

The right to freedom of religion or belief and the right to live free from violence and discrimination based on SOGI are both built on a promise of human freedom LGBT persons deserve that promise fulfilled

Statement by human rights experts on the International Day against Homophobia, Transphobia and Biphobia (to be held on 17 May 2021)

Geneva/Washington D.C./Strasbourg, 14 May 2021

On the eve of the International Day Against Homophobia, Transphobia and Biphobia (IDAHOBIT), which will be held on 17 May 2021, a group of United Nations and international human rights experts* calls on States, faith-based institutions, religious leaders and other stakeholders to consider the negative impact of exclusionary or stigmatizing narratives on violence and discrimination against lesbian, gay, bisexual, transgender, and gender diverse (LGBT) persons. LGBT and gender diverse persons are and have always been part of all faith traditions around the world and, as all human beings, must be recognized as worthy of love and belonging.

Freedom in general, and freedom of thought, conscience and religion or belief in particular, are cornerstones of the international human rights framework, and the right to freedom of religion or belief of all human beings during their life course, including that of LGBT persons, must be recognized. Religious authorities have a responsibility to ensure that religion and tradition are not utilized to promote discrimination of persons based on their sexual orientation and gender identity.

However, imputations of sin to the conduct and choices of LGBT individuals in the name of religion are often used as the justification for criminalization and other punitive measures in legal systems that, in many cases, derive from colonial structures that were superimposed on cultural views that were more accepting of diversity. Currently, 69 countries continue to criminalize same-sex relationships or forms of gender expression, with some even prescribing the death penalty for same-sex relationships. Several of them in the Middle East and North Africa, South and South-East Asia, and sub-Saharan Africa justify the maintenance of legal prohibitions of homosexuality, introduced in most cases by colonial authorities, on the grounds that they uphold the tenets of Islam or Christianity, and therefore are necessary to maintain public morals.

Further, incitement to violence and discrimination on the basis of personal characteristics by faith-based leaders has been documented in many instances. Such incitement constitutes hate speech and is protected neither by freedom of expression nor by freedom of religion or belief. Religious institutions are entitled to autonomy in the administration of their affairs and may have varying opinions about sexual orientation and gender identity related matters, but under no circumstances should their authorities incite violence or hatred. In this context, the right to freedom of religion or belief of some cannot be at the expense of the right for all humans, regardless of one's ethnicity, race, status, sexual orientation and gender identity, to lead a life free of violence and discrimination. Any action that infringes the latter breaks the logic of indivisibility and interdependence that forms the cornerstone of the international human rights framework, and, in fact undermines the core tenets of almost all religious traditions, which regard every human

being as valuable and possessed of equal dignity. The human rights system and religions are intrinsically linked by this one core objective: “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family [which constitutes] the foundation of freedom, justice and peace in the world.”¹

These principles are at the core of the defense of human rights of LGBT persons, and LGBT rights defenders should be free to defend and promote the rights and freedoms of their community in a safe and enabling environment, particularly when relating to persons, communities and populations that live in the intersection of identities that create particular risk of violence and discrimination. For example, the right to freedom of religion or belief and the right to live free from violence and discrimination based on sexual orientation and gender identity should also be ensured by States in all places in which persons are under the custody of the State, such as places of deprivation of liberty, and in places where the State maintains regulatory attributions, such as education and health-care settings.

Over time, robust international and national laws have developed in the area of freedom of religion or belief, cementing the right of peoples to practice their religion or belief, or even to change or renounce them, which plays a central role in how individuals create bonds with their communities and participate in social life. Certain narratives, coupled with false affirmations presented as science-backed fact, feed the fake notion that there is an inherent conflict between these rights of religious freedom and the basic human rights of LGBT individuals. This manufactured contradiction then becomes another tool that perpetuates and aggravates their sociocultural exclusion.

Most human beings look for a sense of purpose in their lives, and spirituality is a fundamental part of this quest for a very large proportion of humanity. As part of this quest for spirituality, embracing a particular faith is a common experience for many, and it can be especially meaningful to a person who discovers an orientation or identity that clashes with the expectations of the outside world. Therefore, like everyone else, LGBT persons have spiritual needs and may also choose to find comfort in faith when they need support or guidance. Many LGBT individuals persist in pushing for acceptance within their faith and belief systems even when confronted with a sturdy wall of opposition. Over time, the evidence shows that denominations and religious leaders with inclusive views of people of diverse sexual orientation and gender identity are becoming more visible.

Faith traditions teach the need to listen to those who are silenced and uplift those who are oppressed. They ask us to find the common ground in the human experience. They urge to embrace others, especially those who are different. Faith motivates many to work tirelessly for the common good by finding life purpose and making unique contributions to the world. They inspire many to make the choices that will allow reaching their fullest potential and be their most authentic selves so that they can lead with love, courage and kindness. In that sense, an inclusive faith perspective on sexuality and gender can create a profoundly meaningful space of hospitality and acceptance, where people can thrive together, express themselves authentically and feel closer to each other.

We believe that the international human rights framework and the humanistic principles at the core of every religion have an interdependent role: to safeguard and promote the inherent and equal dignity of

¹ UDHR, Preamble.

every human being, to guide people and societies in their quest for happiness, and to build a world where everyone can live free and equal. This is why today we urge all people of faiths and beliefs and religious leaders to adopt and embrace public discourse that is respectful and compassionate - and refrain from reproducing narratives that perpetuate stigma, justify discrimination, and promote violence. Similarly, we call on all States and other stakeholders, including businesses, to reject laws, policies and practices that discriminate or fuel prejudice against LGBT persons and to actively foster the institutional and societal conditions that will enable them to exercise and enjoy all their human rights and contribute to society on an equal footing with everyone.

ENDS

(*) The experts:

Inter-American Commission on Human Rights ([IACHR](#))

Council of Europe: Ms. Dunja Mijatović, [Commissioner for Human Rights](#)

UN [Committee on the Rights of Persons with Disabilities](#);

UN [Committee on the Rights of the Child](#);

UN [Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#);

Mr. Renato Zerbini Ribeiro Leão, [Chair of the Committee on Economic, Social and Cultural Rights](#);

Mr. Claude Heller, [Chair of the Committee Against Torture](#)

UN independent experts: Victor Madrigal-Borloz, [Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#); Ahmed Shaheed, [Special Rapporteur on freedom of religion or belief](#); Thomas Andrews, [Special Rapporteur on the situation of human rights in Myanmar](#); Jelena Aparac (Chairpersons), Lilian Bobeo, Ravindran Daniel, Chris Kwaja, Sorcha MacLeod, [Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#); Pedro Arrojo-Agudo, [Special Rapporteur on the human rights to safe drinking water and sanitation](#); Karima Bennouna, [Special Rapporteur in the field of cultural rights](#); Koumbou Boly Barry, [Special Rapporteur on the right to education](#); David R. Boyd, [Special Rapporteur on Human Rights and Environment](#); Francisco Calí Tzay, [Special Rapporteur on the rights of indigenous peoples](#); Alice Cruz, [Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members](#); Fernand de Varennnes, [Special Rapporteur on minority issues](#); Isha Dyfan, [Independent Expert on the situation of human rights in Somalia](#); Michael Fakhri, [Special Rapporteur on the right to food](#); Diego García-Sayán, [Special Rapporteur on the independence of judges and lawyers](#); Cecilia Jimenez-Damary, [Special Rapporteur on the human rights of internally displaced persons](#); Irene Khan, [Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#); Mary Lawlor, [Special Rapporteur on the situation of human rights defenders](#); Michael Lynk, [Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967](#); Claudia Mahler, [Independent Expert on the enjoyment of all human rights by older persons](#); Nils Melzer, [Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#); Siobhán Mullally, [Special Rapporteur on trafficking in persons, especially women and children](#); Tlaleng Mofokeng, [Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physi-](#)

[cal and mental health](#); Fionnuala Ní Aoláin, [Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism](#); Tomoya Obokata, [Special Rapporteur on contemporary forms of slavery](#); Obiora Okafor, [Independent Expert on human rights and international solidarity](#); Dante Pesce (Chairpersons), Surya Deva (Vice-chairperson), Elżbieta Karska, Githu Muigai, Anita Ramasastry, [Working Group on the issue of human rights and transnational corporations and other business enterprises](#); Gerard Quinn, [Special Rapporteur on the rights of person with disabilities](#); Javaid Rehman, [Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#); Fabian Salvioli, [Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence](#); Livingstone Sewanyana, [Independent Expert on the promotion of a democratic and equitable international order](#); Dubravka Šimonovic, [Special Rapporteur on violence against women, its causes and consequences](#); Morris Tidball-Binz, [Special Rapporteur on extrajudicial, summary or arbitrary executions](#); Leigh Toomey (Chair-Rapporteur), Elina Steinerte (Vice-chairperson), Mumba Malila, Miriam Estrada-Castillo, Priya Gopalan, [Working Group on arbitrary detention](#); Clément Nyaletsossi Voule, [Special Rapporteur on the rights to freedom of peaceful assembly and of association](#).