

SURVEY FINDINGS ON THE IMPACTS OF THE COVID-19 PANDEMIC ON WOMEN LIVING UNDER DISCRIMINATORY MUSLIM FAMILY LAWS

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musawah
For Equality in the Family

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INTRODUCTION

In March 2020, Musawah launched a global Campaign for Justice in Muslim Family Laws to bring together women's rights activists, academics, and policy makers to build global momentum around the urgency of Muslim family law reform to end discrimination against women. As the Campaign for Justice was launched, the COVID-19 pandemic took hold, drastically impacting individuals and communities along with economic, health, social, and political sectors in many countries. Since then, we have witnessed governments around the world taking unprecedented measures to curb the spread of the virus and contain mortality rates.

While governments have implemented many effective state policies and public health efforts, they have not adequately taken into account the gendered impacts of the pandemic. Women and girls have been disproportionately impacted both by COVID-19 itself and by government responses. Vulnerable and minority groups have been further affected, with no safety nets or specific policies or initiatives put in place to protect them. Many states have focused on health-related issues exclusively, leaving gender and gender-related themes out of their conversations and efforts.

Gender inequality has exacerbated the effects of the health emergency for women, disabling support systems, hindering access to healthcare and paid caregivers, increasing unpaid domestic work and caregiving, and creating space for escalated violence within the home.

The pandemic has halted and in some cases even reversed progress on various gender- and family-related issues. Lockdowns and strict curfews have led to a heavy burden of unpaid care and domestic work for both men and women, but women bear the brunt of this burden. Gender-based violence in the home has been fueled, in some cases, by financial burdens and job cuts stemming from the pandemic, as well as husbands and wives being trapped together in confined spaces under lockdown.

With regard to family law issues, media and women's groups have reported that lockdowns and increased financial constraints have created more room for practices such as child marriage, forced marriages, harmful discriminatory practices, difficulties in obtaining maintenance from husbands, child custody issues, and others. Women who are already affected by gender-discriminatory family laws now face additional delays in justice and redress processes.

The closure of court systems, including family courts, has affected due process on matters such as judicial separation, custody of children, and maintenance and financial support during divorce, and has hindered the ability of survivors of violence to seek legal action. This, coupled with limited state support for domestic violence and lack of importance placed in family law systems, has further compounded the gender crisis at hand. Family court systems have been of least priority during this period, with either complete or partial closure of courts in most cases, only allowing room for extremely sensitive and priority cases.

This paper is intended to better understand the gendered impacts of COVID-19, specifically how COVID-19 interacts with discriminatory Muslim family laws and the challenges faced by Muslim women who are subject to those laws. It is based on a survey undertaken in July 2020 in Asia and the Middle East and North Africa (MENA). While the survey was limited in scope, the insights gained through the survey and through secondary data collection allow a glimpse into both broad and specific effects of the pandemic in Muslim contexts and have informed Musawah's advocacy around family law concerns during the COVID-19 pandemic period. In addition, the research has allowed Musawah to propose a number of short-term and medium- to long-term recommendations (outlined on pages 12 and 13) that governments and civil society can implement to respond to such concerns and ensure more gender equality and justice.

ABOUT THE SURVEY

Musawah administered the survey online (via Google forms) between 15th and 30th July 2020. The survey consisted of 12 questions on: 1) issues related to family laws; 2) issues related to access to justice; 3) government and civil society responses to the pandemic; and 4) recommendations for action. Both primary qualitative and quantitative data were collected using the survey questionnaire, which was sent to Musawah advocates representing various civil society organisations across Asia and the Middle East and North Africa (MENA) region. Qualitative data were also collected via secondary data collection.

A total of 15 participants responded to the survey, including lawyers, women's rights activists, and civil society stakeholders. The respondents are from 12 countries with significant Muslim populations, including Bangladesh, India, Maldives, Nepal, Pakistan, and Sri Lanka (South Asia); Indonesia, Malaysia, and Singapore (Southeast Asia); and Egypt, Iraq, and Palestine (MENA). Certain countries had more than one participant organisation.

At the time of the survey, lockdown situations varied among the participant countries. Respondents in seven out of 12 countries stated that they were in partial lockdown, with certain areas under full lockdown and other areas gradually reopening sectors. Four out of 12 respondents stated that their countries were reopening public and private sectors for normal activities. In the last country, all sectors were back to regular programming with social distancing measures.



SUMMARY

MARRIAGE & FAMILY-RELATED ISSUES

- Child & forced marriage
- Domestic violence
- Unpaid care work
- Polygamy
- Increase vulnerability to unilateral divorce
- Difficulties in resolving child custody & guardianship
- Difficulties in obtaining maintenance & compensation

RESPONDING TO GENDER-BASED VIOLATIONS & DISCRIMINATION

- Establish strong support service provisions, including gender-sensitive pandemic-related institutional emergency reaction and response systems
- Institute justice sector responses, including prioritising family law-related cases in courts, enabling remote/virtual functioning of courts and court hearings, and ensuring efficient systems are in place to address domestic violence cases

ACCESS TO JUSTICE

- Delays in court procedures and court systems
- Limited access for women to courts (offline or online)
- Delays in family law enactment or reform processes

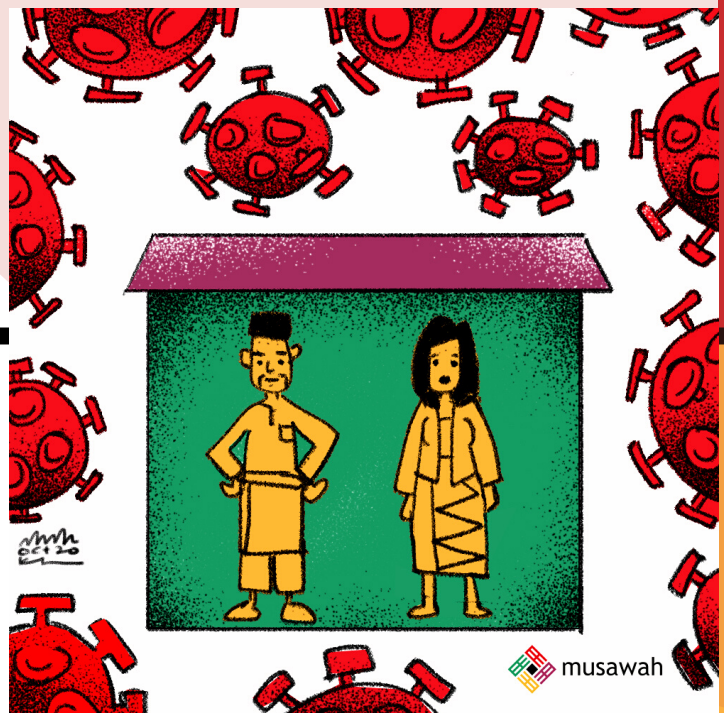


Illustration by Shika Corona, Malaysia

FAMILY LAWS AND LAW REFORM PROCESSES

- Ensure timely reform and/or enactment of Muslim family laws that treat women and men as equal partners in marriage and address all areas of discrimination faced by women and girls
- Engage with women and women's groups who centre the lived realities of Muslim women

KEY FINDINGS

A. MARRIAGE AND FAMILY-RELATED ISSUES

A key finding from the survey is that heightened inequalities stemming from the COVID-19 pandemic have exacerbated several discriminatory practices within Muslim family laws in the countries that were surveyed. Below are some key gender and family-based issues that are of concern:

CHILD MARRIAGE

In the survey, respondents from six of the 12 surveyed countries (Bangladesh, India, Indonesia, Iraq, Maldives, and Pakistan) indicated that child marriage has drastically increased during the current pandemic. Child marriage cases are on the rise in part because families have been pressured financially into giving their daughters in marriage or making arrangements for them to be married after the lifting of lockdowns. Families have also used the closure of schools as an opportunity to marry off their children. In some contexts it also has been easier for girls to marry because law enforcement officials who normally track such matters have been preoccupied with the COVID-19 crisis.

FACT: According to the United Nations Population Fund (UNFPA), globally 12 million girls under the age of 18 are married every year. An additional 13 million child marriages could take place by 2030 due to factors related to the pandemic. [1]

FORCED MARRIAGE

Respondents in four out of 12 countries, namely Bangladesh, Iraq, Pakistan, and Palestine, stated that a pressing issue during the COVID-19 period has been forced marriages of adult women who are treated as 'minors'. Forced marriages have increasingly taken place during the pandemic, with families pushing adult daughters into non-consensual marriages or making marital arrangements in the hopes of marrying them off after the lifting of lockdowns. Contributing factors have included financial pressures, closure of universities, fear of elopement, and fear of unmarried women tarnishing family honour.



Illustration by Tahira Rifath, Sri Lanka

KEY FINDINGS

DOMESTIC VIOLENCE

COVID-imposed lockdowns have left many women and children trapped in violent homes with their abusers 24 hours a day, seven days a week. They now struggle against the double pandemic of COVID-19 and family violence. In the survey, respondents from all 12 countries reported a dramatic spike in domestic violence cases due to the pandemic.

Respondents from all 12 countries also reported an increase in cases of marital rape. Respondents stated that factors such as lockdowns, strict curfew measures, mounting concerns over job insecurity, cramped living spaces, limited or reduced essential services, and difficulty in reporting violence as a result of lockdowns have exacerbated the already high rates of domestic violence in their countries.

Patriarchal social norms that regard men as heads of household and ‘protectors and providers of women and children’, and discriminatory Muslim family laws which grant men authority and guardianship over women and children, further exacerbate control of women’s decision making, mobility, livelihood opportunities, and access to health care, including sexual health and reproductive rights. As evidenced by other crisis situations (such as conflict, disease outbreaks, and/or natural disasters), households that are female-headed are also at a greater risk of gender-based violence (GBV) as well as other forms of discrimination. [2]

Domestic violence reporting has also increased dramatically despite disrupted reporting mechanisms. More and more women in the Arab world are reporting incidences of domestic violence. [3] There appears to be an increase over typical numbers of cases in other regions as well, including in the countries surveyed:

- According to media reports, there were over 11,000 cases of domestic violence in Bangladesh during the month of May. A survey conducted by local civil society organisations in April found that at least 1,672 women in Bangladesh had experienced their first instance of domestic violence during the pandemic lockdown. [4]
- Domestic violence cases have increased by 100% in parts of India, as reported by the Musawah survey respondent.
- In the Gaza strip of Palestine, there has been a 30% increase in violence against women and a 36% increase in violence against children during the first month of lockdown, as reported by civil society organisations. [5]
- Pakistan media reports have indicated a 200% increase in GBV incidence in the month of March. [6]
- In April 2020, Singapore witnessed a sharp increase in domestic violence helpline calls – a 112% jump compared to April 2019. [7]

KEY FINDINGS

UNPAID CARE WORK

Respondents from all 12 countries noted a drastic increase in the demand for unpaid care work by women and girls during the COVID-19 pandemic. A gendered lens of the global crisis makes it clear that the burden of domestic work and caregiving is almost entirely carried by women and girls.

A UN policy brief states that women spend three times as many hours on unpaid care and domestic work as men, including caring for relatives. [8] The current pandemic only adds to the already existing burden and further increases mental stress amid the pressure to do more work than they are capable of doing. Social norms in many cultural contexts also dictate that women and girls are the last to receive medical attention when they become sick.

According to the International Labour Organization's 2019 report on 'The Unpaid Care Work and the Labour Market' [9]:

Across the world, without exception, women carry out three-quarters of unpaid care work, or more than 75 per cent of the total hours provided. Women dedicate on average 3.2 times more time than men to unpaid care work. There is no country where women and men perform an equal share of unpaid care work. As a result, women are constantly time poor, which constrains their participation in the labour market.

POLYGAMY

Fewer survey respondents mentioned issues related to polygamy, with only four out of the 12 countries (Iraq, Maldives, Palestine, and Sri Lanka) noting them as significant. This may be because the frequency of polygamy is not likely to increase during a pandemic. However, harm within existing polygamous families may have worsened in both similar and different ways as within monogamous families.

Lockdowns, such as the ones instituted during the early months of the pandemic, can be difficult for polygamous families. Women in polygamous marriages must face issues such as:

- Financial constraints if husbands are unable to provide for multiple families, especially in situations where income of primary breadwinners decreased and/or income earning opportunities were limited.
- Husbands who are absent and unable to spend time with multiple families due to restricted mobility. The fear of contracting the virus may also prevent polygamist men from visiting their multiple families even without lockdown restrictions, especially in instances of inter-city travel bans.
- Increased family tensions and domestic violence fueled by financial, health, and emotional anxieties.



KEY FINDINGS

DIVORCE AND MAINTENANCE

Issues related to divorce, predominantly concerns over obtaining maintenance and the lack of financial protection for women, were prevalent in all 12 countries that were documented in the study. Respondents from Pakistan, Indonesia, and Iraq reported that the most pressing family law issues during the pandemic are divorce-related, including judicial separation, obtaining maintenance, and custody of children.

Increased violence during the pandemic has forced many women to walk away from their marriages if they are able to do so. But divorced women may have difficulty obtaining financial support from their former husbands, even where husbands are under a legal obligation to provide maintenance, and single mothers have struggled to get by during the pandemic with zero state support. Muslim women have faced more discrimination than non-Muslim women in many countries as a result of relevant Muslim family laws. For instance, in Singapore non-Muslim women have been able to apply for and obtain divorce, but Muslim women have been unable to obtain divorce because Shari'ah courts were not facilitating divorces. This is true even though Muslim women in Singapore were able to get married.

The fact that divorce cases were adjourned in many countries during lockdowns left many women uncertain of their marital status and in a dilemma whether and how to claim financial protection. Even when courts were functioning during the lockdowns in certain countries, there were delays in the monetary maintenance that was to be deposited into bank accounts of women because banks were not operating.

The pandemic lockdowns and economic uncertainties have also made it easier for men to refuse payment of maintenance under claims of job losses and affected incomes. The Iraqi respondent in the Musawah survey stated that women could not rely on maintenance for survival, as husbands have been refusing to pay maintenance due to financial constraints. Harassment and abuse through online digital platforms also heightened during the pandemic. In Egypt, there have been cases of men blackmailing their ex-wives with private pictures to evade payment of alimony.

CHILD CUSTODY AND GUARDIANSHIP

Respondents from eight out of 12 countries, namely Egypt, India, Iraq, Maldives, Pakistan, Palestine, Singapore, and Sri Lanka, noted that custody and guardianship of children have been more problematic as a result of pandemic lockdowns and temporary shutdowns of court systems.

As a result of the COVID-19 pandemic, many non-custodial parents have been separated from their children due to lockdowns, restricted curfews, and the fear of the virus spreading. Many women were left with no legal backing to secure child visitation and custody rights due to closure of courts. The fact that family court trials might be delayed into next year not only increases legal costs, but also leaves families with no court resolution on issues like child and spousal support, custody and visitation schedules, and so on.



KEY FINDINGS

B. ACCESS TO JUSTICE

A key finding from the survey is that heightened inequalities stemming from the COVID-19 pandemic have exacerbated several discriminatory practices within formal or informal family court systems in the countries that were surveyed. Below are some key issues related to access to justice that are of concern:

DELAYS IN COURT PROCEDURES AND COURT SYSTEMS

The COVID-19 pandemic has resulted in delays and interruptions in court systems and court proceedings across the world. Court systems in all 12 countries that took part in Musawah's survey have been burdened with a backlog of judicial cases due to lockdowns, resulting in a denial of legal redress for many women. Family law cases that are affected include divorce procedures, judicial separation, mediation, maintenance, child custody, protection orders for domestic violence, and other issues. [10]

In all 12 countries, most court systems (both civil and family) were closed or partially closed during the lockdown period. Women have suffered significantly because of these court suspensions, as their lawsuits are on hold, they are unable to file new lawsuits, or they have received hasty sentences not favourable to them. The suspension of courts has also limited police intervention as the police could not implement court orders related to alimony and custody. Most often, police duties were limited to handling family dispute resolution.

Courts in select countries only took up cases that were determined to be urgent and time-sensitive. Women also faced difficulties in travelling to courts during the lockdowns, and therefore were often not able to appear in courts. Lockdowns also resulted in delays in sending notifications to people who had filed cases.

It was also widely acknowledged that most state governments in these countries did not take any measures to ensure family law-related cases were being handled. Civil courts were also not addressing cases of domestic violence and child abuse. Survivors of domestic violence suffered due to delayed investigations and court sessions, in part because physical bruises from violence would heal and leave no evidence of the abuse.

REMOTE COURT PROCEEDINGS

A select number of court systems in a few countries decided to function remotely with their court procedures via virtual hearings. In the study conducted, four out of 12 countries had functional online courts, namely Indonesia, Malaysia, Maldives, and Singapore. However, the online functioning of courts was largely limited and not well connected, and complicated cases could not be handled online. Online courts had huge drawbacks as well. Many women had no access to online court sessions or were unable to submit forms online due to lack of technology tools or skills or poor internet access. There were also gaps in information shared by the state, and many were unaware of such services. In cases of divorce, child custody, and domestic violence, women were unable to attend court hearings or submit cases online while living with their spouses. The survey respondent from Maldives indicated that this was a pressing concern in the country.

KEY FINDINGS

DELAYS IN COURT PROCEDURES AND COURT SYSTEMS

LIMITED AND COMPROMISED FUNCTIONING OF COURTS

Certain family court systems in select countries also refused to operate after the lockdowns were lifted on the pretext of it being 'unsafe' to function. One such country was Sri Lanka, where certain Quazis raised the issue of safety during COVID-19. This further delayed maintenance, custody, and separation cases.

In certain countries, legal cases were only being taken up in courts located in big cities, so many women who live in other parts of the country were unable to seek legal redress. This happened in Maldives, where access to magistrate courts outside of Malé was a challenge. In many countries, including Bangladesh, Malaysia, Pakistan, and Singapore among others, courts were only allowed to handle select cases that were considered urgent or of a sensitive nature; not all women would be able to argue that their cases reached this threshold.

Closure of the Shari'ah court during the initial phase of lockdown in Gaza resulted in strong reactions from the public. After heavy pressure from civil society groups, media, and others, courts were forced to resume work but limited the focus to priority cases.

The survey respondent from Gaza raised the issue of power plays in the court system in which stronger, powerful families were able to access courts more than less influential families in family dispute cases.

Listed below are a few of the ways in which countries have compromised on family-related matters at the time the Musawah survey was administered in July 2020:

EGYPT: Courts only took up cases on inheritance and alimony.

INDIA: Courts only took up public interest litigation (PIL) cases if they related to COVID-19.

IRAQ: Cases on maintenance, judicial separation, inheritance, and custody were put on hold.

MALDIVES: The lack of infrastructure within the courts in Maldives further contributed to delays in court proceedings during the lockdown.

GAZA, PALESTINE: Most lawsuits were on hold or there were delays in court rulings on cases of child custody, divorce, and separation.

PALESTINE: Courts reported an increase in custody issues in which fathers did not return their children after visitations, and some women faced the problem of lack of maintenance.

SINGAPORE: Courts issued protection orders, but handled only select cases of custody and maintenance and suspended divorce proceedings altogether.

All of this demonstrates that countries have failed to place adequate importance on family law courts and legal procedures related to family law issues. Many countries commonly de-prioritise spousal and family issues when other difficulties arise, despite families being at the heart of people's everyday lives. In this way, the pandemic has further delayed justice for women.

KEY FINDINGS

IMPACTS ON FAMILY LAW REFORM

Respondents from eight out of 12 countries (Egypt, India, Iraq, Malaysia, Maldives, Pakistan, Palestine, and Sri Lanka) reported delays and deferrals in implementation and reform of laws related to families. Family law can be one of the most contentious areas of law in Muslim contexts. Such laws often disproportionately and negatively affect women and girls under the pretext of religion. The COVID-19 pandemic has further contributed to this problem by halting and suspending ongoing family law processes, including implementation and reform, in many countries. Along with this, changes in governments and delays in parliamentary processes during this period further backtracked the issue at hand.

In many countries with minority Muslim populations, discrimination on the basis of family law practices is often dismissed by state authorities as a 'community issue'. Family is also intrinsically linked to the identity of minority communities and as such becomes a highly contested topic. Many within minority Muslim communities are fearful that when Muslim family laws come under public scrutiny, this will further fuel Islamophobia and racist attacks against Muslims.

Survey respondents indicated that delays in implementation or reform of family laws occurred either directly or indirectly due to the pandemic in the following countries:

EGYPT: Discussions of the ongoing family law bill have been postponed due to the pandemic. Domestic violence has been on the rise during lockdown, and there is no law in place to protect survivors.

INDIA: Muslim family law is not codified in India, so cultural and patriarchal practices like triple talaq, child marriage, and halala (a divorced woman marrying and divorcing another man so she can remarry her prior husband) are justified as community customs. With the absence of a clear law against these practices, there is no strong state intervention to support women. In 2019, the organisation Bharatiya Muslim Mahila Andolan (BMMA) filed public interest litigations against polygamy and halala in an attempt to address these concerns, but court judgments have been delayed this year due to the COVID-19 pandemic.

MALAYSIA: The first months of the pandemic coincided with a political crisis centred around a newly appointed prime minister and an economic fallout. This political and economic situation, combined with the pandemic, has pushed all discussions on family laws aside and has limited work at the policy level.

PALESTINE: Family law reforms on raising minimum age of marriage and increasing child custody for women had been ongoing, but all efforts were stalled due to the pandemic. There is a concern that if family laws are not implemented, this will force women to seek justice through alternative methods such as the informal justice system or mukhtars who do not prioritise the needs of and abuses faced by women.

PAKISTAN: Several draft laws pertaining to family issues have been submitted to the government, including one related to the minimum age of marriage. However, these are on hold due to the pandemic.

KEY FINDINGS

IMPACTS ON FAMILY LAW REFORM

SRI LANKA: In early 2020, the new President dissolved Parliament in preparation for an election. However, due to the pandemic, elections had to be postponed, leaving Sri Lanka without a parliament for approximately six months. The new parliament was elected in September 2020. Since then there have been discussions on reform of the Muslim Marriage and Divorce Act (MMDA), however progress has been further delayed by the other issues taking priority during the pandemic. Muslim women's groups have been demanding and advocating for comprehensive law reforms for the last 30 years to no avail.

In addition to these delays, in a few cases opportunities have emerged during the pandemic. Such opportunities include:

IRAQ: Following the April 2020 death of a domestic violence victim in Iraq, there has been a heavy push by the public and international bodies for implementation of an anti-domestic violence law. Increased violence during the lockdown has pressured the government into looking at their long-stalled domestic violence bill. There has also been a push for reforming child custody laws to benefit fathers who could obtain custody of their children at a younger age.

MALDIVES: The new family law drafting process is ongoing, though has not been inclusive of diverse viewpoints or a gender perspective. In addition, despite Maldives having laws that benefit women, children, and families, the implementation of these laws is very poor. To take advantage of the current family law drafting opportunity, civil society and women must be involved in the process, and plans must be made for better strategic implementation of laws.

LACK OF STATE SUPPORT

Respondents from all 12 countries of this study raised the issue of absent or minimal state support for women during the pandemic, which was exemplified by the fact that cases of gender- and family-related matters were rarely prioritised.

Some government measures have been put in place during the COVID-19 era, including financial relief aid, setting up of helplines, counselling desks, legal aid, protocols on VAW, and police intervention, among others. However, many of these measures had heavy limitations due to the overwhelming health crisis, and hence were not able to effectively tackle the gender crisis at hand. The pandemic also revealed challenges and inadequacies of governance in many countries. This included limited accessibility of services due to a lack of resources and communication tools. Many governments also did not have effective monitoring mechanisms in place to identify increasing violence against women in private spaces.

Disrupted and reduced access to multi-sectoral services for GBV survivors has led to increased injury and mortality of women, which was a serious issue raised by a survey respondent from Pakistan. Implementation of state support was also significantly delayed as governments struggled to handle the coronavirus pandemic along with economic crises and curfew restrictions. For instance, in Egypt the helpline was set up only after a month into lockdown, and government hotlines in Malaysia were closed in the initial period of the lockdown.

RECOMMENDATIONS

The Musawah survey findings conclude that the disproportionate impacts of the COVID-19 global pandemic on women and girls around the world has exacerbated the injustices already faced by Muslim women governed by discriminatory family laws. Most dramatically, the pandemic has created space for increased violence in private spaces, with little immediate recourse for women because of limited state-regulated measures and systems in place to report or escape the violence. But less dramatic impacts also occurred in terms of increases in child and forced marriages, the heavy burdens of unpaid care work falling mostly on women, limited options for separation or divorce, former husbands' failure to pay maintenance, and contestations over child custody.

One reason for this was the detrimental setbacks and backlogs of family-related cases in family law court systems. But Musawah has also determined, based on the findings of the study, that the impacts are also direct outcomes of the absence of egalitarian family laws and effective systems to address gender- and family-related issues.

Musawah proposes a series of short-term and longer-term recommendations that can be adopted across state institutions to address the interaction between the pandemic and family laws now and in case of future crises. Some of the interventions can and should be implemented immediately to handle urgent issues related to physical, emotional, and economic security, such as domestic violence, child marriage, and poverty due to a husband's failure to pay maintenance or abandonment. But longer term solutions are also necessary to address the underlying inequalities, including inequalities within family laws, that cause suffering for the most marginalised in our societies. Such suffering occurs during ordinary times and is compounded during times of crisis such as COVID-19. It is essential to reform family laws and practices to ensure more gender equality and justice and to avoid the harsh scenarios we are witnessing today.

SHORT-TERM RECOMMENDATIONS

These recommendations must be implemented as soon as possible to address ongoing injustices and urgent needs of women and children during the current COVID-19 crisis.

1 SUPPORT SERVICE PROVISIONS

- Establish strong pandemic-related institutional emergency reaction and response systems for victim-survivors and persons vulnerable to domestic violence, child and forced marriage, etc., including:
 - Develop reliable reporting systems and quick and effective police intervention that can operate throughout emergency situations;
 - Provide for operational and accessible shelters, temporary homes, psycho-social services, and legal support for survivors and persons vulnerable to various forms of discrimination, including domestic violence; and
 - Ensure strong coordination between local authorities and the availability of accessible support systems.
- Support the establishment of helpline centres run by state and non-governmental organisations.
- Allocate state funds and other essential services for domestic violence survivors, female heads of households, as well as women who have been abandoned or not provided maintenance by husbands during the pandemic.
- Ensure gendered reporting of violence that can be used for future referencing and drafting of guidelines, policies, and Standard Operating Procedures (SOPs).

RECOMMENDATIONS

2 JUSTICE SECTOR RESPONSES

- Prioritise family law-related cases in courts, including, but not limited to, cases of domestic violence, divorce, child custody, and maintenance. In particular, expedite divorce cases in which domestic violence plays a role.
- Enable remote/virtual functioning of courts and court hearings via telephone or video conference calls during times of lockdown, if the courts are unable to operate physically.
- Ensure applicants have adequate and reliable access to mobile and/or landline phones, network reception, and internet services.
- Develop digital mechanisms to simplify case management procedures and allow cases to be filed and conducted online, and provide alternate accessible procedures for those who cannot submit cases via the internet. Improve accessibility and availability of information and technology to women who need to attend court sessions remotely, and ensure provisions for family hearings with multiple parties.
- Ensure efficient systems are in place to address issues related to domestic violence, including reporting mechanisms, protection orders, shelters, and maintenance.

MEDIUM- TO LONG-TERM RECOMMENDATIONS

While these recommendations generally cannot be implemented immediately, they must be prioritised to ensure the same suffering does not continue now and in future crises.

1 FAMILY LAWS AND LAW REFORM PROCESSES

- Ensure timely reform and/or enactment of Muslim family laws that treat women and men as equal partners in marriage and as equals within immediate and extended families.
- Engage with women and women's groups who centre the lived realities of Muslim women to ensure that reform processes address all areas of discrimination and inequalities faced by women in marriage and family matters.

2 JUSTICE SYSTEMS AND JUDICIAL PROCEDURES

- Conduct judicial trainings and develop a new curriculum for justice professionals so they can better handle health emergencies, work remotely, and acquire technological skills.
- Establish both physical and remote services for family dispute resolutions, including legal aid, mediation, and arbitration, to assist with access to justice in times of crisis and prevent delayed justice and costly litigation.
- Develop digital payment mechanisms for maintenance, alimony, child support, etc., via efficient banking systems, and ensure information about the payment systems is disseminated widely and technical assistance is readily available.
- Establish efficient systems or agencies that oversee and regulate child custody, parenting time, maintenance, child protection, and child care, so these are not manipulated during times of crisis.

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FOR MORE INFORMATION ABOUT THE CAMPAIGN FOR JUSTICE IN MUSLIM FAMILY LAWS:

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