



An Advocacy Brief: Post 2015 Development Agenda

INFLUENCES OF RELIGIOUS FUNDAMENTALISM ON SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS OF WOMEN

Introducing Religious Fundamentalism

The world is less than 500 days away from the targeted day to reach the Millennium Development Goals (MDGs), eight goals and 18 targets set by the United Nations and governments to tackle some of the worst problems that have impeded developing nations. While there has been much debate on the suitability of these targets since they were first launched in 2000, after the Millennium Summit, the culmination in 2015 and the Post 2015 Development Agenda are opportunities to call for greater attention to the issues that the MDGs strived to address. Sexual and Reproductive Health and Rights (SRHR)¹ are critical to achieving the MDGs, in developing the Post 2015 Development Agenda, and, in general, ensuring a world that is just, equitable and inclusive, and where the marginalized, including women and girls, are empowered. Even before the MDGs, the International Conference on Population and Development (ICPD)² in 1994, and the Fourth World Conference on Women³ in 1995 which resulted in the Program of Action (PoA) and the Beijing Platform for Action, advocated the essentiality of these needs and rights internationally, regionally and nationally.

Priority to SRHR in the Post 2015 Development Agenda means comprehensively addressing universal access to SRHR, beyond considering family planning. Further, SRHR should be embodied in relevant goals and targets, such as gender, health, education, environment and others, because not doing so will limit the achievements expected from these broader areas. The benefits include healthier and longer lives, education opportunities for girls, economic gains for the household, community and country, and dealing with major diseases such as HIV and AIDS. Finally, SRHR and gender equality are inextricably linked. Inequality and power over women, their bodies, and their sexuality endangers health throughout the lifecycle.⁴

The context in which SRHR is ensured is critical to consider. In doing so, the challenge posed by religious fundamentalism, which has been growing in many parts of the world over the past decades, is important. This brief provides an overview of this in the context of achieving SRHR for marginalized groups, particularly women, so as to inform global processes striving to achieve these rights, including the ICPD Beyond 2014 review and Post 2015 Agenda.

The term 'religious fundamentalism' has connotations of regression and backwardness and has been used in debates, Islamic militancy activities⁵, Protestant ideology, anti-Americanism and fanaticism.⁶ The use of the term in this brief does not signify one religion, but illustrates how the political (mis)use of religion may limit rights, including SRHR, of women and marginalized groups.

Religious fundamentalism misuses religion for political power, and selects specific aspects of modernity as going against religious identity and rejecting others. It is associated with conservative

authoritarian policies.⁷ Religious right ideologies use discourses of religion and culture to maintain and extend power over the public and private domains.⁸ Religious fundamentalists impose their worldviews and apply religious law to all aspects of life. Women are often considered the custodians of family norms and honor and religion is used to control them in direct and indirect ways. As a result, their bodies and sexualities, as well as freedom of movement, reproduction, and dress, become sites of religious control.⁹ Extreme interpretations of religion have also impacted people of diverse sexuality.

The Influences of Religious Fundamentalisms on SRHR

Fundamentalist thinking and action declares basic human rights as being anti-religion. For instance, the education of girls is considered threatening to religion. Violence is used to spread fear and prevent girls from accessing schools through actions like burning schools to prohibiting school attendance. Within the family, girls have lower status over boys and women have lower status than their husbands. This discrimination extends into and is perpetuated by society.¹⁰ This section will provide insight into how women's SRHR have been undermined by extreme religious beliefs and practices. It raises examples of control over state laws (the Philippines example), and how state actions can be curtailed (Pakistan example). Other examples show the impact it can have on women and girls' lives.

The Influence of Religious Fundamentalism on States

Organized religion is considered an essential part of modern life, and continues to play a strong role in local and international affairs.¹¹ In predominantly Catholic Philippines, the Catholic hierarchy continues to exploit its significant influence with the government¹² and anti-choice leaders have been free to impose their religious beliefs on their citizenry. The City of Manila, for example, banned contraceptive services in 2000.¹³ Local research¹⁴ revealed that the Manila contraceptive ban drove families into extreme poverty, jeopardized women's health and strained family relationships. Similarly, in Pakistan, fundamentalists launched campaigns against vaccinations and contraceptives, prohibiting women in the conservative Northern region from seeing male doctors.¹⁵ Furthermore, the link between demographics and religions cannot be discounted, for example in secular states such as Hindu extremists in India and Buddhist extremists in Sri Lanka and Myanmar that have adopted visible religious identities and have called for propagation by majority populations.¹⁶

The Influence of Religion to Curb Women's Rights

Legislation can also be used to curb rights on the basis that certain practices go against religion, thereby placing religion over and above the rights of people and leading to the politicization of religion for greater political power. In Poland, abortion is legal when the woman's life is under threat, or in cases of rape, incest and foetal impairment. However, the fierce anti-abortion stance of the Polish Catholic Church prevents women's access to the law and, in turn, a realization of their rights.¹⁷ Cases have been reported of women who were refused medical treatment by health facilities and given limited information of the foetus' health to stall access to legal abortions or avoid harm to the foetus. In one case, it led to the death of the mother. In a case of rape, an underage victim was not offered emergency contraception that could have prevented pregnancy. She was denied timely medical attention, and harassed by clergy and health care personnel. This failure to guarantee access despite the existence of laws is largely because of the influence of religion in secular spaces, such as

the judiciary and health services. The availability of such services is necessary to protect not only the lives and health of women but also their right to equality, autonomy and dignity. Further, the need to reform such laws taking into account the reproductive rights of young people is a crucial factor.¹⁸ In predominantly Catholic Brazil, a large percentage of Catholics are in favor of abortion and even admit to resorting to it, despite the prohibition of abortion unless a woman's life is in danger or she has been raped.¹⁹

The Impact of Extreme Interpretations of Religion on People

Religion, culture and tradition play a role in perpetuating early and child marriage. Girls are discriminated against, valued less and have less importance outside roles of wives and mothers, and are often considered a financial burden. The dominance of patriarchal norms surrounding marriage has girls considered as objects to be "protected" and exchanged as commodities, rather than as bearers of rights. Girls are valued primarily for their virginity and reproductive capacity and hence their sexuality and chastity has to be protected. Her virginity determines her worth and family honor. A woman's/girl's fertility is thus considered appropriate for regulation by families, religious institutions, and governmental authorities. Her reproductive capacity is not regarded as an individual right but an obligation to ensure the continuity of families, clans, and social groups.²⁰ Legislation to control the spread of child marriage and stipulating the minimum age of marriage can go a long way to protect girls. It also gives those fighting for these rights a basis to advocate and ensure implementation in order to protect the rights of girls.

Contraception offers women a choice and control over their bodies. Health data shows that access and use of contraception is diverse across women in the region, depending on their level of education, economic conditions, and regions.²¹ Religious views influence contraceptive access, availability and use. Some views consider contraceptives abortifacients and the use of contraceptives as going against God's will and promoting sexual activity outside of marriage.

CASE STUDIES

The Philippines

The influence of the Catholic Church on citizenry and government has resulted in regulations that have impacted the wellbeing of people, especially women, risking their health and position within family and society. The Responsible Parenthood and Reproductive Health Act of 2012, also known as the Reproductive Health Law in the Philippines, guarantees universal access to methods of contraception, fertility control, sexuality education, and maternal care and is a means to ensuring women's rights. Despite this, the passing of the legislation was controversial with both opposition and support by experts, academics, religious institutions and politicians while it was in legislature.

The Supreme Court delayed implementation because of these challenges in 2013 but in 2014 upheld It, albeit striking down eight provisions partially or in full. The Law would enable easier access to family planning, such as contraception and sterilization, by providing universal access through government funding. The Law was opposed by the Catholic Church, which has a stronghold on public and moral life, illustrating the limited separation of church and state in the country. The Catholic hierarchy also used the strategy of ensuring that the bill was regarded inaccurately as an "abortion bill."²² Its influence caused the continuous delays in passing the Law and the Supreme Court delays for more than a year. Many advocates of the Law fear the law will be useless until its implemented rules and regulations are fully enforced.

Pakistan

Increasing Islamic fundamentalism or ‘Talibanisation’ has developed unchecked due to State leniency and inaction, citing that hindrances are experienced mostly due to local customs and other cultural practices.^{23 24} Child marriage, which has the highest concentration in South Asia, is useful to illustrate these points. In April 2014 in Pakistan, the Sindh Assembly, taking the lead over other provinces, unanimously passed the Sindh Child Marriage Restraint Bill 2013 prohibiting marriage of children below 18 years; a historical achievement in the provincial assembly.²⁵ The law bans child marriages with legislation. The new law states that “Whoever, being a male above 18 years of age, contracts a child marriage shall be punished with rigorous imprisonment...” The law has punitive conditions for whoever performs, conducts, directs, brings about or in any way facilitates any child marriage with rigorous imprisonment of three years, unless he can prove that he had reason to believe that the marriage was not a child marriage. While clearly the passing of such laws requires the commitment and support of state officials, the implementation of such laws is as critical to have impact. Additionally, knowledge of the existence of such laws is another critical factor for success.

Tunisia

The revolution in Tunisia in 2011 involved women and men, old and young, rural and urban, standing up against a dictatorship. Despite parliamentary elections, the country experienced serious difficulties with a weak economy and governance structure. The post revolution period saw women also facing a backlash from conservative Islamic forces. As a new constitution was being debated in 2012, the influence of these conservative forces on laws and policies and the influence of applying Sharia law were being questioned. Leading this charge was the Salafi youth movement whose demand was a Sharia-based constitution, which was denounced by the leading party. Women’s bodies became the center of attack and insult. They were barred from education facilities, and faced attacks on a women led human rights march. Extremist Islamists’ agenda to marginalize women include proposals for regressive policies against them, such as adopting polygamy, reducing the legal age of marriage and allowing customary marriages without legal documents. The passing of the new constitution earlier this year is promising as it aims to increase equality between men and women, declares health as a human right, and is a democracy with civil laws.²⁶ It refers to Personal Status Code of 1959, which included the right to divorce, marriage by mutual consent and also the banning of polygamy.²⁷ Tunisia remains a country to watch closely, as it grapples with emerging forces of extremism as well as attempts to implement its new constitution that is heralded as one to bring about equality of women and men.

Key Policy Directions and Priority Actions

- Eliminate laws and policies that prevent access to sexual and reproductive health services and information and punish women, such as abortion.²⁸
- Remove legal and policy barriers based on political, religious and cultural conservatism and make available universal access to SRHR services for all.
- When developing policy actions, avoid using narrow interpretations of women’s rights and sexual and reproductive health and rights. Policies should be informed by international obligations and conventions and not hamper the realization of universal SRHR.
- Acknowledge that religious fundamentalism persists, have sanctions for the politicization of religion by officials, devise ways to counter fundamentalist forces, including creating conducive environments that promote debate and opportunities to strategize against such forces, including civil society and faith-based organizations.
- Inform and educate government officials to consider the influence of religious fundamentalism on women, girls and marginalized populations, recognize the impacts of religious fundamentalism on rights, and develop approaches that are not influenced by their values and perceptions.

- The focus on secularism also ties in well with the notion of accountability. Elected representatives of the people can be held accountable to their actions, as in there is a process and institutions available to raise accountability issues.
- Create spaces for organizing and for voicing alternative opinions over the long term and ensure the inclusion of civil society organizations, especially women’s rights organizations, as well as faith-based groups, in such spaces. Faith-based groups should not only be engaging amongst themselves, but also be integrated in discourses that are promoting progressive interpretations of religion and women’s role and SRHR issues together with it.
- Ensure that a human rights approach to development is adopted that ensures transformational change, builds on women’s realities and strengthens women’s human right.²⁹
- Recognize that women and marginalized groups are not homogenous entities but have multiple and overlapping identities and as a result they may experience religious fundamentalisms in different ways. It is crucial that this experience informs policy processes.

Key Definitions

Fundamentalist Movements: political movements with religious, ethnic, and/or nationalist imperatives. They construct a single version of a collective identity as the only true, authentic and valid one, and use it to impose their power and authority over ‘their’ constituency (which varies from a particular community to most, if not all, of humanity). They usually claim to be the representatives of authentic tradition, and they speak against the corrupting influence of modernity and ‘the West’ (which non-westerners tend to regard as the same thing). However, fundamentalists are far from being pre-modern. In order to promote their project, they use all modern technological means available, from the media to weaponry. They can use holy texts and be linked with specific charismatic leaderships; they can appear as a form of traditional orthodoxy or, as a revivalist radical phenomenon fighting against traditional corrupt leaderships.³⁰

Religious Extremism: “rigid interpretations of religion that are forced upon others using social or economic coercion, laws, intolerance, or violence. It is accompanied by non-fluid definitions of culture, religion, nationalism, ethnicity or sect, which move citizens into exclusionary, patriarchal and intolerant communities.”³¹

Religious Fundamentalisms: “the use of religion (sometimes in conjunction with ethnicity, culture and nationality) by certain political and religious leaders, institutions and parties to legitimize as divine—and thereby render unchallengeable—authoritarian political power and to essentialize social control. This has particular negative consequences for women’s rights.³² Religious fundamentalisms are “political movements of the extreme right ...manipulate religion...in order to achieve their political aims.”³³

Secularism: involves the strict separation of the state from religious institutions and the people of different religions and beliefs, within the state, are equal before the law. It is a separation of religion from state.³⁴

Sexual and Reproductive Health and Rights (SRHR): comprises *reproductive health*, which is the ability to have a responsible, satisfying and safe sex life, having the capability to reproduce if, when and how one chooses. This includes the right to be informed, having access to and choice of using contraception, and to appropriate maternal health care services that safeguards the mother and gives her the chance of having a healthy infant (World Health Organization).

Reproductive Rights: human rights recognized in the national laws and international human rights and consensus documents that gives the opportunity for couples' and individuals' to have the desired number of children when they want to, access to adequate information and means to do so, and the right to attain the highest standard of SRH. It encompasses making reproduction decisions free of discrimination, coercion and violence, as expressed in human rights documents (International Conference on Population and Development).

Sexual Health requires sexual health care to enhance life and personal relations, counselling and care related to reproduction and sexually transmitted diseases (adapted from the United Nations).

Sexual Rights uphold human rights as stated in national laws, international human rights documents and other consensus documents and include rights of all persons, free of coercion, discrimination and violence, to the highest attainable standard of health in relation to sexuality, including access to sexual and reproductive healthcare services; access to and availability of information on sexuality, sexuality education; respect for bodily integrity; choice of partner; sexual activity; consensual sexual relations and marriage; decision to have/not to have children; and pursue a satisfying, safe and pleasurable sexual life (WHO working definition)".³⁵

Universal Access to SRHR: the availability of SRHR and the ability of the population to gain access to SRHR. When Universal Access is limiting, there is often a need for SRHR that is not been fulfilled. For instance, use of family planning services is not widespread, which could be an indication of the inability to access such services, the lack of information etc. It also gives significance to the allocation of resources by government to make SRHR available to the population, especially the marginalized.³⁶

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² See <https://www.unfpa.org/public/icpd>

³ See <http://www.un.org/womenwatch/daw/beijing/platform/>

⁴ Universal Access Project 2014. Briefing Cards: Sexual and Reproductive Health and Rights (SRHR) and the Post-2015 Development Agenda. https://d3n8a8pro7vhmx.cloudfront.net/genun/pages/122/attachments/original/1407607969/SRHR_Briefing_Cards_FINAL.pdf?1407607969

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