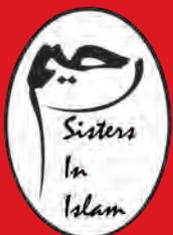# musawah

## Global Meeting for Equality and Justice in the Muslim Family

## Summary of Proceedings

**Organised by**
**Sisters In Islam**

**Kuala Lumpur**
**13-17 February 2009**

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# Summary of Proceedings

Musawah, a global movement for equality and justice in the Muslim family, was launched at a Global Meeting in Kuala Lumpur, Malaysia, 13-17 February 2009. Approximately 250 people from 47 countries from the Middle East and North Africa, Southeast Asia, South Asia, Central Asia, Sub-Saharan Africa, Europe, North America, and the Pacific, along with representatives of ten international networks and organisations, participated in the Global Meeting.

The objectives of the five-day Global Meeting were to:

- Introduce the movement, its principles, process, objectives, resources, tools, and conceptual framework;
- Empower women's groups, activists, and practitioners through the sharing of knowledge and experiences;
- Build support and alliances; and
- Agree on the way forward for Musawah.

Musawah as a movement is designed to bring together scholars and activists who wish to work within a holistic framework to ensure that Muslim women are treated as human beings of equal worth and dignity in the family and the community. The international planning committee of 12 members from 11 countries spent almost two years building a foundation for the initiative by commissioning theoretical papers to provide the basic grounding to understand why change is necessary and possible; developing a Framework for Action and principles to guide Musawah's work; consulting scholars, activists, and practitioners from over thirty Muslim countries and contexts; building a website; and organising this Global Meeting to bring participants together in a common demand for equality and justice.

The Global Meeting proceedings were documented in a comprehensive report that is available to participants of the Global Meeting. This summary provides highlights of the opening Gala Dinner, plenary sessions, workshop sessions, caucuses, and other events that took place at the five-day meeting.

## DAY 1 • OPENING GALA DINNER: A FEAST OF EQUALS

The Musawah Global Meeting opened on the evening of Friday, 13 February 2009, with a Gala Dinner called 'A Feast of Equals'. The dinner was a celebration of women's activism in the Muslim world historically and today. The evening began with an uplifting flourish of

gongs, percussion, and metallophones in a performance by Rhythm in Bronze, a multi-ethnic, women-led Malaysian gamelan group.

Following this performance, **Zainah Anwar**, the Musawah Project Director, opened the dinner with a speech about the origins of Musawah, the publications that were launched that evening, and her vision for the future of Musawah. This was followed by a brief speech by **Dato' Sri Shahrizat Abdul Jalil**, Adviser to the Malaysian Prime Minister on Women and Social Development, who welcomed the participants to Malaysia, congratulated the Musawah planning committee for its work, and offered her support.

Dato' Sri Shahrizat then launched the three initial Musawah publications: the Framework for Action (in English, Arabic, French, Persian, and Bahasa Malaysia) that outlines general principles that guide the movement; a book called *Wanted: Equality and Justice in the Muslim Family*, which consists of seven papers by experts that provide the theoretical basis for equality in the family based on Qur'anic, jurisprudential, historical and sociological arguments; and *Home Truths: A Global Report on Equality in the Family* (in English and Arabic), which shares information from 30 countries on why equality in the family is both necessary and possible.

After a dinner of Malaysian cuisine, there was a moving performance featuring spoken word and a shadow play on the realities, hopes, and challenges facing Muslim women today. This live performance segued into a dynamic opening video showing the roots of Musawah – the decades of activism that have led to reforms in Muslim family laws and practices – and why equality in the family is possible today.

The evening ended on a high note, giving guests hope that equality and justice are possible in Islam in the twenty-first century.

# DAY 2 • PLENARY SESSIONS 1, 2 & 3 AND BREAK-OUT 1

## Plenary Session 1: Launch of Musawah –
## Equality in the Family is Necessary

The first plenary session of the Musawah Global Meeting opened with a *du'a* by **Hadil El-Khouly (Egypt)**, the coordinator of the Musawah Young Women's Caucus.

**Zainah Anwar (Malaysia)**, the Musawah Project Director, gave a short **Opening Speech** to introduce Musawah, the context of its formation, and the objectives behind the Global Meeting. She said that the 250 participants from 47 countries include activists, academics, policy makers, Members of Parliament, judges, entrepreneurs, professionals – all leaders, all movers and shakers, with the courage to create a better world and to tell their leaders that they will no longer accept the use of Islam to justify discrimination against women. She shared the motivation and history behind Musawah, which was inspired by decades of work by activists to reform family laws and promote women's rights. She closed by saying that the meeting would hopefully allow a constructive engagement where participants would learn more from each other about why equality is necessary and possible within Islam, ask questions about justice in Islam, share experiences of successes to follow and pitfalls to avoid, make new friends and allies, and know that we are not alone. She hoped everyone would leave feeling empowered and strengthened as a collective, confident that together we will form a global force for change in the Muslim world.

**Yakin Ertürk (Turkey)**, the United Nations Special Rapporteur on Violence against Women, gave the **Keynote Address**, concentrating on the issue of culture and how it

enriches our lives but is also used to deny women rights, especially in Muslim communities. She discussed the various developments in recent history that have led us astray in understanding culture, including the scholarship and development models coming out of the colonial, independence and the post-colonial periods. She shared her thoughts on the power of the anti-violence against women agenda and the way it has united and mobilised women of all backgrounds from around the world, then provided details on her work as Special Rapporteur. She encouraged participants to constructively use the human rights system to dialogue with states and advance our own struggles for equality and justice. Professor Ertürk closed by saying that demands for change in Muslim women's status, coupled with demands for broad-based democratisation, will unavoidably result in a move from a universal patriarchal culture towards a universal rights culture.

In the second half of the plenary session, which focused on the necessity of equality in the family, **Kamala Chandrakirana (Indonesia)** provided the [global and economic context](#) for the Musawah movement. She spoke of global economic and political forces such as women's participation in the paid employment sector, migration, and women as income-generators for their families and heads of household. Too many women in Muslim families live with abuse and discrimination, and states are not acting to reform laws, policies, and practices to promote women's rights in line with current realities. Day in and day out, women live the contradictions between religion and reality. Muslim women are now taking responsibility and leadership not just for their own future, but also for the progress of a whole global civilisation.

This presentation was followed by an inspirational panel discussion moderated by **Rafidah Abdullah (Malaysia)** with six women who shared their experiences of negotiating family laws and practices and the need for Musawah in their lives and work:

- **Rangina Hamidi (Afghanistan)** discussed the range of inequalities in Afghan society and the need for women to be involved in bringing peace and justice to the home, community, and society. Musawah can help women in Afghanistan by bringing resources and knowledge to the ground.

- **Amal Abdel Hadi (Egypt)** said that some of the injustices in Egypt include female genital mutilation, unilateral divorce, polygamy, and the low number of women judges. She said that in addition to pushing for equality from a universal human rights framework, it is important to ensure a space for women's voices from within religion. Both religion and human rights are part of our dynamic culture and our everyday language. What is useful about Musawah is the collective knowledge that we are building and demystifying together by engaging everyone. Together, we are strong.

- **Isatou Touray (Gambia)** focused on the issue of female genital mutilation (FGM) in the context of controlling female sexuality. FGM is not Islamic, it is not in the Qur'an or any authenticated *Hadith*, but is used in Muslim societies to control women's sexuality. She hopes that Musawah will bring power, energy, and a feminist-oriented analysis and framework to engage in understanding and changing how Islamic discourses are used to control female sexuality.

- **Nani Zulminarni (Indonesia)** spoke about challenges faced by women due to the family laws in Indonesia, which state that only the man can be the head of the family. The eight million widows, divorced mothers, and other female heads of households, who are earners, care givers, and survivors of violence, are thus rendered invisible. Musawah can help in Indonesia because it will provide support and justification for what these women are fighting for: that they exist and that Islam recognises women equally with men such that they can also be heads of households.

- ***Maha Yamani (Saudi Arabia)*** described the inseparable connection of male-female inequality inside and outside the home in Saudi Arabia. Inequality stems from a deeply rooted, pre-Islamic, cultural understanding that has become wrongly associated with the religious teachings of Islam, whose message called for justice and equality for all. Musawah provides an opportunity to network with other Muslim women in order to learn about their struggles against injustice in their countries and the realities of the implementation of their successes.

- ***Shaista Gohir (United Kingdom)*** spoke about the battle to prevent unjust laws from being codified while preserving the identity and values of minority Muslim communities. Islam is growing in Europe, and although women appear to be free to express their religion and their identities, this does not necessarily translate to equality in the family or in Muslim communities. Major problems include domestic violence, forced marriage, honour crimes, and parents preventing their daughters from going into higher education and working. Musawah can help women define and defend their rights in Islam and build a collective women's voice in Europe to help protect women's rights and make Muslim women agents of change as well.

The discussion that followed this panel included topics such as women's multiple roles in the family and whether and how women need to and can convince men that women's equal rights are necessary. In addition, participants and panellists discussed the aims of the Global Meeting, what we can learn from each other, and the need to link our struggles with struggles for democracy and other groups' quest for equality.

## Break-out 1

During Break-out 1, participants met in small groups to introduce themselves to each other, share their expectations for the Global Meeting, and discuss the relevance of Musawah to their work and lives. The participants were assigned one of eighteen small groups (in English, French, or Arabic), which were diverse in terms of region, experience, age, etc. The groups were given loose guidelines intended to open the discussion but allow them to structure it in whichever way worked best for their group.

Simultaneously, there was a [press conference](#) with members of the Musawah planning committee, the keynote speaker and panellists from Plenary Session 1.

## Plenary Session 2: Equality in the Family is Possible

This session included a presentation about ways in which women and men have struggled for equality in the family, a presentation on the historical development of modern personal status codes in Egypt and similarly situated countries, and a long question and answer period in which the ideas in the presentations were critiqued, debated, and further developed.

***Cassandra Balchin (United Kingdom)***, in *['Family Law in Contemporary Muslim Contexts'](#)*, explained that despite the diversities in legal systems, political systems and social customs in different Muslim contexts, women's groups have been using similar strategies across countries to demand justice and equality in the family. These strategies, used individually or in collaboration with one another, include documenting women's lived realities and experiences of injustice; mobilisation through consensus-building and broad-based platforms; direct lobbying of lawmakers; focusing on procedural amendments; elaborate communications and public advocacy campaigns; demands for reform based within the framework of religion; and using multiple frames of reference and a complete reconceptualisation of the family. Even when the strategies do not appear successful in

terms of law reform, they can be successful in other ways, especially in terms of changing societal attitudes, which can eventually lead to greater equality.

***Amira El-Azhary Sonbol (Egypt)***, in *'The Genesis of Muslim Family Laws'*, discussed how the modern personal status code in Egypt and the similar proposed code in Bahrain do not constitute '*Shari'ah*', but are a combination of Islamic law, European legal philosophy and the Napoleonic Code, and *'urf*, i.e., legal traditions, including tribal customs. This raises questions about the meaning of *Shari'ah* when used to describe such laws. Her research on court records primarily from the Ottoman era shows that the marriage contract under current codes is generally more limited than contracts commonly constructed during the Ottoman era, and that women during that period had a great deal of autonomy and the ability to contest marriage issues, as well as financial and business matters, in the courts of law.

The discussion following the presentations was wide-ranging, primarily focusing on the purpose and value of researching historical court records; differences between modern and pre-modern marriage provisions; more details on women's strategies for change; and what conditions might be part of a modern marriage contract.

## Plenary Session 3: Equality in the Family is Possible: Text and Context

During this plenary session, scholars of the Qur'an, *fiqh* and Islamic legal theory examined why equality and justice are possible from an Islamic perspective and provided an understanding of how social, cultural, and political conditions have shaped the interpretation of texts and the construction of laws.

In *'Islam Beyond Patriarchy Through Gender Inclusive Qur'anic Analysis'*, ***Amina Wadud (United States)*** outlined how the key principle of *tawhid* – the word used for monotheism that means Allah is one, Allah is unique and Allah unites – can be used for sustaining relationships of equality and reciprocity between human beings. *Tawhid* has been used for social applications, in Islamic intellectual thought and in policy formulation, but is rarely applied to the matter of gender relations. In the various creation stories in the Qur'an, all human beings – men and women – are created to be *khalifah*, agents of Allah, and creation is discussed in terms of pairs, male and female. Men are not created first and are not the primary creation, as patriarchy implies. Patriarchy is built upon an idea of a hierarchical structure – Allah is at the top, men and male ways of thinking and being are next, and women are at the bottom. This violates the idea of women having a direct relationship with Allah. In reality, no person can have a position over another person because Allah is above all, and directly connected to each agent. Between humans, there can only be reciprocal relationships of interconnections, inter-responsibilities, and inter-benefits. To conceive a relationship with another person in any other way but as an equal is a violation of *tawhid* and the concept of human rights within the *tawhidic* framework.

***Muhammad Khalid Masud (Pakistan)***, in his presentation *'Fiqh as a Social Construction'*, discussed the context in which *fiqh* was developed, which has significantly influenced its content. *Shari'ah* means the revealed laws that can be found in the verses/injunctions in the Qur'an and *Hadith*. *Fiqh*, in contrast, is the human effort to understand the revelation or to apply the injunctions contained in the Qur'an. In looking at any text, it is important to understand the context behind it. The Qur'an, for instance, was revealed over 23 years, often in answer to an event, or with reference to pre-existing, pre-Islamic practices. *Hadith* generally relate to a specific situation, at least in terms of the Meccan or Medinan society. In all of the verses relating to divorce, marriage, *mahr*, etc., the Qur'an almost always mentions the word *ma'ruf*, meaning accepted practice or

fairness. This demonstrates the connection between practice and society's understanding at that time of what constituted fairness. Furthermore, when the *fuqaha* were interpreting the texts, they did so in two major ways: using language and logic. Both, however, are always understood from one's own point of view, and the *fuqaha* had their own social contexts, their own theories, and their own normative values. These become infused into the interpretations of the text, or the *fiqh*.

***Ziba Mir-Hosseini (Iran)*** framed her presentation, ***'Towards Gender Equality: Muslim Family Laws and the* Shari'ah*'***, around two questions related to the fact that justice and equality are not reflected in current Muslim family laws. After grounding her approach in Islamic legal thought by invoking the distinctions between *Shari'ah* and *fiqh* and between *'ibadat* and *mu'amalat*, she traced the genesis of gender inequality in Muslim family laws to classical *fiqh* texts and their patriarchal conceptions of marriage, examining the theological, philosophical, social, and legal assumptions that inform them. Family laws, which are based on unequal constructions of rights between spouses, have been exposed in the modern era, as the concepts of justice and equality have taken on new meanings and the structure of patriarchy has been revealed. Recently, a new consciousness and a new gender discourse emerged among Muslims that is feminist in its demands but is Islamic in its language and source of legitimacy. This new discourse, which is part of the new trend of reformist thought, is changing the terms of reference of the family law debate from within. This is so because its advocates challenge patriarchal interpretations of the *Shari'ah* and the authority of those who speak in the name of Islam, which can free Muslims from defensiveness and enable them to ask new questions and find new answers by going back to the sacred texts. In our time and context, there can be no justice for women without equality in the family. The *Shari'ah* provides a trajectory towards justice that conforms with and can be used together with international human rights instruments for justice in the family.

The discussion during this session focused on addressing problematic verses in the Qur'an; why and when *fiqh* became considered as sacred; interpretations of *fiqh* in modern times; linking feminism and religion; the history of family laws; secularism; criteria to determine *zulm* (oppression); dealing with power relations as activists; and sexuality.

## DAY 3 • BREAK-OUT 2 AND PLENARY SESSIONS 4, 5 & 6

### Break-Out 2: Parallel Workshops on Knowledge Sharing towards Equality and Justice

During this break-out session, participants joined one of seven parallel workshops that allowed for in-depth discussions on specific issues related to Qur'an, *fiqh*, *tafsir*, and women's rights. Highlights of the workshops are as follows:

### a. *Beyond Text: From misogyny to equality • Amina Wadud (United States)*

Amina Wadud used *Surah An-Nisa* 4:34 as a model for looking at why women's experiences are important to Qur'anic interpretation and implementation. The focus was on four developments in *tafsir*: textual analysis; *fiqh* responses; feminist interpretations; and the process of bringing together feminist interpretations as legitimate responses to textual meaning. After going through each development, Professor Wadud proposed that we say 'no' to the traditional and textual application of verse 4:34 to our lives and call on religious leaders to strongly reject violence against women and justifications for violence based on that verse. This can be done because meaning is not fixed; the Qur'an is understood in a context; the spirit of the Qur'an and *maqasid al-Shari'ah* is justice; the Prophet's *Sunnah* is not to strike a woman; and

because women's lived experiences and realities with domestic violence today provide clear evidence that domestic violence is harmful and unjust.

The discussion looked further at how the multiple meanings of any verse can be prioritised; strategies to address domestic violence; experiences in different countries related to domestic violence; whether *Surah An-Nisa* 4:34 provides a progressive sequence of situations and reactions; personal struggles that this verse entails for Muslim women; understanding the Qur'an as a whole; and suggestions for Musawah.

### b. The Legal and the Social in Shari'ah • *Muhammad Khalid Masud (Pakistan)*

Muhammad Khalid Masud's presentation focused on distinguishing between legal and social aspects of *Shari'ah* and *fiqh*. Our conception of law (both Islamic law and civil law) is that law is based on a text, and that it has nothing to do with morality. However, law is always firmly situated in a social context, with the accompanying social theories and morals of that time and place. When there are changes in the political and social situation that do not match the laws, or for which the law does not provide answers, there is often a crisis in law. That is why we need to bring in the distinction between legal and social. We must go back in history to see how Islamic law was established. Several important debates date back to the time of the classical jurists: does the fact that law is Divine and revealed by God mean that it is to be blindly obeyed by humans, or that to serve societal good or human purpose, the law can and must be rationalised to extend its application to matters not covered by the limited number of Divine commands; the utility of the *qiyas* method for interpreting the revelation; the ways that the concept of justice has changed since the classical period; the juristic methods of deciding what is legal within the Qur'an; and the concepts of *hudud* (law or limits) and *ma'ruf* (accepted practice or fairness) within the Qur'an. Each of these debates affected the interpretation of *Shari'ah*, and each is profoundly influenced by social context.

The group discussion following the presentation touched on *ikhtilaf al-fuqaha* (diversity of opinion among jurists); the theory of the four sources of Islamic law; different jurisprudential methods available for legislative reform; the influence of local 'imams' in North America and Europe; social reasons for changing *fiqh* rules; early marriage; interpreting inheritance verses; the concept of divine will in Islamic legal thought; whether equality is possible within Islamic law; whether female *qadi* judges are allowed under Islamic law; and the opportunities and dangers of considering law as a social construct.

### c. Construction of Gender in Islamic Legal Thought • *Ziba Mir-Hosseini (Iran)*

This session was an extension of the short presentation Ziba Mir-Hosseini had given the previous afternoon on 'Towards Gender Equality: Muslim Family Law and the *Shari'ah*'. After clarifying some concepts ('Islamic law' vs. 'Islamic legal tradition'; *Shari'ah* and *fiqh*; *'ibadat* and *mu'amalat*; sex and gender; feminism and feminist scholarship), Professor Mir-Hosseini discussed how assumptions about gender in Islam are necessarily social/cultural constructions, thus are historically changing and subject to negotiation. The Islamic legal tradition contains competing conceptions of gender rights, each resting in different theological, juristic, and social assumptions and theories. She then discussed three perspectives on gender in the Islamic legal tradition: traditionalist, or based on classical *fiqh*; neo-traditionalist or modernist, which includes legal codes and a genre of literature on women in Islam that came into existence in the context of the Muslim encounter with modernity and Western colonial powers; and reformist or feminist, a new perspective that paradoxically resulted from Islamists' attempt to translate *fiqh* notions of gender into policy. The new feminist scholarship, building on the work of a number of reformist thinkers, is asking new questions about contradictions between modern notions of justice and equality and

treatment of women in the *fiqh* texts. These questions are opening the way for an egalitarian construction of gender rights within the Islamic legal tradition.

In the discussion at the end of the session, the group took up three topics: the role of the *wali*; the nature of gender; and ways of changing dominant attitudes and norms.

### d. Women's Rights: A balancing act between Islamic norms and state secularism • Sana Ben Achour (Tunisia)

Sana Ben Achour spoke about the normative construction of laws relating to the status of women and the family, in which law and religion, tradition and modernity, and universal rights and cultural specificity are maintained in a delicate balancing act. The presentation was framed around four issues: the manner and limits within which norms relating to the Muslim family are expressed, especially in modern personal status codes; the practical and symbolic processes through which norms regarding women developed and were then reflected in legislation, specifically through *ijtihad*; the ways in which judges and magistrates are taking increasingly feminist positions; and how women's organisations are reshaping the terms of this debate, especially by referring to Islamic laws in ways that are producing new directions.

The discussion included comments about Musawah and its approach to religious and secular frameworks; the concept of secularism and reconciling law and faith; using history to understand *ijtihad*, its benefits and limits; problems with family codes related to colonialism; inheritance rules; and Pakistan's experience with regressive reform.

### e. The Qur'an and Ideology of Revelation • Kyai Husein Muhammad (Indonesia)

Kyai Husein Muhammad's presentation first provided insight into the Qur'an and the process of revelation, then discussed two different methods of interpretation: *ta'wil* and *tafsir*. The Qur'an was revealed to the Prophet for the benefit of human beings, not for God, and contains certain core principles. The revelation took place gradually, responding to, evolving with, and in dialogue with the context. It includes universal verses and particular verses, generally divided between whether they were revealed in Mecca or Medina. *Ta'wil* was an early method of interpreting the text that focused on rational and open analysis of the explicit and implicit meanings of the whole text, rather than one particular verse, and its interactions with the surrounding context. *Tafsir*, which became the dominant method after the fourth century A.H., excerpts specific portions of the text and uses a textual and inter-textual approach that focuses on literal meanings. A text has many meanings, but *tafsir* only touches the external meaning while *ta'wil* allows for a multi-layered meaning. The social context has changed tremendously in the past 1400 years, and we need to use contextual understandings to best situate the teachings of the Qur'an within today's context.

The group discussed Islamic history and the rise of text-based 'Islamic law'; the division of verses into Meccan and Medinan periods; criticism of the *ta'wil* method of interpretation; reconciling human inferiority and the divine nature of revelation; and methods for strengthening women's knowledge about gender and Islam.

### f. Interpreting the Qur'an: Towards a contemporary approach • Abdullah Saeed (Australia)

This session discussed why a contemporary understanding of the Qur'an is necessary to deal with certain problems that have arisen out of the interpretation of Qur'anic ethico-legal texts over the last 1400 years. Professor Saeed introduced a framework for Qur'anic interpretation that contains eight main elements: (1) emphasising the socio-historical context of the Revelation; (2) distinguishing between the ideal and what was possible at the time of Revelation; (3) reading the texts with an eye on social justice objectives; (4) understanding the hierarchical nature of Qur'anic values; (5) recognition of complexity in meaning; (6) cautious use of some of the early *Hadith*; (7) moving from concrete cases to general principles and from general principles to

specific laws; and (8) highlighting women's voices and concerns. The framework leads to a four stage model for interpretation that can be used to understand the text in the present context. The stages are: Stage 1: Encounter with the world of the text; Stage 2: Understanding what the text says about itself; Stage 3: Relating the text to the socio-historical context; Stage 4: Relating the text to the present.

The discussion included topics on the process and 'reasonableness' of interpretation; the legalistic nature of Islamic scholarship today versus the general instructions of the Prophet; whether and how best to challenge the religious establishment in closed political environments; Qur'anic understandings of permissibility and restrictions; possible arguments for changes in inheritance laws; the *maqasid al-Shari'ah* (principles of the *Shari'ah*); and *Surah An-Nisa* 4:34 and violence against women.

### g. Text and Context: Possibilities for reading equality • Nur Rofiah (Indonesia)

Nur Rofiah spoke about five areas related to reading the Qur'an for gender equality: (a) Gender bias in Arabic; (b) Gender bias in the Islamic legal paradigm; (c) Women in the context of Revelation; (d) The Qur'an's view on gender and marriage; and (e) New interpretations of some apparently problematic verses in the Qur'an. In the last section, she presented relevant Qur'anic verses and gender-sensitive interpretations for eight issues: human creation, men's leadership in family, whether a man can beat his wife, polygamy, marital rape, *nushuz* ('disobedience'), inheritance, and men's superiority or control (*qiwamah*) over women.

The group's discussion touched on general principles of interpretation; interpretations related to whether a man can beat his wife; and various interpretations of the polygamy verses, inheritance verses, and verses on divorce.

## Plenary Session 4: Religion and Feminism

This plenary session was one of the most dynamic and eye-opening sessions for many of the participants. Four women from different religious backgrounds (Hindu, Jewish, Buddhist, and Catholic) discussed strategies and experiences of addressing gender discrimination from within a religious tradition.

*Madhu Mehra (India)*, in *'Revisiting the Intersections of Women's Equality and Cultural Rights'*, examined contestations within culture through the legal discourse on dowry and Hindu law in India to show that the very construction of culture and its meanings is constantly evolving. In India, as in many other countries, the promise of multiculturalism gets played out largely in the form of restrictive religion based women's rights in the family, despite the Constitutional promise of human rights for all. The contestations in the context of culture reflect that it is power relations that are at the heart of what defines culture at a given point of time and not what is authentic. This perspective makes a case for opening the space of religion and culture to greater debate and contestation so as to challenge all monopolistic versions of culture. She concluded with a brief discussion of the Indian women's movement and its relationship with Hinduism.

*Deena Hurwitz (United States)*, in *'Jewish Identity, Gender and Human Rights'*, provided background on Jewish traditions and beliefs and the ways in which Jewish feminists have chosen not to abandon their faith, but to work to reconstruct Jewish law, asserting its human character and the lived realities of women. Jewish feminists reject the institutionalised separation of spirituality and politics in favour of a conscious relationship between faith and action. They strive towards the transformation of religions in society, and not just women's role within religious systems.

*Venerable Dhammananda Bhikkhuni (Chatsumarn Kabilsingh) (Thailand)*, the first woman Buddhist monk in Thailand, shared stories of her life and used these as analogies

to illustrate broader questions in her presentation *'Enlightenment and Equality: Women taking charge'*. The illumination from one story is that all religious traditions operate as frameworks that bind us. Another story about how little is written about the wife of the Buddha revealed that we must find the stories of women who came before us and share these with each other. She said she was not ordained because she is brave, but because she has strong faith in the Buddha, who ordained women himself because women have the potential for spirituality. In the twenty-first century, women must come forward together and be positive about the future.

***Frances Kissling (United States)*** focused her talk, *'A Catholic in Resistance: Claiming legitimacy as a woman'*, on Catholics for Choice and building a movement. She shared that Catholics for Choice try to represent a variety of views other than those held by the Catholic Church hierarchy and to change the positions of the Church, especially on women's sexuality and reproductive rights. They use a mixture of strategies and tactics: research; strong communications to take advantage of key moments; raising awareness as provocateurs; and engaging in dialogue, intellectual work and exchange. In ten years, she would like to see a global *interfaith* movement for equality in the family.

During the discussion following the presentations, participants wanted more information about the traditions and beliefs of the other religions, including the Jewish *'get'* (bill of divorce), the way Jewish courts work both in secular states and in Israel, and whether the involvement of Buddhist monks in the Sri Lankan conflict can be justified. Participants also discussed strategies that can be shared between women of faith and that citizens should not have to prove that they are believers in order to challenge laws and policies.

## Plenary Session 5: Successful Campaigns and Strategies for Reform

During this session, four activists from different contexts shared strategies on how they have successfully campaigned for law reform within a framework of equality and justice.

***Amina Lemrini (Morocco)*** presented the Moroccan experience in reforming the Family Code (*Moudawana*) by focusing on three main aspects of this experience: the historical, social, and political context for reform; the main reforms; and the strategies used and lessons learned in the process. The main reforms, in addition to specific provisions on minimum age, polygamy, divorce, etc., are a change in the philosophy behind the Code, shifting from a superior husband-obedient wife model to a model of equal partnership; a change in the language of the Code so it is less demeaning toward women; and a change in the style of the Code so it is easier to read and understand. The reform process was very long, and no one organisation could have made it happen alone. Women's groups used arguments and evidence from four perspectives: *fiqh* and jurisprudence, human rights, sociology, and national laws and the constitution. They approached the grassroots from the level of real-life problems, using cases of women who came to the women's groups' crisis centres, and worked extensively with the media and used media support to inform the public about the issues. The law is not perfect, and implementation remains a problem, so the women's groups continue to work towards future reform, especially in inheritance laws.

***Pinar Ilkkaracan (Turkey)*** shared the strategies used by women's groups in two national campaigns to achieve major reforms to the Civil Code and Penal Code. Civil Code reforms included full equality between spouses; an increase in the minimum age of marriage; and a new matrimonial property regime. In the Penal Code, marital rape has been criminalised; articles referring to honour, customs, morality, chastity, and decency were eliminated; sexual crimes were defined very progressively; and the article that

grants pardon to a rapist if he agrees to marry the victim was eliminated. Factors that influenced the success of the campaigns included the fact that they were proactive; they extensively prepared arguments and proposals; they established broad nationwide coalitions; they stressed the holistic nature of demands; they formulated and proposed specific text for the new code instead of making general demands; they did intensive, effective lobbying and campaigning; there was intense media work; and they were able to maintain a high level of energy and vitality over a number of years.

***Roya Rahmani (Afghanistan)*** provided a brief overview of the context in Afghanistan and a summary of the strategies and process used to develop and gain approval for a new marriage contract. The group chose to focus on the marriage contract instead of law reform because it was more straightforward procedurally and politically. They put the issue on the table early, conducted research and consultations with people in other countries, and then held numerous discussions with various stakeholders. This resulted in the presentation of a draft to the Supreme Court in 2007. It was initially rejected, but was put on the agenda through the alliances the group built with influential figures within the Supreme Court, and was approved later in the year. Not all of the conditions were approved for inclusion in the contract, and they realise that the approval and adoption of the contract is not the end of the struggle, but is the beginning.

***Imrana Jalal (Fiji)*** shared strategies used in the thirteen years of campaigning required to enact a new Family Law Act in Fiji. The new law includes provisions for a separate family court; a counselling system; no fault, no blame divorce; recognition of women's non-financial contributions to the family; equal custody rights, gender equitable provisions for maintenance/financial support, and property; and a requirement that judges use CEDAW and the CRC as a basis for interpretation. The major opponent was the powerful Christian Methodist church, which controls the ruling party and used racial divisions to manipulate the debate. Leadership in the process was critical. The legislation was comprehensive, it integrated existing provisions, and was not just piecemeal reform. It was sometimes necessary to sacrifice certain provisions in order to get others in. The groups built strategic partnerships, including within the government, as well as alliances with others who are not usually allies. The media campaign, which was critical, involved building relationships of trust with sympathetic journalists. One powerful argument was the economic costs of not changing the law. The group also had to work out the costs of legislative reform from the start, including costs of implementation.

During the discussion, participants and panellists exchanged views on a number of issues: strategies from Egypt and Somalia; the importance and process of working with allies from the State; what impact the laws have had in the four countries; how judges' discretion can be limited; and the role of serendipity in law reform processes.

## Plenary Session 6: International Networks and Organisations

In this session, representatives from five international networks and organisations gave an overview of their work to promote women's rights in Muslim contexts.

***Daisy Khan*** of ***Women's Islamic Initiative for Spirituality and Equality (WISE)*** said that WISE was launched around four goals: (1) establishing a global shura council of women working towards gender and social justice using religious proclamations (*fatwas*); (2) creating a muftiya scholarship programme; (3) establishing a Muslim women's fund; and (4) developing an online communication tool to communicate issues and concerns of Muslim women. She believes that Muslim women are unstoppable and ready to stand on an equal footing as human beings and gifts from God.

***Zarizana Abdul Aziz*** said that her first introduction to ***Women Living Under Muslim***

*Laws (WLUML)* was through its publications and analysis, which dissected and demystified gender and the situation of women living under Muslim laws. WLUML, formed in 1984 as a network, is conceived as a two-way exchange in which networkers support one another through solidarity and information sharing. WLUML aims to strengthen women's struggles, break isolation, and form linkages between groups and individuals. WLUML's activities include documenting trends, providing capacity building and trainings, producing publications, and engaging in collective projects.

*Rakhee Goyal* shared that *Women's Learning Partnership (WLP)* is a global network of 20 autonomous, self-governing organisations that work together to promote women's leadership and empowerment. WLP believes that effective leadership is participatory, based on dialogue and mobilising around shared visions. Its approaches are based on human rights principles, with strategies contextualised to specific countries and situations. The work is flexible, responsive to change, and constantly engaged in learning through regular communications among partners. WLP coordinates a leadership programme with a signature curriculum, *Leading to Choices*, which is available in 17 formal culturally-specific and linguistic adaptations; supports women's rights advocacy campaigns; and promotes the use of technology for advocacy.

*Pinar Ilkkaracan* and *Ahlem Belnadj* of the *Coalition on Sexual and Bodily Rights in Muslim Societies (CSBR)* said the Coalition was founded in 2001 to deconstruct beliefs related sexual and bodily rights, showing that the sexual oppression of Muslim women is the result of a combination of political, social, and economic inequalities throughout the ages. The over 40 members throughout the Middle East and North Africa, South Asia, and Southeast Asia are diverse, with NGOs working alongside academic institutes on various issues such as women's human rights, HIV/AIDS, LGBTQ rights, and sexual and reproductive health. The principle behind CSBR is that sexuality is not a private issue but a site of political, social, and economic struggles for equality, human rights, and democracy. CSBR's work is multidisciplinary, and includes international advocacy, research, publications, trainings, and collective campaigns.

*Azza Karam* from the *United Nations Population Fund (UNFPA)* shared that UNFPA works on three main areas: reproductive rights, gender equality, and population broadly, which includes migration, urbanisation, youth, and data and census issues. UNFPA pioneered a new approach that sees culture, gender, and human rights as integrated foundations of any development programme or intervention. UNFPA has come to an understanding that while human rights is a key mandate of the entire UN system, the realisation and the effective implementation of these rights requires systematically dealing with culture. After realising that faith-based organisations already carry out extensive work on reproductive rights in the field, UNFPA decided to engage with such organisations on a case-by-case basis, based on a set of principled guidelines, in countries where UNFPA has programmes.

The discussion focused on the UNFPA decision to engage with faith-based organisations in the field, as well as strategies and ideas for using the media.

## DAY 4 • PLENARY SESSIONS 7 & 8 AND BREAK-OUT 3

### Break-out 3: Parallel Roundtable Discussions towards Equality and Justice

During this set of parallel roundtables, participants joined one of eleven groups focusing on topics as diverse as alliance building, using information technology, approaching the religious texts as non-experts, developing model marriage contracts, and using research

findings for advocacy. These discussions, which were kicked off by selected participants sharing their experiences and expertise, offered an informal and open space to share experiences and challenges in advocacy for equality and justice in the family. Highlights of the discussions include:

**a. A Holistic Approach: Justifying equality and justice in Muslim family law advocacy (English/French)**: Interveners from Iran, Morocco, and Mali presented information about their experiences of using a holistic approach to promote reform or combat regressive proposals. The Iranian intervention focused on how Islamist and secular activists came together to successfully oppose a newly proposed family law that was tabled in Parliament in mid-2008. In Mali, after conducting research that showed women do not have social status either as citizens or within the family, women's groups proposed family law reform to the government, built alliances with other organisations, and advocated for reform, which will be put forward in Parliament in April 2009. The Moroccan women's groups used six key methodological points in their successful advocacy for reform of the *Moudawana*: clarifying the coalition's identity; clearly articulating demands; understanding the context; mapping the other players involved; determining the best ways to influence decision makers; and adopting a positive, long-term attitude to sustain the movement. The far-ranging discussion after these interventions included further information about the secular groups in Iran; sharing of experiences in Nepal, Senegal, and Sudan; ideas on unifying secular and Islamist women's groups; additional strategies that can be used in reform movements; the use of economic arguments for reform; and an exchange on political will and influencing decision makers.

**b. A Holistic Approach: Justifying equality and justice in Muslim family law advocacy (English/Arabic)**: Interveners from Morocco, Egypt, South Africa, and Malaysia shared strategies, experiences and challenges of advocating for law reform in their contexts. The Moroccan intervention provided an overview of two key strategies used to successfully advocate for reform of the *Moudawana*: the use of a holistic framework that combined religious arguments, human rights arguments, legal arguments, and the lived realities of women; and ensuring that the movement was guided by long-term, strategic thinking. Egyptians, who are currently in the process of law reform, have armed themselves with statistics, created debates between jurists, initiated dialogue between diverse forces on the issues, ensured that the NGOs have their own realistic agenda, and are constantly monitoring the situation. In South Africa, complicated dynamics and tensions within the Muslim community and more broadly have made Muslim family law a contested domain. A Muslim Marriages Bill drafted by NGOs after extensive consultations with religious leaders and the community represents a reasonable compromise between extreme positions. The Malaysian intervention was an overview of how an initially progressive family law has been eroded through regressive reform. After resisting these changes and fighting for piecemeal amendments, women's groups are now building the foundation for a comprehensive proposal for reform based on equality and justice. The group's discussion focused on how to protect the achievements of the women's movement in the face of backlash, engaging with a diversity of communities, dialoguing with those in powerful positions, whether using both human rights and religious arguments is more useful than human rights alone, and the Bahrain draft personal status law.

**c. Negotiating Bliss: Using model marriage contracts towards equality in the family**: Interveners from the United Kingdom, the Maghreb region, and Canada each presented examples of model marriage contracts that have been drafted as a process to help women claim their rights within a marriage, and an intervener from Saudi Arabia talked about how marriage contracts are used there. The United Kingdom model contract was launched in August 2008 after four years of study, consultation, and negotiation, based on a model of equality and justice between the spouses. The

Maghreb model contract was developed by Global Rights in collaboration with 15 local NGOs and lawyer partners in Algeria, Tunisia, and Morocco, after community consultations with almost 1,500 women. The Canadian model contract and its explanatory notes were drafted by the Canadian Council of Muslim Women and include declarations relating to marriage, declarations relating to divorce, and granting the power of divorce to the wife. In Saudi Arabia, certain rights for men and women are commonly included in the marriage contract, but parties can add additional conditions that are generally accepted by the court and are legally binding as long as they do not undermine the main purpose of the marriage contract and the rights arising from it. After the interventions, more examples were shared from Afghanistan and Syria, and the group talked about issues related to sexual submissiveness and sexual pleasures in marriage, the role of a guardian in the marriage contract, the application of Muslim marriage contracts in civil systems, the family law reforms in Morocco, the status of family laws in Saudi Arabia, and the political and social situation in Canada.

**d. Best Friends and Strange Bedfellows: Alliance building and networking for successful campaigns**: Interveners from Malaysia, Turkey, Niger, and Egypt shared their experiences with alliance building and networking. The Turkish experiences with the Civil Code and Penal Code campaigns demonstrated how different types of coalitions are necessary depending on the context. Since everyone knew the Civil Code issues, a huge coalition was able to be formed quickly; the Penal Code issues were less well known and more controversial because they dealt with sexuality, so a coalition had to start small, work intensively together to understand the issues and develop concrete proposals, then invite others to join. In Niger, the women's groups have experienced successful alliance building between very diverse socio-economic groups in the wake of democratic reforms, and also faced potential failure when such alliances were not made during the drafting of a new family law, and grassroots groups felt excluded. A small coalition of Malaysian women's groups that focus on diverse issues and services have been advocating for law reform over 25 years using an ongoing multi-issue list of demands from which they have seen both small and large successes. In Egypt, after research revealed that Christian women are also affected by discriminatory laws and practices, groups networked and built alliances with Christian and Muslim leaders through dialogues, consultations, more focused research, and patience and persistence. Participants shared challenges and brainstormed solutions for situations in Pakistan, Egypt, India, and Australia. Large portions of the discussion focused on expanding the pool of those working on women's rights – building a second generation, ensuring strong political participation and representation by women, and whether and how to include men in coalitions.

**e. Getting Ourselves Heard: How to open up public debate on Islam as a source of law and public policy**: Activists from Malaysia, Saudi Arabia, India, and the international network Women's Learning Partnership shared their experiences related to public discussions and debates around Islam. In Malaysia, Sisters in Islam (SIS) has initiated a concerted effort to reach out to grassroots women to educate and raise awareness about family law issues so they will eventually support a proposal for comprehensive reform of the law based on equality and justice. In Saudi Arabia, civil society organisations are still not allowed, so women have resorted to organising informally and creating their own spaces by utilising the internet, engaging with both national and international media to challenge religious leaders, and mobilising support outside the country that can help in local campaigns. Muslim women began organising in Tamil Nadu, India, because they realised that they faced injustices as Muslim women and that they did not have a voice to speak out against this. In 2003, they started their own *jamaat*, and this network now has 15,000 members who are pushing for the establishment of a women's mosque and claiming their rights within the community and from the State. Women's Learning Partnership works with over 20

groups globally on programmes that emphasise that every woman is a leader. Women involved in the programmes discuss issues and learn how to communicate, dialogue, and reach agreement, or, failing this, to respect differences. Participants discussed other experiences from Nepal and India, countering resistance from religious leaders, the safety of working with international media in Saudi Arabia, wearing or not wearing headscarves in different settings, strategising for different contexts, and debates on Islam within multi-religious and multi-ethnic societies.

**f. Law Reform is Easy – The Hard Part is the Implementation**: After presentations from Pakistan, Egypt, Iran, and Nigeria, the group commented that law reform is *not* easy, but that implementation is even harder. In Pakistan, implementation is a major concern, as officials are poorly trained and not gender-sensitive, there is ignorance of the law or use of 'hearsay law', and cases, especially divorce cases initiated by women, can take years to resolve. After the Egyptian reform of *khul'*, implementation is now a major problem. A study on the mediation-based courts found that the nature of the reform process impacts the implementation; different reform agendas can undermine one another; good laws are much less effective in bringing about equality and gender justice if implementers espouse discriminatory views; and resource and legislative gaps have an impact on female disputants. In Iran, the reformist Parliament achieved a lot for women's rights, but some of it has been changed with the change in political leadership. Implementation in Nigeria is extremely difficult because the views people have on women and relationships in marriage are entrenched and deep-rooted, and traditional practices may continue despite reforms. In the discussion following these interventions, the group talked about the importance of changing court culture, education and awareness raising as a key part of implementation, the impact of political problems on law reform and implementation, challenges at the grassroots level, implementation issues related to domestic violence laws specifically, and addressing women's rights through social programmes instead of law reform.

**g. Getting the Powerful to Listen: Working with decision makers**: Interveners from Pakistan, Mali, and Turkey provided stories about how they have worked with decision makers to push for changes in laws or gain their support for changes in practices that are discriminatory against women. In Pakistan, a former judge and head of the National Commission on the Status of Women used her contacts with other judges and within Parliament to build support and advocate for reforming the Hudood Ordinances, while women's groups held activities such as protests, rallies, work with the electronic media, radio shows, writing articles, etc. In Mali, a women's group conducted research on female genital mutilation and used the results of the research to build alliances with strong, progressive religious leaders who would support the work through talk shows, participation in dialogues, and networking with other religious leaders. In Turkey, the Civil Code and Penal Code campaigns were built in part by strong networking with Parliament to ensure the groups had allies among the Parliamentarians and their staff and knew who they could convince and who was never going to support their positions. The discussion afterwards touched on other possibilities for engagement with decision makers, strategies for reform, women's political participation, the role of judges in enforcing discriminatory laws, and issues related to female genital mutilation.

**h. Using Information Technology as a Tool for Social Change**: Interveners from Women's Learning Partnership, India, and the Gambia shared the importance of women's organisations using the web and mass media, and how these tools can be our allies. Women's Learning Partnership uses technology such as its website, blogs, Flickr, YouTube, Facebook, and other interactive web-based tools to support outreach to partners in 20 countries and advocacy campaigns on citizenship, discriminatory laws against women in Iran, family law, and lifting reservations to CEDAW. The Breakthrough Communications 'Ring the Bell' Campaign is a national campaign in

India that uses multimedia such as mass media (television, radio, press), new media (an interactive website), and grassroots mobilisation (a mobile van travelling across India and youth and community leadership training) to reach upwards of 130 million people to raise awareness about ending domestic violence. In the Gambia, where both literacy and access to technology are low, radio programmes are used to raise awareness about women's issues, keeping in mind the primary and secondary targets of any message, the language that would be most effective to communicate with those targets, and ways to deal with negative responses. The group's discussion included more examples of how technology has been used in other countries, the importance of evaluating the impact of technology programmes, and new, positive practices for expanding the reach of cyberactivity.

**i. Transforming Research Findings into Advocacy Materials**: Participants discussed the importance of research and advocacy materials for successful campaigns and the alliance between grassroots and policy advocacy in changing attitudes and promoting practices for greater equality. In Pakistan, Shirkat Gah has used the results from a major research programme on women, law, and status to produce multiple, diverse publications – including a handbook on laws, a cartoon booklet for grassroots communities, life stories from the field, an overview of the political and legal context, and a tool for lobbying and advocacy – to allow for informed opinions and intervention at different levels. The Canadian Council of Muslim Women has conducted research projects on civic participation and family laws that resulted in trainings and awareness raising for local women, brochures comparing Canadian law with Islamic law, conferences to share the research results, and training kits for teachers. In Malaysia, Sisters in Islam has used its research and conferences to create publications, including compilations of cases and simple question and answer booklets. They hope to use the popular arts (theatre, shadow puppets, etc.) as well as traditional academic journals to share the results of the current national research project on polygamy. In Iran, *Zanan* magazine was used as a tool for sharing new ideas, holding dialogues and roundtables between women who are secularist, theologians, or Islamists, and outlining new methods of Qur'anic interpretations. Issues discussed following these presentations included research related to domestic violence and early marriage, ways to influence governments using research, dealing with governments who do not take research seriously, using research and campaigns for raising awareness and empowering women, sustaining information and support at the community level, involving men in the work, and using the term 'feminist'.

**j. Opening the Doors of *Ijtihad* on *Faraid* Rules?**: Interveners from Morocco and Tunisia gave extended presentations on campaigns they are building in their countries to advocate for inheritance law reform. In Tunisia, the campaign began with a petition to open the debate on reforming inheritance laws, which led to major objections from the opposition. Women's groups decided to respond to these objections at all levels – social, economic, political, etc. – through workshops in different parts of the country to understand the main concerns, a high-profile speakers' series and the launch of a book on inheritance, then conducting a series of theoretical and empirical studies on the realities of the issue. These were used to develop arguments at the sociological, legal, and cultural and historical levels. In Morocco, groups are building on the *Moudawana* reform in 2004, supplemented with research projects and the development of new arguments. They face both new opportunities and obstacles because the political situation has changed. Moroccans, Tunisians, and Algerians are also starting to work on a regional campaign on inheritance reform. During the discussion, the participants talked about the relative importance of the different types of arguments, the importance of researching actual practices, and Islamic texts that can support reform.

**k. Sisters Doing it For Ourselves: Approaching the holy texts as non-experts**:
This session was run as a pure discussion with no interveners because all of the
participants were considered 'experts' with valid voices, experiences, and opinions.
The discussion opened with the story of how Sisters in Islam began as a small group
of women who wanted to learn more about women's rights in their religion and began
reading the Qur'an and using their knowledge to comment on discriminatory laws and
practices justified in the name of Islam. Participants from the United Kingdom,
Thailand, Egypt, and Nigeria shared that they think women should be able to read the
Qur'an on their own, since it continually says 'think' and 'use your intellect', yet they
face opposition or silencing in their countries when they try to speak about the Qur'an
because they are told they are not educated enough, they do not wear the *hijab*, or
simply because they are women. A few participants said that although concerns can
be raised by non-experts, expert opinions are still needed, though people can
evaluate these opinions on their own. Various participants shared strategies they
have used to overcome the opposition, such as increasing education, being trained by
experts, engaging with clerics, having converts raise issues to get the discussion
going, influencing ordinary women, and using the media. The session closed with
each participant sharing a concluding remark about moving forward.

## Plenary Session 7: Using Research to Support
## Proposals for Equality and Non-discrimination

During this session, four presenters outlined new research projects to support proposals
for equality in the family and demands for change.

***Masjaliza Hamzah (Malaysia)*** of Sisters in Islam (SIS) shared a major, national survey
that SIS is conducting on the ***'Impact of Polygamy on the Family'.*** This research aims
to collect information on how polygamy affects families who are within this structure of
kinship and to gain an understanding of the dynamics of polygamous families; the specific
impact of the practice on both adults and children at the emotional, social, financial levels;
and whether the existing legal framework provides adequate protection to ensure justice
in polygamous marriages. SIS decided to take on this project after realising the extent to
which data gathered in a systematic way (as opposed to the anecdotes and case studies
they have from their legal clinic) could support their demand for better protection of wives
and children and regulation of polygamy. The national study is taking place in four
regions, and includes a survey of approximately 1,500 husbands, first wives, second
wives, and children from first and second wives, along with in-depth interviews and focus
group discussions with a smaller number of participants. The research is in the data
collection stage, but preliminary findings are available.

***Mohammed El Ayadi (Morocco)*** discussed a sociological and legal survey that has
taken place in Morocco on '***Inheritance rules and circumventing practices'***. The
Moroccan inheritance law, which is derived largely from the rules of Islamic *fiqh*, clearly
indicates the list of heirs, the priorities of the heirs, and the shares given to each heir. This
strict nature makes people resort to other strategies in order to circumvent the law. The
qualitative survey on such strategies involved collecting data through questionnaires
addressed to legal professionals, such as lawyers, notaries, paralegals, and others in the
legal profession who would have contact with people attempting to circumvent the
inheritance laws. All of the legal professionals attested to a phenomenon of people
circumventing the law to exclude women; many said this is widespread and done by both
men and women in all education levels and all brackets of society. The tools used to
circumvent the law are all done within the legal framework, involve a number of strategies
and can apply to any assets or properties.

In her presentation called *'Women's Empowerment in Muslim Contexts'*, **Vivienne Wee** *(WEMC Research Programme Consortium)* shared that the key questions WEMC seeks to answer in its research are: Do women at the grassroots act to empower themselves? How do they empower themselves? How do they overcome forces that obstruct them? How do they mobilise supportive forces? WEMC is doing research in four nodal countries (Pakistan, Iran, Indonesia, and China) and through a cross-border component relating to migration. The research differentiates between the macro, meso, and micro levels and between private and public domains. The results from the research disprove the notion that feminism is an alien, 'Western' concept, and proposes a concept of indigenous feminism, meaning indigenous to the condition of being women, based on the concept that all women face obstacles related to power and patriarchy. There are four mechanisms of control relating to patriarchy: gender-based violence, exclusion from resources, exclusion from decision-making, and misogynistic interpretations of culture, including religion. WEMC is looking at women's actions at the individual and collective levels with the idea that collective action in the public sphere is needed for change.

*Shareen Gokal (Association for Women's Rights in Development (AWID))* presented highlights of the AWID research on *'Resisting and Challenging Religious Fundamentalisms'*, an AWID initiative that works to strengthen resistance to religious fundamentalisms across religions and across regions, share knowledge and experience, and open up more spaces for dialogue within the women's rights community and beyond. The research looked at the lived realities of women's rights activists from 160 countries and the impact of religious fundamentalisms on their work and broader lives with the aim to strengthen collective advocacy on the issues. The research, which was conducted by a team over two years (2007-2008), used 1600 completed surveys and interviews with 51 key experts. The extensive results confirmed that increased fundamentalisms is a growing concern of women's human rights activists in a variety of contexts, that they understand the concept in different ways with some overlaps, and that a lot of the impact is manifested in control over women. AWID feels that in order to challenge religious fundamentalisms, we must find more common ground and effective responses.

The discussion period raised questions and comments about each of the research topics as well as some related topics: polygamy; the pressures women feel to become wives; research practices and approaches for empowering women; matrilineal practices; *waqf* (bequests) and inheritance issues in other countries; and religious fundamentalisms.

## Plenary Session 8: Equality without Exception

During the final substantive plenary session, the panellists and participants had a discussion about the interaction between religious and customary laws and guarantees of equality and non-discrimination in constitutions and international human rights law.

*Mahnaz Afkhami (Iran/United States)*, in *'Faith and Freedom'*, considered the dilemma of Muslim women trying to negotiate their rights as human beings and as women and their rights as Muslims. It is not Islam that holds women back, but rather a history of patriarchy. In all religions, women are seen as a complement of men. When societies started moving towards modernisation, only the status of women, especially in the family, remained the same. However, women now have more individual consciousness, as opposed to communal consciousness, which allows women to claim the right to participate in law making rather than submit to the existing law as immutable. This has caused fundamentalist reactions in all societies and religions, in which women are usually the key victims. Islamists use arguments about the inviolability of the text internally, and arguments about cultural relativity externally, to justify structural suppression of women's freedom and formal enforcement of women's inequality. Women are now responding by asking questions and demanding answers. They are arguing for rights, rejecting violence,

demanding individual identity, freedom and privacy, and recognising that religion is a personal experience. As globalisation propels the exchange of ideas and strategies and provides solidarity in women's movements, women must come together to object to fundamentalist interpretations of Islam.

**Rashida Manjoo (South Africa)**, in her presentation entitled *'Tensions between Constitutional Guarantees of Equality and Family Laws'*, focused on how tensions between rights to equality, non-discrimination, and religious freedom provide challenges for women's rights activists, along with the imperative of bringing personal laws into conformity with the framework of international human rights law. Many counties have family law systems, whether based on religion, custom, or tradition, that violate the rights of individuals, with the right of religious freedom overriding women's rights to equality. However, all states also have obligations to promote, protect and fulfil rights. The challenge is the translation of abstract notions of human rights into contextual guarantees in domestic constitutions and laws. Different states have different methods of trying to effectively and meaningfully guarantee the right to equality *and* the right to religion and culture. In an ideal world, principles and institutions of constitutionalism, human rights, and citizenship would be the norm, with the right to equality being used as the baseline for interpreting the right of freedom of religion.

**Alia Hogben (Canada)** provided a case study from Canada on the challenge of *'Ensuring Equality without Exception'*. Although Canada's laws are secular and provide for equality of women, a contentious issue recently arose with regard to an arbitration act designed for commercial disputes that included a provision in which laws from other jurisdictions could be applied in private, legally binding arbitration. This opened the door for conservative Muslim groups to propose the use of religious laws in arbitration, and then start a campaign to push this proposal through. The Canadian Council of Muslim Women (CCMW) decided to advocate against this using the premise of equality without exception – that all women, whether religious or not, should benefit from Canadian laws that have equality as a fundamental value. CCMW built alliances with secular and religious groups of different faiths to argue against a parallel system that would jeopardise their rights to equality. They developed both human rights and religious arguments, distinguished between *Shari'ah* and *fiqh*, and argued for the rights enshrined in Canada's Charter on Rights and Freedoms to be applied to *all* men and women. After more than two and half years, the Premier of Ontario announced that no religious laws would be used in arbitration and that there would be one law for all citizens.

**Shanthi Dairiam (Malaysia)**, in her presentation on *'Culture and Inequalities: CEDAW as a tool for change'*, examined culture as a determinant of ideology and values responsible for the social construction of gender that disadvantages women through a process of stereotyping women and their roles. Women in both developing countries and developed countries face stereotypes and barriers in accessing their rights. Women all over the world are seen as having responsibility for child care, which affects their participation in public life, employment, earning capacity, and other areas of their lives, and women are victims of domestic violence everywhere. Culture and tradition that allocate differing roles, identities and power to women and men need to be addressed, but this is not easy. The CEDAW Convention can be used as a tool for change and to address discriminatory practices in culture and religion. It is important to understand the Convention in its totality, as well as the CEDAW Committee's interpretations, since the Committee has gone beyond the text and focuses on culture and stereotyping (article 5(a)) as a process that creates and reinforces inequality.

During the discussion, many participants asked questions about how CEDAW can be implemented, how international commitments can be enforced, and more information about article 5(a) of the CEDAW Convention. Other topics included how other human

rights mechanisms can be used; the pros and cons of taking a secular versus religious perspective; religious fundamentalisms; how Muslims should handle living in secular states; rising racism in Europe; and issues related to freedom of religion in Malaysia.

# DAY 5 • BREAK-OUT 4 AND CLOSING PLENARY

## Break-out 4: Developing the Way Forward

During the final break-out session, participants divided into eleven regional and thematic groups: Africa; North Africa; Middle East; Research; Media and Advocacy; Malaysia / Singapore; Indonesia; Iran, Pakistan, Afghanistan and Central Asia; International Organisations; Minorities North; and Minorities South. . Each group was given three questions to discuss and write onto different coloured cards. These questions were: (1) What is this global movement? (2) How do we want to build this movement … in our contexts? … at the international level? (3) What are the three priority issues / needs / actions towards equality and justice in the Muslim family in your context? Each of the questions also had included more detailed sub-questions and issues to discuss.

Following the small group discussions, the moderator and one additional representative of each group (24 people total) and three facilitators met to synthesise the responses to the questions. The syntheses for each question were presented to the plenary at the closing session.

## Closing: Necessary and Possible

The closing session of the Global Meeting opened with a moment of quiet reflection. The rest of the session was comprised of four main sections: report back from the small group discussions about 'The Way Forward' that took place in the morning; an introduction to the Musawah website; personal comments from individual participants about their experiences at the Global Meeting; and closing remarks, the closing video, and thanks to those who helped with the preparation and organisation of the Global Meeting.

In the report back from the morning discussions, three Musawah planning committee members presented synthesised versions of the responses to the three questions:

**(1) What is this global movement?**: Key terms that arose were equality and justice in the family, universality, dignity, non-discrimination, citizenship, and empowerment. The three core Musawah principles were reiterated in many of the groups, along with the fact that Musawah combines human rights principles, Islamic principles and interpretations, national guarantees of equality, and lived realities. Groups said that Musawah is open, dynamic, inclusive, non-hierarchal, diverse, international, and has a common goal, which is equality and justice in the Muslim family, taking into consideration diversities of the various communities, countries and regions. Groups highlighted the fact that Musawah is a knowledge building movement that involves an intellectual engagement with texts and laws and exchange of knowledge about methodologies and research with the aim of offering evidence and alternative interpretations for change.

**(2) How do we want to build this movement … in our contexts? … at the international level?**: The responses reflected that Musawah should be a knowledge-building movement that focuses on the production and dissemination of a qualitatively different form of knowledge towards improving women's lives. This should emphasise knowledge that is holistic, going beyond 'religious' and 'secular' boundaries, with an equal emphasis on all four approaches of the holistic framework. Musawah should also value and prioritise women's knowledge and local specificities. Language is part

of knowledge building, so Musawah must demystify confusing or complicated ideas, and information must be translated into different languages. Musawah must be placed within broader contexts both within and outside the category of codified *and* uncodified 'family laws and practices'. Musawah should be built with a 'bottom up' philosophy, with each affiliate retaining its own identity but using the Musawah slogans and Framework to popularise ideas. It is important for Musawah to reach out and network with both allies and opponents and to build a strong internal team as well.

**(3) What are the three priority issues / needs / actions towards equality and justice in the Muslim family in your context?**: The answers to this question were grouped into a small number of categories – Movement Building, Knowledge Building, Awareness Raising, Alliance Building, Lobbying Policymakers, Media, and International and Regional Advocacy – with sub-points within each of the categories on specific programme ideas that could be developed.

After a few clarifying questions and comments, this part of the session closed with a statement that the Musawah planning committee would take this feedback and develop a longer-term plan for Musawah that would be shared with the Global Meeting participants.

The Musawah website was then introduced by the secretariat. The website was launched on 14 February 2009 with 64 individual pages, 114 downloadable documents, and 30 high-resolution photos for media use. The site has six main sections, and subsections within most of these. 'About Musawah' and 'Musawah Framework' contain information about the movement and links to the Framework in English, Arabic, French, Persian, and Malay. 'Equality is Necessary' provides information about the family law situation in 30 countries, links to family laws, and life stories. 'Equality is Possible' contains background papers, arguments supporting equality in family laws and practices, and links to organisations and resources on family law reform. A 'Press Room' section and the '2009 Global Meeting' section contain information for the press and document the Global Meeting itself. Participants were asked to explore it, use it, submit information for uploading on the site, and provide feedback to Musawah about how it can be improved.

Individual participants from different countries and contexts were then asked to share their thoughts on what the Global Meeting meant to them, what they had learned, what they would take home to their contexts, or suggestions for Musawah's work moving forward. The participants who spoke were from Egypt, Indonesia, Canada/Iran, Senegal, and a representative from the Young Women's Caucus.

In closing, the Musawah opening video was shown along with a closing video that documented the events of the past five days. Finally, Zainah Anwar, on behalf of the Musawah planning committee, thanked the participants for coming to the Global Meeting and engaging with the topics and each other with such openness, courage, conviction, and dedication. She explained that the planning committee would meet to talk about next steps, and the secretariat would communicate with participants from Musawah to share updates and report on the latest events and happenings. Zainah closed the meeting with a round of thanks to everyone who made the meeting possible.


## CAUCUSES AND EVENTS • YOUNG WOMEN'S CAUCUS

In addition to the plenary and workshop sessions, various other events were held during the five-day Global Meeting. Regional and thematic caucuses met in the evenings; films were shown on several evenings (including a film about the challenges of getting a divorce in the Iranian legal system called *Divorce Iranian Style*; a film about polygamy from Indonesia called *Berbagi Suami*; and a film on stoning directed by a participant from

Iran). On one evening approximately 40 participants gathered for a dance party with music from participating countries.

The Musawah Young Women's Caucus is a group of young women from the ages of 18 to 35 who attended the meeting to further their activism, knowledge, and interest in an Islamic and human rights-based approach to equality and justice within the family. The Caucus met throughout the Global Meeting, including a day-long orientation before the Global Meeting and daily lunchtime discussions. The discussions explored the personal and professional struggles of young women in promoting women's rights in Muslim contexts. Issues included freedom of choice, identity politics, and how young women position themselves within a feminist/women's rights activist and Muslim framework. Caucus participants reflected on how their identities affect their activism, whether externally or within the women's rights movement. They discussed how they became activists, the philosophy behind this choice, and how Islam featured in their decisions. Other topics raised were fighting against oppression, understanding the spirit of Islam, education, women interpreting the sacred texts, their reactions to the interfaith panel, and the social versus the legal aspects of discrimination. The Caucus has now created an email group through which they can share knowledge and information (recommended readings, films, campaigns, etc.), support one another in their activism, and discuss how to engage with Musawah's ongoing activities.

## THANK YOU

The Musawah Global Meeting would not have been possible without the staff, members, Board, and volunteers of Sisters in Islam, who worked tirelessly behind the scenes to make the logistics run smoothly; *Collectif 95 Maghreb-Egalité*, who inspired Musawah with their ideas and knowledge building in the movements in Morocco, Algeria, and Tunisia; Red Communications for creating the inspiring opening and closing videos; the performance artistes and the creative team of director, writer, stage manager, and puppeteer who planned and executed the opening performance; the interpreters and sound technicians; the rapporteurs; the media team; the Musawah planning committee members, who have dedicated two years to laying the groundwork for the movement; and all of the participants for giving life and energy to the budding movement.

Musawah would also like to thank the following donors for making the Meeting possible: Oxfam Novib, the Ford Foundation, the Global Fund for Women, the Sigrid Rausing Trust, the Canadian High Commission in Kuala Lumpur, Hivos, the British High Commission in Kuala Lumpur, SENADA (the Malaysian Secretariat for the Empowerment of Muslim Women), the United Nations Population Fund, and friends of Sisters in Islam.