

ANALYSIS: Twelve False Claims and Harmful Recommendations in the Report of the UN Special Rapporteur on Freedom of Religion or Belief

Background:

A 2020 report of the UN Special Rapporteur of Freedom of Religion or Belief is an unprecedented and egregious assault on people of faith, the major religions of the world, and the sovereignty of nations. Further, it undermines religious freedom provisions in multiple binding treaties and major UN consensus agreements that form the basis of international human rights law. In particular, the report grossly violates international laws that call for the protection of freedom of religion and belief.¹

The Special Rapporteur Ahmed Shaheed’s mandate is to “promote the right to freedom of religion or belief,” yet his report serves to undermine religious freedom and belief in multiple ways. This is illegitimate activism on the part of the UN Special Rapporteur in collusion with other UN Special Rapporteurs, the Office of the High Commissioner for Human Rights, and additional UN entities that are manipulating UN human rights mechanisms to force a view of human rights that stands in opposition to the religious beliefs of the majority of the world’s people.

These violations of religious freedom within the report are violations of the very religious freedoms and rights that the Special Rapporteur is duty bound to protect.

In his report, Mr. Shaheed “welcomes the #Faith4Rights toolkit recently launched by the Office of the High Commissioner for Human Rights,” which lists as its number one commitment, “to stand up and act for everyone’s right to free choices, particularly for everyone’s freedom of thought, conscience, religion or belief.” But then his report goes on to criticize the religious beliefs with which he doesn’t agree including those on abortion, sexual and reproductive rights, and special LGBT+ rights, deeming them incompatible with human rights law.

12 False Claims of the Special Rapporteur on Freedom of Religion or Belief

1. The Rapporteur falsely claims “Legal prohibition of homosexuality” that is justified with “tenets of Islam or Christianity” violate international human rights law. (para 20)
2. The Rapporteur falsely claims laws prohibiting same-sex marriage or that prohibit the “self-determination rights of transgender persons ... in the health system” justified “on religious grounds” also violate international human rights law. (para 22)

[**COMMENT:** “Self-determination rights of transgender persons ... in the health system” is code for rights to government-provided cross-sex hormones and surgeries.]

¹ CRC, ICCPR, ICMW, ICERD.

3. The Rapporteur falsely claims, “partial or total bans on access to abortion,” bans on “gender reassignment surgery,” and limits on “sexuality education” due to the encouragement of “religious figures” violate sexual and reproductive rights. (para 29)
4. The Rapporteur falsely claims laws protecting the unborn from abortion in sub Saharan Africa that are “maintained, in part, owing to pressure from certain religious groups” also violate sexual and reproductive rights. (para 31)
5. The Rapporteur falsely claims (while citing to a nonbinding CEDAW committee conclusion) that a provision in the Philippines constitution requiring the state to “equally protect the life of the mother and the life of the unborn from [the time of] contraception.” constitutes discrimination. (para 32)
6. The Rapporteur falsely claims the actions of Polish “religious interest groups,” which have attempted to define ‘the family’ “according to religiously grounded heterosexual norms” constitutes gender-based violence and discrimination. (para 35)
7. The Rapporteur falsely claims the actions of “religious groups” in Uganda which “have successfully campaigned against the introduction of schoolbooks on sex education” because the “books promoted homosexuality” constitute gender-based violence and discrimination. (para 37)
8. The Rapporteur falsely claims the actions of therapists who provide change therapy for “lesbian, gay, bisexual, trans or gender nonconforming persons” constitutes gender-based violence by non-state actors. (para 42)
9. The Rapporteur falsely claims “conscience clauses” in the laws of Poland, USA, and Kenya that protect health workers from being forced to perform abortions against their religious beliefs constitute discrimination. (para 44)
10. The Rapporteur falsely cites multiple ultra vires and nonbinding human rights committee pronouncements to support his misguided attempt to redefine the term “sex” in binding treaties to encompass sexual orientation and gender identities including “trans status.” (para 64)
11. The Rapporteur falsely claims that in the same way “international law protects the right of persons to exit a religious or belief community,” international law “may also recognize the right of those persons to take part on an equal basis in the process of defining that community.” (para 74)

[**COMMENT:** This statement is absurd. There is no right for individuals to have a say in “defining” the beliefs of a religion or religious community.]

12. The Rapporteur falsely claims States are obligated “to ensure gender equality ... extends beyond the public realm and into areas of religious life,” to prevent discrimination against “sexual or gender identity minorities.” (para 73)

[COMMENT: This redefines “gender equality” (which is part of goal #5 of the UN Sustainable Development Goals) to encompass sexual and gender identity rights for homosexuals and transgender persons, a dangerous precedent indeed.]

The Special Rapporteur’s 5 Harmful Recommendations

1. States must end religious practices that violate “human rights” which according to him encompass LGBT+ “rights.” (para 77v)
2. Countries must “withdraw reservations to core human rights treaties” if they are based on “religious considerations.” (para 77 iii)
3. “States should ensure the right ... to health, including reproductive health, for ... adolescents and LGBT+ persons and effective access to reproductive health services and comprehensive sexuality education, in line with [international standards](#).” (para 77 vi)

[COMMENT: 1) The UN defines “adolescents” to be as young as age 10, therefore this violates the rights of parents to guide the healthcare and sexual education of their children. 2) “Reproductive health services” is a common euphemism for abortion and sterilization services. In the context of transgender persons, it can also include cross-sex hormones and surgeries. 3) The UN’s international standards for “comprehensive sexuality education” encompass 15 harmful elements including unscientific transgender ideology. (See at StopCSE.org.)]

4. Laws “enacted with reference to religious consideration...”:
 - that “criminalize adultery” should be repealed.
 - that regulate behavior based on “actual or perceived sexual orientation or gender identity or expression” should be repealed.
 - that “criminalize abortion in all cases” should be repealed.
5. Member States should develop “human rights education and training for religious leaders” and Mr. Shaheed recommends in this regard the [“#Faith4Rights toolkit”](#) and campaign “launched by the Office of the High Commissioner for Human Rights.” (para 77 xi)

[COMMENT: The following faith “commitments” are just some of the problematic elements within the [“#Faith4Rights toolkit”](#) promoted by the Special Rapporteur:

Faith Commitment I. *“We commit to stand up and act **for everyone’s right to free choices**, particularly for everyone’s freedom of thought, conscience, religion or belief”*

[COMMENT: What choices? Abortion? This is not confined to choices related to religion.]

Faith Commitment III. *“As religions are necessarily subject to human interpretations, we commit to promote constructive engagement on the understanding of religious texts. Consequently, critical thinking and debate on religious matters should not only be tolerated but rather encouraged as a requirement for enlightened religious interpretations in a globalized world composed of increasingly multi-cultural and multi-religious societies that are constantly facing evolving challenges.”*

[**COMMENT:** They want religions to debate their tenets and come up with more “enlightened religious interpretations.”]

Faith Commitment VIII. *“We commit ... to monitor interpretations, determinations or other religious views that manifestly conflict with universal human rights norms and standards, regardless of whether they are pronounced by formal institutions.”*

[**COMMENT:** What will they do if they decide that religious views “conflict with” the UN’s view of “universal human rights norms and standards?” Who decides what those “rights, norms, and standards” encompass? UN treaty body recommendations and comments are notorious for falsely claiming radical sexual and abortion rights are universal and established.

Faith Commitment XII. *“We commit to further refine the curriculums, teaching materials and textbooks wherever some religious interpretations, or the way they are presented, may give rise to the perception of condoning violence or discrimination.”*

[**COMMENT:** What gives anyone the right to revise religious “materials and textbooks” to remove anything someone might consider discriminatory? The major faith world religions often use texts that many nonreligious persons might consider discriminatory, especially in the areas of abortion, gender identity, and sexuality.

For more information and to participate in a campaign to stop this report, go to protectreligiousfreedoms.org.