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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

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

*Global advocacy for the universal values and principles of human rights
and freedom of religion or belief through education and research.*

Separation of Religion or Belief & State

Can a person who is Muslim choose a religion other than Islam ?

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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 disbelieve;” 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.” – *The Economist*, July 26th-August 1st 2008. (full article below).

* On 10 March 2011 the UN Human Rights Council held a Commemorative Side Event on the occasion of the 25th anniversary of the mandate on freedom of religion or belief. The *Rapporteur’s Digest on Freedom of Religion or Belief: Excerpts of the Reports from 1986 to 2011 by the Special Rapporteurs on Freedom of Religion or Belief Arranged by Topics of the Framework for Communications* is a 108 page report that can be downloaded for education and research among other issues as a source for right to change one’s religion and conversions, p. 6-14.

<http://www2.ohchr.org/english/issues/religion/docs/RapporteursDigestFreedomReligionBelief.pdf>

SUMMARY

Positive steps have been taken by the UN Human Rights Council and the UN General Assembly in the past three years over the issue of the right to change or abandon one's religion or belief. Consensus has been achieved between UN Member States on the mandate of the UN Special Rapporteur on Freedom of Religion or Belief. But dialogue is still needed to resolve differences on respect for national laws and religious norms in regard to changing one's religion.

In 2010 in the 65th session of the UN General Assembly Morocco spoke on behalf of the Organization of the Islamic Conference (OIC) and made a positive statement on the elimination of all forms of intolerance and of discrimination based on religion or belief, and work of the UN Special Rapporteur on Freedom of Religion or Belief.

“In a general statement, the representative of Morocco, on behalf of the OIC, said all forms of intolerance and discrimination based on religion and belief were opposed by that Organization, which condemned all acts of violence carried out in the name of religion. It was the belief of the Organization that all religions shared the same message of peace and respect for others. Terrorism could not and should not be associated with any religion, nationality or ethnic group. The mandate of the Special Rapporteur on the issue had been consistently supported by the Organization, which had no problem with the general thrust of the resolution. Many of the Organization's considerations had been taken into account by the co-sponsors in the final stages of consultations; it was understood that they had to work very hard with their constituents.”

However, the representative of Morocco, on behalf of the Organization of the Islamic Conference said **it had not been possible to resolve differences on respect for national laws and religious norms regarding changing one's religion**. Despite such divergences, it had been decided by the Organization not to oppose the draft; such resolutions ought to be adopted by consensus.

The representative of Belgium, the main sponsor, on behalf of the European Union, recalled that similar resolutions had been adopted by consensus in previous years. This year's draft had been the subject of many rounds of open and transparent informal consultations. It was regretted that, once again, it had not been possible to explicitly state in the resolution that the freedom of religion and belief included **the right not only not to have, but also to change or abandon one's religion or belief**; such language had been let go for the sake of a highly valued consensus.

On 16 November 2010 the General Assembly Third Committee adopted without a vote a comprehensive draft resolution (A/C.3/65/L.32.Rev.1) on the elimination of all forms of intolerance and discrimination based on religion or belief. On 21 December 2010 the United Nations General Assembly without a vote passed the resolution on the elimination of all forms of intolerance and of discrimination (A/RES/65/211). Resolution,11 (a)

http://www.tandemproject.com/pdf/65_gen_assembly.pdf

11 (a) *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

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

Tariq Ramadan: *Coexistence: Contributing to the Common Good While Maintaining our Values*,” Lecture, St. Paul, Minnesota 23 December 2010.

Tariq Ramadan is a professor of Contemporary Islamic Studies in the Faculty of Oriental Studies at Oxford University. Quotes from his lecture: “Our societies are awaiting the emergence of a *New We*, that would bring together men and women, citizens of all religions-and those without religion-who would undertake together to resolve the contradictions of their society.” “The future of Western societies is now being played out at the local level. It is a matter of greatest urgency to set in motion national movements of local initiatives, in which women and men of different religions, cultures, and sensitivities can open new horizons of mutual understanding and shared commitment: horizons of trust. These shared projects must henceforth bring us together and give birth to a new ‘We’ anchored in citizenship. Of course, ‘intercultural’ and ‘interfaith’ dialogues are both vital and necessary, but they cannot have the impact of shared commitment of citizenship in the priority fields: education, social divides, insecurity, racisms, discriminations, and more.”

2007

In 2007 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, Mali, 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.

The Right to Change One’s Religion or Belief - The Resolution (A/HRC/RES/6/37) with recorded votes: http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_37.pdf

9. Urges States:

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International Services for Human Rights (ISHR)
Report After the Vote

- 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.”

In Death’s Shadow: Islam and Apostasy: The Economist, July 26th-August 1st 2008.

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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. And 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."

Moving Forward

If the resolutions were a call to implement 9 (a) and its successor 11 (a) it would be a significant *step forward* to resolve the question of **universality vs. cultural norms on the issue of the right to change one's religion**. This right is an *inviolable* principle of the Universal Declaration of Human Rights, democracy, governments, religions or beliefs and all members of the human family. It demands the highest respect, sensitivity and dialogue to resolve these differences

between the European Union and Organization of the Islamic Conference regarding national laws and religious norms to leave a religion.

United Nations History since adoption of the 1948 Universal Declaration of Human Rights and the seminal 1960 *Study of Discrimination in the Matter of Religious Rights and Practices*, by Arcot Krishnaswami demonstrates difficult but steady progress in the promotion and protection of human rights and freedom of religion or belief:

<http://www.tandemproject.com/program/history.htm>

The Tandem Project believes until a core International Human Rights Treaty on Freedom of Religion or Belief is adopted these issues will be harder to resolve. The original intent of the United Nations in 1960 was to draft two core legally binding human rights treaties on religion and race. The decision to separate the instruments on religious intolerance from those on racial discrimination constituted a compromise solution designed to satisfy a number of conflicting viewpoints.

At the General Assembly's twenty-second session in 1966, the Third Committee had an opening general debate and a line-by-line review of the text of the draft convention. The convention's most fierce critics were the Soviet Union, other communist states, and several African and Asian States. Since the draft Convention's definition of "religion or belief" included theistic, non-theistic and atheistic beliefs; there was strong opposition from Islamic states, the Catholic church, and other religious groups. At its twenty-third session, the General Assembly decided to defer consideration of the draft convention.

In 1968, the United Nations deferred work on a legally-binding treaty on religious intolerance as too complex and sensitive and passed a non-binding declaration in its place. The Tandem Project believes until a core legally-binding *Convention on Freedom of Religion or Belief* is adopted international human rights law will be incomplete.

Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?

- **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The UN Review Conference on the Nuclear Test Ban Treaty, and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the UN Human Rights Council and UN Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is the foundation for solving this issue.

"I am become death, the destroyer of worlds" - Robert Oppenheimer, quote from the Bhagavad Gita after exploding the first atomic bomb, Trinity 1945.

The Tandem Project a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in all matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material 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 the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

*** An e-Digest on Freedom of Religion or Belief – 25 years of thought by four UN Special Rapporteurs**

GENEVA (10 March 2011) – From freedom from coercion, to State religion; from the right to manifest one's religion or belief, to religious intolerance and extremism: on the 25th anniversary of the mandate's establishment, UN Special Rapporteur Heiner Bielefeldt launched today a key reference e-book compiling observations and recommendations by the four independent experts who have served on the Freedom of Religion or Belief mandate since 1986.

In its 25 years of existence, the mandate has identified worrying trends relating to intolerance, discrimination and violence against individuals based on their religion or belief. “As demonstrated by the attacks in the last months, members of religious or belief minorities experience a shocking degree of public resentment or even hatred,” warned the Special Rapporteur.

The “Rapporteur's Digest on Freedom of Religion or Belief” is a 108-page downloadable compilation of relevant excerpts from reports produced by Mr. Bielefeldt (Germany, since August 2010), Ms. Asma Jahangir (Pakistan, 2004-2010), Mr. Abdelfattah Amor (Tunisia, 1993-2004), and Mr. Angelo d'Almeida Ribeiro (Portugal, 1986-1993).

For ease of reference, the Digest is arranged by the five topics of the Rapporteur's framework for communications. The first category deals, among other issues, with elements of the right to freedom of religion or belief, religious symbols and the right of parents to ensure the religious and moral education of their children.

It then explores discrimination on the basis of religion or belief, inter-religious discrimination, and tolerance, as well as State religion. The third category deals with vulnerable groups, including women, children, refugees, members of minorities, migrant workers and persons deprived of their liberty.

The fourth topic covers situations where the right to freedom of religion intersects with violations of other human rights, such as freedom of expression and opinion – including questions related to religious conflicts, religious intolerance and extremism – as well as the rights to life and to liberty. Finally, the fifth category covers cross-cutting issues, including international provisions on limitations and derogations.

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