

At the crossroads of freedom of religion and women's equality rights

Some reflections from South Asia

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Abstract

Religion plays a positive role in society. However, in many parts of the world patriarchal forces, combined with religious fundamentalist impulses, have subverted women's equality rights. This article examines the intersections between freedom of religion and women's equality rights in South Asia, reflecting upon specific incidents and examples drawn from countries in the region. Both patriarchy and religious fundamentalism are pervasive and cannot be attributed to a specific country, region or religion but has undermined women's rights in South Asia. International human rights standards may assist in addressing such violations. There is potential for a collaborative project between religious actors and women's rights advocates.

Keywords South Asia, women's equality rights, religion, violence, discrimination, fundamentalist, patriarchy, synergy, human rights.

1. Introduction

Religion plays an important role in the lives of many individuals. It provides a sense of fulfilment of purpose in life and is a source of strength and solace in crisis situations. Shared cultural values, religious beliefs, practices and norms bind human beings together at the social level, conferring a sense of individual and collective identity. Religion has also been a source of empowerment for individuals and communities, communicating powerful messages of love, respect, dignity, peace, justice and equality. Women are no exception to this phenomenon, as they have been beneficiaries of the positive attributes of religion.

As Engels observed, "Religions are founded by people who feel a need for religion themselves and have a feeling for the religious needs of the masses" (Engels 1966:197). Socio-economic, historical and political contexts have often shaped

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religious movements. The origin of most, if not all, religions can be traced to resistance against established oppressive and exclusionary religious structures and discriminatory practices. For example, Christianity, which subsequently became the religion of the Roman empire, was initially a religion of those who were brutally oppressed and mercilessly exploited by the tyrannical rule of the Roman emperor (Engineer 1975:34). Islam began as a movement that countered hegemonic practices in pre-Islamic Arabia. In South Asia, the genesis of Sikhism can be traced to a counter-majoritarian initiative against the oppressive caste system and ritualism then prevalent in Hindu society. The caste system was categorically rejected by the first Sikh leader, Guru Nanak (see Puri 2003). However, over the centuries, once religions took root as structured institutions with rigid dogmas, fissures developed between the religious philosophy and values preached and propagated, on one hand, and ground-level practices on the other.

Globally, we have witnessed a renaissance of religious extremism, fanaticism and intolerance of individual acts of questioning, critiquing or rejecting religion – what we today refer to as religious fundamentalism (see Yilmaz 2006). This has led to a sharp polarization of communities along religious lines, accompanied by intense conflict. The forces of patriarchy, when combined with actors of religious fundamentalism within all major world religions, have resulted in oppression and alienation of women, tolerance of violence against women and, in many instances, propagation of discriminatory practices against women. The language and normative standards established by human rights documents provide a lens through which to critique this phenomenon so as to protect and promote women's human rights.

2. The South Asian context: an overview

The South Asian region, including such countries as Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka, is the crucible for at least nine major world religions. These include the Baha'i faith, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Sikhism and Zoroastrianism. It is also the birthplace of four major religions – Hinduism, Sikhism, Buddhism and Jainism. Religious diversity and multiculturalism are the hallmark of South Asia.

Juxtaposed with this religious diversity are extensive violations of freedom of religion. Most national constitutions, with the exception of India and Nepal, accord a special status to the majority religion, either by declaring it to be the state religion or by granting it special protection. The partitioning of India, which led to the formation of Pakistan and a re-drawing of India's boundaries, and the subsequent birth of Bangladesh, have resulted in continued violation of minority rights due to Hindu–Muslim animosity (Khan and Rahman 2009:367). Religious minorities in most South Asian countries are specifically targeted for a range of discriminatory,

exclusionary practices. A culture of impunity for these heinous violations is deeply entrenched within institutional structures and processes, thereby undermining the religious minority communities' access to justice.

South Asia in general, and India and Sri Lanka in particular, are also said to be new targets of the Islamic State, due to local religious fissures and imported Wahabism (Dhume 2019). The Easter Sunday attacks in Sri Lanka in 2019, in which a group of suicide bombers killed more than 260 civilians across three churches and hotels, is a case in point (Slater and Pereira 2019). Additionally, the Taliban's rule and its aftermath in Afghanistan and in the bordering North West Frontier Province (NWFP) of Pakistan have had grave ramifications for freedom of religion, especially in relation to women's equality rights.

In India, anti-minority rhetoric and violence, particularly targeted at Christians and Muslims, are perpetuated by Hindu nationalists who seek to make India a Hindu state (Mandalaparthi 2018). This activity is mirrored in Sri Lanka and Myanmar by Buddhist nationalism (Beech 2019). In 2018, the UN Special Rapporteur on Freedom of Religion, Belief or Conscience, Ahmed Shaheed, noted the disturbing trend of routine violations of freedom of religion in Asia, and he specifically referred to the discrimination faced by Christians in Pakistan and the military-led persecution faced by Christians and Muslims in Myanmar.²

All South Asian countries are steeped in patriarchy, manifested through the institutions of government, community, family and the market. Preference for sons over daughters and the low value accorded to female children has resulted in a low ratio of girls to boys in the region. One form of women's subordination that is prevalent across the region, irrespective of caste, class, religious, regional, linguistic and cultural disparities, is violence against women. Fuelled by misogyny, violence against women is also intimately connected with the growing power of politico-religious parties across the region (see Chhachhi 1991).

3. The status of women in minority religious communities

Although freedom of religion or belief (FoRB) has a universal application and rests on a rich, detailed human rights framework that is binding upon all states – including those in South Asia – its impact on women is disparate, in both majority and minority communities and in any given context. The superiority felt by a majority religious community in a particular country or region can trigger a sense of insecurity, threats of erosion of identity, and a sense of secondary citizenship within minority religious communities. Resistance to this pressure, in the form of assertion of identity, tends towards religious

² Shaheed spoke these words at the Fourth South East Asia Freedom of Religion or Belief conference, Bangkok, Thailand, August 2018.

conservatism within minority communities, with additional ramifications for women's equality rights. For example, in India, the Muslim minority resists reform of laws governing family relationships; in contrast, the family laws applicable to the Hindu community have witnessed far more reforms in the past seven decades since India's independence (see Joshi 2013). On the other hand, the reverse is true in Bangladesh, which has a Muslim majority and a Hindu minority community. Discriminatory provisions in family laws applicable to the Hindu community have been reformed more slowly than those applicable to Muslims in Bangladesh. For example, the existing Hindu law in Bangladesh prohibits inter-caste marriages, permits polygamy by the husband, does not allow dissolution of marriage (since it considers marriage to be a sacrament), does not require registration of marriages, and has far more discriminatory provisions on inheritance and succession rights of women than does Hindu law in India, which also discriminates against women to some extent (see Alam 2004). The precarious position of women in both India and Bangladesh indicates the multiple forms of discrimination they face due to the interplay of gender and religious identity.

The status of Muslim minority women remains in jeopardy in South Asia at this time. A case in point is the emergency regulation issued by the Sri Lankan government on 29 April 2019, prohibiting clothing that conceals the face, purportedly for security reasons. The prohibition adversely affects Muslim women, who must deal with both patriarchal forces within their community that insist on the face veil and state forces that prohibit it. The prohibition not only stigmatizes Muslim women, restricting their mobility and access to places of work, study and public services; it also violates their basic right to choose to dress in accordance with their religious beliefs (Amnesty International 2019). The regulation was promulgated in the wake of the April 2019 terror attacks on three churches in Sri Lanka.

4. Women's autonomy and agency

Most religions require women to be submissive to their husbands, fathers and sons. Fathers and husbands are often treated as guardians of the woman, in laws and in local customary practices. This leads to a denial of women's agency and autonomy in crucial decisions. The religious tradition of the father or brother 'giving the bride away' in marriage, which prevails in both Christian and Hindu communities, is a case in point. The Hindu religious tradition consists of a marriage ritual called *kanyadaan* (literally translated as gift of a virgin girl) when the bride is given to the bridegroom by her father or, in his absence, by her brother or another male member of her family. In the contemporary context, this might be nothing more than a symbolic act. However, it connotes a deeper message: the transfer of dominance over the woman from the father or brother to the husband, thereby undermining her personhood, personal autonomy and agency.

The case of Hadiya, a woman in India, illustrates the undermining of women's right to choose their religious faith or a partner belonging to a religion different from that of their parents. Hadiya, a 24-year-old student – originally Hindu and known by the name of Akhila – converted to Islam in 2016 and married Shafin, a Muslim man, several months later. Her father filed a writ petition in the Kerala High Court in India, alleging that she was forcibly converted and that her husband was a terrorist likely to take her to Syria to be recruited by the Islamic State. In response, the Kerala High Court annulled Hadiya's marriage to Shafin and placed her in her parents' custody, claiming that it was for her protection. It observed that “a girl aged 24 is weak and vulnerable, capable of being exploited in many ways.”

Subsequently, Shafin, petitioned the Supreme Court of India, which, in its interim order, directed an investigation by the National Investigation Authority (NIA), a prime governmental body responsible for the investigation of anti-terror cases. In October 2018, the NIA concluded that there was no evidence of coercion or larger criminal design. The Supreme Court of India thereafter reversed the Kerala High Court's judgement and observed that the court's support for the parents of an adult daughter was “a manifestation of the idea of patriarchal autocracy and possibly self-obsession with the feeling that a female is a chattel.”³

Although the Supreme Court's final judgement brought relief from the couple's victimization, some crucial questions remain unanswered. If Hadiya had been a 24-year-old Hindu man, who had converted to Islam and married a Muslim woman of his choice, would the Supreme Court have required an investigation by the NIA? Hadiya's statement that she exercised her own free will in this regard, without any duress, was not considered adequate by the Supreme Court. Until very late in the litigation process, the court showed no inclination to interact directly with her, postponing an opportunity for her to present her case and prolonging her house arrest at her parents' home. The social, cultural and political milieu played a contributory role in the infantilization and erasure of Hadiya's personhood that underlay the Supreme Court's direction to the NIA. This led to a restriction of her mobility and an extreme invasion of her privacy, and it exacerbated the violations of her fundamental rights.

5. Honour Crimes and Moral Policing

Honour crimes, which are widely prevalent in South Asian countries, offer further evidence of the sharp confluence between religious orthodoxy and fundamentalism, on one hand, and patriarchal forces that operate in the spheres of the family, community, market and state. Many such honour crimes, including rapes, gang

³ Shafin Jahan vs. Asokan, K.M. 2018 SCC Online SC 343.

rapes, maiming and killing, have been triggered by inter-caste and inter-religious marriages and by the exercise of women's agency, which is seen as a transgression of the religious and social dictates of community leaders. *Khap panchayats* in India, *jirgas* in Pakistan, *shuras* in Afghanistan and *shalish* in Bangladesh are informal, male-centric, village-based systems that wield tremendous power over their communities and are often instrumental or complicit in such forms of sexual and gender-based violence. They perpetuate deeply patriarchal and fundamentalist norms regarding women, often deriving authority through religious and cultural norms, though they were established purportedly to administer justice. A detailed survey and discussion of various non-judicial systems in South Asia and their implications for women's rights have been undertaken elsewhere (see Ali et al 2017).

In a series of judgements, the Supreme Court of India strongly denounced the role of *khap panchayats* and other forms of kangaroo courts in violating women's human rights.⁴ Courts in Bangladesh have further clarified that all alternative dispute resolution mechanisms such as conciliation and mediation, *shalish*, or traditional dispute resolution mechanisms for family disputes can be undertaken strictly within a legal framework, and punishment can be prescribed only as under the law, excluding the application of "any version of shari'a."⁵ Similarly, the Supreme Court of Pakistan held that the system of *jirgas* and *panchayats*, inasmuch as they directed violence against women, violated Pakistan's international commitments under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on Elimination of Discrimination Against Women (CEDAW).⁶ Unfortunately, such progressive judgments are not effectively implemented at the ground level, and as a result such adjudicatory mechanisms continue to thrive.

6. Women in religious leadership

Women are often excluded from the hierarchies of religious power and either deterred from or rendered ineligible for religious office. As a result, in many religions, the priests and religious leaders are predominantly male. For example, there is no known history of a woman ever being the *shankaracharya* (head priest of

⁴ Lata Singh v State of UP (2006) 5 SCC 475; (2006) 2 SCC (Cri) 478; Arumugam Seervai v State of Tamil Nadu (2011) 6 SCC 405; (2011) 2 SCC (Cri) 993; Shakti Vahini v Union of India (2018) 7 SCC 192.

⁵ Bangladesh Legal Aid and Services Trust and Others vs. Government of Bangladesh and Others, order dated 8 July 2010 passed by Mr. Justice Syed Mahmud Hossain and Mr. Justice Gobinda Chandra Tagore in Writ Petition No.5863 of 2009 with Writ Petition No.754 of 2010 and Writ Petition No.4275 of 2010 (Bangladesh).

⁶ National Commission on Status of Women and Another vs. Government of Pakistan and Others, judgement dated 16 January 2019 by Mr. Justice Mian Saqib Nisar and Mr. Justice Ijaz Ul Ahsan of the Supreme Court of Pakistan, in Constitution Petition No. 24 of 2012 and Civil Petition No. 773-P of 2018.

specific sects) in Hindu communities. The *ervad*, *mobed* and *dastur* (ranks of religious leaders in Zoroastrianism) and the *imams*, *qazis*, *mullabs* and *muftis* (religious leaders in Islam) have also been predominantly men. Although there has been a radical change in this arrangement within the Christian church in European countries in recent decades, the wave of reform has been slower within institutions in South Asian countries.

Hindu religious scriptures do not expressly disqualify women from becoming priests. However, in practice, most Hindu priests and spiritual mentors are men, due to their control of religious and spiritual knowledge. As observed by Santhanam and Yamunan (2015), this phenomenon has led to Hindu male priests exercising authority and hegemonic power. They have observed that the situation is similar amongst Muslim communities, where women are often excluded from addressing mixed congregations of men and women, issuing religious edicts or heading religious institutions such as the Wakf Boards.

To challenge male dominance in the religious sphere and to counter male hegemony, women have recently taken initiatives to pursue becoming *imams* (Muslim priests) or *pujaris* (Hindu priests). The judiciary has supported such initiatives from time to time. For example, in 2008 the Madras High Court in India allowed women to become priests in Hindu temples, with the observation that the altars of gods must be free from gender bias.⁷ In Nepal, Hindu temples opened their doors to female priests in 2009. The temples were built by Dalits, who are considered untouchables and are lowest in the caste hierarchy ('Nepali Temples' 2009).

As a logical corollary of the exclusion of women from religious leadership, the power to interpret religious texts and beliefs has been consolidated by male religious leaders. Their teachings and interpretations have often been motivated by gender bias against women, perceived male superiority and the need to assume and maintain patriarchal control over essential matters at all stages of a woman's life, from cradle to grave. Women are denied the right to question such interpretations of religion. For example, in India, the traditional interpretations of the Qur'an with regard to polygamy and pronouncement of divorce have distinctly advocated and advanced male privilege. Feminist interpretations of the Qur'an are now being undertaken to neutralize and counter the effect of narrow, patriarchal and anti-female interpretations. Similarly, in Pakistan, progressive interpretations of the Qur'an are used to counter patriarchal state religion (Zia 2009:29). Indeed, the growth of Islamic feminism in much of South Asia is intrinsically linked to the urgent need felt for re-interpretation of religious texts and sources through the lens of feminism.

⁷ Pinniyakkal vs. The District Collector, judgement delivered by Justice K. Chandru of the Madurai Bench of the Madras High Court, India, dated 1 September 2008.

7. Menstrual taboos and exclusionary practices

South Asia is also distinguished by its menstrual taboos and related exclusionary practices, particularly in Hindu communities. In the western parts of Nepal, the practice of *chbhaupadi* still exists – a menstrual taboo under which women are banished from their homes during menstruation and prohibited from touching their family members, cattle, fruit-bearing plants or crops. This practice is founded on the belief that menstruating women are unclean and impure, and that therefore their touch can cause destruction. It draws its sanction from Hindu beliefs and customary practices, perpetuated by religious leaders with a patriarchal mindset. After the death of several women and their children in *chbhaupadi* huts, and under local and global pressure from varied sources, in recent years the Supreme Court of Nepal and the Parliament have intervened to eliminate this practice by passing a judgement and legislation in this regard, respectively.⁸

Even though India and Nepal are neighbouring countries that share South Asian culture and traditions, and even though both have a Hindu-majority population, the menstrual taboos in the two countries have varied. In India, women have been historically denied access to certain places of public worship on the basis of notions of purity and pollution surrounding the natural, biological process of menstruation. For example, the Sabarimala is a famous Hindu hill temple situated in the southern state of Kerala and one of the most visited places of pilgrimage in the world. The deity in the temple is Lord Ayappa, who is believed to be eternally celibate. Women of menstrual age (10 to 50 years old) are prohibited from climbing the Sabari hills or entering the temple, on the ground that menstruation pollutes the temple, its deity and the male devotees. This prohibition has been enforced under rules formulated by the Kerala state government.⁹ The Kerala High Court upheld the religious practice of prohibiting women of menstrual age from entering the temple. One of its reasons was that the exclusion has been practiced from time immemorial and hence does not violate the fundamental rights to equality and non-discrimination guaranteed under the Indian Constitution.¹⁰ In 2018, the Supreme Court of India reversed this judgement and upheld women's fundamental right to equality, equal access to public places including temples, non-discrimination on grounds of sex and religion, and the application of freedom of religion equally to all women as well.¹¹ The Supreme Court's progressive

⁸ Dil Bahadur Bishwokarma et al. v. HMG Office of Prime Minister and Council of Ministers et al., WPN 48, decided on 5 April 2005 by the Supreme Court of Nepal; Criminal Code Bill passed by the Parliament of Nepal on 9 August 2017.

⁹ Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorization of Entry) Rules, 1965.

¹⁰ S. Mahendran v. The Secretary, Travancore Devaswom Board, AIR 1993 Ker 42.

¹¹ Indian Young Lawyers Association and Others v. the State of Kerala and Others (2018) SCC Online SCC 1690.

judgement drove home the point that religious beliefs should not be used to discriminate against women. However, implementation of the judgement has been difficult, since many view it as an unwarranted interference in the religious beliefs and practices of Hindus. Interestingly, the issue polarized the Hindu community, particularly the women – some of whom started a “happy to bleed” campaign in support of entry into the temple while others countered with a “ready to wait” campaign, in the name of respecting religious beliefs of male devotees to the temple (see Paul 2018).

8. Anti-conversion and blasphemy laws

Anti-conversion laws in India, Nepal and Sri Lanka have also resulted in grave violations of the exercise of freedom of religion. Anti-conversion laws criminalize ‘improper’ conversions, by treating them as forceful, fraudulent or coercive acts, or as effected through allurement or inducement (see Hertzberg 2020:93). The denial of women’s agency in religious conversions and the gendered construction of women as gullible, helpless victims in such cases is not new. In India, several state-level anti-conversion laws provide for enhanced punishment if women are found to have been forcibly converted, based on a paternalistic and protective approach to women that negates their agency. For example, under S. 4 of the Orissa Freedom of Religion Act (OFRA, 1967), conversions of women, along with other categories of persons, found to be a result of “force,” “fraud” or “inducement” (all of which are vaguely and broadly defined) can lead to imprisonment for up to two years (as opposed to one year for others) and a fine of up to Rs. 10,000 (as against Rs. 5000 for others). Other state legislations contain similar provisions. Such provisions have not been subjected to an equality challenge under the Indian Constitution and hence have been normalized within the Indian legal framework.

The blasphemy laws in operation in countries such as Pakistan may appear gender-neutral, but they have ominous and potent ramifications for women, with threats and risks of sexual and gender-based violence at the hands of self-appointed guardians of religion, in addition to death or excommunication. For example, *Asiya Bibi* – who was convicted of blasphemy and sentenced to death by a Pakistan court in 2010 and subsequently acquitted by the Supreme Court – was kept in protective custody to avert impending attacks on her, including possible sexual violence.¹²

9. The relevance of a human rights framework

As the preceding discussion illustrates, there is an overlap between FoRB and women’s equality rights; however, Article 30 of the Universal Declaration of Human

¹² *Mst. Asia Bibi v. the State etc.*, judgement of the Supreme Court of Pakistan delivered by Chief Justice Mian Saqib Nisar, Justice Asif Saeed Khan Khosa and Mr. Justice Mazhar Alam Khan Miankhel, 8 October 2018, in Criminal Appeal No. 39-L of 2015 against the judgement of the Lahore High Court dated 16 October 2014 in CrI.A.No.2509/2010 and M.R.No.614/2010.

Rights and Article 5 of the ICCPR expressly state that one human right cannot be used to extinguish or violate another human right. CEDAW calls upon States Parties to respect, protect and fulfil the human rights of women and to eliminate various forms of discrimination against women, both *de jure* (in law) and *de facto* (in practice). Articles 2(f) and 5(a) of CEDAW impose a positive obligation on States Parties to modify or abolish social and cultural practices and customs that discriminate against women. With the understanding that culture is a macro-concept, and with 'cultural practices' undergirding the religious norms of societies, the state obligation to modify discriminatory cultural practices (as declared in CEDAW) patently includes religious practices and beliefs. Moreover, the human-rights standards establish that FoRB is a right for all persons – including women – and hence women's right to FoRB must not be curtailed on the ground of religious beliefs or cultural practices. Furthermore, States are obliged to ensure that "traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality."¹³

In 2010, the UN Special Rapporteur for FoRB at that time, Asma Jahangir, highlighted the discriminatory practices to which women were subjected, often in the name of religion or within their religious communities.¹⁴ She suggested that women's rights should be prioritized over gender-based discrimination that was premised upon religious intolerance. In 2013, the lacuna left by the absence of a specific mention on freedom of religion and women's equality rights in any Convention or Declaration was addressed by the new UN Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, who prepared and presented a report on the relationship between the two human rights of FoRB and gender equality.¹⁵ Acknowledging the complex problems that exist at this intersection, the Special Rapporteur observed that measures to address religious discrimination may follow a male understanding of the needs and requirements of society, whereas programmes that focus on eliminating discrimination against women may lack sensitivity in matters of religious diversity.¹⁶ The report also reiterated the need to explore and create synergies between the two, observing:

[T]he abstractly antagonistic misconstruction of the relationship between freedom of religion or belief and equality between men and women fails to do justice to the

¹³ General Comment 28 on Article 3 of the ICCPR, 2000 (equality of rights between men and women); adopted at the sixty-eighth session of the Human Rights Committee, 29 March 2000, CCPR/C/21/Rev.1/Add.10, para 5.

¹⁴ A/65/207, para 69.

¹⁵ A/68/290, 7 August 2013.

¹⁶ *Ibid*, para 18.

life situation of many millions of individuals whose specific needs, wishes, claims, experiences and vulnerabilities fall into the intersection of both human rights, a problem disproportionately affecting women from religious minorities.¹⁷

In March 2020, the UN Special Rapporteur on FoRB further clarified that states should not use religious beliefs to justify violence or discrimination against women, and that freedom of religion protects individuals and not religions as such.¹⁸

In addition, the UN Special Rapporteur, in a report on the elimination of all forms of religious intolerance, also called for a “global repeal of blasphemy laws” and emphasized that anti-conversion laws, anti-apostasy laws and blasphemy laws . . . often serve as platforms for enabling incitement to discrimination, hostility or violence against persons based on religion or belief.¹⁹

South Asian states have ratified most of the major human-rights conventions including the ICCPR, ICESCR and CEDAW. They are duty-bound to adhere to the normative standards created by such conventions, as well as reports and recommendations of UN Special Rapporteurs, independent experts, working groups and other special-procedure mechanisms. Such standards include states' responsibility to respect, protect and fulfil women's human rights. The UN Special Rapporteurs' reports that proscribe violence and discrimination against women in the name of religion are as relevant to South Asian countries as to other regions of the world. The reports draw upon consultations with a range of actors – state and non-state – across the world, including from the South Asian region. Granted, some distinctly South Asian religious beliefs, practices, socio-political contexts and challenges may not be specifically captured or echoed in the UN reports. However, civil-society actors and women's movements in each country can use the international standards as a yardstick, contextualizing and applying them to make their governments responsive and vigilant in preventing violations and in providing redress should a violation take place.

Arguments, based on cultural relativism, that reject universal human rights and justify violence and discrimination against women on the basis of specific religious beliefs and cultural practices unique to the South Asian region are problematic. Equally troublesome are arguments based on cultural essentialism, which views some religions and cultures as inherently misogynist, violent, or discriminatory against women. Religious fundamentalism and patriarchy are all-pervasive. Although the needed solutions must address discriminatory practices and violence

¹⁷ Ibid, para 68.

¹⁸ A/HRC/43/48, 27 February 2020.

¹⁹ A/72/365, 28 August 2017, para 27.

against women at the ground level, international human-rights standards can play an important role in facilitating this development.

10. Towards a collaborative project of FoRB and women's equality rights

FoRB and women's equality rights are intrinsically linked and mutually reinforce each other. Absence of FoRB for women is an obstacle to gender equality. Very often, violations of women's rights are inter-linked with a denial of women's right to choose for themselves what they believe in and how they wish to live their lives on the basis of those beliefs. Therefore, it is vital to integrate FoRB for all and women's rights agendas if we are to achieve results in either realm.

FoRB is equally a freedom for women as for men, and equally for women from minority and majority communities. We need to acknowledge that women have the right to enjoy FoRB independent of any man; often women are seen as passive practitioners and recipients of religion, whereas men are seen as active agents and interpreters of religion. This situation cries out for change.

In the South Asian context, where politics and religion are closely fused and where women face an onslaught on their human rights in the name of religious beliefs and customary practices on a regular basis, it is important to explore how synergies between freedom of religion and women's rights can be fostered. We need a dialogue between religious and secular leadership, as well as with women's rights groups, that recognizes the fact that religion plays a significant role in many women's lives, but also that religious beliefs, texts and teachings can serve as roadblocks as well as resources with regard to the empowerment of women. At the same time, governments have a crucial role in ensuring that such a process of dialogue is not adversely affected or scuttled by religious fundamentalist and patriarchal forces in furtherance of their vested interests. Deepening the critical examination of religious texts, beliefs and practices and exploring new interpretations that harmonize women's rights with freedom of religion are vital, so that the roadblocks may be minimized and the resources maximized.

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