

Set My People Free Intervention

WORKING SESSION 6 Fundamental freedoms II, September 14, 2017

Against Human Rights

Apostasy laws make it a criminal offense to change one's religion. In doing so, they seek to deprive individuals of the ability to choose what to believe about the Divine. The capacity for moral choice is what makes people human; it is part of our essential common human nature, upon which the very idea of human rights is based. Restricting the freedom to choose one's religion, and to change it, is an assault on the very core of human nature. Apostasy laws cannot change human nature; people will always be compelled to seek the truth about questions of ultimacy. But apostasy laws bring immense suffering by persecuting men and women—simply for exercising their freedom of conscience, that is, for being human.

Apostasy laws are intrinsically wrong, but they also have negative social and political consequences everywhere they are in force. They create instability and inspire violence. They create conflict with minority communities. They bring shame in the international community, tarnishing the reputation of states.

Blasphemy laws make perceived “insults” to religions illegal, and can make it a crime even to question religious doctrines. Such laws are an assault on intellectual and moral freedom, and the freedom of expression, which all people possess and which are essential parts of their humanity; they are freedoms that are protected under international law. Blasphemy laws make the state the judge of truth, and are thus often used to persecute political opponents. Blasphemy laws are often arbitrarily applied, leading to tragic persecutions and the murder and execution of innocent people.

Against International Law

The *United Nations Human Rights Committee* has ruled that apostasy and blasphemy laws **are inconsistent with the International Covenant on Civil and Political Rights (ICCPR)**:

The Committee observes that the freedom to "have or to adopt" a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief. Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18.2. The same protection is enjoyed by holders of all beliefs of a non-religious nature. (General Comment 22)

Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26. Thus, for instance, it would be impermissible for any such laws to discriminate in favor of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith. (General Comment 34)

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A Shameful Record

Nineteen (19) UN member states criminalize apostasy, *and in 12 of those states, apostasy is punishable by the death penalty*. Other typical punishments for apostasy include the annulment of marriages of apostates, and presenting inheritances.

As of 2012, almost 25 percent of countries worldwide had some form of blasphemy laws or policies.

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A Way Forward

As nongovernmental organizations promoting the freedom of religion, we are proposing an international dialogue among nations and United Nations experts that could show the way toward the abolishment of apostasy and blasphemy laws. We seek your ideas and your support.

NOTE: This was an open letter submitted to the delegations of the Human Rights Council and the UN High Commissioner for Human Rights by Forum for Religious Freedom Europe and Set My People Free in June, 2016. We felt this will be an appropriate statement for our intervention on the issues raised in working session 6 today.

¹ Pew Research Center, 28 May 2014