

Conference Summary:

Freedom of Religion and Belief and Sexuality



Organized by the United Nations Special Rapporteur on Freedom of Religion or Belief and Muslims for Progressive Values

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The Director of Thematic Engagement, Special Procedures and Right to Development Division of the United Nations Office of the High Commissioner for Human Rights, Peggy Hicks; and
The United Nations Deputy High Commissioner for Human Rights, Kate Gilmore.

The United Nations Special Rapporteur on Freedom of Religion

or Belief is an independent expert appointed by the United Nations (UN) Human Rights Council. The mandate holder has been invited to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles. The Special Rapporteur has been mandated through Human Rights Council resolution 6/37:

- To promote the adoption of measures at the national, regional and international levels to ensure the promotion and protection of the right to freedom of religion or belief;
- To identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles;
- To continue her/his efforts to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate;
- To continue to apply a gender perspective, inter alia, through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations.

Muslims for Progressive Values (MPV) is a faith-based, grassroots, human rights organization that embodies and advocates for the traditional Qur'anic values of social justice and equality for all, for the 21st Century.

At the grassroots level, MPV establishes and nurtures vibrant progressive Muslim communities. We do this by creating opportunities for religious discourse, volunteer and community activities, and cultural events bringing together the arts, spirituality and social activism.

At the UN, through shadow reports and forums, MPV challenges Muslim-majority countries of their human rights abuses in the guise of Sharia law as un-Islamic debunking each claim, point by point with Islamic language that affirms human rights for all.

Since its inception in 2007, MPV's expansion includes chapters and affiliates in 12 countries and 19 cities, with consultative status at the United Nations.

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¹*Recapturing A Holistic Understanding of Human Rights* is based on the concept note of the Conference, which was written and developed by the Office of the Special Rapporteur on Freedom of Religion or Belief.

I. Conference Overview

Day 1: 8 June 2016

- Introduction
- **Session I: Identifying main challenges**
 - Mapping the landscape from legal perspectives - Part 1
 - Mapping the landscape from legal perspectives - Part 2
 - The role of religious traditions and their interpreters

Day 2: 9 June 2016

- Experiences of discrimination in the intersection of religion/belief and sexuality
- **Session II: Regional, religious and cultural specificities**
 - Overcoming authoritarian readings of holy books
 - Capitalizing on the traditional acceptance of transgender in some societies?
 - Group Work
 - Lessons (to be) learned: examples from different regions

Day 3: 10 June 2016

- **Session III: Exploring synergies and forging alliances**
 - Using FORB for opening up religious traditions? Systematic observations
 - Synergies between FORB and SOGIE: forging new alliances
- **Public event: “Freedom of Religion or Belief and Sexuality: a Conversation”**
 - Part 1 Conversation with representatives of civil society
 - Part 2 Conversations with United Nations experts



II. Exploring The Relationship Between Human Rights Issues Related To The Area Of Sexuality And Freedom Of Religion Or Belief

On 8-10 June 2016, the UN Special Rapporteur on Freedom of Religion and Belief Dr. Heiner Bielefeldt, in partnership with Muslims for Progressive Values, held a three-day private conference and public event on freedom of religion and belief and sexuality. The conference sought to: a) identify patterns of intersectional and compound forms of discrimination that certain demographics face on the basis of religious expression and sexual orientation and gender identity; b) examine conflicts and modes of resistance that emerge within the nexus of the right to freedom of religion or belief and rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons; c) explore the range of initiatives that have been taken to address discrimination or violence in the name of religion committed against those who express nonconforming religious, sexual, and gender identities; and finally, d) discover new synergies and encouraging examples that can be replicated to strengthen cooperation among various actors.

“This will be for me the most fascinating conference that I have ever attended”

III. Recapturing A Holistic Understanding Of Human Rights

Human rights and respect for diversity are inextricably linked. Respect for diversity ultimately originates from the due recognition of every human being’s inherent dignity, which underpins human

rights norms and standards. Unfortunately, in some contexts, religious diversity and sexuality² are not always perceived as harmonious. In some religious communities, a narrow understanding of legitimate expressions of sexuality continues to prevail. Attempts to recognize and respect the existing diversity of sexual orientations, and gender identities and expressions (SOGIE) have thus caused bitter political and legal conflicts with some representatives of religious communities. In such conflicts, all stakeholders have invoked human rights. This in turn has led to the misperception that freedom of religion or belief on the one hand and rights of LGBTI persons on the other represent disconnected or even contradictory human rights aspirations.

Such an antagonistic perception undermines the insight formulated in the Vienna World Conference (1993) that “all human rights are universal, indivisible, interrelated and interdependent”. Giving up that holistic idea would lead to an increasing fragmentation within the human rights agenda. As a result, we might be left with a set of disconnected human rights norms, from which the various ideological or political camps could pick what suits them and ignore the rest. Even more dangerously, anyone could decide to exclude specific groups, such as religious, ethnic, or other minorities from the protection of universal human rights—evident in the many tragic events that we witness in today’s world. This would erode any attempts at pursuing a consistent, coherent, and truly universal human rights agenda. At a more practical level, antagonistic constructions of the various human rights norms allegedly opposed to each other would tear apart the lifeworld of all those human beings—indeed many millions of people—who wish to experience respect both for their religious identities and for the expressions of their sexuality.

²Sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious and spiritual factors. (Working definition by the World Health Organization (WHO) from a 2006 report titled “*Defining sexual health: report of a technical consultation on sexual health, 28–31 January 2002, Geneva.*” Retrieved from: http://www.who.int/reproductivehealth/publications/sexual_health/defining_sexual_health.pdf?ua=1 [accessed Oct. 2016]).

Throughout the conference, participants used various terms and acronyms to describe experiences of sexuality, including by sexual and gender minorities. These terms and acronyms include queer, LGBT, LGBTI, LGBTIQ, SOGI, SOGIE, homosexuality, homosexual, and others. The use of certain terms or acronyms over others may be perceived as inconsistent while reading. However, to capture the contributions of all the participants as authentically as possible, the summary purposely includes the variety of terms and acronyms in the way they were used by the participants themselves.

The conference considered issues such as the misunderstanding of freedom of religion or belief and sexuality, violence in the name of religion against individuals based on their SOGIE, expression of sexuality in public religious life, conscientious objections of public or civil servants, discrimination in employment or religious roles, and access to public facilities and venues. The conference also examined regional approaches and cultural interpretation of sexuality, including higher levels of acceptance of certain gender identities in comparison to certain sexual orientations, or more cultural or religious tolerance of sexual and gender diversity compared to others, and the coping mechanisms developed or the innovative strategy employed in overcoming stigmatization or discrimination.

Without ignoring existing obstacles and controversies, the idea of the Conference was to overcome the misperception of an abstract normative dichotomy and to identify possible synergies between commitments on behalf of freedom of religion or belief and rights for LGBTI persons by for instance encouraging innovative theological interpretations of religious sources and traditions.

With the exception of the public panel discussion, the meeting was kept private in order to provide a safe space for personal narratives and intellectual exploration.

IV. Opening The Door For New Conversations At A Global Stage

Convening about 70 participants from around the world, including UN staff, faith leaders, academics, lawyers, human rights activists, and diplomats attending in their personal capacity, the conference began with opening remarks from Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief, MPV's Ani Zonneveld, and Peggy Hicks, the Director of Thematic Engagement, Special Procedures and Right to Development Division of the Office of the High Commissioner for Human Rights (OHCHR).

Deemed as “a colourful congregation in every sense of the word”, it was the first time experts were brought together at the UN to engage in an in-depth dialogue on the nexus between sexuality and freedom of religion and belief, while examining these issues through a perspective that is grounded in human rights principles. Noting the severity of the issues at hand, it was stressed that attempts to recognize and respect the diversity of SOGIE have caused political and legal conflicts in some religious communities. In addition, it was highlighted that violence against LGBTI people often finds roots in discriminatory laws and practices that are influenced, if not based on, religious interpretations and traditions.



V. Identifying Main Challenges: Mapping the Legal Landscape

Various legal landscapes were explored in the effort to identify the main challenges that undermine the full and equal enjoyment of religious freedom and sexuality, the first of which being the American legal landscape. Particular attention was paid to lessons learned from the Utah Compromise, which sought to protect religious rights and ban discrimination against LGBTI persons in housing and employment sectors. Following the mapping of American challenges in balancing faith and sexuality, European legal landscapes were explored. The focus was on recent trends in the adjudication of European Supranational Courts (the European Court

of Justice and the European Court of Human Rights) on the persecution of religious minorities and LGBTI persons under asylum law. The European Supranational Courts have heard such asylum cases and have consistently applied the same legal tools to cases of religious minorities and LGBTI persons, invoking Article 3 of the European Convention on Human Rights, which is a non-derogable right. The Courts have also noted the importance of non-governmental organization (NGO) reports in providing the Courts with evidence of human rights abuses in assessing cases of persecution. It was concluded that regardless of the basis of persecution, be it religion or sexual orientation, asylum seekers should be fully protected of their human rights and freedom to express their identities.

“If you are only able to change the legal landscape without changing the political or cultural landscape, the result will not last”

Questions raised throughout the conference:

- What really changed with the arrival of the Utah Compromise for LGBTI people?
- Why has Utah been a particularly successful case for the compromise? Can this be applied elsewhere?
- How has the issue of atheists been reflected in the Courts' jurisprudence?
- Are there any challenges to religious minority and LGBTI minority asylum cases?

Religious freedom and sexuality rights, particularly those concerning SOGIE, are often deemed to be clashing sets of rights. For this reason, practical solutions were explored in overcoming this abstract dichotomy through the lens of international human rights law, emphasizing principles of non-discrimination, neutrality and impartiality, respect for others to believe, pluralism and tolerance, institutional and personal autonomy, proportionality, and legality. The principle of proportionality involves

a balancing exercise of rights, which is not a zero-sum game and requires understanding on both sides given that there is no hierarchy of rights. Suffice to say that when negotiating differences and resolving apparent clashes, reciprocity, mutual respect, compromise, and mediation are essential.

Questions raised throughout the conference:

- Can you locate where Islamic Law is? How can we change Islamic Law?
- If you have traditions, norms and cultures over a very long time that are established, do they not become law?
- What is law?
- What is the historiography of religion?
- If I talk about sexuality, where is the law in [Islamic Law] and how am I going to change it? Is there a mechanism provided?

In discussing sexuality and the myth of Islamic law as divine and static, the concept of Islamic Law as a source of jurisprudence was debated and challenged with questions posed: “Can you locate where Islamic law is? Where is Islamic law? How can we change Islamic law?”

In the effort to locate and interrogate sources of Islamic law, it was purported that Islamic law could never be monolithic due to the fact that divine jurisprudence sourced from the Qur'an is interpreted by jurists belonging to different schools of Islamic thought, which are often times ideologically conflicting along sectarian fault lines. Other ubiquitously cited sources of Islamic law, such as the Sunnah and hadith, are so fraught in terms of authenticity and legitimacy that they should never inform jurisprudence. Moreover, these sets of Islamic texts were never intended to inform jurisprudence simply by virtue of their function—which was to provide first and third party accounts of the Prophet's life—and because they lack any legislative character.

The problems associated with purportedly divine jurisprudence in regards to sexuality was examined: since the Qur'an does not explicitly mention homosexuality in terms of jurisprudence, and positivist interpretations of jurisprudence are drawn from sources that do not inherently stipulate provisions for adjudication or abide by any legal framework, how can contemporary bodies of jurisprudence in regards to sexuality be considered Islamic or even legal? It was concluded that "Islamic law" cannot be located and that any system of Sharia law is positivist and political in nature—a secular product disguised as divine jurisprudence.

The argument put forward in conclusion was that Islamic Law per se does not exist—while the sources of Islam, like the Qur'an and the Hadith, can serve as inspiration.

“The revisiting and the careful rethinking about the inter-relatedness, interdependence and indivisibility of human rights and their foundations, have become urgent in light of the deep differences of opinions in reference to human sexuality, both in secular society and in the religious world”

VI. Identifying Main Challenges: The Role of Religious Traditions and Their Interpreters

After looking at legal interpretations, the conference shifted to examine the role of religious traditions and their interpreters, highlighting experiences within United Methodist and Lutheran denominations, Islam, and Buddhism. Among Lutheran churches there exists a division in positions on homosexuality, ranging from ordaining homosexual pastors to recognizing same-sex marriages. Others are completely opposed to same-sex marriages, while some do not address homosexuality at all.

“Homophobia has no place in a world that seeks to be humane.”

In presenting Islam as a discursive tradition, the authority within Islam and the politics of interpretation were examined. The process of pronouncing legal norms, *fatwas*, was explained and it was argued that they must fit in the conceptual and methodological framework within Islamic jurisprudence. It was also argued that the *fatwa* institution is a key institution within the field of Islamic Law as a mechanism for development and change. While there is a power balance between *muftis*, authority plays out differently in the public and private sphere, meaning that Islamic experts may be very solution-oriented when they are spoken to privately. It was proposed that in order to reconcile issues of freedom of religion and belief and homosexuality within Islam, questions need to be formulated through a cross-disciplinary approach, including gender discourses within Islamic history and sexuality.

Since the early days in Buddhism, there has been much tolerance for sexual diversity. Homonegativity in the Buddha's teachings does not exist, instead, there was a demand for equality and respect, highlighting that the Dalai Lama himself has stressed that human rights should be provisioned for all and that if certain traditions violate human rights, including Buddhist traditions, the traditions should change. Nevertheless, over the centuries, there have been monks who have developed negative attitudes to everyone but themselves, resulting in questionable theories about sexuality. These theories have mostly been re-examined in the 20th and 21st century with Buddhists in the West and East endorsing both secular and religious same-sex marriage.

“Looking at the whole history of Buddhism, the notion that religious attitudes have been monolithically against gay rights is just false”

Current multifaceted perspectives from Christian traditions were shared in another presentation. It was explained that there is a wide spectrum of opinions among Christians on what is legitimate in human sexuality from a moral point of view. These opinions are mostly based on how different Christian denominations interpret the Bible. It was highlighted that there are a variety of opinions and often deep-seated convictions on the issue of human sexuality, but there is no normative consensus or unanimous informed decision within Christianity on sexuality, masculinity, femininity, or gender identity.

“The issue isn’t so much about human sexuality, but it’s about how you read the bible and how we understand these sacred texts that are more than two thousand years old, and how we understand these terms that were said so long ago in light of today’s issues and problems”

It was argued that a secular framework “allows for the immediate erosion of the reign of preferential treatment and discrimination against minorities” and for that reason, there is a need for the separation of church and state to allow people with various opinions to coexist in respect of their differences. A normative consensus was called on banning violence against people based on their SOGIE, to help move “the human family forward beyond conflict and fighting.”

Questions raised throughout the conference:

- Prior to the colonization of Africa or the Muslim world, there was no criminalization of LGBT people? And if so, this criminalization is new?
- How do we get consensus among religious authorities?
- What is the rule for human rights informed interpretation of religion today?
- Can people of same-sex orientations be denied the prerogatives intrinsic to their human dignity?

“Let the conversation continue then, especially at a platform such as this one, the United Nations, where the consensus of what is human and humane and what are the rights and what is right for all is sought in order to hold the human family together”

VII. Identifying Main Challenges: Experiences of Discrimination in the Intersection of Religion/Belief and Sexuality

In exploring experiences of discrimination at the intersection of religion or belief and sexuality, personal reflections on the intersection of Islamophobia and homophobia and on the meaning of true equality for LGBT people were shared. In regards to the intersection of homophobia and Islamophobia, it was asserted that there is a triangulation between Western civilizations, gay rights, and Muslim populations, shedding light on how acceptance of gay rights is used as an integration test within countries of the West and how attitudes within Muslim communities on sexual diversity and gender identity are less progressive. As such, it was suggested that when engaging Muslim groups and Muslim populations on the issue of sexual diversity, it is crucial to take into consideration the intersection of Islamophobia, so that Muslims are not “othered” or scrutinized on their stance in such a way that it solicits a defensive reaction from Muslims. This is arguably important because Muslim communities and governments need to participate in the debate on LGBTI rights from an affirming position, recognizing Islamic traditions and contributions to gender and sexual diversity. It was stressed that to challenge the triangulation of the issues at stake, it is also important to make visible the existence of various queer Muslims, and as a result, Muslims’ sexual diversity, while bearing in mind that Muslims experience more difficulty coming out as a result of possible discrimination and backlash within their communities.

“We are reminded again and again and we try to remind governments again and again that we are not talking about a concept. We are not talking about a philosophical position. We are not talking about an academic structure. We are talking about individual human beings and individual human beings are those who are receiving violence and discrimination on the basis of their sexual orientation, their gender identity, their gender expression and in the case of intersex persons, also their sex characteristics.”

It was further explored what true equality for LGBT people means, examining comparable treatment of religion and sexuality under the law. Key pillars to full equality for LGBT people in the legal structure include: 1) health and safety, 2) access to relationship recognition, and 3) non-discrimination, which includes a broad array of protections in every area of life. While there are hate crime laws and there is full relationship recognition in the United States, LGBT people continue to experience numerous forms of discrimination. This was illustrated in cases where a funeral parlour refused to bury a gay man due to conscientious objections, when a bakery refused to service a gay couple with a wedding cake, and when religious institutions requested exemptions from the Federal Government to discriminate against transgender students. While tackling non-discrimination, it was argued that it is key to be principled: 1) to ensure that LGBT people are treated identically to everyone under the law and that there are no special exemptions for LGBT people, 2) to be inclusive of the rights of transgender people, and 3) to never undermine the rights of other communities to secure LGBT rights. Issues of internalized homophobia and transphobia were raised and the need to address the various experiences of discrimination from a human perspective, not just a legal perspective was repeatedly stressed.



“My boyfriend and I were walking down the street [when] a group of young guys [called] us bad names and it [was] very derogative, because they know we are gay and a gay couple. After that, just only after five minutes, we ended up in a gay [area], you know, like a safe haven – you have to create these safe havens as well. I think Michel Foucault talks about this a lot. Then, we were walking down the [street], and queers [began] shouting at us, obviously drunk. They were shouting at us like: “Is it OK for us to see the monkeys on the street?!”. [They were] obviously referring to our skin colour, especially of my boyfriend. And then after that, we went to a club for [coloured] queers and then I got questioned, [with] a supposedly very “friendly” remark from a black guy referring to his boyfriend with a derogatory word for “Surinamese” people. So in just half an hour or one hour, we faced so many levels and layers of discrimination. I use this example to illustrate what kind of discrimination we face on the streets and communities in so-called safe spaces in a liberal country.”

“In a sense, you need to be public if you are going to ask for rights or equality, or to change laws or to have anti--discrimination laws and that’s not necessarily the route or the path that everyone can take. And not all cultures can be open to that”

cultural affiliation and values. In addition, there are various layers of intersectional discrimination that European queer Muslims face: within society at large, within the LGBT community, and within the immigrant community, and even within areas deemed as “safe spaces”. Moreover, it was explained that the media, political groups, and ex-Muslim organizations have exacerbated the alleged polarization between queers and Muslims.

Questions raised throughout the conference:

- Is it possible for us, and here specifically for gay groups and groups who are supporting LGBT rights, to work on ways in which we are combatting Islamophobia and homophobia - together as an intersection - and contributing to making Muslim communities feel confident and secure, not defensive and reactionary?
- Can we render queer Muslims more visible?
- Are there any instances where Muslims and gay groups have managed to stand by each other for better protection?
- Is there any advice for gay, queer and lesbian communities who want to express their identity without becoming a clear target for systematic violence and discrimination?
- Where does the limit of freedom of religion go? And where does the limit of LGBT rights go?
- Are we only talking about legal rights? What about the real existential questions that you have to deal with?
- Do you see any chances for dialogue for the Catholic Church on the institutional level?
- Can religious institutions be compelled to prevent discrimination?

“My Church needs a Stonewall Revolution for open dialogue and open study”

In terms of discrimination in the Catholic Church, three areas were identified, namely: 1) mentality and stereotyping; 2) Church doctrine, which is imposed on all Catholics, and; 3) discriminatory clerical practices against homosexuals. It was claimed that homophobia was institutionalized and promoted by the Office of Joseph Ratzinger, who later became Pope Benedict XVI, producing doctrinal texts against new thoughts and interpretations on sexual diversity. In addition, it was argued that there was a lack of accurate understanding of the definition of homosexuality within the Catholic Church and most theologians are discouraged from studying homosexuality and the experiences of gay people. The Catholic Church was urged to reflect on and reopen discussions on its position on homosexuality.

“The vast majority of people can agree that there is something that is highly problematic about committing physical violence against LGBT people based on who they are, so it has been a great entry point for us”

“One of the challenges with the coming out process is that it has to be safe to come out. There are many LGBTI people that would love to tell their stories and engage, but if you risk being thrown in jail or even being killed, which is what happens in a number of countries, it is very difficult to go up and tell your story. We know that it changes hearts and minds, but it is a balance between personal safety and changing the system. It does, however, work in ways that are sometimes almost unbelievable”

In exploring the experiences of European queer Muslims, it was highlighted that there is great diversity within the community in terms of religiosity,

VIII. Regional, Religious and Cultural Specificities: Overcoming Authoritarian Readings of Holy Books

After a dynamic discussion on experiences of discrimination and the “messiness of intersectionality”, a snapshot of how the Church of Norway and Islamic scholars have been reinterpreting scriptural texts in relation to positions on sexuality was provided.

“When we defend minorities, we defend all of humanity, we defend also the majority. When we defend the rights of minorities, we defend everybody”

In regards to the Church of Norway, it was explained that there has been a 180-degree turnaround from 1954 to the present day concerning the Church’s position on homosexuality. Such shift in its stance occurred as a result of society-wide discussions in Norway and the overall secularization³ of society. It was underlined that the shift from Church of Norway bishops referring to homosexuality as “a perversion” to the recent recognition of same-sex marriage and of access for homosexual and lesbian persons to clerical positions has been reached by competent ecclesiastical organs and standard procedures of the Church of Norway.

“It is impossible that God approves of any law or interpretation of the text that implies discrimination based on sexual orientation and gender identity”

Another initiative in overcoming authoritarian readings of holy books was shared. The “Justice Project”, which is rooted in an Islamic theoretical framework, is one among several approaches addressing the issue of and resistance held by some members of the Organization of Islamic Cooperation (OIC) against sexual and gender minorities. The “Justice Project” is based on two

principles, namely the principles of priority and justice. The priority principle, sourced from Ibn Rushd, stipulates that truth, more specifically the truth revealed by demonstrating reasoning and the truth revealed by God in the Qur’an cannot conflict, and if so the revealed truth needs to be reinterpreted. The justice principle, which finds its origins with the Mu’tazilites, stipulates that God by virtue is just and that “it is impossible for God to command anything that violates the requirement of justice.” Through this theoretical framework of the “Justice Project”, Islamic scholars are advocating for social justice addressing different types of discrimination, including on the basis of SOGIE, while challenging the literalist interpretations and domination of the Hadith over the Qur’an and “Sufi anti-rationalism” in Islamic tradition. The speaker concluded that, based on this theoretical framework, all human beings must be treated equally, unless there is a morally sufficient reason to do otherwise and that there is no morally sufficient reason to discriminate against demographics on the basis of SOGIE.

Questions raised throughout the conference:

- How do you come to the objectivity of reason?
- How is reason, your interpretation of reason, justified and how does it counteract those who say that there has to be an exception, that we have to discriminate because the Qur’an and the Hadith actually excludes these people?

IX. Regional, Religious and Cultural Specificities: Capitalizing on the Traditional Acceptance of Transgender in Some Societies?

After learning about two different approaches in overcoming authoritarian readings of holy books, the conference looked into diverse experiences of transgender identities in South Asia and the Pacific Region.

³In this context, secularization is defined as a form of governance, which includes the separation of state and religion.

Experiences as a *Leiti*⁴ in Tonga were shared. Leitis are often described and stereotyped as vulnerable, stigmatized, and lacking agency, leading a life that ends in poverty and isolation. There is a lack of awareness of their active agency and of how they have contributed to Tongan society in diverse ways. The Tongan Leiti Association works to develop and nurture the distinctive talents of Leitis, while making them feel safe and giving them a sense of belonging in the community. After sharing personal accounts of discrimination within a church setting, the speaker highlighted the need to create appropriate social and cultural environments where the community and individuals feel free to choose their religion and to address and have a dialogue about individual and collective issues in a professional and culturally appropriate manner.

“We are only known to be chefs, hairdressers, cleaners, making people laugh, but when it comes to decision-making, we are nowhere to be seen”

In another presentation, it was demonstrated that homosexuality and transgenderism exist in Hinduism evidenced by the portrayed images of transgender deities, and religious tales of transgender beings. It was therefore argued that there is little truth that homosexuality and transgenderism are brought from Western culture. For example, in Nepal, there is the Maruni culture, which involves men performing dances in female attire. Across South Asia, including in India, Bangladesh, Pakistan, to Nepal, the *hijra*⁵ community is visible and to a degree embedded within society. Other evidence of homosexuality and transgenderism includes the Gai Jatra festival in Nepal and the erotic symbols of homosexuality in sculptures and temples in India. In terms of legislation, the Nepali Constitution addresses and recognizes the rights of sexual and gender minorities. SOGIE issues in Nepal are also explored in primary and middle school curricula. Government identity cards, including passports, provide the option for three gender identities.

“People always blame us that homosexuality and transgenderism is brought from the Western culture. This is not true”

The decriminalization of the *hijra* identity in Bangladesh was also discussed. The recognition of *hijras* as a third gender was one of the results of the policy initiatives of an NGO alongside the Government and other stakeholders. The Government has implemented various initiatives to support the wellbeing of the *hijra* community, including budgetary provisions by the Ministry of Social Welfare. In addition, banks in Bangladesh have provided interest-free loans, facilitating access to education and capacity building to start businesses. In terms of the overall status of LGBT rights in Bangladesh, civil society actors are working alongside the Human Rights Commission and the Law Commission to address discriminatory laws. Nevertheless, there remains a significant level of stigma and discrimination against sexual minorities, and suicide rates among the *hijra* population is very high. Another pressing issue raised was the increasing level of religious fundamentalism.

“Some hijra people like to be the third gender, but some people don’t want this. They want to be either female or male”

Questions raised throughout the conference:

- What do you see as some of the advantages of adopting a third gender approach?
- Are there any religious communities, particularly Muslim groups in Bangladesh, supporting gay men perceived to be atheists?

“We also have to remember that issues of discrimination intersect in many different ways and that no one is free when there are people that are oppressed”

⁴Hijra is a term used in South Asia to refer to trans women (male-to-female transgender individuals).

⁵Leiti is the word used for trans/LGBTQ in Tonga.

X. Group Sessions: Overcoming Stereotypes and Winning the Majority

After a series of presentations and plenary discussions, the participants were divided into five groups and each group was tasked to think about how to overcome and reconcile stereotypes, and how to sway the majority about sexual diversity and religious freedom. The challenge presented to the participants was to creatively examine issues related to the intersection of human sexuality and faith, while drawing on good practices and lived experiences. After intense group sessions, all of the groups returned at the plenary and shared their ideas with the rest of the participants.



“The human rights approach to religion is not promoting religions in themselves or religious values, but empowering human beings in that sphere - in that broad sphere of religious diversity, belief diversity, convictions, but also practices”

Outcome of Group Sessions

In overcoming stereotypes and winning the majority:

- There are two fundamental concepts to bear in mind, which includes the ideas of i) the human family and humanity, and ii) human expression;
- The ideal model of governance involves the separation of religion and state;
- The invisible or the oppressed need to be made visible and issues need to be heard;
- Structural barriers preventing individuals from being seen and heard need to be broken down;
- Individuals and groups whose rights are already secured have the responsibility to support and sometimes even initiate dialogue on problematic issues and rights;

- Dialogue between conflicting groups should be encouraged and facilitated;
- It is important to speak in broad terms at times while engaging in contentious dialogue, going beyond the LGBTIQI nomenclature to address human sexuality, and addressing freedom of religion and belief as a broader freedom to also include expression.
- When advocating for rights, inclusive and accessible language needs to be utilized.

Outcome of Group Sessions

In overcoming stereotypes and winning the majority:

- Freedom of expression should be protected to combat stereotypes and normativity.
- One set of rights should not undermine another set of rights;
- Cross-cultural encounters should be encouraged to expose people to differences;
- Diverse identities should be nurtured and celebrated;
- Solutions need to come from within communities and be locally owned, not imported;
- Common ground can be discovered and bridges can be built between conflicting groups through shared activities;



- Activities such as scholarly research, education on sexuality, lobbying for universal human rights, storytelling of experiences, and arts and media engagement can be undertaken;
- It is vital to build trust with religious and community leaders and to engage them meaningfully in activities and norm setting.

“People should be given an opportunity to be exposed to the variety and richness of the whole human family, because rejecting any member of the human family is a disguised rejection of the whole of humanity”

“All majorities have started out as minorities. All majorities in certain places are minorities elsewhere. All majorities can rather quickly become minorities”

XI. Regional, Religious and Cultural Specificities: Lessons (to be) Learned: Examples from Different Regions

“There is a certainly a clash over the interpretation of freedom of religion and belief”

Following the group sessions, the conference proceeded with discussions on best practices in dealing with the intersection of freedom of religion and belief and sexuality from different regions, namely Asia and the Pacific, Africa and Eastern Europe.

“According to religion, hermaphrodites, in the old days or in the pagan days, were almost gods or at least the children of God, and are deistic in many of the non-Abrahamic religions found in Asia”

On lessons learned from Asia and the Pacific, it was shared that while there are interpretations of religions that indeed conflict with the diversity of sexuality, other factors have also contributed to the discrimination of sexual and gender minorities in the region, such as non-religious laws (like Article 377 of the penal code of former British colonies) and court rulings and pathologization of sexuality. In some countries, there is a fragmentation in the protection of SOGIE rights, including in Pakistan and India where transgender rights are secured, but homosexual acts are criminalized. Meanwhile, the rights of intersex people are largely neglected in Asia-Pacific regional discourses on sexual diversity. It was also noted that from a human rights perspective, sexual relations between two consenting adults should be a matter protected by the right to privacy. Lastly, the recommendations provided a call for i) the removal of laws criminalizing gender diversity—religious or otherwise; ii) the recognition of transgender status so that individuals are able to obtain ID cards

without gender reassignment surgery; iii) the eradication of stigmatization through education; and iv) the elimination of violence against sexual and gender minorities.

“Bear in mind that for most of us, who are within the framework of LGBTI, we would claim just ‘to be’, rather than ‘to conduct’ or ‘to act’. You can’t change those who ‘be’. You might change ‘conduct’, but you can’t change the state of ‘being’”

From the continent of Africa, it was highlighted first and foremost that homosexuality existed prior to the colonization of Africa by Europeans as evidenced by words and phrases that refer to homosexuality in various African languages. It was explained that the rights of LGBTI peoples remain extremely controversial across the continent. This is exacerbated primarily by the rise of evangelicalism in sub-Saharan Africa, which receives much support from right-wing conservative movements in the United States. Although there are some small gains for LGBTI demographics in places like Uganda (like pride parades and sensitization programmes for police officers), discrimination against homosexuals is still widespread—largely as a result of anti-gay rhetoric in newspapers and homophobic sermons by pastors. It was asserted that “the fight for LGBT rights must be situated in a broader campaign for human rights and civil liberties.”

“The homophobic parts of Uganda have successfully painted the fight against homosexuality as a fight against Western values and neo-colonialism”

Questions raised throughout the conference:

- All religions are subject to interpretation in their diversity; why not exercise the freedom to choose the most humane approach?
- How do we ensure accountability of government authorities?

“The debate against homosexuality in Africa has served some good. It is that, which has forced the debate out of the closet and into the open. It was taboo to even talk about it anywhere”

Widespread stigma against LGBT people in Eastern Europe persists, including Romania, where LGBT people are “treated as sexually dissident people, without any values and somehow as dangerous people, able and eager to destroy national values and local religious traditions and cultures.” In Eastern Europe, a palpable and serious clash between freedom of religion and so-called Western values has manifest. Pushing back against the “traditional values” movement, LGBT activists highlight that they are people of faith as well, and that significant amount of common values are shared between the two sides. Nevertheless, it was noted that any legislation protecting LGBT rights is considered to endanger freedom of religion and is deemed to be against local traditions. Nonetheless, it is worth noting that there are several positive developments, including an initiative to disseminate educational tools to raise awareness in conservative communities about SOGIE and a campaign to collaborate with religious leaders in saying no to homophobia.

“Freedom of religion and belief can never be used to demonize people as having no values, as being immoral”

Experiences from Latin America, Africa, and Asia were shared in regards to the level of protection provisioned to LGBT demographics in their regions. Several points made emphasized the need to indigenize the fight for LGBT rights by mobilizing local actors, but also emphasized the utilization of regional human rights instruments. Furthermore, to counter the discourse that homosexuality has either been imported by countries or exported by the West, participants shared the need to reclaim historical narratives.

“In Latin America there are important developments and progress, not only with LGBT issues but also on sexual reproductive health and rights issues. This is also important, because sexuality is not only about LGBTI people; straight people also have sexuality”



XII. Exploring Synergies and Forging Alliances: Using FORB for Opening up Religious Traditions? Systematic Observations

In exploring how freedom of religion and belief could be used in opening up religious traditions, three dynamic instances were highlighted as a key thematic issue throughout the mandate of the UN Special Rapporteur on Freedom of Religion and Belief. In a 2006 thematic report that dealt with the situation of women in the context of freedom of religion and belief, the then Special Rapporteur had praised the stance of religious leaders who in 2006 condemned female genital mutilation and cutting. The second example exemplified the Special Rapporteur’s note that there is no hierarchy in human rights following a case in the United Kingdom in 2007 in which Christian adoption agencies claimed that they were being discriminated against for not being able to prevent LGBT individuals from

adopting. In a third example, the Special Rapporteur had noted that states should not impose doctrines on religious communities and that religious autonomy should be fully guaranteed and respected. It was also highlighted that the UN Secretary General underscored the importance of interacting and engaging with religious leaders in efforts to prevent violent extremism in a report he released in early 2016.

“Individuals themselves on a daily basis negotiate conscience related claims”

While reflecting on and examining recent trends and possibilities of adapting religious traditions to current lived realities, it was also necessary to look into mitigating claims made on the basis of freedom of religion. While religious liberty claims in the past were predicated on the prohibition of discrimination and on reasonable accommodation, current claims encompass how the inaction or action of someone else causes the believer to feel uncomfortable in such a way that it is believed a sin has been committed. Such claims have been referred to as “complicity-based conscience claims.” Litigation, in the last decade, which was previously held as a measure of last resort, has become the primary means of negotiating religious liberty claims. When people feel that their religious identity is threatened they are triggered to ostensibly display that identity. It was further asserted that using litigation as a primary tool has transformed the manner in which religious liberties are argued in court. It was also argued that litigation is not the most appropriate measure to undertake when negotiating conscience claims given that there is a tendency to essentialize these claims. As such, they are often misrepresented and possibilities for conversations and the exploration of synergies are undermined.

“Intersectionality is an academic term used to describe the messiness of human life”

“Human life usually takes place at the intersectionality of human rights claims”

On whether freedom of religion and belief can be used as an entry point to engage religious traditions in the Arab Region, it seemed like this is currently not possible. The structural shifts that are needed in order for religious freedom to flourish within the Region were explored. Citing three theoretical frameworks, namely the Wilber Framework, the Spiral Dynamic, and the Conscious Full-Spectrum Approach, it was argued that freedom of religion and belief cannot currently be realized in the Arab Region given that the countries have not yet fully embraced secularism. One of the problems identified was that since the majority of the international community’s time, energy, and funding are focused heavily on modifying laws, little attention is given to personal and social norms and values, traditions, and beliefs. Using the Spiral Dynamic model, although the concept of “freedom of religion” may exist at the state level in Arab countries, this should not imply that such freedom is fully condoned at the societal level. It was purported that these countries are “artificial modern states”, because of a “schizophrenic divide” between the official state structures and laws on one end and the customs and traditions of society on the other end. In order to fully realize religious freedom, value-based methods based on the Conscious Full-Spectrum Approach need to be adopted. This is to ensure people’s agency in regards to embracing changes in legislation and structures through common understanding and shared values. Only then would it be possible to adopt a human rights based approach to legal and social change. In conclusion, it was argued that it is necessary to have inclusive and meaningful participation of a multiplicity of actors, including religious leaders and religious institutions, as highlighted by the success of engaging faith leaders in raising awareness and collective action on HIV/AIDS in the Arab Region over the past decade.

“In terms of the Sustainable Development Goals (SDGs), and particularly SDG 17, what we are lacking is true solidarity: North-North, South-South, South-North. We are in the same boat. We have to succeed together. Let’s base our work on that solidarity”



“The ones who give up their religion and choose love appear to do so, not because they lose their faith, but because they are rejected, usually very roughly by the religion to which they used to belong or to which they wished to belong”

Discussing the need to overcome abstract dichotomies in order to explore synergies and forge alliances, even within normative human rights frameworks, freedom of religion and belief is often regarded as problematic and not conducive to resolving and reconciling human rights abuses. An intrinsic and pervasive problem emerges when human rights are used to propagate hatred or to discriminate. Compartmentalizing human rights, without taking into account the intersectionality or nexus that exists between various sets of human rights, disregards the complexity of lived realities. It was reminded that in the end, artificially imposed dichotomies not only disregard different paths toward emancipation, but that such dichotomies also “stifle human creativity.” For this reason, there

is a need to sensitize people on the complexities of human life and to create spaces that encourage and affirm mental and bodily diversity.

Questions raised throughout the conference:

- How should the case of not shaking a teacher’s hand for religious reasons be dealt with?
- Can human rights as a “technology” be framed in an intersectional way or do rights need to be specific/discreet because they are used in litigation?
- Is there a right to dissent from a belief?

XIII. Exploring Synergies and Forging Alliances: Synergies between FORB and SOGIE: Forging New Alliances

The last private session of the conference consisted of three presentations, each one highlighting progress and opportunities to explore and advance the synergies between freedom of religion and belief and SOGIE rights.

As a result of individual and collective tribal mentalities and insecurities, the “othering” of certain demographics often occurs and is succeeded by discrimination. Citing xenophobia in Europe, it was argued that economic uncertainty is an underlying factor contributing to racist sentiments. For humanity to progress collectively, it was emphasized that there is a need to learn from one another as well as a need to dismantle stereotypes, to create secure identities, and to win over the majority.

“When you come from a background where there is no freedom of speech, you need social media as a safe space to discuss these sensitive issues”

From the youth perspective, the lack of engagement between youth, religious leaders, civil society, and government authorities in Malaysia was exemplified. Highlighting the importance of youth awareness of UN instruments and the Sustainable Development Goals, best practices for empowering youth were shared, and included building the capacity of youth to optimize their use of social media so they are able to freely express their thoughts and ideas. Hence, meaningful and effective participation of youth in developing policies, particularly those that directly affect their lived realities, was stressed.

“We have to reach out to the youth and religious leaders. Youth are the organic agents of change”

Questions raised throughout the conference:

- What is our grounding for embracing human dignity and human rights?
- Is it safe to use social media on issues pertaining to religion and freedom of expression when extremists follow it and use it as well?
- What are the possibilities for youth programming between different religions and ethnicities at this time, and how to maximize it?
- What effect do freedom of religion and other human rights have on the health, well-being, security and safety of an individual and of society and on the happiness of the individual? Isn't that what we are trying to achieve?

“We must find a common language, and human rights is that language”

There are opportunities and synergies that exist between secular and religious or faith-based organizations, which can be tapped into to holistically promote human rights. Highlighting that such alliances are fairly new, there is an imperative need to build trust between secular, humanist, and religious organizations. Sharing experiences on how to build bridges between organizations on the foundation of common values—such as respect for

human dignity—is a strategic way to build trust especially concerning issues pertinent to SOGIE.

“I see secularism as allowing everyone to have freedom of conscience and to live out their lives as they wish, and also to engage in the public square with their values and beliefs as they are. But of course, this is not to make everyone live according to those. I see secularism as creating space to have that dialogue”



“My coming out was something religious, something like a mystical experience”



XIV. PUBLIC EVENT: Freedom of Religion or Belief and Sexuality: a Conversation with Civil Society

The UN Special Rapporteur on Freedom of Religion or Belief And Muslims for Progressive Values

Cordially invite you to the public event held on
10 June 2016 from 14h30 to 17h00 in Room IX at Palais des Nations

FREEDOM OF RELIGION OR BELIEF AND SEXUALITY: A CONVERSATION



With the Civil Society: 14:45-15:30

**Moderator: KATE GILMORE, UNITED NATIONS DEPUTY
HIGH COMMISSIONER FOR HUMAN RIGHTS**

GANOUNE DIOP is the Secretary General of the International Religious Liberty Association. He is the Director of the Public Affairs and Religious Liberty Department (PARL) at the Seventh-day Adventist Church world headquarters. He is currently secretary of the Conference of Secretaries of the Christian World Communions. He extensively works to foster mutual understanding between Christian faith traditions and other world religions and philosophies.



JAVAID REHMAN is the Professor of Islamic Law and International Law (and former Head of School) at Brunel University. He remains one of the leading scholars in the subject of human rights and Islamic jurisprudence. He has been an advisor and consultant to various international organisations and global think tanks.

JOLEEN MATAELE is a transgender woman activist for HIV & AIDS awareness and LGBTIQ issues. She is the President and Executive Director of the Tonga Leiti's Association (TLA) which is the only Organization for all LGBTIQ in Tonga and the President/Co-Founder of the Pacific Sexual Diversity Network (PSDN), also the only network for the LGBTIQ in the Pacific.



With the UN Experts: 15:30-16:15

**Moderator: ANI ZONNEVELD, FOUNDER AND
PRESIDENT OF MUSLIMS FOR PROGRESSIVE VALUES**



HEINER BIELEFELDT has served as United Nations Special Rapporteur on Freedom of Religion or Belief (since 2010). He is Professor of Human Rights and Human Rights Policy at the University of Erlangen. From 2003 to 2009, Bielefeldt was the Director of the German Institute for Human Rights, which monitors the human rights situation inside Germany.

MARGARET SEGAKKYA was the United Nations Special Rapporteur on the situation of Human Rights Defenders (2008 -2014). She held the position of chairperson of the Uganda human Rights Commission from its establishment in 1996 to 2008.



VITIT MUNTARBHORN is the Commissioner of the (UN) Commission of Inquiry on Syria (since 2012). He was also the Chairperson of the (UN) Commission of Inquiry on the Ivory Coast (2011), former UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, UN Human Rights Council (2004-2010) and former UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, UN Human Rights Commission (1990-1994).

**For NON-UN participants, please register with SPBCONSULTANT7@OHCHR.ORG by Tuesday, 7 June 2016.

A two-part public segment of the conference featured civil society actors and perspectives from UN experts.

Questions raised by Moderator Kate Gilmore:

- “Why on earth should we be talking about sexuality in the context of freedom of religion?”
- “How is it that we witnessed the outworn of love and the tolerance of hate? How on earth did we get here? Explain to us what it is in intellectual and theological tradition that allowed [hate] to flourish?”
- “Why would we want sexuality and religion to have a more engaged relationship?”
- “How can a richer, more human, more loving account of sexuality rescue religion? Why does this discourse matter to you?”
- “What contours do you see this [issue] taking across multi-faith interactions and conversations?”
- “What do you see is the role of a textual account of human dignity, such as human rights, in inviting religion to be truer to its values?”
- “Does the church matter in the conversation about sexuality? Shouldn't we just forget about [it]?”
- “We are in this deeply important journey, somehow, to preserve the essential ideas of human dignity in a more mutually interdependent way and in a way that expands for us all to find acceptance in finding love. I think what I'm grappling with myself is what is the place of freedom of worship? How do we hold freedom of worship and religion and belief as a central point in the greater project of human dignity?”
- “What do we do when those who in the name of exercising freedom of conscience or freedom of belief wish to use it to take away freedoms from others? What do you do when a church or a manifestation or institution or expression says to you, you're less important? How can we hold institutions more accountable?”
- “How do we help save ourselves from ourselves in order that we can be ourselves?”

Providing brief opening remarks, the UN Special Rapporteur on Freedom of Religion and Belief reflected on the presentations and the plenary discussions that preceded the first public event, emphasizing that the experience was a source of hope and encouragement:

“It was inspiring, hearing from people that are very courageous, having come out with their complicated biographies and sharing their experiences”

- Heiner Bielefeldt

The UN Deputy High Commissioner for Human Rights, Kate Gilmore, moderated the first panel and eloquently reminded the audience of the need to be “immoderate” when challenging obstructions to human dignity and love, including the dignity of intimacy. On the panel were Ganoune Diop, the Secretary General of the International Religious Liberty Association, Javaid Rehman, Professor of Islamic Law and International Law at Brunel University, and Joleen Mataele, a transgender woman activist for HIV/AIDS awareness and LGBTQI issues.

“There are two great outstanding mysteries of human existence. Surely one is faith. Surely one is love. And in each and every culture it seems that we have allowed ourselves to be drawn into a process of destroying rather than upholding the intimate relationship between faith and love”

- Kate Gilmore

The panellists each provided their perspectives on the importance of examining issues related to the intersection of freedom of religion and belief and sexuality and why human rights violations occur against individuals expressing nonconforming sexual orientations and gender identities in the name of religion. Ganoune Diop shared that while in each tradition there are different texts, the various

interpretations of these texts have led to differing positions on various issues, including the rights of LGBTQI people. Ganoune Diop posited that the problems at hand, however, were deeper than the issue of interpretation and emphasized issues of violence stemming from discrimination and criminalization. According to Ganoune Diop, the UN and the international community at large play a central role in maintaining international standards and values, including upholding the principle of human dignity.

“If there is discrimination, there is no peace. If there is discrimination, there is no justice. If there is discrimination, human rights are violated”

- Ganoune Diop



Javaid Rehman explained how organized religion is often co-opted by people in power as a tool to manipulate and to exclude people from living a dignified life. In terms of the role that human rights play in affirming the true principles of any religion, Javaid Rehman pointed out that there are also positive references to sexual diversity in religious scripture, including the Qur’an. For this reason there is merit to not only pursue a secular approach in upholding human rights but to also turn to religious traditions for inspiration.

“The issue we have is not so much religion itself; it is the desire to exclude, to discriminate, to ostracize certain communities who haven’t had power”

- Javaid Rehman

Joleen Mataele shared that it is important to keep fighting for the rights of gender and sexual minorities because they still face marginalization and persistent, systemic discrimination throughout all levels of society.

“They say, we are all equal in God’s eyes, we are all equal in Buddha’s eyes, we are all equal in Allah’s eyes. When it comes to us, the sexual minorities, that’s where the issue starts. They all define us as the children of the devil”

- Joleen Mataele

Ganoune Diop shared that throughout the history of Christianity there have been individuals who have “advocated for human dignity and key values that the whole human family cherishes.” The problem is therefore not necessarily religion per se, but people who instrumentalize religion for political reasons. A secular space, he argues, would allow everyone to have a voice at the table so that “everyone can contribute to the advancement of the human experience—the human journey in which we are all together.”

“Human rights are for each of us, to the exclusion of none of us, and in the interest of all of us”

- Kate Gilmore

When asked how to hold religious institutions accountable for failing to uphold the rights of sexual and gender minorities, Joleen Mataele shared that the responsibility to uphold human rights starts with everyone on a personal basis: “It really starts with you, personally. Not from religion, not from the Bible, not from anyone who preaches to you about what

you should believe in. It should really start with you, the person who actually lives.”

“If you look at the human rights movement, we have made so much progress. It’s unbelievable”

- Javaid Rehman

Javaid Rehman highlighted that although there has been progress in reconciling the issues of freedom of religion and belief and sexuality, there is room for further efforts to sensitize more people through dialogue and forums within institutions where the issues remain contentious.

Ganoune Diop noted that although there is reason to be optimistic about the progress made on affirming the universality of human rights, grave human rights abuses including the denial of freedom of religion and belief, must not be glossed over especially in cases where governments are perpetrators of such violations. Joleen Mataele stressed the importance of sharing personal stories and the manner in which advocacy can be carried out by sharing human experiences and lived realities while building bridges and alliances with various groups, including religious clergy.

“We don’t believe in rallies, in making loud noises...we actually go to the priests and talk to them and give them the real picture of what’s happening”

- Joleen Mataele



XV. PUBLIC EVENT: Freedom of Religion or Belief and Sexuality: a Conversation with UN Experts

Questions Raised by Moderator Ani Zonneveld:

- “What have been your reflections over the last two and a half days?”
- Do you think there should be more discussion on the role of religion as a means in defense of human rights?”
- “In the previous panel, one of the panellists said that people need to treat others or learn to treat others justly for their own humanity. I don't buy into that. I'm a bit of a sceptic in that regard. I think people will only treat people justly when they themselves have been unjustly treated and in that particular position, you can negotiate the other parties' rights as well. What is your take on that?”
- “At MPV, we have a motto "Be Yourself. Be Muslim." It's a very simple tagline, but it's very difficult, for Muslims in particular, to be themselves. How can we get there from the context of freedom of religion and belief?”
- “Margaret, you work in Uganda on human rights, and I would like for you to share some of the religious context and the lack of freedom of religion and belief in the Christian context in Uganda and how the use of religion has been utilized in an oppressive way and how you feel this can be overcome. Share your story.”
- “Vitit, you are from Thailand, right? The diversity of sexuality in Thailand, I would say is healthy, but is that a mainstream sentiment? Is diversity accepted? If not, what are the hurdles and how do you foresee overcoming them?”
- “Heiner, this has been a phenomenal step in discussing freedom of religion and belief and human sexuality. Where do you think it will go from here and where would you like to see it go?”

The final panel, which was moderated by MPV’s Ani Zonneveld, featured the UN Special Rapporteur on Freedom of Religion and Belief Heiner Bielefeldt, the former UN Special Rapporteur on the Situation of Human Rights Defenders Margaret Sekaggya, Commissioner Vitit Muntarbhorn of the Commission

of Inquiry on Syria. The panelists were asked to give their perspectives on the value of engaging with religious actors within global policy settings, like the UN. Margaret Sekaggya shared that there is merit in continuing discussions with a variety of stakeholders and that just by the act of listening, we as the human family, can “forge our way forward and understand the realities on the ground.”

“Sometimes we do things out of ignorance. Sometimes we do things because we don’t have enough knowledge about what needs to be done. Discussions like this give us the opportunity to listen to each other”

- Margaret Sekaggya

Vitit Muntarbhorn stressed that freedom of religion and sexuality must both be based upon a commitment for diversity. In the search for human rights as a link between freedom of religion and sexuality, it is key that certain values are highlighted, including justice, equality, solidarity and compassion. Wherever there is ambiguity, Vitit Muntarbhorn argues, it is important to adopt a human rights-based approach to negotiate and reconcile freedom of religion and sexuality.

“We can nurture both the mind and the conduct to be humane, to be respectful of differences and to protect. It could be self-protection or it could be the protection of others. And that’s where we have the juncture between freedom of religion and sexuality. In that quest to have both an empathetic mind and empathetic conduct, we need an intangible spiritual invigoration”

- Vitit Muntarbhorn

Heiner Bielefeldt explained the importance of securing human dignity, freedom, and equality, while allowing individuals to freely express and

manifest their full identity, including religious and sexual identities, because “authenticity in religion means a deeper understanding in religion.” He argued that freedom of religion and belief allows individuals to discover the sources of their faith. For this reason, enforcing religious edicts at the state level destroys people’s persuasion in faith, which then becomes a matter of coercion.

“All of the human rights norms would be totally useless unless they are based on real-life experiences”

- Heiner Bielefeldt

Heiner Bielefeldt also pointed out that within the discourse on sexuality, the focus is primarily on LGBTQI issues. He noted that while the focus on minority rights is justified, as they tend to suffer more, it is in the interest of everyone to approach and examine human rights issues through a broader lens, as any lack of protection in human rights affects all human beings.

“[In Uganda], because of the impact of bringing these things out of the closet and starting the discussion, a number of people are willing to shift from what they have always believed in...to be able to listen to new ideas”

- Margaret Sekaggya

After Margaret Sekaggya and Vitit Muntarbhorn each shared perspectives about the challenges and progress in upholding SOGIE rights in their respective countries, Uganda and Thailand, the panelists provided their concluding remarks, in which they shared the desire for continued in-depth discussions and for more occasions to listen to the human experiences at the intersection of freedom of religion and belief and sexuality.

XVI. Conference Snapshots



XVII. Resources on Issues of Freedom of Religion and Belief and Sexuality

To further explore the issues related to the intersection of sexuality and freedom of religion and belief, please see the below resources. Please note that these resources were directly obtained from the authors. As for the articles deriving from the *Special Issue of Journal of Human Rights: Not Such an International Human Rights Norm? Local Resistance to Lesbian, Gay, Bisexual, and Transgender Rights*, these articles were obtained through the special free access offer until 31 July 2016, following the tragedy of the Orlando shootings. The list of resources is also available on MPV's website: www.mpvusa.org/forb-and-sexuality-conference-resources

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