



musawah

For Equality in the Family

Musawah Vision

an update on Musawah issues and activities

Vision 3: July 2010

I. Trends in Family Law

1. Muslim family laws: progress, regress, and stagnation

Bahrain: 'A campaign to increase awareness about the newly passed Family Law is being drawn up, it has emerged. Minister of State for Foreign Affairs Dr Nazar Al Baharna said the Universal Periodic Review (UPR) Steering Committee, consisting of government officials and non-government organisations, was working with the Supreme Council for Women (SCW) to inform people about the law and its privileges.'

For the full article go to:

<http://www.gulf-daily-news.com/NewsDetails.aspx?srch=1&storyid=272507>

'Efforts by women's rights activists to create a comprehensive Family Law continue to be thwarted in what has become a 28-year battle for justice. A Family Law for Sunni women was approved by the Shura council and parliament last May, but a similar version for Shi'ite women was shelved based on opposition from religious leaders. Bahrain Women's Union and other societies have visited several religious and political leaders to try to get the second part of the law approved.'

For the full article go to:

<http://www.gulf-daily-news.com/NewsDetails.aspx?srch=1&storyid=278058>

Also read an interview (in Arabic) with Mariam Al Rowaiei on this topic:

<http://www.womengateway.com/arwg/interviews/artcl.htm>

Jordan: 'Women activists criticised a new version of the personal status draft law prepared by the Chief Islamic Justice Department (CIJD), describing it as a step backward for women in Jordan. The draft personal status law for 2010 included new clauses and amendments to the current law that was drafted in 1976, which the department said were in favour of women. But activists said despite some positive amendments, the new law maintains Shar'iah judges' authority to allow the marriages of girls between the ages of 15 and 18 and scraps the khuloe law that was passed as a temporary law in December 2001.'

For the full article go to:

<http://www.jordantimes.com/?news=25889>

Mali: ‘Malians do a good line in combining fashion and public relations for the causes they care about. Fatoumata and Moussa didn’t just decide to get married under Mali’s new family code, they got married in it – literally.’

For the full article go to:

<http://www.opendemocracy.net/5050/cassandra-balchin/wedding-dress-with-attitude>

Saudi Arabia: Human Rights activists are calling for and highlighting the need for a codified personal status law that regulates judges’ jurisprudence in issues of marital disputes, divorce, custody, alimony and other family-related cases. The need for the law arises from concern over arbitrary rulings and open interpretations made by judges in family law as well as the need to preserve women’s rights in Islam.

For the full article (in Arabic) go to:

<http://www.alriyadh.com/2010/06/18/article535973.html>

English version machine-translated by Google Translate:

<http://translate.google.com/translate?js=y&prev=t&hl=en&ie=UTF-8&layout=1&eof=1&u=http://www.alriyadh.com/2010/06/18/article535973.html&sl=ar&tl=en>

West Africa: ‘Reforming Family Law key to Rights in West Africa.’ Two of the hosted research partners at the Danish Institute for Human Rights this year are Isabelle Akouhaba Anani from Benin and Bachir Talfi Idrissa from Niger. In this interview, they speak about the importance of reforming family law in West Africa.’

For the full article go to:

<http://www.humanrights.dk/news/reforming+family+law+key+to+rights+in+west+africa>

2. Child marriages continue despite efforts to set minimum marriage age at 18

Malaysia: ‘Two months ago, there was public outcry over the marriage of two little girls, aged 10 and 11 to much older men in Kelantan. It was two too many. But now the 2009 data on premarital HIV screening, mandatory for all Malay Muslim couples wanting to get married, show that this problem is more prevalent than expected. Data in the 2010 progress report to the United Nations on HIV in Malaysia prepared by the Ministry of Health reveals shocking statistics on the number of Muslim girls under the age of 14 who have undergone premarital HIV screening in order to get married.’

For the full article go to:

http://www.sistersinislam.org.my/index.php?option=com_content&task=view&id=996&Itemid=1

Nigeria: ‘A Nigerian senator accused of marrying a 13-year-old Egyptian girl says he has done nothing wrong. Ahmad Sani Yerima, 49, told the BBC that his fourth wife was not 13, but would not say how old she was.’

For the full article go to:

<http://news.bbc.co.uk/2/hi/africa/8651043.stm>

Musawah Advocate Maryam Uwais writes, ‘Senator Ahmed Yerima’s recent marriage to a child is unlawful, inexcusable and unjustifiable, and his defiance whips up self serving sentiments and beclouds issues, making the Shari’a easily misunderstood.’

For the full article go to:

<http://allafrica.com/stories/201005040414.html>

Saudi Arabia: 'Saudi Arabia's state human rights body has hired a lawyer to review the case of a girl whose mother sought her divorce from an 80-year-old man, a move activists hope is a first step against child marriage.'

For the full article go to:

<http://www.reuters.com/article/idUSTRE6173TQ20100208>

Yemen: 'Some of Yemen's most influential Islamic leaders, including one the U.S. says mentored Osama bin Laden, have declared supporters of a ban on child brides to be apostates. The religious decree deeply imperils efforts to salvage legislation that would make it illegal for those under the age of 17 to marry.'

For the full article go to:

<http://www.thestar.com/news/world/article/783526--islamic-clerics-in-yemen-oppose-child-bride-ban>

3. Other family and family laws – related news and opinions

Afghanistan: 'The bliss of an egalitarian and just relationship between spouses cannot be achieved through a sheet of paper. But Cassandra Balchin writes that in Muslim contexts efforts to take a fresh look at marriage contracts are certainly a step towards this goal.'

For the full article go to:

<http://www.opendemocracy.net/5050/cassandra-balchin/negotiating-bliss>

Malaysia: 'Women's groups have applauded the recent appointment of two female judges to Islamic courts in Malaysia, but its significance is not yet clear: The new judges will have to wait a month before finding out whether they will be prevented from hearing certain cases.'

For the full article go to:

http://www.nytimes.com/2010/07/15/world/asia/15iht-malay.html?_r=1

Progressive male Muslim preachers: oxymoron or reality?

'Feminist concern about the violation of women's rights by male clerics in Muslim countries is slowly producing a response from some states. At the same time, rights activists are increasingly reporting examples of clerics who are standing up for women's rights. This isn't about the progressive male and female scholars that are increasingly visible in the Muslim world, nor about the occasional female imam; it's about male preachers on the streets and in the villages.'

For the full article go to:

<http://www.opendemocracy.net/5050/cassandra-balchin/progressive-male-muslim-preachersoxymoron-or-reality>

II. Building Our Knowledge

1. *Qiwamah* research

The Musawah research project on *Qiwamah* (men's 'authority' over women) is now moving into its 2nd phase. We will soon commission 10 research papers to address three key research questions:

- *Qiwamah* and *wilayah* as theological postulates (presumed truths in the religion) in Islamic legal tradition
- *Qiwamah* and *wilayah* as legal postulates (presumed truths in the law) in pre-modern and modern family laws
- *Qiwamah* as a legal fiction in marriage, as experienced and lived by the vast majority of Muslims

These papers will be presented at a larger meeting with women's rights activists, scholars, traditional ulama, and other stakeholders in 2011. Besides the substantive discussion on how the research findings help develop an egalitarian notion of *qiwamah* and *wilayah*, the meeting will also decide on how the scholarship can be repackaged and used as tools for public education and advocacy to better meet the needs of activists working on the ground.

The Musawah research team will discuss this project with Advocates and Focal Points at the Outreach meeting in August to shape their inputs and involvement.

2. Musawah Key Messages

The Musawah Communications team, in collaboration with the International Advisory Group and the Communications Advisory Group has finalised Musawah's key messages. They are now working on translating them into languages such as Arabic, French and Bahasa Malaysia.

We hope the Key Messages will allow all Musawah Advocates to convey to their own networks and contacts what Musawah is about (as a movement and in terms of its concepts) in a way that is brief, clear, accessible, attractive and inclusive.

Here they are in English:

- Musawah is a global movement of women and men who believe that equality and justice in the Muslim family are necessary and possible. In the 21st century there cannot be justice without equality; the time for equality and justice is now!
- Equality in the family is the foundation for equality in society. Families in all their diverse forms are central to our lives, and should be a safe and happy space, equally empowering for all.
- Musawah builds on decades of effort to promote and protect equality and justice in the family and in society.
- Musawah is led by Muslim women who seek to publicly reclaim Islam's spirit of justice for all.
- Musawah acts together with individuals and groups to grow the movement, build knowledge and advocate for change on multiple levels.

- Musawah uses a holistic framework that integrates Islamic teachings, universal human rights, national constitutional guarantees of equality and the lived realities of women and men.
- Musawah was launched in February 2009 at a Global Meeting in Kuala Lumpur, Malaysia, attended by over 250 women and men from 47 countries of Africa, Asia, Europe, the Middle East, North America and the Pacific. For details see www.musawah.org.

3. Resources

- The **French version** of *Wanted: Equality and Justice in the Muslim Family* will be available in August. Look for it on our website at http://www.musawah.org/background_papers.asp. *Wanted* is an edited volume of theoretical papers that provide support for Musawah's declaration that equality is necessary and possible in Muslim families today along with the Musawah Framework for Action. To order printed copies, please contact Musawah at info@musawah.org.
- **A new article:** 'From Transitory Status to Perpetual Sententiae: Rethinking Polygamy in Islamic Traditions' by Ahmed E. Souaiaia in *Hawwa*, Volume 2, Number 3, 2004, pp. 290-300(11).

Abstract

'Polygamy and inequity in inheritance rights are two fundamental concerns that continue to challenge the logic and practice concerning the way women are treated in Islamic society. These two subjects remain beyond the scope of critical analysis due in part to the explicit legal proof (*dalil*) that is found in the Qur'an. How explicit are such legal proofs in general and is there any scope for an alternative interpretation? How explicit are such legal proofs in general and is there any scope for an alternative interpretation? The consensus that emerged on these two matters would suggest that there is none. However, in this paper, I would argue that the perceived consensus is guided and dictated by the fact that during the formative period of Islamic law, interpretive and normative disciplines were dominated by men; hence, the male bias. It can be argued, based on historical and linguistic evidence, that there is a very plausible alternative understanding that is radically different from any of those proposed by traditionalists.'

The full article can be purchased on the publisher's site:

<http://www.ingentaconnect.com/content/brill/haw/2004/00000002/00000003/art00002>

- **A new journal:** *Contestations*

This online peer-reviewed journal – dedicated to creating a forum for discussion and debate about women's empowerment and gender justice – discussed 'Islam and Feminism' in the first issue. In this issue, Musawah's International Advisory Group member Ziba Mir-Hosseini argues that the relationship between Islam and feminism has transformed into a dialogue that carries a great potential for Muslim women.

Read Ziba's and other articles in this journal at:

<http://contestations.hostedbymedium.com/>

- **A new book:** *Paradise Beneath Her Feet* by Isobel Coleman

'One of the most contentious issues within Islam today is the role of women in society. Conservatives endorse a narrow reading of Islamic texts to justify restrictions on women's mobility, legal rights and access to the public sphere, including health care, education and the workplace. Extremists among them use violence to impose their views. Moderate Muslims, on the other hand, find plenty within the Qur'an to support a full role and equal rights for women.'

For the full article go to:

http://newsweek.washingtonpost.com/onfaith/guestvoices/2010/05/feminism_in_the_muslim_world.html

- **A guide:** *Islam and Human Rights* by Abdullahi An-Na'im and Mashood A. Baderin.

This guide is a collection of articles by the two authors put together thematically to serve as a reference. In part III of the book titled 'Some Topical Issues in Islam and Human Rights Discourse,' the authors discuss 'The rights of women and international law in the Muslim context.'

For more information please click on:

http://www.researchandmarkets.com/product/a77044/islam_and_human_rights

III. Building Our Movement

1. Musawah Events

- In February 2010, Musawah's **International Advisory Group** (IAG) met in the United Kingdom to discuss progress and future directions. IAG members developed work plans that are being implemented. Moreover, a new member has joined the IAG: Djingarey Maiga from Mali.
- **Outreach Strategy meeting:** The Musawah Secretariat in cooperation with Alimat-Indonesia, Focal Point for Southeast Asia, is organising two meetings in Yogyakarta in August 2010 to build and shape the Musawah Movement. The Outreach Strategy meeting will bring together Musawah Focal Points and Advocates to lay out Musawah's Outreach Strategy and discuss Musawah's structure and internal communication amongst Musawah Focal Points, Advocates and the Secretariat. The meeting will be followed by an Asia Strategy meeting which will look at building and coordinating the Musawah Movement in Asia.

2. Musawah Outreach

- **The Young Arab Feminist Network launched in Cairo**

Twenty participants from seven Arab countries went to Cairo in April to launch the first Young Arab Feminist Network (YAFN). This initiative, created to provide a critical and progressive space for young Arab feminists, aims at challenging the women's rights movement to become less elitist and more inclusive. It also aims to provide capacity building in gender justice organising and activism as well as create a new feminist discourse in the region.

During the four-day meeting, participants developed the network's vision, goals, structure and activities. Network members discussed issues as diverse as disability, Muslim feminism, sexuality, VAW, Arab women's movement's support

for the Boycott, Divestment and Sanctions (BDS campaign) against Israel, and discrimination against women in family laws.

The meeting included a session on Musawah and a presentation on Muslim Feminism by Fatma Emam. The Musawah opening video initiated discussions about the importance of making gender-just, progressive theological arguments accessible to youth. The sharing of this knowledge may provide pathways to women's empowerment and reclaiming women's voices in producing knowledge on Muslim jurisprudence.

Moreover, participants appreciated learning about past and present reform efforts by Muslim women and men who work to reclaim Islam's spirit of justice. Participants reported feeling inspired to learn more and engage with the Musawah Movement. To learn more about the YAFN network visit www.yafn.org.

3. Updates from Musawah Focal Points

The Arab (MENA) Region

The Centre for Egyptian Women's Legal Assistance (CEWLA) held 32 outreach events within the past four months. The events included public meetings with over 1,475 civil society activists, organisational staff and local officials to discuss the efforts to reform the current Egyptian personal status law. To date, CEWLA has trained over 70 religious leaders on issues with the current personal status law, proposed changes in the draft law, and the need to allow *ijtihad* (independent reasoning) in order to develop a more just law that reflects people's lived realities in the contemporary Egyptian society. Trained religious leaders have committed to addressing the topic family law reform in their Friday sermons.

CEWLA also held closed meetings with the Deputy Minister of Awqaf (Religious Affairs) and the National Council for Women. In these meetings, Musawah's International Advisory Group member and coordinator of the focal point for the Arab (MENA) region, Azza Soleiman, introduced Musawah, its goals and activities and found interest and willingness to engage from both sides. In her meeting with the Deputy Minister of Awqaf and religious leaders, Ms. Soleiman stressed the need to develop a new religious discourse on women that views them more positively and the importance of opening dialogue between religious leaders and the public.

CEWLA held other meetings, workshops and conferences on family law related topics including proposing a unified family law for all three Christian sects in Egypt, controlling polygamy, dividing common wealth between spouses upon divorce, and devising a media plan to promote the draft personal status law.

Ms. Soleiman also travelled to Bahrain to meet with Mariam Al Rowaie, president of Bahrain Women's Union, Musawah's focal point in the Gulf region, to discuss collaborative efforts and strategies to widen public support for Musawah in both regions. They held a public meeting with Bahrain NGOs to introduce Musawah and BWU as its focal point in the Gulf. They also held a closed meeting about future directions including a potential meeting to bring Sunni and *Shi'ah* sects together to discuss their family law needs and how to work with Musawah.

The Horn of Africa

The Sudanese Organisation for Research and Development (SORO), in collaboration with its partners in Sudan, initiated a project called 'Paving the Road for Gender

Justice in Sudan, An Alternative Sudanese Personal Status Law.' The project focuses on two main activities during 2010:

1. **Drafting an alternative personal status law.** They held the second consultation meeting on 2 June 2010, where they discussed the first draft of the proposed law. The meeting brought together around 39 enthusiastic participants selected on the basis of high academic and professional levels of expertise and contribution on the issue. While some insisted that *Shari'ah* should be the only source of legislation in personal status laws, others supported the proposed law's non-discriminatory approach based on human rights to guarantee equality for all Sudanese families and to be consistent with Sudanese society's multi-religious and multi-cultural composition. Specific useful comments, suggestions and views were made regarding particular issues such as the definition of marriage, polygamy, *'idda*, custody, parenting disputes, divorce and other relevant issues. Recommendations stressed the need to include non-Muslim groups in a separate round of consultation and to reach out to different regions of Sudan, especially where traditional and customary family laws prevail.

2. **A research to document the impact of the current 1991 Act on women/family life:** The research is in its final phase and will be publicised soon. It focuses on the impact of the current law and its application and the challenges facing women in accessing justice.

Visit SORD's website for the latest updates on this and other projects: <http://www.sord-sd.org>.

Muslim Minorities in the North

The Canadian Council of Muslim Women (CCMW) has continued its advocacy by further development of documents regarding family laws. CCMW has responded to the need expressed by some Canadian Muslim women who wish to establish their marriage on a just and equal basis, combining rights guaranteed by Islam and the Canadian legal system. A sample marriage contract has been developed which allows women to use a marriage contract in keeping with Muslim and Canadian family laws. The kit (available online in English and French at [http://www.ccmw.com/activities/act_Muslim Marraige Contract Kit.html](http://www.ccmw.com/activities/act_Muslim_Marraige_Contract_Kit.html)) consists of three elements: marriage certificate, sample marriage contract, and booklet. CCMW conducts training workshops on using the kit.

CCMW works extensively with Canadian Muslim youth in the areas of identity, empowerment, civic engagement, leadership skills, social activism and creative expression. To learn more about CCMW's youth programs and other areas of work, visit their website at <http://www.ccmw.com>.

CCMW responds to other issues that have emerged that affect women and their families. For example, due to a polygamous Mormon community in the West Coast, federal and provincial governments are exploring legal venues to charge men who practice polygamy. Polygamy is against the law in Canada, but there is concern that under the Charter of Rights and Freedom, some religious communities may challenge the prohibition on grounds of religious rights. CCMW was invited to submit an affidavit about the practice amongst Muslims in Canada where CCMW shared anecdotal information that polygamy exists and that some imams perform second marriages while knowing that it is illegal. Forced marriage is another issue that has been on the table for a while. CCMW as a partner in a coalition conducted research and held a conference about forced marriages, but policy and legal actions are yet to be seen.

IV. International Advocacy

Continuing with Musawah's objective to amplify a public international voice of Muslim women demanding equality and justice in the Muslim family, Musawah is planning to engage with the CEDAW Committee and NGOs submitting alternative shadow reports as part of the CEDAW review process.

Musawah is now conducting research on CEDAW, particularly Articles 2, 5 and 16, and Equality in Marriage and Family Relations, analysing how governments use Islam and *Shari'ah* to maintain reservations and justify their resistance to demands for reform of discriminatory family laws or full implementation of rights given to women under national laws. The research will also examine how the CEDAW Committee and NGOs in their shadow reports respond to State party positions and will provide alternative approaches based on the Musawah Framework for a more constructive engagement with governments and their obligations under CEDAW.

In October, we will hold two closed seminars and a public forum in Geneva on the Musawah Framework and the possibilities for reform to reconcile Islam and women's rights, with CEDAW Committee members, other treaty body experts, officials from the Office of the High Commissioner for Human Rights, and the larger human rights community in Geneva. Our research findings will also be presented to the CEDAW Committee.

Contact Us

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