

THE TANDEM PROJECT

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

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

CZECH REPUBLIC

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 30,442 square miles, and a population of 10.2 million. The country had a largely homogenous population with a dominant Christian tradition. However, in part as a result of 40 years of communist rule between 1948 and 1989, the vast majority of citizens did not identify themselves as members of any organized religion. In a 2007 opinion poll sponsored by the Stredisko Empiricky Vyzkumu (STEM) agency, 28 percent of respondents claimed to believe in God, while 48 percent identified themselves as atheists. Only 18 percent of Czechs under 29 professed a belief in God. Similarly, in a May 2007 poll by the Public Opinion Research Centre (Centrum pro vyzkum verejneho mineni, or CVVM), 55 percent of Czechs voiced a mistrust of churches, while only 28 percent stated that they trust them. There was a revival of interest in religion after the 1989 "Velvet Revolution"; however, the number of those professing

religious beliefs or participating in organized religion fell steadily since then in every region of the country.

Five percent of the population attends Catholic services regularly, and most of these live in the southern Moravian dioceses of Olomouc and Brno. One percent of the population is practicing Protestants. Islam was registered as an officially recognized religion in 2004, and leaders of the local Muslim community estimated that there are several thousand Muslims in the country. There is only one mosque, located in Brno, but prayer rooms are scattered throughout the country. The vast majority of the country's historic Jewish community, which numbered approximately one hundred thousand before the Nazi occupation of the area of today's Czech Republic, was killed during the Holocaust. There were approximately 3,000 persons officially registered as members of the Jewish community. Judaism is an officially registered religion because of its recognition by the state before 1989.

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.

Religious affairs are the responsibility of the Department of Churches at the Ministry of Culture. All religious groups officially registered with the Ministry of Culture are eligible to receive tax benefits and government subsidies from the state, although some decline to receive state financial support as a matter of principle and as an expression of their independence.

Recognized national holidays are Easter Monday, Christmas Eve, Christmas, and St. Stephen's Day (December 26) and do not have an evident negative affect on any religious group.

There are 26 state-recognized religious organizations. In 2004 the Center of Muslim Communities was officially registered, gaining first-tier status; this was the first such registration of a Muslim organization in the country. In 2004 the Constitutional Court denied an appeal by the Unification Church to overturn their denial to register in 1999. The Armenian Apostolic Church withdrew its application for registration at the end of 2006.

The 2002 law on Religious Freedom and the Position of Churches and Religious Associations created a two-tiered system of registration for religious organizations. To register at the first (lowest) tier, a religious group must have at least 300 adult members permanently residing in the country. First-tier registration confers limited tax benefits and imposes annual reporting requirements, as well as a 10-year waiting period before the organization may apply for full second-tier registration. To register at the second tier, a religious group must have membership, with the requisite signatures, equal to at least 0.1 percent of the country's population (approximately 10,000 persons). Many smaller and less established religions were unable to obtain the signatures necessary for second tier registration. Second-tier registration entitles the organization to a share of state funding.

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.

Members of unregistered religious groups may issue publications without interference.

The Ministry of Culture sponsors religiously oriented cultural activities through a grant program. The Ministry sponsored some interfaith activities during the period covered by this report, including partial funding of the Christian and Jewish Society.

Under the 2002 religious registration law, the Ministry of Culture has responsibility for registering religious charities and enterprises as legal entities. The Catholic Church has criticized the law on the grounds that it unduly restricts Church management and financing of many of its social projects. The Church reports that religious charities and enterprises continue to experience difficulties and delays in registering as legal entities, although there has been some recent improvement in the speed of granting registrations. For example, in 2006 the Ministry registered a Catholic religious enterprise in northern Moravia, which the Constitutional Court ruled in 2003 had been improperly denied registration.

In 2006 the Armenian Apostolic Church withdrew its application for registration with the Ministry of Culture, seemingly due to the Church's realization that it did not meet the necessary standards.

Societal Abuses/Discrimination:

There were some reports of societal abuses or discrimination based on religious belief or practice (see Anti-Semitism). Prominent societal leaders took positive steps to promote religious freedom.

The immigrant population was relatively small and included persons from Ukraine, Russia, Poland, Slovakia, and Vietnam. Immigrants did not report any difficulties in practicing their respective faiths

There were no reported violent anti-Semitic incidents against individuals in the country during the reporting period, and there were isolated reports of property damage or vandalism. A small but persistent and fairly well-organized extreme right movement with anti-Semitic views existed within the country. Some neo-Nazi rallies and concerts occurred throughout the year.

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

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90171.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 Czech Republic. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/CZ/A_HRC_8_33_Czech_Republic_E.pdf

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

<http://www.un.org/webcast/unhrc/archive.asp?go=080416>

These reports may be read by clicking on the link to the OHCHR Archives **above**. Not all reports are in the UN official six languages.

CZECH REPUBLIC

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

Date of consideration: Wednesday 16 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 Czech Republic 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*

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 Option and Concept including a program for human rights-based *Dialogue & 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.