

THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

UNIVERSAL PERIODIC REVIEW & FREEDOM OF RELIGION OR BELIEF

This is an example on how one country may *follow-up* the Universal Periodic Review. Each country will have their own ideas for *follow-up* to their Universal Periodic Review, adapted and appropriate to the cultures and constitutions of their own traditions.

The United States of America was elected by the United Nations General Assembly to a seat on the United Nations Human Rights Council on 12 May 2009.

- **Proposal:** to the United States of America to develop a model local-national-international integrated approach to Freedom of Religion or Belief linking: Local Delivery of Social Services by Religions or Beliefs using Federal Funds; Separation of Church and State issues; International Human Rights Standards on Freedom of Religion or Belief; in preparation for the United States Universal Periodic Review before the United Nations Human Rights Council in 2010.

Background for Proposal: “*Obama Seeks Bigger Role for Religious Groups*”, New York Times, by Jeff Zeleny and Michael Luo, Wednesday July 2, 2008. This background article was written prior to the U.S. election of President Barack Obama.

Excerpt: “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.”

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

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

This example is appropriate for an academic research or classroom assignment or for a non-governmental human rights organization (NGO) to develop a model local-national-international integrated approach to Human Rights and Freedom of Religion or Belief. This would be a bridge between U.S. domestic and U.S. international programs. Topics are suggestions only:

Topics: to consider for writing a model U.S. integrated approach to freedom of religion or belief:

1. Bridging U.S. Domestic and U.S. International Programs.
2. U.S. Constitution and laws of the U.S. Congress.
3. Separation of Church and State in a Federal and State System.
4. White House Council on Faith-based and Neighborhood Partnerships.
5. U.S. State Department; Covenants, Conventions, Treaty Obligations.
6. Article 18 of the International Covenant on Civil and Political Rights.

7. 1981 U.N. Declaration on Freedom of Religion or Belief
8. Conclusions and Recommendations and How to make it Work

Sources of Information: Footnote and link sources of information.

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 his report.

Local: 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.

National: In 1992 the United States Senate 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 – the right to freedom of religion or belief.

International: 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.

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.”

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

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.”

Genuine dialogue on human rights and freedom of religion or belief calls for respectful discourse, discussion of taboos and clarity by persons of diverse beliefs. Inclusive dialogue includes people of *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*. The warning signs are clear, unless there is genuine dialogue ranging from religious fundamentalism to secular dogmatism; conflicts in the future will probably be even more deadly.

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.

International Human Rights Standards on Freedom of Religion or Belief are international law and 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. Inclusive dialogue on core principles and values includes balanced discussion on cooperation, competition and conflict.

The Tandem Project is a non-governmental organization (NGO) 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 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.

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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*