

## THE TANDEM PROJECT

### UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

*UN NGO in Special Consultative Status with the  
Economic and Social Council of the United Nations*

#### CAN A PERSON WHO IS MUSLIM CHOOSE A RELIGION OTHER THAN ISLAM?

**PERSPECTIVES:** The Tandem Project offers perspectives from distinguished authors, writers, religious and diplomatic leaders on freedom of religion or belief. They are offered with the greatest respect for the dignity of all people of all religions or beliefs and in no way is meant to insult or defame anyone or any belief.

*I'd acknowledge that none of us can get through the day without making a lot of assumptions. All of us have intellectual, ideological and moral commitments that we bring to bear upon what we think about almost everything.* E.J. Dionne Jr. Washington Post Friday April 26, 2013.

There are a number of **international perspectives in this document with links for reflection** including: The Economist article on Ali Gomaa, Grand Mufti of Egypt; Constitution for the Republic of Somalia; Draft Constitution for the Federal Republic of Somalia, examples not in compliance with International Human Rights Law on Freedom of Religion or Belief; UN Human Rights Council Draft Resolutions passed by consensus in 2013 on freedom of religion or belief, and combating intolerance, denigration, negative stereotyping and incitement to violence against persons based on religion or belief; Action Plan passed by consensus in 2011 with video of the Ambassadors of Pakistan, speaking for the Organization of Islamic Conference (OIC), Saudi Arabia, Norway, United States and Hungary speaking for the European Union (EU); Tariq Ramadan on What I Believe, and The Call – Freedom of Religion or Belief: Strengthening the Consensus.

Somalia not in compliance with Article 18 of the UN Covenant on Civil and Political Rights, which ensures everyone the right to have or to leave a religion or belief of their choice, in no way reflects on the remarkable achievement of the Somali people to pass a constitution after years of living under terrorism.

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\*1986 First International Conference: <http://www.tandemproject.com/tolerance.pdf>.

Bertrand G. Ramcharan, former UN High Commissioner for Human Rights *ad interim*, keynoter 1986 closing summary, First International Conference, *Tolerance for Diversity of Religion or Belief*. \*

UN General Assembly in 2000 adopts title recommended by the report of the UN Special Rapporteur on the 1998 Oslo Conference. The Tandem Project founded and co-organized the 1998 Oslo Conference on Freedom of Religion or Belief: [1998 UN Conference Report](#).

**NOW IS THE TIME:** for the UN to appoint an Open-Ended Working Group to bring all matters relating to freedom of religion or belief together in a core international human rights legally-binding treaty. [Open link to cast your vote](#)

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## **CAN A PERSON WHO IS MUSLIM CHOOSE A RELIGION OTHER THAN ISLAM?**

*The Economist, 26 July-1 August 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, and 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.

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.”

<http://www.aligomaa.net/>

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## FEDERAL REPUBLIC OF SOMALIA

Adopted 1 August 2012

<http://www.un.org/apps/news/story.asp?NewsID=42603>

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## DRAFT CONSTITUTION FOR THE FEDERAL REPUBLIC OF SOMALIA

The Draft Constitution for the Federal Republic of Somalia by the Independent Federal Constitution Commission has 179 Articles and was passed on July 30, 2010. The Consultation by the Commission is a draft for approval by the Somali people of a citizen-based democracy under Shari'ah Law. Article 2, State and Religion, Article 22, Freedom of Religion or Belief, is not in compliance with International Human Rights Law under Article 18 of the 1966 International Covenant on Civil and Political Rights.

[FINAL CDC 30 July ENG](#); [FINAL ISSUES QUESTIONS 30 JULY ENG](#); [Final Main Consultation 30 July - ENG](#)

### ARTICLE 2

**Islam is the religion of the Somali Republic.**

**No religion other than Islam can be propagated in the Republic**

**No law which is not compliant with the general principles and with Shari'ah can be enacted.**

### ARTICLE 22: FREEDOM OF RELIGION OR BELIEF

**A person is free to practice his or her religion**

**No Muslim can renounce Islam.**

**No religion other than Islam can be propagated in Somalia.**

[Discussion at Augsburg with Kjell-Magne Bondevik](#)

**UN HUMAN RIGHTS COUNCIL DRAFT RESOLUTIONS  
ADOPTED BY CONSENSUS, MARCH, 2013**

[Breaking News - Human Rights Council Draft Resolutions - March 2013](#)

**FREEDOM OF RELIGION OR BELIEF, A/HRC/22/L.9**

8. *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 by, inter alia, 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;

**COMBATING INTOLERANCE, NEGATIVE STEREOTYPING AND STIGMATIZATION OF AND DISCRIMINATION, INCITEMENT TO VIOLENCE AND VIOLENCE AGAINST PERSONS BASED ON RELIGION OR BELIEF, A/HRC/22/L.40**

(g) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, region and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

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**ACTION PLAN – MARCH, 2011**

*Introduced by Pakistan on behalf of the Organization of the Islamic Conference (OIC) adopted by consensus without a vote: Resolution A/HRC/16/18/L.38, Geneva, March 24 2011*

**Pakistan (on behalf of the OIC)** Mr. Zamir Akram [\[English\]](#) 10 minutes **Saudi Arabia** Mr. Ahmed Suleiman Ibrahim Alaquil [\[English\]](#) [\[Arabic\]](#) 1 minute **Norway** Ms. Beate Størø [\[English\]](#) 2 minutes **United States of America** Mr. Eileen Chamberlain Donahoe [\[English\]](#) 5 minutes **Hungary (on behalf of the European Union)** Mr. András Dékány [\[English\]](#) 3 minutes

[UN Human Rights Council Panel Statements, Resolution A-HRC-16-18, 2010 General Assembly Third Committee Actions](#)

[UN Third Committee Press Release - Resolution L.47 Adopted by Consensus](#)

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**TARIQ RAMADAN – WHAT I BELIEVE**

<http://www.tariqramadan.com/spip.php>

Tariq Ramadan is a Muslim and professor of Contemporary Islamic Studies on the faculty of Oriental Studies at Oxford University.

*What I Believe*

Our societies are awaiting the emergence of a new ‘We.’ A ‘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 right to work, to housing, to respect, against racism and all forms of discrimination, all offenses against human dignity. Such a ‘We’ would henceforth represent this coming together of citizens confident in their values, defenders of pluralism in their common society, and respectful of the identities of others; citizens who seek to take up the challenge in the name of their shared values at the very heart of societies. As loyal and critical citizens, as men and women of integrity, they join forces in a revolution of trust and confidence to stem the onrush of fear. Against shallow, emotional, even hysterical reactions they stand firm for rationality, for dialogue, for attentiveness, for a reasonable approach to complex social questions.

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. This shared project 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 the shared commitment of citizens in the priority fields: education, social divides, insecurity, racisms, discriminations, and more.

*The warning signs are clear: unless we establish a 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.* Mark C. Taylor, New York Times Op Ed, 21 December 2006

[Assimilation’s Failure, Terrorism’s Rise](#)

<http://www.religlaw.org/>

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**THE CALL**

## FREEDOM OF RELIGION OR BELIEF: STRENGTHENING THE CONSENSUS

**THE CALL is for reports to strengthen the consensus achieved on freedom of religion or belief by UN Human Rights Council Draft Resolutions A/HRC/22/L.9 and A/HRC/22/L.40 attached. It encourages States, Nongovernmental Organizations (NGOs), Religions or Beliefs, Academic Institutions and Civil Society to provide information on efforts and measures to implement these Draft Resolutions. Your actions or plans to act can be forwarded to States, Office of the High Commissioner for Human Rights, the UN Human Rights Council, or documentation for reports can be forwarded and e-mailed to: [mroan@tandemproject.com](mailto:mroan@tandemproject.com); [www.tandemproject.com](http://www.tandemproject.com)**

### [Breaking News - Human Rights Council Draft Resolutions - March 2013](#)

UN Human Rights Council 2013 Draft Resolutions HRC/22/L.9 on freedom of religion or belief and HRC/22/L40 on combatting all forms of intolerance and discrimination against persons based on religion or belief. The draft resolutions were adopted without a vote by consensus.

### [Breaking News Action Plan](#)

*Requests* the High Commissioner to prepare and submit to the Human Rights Council, at its twenty-fifth session, a report on the efforts and measures taken by States in the implementation of the Action Plan outlined in operative paragraphs 8 and 9 , as well as on the views of States, United Nations agencies and other relevant stakeholders, and her evaluation on the establishment of a monitoring mechanism on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons based on religion or belief – Draft Resolution A/HRC/22/L.40

**Reports on actions or plans to act may be on paragraphs such as this:**

#### **A/HRC/22/L.40 paragraph 8 (g & h)**

(g) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, region and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

*Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*

General Comment 22 on Article 18 of the International Covenant on Political and Civil Rights

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167ce12563ed004d8f15?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167ce12563ed004d8f15?Opendocument)

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