

## **THE TANDEM PROJECT**

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

### **UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF**

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

Second Session U.N. Human Rights Council Universal Periodic Review (5-19 May, 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 496,225 square miles and a population of 27.2 million. Among the major religious communities are Roman Catholics, various Protestant denominations (including Baptist, Anglican, Assembly of God, and others), Seventh-day Adventist, the Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, Judaism, the Baha'i Faith, Hare Krishnas, and Islam. There also are indigenous communities practicing various forms of pre-Columbian and syncretistic (blending Christian and pre-Columbian) beliefs, as well as a unique and well-organized local religious group, the Israelites of the New Universal Pact, which is unrelated to Israel or Judaism.

The 2006 National Continuous Census conducted by the National Statistics Institute (INEI) finds that 85 percent of the population that identified with a religion is Catholic and 11 percent Protestant; the remaining 4 percent includes Adventists, Mormons, Jehovah's Witnesses, and Israelites of the New Universal Pact. Those who identify themselves as either agnostic or atheist comprise 1.4 percent of the population.

The Catholic nongovernmental organization (NGO) Episcopal Commission for Social Action (CEAS) estimates that only 5 percent of Catholics regularly attend weekly church services.

The membership of most religious groups remained fairly constant, but various evangelical Christian denominations had rapidly increasing congregations. According to some estimates, in the last 20 years, Protestant representation in the population grew from 2 to 3 percent to 10 to 15 percent.

The National Evangelical Council (CONEP) estimates that evangelicals represent at least 15 percent of the population. Historically, evangelicals resided in smaller communities outside of Lima and in rural areas, but in the last 15 years their numbers in urban areas increased significantly. There are small Jewish populations in Lima and Cuzco and small Muslim communities in Lima (mostly of Palestinian origin) and Tacna (predominantly of Pakistani origin).

The founder of the Israelites of the New Universal Pact organized the group in 1960 in Junin Department; most adherents are concentrated in and near Lima. Some Catholics combine indigenous worship with Catholic traditions. This type of syncretistic religion is practiced most often in the Andean highlands. Indigenous people in the remote eastern jungles also practice traditional faiths.

Foreign missionary groups operate freely, although they do not receive the same privileges as the Catholic Church with respect to customs, immigration, and taxation.

### **Legal/Policy Framework:**

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Article 50 of the Constitution establishes separation of church and state but recognizes the Catholic Church's role as "an important element in the historical, cultural, and moral development of the nation." The Government acts independently of Catholic Church policy. Nonetheless, it maintains a close relationship with the Church, and an agreement signed with the Vatican in 1980 grants the Catholic Church special status. Critics complained that the agreement was unconstitutional because it was signed with a military government, not by democratic representatives. Officials of the Church sometimes play a high-profile role in the public sector.

The Constitution specifically prohibits discrimination based on religion, but the Catholic Church receives preferential treatment in education, tax benefits, immigration of religious workers, and other areas, in accordance with the agreement. All work-related earnings of Catholic priests and bishops are exempt from income taxes. Buildings, houses, and other real estate owned by the Catholic Church are exempt from property taxes; other religious groups (depending on the municipal jurisdiction) may pay property taxes for schools and clergy residences. Some Catholic clergy and laypersons receive state remuneration in addition to the stipends paid to them by the Church. This applies to the country's 52 bishops, as well as to some priests whose ministries are

located in towns and villages along the borders. In addition each diocese receives a monthly institutional subsidy from the Government. According to Catholic Church officials, none of these payments are substantial.

The executive branch formally interacts with religious communities on issues of religious freedom through the Ministry of Justice. The Ministry implements laws and interacts with the public through the Office of Catholic Affairs and through the Office of Interconfessional Affairs, which deals with non-Catholic religions. Both offices maintain a continuing dialogue with the Catholic Church and other organized religious groups on religious freedom. Both offices exist primarily to process complaints of religious discrimination and to assist religious groups in relations with the state, such as exemptions from import taxes and customs duties.

In 2004 the Ministry of Justice promulgated a regulation to enhance religious freedom and equality by allowing non-Catholic churches to receive state benefits similar to the Catholic Church; however, some evangelical Christian churches complained that this new regulation required a church to operate 7 years before being recognized. In addition many evangelical churches lack central lines of authority and doctrinal unity, complicating the process of registration. More hierarchical and established church groups supported strict registration requirements.

As a result of negotiations between the Ministry of Justice and an interfaith working group of non-Catholic religious groups, regulations now permit the major evangelical umbrella organizations, CONEP and the Union of Evangelical Christian Churches of Peru (UNICEP), to register churches. The registration does not recognize churches officially but identifies those Protestant churches eligible for assistance from the Office of Interconfessional Affairs. The interfaith working group continues to advocate a draft law to promote further religious freedom and equality. The legislation is currently awaiting revisions in the Ministry of Justice. Congressmen have proposed at least three other draft laws on religious freedom. At the end of the period covered by this report, Congress had not taken action on the drafts.

All religious groups are free to establish places of worship, train clergy, and proselytize. During the period covered by this report, a member of the Lima Bar Association filed a discrimination complaint to protest the presence of a crucifix in the main lobby of the group's building.

The law mandates that all schools, public and private, impart religious education as part of the curriculum throughout the education process (primary and secondary), "without violating the freedom of conscience of the student, parents, or teachers." Catholicism is the only religion taught in public schools. Many non-Catholic religious or secular private schools have been granted exemptions from this requirement. The Education Ministry made it mandatory for the presiding Catholic bishop of an area to approve religious education teachers.

Parents who do not wish their public school children to participate in the mandatory religion classes must request an exemption in writing from the school principal. Non-Catholics who wish their children to receive a religious education in their own faith are free to organize such classes, at their own expense, during the weekly hour allotted for religious education; however, the parents must provide the teacher.

**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.

The Freedom of Conscience Institute (PROLIBCO), an NGO that favors strict separation of church and state and opposes preferential treatment for any religious group, claimed that the financial subsidies and tax benefits given to the Catholic Church are far more extensive and lucrative than publicly acknowledged. Ministry of Justice officials stated that the Catholic Cardinal of Peru is paid \$400 (PEN 1,260) per month, and six archbishops are given almost \$300 (PEN 900) per month; other Catholic Church officials receive lesser amounts.

Catholic charities do not pay customs duties. Non-Catholics with extensive charitable activities complained that donations of goods from abroad are taxed at commercial rates. Catholics and non-Catholics are subject to equal taxation in regard to many, but not all, other activities. Catholics are exempt from paying taxes on places of worship and other religious buildings, and Catholic officials are exempt from taxes on certain kinds of travel.

In 2006 religious groups and the Ministry of Justice worked together to change residency documents to differentiate between "religious" and "nonreligious" status, rather than between "Catholic" and "non-Catholic," as had been done previously. This reform helped to equalize the immigration process so that non-Catholics are not disadvantaged.

Non-Catholic organizations complained that although their adherents are exempt from attending Catholic instruction, students who do so lose academic credits. Students who graduate from primary and secondary schools without these credits cannot be at the top of their class, regardless of other academic achievements. These students are thus disadvantaged in competition for scholarships or for admission to universities with competitive entry requirements.

By law the military may employ only Catholic clergy as chaplains, and Catholicism is the only recognized religion for military personnel. A 1999 government decree creating 40 Catholic military chaplaincies obliges members of the armed forces and the police, as well as relatives and civilian coworkers, to participate in Catholic services. There have been no reports of discrimination or denials of promotion for non-Catholic members of the military, nor of personnel refusing to participate in Catholic services. Some non-Catholic soldiers, however, have complained that it is difficult to find and attend Protestant religious services because of the lack of Protestant chaplains.

Some non-Catholic missionary groups have claimed that the law discriminates against them by taxing religious materials they import, including Bibles, whereas the Catholic Church is not taxed on such items.

#### **Abuses of Religious Freedom:**

In early May 2007 the remains of evangelical pastor Jorge Parraga Castillo were found at the Manta military base. On October 25, 1989, the military had detained him and took him to the base. Witnesses claim that the military tortured and killed Pastor Parraga and then burned his body. The Ombudsman's office did not believe that Pastor Parraga's death was related to his work as a pastor. By the end of the reporting period, no one had been charged in the killing, although an investigation by the Public Ministry was continuing.

There were no reports of religious prisoners or detainees in the country.

#### **Societal Abuses/Discrimination:**

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

Protestants gained high-level leadership positions in society. In 2005 two prominent evangelical pastors created the National Restoration (RN) party, which remained open to all religious groups. The party ran a candidate in the 2006 presidential elections who finished sixth and later ran a candidate in the Lima mayoral race who finished third. Three evangelical Protestants were elected to Congress. An evangelical Christian was elected president of Congress in August 2006.

Religious groups occasionally joined forces on ecumenical projects on behalf of the poor. The Catholic Church and evangelical churches collaborated closely in the area of human rights. The Catholic Church utilized evangelical church staff in rural areas to minister to its congregations when no priest was available. The Catholic Church (through the CEAS) and the Peace and Hope Evangelical Association, an evangelical NGO, have conducted joint national campaigns on behalf of prison inmates and detainees wrongly charged or sentenced for terrorism and treason. Major political figures have promoted religious freedom in public affairs, and non-Catholic politicians have attained higher profiles.

## Improvements and Positive Developments in Respect for Religious Freedom:

President Garcia recognized Protestantism's growing influence by attending a service organized by Lima evangelical churches during his 2006 inauguration festivities. His action sparked debate about the need to balance freedom of religion with the country's traditional identity as a Catholic nation. Masses were often celebrated at government-sponsored events-including those taking place on government property; however, many new Congressmen broke with tradition by refusing to invoke either God or the Bible during swearing-in ceremonies.

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\* Source: U.S. State Department 2007 International Religious Freedom Report; Peru

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90264.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.

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## 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 Peru. This report includes Conclusions and Recommendations.

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PE/A\\_HRC\\_8\\_37\\_Peru\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PE/A_HRC_8_37_Peru_E.pdf)

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

<http://www.un.org/webcast/unhrc/archive.asp?go=080506>

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

The OHCHR has now added **Related Web cast archives** to the reports. You may open them by clicking on the OHCHR Archives **below** or the reports **above**.

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

**Date of consideration: Tuesday 6 May 2008 - 10.00 a.m. - 1.00 p.m.**

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

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

Summary of stakeholders' information <sup>3</sup> : [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](#)

[Related webcast archives](#)

## 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.<sup>1</sup>

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 Peru Universal Periodic Review.

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**STANDARDS:** [http://www.tandemproject.com/program/81\\_dec.htm](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.

The Tandem Project Executive Director is: Michael M. Roan, [mroan@tandemproject.com](mailto:mroan@tandemproject.com).

*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 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 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.”<sup>1</sup>.

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.