



A TOOLKIT FOR ADVOCATES

SHARING THE MUSAWAH FRAMEWORK AND KEY MESSAGES



musawah



Musawah Advocates
speaking at the 2009
Global Meeting in
Kuala Lumpur



Musawah's Hope for Equality

Our Vision

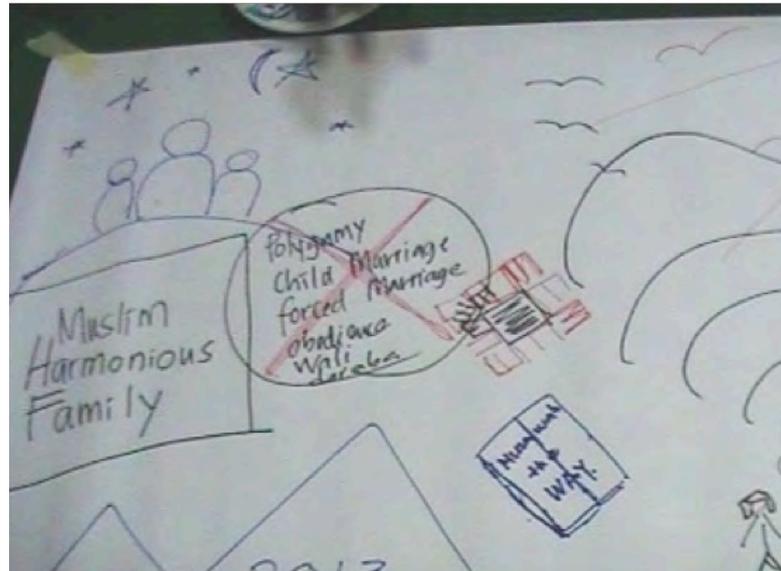
A world where equality, non-discrimination, justice and dignity are the basis of all human relations.

Our Goal

A global movement for equality and justice in the Muslim family, which advances human rights for women in Muslim contexts, in both their public and private lives.

Our Objectives

1. To build and share knowledge that supports equality and justice in the Muslim family using a holistic approach that combines Muslim jurisprudence, international human rights standards, national laws and constitutional guarantees of equality and non-discrimination, and the lived realities of women and men;
2. To build a critical mass of organisations and individuals that support, use and promote the Musawah Framework for Action and engage in the public discourse on Islam and women's rights;
3. To support the work of human rights mechanisms, groups and individuals working with these processes at the international, regional and national levels to advance equality and justice in the Muslim family.



Nur Rofiah, Indonesia, Musawah Outreach Strategy Meeting, Yogyakarta, 2010

“The harmonious Muslim family is: no polygamy... no child marriage”

Musawah Key Messages

Musawah is a global movement of women and men who believe that equality and justice in the Muslim family are necessary and possible.

In the 21st century there cannot be justice without equality;
the time for equality and justice is now!



Equality in the family is the foundation for equality in society.
Families in all their multiple forms are central to our lives, and should be a safe
and happy space, equally empowering for all.



Musawah builds on centuries of effort to promote and protect equality and justice
in the family and in society.



Musawah is led by Muslim women who seek to publicly reclaim
Islam's spirit of justice for all.



Musawah acts together with individuals and groups to grow the movement,
build knowledge and advocate for change on multiple levels.



Musawah uses a holistic framework that integrates Islamic teachings,
universal human rights, national constitutional guarantees of equality, and
the lived realities of women and men.



Musawah was launched in February 2009 at a Global Meeting in
Kuala Lumpur, Malaysia, attended by over 250 women and men from
47 countries in Africa, Asia, Europe, the Middle East,
North America and the Pacific.

For details see www.musawah.org

The Musawah Principles

The Musawah Framework outlines our movement's three principles:

- ❖ **PRINCIPLE 1:** The universal and Islamic values of equality, non-discrimination, justice and dignity are the basis of all human relations.
- ❖ **PRINCIPLE 2:** Full and equal citizenship, including full participation in all aspects of society, is the right of every individual.
- ❖ **PRINCIPLE 3:** Equality between men and women requires equality in the family.

What these principles mean in terms of actual family laws and practices is discussed in *Equality in the Family*.

Principle 1 is discussed in many sections in this toolkit. For example, it is reflected in our movement's name; in our effort to reach all countries of the world; in our understanding of substantive equality; in our recognition of the many forms of the Muslim family; in our insistence that equality and justice in the Muslim family are possible; in our holistic Framework's use of both Islamic principles and human rights.

Principle 2 is discussed in several places, including the ideas that all people have a right to discuss the role of religion in public policy, irrespective of their religion or belief, their level of expertise, and whether they are a woman or a man. Making citizenship a reality for women also requires substantive equality.

Principle 3 also appears in many sections. For example, it is highlighted in our movement's name and our vision of equality in the family. It is part of our understanding of substantive equality, and of why equality and justice in the Muslim family are necessary now. Principle 3 also means we say equality in the family is the foundation for equality in society, and that families must be safe, happy and empowering for all.

This principle is reflected in the fact that Musawah includes both women and men, and acknowledges that Muslims and non-Muslims are affected by injustice in the family.

WHY 'MUSAWAH'?

- ❖ Musawah means 'equality' in Arabic.
- ❖ We chose this word because equality in the family is the goal of our movement.
- ❖ This is what the Musawah Framework for Action states about equality:

Islam calls for equality, justice, compassion and dignity between all people. Family laws and practices must therefore fulfil this call by promoting these principles and responding to the lived realities of Muslim women and men today.

Women and men alike are entitled to equality and justice within the family, as well as respect and recognition for their contributions. The acknowledgement of joint responsibilities within the family must be accompanied by equal rights, equal decision-making practices, equal access to justice, equal property ownership, and equal division of assets upon divorce or death.

- ❖ We chose an Arabic word because the Qur'an was revealed in Arabic so this language has meaning for all Muslims, even if it is not their first language.
- ❖ We want to show that the language of the Qur'an can support our vision of equality in the family.

To talk about



What would have been the advantages and disadvantages if we had decided to use a different language for the name of our movement?

Does it matter how you pronounce 'Musawah'?
What if your first language is not Arabic?

Some cultures have words and traditional phrases that seem to support gender equality. In parts of South Asia they say, "Women and men are like the two wheels of a bicycle." Can you think of words and sayings in your language?

To do



At the end of the Musawah launch video you can hear people from different countries calling for 'Musawah!' in different accents: [YouTube - Musawah Opening Video 2009](#).

Global

Is Musawah truly 'global'?

At the launch of Musawah in February 2009, there were over 250 participants from 47 countries. That is not the whole world but we already cover:

5 different continents: Africa, Asia, Australia, Europe and North America as well as the Pacific. There are quite significant Muslim minorities in some countries in South America such as Suriname and Brazil. We would like to make contact with groups there too.

We also reach...



- **Countries with family laws based on religion:**
e.g. Lebanon, Pakistan
- **Countries with secular family laws:**
e.g. Fiji, Turkey, Uzbekistan
- **Countries with secular family laws with some elements of custom and religion:**
e.g. Benin, Senegal
- **Countries with no codified family laws:**
e.g. Saudi Arabia
- **Countries where family laws have recently been codified or reformed:**
e.g. Morocco, Bahrain
- **Countries where reform towards greater equality has been blocked by conservatives:**
e.g. Malaysia, Mali
- **Some of the world's largest Muslim majorities:**
e.g. Mauritania, Niger (99% Muslim)
- **The world's largest Muslim minority:**
e.g. India (over 155 million Muslims)
- **One of the world's smallest Muslim minorities:**
e.g. New Zealand (about 42,000 Muslims)
- **The world's most populated Muslim country:**
e.g. Indonesia (over 200 million Muslims)

Musawah also reaches countries experiencing conflict and countries at peace, democracies and dictatorships, developing and developed countries... Musawah is global because Muslims are everywhere and equality is an issue everywhere.

To talk about



Does being 'global' mean that all the groups and individuals who are Musawah Advocates are (or have to be) the same? What do we share and what might be different?

How do our similarities and differences affect our movement?

Does your country have a Muslim majority or minority? Does it have codified or uncoded laws? Laws based on religion and customs or laws that are called 'secular' or 'civil'?

Do people follow the law or do they follow customs and practices?

If there is a country with no Musawah Advocates, should we search for them, create them, wait for them to contact other Advocates or find us through the website ...?

To do



Look at the names of the 47 countries that participated in the Musawah launch in 2009. Can you tell us about a group or individual who is working on Muslim family laws and practices in a country that is not on the list? If you can suggest someone, maybe direct them to the Musawah website's Get Involved section,

or

print out Annexe 2 of this Toolkit on How to Get Involved, or put them in touch with a relevant Affinity group (there's a list of current Affinity Groups on the website), or contact musawah@musawah.org.

Movement

Musawah calls itself a ‘movement’, rather than a network or an organisation. We were inspired by the global movement to end violence against women.

At the 2009 launch of Musawah, Zainah Anwar, in her opening speech as Musawah Director, said:

“At first, we thought we would just organise an international conference with about 100 participants. But at our first planning meeting in Istanbul in March 2007, we decided that what we were actually talking about was movement building. We looked at the Violence Against Women movement as a model: how some 25 years after it began, more than 60 countries in the world today have laws that make domestic violence a crime. How as an international movement, it developed the analysis to understand all forms of violence against women and gives support to national groups.”

We see a movement as being greater than the sum of its parts.

As part of a movement, each Musawah Advocate is free to choose their own strategies and activities. What binds us together is our agreement with the Musawah principles and the approach of the Musawah Framework for Action, as well as our shared Hope for Equality. According to their needs and capacities, Advocates can take part in activities in three thematic areas: outreach, knowledge building, and international advocacy.



The Beginnings of the Musawah Movement

Musawah was initiated by Sisters in Islam, Malaysia, and a planning committee of activists and scholars from 11 countries. It builds on decades of activism regarding equality and the family. The Framework was developed through a series of meetings and discussions with Islamic scholars, academics, activists and legal practitioners from approximately 30 countries. In February 2009, the movement was launched at the first Global Meeting in Kuala Lumpur with over 250 participants from 47 countries.

More details about landmarks in the Musawah story can be found in the Strategic Direction document.

To talk about



If you are already a Musawah Advocate or if you or your group are thinking of becoming one, what do you think might be the benefits of being part of a movement like Musawah for your work towards equality and justice in the family? How could you strengthen the work of others in the movement?

What are the differences in the ways that people and groups in a movement, a network and an organisation relate to each other?

If you are already part of Musawah, how has your relationship with the movement been so far? Is there anything you would like to change and if so, how?

Is Musawah already a movement?

To do



Write to musawah@musawah.org with any suggestions or questions you may have about how Musawah works.

Watch a 4-minute YouTube [film about the Musawah Movement](#). Musawah Advocates explain what 'movement' means to them; why equality and justice are necessary, what changes are needed in family laws, and how Musawah is mobilising.

Read the full [Opening Speech](#) by Zainah Anwar.

Equality in the family

The Musawah Framework for Action outlines our vision of equality in the family:

Women and men alike are entitled to equality and justice within the family, as well as respect and recognition for their contributions. The acknowledgement of joint responsibilities within the family must be accompanied by equal rights, equal decision-making practices, equal access to justice, equal property ownership, and equal division of assets upon divorce or death.

International human rights standards such as CEDAW Article 16 and national constitutional guarantees of equality offer some ideas of what equality in the family means. The Framework also outlines the following vision of equality between women and men according to Islamic principles:

- Marriage as a partnership of equals, with mutual respect, affection, communication and decision-making authority between the partners;
- The equal right to choose a spouse or to choose not to marry, and to enter into marriage only with free and full consent; and the equal right to dissolve the marriage, as well as equal rights upon its dissolution;
- Equal rights and responsibilities with respect to property, including acquisition, ownership, enjoyment, management, administration, disposition and inheritance, bearing in mind the need to ensure the financial security of all members of the family; and
- Equal rights and responsibilities of parents in matters relating to their children.

In the Qur'an, men and women are equal in creation and in the afterlife.

In the Qur'an, men and women are equal in creation and in the afterlife. Surah an-Nisa' 4:1 states that men and women are created from a single soul (*nafs wahidah*). One person does not come before the other, one is not superior to the other, and one is not the derivative of the other. A woman is not created for the purpose of a man. Rather, they are both created for the mutual benefit of each other.

The Framework states that realisation of this vision of equality in the family entails laws and practices that ensure:

- The family as a place of security, harmony, support and personal growth for all its members;

There is evidence of strong support for such a vision. For example, one paper for Musawah on *Women's Place and Displacement in the Muslim Family: Realities from the Twenty-first Century* states:

According to the UNDP Arab Human Development Report 2005, many Muslims no longer see polygamy as acceptable. A public opinion survey conducted in four Arab countries—Egypt, Jordan, Lebanon and Morocco—shows that at least half of the men and nearly all of the women surveyed disagreed with the practice of polygamy. And among those who did agree with it, they linked their approval to the agreement of the wives concerned.

To talk about



If you had magical powers, what is the one family law or practice that you would change immediately?

Acknowledging that 'family' means different things to different people and is varied across cultures, what do you think substantive equality in the family would look like in families you know?

In concrete terms, what laws and practices need to change so you can achieve equality in the family in your context?

Regarding the question immediately above, look at the text of the current local family law (if there is one in your country) and think about whether the main problem is with the law, with practices, or both.

If there is already a codified (written) family law in your country or a draft law, can you suggest new wording that would strengthen its provisions in line with substantive equality.

To do



Have a look at Musawah's holistic Framework which provides arguments that support a vision of:

- The family as a place of security, support, harmony and personal growth for all its members, with marriage as a partnership of equals (including polygamy)
- Equal rights upon entry into marriage (including minimum age of marriage and equal right to choose a spouse or to choose not to marry)
- Equal rights to dissolve marriage and upon its dissolution
- Equal rights and responsibilities with regard to financial issues
- Equal rights and responsibilities of parents in matters relating to their children

If you would like to add any information regarding your country's constitution, laws or cultural practices which support equal rights in the family, please send these in to musawah@musawah.org so we can share them with other Musawah Advocates and inspire their work.

Equality and Justice in the Muslim Family are *Necessary*



Left: Images copyright Tetra Pak; Right: Hamed Saber, Flickr

According to the Musawah Framework for Action:

Equality in the family is necessary because many aspects of our current Muslim family laws and practices are unjust and do not respond to the lives and experiences of Muslim families and individuals.

Injustices resulting from this disconnect between outdated laws and customs and present-day realities are numerous and can be found in many Muslim countries and communities. Such injustices and discrimination were also common in secular laws throughout the world until changes were made in the twentieth century to bring these laws progressively in line with new universal norms of equality.

In other words, Musawah feels justice is no longer possible without equality, and the time for change is now.

The Framework states equality and justice in the family are also necessary because:

The teachings of the Qur'an, the objectives of the *Shari'ah*, universal human rights standards, fundamental rights and constitutional guarantees, and the realities of our lives in the twenty-first

century, all demand that relations between Muslim women and men in both the private and the public spheres be governed by principles and practices that uphold equality, fairness and justice.

Family laws and practices are connected with all aspects of our lives. Injustices within the family affect women in many other areas, including dignity, personal security, mobility, property, citizenship, nationality, employment, criminal laws and political participation.

Musawah's publication, *Home Truths*, gives examples from 30 countries of family laws and practices in Muslim contexts that are unjust and discriminate against women. As the Framework points out:

These laws and practices are not] defensible on Islamic grounds. Not only do they fail to fulfil the *Shari'ah* requirement of justice, but they are now being used to deny women dignified choices in life. These elements lie at the root of marital disharmony and the breakdown of the family.

In some countries where laws are already more equitable or rights-giving laws have been drafted, they are now under attack from those who oppose equality and justice in the family and who have a narrow understanding of gender roles in Islam.

To talk about



What makes equality and justice in the family necessary in your country or community? How far do family laws and practices meet women's needs and their lived realities?

How do existing injustices impact on women and families?

In your experience, how are family law issues connected with other areas of life?

Is changing the law sufficient to achieve equality and justice in the family?

To do



Watch this 4-minute YouTube [film about the Musawah Movement](#). In the film, Musawah Advocates explain why equality and justice are necessary:

If there is a section of *Home Truths* about your country, does it need updating? Has anything changed since it was written in 2008? Can you please send your updates to musawah@musawah.org?

If your country is not included in *Home Truths*, would you like to share information about it on our website so other Musawah Advocates can be informed and inspired by the similarities and differences with their contexts? Can you please send your input to musawah@musawah.org?

Do you have a copy of the family law in your country in English, French or Arabic? This can be shared on the Musawah website to inform and inspire other Musawah Advocates. Could you please send your copy to musawah@musawah.org; either hard copy or electronic format would be gratefully received.

The *Time* for Equality and Justice is *Now!*

What has changed in our countries and in the world that makes it time that we have equality and justice?

The people who drafted the Musawah Framework for Action declared that:

We, as Muslims and as citizens of modern nations, declare that equality and justice in the family are both necessary and possible. The time for realising these values in our laws and practices is now.

Like all societies and cultures, Muslim countries and communities are constantly changing and evolving. These changes challenge dominant laws and practices that shape the Muslim family.

Some causes of this change are discussed here.

Greater educational opportunities, new industries, poverty and globalised migration are some of the factors that have increased women's economic activity in recent decades. According to a paper by Kamala Chandrakirana in *Wanted: Equality and Justice in the Muslim Family*, sub-Saharan Africa and South-East Asia, which include a large proportion of Muslims, have the world's second and third highest female labour force participation rates in the world. Women were almost 80 per cent of all migrants leaving Indonesia to work between 2000 and 2003. Even in the Arab region, where female labour force participation has been low in the past, there has been a rise. Between 1990 and 2003, the rise was more than six times the global rate.

Recognition of women's capabilities as well as conflict, displacement and drug addiction have also increased women's responsibilities for their families. Compared to migrant men, migrant women regularly send a higher proportion of their earnings back to their families. The same paper notes that the percentage of female-headed households in Muslim contexts ranges from 7 per cent in Pakistan, to 15 per cent in Morocco, to 29 per cent in Mauritania.

Even though women everywhere are contributing to the economic survival of their families (in addition to unpaid labour), most Muslim family laws and practices still regard women as dependents, who should therefore be obedient to their husbands, brothers and fathers.

These laws and practices are out of tune with reality which is creating a crisis in Muslim families, societies and scholarship. As the Framework puts it:

Most family laws and practices in today's Muslim countries and communities are based on theories and concepts that were developed by classical jurists (*fuqaha*) in vastly different historical, social and economic contexts.

In interpreting the Qur'an and the *Sunnah*, classical jurists were guided by the social and political realities of their age and a set of assumptions about law, society and gender that reflected the state of knowledge, normative values and the patriarchal institutions of their time.

By the early twentieth century, the world inhabited by the authors of classical jurisprudential texts (*fiqh*) had begun to disappear... Most of the current Muslim family laws are based on assumptions and concepts that have become irrelevant to the needs, experiences and values of Muslims today.

Understandings of justice and injustice change over time. These changing realities mean that:

To have justice in our time and to remain true to the spirit of Islam and its teachings, equality must be embodied in our laws and practices.

To talk about



How has women's economic activity changed in your country or community in the past few decades? Do you feel there are more or fewer women-headed households?

What has caused these changes?

How have these changes affected family relationships?

Are the laws and practices in tune with these changes and their impact? How have these affected women in particular?

Do you know of any Muslim scholars who are talking about these issues in your country or elsewhere? If there are some that are taking a rights-based position, how can you support their work, and if they are not visible how can you find out about them or create the opportunities for them to emerge?

As women's rights activists, how can you create the evidence and demand for change in laws and customs relating to the rights and responsibilities of the spouses?

To do



Real life stories of women who have taken equal or sole responsibility for their families can be very inspiring and also help build a pool of evidence that supports the demand for change. Do you have any stories you could share with other Musawah Advocates? You could interview the woman (maybe it's you!), or photograph her, or document her story (remember to protect confidentiality) and her story could be featured on the Musawah website.

You can find more facts and analyses about women's economic activity and responsibility for their families in a paper by Kamala Chandrakirana. A [longer version](#) of this paper is also available in *Wanted: Equality and Justice in the Muslim Family*.

You can read more about how *fiqh* has failed to keep up with the times in a paper by Ziba Mir-Hosseini. A [longer version](#) of this paper is also available in *Wanted: Equality and Justice in the Muslim Family*.

Equality and Justice in the Muslim Family are *Possible*

Equality and justice in the Muslim family are not impossible! There are many factors that make this vision possible.

Evidence that equality and justice in the family are possible comes from the examples of people who are working towards this goal within their own families.

We all know of examples of couples who have a harmonious life together and who make their family a safe and happy space for all its members, young and old.

Also, there is space within Islam for equality in the family. As the Musawah Framework for Action points out:

Islam embodies equality, justice, love, compassion and mutual respect between all human beings, and these values provide us with a path towards change.

Change in Muslim family laws towards equality and justice is also possible because these laws are human and not divine:

Contemporary family laws, whether codified or uncoded, are not divine, but are based on centuries-old, human-made *fiqh* interpretations that were enacted into law by colonial powers and national governments. Since these interpretations and laws are human-made and concern relations between humans, they can change within the framework of Islamic principles and in accordance with the changing realities of time and place.

Because these laws are not divine, it has always been possible in Muslim societies to change laws:

The reform of laws and practices for the benefit of society and the public interest (*maslahah*) has always been part of the Muslim legal tradition.

History also provides evidence that change is possible in Muslim laws. Although Muslim societies historically practised slavery and slavery is mentioned in the Qur'an, few people today argue that it is 'Islamic'.

The principles and ideals within the Qur'an lay out a path toward equality and justice in family laws and practices, as they did in ending the institution of slavery. As the injustices of slavery became increasingly recognised and the conditions emerged for its abolishment, laws and practices related to slavery were reconsidered and the classical *fiqh* rulings became obsolete.

Similarly, our family laws—as well as practices that have not been codified into law—must evolve to reflect the Islamic values of equality and justice, reinforce universal human rights standards and address the lived realities of families in the twenty-first century.

Recent history confirms the possibility of change towards equality and justice in the Muslim family. Many countries with Muslim populations have signed international human rights treaties like CEDAW that oblige states to introduce equality in the family.

Laws establishing equal rights and responsibilities between the spouses have been introduced in the past decade in Turkey and Morocco. Over the past 60 years in certain countries, some reforms in Muslim family laws have brought greater protection for women's rights in the family. Meanwhile, in other countries, there are growing movements demanding the reform of unjust laws or protection of rights-giving laws.

In some countries, reforms have been made possible by activists using a holistic framework that integrates Islamic teachings, universal human rights, national constitutional guarantees of equality, and the lived realities of women and men.

To talk about



Think about the way your grandparents experienced family laws and practices. Are there any similarities and differences with your experience? Do you know of any community or country that has different practices and Muslim family laws from the ones you experience?

Some people say Muslim laws and practices are divine and so cannot change. What does diversity in laws and practices tell us about the space for change?

What makes equality and justice in the family possible in your country?

How could you, as an individual or as part of a group, expand these possibilities or take advantage of them to improve your own situation and the situation of others?

To do



You can read Amina Wadud's analysis of how a gender inclusive Qur'anic analysis supports a harmonious relationship between the spouses based on mutual support cooperation and interdependence. The full version of the paper is also available [here](#).

You can read more about diversity in *fiqh* in a paper by Muhammad Khalid Masud. A [longer version](#) is also available in *Wanted: Equality and Justice in the Muslim Family*.

Home Truths contains information about the possibilities for equality and justice in 30 countries. What about your country, does it need updating? Has anything changed since it was written in 2008? Can you please send your updates to musawah@musawah.org?

You can also read more about how Muslim family laws have changed over the centuries in one region in a [paper](#) by Amira El-Azhary Sonbol, and globally in the contemporary period in a [paper](#) by Cassandra Balchin. Longer versions of [both papers](#) are also available in *Wanted: Equality and Justice in the Muslim Family*.

Activists from Morocco, [Turkey](#) and [Fiji](#) have documented the story of their struggle for equality and justice in the family, including in contexts where there was strong religious and cultural opposition. You can read the text of the laws and about their campaigns on the [Musawah website](#).

Have you thought about documenting your campaign to promote and protect equality in the family? It might not seem a priority now, but it can help other feminists and women's rights activists in your country or in other countries learn and strengthen future campaigns.

Holistic Framework

Across the globe, women have been actively campaigning for equality in the family for decades, even centuries. What Musawah contributes to Muslim contexts is a holistic framework for analysing and advocating for equality in the Muslim family, which integrates approaches from Islamic teachings, universal human rights, national laws and national constitutional guarantees of equality, and the lived realities of women and men.

The Musawah Framework for Action offers the possibility that these various approaches, which Musawah views as having equal value, can be in harmony with each other. This means our activism can draw upon both Islamic and human rights frameworks, and each Advocate can choose how to emphasise the different approaches in their advocacy strategies according to their specific needs and contexts.

This holistic Framework is based on our analysis that each of these approaches supports equality and justice in the Muslim family. As the Framework states:

The teachings of the Qur'an, the objectives of the *Shari'ah*, universal human rights standards, fundamental rights and constitutional guarantees, and the realities of our lives in the twenty-first century, all demand that relations between Muslim women and men in both the private and public spheres be governed by principles and practices that uphold equality, fairness and justice.

In the twenty-first century, the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)—which stands for justice and equality for women in the family and in society—are more in line with the *Shari'ah* than family law provisions in many Muslim countries and communities.

The Framework spells out the relationship between Islamic principles and human rights principles:

Qur'anic teachings encompass the principles of

justice (*'adl*), equality (*musawah*), equity (*insaf*), human dignity (*karamah*), love and compassion (*mawaddah wa rahmah*). These principles reflect universal norms and are consistent with contemporary human rights standards.

It also notes the link between the Islamic vision of human relationships and lived realities:

Islam calls for equality, justice, compassion and dignity between all people. Family laws and practices must therefore fulfill this call by promoting these principles and by responding to the lived realities of Muslim women and men today.

Musawah's report *CEDAW and Muslim Family Laws: In Search of Common Ground* provides examples of constitutions in Muslim majority countries and countries with Muslim minorities that guarantee equality and non-discrimination.

The Musawah website lists family laws in Muslim contexts that include examples which have rights-giving provisions.

The Musawah holistic Framework was inspired by the work of the Collectif '95 Maghreb Egalité which led to the reform of family laws in Morocco in 2004 and Algeria in 2005. Their *Guide to Equality in the Family in the Maghreb* (available in English, Arabic and Persian) proposes religious, human rights, sociological, and domestic legal arguments for reform.

Islamic Teachings

The Framework takes into consideration the Qur'an and the Sunnah, the ideals and objectives of the

Shari'ah as well as *fiqh* (classical jurisprudential texts) as part of Islamic teachings, although it distinguishes between *Shari'ah* and *fiqh*:

Shari'ah [is] the revealed way, and *fiqh* [is] the science of Islamic jurisprudence. In Islamic theology, *Shari'ah* (lit. the way, the path to a water source) is the sum total of religious values and principles as revealed to the Prophet Muhammad to direct human life. *Fiqh* (lit. understanding) is the process by which humans attempt to derive concrete legal rules from the two primary sources of Islamic thought and practice: the Qur'an and the Sunnah of the Prophet.

The Framework also mentions *ijtihad* (endeavour, self-exertion), *ikhtilaf* (diversity of opinion) and *maslahah* (the public interest) as important parts of *fiqh*.

Universal Human Rights Principles

These include international treaties that most Muslim majority and minority states have signed, for example the [Universal Declaration of Human Rights](#) (UDHR), the [International Convention on Civil and Political Rights](#) (ICCPR) and the [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW, some with reservations).

International human rights principles are broader than just the main treaties and include standards developed for example through [Declarations and Conventions](#) contained in UN General Assembly Resolutions, the work of all the [human rights bodies](#) in the Human Rights Council, and reports by the [Special Procedures Mandates](#) like the Special Rapporteur on Violence Against Women. In 2011 a new [UN Working Group](#) on discrimination against women in law and practice was set up.

Human rights principles are also being developed at a regional level. For example, there is a [Protocol on the Rights of Women in Africa](#) which is part of the African Union's Charter on Human and People's Rights, and a [Charter of Fundamental Rights of the European](#)

[Union](#). These can also be used to demand equality.

National Constitutional Guarantees of Equality/ National Laws and Constitutions

Many constitutions in Muslim majority and minority contexts guarantee equality or non-discrimination, including that between women and men. This can be a strong basis for demanding equality.

But sometimes, family laws are excluded from this guarantee. If a constitution recognises international treaties or the fundamental right to a family, it can be one way to counter this exclusion and to push for equality in the family.

Sometimes constitutions appear to have contradictions between constitutional guarantees of equality and non-discrimination, and provisions which state that Islam is a source of law or the supreme source of law. The Musawah holistic approach suggests that these apparent contradictions can be resolved through rights-based interpretations of Islamic principles.

Lived Realities of Women and Men

The Framework talks about 'the lived realities of women and men today'. It also talks about the 'lives and experiences of Muslim families and individuals' in the twenty-first century. It does not define these realities because they are very diverse and depend upon a person's and family's context.

A longer discussion of what lived realities mean in practice can be found in a paper by Kamala Chandrakirana. A [longer version](#) of this paper is

To talk about



What do you think are the advantages of using a holistic framework to analyse and advocate for equality and justice in the Muslim family? Are there any disadvantages you can think of?

Can you think of advocacy work in other areas of rights activism that has successfully used or is using a combination of approaches? What does this tell you about using a holistic approach in arguing for equality in the family?

In your context, is any one of the four approaches more or less effective in advocating for equality in the family? What combination, if at all, might work best for your context?

What gaps in knowledge do you have about each of the four approaches?

To do



You can read more about human rights and Islam in this [paper](#) by Khaled Abou el-Fadl. A [longer version](#) is also available in *Wanted: Equality and Justice in the Muslim Family*.

Read Musawah's report [CEDAW and Muslim Family Laws: In Search of Common Ground](#) to strengthen your work on family laws through a combination of approaches using international human rights and Islamic principles. In section 3.3 it also discusses ways of using constitutional approaches to argue for equality in the family.

Build your knowledge of option-giving family law provisions in other countries by looking at WLUML's [Knowing Our Rights: Women, family laws and customs in the Muslim world](#) (2006), and by checking the texts of laws on the Musawah website.

Have a look at a copy of Collectif '95 Maghreb Egalité's [Guide to Equality in the Family in the Maghreb](#), (available in English, Arabic and Persian) from Women's Learning Partnership) (2005).