

HUMAN RIGHTS

The areas in which the topic of diversity now most frequently arises are twofold: religion and internal self-determination. Two particular issues arise in relation to religion, as is evidenced by a reading of the Reports of the Human Rights Committee on its examination of State Reports. Certain Islamic Countries (but not all) believe that adherence to Islam requires the offence of Apostasy (renunciation of the faith) to be punishable by death. Again, some, but not all, Islamic countries interpret Islamic law as requiring punishment by particularly severe means for a range of offences that would not attract punishment at all, or only lighter punishment, elsewhere.

How is cultural and religious diversity to be respected if universal human-rights standards are set? The answer, in my view, cannot lie in the suggestion that the standards adopted are not in principle of universal application. The International Covenants, in particular, benefited in their formulation, which took place over a long period of years, from the participation of states from all parts of the world, representing all the different political and religious systems. The texts were adopted with general approval; and states of all the varying political and religious systems have had a free choice as to whether to become a party to the Covenants. If particular elements in the Covenant were really to be regarded as incompatible with a profound religious tenet or political point of departure, then the correct course of action was to enter a reservation as to those elements. It is striking that this has in fact not been done – reservations rarely go to these rather important points of religious and political philosophy. If it is not done, then in my view sensitivity to political and cultural diversity does not require that a state be regarded as exempted from what it has undertaken.