

**Statement by Ahmed Shaheed,
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FREEDOM OF RELIGION OR BELIEF**

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**Honourable Chair,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,**

It is an honour to present my thematic and country reports to the 43rd session of the Council. The thematic report explores the issues of freedom of religion or belief, non-discrimination and gender equality; in furtherance of the Council's objective to apply a gender perspective to the work of this mandate through the identification of gender-specific abuses in the information collection and reporting process and in recommendations to the Council. My country reports present findings observed during my country visits to the Netherlands and Sri Lanka in 2019.

The thematic report highlights that this year marks the 25th anniversary of the adoption of the Beijing Declaration and Platform of Action and five years since 193 countries signed on to the Sustainable Development Goals (SDGs), which included a pledge to achieve gender equality and leave no one behind. In this regard, my report notes that this past decade has witnessed strident advances in protections for the human rights of women, girls, and lesbian, gay, bisexual and transgender (LGBT+) persons accompanied by a worldwide escalation in challenges to these efforts.

My predecessors devoted much attention to the issue of gender-specific human rights abuses with a relationship to the exercise of religious or other beliefs. This report seeks to build on that work, as well as on the work of other special procedures and treaty bodies to raise awareness about different contexts in which gender-based violence and discrimination grounded in religious justifications persist, whether resulting directly from official laws and policies or carried out by private actors with the explicit or tacit encouragement from State officials.

In doing so, I participated in a series of civil-society led consultations, hosted in countries across all five regions, where faith-based and secular human rights defenders discussed the increasing challenges to advancing the goals set forth by international initiatives to protect freedom of religion or belief, combat gender-based violence and discrimination and advance gender equality. The report before you presents the observations emanating from those discussions and constitute the beginning of a hopefully sustained and fruitful dialogue.

States seeking to confront these challenges have adopted a variety of approaches to uphold their obligation to ensure the freedom to manifest religion or belief, while simultaneously protecting the rights to equality and non-discrimination of all people. Some States have taken important measures aimed at creating conditions in which all members of society are able to exercise their rights on equal footing. Other States have made less effort, instead aligning official laws and policies with religious actors. During this exercise, I also identified situations in which States have restricted gender-discriminatory practices but have done so in such a way as to render the very individuals on whose behalf they purported to act unable to fully enjoy their right to manifest their freedom of religion or belief, alone or in community with others.

Of particular concern in these discussions was the considerable evidence that in all regions of the world, actors citing religious justifications for their actions have advocated to governments and to

the broader public for the preservation or imposition of laws and policies that directly or indirectly discriminate against women, girls and LGBT+ persons. In every region of the world, one can identify laws enacted with the aim of mandating standards of conduct purportedly demanded by a particular religion that effectively deny women and other individuals the right to equality and non-discrimination on the basis of their sex, sexual orientation or gender identity.

My report, asserts, however, that the role of religious groups in perpetuating norms that promote gender inequitable attitudes is complex because religious communities themselves are not monolithic. A multitude of voices exist within religious groups and institutions, including faith-based actors who campaign for the rights of women, girls and LGBT+ persons and work to promote gender equality within their faith. Their work makes clear that religions are not necessarily the source of gender-based discrimination and violence, but that rather, interpretations of those beliefs, which are not protected, per se, and which are not necessarily held by all members of a religious community, are often the source of gender-based violence and discrimination.

Further, laws identified as intended to protect the right of all individuals to manifest their religion or belief have been applied in a manner that has resulted in discrimination in practice on the same bases. Governments in all regions of the world have also fallen short in upholding their obligation to protect people from gender-based violence and discrimination perpetrated against them by private individuals or entities claiming a religious justification for their actions and to sanction the perpetrators of such acts. Gender-based violence and discrimination is being perpetuated both in the public sphere and by and within religious communities and entities.

Honourable Chair,

I now wish to draw attention of the Council to the report before you on my country visit to the Netherlands last year. My report notes that the Netherlands possesses the requisite legal and policy framework for promoting and protecting the enjoyment by all persons of the right to freedom of thought, conscience, and religion or belief, and further that across a variety of indicators, the enjoyment of the right to freedom of religion or belief is a practical reality.

However, politically expedient responses to a diversifying society, together with the equation of secularism with neutrality, pose challenges to the substantial framework already in place to guarantee freedom of religion or belief to all, and highlight the concerns aired by religious communities, including Jewish and Muslim communities, about growing intolerance towards them.

What is refreshing however, is that the Government appears to be quite cognizant and reflective about many of the concerns outlined in my report. The Government's investments in programmes for monitoring, reporting and responding to developments that undermine the equal enjoyment of the right to freedom religion or belief have been extensive and laudable.

Initiatives aimed at addressing these concerns are still works in progress and have not yet generated the desired comprehensive, systematic change within society, but efforts to strengthen the capacity of frontline actors, including the police, social workers, human rights defenders, lawyers, doctors

and teachers, to foster environments where human rights principles can be promoted and respected, should continue to be supported. Many of the measures constitute good practice.

I would like to thank the government, members of various institutions, civil society for engaging with me in a spirit of openness. I would also like to applaud the decision of the government, I believe as a consequence of the visit, to host the 7th meeting of the Istanbul Process in the Hague in November, which breathed new life into an important process launched at a highwater mark for the Council in resolution 16/18 on combating hatred, intolerance and discrimination.

Honourable Chair,

I now turn to document the report of my visit to Sri Lanka in August 2019.

During Easter last year, Sri Lanka suffered an egregious terrorist attack targeting its Christian community and I stand with the Sri Lankan people as they continue to heal and rebuild their lives. During my visit, I was encouraged by the Government's work in strengthening independent institutions and supporting the work at grassroots level by religious leaders to advancing religious harmony and peaceful co-existence. I also congratulate the Human Rights Commission of Sri Lanka that received A-status from the Global Alliance of National Human Rights Institutions for its compliance with the 'Paris Principles' in 2018.

However, I am still concerned by the lack of closure on a number of issues arising from the lengthy ethnic conflict for which the Government had pledged to address at the UN Human Rights Council. While there have been some elementary steps taken, lack of accountability and impunity remains a widespread concern, perpetuating a sense of insecurity among all religious communities. I have observed simmering tensions between the ethno-religious communities.

The legal framework in Sri Lanka guarantees the right to freedom of religion or belief for everyone, in practice there are several challenges to the enjoyment of this right. However, in practice, religious minorities face restrictions in the manifestation of their religion or belief, their places of worship are desecrated while their religious activities such as worship sessions are disrupted by locals and the authorities. Non-Roman Catholic Christians are also exposed to numerous incidents of violent attack due to a suspicion of 'unethical conversion' and limitations on their right to proselytize. Similarly, there are aggressive campaigns by militant nationalist and religious groups against ethnic, religious and other minorities, particularly the Muslims.

I have also analysed the root causes of religious intolerance and tensions in Sri Lanka. There is an urgent need to address the politicization of ethnic and religious identity, religious extremism including those instigated by nationalist sentiments, and hate speech. Moreover, the Government must tackle the culture of impunity and uphold the rule of law and accountability.

I have followed closely the recent development in the country and I have heard of shrinking space for the civil society including certain religious communities. Any measures taken by the Government to restrict any freedom must meet the criteria of proportionality, legality and necessity.

I urge the Government to take concrete steps to address all the identified root causes of religious intolerance and tensions and to promote trust and reconciliation among different ethnic and religious communities in Sri Lanka. I would recommend to draw on the action plan in Human Rights Council Resolution 16/18, and Beirut Declaration and its 18 Commitments on “Faith for Rights”, in activities designed to promote inter-religious dialogue and foster diversity.