

THE TANDEM PROJECT
<http://www.tandemproject.com>.

**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.

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)

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.

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 to 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.

SEPARATION OF RELIGION OR BELIEF AND STATE

Separation of Religion or Belief and State is a term used to express core principles of international human rights law on freedom of religion or belief. It mandates UN Member States to ensure their constitutional and legal systems provide effective guarantees of freedom of thought, conscience and religion or belief to all without distinction at international, national and local levels.

OBJECTIVE

The right of persons to manifest their own values, cultural identity and core principles based on religion or belief, linked together with human rights law, principles and values on freedom of religion or belief.

UNIVERSAL PRINCIPLE

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 Universal Declaration of Human Rights does not favor one religion or belief over another. Human Rights Law protects all 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 moral principle.

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 years by the U.N. Human Rights Council.

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

REFLECTIONS

THE TANDEM PROJECT

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.

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international human rights law will be incomplete. It may be time to begin to consider reinstating the 1968 Working Group to bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.

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.