

LEAVING NO ONE BEHIND: A SERIES OF BRIEFING PAPERS ON FREEDOM OF RELIGION OR BELIEF AND THE SUSTAINABLE DEVELOPMENT GOALS. BRIEFING PAPER # 1¹

FREEDOM OF RELIGION OR BELIEF AND THE SUSTAINABLE DEVELOPMENT GOALS

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The right to freedom of religion or belief is linked in important ways to the achievement of Agenda 2030. If we want to improve the lives and prospects of everyone, ‘leaving no one behind’, we must ensure due attention to those who are subject to discrimination, marginalisation and inequality on the grounds of religion or belief. Parliamentarians and religious/belief leaders can play an important role in this. This paper provides a brief introduction to the relationship between freedom of religion or belief and the Sustainable Development Goals, identifying key areas of concern, and suggesting concrete actions that parliamentarians and religious/belief leaders can take to address them.

THE RIGHT TO FREEDOM OF RELIGION OR BELIEF²

The right to freedom of thought, conscience and religion – commonly known as the right to freedom of religion or belief (FoRB) – is a human right. It endows all individuals with the right to have, adopt, change or leave a religion or belief; to manifest and practice this religion or belief, alone or in community with others; and to be free from coercion and discrimination on the grounds of their religion or belief. It also protects the right not to have or practice a religion or belief. And it protects the right of parents to raise their children in conformity with their own beliefs.

The right to have, adopt, change or leave a religion or belief can never be limited or restricted. The right to manifest and practice a religion or belief, however, can be limited in certain circumstances, most importantly when religious or belief manifestations or practices violate the rights and freedoms of others. Limitations must always be prescribed by law, necessary, and proportionate.

The State is the primary duty-bearer in relation to the promotion, protection, and respect of all human rights, and is obliged not only to uphold these rights, but to ensure that others do not violate them. As such, the legal responsibility to uphold the right to FoRB lies with the State. Non-state actors with power to affect the lives of rights-holders may, however, be said to have a moral responsibility to contribute to the respect, protection and promotion of FoRB and other human rights. This includes e.g. religious/belief leaders, politicians and other non-state actors who hold powerful positions in society or otherwise enjoy strong authority and social influence.³

RIGHTS RELATED TO FREEDOM OF RELIGION OR BELIEF IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS*

Article 2: Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 18: Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions

Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

* For a full overview of human rights standards related to FoRB, see the website of the OHCHR: <https://www.ohchr.org/en/issues/freedomreligion/pages/standards.aspx>

FoRB is a universal right. It is a right of all individuals, regardless of citizenship status and what religion or belief they adhere to, or if they do not adhere to any religion or belief. Religious/belief minorities and indigenous peoples are often vulnerable to FoRB violations, but violations also affect other groups and individuals, such as converts, atheists, women, sexual orientation and gender identity minorities, refugees, and children.

FoRB entails both collective and individual rights. While due attention should be given to respect the autonomy of religious/belief communities, individuals always have the right to interpret and practice their religion or belief as they want, including to criticise or leave their religion or belief, even when this challenges the mainstream orthodoxy of religious/belief authorities.

FoRB is closely intertwined, interrelated and mutually interdependent with other human rights. To enjoy FoRB fully, several other rights must also be protected – and the other way around. FoRB is also related to other human rights in the sense that discrimination on the grounds of religion or belief rarely concerns only restrictions of religious practices and manifestations, but also entails violations of other rights.

RIGHT-SIZING FORB

Discrimination on the grounds of religion or belief is not only about FoRB. For instance, if people are being excluded from job markets, discriminated against in the health care system, or persecuted on grounds of their religious or belief identity, a range of other rights are typically also being violated, and the violation of FoRB is not necessarily the most pressing concern for these people. Also, marginalisation, discrimination or persecution of people with a particular religious identity is not necessarily religiously motivated. Even hostility that seems to have a clear religious motivation is rarely *only* religiously motivated. Conflicts are complex and multifaceted, and the role of religion is intertwined with many other factors, including economic, political, cultural, social, and historical ones. It is vital not to underestimate the role of religion in marginalisation, discrimination and persecution, but also not to overestimate its role.⁴

AGENDA 2030: LEAVING NO ONE BEHIND

Agenda 2030 is a universal call to action to end poverty, protect the planet and improve the lives and prospects of everyone, everywhere. Consisting of 17 Sustainable Development Goals (SDGs), each with their specific targets and indicators, Agenda 2030 calls for action in a wide range of areas, including health, education, gender equality, access to justice and climate action.

AGENDA 2030

Agenda 2030 and its 17 Sustainable Development Goals was adopted by all UN Member States in 2015, following a comprehensive consultation process with civil society, as part of the 2030 Agenda for Sustainable Development which set out a 15-year plan to achieve the Goals. For each of the SDGs, a set of targets and indicators has been formulated to measure and monitor progress towards the goals. Member states are encouraged to conduct regular and inclusive reviews of progress at the national and sub-national levels. These voluntary national reviews then serve as a basis for the regular reviews and follow-up by the UN High Level Political Forum. The Forum meets annually under the auspices of the Economic and Social Council for eight days, including a three-day ministerial segment and every four years at the level of Heads of State and Government under the auspices of the General Assembly for two days.

Agenda 2030 is closely related to human rights; the pledge to ‘leave no one behind’ reflects and reiterates fundamental human rights principles of equality and non-discrimination. Furthermore, the various goals are in many ways closely interlinked and interdependent with specific human rights. Analysis shows that more than 90 percent of the SDG targets can be directly linked to international human rights standards.⁵

AGENDA 2030 AND FREEDOM OF RELIGION OR BELIEF

In the implementation and monitoring of Agenda 2030, attention to FoRB and broader discrimination on the grounds of religion or belief is essential. If we want to **improve the lives and prospects of everyone, ‘leaving no one behind’**, we must ensure due attention to religious or belief minorities, indigenous peoples, atheists and humanists, religious feminists and others who are often subject to discrimination and marginalisation on the grounds of their religion or belief. SDG 10, which aims to reduce inequality, explicitly calls for states to “empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.” But FoRB is also relevant to a wide range of other goals and targets, including those related to health, education, gender equality, access to justice and climate action. Religiously related inequalities and discrimination constitute key obstacles to progress in all these areas.

FORB AND THE SDG INDICATORS

FoRB is not only relevant to consider in relation to the SDGs and their targets, but also in relation to how progress towards these targets is monitored and what kinds of data this builds on. The existing indicators proposed for each target only measure aspects of the target in question, and there is little, if any, attention to FoRB-related issues. Agenda 2030 however encourages States to develop their own supplementary or complementary indicators in order to measure progress in the most accurate and context-relevant manner. In his 2020 report to the UN General Assembly, the Special Rapporteur on freedom of religion or belief proposed a set of indicators to identify the impact of interventions on reducing inequalities involving religion or belief.⁶

In cases where measurement of indicators is based on disaggregated data, disaggregation by religion/belief should be included in order to identify and address inequalities and discrimination on the grounds of religion/belief, to track progress or set-backs over time and to evaluate the impact of policies, programs, and interventions, ensuring that no one is left behind. This should always be firmly based on a human rights approach, ensuring that data collection does not contribute to further stigmatisation and exclusion.

A FoRB perspective can not only ensure due attention to religiously related inequalities and discrimination against minorities; it can also **contribute more broadly to building open, pluralist and inclusive societies**. Along with other civil and political rights, FoRB provides important protections of public participation, guaranteeing everybody the right to express, manifest and practice their beliefs in the way they believe to be right. FoRB also protects the right of everybody to think what they want, without coercion or interference. With recent technological developments, protection of this ‘inner’ right to freedom of thought and conscience has become still more pertinent. Advances in digital technology means that our thoughts can potentially be accessed, altered and manipulated in ways that nobody imagined only a few years ago; including also to control, limit, punish or prevent public participation, whether online or in real life.⁷

Finally, FoRB, along with other human rights, can provide effective **protection against those forms of inequality and discrimination that are justified with reference to religion or belief**. FoRB should not be used as a justification of harmful practices that violate the rights or freedoms of others. This includes e.g. female genital mutilation, honour killings, child marriages, conversion therapy, forced conversion and other harmful practices that are purportedly justified in the name of religion. Further, FoRB does not protect religiously justified laws and policies that allow, protect or diminish the seriousness of such practices, nor any

other law or policy that violate certain rights and freedoms with reference to religion or belief.

This briefing takes a closer look at selected SDGs, outlining some of the FoRB-related challenges that need to be addressed for these goals and their targets to be realised in a way that truly ‘leaves no one behind’.

FORB AND SDG 3: HEALTHY LIVES AND WELL-BEING FOR ALL

SDG 3 is dedicated to ‘ensure healthy lives and promote well-being for all at all ages,’ including 13 specific targets on e.g. on maternal and child health, sexual and reproductive health care services, universal health coverage, equitable and affordable access to high-quality vaccines and medicines, sustainable financing, a strong health workforce and capacity to address health emergencies. FoRB is of particular relevance to two targets:

Target 3.7. By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes:

In many contexts, restrictive laws and policies related to sexual and reproductive health constitute a major challenge to women’s access to health, e.g. in the form of criminal and other legal restrictions on abortion; restrictions on access to contraception and family planning, including required consent from legal guardian; and restrictions on provision of sexual and reproductive education and information.⁸ Religion often plays an important role in justifying such restrictions, whether explicitly or implicitly.

However, FoRB does not protect religious practices that violate the rights and freedoms of others, including rights related to sexual and reproductive health. While there is no human right to abortion, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guarantees all women the right to decide “freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.”⁹ Furthermore, while the human rights framework does accommodate the right to ‘conscientious objection’, this cannot justify a refusal to perform a life-saving abortion when no other suitable alternatives exist for a woman to obtain the abortion.¹⁰ The UN Human Rights Committee has called upon States to remove barriers to safe and legal abortion, including ‘barriers caused as a result of the exercise of conscientious objection by individual medical providers;’ a statement which has been reiterated by the UN Special Rapporteur on FoRB.¹¹

“ *St. John 10.10 tells us ‘I have come to have life and have it in abundance’. As militants of the Gospel, as people of faith and with a Latin American Pentecostal identity, we defend the right to safe and free legal abortion, and we say so because we love and defend life in abundance. Our bodies are sacred territory and in that [lie] our self-determination and religious freedom”*
(Gabriela Guerreros, Pentecostal pastor, Argentina)¹²

Target 3.8. Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all: In contexts where religious/belief minorities and indigenous peoples are marginalised, discriminated against or oppressed, they often experience restrictions on their access to health care services and quality treatment. In the most extreme cases, health facilities may be destroyed, and staff attacked as part of religiously related conflicts or situations of violent oppression of religious/belief minorities. In other contexts, access is restricted through state policies and practices. Bias in health budgeting and priorities, for instance, may mean that infrastructure is lacking or of low quality in areas with a predominance of religious/belief minorities and indigenous peoples.

Minorities commonly face prejudice and discrimination in the health system, including verbal and physical abuse; refusal of treatment; insufficient or wrong treatment; or involuntary treatment.¹³ Lack of culturally and religiously appropriate services may also constitute a barrier for minorities. When health workers ignore, disparage or disrespect traditional, non-harmful, health remedies or practices that are prevalent in certain religious/belief communities, people from these communities may be less likely to access the health system.

FORB AND SDG 4: ENSURING INCLUSIVE AND EQUITABLE QUALITY EDUCATION

SDG 4 aims at ‘ensuring inclusive and equitable quality education for all and promote lifelong learning opportunities for all.’ The goal is specified in ten targets that emphasise different aspects of the goal, including access to free primary and secondary education and affordable tertiary education; elimination of gender disparities; and access to education for children in vulnerable situations. FoRB is particularly relevant to three of these targets.

Target 4.5. By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations: In contexts where religious/belief minorities and indigenous peoples are subject to marginalisation, discrimination or oppression, their levels of enrolment in school are often lower than that of the majority population. In a few cases, certain minority groups’ access to public education is explicitly restricted by law, primarily at university level.¹⁴ Elsewhere, discriminatory citizenship laws mean that certain groups are prevented from accessing a range of

public services, including education.¹⁵ Refugees and internally displaced persons are often particularly vulnerable.

Even in situations where the law is non-discriminatory, state policies, structures and practices may still be discriminatory, restricting minorities' access to education in different ways. In areas with a predominance of religious/belief minorities or indigenous peoples, for instance, it is not uncommon that there are comparably fewer schools than in other areas, reflecting bias in government priorities. Furthermore, schools in areas with a predominance of minorities, or schools that serve predominantly minority students, are "often of lower quality, poorly equipped, inferior in terms of infrastructure and served by the least-qualified teachers"¹⁶

Target 4.7. By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development: Bias and discrimination in curriculum and teaching material can play an important role in perpetuating discrimination and exclusion on the grounds of religion or belief, not only in the context of religious education, but also in history, social science and various other topics.¹⁷ Text books may propagate stereotypical conceptions of particular groups or individuals; present incorrect or flawed accounts of history or current events; or they may simply render religious/belief minorities invisible.

Obligatory religious instruction often constitutes a challenge; focus will typically be exclusively on the majority religion, while other religions and beliefs are omitted or – if mentioned – stigmatized. Such types of education also present other challenges to FoRB. From a human rights perspective, *neutral* education, or information, about religions can be obligatory (and can in fact be an important tool in strengthening respect for diversity and pluralism), but *confessional* religious instruction cannot, insofar as it may violate children's right not to receive religious instruction that goes against their convictions, and parents' right to ensure the religious and moral education of their children. Non-discriminatory alternatives or opt-out possibilities should always be available, but even this can be problematic, stigmatising those who do not participate.¹⁸

Target 4.a. Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all: In some contexts, school children from religious/belief minorities and indigenous communities are disproportionately exposed to violence, harassment and bullying in or around the school. In the most extreme cases, school children are attacked or kidnapped, and schools destroyed as part of broader persecution and oppression. In the class room, minority students are often more likely than majority students to be victims of corporal punishment, psychological abuse, harassment and bullying from teachers and fellow students

who are from the majority community themselves. In some contexts, students are forced or pressured to take part in religious activities against their will, e.g. in the form of obligatory religious dress code or participation in confessional religious activities.¹⁹ There are also accounts of fellow students, teachers and school authorities pressuring or forcing students to convert. Such practices constitute a clear violation of FoRB, which guarantees all individuals freedom from coercion.

FAITH FOR RIGHTS²⁰

The 2017 Faith for Rights Declaration and its 18 commitments, spearheaded by the OHCHR and developed by faith-based and secular civil society actors, provides a framework for cross-disciplinary reflection and action on the connections between religions and human rights. The framework includes commitments related to non-discrimination, gender equality, freedom of expression and a number of other human rights principles. The objective is to foster the development of peaceful societies, which uphold human dignity and equality for all and where diversity is not just tolerated but fully respected and celebrated. In 2020, the #Faith4Rights toolkit was launched, translating the framework into practical peer-to-peer learning and capacity-building programmes.

FORB AND SDG 5: GENDER EQUALITY AND EMPOWERMENT²¹

SDG 5 aims to ‘achieve gender equality and empower all women and girls’. The goal consists of nine targets, including targets to end all forms of gender discrimination, eliminate gender-based violence and harmful practices, recognise unpaid domestic work, ensure public participation and equal opportunities, ensure sexual and reproductive health rights, and equal rights to economic resources. FoRB is particularly relevant to four of these targets:²²

Target 5.1. End all forms of discrimination against all women and girls

everywhere: An estimated 2.5 billion women and girls live in countries with gender discriminatory laws.²³ Denominational family laws, or personal status laws, present a particular challenge, not only to women’s rights but also to FoRB. In various countries, especially those with an official state religion, family law is based on religion and may be directly and formally administered by a religious court. In most instances, different religious communities have their own laws, administered by their own court, in conformity with their own religious traditions.

Denominational family laws typically involve clear gender discrimination in relation to e.g. custody, marriage, divorce, inheritance, and property (and as such, is also relevant to consider in relation to Target 5a which concerns women’s equal rights to inheritance and property). At the same time, they also discriminate on the grounds of religion/belief, insofar as women are accorded different rights, depending on their religious/belief identity. Denominational family laws may also

violate the right to be free from coercion, e.g. in cases where women's right to marriage or custody of their children is predicated on them converting to another religion.

TEXT BOX: RELIGIOUSLY BASED RESERVATIONS TO CEDAW

While most countries in the world have ratified the Convention for Elimination of All Forms of Discrimination against Women (CEDAW), more than 40 countries have expressed reservations to parts of the convention. Several of these reservations are religiously justified. Most are reservations to Article 2 which concerns gender equality in national legislation, and article 16 which concerns discrimination against women in matters relating to marriage and family relations, often regulated under personal status law, or family law. Reservations to these articles are considered by CEDAW to be 'incompatible with the object and purpose of the convention' and should not be permitted. They have consequences for individuals' enjoyment of a range of human rights, including their right to non-discrimination on the grounds of their gender, but also their right to FoRB and to non-discrimination on the grounds of their religion/belief.

Target 5.2. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

Gender-based violence is often closely intertwined with patriarchal religious norms. Conceptions of women's inferiority, purity and fragility may contribute to legitimising gender-based violence as a necessary means to sustain the patriarchal order. In some contexts, this is also reflected in laws and policies diminishing the seriousness of gender-based violence, by, for example, placing a higher burden of proof on victims, reducing the value of women's testimony and allowing perpetrators of violence to invoke 'honour' or marry the victim to escape criminal responsibility or minimise punishment.²⁴ Regardless of whether religion is invoked as a justification, FoRB does not protect any form of gender-based violence, nor laws that diminish the seriousness of such violence.

In situations of religiously related conflicts or oppression of religious/belief minorities or indigenous peoples, women and girls are particularly vulnerable to gender-based violence, often employed as part of a strategy for elimination or 'contamination' of a community, or as a tool for retaliation and revenge. This can include e.g. rape, forced sterilisation, or forced marriage. Religious taboos and stigma around gender and sexuality often mean that victims of gender-based violence are met with silence, denial or suspicion. Even when gender-based violence is part of systematic oppression of religious/belief minorities, women have experienced a lack of recognition of their suffering by their own community. Attention to these types of violence is crucial in interventions to eliminate violence against women and girls.

“ *There is a need for human rights advocates to be observant on the impact of FoRB and women’s rights violations on both women from majority and minority communities in different contexts. Forces of patriarchy and religious fundamentalism affect the human rights of both sets of women, but in different ways*” (Saumya Uma, O.P. Jindal Global University)²⁵

Target 5.3. Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation Around the world, female genital mutilation, child marriage, menstrual isolation and other harmful practices are sometimes justified with reference to religious values and traditions. Such harmful practices constitute a direct threat to women’s and girls’ health, and they are not protected by the right to FoRB.²⁶ In fact, States have an obligation to prevent and eliminate harmful practices.²⁷ When intervening to stop harmful practices in a particular religious community, however, it is important that these practices are not used as a justification for banning or restricting *all* religious practices of this community, which would amount to a disproportionate restriction on their right to FoRB. As noted by Minority Rights Group International: “Often what is needed is informed dialogue on how to reform certain specific practices without restricting or denigrating a culture or religion as a whole.”²⁸

“ **On religious autonomy**
States are prohibited from imposing beliefs on individuals and communities and [...] religious actors can and should, in upholding their institutional autonomy, be exempted from complying with government regulations where doing so would not inordinately discriminate against others on the basis of gender. [However] the principle of institutional autonomy does not extend to State deference to harmful discriminatory gender norms. Nor does it oblige States to defer from intervening to prevent harmful practices because said practices are informed by “religious ethos”, including discriminatory acts that have as their purpose or effect the nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis. This is particularly important with regard to internal dissidents who may be targeted with violence as a result of their advocacy for gender equal teachings. (Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief)²⁹

Target 5.5. Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life: Patriarchal norms and stereotypes around gender roles may influence women’s participation and leadership opportunities, restricting their autonomy and mobility in various ways. From a FoRB-perspective, the issue

of women's participation and leadership in religious institutions is of particular relevance. Religious institutions are powerful actors in many contexts, not only at community level but often also at regional and national levels, contributing to and influencing decision-making processes in political, economic and public life, whether formally or informally. In most religious traditions, women (still) do not participate in religious institutions on equal footing with men, and possibilities for religious leadership positions are limited, if at all existing. This means that women have fewer opportunities for influencing decision-making internally in the institution, but also in political, economic and public life more broadly.

FoRB protects the autonomy of religious institutions, meaning that, in general, the state should not interfere with the internal organisation or practices of the institution. This also means that religious institutions are exempt from complying with requirements as to gender equality and non-discrimination, as long as they do not "inordinately discriminate against others on the basis of gender."³⁰ At the same time, however, FoRB also protects the right of internal dissidents to present alternative interpretations of religious texts and traditions, including feminist or gender-sensitive ones; and in cases where this leads to coercive or violent reactions from the community, the State is obliged to provide protection to dissidents.³¹

FORB AND SDG 10: REDUCING INEQUALITY

SDG 10 aims to 'reduce inequality within and among countries'. The ten targets include: income growth for the bottom 40 percent of the population; inclusion, equal opportunities and reduced inequalities; regulation of financial markets and enhanced representation of developing countries in decision-making, among others. Two targets are of particular relevance to FoRB:

Target 10.2. By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status: Poverty surveys consistently show disproportionately higher levels of poverty for minority groups and indigenous peoples than for the population in general.³² Obviously, belonging to a minority does not necessarily entail that one is poor; in some contexts, some minorities may be poor while others are not, reflecting broader patterns of discrimination and exclusion. Regardless of their economic status, however, minorities often suffer from lack of social and political inclusion and representation

“ *Often people who live in poverty are the ones that experience the worst violations of their right to express their identity. They are also often the ones with the least power and fewest resources to counter, or cope with, these violations”* (Mariz Tadros, Institute for Development Studies/Coalition for Religious Equality and Inclusive Development)³³

Target 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard: In various countries around the world, we find laws, policies and practices that discriminate on the grounds of religion or belief. More than half of the world’s population live in countries where government restrictions on religion are either high or very high.³⁴ This includes e.g. lack of legal recognition or outright bans of particular communities, anti-blasphemy and anti-apostasy laws, and restrictions on worship, as well as broader discrimination in areas of e.g. education, health, and employment.

Even in contexts where the legal framework formally ensures access to justice and equality in law for all, justice sector actors, including justice ministries, judges, lawyers, police, penitentiary staff and others, implement the law in a biased and discriminatory manner, creating or maintaining ‘cultures of impunity’. It may be legally possible to convert, for instance, but police offer little protection in cases where conversion leads to harassment and violence from the surrounding community.

FORB AND SDG 13. COMBATING CLIMATE CHANGE AND ITS IMPACTS

SDG 13 encourages states to ‘take urgent action to combat climate change and its impacts’. The five targets include: strengthening resilience; integration of climate change measures into national policies and planning; and improved education, awareness-raising and capacity on climate change responses. One target is particularly relevant to FoRB:

Target 13.1 Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries: Around the world, minorities and indigenous peoples often – although far from always – belong to the poorest and most marginalised segments of the population. Socio-economic inequalities mean that they tend to live in places that are worst hit by disasters and other extreme weather events.³⁵ The close relationship of some indigenous peoples and minorities with their natural environments also makes them especially sensitive to the effects of climate change.

The disadvantaged position of minorities and indigenous peoples not only means that they are more affected by the consequences of climate change; it also affects their possibilities to cope with these consequences.³⁶ Poverty and economic inequality means that they have fewer possibilities for investing in measures that could assist them in mitigating risks and adapting to new environments. Lower education levels and lack of access to information further contribute to minority groups being disadvantaged in terms of preparing themselves for disasters. Governments may also underprioritize minority or indigenous areas, focusing instead on building infrastructure and introducing strategies for mitigation and adaptation in majority areas.

FAITH FOR EARTH

In 2017, UN Environment (UNEP) launched the Faith for Earth Initiative following a series of initiatives and conventions organized in partnership with faith-based organizations. The goal of Faith for Earth is to strategically engage with faith-based organizations and partner with them to collectively achieve the SDGs and fulfil the objectives of the 2030 Agenda. Faith for Earth seeks to inspire and empower faith organizations and their leaders to advocate for protecting the environment, to green faith-based organizations' investments and assets to support the implementation of SDGs, and to provide them with knowledge and networks to enable their leaders to effectively communicate with decision-makers and the public.

FORB AND SDG 16: ACCESS TO JUSTICE FOR ALL

SDG 16 aims to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels.' The twelve targets include reduction of violence, illicit financial and arms flows, and corruption; promotion of rule of law; development of effective, accountable and transparent institutions; and promotion of non-discriminatory laws and policies. Three targets are of particular relevance to FoRB:

Target 16.3. Promote the rule of law at the national and international levels and ensure equal access to justice for all: Religious/belief minorities and indigenous peoples often suffer from lack of access to justice. Inequalities and discrimination occur at various levels, including legal, institutional, socio-economic and cultural, precluding minorities from accessing justice.³⁷ Bias in resource allocation may mean that the geographical distribution of justice institutions is insufficient and unequal, with fewer institutions in areas with a predominance of religious/belief minorities and indigenous peoples. Judges, prosecutors, law enforcement officials and other actors in the justice system may allow bias and stereotypes to influence investigations and trials, undermining the credibility and claims of the victim. This may in turn result in lack of confidence in the formal justice system on the part of religious/belief minorities. Experiences of impunity and institutionalised discrimination may mean that they hold back in reporting crimes committed against them.

BLASPHEMY LAWS

Blasphemy laws often constitute a threat to the rule of law. More than 70 countries in the world have blasphemy laws, and the vast majority of these are imprecise and vaguely formulated, allowing for an overly broad application. In many countries blasphemy laws are used to oppress political opponents and critical voices. Religious/belief minorities, atheists and others whose convictions and/or practices differ from those of the majority are also disproportionately affected by blasphemy charges. From a human rights perspective, blasphemy laws are deeply problematic and should be abolished. Human rights protect individuals, not ideas or belief systems. Neither are considerations as to individual 'religious feelings' or preservation of 'societal harmony' legitimate reasons for limiting our fundamental freedoms. A ban on blasphemy might protect some people's beliefs, but it will inevitably restrict the beliefs of others. As such, blasphemy laws are also a violation of FoRB. Reports of the UN Special Rapporteur, the Rabat Plan of Action and various other human rights documents urge States that still have anti-blasphemy or anti-apostasy laws to repeal them.³⁸

Target 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

Religious or belief minorities and indigenous peoples are often underrepresented in decision-making positions and processes, whether because they are intentionally restricted from participation, inadvertently disadvantaged by facially-neutral laws or policies, or because there are structural barriers to their full and equal participation.³⁹ In the justice sector, for instance, minorities may be underrepresented as senior legal professionals, judges, or law reform commissioners. They may also be underrepresented in the legislature, as well as in top public service positions. This lack of representation may mean that the needs, experiences and perspectives of religious/belief minorities and indigenous peoples are not taken into account, leading to e.g. biased or discriminatory laws and policies, court decisions, or education material.

Target 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements:

All over the world, journalists, trade unionists and human rights advocates are under threat. They are subject to surveillance, pressure, harassment and, in the worst cases, killings, kidnappings, enforced disappearances, arbitrary detention or torture. Religious/belief actors who fight for human rights from a faith-based perspective are often particularly vulnerable, attacked for their human rights activism as well as for challenging orthodox religious norms and practices. Many religious women's rights activists, for instance, are accused of 'heresy' or 'blasphemy' when they argue for gender equality on the basis of

religious values and texts. Religious minority rights advocates and atheists or humanists advocating for the right to freedom from religion are also at risk of stigmatisation, harassment, and violence. This is a threat to FoRB. Everybody has a right to interpret and use religion the way they want, including also as a source of inspiration and empowerment in human rights struggles.

“ *When religion is the root of legislation, you automatically criticize religion by criticizing legislation. So in some countries we have seen that women who criticize unequal laws are seen as blasphemous and a threat to religion*” (Leila Alikarami, Iranian lawyer and human rights activist)⁴⁰

HOW TO ENSURE GREATER ATTENTION TO FoRB IN SDG IMPLEMENTATION AND MONITORING? SUGGESTED ACTIONS FOR PARLIAMENTARIANS AND RELIGIOUS LEADERS

As the examples above demonstrate, attention to FoRB and broader discrimination on the grounds of religion/belief is relevant, and indeed necessary, in relation to a wide range of SDGs and targets. However, the existing frameworks, mechanisms and processes for SDG implementation and monitoring often fail to include these issues. Parliamentarians and religious/belief leaders can contribute in important ways to directing attention to FoRB and religiously related discrimination and ensuring integration of these issues into SDG implementation and monitoring where relevant.

Parliamentarians play an important role in the implementation of Agenda 2030. They are responsible for proposing, scrutinizing and eventually adopting the laws needed to create the legal framework for the SDGs to be fulfilled; and for passing budgets to allocate funding for SDG implementation. Parliamentarians also have roles to play in relation to monitoring of SDG implementation, verifying that it is appropriate in national and local contexts. Finally, parliamentarians must represent their constituents, ensuring that their perspectives, experiences and needs are taken into consideration and promoting citizen participation in the implementation and monitoring of the SDGs.⁴¹ In all of this, they can contribute to raising awareness of FoRB and religiously related discrimination:

- **Planning SDG implementation:** In the development of national action plans for SDG implementation, parliamentarians can engage in dialogue with the executive branch to encourage the development of supplementary indicators on issues related to FoRB and broader discrimination on the grounds of religion/belief. They can also direct attention to the importance of disaggregated data on religion/belief in national surveys and other data collection for SDG monitoring
- **Law-making for the SDGs:** Parliamentarians can press government to take action. They can draft and introduce laws themselves, or they can encourage and support citizen-initiated legislative initiatives to ensure reform of laws that violate FoRB and/or discriminate on the grounds of religion or belief, including e.g. blasphemy laws and denominational family laws. In contexts where

government has initiated a SDG law reform needs assessment, they can raise issues related to FoRB and religious discrimination in this work.

- **Budgeting for the SDGs:** Parliamentarians can advocate for specific budget priorities before and during the budget preparation process, encouraging attention to issues related to FoRB and discrimination on the grounds of religion or belief. They can also analyse the budget to identify potential bias or under-prioritisation of specific groups, including religious/belief minorities and indigenous peoples.
- **Monitoring implementation of the SDGs:** Parliamentarians can contribute to oversight of SDG implementation through parliamentary committees, inquiries, written and oral questions, or interpellations. They can monitor whether initiatives pay due attention to FoRB and discrimination on the grounds of religion or belief
- **Representation and participation:** Parliamentarians can contribute to ensuring representation and participation of religious/belief minorities, indigenous peoples and other groups who may be vulnerable to discrimination and inequalities on the grounds of religion or belief, ensuring that their perspectives, experiences and concerns are included in work on the SDGs. Other civil society actors with knowledge and expertise on FoRB and religiously related discrimination should also be included, e.g. religious leaders, faith-based organisations, academics and others. Effective means include e.g. local consultations, public hearings, civil society cooperation, and social media communication.

Religious/belief leaders, along with other civil society actors, can also provide important contributions to the implementation of Agenda 2030. Religious/belief leaders often enjoy popular support, legitimacy and authority; have vast networks and relations; and have extensive knowledge of the local context in which they work. All this means that they can play act to raise awareness and support for the SDGs in local communities; make sure that perspectives, experiences and concerns from these communities are heard in the planning and implementation of SDG action plans; monitor implementation on the ground; and sponsor grass-roots initiatives to further concrete goals and targets. In all of this, they can also contribute to ensuring greater attention to FoRB and religiously related discrimination:

- **Raising awareness and support for the SDGs:** Religious/belief leaders can encourage religious interpretations and practices that support inclusion, equality and non-discrimination, demonstrating that religious values and the values underlying Agenda 2030 are compatible and mutually reinforcing. This is particularly important in relation to those parts of Agenda 2030 that are sometimes considered religiously controversial, including issues related to gender equality and women's empowerment, as well as marginalisation and discrimination of religious/belief minorities.

- **Communicating perspectives, experiences and concerns from the ground:** Religious/belief leaders often have in-depth knowledge of the religiously related restrictions, discrimination and marginalisation that their constituents experience. They should use their leverage and position to direct attention to these issues with actors responsible for SDG planning and implementation, whether through active participation in civil society hearings and consultations, in media and public debate, or by using other opportunities for influencing SDG planning and implementation.
- **Implementation of concrete initiatives:** Religious/belief leaders can support and implement concrete initiatives that contribute to the realisation of particular goals and targets, e.g. interreligious dialogue to counter exclusion and discrimination of minorities, campaigns to end FGM and other harmful practices, or empowerment of female religious leaders.
- **Monitoring implementation of the SDGs:** Religious/belief leaders can, in cooperation with other civil society actors, encourage citizen-generated data collection on FoRB violations and broader discrimination on the grounds of religion/belief, to supplement existing data collection for SDG monitoring

ABOUT THE PAPER

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NOTES

- 1 The series include six papers: Freedom of Religion or Belief and the Sustainable Development Goals (paper #1), Freedom of Religion or Belief and Health (#2), Freedom of Religion or Belief and Education (#3), Freedom of Religion or Belief and Women’s Rights (#4), Freedom of Religion or Belief and Climate Change (#5), and Freedom of Religion or Belief and Freedom of Expression (#6). All briefs build in part on the author’s report *Promoting Freedom of Religion or Belief and Gender Equality in the Context of the Sustainable Development Goals: Reflections from the 2019 Expert Consultation Process*, Danish Institute for Human Rights, 2020
- 2 See also Marie Juul Petersen and Katherine Marshall, *The International Promotion of Freedom of Religion or Belief. Sketching the Contours of a Common Framework*, Danish Institute for Human Rights, 2019
- 3 Several declarations, resolutions and action plans point to the roles and responsibilities of religious actors as moral duty-bearers, including e.g. the *UN Declaration on Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981), the *Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence* (2012), and the *Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes* (2017).
- 4 Marie Juul Petersen and Katherine Marshall, *The International Promotion of Freedom of Religion or Belief*, Danish Institute for Human Rights, 2019, p. 24
- 5 For more on the relation between human rights and the SDGs, see e.g. the Danish Institute for Human Rights’ *Human Rights Guide to the Sustainable Development Goals* (<http://sdg.humanrights.dk/>) which links specific goals to specific rights and vice versa. See also Universal Rights Group, Danish Institute for Human Rights, Permanent Mission of Denmark to the UN in Geneva and Government of Chile: *Human Rights and the SDGs: Pursuing Synergies* (2017).
- 6 Ahmed Shaheed, *Report on safeguarding freedom of religion or belief for the successful implementation of the 2030 Agenda for Sustainable Development, Report of the UN Special Rapporteur on Freedom of Religion or Belief to the General Assembly, A/75/385*, 2020, para. 61
- 7 The UN Committee on the Rights of the Child adopted in 2021 a general comment on children’s rights in relation to the digital environment, stressing that “States parties should respect the right of the child to freedom of thought, conscience and religion in the digital environment.” UN Committee on the Rights of the Child, *General Comment No. 25 on children’s rights in relation to the digital environment, CRC/C/GC/25*, paras. 62-63
- 8 Anand Grover, *Interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health* (main focus: criminalisation of sexual and reproductive health), A/66/254, 2011, paragraph 48.
- 9 UN, *Convention on the Elimination of All Forms of Discrimination Against Women*, article 16
- 10 Human Rights Watch, *International Human Rights Law and Abortion in Latin America*, HRW, 2005

- 11 Human Rights Committee, *General comment no. 36, CCPR/C/GC/36, 2018, para. 8; Ahmed Shaheed, Gender-based violence and discrimination in the name of religion or belief, Report of the UN Special Rapporteur on Freedom of Religion or Belief to the Human Rights Council, A/HRC/43/48, 2020, par. 44*
- 12 Gabriela Guerreros, #AbortoLegalYa: “Como militantes del Evangelio defendemos el derecho al aborto legal”, *LatFem*, April 18, 2018 (author’s translation)
- 13 Various UN entities, *Joint UN Statement on ending discrimination in health care settings, 2017*
- 14 Sophie Gregory, Baha’is in Iran are redefining educational advancement, *Times Higher Education*, October 6, 2018
- 15 Julia Wallace, Myanmar casts minorities to the margins as citizenship law denies legal identity, *The Guardian/IRIN*, November 3, 2016
- 16 Right to Education website, *Minorities and Indigenous Peoples*, <https://www.right-to-education.org/issue-page/marginalised-groups/minorities-and-indigenous-peoples>
- 17 UNESCO, *Making textbook content inclusive: a focus on religion, gender and culture, 2017, p. 7*
- 18 OSCE/ODIHR, *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, 2007, p. 14. UN International Covenant on Civil and Political Rights, 1966, article 18,4; UN Human Rights Committee General Comment no. 22; Human Rights Council, Recommendations of the Forum on Minority Issues at its sixth session: Guaranteeing the rights of religious minorities, A/HRC/25/66, 2013, para. 42.*
- 19 Office of the Special Representative of the Secretary General on Violence against Children, *Tackling violence in schools: a global perspective, 2012, p. 12; Sameer Hinduja and Justin W. Patchin, School Bullying Based on Religion, Cyberbullying Research Center, 2019*
- 20 See the OHCHR website for more information, <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx>
- 21 This section focuses on gender equality primarily in the sense of women's and girls' rights. However, gender equality also encompasses men's and boys' right to equality and non-discrimination. Furthermore, gender equality also includes the rights of sexual orientation and gender identity minorities. For more information on this issue, see the work of UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/Index.aspx>.
- 22 FoRB is also relevant to Target 5.6 on access to sexual and reproductive health and rights; however, this is very similar to Target 3.7 which was discussed above.
- 23 UN Women, *Equality in Law for Women and Girls by 2030. A Multistakeholder Strategy for Accelerated Action, 2019, p. 10*
- 24 UN Women, *Equality in Law for Women and Girls by 2030. A Multistakeholder Strategy for Accelerated Action, 2019, p. 8*
- 25 Quoted in Marie Juul Petersen, *Promoting Freedom of Religion or Belief and Gender Equality in the Context of the Sustainable Development Goals, Danish Institute for Human Rights, 2020, p. 17*

- 26 Ahmed Shaheed, *Gender-based violence and discrimination in the name of religion or belief, Report of the UN Special Rapporteur on Freedom of Religion or Belief to the Human Rights Council, A/HRC/43/48, 2020, par. 47; Human Rights Committee, General Comment no. 18, 1989, par. 7*
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- 28 Corinne Lennox, *Addressing health inequalities in the post-2015 development framework, State of the World's Minorities and Indigenous Peoples 2013, 2014, p. 17*
- 29 Ahmed Shaheed, *Gender-based violence and discrimination in the name of religion or belief, Report of the Special Rapporteur on freedom of religion or belief to the Human Rights Council, A/HRC/43/48, para. 49*
- 30 Ahmed Shaheed, *Gender-based violence and discrimination in the name of religion or belief, Report of the Special Rapporteur on freedom of religion or belief to the Human Rights Council, A/HRC/43/48, para. 48*
- 31 Heiner Bielefeldt, *Interim report of the Special Rapporteur on freedom of religion or belief, UN General Assembly, A/68/290, para. 60*
- 32 Corinne Lennox, *Minority and Indigenous women and the Millennium Development Goals, State of the World's minorities and Indigenous Peoples, Minority Rights Group International, 2011, p. 22; UN Women, Turning promises into action: Gender equality in the 2030 Agenda for Sustainable Development, UN Women, 2018*
- 33 Quoted in Marie Juul Petersen, *Promoting Freedom of Religion or Belief and Gender Equality in the Context of the Sustainable Development Goals, Danish Institute for Human Rights, 2020, p. 21*
- 34 Pew Research Center, *Global Uptick in Government Restrictions on Religion in 2016, 2018. See Judd Birdsall and Lori Beaman, Faith in Numbers. Can we Trust Quantitative Data on Religious Affiliation and Religious Freedom, Review of Faith & International Affairs, 2020, vol. 18(3) for a discussion of Pew's data on religious restrictions.*
- 35 Rachel Baird, *The Impact of Climate Change on Minorities and Indigenous Peoples, Minority Rights Group International, 2008, p. 2.*
- 36 Ibid, p. 6
- 37 Minority Rights Group International's website, *Breaking down barriers: Towards inclusive access to justice, <https://minorityrights.org/2018/05/02/12332/>*
- 38 For more on this issue, see e.g. Office of the High Commissioner for Human Rights, *#Faith4Rights toolkit, 2020, module 11.*
- 39 OHCHR, *The inclusion of religious minorities in consultative and decision-making bodies, 2014*
- 40 Quoted in Marie Juul Petersen, *Promoting Freedom of Religion or Belief and Gender Equality in the Context of the Sustainable Development Goals, Danish Institute for Human Rights, 2020, p. 37*
- 41 Kevin Deveaux and Charmaine Rodrigues (2017) *Parliament's role in implementing the Sustainable Development Goals, UNDP, GOPAC and Islamic Development Bank. The following recommendations are inspired by, and adjusted from, this publication.*