

Testimony for the U.S. Commission on International Religious Freedom (USCIRF)

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“The dignity of each of us is intrinsically connected to the dignity of all of us. And this is a message shared among all faiths...The fundamental vision of faith is transcendent and inclusive. Faith does not recognise any of our differences or boundaries. When faiths work together, the enjoining of spirit and action is unparalleled. So, the only way to counter the narrow interest-based politics and narratives of populism is to secure an inclusive discourse (narrative and action) which transcends them”.

I - Lessons from research and experiences on the relationship between religion, gender and FoRB

In a joint article published in 2019, Marie Juul Petersen and Katherine Marshall speak of the need to “‘right-size’ FoRB in the human rights landscape”. They warn that “treating FoRB as the ‘first and foremost right’, as some do, is potentially as damaging as overlooking FoRB entirely”. Neither approach, they argue, “adequately reflects the complex realities on the ground. Human rights are indivisible, interdependent, and interrelated – and, very often, so are violations of human rights.”

Discrimination on the grounds of religion or belief rarely concerns only restrictions of religious practices and manifestations, but also involves violations of various other rights – and a FoRB perspective is not necessarily the sole or most relevant perspective through which to view them.

From 2019-2020, with my UN hat then, on, I was privileged to be a co-architect, with the UN Special Rapporteur on FoRB; the FoRB Ambassadors from Norway and Denmark, and some key faith-based NGO partners, of a process which included a series of *Expert Consultations and research, on the linkages between Freedom of Religion or Belief, Gender Equality and the Sustainable Development Goals*. The argument we made for this process (which resulted in at least two reports detailing the outcomes of the research and the discussions), remains a key argument we need to be mindful of in today’s discussions. Namely, that we cannot silo FoRB as a stand alone human rights or foreign policy unit or series of engagements.

From a human rights perspective, FoRB is not about protection of conservative or patriarchal religious traditions and values. In fact, it is not about protection of religion at all – it is about protecting individuals’ and groups’ right to have, adopt or change a religion or belief; to manifest and practice this religion or belief, alone or in community with others; and to be free from coercion and discrimination on the grounds of their religion or belief.

This includes women’s and LGBTI people’s right to interpret and practice their religion the way they believe is true, even when this goes against the orthodoxy of the religious community. As such, **FoRB can be a tool to empower people in their struggles for gender equality and non-discrimination.**

¹ This testimony is provided by me in my personal capacity as a Professor and student of religious and international affairs, and does not necessarily reflect the positions or opinions of the Board/World Council of Religions for Peace or any other entity.

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FoRB should not be used to justify violations of women’s rights or other rights related to gender equality. We know that Female genital mutilation, honour killings, gender-based violence and other harmful practices often justified by or through religious narratives, are not protected by the right to FoRB. In fact, laws dealing with some of these issues which end up placing a higher burden of proof on victims, effectively end up reducing the value of women’s testimony and allowing perpetrators of violence to invoke ‘honour’ to escape criminal responsibility. Such laws are just as egregious a violation of FoRB, as of women’s rights.

On the other hand, the fact that there is no inherent contradiction between rights related to FoRB and gender equality, does not mean that the relationship between the two is always straight-forward. In fact, the two sets of rights can and do collide in specific instances, with the fulfilment of one right, resulting in restrictions on another. For example, ensuring that religious minorities respect their own understanding of what is permissible (e.g. access to abortion in specific cases) may well conflict with state/government regulations which forbid it entirely, as we see in some Latin American contexts. There are no clear-cut answers to such questions.

But while such practical conflicts between rights related to FoRB and gender equality obviously deserve careful attention, *in reviewing the relationship between FoRB and gender equality, most challenges seem to be about violations of both FoRB and gender equality, rather than about a clash between the two.*

Analysing the relationship between FoRB and gender equality in the contexts of health education and access to justice, it is noteworthy that gender-based and religiously based discrimination and inequalities often exist in tandem. In fact, research shows a strong correlation between countries with high restrictions on religion and low protection of gender equality.

Examples:

The drivers of challenges that LGBTI people, women, girls and religious minorities face in terms of discrimination, marginalization and exclusion, are often similar, and often – albeit not always – are the same.

As noted by Dr Petersen in her report on the consultations noted above,

- when speaking of education, for instance, “we often find similar patterns of gender- and religiously based discrimination in curricula and text books – whether in the form of stereotyping, stigmatisation, or rendering women, girls, LGBTI people and religious minorities invisible”
- When it comes to health, women, girls, LGBTI people and religious minorities often suffer disproportionately from a lack of access to health care and quality treatment.

Moreover, women confront challenges which frequently intersect and overlap - religiously based discrimination can entail some gendered consequences (think of LGBTI communities), and gender-based discrimination has consequences for religious minorities (women bearing the brunt of the violence as targets thereof – we note what is unfolding in India as we speak).

When studying family laws in several Arab countries (with the exception of Tunisia), it is difficult to ignore how family laws restrict women’s right to divorce, or custody of their

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children, as ostensibly inspired by interpretations of religious jurisprudence. These laws constitute a violation not only of women's rights but of FoRB as well.

We must be diligent in noting the multiple forms of **intersecting discrimination** faced by women and girls who are part of religious minorities: being discriminated against not only by the state, the broader majority culture, and by their own religious community.

The fact is that even persecuted religious minorities can – just like their majority counterparts – be highly patriarchal with practices and traditions that run counter to gender equality norms and principles.

The Universality of human rights should also translate into FoRB protections for individuals from all religious communities, rather than the current tendency, including among the most well meaning of sectors, to focus on particular religious minorities over others. These approaches polarize rather than build alliances towards common cause, and end up rarely addressing the core of the problem. Discrimination and persecution rarely targets just one minority, or race. Lets take the Middle East as an example (and notice here I am not referring to the Arab world, but to the whole of the Middle East): FoRB violations do not only affect Christians, but also Yazidis, Shias, Bahai's, among others. In fact, it is wise to remember that discrimination is rarely limited to one type thereof.

Indeed, persecuted religious minorities themselves may be highly discriminatory and oppressive towards those who differ from their mainstream views – whether feminist theologians, people who advocate for democracy, advocates for other human rights, or those who believe in no religion.

Working on and with FoRB, or as we prefer to name it in *Religions for Peace* – honouring the language of the Universal Declaration of Human Rights - on Freedom of Thought, Conscience and Belief, offers us an unparalleled opportunity. To do what? To realise all human rights, because the Freedom of Thought, Conscience and Belief is the ultimate foundation for all freedoms, and the basis for the struggle for all right.

To work on Freedom of Thought, Conscience and Belief and the intersections with gender equality and women's rights, offers us the opportunity to see as clearly as it is possible - to stand in clear witness, and to finess our actions so they do not fall between the messy cracks of human prejudice.

II - What can the US Government Do?

We must insistently encourage and support faith leaders (not just religious leaders), to showcase how, together, they value and uphold the dignity of diversity of thought, conscience and belief, rather than seeking to prioritise certain rights over others.

- Internally: not only religious but multi-religious literacy: Within USG departments, offices and across all units working on religion and/or religious engagement, understanding and nuance about religious and multi-religious work. Understanding the relationships between and among diverse **faith** communities is a prerequisite to working on FoRB related areas. Religious relations are not data and stats, they are about beliefs and interpersonal engagement.

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- Work not only with select faith actors or institutions working on select areas, but:
- work with multi-religious entities with a proven track record of working with diversified local entities, **and** delivering on human rights goals, and working with secular civil rights/human rights actors – at the same time.
- Ensure that actions in this area should not only target, but also actively involve, the very people who are subject to gender and religiously based inequalities, making sure that the perspectives, knowledge, and experiences from e.g. women from religious minorities, non-believers, and LGBTI communities are heard and taken into account.
- Promoting FoRB needs to be integrated with – not detached from – efforts to promote democracy, development, and peacebuilding. Siloed FoRB efforts can and will meet sustained resistances, including from within the same communities who stand to benefit. This is especially the case when and where gender is involved. As Leila Ahmed, notes in her epic research on gender and colonialism of old, and Leila AbuLughod and Mary Ann Slaughter reference in more recent works looking at Afghanistan, when foreign governments try to include women’s rights in their foreign policies, they raise the hackles of patriarchs even higher. The foreign governments have little to lose relative to the women in those countries. The latter – the women – have compounded enemies. Combining FoRB efforts with gender means stepping into two minefields at once.
- Work with intergovernmental entities (the UN, EU, AU, etc.). It is not easy, but given the standing the United States government has today vis-à-vis other major world powers, and given the now very well-known civic disturbances and grievances of racism and discrimination within the United States itself, working through intergovernmental entities will reduce the misperceptions of the US as an imposer and as an imposter. The credibility of intergovernmental entities is not unimpaired for sure, but these institutions still have a stronger standing on human rights than the United States government does.