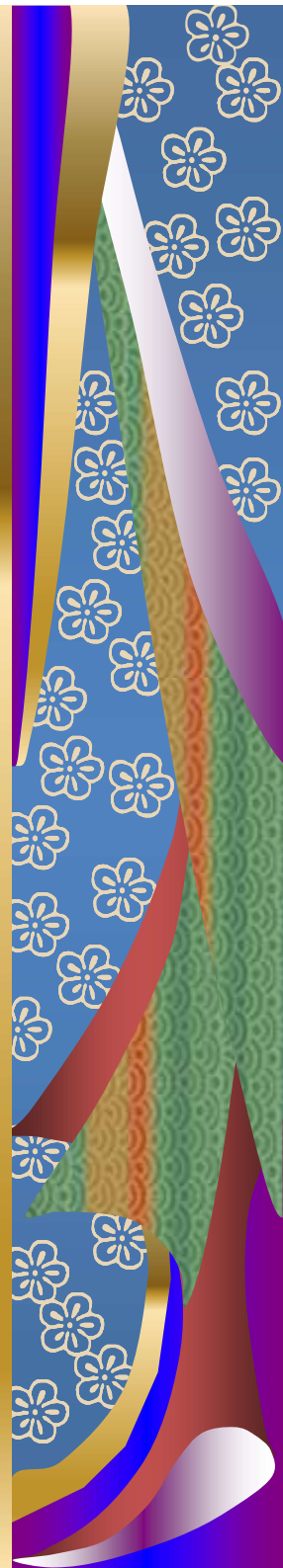


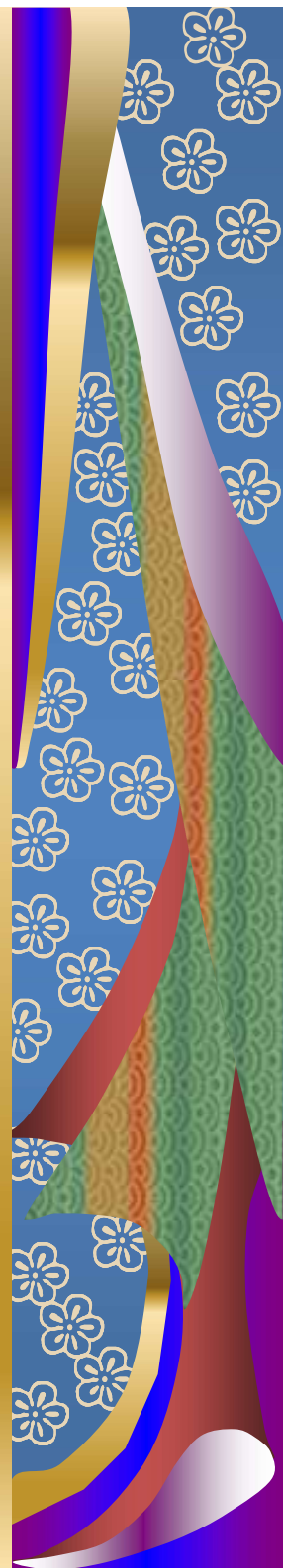
FoRB & GENDER EQUALITY IN A SOUTH ASIAN CONTEXT: CHALLENGES & OPPORTUNITIES

12 June 2023



UN SPECIAL RAPPORTEUR ON FORB – REPORT 2020

- religious beliefs cannot be invoked as a legitimate ‘justification’ for violence or discrimination against women and girls or against people on the basis of their sexual orientation or gender identity”
- YET SGBV & discrimination by individuals & groups claiming a religious justification for it – prevalent in all regions of the world
- FoRB – right of individuals, not religions
- SGBV & discrimination in the name of religion or belief included FGM, marital rape, forced marriage, polygamy, forced conversion, denial of reproductive and sexual rights
- Women and girls from religious minorities & SOGI minorities were at particular risk of violence & discrimination though FoRB violations affected all
- Governments had often sought to combat gender-based violence and discrimination.
- Strategies & steps to be taken to address this



FORB & GENDER EQUALITY: CHALLENGES IN SOUTH ASIA

Narrative, discourse, laws & policies, systems, structures & processes are shaped & informed by the political

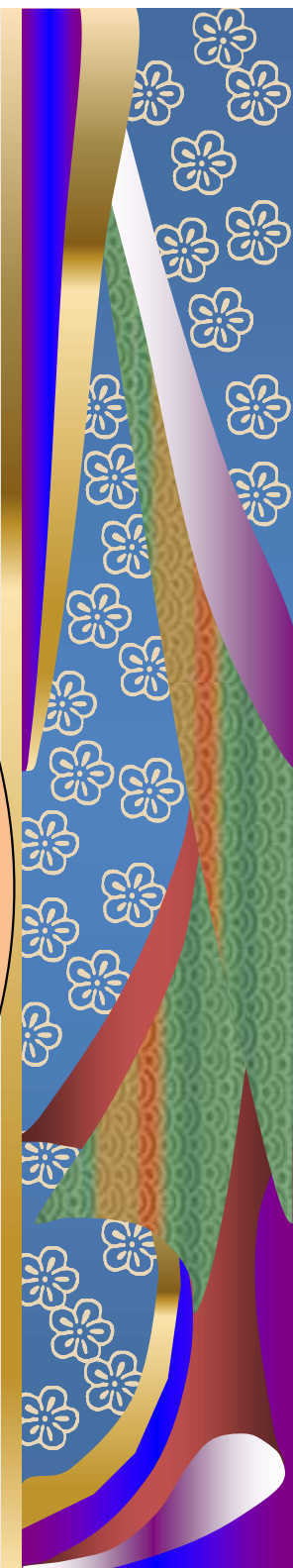
POLITICAL

Social & Cultural

Institutional & Structural

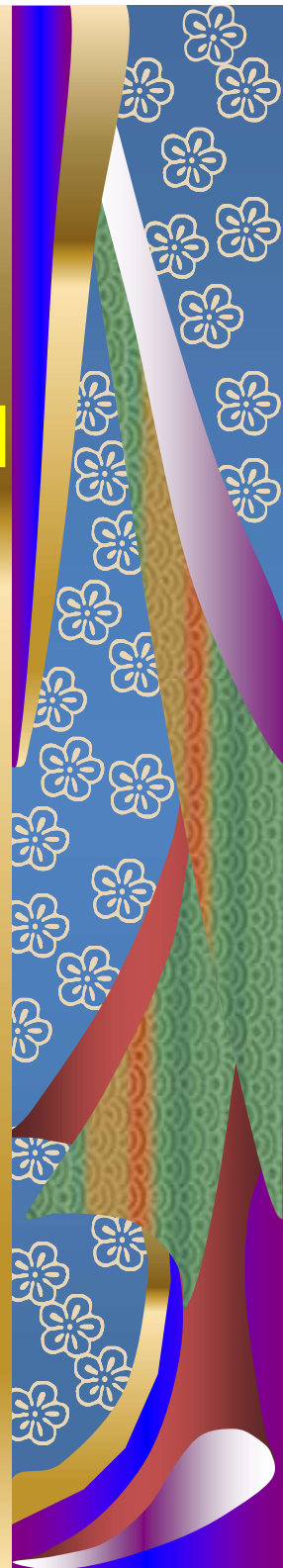
Economic

Legal & Normative



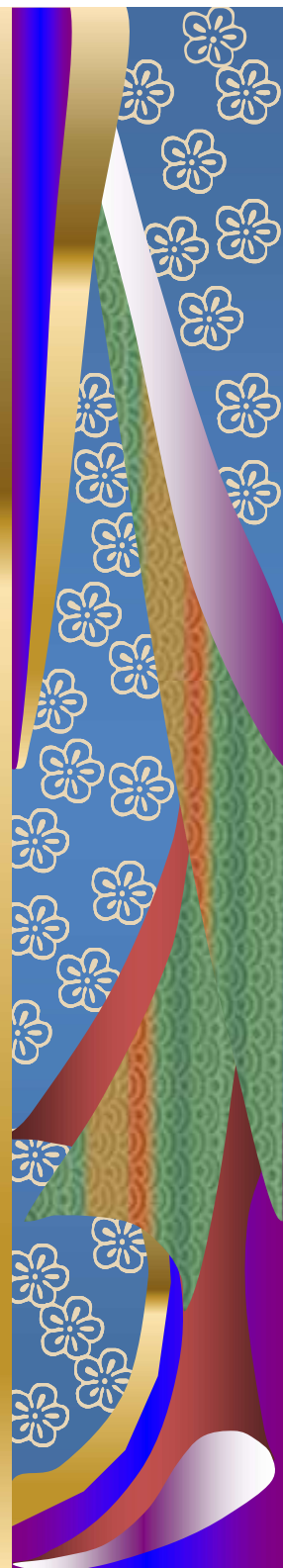
CHALLENGES: POLITICAL

- Political use of religion by state & non-state actors → gender-based / religious persecution (e.g. Taliban in Afghanistan, military junta in Myanmar – Christians & Muslims)
- Religious fundamentalism / extremism + patriarchy + misogyny (e.g. India, Bangladesh)
- Ethno-nationalism + religious majoritarianism + patriarchy (e.g. SL, Myanmar)
- Sectarian violence with partisan government (e.g. Sunni-Shia in Pak)
- Non-state actors & groups that enjoy de facto impunity (e.g. VHP, Bajrang Dal in India; Hefazat-e-Islam in Bangladesh – advocate gender segregation, protest against secular activism)
- Stereotyping, hate mongering, polarisation of religious communities, Othering (e.g. India – terrorists, forcible converts)
- Vigilante groups & non-state actors/groups
- Culpable action & inaction - facilitation of a climate that breeds gender inequality in the name of FoRB
- Neoliberal policies of the state – partnership with corporate forces – in all S Asian countries



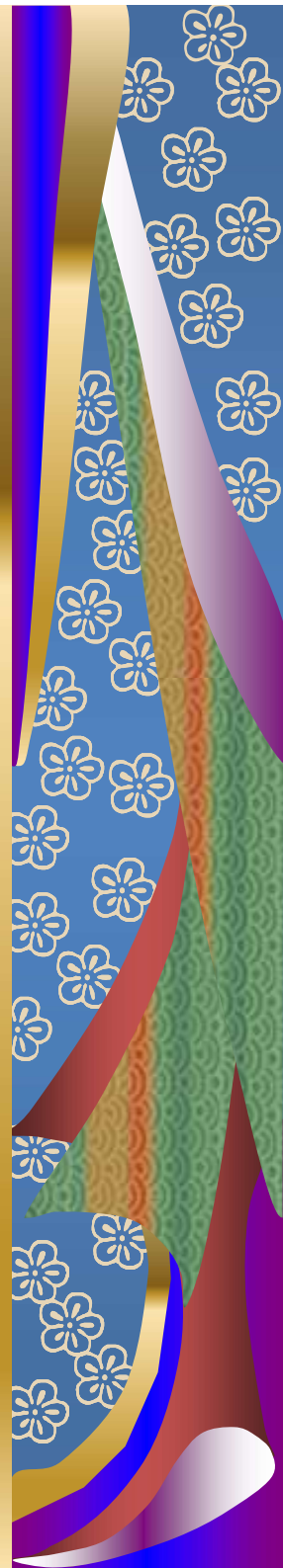
CHALLENGES: SOCIAL & CULTURAL

- Allows tolerance of VAW & DAW
- socialization process of men & women
- Internalisation of inferior status & compliance with patriarchal social norms among women (e.g. India – FGM in Bohra Muslim community, Sabarimala temple entry – “ready to wait” vs. “happy to bleed” campaigns)
- Family & community pressures
- Community patriarchy – “gatekeepers” of religion & culture – (e.g. Chhaupadi in Nepal)
- Gender & caste-based exploitation in the name of religion (e.g. India - devadasi system) – no effective implementation of laws
- Perception of menstruating women as impure (e.g. India – Sabarimala temple entry)
- Patriarchal exclusion of women from religious leadership
- “hurt” sentiment of religious majority – hate speech, censorship (e.g. India, Bangladesh)
- Social stigma & victim blaming
- lack of confidence in the justice system
- Operation of patriarchal forces → lack of autonomy in decision making



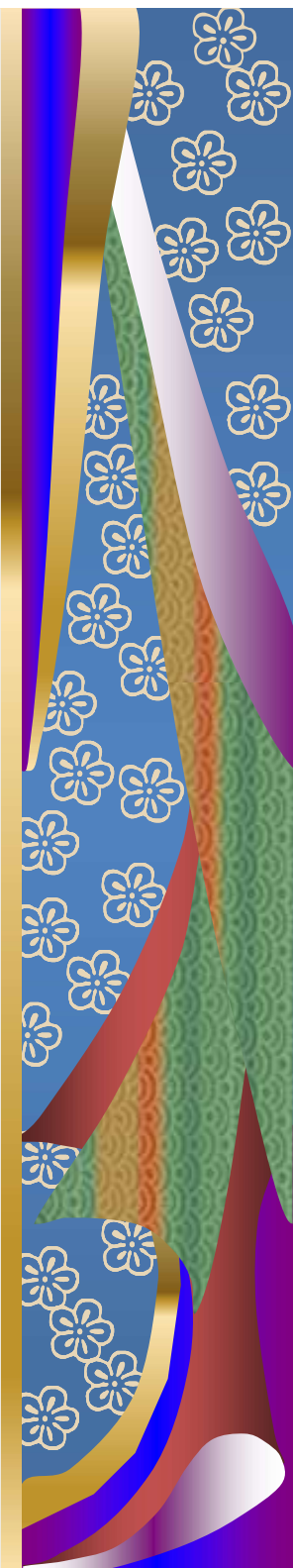
CHALLENGES: ECONOMIC

- Poverty → vulnerability & exclusion
- Intersection of caste, class and gender
- Cost of litigation + lack of financial independence
- free legal aid services – poor quality
- low priority in policies & programmes & budgetary allocation (budget for social sector reduced)
- Impact of COVID



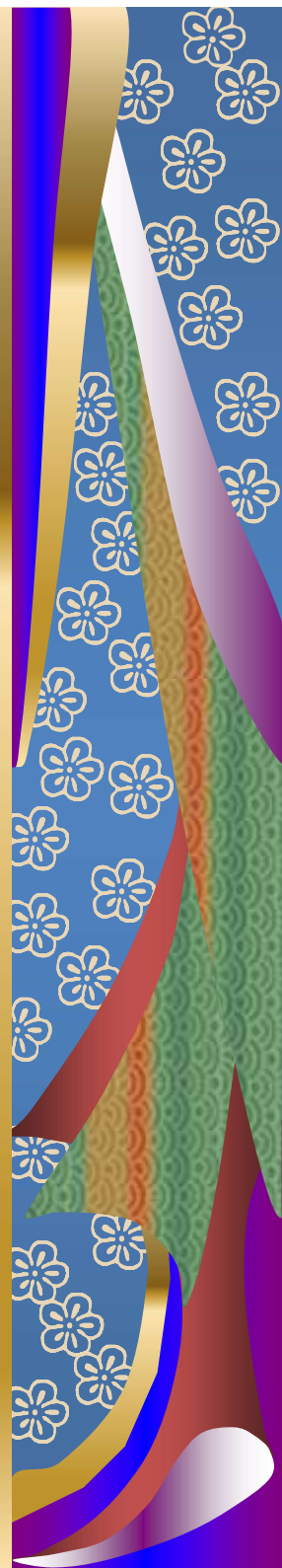
CHALLENGES: LEGAL & NORMATIVE

- Protection of victims vs. equal rights
- Public-private dichotomy, “good” women, “bad” women
- Anti-conversion laws (e.g. prohibiting inter-faith marriages - India, SL, Nepal)
- Blasphemy laws & their misuse for settling personal scores, targeting of women (e.g. Pak – Asiya Bibi)
- Forced conversion (e.g. Myanmar, India – “ghar wapsi”, Islam and Christianity as “alien/foreign” religions, forced conversions of indigenous populations)
- Missing laws – communal violence against Christians & Muslims (India), abduction of Christian & Hindu women & girls for forced conversions & forced marriages (Pak)
- Cumbersome / gender insensitive legal procedures (e.g. registration of inter-religious marriages under SMA in India)
- discriminatory laws (e.g. India - temple entry into Sabarimala, prohibition of hijab in public educational institutions, CAA/NRC; Myanmar – discriminatory citizenship laws – full, associated & naturalized citizenship; constitutions protecting one race/religion – SL, Myanmar)
- Possibility of discriminatory law (e.g. India - Uniform Civil Code – imposition on religious minorities?)
- Restrictions on foreign funding, cancelling of licenses (e.g. India – FCRA, Nepal, Pak)
- Lack of political will to implement laws / govt complicity with perpetrators (e.g. India - Bilkis Bano - remission of 11 convicted persons)



CHALLENGES: INSTITUTIONAL & STRUCTURAL

- Institutional bias – in state & non-state structures – legislature, judiciary, executive (e.g. India - quoting from Manusmriti to deny a minor rape victim abortion rights, checking horoscope of rape victim)
- Patriarchy in religious institutions & leadership
- lack of representation of women & sexual, gender minorities
- State patriarchy & religious patriarchy joining hands
- Institutional apathy – vote bank politics – (e.g. Muslim women in SL & India, Hindu women in Bangladesh & Pak – slow gender-just family law reforms as compared to majority women)
- Justice mechanisms - lack of physical accessibility, literacy & awareness, excessive delays
- Violence & discrimination embedded in informal justice systems (e.g. jirgas, khap panchayats, salish kendras in India, Pak, Bangladesh)



OPPORTUNITIES

- Ratification of human rights treaties, constitutional guarantees of gender equality (e.g. CEDAW, UPR processes) – use international human rights standards in litigation & for advocacy

- Synergies between faith-based & women's rights groups – explore, document, maximise

- Vibrant civil society – religious groups + non-profit organisations

- Religious institutions – impact everyday understanding of gender relations

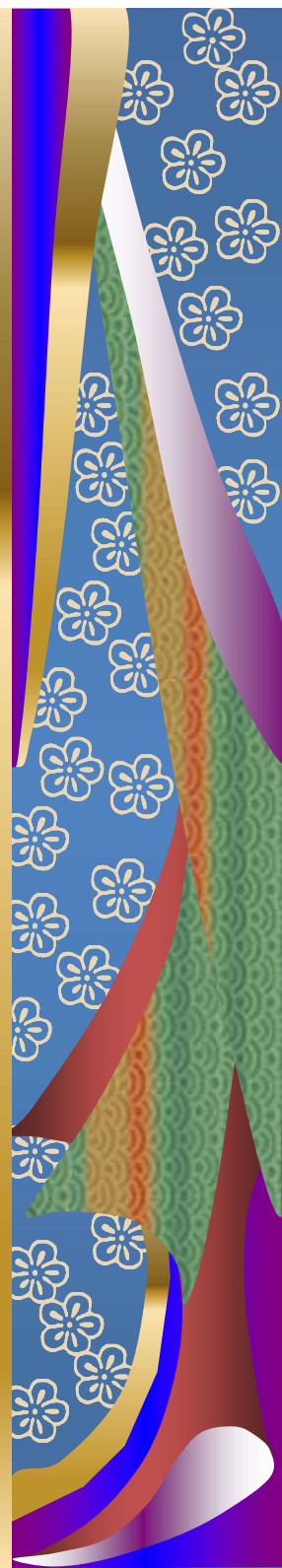
- Religion influences legal systems & political movements

- Focussing on common challenges & not differences in ideologies – challenges of justice, accountability, equality, non-discrimination

- Research, data, documentation, relief & rehabilitation, justice initiatives (e.g. secular NGOs & religious groups work together on religion-based targeted violence including on women - Gujarat pogrom 2002, anti-Christian violence in Kandhamal 2008, anti-Muslim violence in NE Delhi 2022)

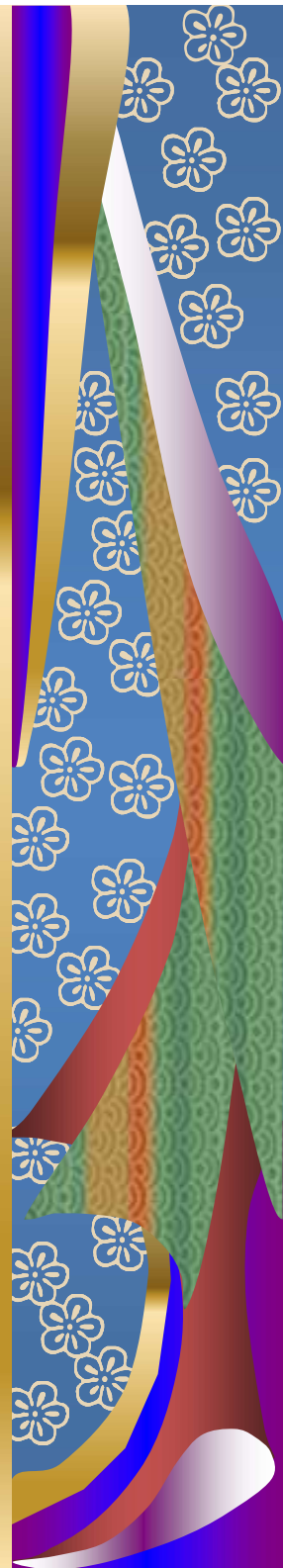
- Revitalising SAARC, working towards a regional human rights mechanism for S Asia

- potential role of state & non-state actors in transforming obligations to outcomes



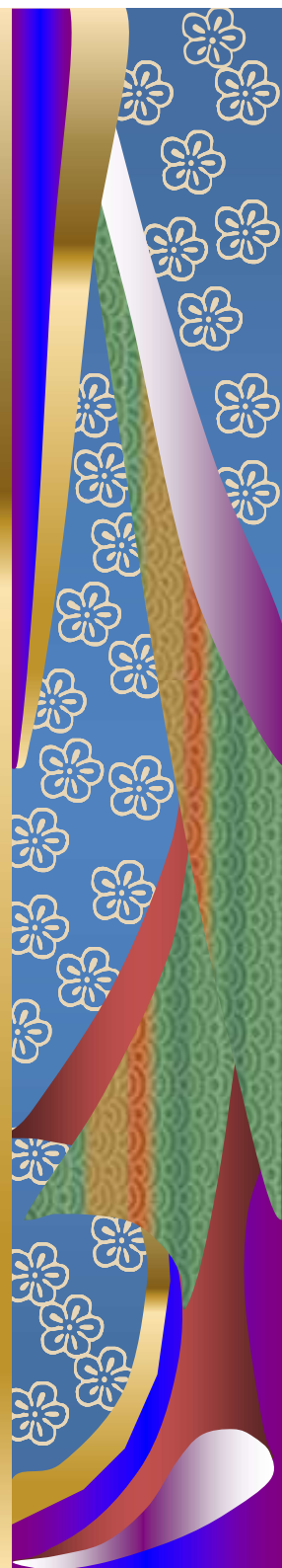
FOOD FOR THOUGHT...

- How do we resolve conflicts between individual rights & group rights / group autonomy in contexts of FoRB violations?
- FoRB & gender equality – as mutually reinforcing rights – how to operationalize it in a country context?
- How can the seeming tensions and contestations that arise on the ground between the two sets of rights be understood and addressed, using the international human rights framework?



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