

The right to freedom of religion or belief and its intersection with other rights

[Report, Civil Rights and Freedom, Inclusion and Equality, Intersectionality](#)

This paper was commissioned by ILGA-Europe, to examine how the right to freedom of religion or belief intersects with other human rights, including the rights to freedom of expression, freedom of assembly, and to be protected from discrimination and hate speech.

The paper examines in particular the tension between religious freedom and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, which is a matter of controversy in both legal and political discourse in Europe and elsewhere.

In particular, some Christian organisations and commentators have portrayed anti-discrimination law as conflicting directly with the right to freedom of religion or belief. Such arguments are increasingly couched in terms of the asserted 'right' of religious individuals conscientiously to opt out of providing goods or services to same-sex couples or to express views that might be considered by others to be homophobic or transphobic. This discourse has gone so far as to characterise the scope and application of equality law as a form of religious persecution.

The aim of this paper is to assist ILGA-Europe and other interested parties to respond to such arguments in a manner which is consistent with the standards and principles enshrined in both human rights and equality law, as articulated in the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union, and relevant United Nations treaties and declarations, and authoritative interpretations of these instruments by the relevant courts and treaty bodies.

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