

**HOW TO MONITOR HUMAN RIGHTS &  
FREEDOM OF RELIGION OR BELIEF**

By means of:

**The 1981 U.N. Declaration on the Elimination of All Forms of  
Intolerance and of Discrimination Based on Religion or Belief**

**COMMUNITY TRAINING MANUAL  
& REPORT GUIDELINE**

to:

Promote Tolerance and Prevent Discrimination  
Based on Religion or Belief in a Community

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*"Everyone has duties to the community in which alone the free and full development of his [her] personality is possible"*

Article 29: Universal Declaration of Human Rights

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**THE TANDEM PROJECT**

The Tandem Project is a non-governmental organization, founded in 1985, to promote the implementation of the 1981 U.N. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It has a nine member board of directors made up of faculty and emeritus faculty at the University of Minnesota, and Minnesota human rights activists. The name Tandem is from a 1984 speech in the British House of Commons, "Global ethics must grow in *tandem* with science and technology." In 1989, The Tandem Project founded the Nobel Peace Prize Forum, in cooperation with the Norwegian Nobel Institute, and five Norwegian-American Upper Midwest colleges. The Forum, an annual event, brings Nobel Peace Prize laureates to the colleges for lectures, workshops, and dialogue with students. The Tandem Project has co-organized five international conferences to promote the 1981 U.N. Declaration in Minneapolis, Minnesota; Warsaw, Poland; New Delhi, India; London, England; and Oslo, Norway. In 1999, Tandem originated the idea for and served on the Preparatory Committee for the 2001 U.N. school consultation conference in Madrid, Spain. The Tandem Project has contributed to four books on freedom of religion or belief.

Barbara L. Forster, Board Chair  
 Michael M. Roan, Director  
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## INTRODUCTION

*How to Monitor Human Rights & Freedom of Religion or Belief* uses the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, as a guide to write a report to the United Nations on the status of human rights and freedom of religion or belief at a community level.

The United Nations takes no position on the existence of God or the ultimate meaning of life. Freedom of conscience, to believe or not to believe, as one so chooses, is their all embracing inclusive right and guiding principle. The United Nations is committed to the inherent dignity, equal and inalienable rights of all members of the human family, which includes tolerance and respect for diversity, and protection for the rights of all religious and non-religious beliefs.

### History

Religions or beliefs are sources of hope, comfort, consolation and healing. They explain the ultimate meaning of life, provide a sense of community for their members, and are wellsprings for love, peace and reconciliation. It is a tragic irony, that throughout history, religions or beliefs have also been the root source of intolerance, discrimination, conflict and war.

In 1945, the United Nations was formed following the atrocities of World War II. These wars were justified in part by the Aryan pagan ethnic-religious ideology of Germany, and by the Japanese Emperor, considered by the people of Japan, to be a divine deity. This misuse of religion in the cause of war created a need to redefine the meaning of freedom of religion or belief.

In 1948, a U.N. committee composed of Eleanor Roosevelt of the United States, Rene Cassin of France, P.C. Chang of China and Charles H. Malik of Lebanon, drafted the Universal Declaration of Human Rights. Article 18 reads, "Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his [her] religion or belief, and freedom, either alone or in community with others and in private or public, to manifest his [her] religion or belief in teaching, practice, worship and observance." The Universal Declaration of Human Rights, including Article 18, was codified in international law in the 1966 International Covenant on Civil and Political Rights (ICCPR).

In 1981, the United Nations General Assembly passed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The phrase "Based on Religion or Belief" gave recognition in the title to the creation in 1948 of inclusive language demanded by two opposing ideologies at the start of the Cold War--religious liberty in the West, versus so called "God-less" communism in the East. Before

passage of the 1981 U.N. Declaration by the General Assembly, member states of both religious and non-religious persuasions issued doubts about its language. Bulgaria, representing the Eastern Soviet Bloc, registered a reservation that the 1981 U.N. Declaration favored "religion" over "atheistic" beliefs. In their opinion, the 1981 Declaration gave a one-sided version of freedom of conscience and did not take sufficient account of atheistic beliefs and disregarded the rights of persons who did not profess any religion or belief. Iraq, issued a reservation on behalf of the Organization of the Islamic Conference (at that time a bloc of over 40 U.N. member states with Shari'a Law or where Islam was in the majority) implying it did not favor religion enough.<sup>1</sup> Unfortunately, the destructive rather than constructive influence of religious and non-religious beliefs on foreign affairs and the promise of world peace continued to play a dominant role after World War II.

The 1981 U.N. Declaration on Freedom of Religion or Belief is a neutral platform for dialogue and a mechanism for the protection of all religious and non-religious beliefs. The 1981 U.N. Declaration is intended to be used by U.N. member states as a mechanism to ensure accountability in all matters of intolerance and discrimination based on religion or belief. By providing equal protection simultaneously to religious and non-religious beliefs, a paradoxical union of opposites develops through mutual respect for the right to freedom of conscience.

Mrs. Roosevelt of the United States, P.C. Chang of China, Rene Cassin of France and Charles Malik of Lebanon in the drafting committee all agreed the Universal Declaration of Human Rights needs to recognize the duties as well as the rights of citizens. Therefore, they drafted Article 29 which states, "Everyone has duties to the community in which alone the free and full development of his [her] personality is possible. People live in communities with a diversity of religions or beliefs. Learning how to honor freedom of conscience, to believer or not to believe as one so chooses, is an ideal that must start with one's friends and neighbors at a local level.

*How to Monitor Human Rights & Freedom of Religion or Belief* is a community-based human rights training manual, that teaches citizens, at a grassroots level, how to promote tolerance and prevent discrimination based on religion or belief in their community. If there is hope for tolerance in the future, it must come through dialogue in the community public square. In this century, our destiny may rest on the outcome of such dialogues, in which people of goodwill, together, can introduce a small measure of reason to balance the potential for destruction.

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<sup>1</sup> Bahiyyih G. Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Kluwer Publishing, Amsterdam (1996) p. 185. Romania, Poland, Bulgaria, Czechoslovakia and the USSR signed the Bulgaria reservation. Syria and Iran signed Iraq's collective reservation.

## ACTIVITIES

*How to Monitor Human Rights and Freedom of Religion or Belief* has classroom study topics and outside activities as learning experiences. Listed below are activities both inside and outside the classroom. In addition to the activities described below, each classroom includes interactive learning experiences; student discussion, student dialogues, role playing, case studies, video presentations and outside speakers.

### *Preparing a Community Report*

- *Study Topics:* The manual for Part I has 5 study topics on the concept, model, method, databases and report.
- *Topic Notes:* Study topics ends with topic notes, a place to record observations on the topic just studied.
- *Model Databases:* Part II: Databases listing community resources, and for ordering and recording information from the topic notes.
- *Community Report:* Part III: A Community Report Guideline on how to promote tolerance and prevent discrimination based on religion or belief in a community.
- *Supporting Documents:* Part IV: Documents that are needed for completing the introductory course.

### *Outside Activities*

- *Research:* Individuals conduct outside interviews and research, clip newspaper and magazine articles and conduct individual interviews with religious, government, civic and human rights community leaders.
- *Field Experience:* Visit community places of worship, government offices, human rights organizations and civic associations on matters relating to freedom of religion or belief.
- *Service Projects:* Volunteer service projects to build tolerance, understanding and respect between people of diverse beliefs in the community.

## PART I

### THE INTRODUCTORY COURSE

#### Introduction

Part I: *The Introductory Course* introduces concepts and the methods of study. It includes adoption of rules for respectful dialogue and five study topics with worksheets notes and supporting documents for students. The course is held once a week for five weeks in the evenings, with outside assignments between classroom sessions.

#### COURSE OUTLINE

- **First Week:** Introduction to Human Rights, Discussion: Overview of Human Rights, Lesson: *Rules for Respectful Dialogue*, Discussion: Adopt Classroom Rules
- **Second Week:** Concept: *Freedom of Religion or Belief*, Discussion: Principles and Concepts, Assignment: Community Questionnaire
- **Third Week:** Model: *1981 U.N. Declaration*, Method: *Monitoring the Articles*, Discussion: Model and Method, Assignment: Human Rights Paradigm
- **Fourth Week:** Databases: *Resources & Information*, Discussion: Simulation Databases, Assignment: Community Resource File
- **Fifth Week:** Report: *Why a Community Report*, Discussion: How to Write a Report, Lesson: Constitutional Principles on Religion or Belief.

## RULES FOR RESPECTFUL DIALOGUE

### Introduction

Students need to establish rules and values for respectful dialogue before studying the 1981 U.N. Declaration. A dialogue is a conversation between two or more people about a subject. If the group is made up of diverse religions or beliefs, it may be helpful to establish rules and values for dialogue in the beginning. Most likely, persons who want to learn how to monitor freedom of religion or belief already have developed a tolerance and understanding for the rights of others to hold beliefs different from their own.

It is no exaggeration to say that while providing hope and consolation, in the broad sweep of history more wars have been fought, more persecutions have been carried out in the name of religion or other beliefs than for any single cause. Dialogue about the differences between our deepest-held beliefs is one of the most sensitive and demanding challenges of our time. It requires an attitude of kindness, understanding, sensitivity and respect for persons who hold beliefs different than our own.

### Objectives

- To establish group rules to ensure respectful and safe dialogue for everyone;
- To engage each other in thinking about what factors contribute to respectful dialogue;
- To create ways in which the group will be responsible for maintaining the rules;
- To translate group rules into values through personal rights and responsibilities.

**Time:** 2 classroom hours. No outside assignments.

**Materials:** Two sheets of paper.

### 1. Begin Discussion

Religion or belief involves issues about which many in your group may have strong feelings. That's natural. We all have a bias one way or another, including your facilitator. The goal of this discussion is dialogue in contrast to a debate. Never try to prove one person right and another wrong. Try to explore different ideas in a spirit of tolerance, understanding and respectful inquiry. We need to learn how to hold on to our strong beliefs, but temper them with an attitude of respect for others to believe as they so choose. Group rules are needed to ensure everyone's right to freedom of expression, while respecting each others' beliefs. Rules should apply to everyone, including your teacher.

## 2. Draft Group Rules

Turn to the monitor on your right. You will be paired as a team to draft a list of five rules you think are needed for respectful group dialogue. Take a clean sheet of paper and with your partner write down five rules for what you think is needed for respectful group dialogue. Turn to the team on your right and combine into a group of four. Take ten minutes as a group of four to compare the lists, combine them and write a group list of five rules on your separate sheet of paper.

## 3. Develop List of Rules

The facilitator will call on the teams to read their list of rules. If a rule written by one team is similar to a rule written by another team, it will be re-written on the blackboard to accommodate the difference. After all the rules are written on the blackboard, a group vote by show of hands will identify the most important five rules. Prioritize them on the blackboard. Record the five agreed upon classroom rules in the space below:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

## 4. Make Rules Personal

Each student should take ten minutes and on a clean sheet of paper convert the five classroom rules written above into personal rights and responsibilities. For instance, if there is a rule that no one should interrupt a speaker, it might be written by you as; (a.) "I have a right to speak without being interrupted, and (b.) "I have a responsibility not to interrupt or to allow anyone to be interrupted when speaking."

## 5. Adopt Group Rules

The facilitator or a monitor will go back to the blackboard and ask the group for ways in which each rule has been converted into a list of personal rights and responsibilities. Each rule will call for consensus to determine the final way in which will be written. Each monitor should take a clean sheet of paper and write the final rules that have been written on the blackboard. Following these rules is everyone's responsibility.

STUDY TOPIC**CONCEPT: FREEDOM OF RELIGION OR BELIEF****Introduction**

The purpose of this training manual is to develop critical skills of inquiry and analysis that will enable you to write a Community Report on Freedom of Religion or Belief using the 1981 U.N. Declaration as an overall concept or paradigm. Before we begin, you need to understand the basic concepts used by this training manual; the phrase "religion or belief," principles on the ultimate meaning of life; principles common to all religions or beliefs, the influence of truth claims and what is an integrated worldview. We start by learning five basic concepts:

**Objective:**

To understand the following subjects as concepts for freedom of religion or belief:

- U.N. Phrase: Religion or Belief
- Principles and Truth Claims
- The Ultimate Meaning of Life
- How to Live Accordingly
- Steps to Integrated Worldviews

**U.N. Phrase: Religion or Belief**

The U.N. created the phrase "religion or belief" for use in Article 18 of the International Covenant on Civil and Political Rights. It includes all core beliefs as having a right to manifest themselves in worship, observance, practice and teaching.

*" 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 institutional 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." <sup>2</sup>*

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<sup>2</sup> General Comment on Article 18

Human rights education (HRE) is neutral regarding core religious or other beliefs. It does not make a declaration on the ultimate meaning of life. There are two sub-sets in this phrase, "religion" or religious education (RE) which includes traditional religions, new religions and spirituality, and "or belief," humanist education with a capital H (HE) which does not accept supernatural views of reality. Understanding that these two sub-sets are treated equally is a key to understanding the U.N. approach to religion or belief.

The word *religion* comes from the Latin *religare* --"to bind together." There are many other definitions. One comes from Stephen Jay Gould, the former Harvard professor of Zoology, who said, "I will accept the word itself and construe as fundamentally religious [if used to literally bind together] all moral discourse on principles that might activate the ideal of universal fellowship among people."<sup>3</sup>

### Common Principles and Truth Claims

There are commonly held principles held by many of the world's religious and non-religious truth claims. Everyone has a right to freedom of thought and conscience and its manifestation in religion or belief. It is interesting to see how many of these core beliefs are similar in their hopes and manifestations.

- *Common Principles*

Religions or beliefs give hope, consolation, healing and meaning to life. Most of these core beliefs have principles that are held in common with each other. One such example is the common principle of the Golden Rule, do unto others as you would have them do unto you. Here are some examples of how this common principle is expressed in a variety of religions or beliefs:

Hinduism: Do not do to others what you do not wish done to yourself.

Taoism: To those who are good to me I am good.

Jainism: Treat all creatures in the world as they would want to be treated.

Islam: None of you truly believes until he wishes for his brother what he wishes for himself.

Confucianism: What you do not want done to yourself, do not do to others.

Sikhism: As thou deemest thyself, so deem others.

Judaism: What is hateful to you, do not do to your neighbor.

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<sup>3</sup> Robert Jay Gould, *Rocks of Ages: Science and Religion in the Fullness of Life*, The Ballantine Publishing Group, New York (1999), p. 62



Indigenous: Do not judge another person until you have walked in their moccasins.  
Christianity: Therefore all things whatsoever ye would have done to you, do ye even so to them.<sup>4</sup>

The Golden Rule expresses a universal common principle of love and concern for others. Three other principles thought to be held in common by all religions or beliefs include the sanctity of life, the need to express our core beliefs and a full realization of justice. These principles do not have agreed upon applications, but they are principles that all religions or beliefs seem to have in common.

- *Truth Claims*

Most religions or beliefs claim their explanation of the ultimate meaning of life is universal. These are known as "truth claims" many of which differ dramatically and conflict with each other. Truth claims are held in faith, a Latin word *fidere* meaning "to trust". This is an attitude of belief which goes beyond the available evidence. There are both religious and non-religious forms of faith. Religions often refer to themselves as "faith-based" or participating in "interfaith" dialogue. Truth claims may be thought of as being given expression in two ways:

Allegory: Those who see their truth claim as a dramatic metaphor or symbol illustrating a religious truth or spiritual principle for them, their community and the world. Text such as scriptures in the Bible that involve miracles are often thought of as truths illustrated in the history and context of the time they were written. In Eastern religions and philosophies allegories or stories often are used to point toward an individual inner search or struggle for the truth.

Absolute: Those who see their truth claim as a literal or fundamental revelation from God or a higher power, commanding the following of a religious principle or dogmatic text by individuals in a community of like-minded believers. For some religions or beliefs this becomes a mission to tell others what in one tradition is called the "good news" to follow literally their understanding of the ultimate meaning of life and how to live accordingly.

The right to hold allegorical or absolute ways of expressing a truth claim is a fundamental freedom. Individuals, communities and institutions have the right to proclaim their truth in a way suitable to them and to try to convert others to their understanding of the ultimate meaning of life. But peace and harmony in a civil society depends on the way such truth claims are manifested. Take for example the Christian Gospel of John on the words of Christ:

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<sup>4</sup> Bahiyyih G. Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Kluwer Law International, (1995), p. 15.

"I am the way, the truth and the life, no one comes to the Father but through me."  
 (John 3:16). "The truth shall make you free." (John: 8:32)

For Christians this is a message of hope, peace and reconciliation. For non-Christians, it is viewed as a coercive message of fear and damnation. How the message is conveyed can lead to peace or conflict. The sacred book of the Qur'an says; "Let there be no compulsion in religion" (II:256.) Unfortunately, religious and non-religious truth claims have always been misused by small numbers of followers throughout history to sanction minor cases of intolerance and discrimination, unjust acquisitions of power through economic, social or political means, or even approval to violence, murder and mass atrocities. These are wrongful manifestations of a truth claim. In the topic notes, name and discuss a religious and a non-religious example where a truth claim has been misused in these ways.

### **The Ultimate Meaning of Life**

The study of a religion or belief starts with a study of its first principles or core beliefs. A philosophical word for this is *metaphysics*, the first branch of philosophy which means "beyond" physics, involving the principles on the meaning and final purpose of life. The following sentence is helpful in explaining this concept from a human rights perspective:

*Religion or Belief Explains the Ultimate Meaning of Life and How to Live Accordingly.*

The first part of this sentence "the ultimate meaning of life" involves first principles and final purposes. The second part of the sentence "how to live accordingly" involves how these principles are manifested in moral traditions, ethics and public life. Here are some examples from major beliefs about how to live according to an ultimate meaning of life.

- *Judaism*: A compact between God and Abraham to foster the development of a special people in exchange for their devotion. To be lived according to the Torah (Mosaic Law) and the Talmud (civil and religious laws).
- *Christianity*: Jesus Christ as the son of God was crucified to atone for the sins of all people and to provide immortality to believers. To be lived according to the ten commandments (Old Testament) and the Gospels (New Testament.)
- *Islam*: The literal meaning is "submission to God." It is God's word revealed through his prophet Mohammed who said, "Islam is to believe in the one true God and His Prophet, to say proscribed prayers, give alms, observe Ramadan and make a pilgrimage to Mecca. Life is lived according to the Qur'an, the sacred book of Islam.

- *Buddhism*: Gautama Buddha believed the ultimate meaning of life was to come to terms with suffering, to rise up to the past of misdeeds and to produce no more which will result in Karma, a release from the wheel of rebirth. Live according to the ethic of universal compassion and concern according to teachings of the small vehicle (Hinayana) or great vehicle (Mahayana.)
- *Hinduism*: The religious system of India is sometimes called "Dharma" or right action rather than a religion. The ultimate meaning of life is to attain knowledge through a cycle of incarnations (rebirths) until you know the Universal Mind which liberates you from the cycle. Live according to the Vedas, scriptures meaning knowledge, and a system of values in which life is to be mastered according to a succession of stages.
- *Confucianism*: Confucius taught the ultimate meaning of heaven is t'ien, described as a non-theistic universal standard of justice. His followers live according to his sayings called Analects, love of fellow human beings (jen) and order in family life (filial piety.) If order is present in individuals and families, it will be present in the state.
- *Humanism*: The International Humanist and Ethical Union states, "Humanism [with a capital H] is not theistic, and does not accept supernatural views of reality." It depends on individuals and human reason to define their own ultimate meaning of life.

### How to Live Accordingly

Article 18 of the International Covenant on Civil and Political Rights states that *everyone one has the right to manifest his religion or belief in worship, observance, practice and teaching*. This is the second part of the sentence--"how to live accordingly." The Universal Declaration of Human Rights takes no stand on the ultimate meaning of life. It has no business telling any religion or belief what is true or not true. But it is interested in protecting individuals, communities and institutions who follow these truth claims from intolerance and discrimination. These principles of the Universal Declaration in matters relating to religion or belief are embodied in international law through Article 18 of the Covenant on Civil and Political Rights. They serve to protect religions or beliefs from the state, religions or beliefs from each other and the state from religion or belief.

- *A Concept of Morals*

Morals or ethics are a code of values or norms that enables a person to discern good from bad behavior. Just as there are many explanations for the ultimate meaning of life, so there are many interpretations of how to live according to these understandings. Rules for moral behavior differs between and even within the followers of a religion or belief. Article 18 of the International Covenant on Civil and Political Rights says that a State may place limitations on a religion or belief only by law and to protect public safety,

order, health, morals or fundamental freedoms. Paragraph 8 of the U.N. Human Rights Committee General Comment on Article 18, suggests the following:

*"The Committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition."*<sup>5</sup>

The manifestations of a religion or belief at times create conditions that place them in opposition to other beliefs or State standards of public safety, order, health, morals or fundamental freedoms of others. This is especially true in the competing metaphysical-moral visions of life in the rapidly changing scientific field of bio-ethics, i.e., in such fields as human cloning, euthanasia, right to life and stem cell research. The General Comment on Article 18 says morals must be preserved based on more than one tradition. It doesn't say how to make the decision. Discuss how States might make a decisions to protect the morals of its citizens using many traditions.

### Steps to an Integrated Worldview

The motto of Socrates (470-400 B.C.) was "know thyself," and "the unexamined life is not worth living." For Socrates knowledge and virtue are identical. How choices and actions are integrated into an ultimate meaning of life and how to live accordingly can be learned. They can be traced step-by-step to their root sources. In addition to learning from a religion or belief tradition, the five branches of philosophy is a way this can be done. Taken together they create a system, model or paradigm for an integrated worldview.

- **First Step: *Metaphysics*.** Aristotle called this the study of existence as such, something beyond physics. Actually, the word metaphysics came from Andronicus of Rhodes who in the first century B.C. rediscovered a book by Aristotle and gave it the title "Metaphysics." The first principles and primary purpose of religions or beliefs fits this description. They are core beliefs that explain the ultimate meaning of life. It tends towards the building of a system of ideas. The basic foundation of philosophy.
- **Second Step: *Epistemology*.** From the Greek "episteme" knowledge. How do we come to know answers to our metaphysical questions about the ultimate meaning of life. Through sacred books and revelations from God? Through human reason? Through intuition and instinct? Through reason and faith? Through all of the above? This is the second of two steps that forms a foundation for philosophy--letting people know how you have arrived at answers to the ultimate meaning of your life.

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<sup>5</sup> United Nations Human Rights Committee General Comment on Article 18, paragraph 8.

- **Third Step: Ethics.** Norms and rules for individuals, communities and institutions that guide their character, values and actions. Ethics and morality defines a code of values to guide a persons life choices and actions, whether through a traditional values system or a hit and miss life style based on random choices. The third branch of philosophy based on the two foundation branches, in other words--how to live accordingly.
- **Fourth Step: Politics.** How the ethics and codes of values of individuals and like-minded communities are expressed through public policy, laws and government actions. Political parties and elected officials create public laws, norms and standards for the conduct and evaluation of society at-large. Laws are the public expressions of the ethics and moral visions of a community. They are best agreed upon through some form of a democratic vote. This is the fourth branch of philosophy that studies the public expression of "how to live accordingly."
- **Fifth Step: Aesthetics.** The artistic expression of the human spirit through music and the arts, as inspired by the other four branches of philosophy. It pertains to individual or like-minded communities conception of beauty. For instance, through the sacred music of traditional religions, or heavy metal rock music and art of the younger generations. Aesthetics, the fifth branch of philosophy, studies how individuals and communities consciously and unconsciously give expression to *lifting their spirit*, to understanding the ultimate meaning of life and how to live accordingly.

Discuss each step from the perspective of a religious and then a non-religious worldview. Answer the question in the topic notes for this subject.

### Questionnaire on the Ultimate Meaning of Life

This is an outside the classroom assignment to interview people on their understanding of the ultimate meaning of life and how to live accordingly. Turn to the questionnaire in the Supporting Documents of your handbook Read the introduction and briefly review the questions. You will try to conduct four interviews with the following; a child under the age of 18, a parent or legal guardian, a religious or secular humanist leader and a government official. If you cannot do all four do as many as possible. REMEMBER your rules for respectful dialogue. Do not judge or debate the ultimate meaning of life with those you interview. Tell them before the interview that you are learning skills of inquiry and analysis to monitor human rights and freedom of religion or belief in your community and their answers will be confidential unless they give you permission to use their name. This is an assignment to gather information for a concluding discussion with your group on the concepts of freedom of religion or belief and what constitutes an integrated worldview.

TOPIC NOTES

**CONCEPT: FREEDOM OF RELIGION OR BELIEF**

**U.N. Phrase: Religion or Belief**

Describe in your own words the meaning of the U.N. phrase freedom of religion or belief:

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**Common Principles and Truth Claims**

Give an example of how your own religion or belief provides hope, consolation and healing. Give an example where your own religion or belief is abused or misused that creates tensions, intolerance or discrimination against others.

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Explain and give two examples of the difference between an allegorical and absolute truth claim.

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**Ultimate Meaning of Life**

In your opinion, is there anything missing in descriptions of how Judaism, Christianity, Islam, Buddhism, Hinduism and Confucianism view the ultimate meaning of life? How would a hedonist explain his/her view of the ultimate meaning of life?

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**How to Live Accordingly**

Explain in your own words the meaning of morality and how it relates to the ultimate meaning of life.

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Explain what a State must do when placing a limitation on the manifestation of a religion or belief to protect the morals of its citizens.

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**Steps to an Integrated Worldview**

Explain how you understand the ultimate meaning of life and how to live accordingly, using the five branches of philosophy to explain your answer as an integrated worldview.

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**Questionnaire on the Ultimate Meaning of Life**

Turn to the Questionnaire in the Supporting Documents of the Monitor Handbook. Read the instructions and make copies for those you are about to interview. Bring the answers to the questionnaire to the next Monitor Group session for discussion.



STUDY TOPIC**MODEL: THE 1981 U.N. DECLARATION****Introduction**

The 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief is the only international human rights document adopted by the U.N. General Assembly for a worldwide audience. As stated in the introduction, the 1981 U.N. Declaration is a non-binding treaty approved by consensus in the General Assembly. As such, it is more an international guideline than a legally-binding obligation on Member States. However, Article 1 of the 1981 U.N. Declaration repeats the treaty language in Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and the legally-binding commitments made by those Member States who are signatories to the ICCPR. In this way, the 1981 U.N. Declaration is linked to all human rights instruments and can be used as a international model or paradigm for community approaches to promote tolerance and prevent discrimination based on religion or belief.

**Objectives:**

To understand the 1981 U.N. Declaration on Freedom of Religion or Belief as a model to promote tolerance and prevent discrimination based on religion or belief, by studying the following three subjects:

- Paradigms as Maps
- Paradigms as Concepts
- 1981 U.N. Declaration

**1. Paradigms as Maps**

A paradigm is an overall concept that explains a complex process, idea or set of data. The 1981 U.N. Declaration can be used as a paradigm to monitor the complex process of freedom of religion or belief. Monitoring the Declaration in this way requires an understanding of the overall concept and skills of inquiry and analysis to gather information, measure and compare terms and data.

- *Maps*

Professor Samuel P. Huntington of Harvard says simplified maps are indispensable for human thought and action. An extremely detailed map is useful for other purposes than a simple abstract one. Simple maps portray both reality and simplifies reality in a way that

best serves the purpose of a paradigm. Look at his map of "The World of Civilizations: Post-1990" at the end of this handout.<sup>6</sup> Can you think of other simple maps that serves the purpose of a paradigm? Think of another example of a simple map that both portrays and simplifies the reality of a paradigm and write it on the analysis form for this subject.

## 2. Paradigms as Concepts

Paradigms enable a person "to order, generalize, understand relationships, distinguish what is important from unimportant, anticipate and at times predict developments, and show us a path to take to achieve a goal," according to Samuel P. Huntington.<sup>7</sup>

- *Concepts*

How is this definition, "religion or belief explains the ultimate meaning of life and how to live accordingly" the framework for a paradigm? Is the Qur'an a conceptual paradigm? Is the Golden Rule a common principle found in all religions a paradigm? Think of other conceptual paradigms using Huntington's description of what it enables a person to do. Discuss some examples. Answer the question in the topic notes for this subject.

## 3. 1981 U.N. Declaration

The 1981 U.N. Declaration is a paradigm to promote tolerance and prevent discrimination based on religion or belief in a community. Used in this way it can order, generalize, understand relationships, distinguish what is important, anticipate and at times predict developments, and provide an action path to achieve a goal. One of the strengths of the 1981 U.N. Declaration is its brevity. It has eight articles and twenty-four paragraphs. Taken together, the articles and paragraphs form an overall concept, model or holistic framework for explaining a complex process--freedom of religion or belief in a community setting.

- *Paradigm Analogy*

The analogy of a house in a community might be used to help picture the 1981 U.N. Declaration. The house has a framework, rooms (articles) to collect and place information, a foundation and good soil. Each room of the house collects specific kinds of information. Briefly, here are the articles that forms the framework, rooms, foundation and soil of the 1981 U.N. Declaration house. How they fit together in a paradigm for freedom of religion or belief is found in the next study topic of concepts and measures.

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<sup>6</sup> Samuel P. Huntington, *The Clash of Civilizations: Remaking World Order*, Simon & Schuster, Inc. First Touchstone Edition (1996), map p. 26-27

<sup>7</sup> Ibid, excerpts from p. 30

**Article 1: Legal Definition.** Article 1 is the framework of a house. It repeats the legally-binding treaty definition of freedom of religion or belief found in Article 18 of the International Covenant on Civil and Political Rights. The other articles, in our analogy, the seven rooms of the house expand and define specific aspects of article 1, building the support needed to view the 1981 U.N. Declaration as an integrated model or paradigm for human rights and freedom of religion or belief in a community.

**Article 2: Classifying Discrimination.** Article 2 is the entry room where people come into the house and go to the other rooms. The article has four classifications of people; states, institutions, groups of persons and a person. They are found in all the rooms of the house promoting tolerance or allegedly committing incidents of intolerance and discrimination based on religion or belief.

**Article 3: Link to Other Rights.** Article 3 is the outside porch. It connects freedom of religion or belief to other human rights, in our analogy, to other homes in a human rights community. In most of these other homes there is a freedom of religion or belief room, which links to the 1981 U.N. Declaration in a show of support and solidarity.

**Article 4: Effective Measures.** Article 4 is a workshop room. Possible solutions to incidents of intolerance and discrimination are built here to prevent or repair intolerance and discrimination based on religion or belief that is found in the other rooms or articles of the 1981 U.N. Declaration. The tools for building possible solutions include all fields of civic life; civil, economic, political, social, cultural and legislative measures.

**Article 5: Children, Parents and the State.** Article 5 is the children's room. It is dedicated to children's rights, rights of parents and legal guardians and legal limitations permitted by the state to protect children. It includes such things as the rights of parents to bring up children in their own religion or belief, the right of the child to education and protection against discrimination, and the right of the state to limit a religion or belief if the child's physical or mental health is in danger.

**Article 6: Nine Specific Rights.** Article 6 has nine rooms. These are the rooms where all the action takes place. A community proves how tolerant or intolerant it is by what goes on in these rooms. Each room is a specific right to manifest a religion or belief including the right to: maintain places of worship, create charities, buy and use materials, write and disseminate publications, teach in suitable places, solicit and receive contributions, train and elect leaders, celebrate holidays, establish communications.

**Article 7: National Legislation.** Article 7 is the foundation of the house. The promotion of tolerance, understanding and respect between diverse core beliefs rests on a firewall of legal protection. If teaching tolerance, proposing action programs and possible solutions fails, this foundation protects these rights through national legislation and the rule of law.

**Article 8: Existing Protection.** Article 8 is the soil, the ground of the house. It is what the foundation of the 1981 U.N. Declaration house stands on; the Universal Declaration of Human Rights and the Covenants known as the International Bill of Human Rights. If the foundation of the 1981 U.N. Declaration house is too weak, these international legally-binding treaties take precedence to support its rooms. The rights found in this soil can never be taken away, regardless of what happens to the house.

- *Picture a House*

In the analysis form there are directions for drawing a house to help picture the 1981 U.N. Declaration as an overall concept paradigm. You are not trying to understand the meaning of each of these articles here. For now, try to conceptually picture the place of the 1981 U.N. Declaration in a human rights community. Draw a picture in the topic notes for this subject.

TOPIC NOTES

**MODEL: THE 1981 U.N. DECLARATION**

**1. Paradigms as Maps**

Study the map of "The World of Civilizations: Post-1990. Write a brief sentence on what this simple map means to you.

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Write another example of a map that both portrays and simplifies a paradigm.

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**2. Paradigms as Concepts**

Read Samuel Huntington's definition of a model or paradigm as an overall concept in the study topic. Describe in your own words why you think the 1981 U.N. Declaration is a paradigm to promote tolerance and prevent discrimination based on religion or belief.

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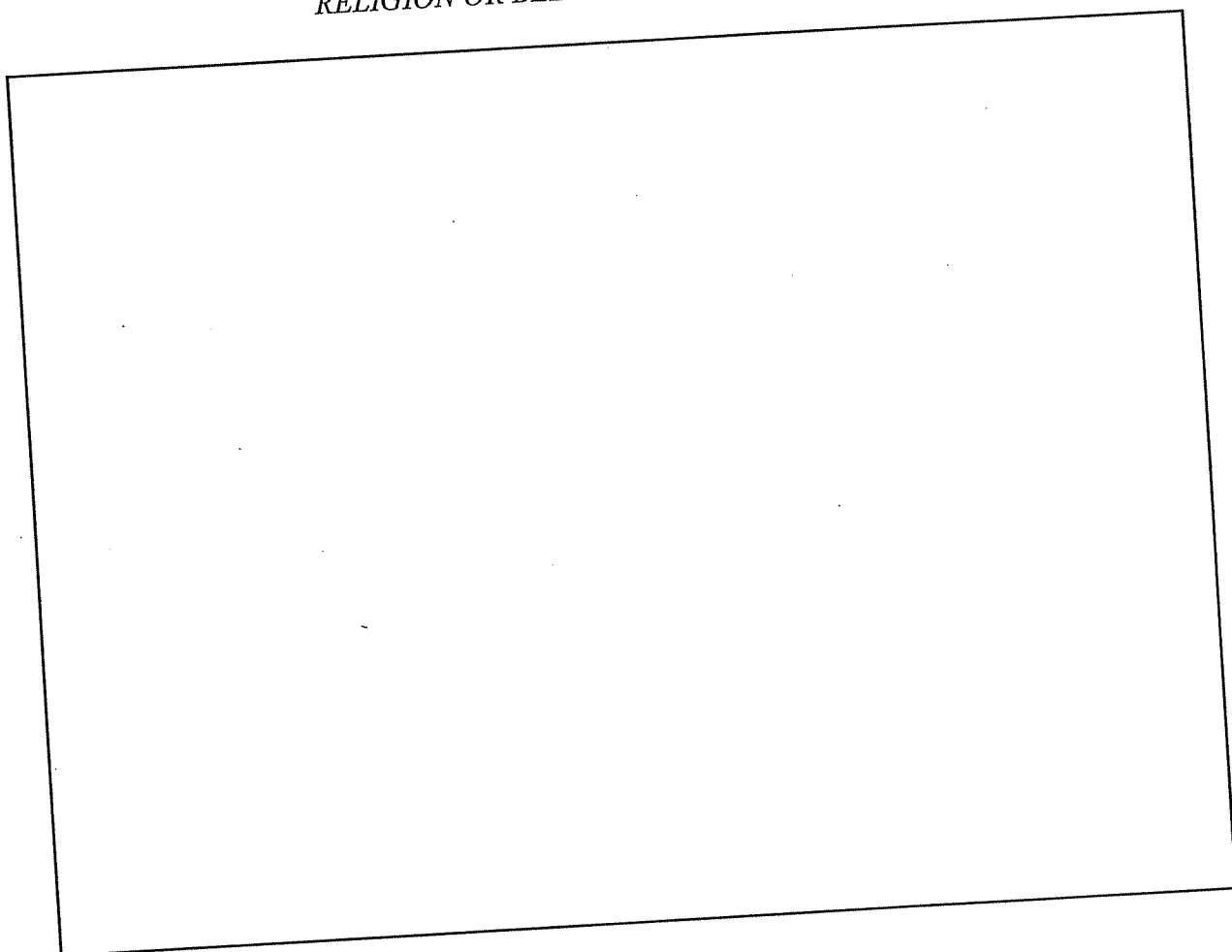
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**3. The 1981 U.N. Declaration**

Picture the 1981 U.N. Declaration as a house with a framework, foundation, grounds and rooms. Place the number of the article for each part of the picture that you draw. Explain the reason for placing the number of the article on a particular part of the house below the picture.

*RELIGION OR BELIEF FREEDOM HOUSE*



Explain the titles for the articles below.

**Article 1:** *Framework*

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**Article 2: *Entry Hall***

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**Article 3: *Porch***

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**Article 4: *Workshop***

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**Article 5: *Children's Room***

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**Article 6: *Action Rooms***

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**Article 7: *Foundation***

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**Article 8: *Ground***

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STUDY TOPIC**METHOD: MONITORING THE ARTICLES****Introduction**

The method of study is to learn how to monitor each of the eight articles of the 1981 U.N. Declaration by breaking them down into their basic component parts. The 1981 U.N. Declaration has eight articles, twenty-four paragraphs and what this manual describes as forty-eight components called terms and measures. Each term is studied individually and then holistically in relation to the other terms. Breaking the 1981 U.N. Declaration down in this way allows one to understand the relationship of each component part to the overall concept of the 1981 U.N. Declaration as a paradigm to promote tolerance and prevent discrimination based on religion or belief. It actualizes Samuel Huntington's description of a concept paradigm as allowing a person to order, generalize, understand relationships, distinguish what is important from unimportant and propose a path for action solutions.

**Objectives**

To learn to monitor each article of the 1981 U.N. Declaration as a paradigm to promote tolerance and prevent discrimination based on religion or belief in a community.

- Article
- Paragraph
- Term
- Paradigm

A French philosopher, Rene Descartes (1596-1650), invented Analytic Geometry. He applied his geometrical method to a study of philosophy. "In his *Discourse on Method* (1637) Descartes recommended an approach to all problems something like that which he utilized in the *Meditations*. One is to break a complex problem down into its simplest parts, arrange the parts in an appropriate order from simple to complex, begin at the beginning, demonstrating each point, and continuing to the end. Ideas are also broken down into their clear and distinct natures. The solution to problems has to do with the rearranging of these ideas."<sup>8</sup> This is the method used to monitor freedom of religion or

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<sup>8</sup> W.L. Reese, *Dictionary of Philosophy and Religion: Eastern and Western Thought*, New Jersey Humanities Press (1980), p. 126.



belief. It breaks down the problem of intolerance and discrimination into its simplest parts, rearranges them in the 1981 U.N. Declaration and uses it as a paradigm to promote tolerance and prevent discrimination based on religion or belief in a community.

### Example: Actual U.N. Report

The example below is an excerpt from a U.N. report on Afghanistan. In this Part I: Introductory Course, it serves as an example of how to analyze an article, paragraph and term of the 1981 U.N. Declaration. The report was written for the U.N. Commission on Human Rights in February, 2000. It is public information. The U.N. reports always use disclaimers, "reportedly" or "alleged," to protect the parties involved against reporting when an incident cannot be totally substantiated. The articles, paragraphs and terms are all identified by digital numbers for a simulated database. Article 1, paragraph 1.2, term 1.2.1, are used to demonstrate the method analyzing an article, paragraph and its basic components.

- *"Because of the climate of intolerance and religious discrimination in Afghanistan resulting from the Taliban policy, religious minorities, in particular the Sikhs, are beginning to flee the country. These departures are reportedly due to Taliban measures to force conversion to Islam or to place restrictions on women, such as confining them to their homes or requiring them to wear the burqa in public." --U.N. February, 2000.<sup>9</sup>*

#### ARTICLE 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 their choice, and freedom either individually or in community with others, and in private or public to manifest their religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion, which would impair their freedom to have a religion or belief of their 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 the public safety, order, health, morals or the fundamental rights and freedoms of others.

<sup>9</sup> Report by A. Amor, A/55/280, 55<sup>th</sup> session of the U.N. General Assembly, p. 4.

## 1. Article

- *Article 1: Legal Definition.* Article 1 of the 1981 U.N. Declaration closely resembles Article 18 of the International Covenant on Civil and Political Rights (ICCPR). For Member States who are signatories to the ICCPR it is a binding legal treaty. In 1993, the U.N. Human Rights Committee (HRC) adopted a General Comment on Article 18, as a guide for Member States on international freedom of religion or belief. Turn to the General Comment in the Supporting Documents. Read paragraphs 1-4 for a general introduction to Article 18. Answer the questions on the Afghanistan example in the topic notes for this subject.

## 2. Paragraph

There are 12 paragraphs within the 8 articles of the 1981 U.N. Declaration. Each paragraph has a title identifying its intent. The manual has 12 study topics, one for each paragraph. Turn to the 1981 U.N. Declaration in the Supporting Documents and read article 1, paragraph 2. There are three terms in the paragraph; coercion, impairment and choice. To understand the methodology we have selected "coercion" as the example.

- *Paragraph: 1.2. Coercion and Freedom to Choose.* For an overview of the paragraph turn to paragraph 5 of the General Comment on Article 18 in the Supporting Documents. In Part II, the study topic for this paragraph includes independent research on legal provisions in your country and community, interviews with persons on their understanding of the paragraph and application to community case studies. For now, answer the questions on the Afghanistan example on Analysis Worksheet: 3 for this subject.

## 3. Term

The third step is to break a paragraph into terms and measures for study, dialogue and exchange of information. This manual has identified 48 terms and measures. A term can be one word, a combination of words or a complete phrase. Some are more important to understanding the 1981 U.N. Declaration as an overall paradigm than others. Turn to the List of Terms and Measures in the Supporting Documents and briefly review them. Locate the term *coercion* in Article 1 paragraph 2 and turn back to this section.

- *Term: 1.2.1. Coercion.* Return to paragraph 5 of the General Comment on Article 18. The comment maintains that the term "coercion" categorically prohibits any action of coercion likely to violate the freedom to have or adopt a religion or belief. It prohibits the use of physical force or penal sanctions to recant a religion or belief or to force conversion to another belief. This includes restricting access to education, medical care, employment and other rights which would impair freedom to have a religion or belief. Answer the analysis form questions on the Afghanistan example for this subject to get an understanding of the concepts and methodology used in this manual.

#### 4. Paradigm

The purpose of the 1981 U.N. Declaration is to use it as a guideline to eliminate all forms of intolerance and discrimination based on religion or belief. In Samuel P. Huntington's description, the 1981 U.N. Declaration enables us "to order, generalize, understand relationships, distinguish what is important from unimportant, anticipate and at times predict developments, and show us a path to achieve a goal." The task is to understand how the relationship of each term fits the overall paradigm solution to promote tolerance and prevent discrimination based on religion or belief in a community.

For instance if 2.1.1 *Coercion* was used in the Afghanistan example, who allegedly did the discrimination and against whom? (article 2), what rights did the use of coercion violate? (articles 5 and 6), what can be done about it? (articles 4 and 7). Turn back to the previous study topic *Model: 1981 U.N. Declaration* and the metaphor picture of a house with the eight articles of the 1981 U.N. Declaration. What further information would you need to know in the Afghanistan example to propose a solution using the 1981 U.N. Declaration as a paradigm? Briefly describe what is missing in each of the articles in order to complete the Afghanistan example as a case study.

Article 1: \_\_\_\_\_

Article 2: \_\_\_\_\_

Article 3: \_\_\_\_\_

Article 4: \_\_\_\_\_

Article 5: \_\_\_\_\_

Article 6: \_\_\_\_\_

Article 7: \_\_\_\_\_

Article 8: \_\_\_\_\_

TOPIC NOTES**METHOD: MONITORING THE ARTICLES****1. Article 1: *Legal Definition***

The Taliban (Islamic students party) in Afghanistan during the period of the 2000 U.N. report did not have a national constitution incorporating principles on freedom of religion or belief. From this U.N. report and after reading paragraphs 1-4 of the General Comment on Article 18, what ICCPR treaty constitutional principles and legal framework in Article 1 on freedom of religion or belief for the 1981 U.N. Declaration did they violate?

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**2. Paragraph: 1.2. *Coercion and Freedom to Choose***

From this U.N. report and after reading paragraph 5 of the General Comment on Article 18, what principle did the Taliban allegedly violate against the Sikhs?

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**3. Term: 1.2.1. *Coercion***

The Taliban's interpretation of Islam confined women in their homes, presumably by force according to the alleged report. What further information would you need to propose a solution using the 1981 U.N. Declaration as a paradigm? Explain below.

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STUDY TOPIC**DATABASES: RESOURCES & INFORMATION****Introduction**

This topic is on how to use two specifically designed databases for the 1981 U.N. Declaration. The *Global Resources Database* and *Community Information Database* are found in Part IV: Supporting Documents. They are manual simulated mockups to teach monitors how to think about global resources and community information for monitoring the 1981 U.N. Declaration. The first simulation is used to learn how to create a file of community resources, for research in writing a community report on freedom of religion or belief, that can be transferred to a global resources database, and the second simulation to learn how to order community information on the articles, paragraphs and terms of the 1981 U.N. Declaration for the same purpose.

**Objectives**

To understand how to use a global resources database for linking community and global research; to understand how to use a community information database on the U.N. 1981 Declaration, to order information in preparation for writing a community report.

- Global Resources Database
- Community Information Database

In the previous study topic the 1981 U.N. Declaration was described as a paradigm or model to explain a complex process, a way to order, generalize, understand relationships, distinguish what is important from unimportant and show us a path to achieve a goal. This U.N. approach, while not agnostic, might be described as a balanced application of this principle, taking no position on the idea of God or the ultimate meaning of life. As an inclusive human rights paradigm, it is a platform for dialogue and tolerance among many exclusive claims of religions or beliefs.

Agnosticism is a term coined by T.H. Huxley in response to repeated questions from the London Metaphysical Society in 1859 as to whether, as a result of Darwin's *Origin of Species*, he believed in God or not. Huxley explained the term as "suspended belief, always open to conviction." In an article years later he said, "agnostics have no creed but a method, the essence of which lies in the rigorous application of a single principle. That principle is of great antiquity; it is as old as Socrates, it is the axiom that every man and woman should be able to give a reason for the faith that is in them; it is the principle of

Descartes; it is the fundamental axiom of modern science. The only obligation is to have the mind always open to conviction.”<sup>10</sup>

For the 1981 U.N. Declaration to be effective, a person must be clear that it is a rigorous process of investigation, as opposed to a theistic or atheistic exclusive belief claim. It then can become a mechanism for protection, with procedures for ensuring accountability of how religions or beliefs are manifested. If the model is the 1981 U.N. Declaration, the databases are the road signs to show us how to proceed in an orderly direction. They give us the resources and the information for a reasoned application, enabling us to define a path or road map to achieve a desired goal through a written community report on freedom of religion or belief.

### 1. Global Resources Database

The simulated *Global Resources Database* is available in Part IV: Supporting Documents. Turn to the database and read the introduction. The purpose is to collect data and find resources at local and global levels helpful for research, interviews and dialogue in preparation for writing a community report on freedom of religion or belief. There are four components, identification, three files, resource fields and a community list. Monitors must learn how to use this database and how to construct their own community resource list before beginning to study Part II: The 1981 U.N. Declaration.

- *Entry, Files, Fields:* The data entry process starts by identifying an institution, organization, group or person as a resource and entering a brief one paragraph abstract of how it/they relate to freedom of religion or belief. It is then placed in one of three files; 1981 U.N. Declaration, Other Human Rights Documents, Supporting Resources. Each data entry is then identified under one of twelve resource fields and its sub-fields. Review the twelve resource fields in the database. Answer the question in the Notes section for this study topic.
- *Community Resources List:* The first task of Part II: The 1981 U.N. Declaration is to learn how the community currently relates to matters of religion or belief. There are directions in the simulation *Global Resources Database* on how to create a list of 25 resources as contacts. Read the introduction to “Community Resource List.” Answer the question in the Research Notes for this study topic.

### 2. Community Information Database

The simulated *Community Information Database* is available in Part IV: Supporting Documents. Turn to the simulation and read the introduction. The purpose of the

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<sup>10</sup> T.H. Huxley, “The Agnostic Annual, 1892

community information database is to keep an orderly journal of research on each of the eight articles, twelve paragraphs and forty-eight terms and measures of the 1981 U.N. Declaration on Freedom of Religion or Belief. This journal will be re-ordered and edited in Part III of the community training manual to create a reader-friendly community report on freedom of religion or belief.

- *Selection & Demographics:* Read the instructions for the database in Part IV; Supporting Documents for selection and demographics. Selection requires some time, reflection and discussion before deciding on a community to study. Demographics is the statistical study of human populations. The question becomes what demographics are appropriate for a manual to monitor human rights and freedom of religion or belief? First is a brief statistical overview of the community. Answer the question in the topic notes for this subject.
- *The 1981 U.N. Declaration:* Read the instructions for the database in Part IV; Supporting Documents for the articles, paragraphs and terms of the 1981 U.N. Declaration. Briefly review some of the questions you will be asked to answer when studying Part II: The 1981 U.N. Declaration in the training manual. For this introductory course, we use the Afghanistan example from the last topic, Monitoring the Articles, as an example to show how to write research notes in this stimulated database. Answer the questions in the topic notes for this subject.

**Article:** 1 *Legal Definition.* The database has a place to explain each article of the 1981 U.N. Declaration, in the words of the community monitor or monitoring group. This may be revised as the monitors study each of the paragraphs and terms of an article. Write your answer, written in the previous analysis form for the Afghanistan example, in the topic notes for this subject.

**Paragraph:** 1.2 *Coercion and Freedom to Choose.* The database has a place to explain each paragraph of each article of the 1981 U.N. Declaration. This will be revised as the monitors study each of the terms and measures of the paragraph. Write your answer in the topic notes for this subject.

**Term:** 1.2.1 *Coercion.* Studying a term is the final step in the process to analyze an article by examining what it means as used in the 1981 U.N. Declaration. This includes a critical analysis of how the term is interpreted in your community. The final step is to study how the term can become part of a solution. This includes learning how the term relates to all the other terms in the 1981 U.N. Declaration paradigm. Terms are identified in the order they appear in each paragraph. A term can be either a word, a combination of words or a complete phrase. Review your answer for the Afghanistan example using the term *Coercion* in the last study topic. Then write it in the topic notes for this subject.

TOPIC NOTES**DATABASES: RESOURCES & INFORMATION**

Review the simulated *Global Resources Database* and *Community Information Database* in the Supporting Documents. Then answer the following questions.

**1. Global Resources Database**

- *Entry, Files, Fields*

As an example of a data entry, identify your organization or your name, address, telephone, fax, e-mail and an abstract of what you do and your interests under one of the 12 resource fields.

Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

City/Region/Zip: \_\_\_\_\_

Country: \_\_\_\_\_

Tel/Fax/E-mail: \_\_\_\_\_

Abstract: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- *Community Resource List*

Review the resource fields and sub fields. Create a sample SEARCH OPTION for your community, as illustrated in the *Global Resources Database*. Identify a contact, organization and what they do, using the digit numbers for the sub-fields as illustrated in the simulated database.



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Number: \_\_\_\_\_

**2. Community Information Database**

- *Selection & Demographics*

**Selection:** Each monitor in the group should be asked what factors they think should go into the decision on which community to select. A community can be either a rural area, a village, a city or a neighborhood within a city. Fill out the information below:

Name: Community (rural, village, city or neighborhood)

In a short paragraph, explain the reason why you choose this community to write a report on freedom of religion or belief:

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**Demographics:** A demographic profile is helpful to give the readers of the report a snapshot statistical picture of a community. Before beginning to study the articles of the 1981 U.N. Declaration, student monitors have an outside the classroom assignment to research these numbers. Try to create a Demographics Profile for the Community you have selected above between classroom sessions and enter it below:

Community Population: \_\_\_\_\_

Square Mileage of Area: \_\_\_\_\_

Literacy Rate of Community: \_\_\_\_\_

GDP of Nation/Community: \_\_\_\_\_

Major Economic Activities: \_\_\_\_\_

Religions or Beliefs: \_\_\_\_\_

Type of Government: \_\_\_\_\_

Political Parties: \_\_\_\_\_

Ethnic Groups: \_\_\_\_\_

- *The 1981 U.N. Declaration*

The simulated *Community Information Database* asks you to submit answers to questions on the articles, paragraphs and terms of the 1981 U.N. Declaration in preparation for writing a community report on human rights and freedom of religion or belief. Review the database located in Part IV: Supporting Documents. Write answers to the Afghanistan example for the last study below:

**Article 1: Legal Definition**

*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, 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.*

Write the answer to the question for Article 1: *Legal Definition* for the Afghanistan example in the last study topic to the database by writing it below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Paragraph 1.2: Coercion and Freedom to Choose**

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

Write the answer to the question for Paragraph 1.2: *Coercion and the Freedom to Choose* for the Afghanistan example in the last study topic, to the database by writing it below.

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**Term 1.2.1: Coercion**

Transfer your answer to the question on 1.2.1. *Coercion* for the Afghanistan example, already discussed in the last study topic, to the database by writing it in the box below.

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STUDY TOPIC**REPORT: THE COMMUNITY REPORT****Introduction**

Since passage of the 1948 Universal Declaration of Human Rights, the U.N. has required mechanisms for reporting on progress Member States are making to eliminate all vestiges of intolerance and discrimination based on its thirty articles. Reporting mechanisms differ depending on whether a human rights document is a binding international treaty called a covenant or convention, or whether it is a non-binding declaration. For instance, Article 40 of the 1966 International Covenant on Civil and Political Rights (ICCPR) says, "The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights." Article 18 of the ICCPR, "Everyone has a right to freedom of thought, conscience and religion or belief," is included under these reporting requirements.

The 1981 Declaration is non-binding on U.N. Member States. As such, it has no reporting mechanism other than an annual report by the U.N. Special Rapporteur on Freedom of Religion or Belief. U.N. Special Rapporteurs are non-paid outside experts appointed by the U.N. Commission on Human Rights, with few staff and even fewer resources with which to write a comprehensive report on the scope and progress of the worldwide 1981 Declaration. The United States of America is the only country that publishes annual reports. The U.S. State Department report on International Religious Freedom reports annually on 192 countries. However, it omits a report on the status of this right within its own country. While an extremely valuable resource, the State Department report shows some bias and does not use the inclusive U.N. phrase freedom of religion or belief.

This makes NGO reports, that use a more inclusive human rights paradigm, all the more important. Citizen reports to the U.N. can make a difference in judging the effectiveness of the 1981 Declaration to promote tolerance and prevent discrimination based on religion or belief. *How to Monitor Human Rights and Freedom of Religion or Belief* is a model based on community reports, rather than country reports or religious liberty reports that may not reflect inclusiveness. It is based on Article 29 of the Universal Declaration of Human Rights, "Everyone has duties to the community in which alone the free and full development of his [her] personality is possible." The community report thus recognizes the civic responsibility of citizens and the reciprocal relationship between the state, represented by local governments that impact the community, and the religions or beliefs that reside within that community.

## Objectives

To understand the suggested format for writing a community report on freedom of religion or belief under the following four sections:

- Community Report Guidelines
- Section I: The Community Profile
- Section II: The 1981 U.N. Declaration
- Section III: Issues and Case Studies
- Section IV: Proposed Solutions

Following the suggestions of Professor Samuel P. Huntington, the U.N. Community Report uses the 1981 Declaration as a paradigm to order, generalize, understand relationships, distinguish what is important from unimportant, anticipate and at times predict developments, and show a path to achieve a goal. This enables citizens, governments, religions or beliefs and non-governmental organizations from different cultures, countries and communities to dialogue on the specific articles, paragraphs and terms of the 1981 Declaration, and to exchange information on best practices and proposed solutions. And it enables the U.N. to find it more useful in that it follows the exact language and articles of the 1981 Declaration in spite of the lack of a U.N. States Parties mechanism.

### 1. Community Report Guidelines

The format for a Community Report on Human Rights and Freedom of Religion or Belief follows the Shadow Report format for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). A Shadow Report is made by NGO's in response to treaty-mandated country reports of U.N. Member States who are signatories to CEDAW. They are designed as guidelines to use in evaluating government efforts to meet the obligations of the CEDAW Convention. All Covenants and Conventions that have treaty-based mechanisms follow similar guidelines known as Shadow Reports.

The 1981 U.N. Declaration on Freedom of Religion or Belief, of course, has no report to "shadow" in that there are no mandated country reports by U.N. Member States. And this is a community report rather than a country report. Never-the-less, it is helpful to follow U.N. procedures in that all community reports will be sent to the U.N. Here is what the International Women's Rights Action Watch (IWRAW) an NGO in consultation with the U.N. had to say about organizing a Shadow Report:

- *Organizing the Content.* It may seem difficult to organize the report according to articles of the CEDAW Convention rather than according to the issues that most concern NGO's. However, organizing by article indicates knowledge of the treaty and respect for the Committee's time. One useful approach is to identify the issues, discuss and prioritize them, and then consider which articles apply. For each issue, it is important to provide examples or evidence of how the issue affects residents of the country and make specific recommendations for addressing the problem.

Briefly review *The UN Community Report Format* in the Supporting Documents section. Then turn back to this study topic. The format for the report provides the essential information and guidance to the reader. It includes the following:

1. Title Page
2. Executive Summary
3. Table of Contents
4. Community Report Introduction
5. Section I: The Community Profile
6. Section II: The 1981 U.N. Declaration
7. Section III: Issues & Case Studies
8. Section IV: Proposed Solutions

Again, following IWRAW, limit the report to no more than 30 pages. The executive summary should include specific language (terms) that the U.N. can use in their studies. It should be no more than three pages and draw attention to particular issues.<sup>11</sup> There should be a brief two or three page introduction to the report explaining how it was written and giving credit to the authors.

## 2. Section I: The Community Profile

- *Demographics.* The Community Profile introduces the reader to a general picture of what the community is like. Its geography, population, economic indicators, literacy level and political parties. This should include statistics in box form without explanations.
- *Resources.* Two or possibly three paragraphs highlighting some of the government and non-governmental contacts that have been made in the research, indicating how some of them will be included in the *Global Resources Database* and that they are included as important resources for Part IV: Proposed Solutions. The complete community resources list might be included in an addendum.

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<sup>11</sup> IWRAW Guide to Producing NGO Shadow Reports: Revised February 2003

- *Religions or Beliefs.* There might be a separate section on the demography of religions or beliefs in the community. This would include a list in paragraph form of all the majority and minority religions or beliefs serving the area. One or two paragraphs on the history of religion or belief in the community and any relevant statistics, number of places of worship, religious schools, memberships numbers of the religions or beliefs, etc.

### 3. Section II: The 1981 U.N. Declaration

Section II organizes information according to the articles and paragraphs of the 1981 U.N. Declaration, not by issues which come in the next part of the report. There should be an opening introduction to this standard U.N. recognized methodology, with an explanation this summarizes the most important topic notes recorded in the *Community Information Database*.

- *Articles:* A brief introduction to the article and what the research has found is most important to the intent and use of the article in the community. Include a brief overview of each of the paragraphs of the article. Terms or individual components that were broken down for investigation and research are now built back into the article and paragraph summaries for a more reader-friendly report.
- *Paragraphs:* Each paragraph of the 1981 U.N. Declaration has a section summarizing the research to meet Huntington's criteria for distinguishing what terms are important and what are unimportant in predicting developments and achieving the overall goal of promoting tolerance and preventing discrimination based on religion or belief. It should include a summary of how the paragraph is applied in the community, how it relates to other articles and paragraphs, what resources have been used in the research of the terms, and identify key points for the next section of the report on issues and case studies.

### 4. Section III: Issues & Case Studies

Section III re-orders component research information on the articles of the 1981 Declaration by issues and case studies for maximum impact. It is where in a reader-friendly way, the community report clearly demonstrates the relationship between the articles, paragraphs and terms, and distinguishes what is important from unimportant. Section III also predicts the general direction issues and case studies may take in the future. There are two parts, issues & case studies.

- *Issues.* The first section identifies general issues in the community that may prevent the promotion of tolerance and prevention of discrimination based on religion or belief. It documents and illustrates the issues, but does not specifically identify perpetrators as do the case studies that follow. Issues may include a general sense of intolerance by a community with a majority religion against people of minority religions. However, documentation of the issues, in addition to a general overview of the problem, can include statistics, news clips, provisions of laws and regulations, etc. The issues are numbered in this section to identify them by the same number in Part IV: Proposed Solutions of the report.
- *Case Studies.* The second section identifies specific instances of intolerance and discrimination through community case studies. Case studies use the eight articles of the 1981 Declaration paradigm to construct the problem. Cases may range from acts of intolerance to limits places on worship, teaching, observance, to acts of discrimination in employment, health, housing, zoning, etc. Each case study must identify concerns with documentation to illustrate the case. Through the articles of the 1981 Declaration, the case study identifies when, where, who, what and why an alleged incident took place.

## 5. IV: Proposed Solutions

Treaty-based U.N. Member States country reports have a section on Concluding Remarks and Recommendations. IWRAW Shadow Reports, likewise, have a Concluding Remarks section that suggests the following, "Identify major obstacles and recommend approaches for removing them. Consider the practical approaches to solving the problem. Recommendations for action should be concrete, suggesting specific action." This is similar to Huntington's definition, a paradigm should show us a path to achieve a goal. Part IV is titled "Proposed Solutions" to indicate this is an action plan or path that is more proactive than Concluding Remarks.

- *Issues & Case Studies.* In the first section each issue and each case study that are listed by number in Part III, have corresponding numbers with proposed solutions in Part IV. This is where the contacts named in the *Community Resource List* are used to propose specific community solutions to issues and case studies that will improve the promotion of tolerance and prevent discrimination.
- *Best Practices.* The second section lists abstracts for the *Global Resources Database*, programs worthy of replication in other cultures, countries and communities. For global comparative purposes they are listed under the six civic fields identified in Article 4 as effective measures. Best practices might include new curricula, dialogue between diverse beliefs, economic and social programs to eliminate discrimination, new or rescinded legislation, inter-faith or inter-belief service projects in the community, etc.



TOPIC NOTES**REPORT: THE COMMUNITY REPORT****1. Section I: The Community Profile**

Study Community Report Guidelines in the Supporting Documents. List the name of a community for a report. Write a short paragraph on where to look for community demographics and resources (you are not expected to have a list for this study topic.)

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**2. Section II: The 1981 U.N. Declaration**

Review the outline for Section II: The 1981 U.N. Declaration in The U.N. Community Report Format. Write a statement for Paragraph 1.2. *Coercion and Freedom to Choose*, using the U.N. Afghanistan report and Kabul, the capital of Afghanistan, as a hypothetical community for this statement.

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### 3. Section III: Issues & Case Studies

Write a brief one sentence description of the general issue confronting Afghanistan based on the U.N. Report. In the rest of the paragraph, create a hypothetical case study specifically describing the Taliban allegedly coercing Sikhs in Kabul. Refer to paragraph 1.2 as the basis for the incident and then list what information is missing under what articles of the 1981 U.N. Declaration to complete this case study

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### 4. Section IV: Proposed Solutions

Write a paragraph proposing a solution to the general issue for Afghanistan that you described above. Complete the paragraph by describing a hypothetical "best practices" program for Kabul, under one of the six civic fields in Article 4: Effective Measures.

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## PART II

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

*How to Monitor Human Rights & Freedom of Religion or Belief* uses the 1981 U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, as a guideline for writing reports to the United Nations on the status of human rights and freedom of religion or belief in a community.

The United Nations approach to human rights and freedom of religion or belief, while not agnostic, is an international legal application of this principle. It takes no position on the existence of God or the ultimate meaning of life. Freedom of conscience, to believe or not to believe, as one so chooses, is an embracing inclusive right and guiding principle. The United Nations is committed to the inherent dignity, equal and inalienable rights of all members of the human family, which includes tolerance and respect for diversity, and protection for the rights of all religious and non-religious beliefs.

**HISTORY OF THE DECLARATION**

- *Facing Our Conflicts*

It is a sad reality that religious and non-religious beliefs have been used throughout history for purposes that are less than peaceful. There are well known examples, such as the Crusades in the 11<sup>th</sup> and 12<sup>th</sup> centuries, as kings and popes rose up huge armies to war against Muslims in the Holy Land. In the 20<sup>th</sup> century, the Nazi in World War II used pagan mythology or "folk religion" to justify their belief in Aryan superiority. Japan viewed their Emperor as a deity, looking to him for religious sanctification of their actions in World War II. Marxist-Leninism, an atheist ideology, led to the atrocities under Stalin and the great Cold War of the last century against the West and religion. Hindu and Muslim followers killed each other by the millions as they met crossing the border between what is now Pakistan and India, after the collapse of the British Raj in 1947. And still today, Afghanistan was the fundamentalist breeding ground for extreme forms of Islam that led to the attack on the World Trade Center in September, 2001.

In her book, *Battle for God*, Karen Armstrong has stated, "One of the most startling developments of the late twentieth century has been the emergence within every major religious tradition of a militant piety popularly known as fundamentalism (some prefer the term extremism). Its manifestations are sometimes shocking. Fundamentalists have gunned down worshippers in a mosque, have killed doctors and nurses who work in abortion clinics, have shot their presidents, and have even toppled powerful governments.

It is only a small minority who commit such acts of terror, but even the most peaceful and law-abiding are perplexing, because they seem so adamantly opposed to many of the positive values of a modern society. Fundamentalism, more over, is not confined to the great monotheisms. There are Buddhist, Hindu, and even Confucian fundamentalism, which fight and kill in the name of religion and strive to bring the sacred into the realm of politics and national struggle.”<sup>1</sup>

- *United Nations Response*

In 1948, the U.N. adopted Article 18--the right to freedom of religion or belief, as one of thirty articles in the Universal Declaration on Human Rights, but did not begin to study this intractable, historical concern, in a specific way until 1961. In 1962, the General Assembly adopted a resolution to prepare separate legal treaties (known as conventions) on racism and religion. The result was a relatively quick preparation and passage, in 1969, of the Convention on the Elimination of All Forms of Racial Discrimination and a slower, more complex process regarding religious intolerance and discrimination. According to one U.N. participant, “it was more difficult to legislate on religious freedom than on racial discrimination, since religious freedom impinged on the most intimate emotions of human beings.”

- *U.N. Human Rights Commission*

The U.N. Commission on Human Rights, a body composed of 53 Member States, assigned its Sub-Commission the responsibility of drafting a declaration or convention on religious freedom and reporting back to the Commission. In 1978, seventeen frustrating years after the Sub-Commission began its assigned task, the U.N. General Assembly noted “with regret” that it had so far adopted only the title and preamble of a declaration. It demonstrated the complexity of the issues involved, including the critical problem of defining the limits of this freedom.

Finally, in 1979, there was a breakthrough in the working group wrestling with the definition of the right to freedom of religion or belief. The U.N. Commission moved rapidly at that point adopting a draft declaration (not legally binding) on 10 March, 1981. The following November, the U.N. General Assembly adopted for the first time in world history, a special international human rights instrument on freedom of religion or belief. A lengthy drafting history covering two decades of complex discussion, intense struggle and hard work ended, resulting on 25 November 1981 in passage by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The 1981 U.N. Declaration to this day is the only specific international human rights instrument on freedom of religion or belief.

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<sup>1</sup> Karen Armstrong, *The Battle for God*, Knopf Publishing, New York (2000), p.3.

- *U.N. Special Rapporteur on Freedom of Religion or Belief*

The U.N. Commission on Human Rights appoints independent experts called Special Rapporteurs to examine incidents of intolerance, discrimination and the abuse of human rights. These experts are appointed to monitor what are called "extra-conventional mechanisms," declarations that do not carry the weight of a legally-binding international treaty called a convention. There are two kinds of Special Rapporteur's, those appointed to examine all human rights abuses in a U.N. Member State, and those who are appointed to examine a theme such as freedom of religion or belief, violence against women, etc. As of 2003 there were 37 appointed country and thematic Special Rapporteur's.

In 1986, the U.N. Commission on Human Rights created the position of Special Rapporteur on Religious Intolerance for the 1981 U.N. Declaration on Freedom of Religion or Belief. The person holding the position was charged with the mandate of reporting annually to the Commission on the status of its implementation. The key point of departure in all U.N. matters relating to human rights and freedom of religion or belief is the Special Rapporteur. It is the only international mandate with a worldwide scope and thus the role is crucial. In 1998, The Tandem Project made the suggestion at an Oslo Conference on Freedom of Religion or Belief that the title of the U.N. Special Rapporteur be changed to Special Rapporteur on Freedom of Religion or Belief to reflect the title of the 1981 U.N. Declaration and to indicate that the right included protection for all religious and non-religious beliefs. The U.N. General Assembly approved this title change in 2000.

The mandate of the Special Rapporteur on Freedom of Religion or Belief is threefold; to examine incidents and actions in all parts of the world that are inconsistent with the 1981 U.N. Declaration, to receive communications from individuals and groups who allegedly have been discriminated against and make inquiries to States on the nature of these allegations, and to recommend remedial measures including, as appropriate, research, education and the promotion of dialogue.

There have been annual reports by the Special Rapporteur on Freedom of Religion or Belief to the U.N. Commission on Human Rights since the inception of this mandate in 1986. Many of the illustrations and specific reports, in this training manual, on alleged incidents of intolerance and discrimination in Member States come from the Special Rapporteur's reports that are released to the public by the U.N. Commission on Human Rights. These reports are then sent on to the U.N. General Assembly for approval. Many of the case studies of alleged discrimination in this manual on *How to Monitor Human Rights & Freedom of Religion or Belief* come from the reports to the General Assembly on 8 September 2000 (A/55/280) and the report the following year, 31 July 2001 (A/56/253). For additional reports, students should go to the U.N. Human Rights website <http://www.unhchr.org>. The can be found in the Charter-Based Database.

## STUDY GUIDELINE

*How to Monitor Human Rights & Freedom of Religion or Belief* is a resource manual for those who wish to explore in-depth ways to promote tolerance and prevent discrimination based on religion or belief in a community. Teachers or instructors teaching tolerance, understanding and respect between people of diverse religions or beliefs may use it as a reference work, facilitators of interfaith dialogue, or secular human rights organizations may use it for the same purpose, others who wish to write their own reports on freedom of religion or belief, similar to NGO shadow reports written for the U.N. Committee on Discrimination Against Women (CEDAW), may use it to look for ideas, still others may wish to follow this study guideline for the 1981 U.N. Declaration, write a community report on human rights and freedom of religion or belief, and submit it to the U.N. in Geneva. For those following the latter path, here are steps to take to prepare a Community Report on Human Rights and Freedom of Religion or Belief.

- *Study Topics*

The heart of the manual is the study topic. There is a study topic on how to use the two simulated database models designed for the manual, a study topic on how to identify types of constitutional principles that relate to religion or belief, and twelve study topics, one for each of the 12 paragraphs of the 1981 U.N. Declaration. The topics for the 1981 U.N. Declaration are broken down into an in-depth examination of each article and paragraph by a set of terms and measures and how they apply in your community.

- *Articles and Paragraphs*

The 1981 U.N. Declaration has eight articles. There is a brief introduction on the meaning of the article. There are study topics for each paragraph of an article. This follows the intent of the manual to use the Declaration as a paradigm to guide thinking by ordering information, helping understand causal relationships, distinguishing what is important from unimportant, and showing a path to achieve solutions to problems of intolerance and discrimination based on religion or belief in a community.

- *Terms and Measures*

Each study topic is divided into terms and measures. Rene Descartes, a rationalist, broke a complex problem down into its simplest parts and found solutions by rearranging them in new ideas. John Locke learned by experience, observation and comment on a problem. Studying the 1981 U.N. Declaration is a combination of rational and empirical learning. The 12 paragraphs of the Declaration are broken down into 48 component parts called

terms for study. A term can be a word, a series of words, a phrase or a complete sentence within a paragraph. Terms relate to each other either as opposing reciprocal principles, as complimentary thoughts that are more comprehensive if bundled together, or as complete sentences defining a specific right in the U.N. approach to human rights and freedom of religion or belief. Terms are defined as measures because each component can be placed in a database for statistical comparison and other forms of research.

- *Related Examples*

Each study topic includes a section called Related Examples. These include public reports by the U.N. Special Rapporteur on Freedom of Religion or Belief, or news media, on how a term is used in other places. While not always exact or complete illustrations of the topic or term, they are close enough for a comparison in the community being studied.

- *Learning Experiences*

Each study topic includes a section called Learning Experiences. These are suggestions for resources and where to research in the community being studied. For teachers and facilitators, Learning Experiences at times refer to lessons in a companion book, *Lifting the Spirit: Human Rights and Freedom of Religion or Belief*, published by the University of Minnesota Human Rights Center and The Tandem Project.

- *Topic Notes*

Each Study Topic ends with a section called Topic Notes. It asks a series of questions on how the topic applies in the community being studied. Information from the topic notes are edited and transferred to the *Community Information Database*.

- *Model Databases*

There are two model databases designed for the 1981 U.N. Declaration as research tools for community and global resources, and consolidation of information from the topic notes. They are paper-based now but can be built into a website and linked by the Internet for research and to monitors worldwide to exchange resources and compare information. For this purpose, articles are identified by one digit, paragraphs by two digits and terms by three digits.

- *Community Report*

The purpose of this manual is to prepare a Community Report on Human Rights and Freedom of Religion or Belief. Part III: The Community Report has a guideline of its own on ways to assimilate the material into a reader-friendly report to the U.N. in Geneva.

## STEPS TO A COMMUNITY REPORT

1.

### STUDY TOPICS

12 Study Topics, one for each of the  
12 paragraphs of the 1981 U.N. Declaration

2.

### TOPIC NOTES

Questions about each study topic  
answered on topic worksheets

3.

### MODEL DATABASES

Answers from topic notes may be edited and  
written in simulated paper-based databases

4.

### COMMUNITY REPORT

Summary of information from the topic notes or Information  
Database, in a written report submitted to the U.N. in Geneva



STUDY TOPIC**MODEL DATABASES****Introduction**

There are two simulated databases, one for community and global resources, and another for community information. For now, they are learning tools. They will be much more helpful when software is written for them and they are activated on an Internet website. They are used to order the research material collected in preparation for writing a community report on human rights and freedom of religion or belief. The *Global Resources Database* must be used, whether it is paper-based or on-line. The *Community Information Database* is optional if not used on-line. Information from the Study Topic notes can be transferred directly to Part III: Community Report Guideline, or transferred to a database of your own, without inter-active capabilities to exchange information. To learn how to use the databases is a prerequisite before beginning to study the 1981 U.N. Declaration. Turn to Part IV: Supporting Documents and briefly acquaint yourself with them.

- *Global Resources Database*

The purpose of this database is twofold; to create a list of contacts in the community for study of the 1981 U.N. Declaration, and a way to link these community resources to an anthology of comparable global resources on programs, best practices, curricula, textbooks, etc., to promote tolerance and prevent discrimination based on religion or belief. There is a learning exercise for this database in Part I: Introductory Course, page 33. The database is located in Part IV: Supporting Documents. Review the introductory learning exercise and the database. Then turn to the topic notes on the next page for this study topic.

- *Community Information Database*

The purpose of this database is twofold; a place to store community research information on each article, paragraph and term of the 1981 U.N. Declaration, and a way to exchange information on each of these specific articles, paragraphs and terms worldwide in other cultures, countries and communities. An added value of collecting information in this way is to create a statistical database for future U.N. decision making on paths of action to take to strengthen instruments on human rights and freedom of religion or belief. There is a learning exercise for this database in Part I: Introductory Course, page 33. The database is located in Part IV: Supporting Documents. Review the introductory learning exercise and the database. Then turn to the topic notes on the next page for this study topic.

TOPIC NOTES**MODEL DATABASES**

Briefly review the simulated *Global Resources Database* and *Community Information Database* in Part IV: Supporting Documents. Follow the instructions for creating a Community Resources List and then answer the questions below.

**1. Community Resources List:** Creating a beginning *Community Resources List* of 25 contacts is a prerequisite before studying the articles of the 1981 U.N. Declaration. By now you should have followed the instructions to create this list on your own computer or separate sheets of paper. List each entry with an abstract under the appropriate resource field. Leave spaces for adding community resource contacts as you proceed. Make a note below on any questions you have on this process.

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**2. Community Information Database:** Read instructions for beginning the *Community Information Database* in Part IV: Supporting Documents. Register your name or that of your group. Select a community for study. Refer to your *Community Resources List* for contacts on community demographics. Fill in the community demographics. Make a note below on reasons why you selected the community you named for study.

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STUDY TOPIC**TYPES OF CONSTITUTIONS**

Before studying how the 1981 U.N. Declaration can be used to write a community report, a person must understand the national constitution of their own country in matters relating to freedom of religion or belief and how it impacts the laws in their community. Existing constitutional systems, or legal frameworks if a country has no constitution, always include principles on religion or belief. These principles vary widely depending on the traditions, values and ways of life of a country. Constitutional scholars normally define these principles in three broad categories; (1) Theocracy, (2) State Church, (3) Separation of Church & State. What follows is a description of these categories with examples under each category.

**1. Theocracy.** The word derives from the Greek word *theos*, "God" or *theocratic* "the rule of God." A theocracy is a government in which divine commandments are civil laws, and God is regarded as the sovereign power. Examples include Judaism in its early stages, Florence in the Middle Ages under Savonarola, Geneva under John Calvin, and the early Massachusetts Bay Colony in America under the Puritans.<sup>2</sup> Some States in the Organization of the Islamic Conference, a coalition of fifty five States where Islam is the majority religion, declare Shari'a Law as the basis of the country's legal system.

- *Qatar.* Article 1 of its constitution declares it an independent sovereign Arab state and a member of the Union of Arab Emirates. Its religion is Islam, and the Islamic Shari'a Law shall be the fundamental source of its legislation.
- *Yemen.* In Article 2: Islam is the religion of the State, and Arabic is its official language. Article 3: The Islamic Shari'a is the source of all laws.
- *Saudi Arabia.* The State does not have a written constitution but the source of many of its laws is Shari'a Law, a legal code often called a way of life.
- *Japan.* Prior to World War II the Emperor of Japan was considered divine, a deity or God. While Japan did not have a constitution that would qualify it as a theocracy at the time, it had elements of a theocratic/monarchy. In 1947 it adopted a constitution. Article 20: Freedom of religion is guaranteed to all. The State and its organs shall refrain from religious education or any other religious activity.

<sup>2</sup> William L. Reese, *Dictionary of Philosophy and Religion: Eastern and Western Thought*, New Jersey Humanities press, (1980) p. 73

**2. State Church.** A church is a Christian place of worship. It is used in various ways by different branches or denominations of Catholicism, Protestantism and Eastern Orthodoxy. A comparable and more inclusive term today would be "State Religion or Belief." The term refers to countries where there is a declared religion as the official religion of the State, with certain rights and privileges. It is usually associated with a monarch as its head. In 1534 the English Parliament named the King head of the State Church of England.

- *Norway.* Section 2 of its 1814 constitution states: All inhabitants of the Kingdom shall have the right to free exercise of their religion. The Evangelical-Lutheran religion shall remain the official religion of the State. Section 12 states: The King himself chooses a council of citizens. More than half the number of the members of the Council of State shall profess the official religion of the State as shall the King.
- *Brunei.* Section 2: The religion of Brunei Darussalam shall be the Muslim religion according to the Shafeite sect of that religion. Section 4: No person shall be appointed Prime Minister unless he is a member of the Shafeite sect of the Muslim religion.
- *Nepal.* Article 4 of the constitution of 1990: Nepal is a multiethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom. Article 27: The King shall be a descendent of Great King Prithvi Narayan Shah and adherent of Aryan Culture and Hindu religion.
- *Malta.* Article 2 of its constitution states: The religion of Malta is the Roman Catholic Apostolic religion. Religious teaching of the Roman Catholic Apostolic faith shall be provided in all State schools as part of compulsory education.
- *Paraguay.* Article 6: The Roman Catholic Apostolic religion is the state religion, without prejudice to religious freedom, which is guaranteed in accordance with the provisions of this constitution. Official relations with the Holy See shall be governed by concordats and other bilateral agreements.

**3. Separation of Church & State.** There are governments with constitutional principles explicitly proclaiming independence of the State in respect to religion or belief. The U.N. approach is inclusive, protecting all religions or beliefs while professing allegiance to none. This is a Separation of Religion or Belief and State. Several African nations after emerging from decades of colonialism, adopted the more inclusive language of Article 18 of the 1948 Universal Declaration of Human Rights. Other nations in revising their constitutions incorporate new inclusive language.

- *Senegal.* Article 19 provides: The State guarantees that everyone shall have freedom of conscience, shall be free to teach and practice the religion of his choice. Religious institutions have the right to develop freely with no interference from the State.

- *Zaire*. Article 1 of its 1981 constitution it states: The Republic of Zaire is a single, democratic, social and secular state. Article 17: In the Republic there shall be no State religion.
- *Cameroon*. The Preamble to its 1972 constitution it states: The State is secular. The neutrality and independence of the State in respect to all religions is guaranteed.
- *France*. Article 2 of the 1958 constitution states: France is a Republic, indivisible, secular, democratic and social. It shall respect all beliefs.
- *United States of America*. The First Amendment to the U.S. Constitution states: Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.
- *Turkey*. Turkey is an Islamic country (99% Muslim) with close secular administrative control over religion. In 1923, it was a response to the Ottoman Empire, who had ruled Turkey for hundreds of years with their own version of government by Islamic or Shari'a Law, allowing provisions for minority religious with their own courts under what was know as the Millet system. Article 136 of the constitution states: The Department of Religious Affairs, which is within the general administration, shall exercise its duties prescribed in its particular law, in accordance with principles of secularism. Article 24 states: Education and instruction in religion and ethics shall be conducted under State supervision and control. The Directorate of Religious Affairs is attached to the office of the Prime Minister. In 1995, the Directorate's 90,000 personnel are civil servants. They manage 68,000 Mosques, organize pilgrimage (hajj) affairs and provide religious education through 56,000 Qur'anic courses.
- *India*. The majority religion of India is Hindu. In 1947 the newly established constitution, after British colonial rule, established a secular government that guaranteed the right to religious minorities to establish and administer their own education institutions. It stipulated that no State funded educational institution shall provide religious instruction in an effort to provide a secular framework for on the most diversified religious countries of the world.

#### 4. United Nations Approach

The U.N. approach to human rights and freedom of religion or belief, while not agnostic, may be described as an international legal application of this principle. The U.N. takes no position on the existence of God or the ultimate meaning of life. Freedom of conscience,

to believe or not to believe, as one so chooses, is the inclusive all embracing principle guiding their approach to human rights. The U.N. is committed to the inherent dignity, equal and inalienable rights of all member of the human family, which includes protection for the rights of all religious and non-religious beliefs.

T.H. Huxley, known as "Darwin's Bulldog" for his fierce defense of Darwin's *Origin of Species*, coined the term agnostic in 1859, in response to repeated questions as to whether he believed in God or not. In an article years later, he explained the term this way, "agnostics have no creed but a method, the essence of which lies in the rigorous application of a single principle, that is the axiom that every man and woman should be able to give a reason for the faith that is in them, it is the fundamental axiom of modern science--a mind always open to conviction." Such reasoned faith may incorporate the revealed truth of a supernatural deity, just as easily as the reasoned faith of a materialist.

The word secular, if used in the context of constitutional systems relating to religion or belief such as the terms theocracy, state church, separation of church, mosque, synagogue, temple, assembly and state, must be inclusive and in principle agnostic in its approach, respectful but taking no position on the existence of God or the ultimate meaning of life. It is a process for protecting the rights of all religious and non-religious beliefs. This may simply be described as Belief & State, using Article 18 and the 1981 U.N. Declaration as rigorous guides to ensure all religious and non-religious metaphysical beliefs are protected by the State from discrimination by the State and from each other. It gives recognition to the primacy of metaphysical beliefs as primary sources for explaining the ultimate meaning of life, and their influence on all other beliefs, political, economic, social and cultural as expressions of how to live accordingly.<sup>3</sup>

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<sup>3</sup> Concept Paper: Human Rights & Freedom of Religion or Belief, Part IV: Supporting Documents, p. 72

TOPIC NOTES**TYPES OF CONSTITUTIONS**

The constitutional system of a country has a direct legal impact on a community, it must be clearly understood before starting to study Article 1: Legal Definition.

**1. Constitutional Systems:** If you are studying this training manual as a group, you may want to take Lesson 20: The State and Religion or Belief in *Lifting the Spirit: Human Rights & Freedom of Religion or Belief*. Refer to your *Community Resources List* to find out what your national constitution says about freedom of religion or belief. Write below the principle or article in your constitution relating to freedom of religion or belief. Describe in one sentence each the two types of constitutional systems different from your own.

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**2. United Nations Approach:** Describe the differences between your national constitution and the U.N. approach described as Belief & State.

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## ARTICLE 1. LEGAL DEFINITION

The first article of the 1981 U.N. Declaration repeats Article 18 of the ICCPR, which is the international legal framework for matters relating to freedom of religion or belief. Communities live by constitutional or legal frameworks of their countries. Preparation for a community report first requires an understanding of how to compare Article 1 of the 1981 U.N. Declaration with your own national constitution or legal framework.

### STUDY TOPIC

#### 1.1. POLICY AND LEGAL FRAMEWORK

*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 their choice, and freedom either individually or in community with others and in private or public to manifest their religion or belief in worship, observance, practice and teaching.*

#### **Introduction**

This paragraph defines freedom of religion or belief, more specifically than most national constitutional principles, in matters relating to freedom of religion or belief. It is a framework for further elaboration on the specifics of this definition in the remaining two paragraphs and seven articles of the 1981 U.N. Declaration.

#### **Objectives**

To understand the following terms or group of terms in preparation for your community report on human rights and freedom of religion or belief.

- Thought, Conscience, Religion, Belief
- Freedom of Choice, Whatever Belief
- Individual, Community, Private, Public
- Worship, Observance, Practice, Teaching

#### **1.1.1 Thought, Conscience, Religion, Belief**

The first sentence of this paragraph has been described by international legal experts as having an *internal* and *external* meaning. Thought and conscience are *internal* within an individual, and religion or belief are its *external* manifestations.



Thought: has been described as “an idea or a body of ideas.” Ideas are introduced to individuals through numerous external influences, sacred religious scriptures, philosophy, oral stories, books, television, art, music, and in many other ways by religious and non-religious leaders and instructors, parents, peers, teachers, etc. Thought is assimilated *internally* within the mind of each individual.

Conscience: is defined in most dictionaries as the faculty of recognizing right from wrong in regard to one’s own conduct. Conscience is learned from outside external influences, including observing the behavior of others. But conscience is assimilated *internally* by each individual. *Freedom of conscience*, to believe or not to believe, as one so chooses, is an inclusive right and all embracing principle guiding the U.N. approach to human rights.

Religion: There are numerous definitions of religion by religious leaders and scholars that are almost always in dispute. Some religions are described as external, “an organized system of beliefs, dogma or creeds, centering on a supernatural being or beings.” Others, such as those in Eastern religions are more internal and include self-liberation through discovery of the Universal Mind, “right action” in Buddhism and Hinduism. Spirituality is often described as unorganized or non-dogmatic belief in the sacred or divine.

Belief: Belief, in the phrase freedom of religion or belief, is defined as non-religious, or those beliefs that are the opposite of religious beliefs. Terms for non-religious beliefs that come to mind are, materialism, atomism, atheism, non-theism. The U.N. protects the rights of all religious and non-religious beliefs.

- Related Examples

Conscience is a term often used in the context of conscientious objector, a person who will not serve in the military because his or her conscience tells them killing for any reason is wrong.

Turkmenistan: “The country’s legislation allegedly does not recognize conscientious objection based on religious belief, and conscientious objectors are sent to prison.”<sup>4</sup>

Uganda: According to the U.N. Special Rapporteur, the national legislation of Uganda does not guarantee the right of conscientious objection on grounds of religion or belief.<sup>5</sup>

Israel: In Israel, *yeshiva* (religious seminary) students are exempted from military service, but there is no exemption based on the international legal principle of conscientious objection.

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<sup>4</sup> E/CN.4/2000/65, 15 February, 2000. Report by the U.N. Special Rapporteur on Freedom of Religion or Belief. All references (in quotes) to UN Member States in Article 1 are from this report.

<sup>5</sup> Ibid, 15 February, 2000 report.

- Learning Experiences

Does your country have a provision on conscientious objectors? Do they allow for non-military government service instead of a military role? Research this and write your answer to the question in 1.1.1 of the topic notes. Find out if there is a religious group in your community with conscientious objection to military service. Call or interview them in person about the experiences their members have had if they decided against military service based on their beliefs.

### 1.1.2 Freedom to Have a Religion or Whatever Belief of Their Choice

There are two points in this term, individuals have the right to have any religious or non-religious belief and to join or leave a religion or belief as they so choose.

Religion, Whatever Belief: This is the original phrase for the term freedom of religion or belief. The U.N. says all individuals are free to hold religious or non-religious beliefs, which includes all forms of theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.

Choice: Combine this term with conscience and you have the bedrock principle of human rights and freedom of religion or belief. Freedom of conscience, to believe or not to believe as one so *chooses*, is an all embracing inclusive right and guiding principle. The United Nations is committed to the inherent dignity, equal and inalienable rights of all members of the human family, which includes protection for the right to choose a religious or non-religious belief.

- Related Examples

Mauritania: "The Penal Code reportedly punishes a Muslim's conversion to another faith with the death penalty."

- Learning Experiences

Choice involves a number or variety from which to choose. There are some cultures of the world where a religion or belief is so much in the majority and fabric of the culture that choice is irrelevant because of a lack of diversity. Choice may be limited by coercion, a term that will be studied in the next paragraph. Check to see if your constitution or legal framework identifies a religion or belief as a state belief, and if the principles of that religion or belief prohibit conversion to another belief.

### 1.1.3 Individual, Community, Private, Public

Article 1 allows the exercise of a religion or belief as an individual, in community with others, and in public or private. This is fairly straightforward, except for the fact that the

exercise of a religion or belief may be limited, whether as an individual or in community with others, in private or in public if it qualifies for such limitation under the third paragraph of Article 1 below. But such limitations are rare, must be by law and pose an immediate threat to society. In many cases, religions or beliefs are not allowed to be expressed for a variety of reasons that are discriminatory.

- Related Examples

Saudi Arabia: "Non-Muslim persons have the right to practice their religious ceremony within their residence." [This report is from an incident that implies non-Muslim persons living in Saudi Arabia can manifest their beliefs *only* in private and not in public.]

China: In allegations of the arrest of a student, Wang Qing, who had attended an *illegal* seminary, the government responded by saying that while freedom of religion is guaranteed, legislation forbids religion being used to disturb the social order.

- Learning Experiences

Check your local governments rules and regulations relating to when and where a religion or belief can be manifested. Make calls to three religious leaders and ask them if their religion or belief allow for the practice as individuals, in community with others, in private and in public.

#### 1.1.4. Worship, Observance, Practice, Teaching

Worship: To worship in matters relating to a religion or belief usually means to have reverence, awe, respect and adoration for a deity or god in community with others. Observance is the act of complying with a law, custom or ritual occasion. Religions or beliefs have the right establish and maintain places of worship and to observe their customs and rituals in such places as temples, synagogues, mosques and churches, or for instance in processions organized for marriages or funerals. Freedom to worship, maintain and assemble includes on lands and open space that are "sacred" to certain religions or beliefs.

In a few countries the law recognizes the right to worship in public only for the followers of the Established Church or the State religion. Sometimes the right to public worship is curtailed or occasionally even negated by unreasonable regulations. Licenses for the opening of places of worship may be arbitrarily withheld, or permits for assembling of a group of worshippers arbitrarily refused or difficult to comply with.<sup>6</sup> A most difficult

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<sup>6</sup> Arcot Krishnaswami, *Study of Discrimination in the Matter of Religious Rights and Practices*, U.N. Doc E/CN.4/Sub.2/200/Rev/1. (1960) p. 27.

situation occurs when two or more religions or beliefs, or secular groups, lay claim to the same place of worship or the same land.

Observance: Some countries have rules against observing a religion or belief such as a prohibition against wearing religious apparel in public schools. This may be a limitation motivated by the State's concern to curtail social tensions, or an act of discrimination if such tension does not exist. The use of bells, musical instruments or amplifiers at times may result in a breach of the peace and must be taken into account. As a general rule, the members of a religion or belief should not be prevented from acquiring or producing articles necessary for the performance of rituals, such as prayer books, candles, ritual wine and the like. Observing days of rest and holidays for minority religions, in a country with established religious days for a majority religion, often clashes with economic and work rules. However, in accordance with international standards on freedom of religion or belief, such economic hardships or labor rules must not interfere with this right.<sup>7</sup>

Practice: Practice in matters relating to freedom of religion or belief can be defined simply as, "to carry out or apply". The U.N. has not defined the difference between observance and practice. These three rights, to establish charitable and humanitarian institutions, solicit funds and maintain communications in accordance with a particular religion or belief can obviously be called a practice. There are national, regional and local governmental laws and administrative rules regulating all three in most countries. Most religions or beliefs establish charitable and humanitarian institutions as a practice that is commanded by their belief to provide a deep sense of hope, love, consolation and general welfare for its followers and humanity in general. Funding for these charitable purposes and for the general administrative requirements of a religion or belief are honorable and must be respected, as does the need and the right to communicate both in private and public with individuals and other members of communities on international, national and local levels.

Some religions or beliefs use humanitarian institutions, funding and communications practices to try to convert others to their beliefs. This too, is an expression of faith and love called for by their belief and as a general rule is allowed by law in most countries. In some areas of the world however, cultural factors and economics create tension against outside missionary activities. There are two factors here, the substance of the message and the method by which it is spread. To prevent dissemination of a faith in a manner

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<sup>7</sup> Paragraph 4 of the General Comment on Article 18, U.N. Doc. CCPR/C/18. The eleven paragraph General Comment on Article 18 is printed in the Appendix. Teachers should refer to this comment as it is an interpretation approved by the General Assembly, of the four manifestations of the right to freedom of religion or belief embodied in Article 18 of the International Covenant on Civil and Political Rights.

offensive to others, special laws, such as laws against *blasphemy* are enacted. Sometimes laws are used by a State with a predominant religion or belief to restrict the emergence of new competitive faiths. This is an act of discrimination against a new belief. Wisdom is needed to determine how best to protect both older cultural values and emerging newer beliefs that may make use of modern communication.

There are specific manifestations that are not identified in Article 6 such as burial, dietary or marriage practices. They might just as easily be called observances as practices. They are identified here as "practices" because while they are sacred religious rites, they are not as closely related as observance is to the worship of a god or deity. All religions have ceremonies and rites regarding burial. For Hindus, who believe in cremation, there can be no prayers for the departing soul until a death has been formally declared. For Jews, the practice of sitting *shiva* is supposed to follow burial. For Muslims, washing a body and shrouding it in white should proceed before funeral prayers or *janaza*. Burial, dietary and marriage and divorce practices are manifestations of freedom of religion or belief that must as a general rule be protected as rights under international standards. But each country has a variety of different approaches.

Teaching: The role of teaching religion or belief in public, private and religious schools and the rights of parents and children in what is taught has been addressed in Article 5. The three specific manifestations on teaching in Article 6 might be considered as rights needed to *prepare* to teach. This includes (1) the freedom to write, prepare and distribute religious texts or publications, (2) the freedom to establish seminaries, schools or other places suitable for teaching religion or belief, and (3) the freedom to choose, train and prepare religious leaders and teachers called for by the requirements and standards of any religion or belief.

- Related Examples

Turkey: In March 2000 two Christians (originally Muslims who converted to Christianity), members of the Izmir Fellowship of Jesus Christ, are said to have been arrested as they sold and distributed Bibles and other Christian literature in Kempalpasa, new Ismir.

Azerbaijan: Six Jehovah's Witnesses, employees of a Baku gas refinery were fired when they began to provide free materials to their colleagues, organized study groups during work hours to spread [teach] the ideas, objectives and purposes of their belief. They were later re-instated but it raises the question of the right to teach a religion or belief in places "suitable" for these purposes.

Indonesia: On 17 January 2000, a number of Christian churches and other properties were reportedly destroyed on the island of Lombok, and the Christian population had to flee to Bali according to a report by the U.N. Special Rapporteur.

India: The Ayodhya Babar mosque was destroyed by Hindu fundamentalists who claimed it was built on the sacred site of a shrine to Ram, one of the most widely worshipped Hindu deities.<sup>8</sup>

United States: According to a report by the U.N. Special Rapporteur, Native American ceremonies and rites are often based on special geographic features such as burial sites, areas where sacred plants or other natural materials are available, and structures, carvings or paintings of religious significance.<sup>9</sup> In the United States, many of these practices have been prohibited as the lands have been confiscated by the Federal and State governments for recreational, historic or economic uses.

United States: While not an example of deliberate discrimination, delay in the recovery of bodies from the New York World Trade Center bombing, prevented Hindus, Muslims and Jews killed from exercising religious practices of burial.<sup>10</sup>

Great Britain: authorities have secured adjustments in several areas of practice such as exempting turban-wearing Sikhs from legislation requiring protective headgear, accommodations in matters relating to burial customs, extension of the legal and religious rights to marriages to Hindu, Sikh and Muslim institutions and the rights of Jews and Muslims to practice animal slaughter according to Jewish and Muslim religious law. Still, blasphemy and blasphemous libel remain criminal offences in Great Britain. Laws still relate to Christian blasphemy, but not to other religions which in 1985, with the publication of *Satanic Verses*, infuriated British Muslims who felt the book slandered Islam. When it comes to the right to public and private communications, freedom of expression issues overlap in a complex way with freedom of thought, conscience and religion or belief in tense debates over those who want all blasphemy laws repealed and those who want it extended to all religions or beliefs.<sup>11</sup>

- Learning Experiences

This paragraph identifies the right to worship, practice, observe and teach. Article 6 elaborates on these as nine specific rights. If you are studying this as a group, a facilitator may want to ask the group to list on a sheet of paper, ways in which they think the rights to worship, observe, practice and teach are manifested. Answer the questions for 1.1.4 in the topic notes for this paragraph.

<sup>8</sup> S.P. Udayakumar, *Historicizing Myth and Mythologizing History: The Ayodhya Case in India*, (1999)

<sup>9</sup> Abdelfattah Amor, Special Rapporteur for Religious Intolerance, *Visit to the United States of America*, E/CN.4/1999/58/Add.1 p. 15

<sup>10</sup> New York Times, *Facing Rituals of Grief But Bereft of a Body*, Thursday, 27 September, 2001.

<sup>11</sup> K. Boyle and J. Sheen, *Freedom of Religion and Belief: A World Report*, Routledge, London and New York (1997), p. 319.

TOPIC NOTES

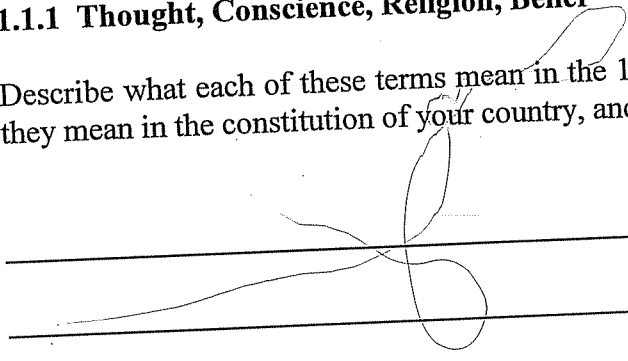
**1.1. POLICY AND LEGAL FRAMEWORK**

*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 their choice, and freedom either individually or in community with others and in private or public to manifest their religion or belief in worship, observance, practice and teaching.*

Type in the articles of your constitution on matters involving freedom of religion or belief, in the *Community Information Database*. Answer the questions in the topic notes below. Edit the notes and enter in the paper-based *Community Information Database*. This last step is optional, but encouraged as it would be a helpful discipline in preparation for your Community Report on Freedom of Religion or Belief.

**1.1.1 Thought, Conscience, Religion, Belief**

Describe what each of these terms mean in the 1981 U.N. Declaration, followed by what they mean in the constitution of your country, and how they apply to your community.



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**1.1.2 Freedom to Choose, Whatever Belief**

Describe what freedom to choose whatever belief means in the 1981 U.N. Declaration.  
Does your description apply to your community? Explain.

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**1.1.3 Individual, Community, Public, Private**

Are there any instances in your community where freedom to practice your religion or belief as an individual, in community, in public or private been denied? Explain.

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STUDY TOPIC**1.2. COERCION AND FREEDOM TO CHOOSE**

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

**Introduction**

This paragraph is a strong statement protecting the underlying principle of human rights and freedom of religion or belief, to believe or not to believe, as one so chooses. The United Nations takes no position on the existence of God or the ultimate meaning of life. It is committed to the inherent dignity, equal and inalienable rights of all members of the human family, which includes protection for all religious and non-religious beliefs under the international rule of law.

**Objectives**

To understand the full meaning of the terms in paragraph 1.2 as a defense against all forms of discrimination based on religion or belief. To understand how these terms are applied in a community.

- Coercion
- Impairment
- Choice

**1.2.1 Coercion**

The definition of coerce or coercion is to force to act in a given manner. To dominate, restrain or control by force. To bring about by force. Article 18(2) and paragraph 1.2.1 of the 1981 U.N. Declaration, bars coercion that would impair the right to have or adopt a religion or belief, including the use of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, for example, those restricting access to education, medical care, employment or the rights guaranteed by Article 25 and other provisions of the Covenant are similarly inconsistent with Article 18(2). The same protection is enjoyed by holders of all beliefs of a non-religious nature.”<sup>12</sup>

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<sup>12</sup> U.N. Doc. CCPR/C/48/CRP.2/Rev.1

There are states where *apostasy*, meaning the abandonment of one's religious faith, is not permitted. It carries severe penalties including death. This obviously is a violation against term 1.2.1. Prohibition of coercion also includes policies or practices having the same intention or effect as physical or psychological violence, such as, for example, restricting access to education, medical care, employment or other rights and freedoms. A linked issue here is the question of *proselytism* and what is or is not considered "coercive" in attracting a person to a belief. This involves monitoring ways in which religions or beliefs reach out to convert the outsider in appropriate and/or inappropriate ways.

- Related Examples

Afghanistan: "Because of the climate of intolerance and religious discrimination in Afghanistan resulting from the Taliban policy, religious minorities, in particular the Sikhs, are beginning to flee the country. These departures are reportedly due to Taliban measures to force conversion to Islam or to place restrictions on women, such as confining them to their homes or requiring them to wear the *burqa* in public."

Greece: There is a famous case, *Kokkinakis vs. Greece*, in which the European Court of Human Rights considered a Greek law which had led to the imprisonment of a Jehovah's Witness for seeking to convert a Greek Orthodox believer. Proselytism remains a vague and undefined area in religious human rights, where freedom of expressing one's belief to another is an appropriate and fundamental right as long as coercion isn't involved.

- Learning Experiences

Identifying coercion by the state or a religion or belief is not easy to define in a community. It may exist in obvious forms of discrimination in employment, housing, etc to induce people to either join or leave a religion or belief. Or, it may be more subtle psychological suggestions as to what may happen to a person if they decide to join or leave a religion or belief. Interview religious leaders or invite them to address a group to discuss their understanding of *apostasy* and *proselytism*. Contact government offices in your community to see if there are rules or regulations against coercion. Religious leaders and government officials may be reluctant to use a negative term like coercion. This should not deter monitors from looking for explicit forms of intolerance against minority religions or beliefs, or against those who are needy and psychologically vulnerable.

### 1.2.2 Impairment

To impair is to diminish in strength, value, quality or quantity. There is a prohibition not only against all explicit uses of force, but also against any subtle forms that may damage a person's ability to choose a religion or belief. This is hard to discern and often less explicit and more subtle impairment is in the eye of the beholder. It may relate more to bigotry and intolerance. A bigot is any person or institution that is intolerant, especially in

matters relating to religion, race or politics. This can be a wearing down or gradual discouragement of a person's ability to choose a religion or belief.

- Related Examples

United States: The United States Federal Government started a program in 2002 called "Faith-based Initiatives." It gives federal grants to religious institutions and organizations to provide social services. This is an admirable goal, to help deliver a wide range of services to the poor. But there is concern that in the delivery of services, may involve "subtle" forms of impairment and encouragement to change one's religion or belief. This requires a rigorous monitoring process praising the positives and investigating to be sure the clients who in many cases are desperate for services are not denied choice.

- Learning Experiences

In the United States, check to see if an "Office of Faith-based Initiatives," or a similar program run by a religious organization is located in the community. Interview persons responsible for the program and do an on-site interviews with clients. In other countries, find programs that are sponsored by a religion or belief and interview them to see how it is run, what services they are providing and whether or not subtle forms of intolerance are present.

### 1.2.3 Choice

The definition and meaning of choice is discussed in 1.1.2. Discuss the meaning of the term, here, in light of the prohibition of all forms of coercion, including impairment that would prevent a person from freedom to choose a religion or belief of their choice.

TOPIC NOTES**1.2. COERCION AND FREEDOM TO CHOOSE**

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

This paragraph identifies boundaries against both intolerance and discrimination based on religion or belief. It sets the limits to such all the way from ultimate uses of force, to more subtle forms of impairment. Later, in Article 2.1, you will learn who can be accused of allegedly committing such acts against whom. For now, break down the terms of 1.2 and write ways in which they are applied in your community in the notes below.

**1.2.1 Coercion**

Explain the meaning of the term. Give some examples of how coercion may have been applied in your community.

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**1.2.2 Impairment**

Explain the meaning of the term. Research a religious or non-religious based program serving the poor and evaluate below how it does or does not impair the choice of those who are receiving the services.

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### 1.2.3 Choice

You learned the meaning of the word choice in 1.1.2. Explain in your own words below how it applies in your community in the context of coercion and impairment.

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STUDY TOPIC**1.3. LIMITATIONS ON A RELIGION OR BELIEF**

*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 the public safety, order, health, morals or the fundamental rights and freedoms of others.*

**Introduction**

This paragraph recognizes that States have a right to place limits on the manifestation of a religion or belief. Paragraph 1.3. is the same as Article 18, paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR). There are five ways, all of which must be prescribed in law and be necessary to protect public safety, public order, public health, public morals or the fundamental rights and freedoms of others. Limits may be applied *only* for specific purposes for which they were prescribed and be proportionate to the need and not imposed for discriminatory purposes or in a discriminatory manner.

Limitations on the right to freedom of religion or belief may not be imposed for purposes of national security. Articles 20 and 21 of the ICCPR state restrictions for the purpose of national security, or use of religion or belief as propaganda for war or incitement to religious hatred, hostility or violence, is prohibited by law. However, States sometimes use these limitations as an excuse to prohibit the expression of religions or beliefs they disagree with, rather than for the purposes for which the 1981 U.N. Declaration intended them to be used. Monitors need to learn to apply skills of critical analysis in making a determination on a case-by-case basis, researching both the national laws of their country and the rules and regulations of their community, to determine as to whether a limitation is legitimate under paragraph 1.3 guidelines.

**Objectives**

To learn how the terms below can be used in a community to limit the manifestation of a religion or belief through national laws, local rules and regulations.

- Law
- Safety
- Order
- Health
- Morals
- Fundamental Rights

### 1.3.1 Law

Law, for our purposes, can be defined in three ways; as a rule established by authority, society or custom, as a judicial system or its workings, and as a code of ethics or behavior. Refer to Part I: The Introductory Course; Concepts on Freedom of Religion or Belief. Review the five branches or steps of philosophy; metaphysics, epistemology, ethics, politics and aesthetics. Law comes from the fourth branch of philosophy, politics. It involves an understanding by a given society or culture of the ultimate meaning of life and how to live accordingly. International Treaty Law, under the International Covenant on Civil and Political Rights (ICCPR), is for the whole human family. This may conflict with religious law such as the Shari'a Law of Islam or Canon Law of Catholics.

Public safety, order, health or morals concerns the community of people as a whole. They are concerns that affect or act on behalf of a public community of people.

### 1.3.2 Safety

Safety is defined as freedom from danger, risk or injury. States are permitted to limit the manifestation of a religion or belief only if it is specified in law, proportional to the act being limited and is done to prevent such things as incitement to terrorism against the public, panicking a crowd in a public place, etc. National security does not fall within this definition. Since 9/11 2001, there has been worldwide concern with terrorism that some States have used to limit (or discriminate) against Muslims. Community reports need to be especially diligent in its process of investigation to see if there are legitimate limits to a religion or belief based on public safety, or if it is an excuse by the State for acts of intolerance and discrimination against a religion or belief.

### 1.3.3 Order

Order is defined as the existing structures of a given society and the way in which they are maintained and preserved by the rule of law. Order is a term that is used by some States to officially register majority and minority religions or beliefs. This is controversial in some cases in that majority religions may receive preference and benefits on the basis of registration. But it is intended to protect the public as a whole by establishing an order or registration that keeps everyone informed of the activities of each religion or belief. Order includes issuing local permits for marches, public speeches, etc. Local rules and regulations should pertain to all organizations including religions or beliefs. Article 6 of the 1981 U.N. Declaration identifies nine rights to manifest a religion or belief. If any of these are denied or limited based on public order, such a limitation needs to be challenged. Monitors need to research national laws relating to registration and local rules and regulations that sometimes run counter to national law, based on the wishes of a majority religion or belief to discriminate against minorities.



### 1.3.4 Health

Health, for our purposes, is defined as personal and community freedom from disease or abnormality. Most States have public health ministries or departments at national and local levels, charged with the responsibility of protecting the health of the community as a whole. A State may limit the manifestations of a religion or belief if they think it is a threat to a person or the community. Disputes about the rights of the State to limit the manifestation of a religion or belief generally occur when the rites and customs of the belief may endanger the life or general health of a person or community of like-minded believers. Well known examples include the use of drugs for religious ceremonies, or the practice of animal sacrifice for a religious holiday, that run counter to the public health practices of the community.

### 1.3.5 Morals

Morals are rules or habits of conduct based on conscience. They may be private or public. Known as ethics, morals are the third branch of philosophy, identifying how to act according to an ultimate meaning of life. Morals or morality mean different things to different people. States with a diversity of beliefs within their borders, have a harder time limiting the manifestation of a religion or belief based morality, because of diverse understandings of the ultimate meaning of life and how to live accordingly. The U.N. General Comment 22 on Article 18 of the ICCPR states, "the concept of morals derives from many social, philosophical and religious traditions, consequently limitations on moral grounds must be based on principles not deriving exclusively from a single tradition."<sup>13</sup> Majority religions or beliefs may try to impose their morals into public law for all people, thus limiting or impairing choice (1.2.2) to exercise freedom of religion or belief for those who do not agree with the majority. This is an example of the complexity of using the 1981 U.N. Declaration as a paradigm, to research and monitor human rights and freedom of religion or belief in a community.

### 1.3.6 Fundamental Rights

Fundamental rights are defined as basic or primary. The term comes from the Latin word *fundamentum* meaning foundation. The 1981 U.N. Declaration is linked to all fundamental rights. This means all Covenants, Conventions and Declarations, involving the fundamental rights and freedoms of others, such as other articles of the International Covenant on Civil and Political Rights (ICCPR), or the Convention on the Elimination of Discrimination Against Women (CEDAW), may be limited based on the manifestation of a religion or belief, if prescribed by law and have a specific purpose.

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<sup>13</sup> U.N. Doc. CCPR/C/SR.1247, paragraph 8 (1993)

- Related Examples

Safety: There are legitimate reasons for limiting an expression of a belief, such as public safety, if a religion or belief instructs a follower to yell "fire" in a crowded movie theater. In the United States, the Federal Government's Patriot Act, passed after 9/11 2001 has been used by the Administration to arrest individuals in such a way that they take away their civil liberties. This is being challenged in the United States by many human rights NGO's.

Order: Belgium presented a detailed explanation of the functioning and mandate of a Parliamentary Commission responsible for producing a policy to curb the dangers sects represent to individuals, and in particular minors. The Commission defines the difference between sects that have normal activities representing freedom of religion or belief and fundamental rights, and harmful sectarian organizations claiming to have a philosophical or religious purpose whose organization or practice involves illegal or injurious activities, harms individuals or society or impairs human dignity.

In Malaysia, according to the annual 2000 report by the U.N. Special Rapporteur on Freedom of Religion or Belief, "Certain individuals were allegedly arrested for preaching Shiite teachings perceived by the authorities as injurious to national security and the unity of Muslims." Is this an issue of safety, order or as the report says, national security (which isn't allowed as a limitation)

Health: Hmong from Laos living in the United States complain that autopsies performed by United States law, for health reasons, is a mutilation of the body which prevents the release of the spirit. But autopsies are mandatory by public health authorities in the United States.

Morals: Stem cell research, abortion and other origin of life issues are the most difficult examples of limits to the manifestation of a religion or belief based on morality. For some religions abortion is killing and against the laws of God, for others it is not. If a religion or belief says abortion is killing, in their minds and hearts, it is an obligation to outlaw it through public morality and public law. But this impairs choice by other religions or beliefs, who do not consider it to be killing. These are the most complex, sensitive, irreconcilable, issues a State has to face.

Fundamental Rights: In 2000 the U.N. Special Rapporteur on Freedom of Religion or Belief published the Study on Freedom of Religion or Belief and the Status of Women From the Viewpoint of Religion and Traditions.<sup>14</sup> This study reflects the misuse and the use of many positions of religions or beliefs that are prejudicial to women, such as honor

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<sup>14</sup> E/CN.4/2002/73/Add 2. The original document is in French. There is an English translation available through The Tandem Project. A program, the Women's UN Report Network (WUNRN) has been started in support of the study. More information can be had by contacting The Tandem Project, mroan@tc.umn.edu.

killings, property rights, female genital mutilation, etc. It calls on leaders of religions or beliefs to renounce these acts of intolerance and discrimination against women in a forceful way. The Fundamental Rights and Freedoms of women are enshrined in the 1979 Convention on the Elimination of Discrimination Against Women (CEDAW). This is an excellent example of where a State can limit the manifestations of a religion or belief if it is prejudicial to the fundamental rights and freedoms of others.

- Learning Experiences

If there is a group of monitors studying this paragraph, they need to identify the five ways in which limitations can be placed on the manifestations of religion or belief, and discuss what each of these types of limitations means. Monitors might divide into five groups, each with an assigned limitation. Each group would be responsible for interviewing community religious leaders and governmental officials to clarify the rules and regulations relating to their assigned limitation. They would then make a presentation in class to the other four groups, and ask for debate and dialogue on the validity of the limitation. This is an exercise in information gathering and critical thinking, to define the existing reasons for and against limitations on a religion or belief in their community.

Individual monitors, studying this topic, will need time to interview community religious and government leaders. Consult your *Community Information Resources List* and make appointments with the police department for public safety, with the city or village council for laws, rules and regulations relating to registration, public safety and public order, with the health department for public health, with community leaders of religions or beliefs for public morals, with non-governmental human rights organizations for community examples of fundamental rights and freedoms. A questionnaire should be prepared in advance, and telephone interviews held if appointments in person cannot be scheduled.

This study topic is important to the integrity of your community report on human rights and freedom of religion or belief. It needs to be carefully researched in order to be of use to the United Nations as a valid research report. International human rights lawyers worldwide are continuing to study the ways in which a U.N. member state can place limits on a religion or belief. Your community research can make a contribution to this effort.

TOPIC NOTES

**1.3. LIMITATIONS ON A RELIGION OR BELIEF**

*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 the public safety, order, morals, or the fundamental rights and freedoms of others.*

The relationship between religion or belief and the State is one of the important subjects to write about in your community report. Take the time to make the interviews, even if it takes several weeks to complete. You can start on the following study topics while completing these tasks.

**1.3.1 Law**

Is there a law, rule or regulation in your community, specifically written to limit the manifestation of a religion or belief to protect either public safety, order, health, morals or the fundamental rights and freedoms of others? Write the answer below describing the law, rule or regulation, or explaining your research method if you found none.

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**1.3.2 Safety**

Summarize the results of your interviews and/or questions with the police department and others, to see if there are any specific community laws that limit the manifestation of a religion or belief based on public safety.

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**1.3.3 Order**

Summarize your interviews and/or questions with community legislators and others to research rules and regulations, designed specifically to limit the manifestation of a religion or belief based on the need for public order.

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**1.3.4 Health**

Summarize your interviews and/or questions of the community public health department and others to see if there are any rules and regulations, designed specifically to limit the manifestation of a religion or belief based on the need for public health.

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**1.3.5 Morals**

Summarize your interviews and/or questions of the leaders of community religions or beliefs, to see if the State has any specific limitations on the manifestation of a religion or belief based on a need to protect public morals.

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**1.3.6 Fundamental Freedoms**

Summarize your interviews and/or questions of non-governmental human rights organization to see if they know of any specific rules or regulations designed to limit the manifestation of a religion or belief to protect the fundamental rights and freedoms of others.

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## ARTICLE 2. CLASSIFYING DISCRIMINATION

Article 2 is a U.N. system to classify, define and identify who commits discrimination and what kinds of discrimination there are based on religion or belief. Paragraph 2.1 identifies four types capable of committing discrimination; states, institutions, groups of persons or a person. Paragraph 2.2 defines "intolerance and discrimination" as meaning any distinction, exclusion, restriction or preference based on a religion or belief.

### STUDY TOPIC

#### 2.1. FOUR CATEGORIES

*No one shall be subject to discrimination by any State, institution, group of persons or person on grounds of religion or other beliefs.*

#### **Introduction**

Article 2 in the 1981 U.N. Declaration paradigm, is to learn to identify who can be identified as committing alleged acts of discrimination, and who the victims may be. The U.N. makes it clear that States are to police their own acts of state institutional discrimination, as well as religious and non-religious institutions, non-governmental organizations, unaffiliated groups of persons or persons. According to the Bahiyyih G. Tahzib commentary, this represents "a bold attempt to require countries to outlaw private discrimination as well as discrimination by the state, a strategy not mirrored in the U.N. conventions on racial or gender discrimination."<sup>15</sup>

#### **Objectives**

To learn to identify the four types or categories who may allegedly discriminate, or be discriminated against, based on religion or belief.

- State
- Institution
- Groups of Persons
- Person

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<sup>15</sup> Bahiyyih G. Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Kluwer Law International, The Hague, The Netherlands (1996), p. 172

### 2.1.1 State

A State is defined as a body of people living under a single independent government; a nation. This includes the territory of the government and all its political and geographic subdivisions, and everyone who represents or works for federal, regional and local governments, departments and agencies. There are usually federal, regional and local government offices in a community, with many sub-divisions and departments. For our purposes, it is important to identify the major ones such as federal government ministries, a city or village council, police department, zoning department, public health department, housing department, public school boards, etc. Many of these State representatives in your community should be listed by now in your *Community Resources List*. If they represent the public through the State in any way, they are prohibited from all forms of coercion or impairment that may be discriminatory based on religion or belief.

### 2.1.2 Institution

Institution is defined as an organization, especially one with a public purpose. However, the 1981 U.N. Declaration does not define the term that way, or any way. For our purposes, an institution refers to any non-governmental organization including places of worship, religious schools, private schools, religious or private universities or colleges, for profit corporations, not-for-profit corporations, legally incorporated associations, non-governmental human rights organizations, etc. In other words, any legal corporation that is not a State or governmental entity. Many of these institutional representatives in your community should be listed by now in your *Community Resources List*. Organizations defined in this way as institutions are prohibited from all forms of coercion or impairment that may be discriminatory based on religion or belief.

### 2.1.3 Group of Persons

Group is defined as a number of persons classified together by common characteristics, interests, etc. A group is not a legal entity such as a state or institution. Groups of people form within States, institutions, religions or beliefs, non-governmental organizations, or smaller groups within larger groups, around common interests. A non-traditional religious group is sometimes referred to as a sect, a term that is used pejoratively by some people. The General Comment on Article 18 warns against discrimination of a sect, "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 institutional characteristics or practices analogous to those of traditional religions."<sup>16</sup> Because the U.N. does not define what a "group of persons" is, we use the legal entity test, either they are an institution/organization, or an unaffiliated group which may cover religious and non-

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<sup>16</sup> The General Comment 22 on Article 18, by the U.N. Human Rights Committee, (adopted 20 July 1993), paragraph 2.



religious beliefs, and groups of people in all other sectors of society that come together for a common interest.

#### 2.1.4 Person

A person is an individual human being. The United Nations Universal Declaration of Human Rights is committed to the inherent dignity, equal and inalienable rights of all members [persons] of the human family, which includes protection for the rights of all religious and non-religious beliefs under the international rule of law. Freedom of conscience, to believe or not to believe, as a *person* so chooses, is a fundamental human right. This protection includes the right as an individual not be discriminated against on the grounds of religion or belief. But it also includes an obligation or duty on the part of persons not to discriminate against others on the basis of religion or belief.

- Related Examples

Georgia: The U.N. Special Rapporteur, in his report to the General Assembly of 8 September 2000, reported that in Georgia, on 17 October 1999, "a mob led by Basilists (followers of the teachings of a priest excommunicated by the Georgian Orthodox Church) is alleged to have perpetrated a violent attack on 120 Jehovah's Witnesses, including women and children, during a religious service in Tbilisi. The police were called, but reportedly refused to protect the Jehovah's Witnesses, 15 of whom are said to have been hospitalized." Would this related example would be reported as discrimination by a group of persons against another group of persons, even though both groups were part of larger legal entities, the Georgian Orthodox Church and the Jehovah's Witnesses church? Is the police refusal to protect the Jehovah's Witnesses against violent forms of coercion, an act of discrimination by the State to maintain public safety and order?

Israel: In the same U.N. report it was alleged, in Israel, that "near Holon, a synagogue has reportedly been built on the tomb of a sheikh in a Muslim cemetery after a Jewish religious group declared it to be the site of the tomb of Shimon Ben-Ya'akov". How would this related example be classified? As institutional discrimination by the Jewish Orthodox faith in that it involved the building of a synagogue, or as discrimination by a group of persons, a Jewish religious group that was involved in building the synagogue? What specific rights in Article 6, paragraph 6.1 were violated?

- Learning Experiences

If several monitors are taking this study topic together, a discussion is suggested of the four classifications capable of acts of discrimination; state, institution, group of persons, person, is suggested. Assign a monitor to lead the discussion by asking the group to list on a blackboard examples in your community of each of the four classifications. If a monitor is studying this topic alone, move on to the following topic notes section.

TOPIC NOTES

**2.1 FOUR CATEGORIES**

*No one shall be subject to discrimination by any State, institution, groups of persons or person on grounds of religion or belief.*

Paragraph 2.1 adds a second dimension of understanding to the 1981 U.N. Declaration as a paradigm for a community report on human rights and freedom of religion or belief. If a case study consists of learning what, where, when, who and why, paragraph 2.1 asks the question who discriminates and against whom? For instance, in the paragraph 1.2 on coercion, who is being allegedly charged with coercion and who was allegedly coerced?

**2.1.1 States**

Update your *Community Information List* to make sure you have as many of the Federal, regional and community governmental offices as possible on the list. Research past media stories, do interviews, talk with neighbors in the community, to see if anyone knows if acts of intolerance and discrimination based on religion or belief have been committed by representatives of the police, city hall, village hall, zoning board, religious affairs office, school board, health, housing or welfare departments, employment departments, etc. Pick five State (governmental offices and departments) examples that may have allegedly committed discrimination in the past few years. Describe them below. These may be used as case study examples in your community report on human rights and freedom of religion or belief.

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### 2.1.3 Group of Persons

Read the definition of Group of Persons. This is any non-legal group of people that may reside within the State, a religion or belief, a school, a private profit corporation or non-governmental organization. Your research on institutions may turn up groups of persons who allegedly have committed actions of intolerance and discrimination based on religion or belief on their own, without the knowledge of the institution. Pay special attention to small groups of non-traditional religions or beliefs that may be unaffiliated and discriminated against or who are committing acts of discrimination. Write five examples of groups of persons who may have been involved in such acts in the past few years. Summarize your research below, keeping in mind these examples may be used for case studies in your community report on human rights and freedom of religion or belief.

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### 2.1.4 Person

Read the definition of person in the study topic. Research the community to see if there are persons who have allegedly committed acts of discrimination or been discriminated against (conscientious objectors, etc.). Do not name names. Write the examples below keeping in mind they may be used for case studies in your community report on human rights and freedom of religion or belief.

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STUDY TOPIC**2.2. TWO DEFINITIONS**

*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.*

**Introduction**

The expression "intolerance and discrimination based on religion or belief," raises questions of interpretation. Any accusation of discrimination against anyone needs to be qualified with the word *alleged* and made with *extreme care* and critical thinking. A first question to be asked is if every distinction, exclusion, restriction or preference based on religion or belief is to be considered intolerant or if it is discriminatory which raises to level of legal proof. Intolerance may not be a legal violation but shows bigotry and needs to be listed in Article 4: Effective Measures, as ways to reverse this to promote tolerance. Discrimination is a legal term that should be prosecuted by law.

**Objectives**

To learn how to identify and distinguish between the two definitions.

- Intolerance
- Discrimination

**2.2.1 Intolerance**

The definition of a bigot is being intolerant, especially in matters of religion, race or politics. But this is not a violation of law, unless it moves to an act of discrimination. Some states have an established state religion. It has been rightly pointed out that a formal relationship between the state and a religion may result in discrimination in some cases, but not in others. In many cases, as long as there is no impairment in the enjoyment of fundamental freedoms by institutions, groups of persons or a person based on religion or belief, such preferences could not be considered discrimination. "Common sense and facts will help to determine if discrimination is involved."<sup>17</sup>

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<sup>17</sup> Arcot Krishnaswami, *Study of Discrimination in the Matter of Religious Rights and Practices*, U.N. Doc E/CN.4/Sub.2/200/Rev. 1 (1960) p. 14.

### 2.2.2 Discrimination

Discrimination as defined above can occur in all fields of civil, economic, political, social and cultural life, as well as through national, regional and local legislation. Types of discrimination, based on religion or belief, need to be identified in each of these fields and clearly understood in order for community case studies to be respected, above reproach and have validity. Once the particulars of an alleged incident are known; what, who, where, when and why it occurred in the community, then it must be put to the definition test above, to see if there is a common sense or legal basis that would make it discriminatory.

- Related Examples

Turkmenistan: The Special Rapporteur's report for 2000 stated that "on 13 February 1999 in Gyzylarbat, the National Security Committee interrupted a religious meeting organized by the Baptist pastor Vitaly Tereshnev, a member of the Council of Evangelical Baptist Churches, on the grounds that this meeting was illegal." This is a short but quite complete example for a case study. It tells you what happened (interrupted a Baptist meeting organized by a Pastor and declared it illegal); who did it (the State, National Security Committee); where was it done (Gyzylarbat); when was it done (13 February 1999); and why was it done (illegal meeting). The question, then, is what limitations under Article 1, paragraph 3 were used to say this religious meeting was not permitted, and was there a specific law against such a meeting.

India: On 8 October 1999 in the town of Dahod, Gujarat, Christian leaders from the Filadelfia Fellowship Church, were allegedly attacked by Hindu militants for using abusive language against Hindu gods and motivating the tribal people to embrace Christianity. They were arrested by Police for actions which may incite to communal disharmony which is a law and order problem and an offence under Indian law. This is another fairly short case study example of where, when, what, who and why an alleged action was committed that may be either a case of intolerance or discrimination.

- Learning Experiences

Learning the definition and difference between intolerance and discrimination is a requirement for measuring the promotion of tolerance and prevention of discrimination in all aspects of civil, economic, political, social and cultural life. Identify an incident of intolerance and one of discrimination and what the community has done about it. This might include inviting local politicians and religious leaders into class to discuss legislation regarding that would be related to the alleged incident.

TOPIC NOTES**2.2. TWO DEFINITIONS**

*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.*

**2.2.1 Intolerance**

Identify a case of intolerance in your community. Summarize it below by using the definition for 2.2. Why is it intolerance and not discrimination?

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**2.2.2 Discrimination**

Identify a case of discrimination in your community. Summarize it below by using the definition for 2.2. Why is it discrimination and not intolerance?

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## ARTICLE 3. LINK TO OTHER RIGHTS

The Charter of the United Nations and the Universal Declaration of Human Rights proclaims the universality, interdependence and indivisible nature of human rights. All human rights impact each other. Article 3 of the 1981 Declaration on Freedom of Religion or Belief is our link to other human rights instruments. There are international human rights lawyers who believe Article 3 would have been better placed in the Preamble, as it adds nothing of legal substance to the Declaration. But for our purposes, it is an ideal principle to use for research as to how other human rights instruments can add to your community report on human rights and freedom of religion or belief.

### STUDY TOPIC

## 3.1. INDIVISIBILITY OF HUMAN RIGHTS

*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, as an obstacle to friendly and peaceful relations between nations.*

### **Introduction**

The 1981 U.N. Declaration is the only specific human rights instrument on freedom of religion or belief with a worldwide scope, thus its role is crucial as a point of departure for studying other human rights instruments with provisions relating to religion or belief. The international human rights system has four main components; International Covenant on Civil and Political Rights (ICCPR) and all of its subsequent conventions and declarations, International Covenant on Economic, Social and Cultural Rights (ICESCR), Independent United Nations Bodies, Regional Human Rights Instruments.<sup>18</sup> All four components need to be researched for applicable links to the 1981 U.N. Declaration.

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<sup>18</sup> The University of Minnesota Human Rights Library has one of the largest on-line Internet libraries in the world with links to all other human rights instruments. The University of Minnesota Human Rights Center has a series of resource guidebooks on other human rights topics that can be purchase from their website. The web address for both are located in the bibliography at the end of this manual. for resource links to other human rights instruments.



## Objectives

To understand the universal, interdependent and indivisible nature of human rights, and how to research the international human rights system for your community report on human rights and freedom of religion or belief.

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Independent United Nations Organizations
- Regional Human Rights Instruments

### 3.1.1 International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights has twenty-seven articles (ICCPR). It is an umbrella international legal treaty that has been followed by drafting several key international Conventions, important to human rights and freedom of religion or belief. The 1969 Convention on the Elimination of All Forms of Racial Discrimination (CERD), the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the 1989 Convention on the Rights of the Child (CRC), are key documents to research for matters inter-relating to intolerance and discrimination based on religion or belief. In 1989, the U.N. Commission on Human Rights requested a report (E/CN.4/Sub.2/1989/Sub.2) compiling all provisions on freedom of religion or belief in all other human rights instruments. Refer to Part IV Bibliography for references to find these important conventions.

### 3.1.2 International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) provisions establishing economic, social and cultural rights, including rights relating to work in just and favorable conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, to education and the enjoyment of the benefits of cultural freedom and scientific progress. It also provides for the right to self-determination; equal rights for men and women; the right to work; the right to just and favorable conditions of work, etc.<sup>19</sup>

Article 2 includes a comprehensive guarantee that the rights stipulated in the ICESCR may be exercised without discrimination on the ground of religion or belief. Articles of the ICCPR are known as individual rights, articles of the ICESCR are known as group rights. There are countries that consider articles of the ICESCR to be goals and not rights,

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<sup>19</sup> Millennium Summit Multilateral Treaty Framework: An Invitation to Universal Participation, United Nations 6-8 September, 2000, p. 11.

and have not ratified or signed the Covenant on that basis. Nevertheless, the ICESCR speaks to the manifestations of economic, social and cultural injustice based on religion or belief. It is an extremely important human rights document to refer to when writing a community report on human rights and freedom of religion or belief. Any case studies or examples of intolerance and discrimination in the community report should be carefully researched and referenced to the ICESCR. Refer to Part IV: Bibliography for references to the ICESCR.

### 3.1.3 Independent United Nations Organizations

The Charter of the United Nations is widely considered to be the constitution of the international community.<sup>20</sup> The U.N. System under the charter is composed of the Security Council, Trusteeship Council, International Court of Justice, Economic and Social Council, General Assembly and Secretariat. Established by the U.N. Charter, affiliated and reporting to the General Assembly, are 17 independent bodies with their own constitutions, i.e. International Labor Organization (ILO), World Health Organization (WHO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Food and Agricultural Organization of the United Nations (FAO), etc. The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labor Organization (ILO) is used herewith to demonstrate the link to the 1981 Declaration on freedom of religion or belief.

The UNESCO Convention Against Discrimination in Education was adopted in 1960. This nineteen-article convention (legal treaty among ratifying UNESCO Member States) incorporates provisions relating to religion or belief in three of the articles. It allows for the establishment of separate religious educational systems and guarantees the liberty of parents to choose for their children institutions other than those maintained by the public authorities, but conforming to such minimum educational standards as may be laid down or approved by competent authorities.

The ILO has played an unprecedented role in setting carefully drafted conventions on specific matters. The General Conference of the ILO has adopted more than 170 conventions. While none of them specifically addresses freedom of religion or belief, man such as the 1958 Convention on Discrimination in Respect to Employment and Occupation, the 1962 Convention on Basic Aims and Standards of Social Policy, and 1964 Convention on Employment Policy have direct references to not allowing discrimination based on religion or belief. Refer to Part IV: Bibliography for references to Independent U.N. Organizations.

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<sup>20</sup> Bahiyih G. Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Kluwer Law International, The Netherlands (1996) p. 62. Much of the thinking in this section can be attributed to the work of Dr. Tahzib.

### 3.1.4 Regional Human Rights Instruments

The world is divided into ad-hoc regions with inter-governmental alliances, treaties and programs for countries within their geographical areas. In many regions there are treaties that closely approximate the 1948 U.N. Universal Declaration of Human Rights, Covenants and Conventions. In 1950, the Council of Europe passed the European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 9 repeats Article 18 of the 1948 U.N. Declaration and respects the rights of parents to educate children in their own religious and philosophical convictions. This was the forerunner to the European Union which in 2003 has proposed a new constitution with principles on human rights and freedom of religion or belief. The Office of Security and Cooperation in Europe (OSCE) is a 55 member trans-Atlantic organization with principles calling for dialogue and consultation between OSCE and religious faiths and institutions.

The African Union (formerly the Organization of African Unity, OAU) in 1981 adopted an African Charter on Human and People's Rights. Article 8 states, "freedom of conscience, the profession and free practice of religion shall be guaranteed." The Organization of American States (OAS), an alliance of North, South and Central American States, in 1969 adopted the American Convention on Human Rights. Article 12 repeats the four paragraphs of Article 18 of the International Covenant on Civil and Political Rights (ICCPR). The Organization of Southeast Asian Nations (OASEAN) has similar provisions. In 1990, the Organization of the Islamic Conference (a coalition of 50 states where Islam is in the majority) issued the Cairo Declaration on Human Rights in Islam, which is a different slant on human rights from a religious perspective.

Regional human rights instruments, in some cases, are a bridge between international and national human rights instruments on freedom of religion or belief. There are judicial procedures in the EU and OAS regional organizations for bringing human rights abuses to regional courts. The Part IV: Bibliography has references to these regional human rights instruments. Article 3 should link four levels of research; international, regional, national and community, to see how the 1981 U.N. Declaration applies.

- Related Examples

Several examples from recent Special Rapporteur reports can be used to demonstrate the universality, interdependence and indivisibility of human rights.

CERD: The U.N. Special Rapporteur on Freedom of Religion or Belief, in his 8 September 2000 report to the General Assembly, commented on a study he was undertaking entitled "Racial Discrimination and Religious Discrimination: Identification and Measures," that linked the 1981 Declaration to race and ethnicity as a form of "double" discrimination. This study was done in preparation for the World Conference

Against Racism, in Durban, South Africa, the third such world conference held to implement the 1966 International Convention on the Elimination of All Forms of Racial Discrimination (CERD).<sup>21</sup>

CEDAW: The 1979 Convention on the Elimination of Discrimination Against Women (CEDAW) makes no mention of abuse against women based on religion or belief. In 2002, the U.N. Special Rapporteur on Freedom of Religion or Belief conducted a Study on Freedom of Religion or Belief and the Status of Women from the Viewpoint of Religion and Traditions. This breakthrough study (E/CN.4/2002/73/add.2) identifies specific juridical and factual aspects where women have been discriminated against based on religion or belief. It was the first U.N. approach to the inter-relationship of women's rights to freedom of religion or belief and is an excellent example of how Article 3 of the 1981 U.N. Declaration links to the 1979 CEDAW Convention.

- Learning Experiences

Interview government offices and local human rights organizations (NGO's) on how their work, which is not focused on freedom of religion or belief, nevertheless relates. Use Article 3 to link their answers to the 1981 U.N. Declaration as a paradigm for writing a community report. Before setting up interviews, study the ICESCR, ILO, WHO and other U.N. instruments that relate to matters of freedom of religion or belief. Prepare a series of questions on how other human rights instruments on the rights of women (CEDAW) the rights of the child (CRC), the elimination of racial discrimination (CERD), local rules and regulations against discrimination in the work place, etc. apply. If you are studying this manual as a group, you might divide up the task of community interviews and have a group discussion after the interviews on how Article 3 links to other human rights to protect women, children, indigenous peoples, etc.

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<sup>21</sup> A. Amor, Report to the U.N. General Assembly, A/55/280

TOPIC NOTES**3.1 INDIVISIBILITY OF HUMAN RIGHTS**

*Discrimination against 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.*

**3.1.1 International Covenant on Civil and Political Rights**

Explain how Article 3 links the 1981 U.N. Declaration to other human rights instruments in the ICCPR, using the 1979 Convention on the Elimination of Discrimination Against Women (CEDAW) and the Study on Freedom of Religion or Belief and the Status of Women from the Viewpoint of Religion or Belief (E/CN.4/2002/73.add.2) as an example. Cite an example below of how this link may be applicable to your community.

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### 3.1.3 Independent U.N. Organizations

Pick one or two U.N. Independent organizations (UNESCO, ILO, WHO) that may impact your community and write an example of how they link to the articles of the 1981 U.N. Declaration.

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### 3.1.4 Other Human Rights Instruments

If your country belongs to an inter-governmental regional alliance (EU, OAS, AU, etc) describe how it would apply to your community report on human rights and freedom of religion or belief.

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## ARTICLE 4. EFFECTIVE MEASURES

The 1981 U.N. Declaration paradigm uses Article 4 to describe effective measures that may produce solutions to intolerance and discrimination based on religion or belief in your community. The article defines the obligations of states to formulate and implement a policy to guarantee freedom of religion or belief. Paragraph one refers to effective measures taken by *all states*, but obviously it is meant to encourage all sectors of society. Paragraph two refers to legislative measures to enact or rescind legislation. This manual uses article 4 of the 1981 U.N. Declaration to describe sub-national and community legislative measures, and article 7 of the 1981 U.N. Declaration to describe national legislative measures.

### STUDY TOPIC

#### 4.1 FIELDS OF CIVIC ACTIVITY

*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.*

#### **Introduction**

When the 1981 U.N. Declaration was in draft stage, proposals were submitted on ways to promote tolerance and prevent discrimination in such areas as employment, education, housing, citizenship, voting, etc. These proposals were all wrapped into what became Article 4 of the 1981 U.N. Declaration.<sup>22</sup> The U.N. made it clear that all fields of society were to be included in a holistic strategy to promote tolerance and prevent discrimination based on religion or belief. States, institutions, groups of persons and persons (Article 2 classifications) were to be challenged to promote tolerance and prevent discrimination by supporting specific solutions in all fields of civil, economic, political, social and cultural life.

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<sup>22</sup> Bahiyyih G. Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Kluwer Law International, The Hague, Netherlands, (1996) p. 174



## Objectives

To learn to record the depth and breadth of an effective policy to promote tolerance based on religion or belief in a community, by using the following civic fields identified in Article 4 of the 1981 U.N. Declaration.

- Civil
- Economic
- Political
- Social
- Cultural

Article 4: Effective Measures is the way in which solutions are recorded in the *Global Resources Database*, *Community Information Database*, and the *Community Report on Human Rights and Freedom of Religion or Belief*. Review all three of the documents in Part III and IV of the manual. Then read explanations for each civic field below and answer the questions in the notes for this study topic.

### 4.1.1 Civil

Promoting tolerance and preventing discrimination in the civil context of Article 4 includes measures and programs in the public domain. For instance, civil liberties includes such things as freedom of expression and security of person along with the duties and responsibilities of citizenship. The civil service, in most countries, includes employment in government administration, i.e. civil engineers. Civil disobedience means non-violent opposition to government policies on grounds of conscience. Programs in all of these and many other areas of civil life are needed.

### 4.1.2 Economic

Promoting tolerance and preventing discrimination based on religion or belief in an economic meaning has to do with the material needs of people, i.e. households, business, community or government. Economic prejudice or favoritism, of one religion or belief over another, is expressed in the production, distribution and consumption of wealth. Programs to prevent discrimination based on religion or belief in economic endeavors includes ensuring fairness and equal economic opportunity in both small and large businesses, community enterprises, non-state institutions, non-governmental organizations and government including hiring and employment.

### 4.1.3 Political

The political area of community life, in the context of Article 4, is defined as participation in determining the form and objectives of government. This includes exercising political liberties such as voting, choosing officials, making laws and

participation in political parties. Programs directed at political parties are especially important as a way of teaching responsible citizenship in matters relating to religion or belief. In countries where the ideology and objectives of political parties identify with or are the same as a religion or belief, educational efforts in interfaith dialogue with politicians not of the majority party will help to ensure fair and equal treatment in the formation of laws affecting persons of all beliefs.

#### 4.1.4 Social

The definition of social in the context of Article 4 has to do with human beings living together as a nation, a group or a community of interest in which dealings with one another affect their common welfare. It includes such social areas as education, health, housing, welfare and the offering of assistance such as social services to the poor or handicapped, public playgrounds and recreation. Education curricula in public, private and religious schools, to promote tolerance and prevent discrimination based on religion or belief is obviously especially important as well as other forms of education such as libraries, newspapers and electronic media.

#### 4.1.5 Cultural

Culture is defined as the ideas, customs, skills and arts of a given group of people transferred, communicated or passed on from generation to generation. An international goal of this manual is "to increase understanding and respect for peoples of all cultures, civilizations, values and ways of life with a view to promoting dialogue on religion or belief." Interfaith dialogue with a focus on cultural values is important to understanding between people of diverse religions or beliefs.

- Related Examples

There have been numerous recommendations made by conferences over the years of what might be done to promote tolerance based on religion or belief. Unfortunately, few of these recommendations have been implemented.<sup>23</sup> Such recommendations include; the introduction of national and international standards in school and university curricula, organization of training courses for teachers, training members of law enforcement bodies and other public officials, encourage non-governmental organizations to establish a documentation center for violations, ask UNESCO to launch a world-wide campaign of posters, brochures and audio-visual materials, encourage mass media to exercise

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<sup>23</sup> The U.N. held a conference in Geneva, Switzerland in 1984 for States and non-governmental to draft a series of recommendations. *The Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief* drafted seventeen recommendations for implementing the 1981 U.N. Declaration (U.N. Doc. A/39/51, 1985). Since then, several international conferences on the same subject have been held by The Tandem Project and others around the world.

sensitivity in dealing with religious conflicts and minority groups, create multi-faith calendars and diaries, ensure the development of curricula at the primary, secondary, college and university levels, etc. The key to an effective community report on human rights and freedom of religion or belief is to develop solutions similar to these recommendations and actually promote their implementation as action programs at a local level.

- Learning Experiences

Fill out the *Community Resources List* identifying each resource by one of the five civic fields. The name of each community resource should become a potential source for promotion of tolerance and prevention of discrimination based on religion or belief in your community. Additional learning experiences might include a research paper documenting existing efforts in the fields of civil, economic, political, social and cultural life in the community. There should be examples in each community of acts of hope, charity and love for other people. Promoting programs in education and interfaith dialogue is an effective way of implementing the positive goals of the 1981 Declaration. A project might be to put together an educational program on this curriculum in churches, synagogues, mosques, temples and other religious settings. Article 4 enables you to categorize effective programs by civic fields and exchange information on programs in each of these fields with other monitors in other countries and communities. There is a section in Part III: Community Report on how to include best practices in your report to the United Nations.

**4.1. FIELDS OF CIVIC ACTIVITY**

*All States shall take effective measures to prevent and eliminate discrimination on 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.*

**4.1.1 Civil**

Update your *Community Resources List*. Write the titles of five government or non-governmental civil programs, that are candidates for listing in the solutions and best practices section of your community report.

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**4.1.2 Economic**

Update your *Community Resources List*. Write the titles of five government or non-governmental economic programs, that are candidates for listing in the solutions and best practices section of your community report.

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### 4.1.3 Political

Update your *Community Resources List*. Write the titles of five government or non-government political programs, that are candidates for listing in the solutions and best practices section of your community report.

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### 4.1.4 Social

Update your *Community Resources List*. Write the titles of five government or non-governmental social programs, that will be candidates for the solutions and best practices section of your community report.

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### 4.1.5 Cultural

Update your *Community Resources List*. Write the titles of five government or non-governmental cultural programs, that will be candidates for the solutions and best practices of your community report.

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STUDY TOPIC**4.2. LEGISLATION AND REGULATIONS**

*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 grounds of religion or belief in this matter.*

**Introduction**

The 1981 U.N. Declaration refers to a need for legislation to prevent discrimination based on religion or belief in the second paragraph of Article 4 and in Article 7. The objective in this paragraph and Article 7 is to emphasize the obligation of States to rescind laws that are discriminatory, or enact laws to redress grievances based on religion or belief. The manual takes the liberty of dividing the two articles into local or community laws and regulations in article 4 and national laws and regulations in article 7.

**Objectives**

To compile a list of community laws, rules and regulations that need to be enacted or rescinded, and programs in the legal community to be proposed to combat intolerance based on religion or belief.

- Enact and Rescind
- Combat Intolerance

**4.2.1 Enact and Rescind**

Community laws, rules and regulations often follow national laws in matters relating to freedom of religion or belief. But there is usually wide discretion on what a community can do, for instance, in zoning for places of worship, restrictions on public holidays, rules that protect public safety, order and health, etc. There are instances in which national laws may be contradicted by local laws and regulations that reflect the prevailing culture of the community. Research is needed to see which national laws are written or need to be written that may restrict the manifestation of a religion or belief as permitted in paragraph 1.1.3, or which local laws, rules and regulations need to be enacted or rescinded to protect the nine specific freedoms to manifest a religion or belief stated in paragraph 6.1.

**4.2.2 Combat Intolerance**

Paragraph 4.2.2 states all appropriate measures should be taken to combat intolerance on grounds of religion or belief. This is not mentioned in Article 7 and the details of the

obligation is left vague.<sup>24</sup> Intolerance is not a legal term but might refer to legal administrative practices, perhaps legal education campaigns aimed at the eradication of acts and even attitudes of intolerance. Community legal education is important in its own right and deserves a separate field for categorizing Article 4: Effective Measures in the community.

- Related Examples

Bourne, Texas: In the City of Bourne, Texas, a Roman Catholic church in the center of town wanted to tear down the old structure and build a new church on the same site. The City Council wanted to preserve the old church under a law that declared it to be an historical site to be preserved. The Church sued the City of Bourne, Texas to rescind the ruling, not the historical preservation law itself, that declared it to be a historical site. They claimed that it was an infringement on their right to freedom of religion or belief to worship in a place of their own choosing (see 6.1.1). The dispute went all the way to the U.S. Supreme Court which ruled in favor of the City of Bourne, Texas. It has caused the U.S. Congress to hold hearings on new laws that may be enacted to preserve the right to tear down the old church and build a new one on the same site, under the rights to establish and maintain a place of worship suitable for these purposes.

- Learning Experiences

Refer to your *Community Resources List* for community government office that may be repositories of local laws, rules and regulations. Compile a list of at least five laws that need to be either enacted or rescinded based on human rights and freedom of religion or belief. Be prepared to write about them in the notes for this study topic. Ask the courts or other juridical offices if there are any community legal education programs that explain how local laws, rules and regulations are made. It may be possible to suggest a community legal education curriculum on human rights and freedom of religion or belief.

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<sup>24</sup> Bahiyih G. Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Kluwer Law International, The Hague, Netherlands, (1996) p. 175

TOPIC NOTES**4.2. LEGISLATION AND REGULATIONS**

*All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to make all appropriate measures to combat intolerance on grounds of religion or belief in this matter.*

**4.2.1 Enact and Rescind**

Research and compile a list of community laws, rules and regulations that should be either enacted or rescinded. Write and summarize three laws, rules and regulations that should be enacted and three rescinded below.

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**4.2.2 Combat Intolerance**

See if there are any legal education programs to combat intolerance based on religion or belief in your community. Write the titles below, or summarize a program you think should be created for your community.

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## ARTICLE 5. PARENTS, CHILDREN, STATE

Article 5 includes parental interests, children's interests, and the interests of the state in ensuring the physical and mental health as well as the full development of children in matters relating to religion or belief. Failure to allow a child the right to practice religion or belief in light of his or her developing capacities is a form of discrimination. Article 5 attempts to balance the rights of all three parties. Actual practice depends to a large extent on the status of a religion or belief within a state.<sup>1</sup> Article 5 needs to be studied with the 1989 Convention on the Rights of the Child (CRC), known as a *magna carta* for children.

### STUDY TOPIC

#### 5.1. RIGHTS OF THREE PARTIES

##### **Introduction**

Article 4 has one paragraph titled Rights of Three Parties. The paragraph is divided into five sub-paragraphs recognizing the importance of society, leaders of religions or beliefs and parents place on the early development of the child. Some of these sub-paragraphs are in opposition to each other and the 1989 Convention on the Rights of the Child, demonstrating the sensitive nature of how a religion or belief should be passed on to the next generation. The way in which these paragraphs are interpreted most often depends on the culture and country of the community. The sub-paragraphs discussed below are followed by related examples and learning experiences.

##### **Objectives**

To understand the rights and inter-relationship of the three parties.

- Parents Rights to Raise Children
- Guiding Principles in Education
- Child's Right to Protection
- Best Interests of the Child
- States Right to Protect Children

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<sup>1</sup> Bahiyyih G. Tahzib, *Freedom of Religion or Belief: Ensuring Effective International Legal Protection*, Kluwer Law International, The Hague, The Netherlands (1996) p. 179

### 5.1.1 Parents Rights to Raise Children

*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.*

Gives parents the right to direct their children's religious and moral education. It does not indicate the age, moment, or level of maturity at which a child is entitled to begin making his own decisions in matters of religion or belief. The Convention on the Rights of the Child (CRC) addresses this lack of clarification by defining "child" as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." The age of eighteen therefore, can be considered as applicable under all international standards of human rights. The CRC further declares in article 14 that States Parties shall respect the rights and duties of the parents to provide direction to the child in the exercise of his or her right, "in a manner consistent with the evolving capacities of the child." This phrase is not clarified or defined presumably leaving it open to the family, or the standards of each state to decide.

- Related Examples

China: In The People's Republic of China, it is alleged the State prevents parents from directing the moral education of the child and coercively directs the ideology and moral development of children through the local Communist Party in the community

- Learning Experiences

In most countries parents have the right to direct their children's moral development. Most parents raise the young child in their own religion. Contact parents and religious leaders and ask them if this is the case in your community. Read Article 23 of the ICCPR and Article 10 of the ICESCR on the rights and protections for a family as a unit.

### 5.1.2 Guiding Principles in Education

*Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of the 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 the parents or legal guardians; the best interests of the child being the guiding principle.*

This sub-paragraph declares the child shall not be compelled to receive education in religion or belief against the wishes of the parents. It does not attempt to resolve questions that arise between the wishes of the parents of minority beliefs to educate the child in their own belief, and States with a recognized constitutional law to educate children in a majority religion. Such is the case in Norway (below), where the State

Church of Norway feels it is in the best interest of all children in Norway to receive instruction in Lutheran religious history and tradition, against the wishes of the parents of new Islamic immigrants and non-believers. This sub-paragraph does not provide direction regarding access to religious education, which becomes an issue especially in secular states with public education systems that prohibit the teaching religion. Most secular states recognize the right to establish separate educational systems, for religious reasons, and the choice of parents to choose such an education for their children.

- Related Examples

Norway: In 1997 the Norwegian Parliament passed an education bill known as “Religious Knowledge and Ethical Education.” The subject requires all Norwegian pupils regardless of, gender, social background, or ethnic or religious affiliation to follow the same course of education and meet the same subjects. Norwegian parents of Islamic and Humanist-Atheist students did not want their children to take the course, even though a “partial exemption” excuses students from objectionable units on the prevailing Lutheran tradition of the country. These parents claimed the course violated the right to raise their children as they so choose and have brought law suits against the Norwegian State.

- Learning Experience

Article 13 of the International Covenant on Economic, Social and Cultural Rights defines the right to education. Research the rights to public, private and religious education set by the laws of your country and community. Compare them against Article 13.

### 5.1.3 Child’s Right to Protection

*The child shall be protected from any form of discrimination on the grounds religion or belief. They shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others and in full consciousness that their energy and talents should be devoted to the service of their fellow human beings.*

Declares that parents and the state should view the protection of the child from any form of discrimination on grounds of religion or belief, as including a broad educational perspective on the principles enshrined in the Charter of the United Nations. This follows language used in the 1969 UNESCO Convention Against Discrimination in Education, and the 1989 Convention on the Rights of the Child, in article 29, that calls for the education of the child “to be directed to the development of respect for human rights and fundamental freedoms, and preparation for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.”

- Related Examples

UNESCO: There are a number of countries that have UNESCO affiliate secondary schools. They incorporate curricula promoting the broad goals of this sub-paragraph. Go to the UNESCO website and look up countries that have examples of such curricula.

- Learning Experiences

Refer to your *Community Resources List* for education contacts. Interview educators to see if there is education curricula that meets the goals of this sub-paragraph. Compare community curricula against the UNESCO affiliated programs.

#### 5.1.4 Best Interests of the Child

*In the case of a child who is not under the care of either of his parents or of the 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.*

Children who are separated from parents or legal guardians by legal immigration, tragedies such as natural disasters, accidents or as refugees from wars, should have their wishes in matters of religion or belief taken into consideration. The Convention on the Rights of the Child, Article 29 says; "such care could include, foster placement, Kafala of Islamic law, adoption or if necessary placement in suitable institutions with religions or beliefs consistent with the wishes of the child. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background." This includes protection against coercive forms of proselytism.

- Related Examples

Cuba: In 1998, a Cuban boy and his mother attempted to escape to the United States by boat. The mother drowned and the boy made it safely to Miami. A "best interests of the child" custody fight ensued between the father, who wanted the boy back in Cuba, and American relatives in Miami who wanted to keep the boy. The boy was returned to the father by American authorities who ruled it was in the best interest of the child.

- Learning Experiences

Research the laws of your country regarding immigrants, non-citizens and members of minority religions or beliefs to see what kinds of protection are afforded them. Article 27 of the ICCPR protects ethnic, religious and linguistic minorities. Learn about programs in your community that protect the best interests of the child in these cases.

### 5.1.5 State Rights to Protect Children

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

According to Article 1, paragraph 3 of the 1981 U.N. Declaration, the State has the right to limit a religion or belief if they think it may be injurious to the physical or mental health of a child based on public safety, order, health, morals or the fundamental rights and freedoms of others. Often, the practices of a majority religion or belief within the State decides. Practices stemming from a religion or belief must not be injurious to the physical health, mental health or full development of the child. Physical health is the easiest to define, for instance parents who, based on their religion, refuse blood transfusions for a child is an example. More problematic are the term's "mental health" and "full development" which are less amenable to objective assessment.

- Related Examples

Holy See: In 1994, the Holy See commented on the Convention on the Rights of the Child. While endorsing a majority of the articles of the CRC, they reserved the right to object to one section by saying; "The Holy See, in conformity with the dispositions of Article 51 ratifies with the following reservations, (a) that it interprets the phrase family planning, education and services to mean only those methods of family planning which it considers morally acceptable, that is, natural methods of family planning."<sup>2</sup> The U.N. Committee on the Rights of the Child, while praising the constructive work of the Holy See in support of the CRC, expressed concern that insufficient attention was paid the development of preventive health care, guidance for parents and family planning education and services in light of the provisions of the convention.

- Learning Experiences

In 1989, the United Nations passed the Convention on the Rights of the Child (CRC). As of 1997 there were 141 U.N. Member State signatories and 191 U.N. Member State parties. This is an excellent learning experience for Article 3: Link to Other Rights. Go to the U.N. Human Rights website and review the reports by U.N. Member States on the CRC. Research the rights of the child in your community compared with the examples in the CRC country reports. The CRC has a preamble and 54 articles. Five of the articles have references to freedom of religion or belief.

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<sup>2</sup> U.N. CRC/C/3/Add.27, (2 March 1994). The Holy See, representing the Roman Catholic Church, has a Permanent Mission to the U.N. as an observing Member State. As such they are required to report on the Convention on the Rights of the Child monitoring its implementation after ratification by Member States.

TOPIC NOTES**5.1. RIGHTS OF THREE PARTIES****5.1.1 Parents Rights to Raise Children**

*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.*

Review the Convention on the Rights of the Child, Articles 2,14,20,29,30 and Article 23 of the ICCPR and Article 10 of the ICESCR. These articles protect the rights of the child and life within the family. Compare them with rules and regulations on family life in your community. Summarize below.

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**5.1.2 Guiding Principles in Education**

*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.*

Review Article 13 of the ICESCR on the right to education. Research the rights to education in your community and compare them with this sub-paragraph and Article 13.

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