

**THE TANDEM PROJECT**

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**UNITED NATIONS, HUMAN RIGHTS,  
FREEDOM OF RELIGION OR BELIEF**

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

*Separation of Religion or Belief and State*

**Universal Periodic Review reports in six languages**

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**Universal Periodic Review - United Kingdom**

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

Date of consideration: Thursday 10 April 2008 - 9.00 a.m. - 12.00 p.m.

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

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

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[Questions submitted in advance](#)

Outcome of the review :

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

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Decision on the outcome : [E](#) only

Report of the eight session of the Human Rights Council : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

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**REPORT OF THE WORKING GROUP – RECOMMENDATIONS  
RELATING DIRECTLY TO FREEDOM OF RELIGION OR BELIEF**

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/136/44/PDF/G0813644.pdf?OpenElement>

Human rights are universal and inalienable, interdependent and indivisible, equal and non-discriminatory. Therefore, all recommendations of a working group are related in some way to international human rights law on freedom of religion or belief. To focus these reports, only recommendations that refer directly to freedom of religion or belief are included here. There were 28 recommendations to the United Kingdom Universal Periodic Review (UPR). Only one, #20 by Egypt has a direct reference to incitement to racial and religious hatred under article 20 (2) of the ICCPR.

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**REPORTS OF THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF**

<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>

The Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, visited the United Kingdom of Great Britain and Northern Ireland on 4-15 June 2007. Read her report A/HRC/7/10/Add.3 and the Follow-up by clicking to open the Special Rapporteur's website above and then hit Country Visits.

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**BACKGROUND**

General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights  
[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument)

The 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief [http://www.tandemproject.com/program/81\\_dec.htm](http://www.tandemproject.com/program/81_dec.htm).

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**CONSTITUTION OF THE UNITED KINGDOM**

[http://en.wikipedia.org/wiki/Constitution\\_of\\_the\\_United\\_Kingdom](http://en.wikipedia.org/wiki/Constitution_of_the_United_Kingdom)

The [Church of England](#) is the established church in England (i.e., not in Scotland, Wales or Northern Ireland). The Sovereign is *ex officio* Supreme Governor of the Church of England, and is required by the [Act of Settlement 1701](#) to "join in communion with the Church of England". As part of the [coronation](#) ceremony, the Sovereign swears an [oath](#) to "maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England" before being crowned by the senior cleric of the Church, the [Archbishop of Canterbury](#) – a

similar oath concerning the established [Church of Scotland](#), which is a [Presbyterian](#) church, having already been given by the new sovereign in his or her [Accession Council](#). All clergy of the Church swear an [oath of allegiance](#) to the Sovereign before taking office.

Parliament retains authority to pass laws regulating the Church of England. In practice, much of this authority is delegated to the Church's [General Synod](#). The [appointment of bishops and archbishops of the Church](#) falls within the royal prerogative. In current practice, the Prime Minister makes the choice from two candidates submitted by a commission of prominent Church members, then passes his choice on to the Sovereign. The Prime Minister plays this role even though he himself may not be a member of the Church of England or even a Christian—for example [Clement Attlee](#) was an [agnostic](#) who described himself as "incapable of religious feeling".<sup>[20]</sup>

Unlike many nations in continental Europe, the United Kingdom does not directly fund the established church with public money (although many publicly funded [voluntary aided schools](#) are run by religious foundations, including those of the Church of England). Instead, the Church of England relies on donations, land and investments.

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## SEPARATION OF RELIGION OR BELIEF AND STATE

Separation of Religion or Belief and State is a term used to express core principles of international human rights law on freedom of religion or belief. It mandates UN Member States to ensure their constitutional and legal systems provide effective guarantees of freedom of thought, conscience and religion or belief to all without distinction at international, national and local levels.

### OBJECTIVES

The right of persons to manifest their own values, cultural identity and core principles based on religion or belief, together with human rights law, principles and values on freedom of religion or belief.

Build awareness, understanding and support at international, national and local levels for a UN Convention on Freedom of Religion or Belief as a legally-binding international human rights treaty.

### UNIVERSAL PRINCIPLE

International human rights law on freedom of religion or belief protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*, - General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights. The United Nations Universal Declaration of Human Rights does not favor one religion or belief over another. Human Rights Law protects all individuals from discrimination based on religion or belief. It values the equal rights of majority and minority religions or beliefs, indigenous, traditional and new religious movements. It is a universal moral principle.

### HISTORY

In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. <http://www.tandemproject.com/program/history.htm>

Instead, in 1981 they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.

In 1986 The Tandem Project organized the first international conference on the 1981 UN Declaration and in the Oslo Conference on Freedom of Religion or Belief in 1998 was catalyst for change of title from Special Rapporteur on Religious Intolerance to Special Rapporteur on Freedom of Religion or Belief.

<http://www.tandemproject.com/tolerance.pdf> [1998 UN Conference Report](#)

**The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete.**

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## FREEDOM OF RELIGION OR BELIEF

**U.S. State Department 2010 International Religious Freedom Report, United Kingdom**

<http://www.state.gov/g/drl/rls/irf/2010/148995.htm>

### Excerpts

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Community Security Trust (CST) reported that anti-Semitic acts increased slightly during and immediately after the Gaza flotilla incident. A significant number of anti-Muslim incidents occurred, and public debate continued over the role of Islam in society. Representatives of other religious groups reported few negative religiously motivated acts.

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There are two established (or state) churches--the Church of England (Anglican) and the Church of Scotland (Presbyterian)--but Scotland, Wales, and Northern Ireland do not have "official" religions. The 1921 Church of Scotland Act reorganized the church as Scotland's national church based on a Presbyterian system but not dependent on any government body or the queen for spiritual matters or leadership.

The monarch appoints Church of England officials on the advice of the prime minister and the Crown Appointments Commission, which includes lay and clergy representatives. The General Convention of the Church of Scotland appoints its own office bearers, and its affairs are not subject to any civil authority. The Church in Wales, the Scottish Episcopal Church, and the Church of Ireland are members of the Anglican Communion.

The 1689 Bill of Rights and the 1701 Act of Settlement forbid any Catholic, or person married to a Catholic, from becoming monarch. The monarch is the "Supreme Governor" of the Church of England and must always be a member of and promise to uphold the church. The monarch's

**connection with the Church of England was the subject of public debate, and in 2009 a Member of Parliament (MP) tried to introduce legislation to remove the ban on a Catholic becoming the monarch. The government has agreed that the ban needs to be considered, although some Christians worry that this would diminish the role of the Church in the country. There is disagreement within the Catholic Church in the country as to the importance of the issue. The head of the Catholic Church in Scotland described the ban as "state-sponsored sectarian discrimination," while the head of the Catholic Church in England and Wales stated that it was low on his list of priorities.**

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## **COMPLETE 2010 REPORT**

The law provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom for non-Christian believers, while Christians continued to voice concern about the ability to express their faith in the workplace.

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Community Security Trust (CST) reported that anti-Semitic acts increased slightly during and immediately after the Gaza flotilla incident. A significant number of anti-Muslim incidents occurred, and public debate continued over the role of Islam in society. Representatives of other religious groups reported few negative religiously motivated acts.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

### Section I. Religious Demography

The country has an area of 94,525 square miles and a population of 61.1 million. Christians make up 72 percent of the population, including the Church of England, Church of Scotland, the Roman Catholic Church, Protestant churches, and many unaffiliated Christian groups. In 2003 the Office of National Statistics estimated 29 percent of the population identified with Anglicanism, 10 percent with the Catholic Church, and 14 percent with Protestant churches. A 2007 survey reported that the number of Catholics attending Sunday services had overtaken the number of Anglicans doing so. A 2006 English Church Census reported that Methodists were decreasing as a percentage of the population, while members of The Church of Jesus Christ of Latter-day Saints (Mormons), Pentecostal churches, many churches from Africa, and the Eastern Orthodox Church, almost entirely immigrants, were increasing.

Muslims composed 3 percent of the population. The Muslim community is predominantly South Asian in origin, but other groups from the Arabian Peninsula, Africa, Southeast Asia, and the Levant are represented. In addition there is a growing number of indigenous converts. Groups composing 1 percent or less of the population include Hindus, Sikhs, Jews, and Buddhists. Individuals from Jewish, Hindu, Buddhist, Muslim, and Sikh backgrounds are

concentrated in London and other large urban areas, primarily in England.

Attendance at religious services was significantly different from the number of adherents. According to Christian Research's "Religious Trends" report released in May 2008, four million Christians attend services on a regular basis (defined as at least once a month) in the country. These figures do not include Northern Ireland, where higher percentages reportedly attend both Catholic (more than 60 percent), and Protestant (more than 35 percent) services. The report stated that more than 50 percent of Muslims regularly worship at mosques. Figures for Jews and other religious groups were unavailable.

Religious affiliation was not evenly distributed among ethnicities. According to the 2001 census, approximately 70 percent of the white population described themselves as Christians. Nearly 75 percent of black Caribbean respondents stated that they were Christians, as did 70 percent of black Africans. Meanwhile, 45 percent of Indians were Hindus and 29 percent were Sikhs. Approximately 92 percent of Pakistanis and Bangladeshis were Muslims.

In Northern Ireland, where divisions between nationalists and unionists evolved largely along religious lines, the 2001 census showed that 53.1 percent were Protestants and 43.8 percent were Catholics. Many Catholics and Protestants continued to live in segregated communities in Northern Ireland, although many middle class neighborhoods were mixed communities. The policy of the government remained one of promotion of religious tolerance.

In Bermuda nearly 20 different religious groups composed 125 religious congregations. Anglicans were 23 percent of the population, while Roman Catholics and African Methodist Episcopalians represented 15 and 11 percent, respectively.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal/Policy Framework**

The law provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The 1998 Human Rights Act provides for freedom of religion, and the 2006 Equality Act bans discrimination based on religion.

More specifically, article 9 of the Council of Europe's Convention on Human Rights is included in the 1998 Human Rights Act, providing the right to choose, to change, to practice, and to discuss one's religion or belief.

Those who believe that their freedom of religion has been infringed upon have the right to appeal to the courts for relief.

The 2006 Racial and Religious Hatred Act includes "incitement to religious hatred" among its prohibitions, and the penalties are similar to the "incitement to racial hatred" provisions included in previous laws that are used in other hate crime prosecutions. The 1998 Racial and Religious Hatred Act defines "religious hatred" as hatred against a group of persons that may be determined by reference to religious belief or lack of religious belief. The act does not define religion or what constitutes a religious belief but leaves that determination to the courts. Offenses under the act must be threatening and intend to stir up religious hatred based on the following criteria: the use of words, behavior,

or display of written material; publishing or distributing written material; the public performance of a play; distributing, showing, or playing a recording; broadcasting or including a program in a program service; or the possession of written materials or recordings with a view to display, publish, distribute, or include in a program service. The act does not apply where words or behavior are used or displayed inside a private dwelling and does not apply to criticism or dislike of a religious belief. The maximum penalty for stirring up religious hatred is seven years in prison. This act gives only constables the power to arrest persons in the context of these offenses, rather than allowing "citizens' arrests."

The 2006 Equality Act makes it illegal to discriminate on the grounds of "religion or belief" or the "lack of religion or belief" in the provision of goods, facilities and services, education, the use and disposal of property, and the exercise of public functions. Religious discrimination in employment and vocational training is illegal under the 2003 Employment Equality (Religion or Belief) Regulations. The Equality Act established the Commission for Equality and Human Rights (CEHR), which began work in 2007 and is responsible for promoting an awareness of the act's provisions, promoting equality and diversity, and working towards the elimination of unlawful discrimination and harassment. The CEHR receives and is accountable for public funds, but it is independent of the government. The CEHR has powers to investigate unlawful acts of discrimination and can bring legal proceedings against violators of the Equality Act's provisions. In Scotland the CEHR covers only human rights matters reserved for parliament and major government ministries. Human rights for matters "devolved" to the Scottish Parliament are covered by the Scottish Human Rights Commission. The Equality Act allows the CEHR to cover devolved matters if it has the agreement of the proposed Scottish commission.

It is government policy to ensure that public servants are not discriminated against on the basis of religious beliefs and to accommodate religious practices by government employees whenever possible. For example, the Prison Service permits Muslim employees to take time off during their shifts to pray. It also provides prisoners with Christian, Jewish, and Muslim chaplains. The Chaplaincy Council monitors policy and practice on matters relating to religious provision. The military generally provides military personnel who are adherents of minority religious groups with chaplains of their faith.

The 2001 Anti-Terrorism, Crime, and Security Act covers "religiously aggravated offenses," based on existing assault, harassment, criminal damage, and public order offenses. Those convicted of "religiously aggravated offenses" (where there is evidence of religious hostility in connection with a crime) face higher maximum penalties.

The Crown Prosecution Service (CPS) reported that in 2008-09, it prosecuted 11,624 racially and religiously motivated crimes, of which 10,690 led to convictions. The statistics do not differentiate between religiously and racially motivated crimes. These rates represented a decrease in prosecutions from the previous period and an increase in convictions.

In Northern Ireland religious discrimination in employment has been illegal since 1976 and discrimination in provision of goods and services has been illegal since 1998. This, and all other equality legislation, is supervised by the Equality Commission for Northern Ireland, which has similar powers to those of the CEHR.

In Northern Ireland the Fair Employment Act bans employment discrimination on the grounds of religious or political opinion. A broad network of laws, regulations, and oversight bodies work to ensure that there is equal opportunity for

employees of all religious groups. All public sector employers and all private firms with more than 10 employees must report annually to the Equality Commission on the religious composition of their workforces and must review their employment practices every three years. Noncompliance may result in criminal penalties and the loss of government contracts. Victims of employment discrimination may sue for damages. In addition, the 1998 Northern Ireland Act stipulates that all public authorities must show due regard for the need to promote equality of opportunity, including on the basis of religious belief. Each public authority must report its plans to promote equality to the Equality Commission, which is to review such plans every five years. In the rest of the country, the Employment Equality (Religion or Belief) Regulations prohibit employment discrimination based on religious belief, except where there is a "genuine occupational requirement" of a religious nature.

There are two established (or state) churches--the Church of England (Anglican) and the Church of Scotland (Presbyterian)--but Scotland, Wales, and Northern Ireland do not have "official" religions. The 1921 Church of Scotland Act reorganized the church as Scotland's national church based on a Presbyterian system but not dependent on any government body or the queen for spiritual matters or leadership.

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No church or religious organization receives direct funding from the government, with the exception of "faith schools." The government provides financial support--up to 90 percent of the total capital costs of the buildings and 100 percent of running costs, including teachers' salaries--to sectarian educational institutions that are commonly referred to as "faith schools."

The government also helps fund the repair and maintenance of all listed places of worship for religious groups nationwide and contributes to the budget of the Church Conservation Trust, which preserves disused Church of England buildings of architectural or historic significance.

A 2001 Home Office study suggested that the establishment status of the Church of England causes "religious disadvantage" to other religious communities. Twenty-six senior bishops of the Anglican Church are given places in the House of Lords as representatives of the official church. Besides this instance, however, membership in a given religious group does not confer a political or economic advantage on individual adherents, except perhaps in the case

of nonresidents of the country who wish to marry in the country, a policy which was under review. The Home Office requires nonresidents wishing to marry in the country to apply for a Certificate of Approval (COA) if they are not going to marry in the Church of England. At least one suit has been brought claiming that the Church of England's exemption from the COA requirement (and the substantial accompanying fee) is discriminatory. As a result, COA fees were suspended in April 2009 and the exemption for nonresidents marrying in the Church of England was declared unlawful by the High Court. At the end of the reporting period, the time frame for the government to come into compliance with the court ruling had not been determined.

The government includes other religious groups in national events; for example, under the auspices of the Church of England, the queen supported invitations to representatives of a broad range of religious groups to participate in the national Remembrance Day Service. The government made efforts to address specific needs of different religious communities, such as the Foreign and Commonwealth Office's annual provision of a special hajj delegation to provide consular and medical assistance to the country's Muslims on pilgrimage to Saudi Arabia.

The Race, Cohesion, and Faiths Directorate, of the Department of Communities, is responsible for addressing racism, extremism, and hate and for promoting interfaith activity in England and Wales. The directorate also works with the Equality and Human Rights Commission, a nondepartmental government body, in pursuing these goals. The government can exclude individuals, such as international religious leaders of minority religious groups, from the country on the grounds that they have engaged in unacceptable behavior, including cases where the public expression of religious or other beliefs by that individual is part of the reason for exclusion. The government defines unacceptable behavior as using any means to express views that foster extremism or hatred.

Religiously motivated hate language is prosecuted under various sections of the Public Order Act and the 2006 Racial and Religious Hatred Act, which the CPS applies to demonstrations where insulting and abusive language is used about religion. Christian groups expressed concern over an addition to the Public Order Act that criminalizes hate speech against members of the lesbian and gay community.

The 1971 Immigration Act states that all non-UK nationals need "leave to enter" the country. The Immigration Rules secondary regulations that govern how the act can be implemented allows the home secretary to personally deny a non-UK national leave to enter the country on the grounds that the person's exclusion is conducive to the public good. In October 2008 the home secretary issued a revised set of rules allowing the country to bar entry to foreign preachers who espouse hatred. In June 2010 the *Telegraph* reported that the home secretary banned Mumbai-based preacher Zakir Naik from entering the country because "inflammatory" comments he had made were evidence of "unacceptable behavior."

Shari'a (Islamic law) may be used in areas such as dispute mediation, marriage, and finance insofar as it does not contradict the laws of England and Wales.

The government observes the following religious holidays as national holidays: Good Friday, Easter Monday, and Christmas.

Citing a limited broadcast spectrum, the government continued to prohibit religious groups from holding a national sound broadcasting license, a public teletext license, an additional television service license, and radio and television

multiplex licenses.

After several controversial court decisions prohibiting full-face veils (but not headscarves) and Christian chastity rings in school, the Department of Education provided guidance that advises schools to "... act reasonably in accommodating religious requirements," under human rights legislation. Some Muslim groups, including the Islamic Human Rights Commission, stated it was inappropriate for the government to provide guidance that regulated Muslim communities in matters concerning the expression of their religious beliefs. However, it is also legally possible under the act, according to the guidance, to have a school uniform policy that "restricts the freedom of pupils to manifest their religion" on the grounds of health and safety and the "protection of the rights and freedoms of others." The government's guidance is meant to remind "head teachers" to act with a degree of sensitivity when considering decisions that would affect the cultural complexion of their communities.

Most religious institutions are classified as charities, since the advancement of religion is considered to be a charitable purpose. Charities are exempt from taxes on most types of income and capital gains, provided that the charity uses the income or gains for charitable purposes. Charities also are exempt from the value-added tax. The government has not classified the Church of Scientology as a religious institution and, therefore, has not granted the organization recognition for charitable status. The government has granted the Church of Scientology's request to obtain tax-exempt status, confirming it was a not-for-profit entity and exempt from the value added tax.

Immigration regulations require visa applicants who wish to enter the country as "ministers of religion" (a legal term used for visas) to demonstrate a level-four competence in spoken English on the International English Language Testing System. Visa adjudicators are permitted to waive the testing requirement at their discretion and where other evidence of English competency is provided for applicants educated in an English-speaking country. "Ministers of religion" are also required to have worked for at least one year in the last five as a "minister" and when applying for visas must also have one year of full-time experience or two years of part-time training following their ordination for religious groups where ordination is the sole means of entering the ministry. To obtain an entry visa, a missionary must be trained as such or have worked previously as a missionary.

Ministers of the Church of Scientology and the Unification Church of Reverend Moon are not issued visas as ministers, since their organizations are not accepted as religious groups. Adherents and those wishing to learn about either group may apply for visas as visitors or students, respectively. There were no reports of specific visa denials during the reporting period.

At the end of the previous reporting period, more than 30 percent of state schools had a religious character. Nearly all of the approximately 7,000 "faith schools" in England (numbers are not available for Scotland and Wales) are associated with Christian denominations, although there are Jewish, Islamic, Sikh, and one Hindu school. In addition several hundred independent schools of a religious nature receive no state support but must meet government quality standards. Controversy arose in 2006 regarding more than 100 Islamic schools when an Office of Standards in Education (Ofsted) evaluation of these schools showed many were "little more than places where the Qur'an was recited." The schools were given time to correct their deficiencies. A review was due in 2010. As of October 2009, reports from the Mosques and Imams National Advisory Board (MINAB) indicated that there were approximately 2,000 official madrassas in the country.

In April 2009 the government mandated that all schools teach sex education ("Personal, Social, and Health Education"), but allowed faith schools to teach their pupils their faiths' teachings that some aspects of the standard curriculum is wrong. Some Christian schools also faced controversy because they were accused of not following the national curriculum in science, teaching creationism instead. In an Ofsted report published in October 2009, a small number of independent faith schools used teaching materials that "included biased material or provided inaccurate information about other religions."

Almost all schools in Northern Ireland receive state support. More than 90 percent of students attended schools that were either predominantly Protestant (state-run) or Catholic. Integrated schools served approximately 7 percent of school-age children whose families voluntarily chose this option, often after overcoming significant obstacles to provide the resources to start a school and demonstrate its sustainability for three years before government funding begins. Demand for places in integrated schools outweighed the limited number of places available. There were more than 60 integrated schools, and the government permits existing schools to petition to change from state-run or Catholic to integrated status. More schools petition for that status than are granted it.

The law requires religious education for all children, ages three to 19, in publicly maintained schools. In England and Wales, it forms part of the core curriculum in accordance with the 1988 Education Reform Act. In Scotland religious education of some sort is mandated by the 1980 Education Act. However, the shape and content of religious instruction throughout the country is decided on a local basis. Locally agreed syllabuses are required to reflect the predominant place of Christianity while taking into account the teachings and practices of other principal religious groups in the country. Syllabi must be nondenominational and refrain from attempting to convert pupils. Schools with a religious designation follow a syllabus drawn up by the school governors according to the trust deed of the school. All parents have the legal right to request that their children not participate in religious education.

Daily collective prayer or worship of "a wholly or mainly of a broadly Christian character" is practiced in schools in England and Wales, a requirement that may be waived for students who obtain permission of the school authorities. The 2006 Education and Inspections Act permits sixth form students (generally 16-to-19-year-olds) to withdraw themselves from worship without their parents' permission or action. This law does not exempt sixth form students from religious education classes. Non-Christian worship is permitted with approval of the authorities. Teachers have the right not to participate in collective worship, without prejudice, unless they work for a faith school. In 2009 the National Union of Teachers called on the government to end the requirement for a collective act of worship, but easing of the requirement had not occurred by the end of the reporting period.

In Bermuda the constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The government school curriculum includes religious instruction. The 1996 Education Act allows collective worship by the students but prohibits collective worship at public schools from being "distinctive of any particular religious group." The act also provides for exceptions to the requirement that pupils in public schools engage in collective worship at least once a week. It gives parents the right to request that their children be excused from such worship and, moreover, authorizes such pupils to worship elsewhere at the beginning or end of the school day. Home schooling is an approved alternative to public or private school for religious or other reasons. The government does not fund the teaching of atheism in schools. Representatives of the Jewish community noted on a Web site that bringing up children in a country where Christian prayers are said in both the public and most private schools is a challenge.

## Restrictions on Religious Freedom

As in previous years, Christian groups stated that they had been subjected to more stringent application of rules restricting religion in the public sphere than other groups. There was increasing public concern over the ability of Christians to express their faith in the workplace.

The Prison Service does not recognize Scientology as a religious group for the purpose of facilitating prison visits by ministers, although prisoners who are registered as Scientologists may practice their religious beliefs freely and have access to a representative of the Church of Scientology.

In March 2010 the government revoked the registration of a Christian foster mother after the woman's 16-year-old foster daughter converted from Islam to Christianity. The foster mother said that she did not encourage the girl to explore Christianity and that she offered to take the girl to places where she could practice Islam. The girl reportedly insisted on learning about Christianity and eventually chose to be baptized.

The collective worship policy continued to invite controversy. Parents and students in favor of the law said that it helped students understand the religious orientation of the country and the society in which they are living. Some students and parents opposed the policy as imposing religion or a particular form of religion on students. Many teachers called for the government to remove the collective worship requirement, especially in secular schools.

Members of the Muslim community complained that police targeted them disproportionately for suspicion, arrest, and "stop-and-search." Ministry of Justice figures showed that the number of stop and searches were significantly higher for blacks and Asians than whites. Because ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance. The Muslim community and human rights activists also criticized the 28-day detention powers for terrorism suspects, which in June 2010 the government extended for six months while it reviewed counter-terrorism legislation.

Several studies have shown that Muslims suffer serious discrimination by authorities and in society. Surveillance cameras were installed in two primarily Muslim suburbs under the auspices of crime prevention; however, the money to fund the project was derived from counter-terrorism allotments. The surveillance project was subsequently halted pending further investigation. In September 2009 a report released by the Policy Research Center, an Islamic think tank, stated that many young Muslims believed they were portrayed as a "threat to society" by the media and often harassed by the police.

The Independent Police Complaints Commission (IPCC) continued to work closely with Muslim groups to address concerns about the way police treated Muslims. The IPCC publicized its services among Asian communities through advertisements, community meetings, and media articles.

According to the *Telegraph*, in August 2009 Jim Fitzpatrick, a government minister and member of the Labour party, walked out of an Islamic wedding after being told that he and his wife would have to sit separately. He reportedly stated that gender segregation was a sign of increasing radicalization and was damaging for social cohesion.

In February 2010 an appeals court upheld a lower court decision that British Airways had not discriminated against Nadia Eweida by instructing her not to wear a visible cross while on duty.

During the reporting period, conflicting rulings by schools, school boards, employment tribunals, and courts on what is and is not permitted dress in schools and places of employment led to controversy and legal challenges.

In April 2010 a nurse lost her discrimination appeal before an employment tribunal. She was previously moved to an office role after refusing to remove a necklace bearing a crucifix that she had worn on the job for 30 years. A Christian Registrar of Marriages was denied permission to appeal to the Supreme Court after having lost her case in appeals court for refusing to officiate for same-sex civil partnerships.

The government does not allow Sikh police officers to participate in certain firearms police units because police helmets do not fit over the turbans that Sikhs must wear as part of their religion. Sikhs are also not allowed to work in the field in fire departments because of their turbans and beards. Representatives of Sikh NGOs continued to work with the authorities to come to arrangements that would allow Sikhs to work in these professions.

On March 11, 2010, council members rejected an application to build a mosque approximately a half mile from the Royal Military Academy at Sandhurst. The Ministry of Defense and 7,000 Surrey residents also opposed the proposal, which would have included demolition of a school built in the 1860s in a historical conservation area.

### **Abuses of Religious Freedom**

According to the *Telegraph*, on April 20, 2010, police arrested Christian street preacher Dale McAlpine who had been passing out leaflets and talking to passersby about his beliefs. McAlpine said in a discussion with a woman that "homosexuality is a sin." A "homosexual police community support officer" approached the woman and spoke with her before confronting McAlpine. Police took McAlpine away in a van and locked him in a cell for seven hours. They charged him with violating Sections 5(1) and (6) of the 1986 Public Order Act and released him on bail on the condition that he not preach in public. On May 13, 2010, the CPS dropped the charges.

There were no reports of religious prisoners in the country.

### **Forced Religious Conversion**

According to *The Times*, staff at prisons and youth jails expressed concern over intimidation of non-Muslims and possible forced conversions. Chief Inspector of Prisons Dame Anne Owers reported that some were converting to Islam for better food, more time away from cells, and protection from Muslim gangs.

### **Improvements and Positive Developments in Respect for Religious Freedom**

On March 17, 2010, a high court judge ordered the Charity Commission to reconsider its refusal to grant Catholic Care an exemption from equality regulations. The exemption would allow Catholic Care to continue placing "hard to place" children with heterosexual families. Catholic Care is the last Catholic adoption agency functioning in line with Catholic teachings. The others have had to close their adoption programs or disassociate themselves from the church

to follow the equality regulations.

On February 10, 2010, the Court of Appeal overturned the High Court's verdict denying a Hindu man the right to have an open funeral pyre. The judge stated that the man's wishes could be carried out within cremation regulations.

In January 2010 the House of Lords voted down changes to the Equality Bill that would have left churches vulnerable to legal challenges if they refused to hire persons who did not "live a life consistent with the ethos of the religion."

In July 2009 the Metropolitan Police allowed Sikh victims of crime to ask for an officer of their same faith to resolve their cases. Police intended to put victims of crime more at ease, since Sikh police officers have a unique understanding of the culture.

### **Section III. Status of Societal Respect for Religious Freedom**

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice.

The Muslim Arbitration Tribunal (MAT), established in 2007 to give Muslims an alternative for settling disputes, reported that as of June 2010, 30 Islamic law councils operated in the country. Civitas, a British think tank, argued that these councils often contradict the country's law, but recent reports indicated that non-Muslims were increasingly turning to Islamic law courts for settling disputes.

According to *The Guardian*, on September 11, 2009, far-right groups and Muslim youths from other areas descended on the mosque in Harrow. The English Defense League had stated that it would protest the new five-story mosque, but later opted not to protest. In its place, a group called Stop the Islamization of Europe decided to protest and rallied approximately 2,000 persons to the scene. Some of the participants threw bottles and bricks at police. Police arrested 10 persons including a "far-righter" and some Muslim youths. A BBC correspondent was reportedly threatened by youths who accused him of being a police officer. A local imam condemned members of far-right groups and Muslims youths for aggravating the situation.

Community Security Trust (CST) reported that there were 296 anti-Semitic incidents in the last six months of 2009, whereas the preceding six months had seen 609 incidents, due in large part to the conflict between Israel and Hamas in the Gaza Strip in January and February 2009. The incidents included property damage, threats, abusive behavior, and mass-produced or mass-mailed anti-Semitic literature.

The group also reported a small spike in anti-Semitic incidents immediately after the Gaza flotilla incident in June 2010. CST recorded 28 anti-Semitic incidents in the first week of June and 74 incidents for the entire month.

On April 10, 2010, vandals threw bricks at the windows of a Manchester mosque. Although images of the vandals were captured on closed-circuit television, no arrests were made.

On March 16, 2010, a fire destroyed all but the stonework of the church of Saint Mary's at Westry in Cambridgeshire. Some reports suggested that the blaze had been started by piling up and lighting books on fire. Police treated the fire as a possible arson. Three youths aged 13, 14, and 16 were arrested, but police opted to take no action and released

the minors.

In April 2010 at the Langley Green mosque in Crawley, a pig's head was thrown into the parking lot. Within 24 hours police arrested three men on charges of a racially aggravated public order offense. A mosque leader welcomed the rapid police response and urged the community not to react to the incident.

In September 2009 CST reported that unidentified persons attempted to set fire to the house of a rabbi while the house was occupied.

In August 2009 two swastika symbols were found carved into the front door of a synagogue in Hertfordshire.

Plans by Tablighi Jamaat, an Islamic missionary group, to build a very large mosque in East London near the site of the 2012 Olympic site led to public criticism, and the project remained on hold at the end of the reporting period.

On February 5, 2010, then Prime Minister Gordon Brown condemned the record-breaking rise in anti-Semitic incidents that occurred in 2009. He urged Britons to be alert to anti-Jewish hate. He also stated "Anti-Semitism is one of the most ancient of hatreds – and yet it constantly adapts to modern times requiring ever greater vigilance from all of us who are determined to stand up for tolerance and for the truth."

On March 2, 2010, in London, Muhammad Tahir-ul-Qadri, the leader of Minhaj-ul-Quran, issued a fatwa against terrorism and in particular the use of suicide bombers. Minhaj-ul-Quran promotes Islam as tolerant and nonpolitical.

MINAB, a body launched by four large Muslim NGOs to professionalize mosques and imams and to combat extremism, continued to work on reaching out to encourage moderate, nonviolent interpretations of Islam. Twenty percent of its board members are Shi'a Muslims and 20 percent are women, both of which are minimums set by MINAB's bylaws.

Each year, Muslim and Jewish students gather with help from the Coexistence Trust, an organization that aims at promoting good relations between Muslims and Jews. The group planned to hold a faith summit entitled "FaithHub 2010," intended to bring youths of all religious groups together to discuss key problems centered around faith, identity, and community.

#### **Section IV. U.S. Government Policy**

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

The U.S. embassy encouraged interfaith dialogue to promote religious tolerance. Representatives from various ecumenical groups, such as the Three Faiths Forum, and other groups promoting religious tolerance are routinely included in embassy events. Embassy and consulate officers regularly contacted religious leaders of various groups to discuss religious freedom. Embassy officials actively engaged in "outreach" presentations to the public, with a particular emphasis on Muslim communities. Embassy officers discussed the need for religious tolerance and the role of religious diversity in American life. The embassy supported the Three Faiths Forum's high school-level outreach

program which talks to young persons about different religious groups and tries to dispel related myths and misconceptions. The embassy also supported programs with the Chicago-based Interfaith Youth Core and other NGOs focusing on reducing the risk of radicalization and promoting understanding among religious groups.

As an active supporter of the peace process in Northern Ireland, the U.S. government encouraged efforts to diminish sectarian tension and promote dialogue between the Protestant and Catholic communities.

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## REFLECTIONS

### The Tandem Project

*The First Preamble to the Universal Declaration of Human Rights reads: 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.*

*Surely one of the best hopes for humankind is to embrace a culture in which religions and other beliefs accept one another, in which wars and violence are not tolerated in the name of an exclusive right to truth, in which children are raised to solve conflicts with mediation, compassion and understanding.*

*There is an increase in dialogue today between religions and other beliefs to embrace diversity, but few persons, less than one percent of any population, ever participate. This is a challenge. The value of such dialogues is proportionate to the level of participation. For civil society increased participation would create opportunities for education on inclusive and genuine approaches to human rights and freedom of religion or belief.*

*In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. Instead, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.*

*Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?*

- **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The U.N. Review Conference on the Nuclear Test Ban Treaty and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the U.N. Human Rights Council and U.N. Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is a foundation for solving this issue.

*“I am become death, the destroyer of worlds”*

- Robert Oppenheimer, quote from the Bhagavad Gita after exploding the first atomic bomb, Trinity 1945.

*The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete. It may be time to begin to consider reinstating the 1968 Working Group to bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.*

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**The Tandem Project** a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material 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 the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.