

April 27, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

We write to you as individuals and representatives of organizations dedicated to the fundamental and unalienable right to freedom of religion or belief to express our serious concerns surrounding the 27 February 2020 report of Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief, to the UN Human Rights Council. Your leadership is greatly needed to protect Americans' fundamental rights by rebutting this UN report as a dangerous and ill-founded attack on religious freedom.

While we view this report as part of a broader, troubling, trend of UN human rights entities politicizing human rights, this instance is particularly egregious. The stated purpose of the report was to address the subject of gender-based violence and discrimination in the context of freedom of religion or belief. However, the report gives only superficial attention to the many real violations of women's freedom of religion or belief, such as targeting of women from minority religious communities for mistreatment and violence. Instead, most of the report focuses on condemning the religious beliefs of those who believe in protecting unborn life, marriage as the union of one man and one woman, and even the immutability of biological sex.

The mandate of the Special Rapporteur is to defend the freedom to manifest one's religious beliefs in private and in public, as well as individually or in community, as stated in article 18 of the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR). Furthermore, the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council specifically requires the Special Rapporteurs to "exercise their functions in accordance with their mandate" and to focus on "internationally recognized human rights standards."

Instead, this report argues that the policy goals of a few nations and activists should take precedence over the internationally recognized right to freedom of religion or belief, including the rights of medical professionals with conscientious objections to abortion. It suggests restricting the freedom of those who hold religious beliefs that do not align with the Special Rapporteur's in order to promote abortion and to affirm certain expressions and conduct associated with sexual orientation and gender identity (SOGI) in culture, civil society, and law. Not a single international human rights treaty recognizes a right to abortion. Human dignity requires that the rights of all be protected, including those who identify as LGBT, but no treaty text recognizes sexual identity categories or rights.

For too long the UN special mechanisms have treated their own policy goals as if they are human rights and even superior to fundamental rights. By doing so, the UN Special Rapporteur demonstrates contempt for the process through which diplomats carefully negotiate treaty texts

on behalf of citizens from the countries that they represent. Though this report was written on behalf of women, it shows profound disrespect for the religious freedom of women around the globe whose beliefs do not align with the Special Rapporteur's viewpoints.

The report also singles out several countries for reprimand. It cites the United States, Poland and Kenya for allowing exemptions on the basis of religious beliefs to performing abortions or providing contraception. The report also cites complaints based on sexual orientation and gender identity in the provision of commercial services, adoption, and in employment. Not only are international human rights treaties silent on these issues, the U.S. Congress, the Trump Administration, and the U.S. Supreme Court have protected the rights of Americans to conscientiously object to contraception and abortion, most recently through the establishment of the Conscience Division at the Department of Health and Human Services (HHS). In addition, HHS recently issued regulations to protect faith-based adoption and foster care providers from discrimination by states because of their beliefs about marriage and family. At the Supreme Court, the Trump Administration has submitted briefs in a number of cases addressing these conflicts, including *Masterpiece Cakeshop v. Colorado Civil Rights Commission* and *R.G. and G.R. Harris Funeral Homes v. Equal Opportunity Employment Commission*. A pending Supreme Court case, *Fulton v. City of Philadelphia*, will address a city policy on sexual orientation and the beliefs of Catholic adoption agencies. These conflicts have yet to be fully resolved in the American legal system. We hope that your administration will pay particular attention to the growing threats that policies based on sexual orientation and gender identity pose to religious freedom internationally. This UN report undermines the Trump Administration's protections of life and religious freedom that are enshrined in treaties and the U.S. Constitution.

Therefore, we hope that many different agencies of the U.S. government, (including the U.S. Mission to the United Nations and the U.S. Department of State) will work with multilateral allies to speak out publicly (as well as privately) against this threat to human rights, including at the UN General Assembly. Specific actions that we hope the U.S. will take include:

- Sending a letter to UN Secretary General Guterres from Ambassador Craft on behalf of the U.S. critiquing this recent report specifically and the OHCHR's politicization of human rights more broadly. Per UN protocol this letter would be circulated to all UN member states;
- Issuing a press release from a high-level U.S. government official critiquing the report;
- Sending guidance from the Bureau of Democracy, Human Rights, and Labor at the State Department to our foreign service officers on the correct understanding of religious freedom, women's rights, and erroneous assertions of new rights to abortion or those based on SOGI.

Countries that respect fundamental human rights must work together to challenge the overreach and misdirection of UN human rights mechanisms. We appreciate the many bold steps that your administration has taken to protect human rights, including Ambassador Sam Brownback's groundbreaking efforts to build multilateral alliances for the advancement of international religious freedom, Secretary Mike Pompeo's Commission on Unalienable Rights, and the joint effort of Secretary Pompeo and Secretary Alex Azar to form a multilateral alliance to protect life. Your event on international religious freedom at the 2019 UN General Assembly and speech

emphasizing respect for each country's sovereignty and values demonstrated America's strong leadership. That leadership is greatly needed to protect the rights of Americans and all people in rebutting this UN report as a dangerous and ill-founded attack on religious freedom.

Sincerely,

Mary Rice Hasson
Director
Catholic Women's Forum Ethics and Public
Policy Center

Jessica Anderson
Executive Director
Heritage Action for America

Austin Ruse
President
Center for Family & Human Rights (C-fam)

Penny Nance
CEO and President
Concerned Women for America

Tony Perkins
President
Family Research Council

Sharon Slater
President
Family Watch International

Faith J. H. McDonnell
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Nina Shea
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Jeff King
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& Senior Fellow
The University of Texas School of Law

Wendy Wixom
President
United Families International

Robert P. George
McCormick Professor of Jurisprudence,
Princeton University; Former Chairman, U.S.
Commission on International Religious
Freedom; former Member, U.S. President's
Council on Bioethics; former Member, U.S.
Commission on Civil Rights

CC: Secretary Alex M. Azar II, U.S. Department of Health and Human Services

CC: Secretary Mike Pompeo, U.S. Department of State

CC: Ambassador Andrew Bremberg, U.S. Permanent Representative to the United Nations and Other International Organizations in Geneva

CC: Ambassador Sam Brownback, U.S. Ambassador-at-Large for International Religious Freedom

CC: Ambassador Kelly Knight Craft, U.S. Permanent Representative to the United Nations

CC: Assistant Secretary Robert Destro, Bureau of Democracy, Human Rights and Labor, U.S. Department of State

CC: Acting Assistant Secretary Pam Pryor, Bureau of International Organization Affairs, U.S. Department of State