

CANADA



Canada is a multiracial country ‘founded’ as a nation state by French and English settlers. The treatment of aboriginal people by Europeans has been and continues to be a major issue for all Canadians. This has led to efforts in Canada to celebrate diversity and multiculturalism and support and protect people from all backgrounds.

The first Muslims came to Canada from Scotland in 1863. Others came from Lebanon and Syria in the early 1900s, followed by immigrants from Bosnia and Albania. With the openness of the Canadian immigration system, immigrants have come from all parts of the world over the last 35 years. There are now approximately 600,000 Muslims in Canada. Ninety per cent are foreign born, and most live in urban areas. The ongoing stream of immigration means that issues of adaptation continue.

Equality in the Family is Necessary

- ▶ Equality is essential for women, for without this right all else fails. Equality as provided for in laws does not always translate into action; this requires vigilant monitoring and advocacy.
- ▶ The Canadian Charter of Rights and Freedom (1982) and Canadian laws recognise the equality rights of women. However, the protection under law does not always lead to the implementation of the rights. Some people insist that religious freedoms should supersede women’s equality rights.
- ▶ Although most Canadians now accept multiculturalism as part of the Canadian identity, this value and its implementation are often questioned. Racism and discrimination against Muslims still exist, especially due to the events of 11 September 2001 and the resulting increase in security measures within Canada and between the United States and Canada. This has contributed to a rise in identity-based politics, which often leads to increased conservatism and pressure on Muslim women to embrace religious identities instead of multi-faceted identities.
- ▶ Since 2002, there has been a major public debate about the introduction of religious family laws into the secular legal system, and specifically into family arbitration agreements. The federal and state governments currently say that no religious laws should be applied in family matters, but the issue is continuously raised by some Muslim individuals, scholars and groups who insist that such laws are part of their right to freedom of religion.

Resources from the Canadian Council of Muslim Women

- ▶ The Canadian Council of Muslim Women (CCMW) and a number of other women’s organisations have been developing educational resource materials to help women understand the changes in the family law in the province of Ontario. These materials are geared for women of various faiths, women with disabilities, Francophone women and aboriginal women. The materials include:
 - A book commissioned from an Islamic scholar and a family lawyer entitled *Muslim and Canadian Family Laws: A Comparative Primer*. The information in the book has been simplified and divided into booklets on various aspects of family laws—marriage, domestic contracts, divorce, custody of children, spousal support and inheritance. These booklets have been translated into Arabic, French, Farsi, Somali and Urdu.

Equality in the Family is Possible

- ▶ Canada has a Charter of Rights and Freedoms that guarantees basic human rights and freedoms for all people. Canada also has a Multiculturalism Act [1985] that articulates the rights of cultural and religious groups within the framework of the Canadian Charter and provides minority groups with protection and permission to develop multiple identities as Canadians, Muslims and varying ethnic origins.
- ▶ A coalition of women’s NGOs, supported by labour groups, came together in 2002 to fight the application of any religious laws—whether derived from Muslim, Jewish, Christian or other religions—in the secular system. The coalition, which is called ‘No Religious Arbitration’, stated that based on guarantees of equality in the Canadian Charter of Rights and Freedoms,

believing women should not be treated differently under the country’s laws. In September 2005, the Premier of Ontario Province announced that no religious laws would be used in family matters.

- Three specific fact sheets on marriage and divorce, including recognition of foreign marriages in Canada; the changes in private, legally binding arbitration; and domestic contracts under the family law.
- A resource package on how prenuptial agreements can be consistent with Muslim family laws as well as Canadian family laws. The package will contain a scholarly analysis of Muslim family laws as well as a sample prenuptial contract.
- ▶ CCMW conducts trainings and workshops for the legal professions, service providers and Muslim women themselves, and has trained CCMW members around Canada so they can do workshops in their local communities.

Source: Report submitted to Musawah in English by the Canadian Council of Muslim Women, a national organisation with chapters across the country that operates through a set of guiding principles based on being Muslim and being Canadian. These principles recognise the Qur’anic message of God’s mercy and justice, the equality of all persons, the universality of human rights, and the diversity of Muslim women’s ideas and experiences.