

## THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS,  
FREEDOM OF RELIGION OR BELIEF

### REPORT OF THE UN SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF - U.N. HUMAN RIGHTS COUNCIL TENTH SESSION (A/HRC/10/8)

#### PARAGRAPHS 18-21 - DIALOGUE

**Issue:** U.N. Special Rapporteur Report (A/HRC/10/8) paragraphs on Inter-religious Dialogue

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

**Review:** *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, (A/HRC/10/8) - Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir. Agenda item 3.

The Tandem Project highlights section of her report leading up to its presentation before the tenth session of the UN Human Rights Council from March 2-27, 2009. This section of her report (paragraphs 18-21) are excerpted paragraphs on Discrimination Based on Religion or Belief and its Impact on the Enjoyment of Economic, Social and Cultural Rights. For all 55 paragraphs read the full report (A/HRC/10/8) by clicking on Issues, Special Rapporteur on Freedom of Religion or Belief and then the Documents section of the OHCHR web site available at:

<http://www.ohchr.org>.

The UN Special Rapporteur on Freedom of Religion or Belief will present her report on Tuesday 10 March 2009 in the afternoon. It will be live on the HRC web cast.

**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, practices and teaching.*

**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. - 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):

**B. Identification of existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and presentation of recommendations on ways and means to overcome such obstacles.**

18. With regard to preventive efforts, the Special Rapporteur reiterates her recommendation that States should devise proactive strategies to overcome existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief. In addition to initiatives in the field of education (see paragraphs 7-9 above) inter-religious dialogue constitutes one of the principle means of countering sectarian attitudes and enhancing religious tolerance worldwide. It is a precious tool for preventing misunderstanding and violations in the area of freedom of religion or belief. Inter-religious dialogue can also help activate the silent majority to look for common strategies on how to find harmony and peace.

While it is evident that dialogue alone cannot solve all the underlying problems, the Special Rapporteur nonetheless stresses that it can contribute to defusing tensions in post-conflict situations and can also help prevent them before a situation deteriorates. During her country missions, she was encouraged by several examples of fruitful dialogue bringing together people from different religious and political backgrounds. The Special Rapporteur also welcomes the recent initiative of a Catholic-Muslim forum at which it was emphasized, *inter alia*, that religious minorities are entitled to be respected in their own religious convictions and practices.

19. With regard to participation in initiatives related to inter-religious dialogue, the Special Rapporteur believes that it should not be limited to leaders of religious or belief communities, but be as inclusive as possible. Indeed, inter-religious dialogue at the grass roots level should be strongly encouraged and an exchange of views should, if possible, also include atheists and non-theists as well as believers who are dispassionate about their faith and members of religious minorities.

Any dialogue would also greatly benefit from the perspectives of women, who tend to be marginalized in major events in major events of inter-religious dialogue. Indeed, although women are often subject to discrimination based on religion or belief, women's groups have been very effective human rights advocates across religious lines in situations of communal tensions.

In addition, the Special Rapporteur believes that artists, including those in the visual media, may play an important role in public education regarding religious tolerance and in building bridges between different communities. Journalists and lawyers can also make a difference, especially when their statements and actions transcend religious lines.

Politicians should also help to implement concrete actions aiming at promoting religious tolerance and mainstreaming religious diversity. In this regard, emphasis should be put on public awareness and education. They are particularly crucial in a world where technology plays a powerful role in building public opinion. In addition, prompt responses to acts of violence based on religion or belief are critical; they can either fan religious intolerance or can be constructive and calm rising tensions. The electronic media therefore have a key role which, if played in a responsible manner, can contribute to peace.

20. The Special Rapporteur acknowledges that the content of inter-religious dialogue might potentially also give rise to controversy, in particular if it entails discussion on the respective religions and their theological approaches. As a result, there may be the temptation to look for dialogue only on non-contentious topics that are not directly related to theology, such as common environmental concerns. While debate on these topics is without doubt useful, the potential of inter-religious dialogue to promote religious tolerance

**by improving understanding between and among members of religious or belief communities should not be neglected. Participants in inter-religious dialogue might well be able to discuss the similarities and differences of their respective theological approaches. In doing so, they may find common ground on several issues, but they might also ultimately agree to disagree.**

**21. It is desirable to institutionalize inter-religious dialogue at various levels, in the right format and with a wide selection of participants, which still allows for a real exchange of views. Nonetheless, inter-religious dialogue may also take place in rather informal settings. Natural spaces in pluralistic societies that encompass multicultural neighborhoods, schools, clubs and other public services and which allow for constant interaction are conducive to true dialogue. In a society where there are no invisible boundaries on the basis of religion or belief, constant interaction is inevitable, which leads to dialogue and mutual understanding.**

**In addition the role of educational institutions in this regard seems to be vital; they can either inculcate a spirit of tolerance or promote tensions, even at an early age. The emphasis must therefore lie on enlightened education that teaches children to recognize and appreciate existing diversity. To that effect, the final document of the International Consultative Conference on School Education in relation to Freedom of Religion or Belief, Tolerance and Non-discrimination included the strengthening of a non-discriminatory perspective in education and knowledge in relation to freedom of religion or belief at the appropriate levels as one of its objectives.**

**ISSUE STATEMENT:** 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. The standards are a platform for inclusive and genuine dialogue on core principles and values within and among nations, all religions and other beliefs.

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.” Another writer in a different setting 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.

As we are all painfully aware, religious conflict continues to escalate worldwide whether in the Middle East, Eastern Europe, Africa, South Asia, East Asia or the Americas. Acceptance of the rights of others to their own beliefs continues to be a value denied for millions of people. Much suffering is inflicted in the name of religion or belief on minorities, women and children and “the other” for the most part by perpetrators in total disregard for the tenets of their own faiths.

Did God create us or did we create God? This question calls for inclusive and genuine dialogue, respectful and thoughtful responses, discussion of taboos and clarity by persons of diverse beliefs. Inclusive and genuine is dialogue between people of *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* These UN categories are embodied in international law to promote tolerance and prevent discrimination based on religion or belief.

Inclusive and genuine dialogue is essential as a first step in recognition of the inherent dignity, equal and inalienable rights of all members of the human family, and a foundation for freedom, justice and peace in the world. Leaders of religious and non-religious beliefs sanction the truth claims of their own traditions. They are the key to raising awareness and acceptance of the value of holding truth claims in tandem with human rights standards on freedom of religion or belief.

The challenge is to reconcile international human rights standards on freedom of religion or belief with the truth claims of religious and non-religious beliefs.

Surely one of the best hopes for the future of 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.

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**STANDARDS:** [http://www.tandemproject.com/program/81\\_dec.htm](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*

**Goal:** To eliminate all forms of intolerance and discrimination based on religion or belief.

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**Challenge:** to reconcile international human rights standards on freedom of religion or belief with the truth claims of religious and non-religious beliefs.

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To 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 use International Human Rights Standards on Freedom of Religion or Belief as essential for *long-term solutions* to conflicts in all matters relating to religion or belief.

**Objectives:**

1. Use International Human Rights Standards on Freedom of Religion or Belief as a platform for genuine dialogue on the 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.<sup>1</sup>

**History:** 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.

*Separation of Religion or Belief and State*

**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:** 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. The standards are a platform for genuine dialogue on 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.”<sup>1</sup>

*1981 U.N. Declaration on Freedom of Religion or Belief*

5.2: 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.

5.3: The child shall be protected from any form of discrimination on the grounds of religion or belief. He shall be brought up in a spirit of understanding, tolerance, and friendship among peoples, peace and universal brotherhood, respect for the freedom of religion or belief of others and in full consciousness that his energy and talents should be devoted to the service of his fellow men.