



Statement

Human Rights Council

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Item 3: Interactive dialogue with the Special Rapporteur on the freedom of religion

Speaker: Albert Hengelaar

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Mr. President,

We thank the Special Rapporteur for highlighting in his report the growing challenges posed by the struggles between secular and religious participants in the 'public space' and on the 'public agenda'. In paragraph 39, the Special Rapporteur views negatively "invoking 'religious liberty' concerns in order to justify differential treatment against particular individuals or groups", as well as conscientious objection on the basis of faith in this regard. Our national alliances, in secular democratic countries, have advocated for the creation of a space for conscientious objection, not because they want to deprive certain others to obtain certain services, but because for some, performing those acts would fundamentally betray their inner beliefs

By seemingly rejecting conscientious objection in certain cases, the Special Rapporteur's report may close the door on many proposals for reasonably accommodating the different rights at stake, ... between the right to freedom of conscience and other human rights or public interests. We invite the Special Rapporteur to suggest creative solutions for the pathway to real pluralism. Elements that foster this are found in paragraphs 47¹ and 79.² Our question to the Special Rapporteur is: Did he find cases of reasonable accommodation in State legislation, and can these cases be included in his future reports, to further advance knowledge how to reconcile personal beliefs and the "public agenda".

Thank you, Mr. President.

¹ In paragraph 47, the Special Rapporteur notes that "States that adopt more secular or neutral governance models may also run afoul of Article 18(3) if they intervene extensively, overzealously and aggressively in the manifestation of religion or belief alleging the attempt to protect other rights."

² In paragraph 79 (Conclusions and Recommendations), the Special Rapporteur notes that "where there is a plurality of social values, difference-blind policies might de facto create a hierarchy of rights where laws of general effect impose disproportionate burdens on religious minorities, unless there is reasonable accommodation."