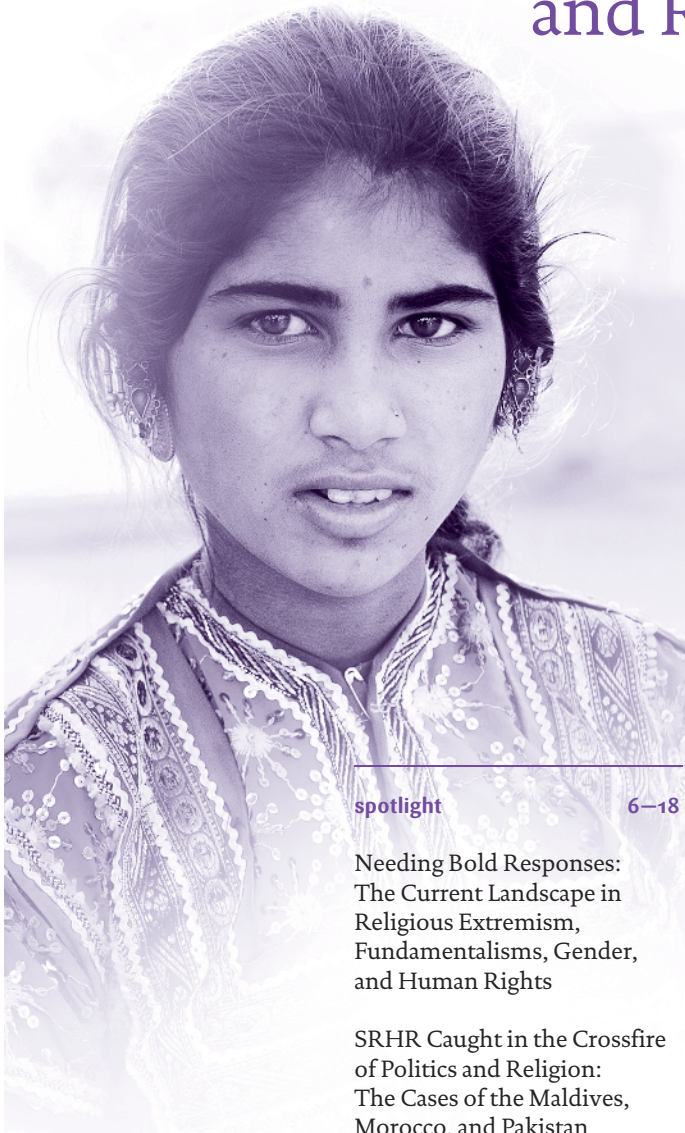


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*for change*

## Intersections: The Politicisation of Religion and Sexual and Reproductive Health and Rights



editorial

Religion and Politics:  
Posing Challenges to  
Women's Rights

2–6

spotlight

6–18

Needing Bold Responses:  
The Current Landscape in  
Religious Extremism,  
Fundamentalisms, Gender,  
and Human Rights

SRHR Caught in the Crossfire  
of Politics and Religion:  
The Cases of the Maldives,  
Morocco, and Pakistan

Religious Control and Young  
People: Comprehensive  
Sexuality Education in  
Bangladesh and India

voices from the global  
south

19–28

Reconfiguring Culture and  
Religion for Women's  
Human Rights: In  
Conversation with Farida  
Shaheed

Interrogating Religion In  
Search of Gender Justice:  
In Conversation with  
Fulata Moyo

monitoring countries and  
regional activities

29–33

One Step Forward, 10  
Steps Backward: CEDAW  
and Tonga

Religious Fundamentalism  
in Latin America and the  
Caribbean

resources from the arrow  
srhr knowledge sharing  
centre

33–37

selected arrow  
resources

37–39

definitions

40–41

factfile

41–47

Mis(Using) Religion:  
The Cases of Bangladesh,  
India, Malaysia, Myanmar,  
and the Philippines

editorial and production  
team

48

published by  
the asian-pacific  
resource &  
research centre  
for women

championing  
women's sexual and  
reproductive rights



published with the funding support of



arrow receives institutional support  
from the ford foundation and



# RELIGION AND POLITICS: Posing Challenges to Women's Rights

## Notes & References

<sup>1</sup> These refer to the International Conference on Population and Development held in Cairo in 1994 (thus known as Cairo) and the Fourth World Conference on Women held in Beijing in 1995 (thus known as Beijing).

We did not anticipate that when the Cairo and Beijing agendas<sup>1</sup> reached fruition, we would see a resurgence of religious extremism at national, regional, and global levels and across borders. The onslaught has meant that many of the rights we thought would be achieved and concretised for women and girls are under renewed threat. The assault on rights has been intense, and, though commonly referred to as religious fundamentalism, is intertwined with other political trends which can be best described as ethno-religious nationalism.

These three terms—nationalism, ethnicity, and religion—are by and large, powerful political and patriarchal concepts. It is useful for us to define these terms to fully understand what the phenomena represents. Nationalism is a concept which is based on communal identification with the nation, and based on this identification espouses sovereignty, self-determination, and self-governance. Ethnicity refers to an identity, usually inherited, based on a shared descent, culture, language, and customs. Ethno-nationalism is a form of nationalism based on ethnicity—and taken to the most extreme—that citizenship in a state should be limited to one ethnic or cultural group. Religion encompasses beliefs, rituals, texts, and worldviews about the transcendental, and are used as identity differentiators. Ethnicity is often connoted with a common religion, and religious nationalism is when religion is a defining contributor to the national identity, along with ethnicity, language, and culture. Ethno-religious nationalism is then a beast, which is fuelled by both ethnic and religious identity, and which reinforces that the political legitimacy of the state is primarily derived from adherence to religious doctrines. Ethno-religious nationalism

seeks to fuse the state, geographical territory, culture, and religious text, and impose and define it through bodies.

**Ethno-religious nationalism seeks to fuse the state, geographical territory, culture, and religious text, and impose and define it through bodies. . . This is what makes the current political environment so challenging for those of us working on women's rights, sexual and reproductive rights, and with human rights frameworks. It is like battling the Hydra, when having chopped off one head, two emerge in its place.**

This is what makes the current political environment so challenging for those of us working on women's rights, sexual and reproductive rights, and with human rights frameworks. It is like battling the Hydra, when having chopped off one head, two emerge in its place. However, for us to fight this beast, we must first understand it, and the conditions that have produced it. In the past, countries professed secular democracy as the way ahead, but, today, nations are adopting national religions in order to propel themselves in the 21st century—hence, a Buddhist Sri Lanka, a Christian America, a Hindu India, and a Muslim Turkey. In a number of countries, the national religion is affiliated, most often, with a dominant (majority) racial or ethnic group. The strident call of these

groups is a return to majoritarian,<sup>2</sup> patriarchal politics disguised under democracy. Equality of women, of citizens who belong to ethnic and religious minorities, and of sexual minorities, and acceptance of diversity are all singled out as threats to the majority. Interestingly, this phenomenon is apparent across continents, races, and religions.

Though religion is a crucial part of the phenomenon, it is not the only part. Rising poverty, deep inequalities and inequities, lack of access to opportunities and resources, poor governance, and low levels of education are the grounds that give birth to ethno-nationalist discourse. The arguments used are simplistic. The first is the easy identification of ‘the other’ as the one who takes away resources and opportunities and causes poverty and inequality. The second is that pluralism and liberalism are ideologies which grant equal rights to ‘the other,’ and empower ‘the other’ over the majority. The third is that a strong state with majoritarian politics, based on religious values, will govern well and distribute resources and opportunities more equitably amongst the majority. The last, of course, is that those who profess liberalism and pluralism (most often, feminists and LGBTIQ activists) stand in the way of this religious, majoritarian, ethno-nationalist state and its success. As such, they are considered the enemy of the state. They also become ‘the other.’ The ‘othering’ spills over to different groups over different issues. These simplistic arguments are appealing, easily absorbed, and regurgitated. However, the ethno-national religious framework provides no solutions to rising poverty, inequality, and instability both nationally and globally. Neither does it challenge economic policies—specifically neo-liberal economic ones, such as privatisation, fiscal austerity, deregulation, free trade, and reduction in the role of government in providing social welfare services—which continue deepening poverty, inequalities, and inequities.

...the ethno-national religious framework provides no solutions to rising poverty, inequality, and instability both nationally and globally. Neither does it challenge economic policies—specifically neo-liberal economic ones, such as privatisation, fiscal austerity, deregulation, free trade, and reduction in the role of government in providing social welfare services—which continue deepening poverty, inequalities, and inequities.

Debates on countering the limitations placed on women’s rights, especially our sexual and reproductive rights, on the basis of religion come from two perspectives. One is to work within the framework of religion, and promote fairer, less discriminatory interpretations, which facilitate rights, and vice-versa. Indeed, some partners and faith-based organisations have found success with such strategies. In Maldives, ARROW’s partner Society for Health Education (SHE)<sup>3</sup> worked with progressive religious scholars in order to pass a *fatwa*<sup>4</sup> which makes abortion available. These scholars quoted verses from the *hadith*,<sup>5</sup> which supported circumstances where abortion was permissible. They also were able to quote verses, which were progressive on different fronts: against intimate partner violence and marital rape, and were pro-contraception. This was strategic and successful, especially in the case of Maldives where by and large there was a homogenous understanding of Islam.

Much of the work on providing access to contraception and family-planning in Muslim countries, such as Indonesia and Pakistan, utilises similar strategies of progressive interpretations, which help build the case

#### Notes & References

2 “Majoritarianism is a traditional political philosophy or agenda that asserts that a majority (sometimes categorised by religion, language, social class, or some other identifying factor) of the population is entitled to a certain degree of primacy in society, and has the right to make decisions that affect the society.” “Majoritarianism,” accessed April 27, 2017, <https://en.wikipedia.org/wiki/Majoritarianism>.

3 Society for Health Education (SHE), *Perceptions of Islam and Sexual and Reproductive Health and Rights in the Maldives* (Male and Kuala Lumpur: SHE and Asian-Pacific Resource and Research Centre for Women, 2016), accessed April 27, 2017, <http://arrow.org.my/publication/interlinkages-religion-srhr-maldives/>.

4 A *fatwa* is “a legal opinion or decree handed down by an Islamic religious leader.” “Fatwa,” *Merriam-Webster*, accessed April 27, 2017, <https://www.merriam-webster.com/dictionary/fatwa>.

5 A *hadith* is the record of the traditions or sayings of the Prophet Muhammad, revered and received as a major source of religious law and moral guidance, second only to the authority of the Qur’an, the holy book of Islam. “Hadith,” *Encyclopaedia Britannica*, <https://global.britannica.com/topic/Hadith>.

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6 Fadoua Bakhadda, *Religious Fundamentalism and Access to Safe Abortion Services in Morocco* (Rabat and Kuala Lumpur: Moroccan Family Planning Association and ARROW, 2016), accessed April 27, 2017, <http://arrow.org.my/publication/interlinkages-religion-srhr-morocco/>.

7 Smriti Daniel, Zainab Ibrahim, Darshi Thoradeniya, Edna Malkanthi, and Evangeline de Silva, *Ethno-Religious Nationalism and Sexual and Reproductive Health and Rights in Sri Lanka: A Social Media, Print Media and Policy Review* (Colombo and Kuala Lumpur: Women and Media Collective and ARROW, 2016), accessed April 27, 2017, <http://arrow.org.my/publication/ethno-religious-nationalism-srhr-sri-lanka/>.

8 P. Balasubramanian, Rajalakshmi Ram Prakash, and N. Sriakshmi, *Religious Fundamentalism and Comprehensive Sexuality Education in South India* (Tamil Nadu and Kuala Lumpur: Rural Women's Social Education Centre and ARROW, 2016), accessed April 27, 2017, <http://arrow.org.my/publication/religious-fundamentalism-comprehensive-sexuality-education-cse-south-india/>.

9 Rachael McGuin and Nang Lao Liang Won, *Myanmar/Burma—Breaking Barriers: Advocating Sexual and Reproductive Health and Rights* (Kuala Lumpur: ARROW, 2016), accessed April 27, 2017, <http://arrow.org.my/publication/myanmar-burma-country-study/>.

10 "Freedom of Religion in Malaysia," accessed April 27, 2017, [https://en.wikipedia.org/wiki/Freedom\\_of\\_religion\\_in\\_Malaysia#Marriage\\_and\\_divorce](https://en.wikipedia.org/wiki/Freedom_of_religion_in_Malaysia#Marriage_and_divorce).

for birth spacing. This has also worked in countries like Senegal, with the issue of female genital mutilation.

The second perspective is to work within a secular framework, which recognises and promotes equality of women. In Morocco, our partner, the Association Marocaine de Planification Familiale (AMPF) also worked on access to safe abortion.<sup>6</sup> Interestingly enough, the Malliki school, whose interpretations are considered the strictest and most rigid, and which expressly forbids abortion, is the leading school of Islamic thought in Morocco. However, the partner and stakeholders were able to use social welfare arguments in order to enable access to safe abortion. The stakeholders were able to revise the existing law to allow for abortion in the case of rape, incest, and foetal malformation. This strategy was successful in Morocco, which is a constitutional monarchy wherein the social welfare arguments appealed to and convinced the progressive King, and, by and large, still remains largely secular.

Working within the secular framework allows activists and advocates to advance concepts of women's bodily autonomy, bodily integrity, rights, and choice. Working within religious frameworks does place some limitations. For example, religious leaders do not universally endorse 'limiting' births when promoting access to contraception and family-planning, providing access to contraception and comprehensive sexuality education for unmarried, young people, in ending child, early, and forced marriages, as well as non-discrimination for persons of diverse sexual orientation and gender identities and expressions. This despite the existence of liberal interpretations across all religions to support these issues.

The question then remains, why are liberal interpretations not used more often and accepted more widely? This is primarily because religious interpretation does not occur

in a vacuum, and in consultation with books and scholars alone. There are five underlying challenges to mainstreaming progressive religious interpretations.

The first challenge is that in a number of countries, there is a strong, ethno-nationalist discourse, which provides the context for the religious interpretation. In Sri Lanka, the Women and Media Collective's research<sup>7</sup> shows that the last political regime of Rajapakse was strongly affiliated with the rise of the Bodhu Bolu Sena (BBS), a right-wing group led by Buddhist monks. The BBS discourse on contraception and family-planning was based on majoritarian politics and how international organisations, such as Marie Stopes International and PSI, had the agenda of making Sinhalese women infertile and thus reducing the Sinhala Buddhist population. At the same time, in order to preserve Sri Lanka as a Buddhist country, there was also discourse that emerged on controlling the Muslim population, by limiting to two children per couple. This premise of majoritarian politics and perpetuating a majority race hinders progressive views from emerging and finding acceptance within society.

The second challenge for progressive interpretations to find root is that in a number of countries, religion is used as a source of identity politics. The research in India by the Rural Women's Social Education Centre<sup>8</sup> brings up stories of how mixed marriages (marriages between people of different religions) were discouraged and prohibited, sometimes with great pressure, even violence, and were especially exerted on the women. In Myanmar, the government also passed a law prohibiting mixed marriages,<sup>9</sup> and in Malaysia, in order to marry a Muslim, one has to convert to Islam.<sup>10</sup> In these cases, autonomy to choose one's partner falls prey to the idea of a homogeneous identity for the individual, the family, and the community. Mixed marriages are prohibited, discouraged, or penalised in



the ethno-religious state because they threaten the traditional family—which is the key site of social reproduction and primary socialisation.

The third challenge is that rigid, limiting interpretations pertaining to sexual and reproductive rights are strongest in the context of poverty. The research from Bangladesh,<sup>11</sup> Indonesia,<sup>12</sup> and Pakistan<sup>13</sup> show that the poor, rural, lesser educated communities were located further away from the locus of power and development, and had less access to economic, educational, health, and social resources. In these power-and-resource-scarce settings, the communities were very often under the control of community leaders, including religious leaders and dominant men. These community leaders used both gender and religion in order to impose rather than disrupt social hierarchies. Because these communities had less access to both education, transport, and technology, the availability of progressive interpretations, and a broader social system which supported different progressive interpretations did not exist. In these cases, programmes which worked with religious leaders tend to reinforce gender power imbalances rather than to empower women to make decisions about their bodies and their health.

... rigid, limiting interpretations pertaining to sexual and reproductive rights are strongest in the context of poverty. The research from Bangladesh, Indonesia, and Pakistan show that the poor, rural, lesser educated communities were located further away from the locus of power and development, and had less access to economic, educational, health, and social resources.

The fourth challenge was the rapid export of extremist interpretations across borders, fuelled by specific religious groups. In Islam,

it was the emergence of strong Wahhabi/Salafi schools of thought that posed as the ideal interpretation of Islam with their extreme limitations on women's roles and women's rights. In Christianity, it was the export of American Evangelical churches professing an anti-contraception, anti-abortion, and anti-gay agenda.<sup>14</sup> The conscious exporting of religious beliefs, along with 'social welfare' aid across countries, undermined the natural ability of societies to create laws and religious interpretations freely, and which was reflective of their own cultures and their own lived realities.<sup>15</sup> Those who exported these religious interpretations sought to oust secular, human rights, and women's rights frameworks as a threat to enabling adherence to the true faith.

The last challenge is that religion has become institutionalised in many countries. There are not only churches, mosques, and temples with priests, *ustaz/ustads*, and monks and texts; there are religious bodies, religious schools, religious health services, religious authorities, and religious courts, which embody, implement, and carry out actions based on these interpretations. There is an entire social,<sup>16</sup> economic,<sup>17</sup> and legal<sup>18</sup> system premised on religion, which espouses separation, purity, ritual, and fundamentalism, and which creates the necessity to work on institutional reform and not only enabling 'progressive' interpretations. Through the years, rights-based activists within the Lutheran churches have been able to move forward and endorse sexual and reproductive rights as institutions rather than as individual religious leaders.

The work of creating and promoting progressive interpretations with religious leaders must go hand-in hand with strengthening and reinforcing the bodily autonomy and integrity and rights of women.

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- 12 Atashendartini Habsjah, *The Influence of Conservative Religious Interpretations on Child Marriage in West Java and East Java* (forthcoming publication by Yayasan Kesehatan Perempuan/Women's Health Foundation and ARROW).
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- 18 Azahar bin Mohamed, "The Impact of Parallel Legal Systems on Fundamental Liberties in Multi-religious Societies," accessed May 16, 2017, [http://sas-space.sas.ac.uk/6376/1/Azahar\\_bin\\_Mohamed\\_Impact\\_of\\_Parallel\\_Legal\\_Systems\\_Research%20Paper.pdf](http://sas-space.sas.ac.uk/6376/1/Azahar_bin_Mohamed_Impact_of_Parallel_Legal_Systems_Research%20Paper.pdf).

While championing freedom of religion, we need to equally champion freedom from religion. There needs to be equal investment especially in young democracies, of strengthening democratic institutions, which are able to check the power and influence of religious institutions and provide redressal when rights are violated or trespassed.

Coupled with poor governance is the culture of impunity, and in all of these countries, despite the state affiliation with religion, there has been unchecked corruption at all levels of government. Hence, there needs to be greater

interrogation whether religion is utilised by the powerful people to cloak their actions in religiosity and distract the people from the larger issues of development, governance, and accountability. Moreover, if we want during these tumultuous times to endeavour to move towards equality, freedom, and non-discrimination, we need to form allies across all progressive movements, which work across the boundaries of race, religion, and gender, and provide a strong, united front which is able to challenge the hegemony of ethno-religious nationalism.

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**By Sivananthi Thanenthiran**

Executive Director, ARROW | Email: [siva@arrow.org.my](mailto:siva@arrow.org.my) | Twitter: @SivananthiT

spotlight

## NEEDING BOLD RESPONSES: The Current Landscape in Religious Extremism, Fundamentalisms, Gender, and Human Rights

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It is midway into 2017, with new and old challenges, after a fairly bleak 2016 for too many spots on the globe. As we look into the year, the landscape looks like this: activists who focus on sexual and reproductive rights and gender have a lot of work ahead. So do human rights activists. So do those who advocate for bodily autonomy, or freedom from torture. Or for rights related to the environment and land. Or for rights of workers. Or for rights to food and water. Or rights related to freedom of expression, assembly, association, and organising. So we have no shortage of rights to defend and

oppressive systems to dismantle—on a daily basis, it seems. (In more cynical moments, we could argue that it is comforting to have a range of options to choose from: no one is limited to any one rights arena when the landscape is so rich with threats.)

In this political moment, the convergence of fundamentalisms in both the global North and South is particularly daunting. A robust and consistent critique of religious extremism needs to course through our collective activist bloodstreams. So does seeing the phenomenon of religious fundamentalism

through an intersectional lens.<sup>1</sup> Creative strategic resistance must remain the heart.

**Religious authoritarianism and neo-liberal economic policy are linked**, and bolstered by capitalism, sexism, xenophobia, fear of immigrants, a global refugee crisis, militarism, and an unrelenting diminishing of the importance of individual and collective human life. ‘Terrorism’ becomes intertwined with ‘the other,’ whether that is the East, the South, the North, or the West. Defence industries are propped up with sales of bombing drones and planes and ships transporting armies to areas where religion, depending on your perspective, is practiced as—or is positioned as—restrictive and dangerous. Indeed, people around the world use ‘small’ arms to take life on a daily basis. This is true in terms of domestic and interpersonal violence, suicide bombings, mass shootings, and through systemic police brutality that targets people in certain race groups, such as African American men in the US. Meanwhile, governments tout ‘western democracy’ or ‘state sovereignty’ (or any number of other political science terms) to achieve the political and economic power they seek. They are states, after all, and this is what states do.

Any discussion of the catastrophic effects of extreme interpretations of religion on all people—but particularly on women, and particularly on rights related to sexuality and reproduction—rests on a few additional tenets.

**No one owns fundamentalisms.** No group, government, or region has a monopoly on the systems that perpetuate poverty and misogyny, or those that create ‘second class’ citizens or deny citizenship—or human-ness—altogether. Nor do fundamentalist systems operate distinctly from one another: abuse and manipulation of religion, daunting economic conditions (and specifically conditions of global inequality, lack of economic opportunity, and other effects of capitalism and corporate greed), misuse of government and political power, and unyielding militarism

## Religious fundamentalism is generally grounded in a quest for political power that denies rights of women, limits expressions of sexuality, and regulates bodies.

and patriarchy, to name but a few contexts, are not only linked in and of themselves, but they also have an important thread woven throughout: *they all have distinct gendered implications.*<sup>2</sup> Some of these ‘simply’ limit rights...and some kill. Women overall, and people who do not fit societal norms related to gender and sexuality, are often targeted, in all regions, with impunity.<sup>3,4</sup>

**Religious fundamentalism is generally grounded in a quest for political power that denies rights of women, limits expressions of sexuality, and regulates bodies.** Extremism that rests on manipulation of ideas about religion has policy and real life implications. In terms of sexual and reproductive rights, the attitudes and political goals fuelling religious extremism are the forces that withhold contraception; deny sexuality education and services; criminalise abortion seekers and providers; bar and penalise marriage across caste, race, and religious ‘boundaries’; arrest lesbians and gay men; justify attacks on sex workers and transgender people; kick gender non-conforming young people out of homes and schools; and raid offices, freeze assets of, or close down non-governmental organisations. For women in particular, these are also the forces that allow rape in marriage, deny decision-making about choosing partners and having or not having children, punish political participation, and make rights to inheritance or land ownership illegal.

The people who manipulate religion and promote extremist sexist visions for political gain often deploy a series of base strategies to enact the above: they lie, stoke fear, demonise, manipulate ideas about tradition and culture, and they create false history.

### Notes & References

1 These recent United Nations Office of the High Commissioner for Human Rights (OHCHR) reports both address extremism and fundamentalism in more detail: Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association (A/HRC/32/36, on the impact of fundamentalism) <http://undocs.org/A/HRC/32/36>; and Report of the Special Rapporteur in the Field of Cultural Rights (on religious extremism and fundamentalism) <https://gallery.mailchimp.com/67191046cd42cbb7c7d4196bo/files/9e9e7158-d3b9-4b34-89fc-b9dd26352c35/G1700743.pdf>.

2 For more on the gendered consequences of these contexts, with particular reference to women human rights defenders, see: Cynthia Rothschild, ed., *Gendering Documentation: A Manual for and About Women Human Rights Defenders* (Women Human Rights Defenders International Coalition, 2016), accessed May 17, 2017, <http://www.defendingwomen-defendingrights.org/2016/09/04/gendering-documentation-a-manual-for-and-about-women-human-rights-defenders-2/>.

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7 Pinjra Tod: Break the Hostel Locks, accessed May 11, 2017, [https://www.facebook.com/pg/pinjratod/about/?ref=page\\_internal](https://www.facebook.com/pg/pinjratod/about/?ref=page_internal).

8 Observatory on the Universality of Human Rights, <https://www.oursplatform.org/the-project/>.

Women and people in marginalised groups are particularly at risk from these tactics and are often first under attack.

**Religious fundamentalism as a political and cultural force is global, and cuts across most, if not all, religions.**

Extreme interpretations of religion are espoused by—and indeed used for political gain by—many groups. Some in Buddhist, Christian, Hindu, Jewish, Muslim, and other faiths promote attitudes and policies which have devastating impact on women and those in gender-marginalised groups. And whether it is for the Vatican, the Russian Orthodox Church, Daesh/ISIL, Boko Haram, Opus Dei, the Dominionists, or any number of Christian evangelical groups based in the United States or Latin America, the strategies deployed often rest on denying rights of women and promoting misogynistic perspectives that must be thoroughly disavowed and subsequently demolished.<sup>5</sup>

**Religious extremism plays out in geopolitical spaces, and blends attacks on gender, women's rights, and sexual autonomy with attempts to gut regional and global human rights systems.**

In other words, attempts to limit rights related to, for instance, sexual orientation and gender identity become enmeshed with state and even civil society efforts to limit the effectiveness of the United Nations and its human rights systems. One common and current strategy of those who manipulate religion for political and economic gain is to "defang," "defund," and "delegitimise" regional and global systems of governance. The Inter-American Commission, the UN Human Rights Council and the International Criminal Court are three examples of systems under attack, presumably at least in part because they are designed to hold governments accountable for protecting and promoting all human rights—including those related to gender and women's rights.<sup>6</sup>

**Looking forward**, challenging fundamentalist agendas is one intersectional theme that links human rights defenders in all regions

and across issues. This is clearly a moment for collective bold resistance and protest, whether in terms of gender and sexuality, or any other rights issues. The good news is that just as there is no shortage of rights concerns, there is no shortage of creative projects and activists who are daring to resist—everywhere.

In January of 2017, women and allies staged over 600 protests in global Women's Marches. While initially organised in response to the US election, these gatherings took place on all seven continents and in over 80 countries, and linked a wide range of social justice issues.

In India, students have been organising in the Pinjra Tod: Break the Hostel Locks campaign, which seeks secure, affordable and non-gender-discriminatory accommodation for women students in Delhi. Pinjra Tod challenges 'discriminatory/sexist/casteist' practices that amount to 'moral policing' of women students.<sup>7</sup>

In April of 2017, the Women's Global Call for Climate Justice, a global campaign organised collectively by a group of regionally diverse women's rights and feminist organisations, mobilised tens of thousands of people in many countries to demand climate justice. Ongoing campaigns include the Fiji Women Defending the Commons project, which focuses on threats faced by Small Island States. Women's and human rights groups continue to courageously pressure the authoritarian Egyptian and Turkish governments even as they and their staff remain under constant threat of administrative and personal harassment.

The Observatory on the Universality of Human Rights was formed by feminist activist and human rights groups to monitor and analyse initiatives that misuse religion, culture, and tradition to undermine the universality of human rights.<sup>8</sup>

Other interesting projects of feminist resistance include the Occupy Pandi effort in



the Philippines in which urban poor women occupy housing projects; ongoing efforts in Mexico to protest killings of women and of journalists; the Coalition of African Lesbians' Autonomy Project, which fosters conversations about bodily autonomy; women's global resistance to exploitation and appropriation of natural resources from extractive industries; the Beirut 2017 International Women's Day and May Day intersectional marches that included a focus on rights of migrant domestic workers; the Saudi Arabian and Kuwaiti campaign #IAmMyOwnGuardian, which has its roots in the 2014 Saudi Women Driving campaign; the Secular Conferences in the UK; the #AbortTheStigma campaign for safe abortion

access and reproductive justice; the long-running May 28 International Day of Action for Women's Health; and the Take Back the Tech anti-violence against women internet campaign.

Of course these are just a few of many examples that reveal the thoughtful, strategic, and diverse organising around the world. As we've learned from decades of rights activism, we must do our work in all ways possible; there is no one best approach to undertake. And as we become grounded in this year, we could sure benefit from big, bold, and bountiful strategies. May we be loud, smart, and effective in 2017 and in years to come.

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**By Cynthia Rothschild**

New York-based human rights, feminist, and sexual rights activist and writer | Email: [crothschild@igc.org](mailto:crothschild@igc.org)

## SRHR CAUGHT IN THE CROSSFIRE OF POLITICS AND RELIGION: The Cases of the Maldives, Morocco, and Pakistan

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**The Rise of Extremism.** Almost every religion in the world is witnessing the rise of an extremist minority that exploits religion to justify intolerance, oppression, and violence. This trend is prevalent in Asia and is not exclusive to any one religion, as seen in the rise in fundamentalism and extremism of Buddhism in Myanmar and Sri Lanka, Catholicism in the Philippines, Hinduism in India, and Islam in Bangladesh, Indonesia, the Maldives, Morocco, and Pakistan.

The core of this trend is not so much any one religion or religion as an institution, but

rather the pervasiveness and interlinking of ethnicity and religion as an identity marker and the dominance of the religion in these countries. Extremist voices dominate society using tactics commonly found throughout the world—fear mongering, political interest, economic control, and the imposition of particular understandings of religious texts. Religious language becomes political language, as religious content is used instrumentally to advance political goals. Those advocating fundamentalist and extremist positions, be they state or non-state actors, continue to be influential and prevalent not because of their

## Notes &amp; References

1 Sanam Naraghi Anderlini and Madeline Koch, *Extremism in the Mainstream: Implications for and Actions by Women* (International Civil Society Action Network, 2015), accessed May 17, 2017, <http://www.icanpeacework.org/dev/wp-content/uploads/2013/03/Extremism-in-the-Mainstream-UNW.pdf>.

2 ARROW identified religion as a barrier to its call for universal access to SRHR for all and conceptualised a 10-country project to explore the interlinkages between religion and SRHR by generating evidence and analysis; creating the platform for discourse and advocacy amongst its partners and allies; and enhancing accountability through existing human rights mechanisms. Other studies covered issues such as abortion, child marriage, comprehensive sexuality education, access to SRH services, and bodily integrity. The partners who conducted the studies covered in this article are the Moroccan Family Planning Association from Morocco, the Society for Health Education (SHE) from the Maldives, and Shirkat Gah Women's Resource Centre from Pakistan.

3 Nazish Brohi and Sarah Zaman, *National Report: Pakistan—Impact of Fundamentalist Discourses on Family Planning Practices in Pakistan* (Karachi and Kuala Lumpur: Shirkat Gah—Women's Resource Centre and Asian Pacific Resource and Research Centre for Women, 2016), accessed May 5, 2017, <http://arrow.org.my/publication/impact-fundamentalist-discourses-family-planning-practices-pakistan/>.

4 Society for Health Education (SHE) and ARROW. *National Report: Maldives—Perceptions of Islam and Sexual and Reproductive Health and Rights in the Maldives* (2016), accessed May 5, 2017, <http://arrow.org.my/publication/interlinkages-religion-srhr-maldives/>.

5 Fadoua Bakhadda, *National Report: Morocco—Religious Fundamentalism and Access to Safe Abortion Services in Morocco* (Rabat and Kuala Lumpur: Moroccan Family Planning Association and ARROW, 2016), accessed May 5, 2017, <http://arrow.org.my/publication/interlinkages-religion-srhr-morocco/>.

6 The Sunni Muslims comprise the larger branch of Islam (approximately 80%-90%) and the Shia make up the remaining minority. The world's 1.6 billion Muslims all agree that Allah is the only God and Muhammad his messenger and they follow the five ritualistic pillars of Islam. However, Sunnis rely heavily on the practice of the Prophet and his teachings (the "sunna"), while the Shia look to their religious leaders as reflections of God on Earth.

'divine standing,' but for the way they have used and manipulated state power, or power of the political majority to further their vision of a perceived social order with the use of religion as their main tool.<sup>1</sup>

This article draws upon the key findings, recommendations, and ways forward from studies done by partners of Asian-Pacific Resource and Research Centre for Women (ARROW) in the Maldives, Morocco, and Pakistan.<sup>2</sup> It aims to unpack the influence of the rise in fundamentalism and extremism, as well as the narrow interpretations of religion on sexual and reproductive health and rights (SRHR) in the Islamic context, with a specific focus on access to family planning and safe abortion services. While analysing the different ways religion influence and poses a challenge to the fulfilment of SRHR for all, we saw a pattern in these three countries in terms of access to family planning and safe abortion services.

The country study in Pakistan<sup>3</sup> explored the impact of extremist and fundamentalist discourses on family planning in Pakistan, while the study in the Maldives<sup>4</sup> aimed to show the prevalence of belief and perceptions about Islamic principles on family planning in the country. On the other hand, the Morocco<sup>5</sup> study focused on generating evidence on the nature and consequences of unsafe abortions in the country to understand how religious fundamentalism prevents adequate policies and practices for safe abortions services there.

These three countries were chosen for this article because they share some commonalities—these are countries with a majority Sunni<sup>6</sup> Muslim population; their legal system is heavily influenced by their histories of colonisation (British legal system for Pakistan and the Maldives, and the French law for Morocco), and by various interpretations of Islamic law (*Shari'ah*). In Pakistan, Islam is the state religion and all laws in the country need to be in accordance with the injunctions of Islam as laid down in the Quran and Sunnah.

The constitution also provides for the creation of institutions, such as the Shariat Court, to channel the interpretation and application of Islam. In the Maldives, Islam is the official and only state religion, and the legal system is a mixture of Islamic Law and English common law. Morocco is a constitutional, democratic, parliamentary, and social monarchy. Since its independence, Moroccan law has been shaped by French Civil Law and a combination of Muslim and Jewish traditions. The Constitution of Morocco has also played a pivotal role in shaping legal systems in Morocco.

Another common factor that governs the religio-political landscape of these countries is the growing trend of fundamentalism and extremism. The Morocco report observes that the Arab Spring of 2011 was instrumental in changing the landscape of the Middle East and North Africa (MENA) region. This was evident in Morocco as well, with widespread changes in the political, economic, and social demands of the people and a growing influence of religious fundamentalism. As for the Maldives, although Islam had been practiced in moderation in the past, there is a growing presence of fundamentalist movements within the country with tendencies towards *jihadist* ideologies.<sup>8</sup> Many believe that the culture is being progressively Arabised (or Wahhabised<sup>9</sup>) and the Salafi-*jihadi* ideology is garnering popularity among the youth.<sup>10</sup> In Pakistan, Islam, which is traditionally used to be the religious identity of the majority, has now morphed into the central defining parameter for the state and society. The Pakistan study highlights an increase of political Islam, which resulted in a variety of Islamist movements, ranging from militant (known as *jihadist*) to social reform ones (known as *tableeghi jama'at* or *da'wah*), during the last two decades.

**Influence of Religion on SRHR and its Gendered Impact.** The resurgence of religion's influence in public and political spaces reinforces the patriarchal attitude that validate male dominance and control over women. Women's bodies, their sexuality, reproductive

systems and rights, and familial and societal roles are used as a prop in the religio-political feud that these groups stage. Women become sites upon which various versions of religious scripture/traditions/law are elaborated and contested. Women's bodies are often conceived of as belonging to society and the family and women are seen as the bearers and reproducers of culture and tradition. Therefore, a women's assertion of her basic rights is condemned as a crass display of selfish individualism, which is deemed to be an abandonment and betrayal of her family, community, and, quite often, religion.<sup>11</sup>

**... a women's assertion of her basic rights is condemned as a crass display of selfish individualism, which is deemed to be an abandonment and betrayal of her family, community, and, quite often, religion.**

In particular, SRHR remains a contested subject in these instances for a number of reasons. This includes conflict over the appropriate role or influence of religion in public and social policy making, which in turn has become exacerbated by the influence of fundamentalist views and extreme interpretations of religious.<sup>12</sup>

The International Conference on Population and Development Programme of Action (ICPD POA)<sup>13</sup> recognises that realising the right to reproductive health is a critical element of guaranteeing reproductive rights. As we move forward with the implementation of the Sustainable Development Goals (SDGs), it is pertinent to examine the role and influence of religion in countries like the Maldives, Morocco, and Pakistan as a barrier from realising the SDG target of ensuring universal access to sexual and reproductive health-care services. How would this impact on contraceptive service provision and uptake,

national family planning policies, information and education, and the integration of sexual and reproductive health into national strategies and programmes by 2030?

With a population of about 182 million, Pakistan has one of the highest fertility rates in Asia, and one of the lowest rates of contraceptive use, resulting in poor reproductive health indicators for women and high neonatal mortality.<sup>14</sup> In the early 1990s, Pakistan's Contraceptive Prevalence Rate (CPR) showed a promising, albeit late growth of 1.6% per annum after remaining extremely low from the 1950s to 1980s. However, this growth spurt was short-lived as the first decade of the new millennium saw the increase in CPR fall to 0.7% per year on average. The Pakistan Demographic and Health Survey (PDHS) 2006-07 found that the CPR had actually fallen and contraceptive use had stagnated between surveys. Figures from the latest PDHS indicate only a modest increase in the CPR from 30% in 2006-07 to 35% in 2012-13. While the proportion of traditional methods users in Pakistan is similar to those in its neighboring countries (7-9%), the prevalence of modern contraceptive use remains much lower (26% compared to a range of 43-53%).<sup>15</sup>

Although a direct and immediate correlation between the rise in fundamentalism and uptake of family planning could not be clearly established through the study in Pakistan, existing literature suggest that opposition from religious leaders or the perception that family planning is un-Islamic has been a deterrent.<sup>16</sup> There is evidence that resistance has emerged from local-level religious clerics, as well as national religious leaders, both at the ideological level, by interrupting service provision.

In the Maldives, family planning and contraceptive services have been provided via health facilities throughout the country since the Child Spacing Programme was introduced in the 1980s. However, the unmet need for contraception is at 28% and 16%

#### Notes & References

7 Sharia (*shari'a*) or Islamic law is the religious law governing the members of the Islamic faith. It is derived from the religious precepts of Islam, particularly the Quran and the *Hadith*. The term *sharia* comes from the Arabic language term *shari'ah*, which means a body of moral and religious law derived from religious prophecy, as opposed to human legislation.

8 Azara Naseem, "From Paradise Now to Paradise Hereafter: Maldivian Fighters in Syria," *The Clear Banner*, May, 11, 2015, accessed May 17, 2017, <http://jihadology.net/2015/05/11/the-clear-banner-from-paradise-now-to-paradise-hereafter-maldivian-fighters-in-syria/>.

9 A branch of Sunni Islam, described as ultra-conservative and fundamentalist. It is also referred to as Salafi movement.

10 American Foreign Policy Council, "Maldives" (2013), accessed May 17, 2017, [http://almanac.afpc.org/sites/almanac.afpc.org/files/Maldives\\_3.pdf](http://almanac.afpc.org/sites/almanac.afpc.org/files/Maldives_3.pdf).

11 Lynn P. Freedman, "The Challenge of Fundamentalisms," *Reproductive Health Matters* 4, no. 8 (1996): 55-69.

12 Jocelyn De Jong, Rana Jawad, Iman Mortagy, and Bonnie Shepard, "The Sexual and Reproductive Health of Young People in the Arab Countries and Iran," *Reproductive Health Matters*, 13, no. 25 (2005): 49-59.

13 ICPD broadly defines reproductive health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes." Reproductive health implies that people are able to have a safe and satisfying sex life; the ability to reproduce; and the right to decide if, when, and how frequently to reproduce. Reproductive rights include the following: the right to legal and safe abortion; the right to birth control, the right to reproductive education, and the right to quality reproductive healthcare. See: Programme of Action of the International Conference on Population and Development, Cairo, Egypt, Sept. 5-13, 1994, para. 7.2, U.N. Doc. A/CONF.171/13/Rev.1 (1995), accessed on May 20, 2017, <http://www.unfpa.org/publications/international-conference-population-and-development-programme-action>.

14 Aga Khan University, *International Advocacy Seminar on Family Planning and Reproductive Health*, February 12-13, 2013 (Karachi: Department of Community Health Sciences, Aga Khan University, 2013).

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15 National Institute of Population Studies and Measure DHS, ICF International, *Pakistan Demographic and Health Survey 2012-13* (Islamabad and Calverton, Maryland, 2013), accessed May 17, 2017, <https://dhsprogram.com/pubs/pdf/fr290/fr290.pdf>.

16 Fariyal Fikree, et al, "What Influences Contraceptive Use Among Young Women in Urban Squatter Settlements in Karachi, Pakistan?" *International Family Planning Perspectives*, 27, no. 3, (2001), accessed May 17, 2017, <https://www.guttmacher.org/journals/ipsrh/2001/09/what-influences-contraceptive-use-among-young-women-urban-squatter>.

17 Ministry of Health and Family, and ICF Macro, *Maldives Demographic and Health Survey 2009*, Calverton, Maryland: 2010), accessed May 17, 2017, <http://dhsprogram.com/publications/publication-fr237-dhs-final-reports.cfm>.

18 Forouzan Alaeinovin, "A Quranic and Traditional Approach to Contraceptive Methods," *World Appl. Programming* 4, no. 9 (2014): 197-205.

19 A *hadith* is one of various reports describing the words, actions, or habits of the Islamic prophet Muhammad. The term comes from Arabic meaning a "report," "account," or "narrative." *Hadith* are second only to the Quran in developing Islamic jurisprudence and regarded as important tools for understanding the Quran and commentaries (*tafsir*) written on it.

20 *Ummah* is commonly used to mean the collective community of Islamic peoples. In the Quran, this typically refers to a single group that shares common religious beliefs, specifically those that are the objects of a divine plan of salvation.

21 Editor's Note: At the time of the study, Article 453 of the Moroccan Penal Code mandated that abortion was only allowed if the mother's health is in danger. However, recently, the Moroccan government amended the Moroccan Penal Code to permit abortion in cases of incest, rape, and foetal impairment. The liberalisation of the law resulted when the King Mohammed VI opened the debate on the law after a study revealed that 800 illegal abortions occur daily in Morocco. See: Bryn Miller, "Morocco Liberalises Abortion Laws, Amends Penal Code," *Morocco World News*, June 10, 2016, accessed May 17, 2017, <https://www.morocroworldnews.com/2016/06/188740/morocco-liberalizes-abortion-laws-amends-penal-code/>.

of conceptions among married couples was reported as unwanted and 19.8% as unplanned.<sup>17</sup> The Maldives study<sup>4</sup> concludes that the varying stance on family planning and SRHR in the country is largely due to a combination of several reasons: religious scholars' personal beliefs clouding their religious advice, literal and incomplete interpretation of Islamic texts, and pervasive misinformation provided by some groups that may not be in line with Islamic principles.

The studies in the Maldives and Pakistan indicate that opponents of family planning and contraception often support their rejection on the narrow interpretation of the Quranic verse "kill not your children, on a plea of want, we provide sustenance for you and for them" (Q6:151). Most schools of thought agree on *al-'azl* or withdrawal before ejaculation, as an acceptable measure, but not necessarily in all the same circumstances.<sup>18</sup> The withdrawal method, as defined by the *hadith*,<sup>19</sup> dismisses any agency for women in the decision-making process and therefore does not allow for a rights-based approach to contraception. The danger of allowing public health policy-making to be guided by literal and such rigid religious interpretation needs to be pointed out here, as these verses can act as a double-edged sword in that proponents may point to the verse as a basis for allowing the withdrawal method and rejecting all other methods.

Another common deterrence for the low uptake in family planning and contraception is attributed to another *hadith* from Prophet Muhammad, which describes a longing to see a large *ummah*.<sup>20</sup> They claim that a large population is ordained by the religion and the failure to strive towards it is a deviation from the right path.

The same justification is also used as the basis of the argument against abortion as seen in Morocco.<sup>21</sup> These verses in fact were revealed to forbid the pre-Islamic Arab practice of killing or burying alive a new-born child (particularly a girl) on account of the

parents' poverty or to refrain from having a female child. Abortion is largely prohibited in Morocco and is only allowed to save the life of the mother with spousal consent. Abortion is especially inaccessible for unmarried women who become pregnant, as sex before marriage is illegal under the Penal Code. Therefore, although maternal mortality has seen a decline in recent years, it is still a challenge at 121 per 100,000 live births in 2015; unsafe abortion is one the main causes of these deaths. The study also found that the leading cause of abortion in the country is unwanted pregnancy (DHS 2011), caused by the failure of contraception and the lack of access to contraception for non-married women, including young people. Increasing rates of adolescent pregnancies is also believed to have an effect on these abortion rates.

**A key pattern that has emerged from these researches is that the absolutist approach and a narrow interpretation to religion that we are witnessing becomes problematic when it enters the public sphere and starts influencing public policies, in this case, policies related to SRHR.**

In Morocco, the Malikiyyah<sup>22</sup> doctrine is predominant and the Maliki *fiqh* applies to family law and local tribunals that govern customary law. Policy decisions and actions are strongly influenced by Islam and religious notions of acceptability. In the case of abortion, much of the Islamic perspective is based upon the understanding of the process of foetal development. According to strict interpretations of the Quran, abortion is forbidden as it considers all killing as condemned and Allah has made all life sacred.

A key pattern that has emerged from these researches is that the absolutist approach and



a narrow interpretation to religion that we are witnessing becomes problematic when it enters the public sphere and starts influencing public policies, in this case, policies related to SRHR. It enables select and powerful groups, who claim to be sole custodians of religion, to ignore and condemn any diversity of belief and practice that exist. It also facilitates their efforts to create and maintain the notion of a monolithic, powerful, homogenous people—a particularly potent formula in Islam, with its appeal to preservation and unity of the worldwide *ummah*.

Based on findings from these three countries, it is evident that the impact of fundamentalism, extremism, and narrow interpretation of Islam on gender and SRHR is largely a function of the political context in these countries—one that is less about the religion itself and more about the need for assertion of power of select groups.

**Ways Forward.** If the Sustainable Development Goal target of universal access to sexual and reproductive health care services is to be achieved, then efforts need to focus on using a human rights-based approach that focuses on the promotion of women's health, rights, and empowerment with no or minimal influence of religion. As advocates who work on SRHR and operating within the complex web of power, culture, religion, and gender inequality, we need to adhere to the universality of rights to demand for gender justice and SRHR for all. Our advocacy needs to stress the role of the State in securing these rights in accordance to the UN General Assembly Resolution 60/251: "while the significance of national and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political,

economic and cultural systems, to promote and protect all human rights and fundamental freedoms."<sup>23</sup>

There is a need to continue to develop our own literacy about the religious dynamics that underpin the range of issues encompassed by SRHR. We cannot afford to dismiss the influence of religion and insist on an approach that overlooks these dynamics as it can impede a more nuanced approach to realise the very same rights. There is also a need to continuously encourage discourse and conversations that identify religious interpretations, teachings, and values with universally accepted rights lens in order dispel the myth that concepts like human rights are Western and a threat to religion.

As findings from these countries indicate, the perceptions that often guide policy makers and religious leaders may not necessarily be informed by their religious education, but rather by personal beliefs and prejudice. There is potential and need for further research and continued discourse on the issue, including the continued monitoring of the influence of religious belief on such perceptions. Evidence-based debate and dialogue on Islamic perspectives regarding the right to SRHR has to happen, and there is a need to widen the debate to include religious scholars and stakeholders from diverse backgrounds. We must also acknowledge the urgent need to forge alliances with like-minded individuals and organisations that work towards countering fundamentalist and extremist interpretations and providing alternative narratives through media, supporting progressive religious scholars, and providing supporting evidence to religious rulings.

#### Notes & References

22 Malikiyyah is the second of the Islamic schools of jurisprudence. The sources of Maliki doctrine are the Qur'an, the Prophet's traditions (*hadith*), consensus (*ijma'*), and analogy (*qiyas*). The Maliki's concept of *ijma'* differed from that of the Hanafis in that the Maliki's understood it to mean the consensus of the community represented by the people of Medina. Overtime, however, the Malikiyyah school came to understand consensus to be that of the doctors of law, known as '*ulama*'. "4 Sunni Schools of Fiqh: Sahfii, Hanbali, Maliki, and Hanfi," Islamic Laws, accessed May 20, 2017, <http://islamic-laws.com/articles/sunnischools.htm>.

23 United Nations, "60/251 Human Rights Council: Resolution adopted by the General Assembly" (2006), accessed May 6, 2017, [http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf).

**By Mangala Namasivayam**

ARROW Programme Manager, Information and Communications | Email: [mangala@arrow.org.my](mailto:mangala@arrow.org.my)

# RELIGIOUS CONTROL AND YOUNG PEOPLE: Comprehensive Sexuality Education in Bangladesh and India

## Notes & References

1 United Nations defines adolescents as those between 10-19 years and youth between 15-24 years. These groupings make up young people between the ages of 10-24 years. UNDESA, *Factsheet: Definition of Youth* (undated), accessed October 5, 2016, <http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf>.

2 Sivananthi Thanenthiran, Sai Jyothir Mai Racherla, and Suloshini Jahanath, *Reclaiming and Redefining Rights: ICPD + 20: Status of Sexual and Reproductive Health and Rights in Asia Pacific* (Kuala Lumpur: Asian-Pacific Resource & Research Centre for Women, 2013), accessed May 5, 2016, [http://arrow.org.my/wp-content/uploads/2015/04/ICPD-20-Asia-Pacific\\_Monitoring-Report\\_2013.pdf](http://arrow.org.my/wp-content/uploads/2015/04/ICPD-20-Asia-Pacific_Monitoring-Report_2013.pdf).

3 UNFPA, UNESCO, and WHO, *Sexual and Reproductive Health of Young People in Asia and the Pacific: A Review of Issues, Policies and Programmes* (Bangkok: UNFPA, 2015), accessed September 10, 2016, <http://unesdoc.unesco.org/images/0024/002435/243566E.pdf>.

4 Knowledge on the use of condoms to prevent HIV and AIDS is better than knowledge of access to condoms, albeit girls have lesser knowledge than boys. Knowledge on other sexually transmitted infections (STIs) is low amongst youth.

5 UNICEF, "Early Marriage: Child Spouses," *Innocenti Digest*, 7 (2001), accessed September 13, 2016, <https://www.unicef-irc.org/publications/pdf/digest7e.pdf>.

6 Reference to religion in this piece refers to the misuse of religious ideologies, narrow interpretations of religion, fundamentalisms, and extremism.

**Introduction.** Young people<sup>1</sup> are not just our future; they are also our present, and if they are not equipped to live their lives fully in a manner that enables them to exercise all their rights, their potential will be lost. Integral to achieving this is ensuring their sexual and reproductive health and rights (SRHR).<sup>2</sup>

Examining the situation of young people in the Asia-Pacific region—who represent 60% of the global population of 1.8 billion young people between the ages of 10-24—reveals the need for comprehensive sexuality education. While most adolescents remain unmarried, many females between ages 20-24 years are married. Those who marry early tend to be from rural areas, have less education, and are poor. Twenty-five percent of first births before 20 years in Asia were conceived before marriage. All these are taking place in the context of low sexual and reproductive health knowledge<sup>3,4</sup> and limited access to services, including modern contraception, for young people. Moreover, restrictions on abortion limit access to safe services, leading to morbidity and mortality.<sup>3</sup>

Stigma related to sex means young people are not seeking accurate information and relying heavily on misinformed peers. The consequences of unintended pregnancy, especially for unmarried young women, can include stigma, social isolation, school expulsion, forced marriage, violence, and suicide. For young men, social conditioning and prevailing gender and masculinity norms

result in safe and responsible behaviour not being practised.<sup>3</sup>

When young girls are married, delaying pregnancies may not be an option due to pressure from the extended family and spouse to prove fertility.<sup>3</sup> Globally, aside from unsafe abortion risks, death from pregnancy—caused by haemorrhage, sepsis, preeclampsia/eclampsia, obstructed and premature labour, and delivery complications—is the leading cause of mortality for girls less than 15 and 15-19 years.<sup>5</sup> The psychological effects and unpreparedness of being pregnant and having to care for children are further consequences.<sup>5</sup> Few young women receive skilled care during pregnancy and childbirth.

**Examining the situation of young people in the Asia-Pacific region—who represent 60% of the global population of 1.8 billion young people between the ages of 10-24—reveals the need for comprehensive sexuality education.**

**Religion and Sexuality.** Religion,<sup>6</sup> through interpretations and beliefs, influences young people's sexuality, and their access to education, information, and services. Indeed, the role that religion plays in people's lives cannot be taken lightly. Often, religion is seen as a way of life, and thus a source of information on all aspects of life. Not only

does it shape views, it dictates choices and practices and how people interact with others, thereby directly affecting wellbeing.

However, in practice, the use of religion is used politically. Religious texts and beliefs are manipulated by those in power to gain control, and implemented through coercion, laws, intolerance, and violence. Religion is used to legitimise the divine, whereby what is considered religious is rendered unchangeable, having a single, often limiting, interpretation. Non-fluid definitions of culture, religion, nationalism, ethnicity, or sect result in exclusionary, patriarchal, and intolerant communities, and in justifying oppressive and discriminatory practices that deny services and rights, often to the most vulnerable and marginalised.<sup>7,8</sup>

Through interpretations of religious texts, women's positions within the family and community are defined through the need for her constant protection from perceived physical harm, to uphold and protect her virginity to preserve her own and family honour, and to prove her fertility to increase the religious following or continue the male line. A girl is seen to be under family control throughout her lifecycle, where her ownership is transferred from the father to husband and sometimes an adult son. She is neither an equal nor able to make decisions regarding her body and sexuality.<sup>9,10</sup> Spousal consent is required to access SRH services, which is derived from religious justifications related to decision-making and ownership of women's bodies.<sup>11</sup>

In relation to young people's SRHR, narrow interpretations of religion are used to prevent rights-based engagements and to enforce controls and conditioning on reproduction, sex, and sexuality.

Much is invested in protecting a set belief system considered to be a divine infallible interpretation, preventing the space to develop counter-narratives, using such

beliefs to increase the religious following and maintaining a certain 'accepted' social order. As the findings from national studies undertaken by ARROW and national partners in Bangladesh and India<sup>12</sup> will show, religion is couched with non-inquiry, lack of critique, secrecy, taboo, and sinfulness, unless engaged within commonly accepted parameters. Those who are seen to falter or disobey have to be shunned and punished.

### Comprehensive Sexuality Education:

Ensures the provision of age-appropriate, culturally relevant, and medically/scientifically accurate information to young people using human rights and gender-sensitive approaches that are implemented in schools and out-of-school. It equips them with the knowledge, skills, attitudes, and values that enable the development of a positive view of their sexuality, in the context of their emotional and social development.<sup>16</sup> CSE helps counter the negative impact that cultural values and religious beliefs have on understanding and manage relationships with parents, teachers, and communities.<sup>17,18,19,20</sup>

**Religion as a Barrier to Comprehensive Sexuality Education (CSE).**<sup>13</sup> Findings from the national research in India (focusing on selected areas in Tamil Nadu State)<sup>14</sup> and in Bangladesh<sup>15</sup> illustrate how the influence of religion limits CSE for young people.

Despite **India** being a secular democracy and equality being enshrined in its Constitution, the influence of Hindu fundamentalist groups has been on the rise, including joining mainstream politics at the state and Centre/federal levels.<sup>21</sup> Hindu fundamentalism evolved around '*Hindutva*' or Hindu-ness, actively promoted by right-wing groups as a symbol of national identity and unity, claiming moral superiority of the Hindus over others.<sup>22</sup> It opposes certain aspects of modernity and

### Notes & References

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- 10 Shah Iqbal, "Growing Fundamentalisms: A Grave Apprehension for Women's Rights in Pakistan," *ARROWs for Change*, 14, nos. 1 & 2 (2008): 8-9, accessed October 6, 2016, <http://arrow.org.my/publication/keeping-the-faith-overcoming-religious-fundamentalisms/>.
- 11 UNESCO, *Young People and the Law in Asia and the Pacific: A Review of Laws and Policies Affecting Young People's Access to Sexual and Reproductive Health and HIV Services* (Bangkok: United Nations Educational, Scientific and Cultural Organization, 2013), accessed May 5, 2016, <http://unesdoc.unesco.org/images/0022/002247/224782E.pdf>.
- 12 This research is an initiative of a regional partnership working on building the interlinkages of religion (fundamentalisms and extremisms) on SRHR by generating evidence and engaging in national and international advocacy. The ten partners are Ikhtyar (Egypt), Likhana Centre for Women's Health Inc. (Philippines), Moroccan Family Planning Association (Morocco), Naripokkho (Bangladesh), Rural Women's Social Education Centre (India), Society for Health Education (Maldives), Shirkat Gah (Pakistan), Sisters in Islam (Malaysia), Women and Media Collective (Sri Lanka), and Yayasan Kesehatan Perempuan/Women's Health Foundation (Indonesia).
- 13 This section presents selected findings from the research in Bangladesh and India.
- 14 P. Balasubramanian, Rajalakshmi Ram Prakash, and N. Srilakshmi, *National Report: India—Religious Fundamentalism and Comprehensive Sexuality Education in South India* (Tamil Nadu and Kuala Lumpur: Rural Women's Social Education Centre and Asian-Pacific Resource and Research Centre for Women, 2016), accessed December 6, 2016, <http://arrow.org.my/wp-content/uploads/2017/03/5.-India.pdf>.

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15 Nazme Sabina, *National Report: Bangladesh—Religious Extremism and Comprehensive Sexual and Reproductive Health and Rights in Secondary and Higher Secondary Education in Bangladesh* (Naripokkho and ARROW: 2016), accessed December 6, 2016, <http://arrow.org.my/wp-content/uploads/2017/03/National-Report-Final-with-cover.pdf>.

16 At the same time, service provision should take this rights-based focus, providing non-discriminatory, non-judgmental services to help young people understand their sexuality and protect them from unwanted pregnancies and STIs.

17 SIECUS, "What the Research Says... Comprehensive Sex Education," Sexuality Information and Education Council of the United States (2009), accessed December 6, 2016, <http://www.siecus.org/index.cfm?fuseaction=Page.ViewPage&PageID=1193>.

18 UNESCO, *International Technical Guidance on Sexuality Education: An Evidence-informed Approach for Schools, Teachers and Health Educators, Volume 1: The Rationale for Sexuality Education* (United Nations Educational, Scientific and Cultural Organization, 2009), accessed December 6, 2016, <http://unesdoc.unesco.org/images/0018/001832/183281e.pdf>.

19 UNFPA, *UNFPA Operational Guidance for Comprehensive Sexuality Education: A Focus on Human Rights and Gender*. United Nations Population Fund (2014), accessed December 6, 2016, [http://www.unfpa.org/sites/default/files/pub-pdf/UNFPA\\_OperationalGuidance\\_WEB3.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_OperationalGuidance_WEB3.pdf).

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21 Chayanika Shah, "Hindu Fundamentalisms in India: Examining Impact and Responses by the Women's Movement." *ARROws for Change* 14, nos. 1 & 2 (2008): 1–3, accessed October 13, 2016, [http://arrow.org.my/wp-content/uploads/2015/04/AFC-Vol.14-No.1-2008\\_Religious-Fundamentalism.pdf](http://arrow.org.my/wp-content/uploads/2015/04/AFC-Vol.14-No.1-2008_Religious-Fundamentalism.pdf).

22 Marilen Danguilan, "Keeping the Faith: Overcoming Religious Fundamentalisms." *ARROws for Change* 14, nos. 1 & 2 (2008): 1–3, accessed May 13, 2016, [http://arrow.org.my/wp-content/uploads/2015/04/AFC-Vol.14-No.1-2008\\_Religious-Fundamentalism.pdf](http://arrow.org.my/wp-content/uploads/2015/04/AFC-Vol.14-No.1-2008_Religious-Fundamentalism.pdf).

promotes nationalist feelings to protect the Indian culture.<sup>21</sup>

Addressing the needs of the growing youth population in India is not helped by these forces. Talking to young people on matters relating to sexuality and reproduction emerged in India from concerns related to population control and the spread of HIV.<sup>23</sup> Despite having a number of youth-focused policies,<sup>24</sup> India has not managed to adequately address young people's SRH needs, and there are wide implementation gaps.<sup>25</sup> Studies have shown that Indian youth are inadequately informed to make responsible SRH decisions, as their knowledge on sex, pregnancy, contraception, and STIs is limited.<sup>26</sup> Matters related to sex and sexuality are taboo, especially for young people, and sexuality education is voluntary.<sup>27</sup> The Adolescence Education Programme (AEP) was introduced to adolescents in all Central Board of School Education in 2006 in an attempt to improve youth capacities, but the programme received heavy opposition from some state governments on the grounds that it corrupts young minds and encourages sexual experimentation.<sup>28</sup> Hindu conservative and fundamentalist groups also opposed the content, resulting in state bans during this time.<sup>29</sup>

In **Bangladesh**, the limited gains in primary and secondary education enrolment rates are further challenged by the nature of CSE available. Poor quality of education, lack of equal access to education, and high dropout rates continue to make school access limited for many, especially girls, despite primary education being free and compulsory.<sup>30</sup> The education system is broadly divided into primary (grades 1–5),<sup>31</sup> secondary (grades 6–10),<sup>32</sup> and tertiary education. While most children at the primary level study are in government and registered non-government schools, NGO-run schools and religious schools (*Madrasahs*), some of which are unregistered, operate. *Madrasahs* are almost entirely in the non-state sector, operating at

primary and secondary levels<sup>33</sup> and outside of the formal sector.<sup>34</sup>

Despite ensuring minority rights, the Constitution of Bangladesh declares Islam as the state religion.<sup>35,36</sup> The rise in religious extremism and related ideologies has its roots in the influence of Saudi Arabia's Wahhabism ideologies and greater calls for nationalism from radical groups for the protection of Islam by following strict interpretations. This played out in the systemic abuse of minority rights, limiting rights of secular Muslims and women, and killings of atheists and sexual rights activists in recent times.<sup>37</sup> The policy mechanisms on SRHR are weak.<sup>38</sup> Young people suffer from negative sexual and reproductive health outcomes,<sup>39</sup> and attempts to strengthen CSE in the secondary school curricula has been limited with the focus in content largely being on biology and control of behaviour.<sup>40</sup> Young people are unable to access SRH-associated care and information and have to get parental consent to access services, adding further barriers.<sup>41</sup>

**Who Decides for Young People?** While empowering young people to make decisions is integral to CSE, this is not always the case in practice. When considering components of CSE in schools, decision makers and community stakeholders have varying ideas on the contents and programming that are informed by religious and cultural beliefs and singular teachings, rather than conceived from evidence. This manifests through notions of socially acceptable behaviour, the need for cultural and religious preservation, behavioural control, and prevailing narrow mind-sets of educators which are influenced by narrow religious beliefs and their attempts to protect practices.

Moral outrage against sex before marriage, especially for young women, persists among parents in parts of Tamil Nadu. Together with a high value being attached to marriage to an 'ideal' and 'acceptable' partner, this is indicative of the lack of rights-based



frameworks.<sup>42</sup> Young women are expected to be sexually inexperienced, and premarital sexual activity is stigmatised, thus inhibiting access to information and services.<sup>3</sup>

In Bangladesh, the inclusion of CSE in the secondary school curriculum, as well as its content, are controlled by policymakers based on notions of religious and cultural acceptability. Parental agitation led to the removal of topics on gender discrimination and the biological aspects of puberty and reproduction from the secondary textbook, while retaining information on 'appropriate' behaviour, virginity, and cleanliness.<sup>15</sup>

### Moral outrage against sex before marriage, especially for young women, persists among parents in parts of Tamil Nadu. Together with a high value being attached to marriage to an 'ideal' and 'acceptable' partner, this is indicative of the lack of rights-based frameworks

Moreover, teachers in Bangladesh do not have specialised training to teach CSE. Their perceptions, which are also influenced by their religious beliefs, impact teaching technique and topic selectivity. Teachers also struggle with the embedded understanding and traditions instilled in students by others, such as family. They do not create an atmosphere where students can speak openly; they gloss over topics, informing students that they would learn these in detail at a higher grade. There is also a notion that young people need to be protected from this information, which could be an approach of dealing with the embarrassment that teachers face due to their own inhibitions. Female teachers find it more challenging than male teachers.<sup>15</sup>

In the case of Tamil Nadu, parents showed a general acceptance of friendships between boys and girls, and consider sexual attraction

between opposite sex as natural; however, same-sex relationships were not even considered. Further, the actions of young people were seen as needing policing, as dictated by religious interpretations to maintain the status quo. In Bangladesh, there is a lack of parent-youth communication on sexuality. It is also seen as the responsibility of the mother rather than both parents.<sup>14</sup>

**What Comprises CSE?** In the Indian study, while parents' awareness of CSE is low, many seem to be in favour of education that includes gender, gender-based violence, and STIs. However, they seem not to be in favour of topics like sexuality and sexual relations, which are not considered important when unmarried. Parents expressed reservations to contraceptive and abortion services for youth.<sup>14</sup>

When opinions were favourable, they feel this education is more beneficial to girls, highlighting the influence of gender norms, gender-specific roles, and responsibilities. Abstinence-only education is preferred as it attempts to discourage experimentation and pre-marital sex, implying that a sex-positive approach—which acknowledges sexuality without reinforcing notions of fear, shame, or taboo—may not be welcome.<sup>14</sup>

In Bangladesh, SRH education is dominated by discourses that are linked to health or morality, emphasising biology and the stigma attached to sexual activity (such as teen pregnancies, infection, abuse, or violence). Textbooks distributed by the Bangladesh Madrasah Education Board replaced visuals of the young male and females with girls in *hijab*<sup>43</sup> and boys wearing prayer caps,<sup>44</sup> denoting ideal depictions of youth. School textbooks for Secondary and Madrasah streams (2014 and 2015) include physical and psychological changes during adolescence, sexual harassment, puberty, and drug abuse. The text advises girls to inform mothers of first menstruation, take care of personal hygiene, wear clean clothes, and use soft germ-free

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- 23 Ketaki Chowkani, "Sexuality Education: Why We Need It," *Teacher Plus* (2013), accessed May 13, 2016, <http://www.teacherplus.org/cover-story/sexuality-education-why-we-need-it>.
- 24 For instance, the National Youth Policy 2014 and the National Adolescent Reproductive Health programme 2014 that both aim to help youth reach their potential, with the addition of making informed choices and the importance of a holistic development in the latter. In Balasubramanian, et al, 2016.
- 25 Palanisamy Balasubramanian, *Country Profile on Universal Access to Sexual and Reproductive Rights: India* (Tamil Nadu and Kuala Lumpur: Rural Women's Social Education Centre and ARROW, 2015), accessed June 19, 2016, <http://arrow.org.my/publication/country-profile-on-universal-access-to-sexual-and-reproductive-rights-india/>.
- 26 National Family Health Survey (NFHS) 2005–2006 and International Institute of Population Sciences 2006–2007, In Balasubramanian, et al, 2016.
- 27 Gupta, et al, 2012. In Balasubramanian, et al, 2016.
- 28 Rajalakshmi, 2007. In Balasubramanian, et al, 2016.
- 29 Dasgupta, 2008 and TARSHI, 2008. In Balasubramanian, et al, 2016.
- 30 UNICEF 2009. In Sabina, 2016.
- 31 Under the purview of the Ministry of Primary and Mass Education.
- 32 Under the purview of the Ministry of Education.
- 33 Classified in two broad categories: *Aliya* Madrasahs and *Quomi* Madrasahs. *Aliya* Madrasahs follow government regulations as prescribed by the Madrasah Education Board, which approves curriculum from primary to master's level and students are taught both religious and general education. *Dakhil* is the secondary level of the *Aliya* stream (grades 6 to 10) which ends with an examination set by the Madrasah Education Board, and is equivalent to the Secondary School Certificate (SSC). The *Quomi* Madrasahs operate outside the state sector, which concludes with a Hadith Certificate.
- 34 *Maktab* (or *Nourani* Madrasah) and *Furqania/Hafizia* Madrasahs.

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35 See “Bangladesh’s Constitution of 1972, Reinstated in 1986, with Amendments through 2011,” accessed May 17, 2016, [https://www.constituteproject.org/constitution/Bangladesh\\_2011.pdf](https://www.constituteproject.org/constitution/Bangladesh_2011.pdf).

36 It declares secularism as one of the four fundamental principles of state policy (Part 2.8). It states that it shall be realised through the elimination of communalism in all forms, favouritism of religion in politics, abuse of religion for political purposes, and discrimination as a result of religious practice (Preamble and Part 2.12). Other religions are given equal status. In Sabina, 2016.

37 Lintner. In Sabina, 2016.

38 Elements of SRH are captured in the National Population Policy (2010), Health Policy (2011), Maternal Health Strategy 2011-2016, and Integrated National Policy on HIV/AIDS and STI-related Issues and Adolescents Reproductive Health Policy 2006. In Sabina, 2016.

39 Bangladesh Demographic and Health Survey 2014. In Sabina, 2016.

40 Bhuiyan, 2014. In Sabina, 2016.

41 Naripokkho, undated. In Sabina, 2016.

42 Based on research sample that employed quantitative and qualitative techniques including a sample survey in Tirupurur Block in Kanchipuram district amongst parents. In Balasubramanian, et al, 2016.

43 A veil covering the head and chest, which is worn by Muslim women after puberty when in the presence of adult males relatives and others.

44 A short and rounded skullcap worn for religious purposes.

45 Rachel Vogelstein, *Ending Child Marriage: How Elevating the Status of Girls Advances U.S. Foreign Policy Objectives* (Council on Foreign Relations, 2013), accessed September 13, 2016, [i.cfr.org/content/publications/attachments/Ending\\_Child\\_Marriage\\_report.pdf](https://www.cfr.org/content/publications/attachments/Ending_Child_Marriage_report.pdf).

46 UNICEF, *South Asia Regional Study: Bangladesh, India, Pakistan, and Sri Lanka* (UNICEF Regional Office for South Asia, 2014), accessed September 13, 2016, [https://www.unicef.org/education/files/SouthAsia\\_OOSCI\\_Study\\_Executive\\_Summary\\_26Jan\\_14Final.pdf](https://www.unicef.org/education/files/SouthAsia_OOSCI_Study_Executive_Summary_26Jan_14Final.pdf).

cloth or sanitary napkins. Boys are advised to consult fathers or male guardians for the first ejaculation for hygiene information. Thus, reference is to the prohibition of sex (considered *haram* or forbidden in Islam), and to notions of cleanliness and purity, all of which have religious connotations (e.g., the inability to engage in prayer, fasting, or other religious acts). Information on sexual harassment focuses on religious interpretations of the need to protect girls, ensure their passivity, and limiting attraction to the opposite sex. Discussions on sex focus on women’s behaviour, emphasising abstinence, preserving morality, and carrying-out religious obligations. Information on HIV and AIDs is dated, discriminatory, and incomplete, with the reference to same-sex activity as the cause of transmission. Here too, the religious influence prevails in how information is presented and the lack of rights-based approaches of the same. The textbooks present mistrust, inability to exercise control, and instil fear to deter unacceptable behaviour.<sup>15</sup>

**Who Are Missed Out?** In both Bangladesh and India, the impact of the lack of CSE on those affected by the child and early marriage is raised here given the high prevalence in both countries and the tendency to stop schooling.<sup>45</sup> The inclusion of CSE in earlier grades can help meet the needs of these children to some extent in the interim to eradicate the practice. Even when sexuality education exists, it does not reach young people who are out of schools in Bangladesh and India as the focus is provision within schools.<sup>46</sup>

**Ensuring CSE for Young People.** CSE is not only about sex nor is it about encouraging sexual activity, but rather recognising that regardless of socio-cultural and religious restrictions on behaviour, young people are making choices and being sexually active.

Young people have to be equipped to make choices and decisions that affect their bodies and lives devoid of fear, stigma, discrimination, and coercion.<sup>3</sup> The stigma associated with sex and sexuality should be addressed by drawing on rights frameworks, youth experiences, and principles of inclusivity.

Barriers hindering access to rights-based sexual and reproductive health information and services need to be addressed. This includes addressing religion’s influence on policy and decision making. Creating non-judgemental and non-discriminatory safe spaces within religious environments for young people to enable discussion, questioning, and learning without judgement and coercion is crucial. The need to ensure spaces for multiple interpretations of religious texts has to be ensured, which encourage analysis and discourse, ensure human rights, and meet the real needs of young people.

Good education curricula that are concerned with the broad range of content, that is evidence-based and learning-oriented, are essential. All stakeholders have to be equipped to transfer information and enable access to services. This includes building skills and changing attitudes of educators, as well as educating parents, caregivers, and other stakeholders in communities, including religious leaders, to change perception, and encourage rights-based inter-generational interaction. Mutual respect, trust, and instilling the ability to make informed decisions are also critical components.

Finally, young people are not a homogenous group and specific needs of marginalised young people need special attention that is also devoid of religious interpretation, fear, and shame.

**By Azra Abdul Cader**

Programme Manager, Monitoring and Evidence Generation for Change, ARROW | Email: [azra@arrow.org.my](mailto:azra@arrow.org.my)  
| Twitter: [@Azra\\_tweets](https://twitter.com/Azra_tweets)

# RECONFIGURING CULTURE AND RELIGION FOR WOMEN'S HUMAN RIGHTS: *In Conversation with Farida Shaheed*

In this interview, ARROW speaks with long-time feminist and activist Farida Shaheed, who was the First Independent Expert and Special Rapporteur (SR) in the Field of Cultural Rights from November 2009 to October 2015. The interview focuses on her thoughts on ways to ensure culture and religion are reconfigured to ensure women's human rights, including their sexual and reproductive health and rights (SRHR), and how the Special Procedures mandates can be used to raise these issues. ARROW programme staff Azra Abdul Cader and Maria Melinda (Malyn) Ando conducted the interview.

*Please give us a brief introduction of yourself.*

I am the Executive Director of Shirkat Gah—Women's Resource Centre, a leading women's rights organisation in Pakistan. I'm also a founding member of the national lobby, Women's Action Forum (WAF), which was created in 1981 to resist the systematic rescinding of women's rights; and a founder/core group member of the international solidarity network Women Living Under Muslim Laws (for which I set up and ran the Asia Region Coordination Office within Shirkat Gah for decades).

I have worked for more than 25 years to empower women and to further a gender-equal social justice agenda by building knowledge about and capacity to analyse and address actors and factors that keep women disempowered from the local to the

international level; to help women differentiate between customary practices applied to them and legal rights; to facilitate access to legal rights, government schemes, and policies; and to provide linkage to sources of support for initiatives in personal and collective change agendas. Activism informs my scholastic work; conceptual analyses and understanding underpin my practical grassroots work, knowledge transfer, and building capacities. I have widely published on the interface of women, religion, identity, and State-citizenship and how this impacts women's rights. I have also won numerous awards, and led efforts to take the voice of Pakistani women to international forums and to bring home international commitments.

*How was your mandate as Special Rapporteur used to raise issues of human rights violations, including for women's rights and sexual and reproductive health and rights (SRHR)? Please share specific cases, if any.*

I have argued for the need for a paradigm shift from viewing culture as an obstacle to women's rights to demanding cultural rights for women on a basis of equality with men. After discussions and interactions with the CEDAW Committee, I decided to write my 2012 report which was submitted to the UN General Assembly, *The Enjoyment of Cultural Rights by Women on an Equal Basis with Men*.<sup>1</sup>

The report does not take up the issue of SRHR specifically, but argues for the need to

## Notes & References

- 1 Farida Shaheed, "A/67/287 Cultural Rights," accessed May 17, 2017, <https://www.oursplatform.org/wp-content/uploads/UN-SR-on-cultural-rights-Thematic-Report-Cultural-Rights-of-Women-2012.pdf>.

challenge presumptions about “cultural norms” and to ensure that women move from the margins to the centre of decision-making on all aspects of their lives, including determining what is cultural heritage, its interpretation, and decisions on what is to be kept, modified, or entirely discarded. I have also maintained that no cultural practices are in keeping with Human Rights norms and standards; all cultures have to move towards Human Rights. Conscious of the stranglehold that “culture” often imposes on women’s agency, in my very first statement, I said that the right to participate in cultural life includes the right not to participate in any ritual or practice that undermines human dignity.

The most specific nature of SRHR I have taken up is in communications and country reports related to the cultural rights of LGBTI groups.

*Do you think issues of religion, religious fundamentalism and extremism, and women’s rights, including their SRHR are related? How? What are the critical issues to consider in relation to these aspects?*

As said in my report on women, I think we need to ask the question differently. Women must not be obliged to choose between their human rights on the one hand and their religion or cultural affiliations on the other. The question is what needs to be done to ensure women are empowered to reconfigure culture and religion in ways that ensure all their human rights, and what can be done to ensure that States makes equal opportunities available for all genders: women, men, and others, to be heard.

The danger of fundamentalism of any variety is the binary choices falsely put forward: you can either be, e.g., a member of a particular religious or cultural group, in which case you must follow specific rules, otherwise be cast out of the group altogether. In fact, culture is a site of contestations and for contesting meanings and is ever-changing and never static. Culture is reproduced or altered in

the everyday acts we engage in. No society or community has just one culture; there is always a dominant culture (imposed by those with the power to ensure compliance with set rules) and subaltern cultures, including often the culture of human rights, but of women, and the marginalised. Belonging to a community does not confer equality. Culture relates crucially to issues of power and powerlessness.

The fear of punitive actions and/or being cast out of their community is a major obstacle to women exercising agency to change the status quo. Religion is an integral part of culture, but not equivalent. People’s lives are governed by a complex inter-meshed set of socio-cultural norms and dictates. In societies where religion is a dominant force, these norms are cultural-religious in nature. Lack of knowledge of religion helps people, especially women, fall victim to the self-serving interpretation of religion and culture by dominant patriarchal forces. The role of the State is crucial in determining the legitimacy of religious actors.

*“Women must not be obliged to choose between their human rights on the one hand and their religion or cultural affiliations on the other. The question is what needs to be done to ensure women are empowered to reconfigure culture and religion in ways that ensure all their human rights, and what can be done to ensure that States makes equal opportunities available for all genders....”*

Fundamentalist movements have a tendency to focus on the family and family norms, in particular sexuality and reproduction, to promote their control over society. Women and men who assume the norms of fundamentalism become markers of the territory appropriated by these forces. We



have sadly witnessed this in Pakistan, including to extremes.

*“I also feel that it is crucial to also examine the role of the State and other actors...For example, donor agencies have been promoting the role of the imam for decades in terms of sanitation and other aspects of life where this group had no influence previously.”*

Fundamentalist discourses find resonance with and support from pre-existing patriarchal norms and forces. The impact on sexual mores seems evident and comes accompanied with sets of rules (and corresponding punitive actions for transgressions) that further control, limit, and channel women’s agency into certain directions (e.g., not working, being good housewives/mothers, prioritising the needs of others over your own, dressing and behaving in particular ways and not others, amongst others).

That said, there is no evidence of a direct correlation between the use of contraceptives and this discourse in Pakistan, nor are there any studies (that I know of) indicating a direct link with for example, changed sexual behaviour in terms of intercourse.

I also feel that it is crucial to also examine the role of the State and other actors (e.g., donor agencies, educational institutions, and entertainment media) in this regard. For example, donor agencies have been promoting the role of the *imam* (mosque prayer leader) for decades in terms of sanitation and other aspects of life where this group had no influence previously. Furthermore, there is a need to understand religious fundamentalism in a continuum from religion and religious mores in general to the extreme for they are discursively linked.

*Would you agree that religious lobbies have taken over UN human rights mechanisms? In what way(s) and why? Has this been the case with the UN Special Procedures? Please elaborate. Can you also shed some light on the lobbying tactics employed by the religious lobbies, the participation of women in these lobbies, and the alliances they tend to make?*

I do not think that religious lobbies have taken over human rights mechanisms, but certainly, they have continued to make concerted efforts to push their agenda. This was very visible in the International Conference on Population and Development process (which allowed actors from diverse denominations and religions to find common ground) and continued into and beyond the Beijing conference.

If such lobbies have gained strength in the UN system, it is due the nature of the governments elected and sitting in the UN. The religious lobby/actors have been greatly strengthened following the collapse of the USSR and the socialist countries. The church in Poland, for example, as a main provider of space for dissent under the previous totalitarian regimes, gained legitimacy and has been used by non-religious leaders when it suits their purpose. The strong presence of the Church is also evident in Russia.

Separately there is:

1. The strong influence of the oil-rich Middle East States on poor Muslim majority States, combined with religion becoming a force of opposition in non-democratic countries;
2. In at least some countries of East and South East Asia, I think there is a parallel with churches and monasteries trying to build alternative narratives and centres of legitimacy than the erstwhile total control of the State; and
3. The strong and growing influence of evangelist preachers and missionaries in both Africa and South America.

*“Far more context-specific evidence-based analysis is needed of what is happening on the ground in different countries. This needs to connect with an analysis of global geo-politics.”*

*How can civil society and progressive advocates counter such efforts to ensure that human rights, including women’s rights and SRHR, are achieved?*

A first step is being more nuanced about our understanding of the issue in terms of power bases and financial and other connections across the world.

Far more context-specific evidence-based analysis is needed of what is happening on the ground in different countries. This needs to connect with an analysis of global geo-politics. For example, for decades, the West promoted the Taliban-precursors as freedom fighters in Afghanistan (US vs. USSR), allowing them to grow enormously in power. However, after the defeat of the Soviets in Afghanistan, the US lost interest, but some parts of the Pakistani State decided to use and create the Taliban for their own purposes. So there are wheels within wheels, and I am not sure if it is the same trajectory everywhere. For instance, why is the State of Brazil—where the majority is Catholic—not trying to stop the attacks carried out by Evangelists against the local indigenous religions and their manifestations?

*How can civil society and the Special Rapporteur work together better to help each other achieve progressive outcomes?*

I would encourage ARROW to speak with the new Special Rapporteur, Karima Benounne, who is strong on the issue of fundamentalist forces.

Generally, I would urge CSOs and individual advocates to make much better use of

the UN Human Rights Special Procedures; these are easy to access and most of us are responsive. It is important to consider that Special Procedures mandate holders must keep within the mandate defined by the UN, but many, like myself, find ways of expanding these to include new issues. So CSOs need to consider all the possible angles of an issue and approach a maximum of mandate-holders. For example, for SRHR and fundamentalism, you can start with the SR on Health, but also with Culture and the Working Group on Women. However, as fundamentalists attack human rights defenders, a number of civil and political rights mandates would also fit, such as freedom of expression, access to information, and others.

*How can state parties be held more accountable to ensure these rights are achieved at the national level?*

Accountability of States is largely dependent on the strength of local organisations and advocates. International mechanisms such as the UN can only help to establish the parameters, norms, and standards for all; ground change needs grounded groups. Towards this, it is necessary that CSOs are aware of and participate in the agenda-setting processes and ensure SRHR are on the table, and highlight the negative impact of the continuum of religious conservative-to-fundamentalist forces have on SRHR. But this requires effective reliable documentation, which is often missing or inadequate.

*“...it is necessary that CSOs are aware of and participate in the agenda-setting processes and ensure SRHR are on the table, and highlight the negative impact of the continuum of religious conservative-to-fundamentalist forces have on SRHR.”*

Specific documented cases where rights are denied or threatened should be brought to the attention of the Special Procedures; alternative reports should be prepared for treaties in which the country is a State Party—UN, and other UN agencies—and reports submitted to the UPR process for the specific country.

Side panels and events can also be held when the Universal Periodic Review is being conducted, during the Human Rights Council sessions, or during the Third Committee sessions of the General Assembly in New York. SR mandate holders are often part of such panels. However, the aim of side panels and campaigns needs to be worked out well in advance. What do you hope to achieve? Is it change in language? Or adoption of a new resolution? This requires a lot of work. Or is it amendment in existing resolutions? This could also be in terms of the renewal of SR mandate holders which happens yearly. So try and get language/issue addressed in the new resolution.

Ultimately, however, I think CSOs need to understand that the terminology of the UN is very specific and any new language on religious fundamentalism is unlikely to get adopted as this is too vaguely and/or differently defined concept. So it is more likely to get response to issues formulated around the terminology of extremism. However, you can refer to my Report on Women, which I think points to the way to future actions and is more specific than the SR on religious tolerance.

*How can UN accountability mechanisms be strengthened to ensure these rights in the face of increasing religious fundamentalism and extremism? Do you think it is important to harmonise these with other processes, particularly New York-led processes such as the 2030 Agenda for Sustainable Development? How do you think can this be done?*

I cannot off-hand think of ways of strengthening accountability mechanisms. From the Special Procedures perspective, what we had asked for is that mandate holders be more closely involved in the Universal Periodic Review that all States must report on. The problem there is that States have the option to accept or reject the recommendations. Accepted recommendations, however, make it easier to follow up.

*“The Human Rights processes need to be integrated, and the SDGs must be seen, analysed, and reviewed from a human rights perspective.”*

SP mandate holders have also argued (at least since my tenure, in 2010) that there is a need for human rights to be integrated ACROSS all UN agencies and initiatives. We have said that we are willing and happy to assist in providing trainings/orientations in this respect. However, we find that whether or not human rights are integrated at the country/regional level is highly dependent on WHO is in charge. There are huge budget implications as well, since human rights, the third pillar of the UN, in fact, receives very little funding.<sup>2</sup>

The Human Rights processes need to be integrated, and the SDGs must be seen, analysed, and reviewed from a human rights perspective. However, this is exceedingly difficult because of the traditional way things have been, i.e., the division between human rights and development issues. The new HR indicators around the right of development can be a way forward and should be further explored. It should also be noted that the SDGs as a framework greatly reduce the role/scope of civil society in monitoring and assessments.

Notes & References

<sup>2</sup> The total allocation for human rights, which is one of the three pillars of the UN (the other two being development and peace and security), is only slightly over 3% of the total UN budget in 2014/15. This is insufficient to implement the human rights mandate given by the General Assembly and the Human Rights Council. See OHCHR, “Funding and Budget,” accessed 9 March 2016, <http://www.ohchr.org/EN/AboutUs/Pages/FundingBudget.aspx>.

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Farida Shaheed can be contacted at  
[farida@sgah.org.pk](mailto:farida@sgah.org.pk).

# INTERROGATING RELIGION IN SEARCH OF GENDER JUSTICE: *In Conversation with Fulata Moyo*

## Notes & References

<sup>1</sup> Patri-kyriarchal is a combination of patriarchal and kyriarchal. While in feminist discourse, patriarchy is the social order that privileges men to have control or oppress women, kyriarchy is a term derived from the Greek word for "lord" or "master" (kyrios). It is coined by Elisabeth Schussler Fiorenza as a term that acknowledges the theoretical inadequacy of patriarchy within the reality of how oppression is intersectional—not all men can control or oppress all women; there are factors including race, class, and nationality that determine which man can control/oppress which woman. For example, black men do not have control over white women. So, I use patri-kyriarchy to define my childhood context with a social (cultural) system, where men had control over/oppressed women but age and class determined which men controlled over/oppressed which women. Older women were often matriarchs who could control/oppress younger men. For a discussion on patriarchy, see: Elisabeth Schussler Fiorenza, *Wisdom Ways: Introducing Feminist Biblical Interpretation* (New York: Orbis Books, 2001), "Glossary, 211."

ARROW's Maria Melinda (Malyn) Ando talks with Fulata Moyo on her journey as a faith feminist scholar-activist and her work on challenging religious fundamentalisms towards gender justice.

*Please introduce yourself.*

Before I introduce myself, let me declare that in this interview I am NOT speaking on behalf of the World Council of Churches (WCC). I am Fulata Moyo; Fulata means that I was born feet (not head) first. I am a faith feminist scholar-activist who interrogates religious resources in search of gender justice. I am a programme executive at the World Council of Churches (WCC), where I work on building a religious women's movement and transformative masculinities for gender justice, as well as connecting awareness raising with policymaking processes at and through the United Nations.

I was a visiting scholar at the Harvard Divinity School, in Cambridge, Massachusetts, USA; and from August 2017 to June 2018, I will be part of its Women Studies in Religion Programme, 2017-2018. I am a member of the working group of Scholars in Action (Carter Center/Faith Trust), a founding member of the Feminist Study of Religion Forum (FSRF), a board member of the Life and Peace Institute (Sweden), and a member of the Circle of Concerned African Women Theologians. My research and activist interests focus on how African women's storytelling and theologies

inform the quest to challenge religious fundamentalism, especially its manifestation in gender-based violence.

*Could you please talk more about interrogating religious resources in search of gender justice?*

I was born in Malawi, and at a very early age, I was sexually abused. That experience meant that I was very isolated as a child, and I had to learn to embrace rejection as a power and to find strength within me. I had to find my own sense of who God is to me, and that was a God who could listen to my cries, who was sympathetic to women, and who valued me for who I am. This was in spite of the patri-kyriarchal<sup>1</sup> context where I grew up, where girls were not really valued much. So whatever I learnt from theology—the making of God as a Father, as a strict male figure—never made sense to me. Later, I joined the Circle of Concerned African Theologians, which from the time it was founded in 1989, has been working on research and understanding of religion and culture from the perspective of women, and that helped me.

So when I talk about interrogating religious resources for gender justice, I mean that I do not just embrace religion as a religious person, but I always question and challenge the understanding that discriminates women in religion.



*Have you experienced any push back in terms of your beliefs questioning the patriarchal nature of religion?*

Yes, a lot of push back. For example, I remember that I had applied to be ordained at one point, and I was told unofficially that while the church I applied to ordained women, they did not ordain my type of women. So this has become a joke for me—what kind of woman am I that they can ordain women but not my type?

*It is likely that those who conform and do not question who can be ordained. Do you think issues of religion, religious fundamentalism and extremism, and women's rights, including their sexual and reproductive health and rights (SRHR) are related?*

Yes and no. Yes, because the violations of such rights are justified by fundamentalist/ extremist interpretations of religion. No, because if religion is a cause, principle, or system of beliefs about the meaning of life, of life-giving and dignity-enhancing relationship between the Creator and us as creation, then fundamentalism and extremism cannot be part of it. The reality is that the defence of women's rights, including sexual and reproductive health and rights, is inherently an important part of the ethical implication of what religion is.

Religion is about life-giving and enhancing of dignity because it is really about understanding the nature of God in relationship to creation. When you look at it that way, then you see that it is this search for meaning that woos people to be religious. Therefore, since humanity was created in its diverse genders, including women and men, then it means that the wellbeing and the enhancement of dignity should also be inclusive of all genders. Sexual and reproductive rights are very fundamental to the enhancement of the dignity of women and men, so therefore, for me, religion in its very nature has to defend that.

*“... since humanity was created in its diverse genders, including women and men, then it means that the wellbeing and the enhancement of dignity should also be inclusive of all genders. Sexual and reproductive rights are very fundamental to the enhancement of the dignity of women and men, so therefore, for me, religion in its very nature has to defend that.”*

*You mentioned inclusive of all genders—would your view include other genders aside from men and women?*

Yes. At WCC because of the sensitive reality of our constituencies, we still work with binaries of women and men, but in my personal life, I know that gender identities go beyond female and male.

*WCC has no official position on LGBTIQ rights yet?*

Not yet as such. At WCC, there is a human sexuality reference group working on this matter, and there is also the moral discernment process dealing with how churches can sustain dialogue on issues that are still sensitive. However, since there are 348 member churches, there has not yet been consensus reached that can lead to a policy. LGBTIQ rights have become one of the most divisive issues when it comes to the unity of the church, so like any responsible fellowship of a wide constituency, they are treading wisely, sensitively, and carefully. There is however an endorsed basic ethical principle: that the protection of the dignity of every person and creation at large is fundamental to any religion. But such ethos still needs a lot of conversation to reach a point of developing or endorsing a policy on LGBTIQ rights. Some

member churches have clear policies, but some do not.

*How do you think can progressive faith-based organisations work towards being inclusive and pushing forward on issues like LGBTIQ? What strategies could be used?*

Several things need to happen. The first is to identify the human face to the issue—to have faces of people rather than statistics. To create a forum or space where voices can be heard has been one fundamental step to take.

*“We know that some of the resistance is based purely on lack of knowledge and understanding; it would be important to have a space where knowledge is shared in a less threatening way that allows people to go through their own process of questioning, accepting, understanding, and conversion.”*

The second one would be to continue a sustained dialogue which brings together what, for lack of better terminologies, one would call progressives and conservatives. This means creating a space for conversation, a safe space that even those who are afraid of such issues, those with a definite stand for or against, can come to that roundtable or mat and contribute, and speak out about their fears without being judged. We know that some of the resistance is based purely on lack of knowledge and understanding; it would be important to have a space where knowledge is shared in a less threatening way that allows people to go through their own process of questioning, accepting, understanding, and conversion.

The third point for me is the naming itself. Because you see, the naming of LGBTIQ rights has embodied the foreignness and exotic language that sometimes is not very

easy for those in some contexts to accept. In Africa, for example, you hear a lot that this is from the West. But if you go from cultural understandings and experiences, you will see that we’ve had these experiences in Africa for a long time, though they were not named LGBTIQ. So the naming has to be interrogated; we should not always insist on particular naming because that insistence alienates the defence of such rights.

*What have been the impacts of misuse of religion and of religious extremism and fundamentalism to women’s and young people’s sexual and reproductive health and rights? Please cite from your experiences in the communities as well as engagement at the UN in Geneva.*

These include the following:

- religious justification for violence against women; patriarchal manipulation of ethical principles of obedience and submission as being virtuous (e.g., battered women advised to remain married to their abusive husbands);
- religion misconceived as basis to harmful religio-cultural practices like female genital mutilation;
- criminalisation of LGBTIQ community on the basis of religious laws and principles;
- resistance and challenge to resolutions and agreed conclusions at the UN general council and the Commission on the Status of Women (CSW) using “fundamentalist” interpretations of religious law;
- sacralisation of sexual and gender-based violence sugar-coated as child ‘marriage’; and
- the continued discrimination/exclusion and demonisation of faith feminists and gender activists so as not to create dissonances in religious communities and not offend religious leaders who are beneficiaries of the patriarchal/kyriarchal system.

*Could you please give some specific examples of your experience on how religious fundamentalists challenge resolutions*

*and agreed conclusions at the UN using fundamentalist interpretations of religious law?*

I've been attending meetings of the Commission on the Status of Women, at the UN in New York, and some of the human rights sessions here in Geneva. One year there was a question of the UN developing a resolution on family. There were so many groups, including church groups, defining family in the most fundamentalist ways; some churches were defining the family as it was defined many centuries ago.

I find this hypocritical when in reality these are the same churches where more and more couples cohabit before they get married. For example, when I was doing my Ph.D. research, I looked at practices like the Catholic Engage Encounter, which is a requirement for heterosexual couples before they get married. I attended one such encounter. There were 16 couples in all, out of whom 12 were already cohabiting; however, the priest and the two couples guiding this encounter pretended they did not know this and taught about abstinence before marriage. I found this so unfortunately deceptive and a waste of opportunity to be honest and address the real issues at stake in the experiences in these couples. Fundamentalism works by pretending to evoke models that are no longer relevant.

For those of us working by considering the current social realities, we have to find ways to interpret sacred texts and religion so as to bring liberation and wholeness. I have found, for example, the contextual bible study methodology very helpful as a religious resource for advocacy. We have to strategise on sharing the conventions that exist (like CEDAW for example) in the religious community and find a language that makes sense to them. Sometimes insisting on a particular language is a barrier because people might be put off. So we have been working on that as well.

*What role do progressive faith-based organisations play in countering religious fundamentalisms, to ensure that human rights, including women's rights and SRHR, are achieved? What strategies can be used to counter the above?*

There are several good examples of strategies and campaigns globally. These include the following:

- Thursdays in Black (TiB) campaign for a world without rape and violence, by the World Council of Churches (WCC), the Lutheran World Federation (LWF), Christian AIDS Bureau for South Africa (CABSA), Young Women's Christian Association (YWCA), and others. This campaign is rooted in the World Council of Churches' Decade of Churches in Solidarity with Women (1988-1998), which was the churches' response to the UN Decade of Women (1975-1985). During this period, the WCC, in collaboration with other ecumenical organisations such as LWF and YWCA, organised solidarity teams of women and men to visit each member of the WCC and listen to how women were experiencing the church. Through these stories, it became clear that violence against women was a reality even within churches, and with this came the acknowledgement that women have their own agency, strategies and resilience to resist and overcome violence. So TiB was inspired by several women's protest movements including the Mothers of the Disappeared who were protesting every Thursday at the Plaza de Mayo, Buenos Aires, Argentina against the disappearance of their children under a violent dictatorship; the Women in Black in Israel who went up to protest against war and violence wearing black; the Black Sash movement in South Africa protesting against apartheid; and the movements of women in Bosnia and Rwanda who were protesting against the use of rape as a weapon of war. TiB uses black as the colour of resistance.

## Notes &amp; References

<sup>2</sup> Like feminism, womanism is preoccupied with strategies and ways of ending sexism. Unlike feminism, womanism is a liberational movement against kyriarchy among the women of the African descent who on top of sexism are also oppressed on the basis of their race. So womanism acknowledges the intersectionality of oppression to include race, class, sexuality, and others. Womanism was coined by Alice Walker. See Alice Walker, *In Search of Our Mothers' Garden: Womanist Prose*, (New York: Harcourt Inc., 1983).

- Development of gender justice policies as connected to processes of gender awareness and training. Part of the acknowledgement from the above-mentioned Decade was also the reality of the discrimination of women's voices and perspectives from decision making processes. As such, it became imperative that while there was need to change people's mind-set through awareness raising using campaigns and trainings, there as also need to connect such to policies that can help hold institutions and communities accountable to gender justice commitments. This has led to the WCC Gender Advisory Group process towards gender justice policy, as well as the involvement in an annual gender advocacy training using international mechanisms like the UN CEDAW, UPR, and UNSCR1325. This also includes the critical engagement from an ethical perspectives to the SDG5—arguing for a gender equality and justice as the more holistic goal than just equality.
- 16 Days of Activism's religious resources by the WCC, LWF, Islamic Relief, Act Alliance, Anglican Communion, and the Church of Sweden. This has been a process of developing religious resources that use tools like sacred texts being read for liberation using contextual pedagogical ways; and of narratives and rituals in order to mobilise religious communities to respond to gender injustice and sexual and gender-based violence.

*How do you think can international agreements, such as the new 2030 Agenda, as well as human rights mechanisms, be used to counter negative impacts of misuse of religion and to also hold governments accountable to their commitments?*

WCC, the LWF, Islamic Relief, Young Women's Christian Association, the Anglican Communion, and others have been training gender justice advocates and women's networks on CEDAW, UN Security Council 1325, Universal Periodic Review (UPR),

and Sustainable Development Goal 5 from a religious ethical perspective. This is aimed at capacity building so that gender justice activists can be able to research and write alternative reports that are used by the CEDAW committee to cross-examine governments reporting at that time, and can help hold their governments and institutions accountable. We have been doing this annually for the third year now, in July when the CEDAW session is in progress, because the participants can also experience a real CEDAW session reporting and can also interact with the CEDAW committee members to network with those from their own country. We hope to build on this. We are also exploring ways of bringing this training to New York during CSW so we can target more people.

*How can feminist groups and faith-based groups work together better to help each other achieve progressive outcomes?*

I do not think there should be a dichotomy between feminists/womanists and faith-based groups. I am a feminist/womanist and religious person and the two sides are not exclusive, but mutually inclusive. I know some of the most enriching developments of feminism/womanism<sup>2</sup> have been within the religious circles of the academy and public intersecting through race, class, sexuality, politics, culture, economy and others. While for patriarchy/kyriarchy, the binaries empower the beneficiaries' individualistic greed and help sustain their hegemony, for those of us who fight such systems of oppression, we have to embrace more integrated approaches that are mutually inclusive. It is in our solidarity and pilgrimage of sisterhood enriched by our diversity flowing together in the same river for gender justice that we find our strength to overcome such oppression.

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*Fulata Moyo can be reached at  
fulatamoyoO@gmail.com.*

# ONE STEP FORWARD, 10 STEPS BACKWARD: CEDAW and Tonga

In 2015, a major breakthrough was on the verge of being realised. The Government of Tonga stated at the 59th session of the Commission on the Status of Women (CSW) in New York that it was ready to commence the process of ratifying the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>1</sup> That process has been put on hold, however.

The ratification of CEDAW, after more than 20 years of lobbying and advocacy by women leaders and NGOs, was anticipated as the biggest step forward for the women's rights movement in Tonga. Indeed, it is a move forward for the larger women's rights movement in the Pacificas. Tonga, alongside Palau, are the only remaining two Pacific Island Countries left to ratify the UN Convention. Moreover, 2015 was the 20th anniversary of the Beijing Platform for Action, which is globally dubbed as the historic roadmap that set the agenda for women's rights. Beijing was signed by 189 countries, Tonga included.

Women's rights in Tonga have made some significant gains in the last two decades. Some of these gains included the amendment to the Nationality Act in (2007), where it enabled Tongan female citizens to register their child as a Tongan national, regardless of whether the father was a foreigner.<sup>2</sup> Another huge milestone was the enactment of the Family Protection Act (2013), which aimed to provide greater protection from domestic violence. The Act included three core measures that ensured that the rights of women were being enabled and protected: (1) increased power for police to issue protection orders on the

spot, for a maximum of seven days; (2) a legal requirement to inform victims/survivors of their rights and what is involved in legal proceedings; and (3) the formation of a committee of key community stakeholders to discuss how to best monitor and evaluate the Bill.

**The ratification of CEDAW, after more than 20 years of lobbying and advocacy by women leaders and NGOs, was anticipated as the biggest step forward for the women's rights movement in Tonga. Indeed, it is a move forward for the larger women's rights movement in the Pacificas.**

However, there are still many areas where women are still struggling to find their voice. One of this is the country's land laws, where women are still not able to own and register land. Despite attempts to recommend amendments to afford women more access and rights to land, this is an area where women continue to be economically deprived and disempowered. In the health sector, wives are still required to formally have their husband's approval, by way of signature on a form, before a tubal ligation can be undertaken. On the other hand, when a husband requests a vasectomy, the wife's authority is not sought.

The rights of women to freely decide about their sexual and reproductive health and rights was being condemned as un-Christian and un-

## Notes & References

1 Ministry of Information and Communications, "Tonga Announces the Ratification of CEDAW at CSW 59th Sessions," March 12, 2015, accessed May 19, 2017, [http://mic.gov.to/index.php?option=com\\_content&view=article&id=5260&lang=en](http://mic.gov.to/index.php?option=com_content&view=article&id=5260&lang=en).

2 Previously, only Tongan male citizens could register their children, regardless of the mother's nationality.



#### Notes & References

<sup>3</sup> United Nations Office of the High Commissioner of Human Rights, Universal Periodic Review—Tonga, accessed May 19, 2017, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/TOSession2.aspx>.

Tongan. One Tongan reverend said; “Women need to know their place in the Bible and when they understand that they will come to know that they are not to decide freely, but with the consent of their husbands....” Tonga is predominately a Christian country, accounting for 95% of its population.

Religious leadership for some churches only allow for women to be promoted to key ecumenical positions and leadership roles, and this includes both Tongan-grown churches and western-born religions in Tonga.

Despite these gaps, the Tongan government has started to report to the Universal Periodic Review Process, and has, since its last two reports, made several commitments to ensure that it will take steps to ratify CEDAW, as well as many other international human rights covenants and conventions.<sup>3</sup> As such, its statement to the 59th CSW was welcomed as a huge step forward in terms of its commitment to realising and prioritising women’s rights post-Beijing. It sent a loud and clear message to the women’s rights movement on the ground that the government was prepared to start taking seriously the barriers and challenges that cause delayed progress for women economically, politically, socially, and culturally. Great expectations were on the horizon.

What was unexpected was the backlash received from religious fundamentalists and extremists who quickly formed support groups via social media, mass media, and local on-the-ground rallying groups whose sole purpose was to speedily bring to an end to the government’s efforts to proceed with ratification. This included fear mongering among the general public using the two most controversial issues that got the nation standing on its toes: the legalisation of abortion and same sex-marriage. Less than a day following the statement by the Tongan government at CSW, a wave of anti-CEDAW outbursts across the Tongan diaspora in Australia, New Zealand, and the United States

swamped Tongan media with requests made to church leaders to respond without delay and to advise the Tongan government not to ratify the convention.

Despite CEDAW having conditions within the ratification process that are designed to protect domestic considerations, religious fundamentalists moved quickly to develop in the minds of the general public that they were protecting the nation under the auspices of culture and religion. One reverend who was one of the main organisers of the anti-CEDAW protest march stated that if Tonga allowed this convention, it would take Tonga back to pre-Christianity. In the street protest facilitated by this fundamentalist group, placards carried by the marchers proclaimed that “CEDAW is a Secret Agent of Satan,” and “CEDAW = 666! Evil!” and “CEDAW go to hell!” Churches that had representatives taking part in the anti-CEDAW protest march included the Catholic, Free Wesleyan, Tokaikolo churches, and several smaller, newly-established evangelical churches. A prominent church leader stated that the nation’s motto, “God and Tonga are my inheritance,” highlights the fact that God is first, and therefore everything has to go accordingly with God’s plans and not what the United Nations wants.

The protest march submitted a petition signed by 15,000 petitioners to the King as a formal request that he intervene and stop the government’s plans to ratify CEDAW. Two church leaders ran regular radio and TV programmes condemning the government’s move to ratify CEDAW and used Biblical texts to justify their position. They also made bold statements during these broadcasts towards pro-CEDAW supporters, and placed curses on the heads of women leading the pro-CEDAW campaign, as well as on the heads of their children, creating hate speech and anger towards pro-CEDAW supporters. Strong women’s rights activists were being labelled as anti-Christ representatives.

The impact these had on the women's movement was felt beyond words. The psychological impact on key women's rights activists was overwhelming to the point that close family relationships were severed and friendships lost. Children of these activists also experienced the labelling from other children and teachers at schools they attended and had to be briefed on how to handle the backlash. In a small country with a population of approximately 100,000 people, there was an immense feeling of isolation which took a toll on a number of the activists. Nonetheless, the work had to continue and the focus now

is on building a larger number of activists and lobbyists to continue to support the cause.

With this type of backlash and restricted interpretation of the religious texts, it seems as if Tonga is now regressing 10 steps backwards from all the gains made thus far. The fight and struggle to have women seen as equal to men is still a far-reaching reality. The year 2015 has reflected just how much religious fundamentalists and restricted Biblical text interpretations and dictated reflections still have a hold on the larger population in Tonga. There is still much work to be done.

By **Ofa Guttenbeil Likiliki**

Director, Women and Children Crisis Centre (WCCC), Tonga | Email: ofa.guttenbeil@gmail.com

## RELIGIOUS FUNDAMENTALISM IN LATIN AMERICA AND THE CARIBBEAN

In the last few years, we have witnessed an increase in how fundamentalist groups have attacked and threatened human rights. Fareeda Afridi, a young Pakistani feminist of Pashtun origin and a women's rights activist, was shot dead when she went to work in July 2012.<sup>1</sup> Meanwhile, Jennifer Markovsky, Garrett Swasey, and Ke'Arre Stewart were murdered by a Christian extremist at a Planned Parenthood clinic in Colorado Springs, USA.<sup>2</sup>

The Latin America and the Caribbean region is no exception. In El Salvador<sup>3</sup> and Mexico,<sup>4</sup> women are sentenced to up to 30 years in prison for having abortions; in some cases, they have even been judged for having spontaneous abortions. According to a study done by Amnesty International, defenders of sexual and reproductive rights are stigmatised

through widely publicised statements by authorities and individuals that compare them with criminals.<sup>5</sup>

Beyond the violence that these women suffer, a core problem is that fundamentalist movements are increasingly present in the field of defence of human rights with augmented financial, media, and political resources, which significantly surpass the resources of social movements, such as the feminist or SRHR movements.<sup>6</sup> An example of this is the increasing presence of these groups in spaces such as the United Nations, or in areas of power and decision-making of secular States, which should by definition be independent of any religion and guarantee all rights, irrespective of religious beliefs.

### Notes & References

<sup>1</sup> Editorial, "Farida Afridi," *The Express Tribune*, July 7, 2012, accessed May 11, 2017, <https://tribune.com.pk/story/404673/farida-afridi/>.

<sup>2</sup> Julie Turkewitz and Ashley Southall, "Colorado Victims Identified as Iraq Veteran and Woman from Hawaii," *The New York Times*, November 29, 2015, accessed May 11, 2017, <https://www.nytimes.com/2015/11/30/us/victims-in-colorado-clinic-shooting-include-iraq-war-veteran.html>.

<sup>3</sup> Las 17, accessed January 20, 2017, <http://las17.org/>.

<sup>4</sup> Grupo de Información en Reproducción Elegida (GIRE), *Omisión e Indiferencia Derechos Reproductivos en México* (Mexico: GIRE, 2013), accessed May 11, 2017, <http://www.sitioswwwweb.com/miguel/Gire-Aborto.pdf> and <http://informe.gire.org.mx/>.

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5 Amnistía Internacional, *¡Defensoras Bajo Ataque! Promoviendo los Derechos Sexuales y Reproductivos en las Américas* (London: Amnesty International Publications, 2015), accessed May 11, 2017, <https://www.amnesty.org/es/documents/amr01/2775/2015/es/>.

6 I understand the feminist movement as a movement in which various feminisms converge.

7 Jean-Pierre Bastian, "Los Nuevos Partidos Políticos Confesionales Evangélicos y su Relación al Estado en América Latina," *Estudios Sociológicos*, 17-49 (1999): 153-173, accessed May 11, 2017, [https://www.jstor.org/stable/40420556?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/40420556?seq=1#page_scan_tab_contents).

8 Some examples include the Partido Encuentro Social in Mexico (<http://encuentrosocial/>) and the Bancada Evangélica in Brazil. See more: Andrea Dip, "Bancada Evangélica Cresce e Mistura Política e Religião no Congresso," UOL Notícias, October 19, 2015, accessed May 11, 2017, <https://noticias.uol.com.br/politica/ultimas-noticias/2015/10/19/bancada-evangelica-cresce-e-mistura-politica-e-religiao-no-congresso.htm>.

9 The official name is Frente Parlamentar Evangélica, but it is also known as "bancada evangélica." A "frente parlamentar" is a group of members of the legislative power—whether a national, regional, or city parliament—that has unified its actions surrounding mutual interests (religion in this case), at times even beyond the political party they belong to.

10 Congreso Nacional de Honduras, "Confraternidad Evangélica Agradece al CN por no Despenalizar el Aborto," May 4, 2017, accessed May 11, 2017, <http://www.congresonacional.hn/index.php/2014-02-10-22-24-42/item/1887-confraternidad-evang%C3%A9lica-agradece-al-cn-por-no-despenalizar-el-aborto.html>.

11 CNN Español, "Iglesia Colombiana Convoca a Marcha Contra Ideología de Género que 'Destruye a la Sociedad,'" CNN Español, August 10, 2016, accessed January 24, 2017, <http://cnnespanol.cnn.com/2016/08/10/iglesia-colombiana-convoca-a-marcha-contra-ideologia-de-genero-pues-asegura-que-destruye-a-la-sociedad/>.

12 Carlos Bedoya, "¿Quiénes son #ConMisHijosNoTeMetas?," *América Latina en Movimiento*, January 1, 2017, accessed January 24, 2017, <http://www.alainet.org/es/articulo/182778>.

As author and theologian Jean-Pierre Bastian said, "religious demand has become political action."<sup>7</sup> In countries like Mexico or Brazil,<sup>8</sup> evangelical groups have been consolidated as political parties that have significantly interfered in democratic processes. In Brazil, for instance, it is said that the evangelical legislators<sup>9</sup> were crucial in the political trial against Dilma Rouseff. Another state that blatantly violates secularism is Honduras, where the Catholic hierarchy openly supported the 2009 coup,<sup>10</sup> and most recently, in a statement published on the official Congressional website, Evangelicals celebrated the penalisation of abortion in all its forms.

**In this same fundamentalist vision, the youth are considered a sector that could be strong enough to destabilise anti-democratic political systems. . . In accordance with this perspective. . . fundamentalist groups feel that they need to promote values that control and repress young people, including weakening young people's full exercise of sexuality.**

It is important to mention that the Churches—that religion itself, for that matter—are not the problem. The problem is the fundamentalism under which their most influential leaders act: they oppose women; they are patriarchal; they are against human rights; they are violent; and they are also typically against an egalitarian society.

This vision, which goes against equality, undermines advances resulting from decades of efforts of various social movements, such as the acknowledgement of women, adolescents, and young people as human beings with rights. In this totalitarian, patriarchal, and conservative vision, women are reproductive beings that have no right to decide over

their own bodies, which translates to serious setbacks on issues such as the access to legal and safe abortion.

In this same fundamentalist vision, the youth are considered a sector that could be strong enough to destabilise anti-democratic political systems, as was the case in the Arab Spring. In accordance with this perspective, in which young people are problematic, fundamentalist groups feel that they need to promote values that control and repress young people, including weakening their full exercise of sexuality. Consequently, the fight to succeed in having the necessary conditions for young people and adolescents to exercise a free and pleasant sexuality is becoming increasingly complex.

Evidence of this condescending vision and of the violation of the secular state is the fundamentalist groups' continuous fight to eliminate specific curriculum contents on sexuality, with which they do not agree, from education in general. This is not about the need for educational systems in the region to provide comprehensive sexuality education—which, as a matter of fact, is one of the things that still needs to be accomplished. The point is that their conservative perspective establishes that sexuality education should only focus on the traditional model of family, ignoring the diversity of families that currently exist.

The recent questioning and the great mobilisation against 'gender ideology'<sup>11,12</sup> is proof that progress reached is at risk. Once again, fundamentalist groups propose strengthening gender roles in which women must take care of the family in a private space, and consider homosexuality as a disease that has to be cured or should be punished.

What we, as the feminist movement and as people who work to defend sexual rights, have taken as our flag to face fundamentalist groups is the premise that secular States need to guarantee religious freedom. A secular, laic,

and diverse society, as well as further progress on human rights, is essential to achieve human development.

The Latin America and Caribbean region is not exempt from fundamentalist attacks, and, like in the rest of the world, those who bear the heaviest burden are women, adolescents, and sexually diverse people. Continuing our fight, day after day, for the recognition of rights is the only way forward.

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**By Nayeli Yoval Segura**

General Director, Elige, Red de Jóvenes por los Derechos Sexuales y Reproductivos, A.C., REDLAC Mexico | Email: [nayeli@eligered.org](mailto:nayeli@eligered.org)  
| Twitter: [@nayito59](https://twitter.com/nayito59)

resources

# RESOURCES FROM THE ARROW SRHR KNOWLEDGE SHARING CENTRE

**ARROW's SRHR Knowledge Sharing Centre** hosts a special collection of resources on gender, women's rights, and sexual and reproductive health and rights (SRHR). It aims to make critical information on these topics accessible to all. To contact the resource centre, write to [km@arrow.org.my](mailto:km@arrow.org.my).

**Association for Women in Development (AWID).** *Understanding Religious Fundamentalisms for Activists.* AWID, 2014. <http://www.awid.org/publications/understanding-religious-fundamentalisms-activists>.

This manual provides insights on religious fundamentalism drawn from experiences of women's rights activists in diverse regions in the world. It also sheds light on factors that lead to the growth of religious fundamentalist

**...secular States need to guarantee religious freedom. A secular, laic, and diverse society, as well as further progress on human rights, is essential to achieve human development.**

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Blachin, Casandra. *Hacia un Futuro sin Fundamentalismos: Un Análisis de las Estrategias de los Fundamentalismos Religiosos y de las Respuestas Feministas.* Mexico City and Cape Town: Association of Women's Rights in Development (AWID), 2011. Accessed May 11, 2017. <https://www.awid.org/es/publicaciones/hacia-un-futuro-sin-fundamentalismos>.

groups and their impact on human rights and women's rights. The manual also includes participatory tools to encourage discussions on how religious fundamentalisms affect women's rights activists and how activists and human rights defenders can strengthen their responses to religious fundamentalisms.

**AWID.** *Feminists on the Frontline: Case Studies of Resisting and Challenging Fundamentalisms.* AWID, March 14, 2010. <http://www.awid.org/publications/feminists-frontline-case-studies-resisting-and-challenging-fundamentalisms>.

This publication attempts to document case studies of activists and feminists resisting and fighting religious fundamentalisms in different geographical and socio-political contexts. By documenting their resistance, this publication also applauds the people from different regions of the world who have taken a stand against imposition of fundamentalist and regressive norms and values in the name of religion as well as to “challenge the privileged position given to religion in public policies.”

**Balchin, Cassandra.** *Towards a Future without Fundamentalism: Analyzing Religious Fundamentalist Strategies and Feminist Responses.* Edited by Deepa Shankaran. AWID, February 17, 2011. <https://www.awid.org/publications/towards-future-without-fundamentalisms>.

This report attempts to meet the needs expressed by a majority of women’s rights activists: more information on the phenomenon of religious fundamentalism and a deeper understanding of their construct of religion. It offers a review of economic, social, political, and historical factors that help religious fundamentalisms grow; the strategies used by religious fundamentalists to build and grow their movements; the discourses they use and the methods they use to take their agendas forward; and an analyses of feminist strategies to resist religious fundamentalisms.

**Catholics for Choice.** *Conscience.* <http://consciencemag.org/>.

This magazine offers in-depth coverage and analysis of contemporary intersectional issues such as reproductive rights, sexuality and gender feminism, church, religious right and state issues, and political and social issues.

This magazine offers thought-provoking reviews, opinion pieces, and policy analyses.

**Gender and Sexuality Resource Centre.** *Kohl: A Journal for Body and Gender Research.* <http://gsrc-mena.org/gsrc/kohl/>.

This is a biannual, multilingual journal on gender and sexuality in the Middle East, South West Asia, and North Africa region. It aims to provide a provide a non-exoticising, non-minority platform to promote independent knowledge and knowledge by young and graduate-level academics, thereby bridging the gap between activist circles and academia.”

**Hélie, Anissa, ed.** *Dossier 32-33: Sexualities, Culture and Society in Muslim Contexts: Journal of Women Living Under Muslim Laws,* July 17, 2014. [http://www.wluml.org/sites/wluml.org/files/WLUML%20Dossier%2032-33%20Sexualities%20Muslim%20Contexts%202014\\_0.pdf](http://www.wluml.org/sites/wluml.org/files/WLUML%20Dossier%2032-33%20Sexualities%20Muslim%20Contexts%202014_0.pdf).

This dossier published by Women Living Under Muslim Law (WLUML) includes articles, reports, and factual sheets from various geographical settings. It explores how men and women in different Muslim context navigate the restrictions and limitation relating to sexuality and sexual and reproductive rights. The dossier comes at a point when activists across the world are experiencing increased push to roll back existing progressive policies and legislations, and it offers valuable insight into legal and policy approaches to tackle increasing restrictions in Muslim contexts.

**Imam, Ayesha.** *The Devil Is in the Details: At the Nexus of Development, Women’s Rights and Religious Fundamentalism.* Edited by Shareen Gokal and Isabel Marler. AWID, March 22, 2016. <http://www.awid.org/publications/devil-details>.

This paper addresses the lack of understanding around religious fundamentalisms within the development sector. It also attempts to address and improve the understanding



of how religious fundamentalisms affect development and women's rights in particular. It also recommends strategies development practitioners can use to address and challenge structural drivers of fundamentalisms.

**Mir-Hosseini, Ziba and Vanja Hamzić.** *Control and Sexuality: The Revival of Zina Laws in Muslim Contexts*. London: Women Living Under Muslim Laws, 2010. [http://www.wluml.org/sites/wluml.org/files/CaS\\_e-book.pdf](http://www.wluml.org/sites/wluml.org/files/CaS_e-book.pdf).

This book explores the historical and present-day cultural, socio-political and legal motives and contexts that have caused the revival of *zina* laws and reveals how *zina* laws, which were once obsolete and rarely applied in Muslim contexts, have now been brought back to maintain and assert control over men and women's sexuality. It also documents civil society's resistance to their revival, as these strategies and actions represent an invaluable legacy for all societies affected by similar challenges.

**Othman, Noraini.** "Muslim Women and the Challenge of Islamic Fundamentalism/Extremism: An Overview of Southeast Asian Muslim Women's Struggle for Human Rights and Gender Equality." *Women's Studies International Forum*, 2006, 29(4): 339-353. <http://www.sciencedirect.com/science/article/pii/S0277539506000355>.

The first part of this article identifies the issues and major challenges confronting Muslim women in Southeast Asia in the face of increasing religious extremism within the region's Islamist movements. The second part describes what strategies women's groups in Southeast Asia have employed to engage with these movements and surmount the challenges they posed to women's rights and women's access to justice under the law, particularly Muslim family laws and the state's administrative policies and procedures relating to religion.

**Sezgin, Yuksel.** "Women's Rights in the Triangle of State, Law, and Religion: A Comparison of Egypt and India." *Emory International Law Review* 25:2 (2011): 1007-1028. <http://ssrn.com/abstract=1982266>

This essay offers case studies of women-led hermeneutics bodies in Egypt and India to examine how these communities and groups are attempting to claim the rights which have been denied to them by men-made personal status laws and religious rights movements in these countries. The essay has been divided into two parts. The first part looks at the personal status laws in Egypt and India and how they affect the rights and individual freedom of Muslim women in these two countries. The second part of the essay traces women-led hermeneutics communities and how they have claimed their rights through reinterpretive movements.

**Uberoi, Diya and Beatriz Galli.** "Refusing Reproductive Health Services on Grounds of Conscience in Latin America." *Sur: International Journal on Human Rights*, 24(2016): 105-115. <http://sur.conectas.org/en/refusing-reproductive-health-services-on-grounds-of-conscience-in-latin-america/>.

This paper gives an overview of policies regulating conscientious objection in Latin America, in consideration of the increasing use of conscientious objection by medical service providers to deny women's sexual and reproductive rights. It looks at both international human rights law, as well as state laws within the region. It proposes that states and international and regional human rights bodies continue to clarify frameworks around conscientious objection, so as to ensure that grounds of conscience do not become barriers to women realising their fundamental human rights.

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**Bennoune, Karima.** *Your Fatwa Does Not Apply Here: Untold Stories from the Fight Against Muslim Fundamentalism*. NY: W.W. Norton & Co, 2013. <https://www.karimabennoune.com/books/your-fatwa-does-not-apply-here/>.

**Catholics for Choice.** *The Catholic Church at the United Nations: Church or State?* Washington, DC: Catholics for Choice, 2013. [www.catholicsforchoice.org/wp-content/uploads/2013/08/CFC\\_See\\_Change\\_2013.pdf](http://www.catholicsforchoice.org/wp-content/uploads/2013/08/CFC_See_Change_2013.pdf).

**Chappell, Louise.** *Contesting Women’s Rights: The Influence of Religious Forces at the United Nations*. Working paper. Accessed April 22, 2016. [https://www.adelaide.edu.au/apsa/docs\\_papers/Others/Chappell.pdf](https://www.adelaide.edu.au/apsa/docs_papers/Others/Chappell.pdf).

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**Horn, Jessica.** “Christian Fundamentalism and Women’s Rights in the African Context: Mapping the Terrain.” In *Feminists on the Frontline: Case Studies of Resisting and Challenging Fundamentalism*. AWID, March 14, 2010. Accessed April 20, 2017. [http://www.awid.org/sites/default/files/atoms/files/feminists\\_on\\_the\\_frontline\\_-\\_christian\\_fundamentalisms\\_and\\_womens\\_rights\\_in\\_the\\_african\\_context.pdf](http://www.awid.org/sites/default/files/atoms/files/feminists_on_the_frontline_-_christian_fundamentalisms_and_womens_rights_in_the_african_context.pdf).

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**O’Brien, Jon.** “Can Faith and Freedom Co-exist? When Faith-based Health Providers and Women’s Needs Clash.” *Gender & Development*, 2017: 25, no. 1 (2017): 37-51, DOI: 10.1080/13552074.2017.1286808. Accessed May 4, 2017. <http://www.tandfonline.com/doi/full/10.1080/13552074.2017.1286808>.

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**Compiled by Maria Melinda Ando, Samreen Shahbaz, and Seow Kin Teong**

ARROW | Email: [malyndo@arrow.org.my](mailto:malyndo@arrow.org.my) | Email: [samreen@arrow.org.my](mailto:samreen@arrow.org.my) | Email: [kin@arrow.org.my](mailto:kin@arrow.org.my)

## SELECTED ARROW RESOURCES

Aside from ARROW for Change, which is produced in English and translated strategically in various Asia-Pacific and global languages, ARROW also develops cutting edge publications. Below are key ARROW publications from the past five years. All resources from 1993 to the present can be downloaded at <http://arrow.org.my/publications-overview/>.

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### ARROW AND PARTNERS' RESOURCES ON RELIGIOUS FUNDAMENTALISMS

**Abdul Cader, Azra.** *Inclusive Families: Realising Gender Equality, SRHR, and Human Rights.* 2017. <http://bit.ly/InclusiveFamilies>.

**ARROW.** *Surfacing: Selected Papers on Religious Fundamentalisms and Their Impact on Women's Sexual and Reproductive Health and Rights.* 2008. <http://bit.ly/SurfacingImpactofRF>.

**ARROW.** *ARROWs for Change, Vol. 14, nos. 1 & 2: Keeping the Faith: Overcoming Religious Fundamentalisms.* 2008. <http://bit.ly/AFCvol14nos1and2>.

**Bakhadda, Fadoua.** *Religious Fundamentalism and Access to Safe Abortion Services in Morocco.* Moroccan Family Planning Association (MFPA) & ARROW: 2016. <http://bit.ly/RF-Morocco-Abortion>.

**Balasubramanian, P., Rajalakshmi Ram Prakash, and N Srilakshmi.** *Religious Fundamentalism and Comprehensive Sexuality Education (CSE) in South India*. Rural Women's Social Education Centre and ARROW. 2016. <http://bit.ly/RF-India-CSE>.

**Brohi, Nazish and Sarah Zaman.** *Impact of Fundamentalism Discourses on Family Planning Practices in Pakistan*. Shirkat Gah—Women's Resource Centre & ARROW. 2016. <http://bit.ly/RF-Pakistan-FP>.

**Daniel, Smriti, Zainab Ibrahim, Darshi Thoradeniya, Edna Malkanthi, and Evangeline de Silva.** *Ethno-Religious Nationalism and Sexual and Reproductive Health and Rights in Sri Lanka: A Social Media, Print Media and Policy Review*. Women and Media Collective & ARROW. 2016. <http://bit.ly/RF-SriLanka-SRHR>.

**Melgar, Junice and Jocelyn Carrera-Pacete.** *Understanding Catholic Fundamentalism in the Philippines: How Conservative Religious Teachings on Women, Family and Contraception Are Wielded to Impede the Reproductive Health Law and Other Reproductive Health Policies*. LIKHAAN & ARROW. 2016. <http://bit.ly/RF-Philippines-RH>.

**Osman, Ratna.** "Thematic Paper 5: Religious Extremisms and Its Impact on Sexual and Reproductive Health and Rights of Women and Young People in the Asia-Pacific Region." In *Action for Sexual and Reproductive Health and Rights: Strategies for the Asia-Pacific beyond ICPD and the MDGs: Thematic Papers— Beyond ICPD and the MDGs*, ARROW, 107-120. 2012. <http://bit.ly/Action4SRHR-ThematicPapers>.

**Sabina, Nazme.** *Religious Extremism and Comprehensive Sexual and Reproductive Health and Rights in Secondary and Higher Secondary Education in Bangladesh*. Naripokkho & ARROW. 2016. <http://bit.ly/RF-Bangladesh-CSE>.

**Society for Health Education (SHE).** *Perceptions of Islam and Sexual and Reproductive Health and Rights in Maldives*. SHE & ARROW. 2016. <http://bit.ly/RF-Maldives-SRHR>.

## OTHER ARROW RESOURCES

### 2014-2017

**Various Authors.** Call for Action to Integrate SRHR into the Post-2015 Agenda. Available for Africa, Bangladesh, Cambodia, India, Indonesia, Lao PDR (in English and Lao), Pakistan, and Latin America and the Caribbean (in English and Spanish).

**Various Authors.** Country Profile Series on Universal Access to Sexual and Reproductive Health. Available for Bangladesh, Cambodia, China, India, Indonesia, Lao PDR (also available in Lao), Malaysia, Maldives, Mongolia, Nepal, Pakistan, Philippines, Sri Lanka (available in English, Sinhala, and Tamil), and Vietnam.

**Various Authors.** Country Profile Series on Universal Access to Sexual and Reproductive Rights. Available for Bangladesh, Cambodia, China, India, Indonesia, Lao PDR (also available in Lao), Malaysia, Maldives, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Vietnam.

### 2017

**Das, Arpita.** *Right to Sexuality: Intersections with Education, Employment, Law and Citizenship*.

### 2016

**ARROW.** *Myanmar/Burma Country Study: Breaking Barriers: Advocating SRHR* (also available in Burmese).

**ARROW.** *Stories of Change: Sharing Success Stories of Women's Health and Rights Advocacy Partnership—South Asia*.

**Das, Arpita.** *Universal Access to Sexual and Reproductive Health and Rights—Regional Profile: Asia.*

**Nadimpally, Sarojini, Sneha Banerjee, and Deepa Venkatachalam.** *Commercial Surrogacy: A Contested Terrain in the Realm of Rights and Justice.*

**Ravindran, TK Sundari.** *An Advocate's Guide: Integrating Human Rights in Universal Access to Contraception.*

**Reyes, Emilia.** *SRHR in the 2030 Agenda: Looking Back, Moving Forward.*

**Various Authors.** *Advocacy Brief on Climate Change and SRHR.* Available for Bangladesh, Indonesia (in English and Bahasa Indonesia), Lao PDR, Malaysia, Maldives, Nepal, Pakistan and the Philippines.

**Various Authors.** *Scoping Study on Climate Change and SRHR.* Available for Bangladesh, Indonesia, Lao PDR, Malaysia, Nepal, Pakistan and the Philippines.

## 2015

**Varma, Ambika with Kumar Das.** *Sexuality: Critical to Addressing Poverty and Food Insecurity.*

## 2014

**ARROW.** *Sexual and Reproductive Health and Rights in the Post-2015 Agenda: Taking Their Rightful Place* (available in Bangla, Hindi and Tamil).

**ARROW.** *Sexual and Reproductive Health and Rights beyond 2014: Opportunities and Challenges.*

**ARROW.** *Setting the Adolescent and Young People SRHR Agenda beyond ICPD+20.*

**ARROW.** *ICPD+20 Asia Youth Factsheet.*

**ARROW.** *Fulfilling Women's Right to Continuum of Quality Care.*

**ARROW.** *ARROW Resource Kit on Leadership and Management.*

**ARWC and ARROW.** *Our Stories, One Journey: The Travelling Journal on Sexual and Reproductive Health and Rights.*

**Awin, Narimah.** *Taking a Broader View: Addressing Maternal Health in the Context of Food and Nutrition Security and Poverty.*

**Racherla, Sai Jyothirmai and Nurgul Dzhanaeva.** *Country Profile on the Status of Sexual and Reproductive Health and Rights: Kyrgyz Republic* (also available in Russian).

**Ravindran, TK Sundari.** *What It Takes: Addressing Poverty and Achieving Food Sovereignty, Food Security, and Universal Access to SRHR.*

**Woods, Zonibel.** *Identifying Opportunities for Action on Climate Change and Sexual and Reproductive Health and Rights in Bangladesh, Indonesia and the Philippines.*

## 2013

**ARROW.** (2nd ed.). *Sex and Rights: The Status of Young People's Sexual and Reproductive Health and Rights in Southeast Asia.*

**Ravindran, TK Sundari.** *An Advocates' Guide: Strategic Indicators for Universal Access to Sexual and Reproductive Health and Rights.*

**Thanenthiran, Sivananthi, Sai Jyothirmal Racherla, and Suloshini Jahanath.** *Reclaiming and Redefining Rights: ICPD+20 Status of SRHR in Asia Pacific.*

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# DEFINITIONS

## Notes & References

1 See the Editorial by Sivananthi Thanenthiran in this bulletin.

2 Ayesha Imam and Nira Yuval-Davis, "Introduction," ix-xviii, in *Warning Signs of Fundamentalisms* (Nottingham, UK: Women Living Under Muslim Laws, 2004), cited in ARROW, "An Advocacy Brief: Post 2015 Development Agenda—Influences of Religious Fundamentalism on Sexual and Reproductive Health and Rights of Women," accessed May 20, 2017, [http://arrow.org.my/wp-content/uploads/2015/04/Religious-Fundamentalism-and-Post-2015\\_Policy-Brief\\_2014.pdf](http://arrow.org.my/wp-content/uploads/2015/04/Religious-Fundamentalism-and-Post-2015_Policy-Brief_2014.pdf).

3 Gita Sanghal, "Two Cheers for Multiculturalism," in *Warning Signs of Fundamentalisms* (Nottingham, UK: Women Living Under Muslim Laws, 2004), accessed May 20, 2017, <http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/wsi/06.pdf>.

4 ICAN and AWID, *Extremism as Mainstream: Implications for Women, Development & Security in the MENA/Asia Region*, 2, accessed May 20, 2017, <http://www.icanpeacework.org/dev/wp-content/uploads/2014/04/Extremism-as-Mainstream.pdf>.

5 Ayesha Imam, *The Devil is in the Details: At the Nexus of Development, Women's Rights, and Religious Fundamentalisms* (Toronto and Mexico City: Association for Women's Rights in Development, 2016), 5-6, accessed May 20, 2017, <https://www.awid.org/publications/devil-details>.

**Ethno-religious Nationalism:** Ideology "fuelled by both ethnic and religious identity, and which reinforces that the political legitimacy of the state is primarily derived from adherence to religious doctrines. Ethno-religious nationalism seeks to fuse the state, geographical territory, culture, and religious text, and impose and define it through bodies."<sup>1</sup>

**Fundamentalist Movements:**<sup>2</sup> "Political movements with religious, ethnic, and/or nationalist imperatives. They construct a single version of a collective identity as the only true, authentic and valid one, and use it to impose their power and authority over 'their' constituency (which varies from a particular community to most, if not all, of humanity). They usually claim to be the representatives of authentic tradition, and they speak against the corrupting influence of modernity and 'the West' (which non-westerners tend to regard as the same thing). However, fundamentalists are far from being pre-modern. In order to promote their project, they use all modern technological means available, from the media to weaponry. Furthermore, the vision they conjure up is a constructed and selective vision, rather than a revival of something in the past."

"Beyond this common ground, which virtually always locates them on the extreme right of the political spectrum, fundamentalist projects can be very different from each other. They can use holy texts and be linked with specific charismatic leaderships; they can appear as a form of traditional orthodoxy or, as a revivalist radical phenomenon fighting against traditional corrupt leaderships."

**Multiculturalism:**<sup>3</sup> "[O]ften used in two or three different ways that are conflated. One

way in which it is used is to describe a society in which people of many different origins live—this can be used both as a factual description or as a normative one, describing a certain kind of a political, social and cultural ideal. Multiculturalism is also used as a description of a social policy which respects cultural differences..."

**Religious Extremism:**<sup>4</sup> "Rigid interpretations of religion that are forced upon others using social or economic coercion, laws, intolerance, or violence. It is accompanied by non-fluid definitions of culture, religion, nationalism, ethnicity or sect, which move citizens into exclusionary, patriarchal and intolerant communities. Only a small percentage of religious conservatives are extremist in this sense....[R]eligious extremism has appeared in many different regions of the world and has been associated with various religions. The use of violence justified for religious ends is a characteristic of some extremist movements, but not all."

"Women are directly and deliberately targeted by extremist movements in both subtle and overt ways. Extremist forces are exerting strong pressure to restrict women's legal rights and circumscribe women's participation in civic and political life. Women have also experienced more direct physical insecurity, sexual harassment, and assault in public settings."

**Religious Fundamentalisms:**<sup>5</sup> While the term is contested, religious fundamentalisms is often used as it remains the one "most commonly understood by activists and used in academic literature, and that can most easily be applied across a variety of contexts." It refers to "ideologies which exhibit the following features:

- The use of religion, often along with other identity markers, to gain political, social and economic power;
- The use of the same to justify discrimination, intolerance and violations of human rights;
- The control of women’s bodies and sexuality as a central avenue of social control;
- The reinforcement of male authority and rigid, heteronormative, and patriarchal gender relationships;
- Reference to a specific interpretation and practice of religion as the only truth and only legitimate way of being;
- The use of coercion and violence to impose this ideology;
- A communal identity of ‘us’ against all others.”

“Religious fundamentalisms are present in every religion, including Christianity (Catholic, Anglican, Orthodox, Evangelical etc.), Islam (both Sunni and Shia), Hinduism, Sikhism, Buddhism, and Judaism.”

**Secularism:** Entails two principles: “the strict separation of the state from religious institutions” and “that the people of different religions and beliefs, within the state, are equal before the law.” The separation of religion from state is the underpinning of secularism. It is meant to guarantee “that religious groups do not interfere in affairs of state, and makes sure the state doesn’t interfere in religious affairs... [S]ecularism...does not seek to challenge the tenets of any particular religion or belief, neither does it seek to impose atheism on anyone.”<sup>6</sup>

Notes & References

6 National Secular Society, “What is Secularism?,” accessed May 20, 2017, <http://www.secularism.org.uk/what-is-secularism.html>.

**Compiled by Maria Melinda Ando**

Senior Programme Officer, ARROW | Email: [malyn.ando@arrow.org.my](mailto:malyn.ando@arrow.org.my) | Twitter: @MalynAndo

factfile

# (MIS)USING RELIGION: The Cases of Bangladesh, India, Malaysia, Myanmar, and the Philippines

The increasing prominence and incidence of extreme interpretations of religion, fundamentalism, and extremism in countries in the Global South is affecting women’s sexual and reproductive health and rights (SRHR). While these manifest in many ways in women’s lives, they are facilitated and enforced by regressive laws and policies, as well as traditional practices, that use narrow interpretations of religion as justification for suppressing human rights and discrimination.

In many cases, the state uses religion to avoid accountability to rights holders. At the

same time, countries are bound by human rights accountability mechanisms, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which guarantees substantive equality, i.e., equality of opportunity and results and the end to discrimination on many fronts.<sup>1</sup>

This article illustrates how selected countries in Asia that are bound by CEDAW, nevertheless have laws, policies, and practices that are influenced by religious interpretation, resulting in mainstreaming of discrimination and limiting SRHR.

Notes & References

1 IWRAP Asia Pacific, *Building Capacity for Change: Training Manual on the Convention on the Elimination of all Forms of Discrimination against Women*, 2001, accessed May 20, 2017, <http://www.law.hku.hk/hrportal/wp-content/uploads/file/Session5.pdf>.

Table 1: The Influence of Extremism on SRHR in Five Asian Countries Who Signed Onto CEDAW

India/Hinduism <sup>2</sup>	
CEDAW	Influence of Extremism on SRHR
<p><b>Notes &amp; References</b></p> <p>2 As per Census 2011 data, India has 80% Hindus, 14% Muslims, 2% Christians, and 2% Sikhs, while Buddhist, Jains are included in others. S. Rukmini and Vijaita Singh, "Muslim Population Growth Slows," <i>The Hindu</i>, August 25, 2015, updated February 13, 2017, accessed May 20, 2017, <a href="http://www.thehindu.com/news/national/census-2011-data-on-population-by-religious-communities/article7579161.ece">http://www.thehindu.com/news/national/census-2011-data-on-population-by-religious-communities/article7579161.ece</a>.</p> <p>3 Sivananthi Thanenthiran, Sai Jyothir Mai Racherla, and Suloshini Jahanath, <i>Reclaiming and Redefining Rights: ICPD + 20: Status of Sexual and Reproductive Health and Rights in Asia Pacific</i>, ARROW, 2013, accessed May 20, 2017, <a href="http://arrow.org.my/wp-content/uploads/2015/04/ICPD-20-Asia-Pacific_Monitoring-Report_2013.pdf">http://arrow.org.my/wp-content/uploads/2015/04/ICPD-20-Asia-Pacific_Monitoring-Report_2013.pdf</a>.</p> <p>4 UN Databases, <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=IV-8&amp;chapter=4&amp;lang=en">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=IV-8&amp;chapter=4&amp;lang=en</a>.</p> <p>5 Chayanika Shah, "Hindu Fundamentalism in India: Examining Impact and Responses by Women's Movements," <i>ARROWs for Change</i> 14, nos. 1 &amp; 2 (2008): 4-5, <a href="http://arrow.org.my/publication/keeping-the-faith-overcoming-religious-fundamentalisms/">http://arrow.org.my/publication/keeping-the-faith-overcoming-religious-fundamentalisms/</a>.</p> <p>6 Vir Sanghvi, "Why the World Needs to Sit up and Take notice of India's War on Meat," <i>South China Morning Post</i>, April 23, 2017, accessed May 20, 2017, <a href="http://www.scmp.com/week-asia/politics/article/2088866/why-world-needs-sit-and-take-notice-indias-war-meat">http://www.scmp.com/week-asia/politics/article/2088866/why-world-needs-sit-and-take-notice-indias-war-meat</a>.</p> <p>7 Matt Payton, "Indian Government to Criminalise Marital Rape with 'Comprehensive Law,'" <i>Independent</i>, December 6, 2015, accessed May 20, 2017, <a href="http://www.independent.co.uk/news/world/asia/indian-government-to-criminalise-marital-rape-with-comprehensive-law-a6762331.html">http://www.independent.co.uk/news/world/asia/indian-government-to-criminalise-marital-rape-with-comprehensive-law-a6762331.html</a>.</p> <p>8 KumKum Dasgupta, "Why is India Dragging Its Heels Over the Criminalisation of Marital Rape?" <i>The Guardian</i>, August 17, 2015, accessed May 20, 2017, <a href="http://www.theguardian.com/global-development/2015/aug/17/india-marital-rape-law-criminalisation-dragging-heels">http://www.theguardian.com/global-development/2015/aug/17/india-marital-rape-law-criminalisation-dragging-heels</a>.</p> <p>9 BBC, "India Court Recognises Transgender People as Third Gender," <i>BBC News</i>, April 15, 2014, accessed May 20, 2017, <a href="http://www.bbc.com/news/world-asia-india-27031180">http://www.bbc.com/news/world-asia-india-27031180</a>.</p>	<p>Signed in 1980 with declarations and reservations (A.16 marriage and family, A.5-a addressing harmful cultural practices to eliminate discrimination, and on non-interference of the State in the personal affairs of the Community<sup>3</sup>). Ratified in 1993.<sup>4</sup></p> <p>India is a secular democracy and equality for all is guaranteed in its constitution. Yet demography and religion identify majority populations with a nationalist identity,<sup>3</sup> seeking to establish <i>Hindutva</i>—the hegemony of Hindus and Hindu way of life. This has helped pave the way for the growing influence of Hindu fundamentalist groups, including political parties joining mainstream politics, as evident in the growing popularity of the ruling Bharatiya Janata Party and Rashtriya Swayamsewaka Sangh.<sup>5</sup> While gaining momentum in recent years, attempts by the Hindu fundamentalists to increase their power and support base have been consistent, even during the colonial period and as part of the struggle against colonialism.<sup>6</sup> These fundamentalists have played on religion and cast-based differences to ensure systemic tensions between Hindus and Muslims over the years, and instigate and justify communal violence. Muslims, and Christians to some extent, are considered a threat to Hindu dominance, evoking actions around keeping this in constant check.<sup>5</sup></p> <p>This has led to growing conservatism that manifests with greater controls around gender and sexuality, which mostly affects women, particularly marginalised women. These controls have many forms, including state-sponsored moral policing and control over young people's access to information and services. Women's bodies and honour continue to be the target of fundamentalists, with it being a significant focus of organised violence and control.<sup>5</sup></p> <p>Fundamentalist ideologies manifest in the lack of clear laws on marital rape which are considered to increase vulnerabilities of men. Similar arguments have been used against dowry and inheritance laws.<sup>7</sup> Women's lack of alternatives to marriage and limited legislation on control over matrimonial property are further influencing factors that support consistent discrimination.<sup>8</sup></p> <p>The criminalisation of homosexuality, which have been used to perpetrate violence against these groups and deny services, dates back to colonial rule (Section 377 of the Indian Penal Code). There have been some efforts to change legislation to no avail.<sup>3</sup> In 2014, India's Supreme Court recognised transgender people as a third gender, but much needs to be done to ensure rights, including affirmative action and services, as these groups continue to be socio-economically stigmatised.<sup>9</sup></p>

Bangladesh/Islam <sup>10</sup>		
CEDAW	Influence of Extremism on SRHR	
<p>Ratified in 1984 with accession and reservations [on religious grounds—Sharia Law, A.2 on policy measure, and with A.16.1(c) on marriage and family].<sup>4,11</sup></p>	<p>Bangladesh is a secular state as per its constitution but Islam is the state religion. Islamic Sharia Law is also practiced.<sup>3</sup></p> <p>Early marriage is justified by religious reasons. Girls who marry early are exposed to violence, sexually transmitted infections, and pregnancy-related complications.<sup>11</sup> Enforcement of the 1929 Child Marriage Restraint Act is problematic in such a restrictive context where gender stereotypes are strong.<sup>12</sup> The Act identifies a minimum age of marriage for boys (21 years) and girls (18 years), while stipulating minor punishments of imprisonment and fines for those who facilitate child marriages.<sup>13</sup> A new Act was passed in 2017, which now allows child marriage under “special circumstances” for underage girls with the permission of parents or guardians with approval from the courts. State reasoning for such a position also involved the erroneous assumption that stigma towards girls who are raped and sexually assaulted would be reduced if they marry the perpetrators.<sup>12,14</sup></p> <p><i>Fatwas</i>, which are passed by local elders such as Muslim clerics through the <i>Shalish</i> (a rural dispute resolution mechanism), has influenced violence against women and girls, particularly in rural areas. These <i>fatwas</i> are usually issued to punish women (by stoning and lashing) for activities considered anti-social or immoral, such as adultery, pre-marital pregnancy, ‘immoral character,’ and pre-marital relationships. These ‘offences’ are not identified as such under Bangladeshi law. The <i>fatwas</i> are violations of the rights guaranteed by the Constitution.<sup>15</sup> These bypass the court system and have been on the rise since the 1990s.</p>	<p><b>Notes &amp; References</b></p> <p>10 The Bangladesh Census 2011 shows that Sunni Muslims constitute 90% and Hindus make up 9.5%, while the rest are predominantly Christian (mostly Roman Catholic) and Theravada-Hinayana Buddhist. United States Department of State Bureau of Democracy, Human Rights, and Labor, <i>Bangladesh 2012 International Religious Freedom Report</i>, accessed May 20, 2017, <a href="https://www.state.gov/documents/organization/208636.pdf">https://www.state.gov/documents/organization/208636.pdf</a>.</p> <p>11 Naripokkho, <i>Country Profile: Bangladesh</i>, 2016, accessed May 20, 2017, <a href="http://arrow.org.my/wp-content/uploads/2016/01/Country-Profile-SRH-Bangladesh.pdf">http://arrow.org.my/wp-content/uploads/2016/01/Country-Profile-SRH-Bangladesh.pdf</a>.</p> <p>12 Human Rights Watch (HRW), “Bangladesh: Don’t Lower Marriage Age: Ending Child Marriage Should Include Support for Victims, At-Risk Girls,” October 12, 2014, accessed May 20, 2017, <a href="https://www.hrw.org/news/2014/10/12/bangladesh-dont-lower-marriage-age">https://www.hrw.org/news/2014/10/12/bangladesh-dont-lower-marriage-age</a>.</p> <p>13 The Child Marriage Restraint Act, 1929 (Act No. XIX of 1929), accessed May 20, 2017, <a href="http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=149">http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=149</a>.</p> <p>14 Rohini Alamgir and Afrose Jahan Chaity, “Child Marriage Restraint Act 2017 to Practice No Restrain,” February 28, 2017, accessed May 20, 2017, <a href="http://www.dhakatribune.com/bangladesh/law-rights/2017/02/28/child-marriage-restraint-act/">http://www.dhakatribune.com/bangladesh/law-rights/2017/02/28/child-marriage-restraint-act/</a>.</p> <p>15 Meher Nigar, “Fatwa Violence Against Women: A Bangladeshi Perspective,” 2012 (unpublished), accessed May 20, 2017, <a href="http://works.bepress.com/meher_nigar/1/">http://works.bepress.com/meher_nigar/1/</a>.</p>

... selected countries in Asia that are bound by CEDAW, nevertheless have laws, policies, and practices that are influenced by religious interpretation, resulting in mainstreaming of discrimination and limiting SRHR.

## Notes &amp; References

16 Buddhists comprise 89% of the population. The rest is comprised of Christians 4% (Baptist 3% and Roman Catholic 1%), Muslims 4%, animists 1%, and others 2%. Burma People, Factover, accessed May 20, 2017, [http://www.factover.com/people/Burma\\_people.html](http://www.factover.com/people/Burma_people.html).

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Myanmar (Burma)/Buddhism<sup>16,17</sup>

## CEDAW

Ratified in 1997 with accession and reservation (A.29 on settling disputes).<sup>4</sup>

## Influence of Extremism on SRHR

Demography and religion is used in Myanmar to identify with a national religious identity.<sup>3</sup>

In recent years, the government has put in place a number of laws and policies to limit the rights of the Rohingya Muslims, a minority group in the Rakhine State in Western Myanmar. The Rohingyas are denied citizenship through the 1982 Citizenship Law and their movement is controlled. Rohingya men and women have to get permission from the government to marry and refusing to do so can mean imprisonment. They are limited to two children and have to sign an agreement, face fines, or imprisonment. Many Rohingya women face migration or have unsafe abortions. Children born outside of this limit are not registered.

The Buddhist Women's Special Marriage Bill, passed in 2015, requires Buddhist women (not Buddhist men) and men from other religions, who wish to marry, to register their intention publicly. Existing unions will also have to be registered. The Religious Conversion Bill requires anyone who wants to convert to apply and get approval. The Monogamy Bill targets minorities who are considered to be sexually deviant.<sup>18</sup>

Malaysia/Islam<sup>19</sup>

## CEDAW

Ratified in 1995 with reservations [A.9(2) on nationality of children; 16(1) (a) eliminating discrimination in all matters relating to marriage and family; 16(1) (c) on marriage and its dissolution; 16(1)(f) on guardianship, wardship, trusteeship, and adoption of children; and 16(1)(g) on personal rights].<sup>4</sup>

## Influence of Extremism on SRHR

Although the supreme law is the Constitution, Malaysia practices a "dual" system of law. Muslims are governed by both the civil courts and the Islamic court system—the Shariah<sup>20</sup> law. The latter is limited in its scope to personal law (e.g., marriage, divorce, adoption, and others) and matters pertaining to Islam of the majority (i.e., creation and punishment of offences by Muslim persons against Islam). However, in recent times, the role of the Shariah Court in policing behavior and limiting the rights of Muslims, especially in relations to SRHR, has been on the rise.

Another area of contention has been *fatwas*. The Penal Code (applicable to both Muslims and non-Muslims) addresses rape and violence in sexual intercourse, but not marital rape, effectively sanctioning intimate partner violence. This



sanctioned violence is made worse for Muslim women by recent developments, when a campaign by a feminist organisation to raise awareness against rape (“Rape is rape. No excuse”) received serious backlash from hardline Islamic groups denying the presence of marital rape in Islam. A *fatwa*<sup>21</sup> was then issued declaring that once a woman is married and the dowry is paid, she has no right to refuse sex with her husband unless she is menstruating, sick, or has just given birth.

The civil court system criminalises homosexuality. Islamic Shariah laws also criminalises homosexual acts (either men or women) with up to three years of imprisonment and whipping. In 2008, a *fatwa*<sup>22</sup> was issued to ban ‘tomboy’ behavior by girls and women. Other attempts to regulate women’s dress and behavior have involved raids of nightspots and charging Muslim women with indecent dressing or being in places of ‘immoral activities.’

Under the Law Reform (Marriage and Divorce) Act’s Sections 10 and 12, non-Muslims can only be legally married if they are aged at least 18 and will require parental consent for marriage if they are still below 21. However, for Muslims, the minimum legal age for marriage in the states’ Islamic family laws is 18 and 16 for a male and female respectively. Moreover, those below these ages can still marry if they get the consent of a Shariah judge. Local Islamic family laws do not list the factors that Shariah courts need to consider before approving underage marriages or impose a limit on how young a Muslim can be married under this exception.<sup>23</sup>

Evidence show that child marriage in the country is on the rise. The annual average of applications for Muslim child marriages recorded by the Department of Shariah Judiciary Malaysia between 2005 to 2010 is 849, while the annual average for 2011 to 2015 is 1,029.<sup>24</sup> Recently, the Malaysian Parliament passed the Sexual Offence against Children Bill in April 2017,<sup>25</sup> which protects anyone under 18 years of age from sexual abuse, but failed to include a ban on child marriages. Activist have expressed dissatisfaction that a law aimed at protecting children failed to ensure that sexual relations with an under aged minor, even though sanctified by marriage is not considered a crime.<sup>26</sup>

#### Notes & References

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Philippines/Christianity (Roman Catholicism)<sup>27</sup>

## CEDAW

## Influence of Extremism on SRHR

## Notes &amp; References

27 In the Philippines, Catholics comprise 83% of the population (Roman Catholic 81%, Aglipayan 2%), Muslims 5%, Evangelicals 3%, Iglesia ni Kristo 2%, other Christians 4%, other religions 2%, unspecified 0.6%, and none 0.1% (2000 census). Indexmundi, "Philippines Demographic Profile 2014," 2015, accessed May 20, 2017, [http://www.indexmundi.com/philippines/demographics\\_profile.html](http://www.indexmundi.com/philippines/demographics_profile.html).

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Signed in 1980 and ratified in 1981 with no objections.<sup>4</sup>

The Catholic Church and its institutions wield significant social and political power in the Philippines. Despite the Constitution stating that the Philippines is a secular state, it resembles a Catholic state in practice.

The Responsible Parenthood and Reproductive Health Act of 2012 (Republic Act No. 10354, also known as RH Law)<sup>28</sup> is a recent example of this. After a hard-fought battle of over 13 years, the Bill became a law that mandated providing reproductive health information and services. Poor and marginalised women were envisioned as those most in need of these. However, the battle is not over; responding to issues questioning constitutionality of the law raised by 'pro-life' groups, the Supreme Court made amendments on the RH Law that affect access to contraceptive supplies and services. In addition, the continuing prohibition against legal and safe abortion and divorce have been contentious issues fuelled by religious influence. There have also been many reports of banning contraceptive availability and funding over the years by Executive Order in Manila<sup>29,30</sup> and more recently in Sorsogon City.

The Philippines has no laws criminalising homosexuality; it also does not have any laws protecting LGBTIQ rights. The Senate Bill 1271 or the Anti-Discrimination Bill has been debated for 17 years now and has yet to be passed. If passed into law, the bill would ensure that stigma and hate would not hinder LGBTIQs from accessing education, healthcare, employment, and other basic rights. The Catholic Church, however, as well as several lawmakers, have positioned themselves against the bill mainly because they believe it has a hidden "same-sex marriage component."<sup>31</sup>

Through these country insights, this review reveals that the influence of religion, including narrow interpretations and extremism, is all encompassing and permeates private and public life. It has effects on the entire lifecycle of women and the marginalised, is systemic, and is deeply institutionalised. There is no real separation of state and religion, even in countries that claim to be secular. Further, the dominance of some groups over others because of religion is allowed to further solidify, which also affects community interactions and public perception, defines segregation within and outside communities, and the justification for discriminatory practices towards some. Religion offers state parties an additional means to justify consistent discrimination towards specific citizens and justify the lack of accountability. Religion is provided with a greater status than rights holders, giving it a life form that is considered infallible and unchangeable. It allows states to consistently limit its obligations in ensuring human rights and deny service provision to all people.

#### RECOMMENDATIONS

- States must remove any reservations on the basis of religion and protecting rights of religious groups, including rights of some religious groups over others, from human rights conventions, including CEDAW.
- States must implement the stipulations of human rights mechanisms in totality and recognise its obligations towards rights holders, while ensuring that its puts in place mechanisms that can operationalise these requirements.

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- States have to minimise, if not remove, the influence that religion has on laws, policies and institutions, including the removal of parallel legal systems, discriminatory laws and policies, including those that are justified by religion, that target some over others, including those that are legitimised on the grounds of religion and religious sentiment.
- State officials and politicians should avoid the politicisation of religion and its use to gain greater support and power amongst their constituencies. This includes not recognising and not creating entry points for religious actors to influence states policies and processes.
- States should enable mainstream progressive interpretations of religion and encourage practices of multiculturalism, pluralism, diversity, and nondiscrimination not just between communities but also within communities and for the marginalised.

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**Rima Athar**, Coordinator, Coalition for Sexual and Bodily Rights in Muslim Societies (CSBR)

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**Nicolette Mallari**, Layout

**Chimera Sdn. Bhd.**, Template Design

**Cover Photography**, theskaman306/Shutterstock

We would also like to thank the following current and former ARROW staff and Programme Advisory Committee members who contributed their ideas during the conceptualisation of the bulletin: **Biplabi Shrestha, Bridget Woods, Erika Sales, Nalini Singh, Otgonbaatar Tsedendemberel, Rachel Arinii, Sachini Perera, Sundari Ravindran, and Tabinda Sarosh.**

**ARROW for Change (AFC)** is a peer-reviewed thematic bulletin that aims to contribute a Southern/Asia-Pacific, rights-based, and women-centred analyses and perspectives to global discourses on emerging and persistent issues related to health, sexuality, and rights. AFC is produced twice-yearly in English, and is translated into selected languages several times yearly. It is primarily for Asian-Pacific and global decision-makers in women's rights, health, population, and sexual and reproductive health and rights organisations. The bulletin is developed with input from key individuals and organisations in Asia and the Pacific region and the ARROW SRHR Knowledge Sharing Centre (ASK-us!).



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### **The Managing Editor, *ARROW for Change* Asian-Pacific Resource and Research Centre for Women (ARROW)**

No. 1 & 2 Jalan Scott, Brickfields  
50470 Kuala Lumpur, Malaysia  
Tel.: +603 2273 9913  
Fax.: +603 2273 9916

**Email:** [afc@arrow.org.my](mailto:afc@arrow.org.my), [arrow@arrow.org.my](mailto:arrow@arrow.org.my)

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