

THE TANDEM PROJECT

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

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

BRAZIL

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 relevant to Article 18 of the International Covenant on Civil and Political Rights, the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, and other matters related to freedom of religion or belief.

The U.S. 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 begins with a presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A Human Rights Council troika drafts an outcome Working Group Report and later, follow-up recommendations after a second inter-active dialogue with the Council and NGO Stakeholders. There are links below to the UN Working Group Report and Other Reports in the archived audio/visual UN web cast of the Member State presentation and first inter-active dialogue.

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 3,286,488 square miles and a population of 188,078,200. Nearly all major religious groups are present. Many citizens worship in more than one church or participate in the rituals of more than one religion. The 2000 census taken by the Geographic and Statistical Institute of Brazil (IBGE) indicated that approximately 74 percent of the population identified themselves as Roman Catholic, although only a small percentage regularly attended Mass. Approximately 15 percent of the population was Protestant, an estimated 85 percent of whom were Pentecostal or evangelical. These groups included the Assemblies of God, Christian Congregation of Brazil, Universal Church of the Kingdom of God, the Quadrangular Gospel, God is Love, Maranata, Brazil for Christ, House of the Blessing, New Life, and others. Lutherans, Presbyterians, Baptists, Seventh-day Adventists, Methodists, Congregationalists, and others

accounted for most of the remaining Protestants and were centered in the south. In the 2000 census, 199,645 residents identified themselves as belonging to the Church of Jesus Christ of Latter-day Saints (Mormons), but the church listed its current membership as 970,903.

According to the 2000 census, there were approximately 214,873 adherents of Buddhism and 151,080 adherents of other oriental religious groups. The Japanese-Brazilian community practiced Shintoism to a limited degree. There are 17,088 adherents of indigenous traditions, and 2,905 Hindus.

Followers of African and syncretic religious groups such as Candomble totaled 127,582, while followers of Umbanda totaled 397,431. There were no statistics on the number of followers of Xango or of Macumba; however, data from the same study indicated that followers of Afro-Brazilian religious groups totaled 0.3 percent of the population.

Followers of spiritism, mainly Kardecists-adherents of the doctrine expounded by Frenchman Allan Kardec in the 19th century-constituted approximately 1.3 percent, with 2,262,401 followers. There were 25,889 practitioners of Spiritualism. An estimated 7 percent did not practice any religion, and approximately 384,000 participants did not respond to the census.

According to the Jewish Confederation of Brazil (CONIB), there are 119,560 Jewish persons of whom 60,000 are in São Paulo state and 40,000 in Rio de Janeiro state. Many other cities have smaller Jewish communities.

Legal/Policy Framework:

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels sought to protect this right in full and did not tolerate its abuse, either by governmental or private actors.

There are no registration requirements for religious groups. There is no favored or state religion, although the Government has a concordat with the Vatican. All religious denominations are free to establish places of worship, train clergy, and proselytize. There is a general provision for access to religious services and counsel in all civil and military establishments. The law prohibits discrimination based on religion.

The following holy days are observed as national or regional holidays: Saint Sebastian's Day, Ash Wednesday, Good Friday, Corpus Christi, Saint John's Day, Our Lady of Carmen ("Carmo"), Assumption Day, Our Lady Aparecida, All Souls' Day, Evangelicals Day, Immaculate Conception, and Christmas.

Public schools are required to offer religious instruction, but neither the Constitution nor legislation defines how this should be done. Religious instruction is optional for students. Each school defines how to offer religious instruction and in which religion, usually in agreement with parent councils. Education is mandatory for all children, but parents are free to send their children to the public or private school of their choice.

The Government restricted the access of nonindigenous persons, including missionaries, to indigenous reserves and required visitors to seek permission from the National Indian Foundation to enter official indigenous areas.

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:

Government policy and practice contributed to the generally free practice of religion.

Anti-Semitism was rare; however, there were reports of increasing violence against Jewish persons. Leaders in the Jewish community expressed concern over the continued appearance of anti-Semitic material on Internet websites compiled by neo-Nazi and "skinhead" groups. There were reports of anti-Semitic graffiti, harassment, vandalism, and threats via telephone and e-mail. The Government officially equates anti-Semitism to racism.

In May 2007 more than 100 instances of graffiti being painted on the wall of the Shalom Synagogue, on numerous Jewish residences, and throughout Teresópolis (35 miles from Rio de Janeiro), a city with a substantial Jewish presence, occurred. According to the president of the Rio de Janeiro Israelite Federation, it was unclear if the graffiti were anti-Semitic. However, according to the Coordination Forum for Countering Anti-Semitism, many had a swastika in addition to a cryptic symbol of an "88" superimposed over an "HH." In 2004 similar incidents occurred.

In 2005 15 persons were arrested and charged with attempted murder, gang formation, and racism for attacking 3 Jewish students in Porto Alegre, Rio Grande do Sul State. After spending more than 100 days in jail, all 15 were freed and awaiting the testimony stage of the process, which started in May 2006. At the end of the reporting period, no trial had been scheduled.

Numerous anti-Semitic websites continued to operate, one of which is on a server located in the United States.

Societal Abuses/Discrimination:

There were no reports of societal abuses or discrimination based on religious belief or practice.

There was no national ecumenical movement; however, the National Commission for Religious Dialogue brought together Christian, Jewish, and Muslim leaders.

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

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90244.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 Brazil. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/BR/A_HRC_8_27_Brazil_E.pdf

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

<http://www.un.org/webcast/unhrc/archive.asp?go=080411>

These reports may be read by clicking on the Direct Link to the Archives. Not all reports are in the UN official six languages.

BRAZIL

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

Date of consideration: Friday 11 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

The Tandem Project Objectives on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a platform for genuine dialogue on core principles and values 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

International Human Rights Standards on Freedom of Religion or Belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. The

identification of achievements, best practices, challenges and constraints on the standards should be part of the follow-up to the Brazil 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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*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

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 codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Human Rights Standards on Freedom of Religion or Belief is a platform for genuine dialogue on core principles and values within and among nations, all religions and other 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.”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.