

Ms. President,

The American Civil Liberties Union, Dejusticia, and the Human Rights Law Centre—members of the International Network of Civil Liberties Organizations—jointly with the Center for Reproductive Rights, welcome Special Rapporteur Ahmed Shaheed’s excellent report addressing gender-based violence and discrimination in the name of religion or belief. Gender-based violence and discrimination must be combatted in all its forms—whether advanced by governments directly or by non-state actors—regardless of the justification, even when it is justified in the name of religion. The right to freedom of religion or belief cannot justify imposing harm on others, including by violating the right to gender equality. We are especially concerned that as States increasingly recognize and enforce the equal rights of all people, that equality will be eroded by exemptions and accommodations on the basis of religious beliefs.

The report notes several categories of laws and policies that States must reevaluate where religion has worked to thwart equality rights. Gender-based violence and discrimination can result from explicit laws and policies grounded in religious justifications, which are not only detrimental to gender equality; they may also be harmful for religious minorities. Additionally, exemptions and accommodations from otherwise neutral laws are granted on the basis of religious beliefs, even where they would harm third-parties. This is not what we mean by religious freedom.

We call upon the members of the Human Rights Council to adopt the report’s recommendations, and to take concrete measures to protect the equality rights of all women and LGBT+ people, including repealing discriminatory laws and combatting violence against them—no less when the laws or violence are religiously motivated.

Delivered by Lindsey Kaley (pronouns: she/her), ACLU Staff Attorney: lkaley@aclu.org



**Oral Statement Delivered under Item 3: Interactive Dialogue with the
Special Rapporteur on Freedom of Religion or Belief
UN Human Rights Council 43rd Session**

March 2, 2020

Ms. President,

The American Civil Liberties Union (ACLU), Dejusticia, and the Human Rights Law Centre (HRLC)—members of the International Network of Civil Liberties Organizations (INCLO)—jointly with the Center for Reproductive Rights welcome Special Rapporteur Ahmed Shaheed’s excellent report addressing gender-based violence and discrimination in the name of religion or belief. As the report demonstrates, discrimination and violence persists against women and girls; lesbian, gay, bisexual, and transgender individuals (LGBT+); and all sexual orientation and gender-identity minorities in all regions of the world, preventing them from enjoying their human rights.

Gender-based violence and discrimination must be combatted in all its forms—whether advanced by governments directly or by non-state actors—regardless of the justification, including when it is justified in the name of religion. We join the Special Rapporteur in calling on all States to fulfill their obligation to protect individuals’ rights to manifest their religion or beliefs, while ensuring that this protection does not impair the equality rights of any member of society. The right to freedom of religion or belief cannot justify imposing harm on others, including by violating the right to gender equality. We are especially concerned that as States increasingly recognize and enforce the equal rights of all people, that equality will be eroded by exemptions and accommodations on the basis of religious beliefs.

The report notes several categories of laws and policies that states must reevaluate where religion has worked to thwart equality rights. In one category, gender-based violence and discrimination can result from explicit laws and policies grounded in religious justifications. Such State-enforced religious laws and policies are not only detrimental to gender equality; they may also be harmful for religious minorities.

In another category of laws, exemptions and accommodations from otherwise neutral laws are granted on the basis of religious beliefs, even where they would harm third-parties. For example, the United States' government, since the election of President Donald Trump, has issued regulations that permit any employer to refuse to offer health insurance coverage for contraceptives, which is otherwise required by law, on the basis of religious objections. The Administration has also expanded exemptions to enable refusals to provide health care services because of religious objections, including to permit an ambulance to refuse to drive a woman in need of an emergency abortion to the hospital. As the Special Rapporteur's report makes clear, this is not what we mean by religious freedom. Some countries have already made advancements in this area by repealing laws that codify gender-based discrimination based in religion, or declining to grant religious exemptions to neutral laws, where the exemptions would harm people based on their sex, gender identity, or sexual orientation. For example, South Africa no longer allows state employees to refuse to marry same-sex couples because of the employee's religious beliefs. And in Canada, religious accommodations must comply with human rights standards, including gender equality.

All members of the United Nations must take seriously their commitment to gender equality, including when doing so requires that the manifestation of religion or belief be limited. We call upon the members of the Human Rights Council to adopt the report's recommendations, and to take concrete measures to protect the equality rights of all women and LGBT+ people, including repealing discriminatory laws and combatting violence against them—no less when the laws or violence are religiously motivated.

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