

THE TANDEM PROJECT

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

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

SOUTH AFRICA

FREEDOM OF RELIGION OR BELIEF SUBMISSION AND OTHER REPORTS IN 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 470,693 square miles, and a population of 47.4 million. The 2001 religious demography census estimated that 80 percent of the population is Christian. Hindus, Muslims, Jews, and adherents of traditional African beliefs constitute 4 percent of the population. Approximately 15 percent of the population indicated that it belongs to no particular religion or declined to indicate an affiliation.

The African Independent Churches are the largest group of Christian churches. There are more than 4,000 of these churches, with a membership of more than 10 million, constituting approximately 26 percent of the total Christian population. Although these churches were founded as breakaways from mission churches (the so-called Ethiopian churches), the African

Independent Churches consist mostly of Zionist or Apostolic churches and also include some Pentecostal branches. The Zionist Christian Church is the largest African Independent Church with 11.1 percent of the population. The African Independent Churches attract practitioners in both rural and urban areas.

Other Christian churches include the Dutch Reformed family of churches, which comprise 6.7 percent of the population, the Roman Catholic Church, which comprises 7.1 percent, and Methodists 6.8 percent. Protestant denominations include Anglican, Baptist, Congregational, Lutheran, and Presbyterian churches. The largest traditional Pentecostal churches are the Apostolic Faith Mission, the Assemblies of God, and the Full Gospel Church. In recent years a number of charismatic churches have been established. Their subsidiary churches, together with those of the Hatfield Christian Church in Pretoria, are grouped in the International Fellowship of Christian Churches. The Greek Orthodox and Seventh-day Adventist churches are also active.

Approximately 15 percent of the population claims no affiliation with any formal religious organization. It is believed that many of these persons adhere to indigenous religions. Followers of indigenous religions believe that certain practitioners may manipulate the power of spirits using herbs, therapeutic techniques, or supernatural powers. Some practitioners are considered witches and may engender fear. Many persons combine Christian and indigenous religious practices.

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.

The Bill of Rights prohibits the Government from unfairly discriminating directly or indirectly against anyone based on religion, and it states that persons belonging to a religious community may not be denied the right to practice their religion and to form, join, and maintain religious associations with other members of that community. Cases of discrimination against a person on the grounds of religious freedom may be taken to the Constitutional Court.

While Christianity is the dominant religion, the law does not recognize a state religion, and the Constitution is deliberately religion-neutral. Leading government officials and ruling party members adhere to a variety of faiths, including various Christian groups, Islam, and Judaism. Many are atheists or practice no established religion.

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.

While there were no reported cases of violent physical abuse attributable to anti-Semitism, there were limited instances of anti-Semitic verbal assaults and vandalism of Jewish property and institutions. In December 2006 a Member of Parliament from the African National Congress (ANC) spoke at an academic conference at the University of South Africa in Pretoria during which he stated that the notoriously anti-Semitic Czarist forgery, *The Protocols of the Elders of Zion*, was a reliable historical document. Another delegate to the conference expressed doubt as to whether the Holocaust was real and reiterated Iranian President Ahmadinejad's claim that the Holocaust was a "myth". Following the conference, ANC spokesman Smuts Ngonyama stated that the ANC's position was that the Nazi genocide should be "condemned with the contempt it deserves."

Abuses/Discrimination:

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

There are many ecumenical and interdenominational organizations among the various churches. The largest of these is the South African Council of Churches, which represents the Methodist Church, the Church of the Province of South Africa (Anglican), various Lutheran and Presbyterian churches, and the Congregational Church, among others. The major indigenous religions, most of the Afrikaans-language churches, and the Pentecostal and charismatic churches are not members of the SACC and usually have their own coordinating and liaison bodies. The Catholic Church's relationship with other churches continued to become more open, and it worked closely with other churches on the socio-political front.

There continued to be reports of killings of purported practitioners of witchcraft. In November 2006 the killer of five persons accused of bewitching one of the killer's relatives was sentenced to five life sentences by the Pietermaritzberg High Court. In September 2006 a family of three was burned to death in Limpopo Province in an incident police identified as "witchcraft-related". The investigation was ongoing at the end of the reporting period. In Eastern Cape Province, a woman died after an angry mob stoned her. She allegedly told a man she had bewitched his wife. No arrests had been made, but police stated the investigation continued.

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

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90121.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 South Africa. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/ZA/A_HRC_8_32_South_Africa_E.pdf

Direct Link: U.N. Human Rights Council Web Cast Archives for all South Africa Reports. You can **download** Real Player (free) for access to the Web Cast: **Scroll** down the Web Cast to find

the South Africa Reports. Click to open the video/audio and inter-active delegations dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080415>

These reports may activate and be read by clicking on the Direct Link to the OHCHR Archives **above**. Not all reports activate or are in the UN official six languages.

SOUTH AFRICA

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

Date of consideration: Tuesday 15 April 2008 - 2.30 p.m. - 5.30 p.m.

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

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

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



Outcome of the review :

Report of the Working group : [A](#) | [C](#) | [E](#) | [E](#) | [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 South Africa 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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Economic and Social Council of the United Nations*

Postscript 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 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 reads; “*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 the 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.”

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.