

2012/2013 Graduate Research Grant Report

Religion and Diversity Project

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Report on field trip to Geneva, June 3-7, 2012

Introduction

Following the award of the *Religion and Diversity Project* graduate grant earlier this year, I travelled to Geneva early in June 2012 in order to participate at the 60th session of the Committee on the Rights of the Child. My dissertation, provisionally entitled *Legal forms of the religious life*, revolves around the issue of how states and treaty bodies handle the category of religion. Although the empirical material investigated in my dissertation is entirely composed of reports prior to, and summary records and concluding observations issued after, treaty body sessions, the real-life participation at at least one such session has been of great value for my work.

Background

The session at which I participated featured the review of six states: Vietnam, Cyprus, Turkey, Greece, Australia and Algeria. Additionally, the committee reviewed the implementation of the optional protocols on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography for those countries that had ratified these instruments.¹ As my dissertation addresses states that have ratified the five core human rights treaties that deal with religion,² I focused primarily on the three states that have done so: Australia, Greece and Algeria. Due to scheduling, only the two former were practically possible.³

Attendance at the state report reviews largely confirmed earlier impressions of the procedure from my extensive readings of summary records, state reports and concluding observations.

¹Among the states under full review, Greece and Australia had signed both optional protocols. Additionally, the initial report on the implementation of the optional protocol on the sale of children, child prostitution and child pornography in Nepal was considered. See <http://www2.ohchr.org/english/bodies/crc/crcs60.htm> for more info on the session.

²In addition to the Convention on the Rights of the Child, these treaties include the two Covenants on civil and political and economic, social and cultural rights, the Convention on the elimination of racial discrimination, and the Convention on the Elimination of All forms of Discrimination against Women.

³Over the course of my stay, Australia and Greece were reviewed on the 4th, 5th and 6th of June, while the review of Algeria was scheduled for the 8th. Due to the considerable cost involved in staying in Geneva, I did not find staying two additional days for one more review to be feasible.

Australia, fielding a large, high level delegation, in no small degree set the terms of the conversation as much as the chairperson of the proceedings formally allotted the role. Answering questions from the committee, most members of the delegation were well versed in the issues at hand, and were able to present a cogent and trustworthy picture of the standing of human rights in Australia. The review session of Greece gave an altogether different impression. The delegation, although nominally high level, repeatedly struggled to answer the often very direct questions from the committee, sometimes citing lacking knowledge, other times contesting the nature of the issues at hand or delivering evasive and obfuscating answers.

Committee members, on the other hand, tended to ignore the order of procedure, both by bringing up themes scheduled for later treatment too early, and by ignoring repeated calls for brevity. Whereas some individual members tended to favor distinct issues that they pressed state representatives on, others chose not to ask a single question during the sessions I observed. Information from NGOs was repeatedly used by members to critique state practice, although this seemed to follow no clear pattern. A recurrent phenomenon was the posing of a question dealing with a particularly egregious violation of human rights, to which the state party either pleaded ignorance or exceptionality.

As in most reporting cycles that I have come across in my work, the collection and interpretation of data was a major issue, both states struggling to develop and use proper systems of monitoring and data collection. Both states were roundly criticized for their treatment of refugees and weak minority groups, with a particularly devastating NGO report on the treatment of disabled children in Greece recurring across a variety of committee members' questions, although left unanswered by the state party. For both states, these issues are recurrent themes that have been raised in earlier exchanges with the committee. Although the issues of *sharia* law and obligatory statements of religious adherence in schools in Greece were raised by members of the committee, this topic was quickly dismissed by Greek authorities.

Relevance to my project

Although the meetings I attended only briefly addressed religion and related issues, participating as an observer helped confirm a number of impressions that have emerged over the course of my document analysis. First, and perhaps most obvious, religion was not viewed as an important issue among participants, except for a small handful of committee members. That laws on religion emerged as a substantial issue at all is something of an anomaly in the CRC context, where religion and religiosity more often enters the exchanges as a surrounding factor relevant to the implementation of the convention. Second, the meetings were relatively uncoordinated, typically starting with a fairly clear agenda before devolving into bickering over particularly contentious issues that may or may not have been part of the original agenda. State delegations seemed somewhat uncertain as to how to respond to sometimes very pointed, sometimes fairly incoherent questions that were posed both inside and outside the topic under discussion. The chairperson intermittently intervened in order to force the conversation back to the nominal agenda, but repeatedly failed to do so.

Finally, and building on the latter issue, attending the meetings served to confirm an impression that has been evolving as I go through reports, summaries of records and concluding observations: meetings between treaty bodies and state representatives are largely dress rehearsals for the drafting of concluding observations, and have very little independent value as a source to the correct interpretation of the conventions under scrutiny. Only a very modest range of the broad number of issues typically brought up in concluding observations were mentioned in the review, and more often than not in a fairly short and summarized fashion. Although I have been aware of this basic point since I started this project, the magnitude of this difference first dawned upon me as I witnessed the procedure first hand. This recognition does not have a major impact on my work – however, it does demand a more thorough review of the relation between summary records and concluding observations than previously expected. Furthermore, it increases the salience of a perspective I have so far only sketched briefly, namely the relation between bureaucratic and political discourses in the field of human rights.

I would like to express my sincere appreciation and thanks to the *Religion and Diversity Project* for offering the financial assistance necessary to conduct this field trip, which has been very useful to my work.