

THE TANDEM PROJECT

<http://www.tandemproject.com>.

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

UNITED KINGDOM

FREEDOM OF RELIGION OR BELIEF AND OTHER REPORTS IN THE UNIVERSAL PERIODIC REVIEW

First Session U.N. Human Rights Council Universal Periodic Review (7-18 April, 2008)

A. Description of the methodology and the broad consultation process for the preparation of information provided under the Universal Periodic Review:

The Tandem Project, a *UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations*, submits information for the Universal Periodic Review on issues related to Article 18 of the International Covenant on Civil and Political Rights, and the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.

The US State Department 2007 Religious Freedom Report is the source of this information. There are excerpts to comply with the five page limit for NGO Submissions under General Guidelines for the Universal Periodic Review and a link to the complete report.*

The Universal Periodic Review is a process beginning with presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A troika of Human Rights Council Members then drafts a Working Group Report on the outcome of the Universal Periodic Review. There is a link to the UN Working Group Report. Other Reports are linked to an archived audio/visual UN web cast of the Member State presentation of the National Report and inter-active dialogue with the Human Rights Council.

B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex: section 1.A.

1. The Right to Freedom of Religion or Belief

Religious Demography:

The country has an area of 94,525 square miles and a population of 60.2 million.

Christians make up 72 percent of the population, including the Church of England, Church of Scotland, Roman Catholic, Protestant, and many unaffiliated Christian groups. In 2003 the Office of National Statistics indicated approximately 29 percent of the population identified with Anglicanism, 10 percent with the Catholic Church, and 14 percent with Protestant churches. A September 2006 English-Church Census reported that Methodists were decreasing as a percentage of the population, and Pentecostals, many from Africa, were increasing.

Individuals with no religious belief comprise 15 percent of the population. Muslims comprise 3 percent of the population. The Muslim community is predominantly South Asian in origin. Groups comprising 1 percent or less of the population included Hindus, Sikhs, Jews, and Buddhists. Individuals from Jewish, Hindu, Buddhist, Muslim, and Sikh backgrounds were concentrated in London and other large urban areas, primarily in England.

Legal/Policy Framework:

The law provides for freedom of religion, and the Government generally respected this right in practice. The 1998 Human Rights Act guarantees freedom of religion and bans discrimination based on religion.

The Racial and Religious Hatred Act defines "religious hatred" as hatred against a group of persons which may be determined by reference to religious belief or lack of religious belief. The act does not define religion or what constitutes a religious belief but leaves that determination to the courts. Offenses under the act must be threatening and intended to stir up religious hatred based on the following criteria: The use of words, behavior, or display of written material; publishing or distributing written material; the public performance of a play; distributing, showing, or playing a recording; broadcasting or including a program in a program service; or the possession of written materials or recordings with a view to display, publication, distribution, or inclusion in a program service. The act does not apply where words or behavior are used or displayed inside a private dwelling and does not apply to criticism or dislike of a religious belief. The maximum penalty for stirring up religious hatred is seven years in prison. This act gives only constables the power to arrest persons in the context of these offenses, rather than allowing "citizens' arrests."

The Equality Act makes it illegal to discriminate on the grounds of "religion or belief" or the "lack of religion or belief" in the provision of goods, facilities and services, education, the use and disposal of property, and the exercise of public functions. The Equality Act established the Commission for Equality and Human Rights (CEHR), which is responsible for promoting an awareness of the act's provisions, promoting equality and diversity, and working towards the elimination of unlawful discrimination and harassment. The CEHR has powers to investigate unlawful acts of discrimination and can bring legal proceedings against violators of the Equality Act's provisions. In Scotland, the CEHR's remit covers only human rights matters reserved for Westminster. Human rights for matters "devolved" to the Scottish Parliament are covered by the Scottish Commission for Human Rights. The Equality Act allows the CEHR to cover devolved matters if it has the agreement of the proposed Scottish Commission.

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review" in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms.

1. The Right to Freedom of Religion or Belief

Restrictions on Religious Freedom:

Various studies and surveys across the country found that many schools did not meet the intent and requirements of the collective worship directive. Parents and students in favor of the law say that it helps students understand the religious orientation of the country and the society in which

they are living. There are some students and parents opposed to the policy and some teachers' organizations take exception to the requirement for collective worship and have asked the Government to review the current policy.

In reaction to the March 19, 2007, Department of Education guidance on full-face veils in school, some Muslim groups, including the Islamic Human Rights Commission, said it was inappropriate for the Government to provide guidance that regulated Muslim communities in matters concerning the expression of their faith.

Societal Abuses/Discrimination:

There were some societal abuses or discrimination based on religious belief or practice.

There was a significant increase in anti-Semitic incidents. (See Anti-Semitism section.)

Violence declined in Northern Ireland. There was little intimidation by paramilitary gangs, and while bigotry and violence continued, levels decreased significantly. During 2006-07, the Police Service of Northern Ireland (PSNI) found 1,695 sectarian incidents and 136 faith/religion motivated incidents (nearly doubling the number from last year). However, the "marching season"--two large parades in July and August during which violent rioting has often taken place--occurred without incident in 2006 and was the most peaceful parading season in many decades. Negotiations involving parade organizers, leaders in nationalist and loyalist areas, NGOs, and government and police officials helped ensure public order relating to other parades.

There were reports of "Islamophobic" behavior, often following terrorist incidents or public discussion of aspects of the Muslim community's practice, such as the wearing of the veil. During the second half of 2006, there was a notable increase in anti-Muslim incidents in the form of verbal and physical assaults, vandalism, arson, anti-Muslim literature, and Internet postings. This rise in societal abuses and discrimination followed the August 10, 2006, arrest of 24 UK-born Muslims allegedly plotting an air terrorist attack against airplanes between the U.S. and the UK, and also coincided with the July-August 2006 conflict between Israel and Hezbollah. Hindus and Sikhs, misidentified as Muslims, were also targets of such incidents. Government and religious leaders of all faiths cautioned the public not to engage in such hate crimes and reiterated that the majority of the country's Muslims were peaceful and law-abiding citizens.

* Source: US State Department 2007 International Religious Freedom Report; United Kingdom

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90206.htm>

Links to State Department sites are welcomed. Unless a copyright is indicated, information on the State Department's main website is in the public domain and may be copied and distributed without permission. Citation of the U.S. State Department as source of the information is appreciated.

G. Presentation by the State concerned of the follow-up to the previous review.

Direct Link: Report of the Working Group for the Universal Periodic Review United Kingdom. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/GB/A_HRC_8_25_United_Kingdom_E

[.pdf](#)

Direct Link: U.N. Human Rights Council Web Cast Archives for all United Kingdom Reports. You can **download** Real Player (free) for access to the Web Cast: **Scroll** half way down the Web Cast to find the United Kingdom Reports. Click to open the video/audio and inter-active delegation dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080410>

These reports can be read by clicking on the Direct Link to the OHCHR Archives **above**.

UNITED KINGDOM

Only contributions submitted in one of the United Nations official languages are admissible and posted on this webpage

Date of consideration: Thursday 10 April 2008 - 9.00 a.m. - 12.00 p.m.

National report ¹: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Compilation of UN information ²: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Summary of stakeholders' information ³: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)



Outcome of the review :

Report of the Working group : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 1 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 2 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

THE TANDEM PROJECT OBJECTIVES

These Tandem Project Objectives are on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a universal platform for inclusive, in-depth dialogue within and among nations, all religions and other beliefs. (2) Adapt these human rights standards to early childhood education, teaching children, from the very beginning, 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.¹

Multi-cultural perspectives, lack of understanding and opposition to international human rights on freedom of religion or belief make the achievement of these objectives a challenge. Human rights standards on freedom of religion or belief are international law and essential as codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. They are universal, inalienable, interdependent and indivisible with other human rights.

International Human Rights Standards on Freedom of Religion or Belief and the identification of achievements, best practices, challenges and constraints on them, should be part of the follow-up to the United Kingdom Universal Periodic Review.

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

The Tandem Project: a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, 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 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 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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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 Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

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 reinstate 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 the 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 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.”

Norms and standards on human rights and freedom of religion or belief are international law and essential codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Standards on Human Rights and Freedom of Religion or Belief is a universal platform for inclusive and in-depth dialogue within and among nations, all religions and other beliefs. They are universal, inalienable, interdependent and indivisible with other human rights.

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.”¹

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 teach tolerance, understanding and respect for freedom of religion or belief.