

THE TANDEM PROJECT

<http://www.tandemproject.com>.

UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

IN DEATH'S SHADOW – ISLAM AND APOSTASY

Issue: The Right to Change One's Religion or Belief.

For: United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media, Civil Society

Review: *In Death's Shadow – Islam and Apostasy*, is a supplement to The Economist Briefing on Religious Conversions, "*The Moment of Truth – In many parts of the world, the right to change one's beliefs is under threat*," July 28 to August 1, 2008.

A direct link to the article "*Moment of Truth*" is on page 2; followed by the supplement "*In Death's Shadow*" and an Issue Statement

"*In Death's Shadow – Islam and Apostasy*" is directly relevant to issues raised by the U.N. sponsored *Alliance of Civilizations* and Professor Samuel P. Huntington's book "*The Clash of Civilizations and the Remaking of the World Order*."

"The *Alliance of Civilizations* was established in 2005, at the initiative of the Governments of Spain and Turkey, under the auspices of the United Nations. The Alliance of Civilizations has a specific mandate and it is important to clarify its purpose and the scope of its activities. Being a U.N. initiative, the *Alliance of Civilizations* has a global scope underpinned by a universal perspective, while placing a priority on addressing relations between Western and Muslim societies." This introduction to the Implementation Plan goes on to say:

"In pursuing these objectives, the *Alliance of Civilizations* will maintain and demonstrate through its choice of activities a universal perspective. At the same time, a priority emphasis on relations between Muslim and Western societies is warranted given that cross-cultural polarization and mutual fear are most acute within and between these communities and represent a threat to international stability and security."

It has been suggested naming the *Alliance of Civilizations* was in reaction to *The Clash of Civilizations and the Remaking of World Order*, written by Professor Samuel P. Huntington, Albert J. Weatherhead III Professor at Harvard University, in 1997. This book is a wide-ranging examination of a new world order among diverse civilizations, cultures and all religions.

The Tandem Project excerpted chapters on the West and Islam in a previous Word Document *Issues Statement* (The West and Islam – Freedom of Religion or Belief) because of the reasons cited above in the Implementation Plan for the *Alliance of Civilizations*, and eighteen abstentions in the United Nations Human Rights Council, in their sixth session, 14 December 2007, over the right to change one's religion or belief. Opening excerpts from the chapter in Huntington's book reflect the importance of this book to the current tensions on the U.N. Human Rights Council:

The Clash of Civilizations and the Remaking of World Order
Samuel P. Huntington, Harvard University, 1996

THE ISLAMIC RESURGENCE

“Some readers may wonder why “Resurgence” in “Islamic Resurgence” is capitalized. The reason is that it refers to an extremely important historical event affecting one-fifth or more of humanity, that it is at least as significant as the American Revolution, French Revolution, or Russian Revolution, whose “r” is usually capitalized, and that it is similar to and comparable to the Protestant Reformation in Western society, whose “r” is almost invariably capitalized.”

Huntington claims “The causes of the renewed conflict between Islam and the West thus lie in fundamental questions of power and culture. So long as Islam remains Islam (which it will) and the West remains the West (which is more dubious), this fundamental conflict between two great civilizations and ways of life will continue to define their relations in the future even as it has defined them for the past fourteen centuries.”

This may not to be the case as hopeful signs of goodwill are emerging in a spirit of reconciliation and dialogue worldwide. It would be more encouraging if these emerging dialogues included United Nations human rights instruments. Norms and standards on human rights and freedom of religion or belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Human Rights Standards on Religion or Belief is a platform for genuine dialogue on the core principles and values within and among nations, all religions and other beliefs.

Direct Link to article in The Economist, *Moment of Truth*, July 26th-August 1st, 2008.

http://www.economist.com/world/international/PrinterFriendly.cfm?story_id=11784873

Excerpts: Excerpts are presented under the Eight Articles of the 1981 U.N. Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. An *Issue Statement* follows the excerpts.

1. 1 *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practices and teaching.*

1. 2. *No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.*

1. 3 *Freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.*

In Death’s Shadow: Islam and Apostasy

The Economist, July 26th-August 1st 2008.

“Can a person who is Muslim choose a religion other than Islam?” When Egypt’s grand mufti, Ali Gomaa, pondered that dilemma in an article published last year, many of his co-religionists were shocked that the question could even be asked.

And they were even more scandalized by his conclusion. The answer, he wrote, was yes, they can, in the light of three verses in the Koran: first, ”unto you your religion, an unto me my religion” second, “whosoever will, let him believe, and whosoever will, let him disbeliever;” and, most famously,” There is no compulsion in religion.”

The sheikh's pronouncement was certainly not that of a wet liberal; he agrees that anyone who deserts Islam is committing a sin and will pay a price in the hereafter, and also that in some historical circumstances (presumably war between Muslims and non-Muslims) an individual's sin may also amount to "sedition against one's society." But his opinion caused a sensation because it went against the political and judicial trends in many parts of the Muslim world, and also against the mood in places where Muslims feel defensive.

In the West, many prominent Muslims would agree with the mufti's scripturally-based view that leaving Islam is a matter between the believer and God, not for the state. But awkwardly, the main traditions of scholarship and jurisprudence in Islam – both the Shia school and the four main Sunni ones – draw on Hadiths (words and deeds ascribed with varying credibility to Muhammad) to argue in support of death for apostates. An in recent years sentiment in the Muslim world has been hardening. In every big "apostasy" case, the authorities have faced pressure from sections of public opinion, and from Islamist factions, to take the toughest possible stance. In Malaysia, people who try to desert Islam can face compulsory "re-education."

Under the far harsher regime of Afghanistan, death for apostasy is still on the statute book, despite the country's American-backed "liberation" from the tyranny of the Taliban. The Western world realized this when Abdul Rahman, an Afgan who had lived in Germany, was sentenced to die after police found him with a Bible. After pressure from Western governments, he was allowed to go to Italy. What especially startled Westerners was the fact that Afghanistan's parliament, a product of the democracy for which NATO soldiers are dying, tried to bar Mr. Rahman's exit, and that street protests call for his execution.

The fact that he fled to Italy is one of the factors that have made the issue of Muslim-Christian conversion a hot topic in that country. There are several others. During this year's Easter celebrations, Magdi Allam, an Egyptian-born journalist who is now a columnist in Italy, was publicly baptized as a Catholic by Pope Benedict; the convert hailed his "liberation" from Islam, and used his column to celebrate other cases of Muslims becoming Christian. To the delight of some Catholics and the dismay of others, he has defended the right of Christians to proselytize among Muslims, and denounced liberal churchmen who are "soft" on Islam.

Muslims in Italy and elsewhere have called Mr. Allam a provocateur and chided Pope Benedict for abetting him. But given that many of Italy's Muslims are converts (and beneficiaries of Europe's tolerance), Mr. Allam says his critics are hypocrites, denying him a liberty which they themselves have enjoyed.

If there is any issue on which Islam's diaspora – experiencing the relative calmness of inter-faith relations in the West – might be able to give a clearer moral lead, it is surely this one. But even in the West, speaking out for the legal and civil right to "apostasise" can carry a cost. Usama Hasan, an influential, young British imam, recently made the case for the right to change religions – only to find himself furiously denounced and threatened on Islamist websites, many of them produced in the West.

ISSUE STATEMENT: The worldwide tension over the right to change one's religion or belief is reflected in the vote by the U.N. Human Rights Council by eighteen members to abstain rather than approve by consensus to extend the mandate by three years of the Special Rapporteur on Freedom of Religion or Belief.

The U.N. Human Rights Council voted 29 in favor, 0 against and 18 abstentions on 14 December

2007 in the sixth session for a three year extension of the mandate on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (A/HRC/6/L.15/Rev.1). Those abstaining included: Azerbaijan, Bangladesh, Cameroon, China, Djibouti, Egypt, Gabon, Indonesia, Jordan, Malaysia, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, South Africa and Sri Lanka.

The abstentions were based on the objections from Pakistan, speaking on behalf of the 57 country Organization of the Islamic Conference (OIC) that norms in Muslim countries prohibit leaving Islam as a religion, and were not being honored in the draft resolution. Portugal, speaking on behalf of the European Union (EU) said over 40 paragraphs in the draft resolution was eliminated in an attempt at consensus with the abstaining states, but consensus over the right to leave one's religion or belief was **inviolable** and could not be compromised.

Human Rights Council Resolution 6/37: Elimination of all forms of intolerance and of discrimination based on religion or belief:

9. *Urges* States:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief is violated:

34th Meeting
14 December 2007

Adopted by a recorded vote of 29 to none with 18 abstentions:

Report on the vote by the International Service for Human Rights (ISHR):

“The International Service for Human Rights (ISHR) Human Rights Monitor reported: Pakistan (on behalf of the Organization of the Islamic Conference, OIC) tabled a number of amendments to the European draft. However, the OIC decided to not pursue action on its amendments, and therefore only the European draft resolution had to be decided on. A number of States regretted that the EU was not ready to incorporate the amendments proposed by the OIC.

Portugal (on behalf of the EU) gave an extensive explanation of before the vote. It said while the OIC opposes all forms of intolerance or discrimination based on religion or belief, and **was** always supportive of the mandate of the Special Rapporteur, it could not agree to the draft. Pakistan said that the draft touches some ‘concerns of fundamental importance to the members of the OIC’. In particular, the differences in the follow areas could not be resolved:

- The OIC wanted a clearer denouncement of recent stereotyping of religions, their adherents and prophets in the media and by political parties in some societies.

- It wanted to see the respect for all religions or belief enshrined in the resolution. They disagreed with the approach taken by the EU, which calls for the promotion of diversity and tolerance instead.
- It called for the “respect for norms about the right to change one’s religion”. The EU draft explicitly urges States to guarantee the right to change one’s religion or belief, a requirement the OIC could not subscribe to.
- The resolution urges all Governments to respond favorably to requests by the Special Rapporteur. The OIC was of the view that States should only “consider responding favorably” to such requests.

The Human Rights Council resolution extending the mandate of the Special Rapporteur on Freedom of Religion or Belief by three years (A/HRC/6/L.15/Rev/1) was the only resolution not passed by consensus. An attempt was made for consensus by leaving out 24 out of the original 40 paragraphs. According to the International Service for Human Rights report, “Portugal (on behalf of the EU) introduced the draft, regretted that despite intensive consultations since the end of the September part of the 6th session, consensus could not be reached. It said that the negotiations efforts were exhausted and it had no other option than bringing the draft to a vote. However, it pledged that it would take up the negotiations again; hoping that consensus on the issue could be re-established soon.” Before the vote, a total of 71 Member States and Observer States endorsed the Special Procedures resolution.

Based on these disagreements, the OIC called for a vote, and said it would abstain. A large number of OIC members of the Council then took the floor to align with the statement by Pakistan, and, while regretting the failure to achieve consensus, announced their abstention as well.” Eighteen Human Rights Council members abstained on the resolution.”

The Resolution (A/HRC/RES/6/37) with recorded votes can be viewed by clicking on this link:

http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_37.pdf

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

The Tandem Project: a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

The Tandem Project Executive Director is: Michael M. Roan, mroan@tandemproject.com.

The Tandem Project is a UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Postscript: Closing the Gap – International Standards for National and Local Applications, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

Closing the Gap - International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to consider the rule of law and international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today’s world inspire a question such as:

Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinstate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Concept: *Separation of Religion or Belief and State – SOROBAS.* The First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and*

peace in the world. This concept suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

Article 18: protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Dialogue & Education

Dialogue: United Nations Secretary General Ban Ki Moon, at the Alliance of Civilizations Madrid Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.”

Norms and standards on human rights and freedom of religion or belief are international law and codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Human Rights Standards on Religion or Belief is a platform for genuine dialogue on the core principles and values within and among nations, all religions and other beliefs.

Education: Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.”¹

The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.” With International Human Rights safeguards, early childhood education is the best time to begin to teach tolerance, understanding and respect for freedom of religion or belief.