedly without charge.

2. Pei Konggui, a Trappist monk of Hebei province, was reportedly arrested in Beijing on 3 September 1989 after administering the last rites in a Catholic's home.

3. Liu Guangdong, Peter, Bishop of Yixian Diocese in Hebei province, was allegedly arrested on 26 November 1989.

4. Li Side, Joseph, Bishop of Tianjin Diocese, is reported to have been arrested at his home during the night between 8 and 9 December 1989.

5. Anthony Zhang, a parish priest, was reportedly arrested in Shaanxi province on 11 December 1989.

6. Matthias Lu Zhensheng, Bishop of Tianshui, province of Gansu.

7. Barthélémy Yu Chengti, Bishop of Hanzhong, province of Shaanxi.

8. Philipp Yang Libo, Bishop of Lanzhou, province of Gansu.

9. Joseph Fan Xueyan, Bishop of Boading.

10. Bishop Guo Wenzhi was reportedly arrested in Qiqihar, Heilongjiang, on 14 December 1989.

11. Liu Guangdong, Bishop of Yiuina, province of Hebei, and Li Side, Bishop of Tianjin have reportedly also been taken into custody.

It has been reported that a number of Tibetan monks and nuns were accused of being involved in 'counter-revolutionary activities' since martial law was decreed in Lhasa in March 1989. In this connection it was alleged that several Buddhist monks and nuns were arrested for exercising their right to hold and express opinions peacefully. The following monks were said to have been sentenced to prison terms ranging from 3 to 12 years:

1. Dagwa and Namga respectively to four and three years' imprisonment reportedly for flying the banned Tibetan flag from the roof of the Raidor monastery.

2. Cering Ngoizhu to 12 years for allegedly inciting young people to sing 'reactionary songs'.

3. Danzim Puncog, from Sera monastery, and Ngawang Gyainsing, from Drefung monastery, as well as the monk Ngoizhou to five years' imprisonment reportedly for being 'spies of the Dalai Lama clique'.

According to the reports received, the following 10 nuns accused of taking part in demonstrations on 22 September and 14 to 15 October 1989, were sentenced without trial to 're-education through labour':

1. Choenyi Lhamo,
2. Tashi Chozom,
3. Sonam Chodren,
4. Gongjue Zhuoma,
5. Rinzen Chordren,
6. Rinzen Choenyi,
7. Tenzin Wangmo,
8. Phuntsog Sangye,
9. Kelsang Wangmo,
10. Tenzin Dorje.

According to other information received a mass sentencing rally took place in Lhasa on 30 November 1989. Ten monks and one layman from Tibet were



reportedly arrested and sentenced to prison terms ranging from five to 19 years and to deprivation of political rights for additional periods of up to nine years; they were all from Drepung Monastery, Lhasa. The names of the monks were given as follows:

1. Ngawang Buchung,
2. Jampel Losel,
3. Ngawang Osel,
4. Ngawang Rinchen,
5. Kelsang Ngodrup (or Dhondup),
6. Jampel Monlam,
7. Ngawang Gyaltsen (or Gyentsen),
8. Jampel Tsering,
9. Jampel Chunjor,
10. Ngawang Gongar."

49. On 17 September 1990, the Government of China sent its comments to the Special Rapporteur regarding the above-mentioned information:

"1. Some participants in the riots in Lhasa are monks or nuns who were punished according to law by the judicial organs of the Tibetan Autonomous Region. They were punished not for their religious belief but for their criminal activities aimed at splitting the country, creating riots and jeopardizing State security and normal social order. They put up banners of 'independence of Tibet', wrote slogans advocating 'independence for Tibet', distributed magnetic tapes of speeches and songs preaching 'independence for Tibet', and participated in the riots in Lhasa. All of the afore-mentioned actions violated the criminal law of China. The Chinese judicial organs have duly given them punishment according to their crimes. The situations are as follows:

. Namga was sentenced to fixed-term imprisonment of 3 years.

. Dagwa was sentenced to fixed-term imprisonment of 4 years.

. Cering Ngoizhu was sentenced to fixed-term imprisonment of 12 years.

It should be pointed out that all Chinese citizens, with or without religious belief, enjoy equal political rights such as freedom of speech, of assembly, of association, of procession and of demonstration as is provided in the Chinese Constitution. At the same time they must abide by the law. No one committing a crime can escape punishment according to law. The punishment of criminals should not be taken as religious intolerance. These are two matters of different nature.

2. Ngawang Buchung and some others set up illegal organizations for the 'independence for Tibet' and were involved in their activities. For the purpose of splitting China, they participated in the riots in Lhasa, illegally collected intelligence and sent it to foreign spy organizations, and attempted to sneak across the border. The related decisions of the Lhasa Intermediate People's Court are as follows:

. Jampel Monlan, Danzim Puncog, Jampel Tsering, Nagwang Congar were respectively sentenced to fixed-term imprisonment of 5 years;

. Ngawang Rinchen was sentenced to fixed-term imprisonment of 9 years;

- Jampel Losel was sentenced to fixed-term imprisonment of 10 years;
- Ngoizhou was sentenced to fixed-term imprisonment of 11 years.
- Nagwang Gyainsing and Ngawang Osel were respectively sentenced to fixed-term imprisonment of 17 years;
- Kesang Ngodrup was sentenced to fixed-term imprisonment of 18 years;
- Ngawang Buchung and Jampel Chunjor were respectively sentenced to fixed-term imprisonment of 19 years.

3. The situations of the 10 nuns mentioned by the allegation attached to your letter are as follows:

In September and October 1989, Choenyi Lhamo and some other nuns, in open violation of the martial law in Lhasa issued by the Chinese Government, participated in illegal demonstrations and shouted slogans, such as 'independence for Tibet', etc. For this reason, Choenyi Lhamo, Tashi Chozom, Sonam Chodren, Gongjue Zhuoma, Rinzen Chorden, Tenzin Wangmo, Phantsog Sangye, Kelsang Wangmo and Tenzin Dorje were respectively given rehabilitation through labour for three years.

Rinzen Choenyi was sentenced to fixed-term imprisonment of seven years for organizing and participating in an illegal demonstration.

In China, rehabilitation through labour is an administrative punishment for those who have violated the law but circumstances are minor, and criminal punishment is excused. It is an administrative measure for preventing and reducing criminal activities in order to safeguard social stability. The length of time for such punishment is 1 to 3 years. The Administrative Committees for Rehabilitation through Labour set up by the people's governments of provinces, autonomous regions, municipalities directly under the Central Government and big or medium-sized cities, shall examine and decide who should be subjected to rehabilitation through labour in accordance with the relevant regulations. The above-mentioned regulations have been approved by the Standing Committee of the National People's Congress. Therefore, the decisions made by the Administrative Committee for Rehabilitation through Labour of Lhasa City concerning those nuns who had participated in illegal demonstrations in Lhasa and advocated 'independence for Tibet' are fully in keeping with the related Chinese laws and regulations. The allegation that those nuns were sentenced to rehabilitation through labour 'without trial' is completely groundless.

4. The allegation attached to your letter that priests were put into prison without trial does not tally with the facts. None except Fan Xueyan is a Catholic bishop. The examination and punishment of these people have nothing to do with religious belief.

Liu Shuhe was examined according to law in 1988 for his illegal activities, but was released on parole for medical treatment in January 1989, because of his repentance, old age and illness.

Zhang Gangyi, Lu Zhensheng, Guo Wenzhi and Yu Chengti were examined according to law for their illegal activities. Since they made confessions and showed repentance, they were later released.



Liu Guandong and Yang Libo were examined according to law respectively in November and December 1989 and were given rehabilitation through labour of three years.

Pei Ronggui and Li Side were arrested according to law for seriously disturbing the social order and conducting illegal activities. Their cases are under examination.

Fan Xueyan was a former Catholic bishop of the Baoding diocese. He was sentenced to fixed-term imprisonment of 10 years in 1983, for he collaborated with foreign religious forces in interfering with the religious affairs of China, which endangered the national sovereignty. In November 1987, he was granted parole and settled down in Baoding diocese.

5. There are two letters of 1989 annexed to your letter of 15 June 1990 to which I would like to provide the following reply:

With reference to the allegations attached to your letter dated 2 May 1989 (see E/CN.4/1990/46, para. 35), the findings of my Government are as follows:

In April 1989, a few lawless persons from Youtong village, Luancheng County, Hebei province, incited some Catholics to forcefully occupy a school. As a result, the school was shut down for four months. Officials of the department concerned were sent to the village to settle the problem. But they were attacked and beaten by some people. At that time, both sides had people wounded, and no one was killed. The wounded were treated promptly. This is just an incident in maintaining public order and has nothing to do with religious intolerance.

According to the allegation attached to your letter dated 8 November 1989 (see E/CN.4/1990/46, para. 37), the Chinese Government prohibited Tibetan temples from recruiting monks or nuns; the temples could not be renovated or ask for or accept donations without the permission of the Government. These allegations are totally unfounded.

The Chinese Government protects the normal religious activities of citizens of Tibetan nationality and attaches importance to teaching of and research on Buddhism. During the 'Cultural Revolution', there were incidents of temple destruction in Tibet as elsewhere in China. However, since 1978, the policy of freedom of religious belief has been once again implemented in earnest. The Government has earmarked large sums of money for the renovation and maintenance of the temples, and has helped Tibetans to set up places for their religious activities. There are now more than 1,400 temples and 34,000 monks and nuns in Tibet. The Tibetan monks and laymen may carry on their normal religious activities. Recently the Government appropriated an additional sum of more than 35 millions yuan to renovate the Potala Palace.

With reference to the allegations attached to your letter dated 2 May and 8 November 1989, which also referred to the riots in Lhasa, the Chinese delegation to the forty-sixth session of the Commission on Human Rights made a detailed exposition during the session which has been carried in the summary records of the Commission.

I would like to reiterate that respect for and protection of the freedom of religious belief is the basic and consistent policy of the Chinese Government. Article 36 of the Constitution of the People's Republic of China stipulates that citizens enjoy freedom of religious belief and the State protects normal religious activities. The Constitution also stipulates that no one may make use of religion to sabotage the social order or to split the country. There are also explicit and concrete stipulations on this matter in the Law on Regional and National Autonomy and the Criminal Law of China. Thus it is clear that in China all normal religious activities are under the protection of the Government."

50. In a communication of 5 October 1990 addressed to the Government of China, the following information was transmitted by the Special Rapporteur:

"The Special Rapporteur has received a large number of allegations pertaining to the situation of religious rights in Tibet. The information, as received by the Special Rapporteur, has been summarized as follows:

Large numbers of monks and nuns have been expelled by the authorities, particularly in the spring of 1990, from monasteries and nunneries in the Lhasa area or are in detention without any specific charges having been brought against them. Those expelled were the best students - usually candidates for the geshe degree - and teachers who are senior and well-educated monks. In some cases, it is almost impossible to hold debating, scripture and philosophy classes in many monasteries for lack of qualified students. After the expulsions, hundreds of monks from Sera and Drepung monasteries staged walkouts in protest, closing down the monasteries and locking the temples. It is said that the authorities had compelled these monks to return to their monasteries by imposing a deadline and putting pressure on teachers and elder monks.

It is considered unlikely that those who have been expelled will be replaced since they are handed over upon their expulsion to the district officials of the regions from which they come and are immediately taken to their home towns by vehicles waiting in front of the monastery. Once in their regions, the monks and nuns are relegated to performing agricultural work, their movements are restricted and controlled and they are forbidden to leave their home towns. In addition, they are not allowed to shave their heads, join any other religious institutions, practise religion in public or perform religious services for households.

Police stations are being established in the main monasteries while army camps are set up in neighbouring villages or crossroads. Despite the lifting of martial law, monks are still not allowed to enter or leave monasteries without a special pass.

The following specific cases and incidents in monasteries and nunneries have been reported:

Drepung monastery

Yeshe Choephel, temple warden of Loseline College, Drepung, was arrested on 9 March 1989 along with five other temple wardens and they were held for four months and 13 days at Sithru, a section of Sangyip prison, of which



one month was incommunicado. At a meeting attended by the Panchen Lama, they demanded, among other religious rights, an increase in the number of monks allowed to join monasteries but were officially accused of demonstrating.

The following 11 monks are detained at Drapchi prison and were sentenced to 20-year prison terms on 30 November 1989. They were also all expelled from Drepung monastery while in detention:

1. Ngawang Phuljung (received maximum prison sentence of 19 years),
2. Jampal Jungchub (spent time in solitary confinement, his hands are at present almost paralysed),
3. Ngawang Gyaltsen,
4. Jampal Khedup (Kelsang Thutop),
5. Jampal Tsering (Kelsang),
6. Jampal Monlam (Damdul),
7. Jampal Lhosel (Tendhar),
8. Ngawang Kunga (Dorje Tinley),
9. Ngawang Rinchen (Tashi Deleg),
10. Ngawang Woeser,
11. Ngawang Tenrab.

On 14-15 April 1990, Lobsang Tsondru (Tsundu), 59, was arrested for 'failing to reform through re-education', and is detained in Gutsa prison.

On 3 August 1990, six monks were arrested for calling for the release of other imprisoned monks.

The following 29 monks and 'unofficial monks' were expelled from Drepung monastery (some of them have at times been detained):

1. Jampal Lhegsang (Choephel),
2. Ngawang Deleg (Thupten Tsering),
3. Jampal Nyima,
4. Ngawang Lhabsum,
5. Ngawang Lhabchen,
6. Ngawang Choezin (Tsering Wangdu),
7. Ngawang Khentsun,
8. Ngawang Jamsang,
9. Ngawang Woeber,
10. Ngawang Paldup,
11. Tinley Ngawang (Tsering),
12. Buchung,
13. Ngawang Rapten,
14. Tashi Rinchen,
15. Ngawang Gyatso,
16. Ngawang Drangchen,
17. Ngawang Thardoe,
18. Ngawang Jigme,
19. Tsering,
20. Ngawang Shenphen,
21. Ngawang Sherab,
22. Lhudup Soepa,
23. Ngawang Dhupchok,
24. Ngawang Tenrab (Samdup),
25. Ngawang Tendhar (Ngawang Choegyal).

The following monks were expelled from Drepung monastery in February 1989:

26. Ngawang Palkar (still in detention),
27. Ngawang Gedun,
28. Ngawang Namgyal (the first monk permitted to join Drepung monastery after religious freedom was announced in 1979, imprisoned for the fourth time when he took food to a fellow monk in Sangyib prison),
29. Ngawang Tobchen.

Gaden monastery

The Venerable Chundag, former head of the monastery, is serving a lengthy prison sentence.

The following 47 monks were expelled from Gaden monastery on 13 April 1990:

1. Tsundu (Tharchin),
2. Tashi,
3. Lugu,
4. Kunsang Tsering,
5. Tsering,
6. Tamding,
7. Gyathar,
8. Chungdhak,
9. Phuntsok,
10. Tsering Sonam,
11. Ngawang Thoklam,
12. Nyangok,
13. Phurbu,
14. Bakdro,
15. Tenpa Wangdhak.

The monks whose names are listed above were expelled from Gaden monastery while in detention.

16. Nyima Tsering,
17. Norbu Tsering,
18. Lobsang Kunchok,
19. Yeshi Samten,
20. Sonam Yonten,
21. Kunchok,
22. Pasang,
23. Sonam,
24. Dholo,
25. Migmar,
26. Tenzin Dawa,
27. Kadhog,
28. Kunchok Lhodoe,
29. Lhundup,
30. Tsering Gyatso,
31. Jamyang,
32. Gatok,
33. Lobsang Paljor,



34. Lhundup Palden,
35. Kelsang Paljor,
36. Lhundup,
37. Yugyal,
38. Tobgyal,
39. Tenzin Kelsang,
40. Shunu,
41. Namgang,
42. Tsering Paljor,
43. Tashi Bhakdro,
44. Phuntsok Wangdu,
45. Bakhdro,
46. Wangdu,
47. Lobsang Wangdu

Sera monastery

In addition to Tenzin Phuntsog, aged 33, several monks were expelled from Sera monastery in April 1990, while one was arrested on 21 August 1990.

Palhalubuc monastery

On 6 November 1989, the following monks were sentenced to three years of re-education through labour for participating in a peaceful demonstration:

1. Lichuo,
2. Pujue,
3. Danzeng,
4. Lhakpa,
5. Trinley.

Gongkar Choedhe monastery

Six monks are currently in detention.

Palkhor Choedhe monastery

Two monks are currently in detention.

Tashi Lhunpo monastery

Two monks have been expelled in 1990 and one is currently in detention.

Tsetang monastery

Five monks were arrested in November 1989 after a small demonstration; their fate is unknown.

Kirti monastery

Three monks were arrested in January 1990. A monk who had been arrested in early 1989 was detained without trial for over one year.

Khardo monastery

Three monks were arrested and beaten on 3 May 1990 for flying a prayer flag.

Potala palace

On 5 December 1989, Lhoya (Luoya), aged 39, was sentenced to 15 years' imprisonment on charges of spreading 'counter-revolutionary propaganda'.

Several monks, among whom Phuntsoh Dorje, Lhoyag and Phuntsok Tobgyal were expelled from Potala palace in July 1989. Three monks were expelled from Potala palace between March and June 1990.

Jhokhang temple

Several monks were expelled in April 1990 and 10 are in detention.

Draglha Lhubuk temple

Several monks were expelled in April 1990 and several are in detention.

Shungseb nunnery

The following nuns were expelled in 1990:

1. Tenzin Choedon,
2. Tsering Choekyi,
3. Ugyen,
4. Ugyen Choedon,
5. Rinzin Kunsang,
6. Tsering la,
7. Tsewang Choedon,
8. Tsenyi Chozom,
9. Tsamkyi la,
10. Sangye Choedon (arrested on 31 May 1990 at midnight for writing 'nationalistic' poems),
11. Rinzin Choedhen,
12. Kelsang Pema,
13. Pasang,
14. Kelsang,
15. Nyima,
16. Sherab Choedon,
17. Ngodup Tsomo,
18. Kelsang Choekyi,
19. Ugyen Dolma,
20. Jamyang Palmo,
21. Norbu Choedon,
22. Rinzin Choenyi,
23. Phurbu Choedon,
24. Lhochoe,
25. Penpa,
26. Pasang,
27. Tenzin Dolma.

Altogether 69 nuns are said to have been expelled from Shungseb nunnery.



Gari nunnery

1. Lobsang Wangmo,
2. Gyaltsen Trinley,
3. Gyaltsen Wangmo,
4. Gyaltsen Norbu,
5. Gyaltsen Dekyi,
6. Ngawang Dolma,
7. Ngawang Youdon,
8. Ngawang Lhakdon,
9. Ngawang Nyima.

Up to 40 nuns were expelled from Gari nunnery while 10 are in detention. This nunnery is almost empty at present.

Chupsang nunnery

1. Gyaltsen Tsultrim,
2. Phuntstok Kunsang.

Both nuns mentioned above were expelled from Chupsang nunnery, along with 16 others in December 1989. Over 300 nuns were expelled in 1990, of whom 16 are in detention. This nunnery is currently deserted.

Tsamkhung nunnery

Sixteen nuns were expelled in 1990 and two are in detention. Seven nuns are awaiting a decision of the authorities.

Mijungri nunnery

Fifty nuns were expelled in 1990.

According to additional information received, monasteries are run by the Religious Affairs Department (Lhedun Rughak) and the Monastery Management Committee (Wu Yon Lhenkhang) whose members are supposed to be elected but are reportedly designated. Monks are made to serve lay persons when officials of the Lhedun Rughak reside at the monastery; these officials have in some monasteries been replaced by police stations (Fai Zhu Sui). Fifty Lhedun Rughak officials reside at Drepung monastery while members of the armed police force (Wu Jing) are stationed outside.

Both official and unofficial monks are obliged to attend political education meetings. It is reported that if they do not come the first time they are called, the fine is 5 yuan, the second time, 10 yuan and the third time, 20 yuan. They are expelled from their monasteries if they do not appear when called for the fourth time.

The pilgrimage to Mt. Kailash, which occurs once every 12 years, had been disrupted by heavy restrictions of the pilgrims' movements by the authorities. It is alleged that the authorities had established registration camps for the pilgrims according to their regions and districts of origin, not allowing the pilgrims to interact among themselves. Some were even forced to turn back for lack of a border permit while those admitted underwent intensive searches.

The annual Monlam Prayer Ceremony in Lhasa was cancelled in 1990.

According to the information received, there is a plan to remove religious texts from monasteries throughout Tibet and centralize them in Lhasa, where only approved scholars and religious people would enjoy access to them."

51. On 11 December 1990, the Government of China sent its comments to the Special Rapporteur regarding the above-mentioned information:

"1. On the allegation that 'large numbers of monks and nuns have been expelled from monasteries and temples and their movements restricted by the authorities'.

A few Tibetan monks and nuns, incited by the separatists abroad, repeatedly participated in the activities of splitting the country and stirring up riots since the fall of 1987. These activities violated the Chinese Constitution and relevant laws and seriously disrupted the national security and social order. To uphold the dignity of the law and ensure normal religious activities, the Democratic Administrative Committees of some monasteries and temples, according to the Democratic Administrative Rules of Monasteries and Temples, expelled since 1989 some monks and nuns who had participated in riots, violated religious doctrines and refused to acknowledge their mistakes. Some of these monks and nuns have been punished by judicial organs for their crimes, others have all returned to their ancestral homes. They are living a normal life. There is no so-called restriction on them.

It must be pointed out that respect for and protection of the freedom of religious belief is a consistent stand and a basic policy of the Chinese Government. In China all citizens, religious believers or not, are equal politically. They enjoy rights stipulated in the Chinese Constitution and at the same time must abide by the laws. No one who violates the law can escape from due punishement. The fact that some criminal monks and nuns have been punished according to the law has nothing to do with the religious belief.

2. On the allegation that 'police were sent and stationed around the monasteries and temples'.

In recent 10 years, Tibetan buddhism has witnessed rapid development. At present, there are over 1,400 monasteries and temples and more than 34,000 monks and nuns in Tibet. Every year, large numbers of religious believers go to some famous monasteries and temples to worship and give alms. On religious festivals, tens of thousands or even hundreds of thousands of pilgrims, including many Chinese and foreign tourists, participate in the activities. In order to safeguard normal religious activities and to maintain the social order, the public security organs in Tibet have established several police stations there according to the relevant regulations of the Government. This measure is beneficial to the religious believers for their normal religious activities and is absolutely lawful and justified. Besides, the allegation that 'the armed police were stationed around the Drepand Monastery' is totally groundless.

3. On the allegation that 'the annual Monlam Prayer Ceremony in 1990 was cancelled'.



Since the Monlam Prayer Ceremony was resumed in Lhasa in 1986, the Tibetan Branch of the Chinese Buddhist Associatica has organized the Monlam Prayer Ceremony on a large scale for three years running. The number of participants each year were more than one hundred thousand. On the eve of the Monlam Prayer Ceremonies in 1989 and 1990, based upon the opinions of the masses of Lamas and after consultations with the Democratic Administrative Committees of Ganden Monastery, Drepand Monastery, Sera Monastery and Jokhang Monastery, the Tibetan Branch of the Chinese Buddhist Association decided that the Monlam Prayer Ceremonies and other relevant Buddhist activities in these two years would be organized by each of those monasteries themselves. At the beginning of 1989, Dorje Cerang, then Chairman of the Government of Tibetan Autonomous Region, made a clear statement that the policy of the Government on the Monlam Prayer Ceremony would not be changed. How to organize this kind of activity and what forms it should take would be decided jointly by the Tibetan Buddhist Association and various monasteries or temples. The Government would give assistance and support to all important Buddhist activities held by religious organizations. The allegation that 'the Monlam Prayer Ceremony in 1990 was cancelled' is not true to fact. In addition, the statement that the so-called 'pilgrimage to Mt. Kailash has been restricted by the authorities' is also not true. According to new reports, although Kangrinboqe (called Mt. Kailash in your communication) is located in Burang County, Ngari Prefecture, the access to which is difficult, the number of pilgrims there was more than tens of thousands, increased by several times over previous years, because this year is the Iron House Year (once in every 12 years). No restriction is put by the authorities to this kind of normal religious activity.

4. On the allegation that 'there is a plan to remove religious texts from monasteries throughout Tibet and centralize them in Lhasa'.

The Chinese Government attaches great importance to the inheritance and development of Tibetan historic tradition and cultural heritage. Many measures have been taken to protect the ancient books and records of Tibetan Buddhist Sutra. The Government of the Tibetan Autonomous Region has organized many experts to do this work. The researchers in Tibetan studies have collected, collated and published a great number of Tibetan Buddhist Sutras, documents in Tibetan language and all kinds of monographs on Tibetan studies. They have made great contributions to the protection of Tibetan religion and culture. At present, many monasteries and temples in Tibet are preserving all kinds of famous and valuable Tibetan Buddhist Sutras. There has never been a plan to centralize Tibetan Buddhist Sutras."

## Colombia

52. In a communciation addressed to the Government of Colombia on 5 October 1990, the Special Rapporteur transmitted the following information:

"According to information received, some members of religious communities have received death threats from paramilitary groups, the accusation being that they engage in subversive activities. Some of them work on community projects or are involved in peasant or indigenous organizations.

The sources claim that the persons in question have been the victims of violence allegedly on account of their community and church work, although the deaths occurred in Colombia in a situation of widespread violence.

The information received concerns the following cases, in particular:

1. Father Bernardo Marín Gómez, 41 years of age, priest of the El Carmen de Chucuri parish, Santander Department, who received a death threat in September 1988 from the Reconstrucción Patria Colombia paramilitary group, which accused him of links with guerrilla organizations. Father Marín Gómez lodged a complaint against the El Carmen court and also indicated that local military authorities had accused him of co-operating with guerrilla groups.

2. Father Jorge Eduardo Serrano Ordóñez, a Jesuit priest of the San Pío X parish in the city of Cúcuta, Norte de Santander, who was compelled to leave Colombia after receiving death threats on 20 October 1988, from a paramilitary group called Muerte a Revolucionarios. Apparently, the Jesuits of San Pío X had had problems with the authorities of the General Maza Batallion on account of their assistance programmes for parishioners with financial difficulties, and had on several occasions been questioned by members of the B-2 Division of Army Intelligence.

Information was also received about members of religious communities who had been assassinated by paramilitary groups after receiving threats. The victims were, in particular:

1. Father Jaime Restrepo López, 44 years of age, priest of San José del Nus, Antioquia, who was murdered on 17 January 1988 as he was preparing to celebrate mass.

2. Father Sergio Restrepo, a Jesuit priest of Tierralta, Córdoba, who was murdered on 1 June 1989 as he was chatting with a group of people close to his church. Father Restrepo had been working for several years in the Zenu Indian community to assist in preserving its culture.

3. Sister Teresa de Jesús Ramírez Vanegas, 42 years of age, a nun of the School Sisters of Notre Dame Congregation and a member of the Antioquia Association of Schoolteachers was, murdered on 28 February 1989 as she was teaching a group of children in the village school of Cristales, San Roque municipality, Antioquia. Sister Ramírez had participated in the peasant marches organized in 1988, in the north-east of Colombia, to protest against poverty and violence in the region. Together with other members of her community, she had denounced cases in which peasants had been tortured by the region's security forces."

53. On 13 December 1990, the Permanent Mission of Colombia sent its observations on this information to the Special Rapporteur:

"I have the honour (...) to refer to the murders of the following members of religious communities, Jaime Restrepo López, Sergio Restrepo and Sister Teresa de Jesús Ramírez, and to the threats made against another member of a religious community, Bernardo Marín Gómez.

... Inquiries into the murder of Father Restrepo López in the town of San José del Nus, Antioquia, are at the preliminary investigation stage with the Office of the Attorney Delegate for the Defence of Human Rights, case No. 3094. This department of the Department of Public Prosecutions



instructed the municipal attorney of the neighbouring town of San Roque, to gather evidence on the case. Once this task had been completed, the municipal attorney submitted his report to the Office of the Attorney Delegate, which, judging the evidence collected to be incomplete, issued an order on 19 October 1990, for the case to be returned to the attorney for completion of the preliminary investigations.

... In the case of Father Sergio Restrepo, criminal proceedings are being carried out by Assize Criminal Investigation Court No. 8 in Montería. In this connection, in a communication dated 21 June 1989, the sectional district for criminal investigation of Montería reported that investigations were being carried out jointly under its responsibility and that of officials of the police technical department. I will be informed in due course of the progress made by the relevant investigations.

With regard to the case of Sister Teresa de Jesús Ramírez (...), public order court No. 5 in Medellín, with the assistance of the police technical department, took up the inquiries into the alleged homicide. The case has been transferred to the preliminary investigation department in Santo Domingo, Antioquia, to identify the alleged culprits.

The Head of the Preliminary Investigation Unit informed the Sectional Director of Criminal Investigation that the complainants had alleged that paramilitary groups in the region were responsible. In the preliminary investigation, no link was established with any member of the State security forces.

Furthermore, on 15 June 1989 the Association of Schoolteachers informed the public order court in Medellín that the alleged victim was not connected with the Association.

Lastly, with respect to the threats against Father Eduardo Serrano Ordoñéz, allegedly made by the group known as Muerte a Revolucionarios, I would inform you that investigations are being carried out by public order court No. 1 in Cúcuta. The evidence gathered includes a report that, in view of the anonymous threats received by the priest on 1 April 1989, the Bishop of Cúcuta made a precautionary request for official protection to the commander of the Second Army Division and to Security Department agents and to officials of the judicial police in Cúcuta, who gave his request due attention. ... Father Serrano Ordoñéz left the city of Cúcuta.

In spite of the investigations carried out by F-2, a police investigation body, and by the the Police Technical Department, it has still not been possible to identify the source of the anonymous threats.

The cases involving the above members of religious orders fall within the context of the complex violence, attributable to many causes, that has affected Colombia, although, in the opinion of the Government, they cannot be attributed to State action or to State coercion against freedom of conscience, in a country where the majority are overwhelmingly Catholic.

The Government is deeply concerned that these cases should be clarified and the guilty punished, and in accordance with Government policy, which is to defend the cause of human rights, I shall provide information on the results of the investigations."

Dominican Republic

54. In a communication addressed to the Government of the Dominican Republic on 20 September 1990, the Special Rapporteur transmitted the following information:

"According to the information received, some members of the Maranatajöraalingen Church, of Swedish origin, established in the Dominican Republic, allegedly suffered a number of human rights violations, apparently because they belong to this religion.

Complaints have been made relating to the following cases:

1. Carlos Peña Roa and two other persons. According to the complaint, these persons have been in La Victoria prison for 15 years. In the first 11 years of imprisonment they were allegedly denied access to a court to establish the lawfulness of their imprisonment. They were allegedly convicted by the Supreme Court on 27 October 1989, although the sentence is not known.

2. A missionary, Berno Widén, and Joakim Jakobsson (15 years of age), both of Swedish nationality, and the Dominicans Sandra Sánchez (14 years of age) and Jeremias Quesada, have alleged that they went to the La Victoria prison to visit Carlos Peña Roa (mentioned in the previous paragraph), and were held by the police on charges of drug trafficking.

3. Pastor Arne Imsen was allegedly prevented from entering the country when he attempted to attend the above oral proceedings that led to the sentence handed down on 27 October 1989."

Egypt

55. In a communication of 15 June 1990 addressed to the Government of Egypt, the following information was transmitted by the Special Rapporteur:

"According to the information received, acts of discrimination against Egyptian citizens of the Christian faith, affecting also their property, churches and associations, have occurred in Upper Egypt, particularly in Menya, Abu Qurqas, Beni Mazar and the villages of Beni Ebid and Al-Berba. In mid-February 1990, an Islamist organization called 'Gammaa Islamyia' allegedly resorted to acts of violence against Christian citizens in Menya. It was also reported that some members of this organization had distributed leaflets in Cairo University on 18 February 1990, and Ashar University on 26 February 1990, calling for vengeance against Christians who were accused of managing a prostitution ring made up of Moslem women.

Other reports suggest that on 2 March 1990 members of the Christian community in the town of Abu Qurqas and in the villages of Beni Ebid and Al-Berba were subjected to physical attacks. Moreover, five Christian churches, the headquarters of two Christian charity organizations and Christian-owned establishments including seven pharmacies, 29 shops, two confectionary factories and two storehouses were allegedly destroyed and burned."



56. On 4 October 1990, the Government of Egypt sent its comments to the Special Rapporteur regarding the above-mentioned information:

"The incident involving intercommunal tension in the district of El-Minya

The discovery of immoral and illicit relations between members of the Muslim and Christian communities gave rise to a form of intercommunal tension, which escalated in the light of the customs and traditions prevailing in the southern part of the country (Upper Egypt) in which the district of El-Minya and the town of Abu Qirqas are situated.

Customs and traditions, particularly in Upper Egypt, govern social behaviour to a large extent and are generally respected. They are highly sensitive subjects among the various communities, over whose conduct they exert a more powerful influence than the provisions of positive law, even though severe criminal penalties may be prescribed for the violation of those provisions. In this connection, it should be noted that:

1. Offences associated with the lex talionis are still committed in Upper Egypt, in spite of the modern cultural changes that have taken place.

2. Offences are still committed in which women are killed for misconduct or infringement of time-honoured customs and traditions. In this connection, some extremists attempted to incite sections of the population to destroy property and buildings belonging to members of the Christian community. However, these attempts failed for the following reasons:

(a) Legal measures were taken against those extremists, who were referred to the Department of Public Prosecutions.

(b) The town's Muslim population disapproved of those acts and refused to participate therein. In fact, they gave help and assistance to members of the Christian community.

(c) The Egyptian people have a deep-rooted emotional attachment to their national unity and will not allow it to be disrupted, since they regard it as part of the sacred heritage that they have inherited over many centuries.

Egypt's firm position in regard to religious intolerance

The Egyptian Constitution stipulates that all Egyptian citizens are equal before the law, without distinction on grounds of sex, origin, language or religion. The Constitution also guarantees freedom of belief and freedom of religious observance.

The causes of most incidents of intercommunal tension can be found in everyday occurrences (quarrels, disputes), to which some parties endeavour to attach confessional significance.

The principal features of the Ministry of the Interior's policy when confronted with any incident of intercommunal tension are as follows:

1. Co-ordination with religious (Muslim and Christian) dignitaries, representatives of the people and members of the executive authority when dealing with any such incidents.

2. The adoption of the security measures needed to put an end to any occurrence of intercommunal tension, regardless of its origin.

3. Co-ordination with Muslim and Christian ministers of religion with a view to teaching the younger generation sound and proper spiritual values in regard to their religion and their homeland."

57. In a communication of 20 September 1990 addressed to the Government of Egypt, the following information was transmitted by the Special Rapporteur:

"It was alleged that Ms. Nahid Mohammed Metwali, the Principal of a Senior High School for Girls in Helmeit Al-Zatoun, may have been murdered by her husband when she converted from Islam to Christianity; her whereabouts were said to be unknown since July 1989.

It has also been reported that the following Egyptian citizens of Christian faith have been subjected to imprisonment and torture as a consequence of Ms. Metwali's conversion:

1. Mr. Mauris Ramzy, a science teacher at the same school residing in Helmeit Al-Zatoun, is said to have been whipped by members of the National Security Force and subsequently placed naked before numerous ventilators, resulting in acute kidney and appendix problems. After spending two months in hospital, he was allegedly imprisoned in the maximum security prison of Abo-Zabal on charges of conspiracy aiming at converting Muslims to Christianity in the school where he works.

2. Ms. Lauris Aziz, an English teacher at the same school, residing in the Al-Naam district of Ein-Shums, Cairo, is reported to have been taken at 2 a.m. to a police station where it is alleged that she was tortured and released after two days upon the deposit of bail in the amount 500 Egyptian pounds. She was reportedly accused of being an accomplice of Mr. Ramzy in his alleged conspiracy.

3. Ms. Eugenic Yacoub, Deputy Principal of the same school, was reported to have been subjected to the same treatment as Ms. Aziz.

4. Ms. Salwa Ramzy, secretary at the cited school, was reportedly taken several times to a police station by members of the National Security Force where she has allegedly been subjected to torture.

According to additional information received, on 12 May 1990 six Egyptian citizens of Christian faith, among whom a priest and his wife, were reported to have been murdered in Alexandria by followers of the Muslim faith."



58. In a communication of 16 November 1990 addressed to the Government of Egypt, the following information was transmitted by the Special Rapporteur:

"According to the information received, in April 1990, Mr. Ayad Anwar Baskharoun, formerly Abdel Hamid Beshari Abdel Mohzen, an Egyptian citizen who converted to Christianity from the Muslim faith, reportedly died in Abu Zabul prison because of his conversion after being tortured and denied medical assistance. It has been alleged that Mr Ayad was apprehended by the police and the State Security in June and August 1989, respectively, and is reported to have been released and re-arrested four times during the two months that followed. It is also alleged that he spent 55 days in solitary confinement. While detained in Abu Zabul prison, Mr. Ayad is said to have complained of internal bleeding but was allegedly informed by the prison authorities that he could receive medical treatment only if he renounced his Christian faith and reconverted to Islam. Mr Ayad is reported to have refused to do so and subsequently died. According to additional information, Mr Ayad's death certificate is said to have been falsified to show that he had died in a hospital.

With reference to the communication dated 20 September 1990 concerning the killing of six Egyptian citizens of Christian faith, namely: Father Hanna Awad, pastor of the Anba Shinouda Church in El-Nobaria near Alexandria, his wife Therese, deacons Dr. Gamal Rushdy, Mr. Sami Abdu and Mr Botros Bishai, and of the altar boy, 9-year-old Michael Sabri, it has been alleged that, following the funeral services for the six persons mentioned above, security forces attacked the funeral procession with clubs and gunfire, subsequently arresting and detaining 23 participants in this procession. It is further alleged that the 23 persons were tortured while in detention."

59. On 19 November 1990, the Government of Egypt sent its comments to the Special Rapporteur regarding the two above-mentioned communications:

"The Egyptian Constitution stipulates that all Egyptian citizens are equal before the law, without distinction among them on grounds of sex, origin, language, religion or belief.

All the national communities participate in the formulation of the State's public policy, since they all have members occupying senior executive, political and legislative posts in its various institutions. Emphasis is placed on the principle of constitutional legality, the rule of law and the impartiality of the judiciary in order to prevent the occurrence of any persecution or discrimination among the members of our united people.

The State authorities concerned take all the requisite measures, in accordance with the law, in the event of any behaviour likely to prejudice national unity. This was done following the above-mentioned incident in the town of Abu Qirqas, when all the necessary legal measures were taken to bring the persons responsible before the courts.

The State attaches considerable importance to the construction of places of worship for our national religious communities, since it believes that they play a major role in ensuring the education and upbringing of the rising generation in a sound and proper manner. The construction work that has been authorized furnishes ample proof in this regard.

The allegation contained in the note, to the effect that the church in the village of Mahmoudiya at Dairut in the district of Asyut was closed, is unfounded since it has been established that the building permit issued was for the construction of a poultry farm and not a place of worship."

El Salvador

60. In a communication of 6 November 1990 addressed to the Government of El Salvador, the following information was transmitted by the Special Rapporteur:

"With the declaration of the state of siege (November 1989), many reports indicate disturbing violations of the human rights of religious leaders or of helpers of the country's churches. According to the complaints, large numbers of persons are persecuted for belonging to specific religious denominations which are involved, out of social commitment, in work with the underprivileged classes of society. Although these cases have taken place in a situation of widespread violence, the sources indicate that the persons have allegedly been the victims of violence on account of their community and church work. Attention is drawn to the following cases:

(a) Extrajudicial executions:
Ignacio Ellacuría, S.J.
Armando López Quintana, S.J.
Joaquin López y López, S.J.
Juan Ramón Moreno Pardo, S.J.
Ignacio Martin-Baró, S.J.
Segundo Montes Mozo, S.J.
Elba Julia Ramos
Celina Maricet Ramos (15 years of age).

The six Jesuits mentioned above, their cook and her daughter were murdered in the early morning of 16 November 1989, during the curfew, at their home in the Central American University (UCA) of San Salvador. The Jesuits were administrators and teachers at the University. The Government entrusted investigations into the murders with the "Investigating Commission into Criminal Acts", with the assistance of foreign police officers. On 19 January 1990, a charge was filed against Colonel Guillermo Alfredo Benavides Moreno, Director of the Gerardo Barrios Military School, two lieutenants and five lower-ranking officers, for their alleged responsibility for the murders. According to information received, Colonel Benavides was in charge of the military patrol for the University area on the night of the murders. The other officers are members of the "Atlacatl" Rapid Response Infantry Battalion. Complaints have subsequently been received about irregularities in the legal proceedings under way, including ill-treatment of key witnesses (allegedly in the case of Lucia Barrera de Cerna) and of deliberate concealment of evidence that could implicate higher-ranking officers as the people behind these serious acts.

According to other sources, members of the Church received death threats. In March 1990, a communiqué from the so-called Alto Mando de los Esquadrones de Muerte (Death Squads High Command) threatened that, if all the members of the armed forces implicated in the massacre of the Jesuits were not freed before Easter Week (8-15 April 1990), they would "eliminate all the members of religious denominations and civilians involved in the case". The



communiqué, which was sent to the local press, was also sent to churches, trade unions, political parties, professional organizations and to accredited diplomatic missions in the country.

(b) Arbitrary detentions:

A complaint has been made that, on 19 and 20 November 1989, nine members of the St. John the Baptist Episcopalian Church were arrested in church by the National Guard. All the detained were also members of the Association for the Development of Awareness for Man's Spiritual and Economic Revival (CREDHO), a social programme of the Episcopalian Church.

The detained were:

Juan Antonio "Berti" Quiñones
Luis Gustavo López
José Eduardo Sánchez Castillo
Randolfo Campos Benavides
Alex Antonio Tovar Flores
José Candelario Aguilar Alvarez
José Horacio Guzmán
Julio César Castro Ramírez
Luis Serrano.

All the above persons were subsequently released in December 1989 and January 1990. According to them, they were held on the premises of the National Guard and subsequently at Mariona and Santa Ana prisons, on charges of taking part in an armed action by the Farabundo Martí National Liberation Front (FMLN). Father Luis Serrano and Juan Antonio Quinoñes said they had been beaten and threatened when they were in custody.

It is maintained that, on 30 November 1989 the Treasury Police launched an assault against the parish church in Ciudad Credisa in San Salvador and arrested three persons co-operating in the Colonia 22 refugee project. They were:

Estela Cruz Bustamante
José Santana López
Santiago de Jesús Vázquez.

According to their allegations, they were beaten, threatened, forced to wear hoods and deprived of sleep while they were held at the main barracks of the Treasury Police. They were released on 6 February 1990, 31 January 1990 and in December 1989, respectively. They had been accused, without grounds, of co-operating with FMLN.

Furthermore, it has been reported that, on 19 January 1990, armed civilians detained Marina Isabel Palacios, a member of the Christian Committee for Displaced Persons in El Salvador (CRIPDES) in the centre of San Salvador. Weeks later it was learned that she had been detained by members of the "Police Honour Battalion" and subsequently transferred to the Ilopango prison, where she was allegedly held on the charge of being a "terrorist criminal".

According to information received, three other persons who were members of the Emmanuel Bautista de San Salvador Church were detained on 25 January 1990 by armed civilians. They were:

Víctor Manuel Fuentes
Carlos Armando Avalos
Inocente Garay.

Although there is no precise information on their arrest, it was learned that they had been in the hands of the Treasury Police. The first two were released on 29 January 1990 and the third of them is allegedly still being held, on charges of being a guerrilla.

(c) Detention and expulsion of foreign helpers of churches

Complaints have been received about the following cases:

Jennifer Casolo, the representative in El Salvador of the "Christian Educational Seminars" organization who was detained on 25 November 1989. She was held for 18 days in Ilopango prison, released on 13 December 1989 and deported to the United States.

Father Miguel Andueza, a Spanish Dominican priest, who was detained by uniformed persons on 20 November 1989 in Santa Ana.

Reverend Brian Rude, of Canadian nationality, who was detained on 11 November 1989 by the security forces and expelled from El Salvador;

(d) Death threats and harassment

It has been reported that Catholic Archbishop Rivera y Damas received telephone death threats, as did Lutheran Bishop Medardo Ernesto Dénez Soto, who was forced to flee the country following bomb explosions at Lutheran churches on 28 December 1989 and 10 January 1990. Other sources have affirmed that the Jesuit Provincial in El Salvador also received death threats.

According to other sources, on 23 November 1989 soldiers distributed a broadsheet in Teotepeque, accusing six members of the town's parish church of being communists and enemies of the people. The broadsheet was signed by a so-called "Permanent Committee for National Salvation".

## Ghana

61. In a communication of 15 June 1990 addressed to the Government of Ghana, the following information was transmitted by the Special Rapporteur:

"It has been reported that the Government has imposed a freeze on any activity of Jehovah's Witnesses. An official statement allegedly ordered that their meeting places remain closed throughout the country and that their office at Nungua stop operating. It has further been reported that Mr. Gaylord F. Burt, an American missionary, was expelled from the country on 15 June 1989, together with members of his staff."

## Greece

62. In a communication of 20 September 1990 addressed to the Government of Greece, the following information was transmitted by the Special Rapporteur:

"It has been reported that members of the Greek Muslim minority of Turkish ethnic origin in Western Thrace were prevented from entering the main mosque in Komotini for prayer service on 29 January 1990. It has also been reported that the same community is being denied the right to elect freely its religious leaders and to repair any religious site without the authorization of the Greek authorities.

With regard to the members of the Jehovah's Witness faith, cases of imprisonment for refusing conscription were reported as follows:

1. Daniel Kokkalis, aged 30, was sentenced to four years of imprisonment in July 1989 and his appeal was rejected on 31 October 1989. He is detained at Kassandra Agricultural Prison. He has lodged an appeal with the Council of State which reportedly will be examined on 25 September 1990.

2. Dimitrios Tsirlis, aged 26, was sentenced to four years of imprisonment on 30 April 1990 and has filed an appeal. He is detained in Avlona Prison.

3. Timothy Kouloubas, aged 26, was sentenced to four years of imprisonment on 30 May 1990 and has filed an appeal. He is detained in Avlona Prison.

According to the information received, Greek Law No. 1763/1988 stipulates in Article 6 that "recruits who are religious ministers of a known religion are exempted from the obligation to perform military service, if they so desire." It was reported that Mr. Kokkalis, Mr. Tsirlis and Mr. Kouloubas are religious ministers."

63. On 26 November 1990, the Government of Greece sent its comments to the Special Rapporteur regarding the above-mentioned information:

"A. With regard to allegations that persons belonging to the Muslim minority of Western Thrace were prevented from entering the central Mosque in Komotini for prayer service on 29 January 1990, we would like to inform as follows:

A demonstration of extremist elements of the aforesaid minority, in progress at the premises of the "Muslim Youth of Komotini" situated very close to the Central Mosque of the town, became increasingly vociferous.

Christian elements gathered in the area and the adjacent streets; and the danger for clashes started running high. The police intervened and put up a "buffer zone" between the groups. No doubt that as a result there was obstruction to the free movement of all persons in the area, consequently hindrance to accede to the Mosque.

It should be stressed that these incidents were mainly the result of tension funnelled by the inflammatory statements of Mr. Ahmed Sadik and other leading figures of the minority.

(...)

B. On the allegations that the Muslim minority is being denied the right to freely elect its religious leaders and repair any religious site without the authorization of the Greek authorities, we would like to inform as follows:

The election of the Mufti in Greece before the compulsory exchange of populations as a result of the Treaty of Lausanne (1923), was regulated by Law 2345/20, which was enacted in implementation of the Treaty of Athens of 1913.

Following the signing of the Treaty of Lausanne, the above law fell into disuse, as it covered Muslim populations exchanged by virtue of the aforesaid Treaty.

As a result, the legal status of the Muslim minority in Greece is henceforth governed by the provisions of the Treaty of Lausanne and subsequent laws in enactment thereof.

In all countries where Islam constitutes the predominant religion, heads of Muslim clergy are appointed and not elected. In Turkey, for example, the Mufti is appointed in and discharged from his duties by the Administration. In Tunis, the election is left with the absolute discretional power of the President of the Republic. In Morocco, he is appointed and discharged by the Ministry of Religious Affairs. In Egypt, he is appointed by Presidential decree. In Jordan, he is appointed by decision of the Prime Minister on the basis of a proposal by the Ministry of Wakfs and Islamic Affairs.

Greece constitutes an exception in point on the matter. An enlarged committee of muslim clergy is convened and proposes to the Minister of Education and Religious Affairs a list of qualified persons, eligible to the post. The Mufti is subsequently appointed by decision of the Minister, chosen from the list on the basis of personal qualifications of each candidate. This practice is incessantly followed since 1920.

Moreover, the designation of the Mufti through election would meet with a serious obstacle: as it is known, Greece is the unique western country to accept the exercise of jurisdiction by a head of Muslim clergy. Indeed, the Mufti disposes of judicial jurisdiction which is extended to issues of family and inheritance law. Consequently, the candidate to the post should be a personality enjoying increased prestige, familiar with Islamic legislation and, of course, holder of a university degree, thus ensuring his scientific proficiency. An eventual appointment through popular election would inevitably involve subjective and mainly political criteria and considerations related to the so called "clientele". These criteria would put the Mufti at the mercy of various interests.

It is therefore clear that appointment through election would jeopardize implementation of the constitutional requirement of assigning judges by law



(art. 8 of the Constitution) and the principle of the functional and personal independence of the judge - principles respected by most modern and orderly states.

C. In Thrace today, there is a total of 436 sites of Muslim worship. In the prefecture of Xanthi the Greek State has contributed to the expansion of 23 mosques during the last 30 years. In the prefecture of Rodopi 23 mosques were repaired or constructed at the expense of the Greek State. In the prefecture of Evros, three mosques were repaired at state expense.

Finally, the authorization by the competent town building authorities is necessary, its aim being to ensure the stability and safety of each building.

D. Regarding the three Jehovah's Witnesses imprisoned for refusing conscription, we wish to inform as follows:

Jehovah's Witnesses in Greece are free to exercise their belief. As a matter of fact, the Greek Constitution provides for freedom of religious conscience and worship (art. 13).

The stipulations of Law No. 1763/1988 are clear - as exactly mentioned in the Annex, namely that are exempted from the obligation to perform military service "religious ministers of a known religion".

The Jehovah's Witness faith is not recognized in Greece as a religion and therefore its self-proclaimed "priests" are not exempted from military service. Consequently, Daniel KOKKALIS, Dimitrios TSIRLIS and Timothy KOULOUBAS were treated as regular conscientious objectors.

The above three were thus offered the alternative of weaponless military service. Having refused, they were sentenced according to the relevant provisions of the Greek Military Penal Code (art. 70)".

India

64. In a communication of 15 June 1990 addressed to the Government of India, the following information was transmitted by the Special Rapporteur:

"It has been reported that since November 1989 members of the Ananda Marga community and their sympathizers in Purulia District, West Bengal, have constantly been harassed or intimidated. The reports refer in particular to incidents of violence which occurred between 22 December 1989 and 4 January 1990 and were directed against members of the Ananda Marga community and their sympathizers. During these incidents extensive damage was allegedly done to Ananda Marga property, including 20 primary schools, hostels, ashrams and farm buildings; there was destruction of plants and trees and acts of looting of construction materials and agricultural equipment.

It has also been reported that during the night of 22 December 1989, sympathizers of Ananda Marga, including women, were beaten and their properties were looted and destroyed. During the attack, five Ananda Marga sadhus were injured by homemade bombs. In addition, a number of followers of Ananda Marga were reportedly driven out of their villages with their families and threatened with death in case they returned. Allegedly, the local police officers did not take action to prevent mobs from carrying out such attacks.

Finally, it has been reported that Pat Munday, one of the Ananda Marga activists, has been in solitary confinement for over six weeks."

65. On 17 December 1990, the Government of India sent its comments to the Special Rapporteur regarding the above-mentioned information:

"(...) The allegations were transmitted to the concerned authorities in India who have pointed out that they present a distorted picture of the whole situations. They have also pointed out that far from there being any harassment or intimidation of the Ananda Marg community and their sympathizers, the latter have, in fact been indulging in various acts of violence in different parts of the State of West Bengal. The Government of India has received reports regarding forcible land grabbing by the followers of the Ananda Marg in and around Anand Nagar, District Purulia of West Bengal. This has given rise to resentment among the local people which has sometimes led to open clashes. Moreover, recently a patrol party of the Border Security Force (BSF) had intercepted two Ananda Margis near the Indo-Pakistan border in Amritsar district of Punjab; a number of illegal arms and ammunitions were recovered from them. The interrogation of these two Ananda Margis revealed that weapons were being procured by their sect in such numbers to perpetrate killings of members of the Communist Party of India (Marxist). Subsequent to these developments, the Home Minister of India made a suomoto statement in the Lok Sabha, i.e. the Lower House of the Indian Parliament, on 18 April 1990 regarding the activities of the Ananda Marg.

... there has not been any sort of religious discrimination against the members of the Ananda Marg community and their sympathizers, and (...) the allegations in this regard are totally unfounded. ... far from there being any violation of human rights of the followers of Ananda Marg, they themselves have been indulging in subversive and unlawful activities.

Activities of Ananda Marg

The Ananda Marg, under the garb of religion, has been known not only for its violence and terrorism, but also for its sinister chauvinism which is evident in its activities through its frontal organizations, like Amra Bangali. The activities of the Ananda Marg are shrouded in secrecy, mystery and intrigue. They have acquired land comprising hundreds of acres in the Purulia district through reportedly dubious means in many cases. This has generated a deep-rooted local resentment over many years which has cut across political belief, caste, creed and religion. It is well known that the Ananda Marg is a pseudo-religious and secretive organization, which has very often used methods based on terrorism to further its objectives.

The Ananda Margis and their frontal organizations have been engaged in various acts of violence in different parts of the State. ... Their violent activities have become even more frequent and pronounced since 1979-1980.

The terrorist activities of Ananda Margis are further proved by recovery of sophisticated weapons from the premises of Ananda Margis in Purulia on 5 March 1989. ... With the recovery of fire-arms from Ananda Marg building at Bansgarh the Purulia District Police came to know that the Ananda Margis concealed more unauthorized arms within their Anandanagar Ashram, Baglata, Police Station Jaipur. To recover these arms a massive raid wass conducted in



different institutions of Ananda Marg. During the raid the police recovered 75 detonators, 2 wireless transmitter sets, camera, etc. from the building of Ananda Marg at Anandanagar. ...

Besides subversive activities and procurement of fire-arms, the Ananda Margis have started massive land grabbing in and around Ananda Nagar, Baglata to build a "Master Unit" there. ... Over the years Ananda Nagar has vastly expanded after grabbing lands in a scattered way by quickly constructing new buildings on these lands. Resentment among the local people has steadily been growing because of aggressive land grabbing by Ananda Margis. On some occasions the local people came forward to resist unlawful activities and clashes took place between them and the Ananda Margis.

...

Because of their violent activities and illegal land grabbing, the Ananda Margis have isolated themselves from the local people of Purulia, who have given vent to their feelings by opposing these activities. The local political parties played a dominant role in exposing the real nature of the organization, through sustained political programmes. The high-handed activities of the Margis have acted as a catalyst in uniting the poor people of the area. There is a growing sense of distrust amongst them, against this secret and mysterious organization which is engaged in illegal activities. In fact, in the Purulia district, survey operations were sought to be conducted to re-identify vested/patta lands encroached upon, by the Ananda Marg. Unfortunately, even these surveys have been resisted by them with the help of Court orders.

The Ananda Margis have not taken kindly to the growing public opposition and sustained political movement against them. ...

Local resentment has continued to grow into an inveterate distrust of the Ananda Margis. It has been reported that the Margis have gone in a very aggressive manner to the area, to reconnoitre a particular plot of a disputed land, for reconstruction of a previously demolished structure. The occupation of this land by the Ananda Margis would have cut off the main village link road connecting Chattka village with the Joypur Pundag road. ... Thus the group of villagers who clash with the Ananda Margis is comprised of individuals of various political/non-political shades and colours and not of the CPI(M) alone. It could be ascertained during investigation that this was a hetrogenous groups of villagers.

State Government have got reports indicating that the Ananda Margis have formulated plans to liquidate some members of the State Cabinet, left front workers and supporters. They also have the intention of murdering other Government officials, including the police. Procuring arms for offensive purposes has been given top priority by the Ananda Margis. They have been smuggling these arms either through foreign Margis of Indian Margis in a clandestine manner. There are reports that the Ananda Margis have collected a good quantity of arms and ammunition, including the latest models of automatic guns and revolvers, from some parts of India and some foreign countries.

... There are also reports to the effect that senior functionaries of Ananda Marg have prepared a hit list for physical annihilation in which CPI(M) members of West Bengal figure prominently."

The above-mentioned document also contained references to a number of specific incidents involving members of the Ananda Margis. The Special Rapporteur has not cited them as they are not referred to in the original allegations.

"As regards the case of Pat Munday, (...) she entered India illegally and was liable for prosecution under the law of the country. She was directed to reside at the State guest house of Calcutta and not to leave that guest house without the permission (in writing) of the civil authorities. She was given proper medical attention for treating some injuries suffered by her when she was reportedly attacked by a group of 100 persons. (...) she left India on 24 March 1990.

Ms. Patricia E. Munday, daughter of Robert Munday of Waistfield Vermont, United States of America, was intercepted by the police on 27 January 1990 from Ananda Nagar, Police Station Jaipur and brought to Purulia Police Station along with Ms. Linda Mulley, daughter of George Mulley of Brixton, Streatham Hill, Streatham, London. Ms. Patricia Munday had bleeding injuries on her head and on her left arm and Ms. Mulley had simple injuries on her person. They were sent to Sadar hospital, Purulia, for treatment and medical opinion. On 28 January 1990 forenoon, Ms. Patricia Munday submitted a written complaint to the officer-in-charge (O.C.), Purulia, to the effect that on 26 January 1990 while she along with Ms. Linda Mulley was going to Bokaro from Ananda Nagar by hired scooter, about 100 persons who were armed with spears, bricks, etc. caused severe injury to her forehead and left arm and also assaulted Ms. Linda with blows and stole away a camera, USA passport No. 100100103 issued at Boston, travellers checks of Rs. 4,000, Indian currency of Rs. 500 and other documents. Accordingly, on her complaint, a criminal case was recorded under section 147/148/149/325/323/379 I.P.C.

Ms. Patricia Munday was brought to Calcutta from Purulia on 29 January 1990. The Deputy Inspector General (D.I.G.) of police, West Bengal, in exercise of the power conferred upon by para. 11 of the Foreigner's order 1948 issued orders directing her to reside at the State guest house, Calcutta, and not to leave that place without permission in writing from the Civil Authority. During her stay at the State guest house, Ms. Munday was provided with the best available treatment and medical check-ups. The Consulate General of the United States of America issued her a duplicate passport No. Z-5917263 dated 30 January 1990. She was scheduled to be deported from India on 3 February 1990. but could not be so deported in view of the orders of the Honorable High Court, Calcutta, on a written petition filed by the Ananda Marg Pracharak Sangha. Ms. Munday on the orders of the Honorable High Court was admitted to Bellevue Nursing Home, Calcutta, on 16 February 1990. Ms. Patricia entered India illegally and her statement that



she had entered India through the Raxaul checkpost with a visa granted by the Indian Embassy in Nepal was found to be incorrect. Hence, she was liable for prosecution under the Foreigners Act and other laws of the country.

Subsequently, a written petition was filed before the Supreme Court of India and on the orders of the Supreme Court, Ms. Patricia was admitted to the All India Institute of Medical Science. On 21 March 1990 Ms. Patricia contacted the Union Home Secretary for the return of her passport to enable her to go back to the United States of America and to remove the restrictions imposed on her. She also submitted a petition dated 23 March 1990 to the Under-Secretary, Ministry of Home Affairs, stating that she was willing to leave India and that she was not interested in litigation. Ms. Patricia was permitted to leave India under Ministry of Home Affairs order No. 25022/39/90-F.II dated 23 March 1990 and she left India by KLM flight on 24 March 1990 from Indira Gandhi International Airport, India.

Subsequently, the Supreme Court by an order dated 10 April 1990 dismissed the written petition, as the same was withdrawn by the petitioner."

## Indonesia

66. In a communication of 20 September 1990 addressed to the Government of Indonesia, the following information was transmitted by the Special Rapporteur:

"It has been alleged that a number of persons have been arrested and sentenced to prison terms for practising their faith. The cases were reported as follows:

1. Mr. Suyadi and Mr. Sukasmin, two elderly followers of the Jehovah's Witnesses faith, were sentenced by a court in Wonogiri for undermining public order by disseminating teachings of an illegal organization. This faith is said to have been banned in 1976 and it is alleged that at least 22 of its followers have been detained in various parts of the country.

2. In East Timor eight members of the Association of Santo Antonio, a Christian sect, were also convicted of belonging to an illegal organization.

3. Forty persons were convicted of involvement with so-called usroh groups which reportedly advocate closer ties among Muslims and a strict adherence to Muslim teachings."

67. On 15 November 1990, the Government of Indonesia sent its comments to the Special Rapporteur regarding the above-mentioned information:

"A. General information

1. The Republic of Indonesia is a democratic state which promotes and protects the rights of all its citizens to practice the religion of their

choice. These rights are enshrined in the State Philosophy, Pancasila, and are stipulated in the national Constitution of 1945, namely in article 29 which states that:

(i) The State shall be based upon Belief in the One Supreme God.

(ii) The State shall guarantee freedom to every resident to adhere to his respective religion and to perform his religious duties in conformity with that faith.

2. The Government of the Republic of Indonesia does not impose any restrictions on any religion and respects the practices and teachings of all recognized faiths. While the Government of Indonesia does not interfere in the internal matters of each religion, this does not imply that it would remain indifferent should there be activities which could disrupt the 3 principles for religious harmony:

(a) the internal matters of each religion,

(b) the relation between and among adherents,

(c) the relation between adherents and the Government.

B. Cases contained in the communication

1. With regard to the specific cases contained in your communication, the Government of the Republic of Indonesia would like to make the following observations:

Jehovah's Witnesses

(a) The Jehovah Witness sect has been banned in Indonesia by Government Decree No. Kep-129/JA/12/76 of 7 December 1976 since its teachings and practices are contrary to the true Christian faith given that:

(i) It considers that all forms of schools, government, churches and religion beyond its own community are Satan's creation and as such must not be followed, and that civil law must be resisted whenever it conflicts with the sect's own religious practices;

(ii) Its aggressive manner in propagating its teaching, attempting to convert other adherents to its faith, is in violation of the decree issued jointly by the Ministers for Religious and Internal Affairs, prohibiting the propagation of a religion to those who are adherents of another religion.

It is therefore clear that this sect stands in stark contradiction to the aforementioned 3 principles for religious harmony.

(b) With regard to Suyadi and Sukasmin, the two men were found guilty by the Central Java Court in 1989 for spreading Jehovah's Witnesses teachings and forming an organization of an illegal sect.



(c) Before being brought to trial, Suyadi had been summoned by the local authorities and warned that his activities were in violation of Government Decree No. 129/JA/12/76. However, the man did not heed the warning and continued his activities which were disruptive and which caused unrest among the local villagers.

(d) Following the trial, Suyadi was found guilty of violating article 169, para. 3, of the Indonesian Penal Code and was sentenced by the Court of Wonogiri to 3 years and 6 months of prison, which was later commuted by the High Court of Semarang to 2 years and 6 months.

(e) Sukasmin, who assisted Suyadi in forming an organization of the banned religion was sentenced by the Court of Wonogiri to 2 years of prison which was commuted by the High Court of Semarang to one year and 6 months.

(f) During the proceeding of their trials, Suyadi and Sukasmin were given full legal rights in accordance with the existing laws and regulations.

(g) From the above clarification, it is clear that the two men were sentenced not because of their memberships in the Jehovah Witness sect, but rather because of their disruptive activities. In this respect, it should be underlined that the Government of Indonesia often tolerates private practice of banned religions provided it does not cause social unrest.

Association of Santo Antonio

(a) With regard to the "Association of Santo Antonio" or "St. Anthony Foundation", this organization was founded in 1963 in East Timor and professed to be a religious body. It was however involved inter alia in questionable activities such as curing the sick by practising superstition, occultism, sorcery and witchcraft. Shortly after its inception it was banned by the Roman Catholic Church because its beliefs stood in direct contradiction to those taught and adhered to by the Church.

(b) Members of the clergy, including Archbishop Belo, have denounced this organization, saying that this organizations's members "practise rites repudiated by God or in forms rejected or disapproved of by the Church". Members of this organization have, moreover, been engaged in various conspiracies to incite security disturbances during the visit of the President to East Timor in November 1988.

(c) In the light of the aforementioned clarifications, it is clear that religion has been used as a pretext by members of this organization for their own purposes to produce social unrest."

Islamic Republic of Iran

68. In a communication of 25 July 1990 addressed to the Government of the Islamic Republic of Iran, the following request was transmitted by the Special Rapporteur:

"I am writing in relation to the very interesting meeting I had the pleasure to have with you in February 1990. On that occasion, you had undertaken to send a written response to the questions addressed to the Government of the Islamic Republic of Iran concerning situations which fall

under my mandate as Special Rapporteur of the Commission on Human Rights on religious intolerance. Although announced, this communication has not reached me to date.

I would therefore appreciate receiving a reply to the above-mentioned questions in order to be able to include it in my next annual report."

69. In a communication of 8 October 1990 addressed to the Government of the Islamic Republic of Iran, the following information was transmitted by the Special Rapporteur:

"The Special Rapporteur has received a number of allegations pertaining to the situation of Christians and Baha'is in Iran. The information has been summarized as follows:

Situation of the Iranian Bible Society:

It has been alleged that the Iranian Bible Society, based in Teheran, which operated legally and openly for ten years, had been closed at the beginning of 1990. The Society's files are reported to have been confiscated and its staff locked out of the premises. Its Executive Secretary, Mr. Sadegh Sepehri, is said to have been subjected to repeated harassment as a result of which he has left the country. His wife and son who remained in the country are reported to be subjected to harassment which has led Mrs. Sepehri to lose her faculty of speech.

Situation of Iranian citizens of Armenian ethnic origin and Christian faith:

It is alleged that as of 1980-1981, religious education was abolished in most Armenian schools. In those schools where religion was still taught, the number of hours had been reduced from 12 to 2 per week. It is also alleged that all Christian Armenian principals of schools were removed by a governmental decree and replaced by principals who were proven faithful Muslims.

Starting with the academic year 1983-1984, religious education was reportedly prohibited in all Armenian schools without exception. During the second semester, new books in Persian prepared by Muslim theologians in the Ministry of Education were reportedly introduced in all Armenian schools. It is alleged that those students who handed in a blank paper in protest at the final exam in religion received a zero on their scholastic report cards.

Starting with the academic year 1985-1986, it is alleged that parents were forced to sign papers promising not to allow their daughters to attend school without an Islamic veil, despite the fact that Armenian girls of Christian faith attended school wearing scarves covering their hair and neck. The Prelacy and Church protested, but it is reported that the girls had to give in and start wearing veils coming down to their waist.

It is reported further that the Aram Manoukian Armenian School was forcibly taken from the Armenian community and transformed into a Muslim school.

It is alleged that in April 1990, Pasdars (Guardians of the Revolution) entered the Sipan Cultural and Athletic Club in east Teheran, closed it down



and arrested three members of the board and an office clerk. They are said to have been accused of allowing boys and girls without scarves on their heads to be together in the club. The four persons who were detained were reportedly condemned to 74 whippings for violating the Constitution. It is alleged that they were allowed to 'purchase' their whippings by paying 70,000 rials each.

It is further reported that for the past five years, Christian Armenian clergymen, including the Archbishop, have been prohibited from entering school compounds while the same does not apply to their Muslim counterparts. It is reported that the Archbishop now has to write his messages to students on the occasion of religious holidays, pending their approval by the Joint Committee for Minority Affairs. Previously, the Archbishop visited schools several times during the academic year.

Situation of Iranian citizens of the Baha'i faith:

It has been reported that despite certain individual improvements in their situation, members of the Baha'i community continue to be subjected to intolerance based on religion and belief. It is alleged that the termination of persecution of Baha'is is still conditioned on their recanting their faith and they reportedly continue to be referred to as a 'despised sect'.

According to the information received, the discrimination against members of the Baha'i community ranges from dismissal from employment, in particular Government employment, invalidation of work permits, discontinuation of salary payment, orders to return salaries received as public employees, discontinuation of payment of pensions, confiscation of ration booklets, confiscation of property, expulsions from the university, refusal of admission to schools and universities, refusal of licences to open shops, to sentencing to imprisonment.

The following specific cases and incidents have been reported:

Dismissal from Government employment

Izzatu'llah Nazari, a retired employee of the Baha'i faith, reportedly received a letter from the National Iranian Oil Company dated 22 February 1990 stating that he has been permanently disqualified from exercising Government functions and from serving in any Government-affiliated organizations because he belongs to the misguided Baha'i sect.

Manuchihr Shirvani and Ali-Akbar Nawruziyan had allegedly been sentenced to permanent dismissal from their posts in a letter from the Department of Social Security dated 13 January 1990.

It is alleged that by letter of 10 December 1989, Dhabihu'llah Fada'i had been permanently dismissed from his post by the Department of Social Security on the order of the Office of Social Services for the Employees of the Ministry of Labour.

It is alleged that in a letter dated 31 October 1989, the Ministry of Agriculture was informed by the National Veterinary Organization that it was not possible to give a permit to Jamshid Farsi because he acknowledged that he was a member of the Baha'i sect, which is considered as an agent of foreign interests and governments.

By letter dated 25 October 1989, Izzat Ha'i Najafabadi was permanently dismissed from the Ministry of Education and from employment in government institutions and deprived of her retirement pension because she is a Baha'i.

It is alleged that by letter dated 30 September 1989, Payduilla'h Ali-Tabar was dismissed from his post in the Ministry of Agriculture.

On 12 September 1989, Hushang Gulistani's' dismissal from his post in the Ministry of Health and the suspension of his pension payments were alleged to have been irrevocably confirmed.

Invalidation of work permits

It is alleged that by letter dated 20 January 1990, Afrasiyab Gubhani was informed by the Central Council of Trades of Simnan that as from 21 January 1990 he would have to close his business and return his permit to the Council.

It is reported that by letter dated 4 May 1989, Massud Masudi was informed by the Trade Union for Repairs of House Equipment in Gurgan that it was unable to give him a work permit and that he would have to close his business.

Suspension of pension or salary payments

It is alleged that the Bank of the People on 11 March 1989 ordered the cutting off of the payment of the retirement pension of Bihidukht Tibiyani who reportedly admitted that she belongs to the Baha'i faith.

It is reported that by letter of 23 July 1989, the Health Department in Khurasan informed the Ministry of Health that the payment of the salary of Dhabihullah Dhabihi-Muqaddam had been discontinued.

It is alleged that by letter of 15 August 1987, Surayya Samimi was sentenced to permanent dismissal from work, the cutting off of her salary and the discontinuation of the payment of her pension by the Tobacco Product Company.

Confiscation of ration cards

It has been alleged that on 27 September 1989, Ishrat Shahriyari was notified by the Islamic Council on Supervision and Distribution of Goods of the Department of Commerce that her ration card had been confiscated and invalidated because she is a Baha'i.

Denial of secondary and university education

It is reported that by letter dated 30 August 1989, the Shahidih Mi'raj High School in Tankabun informed Mahmud Mukhta'ri that in accordance with the rules of the Islamic religion, it is exempted from having to accept his son because he is a Baha'i.

By letter dated 9 November 1988, Farzanih Khusravi Hamadani was reportedly required to publish three announcements in the leading newspapers announcing her recantation of the Baha'i religion if she wanted the ban on the



continuation of her education to be lifted. By decision dated 2 October 1989, the University of Allamih Tabatabai confirmed that she was prohibited from continuing her studies because of her faith.

Orders to return salaries received as public employees

It is reported that Hushang Tabish, formerly an employee of the Sadirat Bank, was arrested and imprisoned for refusing to return his salary. After some time he is said to have agreed to pay monthly amounts of 3,000 tumans as from October 1988.

It is also reported that Faridih Ahmadiyyih, formerly an employee of the Tijarat Bank, was requested to return the salaries she had received as a public employee by the prosecutor of Section 12 at Evin prison, in a letter dated 5 August 1989.

By letter dated 28 January 1990, the Prosecutor's Office of Section 1 at Evin prison ordered Tal'at Mazlumi, a former employee of the Department of Education, to return the salary she had received while employed by the Government.

It is alleged that a plot of land belonging to Col. Muhtashimi had been confiscated when he refused to return the pay he had received as an army officer.

It is also alleged that Vahid Sabuhiyan, another former army officer, was also requested to pay the salary he had received while in the army.

It is reported that Isfandiyar Ghadanfari, Nadir Ghadanfari and Nadir Vahid were taken to Section 13 at Evin prison for not providing a guarantee that they would pay back the salaries they received while working for the Government.

Manuchihr Mishn Chi is reportedly also detained in Evin prison for the same reasons.

It is alleged that Yusuf Ahmada'i has already made two payments concerning the refund of his salary after agreeing to provide a guarantee to that effect to Section 4 of Evin prison.

Confiscation of Baha'i property

It has been alleged that Mr. Enayatollah Eshraghi, Mrs. Ezzat Eshraghi and Miss Roya Eshraghi had died in June 1983 because they were members of the Baha'i community of Shiraz and that their home at 105 Palestinian Street, Shiraz, had been confiscated by the Government and is soon to be auctioned. It has been reported that all attempts to have the house returned to Miss Rosita Eshraghi, a surviving member of the family still living in Iran, have failed and that no response had been provided by the Government.

Imprisonment

It is alleged that by letter dated 12 March 1989, Bihidukht Tibiyani was informed by the Islamic Revolutionary Court of Gombad that she had been sentenced on 26 February 1989 to one year's imprisonment for taking part in Baha'i activities.

According to the information received, as of 1 October 1990 the following Iranian citizens of Baha'i faith are in prison because of their religious convictions:

1. Mohammad Dehghan, Shiraz;
2. Hussaingholi Roshanzamir, Evin, Teheran;
3. Bakhshullah Missaghi, Karaj, labour camp;
4. Kayvan Khalajabadi, Karaj, Gohardasht
5. Behnam Missaghi, Karaj, Gohardasht;
6. Azizullah Mahjoor, Isfahan;
7. Habibullah Hakimi, Shiraz;
8. Nader Rouhani, Ghaser, Teheran;
9. Badiullah Sobhani, Evin, Teheran."

70. On 30 November 1990, the Government of the Islamic Republic of Iran sent its comments to the Special Rapporteur regarding the above-mentioned information:

"According to article 13 of the Constitution of the Islamic Republic of Iran, Christians are considered as religious minorities and are free in performing their religious rituals and act in accordance with their cannon law as far as their personal status and religious teachings are concerned.

The Supreme Council of Cultural Revolution of the Islamic Republic of Iran has authorized religious education according to the customs and language of religious minorities. All schools belonging to religious minorities are acting accordingly. Therefore any allegation in this respect is false.

Christians and other religious minorities in Iran have their own independent schools and their children are free to take any course in the undergraduate curriculum.

All students are obliged to respect the regulations and discipline set forth by the Ministry of Education.

All women in Iran should observe the special dress prescribed by Islam.

The "Iranian Bible Society" was closed temporarily for wrongdoings and failing to respect the laws and regulations of the Islamic Republic of Iran and violating the rights of the people on the part of the persons in charge of the society. Their case has been brought to court and obviously after the issuance of the verdict and when the situation of the accused becomes clear, the society could continue its activities.

All schools pertaining to religious minorities are being administered by themselves and naturally the principals of these schools are appointed by them and in accordance with regulations of the Ministry of Education.

The allegation relating to the forced signing of papers by parents promising that their daughters will attend schools wearing the Islamic veil is not true; however, it should be emphasized that girl students should observe the use of the Islamic veil like other women in Iran.

The Aram Manoukian School was put at the disposal of other students because it did not have enough Armenian students. This has been done with the



consent of the persons in charge of the Armenian community and, according to the agreement, they can restore the earlier situation whenever they deem it necessary.

The Christian Armenian clergymen, including the Archbishop, have free access to school compounds and any allegation on restriction in this respect is invalid.

Some members of the Sipan Cultural and Athletic Club were arrested for their immoral offences according to a decision of the judicial authorities and they were convicted by the court. It should be mentioned here that Armenians and other religious minorities are free to take part in cultural and athletic activities in their clubs and no restriction whatsoever (including the separation of males from females or observing the use of the Islamic veil by women) is imposed in this regard.

Regarding the situation of Baha'is, the Government of the Islamic Republic of Iran draws the attention of the Special Rapporteur to the following points:

As it has been indicated in the reports of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (contained in documents E/CN.4/1990/24 and A/46/697), the situation of the Baha'is in Iran is improving.

The number of Baha'is in the Islamic Republic of Iran is less than one thousand of the population.

Muslim Ulamas have declared Baha'ism as a heresy.

The centre of Baha'ism is located in Israel and is under the direct control of Zionism.

Baha'is are enjoying the same rights as any other citizen in the Islamic Republic of Iran and no one is persecuted for being a Baha'i.

All Baha'is who applied for a passport in 1990 were able to obtain it.

According to the information provided by the Ministry of Culture and Higher Education, more than 500 Baha'i applicants participated in the entrance examination for universities and colleges in 1990.

It might happen that some of executive organs commit error or are reluctant to provide services to certain citizens. In this regard the Judiciary has designated the Inspection General Organization to examine any complaint received from individuals and identify offenders. Should the Special Rapporteur provide more specific information with regard to complaints about executive organs, more investigation could be done by this Organization.

Concerning the last paragraph of the Annex containing the list of Baha'is in prison, it should be let known that Messrs. Mohammad Dehghan, Bakhshullah Missaghi, Azizullah Mahjoor, Habibullah Hakimi and Nader Rohani were pardoned and set free. In addition, following the request of Mr. Galindo Pohl, the Special Representative of the Commission on Human Rights and the acceptance of the authorities in Judiciary, Mr. Badiullah Sobhani was

recently freed. None of these persons have been arrested for their belief; rather they have committed offences. For instance, Mr. Hussainghol Roshanzamir was arrested on charges of traffic in antiques belonging to the Organization of cultural heritage.

The Government of the Islamic Republic of Iran would like to extend its invitation to the Special Rapporteur to visit Iran in order to get first-hand information on the cultural, social, economical and political life of religious minorities as well as Baha'is in the country. In any case the Islamic Republic of Iran is ready to extend its full co-operation to the Special Rapporteur."

## Israel

71. In a communication of 3 October 1990 addressed to the Government of Israel, the following information was transmitted by the Special Rapporteur:

"It has been reported that Israeli settlers in the West Bank have impeded the practice of religion by Muslim worshippers or have attacked their holy places and destroyed articles of worship. The following cases have been denounced in this connection:

1. On 29 December 1989, settlers from Hebron evicted Muslim worshippers from the Patriarchs' Cave and conducted Jewish prayers at the site where the Muslim prayers were usually held. This followed an incident in which a Muslim youth attacked a Jewish worshipper.

2. On 6 February 1990, in Janiya village, near Jenin, a settler whose car had been stoned is said to have opened fire at an empty mosque.

3. On 5 March 1990, settlers who visited Joshua's Tomb in the village of Kifl Harith are reported to have damaged an adjacent Muslim shrine and allegedly damaged Koran volumes and cloth curtains bearing Koran verses."

72. In a communication of 6 November 1990 addressed to the Government of Israel, the following information was transmitted by the Special Rapporteur:

"According to the information received, Shaikh Ahmed Yassin, a 52-year-old Muslim clergyman, has been imprisoned in Israel since 18 May 1989. It is alleged that he has been subjected to torture despite the fact that he is paralysed from the neck down. It is also reported that his 15-year-old son was imprisoned simply for attending to the needs of his father."

73. On 11 December 1990, the Government of Israel sent its comments to the Special Rapporteur regarding the above-mentioned information:

"... Israel's policy has always been to uphold religious freedom and the sanctity of religious sites. Free access to places of worship is a cardinal principle of this policy.

Since the beginning of the intifada, the Israeli police, responsible for public order in the State of Israel, has not restricted or prevented the access of worshippers to the Al-Aqsa Mosque on Fridays or on Islamic holidays.



In order to ensure public order in the area and in deference to the sensitivity of the Moslem worshippers, access to the Al-Aqsa Mosque is banned to non-Moslem worshippers, access to the Al-Aqsa Mosque is banned to non-Moslem tourists and other visitors, often Israeli Jews, during times of prayer.

The Israeli authorities enable the residents of the territories to fulfill the Islamic requirement of pilgrimage to Mecca, which, according to Islamic law, can be carried out during three periods of the year, the most important being the 'haj' in the summer months, a period during which incoming visits into the territories are at their peak. The Civil Administration authorities prepare themselves every year for the increased pressure at the border stations, and make every attempt to facilitate, as much as possible, entry and departure.

In 1989, 5,700 individual permits were given to the residents of Judea-Samaria to make a pilgrimage to Mecca during the three periods of the year - 5,000 of them during the period of the 'haj' itself. At the same time, 1,000 such permits were also given to the residents of Gaza. No records exist as to the number of requests that were rejected, but two points deserve mention.

A. The number of permits for pilgrimage to Mecca is not determined by the Civil Administration, but by quotas set by the Saudi Arabian authorities. Hence, the Civil Administration authorities cannot grant more permits than the number set by the Saudi quotas.

B. A request for an exit permit in general, or for an exit permit for the purpose of pilgrimage to Mecca in particular, may be denied - not in order to deprive an individual of the right to freedom of worship, but because information indicates that there would be a danger to security and the welfare of the public by giving that particular individual a permit. The decision of the Civil Administration authorities to deny a resident of the territories an exit permit is subject to judicial review by the Supreme Court. The Civil Administration authorities must prove to the Supreme Court, sitting as the High Court of Justice, that the denial is based on relevant considerations and stems from reliable and up-to-date information.

The Palestinian extremists have exploited the special status of mosques and have turned them into instruments of the intifada. In many places, mosques and places of worship have become operational headquarters and centers for organizing, planning and inciting violent activity. Intifada activists seize control of mosques, prevent worship, and proceed to incite the crowd of worshippers to go out into the streets, riot, and engage in other forms of violent activity. The loudspeaker systems at the mosques are used to read the content of intifada leaflets distributed among the local population. Because of the general immunity of these premises, mosques have become hiding places and shelters for rioters and instigators, as well as places for storing equipment used in the intifada, such as explosives, Molotov cocktails, masks and manuals on how to incite the local population and make explosives. Mosques are used as sites for recruiting new members to the extremist Islamic organization. Mosques are also used as sites for 'purging' Palestinian Arabs who have 'repented' their departure from extremist Palestinian dictates.

As a result of these abuses, the IDF has on a number of occasions had to act against those who have turned the mosques into tools of the intifada. In keeping with Israel's policy regarding the sanctity of places of worship, special orders have been issued regarding the conduct of security personnel at the holy sites in the territories. As a rule, soldiers may not approach such a site and may not enter except when conducting a search, and even then only after having received special approval from a senior military commander. Soldiers are ordered to show respect at the mosques and other holy sites; they must not interfere with religious observance.

The movement of residents of the territories into Israel has on occasion been restricted when there has been reliable and substantiated suspicion that religious services would be exploited to stir up emotions and incite the worshippers to acts of violence - as, indeed, was the case at times during the last year."

74. Attached to the reply was also sent an excerpt from the United States Department of State Country Reports on Human Rights Practices for 1989.

## Mauritania

75. In a communication dated 25 July 1990, the Special Rapporteur drew the attention of the Government of Mauritania to paragraph 60 of document E/CN.4/1990/46, and recalled the following facts:

"At our meeting during the forty-sixth session of the Commission on Human Rights in February last, your country's representative undertook to send a written communication relating to article 306 of the 1983 Penal Code.

As this communication has still not been received, I should be grateful if you would send it so that I can take it into account in preparing my next annual report."

76. On 21 October 1990, the Government of Mauritania sent its reply to the question raised in the Special Rapporteur's above-mentioned communication as to whether article 306 of the Mauritanian Penal Code is in conformity with the United Nations resolutions concerning intolerance and discrimination based on religion or belief:

"Mauritanian law does not encourage any form of intolerance or discrimination based on belief. The limitations and restrictions that some of its provisions place on freedom of religion and belief are regarded as necessary solely in order to safeguard security, public order and morality.

It is well known that article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief makes provision for such limitations as are prescribed by law.

1. The legal system in Mauritania guarantees freedom of thought and releases the human intellect from the shackles of illusions and superstitions. Consequently, it permits human beings to think as and how they wish and they are not liable to punishment for their thoughts, even if they think of committing an act that is prohibited by law.



2. Freedom of belief is guaranteed and protected in this country. A person can embrace whatever beliefs he desires and no one can compel him to abandon or change those beliefs or prevent him from manifesting a faith. To this end, guarantees have been promulgated under which people are obliged to respect the rights of others in this regard. No one can be compelled to adopt or abandon a particular principle and dissuasion and proper guidance in this connection must be exercised with kindness and without pressure.

3. Actual practice in Mauritania shows that this freedom is guaranteed to the country's non-Muslim population, who openly profess their religions and confessions and perform their religious observances without hindrance.

4. However, notwithstanding these stipulations concerning the guaranteed right of every person to believe whatever he wishes and to openly profess his belief, persons must be compelled to respect the limitations imposed by public morality, for the protection of which laws have been promulgated. Measures must be taken to prevent the abusive use of this right. Mauritanian legislation is based on the high moral standards prevailing throughout this Muslim community, which it diligently endeavours to protect in keeping with its objective of establishing a decent, respectable society. Although this might seem to have led to an extension of the concept of crime in its visible manifestations, it has also had a more commendable and significant result, which can be seen in the high standard of ethical and moral values.

5. Article 306 of the Penal Code, to which the Special Rapporteur referred in his letter, does not apply to persons who have not embraced the Islamic faith. In fact, Mauritanian law does not treat non-Muslims in the same way as Muslims and the Penal Code itself exempts non-Muslims from many penalties and regards Muslims as liable to penalties and punishments that are not imposed on non-Muslims.

6. The Islamic religion, which plays an important role in the maintenance of security and stability, as already mentioned, is an integrated religious faith and any person who embraces it of his own free will must be assumed to have accepted all its teachings, including the rules governing apostasy, which strengthen the foundations of the society based upon it.

7. Apostasy from this religion, which guarantees so many freedoms and so much security, stability and social justice, is regarded as high treason and everyone is aware of the penalties that States impose for this type of offence, which threatens their stability and their very existence.

8. While this religion does not compel anyone to embrace it, it does not tolerate duplicity in this respect or apostasy, which are incompatible with its sacrosanct nature as a divinely-revealed religion based on immutable principles.

9. The precepts of this religion cannot be changed, since the holy law on which it is based comprises moral principles in which our society believes and any person who violates them arouses social indignation. Consequently, apostasy constitutes one of the most serious offences against the public order

and morality established by this religion, the magnanimous and tolerant nature of which is illustrated by the following verse from the Holy Quran:

'Call men to the path of your Lord with wisdom and kindly exhortation. Reason with them in the most courteous manner'."

Mexico

77. In a communication addressed to the Mexican Government on 13 October 1989 (E/CN.4/1990/46, para. 61), the Special Rapporteur transmitted the following information:

"According to information received, the Protestant Pastors Abelino Jerez Hernández and Julio Dávalos Morales have recently been murdered. The former was attacked by a group of over 100 Catholic fanatics, who took him to the outskirts of San Diego Carrito, where they stoned him to death. The latter's body was found on a piece of rough ground on 26 January 1989. The victim's brother stated that Julio had been preaching and distributing religious tracts at the weekend in the village of Los Reyes de la Paz. It is alleged that these murders have created a state of fear and insecurity among the country's Protestant community."

78. On 26 April 1990, the Permanent Mission of Mexico sent its observations on this information to the Special Rapporteur:

"1. The Prosecutor's Office of the State of Mexico initiated preliminary investigations, under case Nos. TOL/AC.11/303/89 and TOL/HLM/11/131/89, into the crimes of homicide, illegal entry and damage to the property of Mr. Abelino Jerez Hernández and fellow victims, in acts that occurred in San Diego Carrito, Villa Victoria municipality, State of Mexico.

2. The investigations carried out identified the following suspects: Camilo Bernardo, Agustín Garcia, Margario Juan Primero, Pascual López, Alberto Carmona, Luis Sánchez Mondragón Pioquinto, Juan Alonso, Anastacio Trinidad Quirino, Abelino López Segundo, Enrique Carmona, Alberto López, Manlio Francisco Rojas, Lorenzo Garnica, Antioco Juan and Pablo López, who attacked Mr. Abelino Jerez Hernández with stones, sticks and other objects, also causing injuries to other persons, set fire to a car and caused damage to a private house.

3. On 4 February 1989 criminal proceedings were instituted against these suspects, and a request for an arrest warrant was issued in case No. 21/89, filed with the Toluca Second Criminal Court, State of Mexico.

4. Furthermore, the Prosecutor's Office of the State of Mexico initiated preliminary investigation No. LR/11/89, into the murder of Mr. Julio Dávalos, who was found dead in Calle Ayahuitalpa, block 5, plot 46, Emilio Zapata settlement, Los Reyes de la Paz municipality, State of Mexico.

5. The investigation into the case has determined that Mr. Julio Dávalos Morales was apparently beaten to death by Ignacio Lara and Ernesto Esparza Matehuala. Accordingly, on 18 May 1989 criminal proceedings were initiated against these two persons, and the relevant arrest warrants were requested, in case No. 278/89-2, which is being investigated by the Texcoco First Criminal Court, State of Mexico.



6. It is apparent from the foregoing that the acts referred to by the Special Rapporteur constitute crimes punished by law, that they have been investigated and criminal proceedings initiated against the alleged culprits. Consequently, it is essential to clarify that the acts in no way constitute government activities that are not in conformity with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

7. Pursuant to the Mexican Constitution, there is complete freedom of thought, conscience and religion in Mexico. The freedom to profess one's religious belief and to practise the forms of worship inherent in a faith are protected by law."

Nepal

79. In a communication of 15 June 1990 addressed to the Government of Nepal, the following information was transmitted by the Special Rapporteur:

"According to the information received, Nepalese citizens of Christian faith and alien Christians have been subjected to ill-treatment and discrimination in application of the Nepalese Legal Code which reportedly prescribes that no person shall disseminate Christianity, Islam or any other faith so as to disrupt the traditional religion of the Hindu community; the penalties are up to one year's imprisonment for conversion and between three and six years for dissemination.

Allegedly, police officials of various districts have arrested and detained Christians for long periods of time without making formal charges, have often beaten Christians and demanded that confessions be signed and have attempted to force recantation.

The following cases, in particular, have been reported:

1. 1 December 1987 - Krishna Bahadur Rai was arrested by the police from Solukhumbu District Police Office (Sagarmatha Zove). Charged with disseminating Christianity, his case came to trial in early 1989 and he was sentenced to six years' imprisonment.

2. 15 April 1988 - Kathmandu Dist., Bagmati Zone, Central Nepal - Babu Kazi and his 11-year-old son were brutally beaten in their house by the police, and then threatened with worse violence if they continued to practice their Christian faith.

3. 4 May 1988 - Dhangordi, Dhangadi District, Seti Zone, Far W. Nepal - Joseph Gurung was arrested for his conversion to Christianity and put in police custody for a month. Subsequently he was released on bail.

4. 10 June 1988 - Pokhara, Kaski Dist., Gandaki Zone, Middle W. Nepal - Tirtha Shahi was arrested on the charge of being a Christian. As he was found guilty of conversion to Christianity, he was sentenced to six months' imprisonment. He served his time in a jail in Pokhara.

5. 10 July 1988 - Khaireni, Tanahu Dist., Gandaki Zone, W. Nepal - A group of six people were arrested and later released on bail, charged with conversion to Christianity.

6. 22 July 1988 - Ratomate, Makwanpur Dist., Narayani Zone, Central Nepal - Silas Tamang, Punya Ratna Tamang, Sonam Singh, Abraham Tamang, Buddhiman Tamang, Prem Lal Tamang (a 10-year-old minor) and Thili Tamang were manhandled by local villagers, handed over to the police, convicted of Christianity, and sentenced to 10 months' imprisonment. They are serving their time in Bhimpedi jail.

7. 15 September 1988 - Thori, Parsa Dist., Narayani Zone, Central Nepal - Ash Bahadur Gurung was apprehended by the Birjung police for having converted to Christianity. He was kept in police custody for a month and later released on bail.

8. 10 October 1988 - Khotang, Diktel Dist., Sagarmatha Zone, E. Nepal - Khastaman Rai and his friend were brought before the District Superintendent of Police and charged with conversion. They were kept in police custody where they suffered brutality. Subsequently they were released on bail.

9. 12 October 1988 - Tarahara, Sunsari Dist., Rosi Zone, E. Nepal - Major Tul Bahadur Rai was taken to Biratnagar prison, denied bail, and charged with conversion to Christianity and preaching of the same.

10. 25 November 1988 - Letang, Jhapa Dist., Nechi Zone, E. Nepal - Bhim Bahadur Shrestha and three others were arrested for being Christians. After spending a month in police custody, they were released on bail.

11. 9 February 1989 - Iktchung, Makwanpur Dist., Narayani Zone, Central Nepal - Mr. Bramha Bahadur Tamang was arrested for having given his daughter a Christian burial. After one month in custody, he was released on bail.

12. 23 April 1989 - Bhavindra Rana and Kesher Timilsina were arrested for distributing religious tracts. They are still in jail awaiting trial.

13. 14 May 1989 - Kathmandu, Kathmandu Dist., Bagmati Zone, Central Nepal - Tanananca Joshi was sentenced by the court to one year's imprisonment for propagating Christianity.

14. 18 May 1989 - Makawanpur, Makawanpur Dist., Narayani Zone, Central Nepal - Sonam Singh, Dili Singh, Silas, Budei Man, Thaili Maya, Prem Lila, Punde Ratna, Nan Bahadur, Ram Lall, Hari Bahadur, Krishna Maya, Ghising Brida, Phuri Bahadur, Sancha Bahadur, Brama Bahadur, Pancha Bahadur, Caja Bahadur, Dhan Bahadur, Rana Bahadur, and Krishna Maya were sentenced by the District Court to eight months and 15 days for disseminating Christianity. The prosecutor appealed to the Zonal Court requesting six-year jail sentences.

15. 10 May 1989 - Salayan - Dil Bahadur Magar and six others were arrested during a house meeting for religious purposes. In October 1989, they were said to still be in police custody.

16. 5 July 1989 - Dang Ghorai - Nara Bahadur Saha and Man Singh Gurung were arrested for propagating Christianity. They were later released on bail.



17. 26 August 1989 - The Supreme Court sentenced for disseminating Christianity:

- Adon Rongong to six years' imprisonment and expulsion from Nepal (Indian National);
- Prakash Subba to six years;
- Sahadev Mahat to one year;
- Abraham K.C. to one year.

18. 12 November 1989 - Bhaktapur, Nepal - Tir Bahadur Dewan was arrested during a police raid on a meeting of Christians. Their bibles and hymn books were confiscated and all 40 people were taken to the Office of the Chief District Officer; they were beaten with sticks in an attempt to make them recant their Christian faith. 32 of them were released the same day. Tir Bahadur Dewan was released later, reportedly because of serious illness.

19. 16 November 1989 - Charles Mendies, an ordained pentecostal minister. He was taken into custody by police from Lalitpur District Police Office and taken to Kathmandu's Central Jail. He was sentenced on 27 August 1989 to six years' imprisonment for disseminating Christianity and was released on bail pending the outcome of his final appeal.

It has also been reported that a ceremony scheduled for 10 December 1989 at the Boudhanath temple honouring the receipt of the Nobel Peace Prize by the Dalai Lama was prohibited by the authorities."

## Pakistan

80. In a communication of 15 June 1990 addressed to the Government of Pakistan, the following information was transmitted by the Special Rapporteur:

"Further information has been received alleging acts of persecution against Ahmadis. It has again been asserted that Ordinance XX of 1984 prohibits Ahmadis from freely practising their faith, that they are not allowed to meet freely and for the past six years have not been authorized to hold their annual convention. It has also been reported that attacks against the Ahmadi community, including killings and destruction of villages, go unpunished. The Ahmadi daily newspaper has reportedly been banned during the past four years and its editor, publisher and printer have been indicted. According to the allegations received, Ahmadi books and publications have also been banned and confiscated.

Reports on individual cases have been received as follows:

1. Maulana Dost Muhammad Shahid,
2. Shabir Ahmad Saqib,
3. Manzoor Ahmad,
4. Nazir Ahmad,
5. Saleem Ahmad,
6. Khalid Parvez,
7. Muhammad Yusuf,
8. Munawar Ahmad,
9. Nasir Ahmad.

These nine persons were sentenced to two years' imprisonment and a fine for acting against Ordinance XX in April 1990.

10. Mr. Abdul Shakoor of Sagodha was arrested by police on 11 March 1990 for wearing a ring which contained verses of the Holy Quran and taken to Sargodha jail.

11. Mr. Gul Mohammad of Sargodha was arrested by police on 9 March 1990 for posting a sticker on his motor cycle which read 'There is no one worthy of worship but Allah and Mohammad is His Messenger'. He was sent to Sargodha jail."

81. In another communication dated 20 September 1990, the Special Rapporteur transmitted the following allegations:

"According to the information received, Mr. Irshadulla Tarar, a member of the Ahmadi community, was sentenced to one year of imprisonment and the payment of a 1,000 Rs. fine on 29 December 1988 for wearing a Kalima badge. An appeal was made but the sentence was reportedly upheld. Mr. Tarar is said to be held at the Gujranwala Central jail.

According to additional information received, on 11 June 1990 the District Magistrate of Jhang prohibited the publication, for a period of two months with immediate effect, of the Ahmadi daily newspaper 'Al-Fazal', Rabwah, under the West Pakistan Maintenance of Public Order Ordinance 1960, on the grounds that it had been acting in a manner prejudicial to the maintenance of public order. It is reported that no specific reason for this action had been cited, nor legal justification provided.

It is also reported that expressions of hostility towards the Ahmadi community have continued to be formulated by mullahs in Chak Sikander and Khatme Nabuwat. It is further alleged that the 16-year-old son of Sahibzada Abdul Salam had been captured, beaten and accused of proselytism. It is reported that he was imprisoned for three to four days."

Saudi Arabia

82. In a communication of 15 June 1990 addressed to the Government of Saudi Arabia, the following information was transmitted by the Special Rapporteur:

"It has been reported that the Shi'a community has been subjected to religious discrimination in Saudi Arabia. Members of that community have allegedly not been allowed to preach and to practise openly some of their religious rites, such as the procession of Ashura (the commemoration of the death of Imam Hussein, the Prophet's grandson) and some have been detained without charge or trial.

The following cases of alleged arrests have been brought to the attention of the Special Rapporteur:

1. Sheikh Hassan Makki al-Khuwaildi, a leading Shi'a scholar, was arrested on 31 October 1988, after having preached on Shi'ism, and has allegedly been kept in detention without charge or trial.

2. Muhammad Abdul-Rahim al-Faraj, a 18-year-old student, and



3. Abdullah Ali Musa, a 29-year-old Saudi ARAMCO employee were arrested on 24 September 1989, when they were attempting to stage a procession of Ashura. Nine other Shi'as were also arrested for the same reason. According to the report, all were released on 4 October 1989.

4. Lhara Habib Mansur al-Nasser, a 40-year-old housewife from the village of Anjam in the Eastern Province, was arrested with her husband on 15 July 1989 at the Hudaitha check-point on the Saudi-Jordanian border. They were reportedly detained for possessing a photograph of Ayatollah Khomeini and a Shi'a prayer book. Mrs. al-Nasser died in custody on 18 July 1989, allegedly bearing marks of torture. Her husband was subsequently released."

83. On 14 November 1990, the Government of Saudi Arabia sent the following reply to the Special Rapporteur:

"1. We have already replied to the subject matter of the above-mentioned communication. We informed you that our record shows that we have already provided the Centre with our comments on all the communications (and their contents) relating to the subject matter you now repeatedly communicated to us.

2. Your above-mentioned communication enclosed another communication addressed to us dated 6 June 1990. Our comments on this particular communication are the following:

'The communication of the Special Rapporteur of the Commission on Human Rights (No. G/SO 214(53-5) dated 6 June 1990) relates to crimes and punishments of persons who went through legal procedures in accordance with laws of the land applicable to all its inhabitants, native or non-native. No one is forced to live and work in Saudi Arabia against his will. If he dislikes its laws and legislation he should not choose to live in it, but if he does he should strictly respect and accept its laws and legislation. If he violates them, he is then subject to the measures in existence. The information transmitted to us in the communication of the Special Rapporteur states that those involved in the crimes were punished after being convicted of their various charges. Hence, their conviction was in accordance with the law of the land.'"

Turkey

84. In a communication of 20 September 1990 addressed to the Government of Turkey, the following information was transmitted by the Special Rapporteur:

"According to the information received, Mr. Osman Coskun, an imam, was arrested on 7 August 1986 and tried before a criminal court in Ankara under article 163 of the Penal Code for 'attempting to change the secular nature of the State'. He is reported to have been sentenced in November 1986 to seven years and three months of imprisonment and that this sentence had been quashed on appeal. After re-trial, Mr. Coskun is reported to have been sentenced in December 1987 to 16 years and eight months imprisonment, on charges of "anti-secular propaganda" and "membership of an anti-secular organization". Mr. Coskun was reportedly tried and sentenced not for his activities in Turkey but for his activities as imam among the Turkish community in the Federal Republic of Germany."

85. On 8 November 1990, the Government of Turkey sent its comments to the Special Rapporteur regarding the above-mentioned information:

"1. As stated in article 2 of its Constitution, the Republic of Turkey is a democratic, secular and social State governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the Preamble of the Constitution. Laicism is one of these tenets. The Government of Turkey reiterates its firm belief that laicism provides the basis for the true exercise of the right to freedom of religion and the prevention of discrimination based on religion. Laicism is a principle which the Turkish Government and all the Turkish authorities concerned must protect and promote. In terms of Turkish legislation and practice, the protection of laicism corresponds to the protection of the right to freedom of conscience, religious belief and conviction. In this respect, article 24 of the Constitution and article 163 of the Turkish Penal Code are the main safeguards against activities aiming to abolish democracy and fundamental human rights, and to establish a theocratic State based on religious intolerance. According to article 4 of the Turkish Penal Code, such activities carried out by the Turkish nationals constitute punishable acts even if they are committed in a foreign country.

2. Mr. Osman Coskun is one of those persons who aim to establish a theocratic Islamic State in Turkey. In 1980 he went to another European country where he has been active as member of an anti-secular association founded and supported by some fundamentalist circles with a view to propagating theocratic ideas among the large community of Turkish nations existing in that country and to promoting organized activities to overthrow laicism in Turkey. Mr. Osman Coskun has been a leading person in activities aiming to attain these objectives. Since his activities have been directed against the Republic of Turkey, they were taken up by the relevant Turkish Court in accordance with article 4 of the Turkish Penal Code. On 19 January 1988, Ankara State Security Court has sentenced Osman Coskun to 16 years and 8 months of imprisonment according to article 163 (paras. 2 and 3) of the Turkish Penal Code. This sentence has been approved by the Court of Appeal on 12 May 1988."

Viet Nam

86. In a communication dated 1 October 1990, the Special Rapporteur addressed the following information to the Government of Viet Nam:

"The following monks and priests were allegedly arrested and tried on account of their religious activities:

Thich Duc Nhuan, a 61-year-old Buddhist monk, arrested on 6 August 1985 in his pagoda in Ho Chi Minh City, is reported to have been detained without trial until September 1988, and then sentenced to 10 years' imprisonment after being accused of 'subversive activities against the authority of the people'. He was allegedly detained for several months at the detention centre in Phan Dang Luu Street, where he was subjected to long interrogations, before being transferred to Chi Hoa prison in Ho Chi Minh City, without any formal charges being made against him. He was then reportedly tried by the people's court in Ho Chi Minh City on 28 to 30 September 1988, accused, under



article 73, paragraph A, of 'particularly serious breaches of national security', and found guilty of 'subversive activity against the people's administration'.

It is maintained that, at the beginning of 1989, Thich Duc Nhuan was transferred from Ho Chi Minh City to the Z30A re-education camp, in Xuan Loc district, Dong Nai province. He is said to be suffering from asthma and from a stomach ulcer which is bleeding, and his health is reported to have deteriorated in recent months. Medical resources are reported to be rudimentary in the re-education camps, and there are no competent doctors to attend to detainees.

According to another communication received by the Special Rapporteur, Thich Tue Sy, a 46-year-old Buddhist monk, arrested in December 1984 and sentenced to death, the sentence subsequently being commuted to 20 years' imprisonment, was recently transferred from the Z30A re-education camp to a camp at Xuan Phuoc in Tuy Hoa district, Phu Khanh province. Thich Tue Sy is reported to be suffering from acute malnutrition and to be in danger of falling seriously ill if he is unable to receive regular food parcels.

It has also been reported that Dominican Father Tran Dinh Thu, 83 years of age, and his assistant, Brother Paul Nguyen Chau Dat, members of the Congregation of the Mother Co-redeemer, were arrested on 16 May 1987 and sentenced to life imprisonment in October the same year, after being found guilty of 'propaganda against the socialist régime ... and terrorism'. Both priests were reportedly imprisoned in Chi Hoa prison in Ho Chi Minh City. Tran Dinh Thu's sentence was allegedly commuted to 20 years' imprisonment in September 1988, and it is possible that he was transferred to a re-education camp in Dong Nai province, 80 kilometres from Ho Chi Minh City.

Lastly, Father Thadeus Nguyen Van Ly, a Roman Catholic priest, is said to have been arrested in May 1983 when he was attempting to organize an unauthorized pilgrimage. In December 1983, he was apparently sentenced to 10 years' imprisonment, a sentence he is reported to be serving in Binh Tri Thien province."

## III. CONCLUSIONS AND RECOMMENDATIONS

87. For the fifth consecutive year, the Special Rapporteur has been entrusted by the Commission on Human Rights with the examination of situations reported to be inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief, the identification factors hampering its implementation and the search for clarifications on specific incidents or cases from the Governments concerned. Over the years, he has established a constructive dialogue with Governments in a spirit of co-operation.

88. The Special Rapporteur was particularly gratified with the confidence placed in him by the Commission on Human Rights which, at its forty-sixth session, in 1990, extended his mandate for another two years. This extension, the privilege of which the Special Rapporteur shares with other thematic mandates of the Commission on Human Rights, seems to reflect a sustained interest and trust on the part of the States members of the Commission in the established procedures for the consideration of certain types of violations, and a concern to ensure that the Rapporteurs have optimum conditions for the fulfilment of their task.

89. Since his appointment, the Special Rapporteur has been collecting information transmitted to him by Governments, non-governmental organizations and other religious and lay sources, regarding constitutional and legal guarantees of freedom of thought, conscience, religion and belief, with a view to acquainting himself with the measures taken by States to combat intolerance and incidents which might be inconsistent with the provisions of the Declaration. Given the quantity and variety of information received and as his mandate is not to enter into a detailed assessment of national legislation, he has selected a certain number of questions which he thought were of particular relevance to his mandate. He therefore addressed on 25 July 1990 a questionnaire to all Governments, containing 11 questions as reproduced in chapter II, section B, of this report. On the basis of incidents reported in previous years and the study of the information he has been gathering, the Special Rapporteur thus wished to better elucidate certain situations which had been recurrent over the years and obtain answers from Governments on how they deal with them in their respective legislation and judicial and administrative practice. The replies received reflect the scope and diversity of legislative provisions and practical measures implemented to restrict intolerance and discrimination with regard to religion. Since replies on the questionnaire are still being received, the Special Rapporteur intends to present a final analysis in his report to the forty-eighth session of the Commission on Human Rights.

90. During the past year, the Special Rapporteur has continued to receive allegations of infringements of the rights and freedoms set out in the Declaration. The information collected leads him to note that incidents and governmental actions inconsistent with the Declaration have persistently occurred in most regions of the world. The majority of allegations point to infringements of the right to have the religion or belief of one's choice, to restrictions as regards the expression of this right in the exercise of the freedoms it involves as well as to a variety of acts of discrimination on grounds of religion or belief.

91. Manifestations of religious intolerance continue to be varied. They may consist in sanctions for belonging to a specific denomination which may entail the denial of legal guarantees, of access to education, health services, ration cards or passports, the confiscation of property, the refusal of employment, salaries and pensions or of compensation for injured parties. They may also take the form of outright persecution involving physical assault and corporal punishment. Conversion to another religion is severely punished in some countries, even though the official accusations against such persons may be motivated on other grounds. In the case of one country, the death sentence is prescribed for apostasy.

92. As in previous years, the Special Rapporteur has noted the continued restrictions on the enjoyment of the following rights: the right to manifest one's religion in public, prohibition of repair of existing places of worship, seizure or confiscation of religious articles or articles of worship, censorship or closure of publications relating to a religion or worship, prohibition of religious propaganda and proselytism or restrictions of the right to train and appoint clergy in sufficient numbers.

93. This situation continues to have a direct bearing on the enjoyment of human rights in general and adversely affects such fundamental rights and freedoms as the right to life, to liberty and security of the person, to



physical integrity, the right to freedom of movement, the right to freedom of opinion and expression and the right to take part in public life. Many persons continue to be detained in prisons for religious reasons and are in some cases subjected to torture and ill-treatment. Members of the clergy and believers of many denominations are subjected to death threats, intimidation, expulsion or enforced indoctrination. Some have been killed as a result of their religious activities.

94. However, the information gathered attests to the continued interest in problems of this nature on the part of the international community and reflects genuine efforts on the part of many Governments to restrict intolerance and discrimination and penalize violations in this domain. The Special Rapporteur would particularly welcome the continued dialogue, in a spirit of increasing co-operation, between himself and all those Governments who so far have not been able to fully clarify all concerns which he had occasion to bring to their attention.

95. The Special Rapporteur was most gratified to note the radical changes in the enjoyment of the rights and freedoms of thought, conscience, religion or belief that have taken place in Eastern Europe. The progress achieved in certain countries is particularly encouraging and the Special Rapporteur hopes that it will contribute to the strengthening of religious freedom in the region as a whole. The Special Rapporteur awaits with interest the announced changes in the constitutions of some countries of the region and intends to attentively follow their practical results.

96. On the basis of some of the allegations he has received, the Special Rapporteur has found it sometimes difficult to differentiate between persecution on religious grounds and persecution on political grounds as well as persecution on the basis of religious activities and that to which members of the clergy may be subjected as a result of the community work performed in parallel with their purely religious functions. In many cases where it was difficult for him to clearly distinguish between religious intolerance and political persecution, the Special Rapporteur nevertheless transmitted the allegations to the Governments concerned and invited them to clarify the reported situations.

97. During the period under review, the Special Rapporteur was very pleased and grateful to benefit from the continued co-operation of non-governmental organizations in the carrying out of his mandate. He would like to express the hope that, as this co-operation deepens, more and more detailed and circumstantiated information will be made available to him.

98. On the basis of incidents reported in the course of the past year, the Special Rapporteur has noted the persistent use of violence or threat of its use in dealing with problems of a religious nature. He has also taken note of the lack of activity of security forces in situations where their intervention might have been called for as well as the disturbing reports that, in some cases, they have taken part in repression based on religious intolerance. This can be the result of governmental practices that are at odds with both national and international legislation on the matter as well as the result of economic, social, political and cultural factors prevailing in the country. The Special Rapporteur has again noted how difficult it is to overcome the deep distrust opposing members of certain denominations as well as to eradicate extremist and fanatical opinions. In view of the long-term nature

of this phenomenon and its detrimental effect on the stability of international relations as well as on relations between particular, often neighbouring, States, the Special Rapporteur is of the opinion that more determined efforts should be made at all levels to combat attitudes of discrimination or intolerance, especially when they have deep historic and cultural roots.

99. The Special Rapporteur has taken due note of Commission resolution 1990/76 requesting him and other rapporteurs and groups to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal against private individuals and groups who seek to co-operate with the United Nations and representatives of its human rights bodies. The Special Rapporteur is indeed aware of this important concern of the Commission and will, within the framework of his mandate, take every possible action whenever such cases are brought to his attention. During the period under review, however, no concrete incidents or cases falling within the purview of resolution 1990/76 were reported to him.

100. With regard to the replies received on the above-mentioned questionnaire, the Special Rapporteur has noted that very few countries make a clear distinction between religions, sects and religious associations. He recognizes the difficulty involved in establishing a clear definition and notes that the attitudes of Governments are based rather on the type of activities the various religious entities engage in.

101. In this connection, mention can be made of the judicial proceedings filed against the so-called Church of Scientology in Italy and Spain (see E/CN.4/1990/46, paras. 55, 56, 78 and 79) and more recently in France, which have either been closed or not followed up.

102. Prohibitive action in certain instances may result from a lack of acceptance, on the part of certain religious denominations, of what Governments view as basic law. Most countries claim they afford equal protection to both believers of all faiths and non-believers as well as to persons whose denomination makes them part of a religious minority. To varying degrees, countries with an official religion appear to show a less tolerant attitude towards other religious denominations.

103. The majority of countries does not apply the principle of reciprocity concerning the practice of religion by foreigners. Certain countries have indicated that they do not apply this principle for if they were to do so, they would be less tolerant towards citizens of countries where their own nationals are not allowed to practise their religion.

104. Most countries denied the existence of marked confrontation between believers of different faiths. This appears to be in contradiction with the incidents reported over the years to the Special Rapporteur. As a consequence very few specific measures applied in combating manifestations of extremism or fanaticism were reported. It should also be noted that judicial and administrative remedies as well as conciliation arrangements do not appear to have been sufficiently developed worldwide.

105. On the basis of the foregoing observations, the Special Rapporteur considers that the best guarantee for the respect of the cited rights and freedoms continues to be the efficient functioning of democratic institutions



and the rule of law. This must be coupled with the implementation of adequate socio-economic measures aimed at removing inequalities that may exist between different communities within a society as well as the causes of possible conflicts which might generate intolerance. The introduction or adjustment of the appropriate legal and constitutional framework as well as human rights education are of paramount importance in this respect.

106. All of the above also points to the importance of countries availing themselves of the advisory services offered by the human rights programme of the United Nations. Such services can be particularly valuable when Governments embark upon the drafting of new legislative provisions or when they adapt existing legislation to the principles set out in the Declaration. Training courses aimed at increasing familiarization with existing principles, norms and remedies in the sphere of religion or belief should also be actively considered. A number of countries which responded to the questionnaire indeed expressed readiness to receive assistance from the United Nations both with regard to possible modifications in their legislation and the organization of courses and seminars to train selected officials in human rights.

107. The Special Rapporteur wishes to repeat the recommendations he has already expressed in his previous reports, namely that States which have not already done so should ratify the relevant international instruments. Bearing in mind the persistence of the problem of intolerance and discrimination based on religion and belief, States should also continue to actively consider the usefulness of preparing a separate binding international instrument on the elimination of these phenomena, in the light of the recommendations provided by Mr. Theo van Boven, expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his report (E/CN.4/Sub.2/1989/32) on the subject.

108. The Special Rapporteur is of the opinion that States ought to constantly monitor their own legislation with a view to shortcomings that might arise in given situations. Wherever constitutions and legal systems are still inconsistent with the provisions of the Declaration, appropriate amendments should be enacted without delay.

109. It is also important that effective administrative and judicial remedies be available to victims of religious intolerance or discrimination and that they may avail themselves of appropriate conciliation arrangements. The Special Rapporteur also wishes to draw attention to the problem of impunity which generally contributes significantly to the persistence of the phenomena of major human rights violations.

110. The Special Rapporteur finally wishes to emphasize that it is necessary to increase the efforts of disseminating the principles contained in the Declaration, in particular among lawmakers, judges, lawyers and civil servants, and to encourage them to contribute actively to the elimination of the root causes of religious intolerance or discrimination. In this connection, he applauds the continued support provided by non-governmental organizations.

111. Finally, the Special Rapporteur would like to reiterate the importance of the advisory services offered by the United Nations in the field of human rights.

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