

THE TANDEM PROJECT

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

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

ECUADOR

FREEDOM OF RELIGION OR BELIEF AND OTHER REPORTS IN THE UNIVERSAL PERIODIC REVIEW

First Session U.N. Human Rights Council Universal Periodic Review (7-18 April, 2008)

A. Description of the methodology and the broad consultation process for the preparation of information provided under the Universal Periodic Review:

The Tandem Project, a *UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations*, submits information for the Universal Periodic Review on issues related to Article 18 of the International Covenant on Civil and Political Rights, and the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.

The U.S. State Department 2007 Religious Freedom Report is the source of this information. There are excerpts to comply with the five page limit for NGO Submissions under General Guidelines for the Universal Periodic Review and a link to the complete report.*

The Universal Periodic Review is a process beginning with presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A troika of Human Rights Council Members then drafts a Working Group Report on the outcome of the Universal Periodic Review. There is a link to the UN Working Group Report. Other Reports are linked to an archived audio/visual UN web cast of the Member State presentation of the National Report and inter-active dialogue with the Human Rights Council.

B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex: section 1.A.

1. The Right to Freedom of Religion or Belief

Religious Demography:

The country has an area of 109,483 square miles and a population of 12.2 million (in 2001). The Catholic Episcopal Conference estimates that 85 percent of the population is Roman Catholic, with 35 percent of Catholics actively practicing. Although no scientific survey has been undertaken, the Episcopal Conference estimates that attendance at Mass increased slightly during the period of this report. Some groups, particularly indigenous people who live in the mountains, follow a syncretic form of Catholicism that combines indigenous beliefs with orthodox Catholic doctrine. Saints often are venerated in ways similar to indigenous deities. In the Amazonian jungle region, Catholic practices are often combined with elements of shamanism.

The Evangelical Missionary Union estimates that there are one million Protestants. While Protestant conversions traditionally have been among the lower classes, there are growing numbers of professionals converting to Protestantism. Southern Baptists, the Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, Presbyterians, and Pentecostals successfully find converts in different regions, particularly among indigenous people in the Sierra provinces of Chimborazo, Bolivar, Cotopaxi, Imbabura, and Pichincha, especially among persons who practiced syncretic religions, as well as in groups marginalized by society. Other popular evangelical groups include the Assembly of God in urban areas and the Church of the Word of God, which is growing rapidly in indigenous areas. In general, rural indigenous areas tend to be either entirely Catholic or entirely Protestant.

Hundreds of evangelical churches exist, and many of them are not affiliated with a particular denomination. Some multid denominational Christian groups, such as the Gospel Missionary Union, the Christian and Missionary Alliance, and Hoy Cristo Jesus Bendice, have been active for more than 60 years.

Many of the religious groups registered with the Government have very small numbers; these include Anglicans, Baha'is, Episcopalians, Lutherans, Presbyterians, and the Unification Church. Other groups present in small numbers are Muslims, Jews, and adherents of Eastern Orthodox religions. There are also followers of Inti, the traditional Inca sun god, and some atheists, but there were no reliable statistics on the size of these smaller groups.

In large cities, Protestant megachurches, with more than 10 thousand members, continued to grow substantially. There is a high percentage of mestizo Protestants in the Guayaquil area.

Protestant organizations were usually divided between predominantly indigenous organizations, such as the Council of Evangelical Indigenous People and Organizations (FEINE), and mestizo organizations.

Organized missionary groups and missionaries affiliated with independent churches are present.

Legal/Policy Framework:

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels sought to protect this right in full and did not tolerate its abuse, either by governmental or private actors.

The Constitution grants all citizens and foreigners the right to practice publicly and freely the religion of their choice. The only limits imposed by the Government are "those proscribed by law to protect and respect the diversity, plurality, security, and rights of others." The Constitution prohibits discrimination based on religion.

The Government requires religious groups to be licensed or registered if they engage in proselytizing activity. Religious organizations that do not engage in such activity may still choose to register to obtain a legal identity, which is desirable when entering into contracts. Any religious organization wishing to register with the Government must possess a charter, have nonprofit status, include all names used by the group (to ensure that names of previously registered groups are not used without their permission), and provide signatures of at least 15 members. In addition, groups must file a petition with the Ministry of Government, using a

licensed attorney, and pay a \$100 registration fee. During the period covered by this report, the Government continued to streamline the registration process for religious groups.

The Government permits missionary activity and public religious expression by all religious groups.

The Government does not generally permit religious instruction in public schools. Private schools have complete liberty to provide religious instruction, as do parents in the home.

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms.

1. The Right to Freedom of Religion or Belief

Restrictions on Religious Freedom:

Government policy and practice contributed to the generally free practice of religion.

Catholics reportedly complained that the Government restricted access for ecological reasons to the Galapagos Islands to the extent that foreign missionaries had difficulty ministering to the 14,500 resident Catholics.

There were no reports of religious prisoners or detainees in the country.

On August 27, 2006, two military officers (Ivan Santi Mucushigua and Cervantes Santamaría Cuji) and a civilian (Lucio Cirilo Dahua) allegedly killed Balti Cadena, a traditional healer (yachak), and injured one of his sons, near the Amazonas Military Fort in Puyo, Pastaza Province. The Public Prosecutor, in a civilian court, charged the two military officers with murder. At the end of the reporting period, the officers were held at the Amazonas Military Fort and had appealed to the Superior Court of Puyo. Press reports added that at least four traditional healers have been killed in the past 10 years in the same area.

Societal Abuses/Discrimination:

There were no reports of societal abuses or discrimination based on religious belief or practice. Many religious groups increased their outreach efforts to their counterparts during the period covered by this report.

* Source: US State Department 2007 International Religious Freedom Report; Ecuador

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90252.htm>

Links to State Department sites are welcomed. Unless a copyright is indicated, information on the State Department’s main website is in the public domain and may be copied and distributed without permission. Citation of the U.S. State Department as source of the information is appreciated.

G. Presentation by the State concerned of the follow-up to the previous review.

Direct Link: Report of the Working Group for the Universal Periodic Review Ecuador (A/HRC/8/20): This 13 page report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/EC/A_HRC_8_20_Ecuador_E.pdf

Direct Link: U.N. Human Rights Council web cast Archives for all Ecuador Reports. Download Real Player (free) for access to the web cast: Scroll down the web cast to find the Ecuador Reports. Click to open the audio/visual and inter-active delegations dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080407>

The reports may be opened by clicking on the link to the OHCHR Archives.

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Only contributions submitted in one of the United Nations official languages are admissible and posted on this webpage

Date of consideration: Monday 7 April 2008 - 3.00 p.m. - 6.00 p.m.

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

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

Summary of stakeholders' information ³: [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)



Outcome of the review :

Report of the Working group : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Corrigendum : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 1 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 2 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

THE TANDEM PROJECT OBJECTIVES

These Tandem Project Objectives are on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a universal platform for inclusive, in-depth dialogue within and among nations, all religions and other beliefs. (2) Adapt these human rights standards to early childhood education, teaching children, from the very beginning, that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.¹

Multi-cultural perspectives, lack of understanding and opposition to international human rights on freedom of religion or belief make the achievement of these objectives a challenge. Human rights standards on freedom of religion or belief are international law and essential as codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. They are universal, inalienable, interdependent and indivisible with other human rights.

International Human Rights Standards on Freedom of Religion or Belief and the identification of achievements, best practices, challenges and constraints on them, should be part of the follow-up to the Algeria Universal Periodic Review.

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

The Tandem Project: a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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Closing the Gap – International Standards for National and Local Applications, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

Closing the Gap - International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to consider the rule of law and international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today's world inspire a question such as:

Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur*

on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Concept: *Separation of Religion or Belief and State – SOROBAS.* The First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* This concept suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

Article 18: protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Dialogue & Education

Dialogue: United Nations Secretary General Ban Ki Moon, at the Alliance of Civilizations Madrid Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.”

Norms and standards on human rights and freedom of religion or belief are international law and essential codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Standards on Human Rights and Freedom of Religion or Belief is a universal platform for inclusive and in-depth dialogue within and among nations, all religions and other beliefs. They are universal, inalienable, interdependent and indivisible with other human rights.

Education: Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.”¹

The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.” With International Human Rights safeguards, early childhood education is the best time to begin to teach tolerance, understanding and respect for freedom of religion or belief.