

NGO Name: European Centre for Law and Justice (ECLJ)
Name of main contact person: Grégor Puppinck
Phone number: +33 (0)3.88.24.94.40
E-mail: g.puppinck@gmail.com

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Sixth session

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

**Violations of the Right to Choose One's Religion
and Change One's Religious Affiliation¹**

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 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 attention of the Council to the growing number of violations of freedom of religion, particularly the right to choose one's religion. 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 wish to voluntarily convert to another religion. Civil and religious rights are also denied to traditional religious groups in countries hostile to religious minorities, and sometimes to the religion itself. Finally, in some other countries, the official authorities, facing pressure from extreme fundamentalist religious groups, do not always protect the religious freedom of all their citizens.

International law recognizes a universal right to choose one's religion, which includes the right to change (or not change) one's religious affiliation. This right 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. This right is enshrined in the UDHR, the

¹ 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 the subject which is available on our website at www.eclj.org.

European 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 the members States of the United Nations have committed themselves to respect the fundamental right to religious freedom and are obligated to protect this right through their ratification of the binding treaties on the subject, but also because it has become accepted customary international law.

Neither regional agreements nor national constitutions may 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*?

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.

In light of the growing number of violations of freedom of religion, committed or tolerated by both religious affiliated or atheistic governments, which undermine human dignity and create a threat to the peace, the international community needs to reaffirm the fundamental right to freedom of religion, as proclaimed and guaranteed by the Universal Declaration of Human Rights and customary international law.

Recommendations

In light of the foregoing, we recommend that this Council take the following steps to ensure the fundamental right of freedom of religion:

- 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.