

# **Religion: Rights in Conflict**

## **“Human Rights, An Endangered Concept: The United Nations and the Advancement of Human Rights”**

Nina Bernardo, UNC-Chapel Hill

On 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights that recognized fundamental rights free from discrimination as stated in Article 18:

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

### **Progress Towards Religious Freedom**

The Declaration’s basic principle states that all “...men are born and remain free and equal in rights,” and in Article 10 it lays out the “...freedom of religion.”

### **The First Amendment to the Constitution**

Origin: Thomas Jefferson (1743-1826) wrote a bill in 1777 that guaranteed freedom of (and from) religion. It became law on January 16, 1786.

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

The Constitutional Convention, upheld the following in Philadelphia, PA: no religious requirement for any federal elected office, Quakers and others had the right to affirm their oaths of office, and refraining from recognizing any religion as an established state church.

“This Declaration, ratified in 1987, provides the rights to worship freely, establish humanitarian institutions, perform rites, observe holidays, publish and teach religious views without discrimination by other groups or government.”

### **Declaration of the Rights of Man and of the Citizen**

Between August 20-26, 1789, France’s National Assembly adopted the 17 articles included in this declaration. It became the preamble to the Constitution of 1791.

## **International Religious Freedom Act of 1998**

### **Purpose**

This international document reports on unjust actions against religious freedom. It is a core objective of the United States foreign policy and is part of the United States Department of State's mission. The United States endeavors to assist religious and human rights NGOs and to support changes and actions in regimes that discriminate against others because of their religious beliefs.

### **What is assessed in the International Religious Freedom Report?**

Totalitarian/authoritarian regimes, state hostility towards minority religions, state neglect of societal discrimination, discriminatory legislation that favors majority religions, and denunciation of certain religions as cults.

### **The Content of the International Religious Freedom Report**

The United States identifies nations as "Countries of Particular Concern" for severe violations. The second part summarizes violations of religious freedom in Countries of Particular Concern which in the 2006 Report included Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Vietnam.

## **Three Case Studies of Violations of Religious Rights**

### **BURMA**

**Government:** Military regime

#### **Current Situation**

- Restrictions on worship of non-Buddhist minority groups.
- The continuation of anti-Muslim violence.

- The Burmese government monitors religious activities and promotes Theravada Buddhism.

- The Burmese government monitors Muslim activities.

#### **US reaction**

- The US imposes financial and trade sanctions, including those in accordance with the Arms Export Control Act.

- The US advocates religious freedom among government officials, religious leaders, citizens, foreign diplomats, media representatives, etc.

### **CHINA**

**Government:** Transitional government

#### **Current Situation**

- After China passed new regulations on its religious policies, little evidence of improvement was shown.
- Areas such as Xinjiang Uighur face individual discrimination: Anminan Moxmiji and 30 students were detained because they held Qur'an study sessions in her home.
- The Government restricts Tibetan Buddhists from religious practice and the ability to organize.
- Unregistered Protestant and Catholic churches remain repressed.

#### **US reactions**

- The US imposes sanctions through restrictions of exports.
- Officials called for the government to respect citizens' religious rights and to release those who were imprisoned for religious activities.

## ERITREA

Government: Transitional government

### Current Situation

- Restricts religious freedom of groups that are not registered and are at risk of harassment and arrest.
- The Eritrean Government closed facilities that did not belong to: the Eritrean Orthodox Church, the Roman Catholic Church, the Evangelical (Lutheran) Church of Eritrea, and Islam.

### US Reactions

- In 2005, as in Burma, the United States denied exports controlled under the Arms Export Control Act.
- On cases of detention and restrictions on unregistered religious groups, the United States ambassador and other embassy officers consult religious and political leaders.

*“The Roots of Violence: Wealth without work, Pleasure without conscience, Knowledge without character, Commerce without morality, Science without humanity, Worship without sacrifice, Politics without principles”*

Mahatma Gandhi

*“A new survey in the U.S. shows that the number of 18-25 year olds who are atheist, agnostic or nonreligious has increased from 11 percent in 1986 to 20 percent today.” [January 24, 2007]*

Matt Cherry, HumanistNetworkNews.org

[HumanistNetworkNews.org](http://HumanistNetworkNews.org)

## **“Islamophobia” is fear or intolerance of Muslims because of their religion**

“There is a silent majority ... people are too timid to speak out by nature.”

Suleman Nagdi of the Federation of Muslim Organizations in Leicester

## **Religious Rights Issues in America**

### **Separation between Church and State**

Religious freedom in America traces back to the First Amendment. In 1802, Thomas Jefferson stated that religion should be a relationship only between man and his God. Furthermore, the guiding principle of religious freedom is a wall of separation between the church and the state.

### **The Pledge of Allegiance**

The 9th Circuit Court of Appeals upheld the right for a father to challenge the constitutionality of the school district’s policy requiring teacher-led recitation of the Pledge of Allegiance.

### **School Prayer**

Supreme Court Cases Opposing Religious Worship in Schools

*Engel v. Vitale*, 370 U.S. 421 (1962).

Declared prayers in public school unconstitutional

*Abington Township School District v. Schempp*, 374 U.S. 203 (1963).

Declared unconstitutional devotional Bible readings and recitations of the Lord's Prayer in public schools.

*Wallace v. Jaffree*, 472 U.S. 38, 72 (1985).

Overtaken law requiring daily "period of silence not to exceed one minute... for meditation or daily prayer."

*Lee v. Weisman*, 120 L.E. 2d 467/112 S.C.T. 2649 (1992).

Ruled prayers at public school graduations an impermissible establishment of religion.

*Berger v. Rensselaer*, 982 F.2d, 1160 (7th Cir.)  
*Cert. denied*. 124 L.E. 2d 254 (1993).

Let stand ruling barring access to Gideons to pass out bibles in Indiana schools.

### **The Display of the Ten Commandments**

In Alabama, Chief Justice Roy Moore was removed from office for his refusal to remove the monument displaying the Ten Commandments located in the state judicial building's rotunda. Under U.S. District Judge Myron Thompson, he ruled the structure as an unconstitutional endorsement of religion.

The Court of the Judiciary found out that Moore showed no remorse and that he "acknowledged God" in his decision to fight for his case.

## **Organizations Promoting Religious Freedom Worldwide**

### *Freedom House*

As an independent non-government organization, Freedom House supports the expansion of democratic political systems. Eleanor Roosevelt, Wendell Willkie and other Americans founded Freedom House in 1941. This organization initiates advocacy, education, and training for Freedom House's mission. Its publications spread an awareness of human rights.

### *International Helsinki Federation for Human Rights*

The IHF, a nongovernmental organization, is comprised of national Helsinki Committees and Cooperating Organizations. The IHF seeks to protect and strengthen civil society groups as it monitors and reports on human rights issues.

### *Organization of the Islamic Conference*

OIC consists of 57 states. As an inter-governmental organization, they protect interests, ensure the progress, and promote the well-being of Muslims. An arson attack, allegedly by Zionists against an Al-Aqsa Mosque, in occupied Jerusalem, resulted in the establishment of the OIC in Rabat, Kingdom of Morocco on September 25, 1969. The Charter of the Organization was adopted in February 1972 to strengthen the unity of Islam States.

Additional organizations and societies promoting religious freedom: The National Endowment for Democracy, International Coalition for Religious Freedom, Buddhist Association, Vedanta Society