

THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

SEPARATION OF CHURCH AND STATE: PREPARATION FOR THE UNIVERSAL PERIODIC REVIEWS IN NORWAY AND THE UNITED STATES OF AMERICA

Issue: Separation of Church and State – Preparing for the Universal Periodic Reviews on Norway in 2009 and United States of America in 2010.

For: United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media, Civil Society

Review: “U.S. State Department 2007 *International Religious Freedom Report on Norway*.” “*Humanism in Norway: Interview with Roar Johnsen*,” “*Obama Seeks Bigger Role for Religious Groups*”, New York Times, by Jeff Zeleny and Michael Luo, Wednesday July 2, 2008. “*For Coach, God and Archery are a Package Deal*,” Katie Thomas, New York Times, Wednesday 20 August 2008. Excerpts are followed by an Issue Statement.

Excerpts from these articles are for dialogue on constitutional, policy and administrative practices of Separation of Church and State issues, in preparation for Universal Periodic Reviews for Norway in 2009 and the United States of America in 2010.

In 2008 the UN Human Rights Council launched a process called the Universal Periodic Review (UPR). All UN Member States will be reviewed on their progress to fulfill their human rights responsibilities and obligations. Each State has a set date for their UPR Review before the UN Human Rights Council sometime between 2008 and 2011. 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. The Human Rights Council drafts a Working Group Report and later, follow-up recommendations after a second inter-active dialogue with the Council and other Stakeholders.

The Norwegian Universal Periodic Review will be held in 2009 and the United States of America Universal Periodic Review in 2010. These excerpts are from reports and articles on selective **Separation of Church and State** issues on both countries.

The *Postscript* following the Issue Statement considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the U.N. Special Rapporteur on Freedom of Religion or Belief. The Tandem Project proposes a concept, **Separation of Religion or Belief and State** (SOROBAS), as an option for consideration. It complements the core principles and values of the Universal Declaration of Human Rights through rights-based *Dialogue and Education*.

The Tandem Project Objectives on Dialogue and Education for Universal Periodic Reviews: (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

The Tandem Project **proposes** governments, religions or beliefs, academic institutions and non-governmental organizations in Norway and the United States of America review issues on Separation of Church and State using International Human Rights Standards on Freedom of

Religion or Belief as a platform, in preparation for National Reports on the Universal Periodic Reviews for their countries in 2009 and 2010 respectively.

Link: U.S. State Department International Religious Freedom Report on Norway; **Overview; Religious Demography; Legal/Policy Framework; Restrictions on Freedom of Religion or Belief; Societal Abuse and Discrimination.** The State Department does not do International Religious Freedom Reports on the United States of America.

<http://www.state.gov/g/drl/rls/irf/2007/90192.htm>

Source: U.S. State Department 2007 International Religious Freedom Report; Norway

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Link: Interview *Humanism in Norway with Roar Johnson* International Humanist News, 23 April 2007:

<http://www.iheu.org/node/2583>

Link: New York Times story: "Obama Seeks Bigger Role for Religious Groups

http://www.nytimes.com/2008/07/02/us/politics/02obama.html?_r=1&oref=slogin&ref=todayspaper&pagewanted=print

Link: *For Coach, God and Archery are a Package Deal*, by Katie Thomas, New York Times, 20, August 2008.

http://www.nytimes.com/2008/08/20/sports/olympics/20archery.html?_r=1&oref=slogin&ref=todayspaper&pagewanted=print

Excerpts: Excerpts are presented under the Eight Articles of the 1981 U.N. Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. Examples of extracts are presented prior to an *Issue Statement* for each Review.

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 his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*

1. 2. *No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.*

1. 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.*

7. 1 *The 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 himself of such rights and freedoms in practice.*

**U.S. STATE DEPARTMENT 2007 INTERNATIONAL
RELIGIOUS FREEDOM REPORT - NORWAY**

On March 14, 2006, the U.N. Human Rights Committee voiced concern that a section of the Constitution is incompatible with article 18 of the International Covenant on Civil and Political Rights (ICCPR). That section concerns the constitutional provision that individuals professing the Evangelical Lutheran religion must raise their children in that faith.

Church officials and some politicians spoke in favor of greater separation in the state-church relationship. In 2003 the Government appointed an official State-Church Commission to review the future of the state-church relationship. The commission's purpose was to ascertain whether the state-church system should be maintained, reformed, or discontinued. The commission had its own secretariat and included members from several areas of society, including different church groups and other religious groups, politicians, legal experts, and the Sami people.

On January 31, 2006, the commission presented its assessment. Most members recommended that the existing state-church system be abolished. The *Storting* (Parliament) was expected to make a final decision in 2008, based upon the commission's assessment.

A religious community must register with the Government only if it desires state support, which is provided to all registered denominations in proportion to their membership.

A 1997 law introduced the Christian Knowledge and Religious and Ethical Information (CKREE) course for grades 1 through 10 (ages 6 to 16). The CKREE reviews world religions and philosophy while promoting tolerance and respect for all religious beliefs. Citing the country's Christian history (and given the stated importance of Christianity to society), the CKREE devotes an extensive amount of time to studying Christianity. This class is mandatory, without any exceptions for children of other religious groups. On special grounds, students may be exempted from participating in or performing specific religious acts, such as church services or prayer, but they cannot forgo religious instruction.

Organizations for atheists, as well as Muslim communities, have contested the legality of forced religious teaching, claiming that it is a breach of freedom of religion and parents' right to provide religious instruction to their children. In 2002 the humanist association appealed the case to the European Court of Human Rights (ECHR) and the United Nations Human Rights Commission (UNHRC). In November 2004 the UNHRC decided that the requirement of a mandatory religion class violated article 18 of the ICCPR and stated that the law violated parents' right to determine their children's religious and moral upbringing. In response, the Government gave parents the right to exempt their children from the CKREE until August 2005 (when a new curriculum was implemented). In December 2006 the ECHR reviewed the case. In a verdict rendered on June 29, 2007, the ECHR held in a near-split decision that article 2 of the European Human Rights Convention's Protocol No. 1 was violated. In reply the Minister of Education stated that the verdict would be evaluated, the Government would determine whether additional CKREE course amendments would be introduced, and that the case would not be appealed.

Under the new curriculum, Christianity, as the state religion, continued to receive a larger percentage of the class's teaching time than other religious groups. The final law states that

children cannot receive complete class exemption. Limited exemptions may occur with respect to specific classroom activities, such as hymn singing or public prayer.

The humanist association did not support the curriculum changes. The association asserted in a letter to the UNHRC that the CKREE curriculum revisions were only cosmetic and did not create a religion and belief-neutral class. In addition the association advocated that the partial exemption right be expanded. The association claimed that the UNHRC concerns had not been heeded and the CKREE curriculum, as revised, continued to violate Article 18 of the ICCPR.

“HUMANISM IN NORWAY: INTERVIEW WITH ROAR JOHNSEN”

In 1814, Norway’s Constitution outlawed Jews, Jesuits and Atheists. The situation has improved since, but we are very unhappy that while Article 2 of the present Constitution guarantees freedom of religion, at the same time it declares “The religion of the state remains Evangelical-Lutheran. Inhabitants of that confession are committed to raising their children in the same.”

Then Article 12 of the Constitution stipulates that at least 50% of the Prime Minister’s cabinet has to be members of the state church. Norway’s King is also required to be a member of the Lutheran Church – strangely, the head of the state is denied freedom of religion or belief!

The Norwegian Humanist Association’s aim is to separate Church and State, and to introduce liberty for all religions and life stances on equal terms.

What happened in Sweden is a small separation but not really a divorce between the State and the Church. There is still a specific law governing the Church but it is Parliament which makes this law, and the government does not appoint bishops or leaders of the church anymore.

While Sweden achieved neutrality, we are going for equality of treatment, and that is why the Norwegian Humanist Association worked to obtain our share of the state funds. In Norway most political parties today would favor a separation of Church and State. Of course, the Christian Party is against it, and because 2/3 majority in the Storting (Parliament) is needed we need the Labor Party to take a principled stance in this matter. That has not been forthcoming.

“OBAMA SEEKS BIGGER ROLE FOR RELIGIOUS GROUPS”

“Senator Barack Obama said Tuesday that if elected president he would expand the delivery of social services through churches and other religious organizations, vowing to achieve a goal he said President Bush had fallen short on during his two terms. “The challenges we face today – from saving our planet to ending poverty – are simply too big to solve alone,” Mr. Obama said outside a community center here. “We need an all-hands-on-deck approach.”

But Mr. Obama’s plan pointedly departed from the Bush administration’s stance on one fundamental issue: whether religious organizations that get federal money for social services can take faith into account in their hiring. Mr. Bush has said yes. Mr Obama no.

“If you get a federal grant, you can’t use that grant money to proselytize to the people you help and you can’t discriminate against them – or against the people you hire – on the basis of their religion,” Mr. Obama said. “Federal dollars that go directly to churches, temples, and mosques can only be used on secular programs.”

Early in his first term, Mr. Bush issue executive orders expressly allowing religion-based groups receiving federal money to consider religion in their employment decisions, although confusion often remains in this area because of conflicting federal, state and local laws. “For those of us who believe in protecting the integrity of our religious institutions, this is a fundamental right,” said Richard Czik, vice president for governmental affairs for the National Association of Evangelicals.

“If you can’t hire people within your faith community, then you’ve lost the distinctive that is the reason why faith-based programs exist in the first place,” said Richard Land, head of the public policy arm of the Southern Baptist Convention.

Mr. Obama’s plan – his campaign said it would be the “moral center” of his administration – was unfurled against a backdrop freighted with electoral ramifications...If elected, Mr. Obama said, he would call for a pre-inauguration review of all executive orders pertaining to the religion-based program, particularly those dealing with hiring. In one example of how he would use the approach to carry out a policy goal, Mr. Obama proposed \$500 million per year to provide summer education for one million poor children, with a goal of closing the achievement gaps between wealthy students and poorer ones.

But the Rev. Barry Lynn, executive director of Americans United for Separation of Church and State, criticized Mr. Obama’s support of a program that Mr. Lynn said had undermined civil liberties and civil rights. “I am disappointed that any presidential candidate would want to continue a failed policy of the Bush administration,” Mr. Lynn said. “It ought to be shut down, not continued.”

David Kuo, who was deputy director of the Office of Faith-Based and Community Initiatives under Mr. Bush... eventually grew disenchanted and left when the Bush administration made religion-based initiatives part of the domestic policy structure...Mr Kuo, who has criticized the Bush effort as getting bogged down in partisan politics, was asked by the Obama campaign to review its proposal.

“I think it is a bold, smart, engaging attempt to use religious organizations to help the poor and to do for the faith community what the Bush administration could not,” Mr. Kuo said. “But I’m concerned that his position on hiring rights will bog down this initiative just like Bush’s position on the other side did the same thing.”

FOR COACH, GOD AND ARCHERY ARE A PACKAGE DEAL

Two weeks before leaving to compete in the Olympics, the archer Brady Ellison waded into a pool not far from the Olympic Training Center in Chula Vista, California, and was baptized in the Christian faith. In the water with him was Kisk Lee, the head coach of the United State archery team and a Christian who has become a spiritual guide for Ellison, 19, and the larger group of athletes who train and live full time at the Olympic Training Center.

But Lee’s advocacy has raised concerns in the United States Olympic Committee, and some in the elite archery community feel uncomfortable with his proselytizing...About a year ago, Lee was warned by U.S.O.C. officials, who oversee the center, not to pressure athletes

to participate in religious activities. The U.S.O.C. is a nonprofit organization designated by Congress as the country's representative at the Olympics. Nearly entirely private, it receives no direct government funding.

“To me, it felt like he did have expectations of people turning toward Christianity,” Susan Caldwell said. Raquel Caldwell [her daughter] said when she arrived at Chula Vista, Lee gave her and the other new archer's copies of the book “The Purpose Driven Life,” by the evangelical pastor Rick Warren. When Lee invited the team to attend his Korean church, everyone went, she said. They later began attending the nondenominational Flood Church in San Diego, which is tailored more to young adults.

ISSUE STATEMENT: Positions on Separation of Church and State in Norway and the United States of America may change by the time National Reports are due for their respective Universal Periodic Reviews. The U.S. State Department 2008 International Religious Freedom Report on Norway will be published and Senator Barack Obama, as the nominee of the Democratic Party to be President of the United States, must be elected to have opportunity to plan for greater religious involvement in social programs using public funds.

A front page cover story in a weekly American news magazine called Pastor Rick Warren “America's most powerful religious leader takes on the world.” Pastor Warren recently held a “Faith Forum” interview of U.S. Presidential candidates, Senator's John McCain and Barack Obama at his 23,000 member Saddleback Church. The Time Magazine Article was sub-titled “The **Global Ambitions** of Rick Warren” and said he will take his Purpose Driven Life to the world in a “Peace Plan, to turn every Christian Church on earth into a provider of local health care, literacy and economic development, leadership training and spiritual growth. If implemented globally will be an outstanding example of global interfaith **cooperation** for social and economic development. If done irresponsibly, it may become an example of global **religious bigotry** under International Human Rights Standards on Freedom of Religion or Belief; naïve to the complex sensitivity of proselytism and respectful competition that gives equal protection to *theistic, non-theistic and atheistic beliefs, as well as the right not profess any religion or belief.*

The United States of America is the county of origin for many sectarian Christian denominations with **aggressive** proselytizing global missions. It is their right to try to convert the other under Article 18 of the International Covenant on Civil and Political Rights, but proselytism in many countries is seen as a threat to religions, cultures and political structures. The Oslo Coalition on Freedom of Religion or Belief is about to publish a code of conduct for missionary activities; how to respectfully and responsibly approach the subject of conversion, sensitive to the fact we live in a mult-religious, multi-cultural world. Other efforts by coalitions of religions are doing the same.

Every country has its own way of dealing with proselytism, conversion, missionary activity and registration of religions. There are efforts by governmental organizations at regional levels to suggest standards for the constitutional and legal/policy frameworks for their countries. But more needs to be done on an international level. This is an opportunity for the new **Universal Periodic Review** in the U.N. Human Rights Council to show its effectiveness by suggesting standards both pre-preparation of National Reports as is the case of **Norway** and the **United States of America** and the post UPR follow-up process. Member States with constitutions and legal frameworks that recognize one religion as dominant over political and administrative affairs of a country clearly has a greater challenge to provide **equal** treatment for all religions or beliefs. This has been a sensitive issue in the United Nations for more than forty years. The complexity of drafting fair rules was one reason for deferral in 1968 of a Working Group for a Convention against Religious Intolerance. The tension over these issues continues to this day in the recent no consensus vote on freedom of religion or belief in the U.N. Human Rights Council.

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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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*The Tandem Project is a UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

Postscript: consider the objective, challenge and question of a Convention on Freedom of Religion or Belief followed by a response from the U.N. Special Rapporteur on Freedom of Religion or Belief. The Tandem Project proposes a concept, *Separation of Religion or Belief and State* (SOROBAS) as an option for consideration. SOROBAS complements the core principles and values of the Universal Declaration of Human Rights through rights-based *Dialogue and Education*.

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 on Freedom of Religion or Belief as essential for *long-term solutions* to conflicts in matters relating to 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.”

International Human Rights Standards on Freedom of Religion or Belief are international law and universal codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. They are 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 teach tolerance, understanding and respect for freedom of religion or belief.

