

PRESS
INFORMATION



PERMANENT MISSION OF PORTUGAL
TO THE UNITED NATIONS

630 FIFTH AVE., SUITE 2170
NEW YORK, N. Y. 10021
CI 7-6736

LIBERDADE RELIGIOSA

STATEMENT MADE BY

Miss MARIA DE LURDES PINTASILGO, Portuguese
Delegate to the 3rd Committee of the 27th
Session of the General Assembly

Fundação Cuidar o Futuro

Mr. Chairman,

The main purpose of my intervention is to point out that under the item under consideration we are dealing with a totally different problem from the one the United Nations started to tackle in 1953.

Indeed, the report of the Secretary General (A/8330) shows the inadequacy of the existing laborious attempts to formulate international instruments in this realm.

In the report we have three sets of documents:

- on a principle-level there is a draft of some articles of a "Declaration on the Elimination of all forms of religious intolerance" (as presented in An. I),
an
complemented by/inconclusive report of a working-group;

- then, before the theoretical basis had been agreed upon, there is the preamble and several articles of what would become a legally-binding Convention,
complemented again by isolated efforts to add other articles;

- and, finally, on a practical existential level, there are some measures of implementation, submitted by the sub-commission on prevention of discrimination and protection of minorities.

These unfinished attempts are in themselves a sign that there is a feeling of uneasiness about this issue in the world community. Why would that be so?

It is my assumption that the angle through which this question has been approached needs a definite and determined shift.

In fact, the summary records of the Commission on Human Rights, of the Sub-Committee on Protection of Minorities, of the 3rd Committee during the 22nd session of the General Assembly, though extremely enlightening so

.../...

as to the difficulties faced then by the world community, are focussed on issues which, I presume, belong to the past.

Three factors play an important role in the current situation:

- the evolution of the corporate forms of religion or belief;
- the self-understanding of the States themselves;
- the world public opinion.

In a bird's eye view of these factors the following can be said.

First, the great religions of the world as well as the great philosophical movements which have an institutional form have become in the last years more open to other convictions, less dogmatic in their expression of the truth, more ready for exchange and encounter with others.

Hence, tolerance is the key-note of the present time. May it be clear, however, that tolerance here is not sought for the sake of a moral principle, a condescending way towards other human beings. Rather, tolerance has become for the great beliefs (theistic or atheistic) an inner demand in the pursuit of truth. A new understanding of praxis in all beliefs identifies the truth and the way towards it.

It is all mankind who shapes the way. Hence, truth encompasses many forms of search and convictions.

Second, it would seem that an analogous development has taken place within the States.

Faced with urgent problems of development in all its forms, and with questions of peace and security, most States have evolved into a practical recognition of the presence of different forms of religion and belief in

.../...

their midst, with all the juridical consequences entailed by that recognition. I am not ignoring that in different States or between States there are grave problems which seem to pertain to the question of "intolerance on the ground of religion and belief". I accept, however, the hypothesis that it is nearly impossible to single out in our time a sociological phenomenon on the sole ground of religion and belief. In most cases, the intolerance at stake is intertwined with problems of racial discrimination, of social disparities, of opposite views on political self-reliance.

It is only just to recall here that if the hypothesis, of a change in the States attitudes proves to be true, the influence of great tolerant leaders in the realm of religion and belief cannot be ignored.

In the continuous interplay between institutional forms of religion and belief and the State, a distinction emerges as to the understanding of the concept of "freedom of thought and belief". Indeed, this expression has a universal and clear interpretation for the beliefs which have a coherent body of thought or a definite code of life-style. For then, freedom of thought and belief is connected with a ethical imperative for the person to pursue truth and to comply his life with his conviction.

Such is not necessarily the case for the State. None of these imperatives are part of the collective responsibility of the State for the "polis". None are part of the secular State. What is fundamental for the State is "the immunity in all matters concerning religion so that every man may be free to follow or not to follow the precepts of his own conscience". (1)

(1) Actas da Câmara Corporativa, Parecer nº 25-X, pg. 709

For a State, freedom in religion or belief can be "essentially a juridical concept apt to safeguard basic rights of the citizens. It is neither a philosophical concept nor a theological one". (1)

Public opinion could not but be affected by the above mentioned changes.

Despite the still existing hot-beds of discrimination and inflexibility, a greater understanding among public opinion of the legitimacy of the different forms of religion and belief has grown.

Mr. Chairman,

Nearly 20 years ago, the decision was taken by the United Nations to tackle a "study of discrimination in religious rights and practices".

In the short life-span of the Organisation, we can perhaps say that the consideration of this item started during what could be called its "Medieval period" in this regard. Hence, the main features of the first exchanges:

- the mutual ignorance or competition between great forms of religion or beliefs;
- the use of the religious question either as a political banner or as a political weapon within the State's boundaries;
- The "cruzade" spirit permeating the political field and, thus, bringing States against each other on the basis of religion or belief.

Today the scope of the item under consideration is not anymore a disguised attempt at "religious war", aimed at threatening this or that State.

It is, rather, the need to affirm together, as

(1)
ibid.

"the peoples of the United Nations", a well-recognized right and principle.

The title may be the same used in other meetings of the United Nations organs but its historical context makes of it a different problem.

Therefore, an international instrument on the elimination of discrimination based on religion or belief doesn't come anymore, in the first place, from a need of protection of minorities. It comes, rather, from the acknowledgement that freedom of thought and belief is among the basic rights of the human person and, as such, requires an accurate elaboration.

A parallel can be drawn here between the instruments of international law the United Nations has been trying to draw up throughout the years and the evolution of constitutional law inside each State. As the internal law of a country evolves, the basic rights laid down in its constitution are gradually unfolded in legal instruments dealing with every form of individual rights.

Likewise, the United Nations and its agencies have been unceasingly elaborating international instruments related to different fields of human rights. Nothing seems more logic than to give to the right of the freedom of thought and belief its adequate "translation" in terms of the United Nations attempt to cover all human rights.

Mr. Chairman,

We could regret that the General Assembly didn't abide by its own decision to give "high priority" to this item. But somehow the "pause" in its discussion may allow the General Assembly to have a radically new starting-point.

.../...

From a practical point of view, it seems that rehandling the many incomplete drafts is not the task ahead for the General Assembly.

As they are, such articles appear somewhat out-dated and irrelevant in the present situation of the world.

My delegation is strongly convinced that a new fresh start is needed in order to draft a new international document.

With this goal in mind, we would like to suggest the following steps:

a) Formation of a working-group constituted by experts of different religions and beliefs drawn out through Member States as well as through NGO's.

b) The main task of the working-group would be to do a comprehensive research of the documents issued by the United Nations organs (including records of this committee), so as to evolve a more unified and up-to-date analysis of what appears now as a undefinable assemble of articles.

c) We would like to point out that we consider key to this analysis the extremely valuable study of the special rapporteur made between 1956 and 1959 and published by the United Nations in 1960. Some institutions outlined in the last part of that study have proved to be true and can now be further explored.

d) Bearing in mind that a radical change in the concept and practice of freedom of religion and belief has taken place in the last 6 years, we would welcome an immediate consultation by the Secretary General to Governments of Member States as to the current situation of the problem of "elimination of intolerance on the ground of religion and belief" both in terms of the law

.../..

and of the practice.

e) We would hope that the 23th session of the General Assembly will give true high priority to this item and that its consideration would be based on the report of the working-group and on the report of the Secretary General containing the survey of the answers of Governments.

Mr. Chairman,

My delegation has examined the Res. A/C.3/L.1980 against this background of the suggestions just made. It is obvious that we would hope for a resolution that would go further than this one.

We accept, however, this resolution has a reasonable compromise between the past and the radically "new future" which already the special rapporteur in 1960 attempted to describe.

Therefore, we will vote for the resolution before the Committee.

Fundação Cuidar o Futuro

