



musawah
For Equality in the Family

Musawah Vision

Issue 7: September 2011

A quarterly update on Musawah issues and activities

I. Trends in Family Law

Women in the Arab Spring

Algeria: Algerian women believe that ‘their lower status within the family is at the core of their inequality. They say true emancipation will come with work, independence and, of course, amendments to the family code.’

Read more: <http://www.npr.org/2011/05/15/136276037/family-law-at-the-crux-of-algerian-womens-futures>

Egypt: ‘As Egyptian society is currently engaged in the construction of a new order grounded in democratic, liberalist values of freedom, justice, equal opportunity and the “rule of law”, this is the time to re-examine and revise—and where needed repeal—Egypt’s laws. As for the *khul*’ law, it should be left untouched simply because it ensures women’s rights and accordingly constitutes a boon for society.’

Read more: <http://english.ahram.org.eg/NewsContentP/4/12768/Opinion/The-Khul-Law-Bane-or-Boon-for-Society.aspx>

See the Musawah Outreach section of this issue for analysis from Musawah Advocates in Egypt, CEWLA.

Resisting Polygamy

Australia: ‘*Shari’ah* law has become a shadow legal system within Australia, endorsing polygamous and underage marriages that are outlawed under the Marriage Act.’

Read more: <http://www.theaustralian.com.au/national-affairs/sharia-law-at-work-in-australia/story-fn59niix-1226097889992>

Iran: ‘Parliament has once again delayed consideration of a controversial bill to amend the Family Protection Act, which would give Iranian men the right to multiple marriages without first proving adequate financial resources.’

Read more: <http://www.payvand.com/news/11/jul/1279.html>

Malaysia: ‘SIS contends that provisions in the current Islamic Family Law inadvertently impose insecurity or threat on women in that men are easily able to acquire second, third or fourth wives, and they allow easy divorce for men without having to provide adequate

financial restitution or compensation for their ex-spouses. Despite various protections built into the law, these are often not adequately implemented.'

Read more: <http://www.mmail.com.my/content/78397-some-husbands-are-blame>

Eliminating Violence in the Family

Lebanon: The Lebanese Women's Council defended a draft law to protect women from domestic violence following the law's rejection by the country's highest Sunni body Dar al-Fatwa and the Higher Shiite Council in June.

Read more: <http://www.dailystar.com.lb/News/Local-News/2011/Aug-03/Womens-Council-defends-draft-law-to-criminalize-domestic-violence.ashx>

Saudi Arabia: Along with calls for a family law, there have also been calls to establish family courts and employ women in police stations to deal with women's cases and encourage women to come forward to report abuse and know their rights.

Read more:

<http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentID=20110816107438>

Protecting Children in the Family

Malaysia: Musawah and SIS joined other Muslim women groups in Malaysia in urging the government to set up a child support agency that secures payment of maintenance for children of divorced parents.

Read more:

<http://thestar.com.my/news/story.asp?file=/2011/5/19/nation/8711523&sec=nation>

Pakistan: 'In 2002, the chief justice of Pakistan declared the practice [of *vani* or *swara*] to be un-Islamic and ordered that trial courts forbid the giving of women as compensation. Despite this, a recent report by Asia Child Rights suggests that it is actually on the rise.'

Read more: <http://www.guardian.co.uk/journalismcompetition/brides-used-as-bargaining-chips>

Change, Reform and the Family

Bangladesh: Since the cabinet's approval of the draft National Women Development Policy 2011, which is said to be aimed at improving the socio-economic condition of women in Bangladesh, religious-based political parties have strongly resisted it and violently protested against it. Women's activists, however, find certain clauses to be a regression from the Women's Development Policy of 1997.

Read more: <http://www.thedailystar.net/forum/2011/May/right.htm>

And: <http://bdnews24.com/details.php?id=196619&cid=2>

Egypt: Activists have objected to proposed amendments to Egypt's electoral law, one of them being the cancellation of women's quota – 64 seats – replacing it with a stipulation that each party must nominate at least one female candidate on its list.

Read more: <http://thedailynewsegypt.com/egypt/experts-criticize-amendments-to-elections-law.html>

Libya: Not only did Libyan women help start the revolution, they have played key roles throughout the six-month uprising and continue to do so as they help plan and build a post-Gaddafi Libya.

Read more: <http://www.nytimes.com/2011/09/13/world/africa/13women.html>

Saudi Arabia: King Abdulla overturned a court ruling sentencing a Saudi woman to 10 lashes for defying driving ban. King Abdulla also decreed that women would be allowed to participate in municipal elections in 2015 and he promised to appoint women to the Shura Council.

Read more: http://www.washingtonpost.com/world/middle-east/saudi-king-overturns-court-verdict-sentencing-a-female-driver-to-10-lashes/2011/09/28/gIQAAnW3E5K_story.html

Singapore: At CEDAW's 49th session in July 2011, Singapore's report reflected several positive developments including raising the minimum marriage age from 16 to 18 years for Muslim females, appointments of women to Islamic authority positions, and new *fatwas* that help align *Shari'ah* law with civil law.

Read more: <http://www.aware.org.sg/wp-content/uploads/cedaw-report-only.pdf>

South Africa: The debate on the proposed Muslim Marriages Bill continues. This opinion piece supports passing the bill.

Read more: http://www.thenewage.co.za/blogdetail.aspx?mid=186&blog_id=%20713

Tunisia: The post-revolution electoral commission has adopted a gender-parity system for candidate lists for the assembly elections planned for October 23, in which parties are required to alternate men and women throughout their lists.

Read more: <http://www.womensenews.org/story/equalitywomen%E2%80%99s-rights/110808/tunisian-election-law-gives-women-equal-chance>

Turkey: A research study found that 3/4th of single mothers are unable to meet their most basic needs. The study concludes that 'aside from programs specially aimed at these vulnerable women, all policies that challenge traditional gender perceptions, empower women and allow them to sustain themselves independently of their male relatives will in the end help them, as well as the rest of society.'

Read more: <http://www.todayszaman.com/columnist-256580-women-without-men.html>

II. Building Our Knowledge

Get Involved in the *Qiwamah* and *Wilayah* Research

The *qiwamah* and *wilayah* research team has sent Musawah Advocates an invitation (<http://bit.ly/rPPrMF>) to be part of the research effort and a brief overview (<http://bit.ly/v9bNrL>) of the project. Join this collective research project through any of the following:

- 1- Send in existing statistics and data from your country
- 2- Document women's life stories in your context
- 3- Share your work on *qiwamah* and *wilayah*

For more details, please visit: http://www.musawah.org/activities_events.asp

Musawah Toolkit for Advocates

Musawah's Toolkit for Advocates: *Sharing the Musawah Framework and Key Messages* is in the final stage of production. It will be available online by the end of 2011.

The toolkit is designed to bring Musawah's founding document, the Musawah Framework for Action, to life. It provides Advocates with simple materials and workshop exercises they can use with their local audiences to share Musawah's vision, discuss women's experiences, and build strong movements for equality and justice in the family.

Resources

- *Muslim Family Law, Secular Courts and Muslim Women of India, Pakistan and Bangladesh*. Alamgir Muhammad Serajuddin. Oxford University Press, February 2011.

'Muslim family law is based on patriarchal family organization and male privileges, leading to legal and social discrimination against women, which is incompatible with contemporary notions of gender equality and social justice. By giving a liberal and pro-active interpretation to this law within the Islamic framework, the South Asian judiciary has shown that it is possible to adapt it to the needs of a forward-looking Muslim society. The book examines the extent to which judicial interpretation has liberalized this law, enlarged the dimensions of Muslim women's rights and contributed to secure gender equality and social justice to them. The book also argues that in the absence of legislation reflecting the *ijma* or consensus of the Muslim community, judicial activism is the only alternative agent of social change.'

Read more: <http://ukcatalogue.oup.com/product/9780195479683.do>

- The first issue of the new publication *Journal of Arabian Studies* features the article 'Framing the Family Law: A Case Study of Bahrain's Identity Politics' in which the author 'analyses the ways in which the family law was exploited as a symbolic issue in a wider struggle for political authority and representation in Bahrain.'

For the full article: <http://www.tandfonline.com/doi/abs/10.1080/21534764.2011.576048>

- *Religion, Politics and Gender Equality*. The UN Research Institute for Social Development (UNRISD). Research and Policy Brief No. 11, May 2011.

'This Research and Policy Brief explores how religion, as a political force, shapes and deflects the struggle for gender equality in contexts marked by different (i) histories of nation-building and challenges of ethnic/religious diversity; (ii) state-society relations (from the more authoritarian to the more democratic); and (iii) relations between state power and religion.'

Read more:

[http://www.unrisd.org/unrisd/website/document.nsf/\(httpPublications\)/EE0F97F51F026825C1257894004E4F69?OpenDocument](http://www.unrisd.org/unrisd/website/document.nsf/(httpPublications)/EE0F97F51F026825C1257894004E4F69?OpenDocument)

- *Reading the Quran*. Ziauddin Sardar. Oxford University Press, 2011.

Reading the Quran 'is the most recent addition to a growing scholarship which seeks to understand and derive contemporary relevance from the Holy Text. As well as analysing some individual verses of the Quran, Sardar examines themes that run through the Text and seeks answers to contemporary issues such as sex and society, the veil and polygamy and domestic violence.'

Read more: <http://tribune.com.pk/story/234319/keeping-the-faith/>

- Partners for Law in Development released its most recent report on *Intersections between Women's Equality, Culture and Cultural Rights*. The report explores the intersections of the developing field of cultural rights in relation to advancement of women's equality. It also discusses discursive strategies that aim to transform culture to promote principles of equality and dignity, grounding these in local and national level activism in diverse contexts of South and South East Asia.

Read more: <http://www.pld-india.org/Resources.asp?HeaderID=1&SubheaderID=23#>

- 'Women, Islam, and the Push for Reform in the Muslim World' by Isobel Coleman. *Solutions*. March 2011: Vol. 2, No. 2, pp. 42-51.

'Increasingly, women know the texts well enough to challenge the practices they are used to justify. They also understand the need to avoid pitting women's rights against deeply held religious values. Whereas conservative Islamic interpretations have been a big part of the problem, more progressive interpretations of Islam can be part of the solution.'

Read more: <http://www.thesolutionsjournal.com/node/900>

- Zainah Anwar, SIS Founder and Musawah Director, answers *The Star's* readers' top 10 questions about women, Islam, politics, polygamy and more.

For the full transcript:

<http://biz.thestar.com.my/news/story.asp?file=/2011/5/14/business/8655019&sec=business>

- 'Shariah Watch: A View from the Inside' is a three-part public lecture series at the UCLA School of Law where Dr. Khaled Abou El Fadl tackles controversial topics in discussing the role of *Shari'ah* Law in the West. The lectures have been made available to the public by the Scholar of the House portal: <http://www.scholarofthehouse.org/shwavifrin3s.html>

- The Canadian Council of Muslim Women (CCMW) has recently launched new resources, one of which is *Being a Canadian Muslim Woman in the 21st Century: Educational Resource Kit*, which can be used to sensitize service providers such as social workers and physicians to issues and challenges faced by young Muslim women. The kit

contains eight modules and tackles topics such as: Muslim women as social transformers; body politics and diversity among Muslim women; violence against women and children; and, racism and discrimination.

The kit is available here:

http://ccmw.com/documents/BeingMuslimToolkit/CCMW_Introduction_FINAL.pdf

In addition, CCMW is part of a project called 'All Women. One Family Law. Know Your Rights' led by the Family Law Education for Women (FLEW) group in Ontario. The project aims to provide all women access to plain language legal information on women's rights under Ontario family law in 14 languages and in multiple formats.

Read more: <http://www.onefamilylaw.ca/>

III. Building Our Movement

Musawah News and Events

Knowledge Building Meeting in Jakarta

From 17-19 July 2011, Musawah Secretariat organised a curriculum development meeting for the 'SIS Short Course on Understanding Islam from a Rights Perspective.' Besides reviewing and developing the training module for the course, the three-day meeting also discussed the long-term vision of capacity building in light of Musawah's overall strategic direction of building a knowledge-based movement. This included the profile and criteria of participants Musawah wanted to target for the training, the potential pool of resource persons that Musawah want to build up and the frequency of the trainings at various levels of entry-points of interest, knowledge, purpose and geography.

The three-day meeting was attended by 12 participants who were involved in the previous 'SIS Short Course' as participants, resource persons and facilitators. This course aims to provide participants with tools and knowledge to create a public voice to speak out against the injustices experienced by women in the name of Islam.

In the meeting it was decided that Musawah will aim to conduct the Short Course on an annual basis for Musawah Advocates. In bringing this training down to the local level, Musawah Advocates will also be encouraged to take forward the training or engagement at their local/country level with support from potential resource persons in their country or region. Musawah will also continue to respond to calls and needs for training by Musawah Advocates.

As a form of follow-up and toward building our movement, Musawah will conduct a capacity-building workshop to expand the pool of resource persons and facilitators. Participants will be selected from among graduates of earlier trainings or those with advanced knowledge on Islam and human rights.

Update: Musawah's Strategic Direction

The collectively-developed 'Strategic Direction' document has been finalised in English and translated to Arabic and French. The English version will be sent out to Advocates and made available online by the end of November 2011.

Upcoming: *Qiwamah* and *Wilayah* Research Meeting

Musawah will hold a three-day 'Conceptual Workshop on Developing an Egalitarian Understanding of *Qiwamah* and *Wilayah*' from 24-26 November 2011, in Amman, Jordan. This workshop will be hosted in partnership with the Jordanian Women's Union and the Jordanian Society for Protecting Family Violence Victims. The objectives of this workshop are: (1) to build consensus within the Musawah community on key themes and concepts that can be included in a 'Musawah Viewpoint Document on *Qiwamah* and *Wilayah*'; (2) to enable those contributing to the Knowledge Building Initiative to better locate their research contributions within the initiative; and (3) to enable Musawah Advocates who are part of the Life Stories research to understand the opportunities and challenges for criticism in Muslim legal traditions. Approximately 35 scholars, Musawah Advocates and allies will participate in the workshop.

UN Women mention Musawah

Refer to UN Women's 1st report (2011–2012) *Progress of the World's Women: In Pursuit of Justice*, in Chapter 3: Legal Pluralism and Justice for Women, on page 69:

'...the global Musawah initiative for equality and justice in the Muslim family is one of several civil society campaigns calling for reforms to discriminatory family laws and practices. It asserts that Islam mandates justice, equality, human dignity, love and compassion in relations in the family, principles that are also recognized as universal values and enshrined as rights in many national constitutions and international laws.'

For the full report: <http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf>

Arab News mentions Musawah

Samar Fatany's column in the *Arab News* on June 16, 2011, titled 'Time to act on women's issues,' mentions Musawah and uses Musawah language in arguing for Saudi Arabia's need for social and legal reform.

Read more: <http://arabnews.com/opinion/columns/article456070.ece>

Facebook

Musawah has launched its page on Facebook! 'Like' Musawah, interact and exchange your views, collaborate with Musawah Advocates and Affinity Groups and follow updates on Muslim Family Laws worldwide!

Visit: <http://www.facebook.com/pages/Musawah/216566245066825>

Twitter

Follow @Musawah, join the conversation and help make Musawah a buzzword. We have 300+ followers and we are aiming for 1000 by December 31, 2011!

Don't just follow, LEAD!

Tweet: <http://twitter.com/#!/musawah>

Musawah Outreach

Arab Region (Middle East and North Africa)

Egypt

Musawah Advocates in Egypt, the Centre for Egyptian Women's Legal Assistance (CEWLA), have recently been addressing attacks on provisions in the current Egyptian family law (Personal Status Law) regarding fathers' visitation rights, custody and mothers' guardianship as well as calls for cancelling the *khul'* law. Fathers and organizations, led by the Coalition to Save the Egyptian Family, are requesting changes such as increasing fathers' visitation rights from a few hours a week to two days a week. Many custodian mothers oppose this change because currently there aren't enough legal and security measures to guarantee that children won't be harmed or abducted while visiting with their fathers.

Moreover, fathers want to decrease the age limit of boys' custody with their mothers' from 15 to 9. While CEWLA agrees with this request in principle, the current transitional political situation in Egypt is not ideal for making such changes. CEWLA argues that changes to the law must be sufficiently studied and thoroughly discussed by the parliament first as opposed to a quick decision issued by the minister of justice in this regard. Moreover, demands for cancelling the *khul'* law are based on the idea that *khul'* is *bid'a* (heresy) and that it breaks up families and causes a lot of harm.

Al-Azhar issued a statement that did not support the demands of the fathers, which then led to demonstrations and sit-downs at Al-Azhar. CEWLA held a series of round table discussions entitled: 'Personal Status Laws According to *Maqasid Al-Shari'ah*,' in which they facilitated a public dialogue about one family law issue each session. CEWLA also supported a peaceful sit-in by Coptic Christians demanding a civil family law for Christians in Egypt on July 7.

Video (Arabic): TV talk show 'Our Country in Egyptian' hosts Azza Soliman, CEWLA Director, and others to discuss the demanded changes to the Egyptian Personal Status Law: <http://youtu.be/sRdoLn16Wu0>

Mauritania

Women of Mauritania, represented by Aminetou Bint El Mokhtar, President of the Association of Women Heads of Families (AFCH), issued a statement regarding the current status of women in Mauritania. The statement highlights women's concerns regarding recent regressions on several fronts in relation to women's issues and rights. Despite consistent gains for women on the political front in the past years, the most recent elections and appointments largely excluded women. 'During the last renewal of the Senate, the 20% female quota prescribed by law was disregarded and men seized all posts.' Among other things, the statement calls on the Mauritanian government to remove all its reservations to CEDAW, institutionalize the provisions of the Convention within national legislation, increase women's quota to 30% and amend the Personal Status Law to keep abreast with modern times.

Read the full statement here: <http://bit.ly/rNP42K>

Morocco

As part of the force behind the changes and reforms currently underway in Morocco, within the larger context of the Arab Spring, the Democratic Association of Moroccan Women (ADFM) issued a statement on June 30 outlining its position regarding the provisions of the draft constitution related to fundamental rights and freedoms, particularly those relating to women's human rights. In this overall assessment of the draft constitution, ADFM sees its provisions in a positive light. In order to institute the desired rule of law, however, ADFM asserts that the provisions will need to be operationalised through legislative reform as well.

Read the full statement here: <http://bit.ly/vXPYuN>

Tunisia

Tunisian Advocate, Sana Ben Achour has shared a 52-slide PowerPoint presentation (in French) on 'The Personal Status Code 13 August 1956 – 13 August 2011: In Recognition of Women's Struggle for Equal Rights and Democracy in Tunisia.' The presentation traces the history of the Code and amendments in response to changing social and political developments. It outlines the Code's major provisions including equal access to judicial divorce and the end to unilateral *ta'laq*; women's right to guardianship in the event of the father's death; the removal of women's duty of obedience; and fixing of 18 as the age of marriage for females and males.

With the changes that began in Tunisia in January 2011, Tunisian women are now demanding a clear constitutional provision guaranteeing equality in law and before the law. The presentation also contains proposals for forward-looking reforms of the Personal Status Code as part of the realisation of full and complete citizenship for all.

IV. International Advocacy

Musawah's First Thematic Report on Article 16

Musawah has submitted its first thematic report (<http://bit.ly/tSfShY>) on Article 16 of the CEDAW Convention on marriage and family relations to the CEDAW Committee at the 50th CEDAW session in Geneva in October 3-14.

The report on Oman and Kuwait, two of the four OIC countries reporting during the session, was prepared because no shadow or alternate report was submitted to the Committee by any NGO on the ground.

This report looks at the following issues related to marriage and family relations within Muslim contexts: dower, child marriage, forced marriage, and choice in marriage, divorce, property rights within marriage and its dissolution, inheritance, domestic violence, obedience, guardianship, custody, and the ability to pass nationality to foreign spouses and/or children.

This thematic report, which provides critical information, analysis and recommendations, can be used as a resource during the constructive engagements with State parties and in follow-up activities on the Concluding Observations.

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