

# Introduction

---

The Essays and Commentaries that follow result from the Harvard Law School Human Rights Program's April 2020 Symposium on indirect discrimination on the basis of religion. As part of the symposium, several participants wrote short pieces on discrete topics related to indirect discrimination. The *Harvard Human Rights Journal* invited these participants, along with other scholars, to further explore these issues through the publication of a special issue.

Among the six Essays, Gerald Neuman explores the normative background to prohibitions on indirect discrimination before explaining the current state of indirect discrimination law domestically and internationally. Rashad Ibadov discusses "accommodative neutrality," a method of including reasonable religious claims in public education as a way to encourage mutual respect and tolerance among different religions in public life. Sarah Cleveland examines indirect religious discrimination through an analysis of opinions of the European Court of Human Rights and the Human Rights Committee on France's ban of the full-face veil. Tarunabh Khaitan clarifies the differences between the right to freedom of religion and the right against religious discrimination, a difference he describes as practically meaningful. Christopher McCrudden considers the development and use of the indirect religious discrimination concept in several European jurisdictions. Katayoun Alidadi compares the legal notions of indirect religious discrimination and reasonable accommodation, and argues for incorporating a legal duty of reasonable accommodation for employees' religious beliefs in the European workplace.

This Issue closes with two Commentaries. Victor Madrigal-Borloz explores how the theory of indirect religious discrimination can be used as a human rights tool, especially with regards to the rights of LGBT individuals. Yuval Shany evaluates how treaty language of the International Covenant on Civil and Political Rights allows national and international human rights bodies to treat religious discrimination matters differently, either as cases of discrimination on religious grounds or as cases of impermissible intervention with the freedom of religion.

We are grateful for the extensive time and effort the *Harvard Human Rights Journal* editorial staff dedicated to preparing this Issue. We especially thank Professor Gerald Neuman and the Human Rights Program at Harvard Law School for their partnership and generous support. Lastly, but surely not least, we would like to extend our sincere appreciation to all the participants in this Special Issue for their hard work and cooperation during an unprecedented and difficult time, as well as for their dedication and contributions to the field of human rights.

*Editors-in-Chief, Volume 34*

Omeed Alerasool

Stanisław Krawiecki

Jeel Oza