

# Lifting the Spirit

Human Rights  
and Freedom of Religion or Belief



**HUMAN RIGHTS EDUCATION SERIES**

***Topic Book 5***

**A PUBLICATION OF  
THE UNIVERSITY OF MINNESOTA  
HUMAN RIGHTS RESOURCE CENTER  
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**A CONTRIBUTION TO THE  
UNITED NATIONS DECADE  
FOR HUMAN RIGHTS EDUCATION**

# LIFTING THE SPIRIT: HUMAN RIGHTS AND FREEDOM OF RELIGION OR BELIEF

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## **ABOUT THE HUMAN RIGHTS EDUCATION SERIES**

The Human Rights Education Series is published by the Human Rights Resource Center at the University of Minnesota. Edited by Nancy Flowers, the series provides resources for the ever-growing body of educators and activists working to build a culture of human rights in the United States and throughout the world. Other publications in the Series include:

**Human Rights Here and Now: Celebrating the Universal Declaration of Human Rights** - *edited by Nancy Flowers*

**Economic and Social Justice: A Human Rights Perspective** - *by David Shiman*

**Raising Children with Roots, Rights & Responsibilities: Celebrating the UN Convention on the Rights of the Child** - *by Lori DuPont, Joanne Foley, and Annette Gagliardi*

**Lesbian, Gay, Bisexual, and Transgender Rights: A Human Rights Perspective** – *by David M. Donahue*

**The Human Rights Education Handbook: Effective Practices for Learning, Action, and Change** – *by Nancy Flowers with Marcia Bernbaum, Kristi Rudelius-Palmer, and Joel Tolman*

## **ABOUT THE PUBLICATION PARTNERS**

### **The Tandem Project**

The Tandem Project was founded in Minneapolis, Minnesota, USA, in 1985, to help promote tolerance and prevent discrimination based on religion or belief, through implementation of the 1981 Declaration. It has organized five international conferences and participated in the publication of several books on this subject. For further information, contact Michael Roan, Executive Director, at [mroan@umn.edu](mailto:mroan@umn.edu) or (612) 825-2842.

### **The University of Minnesota Human Rights Resource Center**

The University of Minnesota Human Rights Center, founded in 1988, is located at the University of Minnesota Law School in Minneapolis, Minnesota, USA. Its Resource Center develops, markets, and distributes human rights education materials and trains students, volunteers, and professionals to promote and protect human rights.

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***Lifting the Spirit: Human Rights and Freedom of Religion or Belief*** has been created as a tool to promote acceptance and prevent discrimination based on religion or belief, by teaching youth ways to connect the 1981 U.N. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in their daily lives and in their communities. ***Lifting the Spirit: Human Rights and Freedom of Religion or Belief*** is a first-of-its-kind resource guidebook with hands-on learning experiences for teachers, facilitators, and advocates working with youth between 12 to 18 years old. The Tandem Project and the University of Minnesota Human Rights Resource Center have worked together with the assistance of numerous colleagues to make this resource guidebook a reality. The Publication Partners would like to recognize the important contribution of the U.N. High Commissioner for Human Rights, a leader in human rights education and primary supporter of teaching about freedom of religion or belief as a human right.

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# USING *LIFTING THE SPIRIT*

*Lifting the Spirit* is intended to further an understanding of human rights in general and especially the human right to freedom of religion or belief. This curriculum is not a survey of world religions, although it might complement such a course; instead it relates the worship, observances, practices, and teachings of all religions and beliefs to fundamental human rights principles. Designed for use in secondary classrooms, religious institutions, and youth advocacy organizations around the world, both content and organization aim to be adaptable to many different national and cultural settings.

Although individual lessons can be used alone, *Lifting the Spirit* will be most effective if each unit is introduced sequentially. Because of the personal and often divisive nature of religion and belief, establishing a classroom where everyone's human rights are respected is essential, whether the teacher uses a single unit or the whole curriculum. Teachers themselves need to be conscious of their own attitudes toward religious differences and seek to nurture a spirit of acceptance and genuine intellectual inquiry in both their students and themselves.

Although many different methodologies are used, each lesson follows a similar structure and is timed to last approximately fifty minutes. Important notes to the teacher are included in individual lessons. Words printed in bold type are identified in Appendix F, Glossary of Terms.

**Unit I, Introduction to Human Rights and Freedom of Religion or Belief**, lays the foundation for the whole curriculum, establishing classroom standards and challenging students to articulate their understanding of key concepts, such as human rights, dignity, religion, and belief, which will be used throughout this curriculum. Lesson 1, "Establishing Classroom Rules, Rights, and Responsibilities", should be considered a prerequisite to any and all other lessons.

**Unit II, Understanding Freedom of Religion or Belief**, introduces students to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (DROB), the human rights document on which this curriculum focuses. It challenges students to grapple with complex topics such as the relationship between rights and responsibilities, the tension between "absolute" truth claims and secular beliefs, and the way in which different world views contribute to conflicting moral standards, which can lead to intolerance and discrimination.

**Unit III, Human Rights from Concept to Declaration**, takes students more deeply into human rights, first examining the content and history of the Universal Declaration of Human Rights (UDHR) and then exploring the 1981 Declaration (DROB) in the context of the international human rights system.

**Unit IV, The 1981 UN Declaration on Freedom of Religion or Belief (DROB)**, takes students systematically through this document, clarifying its language (for example, what are the differences among thought, conscience, religion, and belief?) and the implications of the rights it embodies (for example, why are worship, observance, practice, and teaching important?). This unit deals also with important issues such as coercion in religion or belief and limitations to freedom of religion or belief.

**Unit V, Taking Action for Freedom of Religion or Belief**, challenges students to research and assess their own family, school, community, and national legal system in light of the freedom of religion or belief. They are asked to examine how this freedom is protected in their national constitution or legal code and to determine whether they live in a theocracy, a country with a state religion, or a country with separation of religion and the state.

**The Appendices** contain a variety of supporting material for the curriculum and background information for the teachers on freedom of religion or belief and human rights.

- **Appendix A, Documents Relating to Freedom of Religion or Belief** lists UN and regional documents that define and guarantee this human right.
- **Appendix B, Resources** contains both published and electronic resources for advocates, teachers, and researchers.
  1. Resources for Advocacy
  2. Resources for Teaching
  3. Resources for Research
  4. Additional Resources
  5. Additional Links
- **Appendix C, The Universal Declaration of Human Rights**, contains both the full text and the abbreviated version of the UDHR of 1948.
- **Appendix D, The 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (DROB)**, contains both the full text and a summary of the articles of this document.
- **Appendix E, Glossary of Terms**, defines technical terms, which are printed in bold in the text.

# TEACHER'S BRIEFING GUIDE

## PART 1

### HISTORY AND DEVELOPMENT OF HUMAN RIGHTS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

#### I. WHAT ARE HUMAN RIGHTS?

*Human rights are the rights a person is entitled to simply because he or she is a human being.*

Human rights are **inalienable**: you cannot lose these rights any more than you can cease being a human being. Human rights are held by all persons equally, universally, and forever.

Human rights are **indivisible**: you cannot be denied a right because it is "less important" or "non-essential."

Human rights are **interdependent**: all human rights are part of a complementary framework. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life.

Another definition for human rights is those basic standards without which people cannot live in dignity. To violate someone's human rights is to treat that person as though she or he were not a human being. To advocate human rights is to demand that the **human dignity** of all people be respected.

In claiming these human rights, everyone also accepts the responsibility not to infringe on the rights of others and to support those whose rights are abused or denied.

#### **Human Rights as Inspiration and Empowerment**

Human rights are both inspirational and practical. Human rights principles hold up the vision of a free, just, and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people. Human rights also empower people with a framework for action when those minimum standards are not met, for people still have human rights even if the laws or those in power do not recognize or protect them. We experience our human rights every day when we worship according to our belief, or choose not to worship at all; when we debate and criticize government policies; when we join a trade union; when we travel to other parts of our own country or overseas. Although we sometimes take these actions for granted, not all people enjoy all these liberties equally. Human rights violations also occur everyday when a parent abuses a child, when a family is homeless, when a school provides inadequate education, when women are paid less than men, or when one person steals from another.

#### **The Universal Declaration of Human Rights**



Rights for all members of the human family were first articulated in 1948 in the United Nations' Universal Declaration of Human Rights (UDHR). Following the horrific experiences of the Holocaust and World War II, and amid the grinding poverty of much of the world's population, many people sought to create a document that would capture the hopes, aspirations, and protections to which every person in the world is entitled and ensure that the future of humankind would be different. See Appendix D: The Universal Declaration of Human Rights, for the complete text (p.121) and a simplified version (p. 120) of the UDHR.

The 30 articles of the Declaration together form a comprehensive statement covering economic, social, cultural, political, and civil rights. The document is both universal (it applies to all people everywhere) and indivisible (all rights are equally important to the full realization of one's humanity). A **declaration**, however, is not a treaty and lacks any enforcement provisions. Rather it is a statement of intent, a set of principles to which United Nations **member states** commit themselves in an effort to provide all people a life of human dignity.

Over the past 50 years the Universal Declaration of Human Rights has acquired the status of **customary international law** because most states treat it as though it were law. However, governments have not applied this customary law equally. Socialist and communist countries of Eastern Europe, Latin America, and Asia have emphasized social welfare rights, such as education, jobs, and health care, but often have limited the political rights of their citizens. The United States has focused on political and civil rights and has advocated strongly against regimes that torture, deny religious freedom, or persecute minorities. On the other hand, the US government rarely recognizes health care, homelessness, environmental pollution, and other social and economic concerns as human rights issues, especially within its own borders.

Source: Adapted for *Human Rights Here & Now* (University of Minnesota Human Rights Resource Center, 1997) from Costain, P., "Moving the Agenda Forward," *Connection to the Americas* 14.8 (October 1997): 4.

## II. A SHORT HISTORY OF HUMAN RIGHTS

The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new. Its roots, however, lie in earlier tradition and documents of many cultures; it took the catalyst of World War II to propel human rights onto the global stage and into the global conscience.

Throughout much of history, people acquired rights and responsibilities through their membership in a group – a family, indigenous nation, religion, class, community, or state. Most societies have had traditions similar to the "golden rule" of "Do unto others as you would have them do unto you." The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran (Koran), and the Analects of Confucius are five of the oldest written sources that address questions of people's duties, rights, and responsibilities. In addition, the Inca and Aztec codes of conduct and justice and an Iroquois Constitution were Native American sources that existed well before the 18th

century. In fact, all societies, whether in oral or written tradition, have had systems of propriety and justice as well as ways of tending to the health and welfare of their members.

### **Precursors of 20th Century Human Rights Documents**

Documents asserting individual rights, such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791) are the written precursors to many of today's human rights documents. Yet many of these documents, when originally translated into policy, excluded women, people of color, and members of certain social, religious, economic, and political groups. Nevertheless, oppressed people throughout the world have drawn on the principles these documents express to support revolutions that assert the right to self-determination.

Contemporary international human rights law and the establishment of the United Nations (UN) have important historical antecedents. Efforts in the 19th century to prohibit the slave trade and to limit the horrors of war are prime examples. In 1919, countries established the **International Labor Organization (ILO)** to oversee **treaties** protecting workers with respect to their rights, including their health and safety. Concern over the protection of certain minority groups was raised by the League of Nations at the end of the First World War. However, this organization for international peace and cooperation, created by the victorious European allies, never achieved its goals. The League floundered because the United States refused to join and because the League failed to prevent Japan's invasion of China and Manchuria (1931) and Italy's attack on Ethiopia (1935). It finally died with the onset of the Second World War (1939).

### **The Birth of the United Nations**

The idea of human rights emerged stronger after World War II. The extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II, and officials from the defeated countries were punished for committing war crimes, "crimes against peace," and "crimes against humanity." Governments then committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. The essence of these emerging human rights principles was captured in United States President Franklin Delano Roosevelt's 1941 State of the Union Address when he spoke of a world founded on four essential freedoms: freedom of speech and religion and freedom from want and fear. The calls came from across the globe for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders. These voices played a critical role in the San Francisco meeting that drafted the **United Nations Charter** in 1945.

### **The Universal Declaration of Human Rights**

**Member states** of the United Nations pledged to promote respect for the human rights of all. To advance this goal, the UN established a **Commission on Human Rights** and

charged it with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the Charter. The Commission, guided by Eleanor Roosevelt's forceful leadership, captured the world's attention. On December 10, 1948, the **Universal Declaration of Human Rights (UDHR)** was adopted by the 56 members of the United Nations. The vote was unanimous, although eight nations chose to abstain.

The UDHR, commonly referred to as the international Magna Carta, extended the revolution in international law ushered in by the United Nations Charter – namely, that how a government treats its own citizens is now a matter of legitimate international concern, and not simply a domestic issue. It claims that all rights are **interdependent** and **indivisible**. Its Preamble eloquently asserts that:

*[R]ecognition 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.*

The influence of the UDHR has been substantial. Its principles have been incorporated into the constitutions of most of the more than 185 nations now in the UN. Although a **declaration** is not a legally binding document, the Universal Declaration has achieved the status of **customary international law** because people regard it "as a common standard of achievement for all people and all nations."

### **The Human Rights Covenants**

With the goal of establishing mechanisms for enforcing the UDHR, the UN Commission on Human Rights proceeded to draft two **treaties**: the International Covenant on Civil and Political Rights (ICCPR) and its **Optional Protocol** and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the Universal Declaration, they are commonly referred to as the **International Bill of Human Rights**. The ICCPR focuses on such issues as the right to life, freedom of speech, religion, and voting. The ICESCR focuses on such issues as food, education, health, and shelter. Both **covenants** trumpet the extension of rights to all persons and prohibit discrimination. As of 1997, over 130 nations have **ratified** these covenants.

### **Subsequent Human Rights Documents**

In addition to the covenants in the International Bill of Human Rights, the United Nations has adopted more than 20 principal treaties further elaborating human rights. These include conventions to prevent and prohibit specific abuses like torture and **genocide** and to protect especially vulnerable populations, such as refugees (Convention Relating to the Status of Refugees, 1951), women (**Convention on the Elimination of All Forms of Discrimination against Women**, 1979), and children (**Convention on the Rights of the Child**, 1989).

In Europe, the Americas, and Africa, regional documents for the protection and promotion of human rights extend the International Bill of Human Rights. For example, African states have created their own Charter of Human and People's Rights (1981), and Muslim states have created the Cairo Declaration on Human Rights in Islam (1990).

The dramatic changes in Eastern Europe, Africa, and Latin America since 1989 have powerfully demonstrated a surge in demand for respect of human rights. Popular movements in China, Korea, and other Asian nations reveal a similar commitment to these principles.

### **The Role of Nongovernmental Organizations**

Globally the champions of human rights have most often been citizens, not government officials. In particular, **nongovernmental organizations (NGOs)** have played a cardinal role in focusing the international community on human rights issues. For example, NGO activities surrounding the 1995 United Nations Fourth World Conference on Women in Beijing, China, drew unprecedented attention to serious violations of the human rights of women. NGOs such as Amnesty International, the Antislavery Society, the International Commission of Jurists, the International Working Group on Indigenous Affairs, Human Rights Watch, Minnesota Advocates for Human Rights, and Survivors International monitor the actions of governments and pressure them to act according to human rights principles.

Government officials who understand the human rights framework can also effect far-reaching change for freedom. Leaders like Nelson Mandela, Abraham Lincoln, Lyndon Johnson, and Václav Havel have brought about great changes under the banner of human rights.

Human rights is an idea whose time has come. The Universal Declaration of Human Rights is a call to freedom and justice for people throughout the world. Every day governments that violate the rights of their citizens are challenged and called to task. Every day human beings worldwide mobilize and confront injustice and inhumanity. Like drops of water falling on a rock, they wear down the forces of oppression and move the world closer to achieving the principles expressed in the Universal Declaration of Human Rights.

Source: Adapted for *Human Rights Here & Now* (University of Minnesota Human Rights Resource Center, 1997) from Shiman, D., *Teaching Human Rights*, (Denver: Center for Teaching International Relations Publications, U of Denver, 1993): 6-7.

# TEACHER'S BRIEFING GUIDE

## PART 2

### AN INTRODUCTION TO FREEDOM OF RELIGION OR BELIEF

#### I. DEFINITIONS

The word "religion" is commonly associated with belief in a transcendent deity or deities, whether in majority or minority, traditional or new religious beliefs. In human rights discourse, however, the use of the term "religion" usually also includes support for the right to non-religious beliefs. In 1993 the Human Rights Committee, an independent body of experts that interprets and monitors compliance with the **International Covenant on Civil and Political Rights** (ICCPR), described religion or belief as "theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief."

Religions and other beliefs bring hope and consolation to most of the world's peoples and hold great potential for peace and reconciliation among them. However, religions and other beliefs have also been the source of tension and conflict. This complexity, and the difficulty of defining "religion" and "belief," is illustrated by the on-going evolution of the protection of freedom of religion or belief in the context of international human rights.

#### II. THE EVOLUTION OF FREEDOM OF RELIGION OR BELIEF IN THE UN SYSTEM

The struggle for religious liberty has continued for centuries, and has led to innumerable, tragic conflicts. The twentieth century has seen the codification of common values related to freedom of religion or belief, though the struggle has not abated. The United Nations recognized the importance of freedom of religion or belief in the 1948 **Universal Declaration of Human Rights** (UDHR). Article 18 of the UDHR states:

*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 [her] choice.*

*Article 18*  
*Universal Declaration of Human Rights*

However, since the Universal Declaration, attempts to develop an enforceable human rights instrument related to freedom of religion or belief have been remarkably unsuccessful.

In 1966 the UN Covenant on Civil and Political Rights (ICCPR) expanded Article 18 of the UDHR to address the manifestation of religion or belief. Article 18 of this Covenant includes four paragraphs related to this issue:

1. **Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his [her] choice, and freedom either individually or in community with others and in public or private, to manifest his [her] religion or belief in worship, observance, practice and teaching.**
2. **No one shall be subject to coercion which would impair his [her] freedom to have or to adopt a religion or belief of his [her] choice.**
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.**
4. **The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions.**

Some of the provisions of the International Covenant on Civil and Political Rights regarding fundamental freedoms have been the basis of separate international conventions (e.g. Article 7 of the ICCPR was developed into the Convention Against Torture) which are legally binding. In contrast, however, because of the complexity of the topic and the political issues involved, Article 18 ICCPR has not led to the adoption of a specific legally binding instrument.

### **THE EVOLUTION OF FREEDOM OF RELIGION OR BELIEF IN THE UN HUMAN RIGHTS FRAMEWORK**

**1948 – Universal Declaration of Human Rights, Article 18**

**1966 – International Covenant on Civil and Political Rights (Covenant on Civil and Political Rights), Article 18**

**1981 – Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**

**1993 – Human Rights Committee's General Comment Number 22 on Article 18 of Covenant on Civil and Political Rights**

After twenty years of debate, intense struggle, and hard work, in 1981 the General Assembly adopted without a vote the **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or**

**Belief.** As a declaration, this document is a statement of principles that lacks any enforcement procedures; however, it remains the most important contemporary codification of the principle of freedom of religion and belief.

The 1981 UN Declaration contains eight articles, three of which (Articles 1,5, and 6) define specific rights. The remaining articles outline supporting measures to promote tolerance or prevent discrimination. Taken together, the eight articles constitute a paradigm, an overall concept, to advocate for tolerance and to prevent discrimination based on religion or belief.

### **ARTICLES OF THE 1981 DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF**

Article 1: *Legal Definition.* This article repeats several rights from Article 18 of the Covenant on Civil and Political Rights:

- Right to thought, conscience, and religion or belief;
- Right to have a religion or whatever belief of your choice;
- Right either individually or in community with others, in private or public, to manifest a religion or belief through worship, observance, practice and teaching;
- Right not to suffer coercion that impairs the freedom to choose a religion or belief;
- Right of the State to limit the manifestation of a religion or belief if based in law, and only as necessary to protect public safety, order, health, morals and the fundamental rights and freedoms of others.

Article 2: *Classification of Discrimination.* This article identifies categories of potential discriminators, affirming the right not to be subject to discrimination on the grounds of religion or belief by:

- States (national, regional, local government);
- Institutions (governmental, non-governmental, religious);
- Groups of persons;
- Individuals.

Article 3: *Link to Other Rights.* This article links the 1981 UN Declaration to other international documents. Article 3 declares that discrimination based on 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 Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights.

Article 4: *Possible Solutions.* Article 4 declares that all States [including all sectors of civil society] shall take effective measures to prevent and eliminate discrimination based on religion or belief through:

- Actions in all fields of civil, economic, political, social, cultural life;
- Enacting or rescinding legislation where necessary to prohibit such discrimination;

- Taking all appropriate measures to combat intolerance based on religion or belief.

Article 5: *Parents, Guardians, Children*. At stake in the implementation of this article are the following rights:

- Right of parents or legal guardians to bring the child up in their religion or belief;
- Right of the child to education in religion or belief, in accordance with the wishes of parents, and the right not to be compelled to receive education against their wishes;
- Right of the child to protection from discrimination and to education for tolerance;
- Right of the child's wishes when not under the care of parents or legal guardians;
- Right of the State to limit practices injurious to the child's development or health.

Article 6: *Manifesting Religion or Belief*. At stake in the implementation of this article are the following rights:

- Right to worship and assemble, and to establish and maintain places of worship;
- Right to establish and maintain appropriate charitable or humanitarian institutions;
- Right to make, acquire and use materials related to rites and customs;
- Right to write, issue and disseminate relevant publications in these areas;
- Right to teach a religion or belief in places suitable for these purposes;
- Right to solicit and receive voluntary financial and other contributions;
- Right to train, appoint, elect or designate appropriate leaders;
- Right to observe days of rest and celebrate holidays and ceremonies;
- Right to establish and maintain communication with individuals and communities at national and international levels.

Article 7: *National Legislation*. This article declares that all of the rights at stake in the 1981 UN Declaration need to be accorded in national legislation in such a manner that everyone shall be able to avail themselves of such rights and freedoms *in practice*.

Article 8: *Existing Protections*. This article specifies that the 1981 UN Declaration is non-binding on States so as to ensure that the Declaration does not negate existing legal protections on freedom of religion or belief. Article 8 states that nothing in the Declaration shall be construed as restricting or negating any right defined in the Universal Declaration of Human Rights and International Covenants on Human Rights.

### III. INTERNATIONAL AND REGIONAL INSTRUMENTS OF PROTECTION

International legal instruments take the form of a **treaty** (also called an agreement, convention, covenant or protocol), which may be binding on the contracting states. When negotiations are completed, the text of a treaty is established as authentic and definitive and is "signed" by the representatives of



states. There are various means by which a state expresses its consent to be bound by a treaty, with the most common being ratification or accession. A new treaty is “ratified” by those states that have negotiated the instrument, while a state that has not participated in the negotiations may, at a later stage, “accede” to the treaty. The treaty enters into force when a pre-determined number of states have ratified or acceded to the treaty.

When a state ratifies or accedes to a treaty, that state may make reservations to one or more articles of the treaty, unless the treaty prohibits this action. Reservations are exceptions that a state makes to a treaty—provisions that it does not agree to follow—and may normally be withdrawn at any time. In some countries, international treaties take precedence over national law. In others, a specific law may be required to give an international treaty, although ratified or acceded to, the force of law. Almost all states that have ratified or acceded to an international treaty may issue decrees, amend existing laws or introduce new legislation in order for the treaty to be fully effective on the national territory.

While the 1981 Declaration was adopted as a non-binding human rights instrument, several states had **understandings**, exceptions that states parties make to a treaty. Romania, Poland, Bulgaria, Czechoslovakia and the then USSR considered that the 1981 UN Declaration did not take sufficient account of atheistic beliefs. Romania, Syria, Czechoslovakia, and the USSR made a general reservation regarding provisions not in accordance with their national legislation. Iraq entered a collective reservation on behalf of the Organization of the Islamic Conference as to the applicability of any provision or wording in the Declaration which might be contrary to **Shari’a** (Islamic) law or to legislation or acts based on Islamic law, and Syria and Iran endorsed this reservation. In particular these Muslim states objected to the right to change one's religion, which generally contradicts Shari’a.

#### **IV. MONITORING FREEDOM OF RELIGION OR BELIEF**

Many international treaties contain a mechanism that prescribes how the treaty will be enforced and monitored. The Covenant on Civil and Political Rights (ICCPR) is monitored by the Human Rights Committee. As of 2002, there were 149 **States Parties** to this Covenant, who were obligated to report regularly to the Human Rights Committee on their progress in implementing this Covenant.

In addition, 102 States Parties to the ICCPR have ratified an **Optional Protocol** recognizing the competence and authority of the Human Rights Committee to consider confidential communications from individuals claiming to be victims of violations of any rights proclaimed under the treaty.

As part of the Covenant on Civil and Political Rights, Article 18 is legally binding for those states that have ratified this treaty. Thus violations of the freedom of religion or belief can be reported to Human Rights Committee for investigation.

However, as declarations the Universal Declaration and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief are non-binding and do not, therefore, contain a treaty mechanism for their enforcement. Instead, the UN Commission on Human Rights appointed a **Special Rapporteur** (an independent expert) on freedom of religion or belief. This Special Rapporteur is mandated to report annually to the United Nations Commission on Human Rights on the status of freedom of religion or belief worldwide.