



# musawah

For Equality in the Muslim Family

## Musawah Vision

Issue 19: December 2015

*An update on Musawah issues and activities*

### I. Muslim Family Law News & Beyond

<b>Gambia</b>	Female Genital Mutilation (FGM) banned	Guardian
<b>India</b>	Ban triple <i>talaq</i> says Muslim women's rights group	One India
<b>Indonesia</b>	Government to revamp family planning measures	Asia One
<b>Morocco</b>	Fatema Mernissi, a founder of Islamic feminism, dies	New York Times
<b>Morocco</b>	Human Rights Council releases report on gender equality	CNDH
<b>Saudi Arabia</b>	Female voter turnout nearly 80% in places	Peninsula-Qatar
<b>Saudi Arabia</b>	Divorced women and widows to get greater legal powers	The Guardian
<b>Sri Lanka</b>	Domestic worker to be stoned to death by Saudi Arabia	We Are Change

### II. Capacity Building

#### Musawah I-nGEJ Middle East & North Africa

Musawah hosted its sixth 'Islam & Gender Equality and Justice' course (I-nGEJ, pronounced 'I engage') in Rabat, Morocco, from 29 November to 4 December 2015. The regional course was designed specifically for activists and leaders in the MENA region, who applied to the course via an open [call](#) for applications.



Participants of Musawah I-nGEJ MENA Regional Course

The 21 participants from 7 countries (Algeria, Egypt, Jordan, Morocco, Palestine, Saudi Arabia and Tunisia) were selected from over 80 applicants – women and men who work on gender and human rights in the MENA region. All participants committed to apply the knowledge gained in diverse, creative, and strategic ways to improve the rights of women in Muslim contexts.

***‘The course had multiple values for me. Firstly, it allowed me to question assumptions that much of our understanding of the role of women in Muslim society is based on. It helped me better understand that actually, there is no black and white, and that Islam is dynamic and adaptive to the needs of humanity. On a personal level, it also helped restore my belief in Islam as a system of justice and equality - in the times we live in, it is sometimes difficult to see how Islam is a fair religion, but this course showed me how to separate the religion from its practice. In terms of confronting injustice and inequity, I feel the course better equipped me to confront justifications for injustice.’***

***~I-nGEJ MENA Course participant***

The Musawah I-nGEJ course delivers a customised curriculum for building the capacity of Muslim women’s rights activists and others who are engaged in issues of equality and justice for women. It aims to build knowledge and skills in understanding the Qur’an, hadith and *fiqh* from a rights perspective, encourages understanding the diversity and differences of opinion in the production of Islamic knowledge, and facilitates collective strategising towards change.

Musawah Advocates Amina Wadud, Ziba Mir-Hosseini, Zainah Anwar, Marwa Sharafeldin, and Zahia Jouirou comprised the course team, conducting sessions on a range of topics, such as Qur’an, Text and Context, Science of Hadith, *Fiqh* and Social Construction, Construction of Gender in Muslim Legal Thought, Reform Methodologies, Islam Beyond Patriarchy and Contemporary Feminist Voices. Participants also had a special session with guest resource person, Dr Rajaa Naji El Mekkaoui, who presented on the *fiqh* arguments used to justify the possibility and necessity of equality and justice in the Moroccan Moudawana reform of 2004.

Musawah hopes that the course represents an important achievement in terms of outreach and movement building in the MENA region, and plans to conduct I-nGEJ courses in Egypt, Somaliland, and Malaysia in 2016.

- ❖ For more information about the Musawah I-nGEJ Course, click [here](#).
- ❖ If your organisation or network is interested in hosting a national- or regional-level course, please contact Natasha Dar, Capacity Building Officer: [ingej@musawah.org](mailto:ingej@musawah.org).

### III. International Advocacy

#### Musawah at 62<sup>nd</sup> UN CEDAW Session

At the 62<sup>nd</sup> UN CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) Session in Geneva in October 2015, Musawah challenged the ways the Governments of Lebanon and the UAE use religion to justify discrimination and non-compliance with its treaty obligations. Strategic interventions included submission of the [thirteenth](#) and [fourteenth](#) Musawah Thematic Reports on Muslim Family Law in Lebanon and UAE, and delivery of Musawah's tenth Oral Statement on [UAE](#). Musawah interventions in the Committee's engagement with the UAE was particularly crucial, given the lack of Emirati civil society representation in Geneva, as well as the broader lack of women's rights activism in UAE.

The Musawah Thematic Reports examine Lebanese and Emirati laws and practices that allow discrimination against women in relation to domestic violence and marital rape, early and forced marriage, polygamy, and access to divorce. The UAE report also analyses the ways the state engages with Islam at the rhetorical and lived realities levels, and both reports link key discriminatory laws and practices, as discussed by both [national-](#) and [international-](#)level NGOs, with the structural roots of inequality in Muslim family laws.

Musawah's two-minute Oral Statement on UAE complements statements delivered by international NGOs that focus on key discriminatory laws and practices by challenging the Emirati government's use of Islam to justify this discrimination. In addition, Musawah's statement frames the government's discriminatory laws and practices as rooted in political will (or lack thereof), and critiques the State party's choice to legitimise voices of conservative patriarchs as religious authorities over the voices of women who suffer injustice on a daily basis.

In growing recognition of Musawah's research and advocacy, the CEDAW Committee's Constructive Engagement session and its final Concluding Observations to the State parties reflect Musawah's critical research and arguments. In its dialogue with the UAE delegation, CEDAW experts urged the Government to study, *'the practices of countries with similar cultural backgrounds and legal systems that have successfully harmonised their national legislation with their international human rights obligations.'* The experts urged the Emirati State party to *'bridge the disconnection between the provisions of the Personal Status Law and the reality of women's work and lives on the ground as amply described by the delegation of the State party'* regarding access to education and employment.

In such statements, the Committee draws in part on [Musawah research](#) challenging the logic of the Muslim juristic concept of male authority over women and children (*qiwamah* and *wilayah*) to make structural linkages between various forms of discrimination, and to highlight the disconnect between the Government's rhetoric on Islam and actual practice regarding women's rights.

- ❖ To read past Musawah Thematic Reports and Oral Statements, click [here](#).
- ❖ To keep abreast of new and upcoming activities from the Musawah International Advocacy Programme, click [here](#).

## Musawah Submission to UN High Commissioner for Human Rights (OHCHR) on Protection of the Family

In its October 2015 [submission](#) to the UN High Commissioner for Human Rights on HRC Resolution 29/22 on Protection of the Family, Musawah calls for equality and justice for women, men, and children within Muslim families and the broader Muslim community (*ummah*).

Musawah asserts that the most effective way to protect the institution of the family and ensure an adequate standard of living for all family members is to respect, protect, and fulfil the rights of all individuals within all families in their diverse forms.



Source: Flickr/amira\_a, 'Friday Evening'

Musawah hopes that the High Commissioner will consider two main points in particular in developing his report: (1) Many laws, policies, and practices related to families in Muslim contexts are discriminatory and unjust, and need to be changed; and (2) discriminatory laws, even if based on religion or culture, can be changed to ensure equality and justice for all individuals within the family.

Musawah notes that the structural and institutional inequality, discrimination, and abuses within Muslim family laws and practices are based on assumptions encapsulated in the legal concepts of *qiwamah* (male authority) and *wilayah* (male guardianship over women and children).

Musawah also underlines that these are not Qur'anic concepts, but rather were developed through a process of human interpretation based on the cultural norms and understandings of specific jurists in particular times and places. Musawah's submission further points to the variety of theories and methods within Islamic jurisprudence that can be used towards reform.

❖ For more background information, click [here](#).

### Calling All Activists Engaging at 63<sup>rd</sup>, 64<sup>th</sup>, and 65<sup>th</sup> UN CEDAW Sessions

Musawah seeks to connect with activists from Tanzania, France, Myanmar, Philippines, Turkey, Bangladesh, and Canada who are engaged in the shadow reporting process for the 63<sup>rd</sup>, 64<sup>th</sup>, and 65<sup>th</sup> CEDAW Sessions in Geneva.

Musawah's international advocacy work supports activists living in Muslim contexts to strengthen their arguments, critically examining the status of marriage and family relations, as encapsulated largely in Articles 2, 9, 15, and 16 of the CEDAW Convention.

❖ Please contact Natasha Dar, the Musawah International Advocacy Officer, [natasha@musawah.org](mailto:natasha@musawah.org).

## IV. Building Our Movement

### Musawah Advocate Updates

#### Malaysia: National Convention on Muslim Family Laws

As part of [Sisters in Islam's](#) (SIS) Muslim Family Law campaign, a three-day national convention on Family Law reform was held 16–18 October 2015. This event brought together some 200 participants from all over Malaysia to demand better implementation and access to justice for Muslim women in Syariah courts.

The convention kicked off with a public forum titled '*Bila Isteri Jadi Suami?*' (Women as Breadwinners). This panel, comprising single mother Anorziana Ahmad, former Chief Judge of Terengganu Syariah Court Ismail Yahya, SIS Executive Director Ratna Osman and Qur'anic *tafsir* expert Dr Nur Rofiah, discussed the changing reality of marriages today where most wives have taken up the role as breadwinner, traditionally viewed as the responsibility of men.

It was a great opportunity for grassroots women, including single mothers, to voice their concerns and strategise lobbying plans in their demands for just laws for Muslim women.

❖ To follow the latest updates from SIS, visit their Facebook [page](#).

#### The Gambia: Human Rights Day Symposium

To mark the end of '[16 Days of Activism](#)' and celebrate Human Rights Day, the Gambian Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP) held a symposium on 10<sup>th</sup> December 2015 on the banning of female genital mutilation (FGM) in the Gambia.

Speakers included women's and human rights activists and development professionals from the Gambia such as Samboujang Manneh, Madi Jobarteh, Ndey Secka-Sallah, Lamin Manneh, Dr Abubacarr Jah, Sheikh Omar Fye, Amie Sillah-Sarr and GAMCOTRAP's Executive Director, Dr Isatou Touray. Panelists spoke on the significance of the ban of FGM in the Gambia and the important work done by human rights defenders to bring change. This was supported by a call to religious leaders to come on board, with discussions on the way forward to enact a law to ban FGM, in particular after President Yahya Jammeh's announcement that the government will outlaw the practice.

GAMCOTRAP's decades-long campaign to raise awareness on FGM and the rights of the girl child has culminated in a draft law that is currently being reviewed by the Women's Bureau and the Office of the Vice President of Women's Affairs. It is the hope of GAMCOTRAP that the document will reach the National Assembly soon.

❖ For more information on the work GAMCOTRAP, visit their [website](#).

## Musawah in the News

- ❖ Gambia's Foraya Newspaper [interviews](#) Musawah Advocate and Executive Director of GAMCOTRAP, Dr Isatou Touray, who recalls the rough journey to the pronounced banning of FGM in her country:



*'Our strategy is people-friendly and people-led and it is a conclusion arrived at when they are fully sensitised on the effects of FGM, and they make a conscious decision to stop the practice to protect their families. Even though the President was silent but with informed choices, people continued to drop their knives. This is a change from the communities. We don't force change on them. They know that it is harmful and it is not a religious injunction but misinterpretation of the religion. They were protecting their families.'*

- ❖ The Observatory for the Protection of Human Rights Defenders [reported](#) on the dismissal of charges against Musawah Advocate and co-founder of the Center for Egyptian Women's Legal Assistance (CEWLA), Azza Soliman:

*'While the Observatory welcomes the dismissal of charges against Ms Soliman, it condemns the judicial harassment she has been subjected to for almost two years and recalls its concerns about the abusive Protest Law, which bans gatherings of ten or more people without a permit issued by the authorities, and which has led to numerous cases of harassment and imprisonment of human rights defenders.'*



- ❖ Women's historian and Musawah Advocate, Professor Hatoon Al-Fassi, was recently [interviewed](#) by National Public Radio (NPR), USA, about the recent elections in her country Saudi Arabia, and what it means for women:



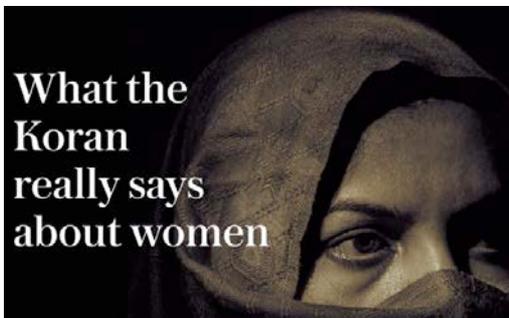
*'I see it as a great success. We need to put everything into the right context. And you're talking about Saudi context, where we were not expecting any woman to win. So having 21 women winning is just beyond our expectations... I believe that these local decisions are very important. Having women could change many discriminatory rules that deal with women's financial status, women's health, women's well-being.'*

- ❖ The New Middle East Blog, a product of “The New Middle East: Emerging Political and Ideological Trends” (NewME), a 5-year research project based at the University of Oslo’s Centre for Islamic and Middle East Studies (CIMS), **discussed** the scholarship and activism of Musawah Advocate Professor Amina Wadud:

*‘In Inside the Gender Jihad as well as in an article in the recent anthology Men in Charge? Rethinking Authority in Muslim Legal Tradition (2015), Wadud advances a new ethical ideal. Her argument is that the fundamental principle of the unity of God must lead the believers to strive for equilibrium and reciprocity in their social relations. In defining these values as the Qur’anic mandatory norms, Wadud argues that the text itself guides the weighting between egalitarian and hierarchal tendencies... the test case for interpretation of the Qur’an from a feminist position is the verse 4:34, traditionally understood to be granting male authority (qiwama) over women... According to Wadud, using this verse as grounds for male authority over women rests on false premises.’*



- ❖ In *What the Koran Really Says About Women* in Telegraph, UK, journalist and writer Carla Power mentions Musawah and **its work** in unpacking male authority in Muslim legal tradition:



*‘Unfortunately, many of the men who deny their wives and daughters basic freedoms hide behind their Korans. A favourite passage for patriarchs is the famous 4:34, the thirty-fourth verse of ‘The Women’, the Koran’s fourth chapter. These six lines must surely rank among the most hotly debated in Muslim scripture. The women’s group Musawah has called them the “DNA of patriarchy” for the Islamic legal tradition. For it is here that many scholars have claimed to find Allah setting out men’s superiority and authority over women, an authority that can be backed up by force.’*

## An Intern Speaks!

**Sanjana Gogna** (New Delhi, India): BA Political Science – Miranda House, University of Delhi

My one-month experience interning with Musawah at Sisters in Islam in Kuala Lumpur was a dynamic experience with a team of fearless, passionate and enthusiastic women. It was impossible not to be influenced by them.



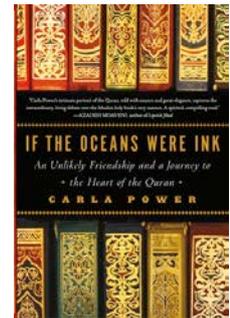
I gained well-rounded knowledge about Sharia Laws and how they are executed in various Muslim contexts. I also received training in conducting research, media monitoring and other skills that will help me in my career as an activist and scholar.

I was also able to connect with my colleagues on a personal level, where we discussed and explored various dimensions of feminism and Islam. I look forward to more future engagements with Musawah and wish the Secretariat a smooth transition to Morocco.

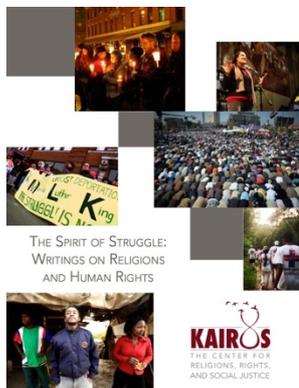
## VI. Resources

- ❖ In *If the Oceans Were Ink*, Carla Power, a journalist who grew up in the American Midwest and the Middle East offers her perspective on the Qur'an's most provocative verses, as she and her long-time friend Sheikh Mohammad Akram Nadwi embark on a year-long journey to understand the Text:

*'I know of no other religion in which women were so central in its formative history.'* – Sheikh Mohammad Akram Nadwi



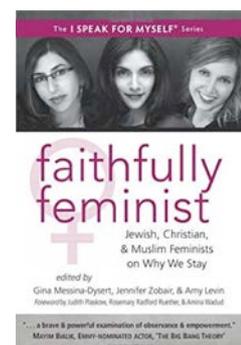
- ❖ The Kairos Center for Religion, Rights and Social Justice at Union Theological Seminary has compiled a collection of writings on the past, present, and possible relationship between human rights and religion:



*'Recognizing that even the term "religions" can be a highly contested and problematic one, the focus of this work and writing is on the 'lived religion' of people fighting for social justice. The goal is to understand more deeply and communicate more widely how those fighting for their values, rights and lives are confronting, adapting and drawing from religious traditions in their work as well as opposing the abuse of religious power.'*

- ❖ *Faithfully Feminist* is a compilation of essays from 45 women across the three religions of Judaism, Christianity and Islam who write about the struggles they face identifying as religious feminists:

*'In a world where women's issues are political issues, women are judged for their positions in relation to their claimed identities. Feminists argue that you cannot be a "true" feminist if you are a practicing Christian, Muslim, or Jew. Likewise, religious practitioners claim that you cannot be a "true" Christian, Muslim, or Jew if you support feminist values. Nevertheless, women who practice these religious traditions and hold feminist values are not uncommon, and the question "why do you stay?" is one that is frequently asked of them.'*



## CONTACT US

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