Religious Freedom in the Asia Pacific: The Experience of the Bahá'í Community

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This paper outlines some aspects of the Bahá'í Community's approach to one human rights initiative, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It does so in the context of key challenges facing nations in the Asia Pacific region if the cause of human rights is to be advanced. These include the need for new notions of governance, an understanding of the origin of human rights and their relationality, and a normative appreciation of diversity. The Asia Pacific is a region of diverse peoples and belief systems in which most of the great religious traditions have contributed in one or several states to the progress of civilisation. It is a region, too, in which entire states have been founded on one or other of the great traditions: Hindu, Buddhist, Islamic and Western/Christian. In the context of the rapid integration of economic and social systems frequently referred to as globalisation it is desirable that the increasing proximity of religious traditions lead to interfaith harmony rather than to sectarianism. Legal standards ensuring freedom of belief provide an essential platform for religious harmony. A considerable number of states, particularly in the Pacific Islands, are yet to endorse the major covenants outlining these legal standards. The Decade of Human Rights Education provides the opportunity to heighten awareness of the issues, and the benefits of agreeing to common standards.

The Emergence of Universal Human Rights

The articulation of the rights of individuals, and the legal means for their protection, have emerged in response to consciousness of the large-scale brutality of the twentieth century, and now comprise a significant

portion of twentieth century international law innovation. A significant body of legal norms has been built on the Universal Declaration of Human Rights agreed by the United Nations in 1948. Although merely a 'declaration' of desirable standards pertaining to human rights, the UDHR has had considerable impact on the ways in which states and citizens understand notions of individual rights and obligations. In 1966 the UN concluded two "covenants" concerning human rights: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). A number of other declarations have been formulated since, including one seeking to eliminate all forms of racial prejudice; another to eliminate all forms of religious intolerance; and yet another declaring the rights of indigenous peoples. In addition to the Universal Declaration of Human Rights the principal treaties are:

- The International Covenant on Civil and Political Rights
- The International Covenant of Economic, Social and Cultural Rights
- The Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of Discrimination Against Women
- The Convention on the Rights of the Child
- The Convention Against Torture

In 1993 the United Nations convened a Conference in Vienna to review global progress in advancing human rights.[1] In 1995 the United Nations declared the UN Decade for Human Rights Education (1995-2004).

The Bahá'í International Community has contributed ideas on human rights policy from the inception of the United Nations. It presented the document "A Bahá'í Declaration of Human Obligations and Rights" to the first session of the United Nations Commission on Human Rights at Lake Success in New York in February 1947. That document identified seven "essential human rights characterizing the new world era" - those concerned with: (1) the individual; (2) the family; (3) race; (4) work and wealth; (5) education; (6) worship; (7) social order.

Since 1947 the BIC has made numerous statements to sessions of various agencies of the United Nations. Almost every year since 1988 it has

addressed a statement to the United Nations Commission on Human Rights in 1998 in relation to the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

In 1995 the BIC published a Statement on the Occasion of the 50th Anniversary of the United Nations[2] and also in that year distributed a statement at the United Nations World Summit on Social Development, Copenhagen.[3] In March 1996 the Bahá'í International Community submitted a written statement to the UN Commission on Human Rights, indicating its full support for the Commission's *Plan of Action.*

Many of these documents point out that the Bahá'í Community has been the beneficiary of the UN's human rights regime - particularly in relation to conditions in Iran but also following episodes of persecution in Morocco and elsewhere. But in addition to relying on human rights mechanisms to seek relief in such circumstances, the Bahá'í International Community has sought to contribute actively to the formulation of policy and to foster within the human rights community a positive vision of possibilities for the future.

Human Rights in Asia-Pacific: the Bahá'í Experience

Bahá'í Communities in the Asia Pacific region face particular challenges. In some states they are yet to secure for themselves the fundamental rights guaranteed in international law. A second challenge is their ability to make a contribution to the promotion of human rights of all who live in the region. The purpose of this paper is to briefly review the status of Bahá'í Communities in the Asia Pacific with respect to existing human rights regimes, and to consider the educational needs of these Communities if they are to make a genuine contribution to the promotion of human rights.

The persecution of Bahá'ís in Iran is the most widely acknowledged instance of persecution of Bahá'ís on the basis of their religion, but it is not the only instance.[4] In Asia, for instance, political and social upheaval, and political and religious ideology, have affected the situation of the Bahá'ís in a number of countries. All effective contact with the Cambodian Bahá'ís was lost during the period of Khmer Rouge rule (1975-79), and apart from contact with Bahá'ís subsequently found in refugee camps in Thailand, the community had to be completely re-established in the 1980s.[5] In Vietnam, similarly, the Bahá'í Community was affected by

government policy toward religions implemented after reunification in 1975.[6]

The activities of Bahá'í Communities in predominantly Islamic countries face a number of limitations. The Bahá'í Community of Indonesia has been deprived of basic rights since the 1960s. Although the Indonesian constitution states "The State shall be based upon belief in the One, Supreme God", and that "The state shall guarantee the freedom of the people to express and to exercise their own religion", a Presidential Decree of 1962 banned a number of religious organisations including the Bahá'í Faith.[7] The length of this ban, and the legal arguments used to support it, began to attract scholarly comment,[8] and it has since been lifted. The activities of the Bahá'í Communities of Malaysia, Afghanistan and Pakistan are also subject to restrictions specified by law.

In the islands of the Pacific, most Bahá'í Communities enjoy freedom of religion afforded by express constitutional protections. Subtle forms of persecution persist, however, at 'grass-roots' level in cultures that are unfamiliar with notions of human rights, and with religious diversity. Some Pacific Island constitutions protect Christianity as the state religion while allowing freedom of religion, creating a tension occasionally expressed in calls for the banning of non-Christian religions. Bahá'í Communities in these states are uniquely placed: in many they constitute the largest non-Christian religious community. While most Pacific Island states are members of the United Nations, some are too small to meet the basic requirements of membership: whether membership fees, or the costs of diplomatic representation. Accession to international treaties is an imposing exercise, and adherence to international standards of compliance and reporting is equally daunting.

Asia-Pacific Bahá'í Communities and Human Rights Education

Asia-Pacific Bahá'í Communities have been prepared for involvement in programs of Human Rights Education by several circumstances. Firstly, they are part of a global religious tradition that holds the values of the human rights culture implicit in its scripture. Second, on the basis of their own experience, they understand the urgency of systemic change in the operation of state power, and for broader understanding of the advantages of more enlightened cooperation between governments, individuals, and civil society.

This positive disposition, however, is accompanied by several constraints. There is a lack of detailed knowledge across Asia-Pacific Bahá'í Communities about current human rights practices and procedures. Those who do have such knowledge are not sufficient in number to conduct broad-based education programs.[9] The short-term implication is that such activity as does occur in the field of human rights education, and human rights advocacy, will be by a small group of specialists acting on behalf of their Communities. Despite the benefits of such activity, a broader approach to human rights education and advocacy will be required if the aspirations of the Human Rights Commission's *Plan of Action* is to be realised. The BIC statement on that plan comments:

> The *Plan of Action* prepared by the High Commissioner for Human Rights reflects this integrated conception of education by defining human rights education as "training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes which are directed to:
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> a) The strengthening of respect for human rights and fundamental freedoms;
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> b) The full development of the human personality and the sense of its dignity;
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> c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
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> d) The enabling of all persons to participate effectively in a free society; and
>
> e) The furtherance of the activities of the United Nations for the maintenance of peace.
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> The Bahá'í International Community fully embraces these goals and objectives. Human rights education, if it is to succeed, must seek to transform individual attitudes and behaviour and thereby establish, within every local and national community, a new "culture" of respect for human rights. Only such a change in the fundamental social outlook of every individual - whether a government offi-

cial or an ordinary citizen - can bring about the universal observance of human rights principles in the daily lives of people. In the final analysis, the human rights of an individual are respected and protected - or violated - by other individuals, even if they are acting in an official capacity. Accordingly, it is essential to touch the hearts, and elevate the behaviour, of all human beings, if, in the words of the Plan of Action, human rights are to be transformed "from the expression of abstract norms" to the "reality" of the "social, economic, cultural and political conditions" experienced by people in their daily lives."[10]

Steps that can be taken

1. *Participation in Human Rights Education*

Therefore, the Bahá'í International Community joins Mr. Ribeiro in his call for efforts to promote greater understanding amongst all people, particularly through inter-faith dialogues and through systematic efforts by the Centre for Human Rights to disseminate the principles of the 1981 Declaration through the media and to urge their inclusion in the curriculum of schools and universities.[11]

In the view of the Bahá'í International Community, the only sure means of eradicating prejudice is through education, for education dispels ignorance, and blind ignorance is at the root of all prejudice.

We, therefore, believe that education is the essential factor in securing implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. It is necessary not only that the declaration be disseminated as widely as possible, but that it should most particularly be brought to the attention of schools and other educational bodies, and that determined steps should be taken, at both national and international levels, actively to promote understanding, tolerance and respect in matters relating to religion or belief.[12]

2. *Converting Declaration into a Treaty*

Turning now to the role of the international community in combating religious intolerance in all its many guises, the Bahá'í International Community believes that the attention accorded in the United Nations human rights programme to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief is not only appropriate but must be increased.

… We do not believe that public denunciations are necessarily the best method of resolving the issues involved. We therefore appeal to the Commission, and to the Special Rapporteur, to devise strategies which will enable the Rapporteur to discuss problems with Governments and to assist Governments in solving difficulties without politicization of the issues.

It is also, we believe, important that the Commission remind itself of the General Assembly's decision, in December 1962, to initiate the preparation of both a Declaration and a Convention to combat religious intolerance. Practical considerations called, eventually, for priority to be given to the elaboration of a Declaration, but we believe that the Commission should once again recognize that this issue has the same claim to being dealt with in a binding international instrument as does the issue of racial discrimination.

We do not advocate the hasty initiation of a drafting exercise by the Commission, and we believe that the suggestion contained in paragraph 216 of Mrs. Odio-Benito's report — namely, that non-governmental organizations and independent experts should be entrusted with drafting the outline for a Convention — is an interesting proposal.

We believe that all men and women of good will can contribute towards hastening the end of religious fanaticism. They can do this, first, by living up to the high ideals of love, unity and tolerance that lie at the center of their own religions or beliefs. In addition … everyone must be taught to respect the beliefs of others so that they will not merely tolerate, but positively respect, those who hold different beliefs.[13]

The Bahá'í International Community believes that binding international norms protecting human rights are of great importance. We are therefore following with great interest the recent discussions in the Sub-Commission and the Commission on the possible elaboration of a binding international instrument dealing with freedom of religion or belief…[14]

Conclusion

With the emergence of global human rights discourse in the second half of the twentieth century, issues of identity and difference have emerged. There is no regional human rights organisation in the Asia Pacific, and a number of nations in the region insist on defining rights in their specific 'historical and cultural circumstances'. The UN Decade for

Human Rights Education provides the opportunity for Bahá'í communities to contribute a broad conception of human rights, in terms of their origin, scope, and ultimate purposes, to a vitally important component in the construction of global civil society and the new world order.

Notes

1 United Nations. World Conference on Human Rights Vienna, 14-25 June 1993, Vienna Declaration and Programme of Action. A/Conf.157/23.

2 Bahá'í International Community, "Turning Point For All Nations", A Statement of the Bahá'í International Community on the Occasion of the 50th Anniversary of the United Nations, Bahá'í International Community, United Nations Office, New York, October 1995.

3 Bahá'í International Community, "The Prosperity of Humankind", Statement prepared by the Bahá'í International Community's Office of Public Information, Haifa, Israel, 3 March 1995.

4 Persecution in past years of Bahá'ís in Egypt, Morocco, and Iraq is also widely documented.

5 A report concerning the fate of the Cambodian Bahá'ís appeared in Bahá'í World 1973-76, Bahá'í World Centre, Haifa. "With the conclusion of warfare and the establishment of the new regime all Bahá'í activity in Cambodia is at a standstill, as far as can be ascertained. For a time the national Teaching Committee secretary wrote of continuing teaching activity among the believers and enquirers but there are now no available channels of communication and there has been no recent news of the fate of the Khmer Bahá'ís": Bahá'í World 1973-76, p.138.

6 A report in Bahá'í World 1973-76, ibid. said: "In the latter period under review circumstances beyond the control of the Bahá'ís have hindered the completion of the goals. An administrative committee has been appointed to function on behalf of the National Spiritual Assembly". In 1978 the National Spiritual Assembly was dissolved. The Bahá'ís were forbidden to meet, and all Bahá'í centres were closed or confiscated. The National Hazirat'ul Quds was seized and two members of the National Spiritual Assembly were arrested and sent to "re-education" camps. One was released due to ill health in 1982. CM (Council of Ministers) Resolution 297 of November 1977 was superseded by SRV CM Resolution 69 "Regulation on Religious Activities" of 1991 which tightened state control over religious activities and required churches to obtain government approval for religious conferences, visits by foreign clergy etc. (Indochina Chronology X:2, 1991) At the same time, the new code does promised "Freedom of Belief and non belief". (It was printed in French in Eglises D'Asie 111, 16 May 1991.) See further: U.S. Dept. of State, February 1, 1991, 1990 Human Rights Report; U.S. Dept. of State, February, 1992, 1991 Human Rights Report.

7 Presidential Decree 1 of January 27, 1965 stated there were six official religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. Many mystical movements have also been banned, and the Ministry of Religious Affairs has restricted Christian missionary activity: see USA. Department of State, Country Reports on Human Rights Practices for 1985, February 1986. (Report submitted to the Committee on Foreign Affairs (House of Representatives) and Committee on Foreign Relations, (Senate), p.778 [Indonesia]: "A 1972 letter of the Supreme Prosecutor reiterated a Presiden-

tial Decree of 1962 banning membership in Jehovah's Witnesses and the Bahá'í Faith. Although technically belief in one of these religions is not prohibited, legal decisions based on the 1972 and 1962 decrees made clear that such belief implies membership, which is illegal." Early in 1985 the Aceh provincial office of the Ministry for Religion sent a circular to all its officials to report any person propagating the Bahá'í Faith. The provincial police chief sent similar instructions to all police posts in the region, coupled with a warning to people not to be tricked into joining (as reported in The Australian, 4 March, 1985: "Jakarta bans Bahá'í Faith as un Islamic".)

8 Shelton, D., A Draft Model Law on Freedom of Religion, With Commentary. Religious Human Rights in Global Perspective: Legal Perspectives, Martinus Nijhoff Publishers, The Hague, Boston & London, 1996, pp. 559-592: "The freedom to have a religion means that the government does not prescribe orthodoxy or prohibit particular religions or beliefs. In practice, this is not always the case. Among the examples that may be cited, Indonesia bans the Jehovah's Witness religion because of 'its aggressive manner in propagating its teachings, trying to convert other adherents to this faith'. According to the government, 'misleading cults' are banned in order to maintain peace and harmony between and among adherents of the various religions. 'Without the Government's handling in the matter, the activities of 'cults' (including Jehovah's Witnesses and Bahá'ís) may create disturbances and disrupt the existing religious tolerance.' [Report on Religious Intolerance, 20). Indonesian law is based on the Constitutio(which stipulates that 'the State shall be based upon belief in the One Supreme God', and which guarantees every resident the freedom to adhere to his respective religion and to perform his own religious duties in conformity with that faith. Ibid, 39. However, Article 1 of Law No. 1/NPS/1965 on the Prevention of Abuse and/or the Defiling of Religions, prohibits anyone from deliberately making interpretations of any of the recognized religions in Indonesia or publicly engaging in activities which deviate from those religions; such interpretations and activities being contrary to, and deviating from the true teachings of those religions. Ibid, 40. Based on this, the Bahá'í faith is banned in Indonesia 'since its teaching and practices are contrary to, and deviating from the teachings of Islam' Ibid. UN Doc E/CN.4/1990 46 of 22 January 1990.

9 The Australian Bahá'í Community, through its Office of External Affairs, and through others in the community with human rights expertise, is among the best placed in the region to commence such involvements: See Curtotti, M., "The Bahá'í Contribution to Society: an Overview of the Bahá'í External Affairs Strategy", in Association for Bahá'í Studies, From Poverty to Prosperity: Proceedings from the 1996 National Conference of the Association for Bahá'í Studies, Rosebery, 1997; Puri, K., Human Rights of Indigenous Peoples. Indigenous Peoples: in the Wake of Mabo, Bahá'í Publications Australia, Mona Vale, 1997, pp. 115-132; Nicholson, G., "Toward a Global Ethic: The Bahá'í Faith and Human Rights" in Toward the Most Great Justice: Elements of Justice in the New World Order, Bahá'í Publishing Trust, London, 1996; Johnston, S. W. "Human Rights and the Bahá'í Faith" in 75 Years of the Bahá'í Faith in Australasia: Proceedings from the 1995 National Bahá'í Studies Conference, Rosebery, Association for Bahá'í Studies – Australia, Rosebery, 1996.

10 Bahá'í International Community, "The United Nations Decade for Human Rights Education", in The Bahá'í World 1995-96, World Centre Publications, Haifa, 1997, pp. 295-308.

11 Statement to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Geneva, Switzerland, August 1993.

12 Bahá'í International Community, "Eliminating Religious Intolerance", Statement to the 49th session of the United Nations Commission on Human Rights, Agenda item 22:

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Geneva, Switzerland, 18 February 1993.

13 Bahá'í International Community, "Eliminating Religious Intolerance", Statement to the forty-third session of the United Nations Commission on Human Rights, Agenda item 23: Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Geneva, Switzerland, February/March 1987.

14 Bahá'í International Community, "Eliminating Religious Intolerance", Statement to the forty-fourth session of the United Nations Commission on Human Rights, Agenda item 23: Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Geneva, Switzerland, 17 February 1988.