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

*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

Separation of Religion or Belief and State

BACKGROUND

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.

– First Preamble to the Universal Declaration of Human Rights.

The principle of universality of human rights is the cornerstone of international human rights law.
<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

INTERNATIONAL HUMAN RIGHTS LAW ON FREEDOM OF RELIGION OR BELIEF

The principal instruments for International Human Rights Law on Freedom of Religion or Belief is Article 18 of the International Covenant on Civil and Political Rights (CCPR) and the 1981 U.N. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

The 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief http://www.tandemproject.com/program/81_dec.htm.

General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument)

Article 18: International Covenant on Civil and Political Rights

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice and freedom either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

Freedom of manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education in conformity with their own convictions.

The Third Rail

International human rights law on freedom of religion or belief protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*, - General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights. The United Nations does not favor one religion or belief over another. This law protects individuals from discrimination based on religion or belief. It values the equal rights of majority and minority religions or beliefs, indigenous, traditional and new religious movements. It is a universal, neutral and impartial moral principle. Lexicographers may describe the terminology as agnostic, *the third rail* on the God idea between theism and atheism.

MANDATE OF THE U.N. SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF

Monitoring the mandate of the U.N. Special Rapporteur on Freedom of Religion or Belief

<http://www2.ohchr.org/english/issues/religion/index.htm>

Open the link above to get the complete history, actions and reports of the mandate of the U.N. Special Rapporteur on Freedom of Religion or Belief. The mandate is up for review and renewal every three year by the U.N. Human Rights Council.

The most recent cycle is the mandate from 2007-2010. A new Special Rapporteur on Freedom of Religion or Belief was appointed in June, 2010, Mr. Heiner Bielefeldt of Germany. The Tandem Project focus under Special Procedures is solely on the mandate of the Special Rapporteur.

The U.N. Human Rights Council every three years draft a resolution for the mandate of the U.N. Special Rapporteur on Freedom of Religion or Belief who serves as an independent expert on human rights and freedom of religion or belief through a process known as Special Procedures.

In 2007 the *right to change one's religion or belief* was resisted by Pakistan on behalf of the 57 country Organization of the Islamic Conference (OIC) as a requirement they could not subscribe to. In 2010 Pakistan and the OIC withdrew the objection when the U.N. Human Rights Council dropped 9 (a) from the mandate on freedom of religion or belief without a vote.

2007 Mandate on Freedom of Religion or Belief (A/HRC/RES/6/37)

In 2007 the U.N. Human Rights Council mandate for the U.N. Special Rapporteur on Freedom of Religion or Belief (A/HRC/RES/6/37) failed to achieve consensus because of objections by Pakistan and the Organization of the Islamic Conference (OIC) over the right to change one's religion or belief:

9. *Urges States:*

- # (a) **To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated;**

Pakistan speaking on behalf of 57 countries in the Organization of the Islamic Conference (OIC) objected by saying, "*It called for respect for norms about the right to change one's religion. The EU draft explicitly urges States to guarantee the right to change one's religion or belief, a requirement the OIC could not subscribe to.*"

Portugal, speaking on behalf of the European Union (EU) said over 40 paragraphs in the draft resolution was eliminated in an attempt at consensus with the abstaining states, but *consensus over the right to leave one's religion or belief is inviolable and could not be compromised*. The Resolution (A/HRC/RES/6/37) with recorded votes can be viewed by clicking on this link:

http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_37.pdf

2010 Mandate on Freedom of Religion or Belief (A/HRC/RES/14/11)

In 2010 at the 14th session of the U.N. Human Rights Council Pakistan and the OIC dropped their objections to the resolution. The resolution was **adopted without a vote** for the three year mandate of the U.N. Special Rapporteur on Freedom of Religion or Belief (A/HRC/RES/14/11). Paragraph 9 (a) the point of tension and abstentions in 2007 was deleted and an amendment withdrawn by Pakistan on behalf of the Organization of the Islamic Conference (OIC) and several other countries to achieve consensus.

Does (A/HRC/RES/14/11) still urge states to guarantee the right to change one's religion or belief as it did in the 2007 resolution or does it accommodate cultural norms not to change one's religion?

Paragraph 9 (a) in the opinion of the EU still applies to the discharge of duties in 2010 for the U.N. Special Rapporteur on Freedom of Religion or Belief . Whether the OIC agrees after abstaining in 2007 based on cultural norms is a key issue and needs *clarity* for 9 (a) to be fully implemented.

[UN Human Rights Council Resolution on Freedom of Religion or Belief](#)

IMPLEMENTING 9 (a)

If the mandate in 2010 includes a call to implement 9 (a) it will be a significant *step forward* to resolve the question of universality vs. cultural relativity, for norms that guarantee the right to change one's religion or belief. As a principle of universal democracy the right to leave a religion is inviolable for *all religions or beliefs*, all governments, all members of the human family.

The global challenge is to build widespread awareness and acceptance of this right as international law through dialogue with governments and non-governmental organizations, civil society, schools and places of worship, including leaders of the *Ummah* in Islamic schools and mosques.

Implementing 9 (a) must respect the sensitivity and complexity of this issue which was one of the causes of the **1968 impasse** by the U.N. in drafting a legally-binding international treaty (History).

MANDATES RELATING TO FREEDOM OF RELIGION OR BELIEF

Mandate of the U.N. Special Rapporteur on Promotion and Protection of the Right to Freedom of Opinion and Expression: <http://www2.ohchr.org/english/issues/opinion/index.htm>

Mandate of the U.N. Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance: <http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>

Ad-Hoc Committee on Complimentary Standards:
<http://www2.ohchr.org/english/issues/racism/AdHocCommittee.htm>

TREATIES & DECLARATIONS

International Human Rights Treaties: <http://www2.ohchr.org/english/bodies/treaty/index.htm>

The original intent in 1960 was to draft two core legally binding human rights treaties on religion and race. “ The decision to separate the instruments on religious intolerance from those on racial discrimination constituted a compromise solution designed to satisfy a number of conflicting viewpoints. Western states insisted on addressing both matters in a joint instrument. Communist states were not anxious to deal with religious matters. African and Asian states considered the question of religious intolerance a minor matter compared with racial discrimination. In contrast to the religious intolerance matter, international instruments on the elimination of racial discrimination were adopted fairly swiftly, in 1963 and 1965 respectively.

At the General Assembly's twenty-second session, the Third Committee had an opening general debate and a line-by-line review of the text of the draft convention. The convention's most fierce critics were the Soviet Union, other communist states, and several African and Asian States. Since the draft Convention's definition of “religion or belief” included theistic, non-theistic and atheistic beliefs; there was strong opposition from Islamic states, the Catholic church, and other religious

groups. At its twenty-third session, the General Assembly decided to defer consideration of the draft convention.” (History).

In 1968, the UN deferred work on a legally-binding treaty on religious intolerance as too complex and sensitive and passed a non-binding declaration in its place. The Tandem Project believes until a core legally-binding Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete.

HISTORY & STATISTICS

- # **HISTORY:** The United Nations failed to achieve consensus on a legally binding international treaty on religious intolerance, settling instead for the non-binding 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

<http://www.tandemproject.com/program/history.htm>

- # **STATISTICS:** The United Nations protects all *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*. Statistics: builds the case for an inclusive and genuine approach to implementing human rights and freedom of religion or belief.

http://www.tandemproject.com/program/major_religions.htm

THE TANDEM PROJECT

1984: The Tandem Project co-founder represented the World Federation of United Nations Associations (WFUNA) in 1984 at the two week Geneva Seminar called by the UN Secretariat on how to implement the 1981 UN Declaration on the Elimination of All Forms of Intolerance of Discrimination Based on Religion or Belief. In 1986 The Tandem Project hosted the first International Conference on the 1981 U.N. Declaration on Freedom of Religion or Belief.

1986: Minnesota held the first International Conference on how to implement the 1981 United Nations Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. Thirty-five international delegates and thirty-five Minnesota delegates were invited. Minnesota organizations and individuals proposed twenty- seven *Community Strategies* on how to implement the 1981 U.N. Declaration under: *Synopsis, Strategy, Objectives, Program Approach, Obstacles and Outcomes*. These *Community Strategies* can be read on the following link:

Minnesota Community Strategies: <http://www.tandemproject.com/tolerance.pdf> .

2011: Since 1986 The Tandem Project has built support for Human Rights and Freedom of Religion or Belief simultaneously from top down and ground up. In 1986 the U.N. Human Rights Commission, now its successor the U.N. Human Rights Council. The Tandem Project approach from the ground or *local level up* for national Universal Periodic Reviews & Freedom of Religion or Belief includes; **Forums for Places of Worship, Academic Discourse, Schools, Women and Civil Society**.

Tandem Project Database: <http://www.tandemproject.com/databases/forms/card.htm>

Tandem Project Internet Course: <http://www.tandemproject.com/toc/toc.htm>

The Questionnaire is a checklist for inclusive and genuine dialogue on human rights and freedom of religion or belief and conflicting truth claims, for places of worship, government and non-governmental organizations, academic institutions, schools and civil society, in preparation for Tandem Forums.

OPEN QUESTIONNAIRE

Reflections

The First Preamble to the Universal Declaration of Human Rights reads: 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.

Surely one of the best hopes for humankind is to embrace a culture in which religions and other beliefs accept one another, in which wars and violence are not tolerated in the name of an exclusive right to truth, in which children are raised to solve conflicts with mediation, compassion and understanding.

There is an increase in dialogue today between religions and other beliefs to embrace diversity, but few persons, less than one percent of any population, ever participate. This is a challenge. The value of such dialogues is proportionate to the level of participation. For civil society increased participation would create opportunities for education on inclusive and genuine approaches to human rights and freedom of religion or belief.

In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. Instead, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.

Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?

- # **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The U.N. Review Conference on the Nuclear Test Ban Treaty and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the U.N. Human Rights Council and U.N. Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is the foundation for solving this issue.

“I am become death, the destroyer of worlds” - Robert Oppenheimer, quote from the Bhagavad Gita after exploding the first atomic bomb, Trinity 1945.

The Tandem Project a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material 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 the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.