

THE TANDEM PROJECT

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

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

PHILIPPINES

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 relevant to Article 18 of the International Covenant on Civil and Political Rights, the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, and other matters related to freedom of 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 begins with a presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A Human Rights Council troika drafts an outcome Working Group Report and later, follow-up recommendations after a second inter-active dialogue with the Council and NGO Stakeholders. There are links below to the UN Working Group Report and Other Reports in the archived audio/visual UN web cast of the Member State presentation and first inter-active dialogue.

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 115,831 square miles and a population of 89 million.

Roman Catholics, the largest religious group, comprise 80 to 85 percent of the total population. El Shaddai, a local charismatic lay movement affiliated with the Catholic Church, claims a domestic membership of six million.

Islam is the largest minority religion. The most recent census, conducted in 2000, estimated the Muslim population between five and nine percent of the total population. Muslims reside principally on Mindanao and nearby islands. Most belong to the Sunni branch of Islam. A very

small number of Shi'a believers live in the provinces of Lanao del Sur and Zamboanga del Sur on Mindanao.

Groups that constitute less than five percent of the population include a number of Christian denominations such as Seventh-day Adventists, United Church of Christ, United Methodist, the Episcopal Church in the Philippines, Assemblies of God, the Church of Jesus Christ of Latter-day Saints (Mormons), and Philippine (Southern) Baptists. In addition three churches are established by local religious leaders: the Philippine Independent Church or "Aglipayan," the Iglesia ni Cristo (Church of Christ), and the Ang Dating Daan (an offshoot of Iglesia ni Cristo).

Christianity is the majority religious among indigenous peoples. An estimated number of between 12 million and 16 million indigenous persons follow either Catholicism or Protestantism. However, many indigenous groups mix elements of their native religious groups with Christian beliefs and practices.

Legal/Policy Framework:

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion, and the Constitution provides for the separation of church and state.

The law requires organized religious groups to register with the Securities and Exchange Commission (SEC) and with the Bureau of Internal Revenue to establish tax-exempt status. The law does not specify penalties for failure to register with the SEC. There were no reports of discrimination in the registration system during the period covered by this report.

The Office of Muslim Affairs (OMA) generally limits its activities to fostering Islamic religious practices, although it also has the authority to coordinate economic growth and livelihood projects in predominantly Muslim areas. The OMA's Bureau of Pilgrimage and Endowment helps coordinate the annual Muslim pilgrimage to Mecca, supervises endowment (auqaf) properties and institutions, and conducts activities for the establishment and maintenance of Islamic centers and auqaf projects. The presidential assistant for Muslim affairs helps coordinate relations with countries that have large Islamic populations and that have contributed to Mindanao's economic development and to the peace process.

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:

The Government does not ban or discourage specific religious groups or religious factions. However, Muslims--who are concentrated in many of the most impoverished provinces--complained that the Government has not made sufficient efforts to promote their economic development. Some Muslim religious leaders asserted that Muslims suffered from economic discrimination.

The Code of Muslim Personal Laws recognizes the Shari'a (Islamic law) civil law system as part of national law; however, it does not apply in criminal matters, and it applies only to Muslims. Some Muslim community leaders (ulamas) argued that the Government should allow Islamic courts to extend their jurisdiction to criminal law cases, and some supported the MILF's goal of forming an autonomous region governed in accordance with Islamic law. As in other parts of the judicial system, the Shari'a courts suffered from a large number of unfilled positions. Aside from budget restrictions, judicial positions on the Shari'a courts were particularly difficult to fill because of the requirement that in addition to being members of the Integrated Bar of the Philippines, applicants must also be members of the Shari'a Bar.

Societal Abuses/Discrimination:

Historically, Muslims have been alienated socially from the Christian majority, and some ethnic and cultural discrimination against Muslims has been recorded. Young Muslim professionals reported that some employers have a biased expectation that Muslims would have lower education levels. Muslims reported that they had difficulty renting rooms in boarding houses or being hired for retail work if they used their real names or wore distinctive Muslim dress and thus resorted to the use of Christian pseudonyms and Western clothing.

Over the past 60 years, efforts by the dominant Christian population to resettle in traditionally Muslim areas such as Mindanao have fostered resentment among many Muslim residents. Many Muslims viewed Christian proselytizing as another form of resettlement with the intention of depriving Muslims of their homeland and cultural identity, including their religion.

Amicable ties among religious communities are common, and many participate in interdenominational efforts to alleviate poverty. The Interfaith Group, which is registered as a nongovernmental organization (NGO), including Catholic, Islamic, and Protestant representatives, continued to support the Mindanao peace process. There is an active Bishops' (Catholic)/Ulamas (Muslim) Conference in Mindanao.

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

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90151.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 Philippines. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/A_HRC_8_28_Philippines_E.pdf

Direct Link: U.N. Human Rights Council Web Cast Archives for all Philippines Reports. You can **download** Real Player (free) for access to the Web Cast: **Scroll** half way down the Web Cast to find the Philippines Reports. Click to open the video/audio and inter-active delegations dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080411>

These reports may be read by clicking on the Direct Link to the OHCHR Archives **above**.

PHILIPPINES

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

Date of consideration: Friday 11 April 2008 - 2.30 p.m. - 5.30 p.m.

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

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

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

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

The Tandem Project Objectives on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a platform for genuine dialogue on core principles and values 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

International Human Rights Standards on Freedom of Religion or Belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. The identification of achievements, best practices, challenges and constraints on the standards should be part of the follow-up to the Philippines 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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Economic and Social Council of the United Nations*

Postscript 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 reinstate 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 codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Human Rights Standards on Freedom of Religion or Belief is a platform for genuine dialogue on core values within and among nations, all religions and other beliefs.

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.