

THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

Separation of Religion or Belief & State

UNITED STATES OF AMERICA

Ninth Session U.N. Human Rights Council Universal Periodic Review (22 Nov.-3Dec. 2010)

UNIVERSAL PERIODIC REVIEW

The United States of America Universal Periodic Review will be held on Friday 26 November from 9:00-12:00, 2010. The HRC Web Cast below will be activated on 26 November to access reports for the *United States Universal Periodic Review: National Report; Compilation prepared by OHCHR; Summary prepared by OHCHR; Interactive Dialogue; Comments & Answers; Final Remarks.*

HRC Web Cast: *Friday 26 November 2010*

Archives: *Tuesday 30 November 2010*

The Universal Periodic Review (UPR) is a unique process launched by the UN Human Rights Council in 2008 to review the human rights obligations and responsibilities of all UN Member States by 2011. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>.

RECOMMENDATIONS

Preparation for the United States of America Universal Periodic Review should include an assessment of the excellent *Conclusions and Recommendations* made by Mr. Abdelfattah, UN Special Rapporteur on Freedom of Religion or Belief, in his January report to the United Nations (E/CN.4/1999/58/Add.1). An assessment would research how many of his recommendations were implemented by the United States in the past twelve years. The Tandem Project will exchange information on this recommendation with the persons and organizations who contributed to the Amor 1998 report (see Attachment: SR Visit to the United States of America).

The U.S. State Department in its National Report should extend an invitation to the present UN Special Rapporteur to make an assessment visit to upgrade the Amor report on human rights and freedom of religion or belief in the United States.

In 1998 the U.S. Congress passed the International Religious Freedom Act of 1998 creating an Office on International Freedom in the U.S. Department of State and a United States Commission on International Religious Freedom: <http://www.state.gov/g/drl/irf/index.htm>. Public Law 106-55 mandates the U.S. State Department and U.S. Commission to report on international religious freedom in other countries and not on the United States.

President Obama launched the White House Council for Faith-based and Neighborhood Partnerships calling it the “moral center” for his administration in the delivery of domestic social services and dialogue between faiths in the United States. The Tandem Project recommends organizations affiliated with the White House Council respond to the Tandem Project *Survey Questionnaire* (see attachment) as a checklist to assess how inclusive and genuine their approaches are to international human rights law on freedom of religion or belief at local levels.

The U.S. State Department, U.S. Commission and White House Council might collaborate on ways to integrate foreign and domestic programs be in their approach to human rights and freedom of religion or belief in preparation for the United States of America Universal Periodic Review: [Universal Periodic Review & Freedom of Religion or Belief](#).

The United Nations in 1968 deferred work on drafting a “core” International Convention on the Elimination of Religious Intolerance because of the sensitivity and complexity of reconciling a human rights treaty with dissonant worldviews and voices on religion or belief. History: [United Nations History – Freedom of Religion or Belief](#).

The Tandem Project recommends the United States of America in the National Report for the Universal Periodic Review, call for renewing the draft by proposing a “core” legally binding International Convention on Freedom of Religion or Belief.

The Tandem Project Follow-up recommendations will be updated after 26 November 2010.

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.

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

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.

United Nations Secretary General Ban Ki Moon, at the first Alliance of Civilizations Madrid Forum; “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.”

In 1968 the UN deferred work on an International Convention on the Elimination of All Forms of Religious Intolerance because of the sensitivity and complexity of reconciling a human rights treaty with dissonant worldviews and voices on religion or belief. Instead, in 1981 the United Nations adopted a non-binding Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in support of Article 18: http://www.tandemproject.com/program/81_dec.htm.

Separation of Religion or Belief and State reflects the far-reaching scope of UN General Comment 22 on Article 18, International Covenant on Civil and Political Rights, 1993, UN Human Rights Committee.

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument)

Inclusive and genuine dialogue on human rights and freedom of religion or belief are between people of theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. It calls for open dialogue on: awareness, understanding, acceptance; cooperation, competition, conflict; respectful discourse, discussion of taboos and clarity by persons of diverse beliefs.

Human rights protect freedom of religion or belief; religion or belief does not always protect human rights. In this respect human rights trump religion to protect individuals against all forms of discrimination on grounds of religion or belief by the State, institutions, groups of persons and persons. After forty years suffering, violence and conflict based on belief has increased in many parts of the world. UN options may be to try to gradually reduce such intolerance and discrimination or call for a new paradigm deferred since 1968.

Is it time for the UN to draft a legally binding International Convention on Freedom of Religion or Belief: [United Nations History – Freedom of Religion or Belief](#).