

THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

UNIVERSAL PERIODIC REVIEW AND FREEDOM OF RELIGION OR BELIEF

Issue: Call to develop a model local-national-international United States approach to Freedom of Religion or Belief linking: Local Delivery of Social Services by Religions or Beliefs using Federal Funds; National issues on Separation of Church and State; International Human Rights Standards on Freedom of Religion or Belief.

This is a model integrated approach in preparation for the 2010 United States Universal Periodic Review. We **invite other countries to exchange information** on a local-national-international approach to Freedom or Religion or Belief, as follow-up to their Universal Periodic Reviews.

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

Review: *“Obama Seeks Bigger Role for Religious Groups”*, New York Times, by Jeff Zeleny and Michael Luo, Wednesday July 2, 2008. This article was written prior to the election of US President Barack Obama. *“Leaders Say Obama Has Tapped Pastor for Outreach Office*, New York Times by Laurie Goodstein, Tuesday 29 January 2009.

In 2008 the U.N. General Assembly adopted the Universal Periodic Review. Between 2008 and 2011 all United Nations Member States will receive a Universal Periodic Review before the U.N. Human Rights Council on progress to fulfill their human rights responsibilities and obligations.

The United States Universal Periodic Review will be held by the United Nations Human Rights Council in the ninth session of the Universal Periodic Review in December 2010.

Call: to develop a model local-national-international United States approach to Freedom of Religion or Belief bridging the White House Council for Faith-Based and Neighborhood Partnerships to U.S. State Department programs on human rights and religion or belief. Topics for developing a model integrated approach to freedom of religion or belief would include:

1. Bridging between U.S. Domestic and U.S. International Programs.
2. Limitations of the U.S. Constitution and laws of the U.S. Congress.
3. Separation of Church and State in a U.S. Federal and State System.
4. White House Council on Faith-based and Neighborhood Partnerships.
5. U.S. State Department and U.N. Covenants, Conventions, Treaty Obligations.
6. Article 18 of the International Covenant on Civil and Political Rights.
7. U.N. Declaration to Eliminate Discrimination Based on Religion or Belief.
8. Other U.N. Norms and Standards in Matters Relating to Religion or Belief.
9. Conclusions and Recommendations on How to make it Work

Local & National Programs: President Barack Obama announced a White House Council for Faith-Based and Neighborhood Partnerships on Thursday 6 February 2009 to oversee his campaign pledge for a bigger role in the use of churches and religious organizations in the delivery of social services to the poor. There are critics and questions of this approach (July 2 article) about hiring policies, civil rights and civil liberties, and issues of the Separation of Church and State. This approach from a domestic standpoint is similar to the “War on Poverty” Community Action Program (CAP) under U.S. President Lyndon Johnson.

In his announcement of a White House Council on faith-based neighborhood programs the President did not mention delivery of social services as having anything to do with U.S. international treaty obligations. This is because under U.S. law no linkage is allowed. The annual U.S. State Department International Religious Freedom Report, for instance, by law cannot review the United States. This call is for a model way around this monitoring compliance with domestic programs and U.S. obligations as a State Party to the International Covenant on Civil and Political Rights, Article 18 norms on human rights and freedom of religion or belief.

During the primaries President Barack Obama proclaimed his intention to be “an instrument of God” and create “a kingdom right here on earth.” Candidate Obama, as a Christian, said the use of churches and religious organizations for delivery of services to the poor would be the “moral center” of his administration.

In his inaugural address the President said; “We know that our patchwork heritage is strength, not a weakness. We are a nation of Christians and Muslims, Jews and Hindus, and nonbelievers.” In his first interview with an Arab-Muslim television station, Al Arabiya from Dubai, he cited the variety of religious beliefs and nonbelievers in the United States by saying “members of my family are Muslim and I have lived in the largest Muslim country in the world.” In the first 100 days of his administration he will deliver a major address in a Muslim capital. President Obama used the word “nonbelievers” to a Muslim television audience indicating the inclusive approach of his administration.

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International Obligations: In 1992 the United States of America ratified the International Covenant on Civil and Political Rights. States Parties to this rights-based international treaty take on the obligation to report on how the country is implementing Article 18 of the Covenant on which cites norms and standards on international human rights and freedom of Religion or Belief.

In 1998 a UN Special Rapporteur on Freedom of Religion or Belief visited the United States to write a report (E/CN.4/1998/6/Add.2) on how the United States was implementing Article 18 of the ICCPR and its supporting document the 1981 U.N. Declaration. A series of conclusions and recommendations were made by the UN Special Rapporteur at the end of the report on ways the United States can improve on meeting its obligations.

International Human Rights Standards on Freedom of Religion or Belief monitor governments, religions or beliefs, non-governmental organizations, civil society and individuals living under constitutional systems such as separation of church and state, state church, theocratic, and non-constitutional legal frameworks. The concept *Separation of Religion or Belief and State* means equal, fair and practical support for all *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*, as stated by international human rights standards on freedom of religion or belief.

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.”

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.

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.

Inclusive and genuine dialogue is essential as a first step in the preamble to the Universal Declaration of Human Rights; *recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world*. The 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 to respectfully hold truth claims in tandem with human rights standards on freedom of religion or belief.

The New York Times Sunday article *Without a Pastor, Obama Turns to a Circle of 5*, by Laurie Goodstein on 15 March, 2009 may be an indication the Obama administration will not want to consider an inclusive approach or a bridge to United States domestic and international programs on human rights and freedom of religion or belief. The article reports that President Obama “has quietly cultivated a handful of evangelical pastors for private prayer sessions on the telephone and for discussions on the role of religion in politics.”

This is President Obama’s very personal time for sharing his beliefs. The circle however does not include religious leaders of different Christian orientations or other faiths. The question is whether this inner circle will reflect in his public actions on the role of religion in politics. It makes the call for an inclusive local-national-international United States approach to freedom of religion or belief more important as a proposal for preparation of the United States Universal Periodic Review in December, 2010.

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 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.

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. 3 *Freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed*

by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

7. 1 The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

“OBAMA SEEKS BIGGER ROLE FOR RELIGIOUS GROUPS”

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

But Mr. Obama’s plan pointedly departed from the Bush administration’s stance on one fundamental issue: whether religious organizations that get federal money for social services can take faith into account in their hiring. Mr. Bush has said yes and Mr. Obama no. “If you get a federal grant, you can’t use that grant money to proselytize to the people you help and you can’t discriminate against them – or against the people you hire – on the basis of their religion,” Mr. Obama said. “Federal dollars that go directly to churches, temples, and mosques can only be used on secular programs.

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

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

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

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

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

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

“LEADERS SAY OBAMA HAS TAPPED PASTOR FOR OUTREACH OFFICE”

President Obama plans to name Joshua DuBois, a 26-year-old Pentecostal pastor and political strategist who handled religious outreach for the Obama campaign, to direct a revamped office of faith-based initiatives, according to religious leaders who have been informed about the choice.

The office, created by President George W. Bush by executive order at the start of his first term, is likely to have an even broader mandate in the Obama White House, said the religious leaders, who requested anonymity because the appointment has yet to be announced.

The White House declined to comment.

Renamed the Council for Faith-Based and Neighborhood Partnerships, the office will not merely oversee the distribution of grants to religious and community groups, but will also look for other ways to involve those groups in working on pressing social problems.

Mr. DuBois received a master’s degree from the Woodrow Wilson School of Public and International Affairs at Princeton University, and was enrolled in law school when he left to work for Mr. Obama, then a senator.

“I’ve been very impressed with this young man,” said John J. Dilulio Jr., a professor at the University of Pennsylvania, who was the first person appointed to this job by Mr. Bush and who soon left in frustration.

Mr. Dilulio was tapped by Mr. DuBois for advice on the religion-based initiative last year and through the transition process.

“He is smart. He is calm. He is steady,” Mr. Dilulio said of Mr. DuBois, “and I think he’s very close to the new president. He’d be a good guy to do it.”

On Capitol Hill, Mr. DuBois was part of a Democratic working group focused on building relationships with religious leaders, especially evangelical Christians alienated by the Republican record on economic inequality, foreign policy and environmental matters. Mr.

DuBois expanded that outreach during the presidential campaign by convening house parties of religious voters across the country to present Mr. Obama as a man motivated by his faith.

The most contentious issue that Mr. DuBois will have to help resolve is whether Mr. Obama should rescind a Bush administration legal memorandum that allows religious groups that receive government money to hire only those who share their faith.

Mr. Obama said in a campaign speech last June, “If you get a federal grant, you can’t use that grant money to proselytize to the people you help and you can’t discriminate against them — or against the people you hire — on the basis of their religion.”

Mr. DuBois led an effort during the transition to consult with dozens of religious and charity groups about the work of the faith-based office, including what to do about the hiring question, and whether the faith-based centers that Mr. Bush inserted into 12 federal agencies should all be preserved.

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.

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.

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

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.”

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, 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 a 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.