

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

South & Southeast Asia



FOR SOUTH AND SOUTHEAST ASIA

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 EMPOWERING ALL WOMEN AND GIRLS

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Introduction

In June 2023, 30 people met for a workshop in Bali, Indonesia, to discuss challenges and opportunities in the intersection of freedom of religion or belief (FoRB) and gender equality in South and Southeast Asia. The workshop brought together a diverse group of participants from nine countries: Bangladesh, India, Indonesia, Myanmar, Malaysia, Nepal, Pakistan, Sri Lanka, and Vietnam, including gender equality activists, FoRB activists, and religious or belief actors from Atheist, Buddhist, Christian, Hindu, and Muslim backgrounds.

This report provides 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 South and Southeast Asia, as perceived by workshop participants who work and live in that region.

The workshop was organized and facilitated by Stefanus Alliance International, a Norwegian mission and human rights organization with a special focus on FoRB. This was the third of four regional workshops on FoRB and gender equality in the period 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 the Sustainable Development Goals (SDGs), which Stefanus Alliance International organized together with the Danish Institute for Human Rights in 2019, in cooperation with the UN Special Rapporteur on FoRB and the UN Interagency Task Force on Religion and Development, and which was funded by the Danish and Norwegian foreign ministries. The present report does not express the views of these organizations and institutions.

I. Background information

1. Methodology

The workshop participants were chosen to reflect a wide variety of viewpoints, including perspectives from both women's rights and FoRB activists and grassroots actors representing both majority and minority religious communities. The organizers anticipated that these differences would result in high-quality discussions and contribute to a better and broader understanding of the issues at the intersection of FoRB and gender equality in this region. It is important to note, however, that while women's equality was discussed at length, issues related to the experiences of people of diverse SOGI were not brought up at the workshop and are therefore missing from this report. The organizers struggled to identify regional SOGI activists who could participate at the workshop. Thus challenge illustrates the controversy that surrounds the topic in many Asian contexts, to the extent that in some instances it is nearly impossible to discuss it openly.

The workshop began with basic human rights training, including an introduction to the normative intersection of FoRB and gender equality, presented by the organizers, ensuring that participants were on the same playing field in terms of conceptual knowledge before they began discussing issues related to these two rights in a regional context. The introductory session also included some regional perspectives, presented by workshop participants, outlining specific challenges and opportunities at the intersection of FoRB and gender equality in their own contexts.

The interactive format of the first session laid the groundwork for the discussions in the breakout groups afterward. Three smaller discussion groups were formed to identify key challenges at the intersection of FoRB and gender equality in the participants' respective contexts, followed by a reflection on the overarching regional trends. The discussion groups were intentionally organized to include participants with different areas of expertise on the intersection of FoRB and gender equality, as well as diverse ethnic, religious or belief, gender, and national backgrounds.

2. Key human rights standards

The Universal Declaration of Human Rights (UDHR), along with a number of other international and regional human rights instruments, protects the right to freedom of religion or belief and defines its globally accepted normative content. Article 18 of the legally binding International Covenant on Civil and Political Rights (ICCPR) states: "Everyone shall have the right to freedom of thought, conscience, and religion [...]." This right includes three 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. Importantly, the freedom not to hold or express any particular religion or belief is also protected. The right to FoRB also safeguards parents' freedom to instruct their children in morals and values. The right to FoRB can only be limited under specific criteria, as outlined in paragraph 3 of Article 18 of the 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.

Women's rights and gender equality, including the fundamental rights and freedoms of women, are at the core of international human rights law. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the primary legal reference for the protection and promotion of women's rights globally. There is also the CEDAW Committee, an independent group of experts that monitors the implementation of the Convention.

Women are often affected by multiple layers of discrimination because of the intersection of gender, religious or belief identity, as well as other factors, such as race, ethnicity, age, or socio-

economic status. Women belonging to religious and ethnic minority groups are particularly vulnerable to intersectional and multilayered discrimination. Despite this, women’s perspectives are often neglected when examining FoRB violations.

Unfortunately, FoRB is sometimes mistakenly invoked to justify restrictions on women’s rights. Because of that, gender equality activists tend to have a negative view of FoRB and fail to include women’s right to FoRB in their advocacy. In the context of human rights activism, it is sometimes wrongly assumed that gender-related anti-discrimination agendas would be weakened by integrating sensitivity to FoRB.

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

3. Regional Context

Country	Level of democracy		Level of gender equality		Level of religious freedom		
	Index	State-Religion Relations (2020)	Country ranking 1-193 ²	Country ranking 1-146 ³	USCIRF Country status ⁴	Low- Moderate-High- Very high government restrictions on religion ⁵	Low- Moderate-High- Very high social hostilities on religion ⁶
Bangladesh	Party Free (40)	Active State Religion	131	59	Not listed	4.8 High	7.0 High
India	Partly Free (66)	Multi-Tiered Preference	122	127	Country of Particular Concern	5.8 High	9.4 Very high
Indonesia	Partly Free (58)	Multi-Tiered Preference	110	87	Special Watch List	7.9 Very high	5.5 High
Myanmar	Not Free (9)	Preferred Religion	125	123	Country of Particular Concern	7.8 Very high	3.1 Moderate

¹ Freedom House’s Freedom in the World Report retrieved from:

<https://freedomhouse.org/countries/freedom-world/scores>.

² Gender Inequality Index developed by the UN Human Development Reports: <https://hdr.undp.org/data-center/documentation-and-downloads>.

³ World Economic Forum’s 2023 Gender Gap Index: https://www3.weforum.org/docs/WEF_GGGR_2023.pdf.

⁴ Data retrieved from: <https://www.uscifr.gov/countries>, accessed on January 16, 2024.

⁵ PEW Government Restrictions Index (2020 Data retrieved from: <https://www.pewresearch.org/religion/interactives/religious-restrictions-around-the-world/>, accessed on January 16, 2024.

⁶PEW Social Hostilities Index (2020). Ibid.

Malaysia	Partly Free (53)	Religious State	57	102	Special Watch List	8.5 Very high	3.5 Moderate
Nepal	Partly Free (58)	Co- operation	113	116	Not listed	4.7 High	3.6 Very high
Pakistan	Partly Free (37)	Religious State	135	142	Country of Particular Concern	6.4 High	7.5 Very high
Sri Lanka	Partly Free (54)	Multi- Tiered Preference	92	115	Special Watch List	5.4 High	6.5 High
Vietnam	Not Free (19)	State Controlled Religion	71	72	Country of Particular Concern	6.2 High	2.8 Moderate

Demographically speaking, the majority of the population in Myanmar, Sri Lanka, and Vietnam adhere to Buddhism, whereas in India and Nepal Hinduism is the dominant religion. Muslim-majority countries include Bangladesh, Indonesia, Malaysia, and Pakistan. However, although all of these countries have clear majority groups, they are also home to a rich diversity of other religious or belief communities. South and Southeast Asia include some of the most populated countries in the world, making the minority groups substantial in size and numbers. Attempting to mainstream laws based only on one religion in such religiously diverse societies is difficult at best and problematic at worst.

Among the countries represented at the workshop, the majority have secular legal systems which are not rooted in any particular religion and where the law should apply equally to all citizens regardless of their religion or belief. The exceptions are Malaysia, Pakistan, and Sri Lanka, which have hybrid legal systems consisting of a mix of civil and religious laws. Other states have created parallel legal systems as a way to accommodate the religious diversity in the country. However, although well-intended in theory, parallel legal systems have pitfalls and pave the way for multi-layered discrimination. In some contexts, these parallel legal systems have created a situation where different religious or belief groups have different rights. As a result, some individuals enjoy more rights than others, depending on which legal system they are placed in. Moreover, some states operate with a concept of officially recognized religions. Citizens who belong to a religious or belief group which is not recognized by the state would not have their own legal system and would have to abide by a legal system that is based on a religion other than their own. The constitutions of Indonesia, Malaysia, and Myanmar, for example, specifically mention officially recognized religions, leaving those belonging to other, not recognized religions or beliefs vulnerable to discrimination or violations of rights. The existence of parallel legal systems thus can lead to a situation where fundamental rights and freedoms, including FoRB, are not equally guaranteed to all individuals.

In most of the countries represented at the workshop, religious minorities face significant challenges and limitations. Workshop participants mentioned a number of different FoRB limitations affecting religious or belief minorities. In Vietnam, for example, religious minority communities experience difficulties when trying to obtain official registration. Individuals belonging to religious or belief minorities encounter obstacles to entering state employment. In Vietnam, Myanmar, Indonesia, and India, members of minority communities meet obstacles when trying to obtain identity papers, leading to difficulties in accessing social services and in access to education for their children. Another common challenge affecting religious minorities is displacement due to loss of land. In Vietnam, state-led land grabbing involved confiscation of a residential area inhabited by Christians, resulting in large scale displacement. In India, corporate land grabs and takeovers by individuals belonging to the Hindu majority are displacing indigenous communities and manipulating regional demographics. Minorities in Vietnam, India, and Myanmar also struggle with the lack of legal recognition of indigenous holy sites, resulting in their destruction.

There are also FoRB limitations that affect all citizens regardless of their religious or belief affiliation. One of the most pressing issues is the limited freedom for individuals to convert to a religion or belief that differs from the majority religion. In countries such as Bangladesh, India, and Pakistan, religious conversion is prohibited by law, and blasphemy charges are sometimes used as a tool to control both majority and minority religious or belief groups. Across all the countries represented at the workshop, there are state-sanctioned consequences for conversion from the majority to a minority religion or belief. The punishment for conversion to a minority religion ranges from financial fines to imprisonment or even the death penalty, as found in two Malaysian states.

The rising tides of religious nationalism, politicization of religion, and violent religious extremism are some of the most important factors contributing to the widespread discrimination based on one's religion or belief in the region. Across the region, the state is often the primary force behind discrimination against religious minorities, but harassment, hate speech, discrimination, and mob-and sectarian violence are often carried out by society at large, often with impunity. According to workshop participants, state actors often ignore (and in some cases even support) the use of insulting language or the spread of misinformation about minority groups, thus creating a fertile ground for conflict between the different communities.

Violations of women's rights, including the right to FoRB, are widespread in the region due to deeply rooted patriarchal norms and practices. Some of the most pressing women's rights violations in the region include sexual harassment, Female Genital Mutilation (FGM), early and forced marriage, "honour" killings, and discriminatory personal status laws. Sexual and gender-based violence (SGBV) also constitutes a serious challenge throughout the region. Despite the existence of legislation aimed at protecting women, such as laws against domestic

violence, SGBV against women persists due to a lack of political will to counter such discrimination and widespread societal tolerance for it. Moreover, due to the lack of trust in the justice system, particularly among religious minorities, SGBV against women remains unreported, thus limiting women's access to justice. Patriarchal norms and values, rooted in religion and culture, contribute to the perpetuation of stigmatization, shaming, and blaming of victims. In most cases these challenges stem from complex and multifaceted connections between religious traditions, cultural and social norms, and legal frameworks, and are often exacerbated by a widespread culture of impunity.

II. Key issues in the intersection of FoRB and Gender equality

1. Discriminatory personal status laws

In South and Southeast Asia, family affairs are regulated by personal status laws rooted in religious traditions and norms which operate in parallel to civic legal systems. In most cases, legal frameworks based on religion tend to be discriminatory towards women, often providing more rights for men in such areas as marriage, divorce, custody of children, or inheritance.

One such case discussed during the workshop is the practice of polygamy. The legality of polygamy differs across the countries represented at the workshop, with some states prohibiting it while others accepting or even encouraging it. In India, a Hindu-majority country, polygamy is legal within Muslim family law. In Bangladesh, Muslim men are legally allowed to have up to four wives. In Indonesia, the world's largest Muslim-majority country, polygamy is also accepted but only in certain Hindu-dominated regions, such as Bali. In Sri Lanka, the civil law requires the issuance of an official marriage certificate, but according to Sri Lanka's Muslim Personal Status Law, no such certificate is required. If the marriage is not officially registered, a man can have four (or even more) wives and is not obliged to inform his new bride that he is already married. According to workshop participants, many men intentionally avoid registering the marriage to avoid legal duties and economic responsibility for their wife and children. Legal provisions that allow polygamy are clearly discriminatory towards women as they provide little to no legal protection for them. The CEDAW Committee recognizes polygamy as one of the most harmful practices, and as "an inadmissible discrimination against women" that needs to be "abolished."

Temporary marriages allowed by religiously based personal status laws are another challenge. An example of this practice is Mut'tah marriage. Historically, Mut'tah marriage is an old practice stemming from the Middle East that has been passed on through generations, particularly among Shia communities across South and Southeast Asia. Mut'tah marriage is a religious marriage that is sanctioned by imams. The marriage contract often lasts only for a few days or weeks. In most cases, the families that commit Mut'tah marriage are poor and see the

marriage as a means of income because the father of the girl receives a “bride price” from her future husband. If a child is conceived during the Mut’tah marriage, it is impossible for the father to adopt the child, leaving the mother in a vulnerable position. The practice of Mut’tah marriage is a grave violation of both FoRB and women’s rights because it allows for exploitation of young girls from poor families and uses religious justifications to legalise prostitution.

Unregistered or temporary marriages allowed by religiously based personal status laws are not only discriminatory towards women but also have devastating consequences for their children. These laws can lead to sexual exploitation of women, and in case of pregnancy, leave them with sole responsibility for the care of the child. Moreover, in cases when a man has multiple wives, not all of the children are necessarily registered under the father’s name, thus seriously infringing on the rights of these children. In many contexts, women do not have the possibility to seek divorce or apply for child support in case of separation. It is also common that in case of divorce, custody rights are automatically granted to the father. These discriminatory provisions embedded in the religiously based personal status laws violate both women’s FoRB and their right to gender equality and thus are an excellent example of the intersection of FoRB and women’s rights violations.

2. Limitations to have or freely choose one’s religion or belief

As mentioned above, conversion to a minority religion is punishable by law in a number of South and Southeast Asian countries. Conversion to the majority religion, however, is often strongly encouraged. As a result, members of minority communities, including indigenous communities, frequently experience pressure to renounce their beliefs. One of the ways this pressure is exerted is by limiting or denying access to social services or economic opportunities. For example, Christian pastors in Vietnam are consistently targeted with threats to deny access to social services if they refuse to denounce their faith.

Women and girls from minority religions are subject to a heightened pressure to renounce their religion or belief, often by use of force. In Bangladesh and Pakistan, girls and young women from Christian and Hindu backgrounds are abducted, forcefully converted, and forced to marry their abductor. Even if the girls are able to escape the abductor and find their way back to their community, they are often stigmatized and shunned by their own families and forced to return to the kidnappers. As noted by one of the workshop participants: “Once married, the girl feels pressured – by her family as well as society – to stay with her husband and adopt his religion, thus limiting her ability to freely choose her religion or belief.”

It is important to note that the right to FoRB includes the right to have a religion of one’s choice. According to international law, no one should be subjected to violence or any kind of threats

because of their decision to keep their religion. Protection from coercion is an essential part of Article 18(2) of the ICCPR. Coercion in this context refers to the threat of physical force, penal sanctions, as well as policies and practices that restrict access to education, medical care, and employment. Subjecting women and girls from minority religious or belief communities to forced marriage and connected forced conversion to the majority religion is a clear FoRB violation. This FoRB violation also has a clear gender perspective, as abduction, forced conversion, and marriage happen only to women and girls.

Women belonging to the majority religion also face restrictions on converting if they choose to marry someone from a different religious community. In several countries in the region, interreligious marriages are subject to strict limitations, and women usually face more restrictions than men. The justification behind these restrictions is often based on the premise that women are weak and easily fooled and therefore need protection from “seduction” that can lead to conversion away from the majority religion. These laws not only deny women the possibility to freely choose their spouse but also restrict their right to freely choose their religion or belief.

Restrictions on interreligious marriage and women’s right to change their religion also provide an opportunity for targeting men from religious minority communities. In India, Muslim minority men who wish to marry Hindu women are accused of “Love Jihad”, a conspiracy narrative rooted in Islamophobia, in which Muslim men are falsely accused of seduction, deception, kidnapping, and marriage in order to convert Hindu women to Islam. Similar propaganda is found in Malaysia, Myanmar, Nepal, and Sri Lanka.

3. Harmful practices

As noted earlier, abduction and forced marriage, including child marriage, are frequent FoRB violations in the region. The practice of child marriage can be found in countries like in Bangladesh, Indonesia, Malaysia, and Pakistan, while abduction and forced conversion of girls from minority background is a widespread challenge in Pakistan. Abduction and forced marriage are often used to control the demographics of religious minorities, as the removal of girls and young women of reproductive age threatens the survival of the community. Fear of abduction also has a negative effect on girls’ access to education in contexts where this practice is common. Since abductions sometimes take place while the girls are on their way to or from school, some families force the girls to stay at home as a means of protection against the threat of abduction. As a result, minority girls are deprived of formal education. Abduction, early, and forced marriage are a telling example of the multiple, intersecting layers of discrimination faced by minority girls, particularly in countries where religious and legal norms are intertwined and impunity is widespread.

Female Genital Mutilation (FGM) is another harmful practice found in the region. FGM is practiced among the Bohra Shi'a Muslim community and Sunni Muslim communities in Kerala, India; the Moor, Malay, and Bohra Muslim communities in Sri Lanka, as well as in certain areas of Indonesia, Malaysia, and Pakistan. The practice is often justified by religious and cultural norms. Women who dare to speak up against the practice of FGM face expulsion from their community and life in poverty due to this social isolation. FGM is both a FoRB and a women's rights violation, as it is both damaging to women's health and limiting their freedom to practice their religion or belief. Most FGM survivors claim that they would never choose this harmful practice as part of the practice of their religion or belief.

The religious ritual of "Chauupadi", practiced in western Nepal, is another example of a harmful practice. The "Chauupadi" ritual views women and girls as impure during menstruation. While menstruating, women are banished to small huts in the mountains, a practice that has caused the deaths of several girls due to snake bites, indoor pollution, lack of clean food and water, or freezing to death.

Another harmful practice discussed at the workshop was the "Devadasis" ritual that exploits the vulnerable and financially disadvantaged Dalit communities in South India. In this Hindu ritual, pre-teen minority girls at the age of approximately 10 years are dedicated to a deity or a temple and thereafter seen as "married" to the gods. Once dedicated, the girls are unable to get married, are forced to have sex with upper-caste community members, and eventually sold off to brothels. Under the cover of religious practices, religious minorities such as the Dalits in this case are profoundly vulnerable to exploitation and sexual gender-based violence.

FoRB is sometimes wrongly cited as a justification for harmful practices, but this is a clear misuse and misunderstanding of what FoRB is and what it protects. According to the 1993 Vienna Declaration and Action Program, all human rights are indivisible, interdependent and interrelated, meaning that one human right can never be used to limit or violate another human right. Thus, FoRB cannot be used to justify women's rights violations. Furthermore, while FoRB protects the right of individuals and communities 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. As a general rule, Article 18 of the ICCPR, which protects freedom of religion or belief, 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 [...]". Moreover, 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". FoRB cannot be used as an excuse for the lack of legislation to counter harmful practices or for the non-enforcement of such legislation by States.

4. Limitations to manifest and practice one's religion or belief

According to Article 18 of the ICCPR, the right to FoRB includes freedom to manifest one's religion or belief in worship, observance, and practice. This freedom includes the right to wear religious clothing, display religious symbols, and come together for worship. However, regulations regarding women's right to wear – or not to wear – religious attire are a common FoRB challenge in the region. These discriminatory demands are another clear example of the intersection of FoRB and gender equality.

In some South and Southeast Asian countries, women and girls are legally prohibited from wearing religious attire at school. In other countries, wearing such attire in schools is mandatory. For instance, in India, wearing hijab is prohibited in schools, which prevents minority Muslim girls from attending school if they choose to wear it. Conversely, in certain areas in Indonesia, wearing hijab is compulsory in Muslim schools, even though the Ministry of Religious Affairs banned this practice to protect children's rights. Non-Muslim girls who choose not to wear hijab are often subjected to societal pressure in the form of bullying by their classmates and teachers. This challenge, which affects both Muslim and non-Muslim girls, often forces girls to choose between manifestation of their religious identity and access to education.

Another example of an attempt to control women's attire is the requirement for Muslim women and girls in Bangladesh to adhere to specific dress codes and cover their heads when visiting graveyards of their loved ones. Although not mandated by the state, these discriminatory practices are imposed by local communities and justified by religious doctrines.

Equal access to religious sites and ceremonies is another FoRB challenge faced by women in South and Southeast Asian countries. In some cases, women are discouraged from attending worship, such as Friday Mosque prayers. Instead, they are urged to pray at home. In certain temples in India, all women aged 10-55 are denied access to the temples due to the fact that they are menstruating during these years. Similar examples are found in some Buddhist societies, in which the concept of "Hpon" means that women are considered "impure" during menstruation and therefore can desecralize places of worship. This widespread belief highlights a long-standing patriarchal interpretation of religious and cultural norms, which unfairly target women and restrict their equal participation in places of worship.

5. Limitations to access healthcare and education

Workshop participants also discussed the discrimination women face when trying to access healthcare, despite existing legal provisions in several countries. Religious and cultural identities are one of the main reasons for discrimination. Women from certain areas in India and Pakistan experience limitations in their ability to access healthcare because they prefer to

be treated by female doctors due to their religious or belief norms. Since these preferences cannot always be met, women are left without basic healthcare. There have also been cases where husbands have intervened in order to “protect” or “defend” their wife’s honour if they were assigned a male doctor. In such cases, women might not receive necessary healthcare, particularly during pregnancy, childbirth, or postpartum care.

CEDAW Article 12 emphasises the need to address discrimination in women’s healthcare and to promote equal access, especially in rural communities. Sexual and reproductive health and rights (SRHR) are essential for women’s wellbeing, including “the right to make free and responsible decisions and choices, free of violence, coercion, and discrimination, regarding matters concerning one’s body and sexual and reproductive health.” Hence, governments have the positive obligation to ensure that women are not coerced and are able to make health decisions concerning their bodies, even if such decisions may go against dominant religious beliefs or local social norms.

Women and girls in South and Southeast Asia also encounter obstacles in accessing education. These obstacles include gender stereotypes, early marriage, threats of abduction, and mandatory religious attires in schools. Finding a universal, human rights- based solution to enforcement of religious dress codes in education institutions (discussed in more detail in the previous section), can be challenging. Any restrictions on manifestation of one’s religion or belief should maintain a stance of non-discrimination and carefully examine cases where bans have a disproportional impact on specific religious communities, resulting in limited access to education for girls from these communities. Furthermore, limitations of FoRB should not affect the peaceful manifestation of religion, including religious attire and symbols.

III. Contributing factors

1. Patriarchal norms and interpretations of religion

Religiously argued patriarchal norms and values are prevalent across South and Southeast Asia and constitute one of the most important obstacles to women’s right to FoRB and gender equality. These norms are deeply rooted in society and therefore difficult to change. Regardless of their belonging to a majority or a minority religious group, women are considered inferior to their male counterparts and granted less value. Workshop participants from Bangladesh, Pakistan, and Indonesia noted that patriarchal interpretations of religious teachings tend to define women as ‘cultural identities’ and prescribe them certain roles, such as the role of communities’ “honour bearers”. These roles define what they are allowed to wear, how they are allowed to act and what should be their place in society. These expectations hamper women’s right to FoRB and gender equality in various ways. For instance, the prevalence of a “shame” culture where the family’s honour has the utmost importance and needs to be protected

more than the woman herself forces women to hide cases of sexual violence and prevents them from seeking justice. “Shame” culture is also a common reason for so-called “honour” killings. In most countries, religious leaders play an important role in legitimizing discriminatory practices against women, often due to misconceptions related to what FoRB and gender equality are. As some workshop participants noted, terms such as “secular”, “gender equality”, or “religious freedom” are still seen as sensitive within religious communities in Bangladesh, Pakistan, India, and Myanmar.

Workshop participants also discussed an observation that minority religious communities tend to be more religiously conservative. Minority religious communities have more in common across religions when it comes to a patriarchal and conservative approach to women’s equality, rather than with their own religious community across national borders. For example, the interpretation of rights and duties applicable to women in the minority Hindu community in Bangladesh (a Muslim-majority country) had more in common with the minority Muslim community in India (a Hindu-majority country) than with their own religious community in the same country. Due to the constant external pressure, religious minority groups tend to be focused on safeguarding the group identity. Women who want to challenge the patriarchal interpretations of norms or sacred texts may be seen as a danger to the survival of the group. Thus, women belonging to religious minority groups face additional obstacles to their right to equality and FoRB, coming from their own religious community.

2. Lack of political will to enforce existing laws

Beyond the issue of dated societal norms, a significant challenge to securing FoRB and gender equality arises from the reluctance of political leaders to support existing legislation that promotes equal rights for all. Even in countries that have secular legal systems which should apply to all citizens equally, there is a lack of will to implement these laws, thus creating a fertile ground for discrimination and FoRB violations. Weak or lacking implementation of laws also contributes to the development of a culture of impunity. Efforts to improve national legislation often face opposition from influential individuals and faith leaders who prioritise cultural conformity and wish to safeguard the existing religious norms and values.

Furthermore, workshop participants observed that there is also a lack of political will and legislative commitment to uphold international human rights standards, despite the states being signatories to various human rights treaties and conventions that promote non-discrimination and gender equality. Insufficient commitment from states to uphold these treaties leads to widespread discrimination against women, particularly women from religious or belief minority groups.

3. Economic disparities

According to workshop participants, domestic violence, polygamy, and forced marriage result not only from patriarchal religious values but also from economic disparities and the lack of possibilities for women to financially support themselves. The limited economic opportunities result in women's dependence on male relatives or partners, which impedes young women's ability to pursue education, freely choose a spouse and escape domestic violence.

In India, economically disadvantaged women often find themselves in polygamous relationships or are forced to endure abusive situations due to financial constraints. Women from minority communities are also more often subjected to harmful practices such as Mut'tah marriage, Devadasi rituals, or child marriage, since these practices are frequently used as a source of income for the family. Other religiously based discriminatory practices, such as denial of property rights to widows, also contribute to the economic vulnerabilities of women.

In Pakistan, poverty is one of the main reasons for the prevailing violence against women. This problem is especially widespread among women belonging to religious minorities. Minority women in Pakistan are often subjected to discriminatory employment practices, forcing them to accept low-paid jobs or undertake paid domestic service which frequently involves a risk of sexual assault. Economic vulnerability is also one of the major driving forces behind forced marriages of underaged girls.

4. Human Rights Illiteracy

Most workshop participants agreed that a lack of knowledge about and awareness of human rights, including women's rights and FoRB, is a widespread problem in South and Southeast Asia. This prevents women from taking advantage of the existing national and international legislation to advance gender equality. Women's ability to have, practice, or change their religion or belief is also negatively affected by this knowledge gap.

The issue is particularly serious for women and girls living in rural regions, especially members of ethnic, religious, or other minority groups. These women have very limited access to education and therefore are less likely to acquire knowledge about the legal mechanisms protecting their rights. This lack of human rights literacy also means that harmful practices such as FGM or restrictions concerning religious dress codes remain unchallenged, and those promoting them can continue to claim that these practices are protected by FoRB.

IV. Concluding remarks and possible next steps

Challenges in the intersection of FoRB and gender equality in the South and Southeast Asia region are multifaceted – ranging from discriminatory personal status laws and lack of freedom to change or manifest one’s faith to harmful practices and limitations on access to other human rights, such as healthcare and education. Religious nationalism is on the rise in many countries in the region, where patriarchal forms of religion are frequently instrumentalized by political leaders to gain or stay in power. Discrimination and attacks on religious minorities, especially women, are carried out both by state and non-state actors alike, often with impunity. All these factors negatively affect women and girls’ rights to both FoRB and gender equality.

Building on their collective experiences, the workshop participants listed a number of suggestions for activities and strategies that could help to tackle these challenges.

Engaging with religious actors

Given the significant influence of religion and religious language in South and Southeast Asian societies, participants underscored the role of religious actors in promoting both FoRB and gender equality. In order to increase the chances of getting religious actors on board, it is important to employ a religious lens when presenting and discussing human rights issues. This was particularly emphasized by participants from Muslim-majority countries. Furthermore, showing how FoRB and gender equality are beneficial for local communities and linking these goals to the interests of these communities helps to create a win-win situation for all parties. Some of the possible activities mentioned were developing a child-centred curriculum, promoting positive masculinity, and teaching about religious minorities. A case illustrating the positive potential of such actions was shared by participants from Myanmar and Indonesia, where the strategy of working with religious leaders on the “Imams for She” initiative helped to promote shared values.

Re-interpretations of religious texts

Participants recognise that many of the challenges in the intersection of FoRB and gender equality stem from the misuse and misinterpretation of sacred texts. In many cases, these interpretations are based on patriarchal cultural and societal norms rather than theological analysis. Participants from Indonesia shared several best-practice examples involving reinterpretation of texts such as the reinterpretation of sacred books (White Book and Yellow Book) using the Mubadalah methodology as well as the establishment of Women Ulema to create a safe space for women. Another noteworthy technique utilized in Indonesia was to raise the awareness of alternative interpretations of texts by translating and interpreting feminist

publications into local languages. These materials have been widely disseminated to various centres and libraries across the country.

Adapting human rights language

An important aspect of promoting FoRB and gender equality is utilizing language that local communities can understand and relate to. Terms like 'secularism,' 'gender equality,' and 'religious freedoms' can be perceived as foreign or Western concepts. Using concepts like 'diversity,' 'co-existence,' 'pluralism,' and 'peace' can be more effective in achieving a better understanding and acceptance of human rights, including FoRB and gender equality. Workshop participants mentioned examples from Bangladesh and Myanmar where emphasis on 'peace', 'empowerment', and 'development', as well as avoiding terms that can be perceived as controversial, has been successful in facilitating dialogue on gender-related issues.

Engaging with the UN Human rights mechanisms

Workshop participants agreed that engagement with UN Human rights mechanisms is an important tool to address the challenges in the intersection of FoRB and gender equality. For example, organizations can provide input for shadow reports to international mechanisms such as CEDAW, the Committee on the Rights of the Child, or other UN mechanisms where national governments fail to address the intersection of FoRB and gender equality. Coalition reports, involving partnerships with various organizations, enhance the legitimacy and quality of reports by bringing diverse perspectives and examples to the discussion. Furthermore, engaging with CEDAW nominations can provide a platform for highlighting FoRB and gender issues. There was also a suggestion to challenge CEDAW to issue a general comment on FoRB that could enhance the global discourse on the intersection of these rights.

The intersectionality of FoRB and gender in South and Southeast Asia presents a complex web of challenges that demand nuanced, collaborative, and context-specific solutions. From addressing legal loopholes to leveraging international mechanisms, the opportunities and strategies outlined in this report aim to create a foundation for advocacy and change. As diverse as the issues are, so must be the responses, considering the specificities of each country while maintaining a collective commitment to human rights and gender equality.