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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

NORWAY – STATE CHURCH & FREEDOM OF RELIGION OR BELIEF

Review: “*Humanism in Norway: Interview with Roar Johnsen,*” **Excerpts:** 2007 & 2008 U.S. State Department International Religious Freedom Reports, Norway.

Interview *Humanism in Norway with Roar Johnson* International Humanist News, 23 April 2007:

<http://www.iheu.org/node/2583>

“HUMANISM IN NORWAY: INTERVIEW WITH ROAR JOHNSEN”

In 1814, Norway’s Constitution outlawed Jews, Jesuits and Atheists. The situation has improved since, but we are very unhappy that while Article 2 of the present Constitution guarantees freedom of religion, at the same time it declares “The religion of the state remains Evangelical-Lutheran. Inhabitants of that confession are committed to raising their children in the same.”

Then Article 12 of the Constitution stipulates that at least 50% of the Prime Minister’s cabinet has to be members of the state church. Norway’s King is also required to be a member of the Lutheran Church – strangely, the head of the state is denied freedom of religion or belief!

The Norwegian Humanist Association’s aim is to separate Church and State, and to introduce liberty for all religions and life stances on equal terms.

What happened in Sweden is a small separation but not really a divorce between the State and the Church. There is still a specific law governing the Church but it is Parliament which makes this law, and the government does not appoint bishops or leaders of the church anymore.

While Sweden achieved neutrality, we are going for equality of treatment, and that is why the Norwegian Humanist Association worked to obtain our share of the state funds. In Norway most political parties today would favor a separation of Church and State. Of course, the Christian Party is against it, and because 2/3 majority in the Storting (Parliament) is needed we need the Labor Party to take a principled stance in this matter. That has not been forthcoming.

**U.S. STATE DEPARTMENT 2007 INTERNATIONAL
RELIGIOUS FREEDOM REPORT - NORWAY**

On March 14, 2006, the U.N. Human Rights Committee voiced concern that a section of the Constitution is incompatible with article 18 of the International Covenant on Civil and Political Rights (ICCPR). That section concerns the constitutional provision that individuals professing the Evangelical Lutheran religion must raise their children in that faith.

Church officials and some politicians spoke in favor of greater separation in the state-church relationship. In 2003 the Government appointed an official State-Church Commission to review the future of the state-church relationship. The commission's purpose was to ascertain whether the state-church system should be maintained, reformed, or discontinued. The commission had its own secretariat and included members from several areas of society, including different church groups and other religious groups, politicians, legal experts, and the Sami people.

On January 31, 2006, the commission presented its assessment. Most members recommended that the existing state-church system be abolished. The *Storting* (Parliament) was expected to make a final decision in 2008, based upon the commission's assessment.

A religious community must register with the Government only if it desires state support, which is provided to all registered denominations in proportion to their membership.

A 1997 law introduced the Christian Knowledge and Religious and Ethical Information (CKREE) course for grades 1 through 10 (ages 6 to 16). The CKREE reviews world religions and philosophy while promoting tolerance and respect for all religious beliefs. Citing the country's Christian history (and given the stated importance of Christianity to society), the CKREE devotes an extensive amount of time to studying Christianity. This class is mandatory, without any exceptions for children of other religious groups. On special grounds, students may be exempted from participating in or performing specific religious acts, such as church services or prayer, but they cannot forgo religious instruction.

Organizations for atheists, as well as Muslim communities, have contested the legality of forced religious teaching, claiming that it is a breach of freedom of religion and parents' right to provide religious instruction to their children. In 2002 the humanist association appealed the case to the European Court of Human Rights (ECHR) and the United Nations Human Rights Commission (UNHRC). In November 2004 the UNHRC decided that the requirement of a mandatory religion class violated article 18 of the ICCPR and stated that the law violated parents' right to determine their children's religious and moral upbringing. In response, the Government gave parents the right to exempt their children from the CKREE until August 2005 (when a new curriculum was implemented). In December 2006 the ECHR reviewed the case. In a verdict rendered on June 29, 2007, the ECHR held in a near-split decision that article 2 of the European Human Rights Convention's Protocol No. 1 was violated. In reply the Minister of Education stated that the verdict would be evaluated, the Government would determine whether additional CKREE course amendments would be introduced, and that the case would not be appealed.

Under the new curriculum, Christianity, as the state religion, continued to receive a larger percentage of the class's teaching time than other religious groups. The final law states that children cannot receive complete class exemption. Limited exemptions may occur with respect to specific classroom activities, such as hymn singing or public prayer.

The humanist association did not support the curriculum changes. The association asserted in a letter to the UNHRC that the CKREE curriculum revisions were only cosmetic and did not create a religion and belief-neutral class. In addition the association advocated that the partial exemption

right be expanded. The association claimed that the UNHRC concerns had not been heeded and the CKREE curriculum, as revised, continued to violate Article 18 of the ICCPR.

**U.S. STATE DEPARTMENT 2008 INTERNATIONAL
RELIGIOUS FREEDOM REPORT, NORWAY**

In 2008 there was a public debate about introducing greater separation in the state-church relationship. In April 2008 the Minister of Culture presented the results of a parliament-commissioned report on the state and church relationship that had been 5 years in the making and had included significant public input. The report called for maintaining the state church but for further democratization of the Church and for the Government to consider changes to the Constitution that would further separate church and state functions.

One of the immediate effects was the signing of a church agreement that gives the state church the ability to select, but not appoint, its own bishops, a role that had previously been fulfilled by the King's Council. The legal power to officially appoint bishops will not be transferred to the Church until Parliament amends the Constitution on this point, which it was expected to do during the 2009-11 session.

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Organizations for atheists, as well as Muslim communities, contested the legality of mandatory religious education, claiming that it was a breach of freedom of religion and parents' right to provide religious instruction to their children. After the case was heard before the European Court of Human Rights (ECHR) in 2002 and again in 2006, the Government modified the curriculum and expanded the education to more thoroughly discuss other religions while continuing an emphasis on Christianity as the religion of the majority of citizens.

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.