RELIGIOUS INTOLERANCE

Special Rapporteur on religious intolerance

The mandate of the Special Rapporteur (SR) on religious intolerance was created by the Commission in 1986 and given the specific purpose of identifying incidents and government actions that are inconsistent with provisions in the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. The SR was also requested to make recommendations on remedial measures that should be taken to ensure compliance by states with the provisions of the Declaration. The SR in 1998 was Abdelfattah Amor.

The report to the 1998 Commission (E/CN.4/1998/6) contains information on, *inter alia*: legislation on tolerance and non-discrimination related to religion or belief, visits undertaken by the SR, development of a culture of tolerance, and communications sent to and received from governments.

In the section on national legislation, the report recalls that resolutions adopted at both the 1997 sessions of the Commission (1997/18) and General Assembly (52/122) urged states to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right is violated. The report recalls that the SR's 1995 report (E/CN.4/1995/91, and Add.1) contained a summary of information provided by governments in terms of constitutional, legal and regulatory mechanisms aimed at combatting religious intolerance and discrimination. In an effort to update that information and solicit responses from governments that had not previously replied to a request for information, the SR again requested information related to constitutions in force or any equivalent instrument, legislation and regulations.

In terms of country visits, the report recalls that the objectives of such visits are to gather opinions and comments on all alleged incidents and government action incompatible with the Declaration, in order to analyse them and prepare conclusions and recommendations and to report on the experience and positive initiatives of states. Such visits are noted as having been undertaken, as follows: China (1994), Pakistan (1995), Iran (1995), Greece (1995), Sudan (1996), India (1996), Australia (1997), Germany (1997) and the United States (1998). The report also notes that requests for an invitation to visit were sent to Turkey, Viet Nam, Indonesia, Israel and Mauritius.

The commentary on the development of a culture of peace focusses on the role of schools and education in the promotion of religious tolerance and combatting intolerance and discrimination. The SR solicited information on religious education and received replies from 77 governments. On the basis of these replies, several general observations were made, including that: it seems that the majority of states attach prime importance to education as the principal means of preventing discrimination and intolerance, with the school system being the essential element in the effort; most states indicated clearly that school curricula and textbooks should be centred on tolerance and non-discrimination in general, particularly where religion and belief are concerned, and human rights; in the context of measures intended to promote tolerance, many states stressed the importance of education conveying a culture of tolerance, respectful of diversity of religions and beliefs, and imbued with human rights values; some states referred to the need for school textbooks designed to teach values common to all religions; and in light of the risks of religious and political indoctrination, several states described measures of a preventive nature, including constitutional and other legal guarantees, state supervision and information campaigns.

The SR stated that, admittedly, interpretations of the role of education and religious instruction in particular, and of the principles of tolerance and non-discrimination vary according to the state concerned. The report notes that there is a very marked difference between states based on or advocating secular principles and theocratic states or, in some cases, states having an official or state religion. In addition, even within these two groups, there are many variables: on the one hand, states generally opt either for total rejection of religion, which is confined to and concealed in the private sphere, or for a relationship of cooperation and partnership with religions; on the other hand, states which are or claim to be based on religion may be either exclusive — for the benefit of the predominant religion alone — or open and respectful vis-à-vis other religions.

The SR stated that the replies to the questionnaire in some cases raised questions in relation to the principles of tolerance and non-discrimination and, further, that the compulsory nature of religious instruction raises the question of respect for belief, in particular of non-believers, when there is no provision for exemption or alternative measure, such as civic or moral education. Problems were also seen to arise with imposing a particular kind of religious instruction on members of another faith without giving them the right to be excused from that instruction and when members of a religion other than the majority religion have no private religious institutions. The report notes that some states replied that their population was completely homogenous from the religious standpoint, which raised the question whether consideration should be given to several reliable sources of information which report the existence of religious minorities. The SR noted that, generally speaking, the teaching of comparative religion is limited and simply does not exist in many states.

Three points emerged on the basis of the responses received from government:

- there are two problems related to textbooks and curricula: (a) the production of textbooks and curricula by state authorities without any consultation of the various religious communities and faiths, and (b) the