

Set My People Free's Full Oral Intervention
HDIM 2019 WORKING SESSION 8
10 a.m.–1 p.m.

Tolerance and non-discrimination I, including:

- Equal opportunity for women and men
- Implementation of the OSCE Action Plan for the Promotion of Gender Equality
- Violence against women

One challenge to OSCE participating States have in achieving gender equality is the existence of parallel legal realities for different individuals within a state.

In ODIHR's "Guidelines for Review of Legislation Pertaining to Religion or Belief" in the section on "Family Law" it was noted that: *"Islamic law typically makes it much easier for a husband to divorce a wife than is permitted by State law. In all such cases, the State laws should be examined for neutrality and to determine whether limitations on rights to manifest religion are proportionate to legitimate State interests."*

We wonder what this neutrality means?

The recommendation weighs religiously mandated restrictions on the right of the woman against State interests.

Where is the perspective of the woman?

The only countries who have taken the brave step in allowing divorce on equal footing are Tunisia, and Egypt - to an extent - they have however received backlash from the religious communities. Tunisia has also given women the right to marry a non-muslim, unheard of in the Islamic countries.¹ They have also given women equal inheritance rights.²

Our concern in OSCE states is that religious ideas, per se, are given a louder voice than the individual choice and voice of the woman.

It should also be noted that in the majority of Islamic regulated states women are not allowed to make the decision to divorce their husband, at all in many cases, and when allowed it is not on an equal footing with the man.

Many women have fled from these Islamic countries to get freedom in the west but arrive only to experience that the state authorities in OSCE countries listen more to the religious communities than the individual voice of the woman.

It is difficult for a single woman to stand up against a whole religious community, which is why it is paramount that the law is on her side and does not favour discriminatory practices mandated by a religion.

¹ "Tunisian Women Free to Marry Non-Muslims." *BBC News*, BBC, 15 Sept. 2017, <https://www.bbc.com/news/world-africa-41278610>.

² Sadek, and George. "Global Legal Monitor." *Tunisia: Cabinet Approves Bill Requiring Equal Inheritance Shares for Men and Women* | *Global Legal Monitor*, 4 Dec. 2018, <https://www.loc.gov/law/foreign-news/article/tunisia-cabinet-approves-bill-requiring-equal-inheritance-shares-for-men-and-women/>.

Some examples can be taken from Sweden, oftentimes minority women are not treated as Swedish girls in regards to how the society deals with the crimes.³ There is a normalisation of violence and a tolerance of lower standards in regards to freedoms for minority women.

Forced marriages/ children taken abroad against their will

An example is the amount of children and students with parents from a foreign country whose parents or relatives forcibly take them abroad during the summer holidays, oftentimes into forced marriages.⁴ Unfortunately the ability for the schools and social services to be able to do something is limited.⁵ There needs to be a review on how to effectively try the perpetrators of these crimes.

No freedom of religion.

An article in 2018 of a major Swedish newspaper, *Dagens Nyheter*, told the story of Miriam who is scared to tell her parents that she has left Islam since she fears they might kill her. If the State does not openly support these individuals or at least organisations who can provide support for such individuals they will remain trapped.⁶

Mona Walter is another example. She escaped Somalia and came to Sweden. In Sweden she became a Christian. Since she is open about her choice she has to have police protection and has to keep her identity secret. Loud voices from the religious community have threatened her, harassed her verbally on the street and through the internet. By advocating for women in the Somali community - wanting them to know they have a choice for the path and future of their life - she has had to pay a high price, even in the free society of Sweden.⁷

Honour crimes.

Honour crimes can also target men, in this case a father who refused to limit the rights of his daughters. In 2017 relatives lured Mulla Sahindal on a fishing trip where a relative murdered him. Mulla Sahindal had two daughters who were allowed to leave freely like Swedish girls. Mulla Sahindal's relatives told him to limit the freedoms of his daughters. They wanted him to kill his daughters, but he refused.⁸ The wife of Mulla, said her husband would never have gone on the fishing trip if he had known that the relative who murdered him was there. Despite the alleged complicity of the other relatives, only the 50 year-old relative who stabbed Mulla Sahindal with a

³ Sveriges Radio. "Mjölbylärare: Vi Sviker Unga Som Lever i Hedersförtryck - P4 Östergötland." *P4 Östergötland* | *Sveriges Radio*, 9 Sept. 2019, <https://sverigesradio.se/sida/artikel.aspx?programid=160&artikel=7296270>.

⁴ Sveriges Radio. "Barn Gifts Bort Utan Kommuners Vetskap - Nyheter (Ekot)." *Nyheter (Ekot)* | *Sveriges Radio*, 15 February 2019, <https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=7155757>. ; Sveriges Radio. "Skolbänkar Står Tomma – Barn Saknas Efter Sommarlov - P4 Östergötland." *P4 Östergötland* | *Sveriges Radio*, <https://sverigesradio.se/sida/artikel.aspx?programid=160&artikel=7293872>. Nilsson, Carolina. "24 Barn Fattas i Skolan Efter Lovet." *Folkbladet*, 6 Sept. 2019, <https://www.folkbladet.se/nyheter/norrkoping/24-barn-fattas-i-skolan-efter-lovet-om6281012.aspx>.

⁵ Sveriges Radio. "Socialchefen Om Saknade Elever: Våra Verktyg Är Tämligen Tandlösa - P4 Östergötland." *P4 Östergötland* | *Sveriges Radio*, 8 Sept. 2019, <https://sverigesradio.se/sida/artikel.aspx?programid=160&artikel=7294751>.

⁶ Orrenius, Niklas. "Hot Om Döden Skrämmar Ex-Muslimer Från Att Lämna Islam." *DN.SE*, *Dagens Nyheter*, 31 Jan. 2019, <https://www.dn.se/nyheter/sverige/hot-om-doden-skrammer-ex-muslimer-fran-att-lamna-islam/>.

⁷ Björk, Evalis. "Hon Blev Hotad Och Bespottad." *Gp.se*, 16 Oct. 2014, <https://www.gp.se/nyheter/göteborg/hon-blev-hotad-och-bespottad-1.246520>.

⁸ SVT Nyheter. "Vägrade Avrätta Sina Döttrar – Blev Mördad Själv." *SVT Nyheter*, 16 Aug. 2017, <https://www.svt.se/nyheter/lokalt/vastmanland/vagrade-avratta-sina-dottrar-blev-mordad-sjalv>.

scissor was charged. The words of the wife can sum up one of the biggest hurdles in completely solving honour-related crimes:⁹

- *De kommer neka till allt jag har sagt. Det finns ingen som kommer att tro mig.*
- *They will deny everything I have said. There is no one who will believe me.*

Balkongtjejer.- girls who have jumped/pushed over balconies. National media already in 2006 highlighted how these cases often registered as suicide cases were possible honour related crimes, where the family forced the woman or girl to jump.¹⁰ In 2011 still not a single case was solved. The only case where the perpetrator was arrested was when the woman miraculously survived and pursued the case using her own funds.¹¹ This is outrageous. Swedish Police have mentioned that a lot of resources and manpower are needed to investigate/solve honour-related crimes and they are considered complicated¹², but it can never be an excuse to not pursue the investigation especially in regards to “balkongtjejerna,” where women and girls have died after falling off a balcony.

The Inter-American Commission of Human Rights has rightly explained the harmfulness of impunity albeit addressing violence against women in another geographical location:

“the impunity that attends these human rights violations perpetuates a social acceptance of gender-based violence...”¹³

The Swedish International Development Cooperation Agency (SIDA) has also made an important statement that in addition to convictions there needs to be secondary prevention and the need to address the driving forces behind the actions.¹⁴ Therefore failing to recognise the existence of discrimination that is religiously mandated is detrimental to ending the violence against women, as is giving religion a louder voice than the individual freedom of the woman. As shown above Islamic law restricts the freedom of the muslim woman in regards to divorce, her choice of partner (she cannot marry a non-muslim) and her choice of belief (she is legally not allowed to convert).

There is a need to recognise the limitations of convictions as prevention (through deterrence) and combine legal actions with so called secondary prevention efforts addressing social and psychological driving forces, particularly in post-conflict settings.¹⁵

Set My People Free recommends OSCE states to:

⁹ SVT Nyheter. “Vägrade Avrätta Sina Döttrar – Blev Mördad Själv.” *SVT Nyheter*, 16 Aug. 2017, <https://www.svt.se/nyheter/lokalt/vastmanland/vagrade-avratta-sina-dottrar-blev-mordad-sjalv>.

¹⁰ Sveriges Radio. “Kaliber 15 Oktober 2006: Balkongflickorna - Framtvingade Själv-mord i Hederns Namn - Kaliber.” *Kaliber | Sveriges Radio*, 15 Oct. 2006, <https://sverigesradio.se/sida/artikel.aspx?programid=1316&artikel=965109>.

¹¹ Löwenmark, Sofie. “Utan Åtal Fortsätter Flickor Att Dödsstörta Från Balkonger.” *Nyheter - Senaste Nyheterna i Sverige Och Världen*, Expressen AB, 6 May 2018, <https://www.expressen.se/ledare/sofie-lowenmark/utan-atal-fortsatter-flickor-att-dodsstorta-fran-balkonger/>.

¹² Carin Götblad, Regionspolischef Mitt, Polismyndigheten, Almedalen 2019.

¹³ <http://www.cidh.org/women/Access07/chap2.htm>

¹⁴ SIDA, *Preventing and Responding to Gender-Based Violence: Expressions and Strategies Report*, International Organisations and Policy Support, 2015.

¹⁵ SIDA, *Preventing and Responding to Gender-Based Violence: Expressions and Strategies Report*, International Organisations and Policy Support, 2015.

1. Clearly condemn honour related crimes - through both political decisions and fora but also in the educational sphere.
2. Ensure women the right to choose their religion or belief. Women who leave Islam or do not want to follow all its laws, face pressure, threats and surveillance from their families and from the religious communities even within OSCE states. Possible measures to aid in this:
 - a) Include human rights studies within the courses given in language courses or integration classes.
 - b) Provide a hotline to women's clinic in schools and other educational facilities
 - c) Include education regarding how the national laws view honour-related crimes and how provided information on how an individual can contact the police if they suspect an honour crimes or forced marriage, etc.
3. Recognise ex-muslim women: both converts, atheists and secularists as a specific vulnerable group. And train police, decision makers and likewise on their unique vulnerability. For example, being wary of turning directly to the family for advice or others from the religious community.
4. Ensure gender equality for all women by ensuring the full involvement of the state to investigate honour related crimes. This is crucial if there is to be an end to the violence. The perpetrators need to be held accountable noting that often times the whole family are complicit in the murder. Impunity is one of the key hindrances in ending the violence.
5. Greater funds should be given to the police to be able to pursue and solve honour-related crimes.
6. In regards to Sweden, greater state funding should be provided to women initiatives similar to *Tehuset*, *Varken Hora eller Kuvad* and *GAPF*.