Statement by Heiner Bielefeldt
SPECIAL RAPPORTEUR
ON FREEDOM OF RELIGION OR BELIEF
GA Resolution 67/179, paragraph 20

68th session of the General Assembly
Third Committee
Item 69 (c)

29 October 2013
New York
Mr. Chair,
Distinguished delegates,
Ladies and gentlemen,

Countless women are exposed to complex forms of human rights violations based on both their religion or belief and their sex. One particularly grave abuse in the intersection of freedom of religion or belief and gender equality is forced conversion in combination with forced marriage. In a number of countries women or girls from religious minorities run the risk of being abducted with the purpose of forcing them to convert to mainstream religion – often in connection with an unwanted marriage. Another important concern relates to discriminatory religious family laws, which in many countries are directly enforced by the State. While from the standpoint of equality of men and women the critical focus naturally falls on stereotypical gender roles, the use of the State’s coercive power to enforce family laws originating from particular religions remains discriminatory from the perspective of freedom of religion or belief. Yet another example is the prohibition of wearing religious garments in public places and institutions, which disproportionately affects women from religious minorities. In some countries overly broad prohibitions largely restrict women’s or girls’ spaces of personal movement while possibly also infringing other rights, such as their right to education.

In order to do justice to such complex forms of human rights problems in the intersection of freedom of religion or belief and equality of men and women a holistic human rights approach is needed, in keeping with the formula coined at the 1993 Vienna World Conference on Human Rights that “all human rights are universal, indivisible and interrelated and interdependent”. The insight into a positive interrelatedness of all human rights should also guide the treatment of complicated issues, which come up in the interplay of the two human rights norms under modern time discussion.

Upholding a holistic understanding of human rights, of course, does not mean turning a blind eye to existing and often complicated conflicts between different human rights concerns as they come up in the intersection of freedom of religion or belief and equality of men and women. At times, issues presented under freedom of religion or belief appear to collide directly with issues of equality of men and women or vice versa. For instance, some religious communities have rejected stipulations of anti-discrimination imposed by the State, which they consider as an undue infringement of their corporate religious autonomy. There are also cases of parents objecting to reproductive health issues becoming part of the school curriculum, since they fear this may go against their religious or moral convictions. Dealing with such complicated conflicts requires a high degree of diligence with a view to doing justice to all legitimate human rights claims involved. Inter alia it requires bearing in mind the criteria prescribed for situations of conflicts between freedom of religion and other human rights in article 18, paragraph 3 of the ICCPR.

To avoid any possible misunderstanding, I would like to emphasize that harmful practices inflicted on women or girls can never be justified in the name of freedom of religion or belief. An extreme example is female genital mutilation, which leads to life-long and far-reaching health problems as well as grave forms of traumatization. Whether this practice has religious root-causes remains controversial and ultimately doubtful. In any case, religious leaders can and should play an important role by clarifying religious views and by publicly calling on their believers to end this cruel practice. The same holds true for forced marriages, a widespread practice sometimes justified in the name of religion – and at the same time challenged in the name of religion. Other examples of harmful practices include enforced “sacred prostitution”, widow burning or other forms of ill-treatment of widows, honour crimes often perpetrated in a climate of impunity or condoning dowry killings and many manifestations of extreme disrespect. Whether they have a religious basis typically remains controversial between and within religious communities. Be that as it may, freedom of religion or belief clearly does not protect such cruel practices.

The experience of complicated political and legal conflicts has led some observers to infer that freedom of religion or belief and women’s right to equality are norms, which stand in an irreconcilable opposition to one another. The relationship between these two norms may thus appear tantamount to a
zero-sum-game logic: Any progress concerning equality of men and women seems to indicate a defeat of religious freedom, and any insistence on freedom of religion or belief seems to hinder gender-related anti-discrimination policies – or so it is misperceived. However, not only are such antagonistic views mostly based on a misunderstanding of freedom of religion or belief and a disregard of its function to empower human beings instead of protecting religious traditions as such; they can also produce blind spots and serious protection gaps. One of the resulting problems is that the potential for synergies between freedom of religion or belief and gender equality remains systematically under-explored. Existing human rights activities in this field do not receive the attention they need and deserve. Sometimes such activities are even de-legitimized by antagonistic views, which wrongly assume that gender-related anti-discrimination agendas would be weakened by integrating sensitivity for freedom of religion or belief or, vice versa, that work on behalf of religious freedom would be distorted by promoting gender equality.

Whether synergies between freedom of religion or belief and women’s right to equality come about in practice largely depends on how people actually make use of their human rights. Obviously, the ways in which individuals for various persuasions resort to their right to freedom of religion or belief differ widely. Freedom of religion or belief is a norm to which liberals and conservatives, feminists and traditionalists, etc. can equally refer in order to promote their various and often conflicting religious or belief-related concerns, including conflicting interests and views in the field of religious traditions and gender issues. Thus, on the phenomenological level, the question of how freedom of religion or belief relates to women’s right to equality and other gender issues does not find one general answer but shows a broad range of positions and possibilities.

In any case, freedom of religion or belief, in conjunction with freedom of expression, helps open up religious traditions to systematic questions and debates. In discourses on religious issues everyone should have a voice, a chance to get heard: adherents of conservative or traditional interpretations as well as liberal critics or reform theologians and others. However, by also empowering traditionally discriminated groups – including women – freedom of religion or belief can serve as a normative reference for questioning patriarchal tendencies, as they exist in different religious traditions. This can lead to more gender-sensitive readings of religious texts and far-reaching discoveries in this field. Indeed, in virtually all traditions one can find persons or groups who make use of their freedom of religion or belief as a positive resource for the promotion of equality between men and women, often in conjunction with innovative interpretations of religious sources and traditions. Impressive examples of initiatives undertaken by women and men of different religious persuasions show that synergetic efforts in this regard exist and should not be underestimated.

It should be noted in this context that gender-related emancipation can take different routes, also with regard to issues of religion or belief. While some women may see their way in abandoning their religious legacy as an unbearable burden, others may try to improve the situation from within their respective religious traditions, for instance, by promoting and exercising alternative readings of the religious sources. Others again may prefer not to deal explicitly with religious or belief issues and, instead, resort to pragmatic arrangements in order to enlarge the scope of their personal life opportunities. However different these and many other ways may be, they all deserve sympathy and respect from a human rights perspective. Human rights appreciate diversity not only in terms of the results but also concerning the processes, i.e. the diverse paths towards emancipation.

When dealing with human rights problems in the intersection of freedom of religion or belief and gender equality, the existing diversity of human beings must always be taken seriously. This includes an awareness of inter-religious as well as intra-religious pluralism. The voices of women, including their different and possibly conflicting assessments, should always be part of the broader picture. Failure to recognize existing and emerging pluralism frequently leads to stereotypes, which in turn can become a source of protection gaps or even human rights abuses. Indeed, it is a bitter irony that policies aimed at eliminating stereotypes in the field of gender may sometimes produce or reproduce stereotypes and prejudices against individuals based on their religion or belief. There are even examples of right-wing populist or extremist movements utilizing elements of gender-related anti-discrimination programmes selectively with the ill-concealed intention of stoking collective
resentments against unwelcome religious minorities. In order to avoid this danger, freedom of religion or belief should whenever possible be systematically integrated into gender related anti-discrimination programmes as an element of their own quality management. Vice versa, policies of promoting freedom of thought, conscience, religion or belief should systematically incorporate a gender perspective which is a requirement ultimately following from the universalistic aspiration that underpins the human rights approach in general.

Mr. Chair,
Distinguished delegates,
Ladies and gentlemen,

Thank you for your attention.