

## **Freedom of Religion or Belief for Inclusive Societies**

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### **Project Overview**

The United Nations Special Rapporteur on freedom of religion or belief is mandated by the UN Human Rights Council to submit two thematic reports annually identifying challenges to, and opportunities for the enjoyment of the right to freedom of religion or belief (FoRB).

In recent years, and under pressure from religious civil society groups, there has been a concerning trend among some countries that have previously sought to protect the rights of women and of LGBT people, but are now using religious claims to rollback or violate a range of human rights protections. Other countries that have resisted implementing fundamental rights for women and LGBT people continue to use religion to “justify” violations of the right to life, to non-discrimination, the prohibition against torture, and other fundamental rights held by all persons by virtue of being born human.

The Special Rapporteur is undertaking a project which aims to promote human rights literacy and respect for diversity and human rights, as well as the need for inclusion as the basis for human security, stability and peace by way of capacity-exchanges between the UN Special Rapporteur on Freedom of Religion or Belief (and other special procedures mandates), states, civil society, human rights defenders, and academics in several countries (Poland, Nepal, Sri Lanka, South Africa, Tunisia and Uruguay) located in four regions (Eastern Europe, South Asia, Africa and Latin America) where the aforementioned issues are particularly salient, and where there are strong actors from government, civil society, and academia seeking to advance the rights of women and LGBT people.

Students participating in this project will support country-specific research that will examine and map laws and policies adopted to accommodate religion or belief, but which violate a range of rights for women, girls and LGBT people in Poland, Uruguay, Tunisia, and Nepal. They will draft background briefing papers on the relevant legal and policy framework in these countries, and help identify actors to participate in workshops along with several consultations. They will conduct research on the above-mentioned countries for a policy report on the relationship between freedom religion or belief and the rights of women, girls and LGBT people, in support of a special procedure report to the HRC in 2020.

*Information on the countries that will be a focus of research*

- **Uruguay** is a regional and global leader and champion on the rights of women and LGBT people. Many of its regional allies have poor records in these areas, frequently citing Catholicism for laws and practices that violate these human rights. Hosting a workshop in Uruguay will enable capacity-strengthening for Uruguay and its civil society to continue to provide peer-support to regional allies who seek to strengthen and advance these rights in other Latin American states. It will identify areas of good practice and enable information-sharing on how to resist and advocate against these abuses.
- **Poland** was once viewed as a leader on the rights of women and LGBT people in Eastern Europe, both in law and in practice. In recent years, however, there has been a reversal at state and local levels. Gender-based violence is increasing, with the current government removing key legal and practical protections, including seeking to withdraw from the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) and reducing resources for domestic violence victims. It has also sought to tighten abortion laws – already some of the most restrictive in Europe – in what is widely referred to as ‘a test case for the Catholic Church’ and has reduced access to reproductive health for women. Violence and discrimination against LGBT people has increased under the current government, with perpetrators frequently not being held to account. Religion has been central to the government’s discourse. Hosting a workshop in Poland will enable capacity-building and network-creation for those stakeholders fighting against these violations and will provide crucial insights for the mandate holder’s report and recommendations.
- **Nepal** is representative of the significant challenges that women face on account of religion, harmful traditional practices, patriarchy, culture and poverty, highlighting the intersectional challenges that women face. While Nepal has seen increasing nationalistic, xenophobic and religiously conservative sentiment in recent years, the country remains relatively more open to international engagement on human rights issues than many of its neighbours and is home to an active civil society. It is also the host to the key South Asian institutions for regional cooperation and therefore is well networked with various regional actors including those of the South Asian women’s rights movement. A workshop in Nepal can engage actors from a variety of walks of life, religious traditions and neighboring countries, and can contribute to developing various regional initiatives.
- **Tunisia** is arguably the most progressive country in the Arab region on women’s human rights, with laws and policies dating from the 1950s, that have banned polygamy and permitted inter-faith marriages. The Arab Spring not only brought democratisation but also a rise in the political and societal assertiveness of conservative and extremist Islamic groups, which has increased the pressures on the enjoyment by women of their rights. At the same time, however, the country has embarked on a root and branch review of all laws that discriminate on account of

gender and is seeking to establish equality in law and practice. Tunisia thus provides an interesting example of a country in transition facing pressures from both secular and Islamist groups as it addresses, among other challenges, the question of full equality for women and sexual minorities.

- **Sri Lanka** is a multi-ethnic, multi-religious, post-conflict democracy that is still struggling with stabilisation following the end of a conflict that extended for several decades. The country has a relatively high degree of international engagement, both in terms of ‘thick’ commitments to the international human rights normative framework and cooperation with various human rights mechanisms, and has an active civil society. However, society is deeply patriarchal and conservative, and gender stereotypes are widely held. There is also concern with rising religious radicalisation and ensuing social tensions and sporadic violence on account of incitement to religious hatred. Human rights monitoring bodies have expressed concern about discriminatory provisions against women and girls in domestic legislation, including on rights of succession and marriage. They have urged Sri Lanka to make more explicit that sexual orientation and gender identity are prohibited grounds for discrimination under the Constitution, and to strengthen protections in law and in practice against violence against women, and to end impunity; and to widen exceptions to the ban on abortion.
- **South Africa** has shown strong international leadership on issues related to rights of LGBT people and on the rights of women. However, it has also been inconsistent in its support for the rights of LGBT people as it has sought to accommodate pressures from many of its African neighbours. The country also struggles to reconcile a robust commitment to respecting and protecting freedom of religion or belief with protecting the rights of women. For example, the country has one of the highest global rates of violence against women with the murder rate for women reportedly increasing by 117% between 2015 and 2016/7. Religion is seen to contribute to gender-based violence with ‘devout women’ reported to be more at risk because of their recourse to ‘prayer’ rather than the law in the face of abuse. Given the commitment to multiculturalism in the country, there are ongoing debates about the impact on gender equality from growing demands for public recognition of confessional practices.

The Human Rights Centre Clinic will work under the overall direction of the Special Rapporteur, but there will also be interaction with other institutions supporting the mandate’s research on this topic, including City University of New York-Ralph Bunche Institute FoRB Unit, mandate holders of various special procedures, experts located at the University of Reading, and the members of International Network of Civil Liberty Organizations (INCLO).

### Project Output

The University of Essex Human Rights Centre Clinic will conduct research, culminating in a report, which will constitute a key source of research and analysis for the Special Rapporteur's report to the Human Rights Council in 2020 (the report will be submitted in December 2019). The Human Rights Centre Clinic report will be based on the following research components:

1. Desk-based research into protections of FoRB and its impact on the fundamental rights of women and LGBT people in Poland, Nepal, Sri Lanka, South Africa, Tunisia and Uruguay.
2. Developing contacts and interacting with experts on FoRB and its impact on the fundamental rights of women and LGBT people in two of those countries.
3. Preparing a background paper for seminars on the topic in/on 2 of those countries, and based on point 2 above, identifying experts to invite.
4. Subject to funding, there may be an opportunity for students to attend the seminars in two countries. The students would subsequently review the background report based on new knowledge gained (the students would likely split into pairs, each pair would attend one seminar and work on one report).

### Project Outline:

- Phase 1: (November-December)
  - Meet with the UN Special Rapporteur on freedom of religion or belief along with project partners to discuss expectations for project; including objectives and goals, outputs and outcomes.
  - Conduct summary literature review on FoRB and its relationship with the rights of women and LGBT people, to assess general trends/patterns for using religion as a justification to limit the rights of these population groups (2 pages for each of the 6 countries, submitted by the end of term 1).
  - Identify key stakeholders working on FoRB and its relationship with the rights of women and LGBT people in each of the 6 countries.
  - Meet midterm with Special Rapporteur and project partners to discuss progress and challenges.
  - Devise and present a plan for undertaking a comparative survey of six countries (Poland, Nepal, Sri Lanka, South Africa, Tunisia and Uruguay). Students will hold consultations with the UN Special Rapporteur and project partners prior to developing methods of work.
- Phase 2 (January-March 2019)
  - Meet with UN Special Rapporteur on freedom of religion or belief and project partners at the start of term to discuss last term's outputs, review best practices

and lessons extracted from Phase I research activities, and review plan for the second phase of the project (comparative survey of laws/policies/CSO advocacy practices ).

- Conduct a comparative survey of laws and policies for six countries, which attempt to address tensions between the human rights of target population groups and FoRB. The objective of this exercise is to identify examples of both useful and poor legislation that adequately or inadequately address the aforementioned legal/policy issues. (15-18 pages)
- Meet midterm with Special Rapporteur and project partners to discuss progress and challenges.
- Assist with Phase II of a comparative survey that attempts to identify best practices for advocacy carried out by key civil society stakeholders identified in previous activities. This activity will also involve attending interviews with/interviewing key stakeholders on Skype (under the supervision of project leads). Students will also gather information shared during workshops and in-country interviews led by project partners about activities and best practices for advocacy that have been or are being pursued by civil society to address issues focused on by this project. (12-15 pages)
- Support organising partners of the workshops to draw up a list of participants for the Geneva or Essex Workshop in March 2019.
- Depending on the timing of the workshops and the availability of resources, students will attend (or observe via Skype) national actor discussions and draft summary reports about the discussions. They will also update background country reports on FoRB in light of new understandings gained at, and contributions made at, the workshops.
- Phase 3 (May-June)
  - Produce final report bringing together the comparative literature review with the comparative survey of laws/policies/CSO practices and highlighting cases of good practice and high impact. This report will serve as a primary source of information for the Special Rapporteur's UNHRC report – March 2020.

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