

Mr. Victor Madrigal-Borloz
Independent Expert on Protection against Violence
and Discrimination based on Sexual Orientation and Gender Identity (IE SOGI)
United Nations.

**Re: Freedom of Religion or Belief (FoRB)
and Sexual Orientation and Gender Identity (SOGI)**

Dear Sir,

Regarding your call for submissions, I respectfully wish to submit the following generic points on the topic in question. I respond specifically to certain criteria in your call for submissions:

1. What are the actual or perceived points of tension (if any) between the right to manifest one's freedom of religion or belief, and freedom from violence and discrimination based on sexual orientation and gender identity? Are there any areas in which they are mutually exclusive?

The Universal Declaration of Human Rights guarantees freedom of thought, conscience and religion (Article 18). It also guarantees freedom from discrimination (Articles 7 and 23) but it also explicitly states that beliefs cannot be practised in any way that diminishes the human rights of others (Article 30).

This means that people are free to believe anything they like, but they cannot practice or manifest those beliefs in ways that cause harm to others.

Freedom of religion is therefore ALWAYS INCOMPATIBLE with the right to freedom from violence and discrimination EVERY TIME a religion is interpreted in ways that promote homophobia, transphobia or intolerance.

4. What are the key trends or significant instances of discriminatory or abusive practices by individual providers of goods or services in the public sphere against LGBT+ and gender-diverse persons that rely on religious narratives?

Sometimes the discrimination may appear to be relatively minor and benign, such as religious cake makers who refuse to make LGBT wedding cakes, religious people who refuse to rent their BNB to LGBT holiday makers, or religious organisations that refuse to make their camping facilities available for LGTB youth groups.

In the USA, the [ACLU](#) has itemised recent examples of discrimination in employment, health care and against LGBT people in general.

Despite implications that religious-based discrimination is somehow moral or permissible, the very suggestion that discrimination is ever acceptable against people for their innate character is an abuse of religious freedom.

A religious teacher who refuses to use proper gender pronouns when talking about transgender people is fostering attitudes that lead others to promote more malignant forms of transphobia. Religious people who protest LGBT nightclubs are laying a moral foundation for others who translate that hatred into action by attacking LGBT nightclubs with gun violence.

In the most extreme cases, we see religion being used to justify hatred, discrimination and even violence or murder of LGBT people in Africa. Recent cases in Kenya and Uganda demonstrate this pattern of human rights abuse. The groundwork for such human rights abuse is based upon religious-based discrimination, such as when Church of Uganda Archbishop Stephen Kaziimba Mugalu [recently suggested](#) that LGBT people are 'recruiting' children, when it is in fact the churches who seek to recruit children. Ugandan Pastor Martin Ssempe also recently allegedly stigmatised [people with HIV/AIDS](#), which can lead to deadly health outcomes.

Meanwhile in Kenya, LGBT people face [violence and murder](#) from family and community. [Across the Commonwealth](#), homophobic laws and discrimination are rife.

Religious people should not be allowed to spread misinformation and nurture discrimination based upon supposed religious freedoms. In December 2022, the [US Biden administration](#) challenged the Ugandan government on its homophobic record.

Conclusions:

1. Conflict arises when religious mandates are taken as a basis for societal laws or morality:

The most fundamental problem arises when religious beliefs are used as a moral or ethical basis for laws and morality in wider society. The inherent contradictions within religions allow for cherry-picking from a wide variety of beliefs and practices, all of which can be justified through a selective reading of religious texts. Historically, this cherry-picking extended to slavery and racial segregation, and nowadays lingers within homophobia and transphobia, which are often promoted as the only acceptable remaining form of intolerance permitted in religious-based thinking or behaviour.

2. Conflict arises when religious beliefs are considered as deserving of special protection or treatment above all other human rights:

Religious beliefs are arbitrary and chosen. They are not immutable, as demonstrated by the fact that followers within any one religion can hold diametrically opposed views to each other, and still claim divine authority for their views.

When people demand special treatment for their discriminatory behaviours, simply because of their chosen religion – or they claim that secular laws should be rewritten to conform to their particular religious perspective – they violate universal human rights.

Religious people can choose their religion, and within the framework of universal human rights, they have the choice to change their views. LGBT people cannot choose their identity, and they have no such freedom to change.

Thank you for the opportunity to make a submission.

Geoff Allshorn
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Convenor, Rainbow Atheists
Publisher, [Humanist blog](#).
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