

Freedom of
religion or belief
for everyone:

Women in focus



together for the persecuted

“Literature on freedom of religion or belief needs to address the disproportionate impact of violations against particular segments of the population, and this publication is an example of precisely that. It shows that disproportionate impact, but also how addressing it gives rise to additional benefits.”

Nazila Ghanea
 Director of International Human Rights Law Programmes,
 University of Oxford

Authors' note

In 2011, Stefanus Alliance International published the first edition of a booklet titled Freedom of Religion or Belief for everyone. During the past decade, the booklet has been actively used in a number of countries to strengthen freedom of religion and belief by raising awareness and educating about this important human right.

In recent years however, we have become increasingly aware that violations of freedom of religion or belief (FoRB) affect men and women differently. Reports suggest that while religious persecution against men tends to be focused and visible, religious persecution against women tends to be complex and hidden.¹ These findings have inspired us to build on our trademark booklet by developing a new edition aiming to highlight women's FoRB experiences, identify some of the most common challenges faced by women around FoRB, and suggest how these challenges can be addressed.

We would like to stress that women's rights to FoRB is not an issue that only concerns women. Increasing women's possibilities to exercise their rights are beneficial for the whole of society and should therefore be championed by men and women alike.

We also recognize that the issues surrounding FoRB and women's rights to equality are complex. There exist many, often conflicting, views as to how these rights relate to one another. We wish to underline that due to its short format this booklet will not be able to present all these views and disagreements in detail. Our aim is to provide an introduction to the topic, initiate reflection and inspire to action.

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Freedom of Religion or Belief: Women in focus

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1. FoRB and women's rights to equality



Introduction

More than 80% of the world's population live in contexts where the possibility to freely choose, practice, or change their religion or belief is severely limited.² Violations of freedom of religion or belief take various forms and are carried out by a number of different actors. Women from religious and ethnic minority groups are often particularly vulnerable to these violations.³

For almost a decade, thousands of Christian women and girls have been kidnapped, raped, and forcibly converted by the extremist Islamic military group Boko Haram in north-eastern Nigeria.⁴

Similarly, in 2014, ISIS launched a genocide directed at the Yazidi population from northern Iraq. Most of the men were killed, while women were sold as sex slaves at markets and forced to convert to Islam. As of January 2021, 1308 Yazidi women are still missing and held in captivity.⁵

Since 2017, China has systematically carried out assaults on Muslims in the Xinjiang region. More than a million Muslims, especially Uyghurs, have been charged with terrorism and arbitrarily arrested for peacefully practicing their faith, and been sent to concentration camps for detention and 're-education'. Uyghur women are often subjected to forced sterilization in these

camps. Prison officers have reportedly raped Uyghur women after sterilization.⁶

In 2018, it was reported that over 100,000 Kachin Christian women in Myanmar were trafficked to neighboring countries to be forcefully married, raped and impregnated. Reports also indicate that military men have been encouraged by financial reward or promotions in rank to marry Christian women and convert them to Buddhism.⁷

FoRB & women's rights

Freedom of religion or belief is a human right and an entitlement of all people. It extends to all human beings without distinction of any kind, such as race, ethnicity, gender, sexuality, religion, political or other opinion, economic, social or other status.

The most common legal reference to FoRB is found in article 18 of the International Covenant on Civil and Political Rights (ICCPR):

*"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."*⁸

Thus, the three main components to freedom of religion or belief are the right of everyone to: have a religion or belief; change their religion or belief; and practice their religion or belief. Although the most often used abbreviation is freedom of religion or belief (FoRB), it is a right that encompasses one's freedom of faith, thought and conscience. The term 'belief' and 'religion' should be understood broadly and also includes those who do not believe.⁹

Unfortunately, many people – both men and women – from different religious and belief communities around the world have defended practices that undermine gender equality, by claiming them to be protected by FoRB. This can be particularly dangerous when it is used to justify harmful practices against women and girls. This is a grave misuse of the right because FoRB in general can never be used to justify violations of any other human right.

Too often, women are prevented from enjoying their rights, including FoRB, to the same degree as men. The women's rights movement aims at highlighting and closing this gap. The broad goal of women's



As of January 2021, 173 of the 193 member states to the UN are state parties to the International Covenant on Civil and Political Rights (ICCPR).



As of January 2021, 189 of the 193 member states to the UN are state parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

rights is to make sure that women are not denied their civil, political economic, cultural, and social rights based on their gender.¹⁰ Women's rights form part of the wider human rights concept of gender equality.

Although women's rights and gender equality are included in many human rights documents today, the most acknowledged document legally outlining women's rights is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Convention establishes an international bill of rights for women, as well as a national agenda for action to guarantee the enjoyment of rights for women. Article 1 in CEDAW lays the foundation and the tone for the rest of the document by stating the following:

“For the purposes of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”¹¹

In every country, the government has a distinct responsibility to ensure that every person has their rights and freedoms respected, protected and fulfilled. This means that if a state signs and ratifies a treaty, it can be held accountable for not upholding and protecting the specific rights and freedom outlined in it. States also have a responsibility to intervene in cases where a person's rights are violated by non-state actors in a way that causes them harm.

Another important point to remember regarding the intersection of FoRB and women's rights is that women are a highly diverse group. Their identities are shaped by different elements, like social class, ethnicity, material conditions, majority or minority religious or belief affiliation, age, and marital status, among other things. They will also be affected by gender ideals constructed and promoted by society-at-large, including state and religious leaders. Women's status and power will function differently in light of these factors. All these aspects are important to keep in mind when trying to understand women's challenges related to FoRB, and when developing initiatives to support and empower them.

Women's rights – an important aspect of FoRB for all

Until recently, most of the research and data on FoRB has been gender-blind, based on the mistaken presumption that men and women experience FoRB violations in the same way. Recommendations developed from this research maintain this flaw, presuming that men and women will benefit equally from the same kind of FoRB interventions. This gender blindness may stem from the fact that throughout human history, the experience of men has been used as a default reference, falsely assuming that it represents the experience of all humans. Also, since the majority of official representatives of religion and belief communities are men, their experiences of FoRB violations have often been considered valid for the entire group they represent. This again reinforces the gender gap in data collection on FoRB violations and suggestions on how to effectively counter these.

A closer look at the everyday lives of men and women will, however, disclose that in many societies men and women live very different lives. They do not have equal access to resources, they are assigned different roles in society, and their work and even life are often not valued equally. Furthermore, in many societies women do not enjoy or exercise the same autonomy as men in relation to their religious or belief practices. The consequences that these differences present for FoRB violations will be discussed in more detail in chapter 2, but below is a brief introduction to the most central ones.

First, these differences are reflected in the way FoRB violations are planned, carried out, and affecting women. Recent reports document how women tend to be disproportionately more affected by FoRB violations than men, both in terms of frequency and in level of severity. Women are more likely to be subject to discrimination and persecution based on their religion or belief, because of their gender. Former UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir observed how women in many countries appear to be victims of double and triple forms of discrimination, because of the intersection between gender, religious or belief identity, and socio-economic status. These different identity layers mutually reinforce each other, making women particularly vulnerable to discrimination compared to men.

A second consequence of the differences between men and women is the fact that FoRB violations against women are often hidden.¹² This may be explained by differences in social status and assigned gender roles. Since women in many societies are limited to spending most of their lives in the private sphere, their suffering remains invisible to the public. Moreover, sexual violence experienced by many women often remains unreported due to the stigma and shame.

These factors increase the difficulty of properly addressing FoRB violations against women.

Gender blindness in FoRB research and interventions is in most cases a result of lack of awareness. There are, however, religious actors who are openly hostile towards including women's perspectives and concerns in FoRB. They tend to perceive the terms 'gender' and 'feminism' in an exclusively negative sense. These actors see gender equality as an ideology that attempts to destroy all differences between men and women and thus threatens the survival of traditional families. Some see this as a destruction of the 'natural order of things', where men have the leading role in the family and community, and women are expected to submit and support their leadership. In this context, women's rights to equality are seen as a threat to the freedom of the religious communities to practice their faith in accordance to these convictions.

FoRB for all – an important aspect of women's rights

The relationship between FoRB and women's rights is complicated. A number of misperceptions around the two rights from the two camps that champion them have further added to these complications. FoRB is sometimes understood as a right that protects religion – and often conservative, patriarchal religion – and as such, is an inherent obstacle to achieving gender equality.¹⁴ The fact that the field of FoRB has traditionally been dominated by religious actors with little or no interest in women's rights and gender equality has only contributed to this perception.

First, it is important to remember that FoRB embodies the principle of freedom which implies that FoRB only protects actions and practices that are freely chosen by the individual. There is often a confusion around the difference between practices *violating* FoRB and practices *protected* by FoRB. Not every act that is done in the name of religion can be justified by referring to FoRB. Acts involving force, threats or any other form of coercion are not protected by FoRB. Any harmful practice legitimized by referring to FoRB, is therefore a grave misuse of the right.

Second, FoRB is a right that protects individuals and communities. It does not protect religions or belief-systems themselves, neither their traditions, values nor truth claims.¹⁵ Furthermore, FoRB does not protect the 'honor' of a religion against criticism or ridicule.¹⁶ FoRB reminds us that it is the believing human being that constitutes the core of any religious or belief tradition, not abstract dogmas or values. Dogmas and

values have meaning and power only as long as they are interpreted, preached and practiced by individuals and communities.

Third, FoRB promotes respect for diversity, and requires the state to not privilege any theological position over another. These principles of freedom and diversity are often misunderstood. On the one hand, certain religious actors refer to FoRB as the justification for their right to discriminate against people who hold different religious views than themselves, particularly on issues related to gender and sexuality. On the other hand, some women's rights proponents state that FoRB is only useful insofar as it protects liberal interpretations of religious traditions. But it is important to remember that FoRB protects everyone's inner freedom, regardless of their views; liberal or conservative. This freedom cannot be limited. States cannot impose any interpretation of a religion or belief, but they are responsible for protecting and respecting non-coercive religiosity.

If used properly, respect for diversity imbedded in FoRB can become a positive force. It can open space in religious traditions for questions and debates, as well as re-interpretation of religious texts and practices. By doing this, FoRB can be used to empower traditionally discriminated groups, like women, to voice their questions, experiences, ideas and demands, thus challenging the existing patriarchal structures within their religious traditions.¹⁷

Fourth, the view that FoRB is an obstacle to women's rights is based on the presupposition that religion is necessarily bad for women. This conviction does not take into account that religion often plays an important positive role in the everyday lives of many women. In addition to serving as a source of hope, encouragement and comfort, faith defines a sense of value, identity and belonging for many women. Narratives that focus solely on negative practices that have been done to women in the name of religion effectively rob them of agency and paint them as passive victims.

An exclusively negative view of religion perpetrates a false conviction that women who choose to subscribe to a religion or belief only have two possibilities: either liberate themselves by abandoning the religious tradition they grew up in or choose to stick to their religion and give up all claims to freedom and equality.¹⁸ Although many women wish to be freed from gender discriminatory religious practices, they do not wish to have to choose between their faith and their freedom. It is also important to remember that acknowledging how religion in practice can be used to discriminate women, however, does not mean accepting an inherent incompatibility between the right to FoRB and gender equality. All human rights are universal, indivisible, interdependent and mutually reinforcing, therefore it is important to not view one set of rights in principle as competing with the others.

CASE

Migrant workers exposed to multi-layered discrimination

Because of poverty, many women from religious minority groups in Asia or Africa are forced to work abroad as house maids in private homes. Within their countries of employment, these women suffer a number of invisibilities because of their gender, nationality, religion and economic status.²¹

In Qatar, for example, there is already a lack of legal protection for Qatari women in general. Christians are also a minority group and do not enjoy the same level of rights and freedom as the majority Muslim population. A foreign Christian woman working as a maid in Qatar often has her immigration papers confiscated by her employer and has, therefore, little or no hope of legal protection should her employer abuse her.

This is one example of the multi-layered intersectionality of human rights violations for women. CEDAW aims to highlight the increased vulnerabilities and invisibilities of women, because they suffer not only due to gender discrimination, but can also be discriminated against because of lack of financial resources, immigration papers and legal protection, among other things.

FoRB reminds us that a religion or belief identity is also a factor for discrimination. FoRB seeks to empower the people who particularly need it, such as women belonging to religion or belief minority groups. That is why it is important that FoRB-activists and women's equality-activists work together to maximize the rights of women subject to these multi-layered discriminations.

The significant role that religion or belief plays in the life of women points towards the fact that there is an intimate connection between FoRB and women's rights, since FoRB plays an important role in empowering women. Work on behalf of FoRB and work on behalf of women's rights thus have a common cause. Synergies between promotion of FoRB and promotion of women's rights are not just theoretical suggestions, they are already taking place. We just need to make sure to recognize the existing synergies and actively look for opportunities in the intersection of the two rights.¹⁹ For example, the CEDAW committee has traditionally avoided discourse on religion, but has realized that they need to include this aspect to reach out to all women. The committee has recently begun to encourage governments to promote alternative religious interpretations, addressing problematic areas in the intersection of women's rights and religion.²⁰ This will then strengthen the work towards a world where women are no longer discriminated based on their gender nor their religion or belief.

Questions for discussion

- 1 Did your understanding of the relationship between FoRB and women's rights change after reading chapter 1? If yes, in what way?
- 2 Have you experienced instances where the right to FoRB and the right to women's equality have been regarded as incompatible? What arguments were used to support this view?
- 3 Can you think of cases where FoRB has been used as a right that protects religion or traditions, rather than human beings?
- 4 What are some practices you have heard of that discriminates women, and uses FoRB as a justification?



2 How do FoRB violations affect women differently than men?



The majority of FoRB restrictions affect both women and men, but there are a number of violations that affect women differently or more frequently than men. Recent research on gender-specific religious persecution indicate that men are statistically more subject to a 'focused, severe and visible' form of religious persecution. In contrast, religious persecution endured by women globally can statistically be characterized as being 'complex, violent and hidden'.²²

■ Hidden violations

In many contexts, women are limited to spending most of their lives in the private sphere while men are active in the public sphere. This distinction carries several important consequences for how FoRB violations are implemented and experienced.

Violations against women tend to be hidden because they take place in the domestic sphere. The majority of FoRB violations against women are also carried out by their closest family or local community, rather than state actors.²³ It is first and foremost the family that will encourage or support harmful practices such as female genital mutilation or cutting (FGM/C), sex-selective abortion, female infanticide, forced marriage, child marriage, sexual violence, marital rape, 'honor' killings, and denial of access to education or work. If a woman converts to another religion or belief, she will have additional challenges such as being exposed to physical and emotional torture to persuade her to deny her new faith. She may then be threatened to be cut off from her family, whether by forced divorce or forced marriage to a spouse chosen by her family. Exclusion from family and social networks have severe consequences for women. Since most of them are financially and socially dependent on their families, leaving the family is not an option, because it would be almost impossible to find a place to live and a source of income. In many countries there is no acceptance for female-headed households, and women will not be hired if they are divorced.²⁴ In addition, because of stigma around girls attending school and working outside the home, women often lack the skills to earn their own living.

The home thus becomes a hidden location for the family to apply pressure and violence to punish or 'correct' a women's choice of faith. Because the violations happen in the privacy of the home, they are more difficult to detect, record and counter.

"Where, after all, do universal rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood they live in; the school or college they attend; the factory, farm or office where they work. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Eleanor Roosevelt

■ Communities' honor bearers

Women around the world are subject to additional human rights violations and pressure, due to specific characteristics and social expectations related to their gender. More often than not, they are given less value than their male counterparts, seen as physically and intellectually weaker, and their sexuality is regularly treated as something dangerous and in need of constant control. This attitude contributes to the fact that FoRB violations against women might go unnoticed because they blend into the already existing discrimination and abuse of women in society. Moreover, targeting women is low-risk because of the accepted impunity related to crimes against women and girls in many countries.

In addition, they are held responsible for bearing the 'honor' of their family or community. Because of that, they may be perceived to need male guardianship, and preferably to be confined to the home and family life. The spirit of FoRB, like all universal rights, embodies the concept that all humans are born free and with equal dignity. Thus, the principles of FoRB do not accept the premise that a person is an honor-bearer for someone else. These patriarchal ideas about women's role and responsibility in society adds to the layers of discrimination and persecution already taking place.

■ Sexual violence

Sexual violence is one of the most commonly reported forms of FoRB violations that affect women more than men. Rape is widely used as a weapon in armed conflict, including in disputes between religious groups. The female body then becomes a battlefield used by perpetrators to control either the woman's personal faith or faith communities at large. In countries with high levels of religious persecution, attacks on a faith community as a group are often carried out by sexual violence towards individual girls or women of said community. Women and girls belonging to a religious minority in such countries face a greater danger of sexual violence.²⁵

Research shows that men are statistically more likely to be physically killed as a result of religious persecution, while women are more likely to be subjected to sexual abuse, rape or slavery. Those who lose their lives might be celebrated as martyrs for the faith. Paradoxically, those who survive sexual abuse or slavery, are not rewarded with the same honor. Instead, their complex trauma is often additionally burdened with re-traumatization in the form of isolation, suspicion, and rejection from the same faith community that might have supported them. In addition, many communities also stigmatize rape survivors rather than the rapists. The blame for the loss of honor often falls on the victim, not the perpetrator. Thus, the discrimination and oppression continue long after the physical sexual assault.²⁶

Shame and stigma related to rape have several damaging consequences both for the women and their communities. Due to fears of being isolated, expelled or even killed, women often choose not to report rape, making these assaults difficult to register. There is also the additional pressure to protect the 'honor' of the family and community. The survivor is often encouraged to hide their trauma or forced to marry her perpetrator.

Sexual violence is also used to control women's religious practices. In some cases, rape orchestrated by close family members or powerful members of community, is used to punish female converts for choosing the 'wrong' faith and bringing dishonor to the family.

■ Abduction and forced marriage

Abduction and forced marriage of girls from minority religious and belief groups is a frequent FoRB violation, used to control the demographics of the group. Abduction of women in reproductive age from minority groups, directly leads to decreased population growth. Lack of a new generations within said community threatens the survival of the group.

Forced marriage is often used under the appearance of respectability. However, it is important to note that when a marriage is against the wishes of a woman, it merely becomes a contract where the man has legal protection to exert sexual violence and other forms of pressure from which she cannot escape. In addition to sexual violence, forced marriage can include other violations such as slavery, forced conversion, abductions, unwanted pregnancies, sexually transmitted diseases, enforced dress codes, and restrictions on free movement, health care, and educational access. Sadly, the majority of those subject to forced marriage are underage girls.

CASE

Yazidi survivors facing re-traumatization

During the 2014 Yazidi Genocide, thousands of Yazidi women had been abducted and held as sex slaves by ISIS soldiers. Most of the women were subjected to rape and forced marriage to Muslim men. They faced challenges when fleeing captivity to be re-integrated into their community, because of strict Yazidi rules around pre-marital intercourse and interreligious marriages.

In addition, many of them were forced to choose between leaving their children or re-joining their community, putting them a considerable risk of re-traumatization after the initial trauma from abduction, sexual violence and slavery by their ISIS captors.²⁷

CASE

Women banished from home during menstruation

In western Nepal, women and girls are expected to avoid all social contact during their menstruation. This practice is called *chhaupadi* and is based on a Hindu view in which menstruating women are seen as impure. During their menstruation they are banished to a small hut in the mountains. It is usually older women in the local communities who enforce this tradition on younger women and even girls.

This practice has had deadly consequences. For example, in 2017, the body of an 18-year-old girl was reportedly found in one of the menstruation huts, after not returning to her village when expected. The autopsy showed that she had died from the bite of a poisonous snake while being isolated. Many others have died from indoor pollution, lack of clean food and water, or freezing to death.²⁸

■ Extreme social control

Because women are perceived to be the honor bearers of their communities, they are also subjected to a more widespread social control than men. Social control is applied both in the private lives of women, as well as in public. It is important to remember that there are different agents contributing to the control of women, including men, religious leaders, state actors and the communities at large. However, violations against women are not only perpetrated by men, but also by other women. It is also important to note that men can often be champions of women's rights.

For millions of women and girls around the world it is dangerous to leave home as their public presence in some societies is regarded as a provocation. Women and girls taking public transportation and walking to work or school are often subjected to harassment or attacks. In 2012, a 15-year-old girl in Pakistan vocal about her right to education and wanting to go to school, despite social pressure to the contrary, ended up being targeted for murder and shot in the head. Fortunately, Malala Yousafzai survived this attack, and has been widely admired for her courage, but sadly this is only one of many examples, and most of them do not end well. The possibility of experiencing violence in public is often increased if the woman belongs to a religious minority group.

Another way to exercise social control by abusing FoRB is to enforce dress codes on women, either in the name of religion or to prohibit the practice of religion. Numerous countries have adopted laws or social norms controlling how women dress, based on a tradition of systematic gender discrimination. One of the best-known expressions of this problem is veiling. In countries like Saudi Arabia, women are forced to cover up their bodies – and some even their face – with veils. In other countries, for example

France, women are fined for wearing veils in public. In 2014, these two contradictory policies were even found within the same country. In Russia, in Chechnya, women were required to wear headscarves in public buildings; and in Stavropol, hijabs were banned in public schools.²⁹ These examples, although completely contradictory in legal effect, stems from the exact same problematic culture – that women should be told what to do, or what not to do.³⁰ For millions of women, veiling is not an imposition but a self-chosen practice of their religion, and so an inherent part of their FoRB. Being legally prohibited or socially pressured from wearing what they want, is just as big of a FoRB violation as being prohibited or pressured to wear something they do not want.

Questions for discussion

- 1 This chapter gives a number of examples on how FoRB violations are different for men and women. Which of these issues do you recognize from your own local context (or area of work)? Can you also recognize these same challenges in your country and/or regional area?
- 2 List the challenges a man would face if he tried to convert from one religion to another in your context. Then, list the challenges a woman would face if she tried the same. Compare the lists and identify the differences.
- 3 In this chapter, it is described how FoRB violations against women are often 'hidden'. What do you think are the main reasons for why they are hidden?
- 4 Perceptions of 'honor' have a strong influence on women's freedom, including on their practice of FoRB. Why do you think women are assigned the responsibility for the honor of their community? Similarly, why do you think women face more social control than men?
- 5 Survivors of non-sexual violence are often celebrated, while survivors of sexual violence are often shamed and stigmatized. Why do you think this is the case? Do you find these views in your own community?

3. What undermines women's FoRB?



A multitude of factors may make women more exposed to FoRB violations than men. Gender-discriminatory cultural traditions, national policies, and legal systems are some of the factors that continue to prevent women's rights to FoRB, as well as their right to equality. It is therefore important to understand how these factors contribute to undermining women's FoRB.

The legal responsibility to respect, protect and fulfil human rights lies with the state. But non-state actors with power and influence in their local communities may be said to have a moral responsibility to contribute to the respect, protection and fulfilment of human rights. Women's lack of equal access to human rights, including FoRB, is often a result of tradition, culture, religion, and social customs, in addition to national law.³¹ Also, In many cases, the harmful traditions violating women's rights to equality, continue even after being outlawed by the state.

Patriarchy

Most of the discriminatory norms applied to women are patriarchal in their nature, based on the presupposition that men have an absolute right to dominate every aspect of life, both in public and in private. Women are assigned an inferior status because of their gender and are expected to play a subordinate role. Patriarchy as a system is thus characterized by unequal power relations, hierarchy and dominance. Patriarchal values can be found in all kinds of institutions and social structures, such as religious institutions, academia, politics, workplaces, and in the home.

Proponents of patriarchal values use a variety of arguments to support their attitudes. Some argue that patriarchy exists because of biological differences between men and women, in which women are falsely seen as biologically inferior. Others claim hierarchy between men and women is 'natural', and like other rules of nature it cannot be changed. However, under closer examination it becomes clear that patriarchal norms are not based on biology or 'the natural order of things', but on socially and culturally developed gender roles that allow men to retain power and dominance.³²

It is important however to note that patriarchy is not a system that is only supported or carried out by men. Women are also active agents of upholding patriarchal systems. Although their opportunities are limited, it would be wrong to presume that women are completely powerless in patriarchal systems. Some women attempt to fight or transform the structures that oppress them, while others choose to support and preserve these structures. It is not uncommon for women to accept the subordinate status if it comes with the promise of protection and certain privileges.

CASE

Women not allowed to attend funerals of loved ones

In many Hindu communities, women are forbidden to participate in funeral rituals that involve going to the cremation ground, called shamshaan ghaat in Hindi. The reasons for banning women from these rituals is based on a general belief that women are mentally and emotionally weak, and easily frightened, therefore they will not be able to cope with the sight of a burning body.³³



Article 16 in CEDAW, concerning the equality of men and women in all matters relating to marriage and family life, is subjected to more reservations than any other article in the treaty although considered to be one of the two core provisions of it. A reservation made by a state in an international and legally binding treaty, means that they accept the law presented in the treaty, except for the article(s) they reserve themselves from. This is yet another example of how women's personal status law has become a battle ground for nationalism, religion and politics in several countries.³⁴



The first UNDP Gender Social Norms Index was published in 2020 and analyzes data from 75 countries. Findings showed that 90% of men and women around the world hold a bias against women. Almost 50% of the participants surveyed felt that men are superior political leaders, and more than 40% believe that men make better business executives. More disturbingly, 28% of participants, both men and women, think it is justified for a man to beat his wife.³⁵

Cultural and religious traditions and practices

Patriarchal values and practices are often justified with reference to religious or cultural traditions. Religion and culture are concepts that are notoriously difficult to define, because of their complex and dynamic nature. In discussions around FoRB and women's rights, however, religion is frequently portrayed as something singular, fixed, and static. Moreover, religious or belief communities are often seen as homogenous. However, it is important to remember that there are a multitude of voices within every religious and belief group, representing different views and opinions. The myth of religion or beliefs being unchangeable only privileges the dominant representations and neglects the fact that there might be dissident voices fighting for an alternative interpretation of their tradition.³⁶

Another challenge to using religion or belief as justification for harmful practices against women and girls is the fact that grassroots communities often adopt their own interpretations of their religion or belief. These depend on culture and customs of each place and may diverge from the 'official' interpretation. An example is the practice of female genital mutilation and cutting (FGM/C). Both Christian and Muslim theologians claim that it is not part of their religious tradition, yet most of those who carry out the practice claim it to be an essential part of their Christian or Muslim faith. An estimated three million girls are at risk of undergoing FGM/C every year.

Untangling the relationship between religion or belief and culture becomes an important task when confronting the argument that religion or belief justifies harmful practices. Drawing a line

between religion or belief and culture has actually become an important tool for those who seek to reform their tradition, and the state has the obligation to protect these reformers. They argue that certain practices ascribed to a religion or belief are in fact a result of the cultural environment and can therefore not be considered core elements of their traditions.³⁷

Religious nationalism

Religion holds the potential to shape beliefs, define social norms and customs, provide source for identity and belonging, and contribute to social and political capital. The importance that religion plays in the public and private lives of people has made it an attractive political tool in power struggles. Religious nationalism is the most extreme form of using religion for political gain and has often been based on conservative or traditionalist interpretations of religion that promotes patriarchal values. Women are frequently assigned the role as 'mothers of the nation', and politicians try to secure power and popularity by promoting laws that restrict women to this role.

Seeing women this way has also been used to dismiss women's rights, including FoRB, as a Western import. In the best case these rights are seen as alien to the local culture and identity, in the worst case as a direct threat to the nation's independence and cultural integrity. It is particularly the concepts of individual rights and equality that are considered incompatible with cultures that promote communal values and hierarchical gender structures. This kind of cultural relativism, however, is often a tool used by the dominant group to retain its power and to ensure the low social and legal status of women. When asked, both women and minority groups, are often in favor of universal human rights that guarantee them equal opportunities, and do not see these rights as alien to their own cultural identity. Further, most national constitutions spell out women's rights to equality and non-discrimination, making the argument for cultural relativism ethically and legally inadmissible.

CASE

Nationalistic state laws regulating women's freedom to marry and have children

In 2015, Myanmar adopted four 'race and religion' laws with the intention to protect the interests of the Buddhist majority. These laws, which discriminate based on religion and gender, have all been heavily promoted by the Association for Protection of Race and Religion (Ma Ba Tha). This nationwide organization of Buddhist monks promotes an often anti-Muslim and ultra-nationalist agenda.

One of the laws, "The Buddhist Women's Special Marriage Bill", explicitly and exclusively targets and regulates Buddhist women's rights to marry men belonging to other religions. It uses the widespread stereotypes that Buddhist women are 'vulnerable' and that their non-Buddhist husbands will seek to forcibly convert them.

Another of the laws, "The Population Control Healthcare Bill", restricts the freedom of family planning, especially for women in poorer areas often populated by religious minorities. The bill establishes a 36-month 'birth spacing' interval for women between child births. This law has the potential to create an environment which could lead to forced reproductive control methods, such as coerced contraception, sterilization or forced abortion.³⁸

Harmful religious fundamentalism

Women's rights to equality and FoRB are under increasing pressure from harmful religious fundamentalism: Buddhist in Myanmar, Hindu in India, Islamic in Nigeria, and Christian in the USA and Poland, among other examples. During the past two decades, the world has also witnessed emergence of violent militarized fundamentalist movements with theologies that promote extreme oppression of women, which have escalated organized misogyny to new extremes. Women are often the first target of fundamentalist forces, seeking extreme control over their bodies, reproductive rights and social roles.³⁹ However, there are women who are contesting and actively fighting against the rising tide of fundamentalism. Women's rights activists and feminists have been especially active in challenging the legitimacy of fundamentalist readings of religious texts, and offering alternative interpretations of religious texts. In Kurdistan and Nigeria, women have even formed armed resistance groups against the fundamentalist forces.⁴⁰

Internal discrimination within minority groups

Minority groups are often treated as second-class citizens, or even as traitors and threats to social cohesion, so belonging to a minority religious or belief group can further undermine women's FoRB. These experiences over a prolonged period of time can lead to an acute sense of insecurity and an increased need to safeguard group identity. In such an environment, internal disagreements are often perceived as threatening to the unity of the group. Change is often resisted, resulting in religious conservatism and rigidity. New initiatives or critical examination of existing ones tend to be discouraged. Women who want to challenge conservative gender roles or ask critical questions to patriarchal readings of sacred texts may be seen as a danger to the survival of the group. The need to safeguard the existence of the group is often prioritized over the needs or interests of individual women. This hierarchy of interests becomes particularly problematic when women experience physical or sexual abuse from leaders or other members of their religious or belief community. In many cases women are pressured to choose between seeking justice for the abuse committed towards them or to protect the group.

Religious laws

Religiously based legislation presents another obstacle to women's abilities of exercising FoRB. In countries where legal systems are based on religious norms, women are consistently disadvantaged because of their gender. Religious laws often determine their possibility to access higher education, health care, the labor market and public positions. Personal status laws also limit women's equality in marriage, family life, divorce, alimony, child custody, inheritance, and ownership and control of property.

Women have historically been excluded from the formal processes of articulating and interpreting religious laws. This is one of the reasons why these laws frequently reflect understandings of unequal gender roles and rights.

Although discriminatory laws affect all women, women from minority religious and belief groups are often more vulnerable. Divorce, custody of children, awarding children nationality or religious affiliation are some of the areas where women from certain religious and belief groups face additional discrimination and limitations. Non-believing women, for example atheists or agnostics, are even more vulnerable since their rights are not recognized under many religiously based legal systems.

However, it is important to remember that religious laws are not static. They are modified over time by custom and practice, even within religious traditions that insist on the immutability of the law.

Questions for discussion

- 1 An intersection of discriminatory factors make women more exposed to FoRB violations than men. Identify different aspects of discrimination that women face in your society. Which of these have the biggest impact for them to freely practice their right to FoRB?
- 2 In regional contexts that you are familiar with, do women from majority and minority communities experience FoRB violations differently? Can you identify any particular religious or belief group in this context where the women are especially affected by different kinds of pressure?
- 3 The chapter includes the sentence "When asked, both women and minority groups are often in favor of universal human rights that guarantee them equal treatment, and do not see these rights as alien to their cultural identity." Is this the case in your context?
- 4 Have you ever encountered the patriarchal claim that hierarchy and different value between men and women is part of nature? How would you argue against this?
- 5 Of all the elements offered in this chapter as potential ingredients in undermining women's FoRB, which would you say is most influential in your context?

Discriminatory custody laws for religious minority mothers in Lebanon

According to personal status laws in Lebanon, a Christian woman, simply because she belongs to a religion other than that of her Muslim husband, does not have the right to inherit from him. Unfortunately, this discriminatory legislation is not perceived as particularly unjust because society in general does not approve of interreligious marriages.

Discrimination against women in interreligious marriages is also reflected in the 2014 update on the law on child custody. This update states that a mother can claim custody of her child until the age of 12 if she and her husband are both Sunni Muslims. If, however, the mother is a Christian who is married to a Sunni Muslim, she can only claim custody of her child until the age of 5. According to the law, the child belongs to the religion of the father, irrespective of the mother's wishes.⁴¹

4. What can we do – some suggestions for strengthening women's FoRB

The intersection between women's rights to equality and their freedom of religion or belief is a complex and challenging issue. The following recommendations are only meant as an introduction to possible steps forward in strengthening women's rights and women's possibilities to exercise their FoRB. It is by no means an exhaustive list to reach the full potential of these rights. In fact, one of the key recommendations is to invest in further research on the intersection, by FoRB-actors and women's rights-actors alike, to continue uncovering and understanding the issues at hand.

■ Strengthen cooperation and dialogue between women's rights activists and FoRB activists

One of the biggest stumbling blocks for achieving FoRB for all women is the perceived incompatibility between FoRB and women's rights. This often leads to the conclusion that one right can only be achieved at the cost of the other. That is not to say that the clashes between women's rights to equality and norms found in religious traditions are not real. Although conflicts might appear in some specific situations, these are usually based on misinterpretation or misuse of FoRB. Countering these misunderstandings is therefore a central aspect of strengthening women's rights to FoRB.

It is important to remind activists championing women's rights and those engaged in FoRB that they are fighting for the rights of the same group of people. Research shows that discrimination and inequalities on the grounds of religion or belief and gender often exist in tandem. There is

a need for the two camps to recognize the common goals and interests that unite them in spite of their different entry points into the human rights field. While a dialogue is often tension-ridden and is easier said than done, small steps can be taken through confidence-building measures and identifying common issues. Cooperation between the different interest groups could be highly beneficial for strengthening both human rights. All human rights are indivisible and interdependent. This means that one set of rights cannot be enjoyed fully without the other.

■ Including women's voices in data collection and initiatives to counter FoRB violations

As mentioned earlier, most existing data and analysis of FoRB violations are gender blind, effectively presuming that women's experiences mirror those of men. However, this is rarely the case. In fact, there is a systemic data bias across research fields that fails to take into account data from half of the human population – women – when describing the human experience.⁴² Specifically, for FoRB violations, there is for example inadequate documentation on how laws related to blasphemy, apostasy and anti-conversion impact women in distinct ways. Disaggregation of data by gender would inform how FoRB violations affect men and women differently.⁴³ A further challenge when integrating a women's perspective in FoRB interventions is that religious and belief communities are often represented by men. Consultation with local women's groups is therefore crucial to ensure that women's voices and experiences are taken into account when developing and planning interventions.⁴⁴ Modifying target groups in research from 'religious leaders' to 'faith-based actors' could also correct the gender gap in the data collection, as women often represent faith-based actors, while leadership is mostly male-dominated.

When gathering data on FoRB violations it is imperative to consider women's experiences of sexual, and other types of gender-based, violence, for developing efficient coping strategies and ensuring justice. Many survivors of sexual violence often struggle to talk about their experiences. This further contributes to lacking accounts on how sexual violence is part of FoRB violations against women. An additional attention should thus be paid to training and selecting researchers who are equipped to understand individual contexts, and able to earn the trust of women and properly account for their experiences.

Cooperation between secular feminist groups and religious leaders

ABAAD, a resource center for gender equality in Lebanon, has been successfully campaigning for the elimination of violence against women. In 2012 they launched the "We believe" campaign designed to prevent violence against women. The campaign featured prominent Lebanese Muslim and Christian leaders, delivering messages of anti-violence against women rooted in their sacred texts. A two-day regional workshop for faith leaders from Lebanon, Syria, Iraq, Jordan, and Egypt was arranged with the aim of exploring how they could use their positions of influence and power to promote gender equality and positive masculinities.

The "We believe" campaign received criticism from some feminist groups who were concerned that this approach reinforced the patriarchal authority of religious leaders. ABAAD responded by bringing the secular feminist groups and religious leaders together, to discuss issues like violence against women; domestic violence; guardianship; discipline and obedience; custody and its applied effects; marital rape; and inheritance.⁴⁵

BEST PRACTICE

For women and girls, there can be no equality in society without equality in the family

Over 45 countries in the world have codified or uncodified Muslim family laws that are discriminatory towards women and girls. Inequality and discrimination in the family affect women and girls in all spheres of life, but especially in key decision making about education, employment, livelihood, travel, sexual and reproductive health, financial rights, community and political participation.

Musawah ('equality' in Arabic) is spearheading a global Campaign for Justice in Muslim Family Laws, bringing together advocates for family law reform from across three regions – Middle East and North Africa, Sub-Saharan Africa, and South and Southeast Asia. *Musawah* is a movement comprised of NGOs, activists, scholars, legal practitioners, policy makers, and grassroots women and men from around the world, who through the Campaign for Justice work with knowledge building, capacity building, international advocacy and outreach engagement.⁴⁶

■ Encouraging and supporting theological reflections on women's value and rights to FoRB

Some communities struggle to understand how FoRB is compatible with their religious or belief values – not to mention women's rights to FoRB. The values comprising FoRB are seen by some as too secular, or too Western and thus too foreign, to their cultural context. This skepticism can be overcome by looking for shared elements between FoRB norms and values in different faith and cultural traditions. A good example of this is the UNESCO committee created in 1947 to study and identify common values between various cultures and schools of thought, in the drafting of the Universal Declaration of Human Rights (UDHR).⁴⁷ The UDHR is often considered as the parent document of all human rights treaties existing today.

A similar approach might be needed to overcome discriminatory practices towards women based on religious or belief traditions. Religious or belief communities should be encouraged to examine the basic narratives and values that present women in a degrading manner. Understanding historical contexts in which certain traditions and practices have taken shape can also be helpful in this process. A pressing area where new theological thinking is needed is the understanding of women as equally valuable and capable as men. An example is the exaggerated focus on honor and victim-blaming for survivors of sexual violence. Including women in theological reflections is of the utmost importance, especially since their voices have been historically excluded from interpretation of sacred texts and traditions. The change from within might take years to achieve, but it is the only legitimate and sustainable way of achieving a lasting change.

New theological thinking can have several sources of inspiration, such as general changes in society, encounters with international legal norms, new readings of sacred texts, among others. Promoting FoRB can help create an environment where the new readings can be safely introduced and discussed.

■ Considering all aspects of women's religious or belief identities

In the Western context one often tends to assume that membership in a religious or belief community is always voluntary, and that the individual is free to leave if she experiences discrimination. However, in many contexts religious or belief identity is considered and felt as something one is 'born' into rather than something that is rationally chosen at some point in the person's life. This is a point that is often overlooked when proposing that women can simply leave their religious or belief community if these hold discriminatory views and practices. The 'exit' strategy also suffers from a clear lack of gender sensitivity.⁴⁸ Leaving one's faith community may be an option for men, but for most women it might be impractical or even impossible, particularly if the woman has no social, economic or personal independence outside her religious or belief group or family (which often is the case). Women who choose to leave may also risk having their marriage dissolved, losing custody over children, be socially isolated or forced into extreme poverty due to lack of income.

As important as it is to collect data on FoRB violations against women, it is imperative to also remember the positive aspects of belonging to a religious or belief community. For many, their personal faith is the foundation of their sense of self, the source of truth and meaning for their lives. Although many women might disagree with certain traditions or values within their religious or belief community, it is still an important part of their identity. Initiatives on how to intervene on FoRB violations must therefore factor in the positive aspects of religion as well, to avoid a dangerous fallacy of distancing women from the communities they belong to as a solution to the violations.

BEST PRACTICE

Yazidi leaders change tradition to support survivors

When Yazidi women escaped captivity, after being kidnapped and held as slaves by ISIS in 2014, the anticipated reunion with their community became problematic. According to a long-standing Yazidi tradition, inter-religious marriage or conversion to another religion was punished by permanent exile from the community. Many Yazidi women had been forced to marry Muslim ISIS soldiers and forced to convert to Islam during their captivity, and were therefore at risk of a re-traumatization by shame and stigma upon reuniting with the Yazidi community.

Shortly after the first survivors began returning to the community, however, Baba Sheikh, the Yazidi spiritual leader, along with the lead spiritual council, ruled an exception to this tradition in the event that those forbidden acts had been forced. They welcomed the surviving women back into the religious community and created a cleansing ceremony with a baptism ritual. This change was crucial to the psychological well-being of the survivors who could now re-enter their community with a sense of acceptance and renewal.⁴⁹

“I once talked to this religious leader who had worked tirelessly to combat practices of female genital mutilation (FGM) in his district. He had talked to local religious leaders and people in the communities, and had explained again and again that there was no religious justification for this practice. And still people kept practicing FGM. In the end, he went to the women who were responsible for carrying out the ritual and asked them why they continued even when this was clearly not a religious obligation. “If we stop,” they said, “how would we earn an income for our families?”⁵¹

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■ Understanding the intersection of factors that undermine women’s rights to equality and FoRB

Many of the harmful practices, although seemingly driven by religious or belief convictions, are closely connected to other aspects of life, such as social and economic concerns. For example, some Christian women in Egypt performing FGM are motivated to continue their practices out of fear of losing their livelihood.⁵⁰ Also, lack of social security might force parents to opt for having sons and practice female infanticide, because society provides boys with a better opportunity to secure income and take care of their aging parents. If economic interests are at stake, changing theology might not be the right course to help eliminating the practices, rather economic policies need to be addressed.

It is essential to understand the intersectionality of causes behind harmful practices in order to tackle them successfully. Advancing women’s FoRB is often closely related to better access to education, justice, healthcare, economic opportunities, and so forth. Women’s experiences of FoRB violations are often product of multi-layered discriminations, and it is important to untangle these to understand and successfully tackle the violations.

■ Recognizing women’s agency and respecting their decisions

In debates about women’s rights, including equal rights to FoRB, women are frequently referred to as only being victims of violations or passive recipients of help. Women’s ability – or even right – to make informed decisions and choices about their own life is often overlooked. An illustration of this phenomenon is the headscarf debate. In some countries, women are legally obliged to wear garments covering their head, while in others they are fined for doing so. These seemingly contradictory policies stem from the exact same root – a patriarchal culture – that presupposes that women cannot be their own agents of choice. Forcing women not to wear something is as discriminatory as forcing women to wear something. The fundamental notion of women’s rights to equality is their freedom of choice.

It is important to remember that faced with this problem women will make different, and at times contradictory, choices and strategies. Some might want to leave their tradition, some might choose to stay and challenge their tradition from within, yet others might find pragmatic arrangements that give them the necessary room to pursue their goals and interests. All these strategies deserve to be respected and supported in equal measures, even if they include a change of mind at a later stage in life.⁵² Gender equality in human rights is about respecting women’s choices, whatever they may be. In fact, the liberty for women to choose is an essential part of FoRB.

Questions for discussion

- 1 List some reasons for why faith-based actors and women’s rights activists should come together to work on issues in the intersection between FoRB and women’s rights?
- 2 Which of the six recommendations listed in this chapter is most possible to influence in your position, or field of work?
- 3 Similarly, which recommendation is the most difficult to achieve from your perspective?
- 4 List some actors who could be your potential allies in achieving these recommendations. Try to include actors whom you have not previously considered.
- 5 Are there any additional recommendations for achieving FoRB for all women that you identify in your context?

“Why women’s rights? Why not just human rights and ‘FoRB for everyone’?”

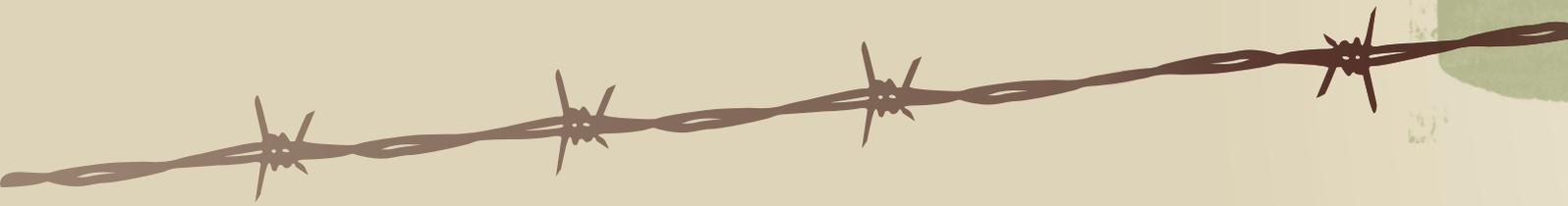
“[...] Because that would be dishonest. [Women’s rights] is, of course, part of human rights in general – but to choose the vague expression human rights is to deny the specific and particular problem of gender. It would be a way of pretending that it was not women who have, for centuries, been excluded. It would be a way of denying that the problem of gender targets women. That the problem was not about being human, but specifically about being a female human. For centuries, the world divided human beings into two groups and then proceeded to exclude and oppress one group. It is only fair that the solution to the problem should acknowledge that.”⁵³
Chimamanda Ngozi Adichie

Closing remarks

A multitude of challenges exists in the intersection of FoRB and women’s equality. Most of these challenges are complex, multifaceted and multi-layered, and are often part of systems which inherently and systematically discriminates against women. While working on this booklet we discovered that there are still a lot of misunderstandings and skepticism around the possibility of addressing these rights jointly. We also struggled to find relevant literature that dealt with the issue, which shows that there is a clear need for more research and resource development. In order to address all these challenges, a wide variety of actors must come on board, including politicians, educators, researchers, grassroots activists and many others. Women’s rights to equality should not be an issue reserved for those ‘especially interested’ or only women themselves. Women represent half of humanity; therefore, their rights cannot be treated as an issue of minor significance.

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