



Oral Statement to the CEDAW Committee: UAE
82nd CEDAW Session
20th June 2022

Thank you, Madam Chair.

1. Today, I read the following statement on behalf of Musawah, the global movement for equality and justice in the Muslim family.
- 2. We assert that the UAE family laws remain fundamentally patriarchal.**
 - a. The UAE has made strides in advancing the welfare and opportunities provided to women in the public sphere and also enacted the Domestic Violence Law, removing spousal discipline as a permitted act of violence and repealing lenient sentences for honour killings.
 - b. However, real empowerment is hindered by discriminatory practices against women that prevail in the private sphere underpinned by the UAE family laws that continue to stereotype women as mothers and wives and not considering women to be full rights holders.
 - c. UAE's legal framework *continues* to treat women as subordinate to men within the family, fails to provide adequate protections from domestic violence, and only benefits the privileged few, leaving women and girls in marginalised communities far behind.
- 3. The UAE justifies its reservations to Articles 2(f), 15(2) and 16 by claiming that their content is in conflict 'with the precepts of the Islamic Shari'ah.'**
 - a. Musawah reiterates, that there are juristic tools and concepts that exist *within* Muslim legal theory that *can* be used to reform discriminatory Muslim laws.
 - i. **First**, the distinction between Shari'ah and fiqh must be recognised. Shari'ah is the revealed way; it is sacred and divine. Whereas fiqh, which is the *human* interpretation of Shari'ah; is it not divine law and therefore

¹ United Nations Treaty Collection: CEDAW Declarations and Reservations, available at: <https://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>

subject to change. What many commonly assert to be Shari'ah laws are, in fact, fiqh, and hence, changeable.

- ii. **Second**, Muslim jurists consider legal rulings related to marriage and family as social and contractual matters, not spiritual or devotional matters. As such, these rulings have always been open to reform, given the changing times and circumstances.
- iii. **Third**, laws introduced in the name of Shari'ah and Islam should also reflect the values of equality, justice, love, compassion and mutual respect among all human beings. These are values and principles on which Muslims agree and which Muslim jurists hold to be among the indisputable objectives of the Shari'ah.
- iv. **Fourth**, diversity of opinion has always been accepted and celebrated in the Muslim legal tradition. This is what led to the establishment of multiple schools of law. While the UAE primarily follows the Maliki school, it is important that principles such as *maslaha* (public interest), and *istihsan* (choosing the best opinion among many) *also* be used by the UAE, to meet the demands of equality and justice today.

4. We believe that it is not possible to advance egalitarian family laws without the insights, views and expertise from independent national advocacy groups and activists from the UAE.

- a. Women national groups being unable to raise their voices and hold public debate on the diversity of opinion in Muslim family laws and practices, and openly advocate for change, is a major concern which must be addressed with urgency.

Thus, we recommend the CEDAW Committee to urge the State party:

- (1) To clearly *reflect the status of women as full rights holders with the same honour and dignity as men in their legal frameworks*;
- (2) To *pursue and encourage* the diversity of opinions and juristic concepts that exist within Muslim legal tradition, and promote human rights standards as *intrinsic* to the teachings of Islam;
- (3) To amend all provisions in the Personal Status Law 2005 that are in contradiction with the values of justice, equality and dignity upheld in the Qur'an, as highlighted in Musawah's recent Thematic Report submission;



- (4) To support independent national advocacy groups and activists publicly advocating for family law reforms; and encourage open and inclusive participation in the discourse on such reform;
5. We *encourage* the UAE to *leverage* its robust framework of diversity and inclusion to ensure full legal equality and empowerment for Muslim women, not just in the public sphere, but also in their private lives, **as without equality in the family, there can be no equality in society.**
6. We thank you for this opportunity, Madam Chair.
