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Religion and Women's Human Rights Position paper of the European Women's Lobby

The **European Women's Lobby (EWL)** is a non-governmental umbrella organisation (NGO) bringing together women's NGOs from 25 Member States of the European Union and accession countries, as well as from 18 European-wide and international organisations.

EWL's mission is to work together to achieve equality between women and men, to eliminate all forms of discrimination against women, to ensure respect for women's human rights and to eradicate violence against women. Hence EWL documents ways in which the achievement of these goals is impeded by any trends and calls for changes that will remove barriers to their achievement. *In particular, concerns expressed by EWL members about a perceived stronger influence on governments of religious argumentation with respect to women's role and gender equality has led to this position paper.*

Our task is to continue to name, expose and condemn those practices that violate women's rights and silence women's voices wherever they may be. EWL refers to those areas in which cultural and religious practices and in some instances, legal practices, continue systematically to discriminate against women and the girl child either directly or indirectly, excluding them from public and political life, denying them equal rights to economic independence, including in marriage, divorce and inheritance and denying women's rights to autonomy in matters of sexual and reproductive choice and health. All of these practices should be named for what they are, i.e. violations of women's human rights and should never be placed within a cultural context that at the end of the day conceals the reality under a cultural mask. In the face of this, the challenge is great but not insurmountable.

Growing importance of religious power in Europe

EWL observes that a more conservative political climate over the past decade in Europe and globally has led to a growth in the influence of religion – **all** religions – in Europe. EWL recognises the threat religions play in refusing to question patriarchal cultures which hold up the role of wife, mother and housewife as the ideal and refuse to adopt positive measures in favour of women, for example in parliamentary elections.¹ This is particularly marked however, in relation to two of the major religions – Christianity, particularly the Roman Catholic Church, but also more fundamentalist, protestant strands, and Islam.

¹ The Council of Europe has similarly drawn attention to this phenomenon – Doc. 10670, 16 September 2005 and 1464 (2005)

EWL is not concerned with the faith to which any one may adhere and regards religious freedom as well as the freedom **not** to believe in any divine being as essential human rights. EWL acknowledges that many women find comfort and wisdom in their faith and would not wish to undermine this positive experience. EWL also recognises that religious influences may be progressive, for example when tolerance and equality are part of the teaching. And EWL is fully aware that traditions or cultural practices that are harmful or violate human rights have developed that are closely associated with religious commands but may not directly be attributable to them. None the less, EWL is concerned that religion is impacting on European and national level policies in ways which undermine equality between women and men, and curtails women's access to and enjoyment of their basic human rights.

Religion – used as justification for infringements of women's human rights

The argument is frequently made by religious authorities and by adherents that discriminatory actions are not to be found within the faith – that is, in the revered books, such as the Bible or the Koran. None the less religion is used to justify commandments directed only at women such as dress codes that render them invisible, that require the shaving of the head, that restrict the movement of women outside and inside the home, the holding of positions of authority within the churches as ministers or priests and outside in places of work and organisations and to deny them access to education or to work outside the home and to fulfil their potential in all walks of life.

The most painful violations occur often in relation to marriage and the family – especially a woman's rights to choose her own partner or not to choose at all, to bear or not bear children and to choose the number and spacing of them, to divorce or not, and on divorce, to enjoy the same rights and privileges as her husband. One example of the latter is the withholding of the certificate of religious divorce for women in orthodox Judaism. The divorcing husband is free to live his life while his wife remains tied to him and he may bargain for payments to be made to him before he will release her under Jewish law.

Indeed religions worldwide seek to control female sexuality and condemn women's expression and enjoyment of their sexuality routinely with much greater harshness than that of men. Most religions also condemn all sexual relationships except those between a woman and her husband – women in some societies may still be stoned for adultery and/or killed for so-called "honour crimes". And only heterosexuality is condoned.

Furthermore, doctrine in almost all religions is developed only by men so that:

“...half of Europe's population (the female half) has scant or no opportunity to influence religious doctrine. [Hence the] more religious influence we (...) allow to seep back into our societies and our political decision-making processes, the less representative and the less respectful of women's rights the resulting policies and practices will tend to be.”²

The Framework of Human Rights Instruments

EWL holds governments to the commitments made by all European and States Parties of the United Nations, in the Beijing Platform for Action, in Human Rights instruments

² Council of Europe, Parliamentary Assembly Doc. 10670 *Explanatory memorandum by Mrs Zapfl-Helbling*, para 36

globally and in the ECE region and especially in the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW). *At no time will EWL accept cultural relativism when the argument may be made that a violation of women's rights is decreed by faith and culture and is therefore exempt from human rights concerns.*³

In particular, EWL insists on a woman's right to bodily integrity and freedom from violence and on her right to reproductive choice, health care and services. *Her right to form partnerships and marry, to choose the timing and number of her children and to take steps to meet these goals may not be impeded.*

Actions needed to support the values and principles of the European Union for equality between women and men and global human rights including among NGOs

EWL and its members have become alarmed by the presence of certain ultra-conservative religious lobby groups, who may be identified as fundamentalists, seeking to exercise influence, for example within the EU and at the United Nations, especially targeting the annual Commission on the Status of Women, against rights won with great difficulty over time that enable women's equality and empowerment. Both moderate religious organisations and women's organisations seek to safeguard, not to undermine, policies and practice globally and within the EU that carry forward the mandate and implement intrinsic values of the Union for equality between women and men as well as enabling access to human rights.

EWL's support for the Council of Europe Report and Resolution

EWL therefore strongly supports the Council of Europe's report and resolution, **Women and religion in Europe**⁴. The resolution is given in Annexe to this paper.

In particular, EWL strongly supports the statement:

*“Freedom of religion cannot be accepted as a pretext to justify violations of women's rights, be they open, subtle, legal or illegal, practiced with or without the nominal consent of the victims – women.”*⁵

³ Also highlighted by the Council of Europe, Declaration of Messina, 12 November 2005, which recommends that all players in society should recognize that respect for cultural differences must not be allowed to serve as a pretext for justifying the violation of the rights of women and girls.

⁴ **Doc. 10670**, 16 September 2005 and 1464 (2005), *Text adopted by the Assembly* on 4 October 2005 (26th Sitting). For resolution, see Annexe to this paper.

⁵ *Ibid*, paragraph 5

EWL Demands

EWL consequently calls on EU Member States to:

- Implement the Council of Europe Resolution *immediately*
- Promote an inter-religious dialogue on all levels in order to create a common ethical platform honouring the basic principle of equality between women and men
- Condemn any form of religious practice that results in the violation of women's human rights.
- Identify and implement measures to assist and protect women who are victims of religious practice that violates their rights.
- Inform women who are victims of religious practice that violates their rights about these rights and put preventative measures in place.
- Prohibit and punish practices for which justification is claimed on religious grounds and which damage a woman's physical integrity and basic human rights, whether this practice takes place within the borders of the EU or in third countries.
- Condemn and punish genital mutilation, honour crimes and any form of violence, in particular domestic violence, carried out in the name of religion and enact legislation to prohibit and criminalize these practices.
- Within religious schools and where religious education is permitted in schools, ensure that this teaching is in conformity with gender equality principles.
- Guarantee, maintain and promote the sexual and reproductive rights of all women without religious or cultural distinctions; provide information about the risks of sexual diseases such as AIDS and detail every women's right to the integrity of her own body.
- Ensure women are recognised as entitled to rights in their own capacity and not indirectly through their father, husband, other relative or any other person(s) – i.e. recognise the individualisation of women's rights in all areas.
- Guarantee and facilitate political asylum in the European Union Member States for all women who are victims of or who are threatened with persecution linked to religious practice in their country.
- Guarantee strong support for Women's NGOs fighting against religious oppression.
- Consider demonstrable respect for women's rights as a condition for aid in partner countries at international level and within EU foreign and development aid policies.
- Seek to guarantee the supremacy of basic freedoms and rights by ensuring a clear separation between Church and State.

Annex

The Council of Europe resolution below was passed in October 2005:

Resolution 1464 (2005)¹

Women and religion in Europe

1. In the lives of many European women, religion continues to play an important role. Whether they are believers or not, most women are affected in one way or another by the attitude of different faiths towards women, directly or through their traditional influence on society or the State.
2. This influence is seldom benign: women's rights are often curtailed or violated in the name of religion. While most religions teach equality of women and men before God, they attribute different roles to women and men on earth. Religiously motivated gender stereotypes have conferred upon men a sense of superiority which has led to discriminatory treatment of women by men and even violence at their hands.
3. At one end of the spectrum lie the extreme violations of women's human rights such as so-called "honour" crimes, forced marriages and female genital mutilation, which – although still rare in Europe – are on the rise in some communities.
4. At the other end are more subtle and less spectacular forms of intolerance and discrimination which are much more widespread in Europe – and which can be just as effective in achieving the subjection of women, such as the refusal to put into question a patriarchal culture which holds up the role of wife, mother and housewife as the ideal, and the refusal to adopt positive measures in favour of women (for example, in parliamentary elections).
5. All women living in Council of Europe member states have a right to equality and dignity in all areas of life. Freedom of religion cannot be accepted as a pretext to justify violations of women's rights, be they open or subtle, legal or illegal, practised with or without the nominal consent of the victims – women.
6. It is the duty of the member states of the Council of Europe to protect women against violations of their rights in the name of religion and to promote and fully implement gender equality. States must not accept any religious or cultural relativism of women's human rights. They must not agree to justify discrimination and inequality affecting women on grounds such as physical or biological differentiation based on or attributed to religion. They must fight against religiously motivated stereotypes of female and male roles from an early age, including in schools.
7. The Parliamentary Assembly thus calls on the member states of the Council of Europe to:
 - 7.1. fully protect all women living in their country against all violations of their rights based on or attributed to religion by:

7.1.1. putting into place and enforcing specific and effective policies to fight all violations of women's right to life, to bodily integrity, freedom of movement and free choice of partner, including so-called "honour" crimes, forced marriage and female genital mutilation, wherever and by whomever they are committed, however they are justified, and regardless of the nominal consent of the victim; this means that freedom of religion is limited by human rights;

7.1.2. refusing to recognise foreign family codes and personal status laws based on religious principles which violate women's rights, and ceasing to apply them on their own soil, renegotiating bilateral treaties if necessary;

7.2. take a stand against violations of women's human rights justified by religious or cultural relativism everywhere in the world, including in international fora such as the United Nations or the Inter-Parliamentary Union;

7.3. guarantee the separation between the Church and the State which is necessary to ensure that women are not subjected to religiously inspired policies and laws (for example, in the area of family, divorce, and abortion law);

7.4. ensure that freedom of religion and respect for culture and tradition are not accepted as pretexts to justify violations of women's rights, including when underage girls are forced to submit to religious codes (including dress codes), their freedom of movement is curtailed or their access to contraception is barred by their family or community;

7.5. where religious education is permitted in schools, ensure that this teaching is in conformity with gender equality principles;

7.6. take a stand against any religious doctrine which is antidemocratic or disrespectful of human rights, especially women's rights, and refuse to allow such doctrines to influence political decision making;

7.7. actively promote respect of women's rights, equality and dignity in all areas of life when engaging in dialogue with representatives of different religions, and work on achieving full gender equality in society.

1. *Assembly debate* on 4 October 2005 (26th Sitting) (see Doc. 10670, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Zapfl-Helbling).

Text adopted by the Assembly on 4 October 2005 (26th Sitting).