Workshop Presentation Outline

Workshop 2: Change of Religion or Belief, Enabling the Environment

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The starting point of my presentation is that we are considering:

- Change of religion or belief which is a continued and individual right, entered into freely and without "coercion" or compulsion.

1. Why is this issue of practical importance to the enjoyment of freedom of religion or belief?

- Denial of freedom to change religion or belief effectively means:
  a. Denying the continued enjoyment of freedom to choose religion or belief or adopt a religion or belief
  b. Denying other rights such as freedom of association (freedom to worship with the religion or belief community of one's choice), the right

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1 Not a once in a life time choice, assigned at birth, limited or unchangeable due to the adoption of a particular religion or belief.
2 An individual right in the sense that a group should not assume or assign religion or belief to individuals and coerce them to change.
3 As stated in Article 18 of the International Covenant on Civil and Political Rights (ICCPR) "No-one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice."
4 The Human Rights Committee has observed in para. 5 of its General Comment 22 on Article 18 of the 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."
to privacy, freedom of expression and minority rights (the right to identify with the group with which one has the closest affinity—involving both ‘self-identification’ and group recognition)
c. Denying the freedom to interpret religion or belief—related to freedom of expression—examples of where views are considered blasphemous and therefore the person is declared an apostate (e.g. Hashem Aghajari case in Iran, accused of apostasy and sentenced to death in November 2002 for questioning the rule of clerics and the principle of emulating religious leaders)

• It may also imply:
  a. The creation of a hierarchy of religions or beliefs: those you can only enter but not leave and those you can both enter and leave
  b. This becomes an even greater concern where governmental institutions and laws are involved in making such a determination

2. What are the barriers to the enjoyment of this core aspect of the enjoyment of the human right to freedom of religion or belief?

• Governments wanting to preserve the popularity stemming from a particular state-religion relationship—therefore restricting this right through particular laws and policies
• Governments not taking positive steps to preserve enjoyment, in fact, of this right
• Religious restrictions: by religious leaders and/or communities on the grounds of their interpretation of particular religious teachings
• Ideological/political restrictions: by particular leaders and policies e.g. forbidding practice of religion
• Punishments, or the threat of punishment, by non-state actors e.g. divorce, of being disinherited and disowned, ‘civil death’ or even death itself

3. A case study of some Bahá’í communities that suffer violations of this right i.e. those who have converted into the Bahá’í Faith suffering human rights violations directly as a result of this change of religion or belief

A preliminary note about conversion in Bahá’í perspective

• Iran
• Egypt

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The Human Rights Committee observes in para. 3 of its General Comment 22 “no one can be compelled to reveal his thoughts or adherence to a religion or belief”.