

2024 report

Regional challenges in the intersection of  
Freedom of Religion or Belief and Gender Equality

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## Sub-Saharan Africa



# REPORT ON REGIONAL CHALLENGES IN THE INTERSECTION OF FREEDOM OF RELIGION OR BELIEF AND GENDER EQUALITY FOR SUB-SAHARAN AFRICA

PART OF A SERIES OF REPORTS FROM THE PROJECT *REGIONAL WORKSHOPS ON  
FREEDOM OF RELIGION OR BELIEF AND SUSTAINABLE DEVELOPMENT GOAL 5 ON  
ACHIEVING GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS*

Author: Ashwin Thyssen

Editors: Vija Herefoss, Elisa Chavez & Marie Juul Petersen

Cover design: Kristine Tveit Jordet

Donor: Norwegian Ministry of Foreign Affairs

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## **I. Introduction**

In November 2022, 38 people convened for a workshop in Cape Town, South Africa, to discuss challenges in the intersection of Freedom of Religion or Belief (FoRB) and gender equality in the region of Sub-Saharan Africa. The workshop brought together a diverse group of participants from 13 countries: Burkina Faso, Burundi, Ghana, Kenya, Lesotho, Malawi, Mali, Mozambique, Nigeria, Sierra Leone, South Africa, Uganda, and Zimbabwe.

Participants represented a range of different religion and belief backgrounds, including African Traditional Religions / African Spirituality, Christianity, Humanism, and Islam; some of them representing a minority group while others representing a majority group, in their respective national contexts. All participants were engaged in advocacy for FoRB and/or gender equality / gender justice, working mostly at a grassroot level, mainly through civil society or faith-based organizations, but also some in academia.

This report gives a summary of the main issues discussed at the workshop, presenting an overview of the most significant contemporary challenges to FoRB and gender equality in Sub-Saharan Africa, as perceived by workshop participants who work and live in that regional context.

The workshop was organized and facilitated by Stefanus Alliance International, a Norwegian mission and human rights organization, with a particular emphasis on FoRB. The regional co-organizer was Nontando Hadebe, as African continental coordinator with Side-by-Side Faith Movement for Gender Justice. It was the second in a series of regional workshops on FoRB and gender equality to be held from 2022-2024, funded by the Norwegian Ministry of Foreign Affairs. The initiative builds on, and is a follow up to, an Expert Consultation Process on FoRB, gender equality and Sustainable Development Goals (SDGs), which Stefanus Alliance International organized together with the Danish Institute for Human Rights in 2019-2020, in cooperation with the United Nations (UN) Special Rapporteur on FoRB, the UN Interagency Task Force on Religion and Development, and the UN Office of the High Commissioner for Human Rights, and that was funded by both Danish and Norwegian Foreign Ministries.<sup>1</sup> The present report does not necessarily express the views of these organizations and institutions.

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<sup>1</sup> For more information about this process, see report; *Promoting Freedom of Religion or Belief and Gender Equality in The Context of The Sustainable Development Goals: A Focus on Access to Justice, Education and*

## II. Background of information

### 1. Methodology

The workshop participants were chosen to reflect a wide variety of viewpoints, ensuring perspectives from regional representatives of both majority and minority religious/belief communities, as well as regional actors engaged in FoRB and/or gender equality, including both those who work with women's rights and those who work with sexual orientation and gender identity (SOGI) rights. The organizers anticipated that this diverse range of backgrounds, expertise, and perspectives would result in a higher quality of discussions and contribute to a broader and more nuanced understanding of issues in the intersection of the FoRB and gender equality in this region.

It is also important to note that Sub-Saharan Africa is a massive and diverse geographical region, composed of almost fifty countries. Due to budget constraints, organizers decided to choose some select countries for representation, based on network, in three of four sub-regions, being Eastern, Western, and Southern Africa. There was a lack of relevant connections in Central Africa which unfortunately led to no representation at this workshop from this specific sub-region. Organizers also prioritized to have at least a couple of participants from each country represented, rather than aiming for representation from every country in the three respective sub-regions, considering it beneficial to have multiple perspectives on issues in the same national context from different actors in that society. This would also hopefully encourage peer-to-peer learning and networking among actors from the same national context, and inter-religious/belief human rights cooperation on gender equality among workshop participants upon return to home country after the workshop conclusion.

### 2. Key human rights standards

The Universal Declaration of Human Rights (UDHR), along with a number of other international and regional human rights instruments define the right to freedom of religion or belief and its globally accepted normative content. Article 18 of the legally binding International Covenant on Civil and Political Rights (ICCPR)<sup>2</sup> states: "Everyone shall have the right to freedom of thought, conscience, and religion [...]."<sup>3</sup> This right includes three

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*Health. Reflections from The 2019 Expert Consultation Process.* Copenhagen: The Danish Institute for Human Rights.

<sup>2</sup> All 13 countries assessed in this report have ratified ICCPR.

<sup>3</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Art. 18. Para. 1.

major components: the right to have (or not have) a religion or belief; the right to change, adopt or leave a religion or belief; and the right to manifest one's religion or belief in public or private. The right to FoRB also safeguards parents' freedom to instruct their children on morals and values. Although human rights in principle can never be legitimately limited, the freedom to manifest one's religion or belief may be subject to some legitimate limitations, but only under some very specific circumstances, as outlined in paragraph 3 of article 18 in ICCPR. For the limitations to be compatible with the Covenant, they must be prescribed by law and be necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others.<sup>4</sup>

Women's rights and gender equality include the fundamental rights and freedoms of women, and of those with diverse gender identities, and are at the core of the international human rights protection system. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>5</sup> is the primary legal reference for the protection and promotion of women's rights globally.<sup>6</sup> There is also the CEDAW Committee, an independent group of experts that monitors the implementation of the CEDAW Convention. Although there is not a convention specifically outlining discrimination against people of diverse SOGI, the equality and non-discrimination principle as provided by the international human rights law system applies to all people, regardless of sex, sexual orientation, gender identity or expression, or any other status. There is also a mandate in the UN for an independent expert to address violence and discrimination based on SOGI.

Women are often affected by a double layer of discrimination, both because of their gender identity (as women), and their religious/belief identity. Women belonging to a minority group, whether for their religion/ belief, ethnicity, or any other minority groups, including those who have a diverse SOGI, are particularly subjected to further intersectional and multilayered discriminations.<sup>7</sup> Despite often being unproportionally targeted for discrimination based on religion or belief, because of their gender, and often worsened by a minority status, we also see that their perspectives are repeatedly neglected when examining issues around protection of FoRB.<sup>8</sup> Simultaneously, we also note that in some cases, FoRB is

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<sup>4</sup> *Ib.*, Para 3.

<sup>5</sup> All 13 countries assessed in this report have ratified CEDAW.

<sup>6</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13.

<sup>7</sup> Elisa Chavez, Vija Herefoss. *Freedom of Religion or Belief for Everyone: Women in Focus*. Oslo: Stefanus Alliance International. 2021, 5.

<sup>8</sup> *Id.*, 9.

even erroneously invoked to justify restrictions on women’s rights and gender equality.<sup>9</sup> Paradoxically, also gender equality activists often lack sensitivity towards the right to FoRB, and/or having a religious or belief identity, in their advocacy strategies against gender discrimination. Hence, we see how actors on both sides of these thematic human rights activism camps, FoRB activists on the one side and gender equality activists on the other, often fail to recognize how discrimination and violations of the respective rights are often intersectional in nature for more than half of the human population. It is also sometimes wrongly assumed that gender-related anti-discrimination agendas would be weakened by integrating a sensitivity to FoRB.<sup>10</sup>

The purpose of the workshop was to increase awareness of how FoRB and gender equality are interlinked, both in terms of challenges and opportunities, as well as better understand specific regional issues in this intersection of rights.

### 3. Regional context

<i>Country</i>	<i>Freedom in the World Report<sup>11</sup></i>	<i>Gender Inequality Index – Human Development Reports<sup>12</sup></i>	<i>World Economic Forum – Gender Gap Index Rank<sup>13</sup></i>	<i>Women Peace and Security Index<sup>14</sup></i>	<i>USCIRF –Country Status<sup>15</sup></i>	<i>State-Church Relations<sup>16</sup></i>	<i>PEW Government Restrictions Index<sup>17</sup></i>	<i>PEW Social Hostilities Index<sup>18</sup></i>
<i>Burkina Faso</i>	Partly Free (30)	0.621	109	158	N/A	Accommodation Constitution provides for FoRB.	Moderate (2.7)	High (5.5)

<sup>9</sup> Id., 5.

<sup>10</sup> UN General Assembly, Elimination of all forms of religious intolerance : note / by the Secretary-General : *Interim report of the Special Rapporteur on freedom of religion or belief (focus: freedom of religion or belief and equality between men and women)*, Heiner Bielefeldt, 7 August 2013, A/68/290, 2013, para. 33.

<sup>11</sup> Data retrieved from: <https://freedomhouse.org/countries/freedom-world/scores> , accessed on 5 December, 2023.

<sup>12</sup> Data retrieved from: <https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII> , accessed on 5 December, 2023.

<sup>13</sup> Data retrieved from: [https://www3.weforum.org/docs/WEF\\_GGGR\\_2023.pdf](https://www3.weforum.org/docs/WEF_GGGR_2023.pdf) , accessed on 5 December 2023

<sup>14</sup> Data retrieved from: <https://giwps.georgetown.edu/the-index/> , accessed on 5 December, 2023.

<sup>15</sup> Data retrieved from: <https://www.uscifr.gov/countries> , accessed on 5 December 2023.

<sup>16</sup> Data retrieved from: <https://www.thearda.com/world-religion/national-profiles> , accessed on 5 December, 2023.

<sup>17</sup> Data retrieved from: [https://www.pewresearch.org/religion/wp-content/uploads/sites/7/2021/09/PF\\_09.30.21\\_religious\\_restrictions\\_AppendixC.pdf](https://www.pewresearch.org/religion/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions_AppendixC.pdf) , accessed on December 5, 2023.

<sup>18</sup> Ibid.

<i>Burundi</i>	Not free (14)	0.505	35	172	N/A	Accommodation Constitution provides for FoRB.	High (3.8)	Moderate (1.6)
<i>Ghana</i>	Free (80)	0.529	100	108	N/A	Accommodation Constitution provides for FoRB.	Moderate (1.6)	Moderate (1.8)
<i>Kenya</i>	Partly Free (52)	0.506	77	149	N/A	Cooperation. Constitution provides for FoRB	Moderate (3.1)	High (6.4)
<i>Lesotho</i>	Partly Free (66)	0.557	82	125	N/A	Cooperation. Constitution provides for FoRB	Low (0.6)	Low (0.0)
<i>Malawi</i>	Partly Free (66)	0.554	110	146	N/A	Cooperation. Constitution provides for FoRB.	Low (2.2)	Low (1.8)
<i>Mali</i>	Not Free (29)	0.613	141	158	N/A	Accommodation Constitution provides for FoRB	Low (1.7)	High (6.9)
<i>Mozambique</i>	Partly Free (45)	0.537	25	134	N/A	Accommodation Constitution provides for FoRB	High (3.6)	Moderate (2.2)
<i>Nigeria</i>	Partly Free (43)	0.680	130	162	particular concern	Cooperation. Constitution provides for FoRB	High (4.4)	Very high (8.4)
<i>Sierra Leone</i>	Partly Free (63)	0.633	112	144	N/A	Accommodation	Moderate (3.1)	Moderate (2.8)

						Constitution provides for FoRB		
<i>South Africa</i>	Free (79)	0.405	20	91	N/A	Accommodation Constitution provides for FoRB	Low (1.6)	Moderate (3.2)
<i>Uganda</i>	Not Free (35)	0.530	78	143	N/A	Accommodation Constitution provides for FoRB	Moderate (3.0)	Moderate (3.2)
<i>Zimbabwe</i>	Not free (28)	0.532	45	126	N/A	Accommodation Constitution provides for FoRB	High (3.6)	Low (1.2)

According to a study produced by Afrobarometer in 2020, about 95% of Africans identify with a religion – the majority identify with Christianity (56%), while a about a third identify with Islam (34%).<sup>19</sup> Most of the 14 Muslim majority countries in SSA can be found in West Africa and along the Sahel. Various forms of indigenous, animistic and traditional beliefs are also practiced across the continent, while centuries of significant migration from India has resulted in a presence of Hinduism in countries such as Ghana, Mauritius, Nigeria, Sierra Leone, and South Africa.<sup>20</sup>

Although national constitutions of all SSA countries include the right to freedom of religion or belief for all, there are paradoxically strong government restrictions of FoRB in several SAA countries. Mauritania, Somalia, Sudan and Nigeria have laws or policies criminalizing apostasy<sup>21</sup>, and 18 countries including Tanzania, Kenya, South Sudan, Ethiopia and

<sup>19</sup> Afrobarometer, 2020, *Afrobarometere Dispatch No. 339*, 1. <https://www.afrobarometer.org/publication/ad339-religion-africa-tolerance-and-trust-leaders-are-high-many-would-allow-regulation/>

<sup>20</sup> Tveit, Kristine, Baseline Impact Assessment for FoRB situation in Sub-Saharan Africa, Stefanusalliansen, 2022

<sup>21</sup> USCIRF: Apostasy, Blasphemy and Hate Speech Laws in Africa (2019) [https://www.uscirf.gov/sites/default/files/Africa%20Speech%20Laws%20FINAL\\_0.pdf](https://www.uscirf.gov/sites/default/files/Africa%20Speech%20Laws%20FINAL_0.pdf)



Cameroon have laws that prohibit blasphemy. In most cases, however, these laws are not being actively enacted.<sup>22</sup>

Violent Islamic extremist groups also present a serious challenge to gender-specific FoRB challenges in SSA. According to Africa Centre for Strategic Studies, there are about 13 active militant Islamist groups in this region. In areas with active militant Islamist groups, men stand a particular risk of being recruited as soldiers or killed if they deny the specific interpretation of Islam promoted by militants, while women are at considerable risk for sexual and gender-based violence and abduction, often including forced marriage.

Across the continent, there are also examples of different religious/belief groups coexisting peacefully. However, in areas marked by poverty, unequal distribution of resources and opportunities, political instability, and corruption, ethnic or religious identity can become an important factor in exacerbation of societal tensions.<sup>23</sup> Religiously based social hostilities are particularly high in countries like Nigeria, Mali, Kenya, and Burkina Faso. Women and girls are disproportionately targeted to social hostilities where these occur, risking being subjected to forced marriage, forced divorce, house arrest, imprisonment, and domestic violence, either by their own families or other non-state community members.<sup>24</sup> Women are also subjected to restrictions concerning dress codes, enforced both by state and non-state actors.<sup>25</sup>

SSA is the region in the world where women are denied custody of children at the highest rate. Removal of children is often used as a punishment for a woman's conversion with a secondary purpose in ensuring that the child is brought up according to the family's majority-religion beliefs.<sup>26</sup> While sometimes enacted through legal means, this also includes instances of children being removed from their mother by community, or even family members.

Widowed women are also particularly vulnerable to FoRB violations, facing the risk being forcibly subjected to harmful, religiously-based widowhood rites.<sup>27</sup>

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<sup>22</sup> USCIRF (2020),

[https://www.uscirf.gov/sites/default/files/2020%20Blasphemy%20Enforcement%20Report%20\\_final\\_0.pdf](https://www.uscirf.gov/sites/default/files/2020%20Blasphemy%20Enforcement%20Report%20_final_0.pdf)

<sup>23</sup> Tveit, Kristine, Baseline Impact Assessment for FoRB situation in Sub-Saharan Africa, Stefanusalliansen, 2022

<sup>24</sup> Open Doors (2022), <https://opendoorsanalytical.org/wp-content/uploads/2022/03/WWL-2022-Compilation-of-Pressure-Points-and-Gender-Profiles-for-76-countries.pdf>

<sup>25</sup> Pew (2020), <https://www.pewresearch.org/fact-tank/2020/12/16/women-in-many-countries-face-harassment-for-clothing-deemed-too-religious-or-too-secular/>

<sup>26</sup> Open Doors, Gender Report 2022, <https://opendoorsanalytical.org/wp-content/uploads/2022/03/The-Gender-Report-2022-DIGITAL-PDF.pdf>

<sup>27</sup> Ibid

### **III. An overview of FoRB limitations and their implications for gender equality**

#### *1. Politization of religion and its impact on FoRB for everyone*

As stated previously, all the Sub-Saharan African (SSA) countries have constitutions that provides FoRB for everyone. Despite this, workshop participants discussed to relationship between the state and different faith actors in their national contexts, noting the various ways in which state actors has encouraged or legitimized unfair treatment of individuals and communities on the bases of religion or belief. Participants also discussed power dynamics between majority and minority religious or belief groups, noting that in some cases certain majority religions are seen as more loyal to states, and therefore enjoying more protection and benefits.

Minority groups, and specifically those not identifying with any religion, like atheists or humanists, are particularly vulnerable to discrimination, and here there is also a gender dimension. For example, in Nigeria, state protections of FoRB disproportionately exclude women who are non-religious, more than non-religious men. Same is the case for people of diverse SOGI, who suffer multiple and intersectional discriminations when having multiple minority identities.

Workshop participants also mentioned cases of politicizing religion, with different declarations such as “We are a Christian state”, actively used to justify discrimination against people of diverse SOGI. This was clearly illustrated in the year following this regional workshop, with the anti-homosexual legislation gaining momentum in several East African countries. In Uganda, a bill was passed in 2023, criminalizing homosexuality with the death penalty, widely pushed through by Christian right-winged activists.

#### *2. Lack of intervention by state actors to prevent FoRB violations*

Workshop participants noted various legal challenges in the SSA region that have an impact on FoRB violations against women and persons with a diverse SOGI. One example is the laws proposed and/or passed in order to protect concepts like “family harmony”, “Christian values”, or even “African values”, but which instead disguises serious human rights violations, with a disproportionate discrimination of women and persons with a diverse SOGI. People who point out discriminatory suggestions or even blatant human rights

violations in bills and laws claiming to protect concepts like family harmony, are then accused of being against the protection of families or religion – oftentimes even their own.

Participants also discussed the role of colonial heritage on regional legislation concerning the limitation of queer rights. Most of these laws stem from colonial penal codes imported from Victorian England, bearing the patriarchal and conservative Christian norms of the period, while African traditional religious/belief communities pre-dating the colonial period instead operated with a variety of ways of understanding and defining gender and gender roles.

However, the colonial heritage still has a strong influence on the contemporary practice of religion in the region today, in some cases even having strengthened existing aspects of patriarchy, and introduced new ones. Some workshop participants noted that discussions around FoRB and gender equality in the region should thus be framed in the context of the heritage of colonial expansion, paying particular attention to how colonial modes of thought contributed to patriarchal and anti-queer attitudes and practices. This point strikes a noteworthy contrast to other arguments in some SSA-countries, where the support for criminalizing persons with a diverse SOGI is precisely in the name of “African values”.

Another legal challenge mentioned by participants was the lack of implementation of the existing legislation concerning FoRB and gender equality. Numerous participants from South Africa noted that the problem is not on a policy level but rather the lack of will to enforce existing legislation. Although the legislation recognizes the appropriate human rights of persons and communities (including FoRB and gender equality), there is an inadequate protection of these rights when it comes to women and SOGI minorities, who are also especially and disproportionately affected by violations of said rights. The lack of implementation of legislation contributes to sense – or even culture - of impunity that can encourage legitimacy of discrimination or violence on the bases of religious/belief identity, gender identity, and/or sexual orientation. An example here is hate crimes directed at lesbian women, often taking the form of homophobic and/or “corrective” rape, even within the women’s own religious communities. Even in the cases that legislative protections for women against such hate crimes exist, such as in the case of South Africa, state actors are often slow to implement such protections in practice.

The need to increase awareness amongst religious/belief communities, and civil society, in terms of understanding the legal framework protecting rights to FoRB and gender equality was also mentioned by the participants. Lack of human rights literacy in the region in general was mentioned a number of times as a key issue. Another aspect of this problem is

availability of financial resources for litigation. Participants that represented regional NGOs at the workshop noted that due to funding challenges they are not capable to hold the state accountable for the FoRB violations where these occur, or even to litigate faith actors that commit human rights violations, including violations of gender equality.

#### **IV. An overview of gender equality issues and their implications for FoRB**

Workshop participants agreed that violence against women constitutes a serious challenge in the region. In the deliberations, many participants noted that gender-based violence and harmful practices are also often justified with reference to religion, or religious rights.

Religious leaders are often central in maintaining and condoning such practices.

##### *1. Harmful practices*

One widespread harmful practice is female genital mutilation (FGM). FGM is a complex phenomenon, often mixing religious and cultural observances, but in most cases the praxis is defended from a religious point of view. The most widespread justification of FGM is the need “to protect sexual morality of young girls”. Some of the other harmful practices mentioned by the participants were widowhood rites that subject women to degrading or dangerous actions (such as spending prolonged time in the same room as the deceased husband), and accusations of witchcraft which could result of expulsion from community or even public lynching. Participants noted that in some cases religion can be used to cover up economic motives, such as expelling women from their homes in order to take over their property; or even established sources of income/livelihoods for older women performing rituals - like FGM.

Participants agreed that in cases where religious texts are used as justification for FGM, or other harmful practices, religious leaders should be encouraged to provide alternative interpretations of the sacred texts; as this practice inherently harms women and girls. States have the statutory obligation under CEDAW to ensure that the legislation prohibiting harmful practices “takes precedence over customary, traditional or religious laws that allow, condone or prescribe any harmful practice, especially in countries with plural legal systems”.<sup>28</sup> It is important to note that under international human rights law, the persistence of this harmful practice and the non-enforcement of the legislation by states cannot be justifiable by the

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<sup>28</sup> UN Committee on the Elimination of Discrimination against Women. UN Committee on the Rights of the Child. 2014, Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the UN Committee on the Rights of the Child (2014) on harmful practices, para. 54 (c), cited in Nazila Ghanea, "Navigating the Tensions: Women's Rights, Religion and Freedom of Religion or Belief." *Religion & Human Rights* 16, no. 2-3 (2021): 88.

reference to FoRB. It is also important to note that even in the cases where “religious rights” – or FoRB – are used as justification of FGM, it becomes a FoRB violation when women and girls are forcibly subjected to this harmful practice (or others), just because they identify with a religious/belief community. It robs them of the chance to practice their religion freely, as an overwhelming majority of FGM survivors state they would never have chosen this harmful practice as a means to practice their religion. Hence, it is a FoRB violation to force them in practicing their faith differently than what they would have wanted for themselves (or their children, in many instances too).

## 2. *Intimate partner violence*

A commonly practiced form of gender-based violence in the region is intimate partner violence (IPV). According to research, intimate partner violence (IPV) is widespread throughout much of sub-Saharan Africa, with an overall prevalence of 36% exceeding the global average of 30%. More women in Africa are subject to lifetime partner violence (45.6%) and sexual assault (11.9%) than women anywhere in the world.<sup>29</sup> IPV is often justified by reference to traditional or religious beliefs building on patriarchal values. According to workshop participants, religious actors are often reluctant to address this problem, noting for example that “[...] gender-based violence is a taboo topic in the church. We cannot talk about it because many of the church leaders are implicit in the praxis.” Religious or belief leaders should be challenged to take an active stance against IPV, but it is important to remember that the state also has legal obligations to counter gender-based violence, including IPV. While FoRB protects the right of individuals to hold and practice religious beliefs, it does not protect any act of violence, use of force, threats, or any other form of coercion in the name of religion. Also, as a general rule, Article 18 of the ICCPR, outlining international legal framework of FoRB may not “be interpreted as implying for any state, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms [...] or at their limitation to a greater extent than is provided for in the present Covenant”.<sup>30</sup> As it has been consistently presented by past and present UN Special Rapporteurs on FoRB, this right can

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<sup>29</sup> Bright Opoku Ahinkorah, Kwamena Sekyi Dickson & Abdul-Aziz Seidu, ‘Women decision-making capacity and intimate partner violence among women in sub-Saharan Africa’, *Archives of Public Health*, 76(5).

<sup>30</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Art. 5. Para. 1

never be invoked to justify the state's non-compliance with the obligations under the CEDAW that prohibit harmful practices against women, including gender-based violence.<sup>31</sup>

In this regard, not only do states have the obligation to adopt and effectively implement the legislation prohibiting violence against women, but they also have the duty to take active preventive measures, such as carrying out “awareness-raising programs that promote an understanding of gender-based violence against women as unacceptable and harmful” and providing “information about available legal recourses against it.”<sup>32</sup>

### *3. Discrimination of women within their religious communities*

Another form of gender inequality discussed by the participants is the systematic discrimination, marginalization and exclusion of women within their own religious communities. In various African contexts, widespread assumptions exist of women not having agency, but instead to be perceived to be appendages of men (specifically their husbands and fathers). The lack of recognition of women's full and autonomous humanity plays a central role in the intra-religious marginalization of women, and such discriminatory attitudes are often even advanced and/or sanctioned by members of religious communities. For example, women are often excluded from being spiritual leaders and their participation in sacred roles and responsibilities is restricted in various ways. This exclusion places women at the margins of the processes of decision-making within their own religious community; which often lays the ground for building norms around sense of identity and belonging within the community.

This point was best stated by one of the workshop participants who raised the question: “do women own their religion?” Women exercise owning their own religion when they are able to practice it in on their own terms; free from threats, coercion, limitations, and also repercussions of choosing to practice differently. If they are not able to access a position of leadership in the faith community, the participant argued, women are unable to own their religion and manifest it in the ways they deem fit. It also poses the question of whether women have the space to change their religion from within, if they cannot exercise ownership

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<sup>31</sup> UN General Assembly, Elimination of all forms of religious intolerance: note / by the Secretary-General: Interim report of the Special Rapporteur on freedom of religion or belief (focus: freedom of religion or belief and equality between men and women), Heiner Bielefeldt, 7 August 2013, A/68/290, 2013, para. 32

<sup>32</sup> UN Committee on the Elimination of Discrimination against Women. General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (2017), CEDAW/C/GC/35, 26 July 2017, para. 30 b), ii)

of it in the first place. Moreover, patriarchal religious norms and practices contribute to restricting women's lives in areas outside of the religious communities, often having a negative impact on their access to justice, education, and healthcare. Addressing these norms and values in an intra-religious context is therefore important not only for women accessing FoRB, but also their gender equality.

## **V. Opportunities and concluding remarks**

During the discussions of the intersection of FoRB and gender equality, the participants highlighted the significant role that religion plays to inform norms, culture, and even laws in the region. But it is important to note that faith-based actors play both a positive and a negative role in these processes, and either advancing or regressing universal human rights. Many examples were shared during the workshop in how religious actors have justified various forms of harmful practices constituting gender-based violence, and also perpetuated negative gender stereotypes targeting women and persons of diverse SOGI. However, participants also acknowledged the many instances where religious/belief actors have played a positive role in safeguarding of human rights, for example by providing safety havens for women survivors of sexual- and gender-based violence, advocating for anti-violent religious messaging, and alternative interpretations of sacred texts, training religious actors for prevention of gender-based violence, and also creating safe spaces for conversations around spaces for both women and queer people within religious communities. Religious/belief actors thus are essential in achieving gender equality, and FoRB for everyone.

Workshop participants mentioned a number of cases where interfaith collaboration has brought together leaders from different religious/belief communities, which has led to real positive changes. One such case mentioned was the cooperation between various religious leaders to counter Ebola outbreak by changing death and burial rites that could directly contribute to the spread of the epidemic. Another example is the cross-continental coordinated network of *Side by Side – Faith Movement for Gender Justice*, which meets regularly to share challenges and success stories from their respective African countries in championing gender justice and gender equality through a faith-based movement.

Workshop participants noted that work with FoRB and gender equality could learn from or build on such successful experiences. However, it was also noted how many religious leaders still require more knowledge and awareness about around the normative framework of both FoRB and gender equality, as well as the intersection of both rights, and also of human rights

in general. Participants urged specifically the need for better religious literacy and awareness raising around FoRB, as advocacy around this right was seen as less advanced than that of gender equality in this region. Lack of knowledge among the religious leaders about other religious communities can also easily lead to negative stereotypes and misunderstandings about each other, and was identified as another need for solving religious/belief discrimination in in the region.

Choosing language around these human rights concepts that resonate with the religious communities is also important. Several participants noted that concepts like “human rights” and “gender” have been associated with agendas imported from abroad thus creating pushback from the religious leaders and communities. A concrete case of such pushback mentioned by one of the participants was the attempt to introduce anti-sexual exploitation policies. There was a need to change the language and find other ways how to describe the safeguarding policies in order to get the religious communities on board. The case wasn’t necessarily that religious actors were against the concept of anti-sexual exploitation policies, but they lacked ownership of the key terminology used. For example, “human dignity” has proven to gain a much broader support than “human rights” for several contexts in the region.

A need for closer cooperation between a plurality of actors, religious and secular for example, were also highlighted by the participants. Participants from Zimbabwe used their peacebuilding work as a positive example. Their approach was built on the principle of “everyone is a stakeholder”. Bringing different actors together, each identified as an equal stakeholder, helped demystify conflicts and suspicions across different groups, and helped identify common interests and goals. Participants engaging with work on Women, Peace and Security (UN Security Council Resolution 1325) also shared positive experience of working across the divides, with an intersectional approach. They described how initially women in churches were reluctant to get involved in their work since they believed that the 1325-agenda was something only for secular gender activists, and not for religious women. But by countering these misconceptions in showing the interlinkages between themes in the 1325 Resolution, and other rights, such as FoRB and the right to worship in peace processes, they were successful to get religious communities and religious leaders active in the work.

Similarly, closer cooperation between different actors was also called for by participants working for SOGI rights. There is a perceived widespread disconnect between specifically Christian/Muslim religious leaders, and activists for SOGI rights, while there is seemingly more cooperation between activists for SOGI rights and spiritual leaders from the traditional



African religions. Thus, cooperation, dialogue, and building bridges with other kinds of religious leaders was identified as a need for a more effective and holistic approach to this human rights activism, rather than fueling into perceived divides and expanding on exclusion in such spaces, since many people from the queer community wanted to find inclusion also within Christian and Muslim spaces.

Another important issue mentioned by the participants was the necessity to address harmful masculinities and get more men onboard in strengthening human rights and women's rights in the region, because there needs to be a collective communal effort in addressing issues related to FoRB and gender equality for these efforts to be successful. Workshop participants also agreed that patriarchal values and strict gender roles are equally harmful to men, as they are to women. Several cases of best practices and opportunities in addressing this were mentioned during the workshop. An example of successful intra-religious collaborations, came from Kenya, where different churches collaborated to interpret biblical texts through a gender equal perspective. The community engaging in this had also worked in parallel to address "toxic masculinities" by unpacking harmful narratives of what it means to be a man, or "man enough", with creation of safe spaces to share the pressure and frustration felt by many men who did not manage to live up to this definition; while in parallel introducing the concept of male gender champions based on the example of Jesus as "the first man standing". The success story of such initiatives relies on getting a variety of actors on board for gender equality: to this, there is a need for men, traditional leaders, religious leaders, in addition to women.

In conclusion, the challenges in the intersection of FoRB and gender equality described in this report were common for all the participants from the region. The issues include politization of religion, legal challenges, religiously argued harmful practices and gender-based violence. However, these issues do not cover the full spectrum of issues mentioned at the workshop, as the point of this report is to highlight common trends and themes of key challenges across countries in the same geographical context, and not the full spectrum of different nuances to issues in the intersection of FoRB and gender equality. There were also a number of issues that were not surface during workshop conversations, but which are still considered common issues on FoRB and gender equality in the region, like wars or terrorism by harmful religious fundamentalist militant groups. Part of the reason for this might be that the countries with the higher levels of violence in the continent were underrepresented among participants at this specific workshop. But it also goes to show how perspectives on what constitutes the main challenges in the intersection of FoRB and gender equality are shaped by not only regional, but also sub-regional and local contexts.

Another important observation during the workshop is that there is still a great need to build knowledge and better awareness and understanding of the intersection between FoRB and gender equality in the region of Sub-Saharan Africa. For example, during discussions it became clear that most of the workshop participants were experienced in discussing women's rights, or even SOGI rights, and the role of religion – or more specifically, the role of faith-based actors concerning gender equality. However, the attempt to view these issues through the FoRB lens was new to them. This confirms the assumption that there is indeed a need for more awareness raising, and further exploring and understanding of issues in the intersection of FoRB and gender equality, as well as more conceptual knowledge on the individual thematic rights themselves. Some participants noted this was their first experience looking at well-known issues in an intersectional context, and that the experience was considered an important first step in reaching a common normative understanding that maximizes both rights, and also identifies synergies and strategies for solving the issues related to both rights, even such issues in which gender equality actors and FoRB/religious communities have traditionally disagreed. There was a general sentiment among workshop participants of a wish and an appetite to continue unpacking and addressing common issues through an intersectional laboratory, recognizing the potential this has for a more holistic and sustainable approach for human rights advocacy in their region.