

THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

PRESIDENT OF INDONESIA RESTRICTS MUSLIM SECT

Issue: Indonesia violates right to Freedom of Religion or Belief under Article 18, International Covenant on Civil and Political Rights (ICCPR).

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

Review: MANIS LOR, Indonesia, *President of Indonesia Restricts Muslim Sect*, by Peter Gelling, New York Times, Tuesday, June 10, 2008. “President Susilo Bambang Yudhoyono signed a decree on Monday ordering members of a minority Muslim sect to stop practicing their form of Islam or face arrest. Members of the sect, known as **Ahmadiyah**, do not believe that Muhammad was the last prophet, contrary to a central tenet of mainstream Islam.” According to the article, they have been **victims** of violent attacks by Islamic extremists in recent years.

“Although the wording of the decree did not explicitly ban the group, it warned Ahmadiyah members that they were no longer free to **practice** their religion and strongly encouraged them to ‘return to mainstream Islam,’ according to Bonaventura Nainggolan, a spokesman for the Indonesian attorney general.” The Joint Ministerial Decree Number 199/2008 of June 9, 2008 signed by the president of Indonesia; violates Article 18 of the International Covenant on Civil and Political Rights. Indonesia signed and acceded to the ICCPR Covenant on May 23, 2006. Ironically, the decree was announced on day the Outcomes Working Group report of Indonesia on its National Universal Periodic Review (UPR) before the U.N. Human Rights Council.

The Working Group (A/HRC/WG.6/1/IDN/1) report on Monday, June 9, 2008, by the troika, Jordan, Canada and Djibouti, was **generally positive**, praising Indonesia for its National Action Plan on Human Rights and its progress in promoting **democracy** in which 436 communities in the country were involved at the provincial, municipal and city level. However, human rights groups and moderate Muslim organizations working to promote pluralism in Indonesia were **outraged** by the Joint Ministerial Decree saying it was clearly against the Constitution and promised to bring action in court.

At the U.N. Human Rights Council, an NGO in Special Consultative Status with the Economic and Social Council of the United Nations protested the Joint Ministerial Decree from the floor of the Council on Tuesday, June 10, 2008. This raised a point of order from Egypt reminiscent of the **tension** on December 14, 2007, between Council members of the Organization of the Islamic Conference (OIC) and the European Union (EU). On that day eighteen members **abstained** on the draft resolution extending for three years the mandate on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. (See Word Document file). The Joint Ministerial Decree by Indonesia demonstrates the sensitivity and complexity of the issue but conceivably could have an impact on the entire Islamic family, the **Ummah**.

The New York Times article, *President of Indonesia Restricts Muslim Sect*, begins on page 3 followed by an Issue Statement on Islam and sensitivity of the bigger picture

*Closing the Gap - 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 consider the rule of law and 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 for 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.

Concept: *Separation of Religion or Belief and State – SOROBAS.* 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.* This concept 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 Madrid 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.” A writer in another setting alleged, “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.”

Dialogue on human rights and freedom of religion or belief by governments, religions and other beliefs and civil society ought to include the value of rules, norms and standards for peaceful cooperation, respectful competition and mediation of conflicts. International Human Rights Standards on Freedom of Religion or Belief is an essential universal platform to establish genuine dialogue within and among all kinds of beliefs.

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.” With International Human Rights safeguards, early childhood education is the best 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. They are presented prior to an *Issue Statement* for each Review.

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.*

MANIS LOR, Indonesia, *President of Indonesia Restricts Muslim Sect*, by Peter Gelling, New York Times, Tuesday, June 10, 2008:

President Susilo Bambang Yudhoyono signed a decree on Monday ordering members of a minority Muslim sect to stop practicing their form of Islam or face arrest. Members of the sect, known as Ahmadiyah, do not believe that Muhammad was the last prophet, contrary to the central tenet of mainstream Islam. They have been victims of violent attacks by extremists in recent years.

Mr. Yudhoyono, who is expected to seek re-election next year, has been caught between moderate Muslim and human rights groups that are fighting for pluralism in Indonesia and fundamentalist Muslim organizations that are pressing for the country to adopt Shariah law and become an Islamic state.

About 5,000 members of a group calling itself United for Islam demonstrated Monday outside the presidential palace in Jakarta, demanding that Ahmadiyah be banned. Last week, members of a hard line group called the Islamic Defenders Front attached an inter-faith rally in support of Ahmadiyah. Dozens of people were wounded.

Although the wording of the decree did not explicitly ban the group, it warned Ahmadiyah members that they were no longer free to practice their religion and strongly encouraged them to “return to mainstream Islam,” according to Bonaventura Nainggolan, as spokesman for the Indonesian attorney general.

“The government decree forbids Ahmadiyah from spreading their religion and calls for it to halt all its religious activities,” he said. Indonesia’s Constitution guarantees freedom of worship, but a national law allows only five official religions: Islam, Roman Catholicism, Protestantism, Hinduism and Buddhism. About 90 percent of Indonesia’s 240 million people are Muslim.

In the small village of Manis Lor in West Java, where thousands of Ahmadiyah members have lived for generations, several mosques and a number of houses were attacked and burned in December, forcing residents to pray in secret. A ban on Ahmadiyah was issued by local authorities here shortly after the attack and the central mosque was closed. But authorities said that without an official decree from the central government, they could not prevent Ahmadiyah members from praying inside their homes.

Residents said they were concerned that the government order issued Monday would cause them to face prosecution and additional threats of violence. Police officers stood outside the closed mosque on Monday and were stationed throughout the village to protect residents from possible attacks from extremist groups.

“We are doing nothing wrong,” said Kulman Trisna Prawira, 67, an Ahmadiyah elder. “We are harmless. We are peaceful. We don’t do anything but pray. We will follow the president’s order, but we aren’t going to change our beliefs.”

Mr. Nainggolan, the spokesman for the attorney general, said the decree was based on recommendations from the attorney general, the religious affairs minister and the minister of domestic affairs. The decision is certain to anger human rights groups and moderate Muslim organizations that work to promote pluralism in Indonesia. A prominent group of human rights lawyers said it planned to challenge the crackdown on Ahmadiyah in courts.

“The government’s action today, to stop the activity of Ahmadiyah, is clearly against the Constitution,” said Uli Parulian Sihombing, a lawyer who represents minority religious groups. “We will be bringing this to court.”

ISSUE STATEMENT: The United Nations sponsored *Alliance of Civilizations* calls for inter-religious, inter-cultural dialogue. It may in part be a reaction to an academic bestseller, *The Clash of Civilizations and the Remaking of World Order*, by Professor Samuel P. Huntington of Harvard University. Huntington quotes from the Princeton scholar of Islam, Bernard Lewis, who argues, there has been “a recurring tendency in times of emergency, for Muslims to find their basic identity and loyalty in the religious community – that is to say, in an entity defined by Islam rather than by ethnic or territorial criteria.”

The action by the Joint Ministerial Decree in Indonesia, outlawing the practice of religion by the Ahmadiyah reflects this bigger picture. Conceivably it could have an impact on the identity and diverse civilizations of 1.2 billion members’ of the Islamic family known as the Ummah.

The Joint Ministerial Decree Number 199/2008 signed by the president of Indonesia violates Article 1 Paragraph 1 of Article 18, International Covenant on Civil and Political Rights:

“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”

General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights, by the UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4) reads in part:

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.

The core of the dispute is Article 1, Paragraph 2, of Article 18 of the International Convent on Civil and Political Rights:

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

Eighteen members of the U.N. Human Rights Council, most of which are members of the Organization of the Islamic Conference (OIC), abstained from extending by three years the draft resolution to extend (A/HRC/6/L.15/Rev.1) the mandate on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, in the sixth extended session of the Council on December 14, 2007.

The abstentions were based on the objections from Pakistan, speaking on behalf of the 57 country Organization of the Islamic Conference (OIC) that norms in Muslim countries **prohibit** leaving Islam as a religion, and were not being honored in the draft resolution. Portugal, speaking on behalf of the European Union (EU) said over 40 paragraphs in the draft resolution was eliminated in an attempt at consensus with the abstaining states, but consensus over the right to leave one’s religion or belief was **inviolable** and could not be compromised.” Can the U.N. Human Rights Council reconcile this culturally sensitive issue by consensus and if so, how will they do it?

The right to change one’s religion or belief has been described by one writer this way: “The *Catholic Encyclopedia* defines apostasy as “the desertion of a post, the giving up of a state of life.” Furthermore, it distinguishes apostasy from heresy, stating, “The heretic differs from the apostate in that he only denies one or more doctrines of **revealed** religion, whereas the apostate denies the religion itself, a sin which has always been looked upon as one of the most grievous.” The gravity of the sin seems to be due to the enormity of concern with a one-time believer knowingly turning away from the truth. Hence, it is considered to be of a much greater order than mere unbelief.” This clash of human rights whether with apostasy or heresy is the **core** issue here.

The U.N. Human Rights Council vote was 29 in favor, 0 against and 18 abstentions on 14 December 2007 for a three year extension of the mandate on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (A/HRC/6/L.15/Rev.1). There are 47 members of the U.N. Human Rights Council. Those voting to abstain included: Azerbaijan, Bangladesh, Cameroon, China, Djibouti, Egypt, Gabon, Indonesia, Jordan, Malaysia, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, South Africa and Sri Lanka. The cause of the abstention of the draft resolution was paragraph 9, *Urging States*:

“(a) To ensure that the constitution and legislative system provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the **right to practice** freely one’s religion, including the **right to change** one’s religion or belief is violated.”

The international treaty-based obligation by Indonesia, Article 1, Paragraph 3 of Article 18 of the International Covenant on Civil and Political Rights may be cited in any court action brought against Indonesia as a violation of their Constitution:

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.

The Joint Ministerial Decree Number 199/2008 may be used to justify limiting the manifestation of the Ahmadiyah Muslim religion in Indonesia based on a need to maintain and protect public safety and order or harmonious relations. The Indonesian government may claim the right of the Ahmadiyah was limited in the manifestation of their religion in order to “**protect public safety and order.**” They may cite the situation of the village of Manis Lor in which members of a hard line group called the Islamic Defenders Front (IDF) attacked an inter-faith rally in support of Ahmadiyah. Dozens of people were wounded, and the protests of “about 5,000 members of a group calling itself United for Islam demonstrated Monday outside the presidential palace in Jakarta, demanding that Ahmadiyah be banned.”

The Ahmadiyah may claim that limiting their right to manifest and practice their religion was in violation of their **fundamental rights and freedoms** under Paragraphs 3 citing Article 18 of the International Covenant on Civil and Political Rights. This is not an easy issue in Indonesia as there have been numerous instances of attacking by Islamic extremists in the country and the Joint Ministerial Decree signed by the president seems “caught between moderates and hard-liners.” Indonesia as a country with the largest number of Muslims in the world has a **difficult** choice to make; promote the right to practice one’s religion or belief in obligation to their international human rights treaty, while defending the claim of Islam, of Muhammad as the last prophet, a central tenet of mainstream Islam which the Ahmadiyah do not subscribe to.

The difficulty was reflected in the well meaning response of Indonesia to the Working Group report (A/HRC/8/23) before adoption of their UPR. Indonesia referred to freedom of religion or belief and revisions by a National Alliance for Revisions on the Law of Criminal Procedure known as the Criminal Code Bill. Here are two paragraphs from the Indonesian response:

16. “Indonesia highlighted that the concepts of crimes relating to religion and belief is also stipulated in the new Criminal Code Bill. As a party to the International Covenant on Civil and Political Rights (ICCPR), Indonesia is in the process of harmonizing its laws, administrative practices and policies, including bringing the Criminal Code into line with the principles of the ICCPR. Eight articles on crimes related to religion and belief have been incorporated into the Bill.”

17. “Many initiatives have been introduced at the community level based on the work of a prominent **think-tank** which in 2006-2007, conducted research into monitoring the situation of pluralist dynamics and freedom of religion in Indonesia. Their findings were used to identify the problems and challenges faced by Indonesia in the field of pluralism and freedom of religion, in particular threats to freedom of conscience and expression, in order to find possible solutions. Indonesia values this work highly and will work on these findings to improve the implementation

of the rights guaranteed by the ICCPR, in line with the Government's efforts to convene inter-faith dialogues.”

NGOs as relevant stakeholders in the UPR process are allowed to make statements on the floor of the U.N. Human Rights Council prior to adoption of a Working Group report. An NGO spoke the following day Tuesday June 10, 2008 to the Joint Ministerial Decree signed by the president of Indonesia just prior to adoption of the Working Group report. They called the Decree a **contradiction** to the Indonesia UPR report and progress as exemplified above by paragraph 17. This was contested in a point of order by Egypt which said, while not trying to prevent the right to speak by the NGO stakeholder; said speaking on the Decree issued yesterday was not relevant to the Indonesian Universal Periodic Review which was after the fact of the Indonesia UPR report submitted in April.

Mexico, in the inter-active dialogue prior to adoption of the Working Group report, reminded the U.N. Human Rights Council that Institution Building Measures (A/HRC/RES/5/1) paragraph 31 stated, “Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary” and the Egyptian point of order was too **narrow** an interpretation of this paragraph. Slovenia thanked Mexico for bringing this to their attention and said they would be “very **cautious** of a narrow interpretation” of paragraph 31 as proposed by the Egyptian point of order. The general direction of the debate shows the UPR process is still a work in progress on issues following-up UPR reports after adoption, in the case of Indonesia which will not be subject to review again for four years.

Indonesia, as a member of the U.N. Human Rights Council in 2007, abstained from adoption of the mandate on Freedom of Religion or Belief, due to the stipulation by Portugal, representing the European Union (EU), that “consensus over the right to leave one's religion or belief is **inviolable** and cannot be compromised.” It is this requirement in the draft resolution that Pakistan speaking for the (OIC) on the floor of the U.N. Human Rights Council, could not subscribe to.

This issue is a central tenet of mainstream Islam and goes beyond Indonesia and Pakistan. As Bernard Lewis said; there has been “a recurring tendency in times of emergency, for Muslims to find their basic identity and loyalty in the religious community – that is to say, in an entity **defined** by Islam rather than by ethnic or territorial criteria.” Ultimately, resolution of the right to change your religion or belief, a sensitive and complex issue, may have an effect on multiple and diverse civilizations worldwide and the 1.2 billion member Islamic family the Ummah.

Link to U.N. Human Rights Council draft resolution A/HRC/RES/6/37: Elimination of all forms of intolerance and of discrimination based on religion or belief:

http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_37.pdf

* Preface *Closing the Gap – International Standards for National and Local Applications*, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Option and Concept including a program for human rights-based *Dialogue & Education*.

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 DOCUMENTS 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.*

