

THE TANDEM PROJECT

<http://www.tandemproject.com>.

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

*UN NGO in Special Consultative Status with the
Economic and Social Council of the United Nations*

Separation of Religion or Belief & State

UNITED NATIONS & ISLAMIC HUMAN RIGHTS DECLARATIONS FOR DISCUSSION & DIALOGUE

THE U.N. DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

THE CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

PERSPECTIVES: The Tandem Project offers perspectives from distinguished authors, writers, religious and diplomatic leaders on freedom of religion or belief. They are offered with the greatest respect for the dignity of all people of all religions or beliefs and in no way is meant to insult or defame anyone or any belief.

International Human Rights on Freedom of Religion or Belief are human rights 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.

General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument)

The *UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* was proclaimed by the General Assembly of the United Nations 25 November, 1981 (Resolution: 36/55) http://www.tandemproject.com/program/81_dec.htm.

The *Cairo Declaration on Human Rights in Islam* was adopted and issued at the Nineteenth Islamic Conference of Foreign Ministers on 5 August 1990. The Organization of Islamic Conference (OIC) is an Inter-Governmental Organization of countries that either observes Shari'ah law, or where Islam is the majority religion. The OIC maintains Inter-governmental Permanent Observer Missions to the United Nations in New York and Geneva. The OIC is involved in all aspects of the work of the United Nations and its affiliated institutions. This includes a wide range of human rights activities. The Cairo Declaration is a statement by the 57 OIC Member Countries who are also Member States of the United Nations. The Tandem Project has placed the Preamble and twenty-five Articles of the Cairo Declaration with the Preamble and eight Articles of the 1981 U.N. Declaration for **discussion and dialogue** on concepts, similarities and differences. Cairo Declaration on Human Rights in Islam:

<http://www.religlaw.org/content/religlaw/documents/cairohrislam1990.htm>

United Nations Press Release

The United Nations Office of High Commissioner for Human Rights (OHCHR) and the Organization of Islamic Conference (OIC) issued a joint Memorandum of Understanding on Technical Cooperation in the Field of Human Rights. “The memorandum spells out cooperation in the area of information sharing, inviting each other to relevant meetings and events; as well as building regional, sub-regional and national capacities for the **adoption** of policies and guidelines on human rights and encouraging them to **ratify** international human rights treaties.” - *U.N. Press Release on the Memorandum of Understanding, Jeddah, Saudi Arabia, 11 July 2006.*

Geneva, 11 July 2006: The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Organization of the Islamic Conference (OIC) today signed in Rabat a memorandum of understanding on technical cooperation in the field of human rights. Both organizations will work together in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The memorandum spells out cooperation in the area of information sharing, inviting each other to relevant meetings and events; as well as building regional, sub-regional and national capacities for the adoption of policies and guidelines on human rights and on encouraging them to ratify international human rights treaties. The signing of the memorandum of understanding took place on the opening day of the UN-OIC general periodic meeting on cooperation between the two organizations and their specialized institutions. OIC is an inter-governmental organization established in 1969 which comprises 57 Member States, with its headquarters in Jeddah, Saudi Arabia” – *United Nations Press Release, 11 July 2006.*

PREAMBLE:

THE UN DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Proclaimed by the General Assembly of the United Nations
25 November, 1981 (Resolution: 36/55)

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion or belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to humankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to a kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements

in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion or belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion or belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the grounds of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

PREAMBLE:

THE CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

The Member States of the Organization of the Islamic Conference,

***Reaffirming* the civilizing and historical role of the Islamic Ummah which God made the best nation that has given mankind a universal and well-balanced civilization in which harmony is established between this life and the hereafter and knowledge is combined with faith; and the role that this Ummah should play to guide a humanity confused by competing trends and ideologies and to provide solutions to the chronic problems of this materialistic civilization.**

***Wishing* to contribute to the efforts of mankind to assert human rights, to protect man from exploitation and persecution, and to affirm his freedom and right to a dignified life in accordance with the Islamic Shari'ah,**

***Convinced* that mankind which has reached an advance stage in materialistic science is still, and shall remain, in dire need of faith to support its civilization and of a self-motivating force to guard its rights;**

***Believing* that fundamental rights and universal freedoms in Islam are an integral part of the Islamic religion and that no one as a matter of principle has the right to suspend them in whole or in part or violate or ignore them in as much as they are binding divine commandments, which are contained in the Revealed Books of God and were sent through the last of His Prophets to complete the preceding divine messages thereby making their observance an act of worship and their neglect**

or violation an abominable sin, and accordingly every person is individually responsible – and the Ummah collectively responsible – for their safeguard.

Cairo, 14 Muharram 141H 5 August 1990.

ARTICLES

UNITED NATIONS & ISLAMIC HUMAN RIGHTS DECLARATIONS

The Cairo Document can be read in *Religion and Human Rights Basic Documents*, published by the Center for the Study of Human Rights, Columbia University, New York, 1998.

<http://www.religlaw.org/content/religlaw/documents/cairohrislam1990.htm>

Excerpts of articles in **bold** print: *The Cairo Declaration on Human Rights in Islam*.

UN Declaration: http://www.tandemproject.com/program/81_dec.htm.

ARTICLE 1: UN DECLARATION

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 1 – All human beings form one family whose members are united by submission to God and descent from Adam.

Article 25 – The Islamic Shari’ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

1. 2. *No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.*

Article 10 – Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism.

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.*

Article 17 – Everyone shall have the right to live in a clean environment, away from the vice and moral corruption, an environment that would foster his self-development; and it is incumbent upon the State and society in general to afford that right.

ARTICLE 2: UN DECLARATION

2. 1 *No one shall be subject to discrimination by any State, institution, group of persons or person on the*

grounds of religion or other beliefs.

Article 24 – All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah.

Article 12 – Every man shall have the right within the framework of Shari’ah, to free movement and to select his place of residence whether inside or outside his country and, if persecuted is entitled to seek asylum in another country.

Article 23 – Authority is a trust; and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed.

2. 2 *For the purposes of the present Declaration, the expression ‘intolerance and discrimination based on religion or belief’ means any distinction, exclusion, restriction, or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.*

Article 25 – The Islamic Shari’ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

Article 14 – Everyone shall have the right to legitimate gains without monopolization, deceit or harm to oneself or to others. Usury (riba) is absolutely prohibited.

ARTICLE 3: UN DECLARATION

3. 1 *Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.*

Article 4 – Every human being is entitled to inviolability and the protection of his good name and honour during his life and after his death.

Article 6 – Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage.

Article 7 – As of the moment of birth, every child has rights due from the parents, society and the state to be accorded proper nursing, education and material hygienic and moral care.

Article 8 – Every human being has the right to enjoy his legal capacity in terms of both obligation and commitment.

Article 9 – The quest for knowledge is an obligation, and the provision of education is a duty for society and the State.

Article 11 – Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to God the Most-High.

Article 12 – Every man shall have the right within the framework of Shari’ah, to free movement and to select his place of residence whether inside or outside his country and, if persecuted is entitled to seek asylum in another country.

Article 13 – Work is a right guaranteed by the State and Society for each person able to work.

Article 15 – Everyone shall have the right to own property acquired in a legitimate way, and shall be entitled to the rights of ownership, without prejudice to oneself, others or to society in general.

Article 16 – Everyone shall have the right to enjoy the fruits of his scientific, literary, artistic or technical production and the right to protect the moral and material interests stemming therefrom, provided that such production is not contrary to the principles of Shari’ah.

Article 18 – Everyone shall have the right to live in security for himself, his religion, his dependents his honour and his property.

Article 21 – Taking hostages under any form or for any purpose is expressly forbidden.

Article 22 – Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari’ah.

ARTICLE 4: UN DECLARATION

4. 1 All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

4. 2 All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Article 24: All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah.

Article 25: The Islamic Shari’ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

ARTICLE 5: UN DECLARATION

5. 1 The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

Article 5 – The family is the foundation of society, and marriage is the basis of its formation.

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 or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians; the best interests of the child being the guiding principle.

Article 9 – Every human being has the right to receive both religious and worldly education from the various institutions of education and guidance, including the family, the school, the university, the media etc., and in such an integrated and balanced manner as to develop his personality, strengthen his faith in God and promote his respect for and defense of both rights and obligations.

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, 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.

Article 9 – The quest for knowledge is an obligation, and the provision of education is a duty for society and the State.

5. 4 In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. 5 Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account Article 1, paragraph 3, of the present Declaration.

Article 7 – As of the moment of birth, every child has rights due from the parents, society and the state to be accorded proper nursing, education and material hygienic and moral care.

ARTICLE 6: UN DECLARATION

In accordance with Article 1 of the present Declaration, and subject to the provisions of Article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

6. 1 To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

6. 2 To establish and maintain appropriate charitable or humanitarian institutions;

6. 3 To make, acquire and use to an adequate extent the necessary articles and materials related to the rites and customs of a religion or belief;

6. 4 To write issue and disseminate relevant publications in these areas;

6. 5 To teach a religion or belief in places suitable for these purposes;

6. 6 To solicit and receive voluntary financial and other contributions from individuals and institutions;

6. 7 To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

6. 8 To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;

6. 9 To establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.

ARTICLE 7: UN DECLARATION

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.

Article 19 – All individuals are equal before the law, without distinction between the ruler and the ruled.

Article 8 – Every human being has the right to enjoy his legal capacity in terms of both obligation and commitment.

ARTICLE 8: UN DECLARATION

8. 1 *Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.*

Article 24: All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah.

Article 25: The Islamic Shari’ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.

A CULTURE OF TOLERANCE AND PEACE BASED ON RELIGION OR BELIEF

[United Nations Resolution – a Culture of Tolerance & Peace Based on Religion or Belief](#)

Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence, and violence against persons, based on religion or belief

In 1961 the UN General Assembly adopted a resolution asking ECOSOC and the UN Human Rights Commission to prepare a **legally-binding** international human rights convention on religious intolerance, later deferred by religious and diplomatic leaders because of its **complexity and political sensitivity**.

Fifty years later the UN General Assembly adopted Resolution 66/167 by consensus to combat such intolerance. It may be the best hope since 1962 to **reconcile issues and divergent views on human rights and freedom of religion or belief, assimilation and multiculturalism**. The Resolution calls for an open public debate of ideas and strengthened global dialogue at all levels to implement 66/167.

CALL FOR OPEN PUBLIC DEBATE OF IDEAS AND GLOBAL DIALOGUE AT ALL LEVELS

Recognizes that the open public debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels can be among the best protections against religious intolerance, and can play a positive role in strengthening democracy and combating religious hatred, and convinced that a continuing dialogue on these issues can help overcome existing misperceptions.

Calls for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and decides to convene a panel discussion on this issue at its seventeenth session within existing resources.

On December 19, 2011 resolution A/RES/66/167 was **adopted by consensus** by the United Nations General Assembly, after several years of **no consensus votes** on contentious issues between the European Union (EU), Organization of the Islamic Conference (OIC), and other UN Member States. A/RES/66/167 is a hopeful beginning for resolution of these issues.

Resolution 66/167 began as Resolution A/HRC/16/18/L.38 introduced by Pakistan in the UN Human Rights Council on March 24, 2011 and **adopted by consensus**. The Resolution was introduced by the United Arab Emirates in the UN General Assembly in New York as A/C.3/66/L.47 and **adopted by consensus**.

REFLECTIONS

The Tandem Project

Reason only visits those who welcome it.

The First Preamble to the Universal Declaration of Human Rights reads: 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.

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.

There is an increase in dialogue today between religions and other beliefs to embrace diversity, but few persons, less than one percent of any population, ever participate. This is a challenge. The value of such dialogues is proportionate to the level of participation. For civil society increased participation would create opportunities for education on inclusive and genuine approaches to human rights and freedom of religion or belief.

In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. Instead, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.

Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?

- **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The U.N. Review Conference on the Nuclear Test Ban Treaty and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the U.N. Human Rights Council and U.N. Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is a foundation for solving this issue.

“I am become death, the destroyer of worlds”

- Robert Oppenheimer, quote from the Bhagavad Gita after first atomic bomb, Trinity 1945.

The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete. It may be time to begin to consider reinstating the 1968 Working Group to bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.

The Tandem Project a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material 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 the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.