

THE TANDEM PROJECT

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

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

NETHERLANDS

FREEDOM OF RELIGION OR BELIEF SUBMISSION AND OTHER REPORTS IN 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 16,485 square miles and a population of 16.3 million. Approximately 60 percent of the population has some religious affiliation, although many do not actively practice their religion. Approximately 55 percent consider themselves Christian; 6 percent Muslim; 3 percent other (Hindu, Jewish, or Buddhist); and 36 percent atheist or agnostic.

Society has become increasingly secularized. In general, church membership continued to decline. According to a 2006 study by the Government's Social Cultural Planning Bureau, church membership declined steadily from 76 percent of the population in 1958 to 30 percent in 2006 (16 percent Catholic and 14 percent Protestant). Only 16 percent regularly go to church. Although 55 percent regard themselves as Christian, among this group only 30 percent believe in God, while

50 percent are agnostic or hold vaguely defined beliefs. The European Values Study showed that of all Europeans, the Dutch consistently have the lowest levels of appreciation for religious institutions.

Roman Catholics constitute the largest religious group in the country; however, many express alienation from their religious hierarchy and doctrine. While 78 percent view the church as an important anchor of norms and values, 68 percent dismiss the church's views on social issues such as abortion, gay marriage, and divorce.

The country's Protestantism is heterogeneous. Among the Protestant churches, the Dutch Reformed Church remains the largest. Other Protestant denominations include Baptists, Lutherans, Anglicans, and Remonstrants.

An estimated 950,000 Muslims, constituting 5.8 percent of the total population, live in the country, primarily in the larger cities, including approximately 370,000 of Turkish background and 330,000 of Moroccan background. Other Muslims include those from the country's former colony of Suriname as well as large numbers of asylum seekers from countries such as Iran, Iraq, Somalia, and Bosnia. A network of mosques and cultural centers serves the Muslim community. There are approximately 400 mosques: more than half service the Turkish community, while another 140 and 50 cater to the Moroccan and Surinamese communities, respectively. The Contact Body for Muslims and Government, representing approximately 80 percent of the Muslim community, discusses the community's interests with the Government.

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 permits the Government to place restrictions on the exercise of religion only on limited grounds, such as health hazards, traffic safety, and risk of public disorder.

The Government provides state subsidies to religious organizations that maintain educational facilities. The Government provides education funding to public and religious schools, other religious educational institutions, and health care facilities, irrespective of their religious affiliation. To qualify for funding, institutions must meet strict nonreligious criteria in curriculum, minimum size, and health care.

The Government of Turkey exercises influence within the country's Turkish Muslim community through its religious affairs directorate, the Diyanet, which is permitted to appoint imams for the 140 Turkish mosques in the country. There is no such arrangement with the Moroccan Government, which maintains connections with the approximately 100 Moroccan mosques through a federation of Moroccan friendship societies but has no mechanism to exercise direct influence in the country. Authorities continued to express concern regarding Turkish and Moroccan interference with religious and political affairs, because such interference appeared to run counter to Government efforts to encourage integration of Muslims into society.

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.

Disputes arose when the exercise of the rights to freedom of religion and speech clashed with the strictly enforced ban on discrimination. Such disputes were addressed either in the courts or by antidiscrimination boards. Complaints were repeatedly filed against religious or political spokesmen who publicly condemned homosexuality. However, longstanding jurisprudence dictates that such statements, when made on religious grounds, do not constitute a criminal offense absent an intention to offend or discriminate against homosexuals.

The Equal Opportunities Committee and the courts repeatedly addressed the wearing of headscarves in schools and places of employment. The prevailing legal opinion holds that the wearing of headscarves may be banned only on narrow grounds, such as security considerations or inconsistency with an official government uniform. As it had done in the previous year, in 2006 Parliament adopted a resolution urging the Government to ban public wearing of burqas (a loose robe worn by some Muslim women that covers the body from head to toe). Legal experts consulted by the previous Integration Minister opined, however, that a general ban (as requested by Parliament) does not appear possible under the law. The Government stated in February 2007 that it is willing to consider banning "face-covering clothing in the interest of public order and safety."

Societal Abuses/Discrimination:

Muslims faced continuing societal resentment, attributable to growing perceptions that Islam is incompatible with Western values, that Muslim immigrants have failed to integrate, and that levels of criminal activity among Muslim youth are higher than the national average. Major incidents of violence against Muslims were rare; however, minor incidents, including intimidation, brawls, vandalism, and graffiti with abusive texts were quite common. Expanding pockets of young Muslims and youths identifying themselves as "native Dutch" were responsible for most instances of violence. A number of offenders were arrested, prosecuted, and convicted.

A number of outspoken politicians, mainly from the right, openly argued that Islam is incompatible with Dutch traditions and social values. Geert Wilders, whose Party of Freedom (PVV) won nine seats in the November 2006 general elections on an anti-immigrant and anti-Islam ticket, was the most prominent of several politicians seen as encouraging public opinion against Muslims by claiming that Islam preaches violence and hatred.

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

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90191.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 Netherlands. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/A_HRC_8_31_Netherlands_E.pdf

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

<http://www.un.org/webcast/unhrc/archive.asp?go=080415>

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

NETHERLANDS

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

Date of consideration: Tuesday 15 April 2008 - 9.00 a.m. - 12.00 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](#)

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 Netherlands 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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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 reads; “*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 the core principles and 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 build tolerance, understanding and respect for freedom of religion or belief.