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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement* submitted by European Centre for Law and Justice (ECLJ), a
non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2007]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Violations of the Right to Choose One's Religion and Change One's Religious Affiliation[†]

Since its creation over six decades ago, the United Nations has been at the forefront in responding to threats posed to worldwide peace and human dignity. Among the most significant of the United Nations' contributions to the global community it has been its efforts to preserve human rights and fundamental freedoms. Through the Universal Declaration of Human Rights (1948) ("UDHR") and subsequent legal instruments, the United Nations and its member states have recognized that every person has certain inviolable human rights that all governments must acknowledge and respect. This philosophy of universal human rights is based upon the fact that human dignity is an inherent characteristic of all people, not a mere privilege that a government may give or take away at its choosing.

In this context, we would like to draw the Council's attention to the growing number of violations of the fundamental right to freedom of religion that are occurring around the world, specifically the right to choose one's religion and change one's religious affiliation.[‡] Forced religious conversions and punishment for voluntary conversions are commonplace in many countries. Laws against apostasy, blasphemy, or proselytizing are used in conjunction with anti-conversion laws to create an atmosphere hostile to members of the majority faith who voluntarily convert to another religion. As the Special Rapporteur on Freedom of Religion or Belief (Asma Jahangir) has observed, "questions related to change of religion are at the very heart of the mandate on freedom of religion or belief. Violations and limitations of this aspect of the right to freedom of religion are unacceptable and still occur too often."[§] A few very recent examples illustrate the pressing need for action in this area.

In August 2007, Fatah officials stated that Hamas gunmen had abducted a dean and professor at a university in Palestine, and forced her to convert from Christianity to Islam.^{**} Sources close to the family said that she would not willingly convert to Islam and she had "called her parents to say she was being held against her will in order to marry a Muslim man . . ."^{††}

Also this August, new anti-conversion legislation has been proposed in India, where many states have already instituted controversial anti-conversion laws that allow the government to accept or reject the legitimacy of religious conversions and are used to

[†] The American Center for Law and Justice (ACLJ) also shares the views expressed in this statement. This statement is based on a detailed memo on this subject which is available on our website at www.eclj.org.

[‡] See, e.g., *Annual Report of the United States Commission on International Religious Freedom (USCIRF)*, May 2007; United States Department of State, Bureau of Democracy, Human Rights, and Labor, *2006 Report on International Religious Freedom*, Sept. 30, 2006.

[§] *Elimination of All Forms of Religious Intolerance, Report of the Special Rapporteur of the Commission on Human Rights on Freedom of Religion or Belief, Asma Jahangir*, Doc. No. A/60/399, Sept. 7, 2005, at para. 40.

^{**} Khaled Abu Toameh, *Hamas Forced Professor to Convert*, Jerusalem Post, Aug. 5, 2007.

^{††} Aaron Klein, *Christian woman 'forced to convert to Islam'*, WorldNetDaily, Aug. 5, 2007.

prevent religious minorities from seeking voluntary converts from members of the majority faith.^{††} Sri Lanka and Bangladesh have used the laws passed in India as models for their own legislation.^{§§} Under the auspices of upholding anti-conversion laws, arrests and private acts of violence have contributed to the degradation of religious freedom.^{***}

In the last few months, the first Muslim-born Egyptian to challenge that country's restrictions on conversion away from Islam filed suit in the Egyptian court system to have his conversion from Islam to Christianity recognized by the Government after the Interior Ministry refused to change the religion on his identification card.^{†††} According to recent reports, the individual has since gone into hiding due to numerous death threats made against him, and his first two lawyers withdrew from representation due to alleged harassment by the government.^{††††}

The UDHR recognizes that the “freedom of thought, conscience and religion”^{§§§} and the “freedom of opinion and expression”^{****} are among the most fundamental of all human rights. This right belongs to every person regardless of nationality or religion and includes the “freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”^{†††††} The UDHR appropriately recognizes the spiritual and intellectual nature of the human being and acknowledges that the realm of thought and belief is beyond the government's authority to control.

The right to choose one's religion and change one's religious affiliation is also enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966), the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), and other international legal documents. All member states of the United Nations have engaged themselves to respect this right, and the principles recognized in these documents have become customary international law that is binding upon *all* governments.

In many countries, governments that have officially recognized the universal right to voluntarily change religions have failed to take action to preserve that right due to public pressure exerted by adherents of the majority religion. This has occurred both

^{††} *USCIRF Annual Report*, at 244.

^{§§} Angela C. Wu, *Briefing: Congressional Human Rights Caucus* (July 21, 2006).

^{***} *Id.*; see also Christian Solidarity Worldwide, *Briefing: Sri Lanka, Religious Freedom Threatened by Anti-Conversion Legislation* (Sept. 2004), at 4.

^{†††} Jonathan Wright, *Setting precedent, Egyptian seeks recognition as convert*, Reuters, Aug. 6, 2007; *Egyptian convert to Christianity goes into hiding after death threats*, Jordan Times, Aug. 13, 2007; *Egypt: Muslim sues for right to convert to Christianity*, Compass Direct News, Aug. 6, 2007.

^{††††} Maggie Michael, *Threats force Egyptian convert to hide*, Associated Press, Aug. 11, 2007; *Egypt: Authorities detain Christian rights advocates*, Compass Direct News, Aug. 9, 2007.

^{§§§} UDHR art. 18.

^{****} UDHR art. 19.

^{†††††} UDHR art. 18.

through official action such as arrests and imprisonment and official inaction such as failing to prevent or punish private acts of violence targeting voluntary religious converts. The universal right to choose one's religious affiliation creates an obligation for all governments to investigate and punish non-governmental acts of violence or discrimination that interfere with the freedom to choose one's religion.^{****}

Aside from the responsibilities of governments on these issues, we call for strong leadership from religious communities and leaders to protect and promote the right to religious freedom. We commend such recent efforts by religious leaders, including Egypt's Grand Mufti, who reaffirmed that Muslims are free to choose another religion without being subjected to worldly punishment.^{§§§§} We are also encouraged by the efforts of Christian leaders of many denominations to create a common code of conduct for religious conversions.^{*****}

Regional agreements, national constitutions, and religious doctrines may not exempt a government from compliance with customary international law. If governments may abridge the right to choose one's religion by relying upon regional practices or religious doctrines, how can this right be considered *universal*?

Recommendations

With a host of challenges and dangers facing the global community in the 21st Century, reinforcement of the freedom of religion and belief is a cornerstone upon which peace building and brotherhood between nations may be established.

In light of the foregoing, we recommend that the HRC take the following actions:

- Reaffirm that all governments must recognize voluntary conversions and prevent coerced conversions;
- Condemn the practices of states that have implemented anti-conversion laws or other laws that would prevent individuals to freely choose their own religion;
- Request the Special Rapporteur on Freedom of Religion or Belief to investigate claims of forced religious conversions as well as incidents of state-sanctioned punishment for voluntary conversions from the majority religion;
- Call on religious leaders of all faiths to recognize the right to choose one's religion and condemn any interpretation of their religious laws that would call for corporal punishment for those that would convert from their religions; and
- Reiterate that all governments must intervene to prevent non-governmental actors from committing violent or discriminatory acts against those who change their religion or refuse to do so.

^{****} *Elimination of All Forms of Religious Intolerance, Report of the Special Rapporteur of the Commission on Human Rights on Freedom of Religion or Belief, Asma Jahangir, Doc. No. A/60/399, Sept. 7, 2005, at para. 53.*

^{§§§§} *Egypt mufti reaffirms Muslim freedom of faith choice, Agence France Presse, July 26, 2007.*

^{*****} *Evangelicals join other Christian groups in push for common code on conversions, Associated Press, Aug. 15, 2007.*