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Kelly: The specter of a Church of the United Nations

U.N. committee must not impose its human rights agenda on the Catholic Church

By James P. Kelly III

Washington Times (03.05.2014) /

<http://www.washingtontimes.com/news/2014/may/2/kelly-the-specter-of-a-church-of-the-united-nation/> On Monday in Geneva, the United Nations Committee Against Torture will consider the Holy See's initial report relating to its compliance with the Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment. Though focusing significantly on the tragic and, in the words of Pope Francis, "evil," sexual abuse of children by a relatively small number of Catholic priests, the committee's review of the Holy See's initial report under the Convention Against Torture is part of a much larger debate over whether the U.N. should be actively promoting social and cultural rights that conflict with the teachings and practices of the Catholic Church and other religions.

Since the adoption of the Universal Declaration of Human Rights in 1948, the U.N. and its various agencies have identified a variety of social and cultural rights. In many cases, these human rights were inspired by Christian teachings and the writings of great Catholic scholars. More recently, U.N. staff, nongovernmental organizations, academics and transnational courts have re-interpreted these rights or invented new rights in a manner that conflicts with Christian teachings and practices.

Unless U.N. human rights treaty bodies, including the Committee Against Torture, respect due process and the rule of law, millions of people around the world will view the U.N. as attempting to unilaterally establish global moral and ethical norms that are religious in nature. These people will view the U.N.'s undemocratic attempt to govern human rights globally as a violation of the fundamental right to religious freedom. Ongoing recommendations by U.N. human rights treaty bodies challenging the teachings and practices of the Catholic Church will only aggravate this perception.

Unfortunately, the Committee Against Torture is conducting its review of the Holy See's initial report in the shadow of disturbing actions taken against the Holy See earlier this year by the U.N. Committee on the Rights of the Child. Rather than limit its concluding observations and recommendations to specific matters relating to the Holy See's governance of the Vatican City State, the Committee on the Rights of the Child exceeded its mandate and the rule of law to criticize a range of Catholic moral and social teachings. Remarkably, the Committee on the Rights of the Child recommended that the Holy See "undertake a comprehensive review of its normative framework, in particular Canon Law,

with a view to ensuring its full compliance with the Convention on the Rights of the Child.”

It is apparent that the U.N. and its human rights treaty body system are developing and demanding adherence to norms relating to the following fundamental moral, social, and religious questions:

What, if any, legal limits should be placed on the ability of a woman to secure an abortion?

Is one’s sexual orientation a matter of nature or a personal choice deserving of equal treatment before the law in all cases?

Should the definition of marriage be changed to include unions other than those between one man and one woman?

To what extent can the government lawfully interfere with the right of parents to provide for the moral, religious, social and sexual education of their children?

Theoretically, the Committee Against Torture could interpret as a form of torture or other cruel, inhuman or degrading treatment or punishment any teaching or practice of the Catholic Church that conflicts with what the committee deems to be a person’s right in one or more of these areas.

If the U.N. and its human rights treaty bodies continue to promote norms that conflict with Catholic teachings and practices, in doing so, they should respect due process and rule of law. The shadow report submitted to the Committee Against Torture by Solidarity Center for Law and Justice, to which 53 pro-life and pro-family organizations from throughout Europe, South America and North America added their signatures, details the steps the committee should take to promote due process and the rule of law during its consideration of the Holy See’s initial report and overall state party reporting process.

These include:

Respect the religious freedom of the Holy See and the Catholic Church, resisting the urge to impose the U.N.’s “evolving” views on human rights; respect the very limited powers of the committee under the convention, resisting the urge to use the state party reporting process to create “soft law” and publicly shame the Holy See and other state parties; respect the “separation of powers” principle, resisting the urge to serve as the sole body responsible for interpreting the convention, hearing evidence about a state party’s compliance, judging whether a state party is in compliance, and recommending how a state party can become compliant; respect the committee’s requirement to act independently and impartially, resisting the urge, either due to financial, time or knowledge constraints, to rely on U.N. staff and nongovernmental organizations to perform the committee’s work; and, respect existing international standards for interpreting the convention, resisting the urge to treat the convention as a “living document,” the terms of which the committee changes at will without securing the required agreement of state parties.

Throughout history, other than the family itself, the Catholic Church has arguably done more than any other global institution to protect and promote peaceful and just societies and the health, education, moral formation and overall well-being of individuals. Though the U.N., its various agencies, nongovernmental organizations and academics may have different ideas from the Catholic Church about these matters, they should not use the U.N. human rights treaty body system to establish the U.N. as the global authority on them. Rather, the Committee Against Torture and other U.N. treaty bodies should use

the state party reporting process to facilitate transparent and democratic debates about the protection and promotion of human rights at the national level.

James P. Kelly III is president of the Solidarity Center for Law and Justice, P.C., and former chairman of the Social and Human Sciences Committee of the U.S. National Commission for the United Nations Educational, Scientific and Cultural Organization from 2005 to 2008.

UN officials warn against misuse of Article 20 ICCPR to thwart free speech

Freedom Rights Project (15.03.2014) - The UN Special Rapporteur (SR) on freedom of religion or belief, Heiner Bielefeld, reported to the UN Human Rights Council on 11 March 2014, presenting a report dated 26 December 2013, which concerns how States should deal with "collective religious hatred."

The report discusses the "root causes" of this problem, which the SR said include "political authoritarianism which discourages people from communicating openly and participating actively in public debates....Governments may also instrumentalize religion as a means of shaping and reinforcing narrow concepts of national identity, tapping into feelings of religious belonging for the purpose of strengthening political loyalty."

The SR recommended "trust-building" through public institutions and communication.

A section of the report concerned "advocacy for national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence," and the application of ICCPR Article 20 para 2.

The SR stressed: "It cannot be emphasized enough that this provision does not demand a prohibition of sharp or even hostile speech in general: instead it concentrates on such forms of hatred advocacy that constitute 'incitement' to real acts of discrimination, hostility or violence."

He further stated that the "Rabat Plan of Action explicitly endorses what the Human Rights Committee has clarified in its general comment Number 34, namely that prohibitions enacted under article 20 para 2...must comply with the strict requirements of Article 19" as well as other articles in the Covenant, such as 2, 5, 17, 18, and 26.

He stated in the report that "freedom of expression...can never be circumvented by invoking Article 20."

But during the ensuing debate, the "Independent Human Rights Commission" of the Organization for Islamic Cooperation said "disrespect" for religions – as opposed to "criticism" – was equal to "incitement," and not protected by freedom of expression. Such "incitement" needed to be prosecuted under Article 20.

A representative of the United States delegation criticized incitement and blasphemy laws, and any use Article 20 ICCPR to limit freedom of speech.

At an EU-sponsored side event on 12 March, Ibrahim Salama, Director of the Human Rights Treaty Division of the Office of the High Commissioner for Human Rights, observed that Article 20 contains "ambiguous terms," that are "difficult to define" and are thus vulnerable to politically-motivated misuse to prevent freedom of expression.

Mr. Salama praised the Istanbul Process, which he said had begun as an effort to “clarify concepts,” but also warned that it was “losing energy.”

Other notable comments to arise in the course of the discussion included the Chinese delegation’s insistence that China “protects the rights of all religious groups”.

Manifestations of collective hatred do not ‘erupt’ like a volcano – UN expert on freedom of religion

UN Office of the High Commissioner for Human Rights (11.03.2014) – The United Nations Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, today urged States to promote and protect everyone’s right of freedom of religion or belief, in order to tackle the growing problem of collective religious hatred in the world.

“Manifestations of collective hatred do not ‘erupt’ like a volcano, but they are caused by human beings, whose actions or omissions can set in motion a seemingly unstoppable negative dynamic in societies, which seems to be comparable to that caused by a natural catastrophe,” Mr. Bielefeldt said during the presentation of his latest report* to the UN Human Rights Council.

The human rights expert warned that feelings of collective religious hatred are often caused by a combination of fear and contempt which can trigger a vicious cycle of mistrust, narrow-mindedness and collective hysteria, and called on States to “take an active role in trust-building through public institutions as a trust-worthy guarantor of freedom of religion or belief for everyone.”

In his report, the expert identifies a number of key aggravating political factors behind the expressions of religious hatred, such as endemic corruption which typically undermines reasonable trust in public institutions, and an authoritarian political atmosphere that stifles free and frank public debate and creates a “mentality of suspicion.

He drew special attention to the use of religion for the purposes of national identity politics, “which typically leads to the marginalization and misrepresentation of religious minorities, often disproportionately affecting women from minorities.”

“Dissolving any exclusivist arrangements in the State’s relation to religions or beliefs and overcoming all forms of instrumentalization of religion for the purposes of national identity politics serves as a precondition for providing an open, inclusive framework in which religious or belief-related pluralism can unfold freely and without discrimination,” Mr. Bielefeldt stressed.

The Special Rapporteur urged States to ensure effective trust building activities, including establishing trustworthy public institutions and promoting meaningful communication, in particular between different religious or belief communities.

As a positive example of a culture of religious or belief-related pluralism, the expert mentioned his first-hand experience during his recent country visit to Sierra Leone, where the Interreligious Council has become a key factor in a re-united country that until a decade ago had been torn by civil war.

“I found the open and amicable climate of interreligious cooperation in Sierra Leone – which not only includes Muslims and Christians but also intra-religious groups, such as

Sunnis, Ahamdis, Shias, Catholics, Anglicans and Evangelicals – quite remarkable,” Mr. Beilefeldt said.

(*) HRWF Note: Read the Special Rapporteur’s report on tackling manifestations of collective religious hatred:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/191/41/PDF/G1319141.pdf?OpenElement>

Heiner Bielefeldt assumed his mandate on 1 August 2010. As Special Rapporteur on freedom of religion or belief, he is independent from any government, and acts in his individual capacity. Mr. Bielefeldt is Professor of Human Rights and Human Rights Politics at the University of Erlangen-Nürnberg. From 2003 to 2009, he was Director of Germany’s National Human Rights Institution. The Special Rapporteur’s research interests include various interdisciplinary facets of human rights theory and practice, with a focus on freedom of religion or belief. Learn more, log on to:

<http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>