

# APPENDIX A

## A TEACHER'S BRIEFING GUIDE

### PART 1

## HISTORY AND DEVELOPMENT OF HUMAN RIGHTS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

### I. WHAT ARE HUMAN RIGHTS?

*Human rights are the rights a person is entitled to simply because he or she is a human being.*

Human rights are **inalienable**: you cannot lose these rights any more than you can cease being a human being. Human rights are held by all persons equally, universally, and forever.

Human rights are **indivisible**: you cannot be denied a right because it is "less important" or "non-essential."

Human rights are **interdependent**: all human rights are part of a complementary framework. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life.

Another definition for human rights is those basic standards without which people cannot live in dignity. To violate someone's human rights is to treat that person as though she or he were not a human being. To advocate human rights is to demand that the **human dignity** of all people be respected.

In claiming these human rights, everyone also accepts the responsibility not to infringe on the rights of others and to support those whose rights are abused or denied.

#### **Human Rights as Inspiration and Empowerment**

Human rights are both inspirational and practical. Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them. We experience our human rights every day when we worship according to our belief, or choose not to worship at all; when we debate and criticize government policies; when we join a trade union; when we travel to other parts of our own country or overseas. Although we sometimes take these actions for granted, not all people enjoy all these liberties equally. Human rights violations also occur everyday when a parent abuses a child, when a family is homeless, when a school provides inadequate education, when women are paid less than men, or when one person steals from another.

## The Universal Declaration of Human Rights

Rights for all members of the human family were first articulated in 1948 in the United Nations' Universal Declaration of Human Rights (UDHR). Following the horrific experiences of the Holocaust and World War II, and amid the grinding poverty of much of the world's population, many people sought to create a document that would capture the hopes, aspirations, and protections to which every person in the world is entitled and ensure that the future of humankind would be different. See Appendix D: The Universal Declaration of Human Rights, for the complete text (p.121) and a simplified version (p. 120) of the UDHR.

The 30 articles of the Declaration together form a comprehensive statement covering economic, social, cultural, political, and civil rights. The document is both universal (it applies to all people everywhere) and indivisible (all rights are equally important to the full realization of one's humanity). A **declaration**, however, is not a treaty and lacks any enforcement provisions. Rather it is a statement of intent, a set of principles to which United Nations **member states** commit themselves in an effort to provide all people a life of human dignity.

Over the past 50 years the Universal Declaration of Human Rights has acquired the status of **customary international law** because most states treat it as though it were law. However, governments have not applied this customary law equally. Socialist and communist countries of Eastern Europe, Latin America, and Asia have emphasized social welfare rights, such as education, jobs, and health care, but often have limited the political rights of their citizens. The United States has focused on political and civil rights and has advocated strongly against regimes that torture, deny religious freedom, or persecute minorities. On the other hand, the US government rarely recognizes health care, homelessness, environmental pollution, and other social and economic concerns as human rights issues, especially within its own borders.

Source: Adapted for *Human Rights Here & Now* (University of Minnesota Human Rights Resource Center, 1997) from Costain, P., "Moving the Agenda Forward," *Connection to the Americas* 14.8 (October 1997): 4.

## II. A SHORT HISTORY OF HUMAN RIGHTS

The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new. Its roots, however, lie in earlier tradition and documents of many cultures; it took the catalyst of World War II to propel human rights onto the global stage and into the global conscience.

Throughout much of history, people acquired rights and responsibilities through their membership in a group – a family, indigenous nation, religion, class, community, or state. Most societies have had traditions similar to the "golden rule" of "Do unto others as you would have them do unto you." The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran (Koran), and the Analects of Confucius are five of the oldest written sources that address questions of people's duties, rights, and

responsibilities. In addition, the Inca and Aztec codes of conduct and justice and an Iroquois Constitution were Native American sources that existed well before the 18th century. In fact, all societies, whether in oral or written tradition, have had systems of propriety and justice as well as ways of tending to the health and welfare of their members.

### **Precursors of 20th Century Human Rights Documents**

Documents asserting individual rights, such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791) are the written precursors to many of today's human rights documents. Yet many of these documents, when originally translated into policy, excluded women, people of color, and members of certain social, religious, economic, and political groups. Nevertheless, oppressed people throughout the world have drawn on the principles these documents express to support revolutions that assert the right to self-determination.

Contemporary international human rights law and the establishment of the United Nations (UN) have important historical antecedents. Efforts in the 19th century to prohibit the slave trade and to limit the horrors of war are prime examples. In 1919, countries established the **International Labor Organization (ILO)** to oversee **treaties** protecting workers with respect to their rights, including their health and safety. Concern over the protection of certain minority groups was raised by the League of Nations at the end of the First World War. However, this organization for international peace and cooperation, created by the victorious European allies, never achieved its goals. The League floundered because the United States refused to join and because the League failed to prevent Japan's invasion of China and Manchuria (1931) and Italy's attack on Ethiopia (1935). It finally died with the onset of the Second World War (1939).

### **The Birth of the United Nations**

The idea of human rights emerged stronger after World War II. The extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II, and officials from the defeated countries were punished for committing war crimes, "crimes against peace," and "crimes against humanity." Governments then committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. The essence of these emerging human rights principles was captured in United States President Franklin Delano Roosevelt's 1941 State of the Union Address when he spoke of a world founded on four essential freedoms: freedom of speech and religion and freedom from want and fear. The calls came from across the globe for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders. These voices played a critical role in the San Francisco meeting that drafted the **United Nations Charter** in 1945.

## The Universal Declaration of Human Rights

**Member states** of the United Nations pledged to promote respect for the human rights of all. To advance this goal, the UN established a **Commission on Human Rights** and charged it with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the Charter. The Commission, guided by Eleanor Roosevelt's forceful leadership, captured the world's attention.

On December 10, 1948, the **Universal Declaration of Human Rights (UDHR)** was adopted by the 56 members of the United Nations. The vote was unanimous, although eight nations chose to abstain.

The UDHR, commonly referred to as the international Magna Carta, extended the revolution in international law ushered in by the United Nations Charter – namely, that how a government treats its own citizens is now a matter of legitimate international concern, and not simply a domestic issue. It claims that all rights are **interdependent** and **indivisible**. Its Preamble eloquently asserts that:

*[R]ecognition 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.*

The influence of the UDHR has been substantial. Its principles have been incorporated into the constitutions of most of the more than 185 nations now in the UN. Although a **declaration** is not a legally binding document, the Universal Declaration has achieved the status of **customary international law** because people regard it "as a common standard of achievement for all people and all nations."

## The Human Rights Covenants

With the goal of establishing mechanisms for enforcing the UDHR, the UN Commission on Human Rights proceeded to draft two **treaties**: the International Covenant on Civil and Political Rights (ICCPR) and its **Optional Protocol** and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the Universal Declaration, they are commonly referred to as the **International Bill of Human Rights**. The ICCPR focuses on such issues as the right to life, freedom of speech, religion, and voting. The ICESCR focuses on such issues as food, education, health, and shelter. Both **covenants** trumpet the extension of rights to all persons and prohibit discrimination. As of 1997, over 130 nations have **ratified** these covenants.

## Subsequent Human Rights Documents

In addition to the covenants in the International Bill of Human Rights, the United Nations has adopted more than 20 principal treaties further elaborating human rights. These include conventions to prevent and prohibit specific abuses like torture and **genocide** and to protect especially vulnerable populations, such as refugees (Convention Relating to the Status of Refugees, 1951), women (**Convention on the Elimination of All Forms of Discrimination against Women**, 1979), and children (**Convention on the Rights of the Child**, 1989).

In Europe, the Americas, and Africa, regional documents for the protection and promotion of human rights extend the International Bill of Human Rights. For example, African states have created their own Charter of Human and People's Rights (1981), and Muslim states have created the Cairo Declaration on Human Rights in Islam (1990). The dramatic changes in Eastern Europe, Africa, and Latin America since 1989 have powerfully demonstrated a surge in demand for respect of human rights. Popular movements in China, Korea, and other Asian nations reveal a similar commitment to these principles.

### **The Role of Nongovernmental Organizations**

Globally the champions of human rights have most often been citizens, not government officials. In particular, **nongovernmental organizations (NGOs)** have played a cardinal role in focusing the international community on human rights issues. For example, NGO activities surrounding the 1995 United Nations Fourth World Conference on Women in Beijing, China, drew unprecedented attention to serious violations of the human rights of women. NGOs such as Amnesty International, the Antislavery Society, the International Commission of Jurists, the International Working Group on Indigenous Affairs, Human Rights Watch, Minnesota Advocates for Human Rights, and Survivors International monitor the actions of governments and pressure them to act according to human rights principles.

Government officials who understand the human rights framework can also effect far-reaching change for freedom. Leaders like Nelson Mandela, Abraham Lincoln, Lyndon Johnson, and Václav Havel have brought about great changes under the banner of human rights.

Human rights is an idea whose time has come. The Universal Declaration of Human Rights is a call to freedom and justice for people throughout the world. Every day governments that violate the rights of their citizens are challenged and called to task. Every day human beings worldwide mobilize and confront injustice and inhumanity. Like drops of water falling on a rock, they wear down the forces of oppression and move the world closer to achieving the principles expressed in the Universal Declaration of Human Rights.

Source: Adapted for *Human Rights Here & Now* (University of Minnesota Human Rights Resource Center, 1997) from Shiman, D., *Teaching Human Rights*, (Denver: Center for Teaching International Relations Publications, U of Denver, 1993): 6-7.

# APPENDIX A

## A TEACHER'S BRIEFING GUIDE

### PART 2

#### AN INTRODUCTION TO FREEDOM OF RELIGION OR BELIEF

#### I. DEFINITIONS

The word "religion" is commonly associated with belief in a transcendent deity or deities, whether in majority or minority, traditional or new religious beliefs. In human rights discourse, however, the use of the term "religion" usually also includes support for the right to non-religious beliefs. In 1993 the Human Rights Committee, an independent body of experts that interprets and monitors compliance with the **International Covenant on Civil and Political Rights** (ICCPR), described religion or belief as "theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief."

Religions and other beliefs bring hope and consolation to most of the world's peoples and hold great potential for peace and reconciliation among them. However, religions and other beliefs have also been the source of tension and conflict. This complexity, and the difficulty of defining "religion" and "belief," is illustrated by the on-going evolution of the protection of freedom of religion or belief in the context of international human rights.

#### II. THE EVOLUTION OF FREEDOM OF RELIGION OR BELIEF IN THE UN SYSTEM

The struggle for religious liberty has continued for centuries, and has led to innumerable, tragic conflicts. The twentieth century has seen the codification of common values related to freedom of religion or belief, though the struggle has not abated. The United Nations recognized the importance of freedom of religion or belief in the 1948 **Universal Declaration of Human Rights** (UDHR). Article 18 of the UDHR states:

*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 [her] choice.*

*Article 18  
Universal Declaration of Human Rights*

However, since the Universal Declaration, attempts to develop an enforceable human rights instrument related to freedom of religion or belief have been remarkably unsuccessful.

In 1966 the UN Covenant on Civil and Political Rights (ICCPR) expanded Article 18 of the UDHR to address the manifestation of religion or belief. Article 18 of this Covenant includes four paragraphs related to this issue:

- 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his [her] choice, and freedom either individually or in community with others and in public or private, to manifest his [her] religion or belief in worship, observance, practice and teaching.**
- 2. No one shall be subject to coercion which would impair his [her] freedom to have or to adopt a religion or belief of his [her] choice.**
- 3. 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.**
- 4. 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 of their children in conformity with their own convictions.**

Some of the provisions of the International Covenant on Civil and Political Rights regarding fundamental freedoms have been the basis of separate international conventions (e.g. Article 7 of the ICCPR was developed into the Convention Against Torture) which are legally binding. In contrast, however, because of the complexity of the topic and the political issues involved, Article 18 ICCPR has not led to the adoption of a specific legally binding instrument.

### **THE EVOLUTION OF FREEDOM OF RELIGION OR BELIEF IN THE UN HUMAN RIGHTS FRAMEWORK**

**1948 – Universal Declaration of Human Rights, Article 18**

**1966 – International Covenant on Civil and Political Rights (Covenant on Civil and Political Rights), Article 18**

**1981 – Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**

**1993 – Human Rights Committee's General Comment Number 22 on Article 18 of Covenant on Civil and Political Rights**

After twenty years of debate, intense struggle, and hard work, in 1981 the General Assembly adopted without a vote the **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**. As a declaration, this document is a statement of principles that lacks any enforcement procedures; however, it remains the most important contemporary codification of the principle of freedom of religion and belief.

The 1981 UN Declaration contains eight articles, three of which (Articles 1,5, and 6) define specific rights. The remaining articles outline supporting measures to promote tolerance or prevent discrimination. Taken together, the eight articles constitute a paradigm, an overall concept, to advocate for tolerance and to prevent discrimination based on religion or belief.

### **ARTICLES OF THE 1981 DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF**

Article 1: *Legal Definition*. This article repeats several rights from Article 18 of the Covenant on Civil and Political Rights:

- Right to thought, conscience, and religion or belief;
- Right to have a religion or whatever belief of your choice;
- Right either individually or in community with others, in private or public, to manifest a religion or belief through worship, observance, practice and teaching;
- Right not to suffer coercion that impairs the freedom to choose a religion or belief;
- Right of the State to limit the manifestation of a religion or belief if based in law, and only as necessary to protect public safety, order, health, morals and the fundamental rights and freedoms of others.

Article 2: *Classification of Discrimination*. This article identifies categories of potential discriminators, affirming the right not to be subject to discrimination on the grounds of religion or belief by:

- States (national, regional, local government);
- Institutions (governmental, non-governmental, religious);
- Groups of persons;
- Individuals.

Article 3: *Link to Other Rights*. This article links the 1981 UN Declaration to other international documents. Article 3 declares that discrimination based on religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, and enunciated in detail in:

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights.

Article 4: *Possible Solutions*. Article 4 declares that all States [including all sectors of civil society] shall take effective measures to prevent and eliminate discrimination based on religion or belief through:

- Actions in all fields of civil, economic, political, social, cultural life;
- Enacting or rescinding legislation where necessary to prohibit such discrimination;
- Taking all appropriate measures to combat intolerance based on religion or belief.

Article 5: *Parents, Guardians, Children*. At stake in the implementation of this article are the following rights:

- Right of parents or legal guardians to bring the child up in their religion or belief;
- Right of the child to education in religion or belief, in accordance with the wishes of parents, and the right not to be compelled to receive education against their wishes;
- Right of the child to protection from discrimination and to education for tolerance;
- Right of the child's wishes when not under the care of parents or legal guardians;
- Right of the State to limit practices injurious to the child's development or health.

Article 6: *Manifesting Religion or Belief*. At stake in the implementation of this article are the following rights:

- Right to worship and assemble, and to establish and maintain places of worship;
- Right to establish and maintain appropriate charitable or humanitarian institutions;
- Right to make, acquire and use materials related to rites and customs;
- Right to write, issue and disseminate relevant publications in these areas;
- Right to teach a religion or belief in places suitable for these purposes;
- Right to solicit and receive voluntary financial and other contributions;
- Right to train, appoint, elect or designate appropriate leaders;
- Right to observe days of rest and celebrate holidays and ceremonies;
- Right to establish and maintain communication with individuals and communities at national and international levels.

Article 7: *National Legislation*. This article declares that all of the rights at stake in the 1981 UN Declaration need to be accorded in national legislation in such a manner that everyone shall be able to avail themselves of such rights and freedoms *in practice*.

Article 8: *Existing Protections*. This article specifies that the 1981 UN Declaration is non-binding on States so as to ensure that the Declaration does not negate existing legal protections on freedom of religion or belief. Article 8 states that nothing in the Declaration shall be construed as restricting or negating any right defined in the Universal Declaration of Human Rights and International Covenants on Human Rights.

### III. INTERNATIONAL AND REGIONAL INSTRUMENTS OF PROTECTION

International legal instruments take the form of a **treaty** (also called an agreement, convention, covenant or protocol), which may be binding on the contracting states. When negotiations are completed, the text of a treaty is established as authentic and definitive and is “signed” by the representatives of states. There are various means by which a state expresses its consent to be bound by a treaty, with the most common being ratification or accession. A new treaty is “ratified” by those states that have negotiated the instrument, while a state that has not participated in the negotiations may, at a later stage, “accede” to the treaty. The treaty enters into force when a pre-determined number of states have ratified or acceded to the treaty.

When a state ratifies or accedes to a treaty, that state may make reservations to one or more articles of the treaty, unless the treaty prohibits this action. Reservations are exceptions that a state makes to a treaty—provisions that it does not agree to follow—and may normally be withdrawn at any time. In some countries, international treaties take precedence over national law. In others, a specific law may be required to give an international treaty, although ratified or acceded to, the force of law. Almost all states that have ratified or acceded to an international treaty may issue decrees, amend existing laws or introduce new legislation in order for the treaty to be fully effective on the national territory.

While the 1981 Declaration was adopted as a non-binding human rights instrument, several states had **understandings**, exceptions that states parties make to a treaty. Romania, Poland, Bulgaria, Czechoslovakia and the then USSR considered that the 1981 UN Declaration did not take sufficient account of atheistic beliefs. Romania, Syria, Czechoslovakia, and the USSR made a general reservation regarding provisions not in accordance with their national legislation. Iraq entered a collective reservation on behalf of the Organization of the Islamic Conference as to the applicability of any provision or wording in the Declaration which might be contrary to **Shari’a** (Islamic) law or to legislation or acts based on Islamic law, and Syria and Iran endorsed this reservation. In particular these Muslim states objected to the right to change one's religion, which generally contradicts Shari’a.

### IV. MONITORING FREEDOM OF RELIGION OR BELIEF

Many international treaties contain a mechanism that prescribes how the treaty will be enforced and monitored. The Covenant on Civil and Political Rights (ICCPR) is monitored by the Human Rights Committee. As of 2002, there were **149 States Parties** to this Covenant, who were obligated to report regularly to the Human Rights Committee on their progress in implementing this Covenant.

In addition, 102 States Parties to the ICCPR have ratified an **Optional Protocol** recognizing the competence and authority of the Human Rights Committee to consider confidential communications from individuals claiming to be victims of violations of any rights proclaimed under the treaty.

As part of the Covenant on Civil and Political Rights, Article 18 is legally binding for those states that have ratified this treaty. Thus violations of the freedom of religion or belief can be reported to Human Rights Committee for investigation.

However, as declarations the Universal Declaration and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief are non-binding and do not, therefore, contain a treaty mechanism for their enforcement. Instead, the UN Commission on Human Rights appointed a **Special Rapporteur** (an independent expert) on freedom of religion or belief. This Special Rapporteur is mandated to report annually to the United Nations Commission on Human Rights on the status of freedom of religion or belief worldwide.

**APPENDIX B**  
**DOCUMENTS RELATING TO**  
**FREEDOM OF RELIGION OR BELIEF**  
**PART 1**  
**UN DOCUMENTS**  
(In chronological order)

**United Nations Charter** (1945)

<http://www.un.org/aboutun/charter/>

Articles 1, 13, 55: The Charter of the United Nations in these articles uses the phrase “respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion.”

**Universal Declaration of Human Rights** (1948)

<http://www.unhchr.ch/udhr/lang/eng.htm>

Articles 18, 26: Article 18 is one of the subjects of this curriculum. Article 26 refers to education to “promote understanding, tolerance and friendship among nations, racial or religious groups.”

**Convention on the Prevention and Punishment of the Crime of Genocide** (1948)

<http://www1.umn.edu/humanrts/instreet/x1cpcpg.htm>

Article 2: This article defines genocide as any act “with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group.”

**Convention Relating to the Status of Refugees** (1951)

<http://www1.umn.edu/humanrts/instreet/v1crs.htm>

Article 4: Refers to refugees being accorded the same rights as nationals “with respect to freedom to practice their religion and freedom as regards the religious education of their children.”

**Convention Relating to the Status of Stateless Persons** (1954)

<http://www1.umn.edu/humanrts/instreet/w3cssp.htm>

Articles 3, 4: Contains the same language, with respect to religion or belief, as found in the Charter of the United Nations and the Convention on the Status of Refugees.

**Convention Against Discrimination in Education** (1960)

<http://www1.umn.edu/humanrts/instreet/p1cde.htm>

Articles 1, 2, 5: These articles state that the establishment or maintenance of separate educational institutions for religious reasons is not discriminatory, if it is in keeping with the wishes of parents or legal guardians, and providing that these institutions conform to educational standards developed by competent

authorities, and are directed to the full development of the human personality and to strengthening respect for human rights and fundamental freedoms.

**International Convention on the Elimination of All Forms of Racial Discrimination** (1965)

<http://www1.umn.edu/humanrts/instree/d1cerd.html>

Article 5: This article declares that full compliance with this convention includes the right to freedom of religion or belief for all racial and ethnic groups, along with other fundamental rights and freedoms.

**International Covenant on Civil and Political Rights (Covenant on Civil and Political Rights)** (1966)

<http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

Articles 18, 26: Article 18 is part of this legal treaty and the subject of this study. Article 26 guarantees everyone the right to education for the full development of human personality and respect for human rights by promoting understanding, tolerance and friendship among nations, racial and religious groups.

**General Comment Number 22 on Article 18** (1993)

[www1.umn.edu/humanrts/gencomm/hrcom22.htm](http://www1.umn.edu/humanrts/gencomm/hrcom22.htm)

Paragraphs 1-11: As guidance for States Parties who have signed and the Covenant on Civil and Political Rights and are obligated to submit periodic reports on implementation, the Human Rights Committee has written an eleven paragraph comment on the meaning of Article 18 of this Covenant.

**International Covenant on Economic, Social and Cultural Rights** (1966)

<http://www1.umn.edu/humanrts/instree/b2esc.htm>

Article 13: This article ensures the religious and moral education of children in conformity with the wishes of parents or legal guardians, and uses the phrase “full development of human personality and respect for human rights” found in other human rights instruments.

**Convention on the Elimination of All Forms of Discrimination Against Women** (1979)

<http://www1.umn.edu/humanrts/instree/e1cedaw.htm>

Article 16: This article deals with women’s rights in the context of family relations. Several Muslim states have reservations to this article due to perceived conflicts with national laws and Shari’a law. The Committee on the Elimination of Discrimination Against Women (CEDAW) has refuted reservations to Article 16, and has several recommendations regarding conflicts between obligations to the Convention and traditional religious or cultural practices. The Committee calls on States to eradicate such religious-based practices as forced marriage, dowry deaths, and female circumcision.

**Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief** (1981)

[www1.umn.edu/humanrts/instree/d4deidrb.htm](http://www1.umn.edu/humanrts/instree/d4deidrb.htm)

Articles 1-8: This 1981 UN Declaration is the principal subject of this study guide. For an explanation of each article refer to Section II: Rights at Stake.

**Convention on the Rights of the Child** (1989)

<http://www1.umn.edu/humanrts/instree/k2crc.htm>

Article 14: This article identifies the rights of the child to freedom of religion or belief. It differs from article 5 of the 1981 UN Declaration in that it respects the rights and duties of parents or legal guardians, but places an emphasis on providing direction in a manner consistent with the “evolving” capacity of the child, and calls on states to limit practices of religions or beliefs that may be injurious to the child, as elaborated in Article 18, paragraph 3 of the Covenant on Civil and Political Rights. A child is defined as anyone below the age of 18 years.

**Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief** (1981)

<http://www1.umn.edu/humanrts/instree/d4deidrb.htm>

Articles 1-8: This 1981 UN Declaration is the principal subject of this study guide. For an explanation of each article refer to section II: Rights at Stake.

**Draft Declaration on the Rights of Indigenous Peoples** (1994)

<http://www1.umn.edu/humanrts/instree/declra.htm>

Articles 12,13: These articles claim the rights of indigenous peoples to restitution of religious and spiritual property taken without their consent, to manifest, practice, develop and teach their spiritual and religious traditions, and to ensure that indigenous sacred sites, including burial sites, be preserved

# APPENDIX B

## PART 2

### REGIONAL DOCUMENTS

#### COUNCIL OF EUROPE

##### European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

[www.pfc.org.uk/legal/echrttext.htm](http://www.pfc.org.uk/legal/echrttext.htm)

Article 9: This article repeats Article 18 of the 1948 Universal Declaration of Human Rights. A Protocol, signed in 1950 by members of the Council of Europe, respects the rights of parents to educate children in their own religious and philosophical convictions.

##### Participating States of the Conference on Security and Cooperation in Europe (1989)

[www.osce.org](http://www.osce.org)

Principles 16, 17: Thirty-five participating states released a Concluding Document, Principles 16 and 17 of which are re-written versions of Article 18 of the Covenant on Civil and Political Rights and the 1981 UN Declaration.

#### ORGANIZATION OF AMERICAN STATES (OAS)

##### American Convention on Human Rights (1969)

<http://www1.umn.edu/humanrts/oasinstr/zoas3con.htm>

Article 12: This article repeats the four paragraphs of Article 18 of the Covenant on Civil and Political Rights.

#### AFRICAN UNION (formerly ORGANIZATION OF AFRICAN UNITY (OAU))

##### African Charter on Human and Peoples Rights (1981)

[www1.umn.edu/humanrts/instr/z1afchar.htm](http://www1.umn.edu/humanrts/instr/z1afchar.htm)

Article 8: Adopted by the Organization of African Unit, states that “freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.”

#### THE ARAB LEAGUE

##### Universal Islamic Declaration on Human Rights (1981)

<http://www.alhewar.com/ISLAMDECL.html>

Articles 12 and 13 outline the right to freedom of religion with the limits of Shari’a Law.

##### Arab Charter on Human Rights (1994)

<http://www1.umn.edu/humanrts/instr/arabcharter.html>

Articles 26 and 27 address freedom of religion and belief.

## **APPENDIX B PART 3 ADDITIONAL DOCUMENTS**

### **[United States of America: Virginia Statute for Religious Freedom \(1786\)](#)**

[www.worldpolicy.org/globalrights/religion/va-religiousfreedom.html](http://www.worldpolicy.org/globalrights/religion/va-religiousfreedom.html) Adopted by the Virginia Legislature, and still the law of the state of Virginia; based on Thomas Jefferson's religious freedom bill. The Supreme Court of the United States has looked to this and other historical documents to determine cases based on the First Amendment to the United States Constitution, A Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.

### **[World Council of Churches: Declaration on Religious Liberty \(1948\)](#)**

[www.religlaw.org/interdocs/docs/wccdecreliglib1948.html](http://www.religlaw.org/interdocs/docs/wccdecreliglib1948.html)

Adopted in Amsterdam at the First Assembly of the World Council of Churches, a few months prior to adoption of the Universal Declaration of Human Rights. It affirms that religious freedom is everywhere secured, and that Christians may not enjoy privileges that are denied to people of other religions or beliefs.

### **[Declaration on Religious Freedom: Dignitatis Humanae \(1965\)](#)**

[www.vatican.va/.../ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/.../ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html)

A declaration on religious freedom for the Catholic Church, adopted by the Second Vatican Council. The first paragraph claims that the one true religion subsists in the Catholic and Apostolic Church. The title of "human dignity," however, is extended to all members of the human family and to freedom of conscience without coercion. The title is close to the phrasing of the preamble to the 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."

### **[Spain: Religious Liberty Law \(1980\)](#)**

[www.religlaw.org/interdocs/docs/religliblawsp1980.htm](http://www.religlaw.org/interdocs/docs/religliblawsp1980.htm)

Enacted by the Parliament of Spain. Declares that no faith shall be the official State religion, and that rights deriving from freedom of worship and religion shall not be to the detriment of the rights of others. Grants religions legal status, and creates, in the Ministry of Justice, an Advisory Committee on Freedom of Worship.

### **[People's Republic of China: Document 19 \(1982\)](#)**

<http://www.religlaw.org/interdocs/docs/doc19relig1982.htm>

Issued by the Central Committee of the Chinese Communist Party. Defines

the position of the Party regarding religion, discusses religion as a historical phenomenon, and states that Communists are atheists and must propagate atheism.

### **The Cairo Declaration on Human Rights in Islam (1990)**

[www.isesco.org.ma/pub/Eng/humanrights/page7.htm](http://www.isesco.org.ma/pub/Eng/humanrights/page7.htm)

Adopted by the Foreign Ministers of the 55 state Organization of the Islamic Conference (OIC), formed in 1972. Membership is restricted to states in which Islam is the official state religion or Muslims form the majority population. There are 25 articles to the Cairo Declaration on Human Rights in Islam on topics such as freedom of movement, work, education, burial, usury, property, environment, equality before the law, and freedom of expression. Article 24 declares that “All the rights and freedoms stipulated in this Declaration are subject to Islamic Shari’a,” and article 25 states that “The Islamic Shari’a is the only source of reference for the explanation or clarification of any of the articles of this Declaration.”

### **Israel: Fundamental Agreement Between the Holy See and the State of Israel (1993)**

[www.us-israel.org/jsource/anti-semitism/holysee.htm](http://www.us-israel.org/jsource/anti-semitism/holysee.htm)

Signed by the State of Israel and the Holy See. This agreement established full diplomatic relations between the State of Israel and the Holy See, including an exchange of Ambassadors. The Holy See, recalling its Declaration on Religious Freedom (*Dignitatis Humanae*), affirms its commitment to uphold the right to freedom of religion and conscience, as set forth in the Universal Declaration of Human Rights.

### **International Labour Organization**

[www.ilo.org](http://www.ilo.org)

The International Labour Organization, founded in 1919, is the UN specialized agency that seeks the promotion of social justice and internationally recognized human and labor rights. While several of the conventions it ratified after World War II include provisions pertaining to freedom of religion or belief, no specific convention addresses this freedom.

# APPENDIX C RESOURCES PART 1 RESOURCES FOR ADVOCACY

## **Amnesty International USA Interfaith Network**

[www.amnestyusa.org/interfaith/](http://www.amnestyusa.org/interfaith/)

Amnesty USA's interfaith network supports activists of all faiths who are on the front line of the struggle for human rights.

## **Cairo Institute for Human Rights Studies**

[www.cihrs.org/HOME/Home.htm](http://www.cihrs.org/HOME/Home.htm)

CIHRS is a regional research center specialized in the field of human rights. Resources related to the Arab world appear on this site and contact information for the Cairo Institute is available.

## **For the Record 2001 - Religious Intolerance: Report of the Special Rapporteur (SR) on religious intolerance**

[www.hri.ca/fortherecord2001/vol1/religious.htm](http://www.hri.ca/fortherecord2001/vol1/religious.htm)

Identifies incidents and government actions that are inconsistent with provisions in the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.

## **Human Rights Without Frontiers**

[www.hrwf.net](http://www.hrwf.net)

Compilations of news stories by country regarding freedom of religion or belief.

## **Institute for Jewish Policy Research**

[www.jpr.org.uk/main.htm](http://www.jpr.org.uk/main.htm)

An online country-by-country examination of the manifestations of racism, xenophobia and, especially, anti-Semitism, against a backdrop of the more general social and political contexts in which such manifestations occur.

## **International Association for Religious Freedom**

[www.iarf.net](http://www.iarf.net)

IARF is an active NGO at the UN committed to support for Article 18 of the Universal Declaration of Human Rights.

## **International Coalition for Religious Freedom World Report**

[www.religiousfreedom.com/wrpt/rptindex.htm](http://www.religiousfreedom.com/wrpt/rptindex.htm)

The International Coalition for Religious Freedom is a non-profit, non-sectarian, educational organization dedicated to defending the religious freedom of all people, regardless of creed, gender or ethnic origin. It currently receives the bulk of its funding from institutions and individuals related to the Unification Church

community.

**International Religious Liberty Association**

[www.irla.org](http://www.irla.org)

This group, founded by Seventh Day Adventists, is dedicated to defending and safeguarding the civil right of all people to worship, to adopt a religion or belief of their choice, and to manifest their religious convictions in observance, promulgation, and teaching, subject only to the respect for the equivalent rights of others.

**Keston Institute**

[www.keston.org](http://www.keston.org)

Monitors freedom of religion and researches religious affairs in communist and post-communist countries.

**Parliament of the World's Religions**

[www.cpwr.org](http://www.cpwr.org)

Contains resources for clergy.

**Religious Freedom in the Majority of Islamic Cultures: 1998 Report**

[www.alleanzacattolica.org/acs/acs\\_english/acs\\_index.htm](http://www.alleanzacattolica.org/acs/acs_english/acs_index.htm)

Report by a Catholic organization tracking religious intolerance in Muslim nations.

**Report to the OSCE Supplementary Human Dimension Meeting on Freedom of Religion**

[www.osce.org/documents/odihhr/2003/09/682\\_en.pdf](http://www.osce.org/documents/odihhr/2003/09/682_en.pdf)

Published by the International Helsinki Federation for Human Rights.

**The Rutherford Institute**

[www.rutherford.org](http://www.rutherford.org)

Topic briefs regarding religious freedom and other civil liberties concerns.

**Talking Points for Use in Local Worship Services**

[www.hrusa.org/advocacy/community-faith/talking-points.shtm](http://www.hrusa.org/advocacy/community-faith/talking-points.shtm)

Published by the Human Rights Resource Center, the talking points are meant to help to preachers, teachers, religious leaders, prayer leaders, and any one who may want to engage their faith community in a discussion about the values of human rights and religion.

**United States Commission on International Religious Freedom**

[www.uscirf.gov](http://www.uscirf.gov)

Presents the Annual Report to Congress on International Religious Freedom describing the status of religious freedom in each foreign country, government policies violating religious belief and practices of groups, religious denominations and individuals, and U.S. policies to promote religious freedom around the world.

**United States Policies in Support of Religious Freedom: Focus on Christians**

[http://bahai-library.com/?file=us\\_policies\\_religious\\_freedom.html](http://bahai-library.com/?file=us_policies_religious_freedom.html)

Released by the Bureau of Democracy, Human Rights, and Labor Affairs, July 22, 1997.

**The World Council of Churches**

[www.wcc-coe.org](http://www.wcc-coe.org)

In a 1948 conference in Amsterdam this group published a Declaration on Religious Liberty.

# APPENDIX C RESOURCES PART 2 RESOURCES FOR TEACHING

## **Council for Secular Humanism**

[www.secularhumanism.org](http://www.secularhumanism.org)

The Council for Secular Humanism cultivates rational inquiry, ethical values, and human development through the advancement of secular humanism. To carry out its mission the Council for Secular Humanism sponsors publications and programs, and organizes meetings and other group activities.

## **International Humanist and Ethical Union**

[www.iheu.org](http://www.iheu.org)

The IHEU is an international NGO in special consultative status with the U.N. (New York, Geneva, Vienna) and the Council of Europe (Strasbourg), and seeks to represent the human-centered views of its 100 member organizations in 37 countries. It is one of 40 NGOs given authority by the Council of Europe to lodge complaints against states violating the European Social Charter. Humanism is a democratic and ethical life stance, which affirms that human beings have the right and responsibility to give meaning to their own lives. It stands for the building of a more humane society through an ethic based on human and other natural values in the spirit of reason and free inquiry.

## **AntiDefamation League's A World of Difference**

[www.adl.org/awod/awod\\_institute.asp](http://www.adl.org/awod/awod_institute.asp)

A curriculum focused on combating anti-Semitism, bigotry and extremism.

## **CyberSchoolBus, Interactive Declaration, Article 18**

[www0.un.org/cyberschoolbus/humanrights/declaration/18.asp](http://www0.un.org/cyberschoolbus/humanrights/declaration/18.asp)

This UN hosted site provides an explanation of each Universal Declaration article with definitions, plain language and activities to help students understand and interpret the language of this critical UN document.

## **Human Rights Resource Center of the University of Minnesota**

<http://www1.umn.edu/humanrts/>

The University of Minnesota Human Rights Center trains and assists the work of human rights professionals and volunteers through five primary programs: (1) Applied Human Rights Research; (2) Educational Tools; (3) the Upper Midwest Human Rights Fellowship Program, the Humphrey Human Rights and Law Fellowships, and other Field/Training Opportunities; (4) the University of Minnesota Human Rights Library; and (5) Learning Communities and Partnerships.

### **Human Rights Education Handbook**

[www1.umn.edu/humanrts/edumat/hreduseries/hrhandbook/toc.html](http://www1.umn.edu/humanrts/edumat/hreduseries/hrhandbook/toc.html)

In this handbook, published by the Human Rights Resource Center, activities 12, 19, and 21 are designed to facilitate discussion about general human rights issues, but can easily be adapted to focus on freedom of religion or belief.

### **Raising Children with Roots, Rights and Responsibilities**

[www1.umn.edu/humanrts/edumat/pdf/rrr.pdf](http://www1.umn.edu/humanrts/edumat/pdf/rrr.pdf)

Published by the Human Rights Resource Center. Sessions 3 and 11 relate to freedom of religion and belief. This curriculum is best suited for children ages three to six, their parents and educators.

### **Teaching Tolerance**

[www.tolerance.org](http://www.tolerance.org)

Sponsored by the Southern Poverty Law Center, this website provides online curricula and activities related to hate-crimes, racial intolerance, and discrimination.

### **UNICEF Voices of Youth: The Teacher's Place**

[www.unicef.org/voy](http://www.unicef.org/voy)

Information and discussion about general human rights education.

### **UNHCHR Database on Human Rights Education**

[www.unhchr.ch/hredu.nsf](http://www.unhchr.ch/hredu.nsf)

Provides information on organizations, materials and programs for human rights education. The database is a contribution to the UN Decade for Human Rights Education (1995-2004) and aims to facilitate sharing of the many resources available in the area of human rights education and training.

### **ABC, Teaching Human Rights: Practical activities for primary and secondary schools**

[www.unhchr.ch/html/menu6/2/abc.htm](http://www.unhchr.ch/html/menu6/2/abc.htm)

Published by the UN Office of the High Commissioner for Human Rights. Chapter 3 contains a discussion about freedom of religion and belief as well as suggested activities.

# APPENDIX C RESOURCES PART 3 RESOURCES FOR RESEARCH

## **Journal of Law and Religion, Hamline University Law School**

<http://web.hamline.edu/law/lawreign/jlr>

An international, interdisciplinary forum committed to studying law in its social context, including moral and religious views of law and life.

## **MOST Clearinghouse on Religious Rights**

[www.unesco.org/most/rr1.htm](http://www.unesco.org/most/rr1.htm)

Through interdisciplinary, comparative, and culturally sensitive research, UNESCO's Management of Social Transformations Programme (MOST) aims at furnishing information useful for the peaceful and democratic management of societies characterized by ethnic, religious and linguistic pluralism.

## **The Religion Case Reporter**

[www.paradigmpub.com](http://www.paradigmpub.com)

Reports judicial opinions addressing the free exercise of religion, state establishment of religion, and the clergy and religious institutions; provides comprehensive and easily accessed information concerning any topic affected by religious practice or status.

## **Religion and Law Research Consortium**

[www.religlaw.org](http://www.religlaw.org)

A collaboration of international academic centers related to law and religion, provides a search engine for judicial decisions, statutes, and academic analyses and treatises.

## **Religious Freedom Page - Nation Profiles**

<http://religiousfreedom.lib.virginia.edu/nationprofiles>

Developed at the University of Virginia, this site examines the status of religious freedom around the world. A common format makes possible a quick overview of the materials available for any given country.

**APPENDIX C  
RESOURCES  
PART 4  
ADDITIONAL RESOURCES**

Amnesty International, *5,000 Years of Prison: Conscientious Objectors in Greece*. Greece: Amnesty International Publications, 1993.

Andrysek, O, *Non-Believers: A New Aspect of Religious Intolerance?* 2  
Conscience & Liberty 15 No.2, 1990.

Benito, Elizabeth Odio, *Study of the Current Dimensions of the Problems of Intolerance and Discrimination on Grounds of Religion or Belief*. United Nations: E/CN.4/Sub.2/87/26, 1987.

Durham, Cole, *Freedom of Religion or Belief: Laws Affecting The Structuring of Religious Communities*. Vienna: paper prepared for the 1999 Organization for Security and Cooperation in Europe Review Conference, 1999.

Frowein, J. Abraham, *Freedom of Religion in the Practice of the European Commission and Court of Human Rights*. ZAORV 249, 1986.

Koshy, N., *Religious Freedom In A Changing World*. World Council of Churches, 1992.

Krishnaswami, Arcot, *Study of Discrimination in the Matter of Religious Rights and Practices*, United Nations: E/CN.4/Sub.2/200/Rev.1, 1960.

Lerner, Nate, *Group Rights and Discrimination in International Law* Martinus Nijhoff, 1991.

Lindholm, Tore and Kari Vogt, *Islamic Law Reform and Human Rights Challenges and Rejoinders*. Nordic Publications, 1993.

Sullivan, Donna J., *Gender Equality and Religious Freedom: Toward a Framework for Conflict Resolution*, 24 N.Y.U. J. Int'l L. & Pol. 795, 1992.

Swidler, Leonard and Paul Mojzes, *Attitudes of Religions and Ideologies Toward the Outsider*. Edwin Mellen Press, 1990.

Tahzib, Bahiyyah G., *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*. Kluwer Law International, 1996.

Walkate, J.A., *The Right of Everyone to Change His Religion or Belief: Some Observations*. Netherlands Int'l L. Rev., 146, 1983.

**APPENDIX C  
RESOURCES  
PART 5  
ADDITIONAL LINKS**

**L'Aumisme Religion Universelle de l'Unite des Visages de DIEU**

[www.aumisme.org](http://www.aumisme.org)

**The Bahá'í International Community and the United Nations**

[www.bahai.org/article-1-6-0-6.html](http://www.bahai.org/article-1-6-0-6.html)

**Center for Study on New Religions**

[www.cesnur.org](http://www.cesnur.org)

**Christian Solidarity Worldwide**

[www.csw.org.uk](http://www.csw.org.uk)

**International Christian Concern**

<http://persecution.org>

**Osservatorio delle Libertà ed Istituzioni Religiose**

[www.giurisprudenza.unimi.it/~olir/index.html](http://www.giurisprudenza.unimi.it/~olir/index.html)

**Orthodox Christian Mission Center**

[www.ocmc.org](http://www.ocmc.org)

**The Religious Society of Friends**

[www.quaker.org](http://www.quaker.org)

**Société, Droit et Religion en Europe (SDRE)**

[www-sdre.c-strasbourg.fr](http://www-sdre.c-strasbourg.fr)

**Soka Gakkai International**

[www.sgi.org](http://www.sgi.org)

**Thirdway Cafe: Mennonite Media**

[www.thirdway.com/peace](http://www.thirdway.com/peace)

**Voices of the Martyrs**

<http://persecution.com>

# **APPENDIX D**

## **UNIVERSAL DECLARATION OF HUMAN RIGHTS**

### **PART 1**

### **ABBREVIATED VERSION**

Article 1	Right to Equality
Article 2	Freedom from Discrimination
Article 3	Right to Life, Liberty, Personal Security
Article 4	Freedom from Slavery
Article 5	Freedom from Torture and Degrading Treatment
Article 6	Right to Recognition as a Person before the Law
Article 7	Right to Equality before the Law
Article 8	Right to Remedy by Competent Tribunal
Article 9	Freedom from Arbitrary Arrest and Exile
Article 10	Right to Fair Public Hearing
Article 11	Right to be Considered Innocent until Proven Guilty
Article 12	Freedom from Interference with Privacy, Family, Home and Correspondence
Article 13	Right to Free Movement in and out of the Country
Article 14	Right to Asylum in other Countries from Persecution
Article 15	Right to a Nationality and the Freedom to Change it
Article 16	Right to Marriage and Family
Article 17	Right to Own Property
Article 18	Freedom of Religion or Belief
Article 19	Freedom of Opinion and Information
Article 20	Right of Peaceful Assembly and Association
Article 21	Right to Participate in Government and in Free Elections
Article 22	Right to Social Security
Article 23	Right to Desirable Work and to Join Trade Unions
Article 24	Right to Rest and Leisure
Article 25	Right to Adequate Living Standard
Article 26	Right to Education
Article 27	Right to Participate in the Cultural Life of the Community
Article 28	Right to a Social Order that Articulates this Document
Article 29	Community Duties Essential to Free and Full Development
Article 30	Freedom from State or Personal Interference in the above Rights

**APPENDIX D**  
**UNIVERSAL DECLARATION OF HUMAN RIGHTS**  
**PART 2**  
**FULL TEXT**

G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

**Preamble**

**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,

**Whereas** disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

**Whereas** it is essential, if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

**Whereas** it is essential to promote the development of friendly relations between nations,

**Whereas** the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

**Whereas** Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

**Whereas** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**Now Therefore,**

**The General Assembly Proclaims**

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by

teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among peoples of territories under their jurisdiction.

### **Article 1**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.

### **Article 2**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

### **Article 3**

Everyone has the right to life, liberty and security of person.

### **Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

### **Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

### **Article 6**

Everyone has the right to recognition everywhere as a person before the law.

### **Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

### **Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

### **Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

### **Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

### **Article 11**

1) Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

### **Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

### **Article 13**

1) Everyone has the right to freedom of movement and residence within the borders of each State.

2) Everyone has the right to leave any country, including his own, and to return to his country.

### **Article 14**

1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

### **Article 15**

- 1) Everyone has the right to a nationality.
- 2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

### **Article 16**

- 1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- 2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- 3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

### **Article 17**

- 1) Everyone has the right to own property alone as well as in association with others.
- 2) No one shall be arbitrarily deprived of his property.

### **Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public and private, to manifest his religion or belief in teaching, practice, worship and observance.

### **Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

### **Article 20**

- 1) Everyone has the right to freedom of peaceful assembly and association.

2) No one may be compelled to belong to an association.

### **Article 21**

1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2) Everyone has the right of equal access to public service in his country.

3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

### **Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

### **Article 23**

1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

2) Everyone, without any discrimination, has the right to equal pay for equal work.

3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4) Everyone has the right to form and to join trade unions for the protection of his interests.

### **Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

### **Article 25**

1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical

care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

### **Article 26**

1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3) Parents have a prior right to choose the kind of education that shall be given to their children.

### **Article 27**

1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

### **Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

### **Article 29**

1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the

just requirements of morality, public order and the general welfare in a democratic society.

3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

**APPENDIX E**  
**1981 UN DECLARATION**  
**ON THE ELIMINATION OF ALL FORMS OF**  
**INTOLERANCE AND OF DISCRIMINATION BASED**  
**ON RELIGION OR BELIEF (DROB)**  
**PART 1**  
**SUMMARY OF ARTICLES**

- **Article 1: Defining the Freedom**, defines freedom of thought, conscience and religion or belief, its manifestations, prohibition of coercion and the limitations a state can place on a religion or belief to protect public safety, order, health, morals or fundamental rights and freedoms.
- **Article 2: Classifying Discrimination**, categorizes who might be capable of discrimination on grounds of religion or belief by four types; state, institution, group of persons or a person.
- **Article 3: Link to Other Rights**, links freedom of religion or belief to all other rights under the Universal Declaration of Human Rights and the two International Covenants.
- **Article 4: Effective Measures.**, encourages states and others to promote effective measures to prevent discrimination based on religion or belief and promote tolerance, understanding and respect for freedom of religion or belief.
- **Article 5: Parents and Children**, promotes the rights of parents to bring up a child in their own religion or belief, and the rights of the child to religious education and protection against discrimination, including limits on religions or beliefs to protect the physical and mental health of the child.
- **Article 6: Specific Manifestations**, enumerates (a) the right to worship and assemble, (b) to establish charitable institutions, (c) to acquire and use materials for religious rites, (d) to write and issue publications, (e) to have suitable places for teaching, (f) to solicit contributions and gifts, (g) to train and appoint leaders, (h) to observe days of rest and holidays and (i) to establish and maintain communications.
- **Article 7: National Legislation**, encourages states to enact or rescind national legislation where necessary to protect freedom of religion or belief.
- **Article 8: Existing Protections**, ensures that nothing in the 1981 Declaration shall restrict any rights to religion or belief already defined in the Universal Declaration of Human Rights and the International Covenants.

**APPENDIX E**  
**1981 UN DECLARATION**  
**ON THE ELIMINATION OF ALL FORMS OF**  
**INTOLERANCE AND OF DISCRIMINATION BASED**  
**ON RELIGION OR BELIEF (DROB)**  
**PART 2**  
**FULL TEXT**

**Article 1:** 1. 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 their choice, and freedom either individually or in community with others, and in private or public to manifest their religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion, which would impair their freedom to have a religion or belief of their choice. 3. 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 the public safety, order, health, morals or the fundamental rights and freedoms of others.

**Article 2:** 1. No one shall be subject to discrimination by any State, institution, groups of persons or person on grounds of religion or belief. 2. For the purpose of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

**Article 3:** 1. Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

**Article 4:** 1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or belief or other beliefs in this matter.

**Article 5:** 1. The parents or, as the case may be, the legal guardians of the child

have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up. 2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of the parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of the parents or legal guardians, the best interests of the child being the guiding principle. 3. The child shall be protected from any form of discrimination on the grounds of religion or belief. They shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others and in full consciousness that their energy and talents should be devoted to the service of their fellow human beings. 4. In the case of the child who is not under the care either of his parents or of the legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle. 5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account Article 1, paragraph 3, of the present Declaration.

**Article 6:** 1. To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes. 2. To establish and maintain appropriate charitable or humanitarian institutions. 3. To make, acquire and use to an adequate extent the necessary articles and materials related to the rites and customs of a religion or belief. 4. To write, issue and disseminate relevant publications in these areas. 5. To teach a religion or belief in places suitable for these purposes. 6. To solicit and receive voluntary financial and other contributions from individuals and institutions. 7. To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief. 8. To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief. 9. To establish and maintain communications with individuals and communities in matters of religion or belief at national and international levels.

**Article 7:** 1. These rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail themselves of such rights and freedoms in practice.

**Article 8:** 1. Nothing in the present Declaration shall be construed as restricting or derogating any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

## APPENDIX F

# GLOSSARY OF TERMS

Note: All words written in capital letters are defined in this glossary.

**“ABSOLUTE” TRUTH CLAIMS:** Any oral or written interpretation of a religious creed or dogma concerning first principles, core beliefs and the ultimate meaning of life that claims to be a literal, unqualified and complete truth, as opposed to an allegory or story pointing to such truths. “Absolute” truth claims are often referred to as revealed truth, literally given by a supernatural power.

**AGNOSTIC, AGNOSTICISM:** Having no religion or belief; uncertain or in a process of investigation. A person with this belief is called an **agnostic**.

**ATHEISTIC, ATHEISM:** Non-belief in a supreme being; faith in a natural or material reality; opposed to supernatural reality. A person with this belief is called an **atheist**.

**BELIEF:** Refers to theistic, non-theistic, atheistic and agnostic convictions.

**COERSION:** The application to another of either physical or moral force.

**COMMISSION ON HUMAN RIGHTS:** A UN commission comprising a group of representatives of different countries that deal with situations involving human rights and fundamental freedoms anywhere in the world. SPECIAL RAPPORTEURS report to this commission or its sub-commissions.

**CONSCIENCE:** The awareness of a moral or ethical aspect to one's conduct together with the urge to prefer right over wrong.

**CONVENTION:** Binding agreement between states; used synonymously with TREATY and COVENANT. When conventions are adopted by the UN GENERAL ASSEMBLY, they create legally binding international obligations for the MEMBER STATES who have signed the convention. When a national government RATIFIES a covenant, the articles of that covenant become part of its domestic legal obligations.

**CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW):** (Women's Convention) (adopted 1979; entered into force 1981) The first legally binding international document prohibiting discrimination against women and obligating governments to take affirmative steps to advance the equality of women.

**CONVENTION ON THE RIGHTS OF THE CHILD (CRC):** (Children's Convention) (adopted 1989; entered into force 1990) Convention setting forth a full spectrum of civil, cultural, economic, social, and political rights for children.

**COVENANT:** Binding agreement between states; used synonymously with CONVENTION and TREATY. When covenants are adopted by the UN GENERAL ASSEMBLY, they create legally binding international obligations for the MEMBER STATES who have signed the covenant. When a national government RATIFIES a covenant, the articles of that covenant become part of its domestic legal obligations.

**CUSTOMARY INTERNATIONAL LAW:** Law that becomes binding on states although it is not written, but rather adhered to out of custom; when enough states have begun to behave as though something is law, it becomes law "by use"; this is one of the main sources of international law.

**DECLARATION:** Document stating agreed upon standards but which is not legally binding. UN conferences, like the 1993 UN Conference on Human Rights in Vienna and the 1995 World Conference for Women in Beijing, usually produce two sets of declarations: one written by government representatives and one by NONGOVERNMENTAL ORGANIZATIONS (NGOs). The UN General Assembly often issues influential but legally NONBINDING declarations.

**DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (DROB):** A DECLARATION proclaimed by the UN General Assembly on 25 November 1981 (Also referred to in this text as the 1981 Declaration).

**DISCRIMINATION:** The treatment of persons in different ways based on some characteristic of that person such as their race, religion, ethnic group, color, creed, political opinion, or other status or characteristic, when there is no legal justification for doing so.

**ENTER INTO FORCE:** The point of time when a TREATY becomes fully binding on the countries that have ratified it. This usually happens when a certain number of states have RATIFIED the treaty.

**GENOCIDE:** A crime defined in international law as acts intended to destroy, in whole or in part, a national, ethnic, racial, or religious group of human beings.

**GOLDEN RULE:** See Handout 6: The Golden Rule Expressed in Many Traditions, p. 30, for examples of the Golden Rule.

**HATE SPEECH:** Oral and written statements expressing hate, anger, and disdain for a certain group of people in a way meant to be offensive to or shame the group.

**HOMOGENEOUS COMMUNITY:** A community that has one dominant religion or belief.

**HUMAN DIGNITY:** The integrity and wholeness of being human.

**HUMAN NEEDS:** The means of subsistence necessary for all human beings.

**HUMAN RIGHTS:** The rights a person is entitled to simply because he or she is a human being, irrespective of his or her citizenship, nationality, race, ethnicity, language, gender, sexuality, or abilities; human rights become enforceable when they are codified as CONVENTIONS, COVENANTS, or TREATIES, or as they become recognized as CUSTOMARY INTERNATIONAL LAW.

**INALIENABLE:** Refers to rights that belong to every person and cannot be taken from a person under any circumstances.

**INDIVISIBLE:** Refers to the equal importance of each human rights law. A person cannot be denied a law because someone decides it is "less important" or "non-essential."

**INFLUENCE:** To produce an effect on by imperceptible or intangible means.

**INTERDEPENDENT:** Refers to the complimentary framework of human rights law. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life.

**INTERNATIONAL BILL OF HUMAN RIGHTS:** The combination of the UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR), the INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) and its Optional Protocol, and the INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR).

**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR):** (Adopted 1966, entered into force 1976): CONVENTION that declares that all people have a broad range of civil and political rights. One of three components of the INTERNATIONAL BILL OF HUMAN RIGHTS.

**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR):** (Adopted 1966, entered into force 1976): CONVENTION that declares that all people have a broad range of economic, social, and cultural rights. One of three components of the INTERNATIONAL BILL OF HUMAN RIGHTS.

**INTERNATIONAL LABOR ORGANIZATION (ILO):** A specialized agency of the UN established to improve working conditions and promote social justice.

**INTOLERANCE:** unwillingness to recognize and respect differences in opinions or beliefs.

**KORAN:** The book composed of sacred writings accepted by Muslims as revelations made to Muhammad by Allah through the angel Gabriel.

**MEMBER STATES:** Countries that are members of the United Nations.

**METAPHYSICAL:** Of or relating to the transcendent or to a reality beyond what is perceptible to the senses.

**NONBINDING:** A document, like a DECLARATION, that carries no formal legal obligations. It may, however, carry moral obligations or attain the force of law as INTERNATIONAL CUSTOMARY LAW.

**NONGOVERNMENTAL ORGANIZATIONS (NGOs):** Organizations formed by people outside of government. NGOs monitor the proceedings of human rights bodies such as the Commission on Human Rights and are the "watchdogs" of the human rights that fall within their mandate. Some are large and international (e.g., Save the Children, Amnesty International, the Girl Scouts); others may be small and local (e.g., an organization to advocate for people with disabilities in a particular city; a coalition to promote women's rights in one refugee camp). NGOs play a major role in influencing UN policy, and many of them have official consultative status at the UN.

**NON-THEISTIC:** Religions or spiritualities without a supernatural reality.

**OPTIONAL PROTOCOL:** A protocol that states are not forced to RATIFY, even if they have ratified the TREATY that the protocol amends. The Optional Protocol to the INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), for example, permits complaints by individuals who claim to be victims of violations. The Optional Protocol to the CONVENTION ON THE RIGHTS OF THE CHILD prohibits the compulsory recruitment of children to serve in armed conflict.

**PENTATEUCH:** The first five books of Jewish and Christian Scriptures.

**PLURAL COMMUNITY:** A community that includes many different religions or beliefs.

**RATIFICATION, RATIFY:** Process by which the legislative body of a state confirms a government's action in signing a treaty; formal procedure by which a state becomes bound to a treaty after acceptance.

**RELIGION:** An explanation of the ultimate meaning of life, and how to live accordingly.

**RESERVATION:** A formal statement made by a government when it RATIFIES a TREATY stating that it does not accept one or more of the legal obligation contained in the document.

**SECULAR, SECULARISM:** Not bound by monastic vows or rules; not belonging to a religious order or congregation.

**SEPARATION OF RELIGION AND STATE:** In some governments constitutional principles explicitly proclaim complete neutrality and independence of the state in respect to religion or belief.

**SHARI'A LAW:** The code of law based on the KORAN.

**SPECIAL RAPPORTEUR:** A person given a specific mission to investigate, gather information, and report on a certain human rights subject or the situation in a particular part of the world. The Special Rapporteur on freedom of religion or belief reports annually to the UN Commission on Human Rights on the status of this human right worldwide.

**SPIRITUALITY, SPIRITUALITIES:** Sensitivity or attachment to religious values.

**SUPERNATURAL:** Departing from what is usual or normal especially so as to appear to transcend the laws of nature and of or relating to an order of existence beyond the visible observable universe.

**STATE RELIGION OR BELIEF:** The term refers to countries where a state has declared a religion as its official religion or belief, with certain rights and privileges, usually associated with a monarch as the head of the state religion.

**STATES PARTY(IES):** Those countries that have RATIFIED a COVENANT or a CONVENTION and are thereby bound to conform to its provisions.

**THEISM:** Religions or spiritualities with a supernatural reality.

**THEOCRACY:** (The word derives from the Greek word *theos*, "god," and *theokartia* or "the rule of god.") A theocracy is a government in which divine commandments are the civil laws, and God is regarded as the sovereign power.

**THOUGHT:** A personal belief or judgment that is not founded on proof or certainty.

**TREATY:** Binding agreement between states; used synonymously with COVENANT and COVENTION. When treaties are adopted by the UN GENERAL ASSEMBLY, they create legally binding international obligations for the MEMBER STATES who have signed the treaty. When a national government RATIFIES a treaty, the articles of that treaty become part of its domestic legal obligations.

**UNITED NATIONS CHARTER:** Initial document of the UN setting forth its goals, functions, and responsibilities; adopted in San Francisco in 1945.

**UNITED NATIONS GENERAL ASSEMBLY:** The only United Nations organ in which all member states are represented. The General Assembly serves as a forum for member states to launch initiatives on international questions of peace, economic progress, and human rights.

**UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR):** Adopted by the UN GENERAL ASSEMBLY on December 10, 1948. Primary UN document establishing human rights standards and norms. All member states have agreed to uphold the UDHR. Although the declaration was intended to be NONBINDING, though time its various provisions have become so respected by states that it can now be said to be CUSTOMARY INTERNATIONAL LAW.