Women's Rights & Religion

A report on women's rights and Christianity, Islam, and Judaism.

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Women’s Rights and Religion

A report on women's rights
and Christianity, Islam, and Judaism

By Elisa Van Ruiten

With Willy Fautré, Elisabetta Baldassini, Colin Forber, Matthew Gooch, Mia Haas-Goldberg, Nicolas Handford, Sophie Moiton, Lea Perekrests, Perle Rochette, and Tayla Salvesen
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Introduction

In hopes to discover and highlight the powerful potential that religion and religious leaders have to help guarantee women’s rights around the world, this report examines current tensions that exist between women’s rights and some interpretations of Christian, Muslim, and Jewish doctrines.

This report addresses early, forced and child marriages, female genital mutilation, violence against women, ‘honour’ killing, public dress codes, and reproductive rights. Through these various facets of women’s rights, the report explores the ways in which religious texts, practices, cultural influences, and patriarchal systems influence or motivate violations of these rights.

The Abrahamic religions as organized systems have always been led by men and have perpetuated a patriarchal culture that can be questioned in the light of the current human rights culture. Women have the right to gender equality, and some women reject the dominance of men and patriarchal social systems over their persons, claiming autonomy over choices on issues exclusive to their sex.

Women’s rights and freedoms are guaranteed under international law and should be protected over social, cultural, or even legal norms when they result in gender discrimination and prejudices. Nearly all international human rights treaties prohibit sex-based discrimination. Article 2 of the Universal Declaration of Human Rights bans any act of discrimination based on sex and gender.1 “Equal rights for men and women” is a fundamental principle of the United Nations Charter (1945),2 of the European Union Charter of Fundamental Rights (2000),3 and it is also mentioned in the International Covenant on Civil and Political Rights (ICCPR)4 and International Covenant on Economic, Social and Cultural Rights (ICESCR).5

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is a key treaty for the rights of women as it guarantees women’s de facto equality in all domains; 189 States are parties to the treaty.6 Importantly, CEDAW indicates certain areas where discrimination against women should be eradicated.
Article 1 of CEDAW specifies that the expression ‘discrimination against women’ implies:

“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women (...) on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Using this definition, CEDAW requires all state parties “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”

CEDAW Article 5(a) expects State parties to take any suitable measure to modify any “social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary to all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

With the ratification of CEDAW, state parties have committed to abolish all customs that negatively affect rights to gender equality and have agreed that gender equality is to be valued over cultural norms.

Reservations expressed by State parties, however, limit the scope and implementation of these treaties, widening the distance between international norms and their fulfilment on a national scale. This is the case in a number of Muslim majority countries where Shari’a is the sole or main source of the law, and CEDAW received more reservations than any other human rights treaty. As a result, such reservations almost nullify the spirit and the effect of the treaty.

This report seeks to promote a dialogue between defenders of women’s rights and religious leaders and institutions in order to reduce and eliminate violations of women’s rights in the name of religion.
Definitions and Concepts

Culture: “refer[ring] to a society or group in which many or all people live and think in the same way,” and “people who are a common culture…constitute a society.”¹⁰

Religion: something a society has created “by defining certain phenomena as sacred and others as profane.”¹¹ A religion usually has sacred symbols, beliefs, rituals, and a “single overarching moral community”.¹² Religion is also considered by many to be something broader; it is well established by the United Nations that “the term religion should be broadly construed, and that it extends to non-traditional and unpopular belief systems.”¹³

Culture v Religion: As much as we try to distinguish between religion and culture in order to clarify the origins of a practice or a belief, we find that that culture inevitably has played a large role, and continues to play a large role today, in religious doctrine and dogma. Whether it is a more conservative culture or liberal culture, religion will adapt itself to fit into or reflect the culture from which it is derived. Religion can also influence culture, particularly when religious doctrine and ethics are codified in a country or community.¹⁴

Patriarchy: a political-social system that supports the belief that males are the inherently superior sex, valuing aggressive and violent behaviour, and where dominance and control over women and “the weak” is part of a natural social order that is central to ones’ masculine identity.¹⁵
Early, Child, and Forced Marriage

Early, child, and forced marriage are forms of gender-based violence that pose serious threats to the rights of girls and women. They are particularly common in patriarchal societies in sub-Saharan Africa, the Middle East, and South Asia, but are found worldwide, including in Latin America, North America and Europe.

It is estimated globally that one in nine girls will marry before their fifteenth birthday, some as young as five-years-old.\(^1^6\) Although boys or men may also be subject to child or forced marriage, research shows girls and women are affected on a much greater scale; even in societies that practice forced marriage, marriage for a boy under nineteen is uncommon.

Child and forced marriages take a physical and emotional toll on the individual. Once married, girls are often separated from family, friends, peers, and their community. Girls are usually denied education, are more likely to have complications in pregnancy, and are at high risk of sexual abuse and domestic violence.\(^1^7\)

In child and forced marriages, there is also a power dynamic at play between the husband and wife. There are frequently large age gaps between husband and wife, often by a decade or more, which typically indicates that the husband has all the power in domestic decisions. Girls who are not physically or emotionally prepared for a sexual relationship suffer extensively.\(^1^8\)

While the phenomena of child and forced marriages may be one and the same, they may also differ from one another depending on the context.

**Child and early marriage defined**

Child marriage is a marriage in which at least one partner has not reached the legal age in his/her country to marry. Child marriages are usually instigated by parents who impose it on the child.

Early marriage may be used synonymously with child marriage as it may indicate a person under eighteen years of age, or it may be used to describe a marriage where the persons are over eighteen but due to underdeveloped factors (physical,
emotional, sexual, etc.) or insufficient awareness of other options, they are ill equipped to consent to marriage.

This report uses child marriage when referring to either child or early marriage.

**Forced marriage defined**

The United Nations (UN) has defined forced marriage as “any marriage which occurs without the full and free consent of one or both of the parties and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure.”

In 2006, the then Secretary-General of the UN, Kofi Annan, described the severity of forced marriages when he stated that “[i]n its most extreme form, forced marriage can involve threatening behaviour, abduction, imprisonment, physical violence, rape and, in some cases, murder.”

Forced marriage is distinguished from an arranged marriage where two people agree to a marriage recommendation while maintaining autonomy and thus can refuse the marriage if desired; under such circumstances the refusal of the arrangement would be accepted. However, if physical, emotional, or social pressure is applied, consent is called into question and the marriage can be considered forced.

Child marriage may also be deemed forced marriage as the UN Special Rapporteur on Slavery, Gulnara Shahinian, stated that “under international human rights law, a child cannot provide informed consent to a marriage. The marriage is therefore considered forced and falls under the slavery-like practices defined in the Convention [against Slavery].

**International Human Rights Norms addressing Child and Forced Marriage**

Various UN treaties address child and forced marriage, setting standards for the conditions of which consent can be given for a marriage, including the minimum age. These treaties state that a marriage be entered into with the “free and full consent” of both individuals.
The UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (the UN Marriage Convention), the Convention on the Right of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) go further to prevent such detrimental practices.

Article 1 of the UN Marriage Convention addresses the “free and full consent” requirement and Article 2 asks the states to set a minimum age for marriage, although it does not specify what that age should be. However, in its Recommendation, General Assembly resolution 2018 (XX) of 1 November 1965, Principal II establishes a minimum age of 15 as the lowest legal marriage age. It does allow for an exception to this if “…a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.” It does not distinguish what authority or serious reason would allow for a marriage of persons under the age of fifteen. However, religious and cultural reasons would not be considered a valid justification as it is stated in the beginning of the UN Marriage Convention:

“that the General Assembly of the United Nations declared, by resolution 843 (IX) of 17 December 1954, that certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights.”

While the CRC does not expressly prohibit child marriage, it does provide the following key provisions that protect a child from marriage:

- Article 1 states that eighteen is the general age at which majority is reached, although it allows the possibility of majority being reached earlier in some cases under national law;
- Article 2 stipulates that a child should be free from discrimination, specifically mentioning discrimination from religion and the belief of the child’s parents;
- Article 3 paragraph 1 puts the best interest of the child as a primary consideration;
- Article 6 protects the child’s right to life and calls for maximal support for survival and development;
● Article 12 calls for a child’s opinion to be taken into account whenever applicable;
● Article 19 establishes the protection of a child from physical and mental violence, including sexual abuse from parents and legal guardians;
● Article 24 paragraph 3 requires state parties to protect children from traditional practices that harm their health;
● Article 34 protects a child from sexual exploitation and abuse;
● and Article 36 protects a child from “all other forms of exploitation prejudicial to any aspects of the child's welfare.”  

These provisions above are particularly strong when paired with CEDAW. In addition, both the Committee on CRC Relating to Child Marriage and the Committee on the Elimination of Discrimination against Women monitor states and make specific recommendations on child marriage.

In addition, forced marriage may also qualify as a crime against humanity, for instance, when a government could be shown to support the widespread and systematic practice of forced marriage.

Child and Forced Marriage in Practice

The United Nations Population Fund (UNFPA) cites poverty and the lack of opportunity for girls and women to secure their futures to be main causes of child marriage.

In many patriarchal communities worldwide, children are not only considered to be the responsibility of their father but his property. Therefore, as economic factors play a large role in child and forced marriages, a child - usually a girl - may be reduced to chattel when she is married off in order to repay a debt, to avoid the cost of raising the child, or to ensure that land, property, and wealth remain within the family.

Poverty is not the only factor that sustains this phenomenon, as even girls and women of high socio-economic status are victims of child and forced marriages. Endogamy as well as religious and cultural beliefs play a large role. Religious leaders have been known to encourage forced marriages for multiple reasons.
One reason for this encouragement is perhaps to consolidate influence over followers and ensure that the next generation of young people will remain members of the community. For many spiritual leaders, increasing membership is as much an economic and political concern as it is theological. The survival of a way of life depends on the continued devotion of members of the culture.

Some religious groups also view female sexuality as dangerous if not controlled, and an unmarried woman is seen as promiscuous. The importance of virginity plays a large role in child and forced marriage, and, in many cases, are a way for parents to ensure that their girls will remain chaste. However, in this effort to protect young girls from premarital sex, they are instead often subjected to sexual coercion by their husbands.

Providing information and education to governments, religious leaders, communities, families, men, women, girls, and boys is needed to help overcome the phenomenon of child and forced marriage. Understanding of the groups and societies upholding the practice is also necessary.

In order to help understand why some communities may uphold these practices, the case studies below demonstrate bad practices, when religious groups or individuals use religion to justify child marriage, and good practices, when they take initiative to discourage the practice.

**Bad practices and their religious justifications**

A number of religious leaders and communities advocate for the marriage of children, justifying it as driven by religious texts or other religious authoritative sources. As we see from the following case studies, some religious leaders have been successful in either influencing related laws or conducting religious ceremonial weddings outside the legal framework.

In the following cases, Islamic clergy have resisted pressure from human rights activists and the UN to conform with the international minimum age standard of eighteen.

**Bangladesh**, a Muslim majority country, is ranked number five of countries worldwide for number of child marriages. On 27 February 2017, the Child
Marriage Restraint Act-2017 was passed, allowing marriage for a girl or boy under the legal age if it is in the interest of the child. Some religious leaders in the country display strong sentiments about sustaining the tradition of child marriage, perpetuating this problem.

After the passing of the bill, Mahfuzul Haque, the chief of the Dhaka chapter of Hefazat-e-Islam, stated, “In the eyes of Islam, this is the correct decision. Having a law that you cannot get married before a certain age, this I cannot agree with.” Politician and Islamic scholar Fazlul Haq Amini similarly claimed that "banning child marriage will cause challenging the marriage of holy prophet of Islam. Islam permits child marriage and it will not be tolerated if any ruler will ever try to touch this issue in the name of giving more rights to women.”

In Pakistan, a bill that would raise the minimum age of marriage from sixteen to eighteen and create harsher punishments for those found to be arranging child marriages was found to be "un-Islamic" and "blasphemous” by the Council of Islamic Ideology (CII). The CII gives Pakistan’s parliament non-binding opinions about the compatibility of legislation with Shari’a. In this case, the proposed law was inconsistent with Shari’a since marriage is allowed after a child reaches puberty.

In Saudi Arabia, the Grand Mufti, Abdul Aziz Al ash-Sheikh, stated that it is permissible for girls to be married as young as ten-years-old. There is no minimum age requirement currently established in Saudi Arabia.

In Lebanon, there is no minimum age for marriage and attempts at introducing legislation proposing the minimum age of eighteen have been unsuccessful. As a Muslim majority country, Islam has played a role in the continuance of the practice as personal status laws determine marriageable age limits. In February 2018, a debate was held between religious leaders to discuss the legal age of marriage in an effort to curb child marriage. Exacerbating this phenomenon are the approximately one million (and more) Syrian refugees living in camps in Lebanon.

Although the minimum age of marriage for a girl in Syria is seventeen, a marriage could still be approved by religious leaders. Now, in addition to religious
justifications child marriage due to extreme financial and physical vulnerability of young Syrian girls in the refugee camps is a major concern.

As of November 2017, Belgian-based NGO Soutien Belge (SB) Overseas told HRWF of numerous cases of child marriage within the participants of their educational programs in Lebanon. They reported that the majority of the girls married are between the ages of twelve to eighteen, but some are even younger. The girls are usually exposed to some degree of gender-based violence in relation to their marriage. In 2017, SB Overseas had an eleven-year-old girl come into their center in Lebanon who told them she was soon to be married. A few days later, the teacher was informed by the community about the death of the little girl. She had passed away the day after her ‘wedding’ due to fatal wounds sustained during forced sex with her new husband. While religion is not typically the actual reason for these marriages, it is often used as a justification.

In Australia, where the legal minimum marriage age is eighteen-years-old (or sixteen for one partner in certain court approved cases), a Muslim immigrant was convicted for forcing his twelve-year-old daughter to marry a twenty-seven-year-old man in an Islamic marriage ceremony at their home, reportedly in order to deter her from living a life of sin after she started showing interest in boys.47

Looking to Judaism, the Orthodox, Conservative, and Reformed Jewish movements all officially oppose child and forced marriages. However, some marginal groups still force marriages of young girls within their community.

In Canada and Central America, the Jewish sect Lev Tahor, an ultra-orthodox anti-Zionist community which originally began in Israel, has recently come under fire for some of its controversial practices.48 Marriages are arranged by the leadership of the organization and interaction with the outside world is discouraged.49

In 2014, fourteen children of Lev Tahor in Quebec and Chatham, Canada, were put in child protective services by provincial courts because of abuse and forced marriages of young girls between the ages of thirteen and fifteen. In the official report from police in Quebec, one girl admitted that she was beaten by her family members, sexually abused by her father, and forced to marry a man twice her age when she was fifteen.50
Christian communities in general do not support the child or forced marriages, however, as found in Judaism, some fundamentalist groups have been found to sustain the phenomenon.

In Zimbabwe, the minimum age for marriage is sixteen for girls and eighteen for boys, but these laws do not eliminate child marriages since they are practiced under customary and religious laws, for which the government has a high tolerance.\(^5\)\(^1\)

The Apostolic faith community in Zimbabwe,\(^5\)\(^2\) which combines Christian and African beliefs, specifically advocates child marriage as a religious ideal. According to Human Rights Watch, the church teaches that girls should be married between twelve and sixteen to ensure that they do not commit sexual sins. Any man in the congregation may claim a girl as his bride when she comes of age.\(^5\)\(^3\) Church doctrines also prohibit girls from attending school.

In Canada, members of the Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS) and the Church of Jesus Christ, a dissident branch of the Mormon Church, drew international attention for their illegal practices of arranging marriages for girls as young as twelve-years-old and the widespread practice of polygamy in the community.\(^5\)\(^4\)

**Progress towards good practices**

Governments and religious leaders in some countries are also taking more positive steps to protect the rights of girls and women who become victims of child and forced marriages. As in the previous section, religious authorities and state authorities are not always in agreement over this matter, and violations of the law are common if there is not proper implementation.

In November 2016, Kyrgyzstan’s President Atambayev signed a law criminalising marrying a minor, officiating a ceremony, or parental support of a marriage that is in violation of the Kyrgyzstan Family Code.\(^5\)\(^5\) The new law, which includes a three to five year prison term for offenders, comes after a rise in the number of child marriages occurring in recent years. However, many child marriages are conducted as Muslim rites and are not officially declared with the
state. If the law is enforced properly and does not treat religious leaders with impunity, it could encourage important social progress in Kyrgyzstan.

In Israel, in the 1950's, a Rabbinical National Conference held in Jerusalem created a *takkanah* (legislation within Jewish law) that forbade marriage of girls under the age of sixteen. However, as of 2013, Israel raised the minimum marriage age to eighteen. This received criticism from Haredi Jewish leaders claiming that it was “discrimination against haredim”.56

In Ethiopia, 81% of girls from a Christian Orthodox background had their marriages arranged by parents, and most were early and forced.57 Religious leaders have been found to be “the number one source of anti-child marriage messages" in many Ethiopian villages, and dialogues in Ethiopia between community members are helping to raise awareness of the dangers of child marriages.58

In Indonesia, a Muslim-majority country, the minimum age for marriage for girls is sixteen and nineteen for boys.59 In 2017, female Muslim leaders issued a *fatwa* against child marriage in an effort to encourage lawmakers to raise the age of marriage for girls to eighteen.60

**Conclusion**

Marriage traditions are deeply rooted in societies and individual families. They can be difficult to change through legislation alone, especially when there are many complex economic motives, spiritual beliefs, and cultural expectations driving the practice. Besides the economic advantages of marrying off daughters, viewing a daughter as property, importance placed on virginity, and traditional family life perpetuate child and forced marriages.

International and state laws should only protect religious practices so long as they do not infringe upon the rights of girls and women. Child and forced marriage is clearly a violation of those rights.

As we have seen, some religious communities in some countries are quick to defend their rights to perform marriages consistent with their traditions, regardless of whether they respect human rights standards. Fortunately, an increasing number of states are adopting laws that protect girls and women from
child and forced marriages and are fostering initiatives to open dialogues with community leaders that still cling to harmful traditional practices in the alleged name of religion.

Education is one of the keys to solving such problems; educating religious leaders and parents and ensuring school education for girls is essential in the fight against early and forced marriage.

Domestic and international human rights organizations should play their role in the educational process and encourage all actors to move forward in the legislative field so as to bridge the gap between human rights standards and cultural/religious practices. Good practices and positive changes in legislations and societal behaviours need to be highlighted and largely publicized. Expertise needs to be shared so that child and forced marriages become things of the past.
Female Genital Mutilation/Cutting

Female Genital Mutilation/Cutting (FGM/c), also known as female circumcision, is a form of gender-based violence, sexual discrimination, and is a serious health issue. According to the United Nations International Children’s Emergency Fund (UNICEF), FGM/c is found worldwide, with an estimated 200 million or more girls and women having been cut. Young girls are targeted in particular, with the majority of victims cut before age five.

FGM/c is most prevalent in Africa but is also common in the Arabian Peninsula and Asia. Cases of FGM/c have also been reported in immigrant communities in North America and Europe. Girls who are the most at risk are generally between the ages of zero to fifteen and are part of a community or culture that supports the harmful practice. UNICEF estimates that at least 30 million females are at risk worldwide.

There are no health benefits of FGM/c, and despite international condemnation and initiatives to end the practice, it persists in communities where the tradition is strongly ingrained. Some argue that FGM/c is part of the process of becoming a woman, a requirement for marriage, or a necessary and effective measure to control female sexuality and to prevent promiscuity. It has also been claimed that FGM/c promotes hygiene, ensures virginity, and enhances the aesthetic beauty of the vagina.

Research shows that FGM/c is not inherent to religion but a cultural phenomenon. However, religious justifications are often used in communities that practice FGM/c, and religious leaders often play a role in sustaining and promoting the practice in those communities.

In order to eradicate the practice, it is important to understand what the procedure entails, that there is no legitimate justification for it, and that it is a grave violation of women’s rights.
What is FGM/c?

According to the World Health Organization (WHO), FGM/c, “comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.”

There are four types of FGM/c: **Type I: clitoridectomy**, the removal of part or all of the clitoris; **Type II: excision**, the removal of part or all of the clitoris and labia minora, with or without removal of the labia majora; **Type III: infibulation**, the cutting and sewing together of the labia minora or majora to create a seal, it may or may not include removal of the clitoris; and **Type IV: symbolic circumcision**, all other non-medical mutilation of the female genitalia.

Shortly after FGM/c is performed, the girl or woman often-experiences severe pain, significant bleeding, urinary retention, wound infections, fever, shock, and potential death.

In the long-term, they may face urinary problems, vaginal and menstrual problems that will require later surgeries, increased risk of blood infections, pain during sex and impaired sexual function, pregnancy complications, and an increased risk of stillbirth or death during birth.

FGM/c is predominantly practiced in rural areas by ‘traditional’ circumcisers, however large swathes of urban populations are also affected by the practice. In some countries, such as Indonesia, medical professionals perform the procedure, despite the fact that it is illegal in the country.

Any form of FGM/c is a serious violation of the rights of girls and women. The international community has taken some important steps in establishing legally-binding framework against FGM/c.

**International Human Rights Norms addressing FGM/c**

International standards addressing FGM/c are found in UN treaties, treaty monitoring bodies, and regional law. When these instruments are taken in conjunction with each other, they provide a strong basis for protection and prevention of FGM/c.
Although not explicit about FGM/c, UN treaties stipulating the right to health and the right to be free from violence, torture, and discrimination provide the foundation for prevention and protection against FGM/c.

The right to the highest attainable standard of health is covered under Article 25 of the Universal Declaration of Human Rights (UDHR)\(^6\) and Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).\(^7\)

Girls and women are also protected from FGM/c under a range of other international instruments that safeguard the right to life,\(^7\) human dignity,\(^7\) right to be free from discrimination (on the basis of sex),\(^7\) equality between men and women,\(^7\) and the right to be free from torture, cruel, inhuman and degrading treatment or punishment.\(^7\)

Specifically addressing children’s rights, the Convention on the Rights of the Child (CRC) provides in Article 3 that all relevant State institutions and organizations consider and act in defence of and to protect the "best interests of the child" and Article 24 (3) requires State Parties to abolish "traditional practices prejudicial to the health of children."\(^7\) Though not explicit about FGM, both provisions may be applied to protecting girls from FGM/c as there is no medical basis upon which to justify its continued practice and it may lead to health complications that put a child’s life at risk.

In terms of FGM/c as a form of gender-based violence, the Convention on the Elimination of Discrimination Against Women (CEDAW)\(^7\) generally applies to protecting women and girls from the practice. Articles 2 and 5 both address ensuring protection against harmful cultural practices, and under Article 12 parties are bound to take “all appropriate measures” to guarantee equality and protect against non-discriminatory practices, including legislative measures and legal protections, in both the private and public sphere.\(^7\)

The Committee on the Elimination of Discrimination against Women has focused on FGM/c, acknowledging on various occasions that it falls within CEDAW’s scope.\(^7\) The committee explicitly recommended that FGM/c practices be applicable under Article 12, which requires states to eliminate discriminatory practices that violate the right to the highest attainable health.\(^8\)
A joint recommendation was issued by the Committee on the Right of the Child and the Committee on the Elimination of Discrimination against Women to further define state party obligations to protect women and children against harmful practices “grounded in discrimination based on sex, gender and age.” FGM/c is listed as one such practice. The joint recommendation also acknowledges the strong influence of patriarchal culture and local traditions that sustain the practice of FGM/c.

On a regional level, FGM/c is specifically addressed by the Council of Europe’s Istanbul Convention under Article 38, and in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa under Article 5(b).

These international norms are necessary but national and local actors are crucial to ensuring that the international legislation is transposed and enforced: not just to prosecute but to prevent the practice before it happens. In addition to the law, it is important to understand the reasons why FGM/c persists despite ample efforts to eradicate the practice; for the purpose of this piece, we focus on the role of religion.

**FGM/c in Practice**

Considering the close link between religion and culture, distinguishing whether FGM/c is practised according to tradition or religion can be a difficult task. Making this distinction is important because in societies where religion forms a core component of the local culture, religion and religious leaders often play a large role in the continuance or eradication of FGM/c.

Even though FGM/c is not found in the Qur’an, the practice is widespread in Muslim majority countries. Islamic leaders have spoken out both for and against the practice.

FGM/c is not covered in the Torah or any source of Jewish law, and it is not practiced within Jewish communities, with the exception of a minority of Ethiopian Jews (known as Beta Israelis or Falashas). Those Beta Israelis and Falashas that migrated to Israel gave up the practice.
Although FGM/c has no foundation in the Bible,\textsuperscript{87} some Christian communities in Africa have kept this practice from the period preceding the arrival of Christianity to their region.

The case studies below are organized in two categories: bad practices and their religious justifications on the one hand, and initiatives by religious groups or individuals to promote better or good practices on the other.

**Bad practices and their justification**

While there is no mention of FGM/c in the Qur’an, there are two hadith used by supporters of the practice to justify it. The most widely cited is: “A woman used to perform circumcision in Medina, the Prophet, Peace Be upon Him, said to her: ‘Do not cut too severely as that is better for a woman and more desirable for a husband.’”\textsuperscript{88} The second one states that “when anyone sits amidst four parts (of the woman) and the circumcised parts touch each other, a bath becomes obligatory.”\textsuperscript{89}

Interpretation of these hadith differ; some argue that FGM/c is condoned by Islam whereas others have argued that the Prophet Muhammed was acting to limit the cutting when he stated, “do not cut too severely.”\textsuperscript{90} The four traditional conservative Sunni schools\textsuperscript{91} of jurisprudence promote different views on this practice.

The Hanafi and Maliki schools view FGM/c as a ‘Sunnah’ and therefore optional and praiseworthy but not mandatory.\textsuperscript{92} The Shafi’i view it as wajib (mandatory), and the Hanabali school has two opinions, both which advocate for it: one is that FGM/c is wajib, and the other is that it is makrumah (honourable).

Concerning Shia Islam, the Ja’fari school, the dominant Shia school of jurisprudence, views FGM/c as honourable, while the Zaydite school views it as mandatory.\textsuperscript{93}

Depending on the dominate school in a country, there may or may not be a prevalent culture of FGM/c.
In **Indonesia**, the most populated Muslim country in the world, forty-nine percent of girls aged zero to eleven have undergone FGM/c.\(^94\) Indonesian Muslims are Sunnis of the Shafi’i School of Islamic jurisprudence who view FGM/c as *wajib* (mandatory).\(^95\) Following the procedure, girls have to recite a prayer and the cut piece of flesh is buried in the ground as part of the ceremony.

In 2006, the government outlawed the practice; however, two years later, the influential Ulema Council (Indonesia’s top clerical body) issued a fatwa against the prohibition arguing that female circumcision is part of Shari’a law. The fatwa detailed the permitted means and method of the procedure, prohibiting excessive circumcision that poses both a physical and mental danger to the afflicted, requiring it be performed by licensed health professionals.\(^96\)

In **Gambia**, where the population mainly follows Sunni Islam, State House Imam Alhaji Abdoulie Fatty denied the gravity of female genital mutilation/cutting by stating in 2014, “I have never heard of anyone who died as a result of female genital mutilation (FGM)... If you know what FGM means, you know that we do not practice that here. We do not mutilate our children.”\(^97\) Alhaji then went on to argue that female circumcision is required by Islam as a practice condoned by the Prophet Muhammed.

In **Malaysia**, the Committee of Malaysia's National Council of Islamic Religious Affairs issued a fatwa in 2009 declaring that female circumcision was mandatory for all Muslim women.\(^98\) Religious leaders do not seem to acknowledge the gravity of the procedure of FGM/c as they make a parallel with male circumcision which, although intrusive, is much less damaging.

**Sierra Leone** is a prime example of a country that has failed to address this widespread health issue; an estimated ninety percent of all girls and women aged between fifteen and forty-nine years of age having been subjected to some form of FGM/c procedure.\(^99\) The Muslim community, primarily Malikite Sunni, is particularly afflicted with an above average ninety-three percent prevalence rate.

Traditional values still hold a powerful sway. This can be seen in the majority of women (sixty-nine percent) who still support the practice of FGM/c, fifty-six percent believing that the practice is required by religion. However, the primary motivator among the majority of supporters is the belief that FGM/c is required.
for a girl to become a woman so as to be fully accepted and initiated into society (fifty to fifty-nine percent).100

In Yemen, approximately one in five girls have undergone FGM/c according to a 2016 UNICEF report.101 The procedure is performed on four out of five infants within the first weeks after their birth. There has been no recent change in the prevalence of FGM/c despite the fact that approximately three in four women between the ages of fifteen to forty-nine think the practice should end. In 2001, a ministerial decree was issued that prohibits FGM/c in public and private clinics, but it does not stipulate any penalties and is therefore ineffective.102 To date, there is no known law prohibiting FGM/c in Yemen.103

Progress towards good practices

There is a growing trend among some Islamic scholars that FGM/c is un-Islamic and “an attack on women” which must be punished.104

The Former Grand Imam of the Al-Azhar Mosque in Egypt, Sheikh Mahmoud Shaltut, a position considered by many as the highest authority in Sunni Islam, rejected teachings supporting FGM/c as unclear and inauthentic.105

Sheikh Abbas (el Hocine Bencheikh), rector of the Muslim Institute and the Great Mosque of Paris stated that:

“there is no existing religious Islamic text of value to be considered in favour of female excision, as proven by the fact that this practice is totally non-existent in most of the Islamic countries. And if unfortunately some people keep practising excision, to the great prejudice of women, it is probably due to customs practised prior to the conversion of these people to Islam.” 106

In Egypt, in 2007, the Al-Azhar Supreme Council of Islamic Research condemned FGM/c by explaining that this practice has no basis in Shari’a and declared it a sinful action. Yet, FGM/c is a very common practice in Egypt, ranking number six amongst countries where FGM/c is most practiced, with an estimated eighty-seven percent of girls and women between fifteen and forty-nine years of age having been cut.107
In 2016, the Egyptian parliament passed legislation that increased criminal penalties for FGM/c,\(^{108}\) which is in addition to a prior national strategy released in 2015 to eradicate FGM/c.\(^{109}\)

In Ethiopia, seventy-four percent of women between the ages of fifteen to forty-nine have undergone some form of FGM/c, with the highest percentage among Muslim women (eighty-nine percent).\(^{110}\) Despite these statistics, the Ethiopian government has worked towards eradicating the practice. In 1994, the Ethiopian constitution was amended to protect women from harmful traditional practices, stating, “laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.”\(^{111}\) In 2004, the penal code was also amended to make FGM/c a criminal act.\(^{112}\) In 2016, their national theme was, “Let us keep our promise and fulfil our commitment by ending FGM/c.”\(^{113}\)

In Mauritania, at least sixty-nine percent of the female population has undergone FGM/c, and Islam has played a role in sustaining the practice. However, in 2008, a national strategy to combat FGM/c was put in place by the government.\(^{114}\) Also, in 2011, Muslim clerics and scholars issued a fatwa explaining that FGM/c is harmful and can have grave consequences for girls.\(^{115}\) Despite these efforts, Mauritania has remained on UNICEF’s top thirty list.\(^{116}\)

A 2016 report from the Center for Disease Control estimated that 516,000, usually girls and women from immigrant communities, are at risk for FGM in the United States.\(^{117}\)

The first prosecution on charges of FGM in the United States began in 2017. As of February 2018, the case in the Federal Court in Michigan was pending against Dr. Juama Nargarwala, who is charged with performing FGM on two girls.\(^{118}\) It is thought that she cut approximately 100 girls over a twelve year period. Dr. Nargarwala faces life in prison for charges of “conspiracy, genital mutilation, transporting minors with intent to engage in criminal sexual activity, lying to a federal agent and obstructing an official proceeding.”\(^{119}\)

Others charged in the case are: Dr. Fakhruddin Attar, who allowed Dr. Nargarwala to use his clinic to perform the illegal procedure, his wife, Farida Attar, who supposedly held the hands of the girls during the cutting, and the
mothers of the two girls. All of the involved are members of the Dawoodi Bohra\textsuperscript{120}, a religious group from a branch of Shia Islam originating from India. Their lawyer claims that it is their right to freedom of religion or belief to have the girls undergo FGM/c.\textsuperscript{121}

**Conclusion**

While the research shows that religious beliefs can sustain and perpetuate FGM/c, it also shows that religious leaders are instrumental in changing the mind-sets of those who still believe that the practice should be carried out. Collaboration with religious leaders who work to end FGM/c by reaching out to and educating those in their communities that perform, advocate for, or take their children to undergo the procedure should be encouraged.

It should be understood that there is no legitimate justification in any regard, religious, health, or otherwise, for FGM/c. It is a dangerous and illegal practice under international law.

National laws should reflect the international legal framework prohibiting FGM/c. Furthermore, countries that have laws in place but still see the practice continued, for example, the United States and European Union countries, should analyse and address the reasons for gaps between legislation, implementation, and the eradication of the FGM/c.

Education is key to the prevention of FGM/c and overcoming ingrained societal beliefs. Once a community can agree that it is a harmful practice that must be stopped, change soon follows.

Prosecution is important as it shows that there is no tolerance for the practice, and there should be consequences for those that know better but continue to cut. However, prosecution alone will not solve the problem. Together with education and community leadership, legal action will help to enforce other measures that help to prevent FGM/c.
Violence Against Women

There is no country in the world where women are free from gender-based violence; a World Health Organisation survey found that 1 in 3 women worldwide have suffered from some form of violence against women. However, the full extent to which women experience gender-based violence is often difficult to determine since it typically happens in private settings and frequently goes unreported.

The terms ‘gender-based violence’ and ‘violence against women’ (VAW) are both used here when referring to the various forms of violence that stem from unbalanced power relations between men and women, where the man asserts dominance over the woman. Women have suffered such violence for centuries, but over the past few decades more international attention has been paid to the issue. In 1993 the United Nations General Assembly defined violence against women in the ‘Declaration on the Elimination of Violence against Women’ as:

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

The violence may be manifested in different forms: domestic and intimate partner violence, ‘honour’ based violence, female genital mutilation, sexual abuse including marital rape, psychological and emotional violence, among others.

This chapter looks at the role of religion in relation to VAW in terms of domestic and intimate partner violence, and touches briefly on ‘honour’ based violence. The issues of ‘honour’ killing, FGM, and child and early marriage are covered in other chapters of this report.

Violence Against Women in International Law

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the main international treaty that guarantees equality and protection against discrimination. The CEDAW Committee explicitly addresses the convention’s scope in protecting women from all forms of VAW in
its General Recommendation 19. Furthermore, states must consider the private nature of VAW and ensure there are prevention, protection, and prosecution measures in place to address VAW.

In cases where the violence targets females under eighteen years of age, the Convention on the Rights of the Child also provides applicable standards. Article 19(1) of this Convention requires states parties to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

In some cases, violence against women may be a violation of the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment. The Convention against Torture (CAT) strictly prohibits torture of any kind, with torture defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted” for purposes such as obtaining information, punishment, intimidation or coercion, or any reason based on discrimination (Article 1). Other international instruments have provisions that provide protection to women against violence: The International Covenant on Civil and Political Rights (ICCPR) in Article 6 protects the right to life and Article 9 protects the right to liberty and security of person; and the International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 12 guarantees the right to physical and mental health.

In addition to the above treaties, the UN took additional steps to address the issue of violence against women in various declarations and resolutions.

The 1993 Vienna Declaration and Programme of Action (VDPA) expressly acknowledges gender-based violence as a violation of women’s rights and calls on member states to take action to eliminate this phenomenon. The UN General Assembly also recognises the universality of women’s rights in its 1993 Declaration on the Elimination of Violence Against Women, which reaffirms the responsibility of UN member states to combat violence against women. UN General Assembly resolution 52/86, “Crime prevention and criminal justice measures to eliminate violence against women” lays out specific measures that member states should take to ensure that national laws, policies, procedures, and
personnel are in place and effective in meeting the goals of eliminating violence against women.\textsuperscript{135} The 1995 Beijing Declaration and Platform for Action also acknowledges the failure of states to adequately protect women from violence and lays out in detail the various types of violence inflicted upon women and calls on member states to take specific action.\textsuperscript{136}

On a regional level, the Council of Europe addresses VAW and the responsibility of states to take action in its Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).\textsuperscript{137}

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol)\textsuperscript{138} is the principal treaty addressing VAW in the African Union. In force since 2005, it promotes gender equality, reproductive rights, and aims to end female genital mutilation in African countries.

Countries who are parties to these treaties should respect their international obligations and transpose the legal framework into national legislation to codify rights and address gender-based violence.

Despite this growing trend towards protective legislation at the international level there are still some countries, who despite being Party to these instruments, have either: legalised certain acts of violence against women; legalised discrimination and subjugation in certain instances; or have failed to take measures to rectify violence against women. Such legislation is often justified on religious or cultural grounds, and country-specific norms that promote and favour patriarchal systems over gender equality.

**Violence Against Women in Practice**

Domestic violence against women means physical, including sexual, violence that usually occurs in the home by a male member of the family against women or children, this could be from a father, brother, or other male. Intimate partner violence is the “most common type of violence experienced by women”\textsuperscript{139} and falls under this category but is specifically defined as “physical violence, sexual violence, stalking and psychological aggression (including coercive acts) by a current or former intimate partner.”\textsuperscript{140}
As specified by the World Health Organisation, factors that are associated with sexual violence and violence amongst partners include the existence of attitudes that are accepting of gender inequality, beliefs in family honour and sexual purity, ideologies of male sexual entitlement, and weak legal sanctions for sexual violence.\textsuperscript{141}

\textbf{‘Honour’ based violence}

While similar to domestic violence in its private nature, ‘honour’ based violence is set apart because of ‘honour’ and/or shame motivation.

‘Honour’ based violence includes “attempted murder, driving to suicide, rape, gang rape, torture, assault, virginity testing, kidnapping, forced marriage, forced eviction, harassment, threats, mutilations, stove burnings, acid attacks and maiming.” \textsuperscript{142}

Victims of ‘honour’ based violence are perceived by the perpetrator to have violated the social contract of how females should behave. They may have refused an arranged marriage, had a relationship outside of their group or community, lost their virginity, become pregnant (even in cases of rape), or have been engaged in some other behaviour that is seen as crossing the line.\textsuperscript{143} Violence is then inflicted upon the person to restore the lost ‘honour’ and to control their behaviour; their sexuality, dress, communications with the opposite sex, relationships, etc.\textsuperscript{144}

Although religion cannot be deemed the root cause of all ‘honour’ killings or violence, research indicates that there is a relationship between religion, culture, and the paramount importance placed on honour.

There are cases of murder, honour, and patriarchy in the Old Testament of the Bible, Torah, and the Qur’an that, when interpreted literally, may perpetuate a culture of ‘honour’ based violence, which is covered further in the chapter on ‘honour’ killings.

Examples from the Qur’an, Torah, and Old Testament reflect the time in which they were written and do not indicate that there is de facto support or justification
for ‘honour’ based violence nowadays. However, because religion and culture are so intrinsically linked, there is evidence that ‘honour’ and the duties that follow, whether explicit or not, play a substantial role in sustaining a culture of violence against women.

**Domestic violence, sexual violence, and marital rape**

Conclusive data on what instigates VAW has yet to be collected. However, while conducting this research religious themes existed in certain cases. As UN Special Rapporteur on Violence Against Women, Rashida Manjoo, stated in the 2014 report, “misinterpretation of religion is often used to discriminate and/or justify acts of violence against women.”

Here we explore the influence of religion on some forms of VAW, as it is sometimes justified and sustained by patriarchal interpretations of religious doctrine and repressive social norms. The following sections exemplify the various ways in which each of the Abrahamic religions approach the topic in law and in practice.

**In some Christian communities**

Many verses of the New Testament of the Bible are interpreted as promoting a degree of equality and mutual support between men and women, such as Ephesians 5:22-24 or Colossians 3:18-21 which reads, “Wives submit to your husbands, as is fitting in the Lord. Husbands, love your wives and do not be harsh with them.” However, as with all religious texts, individuals may interpret verses differently, or give more attention to one lesson over another.

For those who use biblical lessons to enable or excuse domestic violence, the verses regarding patriarchal expectations of women, sexual immorality, and divorce are often cited. Some examples in Africa:

When describing the use of Christian discourse in **Swaziland**, one woman explained that,

“‘one of the things our religion is teaching is that once you are married, you are automatically consenting to sex so there is no reason to say no, whatever the situation.’ She describes the ways in which pastors excuse
domestic violence by preaching that ‘if your husband is abusive it means that you have not prayed enough…You have got to pray, you have got to fast, and if you do that honestly and truthfully then the Lord will answer you’”.

Such discourse has also been used in national policy regarding domestic violence.

During the 2006 Parliamentary elections in Zimbabwe, a Christian majority country, Member of Parliament Timothy Mubhawu said: “I stand here representing God the Almighty. Women are not equal to men. This [Domestic Violence Bill] is a dangerous bill, and let it be known in Zimbabwe that the rights, privileges and status of men are gone”. Pastors in Zimbabwe have also excused rape by characterising it as an event that takes place when the victim is being called by God to be born again.

In Uganda, another Christian majority country, Parliament tried to pass Domestic Relations Bill in 2005 that would make domestic and sexual violence, including marital rape, illegal. Christian groups, along with Muslim groups, successfully lobbied against the bill.

While statistics of the global levels of violence against women in the Christian communities of various denominations are non-existent, London-based NGO, *Restored*, paired with Christian groups to survey the rates of domestic violence in evangelical communities across Peru, Bolivia, Ecuador, and Argentina and found that it indeed was an issue within their congregations. One especially telling fact that was discovered was that the majority of domestic violence victims sought help from their pastor or church leader. This shows that there is great potential for faith leaders to play a role in preventing domestic violence.

In February 2017, World Wide Religious News shared a survey of church leaders across the United States regarding the frequency of addressing domestic violence in various congregations and communities. The survey found that only half of churches (52%) have a plan to assist victims of domestic abuse, forty-five percent have no plan, and that two percent of pastors are not aware of a plan.
**In some Jewish communities**

A study conducted on the definitions of and attitudes towards wife abuse among ultra-orthodox Jewish men in **Israel** indicates some ambiguousness on the matter. While the majority of those polled disagreed that a husband may beat his wife under any circumstances, there was a percentage who agreed that a husband may beat his wife under certain circumstances. Around twenty-seven percent agreed that women enjoyed being beaten.

In the **United States**, an estimate by the organisation **Jewish Women International** indicates that 15 to 25% of all Jewish households experience domestic violence. This rate is the same among Orthodox, Conservative, and Reform Jews. One out of five Jewish women are abused by their partners – a rate that is consistent with that of the general population. However, the statistics show that Jewish women remain in abusive relationships five to seven years longer than non-Jewish women.

Some traditional factors may also promote an unbalanced power dynamic that contributes to cases of domestic violence within Jewish culture, such as community pressure to get married early or to a significantly older partner. Furthermore, a lack of support from their community, particularly from religious leaders, discourages women to report cases of domestic violence which may also relate to the scarce amount of data on the issue.

According to one of the most revered Jewish rabbi, Maimonides, Jewish law forbids a husband from forcing and coercing his wife into sexual relations against her will: “He should not engage in relations while intoxicated, nor while quarrelling, nor out of hatred. He should not engage in relations with her against her will when she is afraid of him.” (Isurei Biah – 21:12) and “Our Sages declared: ‘A man will not admonish his wife unless a spirit of purity enters his being.’ [Nevertheless,] he should not admonish her more than necessary” (Ishut – 15:17).

However, there is a point of contradiction in his writings; in an earlier section of Isurei Biah (21:9) he writes that a “man's wife is permitted to him. Therefore, a man may do whatever he desires with his wife. He may engage in relations
whe never he desires […]”158. Such a statement could be interpreted to allow for various degrees of abuse.

In some Muslim communities

On one hand, the Qur’an presents marriage as a union of equality and reciprocity as it is written that "they (your wives) are your garment and you are a garment for them".159 Marriage is also said to be “a means of tranquility, protection, encouragement, peace, kindness, comfort, justice, mercy and love.”160

On the other hand, the Qur’an, when interpreted literally, also appears to infer the superiority of men/husbands over women/wives and condones violence. For example, it reads that, “Men are in charge of women by [right of] what Allah has given one over the other […] So righteous women are devoutly obedient […] But those [wives] from whom you fear arrogance […] strike them. But if they obey you [once more], seek no means against them.”161

Furthermore, one of the six major hadith collections, Sunan Abu Dawood, illustrates the Prophet Muhammed giving permission to beat women when they have become ‘emboldened’ and not to question a man when he does beat his wife.162

Even though many followers of Islam would not interpret this as outright promotion and acceptance of violence, some Muslim majority countries’ governments and religious leaders still lack the will to create and implement laws to properly address VAW.

In Bangladesh, eighty-seven percent of married women were reported to suffer abuse from their husbands.163 This has been attributed to the strong patriarchal society in the country where, despite The Domestic Violence Act of 2010,164 women are primarily kept in the domestic sphere and both men and women commonly accept wife-beating as a normal part of life. In Bangladesh, where Islam is the state religion, a link between ingrained religious beliefs and the local culture also exist.

In Pakistan, where there are high rates of domestic violence165, legal loopholes prevent women from filing complaints when they are abused. In 2015, the
government attempted to pass the Protection of Women Against Violence Act, but it was deemed un-Islamic by thirty-five Pakistani religious political parties and groups\textsuperscript{166}. One female legislator, Fauzia Bib,\textsuperscript{167} posed the rhetorical question, “Isn’t it breaking up a family if a husband goes to jail for beating up his wife?”, which she answered by citing religious perspectives.\textsuperscript{168}

In \textbf{Saudi Arabia}, preacher, Mohamad Alarefe, justified wife beating in Islam when he declared on television that “Allah created women with these soft and fragile bodies because they use their emotions more than their bodies and that’s why you find me discipline their wives with beating while women discipline their husbands with crying.” He finished his discourse with saying “the point of the husband hitting his wife is not to cause pain but to get obedience.”\textsuperscript{169} Reported cases of domestic violence were on the rise in 2016.\textsuperscript{170}

Marital rape is also an issue in many countries. It is sometimes argued that women are not allowed to refuse sex to their husbands, and the law in many Muslim majority countries does not classify martial rape as a crime.

Evidence remains that certain interpretations of religious texts and cultural practices stress the supremacy of males over females, and warrant violence as a means to obtain and force obedience.

In Islam, some believe that rape is not the word to be used in the case of unwanted sexual intercourse and should be used only in reference to unwanted sexual intercourse \textit{outside} of marriage.\textsuperscript{171} One hadith states that:

\begin{quote}
“It was narrated from Abu Hurayrah (may Allaah be pleased with him) that the Prophet (peace and blessings of Allaah be upon him) said: ‘If a man calls his wife to his bed, and she refuses to come, the angels curse her until morning comes.’”\textsuperscript{172}
\end{quote}

Such term difference implies that marital rape is not contrary to religion. Some religious leaders have very strong views and consider that with marriage, sexual relations become a duty to the wives.

In \textbf{Iran}, which operates under Islamic law, Article 226 of the Islamic Penal Code (IPC) of 2013 may allow for marital rape. The Article outlines the relative ‘\textit{ihsan}',
or perfection through action and deeds, of husbands and wives. The ideal for men is to be married to a woman with whom he "can have vaginal intercourse ... whenever he so wishes." Alternatively, the ideal of women is to be married and to be "able to have vaginal intercourse with her husband." Therefore, it only matters whether a woman is able to have vaginal intercourse, for a man, it is permissible to have intercourse with his wife whenever he desires, regardless of her consent. 173

In addition, Article 1108 of Iran’s Civil Code states that a wife who refuses to fulfil her duties, which includes engaging in sexual relations, without a legitimate excuse will lose her entitlement to have her ‘maintenance’ costs covered by her husband. 174

Religious leaders play a large role in condoning or condemning behaviour. Efforts at local levels to change these beliefs and support from religious leaders for government initiatives to curb violence against women are crucial.

Dr. Norsaleha Mohd Salleh, a Ikatan Muslim and professor was quoted saying “Let’s not forbid what is allowed by Allah just because we are angry. This means a wife cannot claim that being forced by her husband to serve him is rape as long as his demands are within the limits of the Islamic code.” 175 Moreover, a leading Islamic scholar in Malaysia, Perak Mufti Tan Sri Harussani Zakaria issued a fatwa in 2015 stating that, “once a woman is married and the dowry is paid she has no right to refuse sex with her husband unless she is menstruating, sick, or has just given birth.” 176

In the Maldives, the head of a local Islamic jurisprudence body rejected the possibility for women to refuse sex saying that, “With the exception of forbidden forms of sexual intercourse, such as during menstrual periods and anal intercourse, it is not permissible under any circumstance for a woman to refrain from it when the husband is in need…[and should show] complete obedience to her husband.” 177

Conclusion

The explicit wording from various religious texts justifying women suffering violence at the hands of men pose problems for women in a number of religious
communities and countries, particularly when coupled with sexism and patriarchal tendencies.

The interpretation of religious texts will always be subjective, and therefore religious leaders have a large role to play in ensuring that interpretations do not contribute to the encouragement or tolerance of violence against women.

Most countries and communities tolerate violence against women to some degree, and those countries with religious-based laws tend to do so in a particularly outwardly manner. It is important to recognise that this is in direct violation of international law and that all countries need to reform and properly enforce legislation to protect women against violence.
‘Honour’ Killing

‘Honour’ killing is a form of gender-based violence, and the most extreme form of ‘honour’ based violence. ‘Honour’ killing is usually committed by the victims’ family or community to restore ‘honour’ upon the perpetrator (or alleged perpetrator) of an act that they feel has brought shame upon them.

According to UN estimates, five thousand women are victims of ‘honour’ killings annually.\(^\text{178}\) However, the often private nature of ‘honour’ killings results in underreporting – some civil society actors estimate that there may be up to 20,000 ‘honour’ killings per year globally.\(^\text{179}\)

**International Human Rights Norms Addressing ‘Honour’ Killings**

The right to life is enshrined in the Universal Declaration on Human Rights (UDHR) Article 3, International Covenant on Civil and Political Rights (ICCPR) Article 6, the Convention on the Rights of the Child (CRC) Article 6, and is ubiquitously found in international law. ‘Honour’ killings are a clear violation this essential provision.

The principles of equality and non-discrimination found in the ICCPR, CEDAW, and UDHR, amongst other treaties, are all violated in cases of ‘honour’ killings, as the victims are almost exclusively women.\(^\text{180}\)

Some countries show leniency by having reduced sentences or impunity for killings related to ‘honour’, violating these principals.\(^\text{181}\) The CEDAW Committee General Recommendation 19 specifically states that countries should enact “legislation to remove the defence of honour in regard to the assault or murder of a female family member.”\(^\text{182}\)

In 2001, the United Nations General Assembly passed Resolution 55/66 “Working towards the elimination of crimes against women committed in the name of honour”,\(^\text{183}\) and subsequent resolutions in 2003\(^\text{184}\) and in 2005,\(^\text{185}\) which call upon Member States to take action to eliminate ‘honour’ killings. Under the Resolution, states should investigate, document, prosecute, and punish actors who commit this crime. They should also advance initiatives for gender equality.
and work at grass roots levels to change embedded stereotypes that sustain this phenomenon.

**‘Honour’ Killings in Practice**

Laws legalising ‘honour’ killings can be traced back at least to 6000 BC in the Assyrian Empire and are also in the Mesopotamian codes of Hammurabi. In ancient Rome, a father or husband had the legal right to kill a promiscuous daughter or cheating wife. In medieval Europe, an adulterous wife and her lover could be stoned to death.

Today, ‘honour’ killings are found globally, and have been reported on by the UN in Afghanistan, Bangladesh, Brazil, Ecuador, Egypt, India, Iraq, Iran, Jordan, Morocco, Pakistan, Turkey, Uganda, and in Western countries such as Canada, France, Germany, Italy, Sweden, the United Kingdom, and the United States.

**Culture or Religion?**

Research has found that ‘honour’ killings “occur in strongly patriarchal societies in which inheritance is patrilineal, and the family or kin group is the basic social, economic and political unit.” Perpetrators are typically one or more of the men in her family or close community members, and sometimes even a mother or other female relative is involved.

Victims of ‘honour’ killings are perceived by the perpetrators to have violated the social contract of how females should behave. They may have refused an arranged marriage, had a relationship outside of their group or community, lost their virginity, become pregnant (even in cases of rape), or have been engaged in some other behaviour that is seen as crossing the line.

Religion, culture, and the paramount importance placed on honour are all linked. There are cases of murder, honour, and patriarchy in the Old Testament of the Bible, Torah, and Qur’an that, when through literal or outdated interpretation, may perpetuate a culture of ‘honour’ killing.

The Old Testament of the Bible, Torah, and Qur’an all forbid murder and emphasise the importance of ‘honour.’ All three holy books contain stories where
killing a person was the antidote to a shameful situation. From these stories, restoring one’s ‘honour’ has been interpreted as an exception to the “do not kill” mandate.¹⁹²

Throughout these three holy books female sexuality is referred to as being controlled by the male of the household; infidelity, pre-marital sex, and/or loss of virginity are discussed as a source of shame on the household and are deserving of retribution.¹⁹³

Examples from the Qur’an, Torah, and Bible reflect the time in which they were written and do not indicate that there is de facto support or justification for ‘honour’ killings. Such killings are often sustained in cultures where the concept of honour is highly valued within a family or community and through flawed religious interpretations.

Bad practices

Today, ‘honour’ killings are reported in many Muslim-majority countries, particularly in countries under Islamic law, where laws show a level of tolerance for killings due to violations of ‘honour’. Rural communities are especially susceptible to this practice.

Afghanistan shows little progress for women’s rights and despite its 2009 Elimination of Violence Against Women Law,¹⁹⁴ ‘honour’ killings remain prevalent in the country.¹⁹⁵ Women who have extra-marital relationships and young adults who choose to date, are often victims of such crimes.¹⁹⁶

The country’s law partly supports the use of violence to restore ‘honour’. Afghanistan’s Penal Code Article 398 reads:

“A man who sees his wife, or another close family member, in the act of committing adultery or sharing a bed with another individual is exempted from punishment if he immediately kills or injures his spouse and the third party. Though the defendant would be exempted from regular murder and laceration punishments, he would still be subject to a short term of imprisonment, two years or less, as a form of ta’azir¹⁹⁷ punishment.” ¹⁹⁸
‘Honour’ killings are particularly prevalent in Pakistan where ninety-six percent of the population is Muslim and tribal customs abound. In its annual report, the independent Human Rights Commission of Pakistan recorded 1,005 women and girls as victims of ‘honour’ killings in Pakistan in 2014, a fifteen percent increase over the 869 victims in the previous year. Some estimates show that the number of victims is much higher, with three thousand to four thousand women and girls murdered in the country each year in the name of ‘honour’.

In 2016, a spate of ‘honour’ killings occurred in Pakistan after the Council of Islamic Ideology (CII) proposed a law that said a man could ‘lightly’ beat his wife. The CII holds considerable influence over the local population, and their implicit condoning of such behaviour works against efforts to eradicate ‘honour’-related crimes. This is further confirmed by the fact that the killings have continued despite a new 2016 law stipulating mandatory prison sentences of twenty-five years for perpetrators of ‘honour’ killings and the removal of the possibility for the victims’ families to grant legal pardon for the perpetrators.

In Jordan, civil society organisations reported a fifty-three percent increase in ‘honour’ killings in 2016 from the previous year. The problem has long plagued the Muslim-majority country, and change is slow especially considering the institutionalized acceptance of ‘honour’ as a mitigating circumstance for crimes under Penal Code Article 340.

Despite ‘honour’ crimes being firmly rooted in Jordan’s society, there are agents for change at work in the country. A fatwa was issued in December 2016 declaring that ‘honour’ crimes are against Sharia Law. Furthermore, in March 2017, the Cassation Court (the highest court in Jordan) increased the sentences of two men who were found guilty of an ‘honour’ killing. The presiding judge said that harming another person went against religion and that he wanted to, “…send a strong message to the people that killing women in the name of family honour will no longer be tolerated by our court.…”

Other countries that also have significant rates of ‘honour’ killing and similar laws that provide mitigating circumstances for perpetrators are:

- **Iraq** (Penal Code Article 409);
- **Iran** (Penal Code Article 630), and
Palestine (article 98 of the Penal Code No. 16 of 1960, a provision of Jordanian Law currently in force in the West Bank and Gaza).209

The above examples are primarily focused on Muslim-majority countries due to the fact that such killings are reported specifically as ‘honour’ killings. This terminology is not frequently in Jewish or Christian communities to describe ‘honour’ motivated femicide. However, this type of femicide is not completely absent from those communities.

Most notably indicating the existence of ‘honour’ motivated femicide is the ‘heat of passion’ defense in the United States, a Christian majority country, which allows for mitigation of a crime in the same manner that an ‘honour’ defense does in the examples mentioned above.210 A similar ‘provocation’ defense is also found in Brazil, a Roman Catholic country.211

Furthermore, in Great Britain, a report in 2008 noted that ‘honour’ based domestic violence, which sometimes ends in murder, had not disappeared in second and third-generation Jewish immigrant families. 212

Conclusion

The ancient practice of killing to restore ‘honour’ is still present in some Muslim-majority countries and also to some extent in some Muslim diaspora communities. Although often less obvious, ‘honour’-motivated violence and femicide does occur in some Christian and Jewish communities as well. Interpretations of the holy books of Christianity, Islam, and Judaism do not justify ‘honour’ killings.

Religious leaders and community leaders need to denounce such acts but, more importantly, address root causes; they can help by challenging and correcting erroneous interpretations of religious text that condone ‘honour’ based violence and killing.

Governments have a responsibility to protect women and girls from femicide. Any country that has codified practices that sustain ‘honour’ killings need to act immediately to bring their national laws in-line with international norms, providing the proper mechanisms for protection, investigation, and prosecution of these crimes.
Along the same line, security and police forces need to receive training and education on ‘honour’ based violence and killing to ensure thorough investigation, hold perpetrators accountable, and, even before any murder occurs, that the women and girls who come to them with complaints receive the protection and due diligence they deserve.
Public Dress Codes

Dress\textsuperscript{213} is personal and individual, expressing a person’s identity and beliefs, whether cultural, religious, or other. Article 18 of the Universal Declaration of Human Rights (UDHR) protects the right to manifest one’s religion in private or public.\textsuperscript{214} In some circumstances, compulsory dress rules that require or forbid a certain dress may interfere with individuals’ human rights.

Women are often impacted more than men by dress regulations in public because of the long-ingrained patriarchal elements that still exist in many societies. There is a direct correlation between the level of patriarchy and misogyny within a culture and its restrictions on women, dress, or otherwise.\textsuperscript{215} Even when the society in question thinks they are enacting a dress code law in order to protect women, they are in turn committing the same foul as the culture from which they think they are protecting her.

This poses questions about the role of the State in matters of how, when, and where the State can legitimately restrict and impose regulations on dress and the display of religious symbols.

Public Dress Code Provisions in International Law

In addition to Article 18 of the UDHR, provisions addressing public dress codes via the right to manifest one’s religion and be free from religious discrimination are found in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981 Declaration)\textsuperscript{216} and the International Covenant on Civil and Political Rights (ICCPR)\textsuperscript{217}, Articles 18 and 20.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states in Part 1, Article 2 that State parties should, “take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise;” and “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.”\textsuperscript{218}
The CEDAW Committee has also recommended that State parties “Amend all discriminatory by-law adopted at the provincial level which restrict women’s rights in the conduct of their daily life, including social and public life, [and] impose dress code.”

The United Nations Human Rights Committee has clarified that the concept of worship includes the display of symbols and that observance and practices can include the wearing of distinctive clothing or head coverings. The Commission on Human Rights Resolution 2005/40, 4b, states:

“The Commission on Human Rights urges States, ‘To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and religious expressions are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction.”

Furthermore, the Human Rights Committee found in Communication No. 931/2000, Hudoyberganova v. Uzbekistan that:

"the freedom to manifest one's religion encompasses the right to wear clothes or attire in public which is in conformity with the individual's faith or religion. Furthermore, it considers that to prevent a person from wearing religious clothing in public or private may constitute a violation of article 18, paragraph 2, which prohibits any coercion that would impair the individual's freedom to have or adopt a religion." 

While these provisions are in place, some regional and national courts have interpreted the law differently, often prioritising the popular belief within society. Below, we explore some of these different examples, looking at religious and cultural influences, as well as laws in effect.

**Public Dress Code Regulations in Practice**

Rules determining what people can wear in public have an ancient social history which was typically dictated by one’s social standing or class. It was common for women and men to have different dress requirements and levels of acceptance for
nudity. Dress codes have been an integral part of each of the three major Abrahamic religions, and a call for modesty is found repeatedly in the Bible, the Qur’an, and the Torah.

The sections below will first look at some relevant texts from holy scriptures of the three major Abrahamic religions that are used to justify public dress code regulations for women. It will then present some contemporary examples of cultural beliefs and government regulation that affect women’s rights.

**Islam**

As in many religions and cultures, Muslims dress differently around the world and what they wear may be determined by personal interpretation of their religion and/or local, social, and political influences.

Chapter 24, Verse 31 of the Qur’an is often used when discussing rules of modesty and dress in Islam. It reads, “And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their head covers over their chest and not expose their adornment…” This verse is interpreted in various ways, sometimes in conjunction with the part of the Qu’ran that says, “There shall be no compulsion in religion.”

Therefore, Muslim women may wear different types of coverings: the burqa fully covers the face, head, and body; the niqab covers the entire body, face, and head with an opening left for the eyes; and a hijab covers only the hair. They may also wear an abaya, which is a long, loose cloak, to cover the body.

Furthermore, many Muslim women do not wear any visible sign of their faith in their daily life, but may choose to cover their chests, and wear clothing that is not too revealing.

Much of the debate on attire for Muslim women revolves around the hijab, burqa, and niqab. One view that there is no religious basis for such coverings, and support for them is based on misogynistic motivations. The counter view is that women in non-Muslim cultures and religions also dress according to the desires of men, and therefore, it is hypocritical to hold Muslim women to a different
standard. Regardless of historical, cultural, or religious background, how a woman chooses to dress herself should be left up to her.

The fact remains, however, that Muslim women take center stage of the dress requirement debate. Some Muslim majority countries, usually those that follow a form of Shari’a, require women to cover themselves and use religion as a justification for such requirements (although some countries, such as Iran, used to ban the hijab from being worn). In other countries, a Muslim woman may not be allowed to wear the religious dress that she feels is appropriate to honour her religious beliefs.

**Judaism**

As with Islam, Jewish women around the world dress differently depending on their belief, community, and personal choice. However, global controversy surrounding their clothing choices is rare, even though some of the Orthodox groups’ attire is distinctive.

Modesty or “Tzniut” for both men and women is of great importance in Jewish texts and teachings. Tzniut also references the standards of modesty and humility in dress and behaviour in Jewish law.

What constitutes modest dress is also found in “Dat Moshe” or “Moses’s law” in the Torah, which dictates that a married woman must cover her hair. Two other laws that delineate modest dress for Jewish women are “Dat Yehudit,” and “Minhag Hamakom.” Furthermore, the story of Kimchis from *Talmud Bavli, Yoma 47a* explains that women who cover their hair will be rewarded. Kimchis claims that she was blessed with seven sons who were all High Priests in the Temple because she never exposed her hair, not even in private.

Orthodox Jews, especially Hasidic Jews, typically follow certain traditions of conservative dress to honour their faith, show they belong to their community, and separate themselves from other religions and particularly secular cultures.

Typically, Hasidic women do not wear clothing that is too bright or tight-fitting: sleeve lengths that cover the elbows, and skirts that cover the knees. Married
women are to cover their hair to signal that they are no longer single; often they wear a sheitel (wig) as a more natural-looking way of covering their heads.235

Christianity

Originally, the dress code of Christians and Jews were very similar as the earliest followers of the religion were Jews themselves, but those traditions soon became more cultural than religious. The dress codes prescribed in the Holy Bible pertain primarily to women.

1 Timothy 2:9 reads, “In like manner also, that women adorn themselves in modest apparel, with shamefacedness (modesty) and sobriety; not with braided hair, or gold, or pearls, or costly array.”236 Aside from certain guides like this on specific jewellery or apparel to avoid, the specifications on what constitutes modesty is rather vague.

For the most part, these guidelines have been followed rather loosely. The rigidity of enforcing dress codes has largely been left behind with the times in which the New Testament was written. There are, however, various modern sources that give guidelines for how a Christian woman should dress.237 While many Christian denominations no longer adhere to any dress code for their followers some very marginal, traditional Christian groups do, such as the United Apostolic Holiness Assemblies International Pentecostal and the Fundamentalist Church of Jesus Christ of Latter-day Saints (FLDS). These are discussed further below.

Contemporary Applications

Today, restrictions on women’s dress commonly fall into two distinct categories; on one hand, a state may require women to wear religious attire in public or ban them from wearing clothing that expresses their religious beliefs, on the other hand, religious groups impose certain dress codes on their female followers. In both cases, societal norms and pressures play a large role. Below we explore both angles through case studies from various countries.
Compulsory religious attire

In Indonesia, the National Commission on Violence against Women identified twenty-three regional regulations on dress codes which directly discriminate against women.\(^ {238}\) The Commission found that women are more susceptible to violence (verbal, physical, and sexual) due to the dress codes’ reinforcement and institutionalisation of harmful stereotypes about women.\(^ {239}\)

Under national legislation, Aceh province operates under Shari’a law. Thus, the Aceh region legally restricts the dress of men and women. Within the Aceh region, local governments are able to dictate their own dress codes, some of which include the obligation for women to wear a hijab and clothes that do not reveal one’s figure. As the UN Human Rights Committee has discovered, the criminal sentencing by the Wilayatul Hisbah (Shari’a police) in Aceh disproportionately affect women.\(^ {240}\)

Enforcement of the dress code is the responsibility of the Wilayatul Hisbah (although community members often report and react to violations as well). It has been reported that police and community members have conducted road blocks and raids to ensure that women comply with the dress codes.\(^ {241}\) Punishments for infractions range widely, with possible penalties including: public shaming, imprisonment, denial of government services, fines of up to two million rupiahs (220 $USD),\(^ {242}\) or even flogging.\(^ {243}\)

In Iran, under Article 638 of the Islamic Penal Code, women must wear a hijab in public or face a possible sentence of ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.\(^ {244}\)

In Sudan, Article 152 “Obscene and Indecent Acts” in the 1991 Penal Code\(^ {245}\) prescribes a maximum of forty lashes for anyone who is dressed ‘immorally’. The law came into the spotlight in 2009 through the case of journalist Labna Hussein who was arrested for wearing pants in public.\(^ {246}\)

What constitutes indecent and immoral dress in Sudan’s Penal Code is vague and left up to interpretation, with the code stating that “The act shall be contrary to public morals if it is regarded as such according to the standard of the person's religion or the custom of the country where the act takes place.” This leaves
implementation up to the interpretation of the police and judicial system. Christian women have been known to be targeted.

In 2015, ten Christian women in Sudan between the ages of seventeen and twenty-three were arrested for ‘indecent dress.’ The women were wearing either trousers or skirts. Each of the women were charged and faced up to forty lashes.\textsuperscript{247}

In the \textbf{United States}, the United Apostolic Holiness Assemblies International Pentecostal denomination ascribes to a strict dress code for men and women.\textsuperscript{248} Women specifically must be completely covered with a head scarf or hat, long sleeved shirts, floor-length skirts, and closed-toed shoes.\textsuperscript{249}

The Fundamentalist Church of Jesus Christ of Latter-day Saints (FLDS) in North America, led by Jeff Warrens, requires women to follow a rigid set of dress regulations; they are to be covered in neck-to-ankle undergarments and their outerwear is limited to pastel colours. Additionally, no sandals or heels are allowed and women must style their hair in a standardised fashion. Men also have guidelines, although they are not as strict: they must wear long-sleeved, button-down shirts, long pants, and cannot have facial hair.\textsuperscript{250}

\textit{Bans on religious dress}

In addition to being forced to dress a certain way, women’s rights may also be infringed upon if she is not allowed to wear clothing or symbols that manifest her religion or express her beliefs.

In \textbf{Europe}, eighteen out of forty-five countries have laws restricting a woman’s religious attire.\textsuperscript{251} A large focus has been placed on the so-called “burqa ban”, that prohibits people from covering their faces in public places.

The first country to pass such legislation was \textbf{Belgium} in April 2010.\textsuperscript{252} Violators of the law may be fined up to 137.5 euros and/or spend up to seven days in jail.\textsuperscript{253} In 2012, Belgium’s Constitutional Court upheld the ban, reasoning that it was necessary to protect public safety, ensure equality between men and women, and preserve “a certain conception of ‘living together’ in a society.”\textsuperscript{254}
France followed suit with similar legislation passed in October 2010. France follows the principle of laïcité, a form of secularism that is supposed to keep religion separate from public life.

The European Court of Human Rights (ECtHR) addressed the issue in 2014 in S.A.S. v. France. A French national and practising Muslim claimed her rights were violated due to France’s new law prohibiting the concealment of one’s face in public places. Her complaint asserted it was her free choice to at times wear the burqa or niqab because of her faith, culture, and personal convictions as a devout Muslim. Therefore, she claimed that her rights had been violated under Article 8 of the Convention (right to respect for private and family life); Article 9 (right to freedom of thought, conscience and religion); and Article 14 (right to non-discrimination) combined with Articles 8 or 9.

The Court held that there had been no violation of Article 8, 9, or 14 of the Convention, emphasising that respect for the conditions of ‘living together’ was a legitimate aim of the law and does not breach the Convention of Human Rights. The court also noted that although the ban uniquely affects Muslim women, the aims of the law are objective and reasonable.

In 2008 in Great Britain, a Christian employee of British Airways was asked to remove her crucifix necklace while at work. She initially filed a suit in England and the court found that British Airways, had not discriminated against her and that under the proportionality test, had the right to ask employees not to display any religious garb as a measure to uphold their corporate image.

The case was then appealed in the European Court of Human Rights (ECtHR) under Case of Ewedia and Others c. The United Kingdom. Here, the woman claimed that the state had violated her right to freedom of religion under Article 9 (Freedom of thought, conscience and religion) of European Convention on Human Rights and/or her right to be free from discrimination under Article 14 together with Article 9. In its decision in 2013, the ECtHR found that she had the right to protection under Article 9 and awarded her damages. The ECtHR reasoned that the proportionality test applied by the lower court had given too much weight to British Airways’ claim that the cross distracted from British Airways’ neutral image.
In 2003, in the United States, a Florida state judge rejected a Muslim woman’s request to have her face covered by a veil in her driver’s license photograph for security and identification reasons. This illustrates the balance governments must try to find in providing safety and protection for all within its jurisdiction, while simultaneously respecting the right to manifest one’s religious beliefs.

In 2016, in the United States, the Alabama Department of Motor Vehicles (DMV) (a state agency that issues drivers licenses) refused a woman’s driver’s license photo because she wore a headscarf that was part of her Christian beliefs. Although the DMV allowed Muslims to wear the headscarf, they insisted that she take it off. She filed a lawsuit through the American Civil Liberties Union (ACLU) which was eventually settled out of court with the DMV finally accepting the photo with the headscarf.

In Morocco, the Ministry of Interior prohibited the manufacturing and sale of the burqa in 2017 for the purpose of stopping criminals who have “repeatedly used this garment to perpetrate their crimes.” A Moroccan human rights organization issued a statement condemning this prohibition, stating that although technically the new law does not yet infringe on the right to wear a burqa, the ban violates women’s right to express their identities and political, social, and cultural beliefs.

The issue of banning the full veil in Muslim-majority countries was investigated by Dr. Prof. Valentina Colombo, an academic researcher from the European University of Rome. In her research, Colombo explains how various Muslim majority countries have addressed niqabs in work, school, and public settings:

In March 2009, [in Egypt] the Egyptian Ministry of Health prohibited the wearing of the niqab by nurses in hospitals. If they fail to respect the law, they could be taken to court and even fired…

…In October 2009, Shaykh Tantawi, the head of Al-Azhar university in Egypt, the highest seat of learning in the Sunni world, ordered a school girl to remove her niqab during a visit to an Al-Azhar school, saying he would seek an official ban for the face-veil in schools as “the niqab is a tradition and has nothing to do with Islam.”
[In Iraq] the niqab was banned in a fatwa issued by the Iraqi Shaykh, Ahmad al-Qubaisi, who stated: “People have the right to know the identity of the person they are in front of in order not to feel deceived. The obligation of niqab was only for the Prophet’s wives as they were the mothers of all believers. Women who do not agree only have to look for another job in which they are not requested to show their faces”.

[In Kuwait] women wearing the niqab have been banned from driving for security reasons, as the only hole in the veil allows no 180-degree perspective. Moreover, it would be impossible to recognize the driver in case of driving infraction.  

In Indonesia, in 2010, a bylaw was issued by the West Aceh local government that forbade Muslim women from wearing pants. When questioned about the motivation for creating such a restrictive dress code law, the West Aceh District Head, Ramli Mansur commented, “[W]hen women don’t dress according to Shari’a law, they’re asking to get raped”.

In Israel, there are reports of Haredi Jewish men shouting “Shiksa” (gentile woman) and “Prutze” (slut), throwing rocks, and spitting at Orthodox Jewish women and school girls who dressed in ‘modern’ wear, meaning knee length skirts and headscarves.

In Singapore, where multiculturalism is highly prized, there was a heavy debate when girls were banned from wearing the hijab at school in 2002. To date, some public-sector employees, such as nurses and policewomen, are prohibited from wearing hijabs in the workplace.

**Conclusion**

Dress code traditions are largely rooted in cultures and religions. The requirement to dress a certain way in public for religious reasons falls considerably on women. While some dress code regulations imposed on women are seemingly well-meaning and protective, they often end up as a form of oppression.

To regulate the clothing worn by women is sexist and has the same effect as trying to control a woman’s sexuality and behaviour. In a similar vein, legal regulations that require women to wear religious clothing, and those that restrict it, are
focused on disciplining the population and enhancing political control.\textsuperscript{270} Simply put, women and men should be able to wear what they like in public. Particular caution should be taken when trying to ‘protect’ Muslim women from what many non-Muslims view as oppressive. Manifestations of oppressive patriarchy are still alive and well in all religions and cultures.

One should be aware of cultural blind spots in their own community and seek to understand, learn, and connect with others outside of their communities in order to respect the rights of all and foster a peaceful environment of ‘living together’.
Reproductive Rights

Reproductive rights for women encompass the right of every woman to make her own decisions about her body and sexual health; they ensure that she has access to sexual and reproductive health education and necessary medical care. It also means that she decides when and how many children to have and that safe and effective family planning methods are available to her.\textsuperscript{271}

Reproductive rights are protected under international law through the rights to life, health, and privacy, amongst others, that are stipulated in various UN treaties.\textsuperscript{272}

In 1994, at the International Conference on Population and Development (ICPD), sexual and reproductive health was officially recognized by 179 states\textsuperscript{273} as a basic right for all as well as the right to have access to information on suitable contraception and family planning methods of their choice.\textsuperscript{274} In addition, access to safe abortion was recognized as a public health priority.\textsuperscript{275} Criminalisation or denial of abortion infringes upon the rights of women as established at the ICPD.

These principles were reaffirmed in 1995 at the Fourth World Conference on Women as part of the Beijing Platform for Action\textsuperscript{276} and in 1999 at the UN General Assembly.\textsuperscript{277}

Unfortunately, the reality is that many women face barriers in obtaining the sexual and reproductive healthcare and education they need and deserve. In some cases, contraception that may prevent unwanted pregnancies and help to plan pregnancies are unavailable or unaffordable. Prevention and planning of pregnancies reduce abortions as well as incidences of mortality and illnesses related to pregnancy and childbirth. According to the World Health Organization (WHO), if the investment in contraception would double globally, unwanted pregnancies and unsafe abortions would be prevented by approximately 71\%.\textsuperscript{278}

Social and cultural barriers, lack of knowledge, and logistical matters also often discourage women from getting the sexual health information they need. The reproductive health strategy adopted by the WHO pushes for the removal of barriers in accessing such services and programmes and for the establishment of laws and norms in support of sexual and reproductive policies.\textsuperscript{279}
Women’s access to reproductive health services, education, and contraception are sometimes impeded by religious beliefs and religious leaders. While everyone is entitled to their own beliefs and values, violations of women’s rights occur when those beliefs and values are imposed on them.

It is the right of a woman to make decisions about her own body and reproductive health and whether to follow the doctrine of a religion or not. Yet, a woman’s reproductive rights can be violated by powerful religious institutions that succeed in lobbying governments to enact laws that thus impose religious norms on the entire population of a country.

Here we look at perhaps the most contentious issue of all: the right of a woman to terminate her pregnancy.

**The Right to Abortion…?**

While human rights protect a woman’s freedom to decide over her own body, life, and dignity, discussions around abortion also involve deep questions of life and death, human relations, and God.

The degree to which women have access to safe and legal abortion services is ground for many debates, mainly stemming from legal and ethical perspectives. A woman’s stance on abortion often reflects her religious and cultural background or those of her community.

There are different viewpoints over the ‘immorality’ of abortion, usually involving the question of the point at which life begins and whether or not a foetus is a human being. The three major Abrahamic religions covered in this report (but also others) often promote the idea that life begins at conception and abortion, at any stage, is a sin. Therefore, the personal and difficult choice that a woman must make regarding ending her pregnancy becomes part of a communal moral imperative that is often not based on scientific or medical reasoning. Each religion, denomination, and community has its own view on the ethical implications of abortion for the persons involved and for society.
Despite what some may believe, abortion is in fact a necessary medical procedure for many women.

Every year more than fifty-six million women of childbearing age have abortions around the world.280 Between 2010 and 2014, twenty-five percent of abortions worldwide were deemed unsafe.281 According to the WHO, “Unsafe abortion occurs when a pregnancy is terminated either by persons lacking the necessary skills or in an environment that does not conform to minimum medical standards, or both.”282

A woman’s life is at risk when safe abortion options are not available to her; instances of medical complications and death increases in cases of unsafe abortion. Complications from unsafe abortions that threaten a woman’s life may include, but are not limited to, “incomplete abortion (failure to remove or expel all of the pregnancy tissue from the uterus), haemorrhage (heavy bleeding), infection, uterine perforation (caused when the uterus is pierced by a sharp object), damage to the genital tract and internal organs by inserting dangerous objects such as sticks, knitting needles, or broken glass into the vagina or anus.”283

Despite this danger, abortion is still often restricted to some degree by law – not to mention the social stigma – in many countries around the world. There are also a handful of countries that ban abortions in all circumstances.284

Countries that criminalise or put up barriers to abortion do not deter women from pursuing it but make it more unsafe, unaccountable, and prevent access to much needed post-abortion services.285 These countries are thus in violations of women’s basic rights.

**Access to Abortion in International Law**

While the United Nations has yet to provide the *explicit* right to abortion in a treaty, they have stated that “treaty body jurisprudence has clearly indicated that denying women access to abortion where there is a threat to the woman’s life or health, or where the pregnancy is the result of rape or incest violates the rights to health, privacy and, in certain cases, to be free from cruel, inhumane and degrading treatment.”286
Furthermore, the right to abortion is implied through the protection of other human rights especially the right to life, the right to the highest attainable standard of health, and the right to privacy.287 In regards to the right to life, in 2000, the Human Rights Committee General Comments on the ICCPR stated that, “States parties should give information on any measures taken by the State to help women prevent unwanted pregnancies, and to ensure that they do not have to undergo life-threatening clandestine abortions.”288

Criminalising or forbidding an abortion is a form of gender discrimination against women because it is a medical procedure exclusively for women.289 Furthermore, women should not be required to have permission from any male, family member, or guardian in order to have an abortion.290

Article 12 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979, states “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”291

In 1999, the CEDAW Committee asked that states decriminalise abortion and ensure that in the case where a health provider objects on moral ground to a service (read: abortion) the state still has the responsibility to ensure that the service is available to women by other providers who do not conscientiously object.292

The denial of an abortion also infringes upon the right to be free from torture or other cruel, inhuman and degrading treatment, as forcing women to carry unintended or unwanted pregnancies or to undertake unsafe abortion procedures puts her health and life at risk, which would otherwise be preventable. Any action that could bring physical or mental pain through being forced to carry an unwanted pregnancy or a non-viable or dead foetus to term would represent an act of cruel and inhuman treatment for the mother.293

The Maputo Protocol is the first regional human rights treaty to explicitly call on states to ensure access to abortion in certain circumstances and to call on state parties to: “take all appropriate measures to protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest,
and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.”

Despite the wealth of protection in international law, there are still countries who fail to provide the necessary care to women.

**Country Examples**

In countries that are influenced by Catholicism, there are often restrictive abortion laws.

In the **United States**, in May 2016, it was reported that one out of six hospitals is ruled by Ethical and Religious Doctrines (ERDs) based on Catholic beliefs and are therefore against abortion in all circumstances. At Catholic hospitals, doctors have to abide by ERDs rules which sometimes includes the prohibition to refer patients to other institutions. In these cases, raped women that need contraceptive devices would not receive appropriate care.

The Church of England, on the other hand, has a strong opposition to abortion but recognises that there are some conditions under which abortion could be a preferable alternative.

**In Ireland**, progress is being made to respect the reproductive rights of women after the referendum held on 26 May 2018 overturned the long-standing ban on abortions.

As a Catholic majority country, abortion has historically been illegal and considered a criminal offense in Ireland unless the life of the mother was at risk. Terminating a pregnancy due to rape or incest, or where the foetus had a fatal abnormality was against the law. This meant that women travelled out of the country to get the necessary medical care or were forced to go through with an unwanted pregnancy. In the 2012 case of Savita Halappanavar, she was denied an abortion that would have saved her life. Savita was 17 months pregnant when she began having a septic miscarriage and requested an emergency abortion. Due to the law in place, her request was denied and she suffered a fatal heart attack due to an infection some days later. After Savita’s death, the Protection of Life During Pregnancy Act (2013) set out detailed guidelines for
access to abortions, delineating that when the mother's life was endangered an abortion was permissible; but in cases of rape, incest, or an unviable foetus, abortion was still to be denied.\(^{302}\)

In **Poland**, abortion is not legal except for cases of rape and incest, or when the life of the woman or the foetus is in danger or has a malformation. In 2012, the European Court of Human Rights ruled for the third time that Poland was in violation of ensuring effective access to legal abortion services due to its lack of legal framework for abortion laws.\(^{303}\)

In 2016, a new law was proposed to make abortion completely illegal in all cases. Women who would have had abortions illegally would have been jailed. The proposed bill came from anti-abortion group of citizens with 450,000 signatures backed by the Catholic Church.\(^{304}\) After numerous strikes that saw 30,000 women on the streets, lawmakers finally vetoed the law.

In the Catholic majority country of **Peru**, where abortion is only legal in the case of possible death or serious harm to the mother, the UN Human Rights Committee in 2005 officially recognised that the Peruvian government’s failure to ensure legal abortion services for a seventeen-year-old girl who was carrying an anencephalic foetus was a violation of her rights to privacy and freedom from cruel, inhuman or degrading treatment, amongst other rights.\(^{305}\)

Additionally, in the 2009 case of **L.C. v. Peru**, the CEDAW Committee “ruled that Peru must amend its law to allow women to obtain an abortion in cases of rape and sexual assault; establish a mechanism to ensure the availability of those abortion services; and guarantee access to abortion services when a woman’s life or health is in danger–circumstances….\(^{306}\)

In the predominantly Catholic country of **El Salvador**, abortion is completely outlawed.\(^{307}\) This has landed women in jail for decades because they had miscarriages.\(^{308}\) In March of 2018, 34-year-old Maira Verónica Figueroa Marroquín was released from jail after serving fifteen years out of her thirty-year sentence after she had a stillbirth in 2003. Despite international condemnation, there is no progress being made yet to loosen the law.

In Islam there are varied interpretations regarding the point at which it is no longer ‘appropriate’ to terminate a pregnancy based on Qu’ranic text and
subsequent fatwas. Therefore, Muslim-majority countries take varied stances on their approaches to abortion.

In Tunisia abortion may be requested up to 12 weeks gestation and the procedure is covered by the public healthcare system. However, there are many other countries, such as Afghanistan, Egypt, and Iraq, where abortion is only allowed when the mother’s life is in danger.

In terms of Jewish influence, Israel, a Jewish state, has legislation that allows a woman to terminate her pregnancy if she is not married, is underage or over forty-years-old, if the pregnancy was the result of a crime, such as rape or incest, if there are severe fetal abnormalities, or if the physical or mental health of the mother is at risk. The state also offers subsidies for the abortion procedure.

**Conclusion**

Reproductive rights encompass not only access to abortion, but also the right to health education and family planning services, including contraception, amongst other things. These tools as well as the option to voluntary terminate a pregnancy remain critical health necessities for women. As discussed above, the United Nations, the World Health Organisation, as well as many other international and regional organisations have all highlighted the importance of access to abortion.

Religion may play a role in the decision of a woman when considering abortion as an option; everyone has the right to believe what they want and certain religious groups and individuals may believe that abortion would never be an option for them. However, religious leaders do not have the right to impose their ethics upon others, including those affiliated with their religion and those outside of their religion. This is often the problem in countries where there is a dominant religion that holds either heavy lobbying power or a close connection with the government.

Furthermore, any situation where a woman is forced by her partner, family, or community to have an abortion or to go through with an unwanted pregnancy is a form of violence against women and is a clear violation of human rights. There may not be the explicit right to abortion, just as there is not the explicit right to any other surgery or medical procedure, but there is the right to life, privacy, and health.
Women should have full access to health information, education, and contraception. Religious leaders, institutions, and laws that block women from these services and tools lack rational reasoning and contribute to the denial of women’s rights. As stated by the WHO, “Almost every abortion death and disability could be prevented through sexuality education, use of effective contraception, provision of safe, legal induced abortion, and timely care for complications.”313

Women have medical needs that differ from those of men, and it is clear from the jurisprudence that they should not be blocked from receiving the health care that they are entitled to.
Endnotes and References

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10 Frances Raday, Culture, religion, and gender, 1 International Journal of Constitutional Law 663 (2003), pg. 665
11 Based on Emile Durkheims theory of religion, see George Ritwer, Classical Sociological Theory, pg. 208-209
12 Ibid.
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This includes Article 16 of The Universal Declaration of Human Rights; Article 23 of the International Covenant on Civil and Political Rights (ICCPR); Article 10 (1) of the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages http://www.ohchr.org/EN/ProfessionalInterest/Pages/MinimumAgeForMarriage.aspx


http://www.ohchr.org/EN/ProfessionalInterest/Pages/RecommendationOnConsentToMarriage.aspx

For example:
http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/JointCEDAWandCRCGRecommendation.aspx and


Top 30 Countries according to UNICEF (listed alphabetically): Benin, Burkina Faso, Central African Republic, Côte d’Ivoire, Cameroon, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Guinea, Gambia, Guinea-Bissau, Indonesia, Iraq, Kenya, Liberia, Mali, Mauritania, Niger, Nigeria, Sudan, Senegal, Sierra Leone, Somalia, Chad, Togo, Tanzania, Uganda, and Yemen. 
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82 Ibid. para. 7


85 As it is shown by UNICEF’s map in its 2013 report on the issue: https://www.unicef.org/media/files/UNICEF_FGM_report_July_2013_Hi_res.pdf


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28TOOMANY, ‘Country Profile: FGM/C/C in Sierra Leone’. Figure 28., pg. 50, http://www.28toomany.org/media/file/profile/CountryProfile_SierraLeone_2014_Compressed.pdf


HRWF note: In 2014, the Child Rights Act was proposed with legislation that would criminalize FGM/c, however HRWF was unable to determine if this legislation was currently in place at time of publication.


Sami A Aldeeb Abu-Sahlieh, ‘To Mutilate in the Name of Jehovah or Allah: Legitimization of Male and Female Circumcision’, 13 Medicine and Law Journal (1994), pg. 582

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Amendment of article 242 (bis) of the Penal Code. Article 242 (bis) criminalises the act of female genital mutilation (FGM): http://bit.ly/2p6lRKP


“UNICEF commits to speed up its efforts to end the violent practice of FGM/C”, UNICEF, 6 February 2017. https://www.unicef.org/esaro/5440_eth2017_end-fgmc.html


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The Dwoodi Bohras Website: http://thedawoodibohras.com


World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council, ‘Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence’, (2013) at 2.


CEDAW Committee General Recommendation No. 19 (11th session, 1992) states: The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence. Source: http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm

Ibid, para. 9


142 http://www.stopvaw.org/defining_honour_crimes: Honour crimes include murder, attempted murder, driving to suicide, rape, gang rape, torture, assault, virginity testing, kidnapping, forced marriage, forced eviction, harassment, threats, mutilations, stove burnings, acid attacks and maiming.”
143 See more information on common triggers at: http://hbv-awareness.com/honour-based-violence/
147 Ibid.
148 Ibid. The report by AWID reads that: “[in Zimbabwe] ‘when a woman is raped, she is told that her rape might be the means that God will use to bring her to him’.”

For instance, 4 out of 10 women in evangelical churches in Peru reported suffering violence from their partner at some point during their relationship; two out of ten women in evangelical churches in Argentina; the report also found that there was a higher likelihood of psychological violence in evangelical churches than in the general populations of these countries. See more at: http://www.restoredrelationships.org/resources/info/114/

Two out of ten in Ecuador and Argentina denied the existence of domestic abuse in Christian homes


Between 65.5% and about 93% of the participants strongly disagreed, disagreed, or partially disagreed that a husband can beat his wife under any circumstances. For example, about 93% of the participants disagreed, to varying degrees, that a husband can beat his wife if she intentionally violates the Sabbath. In addition, the findings indicate that nearly 90% of the participants disagreed to varying degrees that if a woman undermines her husband’s status as head of the family then it is justified to beat her”, see: Simona Steinmetz and Muhammad M. Haj-Yahia, ‘Definitions of and Beliefs About Wife Abuse Among Ultra-Orthodox Jewish Men from Israel’, Journal of Interpersonal Violence 21(4) (2006), at 539

“Findings indicate that between 8% and 13.6% of the ultra-Orthodox men strongly agreed, agreed, or partially agreed that a husband can beat his wife under certain circumstances” see Simona Steinmetz and Muhammad M. Haj-Yahia, ‘Definitions of and Beliefs About Wife Abuse Among Ultra-Orthodox Jewish Men from Israel’, Journal of Interpersonal Violence 21(4) (2006), at 538

24.4% of the participants expressed varying degrees of agreement with the argument that women who are battered enjoy the role of being victims, and 27.7% of the participants expressed varying degrees of agreement with the argument that there are women who are battered who like to suffer” see Simona Steinmetz and Muhammad M. Haj-Yahia, ‘Definitions of and Beliefs About Wife Abuse Among Ultra-Orthodox Jewish Men from Israel’, Journal of Interpersonal Violence 21(4) (2006), at 539


The Qu’ran (English translation) 2:18, available at: https://Qur’an.com/2/187-197


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A right-wing religious party in Pakistan.


Sahih Al-Bukhaari, 3065; Sahih Muslim, 1436


ICCPR Article 26 non-discrimination & Article 3 Equality; CEDAW Article 15(1) Equality; UDHR Article 2 Discrimination & Article 7 Equality

For example: https://www.hrw.org/news/2017/04/03/how-end-honor-killings-jordan


While more common in Middle Eastern and Asian countries, honor crimes are found in the West too: https://iheu.org/newsite/wp-content/uploads/2014/03/433_A_HRC_25_NGO_Sub_En_IHEU_Honour.pdf ; http://hbv-awareness.com/regions/


ibid

See more information on common triggers at : http://hbv-awareness.com/honour-based-violence/

The importance of restoring honour is described in the Old Testament with the story of Jacob’s daughter Dinah, whose rapist was killed to restore honour to her family (Genesis 34). The Qur’an Verse 2:191-193 is thought to allow for ‘honour’ killing. In addition, a parable in the Qur’an which tells the story about a boy killed by his parents because he was disobedient and they to be blessed with another, more fitting, son. (Qur’an 18:65-81).

Devarim 22:21 further speaks to the concept of honour and sexual shame for a wife who was found guilty of adultery. http://www.chabad.org/library/bible_cdo/aid/9986/jewish/Chapter-22.htm. Furthermore, patriarchal control over the behaviour and decisions of a woman by her father or a husband in order to preserve the honour of the family can also be found in the laws from Bamidbar Chapter 30 (Numbers 30:1-17).

From the Old Testament: Deuteronomy 22:13-21 describes the process by which a man can have his bride stoned to death for honour reasons if the groom suspects her of not being a virgin.
Furthermore, references to killing in the name of family honour in the Old Testament may also be found in Leviticus 20:9, Leviticus 21:9, and Exodus 21:17. 


196 Such was the case in early 2017: http://www.rferl.org/a/afghanistan-honor-killing-fatehah Lynched/28314022.html

197 Such was the case in early 2017: http://www.rferl.org/a/afghanistan-honor-killing-fatehah Lynched/28314022.html

198 Punishment in Islamic law that is left up to the discretion of the judge.


Ibid.

Crimes in the Community: Honour based violence in the UK
http://www.civitas.org.uk/pdf/CrimesOfTheCommunity.pdf pg 30-31

Dress refers to “an assemblage of modification of the body and or supplements to the body…including a long list of possible direct modification of the body such as coiffed hair, colored skin, pierced ears, and scented breath, as all as an equally long list of garments, jewelry accessories and other categories of items added to the body as supplements.” Dress and Identity, by Eicher & Roach-Higgs, available at:
https://conservancy.umn.edu/bitstream/handle/11299/170351/Intro%20dress%20and%20identity%20roach%20higgins.ocr.pdf;sequence=1

Universal Declaration of Human Rights, 10 December 1948, United Nations, available at:
http://www.un.org/en/universal-declaration-human-rights/; “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

HRWF note: In general, while the most influential religious leaders are predominantly male, the “ranks of the faithful” are dominated by women. Within the three major Abrahamic religions, dress code regulations in public—though largely taught and perpetuated by men—are primarily imposed on women, who make up the typically more devoted followers of religion. For example, see Argyle, Michael, and Benjamin Beit-Hallahmi. 1975. “The Social Psychology of Religion.” Also see Beit-Hallahmi, Benjamin. 2014. “Psychological Perspectives on Religion and Religiosity,” See Stark, Rodney. 2002. “Physiology and Faith: Addressing the ‘Universal’ Gender Difference in Religious Commitment,” Journal for the Scientific Study of Religion.

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http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-IDN-CO-6-7.pdf


Ibid

Qur’an, chapter 24, verse 31, available at: https://quran.com/24/31


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232 Dat Yehudit or “law of the Jewish Woman” meaning she can wear what is considered modest for a woman in her community.

233 Minhag Hamakom or "custom of the local place" meaning she should dress as other Jewish women in her community dress.


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Ibid.


Case of Ewedia and Others c. The United Kingdom, Application numbers: 48420/10, 59842/10, 51671/10 and 36516/10 http://bit.ly/2o9CEMi

Case of Ewedia and Others c. The United Kingdom, Application numbers: 48420/10, 59842/10, 51671/10 and 36516/10 http://bit.ly/2o9CEMi


Haredi Jews are groups of Orthodox Jews who typically follow conservative Jewish laws and observe strict dress codes.


United Nations, Programme of Action of the International Conference on Population and Development


ICPD refers to reproductive rights as embracing actual international human rights treaties and norms and implying “basic rights of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children, to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes the right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.”; see: UN Programme of Action adopted at the International Conference on Population and Development, Cairo, 5-13 September 1994, Para 7.3). UN Population Division, “Reproductive Rights”, United Nations Department of Economic and Social Affairs, http://www.un.org/en/development/desa/population/theme/rights/ and UN Population Information Network (POPIN), “Guidelines on Reproductive Health”, United Nations
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Report available online at:
www.hrwf.eu/women-and-gender/our-reports-wr/

Human Rights Without Frontiers
Avenue d'Auderghem 61, Box 16
1040 Brussels, Belgium
www.hrwf.eu