



# musawah

For Equality in the Family

# Musawah Vision

an update on Musawah issues and activities  
Vision 2: March 2010

## 1. Building Our Movement

### 1. Summary of Musawah Global Meeting proceedings available online – English, French and Arabic

Marking the one year anniversary of the launch of Musawah, we are pleased to present the Summary of Proceedings of the Global Meeting held in Kuala Lumpur in February 2009.

The Global Meeting Summary of Proceedings (electronic copies available for download: **English, Arabic, Français**) provides an overview of the Meeting, including descriptions of each of the plenary and break-out sessions. It is an excellent record of the state of the debate on many issues of deep interest and concern to us as we struggle for an Islam that recognises equality and justice for women.

All participants of the Musawah Global Meeting should also have received a copy of the full report (English only) by e-mail.

### 2. Book the date! The Second Musawah Global Meeting

We are excited to announce the 2nd Musawah Global Meeting which will take place in the second half of October 2012 in Cairo – book your diaries and looking forward to seeing you there!

### **3. Farewell Musawah Planning Committee...Welcome International Advisory Group**

Musawah is pleased to announce the establishment of its new International Advisory Group (IAG) which met for the first time in February 2010 in London. The IAG's advisory role includes shaping Musawah's strategic vision, and contributing to long term planning and public representation of Musawah. The IAG is made up of activists and scholars with diverse areas of experience and skills, and from different regions and age groups. Along with some additional members, it includes some from the former Musawah Planning Committee.

The Committee has now been disbanded having completed its role in planning Musawah's launch and developing its founding Framework. Musawah would like to record its deepest gratitude to the Planning Committee members (see [http://www.musawah.org/who we are.asp](http://www.musawah.org/who_we_are.asp)) for their immense contributions for the two years leading up to a hugely successful Global Meeting.

During the IAG meeting in London, a workplan was developed that will enhance Musawah's key areas of work towards the 2012 Musawah Global Meeting. This includes knowledge-building in the area of qiwamah; international advocacy regarding family law and CEDAW; and a meeting scheduled for mid-2010 with active Musawah Advocates to plan Musawah's Outreach Strategy and strengthen our movement-building work.

The IAG members are:

Amira El-Azhary Sonbol  
Asma'u Joda  
Azza Soliman  
Cassandra Balchin  
Hamidah Marican  
Imrana Jalal  
Isatou Touray  
Kamala Chandrakirana  
Marwa Sharafeldin  
Pinar Ilkkaracan  
Sohail Akbar Warraich  
Zainah Anwar  
Ziba Mir-Hosseini

### **4. Updates from Musawah focal points, Advocates and allies**

- **Southeast, South and Central Asia** Focal point: Alimat (Musawah Indonesia) ([alimat@yahoo.com](mailto:alimat@yahoo.com))

As a movement for justice in the family in Indonesia, ALIMAT focuses from the outset on two important aspects related to law reform, namely the structural and the cultural aspects. This dual focus is needed because of the unique relationship between the state and religion in Indonesia. Islam is not the official religion of state, as for example in Egypt, Iran, Syria, and Jordan. But it is also not completely absent from the state structure, as is the case in secular countries. This means that both cultural and structural developments in Islam have an important impact on both the public and domestic arenas in Indonesia.

In the context of justice for the family in Indonesia, structural developments mean any progress in the legal system which impacts on the shape of Indonesian families, while cultural developments relate to the lifestyles, religious and social discourses, or events that occur in society outside of government intervention.

There have been several important events so far in 2010. In the area of structural developments:

- A Draft of the Substantive Law of the Religious Courts - Marriage Section has been placed on the National Legislative Program (Prolegnas) and will therefore be discussed by Parliament this year. The outcome of this process will certainly affect the family. Some rules contained within the proposed legislation remain discriminatory, such as the legalization of polygamy; standardization of the husband's position as head of the family; the lack of criminal penalties for husbands who abandon their family and fail to provide maintenance; and the need for the wife to obtain the husband's permission for *khula'* (divorce initiated by the wife). Women's groups in Indonesia seek to substitute this draft bill with amendments to the 1974 Marriage Act. They regard this as more strategic because it would be an umbrella law for all families in Indonesia, whereas the Substantive Law only addresses Muslim families.
- The Constitutional Court is hearing a test case on Law No. 1, 1965 about the abuse and / or desecration of Religion. The results of this hearing will affect the development of religious fundamentalism in Indonesia which will in turn affect the shape of the Muslim family in the country. The stronger religious fundamentalism grows, the more difficult it will be to embody justice in the Muslim family.

And in the area of cultural developments:

- A meeting of Islamic religious scholars called for the urgent formalization of Shari'ah in Makassar. This forum showed that the wave of Shari'ah formalization is still continuing even though formalization has been shown to cause discrimination against women.

- In March 2010, NU (Nahdlatul Ulama, one of the country's largest Muslim organizations) will hold its Mu'tamar (mass meeting held every five years). The event will include a Religious Discussion (Bahsul Masail) on certain social problems, including two topics related to marriage: the minimum age of marriage and the validity of Sigat Ta'liq (statement of automatic divorce). One day before the Bahsul Masail, Fatayat NU (the women's wing of the NU) will conduct an Expert Discussion on these two topics along with the topic of female circumcision in order to ensure religious leaders have a just perspective on gender.
- **The Horn of Africa** Focal point: Musawah Sudan [mahaelzein@yahoo.com](mailto:mahaelzein@yahoo.com), [manalabdel@gmail.com](mailto:manalabdel@gmail.com)

### **Paving the Road for Gender Justice in Sudan**

Continuing its 12 months advocacy campaign to amend the "age of marriage" article in the Sudanese personal law, Sudanese Organization for Research & Development (SORD) seeks to facilitate and promote a country-wide rights based movement to counteract discrimination and women's inequality in Sudan, through adopting a progressive version of a personal status law for Muslims in Sudan.

Activities of the project include research, consultation, drafting of a new law, documentation and advocacy and lobbying.

- SORD activists are working on a new comprehensive Alternative Personal Law for Muslims. It aims to articulate and formulate a new law which reflects the principles of justice and equality that women throughout Sudan have campaigned towards for many years. As with the trend in many Muslim countries, activists today prefer to work on comprehensive reform of Muslim family law recognising equality and justice, rather than ad-hoc campaigns against certain discriminatory provisions of the existing law. The alternative law recognises that Islamic Shari'ah law has been applied and practised over the years in Sudan. It will, however, seek to introduce and use the most progressive and forward looking Muslim jurors and thinkers who understood that Shari'ah evolves and is not a rigid concept, and that justice and equality should not be compromised in the name of religion.
- SORD is also conducting an action-research to demonstrate the impact of the current law on women, and to what extent this law is violating women rights and dignity. The research targets women, lawyers, judges, psychiatrists, social workers and the police. This phase of the project also includes documentation of experiences and stories of women suffering due to the current Act.

- **Arab region (Middle East and North Africa)** Focal Point: Center for Egyptian Women's Legal Assistance (CEWLA) ([info@cewlacenter.org](mailto:info@cewlacenter.org); [www.cewla.org](http://www.cewla.org) )

CEWLA presented its CEDAW shadow report on family law issues and violence against women at the January 2010 CEDAW session when Egypt was reporting to CEDAW. The shadow report incorporated Musawah's language and principles as outlined in the Musawah Framework for Action. CEWLA also organized a meeting with Egyptian NGOs that are part of the CEDAW coalition and the Musawah secretariat prior to the CEDAW session.

In cooperation with a number of NGOs, CEWLA has also drafted the shadow Universal Periodic Review (UPR) report around violence against women, family law and children's rights. The report was discussed in front of the UN Human Rights Council in its 2010 session.

CEWLA also continued its work towards a draft family law for Muslims and Christians. This will be a unified law for both communities, which will make it easier to ensure all Egyptian women have similar rights, although the law would continue to recognize some differences in Christian and Muslim family law.

The latest developments include:

- Building a national campaign of 18 NGOs covering Cairo and other governorates in support of the campaign to change the family law.
- Establishing a coalition of 30 lawyers and media field workers as coordinators for the campaign, with plans for 42 national meetings to promote the draft family law.
- Building a group of 40 clerics who are aware of international conventions that support the work of CEWLA
- Raising the awareness through seminars and roundtables of over 400 lawyers, city council members and media field workers of the rights impacts of the current family law.
- Sending an open letter signed by 30 women's NGOs demanding the creation of a UN Special Rapporteur on discriminatory laws against women to the Secretary General of the Arab League and the Minister of Foreign Affairs.
- Sending an official letter drafted by CEWLA and signed by 70 women's NGOs urging the President and the First Lady to include NGOs engaged in law reform, specifically family law reform, in current discussions around potential changes in the law.

## **Studies and researches:**

Finalizing the reference manual which includes the most significant changes proposed in the family law draft. This was done through the Networking for women's rights organizations (NWRO) project.

A study is currently underway around the issues facing couples in a mixed (different nationalities) marriage and it's problematic. The goals of the study include monitoring trends in the number of mixed marriages as well as identifying the problems the couple may face at the time of marriage and in the event of dissolution. The study will also look at relevant national legislation and fiqh arguments and prepare a legislative proposal that could help remedy the problems facing couples in mixed marriages.

## **Updates from Musawah Advocates:**

### **United Kingdom**

The Muslim Women's Network-UK reports on Muslim marriage contracts and negotiating equality in the family.

In 2008 the Muslim Women's Network-UK contributed to the development of a model Muslim marriage contract in collaboration with Dr Ghayasuddin Siddiqui of the Muslim Institute and scholar Mufti Barkatullah. Since then, the contract has been downloaded more than 17,000 times from an online site

( <http://www.muslimparliament.org.uk/Documentation/Muslim%20Marriage%20Contract.pdf> ) - or nearly 50 copies a day.

The new contract is designed to guarantee greater harmony within Muslim marriages in Britain. It emphasises the Qur'anic vision of marriage as a relationship of mutual love, mercy and kindness. It does not require a wali; provides equal rights and responsibilities for the spouses; bans polygamy; makes divorce easily available to women through talaq-i-tafweez (delegated divorce), and is gender neutral as regards witnesses.

Dr Siddiqui, who like the MWNUK also took part in the launch of Musawah at the 2009 Global Meeting, has been interviewed in a recent article about the Global Meeting's session on marriage contracts, "Negotiating Bliss" ( <http://www.opendemocracy.net/5050/cassandra-balchin/negotiating-bliss> ).

Talking about the British model contract he says, “There has been great interest. It has been one of the most discussed documents in the Muslim community which shows the need to do something along these lines.”

In order to build further support for the approach taken in the model contract, a separate website for the contract will be launched within the next months. Already under development, the website will contain supporting arguments based on classical Muslim thinking and fiqh, and examples from progressive family laws in diverse Muslim contexts. Real-life stories will highlight the need for written and fair marriage contracts. The site will also carry a section promoting registration of marriages through the civil process in Britain in order to ensure that wives in Muslim marriages have the same rights as other married women.

## **Mauritania**

In a consultation meeting held by the Mauritanian Government in cooperation with the Permanent UN Mission at Mauritania entitled: Shortcomings in the Judiciary, Sarah Sadegh presented on the changes proposed to the current family law. This presentation generated the most discussion at the event and was allocated the most time as it based its arguments on the two main sources of Muslim legislation namely the Qur'an and the Sunnah.

Decision makers, legislators and academics who attended the consultation were impressed with the presentation because, as they said, the arguments usually presented by women's groups are generally perceived as ‘imported from the West’ and ‘incompatible’ with Muslim societies and culture. The positive response to the presentation led most of the proposed reforms to be approved. However, it is unclear when the new law will be released. The presentation provided arguments for reform towards adopting a more egalitarian language for the nature of marriage, polygamy, equal access to divorce, custody and shared property.

It was presented by Sarah Sadegh, a Musawah Advocate who is active with Association Femmes Chefs de Famille (AFCF). She was chosen as the most active women by Mauritania’s National Human Rights and Civil Society Commission.

To obtain a copy of the presentation in Arabic please contact the secretariat at [musawah@musawah.org](mailto:musawah@musawah.org)

## **New Zealand**

Islam was first brought to New Zealand in 1874 by Chinese gold miners. Since that time there have been multiple migrations of Muslim peoples from all corners of the world. Today, the Muslim community in New Zealand numbers approximately 40,000 people from more than forty ethnically diverse backgrounds. This includes second and third generation NZ-born Muslims.

On 13 March 2010, the Umma Trust in Auckland organised a workshop for women with the theme: Finding Strength from Within: Women working towards peace building and community development. Twenty women from Afghanistan, India, Fiji, South Africa and a New Zealand-born Indian attended the workshop. The workshop covered a range of topics including the challenges of migration to a new country, women and leadership, women and human rights, policy development, identity issues, family violence, the role of women in interfaith activities, female genital mutilation, health and mental health issues. Inspirational stories of courage, determination and the resilience of women pre and post migration were also shared.

A session was also held on Musawah, presenting the Framework for Action; website details; and the opening and closing video of the Musawah Global Meeting held in Kuala Lumpur, Malaysia, February 2009. The presentation also covered 'Understanding Islam from a rights perspective', the short course attended in August, 2009. The presentation was well received by participants and generated interesting discussions and positive feedback on the opening video. For the non-Muslim professional women attending who represented NZ Law Enforcement services, Mental Health Services, Health Promotion and the social services sector, the Musawah opening video served as a professional development tool which facilitated a better understanding of the diversity of Muslim women across the globe and their rights as Muslim women.

A similar presentation was made in August 2009, at the annual Human Rights Diversity Forum held in Wellington. The workshop was attended by 25 men and women of diverse professional, ethnic and religious backgrounds. The Chief Human Rights Commissioner for New Zealand; the Chief Conciliation and Chief Executive Office of the Victoria Equal Opportunities and Human Rights Commission, Australia; and the Chief Executive Officer of the Federation of Islamic Association of New Zealand attended the workshop.

In New Zealand, Musawah is continuing to be a popular professional development resource for central and local government agencies; non government organisations; and community groups. National and local government and NGO agencies are using the Musawah Framework to ensure

that services for Muslim communities in New Zealand are appropriate and in particular address the unmet needs of Muslim women.

## **II. International Advocacy**

### **International advocacy – Engagement with the CEDAW Committee and Office of the High Commissioner for Human Rights (OHCHR)**

A key Musawah objective is to create a public international voice of Muslim women demanding equality and justice in the Muslim family, and to advocate for this through the UN system, in particular the CEDAW process.

In January, Musawah Director Zainah Anwar spent a week in Geneva to introduce Musawah and its Framework for Action to advance the movement's international advocacy work in meetings with CEDAW committee members and senior officials of the Office of the High Commissioner for Human Rights.

There was overwhelmingly positive response from the experts and officials who felt that the Musawah approach could enable them to engage in a more constructive dialogue with governments that use Islam and Shari'ah to maintain reservations to CEDAW and to resist demands for change in laws and practices that discriminate against women.

Musawah noticed that already the space for positive change is evident, with terms such as *ijtihad*, *maslaha*, the diversity of *fiqh* beginning to be used by CEDAW committee members in their engagement with governments reporting at the CEDAW session.

Musawah plans to organise seminars in Geneva to familiarise UN officials and experts with the Islamic scholarship in the Musawah framework that is grounded in human rights principles, constitutional guarantees of equality and women's lived realities.

Musawah also plans to conduct comprehensive research on the language of reservations on CEDAW, on Article 16 in particular, and how best the Musawah Framework could be used to offer governments justifications and arguments on the possibility and necessity for equality in the family including Muslim families. This research paper will be submitted to the CEDAW Committee and OHCHR.

In collaboration with local NGOs, Musawah will also submit thematic reports on

Article 16 when relevant countries (Muslim majority as well as with minority Muslim communities) report to the CEDAW committee. Musawah hopes to work with NGOs engaged in writing shadow reports to analyse government language and justifications that use Islam and Shari'ah to maintain their reservations. Musawah will offer the CEDAW committee and NGOs alternative information, language and analysis that will contribute to constructive engagement with reporting governments and pushing each towards taking action to ensure equality and the lifting of reservations.