

THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

IS CULTURE ITSELF A ROOT SOURCE OF RELIGIOUS AND RACIAL DISCRIMINATION?

Issue: Culture as sacred – is it a root source of religious and racial discrimination?

For: United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media, Civil Society

Review: The United Nations Human Rights Council Preparatory Committee for the United Nations Durban Review Conference in 2009 met in the First Substantive Session 21 April to 2 May 2008. The United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance had this recommendation; “legal readings are important but the law has its limits, we lack a **cultural strategy** that gets at the root sources of the problem.” He called for the inclusion of UNESCO in preparation for the Durban Review Conference. There is a link to the archived UN Human Rights Council Web cast for a direct video/audio link to the U.N. Special Rapporteur’s remarks at the end of this Issue Statement.

Culture is described as “the traits of a given people passed on from generation to generation.” Ernest Becker said; “**culture itself is sacred**, since *it* is the ‘religion’ that assures in some way the perpetuation of its members... Culture is in this sense ‘supernatural,’ and all systematizations of culture have in the end the same goal: to raise people above nature, to assure them that in some ways their lives count in the universe more than merely physical things count.”

Excerpts from Dr. Ernest Becker’s book *Escape from Evil* may add a **cultural dimension** to the Durban Review Conference in 2009. *Ernest Becker, Escape from Evil: A Division of Macmillan Publishing, 1975. Ernest Becker (1924-1974) won the Pulitzer Prize for General Nonfiction for “The Denial of Death.” He was a distinguished social theorist and a popular teacher of anthropology, sociology, and social psychology.*

Extracts from *Escape from Evil* highlighted in bold begin on the third page followed by an Issue Statement

International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to use international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today’s world inspire a question such as:

- Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate of an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. One writer has said; “Religion raises the stakes of human conflict much higher than tribalism, racism, or politics ever can...it casts the differences between people in terms of eternal rewards and punishments.”

Concept: *Separation of Religion or Belief and State – SOROBAS.* The starting point for this concept is the First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* It suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

- **Article 18:** protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Dialogue & Education

Dialogue: United Nations Secretary General Ban Ki Moon, at an Alliance of Civilizations Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” An author in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.” There are varying degrees of cooperation, competition and conflict within and between religions or beliefs. International Human Rights Standards on Freedom of Religion or Belief is international human rights law and a code of conduct to promote cooperation, regulate competition and resolve conflicts. To include the value and use of these International Standards for world peace is genuine dialogue on freedom of religion or belief

Education: Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.” The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the

best interests of the child being the guiding principle.” Given these parameters, early childhood education is the time to begin to build tolerance, understanding and respect for freedom of religion or belief

Extracts: Extracts are presented under the Eight Articles of the 1981 U.N. Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. Examples of extracts are presented prior to an *Issues Statement* for each Review.

4. 1 *All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.*

4.1.5: Cultural Life

**The Tandem Project has made the following excerpts in “Escape from Evil,” Gender neutral. Where Becker uses “mankind,” we use neutral phrases like “humanity” or “people.” It in no way detracts from the author’s intent to refer to culture as sacred.*

“When Tolstoy came to face death, what he really experienced was anxiety about the meaning of his life. As he lamented in his *Confession*:

- **What will become of my whole life...Is there any meaning in my life that the inevitable death awaiting me does not destroy?**

This is humanities age-old dilemma in the face of death: it is the meaning of the thing that is of paramount importance; what a person really fears is not so much extinction, but extinction *with insignificance*. People want to know that their life has somehow counted, if not for themselves, than at least in a larger scheme of things, that is has left a trace, a trace that has meaning. And in order for anything once alive to have meaning, its effects must remain alive in eternity in some way. Or, if there is to be a ‘final’ tally of the scurrying of people on earth – a ‘judgment day’- then this trace of one’s life must enter that tally and put on record who one was and that what one did was significant.

We can see that the self-perpetuation of organisms is the basic motive for what is most distinctive about people – namely, religion. As Otto Rank put it, all religion springs, in the last analysis, ‘not so much from...fear of natural death as of final destruction.’ But it is culture itself that embodies the transcendence of death in some form or other, whether it appears purely religious or not. It is very important for students of humanity to be clear about this: culture itself is sacred, since *it* is the ‘religion’ that assures in some way the perpetuation of its members. For a long time students of society liked to think in terms of ‘sacred’ versus ‘profane’ aspects of social life. But there has been continued dissatisfaction with this kind of simple dichotomy, and the reason is that there is really no basic distinction between sacred and profane in the symbolic affairs of people.

As soon as you have symbols you have artificial self-transcendence via culture. Everything cultural is fabricated and given meaning by the mind, a meaning that was not given by physical nature. Culture is in this sense ‘supernatural,’ and all systematizations of culture have in the end the same goal: to raise people above nature, to assure them that in some ways their lives count in the universe more than merely physical things count.

Now we can get to the point of this brief Introduction and see where it has all been leading. The reader has surely already seen the rub, and objected in their own mind that the symbolic denial of mortality is a figment of the imagination for flesh-and-blood organisms, that if persons seek to avoid evil and assure their eternal prosperity, they are living a

fantasy for which there is no scientific evidence so far.

To which I would add that this would be alright if the fantasy were a harmless one. The fact is that self-transcendence via culture does not give people a simple straightforward solution to the problem of death; the terror of death still rumbles underneath the cultural repression (as I have argued in a previous book). What people have done is to shift the fear of death onto the higher level of cultural perpetuity; and this very triumph ushers in an ominous new problem. Since people must now hold for dear life onto the self-transcending meanings of society in which they live, onto the immortality symbols which guarantee them indefinite duration of some kind, a new kind of instability and anxiety are created.

And this anxiety is precisely what spills over into the affairs of people. In seeking to avoid evil, people are responsible for bringing more evil into the world than organisms could ever do merely by exercising their digestive tracts. It is people's ingenuity, rather than their animal nature, that has given fellow creatures such a bitter earthly fate. This is the main argument of my book, and in the following chapters I want to show exactly how this comes about, how humanities impossible hopes and desires have heaped evil in the world." - *Introduction: The Human Condition; Between Appetite and Ingenuity, Ernest Becker, Escape from Evil.*

We can talk for a century about what causes human aggression; we can try to find the springs in animal instincts, or we can try to find them in bottled-up hatreds due to frustration or in some kind of miscarried experiences of early years, of poor child handling and training. All these would be true, but still trivial because men kill out of joy, in the experience of expansive transcendence over evil. This poses an immense problem for social theory, a problem that we have utterly failed to be clear about. If men kill out of heroic joy, in what direction do we program improvements in human nature? What are we going to improve if men work evil out of the impulse to righteousness and goodness? - *Ernest Becker, Chapter Ten – Retrospect and Conclusion: What is the Heroic Society? – Escape from Evil, p 155*

Killing is a symbolic solution of a biological limitation; it results from the fusion of the biological level (animal anxiety) with the symbolic one (death fear) in the human animal. The death fear of the ego is lessened by the killing, the sacrifice, of the other; thorough the death of the other, one buys oneself free from the penalty of dying, of being killed. *The Denial of Death – The Problem of Freud's Character, Noch Einmal, page 99.*

Persons have to keep from going mad by biting off small pieces of reality which they can get some command over and some satisfaction from. This means that their noblest passions are played out in the narrowest and most unreflective ways, and this is what undoes them. From this point of view the main problem for human beings has to be expressed in the following paradox; Men and women must have a *fetish* in order to survive and to have 'normal mental health.' But this shrinkage of vision that permits them to survive also at the same time prevents them from having the overall understanding they need to plan for and control the effects of their shrinkage of experience. A paradox this bitter sends a chill through all reflective people...Self-knowledge is the hardest human task because it risks revealing to persons how their self-esteem was built; on the powers of others in order to deny their own death...Life imagines its own significance and strains to justify its beliefs. It is as though the life force itself needed illusion in order to further itself. Logically, then, the ideal creativity for humans would strain toward the 'grandest illusion. - *Ernest Becker, Escape from Evil -Chapter Ten – Retrospect and Conclusion: What is the Heroic Society?*

ISSUE STATEMENT: This is a distinguished scholar's unique perspective on the root causes of

human evil for consideration by inter-cultural, inter-religious dialogue. Dialogue to be genuine is open to many perspectives and points of view on the root sources of conflict both cultural and religious. As faith-based religions have their own genesis on the causes of human conflicts, so the Enlightenment sciences have methods of inquiry in such disciplines as depth-psychology and evolutionary biology. Dialogue to be helpful must be tolerant of differing opinions, respectful and not defaming of others. As the UN Secretary General has said, never in his lifetime has there been a greater need for constructive and committed dialogue. Inter-religious-inter-belief dialogue should start by acknowledging the UN by law, under Article 18 of the International Covenant on Civil and Political Rights, protects against all forms of intolerance and discrimination for *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*.

Ernest Becker in his Conclusion to *Escape from Evil* said, “If I wanted to give in weakly to the most utopian fantasy I know, it would be one that pictures a world-scientific body composed of leading minds in all fields, working under an agreed general theory of human unhappiness.” Becker as a scholar approached the study of human evil from anthropology, sociology and social psychology, without understanding there is a world-human rights body. The 1948 Universal Declaration of Human Rights is not a utopian fantasy; it is a reality, a foundation of the highest ethical principles adopted by the United Nations, a deliberative body made up of the world’s great nations. With will and creativity, as Becker may have said to “strain toward the greatest illusion,” the United Nations will move forward with practical *long-term solutions* to conflicts based on culture and religion or belief.

This is a link to the U.N. Human Rights Council Web cast Preparatory Committee for the Durban Review Conference First Substantive Session, Tuesday, 22 April 2008. Scroll to the end of the day “Answers by Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diene, [English] [French] 6 minutes, to read his appeal for a “cultural strategy” for the Durban Review Conference.

<http://www.un.org/webcast/unhrc/archive.asp?go=080422>

This is the link to download Real Player free if you do not have it in your computer:

<http://www.un.org/webcast/unhrc/index.asp>

Reply: The Tandem Project Country & Community Database collects information worldwide on United Nations Human Rights Bodies. The information is used for UN Human Rights Council Universal Periodic Reviews (UPR); UN Treaty-based Reports; UN Special Procedures, Special Rapporteur Reports. Click on the link below to open the Database. Read the Instructions & Table of Contents: scroll to an Article of your choice and click to reply.

<http://www.tandemproject.com/databases/forms/card.htm>

The Tandem Project: a non-profit, non-governmental organization established in 1986 to build understanding and respect for diversity of religion or belief, and prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative was launched in 1986 as the result of a co-founder representing the World Federation of United Nations Associations (WFUNA) at a 1984 United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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The Tandem Project is a UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations

WORD DOCUMENT ATTACHED

**THE 1981 U.N. DECLARATION ON THE ELIMINATION OF ALL
FORMS OF INTOLERANCE AND OF DISCRIMINATION
BASED ON RELIGION OR BELIEF**

Proclaimed by the General Assembly of the United Nations
25 November, 1981 (Resolution: 36/55)

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion or belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to humankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to a kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion or belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion or belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and

manifestations and to prevent and combat discrimination on the grounds of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

ARTICLE 1: LEGAL DEFINITION

1. 1 Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practices and teaching.

1. 2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

1. 3 Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

ARTICLE 2: CLASSIFYING DISCRIMINATION

2. 1 No one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or other beliefs.

2. 2 For the purposes of the present Declaration, the expression 'intolerance and discrimination based on religion or belief' means any distinction, exclusion, restriction, or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

ARTICLE 3: LINK TO OTHER RIGHTS

3. 1 Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

ARTICLE 4: EFFECTIVE MEASURES

4. 1 All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

4. 2 All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

ARTICLE 5: PARENTS, CHILDREN, STATE

5. 1 The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

5. 2 Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians; the best interests of the child being the guiding principle.

5. 3 The child shall be protected from any form of discrimination on the grounds of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for the freedom of religion or belief of others and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

5. 4 In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. 5 Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account Article 1, paragraph 3, of the present Declaration.

ARTICLE 6: NINE SPECIFIC RIGHTS

In accordance with Article 1 of the present Declaration, and subject to the provisions of Article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

6. 1 To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

6. 2 To establish and maintain appropriate charitable or humanitarian institutions;

6. 3 To make, acquire and use to an adequate extent the necessary articles and materials related to the rites and customs of a religion or belief;

6. 4 To write issue and disseminate relevant publications in these areas;

6. 5 To teach a religion or belief in places suitable for these purposes;

6. 6 To solicit and receive voluntary financial and other contributions from individuals and institutions;

6. 7 To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

6. 8 To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;

6. 9 To establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.

ARTICLE 7: NATIONAL LEGISLATION

7. 1 The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

ARTICLE 8: EXISTING PROTECTIONS

8. 1 Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.