

## **Women Thematic**

*When we think of freedom of religion or belief (FoRB) and women's rights, the most common assumption is that these rights clash, because FoRB has often been used to restrict gender equality provisions in international treaties. However, this assumption can overshadow the fact that FoRB and women's rights inform and complement each other. It is important to examine FoRB through the theme of women's rights because a general approach misses the ways in which women experience FoRB violations to a different and often to a higher degree than men, or that there are many women who view their religious beliefs as a source of empowerment.*

## **Conflicting rights?**

FoRB and women's rights are often seen as conflicting because the most prevalent of harmful practices according to Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), are often those that are justified by invoking religious customs, such as female circumcision, child marriage and crimes committed in the name of 'honour'. The advocacy undertaken by women's rights groups also focuses on this connection between the violation of women's rights and religious tradition and culture, which reinforces this idea that women's equality and FoRB are clashing rights.

Furthermore, instead of tackling violations of human rights and women and girls carried out in the name of religious traditions, states appear to endorse or at least ignore these violations by withdrawing from certain provisions in international treaties, which are related to women's rights and the girl child, through the use of reservations. These reservations, which exclude the legal effect of these provisions, are justified in the name of religion. In the case of CEDAW, states often submit reservations in relation to:

- Article 2: States agree to pursue by all appropriate means a policy of eliminating discrimination against women, undertaking to take concrete steps to eliminate discriminatory laws, policies and practices in the national legal framework
- Article 5(a): To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- Article 16: States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women, including same right to choose a spouse and to enter into marriage only with their free and full consent; the same rights and responsibilities during marriage and at its dissolution; with rights as parents, and that the marriage of a child should have no legal affect.

The human rights instruments that deal with FoRB and women's rights are distinct and often do not properly address the other, or explore how they intersect. Legal sources upholding FoRB do not specifically mention women's equality, and provisions that protect women's equality also do not specifically mention FoRB. Rather, instruments such as CEDAW appear to further this narrative, as evidenced by the documents generated at global conferences, from commission meetings and CEDAW hearings and committees, by framing culture, tradition and religion as a barrier to progress; fixed and static, rather than understanding culture as continually evolving, challenged and developed by members within the group and out of it.

FoRB, as a human right, is not intended to protect religions (and the traditions, and values it contains), but rather individuals and communities in their right to believe or not. Furthermore, no right can be used as a basis for extinguishing other rights. But focusing on the legal definitions or strict interpretations of these ideas may miss the ways in which these two areas can inform each other, and which is why using themes is important within FoRB. There are at least two general ways in which such intersection can be considered: first, women are often most heavily affected by FoRB violations, and second, FoRB can impact women's equality in a positive way.

### **Women are affected by FoRB violations in a specific and often more severe way**

We cannot have a full understanding of FoRB without looking specifically at the lived experiences of women. Some of the ways in which women experience FoRB violations specific to them is in being most at risk in terms of forced conversions. It is women who are targeted, kidnapped, forced into marriage – situations in which forced conversions take place. The kidnapping of 278 girls at Government Secondary School Chibok, Borno State, Nigeria, in April 2014 (the 'Chibok Girls') has reportedly involved victims being forcibly converted to Islam. Moreover, in general, sexual and gender-based violence (SGBV) against women has been strategically deployed by Boko Haram because they view women as a useful instrument for the propagation of their ideology, for example, in bearing the next generation. Women are also most at risk of militant vigilante groups threatening violence to those who they see as not acting in a manner that is religiously appropriate.

It is also women who are naturally worse off when they must adhere to religious traditions that are often based on patriarchal interpretations. Such traditions often lie behind the reservations placed by state parties and the reservations restricting women's rights. These traditions impose restrictions on others, but specifically women, from coming to an understanding of their own religion, and in manifesting their religion or belief in accordance with that understanding.

### **Freedom of religion and women's equality can work together**

While some religious traditions have been sources of oppression, they have also been a powerful source of the same values that underlie human rights, and provide energy for social change for those who believe. For many women rights advocates from religious backgrounds, religion is an important source of their empowerment. For example, there has been a rise in Muslim women activists and academics, who have stressed the emancipatory spirit of the Quran in contrast to the traditionalism and orthodox interpretations based on medieval Islamic literature that is often patriarchal and discriminatory towards women.

To hold FoRB and women's rights as clashing rights therefore risks alienating important allies. Instead of accepting ideas of religion that are reactionary and highly patriarchal, which usually lie behind FoRB claims, FoRB is also about recognising the internal diversity of religion, and within it, the voices of women who have already been so often muted. In this way, FoRB and women's rights can be connected and mutually reinforcing.

Resources:

<https://www.bbc.co.uk/news/world-africa-33259003>