

STATEMENT FROM BARNABAS FUND**September 2017****APOSTASY LAW**

Barnabas Fund requests that OSCE states take seriously all issues of intolerance and violence towards others, including hate crimes towards those who claim their rights to change religion under article 18 of the Universal Declaration of Human Rights and the ICCPR.

OSCE states should therefore:

1. Promote better education among police, social services and other authorities on issues of violence towards those who change their religious faith.
2. Include crimes motivated by hostility to apostates among their classification of hate crimes.
3. Work to promote wider understanding of the absolute right to follow the religion of your choice or none among the general population and particularly among communities where this is poorly respected.
4. Robustly reject calls to introduce blasphemy laws, but rather protect individual freedom of religion and speech.
5. Promote the concept of equality before the law for all and reject moves to make any religious law anything more official than a voluntary code of conduct'.

Although no country within the OSCE has an apostasy law, the problem remains nevertheless significant for those citizens or migrants who are killed, attacked or otherwise treated violently by members of the faith group they have left. Data collection is poor in this field but it is clear that attacks on apostates are a significant and growing issue in many states.

Yet OSCE countries are turning a blind eye to the issue despite the clear breaches of law that take place. One high profile example would be Nissar Hussain and his family in Bradford, UK, who originated in Pakistani Kashmir and were Muslims until conversion. They suffered years of abuse and violent attacks from sections of the local community – with little sympathy or action from the police, politicians or the local authorities. After many years of threats, criminal damage, arson, physical attacks and a particularly violent street assault caught on CCTV cameras, he and his family had been victims of at least a dozen hate crimes – but not recorded as such.

No real measures were taken by the authorities. Indeed after one criminal attack, a police sergeant reportedly asked Nissar why he didn't just move away? Where is the rule of law here? Only when intelligence discovered an imminent major threat and armed police officers intervened, did Nissar and his family finally flee to another part of the country.

It is a problem seemingly pitting freedom of religion (doctrine) against freedom of belief (of the individual) that Sharia remains the only major religious legal system which has an 'official' position of violent hostility to apostates, i.e. those who leave their religion to follow another faith or none. It is also a problem faced by Muslim academics, philosophers, activists and others who question traditional interpretations, which can be viewed as heresy and therefore apostasy.

All five historical schools of Sharia, four Sunni and one Shia, maintain the view of apostasy as a quasi-blasphemous criminal offence subject to the harshest punishments. Al Azhar in Egypt, the highest source of authority for Sunni interpretations of Sharia, recently confirmed the apostasy law.

As illustration, a number of countries around the world contain this apostasy law overtly within their legal systems. Article 306 of the Mauritanian Criminal Code in translation states:

Every Muslim guilty of the crime of apostasy, whether by word or action, will be invited to repent over a period of three days. If he does not repent within this time limit, he is to be condemned to death as an apostate and his property will be confiscated by the Treasury.

<http://www.bbc.co.uk/news/magazine-34357047>

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