

# POLICY BRIEF



## The double vulnerability of women and girls from religious minorities

**Women and girls from religious minorities are doubly vulnerable to discrimination and violence on the basis of both their gender and their faith. Analysis of gender-specific religious persecution by Open Doors<sup>1</sup> explores the overlap between the vulnerabilities of women and girls due to their expected roles and identities as women, and their vulnerabilities as members of a religious minority. The research shows that discrimination and violence against Christian women often takes advantage of these pre-existing vulnerabilities within socially accepted gender roles.**

Discrimination and violence endured by Christian women globally can be characterized as being complex, violent and hidden.<sup>2</sup> It is often invisible

to the wider society, because gender injustice has been normalized within this society. The intersecting vulnerabilities faced by women – including on the basis of their religion – have been recognized by the UN Human Rights Committee.<sup>3</sup>

**Many women suffer from multiple or intersectional discrimination or other forms of human rights violations on the grounds of both their gender and their religion or belief.**

And the Special Rapporteur on freedom of religion of belief (FoRB) found that “many women suffer from

<sup>1</sup> Fisher H, Miller EL and Mayer E (2020) *WWL 2020 Gender-specific religious persecution: Analysis and implications*, Open Doors International / World Watch Research Unit. Data for this report was gathered for the 50 countries appearing in the World Watch List 2020 for the reporting period 1 November 2018 – 31 October 2019.

<sup>2</sup> Fisher H and Miller EL (2019) *WWL 2019 Gender-specific religious persecution: Analysis and implications*, Open Doors International / World Watch Research Unit.

<sup>3</sup> CCPR/C/21/Rev.1/Add.10, Human Rights Committee, 201900, general comment 28, *Equality of rights between men and women*, para. 30. Available at: <https://www.escr-net.org/docs/i/1307574>.

multiple or intersectional discrimination or other forms of human rights violations on the grounds of both their gender and their religion or belief.”<sup>4</sup>

## The prevalence of sexual violence and forced marriage

The research by Open Doors found that across every region, “the greatest pervasive threat or experience of violence facing Christian women and girls is sexual violence.”<sup>5</sup> The use of sexual violence against women reflects the strong association of sexual purity with their family or community’s honor. For converts, sexual violence is used both as a form of control and of punishment. Forced marriage is also a severe reality and threat across all regions. While it may give an appearance of respectability, “when it is against the wishes of the Christian woman, it is merely a sexual violence contract from which she cannot escape ...”<sup>6</sup>

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The vulnerability of women from religious minorities to forced marriage has been highlighted by Human Rights Watch (HRW) who quote a report that “found that at least

<sup>4</sup> A/68/290, Report of the Special Rapporteur Heiner Bielefeldt on freedom of religion or belief, 2013, *Elimination of all forms of religious intolerance*, para. 17. Available at: <https://www.ohchr.org/Documents/Issues/Religion/A.68.290.pdf>.

<sup>5</sup> Fisher H, Miller EL and Mayer E (2020) *WWL 2020 Gender-specific religious persecution: Analysis and implications*, Open Doors International / World Watch Research Unit.

<sup>6</sup> Ibid.

<sup>7</sup> Human Rights Watch (2019) *World Report 2019*. Available at: [https://www.hrw.org/sites/default/files/world\\_report\\_download/hrw\\_world\\_report\\_2019.pdf](https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf).

<sup>8</sup> *Bride Trafficking to China Spreads Across Asia*, Human Rights Watch, 3 November 2019. Available at: <https://www.hrw.org/news/2019/11/03/bride-trafficking-china-spreads-across-asia>.

<sup>9</sup> CEDAW/C/GC/31/CRC/C/GC/18, *Joint general recommendation/comment on harmful practices*. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/78/PDF/N1462778.pdf?OpenElement>.

<sup>10</sup> *The Report of the Secretary-General on Conflict-related Sexual Violence (S/2017/249)*, 2017, p3. Available at: <https://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf>.

1,000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every year.”<sup>7</sup> HRW have also highlighted the increasing problem of women from countries neighboring China being trafficked as ‘brides’ to China.<sup>8</sup> An Associated Press (AP) investigation found that Christian minorities in South Asia have become a new target of brokers for this practice.

Both sexual violence and forced marriage are recognized as “harmful practices” by the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in joint general recommendation no. 31 of CEDAW/general comment no. 18 of the Committee on the Rights of the Child (CRC Committee).<sup>9</sup>

## Sexual violence and conflict

There is a strong link between conflict and sexual violence and, as recognized by a report of the Secretary General on conflict-related sexual violence, victims of such violence are frequently “an actual or perceived member of a persecuted political, ethnic or religious minority.”<sup>10</sup> Open Doors research on gender-specific religious persecution finds many examples of this, including the tactical use of sexual violence by jihadist groups in sub-Saharan Africa against Christian women. Such practices have also been highlighted in the media with news outlets reporting *inter alia* on the sexual



Photo: Esther, now 21, is from southern Borno state. She was held captive by Boko Haram for more than three years. During her time in captivity, she experienced terrible trauma – from witnessing how people died, to surviving sexual abuse. Here she attends a trauma workshop for those affected by Boko Haram and Fulani Herdsmen violence.

enslavement of Yazidi women by ISIS and of Christian women by Boko Haram.<sup>11</sup>

## Understanding the human rights framework: FoRB and gender equality

While there is a strong intersection between violations of FoRB and women's rights, there is a common misconception that women's rights to equality and FoRB are clashing rights, and that FoRB serves to restrict women's rights to equality.<sup>12</sup> Analysts suggest several reasons for this, including the numerous reservations to human rights concerning women and girls that are made in the name of religion and religious laws, as well as the grave human rights violations of women and girls "carried out in the name of (religious) tradition..."<sup>13</sup>

This misconception also arises from the fact that the normative legal sources of the right to FoRB and the right to gender equality are largely distinct.<sup>14</sup> The international human rights provisions upholding FoRB do not specifically mention gender equality, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) makes no mention at all of FoRB. According to the United States Commission on International Religious Freedom, "the impact this has had in practical terms is that there is a dearth of standards, sources, and jurisprudence addressing intersections and synergies between women's rights to equality and FoRB."<sup>15</sup>

### There is a common misconception that women's rights to equality and FoRB are clashing rights.

However, general non-discrimination provisions do address both areas. For example, the Human Rights Committee's general comment no.28 states that "all human beings should enjoy the rights provided for in the Covenant, on an equal basis and in their totality ... States should ensure to men and women equally the enjoyment of all rights provided for in the Covenant."<sup>16</sup>

<sup>11</sup> See for example, <https://www.theguardian.com/world/2018/mar/24/boko-haram-kept-one-dapchi-nigeria-girl-who-refused-to-deny-her-christianity>; and <https://www.ft.com/content/cabb2f68-4570-11e9-a965-23d669740bfb>.

<sup>12</sup> Ghanea N (2017) *Women and religious freedom: synergies and opportunities*, United States Commission on International Religious Freedom. Available at: <https://www.uscirf.gov/reports-briefs/special-reports/women-and-religious-freedom-synergies-and-opportunities>. See also Goss-Alexander E (2018) *Policy Focus: Women and Religious Freedom*, United States Commission on International Religious Freedom. Available at: [https://www.uscirf.gov/sites/default/files/Policy%20Focus%20-%20Women%20and%20Religious%20Freedom%202016-18\\_0.pdf](https://www.uscirf.gov/sites/default/files/Policy%20Focus%20-%20Women%20and%20Religious%20Freedom%202016-18_0.pdf).

<sup>13</sup> Ibid. p2.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid. p6.

<sup>16</sup> CCPR/C/21/Rev.1/Add.10, Human Rights Committee, 201900, general comment 28, *Equality of rights between men and women*, para. 2. Available at: <https://www.escri-net.org/docs/i/1307574>.

<sup>17</sup> A/68/290, Report of the Special Rapporteur Heiner Bielefeldt on freedom of religion or belief, 2013, *Elimination of all forms of religious intolerance*, para. 19. Available at: <https://www.ohchr.org/Documents/Issues/Religion/A.68.290.pdf>.

<sup>18</sup> Peterson M J and Marshall K (2019) *The International Promotion of Freedom of Religion or Belief: Sketching the Contours of a Common Framework*, The Danish Institute for Human Rights. Available at: [https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/research/2019/rapport\\_internationalpromotion\\_12.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/research/2019/rapport_internationalpromotion_12.pdf).



Photo: A young girl from Pakistan

A 2013 report of the Special Rapporteur on FoRB draws on Article 1(5) of the Vienna Declaration and Program of Action which states, "all human rights are universal, indivisible and interdependent and interrelated," and affirms that "on the normative level, human rights norms must be interpreted in such a way that they are not corrosive of one another but rather reinforce each other."<sup>17</sup> Similarly, the Danish Institute for Human Rights conclude in a recent report on FoRB that normatively, there is no conflict between FoRB and women's rights.<sup>18</sup>

The International Community need to acknowledge that normatively, there is no conflict between these two rights, but rather synergies. The CEDAW Committee, as the lead UN body tackling discrimination against women, is well-placed to lead in promoting these synergies.

## The role of governments

While much of the violence and discrimination faced by women of religious minorities is hidden and may not directly be perpetrated by the state, governments hold responsibility when they tolerate such violations and do not seek to prevent them or punish perpetrators. There is also a key role for donor governments to recognize the double vulnerability of women from religious minorities and to integrate this understanding into funding decisions, planning and programming.

## To address the double vulnerability of women and girls from religious minorities, Open Doors recommends:

**1** Given the **prevalence of sexual violence** and forced marriage as forms of violence against women from religious minorities, **governments** should:

- Ensure women have equality before the law so that perpetrators of sexual violence are not treated with impunity;
- In line with joint general recommendation no. 31 of CEDAW/general comment no. 18 of the Committee on the Rights of the Child (CRC), repeal all legislation that condones, allows, or leads to harmful practices, including traditional, customary, or religious laws, and any legislation that accepts the defense of honor as a defense or mitigating factor in the commission of crimes in the name of so-called honor;
- Enact legislation to counter child, early, and forced marriage, and ensure such laws are enforced.

**2** Given how **sexual violence in conflict** is used against women from religious minorities, the **Special Representative of the Secretary-General on Sexual Violence in Conflict** should carry out a study, with input from the **Special Rapporteur on FoRB**, to enhance understanding of the double vulnerability faced by women and girls from religious minorities and to propose how the protection of women who are doubly vulnerable due to their adherence to a minority faith can be enhanced.

**3** Given the **synergies between FoRB and women's rights**, the **CEDAW Committee** should issue a general recommendation that:

- Recognizes that women's rights and religious freedom are mutually reinforcing, not contradictory;

- Recognizes the existence of a double vulnerability faced by women and girls from religious minorities;
- Identifies the synergies between FoRB and women's rights to equality, drawing on the groundwork the Special Rapporteur on FoRB in addressing this theme;
- Encourages state parties to consider this interrelatedness;
- Proposes measures to address the double vulnerability of women and girls from religious minorities, such as encouraging governments to enact and enforce the legislation highlighted in recommendation 1 above.

**4** **Donor governments** and **institutions** should:

- Include targeted programming and aid for women who face double vulnerabilities as members of minority faiths recognizing the important role of such programming in countering violent extremism;
- Ensure a gender perspective is integrated into programs designed for protecting and promoting FoRB, and sensitivity for issues of FoRB is integrated into gender-related anti-discrimination programs (as recommended by the Special Rapporteur on FoRB);
- Include religion as a factor of vulnerability in any assessment made in planning and programming.

**Any questions? Please email [advocacy@od.org](mailto:advocacy@od.org)**