



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

POLICY FOCUS: WOMEN AND RELIGIOUS FREEDOM

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*To elevate and promote
international religious
freedom as a norm
and practice.*

Policy Focus: Women and Religious Freedom

By Elise Goss-Alexander, Researcher

In July 2017, the U.S. Commission on International Religious Freedom (USCIRF) published a special report entitled *Women and Religious Freedom: Synergies and Opportunities*. USCIRF has reported for years on violations of religious freedom that impact the rights of women and girls as part of its monitoring of country conditions, but had not previously focused on women and religious freedom as a thematic issue. USCIRF commissioned the report, written by University of Oxford Professor *Nazila Ghanea*, to better understand the synergies between freedom of religion and belief and the rights of women and girls and to address the widespread misperception of a clash between these two human rights.

The report focuses on the international legal framework governing women's rights and religious freedom. Through careful analysis, the report shows that women's rights and religious freedom do not, in fact, clash. All human rights are universal, indivisible, interdependent, and interrelated, and one right cannot be invoked to deny another. When religious freedom is respected, religious actors have the capacity to be mobilized to respond to violations of women's rights through advocating respect for the dignity and integrity of others, including women.

Following the publication of this report, USCIRF consulted with experts from around the world from the intergovernmental, governmental, academic, and non-profit sectors. These initial consultations have yielded important findings for possible strategies going forward and potential areas of cooperation between advocates of these two vital rights, and have helped USCIRF develop several recommendations for U.S. policy.

Strategic Approaches:

- 1. Correlation Between Religious Freedom Violations and Women's Rights Violations:** International human rights law never condones harmful practices, such as those detailed in the [Women and Religious Freedom](#) report, that invoke religious freedom to justify the violation of women's rights. Like all human rights, the right to freedom of religion or belief is subject to limitations, including to protect the fundamental rights and freedoms of others. In addition, religious freedom violations create an environment conducive to other violations of women's human rights. When a government engages in or tolerates religious freedom violations against a particular religious community, the women and girls of that group experience increased vulnerability to other violations and limited access to protections and accountability.
- 2. Religious Freedom as an Enabling Right for Other Human Rights:** Governments that respect religious freedom and do not tolerate religious freedom violations create a public sphere more conducive to discussion and debate of social issues, including women's rights, without recrimination. In this way, religious freedom can play an important enabling role for other human rights. Not only does full respect for religious freedom entail respect for the religious freedom of women, who can then interpret and publicly express their beliefs, but it also entails the ability of all people to safely express their beliefs in support of human rights and to challenge religious justifications for violations of women's human rights.

Key Issue Areas for Cooperation:

- 1. Child, Early, and Forced Marriage (CEFM) and Related Restrictions:** Many governments and civil society actors recognize child, early, and forced marriage as a leading impediment to women's and girls' health, access to education, and workforce participation. CEFM has a variety of drivers, but is, in many contexts, given religious justification despite the harm incurred and the lack of full consent. While many legislatures have passed laws to counter CEFM, challenges remain, including lack of enforcement in rural communities and the prevalence in some countries of unregistered "religious marriages" conducted outside the legal sphere. The issue is further complicated in situations of sectarian tension or conflict, where governmental or societal actors seeking to preserve religious demographics may interfere with the human rights of interfaith couples and limit women's rights to freely choose their spouses. For example, India has witnessed mob violence and forced marriage annulment arising from fears of so-called "love jihad," or allegedly coercive seduction and conversion of non-Muslim women by Muslim men, while Burma's Interfaith Marriage Law restricts the ability of Buddhist women to marry men of other religions.
- 2. Sexual and Gender-Based Violence (SGBV):** Victims of religious discrimination or marginalization are uniquely vulnerable to sexual and gender-based violence, including sexual assault, rape, and harmful practices like female genital mutilation. These communities also have extremely limited access to legal recourse. Governments and non-state actors sometimes perpetrate or tolerate SGBV in order to intimidate or drive out disfavored religious groups, as in the cases of Yazidi women in ISIS-controlled territory, Falun Gong detainees in China, and religious and ethnic minorities, including Rohingya Muslims and Kachin Christians, in Burma. In addition, legal frameworks on SGBV and CEFM in many countries still reflect an uneasy tension between religious, customary, and secular sources of law, especially in countries that have dual legal systems, like Indonesia and Nigeria. States in which religious authorities wield extensive influence may face difficulties in implementing otherwise clearly-drafted legislation on these issues. In Pakistan, for example, national laws on CEFM and SGBV are often ineffectual in the face of opposition from local religious leaders.

3. Protection of Women’s Human Rights Defenders’ Own Religious Freedom: Human rights defenders who work on women’s rights issues often challenge religious or traditional consensus in expressing their own dissenting beliefs. As a consequence, women’s human rights defenders may face charges of blasphemy, insulting religion, or other related charges. In one current example, the Malaysian civil society group, Sisters in Islam, is subject to a fatwa from a state-affiliated body declaring it “deviant” and its materials subject to seizure due to its work on human rights, including gender equality and women’s empowerment. In Sudan, women’s rights activists have been both subjected to SGBV and accused of apostasy in order to forestall their work, while Iranian activists, writers, and artists peacefully advocating for women’s rights issues have been imprisoned under a range of charges, including insulting Islamic sanctities. Furthermore, non-state actors may target women’s human rights defenders for perceived disbelief or undermining traditional religious norms. This is demonstrated clearly in the high-profile case of Malala Yousafzai, for whom religious opposition to her girls’ education advocacy culminated in a violent attack by the Taliban. While women human rights defenders are at particular risk for such religious freedom violations, all are at risk when dissenting from religious justifications used as a pretext to commit violations of women’s rights.

Recommendations for U.S. Policy

1. The State Department should establish mechanisms for cooperation between relevant offices within the Department (Office of Global Women’s Issues and Office of International Religious Freedom) and between other federal agencies (USAID Center for Faith-based and Community Initiatives, USAID Office of Gender Equality & Women’s Empowerment, and the Department of Homeland Security (DHS) Council on Combating Violence Against Women, among others). While many of these offices engage in foreign policy and programming relating to gender and religion, their work at this intersection would be enhanced by institutionalized engagement.

2. The White House and other relevant government agencies should incorporate religious freedom training into the Women, Peace, and Security Strategy mandated to be published in October 2018 pursuant to the [Women, Peace, and Security Act of 2017](#). This act recognizes and supports the unique role played by women in countering terrorism and violent extremism, as well as resolving disputes and stabilizing societies. Moreover, the heightened risk of religious freedom violations in conflict and post-conflict zones must be recognized as a factor in effectively addressing security-related barriers to women’s meaningful participation in implementing the upcoming strategy. Section 6 of the act also mandates training for relevant Department of State and Department of Defense personnel in international human rights law and international humanitarian law; such training should explicitly include freedom of religion or belief.

3. The U.S. delegation to the 63rd Commission on the Status of Women (CSW) held in 2019 should introduce a resolution recognizing that women’s rights and religious freedom are mutually reinforcing, not contradictory. The priority theme for 2019 is social protection systems, access to public services and sustainable infrastructure for gender equality, and the empowerment of women and girls. Religious freedom is key to fully addressing this priority, as women’s access to both social protection systems and public services is often predicated on their ability to safely navigate the public sphere, an ability severely hampered by religious freedom violations. This is especially true in the case of women from marginalized religious communities, who face dual obstacles in accessing public services. The U.S. delegation should also encourage the CSW to recognize this relationship in its 2019 agreed conclusions.

4. The President and Congress should prioritize U.S. government-funded programming related to women and religious freedom through both the Department of State and USAID. Funding should be specifically earmarked for programming on key issues such as SGBV and CEFM, recognizing the important role of such programming in contributing to larger goals relating to national security and countering violent extremism. This programming should also recognize the specific security needs of women’s human rights defenders operating in the State Department Office of International Religious Freedom’s designated “Countries of Particular Concern,” where government enforcement or toleration of religious freedom violations creates a public sphere unsafe for debate.



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