

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/Add.2)

VISIT TO ISRAEL & OCCUPIED PALESTINIAN TERRITORIES

20-27 January 2008

PARAGRAPHS 76-85 - RECOMMENDATIONS

Issue: UN Special Rapporteur on Freedom of Religion or Belief visit to Israel and the OPT.

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

Review: Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, *Mission to Israel and the Occupied Palestinian Territories* (A/HRC/10/8/Add.2), Agenda item 3.

The Tandem Project review highlights the Recommendations of her visit from March 2-27, 2009. The Recommendations (paragraphs 76-85) of her Mission to Israel and the Occupied Palestinian Territories are in her the report (A/HRC/10/8/Add.2). The full 23 page report is available at: www.ohchr.org. Open the website and scroll to tenth session of the UN Human Rights Council. Click on Documents and scroll to (A/HRC/10/8/Add.2).

The UN Special Rapporteur on Freedom of Religion or Belief is scheduled to present her report (A/HRC/10/8) on Tuesday 10 March 2009 in the afternoon. It will be broadcast live on the HRC web cast. The vote on the Israel Adopted UPR will be on Thursday 19 March from 10:00-13:00. It will be broadcast live on the HRC web cast. After the tenth session it will be posted on the OHCHR website under Countries: Human Rights in the World.

Excerpts from her Recommendations on the following page:

“84. Both in the State of Israel and in the Occupied Palestinian Territory, any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence should be effectively investigated, prosecuted and punished. Similarly, any related violent acts should be investigated in a prompt, transparent and independent manner, the perpetrators should be prosecuted and sentenced, and avenues for redress and protection should be offered to the victims.

85. In terms of prevention activities, the Special Rapporteur encourages the Government of Israel and the Palestinian Authority to promote the principles, objectives and recommendations of the Madrid Final Document. One possible example could be support for, and funding of, voluntary school exchange programs between pupils and teachers from Israel and the Occupied Palestinian Territory. In addition, concrete initiatives of inter-religious and intra-religious dialogue, especially at the grass-roots level, should be fostered and encouraged in order to bridge the divides along religious lines.”

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.

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.

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.*

UN Special Rapporteur on Freedom of Religion or Belief visit to Israel and Occupied Palestinian Territories: 20-27 January 2009.

RECOMMENDATIONS

76. The Special Rapporteur recommends that all parties-especially in the framework of a possible peace agreement-bind them legally to protect the rights of religious minorities. Particular attention should be paid to include comprehensive guarantees for equality and non-discrimination on grounds of religion or belief as well as for the preservation and peaceful access to all religious sites. Existing rights in respect of these religious sites should not be denied or impaired and freedom of worship should be safeguarded in conformity with existing rights. Any commitments, especially those which may affect human rights and fundamental freedoms, must be implemented and monitored in an effective and independent manner.

77. With regard to the protection and preservation of religious sites, the Special Rapporteur recommends that the Government of Israel issue as soon as possible non-selective regulations and designate holy sites on a non-discriminatory basis. The unique spiritual and religious dimension of the holy sites and their importance for believers in the whole world need to be appropriately taken into account. Furthermore, Israeli authorities should avoid delays in issuing visas for clergy or seminarians and should not impose limitations which might unduly hinder their ability to carry out religious activities in an effective manner.

78. The relevant authorities in Israel and the Occupied Palestinian Territory should consider discontinuing the indication of the religious affiliation on those official identity cards where this is still the case. In the meantime, the authorities should provide the possibility to indicate "other religion" or "no religion" on identity cards as well as the possibility not to divulge the religious beliefs of the cardholder at all in the application process.

79. Staff members of the police and military forces should be provided with adequate training in order to raise their awareness of multiple forms of discrimination based on grounds such as religion, race or ethnic origin and to enhance sensitivity about their duty to promote and respect international human rights standards, including freedom of religion or belief.

80. The Special Rapporteur recommends that the freedom of religion or belief receive more emphasis on the training of personnel of detention facilities and that the Standard Minimum Rules for the Treatments of Prisoners, especially rules 41 and 42, be applied to every prisoner, regardless of his or her religion or belief.

81. Concerning the allocation of public funding for religious bodies, the Special Rapporteur recommends that regulations and criteria for funding be published and applied to all religious groups on an equal and equitable basis.

82. **Since the application of religious law to determine matters of personal status and the absence of provision for civil marriage effectively denies a large number of persons the right to marry in Israel, the Government of Israel should consider introducing legal provisions which allow for civil marriages in Israel. Similar concerns with regard to matters of personal status apply to the Occupied Palestinian Territory.**

83. **Concerning the Government of Israel's reservations on the appointment of female judge or religious courts and concerning religious laws on personal status matters, the Special Rapporteur would like to reiterate the recommendation by the Committee on the Elimination of Discrimination Against Women, which urged the State of Israel to consider withdrawing its reservations to articles 7 (b) and 16 because these were contrary to the object and purpose of the Convention on the Elimination of Discrimination Against Women.**

84. **Both in the State of Israel and in the Occupied Palestinian Territory, any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence should be effectively investigated, prosecuted and punished. Similarly, any related violent acts should be investigated in a prompt, transparent and independent manner, the perpetrators should be prosecuted and sentenced, and avenues for redress and protection should be offered to the victims.**

85. **In terms of prevention activities, the Special Rapporteur encourages the Government of Israel and the Palestinian Authority to promote the principles, objectives and recommendations of the Madrid Final Document. One possible example could be support for, and funding of, voluntary school exchange programs between pupils and teachers from Israel and the Occupied Palestinian Territory. In addition, concrete initiatives of inter-religious and intra-religious dialogue, especially at the grass-roots level, should be fostered and encouraged in order to bridge the divides along religious lines.**

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.

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

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.

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 embodied in international law 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.

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.¹

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.”¹

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.