

## FREEDOM OF RELIGION AND BELIEF: PROPOSAL FOR A WORLD REPORT

### I. INTRODUCTION

The Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief was passed by the United Nations General Assembly on November 24, 1981. The sensitive nature of the subject, as well as the seriousness with which it was treated, is reflected in the path which its completion had to follow over a period of thirty years. It is an expansion and further clarification of the Article 18 of the Covenant on Civil and Political Rights which entered into force in 1976.

Many constitutions and domestic legal systems contain provisions which purport to protect freedom of religion and belief, and most religions advocate respect for human values and the development of the human person. It is, therefore, paradoxical that the need to uphold the right remains pressing and in some cases desperate. To work for an improvement in the current situation through human rights instruments is appropriate not only because of their legal, political and moral force, but because the notion of human dignity is fundamental to them all. The preambles of the United Nations Charter and the Universal Declaration of Human Rights refer to the dignity and worth of the human person and the preambles of the two International Covenants refer to the inherent dignity of all members of the human family.

Through the normative language of the 1981 Declaration all nation states have accepted an obligation and "... 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." (Art.4:1) Unlike most instruments, this obligation includes not only the jurisdiction of the State over the person, but discriminatory action by "... any institution, group of persons, or person..." (Art.2:1).

In addition to the UN Charter and the UN Declaration of Human Rights, several other international, national and regional instruments also prescribe the principle of freedom of religion and belief. However, the emphasis for the immediate future must be the 1981 Declaration. It is the agreed means by which the violation of an inalienable right may be combatted, and it provides a reference point for conflict resolution in a world in which religion or belief, and manifestations of these, serve as a major source of human rights violations.

Project Tandem, a non-sectarian, non-profit, international human rights organization formed in 1985 in response to a request by the United Nations for assistance in implementing the 1981 Declaration, has been recognized as an NGO to assist in this process. The proposal to develop a World Report is a significant and major result of a recommendation made in May, 1989 at the Second Conference on the Declaration in Warsaw, Poland, attended by leading scholars, lawyers, diplomats, representatives of NGOs, and spokespersons for small and large religious bodies. The basic ideas behind the Report are to draw world attention to violations of the right to freedom of religion and belief and to influence world opinion in favour

of respect for that right. Other more specific objectives have been developed from these ideas.

## II. THE WORLD REPORT AS A WORKING DOCUMENT

A variety of considerations have provided the impetus to prepare a World Report. For example, the UN's Special Rapporteur's reports outline disgraceful situations requiring redress, and several human rights and international bodies such as Amnesty International report on the lack of tolerance and respect based on religion or belief. This in turn is directly connected with the violation of other human rights (life, expression, social, cultural, developmental, ethnic conflict, etc.). Furthermore even a reading of the press indicates a widespread knowledge of the nature of the problem. With all of this in mind, a number of more specific considerations arise which indicate the need for a country by country report and, of these, the following have particular relevance for the format of the report:

1. To provide a means of evaluating world wide trends and comparing the situation from year to year.
2. To create an awareness of specific situations or incidents before they reach a critical stage so that some form of preemptive action may be taken.

3. To compile a reliable history of well attested violations of the 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.
4. To provide an information base for the academic and human rights communities.

These are all sound reasons for producing a report which has a continuing life as a working document and which can be updated on a regular basis. If it were to be published in the form of a conventional book, its immediate impact would diminish in the light of changing circumstances on the world scene. References to incidents or situations which were no longer significant, or which had taken on a wholly new significance, could mean that the entire publication would lose credibility over quite a short time span. This would be regrettable bearing in mind the amount of work which the project entails and what is hoped to be achieved by its publication. Clearly, the production of a World Report with a promise that it will be updated and of continuing relevance has resource implications both in academic and administrative terms. Nevertheless, it is proposed that this is an option which ought to be considered as progress is made towards publication.