

THE TANDEM PROJECT

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

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

GUATEMALA

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 42,043 square miles and a population of 12.7 million. According to official census data, the indigenous population is 43 percent, although unofficial estimates are higher.

The religious demography has changed significantly over the last few decades, influenced by political and societal changes. Historically, the country was overwhelmingly Roman Catholic; however, in recent years new religious groups have flourished.

There was no official census of religious affiliation. The Episcopal Conference of Guatemala, the official ruling body of the Catholic Church, estimated that 68 percent of the population is

Catholic (2006). Alianza Evangelica, the official umbrella organization for Protestants, estimated that 25 percent of the population is Protestant. A 2006 survey conducted by Latinobarómetro indicated that Catholics comprise 56.9 percent of the population and evangelicals 30.7 percent. The largest Protestant group is the Full Gospel Church, followed by the Assembly of God, the Central American Church, and the Prince of Peace Church, as well as many independent evangelical groups. Baptists, Presbyterians, Lutherans, Episcopalians, and Seventh-day Adventists are present, as are the Church of Jesus Christ of Latter-day Saints (Mormons) and Jehovah's Witnesses. Jews (approximately 2,000) and Muslims reside primarily in the capital. Few citizens consider themselves atheists.

Catholic and Protestant churches are distributed throughout the country, and their adherents are found among all major ethnic groups and political parties. According to leaders of Mayan spiritual organizations and Catholic and Protestant missionaries, many indigenous Catholics and some Protestants also practice some form of indigenous spiritual ritual.

Christian missionaries work in both religious and social capacities.

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 is no state religion; however, article 37 of the Constitution recognizes explicitly the distinct legal personality of the Catholic Church.

The Government does not establish requirements for religious recognition, nor does it impose registration requirements for religious members to worship together. The Government requires religious organizations as well as nonreligious associations and nongovernmental organizations (NGOs) to register as legal entities in order to conduct business such as renting or purchasing premises, entering into contracts, and enjoying tax-exempt status. The Government does not charge religious groups a registration fee.

Due to its historical presence since colonial times, the Catholic Church does not have to register as a legal entity; the Constitution recognizes it as such. Any other religious group may file a copy of its bylaws and a list of its initial membership with the Ministry of Government to receive formal recognition. The group must have at least 25 initial members, and the bylaws must reflect an intention to pursue religious objectives. Applications are rejected only if the organization does not appear to be devoted to a religious objective, appears to be in pursuit of illegal activities, or engages in activities that appear likely to threaten the public order. There were no reports that the Government rejected any group's application during the period covered by this report; however, Protestant leaders found the application process lengthy (lasting from 6 months to several years), and estimated that due to these difficulties 8,000 Protestant churches either had not applied for registration or had not completed the process.

Foreign missionaries must obtain tourist visas, which are issued for renewable periods of 3 months. After renewing their tourist visa once, they may apply for temporary residence. Specific missionary visas are neither issued nor required.

The Government does not subsidize religious groups. The Constitution permits, but does not require, religious instruction in public schools. There is no national framework for determining the nature or content of this religious instruction; when provided, it tends to be programmed at the local level. During the period covered by this report, the Ministry of Education consulted with the Catholic Church and Protestant groups on the integration of general values focusing on good citizenship, although not specific religious teachings, into school curriculums.

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.

Although registered religious entities are legally exempt from taxes, Protestant leaders noted that local officials sometimes required their churches to pay property taxes.

On April 3, 2007, the Government denied an entry visa to Puerto Rican Jose Luis Miranda, who claimed to be the antichrist. The Immigration Director based his decision on article 29 of the Immigration Law, which grants Immigration the authority to permit or deny entry to any foreigner. Miranda's followers threatened to appeal the decision. His church, "Creciendo en Gracia," is fully registered and recognized by the Government and holds regular meetings in Guatemala City. Jose Luis Miranda was granted permission to enter and preach several times previously since founding his church in Puerto Rico in 1986.

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.

The ecumenical movement focused on discussion of social questions rather than interfaith discourse. For several years, representatives of Catholic, Protestant, Jewish, and traditional Mayan spirituality have participated in the Interreligious Dialogue and the Foro Guatemala to discuss social and political topics.

Evangelical Protestant churches were split between a majority group, which avoided ecumenical engagement with other religious traditions, and a minority group, which actively promoted an ecumenical and multicultural viewpoint.

Mayan spiritual leaders continued to note widespread disagreements with evangelical Protestants, and to a lesser extent, charismatic Catholics. Protestant churches historically have been less tolerant of indigenous practices than the Catholic Church, whose approach in many areas of the country is to tolerate traditional practice not directly in conflict with Catholic dogma. During the Spanish colonial period, some Catholic churches were built on sacred Mayan sites. Mayan leaders

reported that in a few areas Catholic priests have forbidden followers of Mayan spirituality access to these sites, although the law permits Mayan spirituality groups to conduct religious ceremonies at Mayan historical sites on government-owned property.

Although many members of evangelical congregations are indigenous, some local evangelical leaders denounced traditional religious practices as "witchcraft" or "devil worship" and discouraged their indigenous members from traditional religious practices.

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

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90255.htm>

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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 Guatemala. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/GT/A_HRC_8_38_Guatemala_E.pdf

Direct Link: U.N. Human Rights Council Web Cast Archives for all Guatemala Reports. You can **download** Real Player (free) for access to the Web Cast: **Scroll** down the Web Cast to find the Guatemala 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 - 3.00 p.m. - 6.00 p.m.

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

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

[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.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 Guatemala 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*

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.”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.