



# musawah

For Equality in the Family

## Vision

an update on Musawah issues and activities

Vision 4: October 2010

### I. Trends in Family Law

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

**Afghanistan:** ‘Shari‘a is a product of an approach to evidence as opposed to an immutable set of laws. Possessing a significant degree of flexibility, it evolves to fit the changing needs and expectations of a given society. This fact is particularly important when considering the most controversial element of the Afghan personal status law, namely the marriage contract clause which (a) rejects the possibility of marital rape and (b) restricts a wife’s freedom of movement. While these provisions were almost universally articulated by Muslim jurists throughout the centuries, they are not mentioned in the text of the Qur’an and are therefore open to a degree of reinterpretation. [...] While repealing the problematic clauses is useful to the extent that it denies official sanction to the disempowerment of women, it does not address the underlying social dynamic.’

For the full article go to:

<http://blogs.alternet.org/speakeasy/2010/08/06/sharia-and-womens-rights-in-afghanistan/>

**Bahrain:** ‘Bahraini women are losing battles in court due to a lack of awareness of their rights, according to a leading social worker. Their ignorance about Sharia law often allows cases to be ruled in favour of their husbands, said Bahrain Women Union (BWU) family counsellor Hanan Abdulla. "This leads them to lose their cases, even though they could have easily won if they were more aware of their rights."’

For the full article go to:

<http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=282960>

**Iran:** ‘The legislature opted to shelve a controversial set of proposals that activists said would have further restricted women's rights. According to a report by the Iranian Labor News Agency, Iran's parliament has decided to send three articles of the family law bill back into committee for additional study.’

For the full article go to:

<http://latimesblogs.latimes.com/babylonbeyond/2010/08/iran-lawmakers-shelve-proposed-legal-amendments-said-to-restrict-womens-rights.html>

**Jordan:** ‘Women’s rights activists have expressed disappointment over the recent passage of an amended Personal Status Law (PSL), saying that despite some positive changes, the new temporary law ignores their key demands. “I believe the law should have included progressive notions that are compatible with the needs and interests of Jordanian families, women and children,” said activist Reem Abu Hassan. After waiting for 34 years for this law to change, Abu Hassan told The Jordan Times, “we see that the concepts introduced in the 2001 amendments to the PSL had a positive impact on women and children”. Logically, she added, the 2010 PSL should have built on this progress, but it failed to do so in many important respects. The new law, which updates legislation that was issued in 1976, consists of 327 articles, 141 of which are new. Joint marital property is one example of an important issue not addressed in the new law, said Abu Hassan, who is the president of the Society for Protecting Family Violence Victims.’

For the full article go to:

<http://jordantimes.com/index.php?news=30686>

**Mali:** ‘The controversial family law returns to Mali’s parliament...for review.... The bill has been altered, including the reintroduction of religious marriage, and a change to the articles that had previously given women greater inheritance rights. The bill also changes the original text that deals with the recognition of an illegitimate child.’

For the full article go to:

[www.english.rfi.fr/africa/20101006-malis-parliament-continues-family-law-debate](http://www.english.rfi.fr/africa/20101006-malis-parliament-continues-family-law-debate)

The Guardian reports that in Mali ‘Even educated women have only a limited view of the possibility of extended human rights and opportunities.’

<http://www.guardian.co.uk/world/2010/sep/07/mali-women-human-rights-islam>

Also, Al Jazeera’s Witness programme goes to Mali and interviews women from various areas of the country and from different backgrounds in an attempt to understand their attitudes towards the new Family Code.

<http://english.aljazeera.net/programmes/witness/2010/09/201095141841631119.html>

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

**Sudan:** ‘Marriage in northern Sudan is governed by a Sharia-based law introduced in 1991 by the Islamist regime of President Omar Al Bashir. It says that marriage is legal from the age of *tamyeez*. Often mis-translated into English as puberty, *tamyeez* refers to the ability to differentiate between

options, to distinguish between good and bad. According to the law, *tamyeez* is ten years old.

Although, on its face, the marriage law does not discriminate between sexes, girls are primarily affected. Because the traditional dowry system brings a bride's family wealth, girls are often married off as soon as soon as husbands are found. A 2006 Sudanese government survey found that 12.4 percent of girls had been married before the age of 15.

In only the fourth grade, Amira suddenly found herself one of these girls, and tragedy quickly unfolded.'

For the full article go to:

<http://www.tnr.com/article/world/78104/child-bride-in-sudan?page=0,0>

### 3. Other family and family law-related news and opinions

**Jordan:** Robert Fisk reports to the Independent about the Jordanian Women's Union's shelter for women victims of abuse and unfair family laws. 'It is a small villa in a shady street, with a sunny courtyard and trees, and a kitchen tucked away at the end of an alleyway, and there are cheerful women in scarves to explain Jordanian laws on marriage and divorce to girls who come to them, frightened, desperate, in fear of their lives.'

For the full article go to:

<http://www.independent.co.uk/opinion/commentators/fisk/robert-fisk-a-place-of-refuge-from-fear-and-guilt-2075213.html>

**Malaysia:** 'The government has talked about reforming the court system for some time, and though the appointment of women to the Syariah Courts was made only last month, the actual decision to appoint female judges was made in 2006. Though these two judges practice in the federal-level Syariah Courts, this is an important move as their appointments set an example for Syariah Courts to follow at the state-level.'

For the full article go to:

<http://www.commongroundnews.org/article.php?id=28311>

'Sitting in judgement is something only men can do—or at least that is how legal systems in several Muslim countries have worked until recent legal and social changes. The pace of this change seems to be gathering, such that countries which had previously completely excluded women from an active role in the legal process are now opening their doors, albeit slowly, to women as lawyers and judges.... The question is, though, how far is having women judges and lawyers a sufficient guarantee of access to justice for women, especially in family law cases?'

For the full article go to:

<http://www.opendemocracy.net/5050/cassandra-balchin/sitting-in-judgement-for-men-only>

## II. Building Our Knowledge

### 1. *Qiwamah* Research

The Musawah research team discussed the project on *Qiwamah* (men's 'authority' over women) with Advocates and Focal Points at the Outreach Strategy meeting in August. The research proposal has been finalised and will be submitted to potential funders soon. Musawah Focal Points and Advocates will help research and draft parts of the project's findings, particularly the sections on the lived realities and the country laws and practices derived from *qiwamah* and *wilayah*.

### 2. Resources

- **A case study:** 'A South African Case Study for the Recognition and Regulation of Muslim Family Law in a Minority Muslim Secular Context' by Waheeda Amien in *International Journal of Law, Policy and the Family*, Vol. 24, No. 3, 2010: 361-396.

Abstract

'South Africa implements a form of secularism that does not rely on a strict separation between religion and state. Instead, it promotes collaboration between the two. Using the example of Muslim family law, the author explores ways in which a secular state can respect the South African minority Muslim community's freedom to apply its religious family laws without impacting negatively on its female members' right to equality. Three approaches are considered along a religious diversity management spectrum namely, assimilation, accommodation, and integration. Existing and proposed family laws including the Muslim Marriages Bill are examined with reference to the aforementioned approaches. The author concludes that none of the above approaches provide sufficient protection for gender equality. Instead, she promotes a nuanced version of the integration approach, which she calls the Gender-Nuanced Integration (GNI) approach. The GNI approach is applicable to minority Muslim contexts that are governed by a supreme constitution, which protects gender equality. It promotes regulation of Muslim family law only to the extent that it does not conflict with gender equality.'

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

<http://lawfam.oxfordjournals.org/content/early/2010/08/28/lawfam.ebq012>

- **A research paper:** A research programme called Women's Empowerment in Muslim Contexts (WEMC) brought together researchers from two organizations: [Semarak Cerlang Nusa - Consultancy, Research, and Education for Social Transformation \(SCN-CREST\)](#) and [Rahima](#) in Indonesia to produce a research paper titled '*Majalis Ta'lim* and Women: The Role of Religious Public Spaces in Transforming Private Issues into Community Issues' that was released in April 2010.

In introducing their research about *Majalis Ta'lim*, which are informal spaces for the study and discussion of religious and social matters, the authors write:

‘This paper explores grass-roots women’s empowerment strategies via *majelis ta’lim*. Although *majelis ta’lim* are often considered political, this paper illustrates that from another perspective, the *majelis ta’lim* in Mulyasari Village, Cianjur, constitute a safe space for women to escape from their routines in the domestic sphere. Via the WEMC programme, *majelis ta’lim* provide a space for women to discuss a number of problems providing a medium for women’s empowerment.’

For the full research paper, contact one of the authors at [iyiksiom@gmail.com](mailto:iyiksiom@gmail.com)

- **A journal:** ‘*Muslim World Journal of Human Rights* is the only peer-reviewed journal dedicated to the pressing question of human rights in the Muslim world. The journal approaches this complex issue through multiple interdisciplinary lenses: Islam and Islamic law, socio-economic and political factors, institutions, and gender and minority rights. The editors, Mashood Baderin (School of Oriental and African Studies), Mahmood Monshipouri (Quinnipiac University), Shadi Mokhtari (York University), and Lynn Welchman (School of Oriental and African Studies) have created a unique academic forum to address real-world political issues and to encourage new methods in the field. Recent articles concern such topics as Women's Sexual Health and Rights in Senegal, Islam and Gender Justice, Human Rights Post-9/11, the Extension of Shari'ah in Northern Nigeria, and Human Rights in Islamic Malaysia.’

To explore articles in this journal, go to:

<http://www.bepress.com/mwjhr/>

- **An international symposium:** On October 8, 2010, the Network for Girls Facing Violence and Familial Breakdown, supported by the French Movement for Family Planning held the symposium ‘*Forced marriages: European experiences*’ in Montpellier, France. The network’s mission is to build a movement that educates the public about and devises appropriate feminist responses to address the phenomenon of forced marriages in France, including monitoring, accommodation of girls escaping arranged marriages, and prevention.

Visit the network’s website (French only) at:

<http://www.mariageforce.fr>

- **Interesting Opinion Pieces:**

*Hey, America: I’m a Muslim, let’s talk.* By Mona Eltahawy

‘I have developed an overwhelming urge to tell everyone I meet I’m a Muslim.... Mary wanted to know how, as a woman, I could remain a Muslim when Muslim women were treated so badly. I told her I would be lying if I denied that women in Muslim-majority countries enjoyed equal rights but also said I belonged to a movement called Musawah, which means equality and which aims for equality and justice in the Muslim family by working to remove misogynistic and male-dominated interpretations of Islam.’

For the full article go to:

<http://www.commongroundnews.org/article.php?id=28458>

***Back to Basics: Feminism 101.*** By Amina Wadud

‘For me, gender justice is a matter of faith. The struggle to eradicate all forms of discrimination, both from within the context of the Muslim communities and from without that context, is motivated by the same essence for me: Allah made me free and equal and anyone who dares to limit that freedom or curtail my equality has no right to do so.’

For the full article go to:

[http://www.religiondispatches.org/dispatches/guest\\_bloggers/3413/back\\_to\\_basics:\\_feminism\\_101/](http://www.religiondispatches.org/dispatches/guest_bloggers/3413/back_to_basics:_feminism_101/)

***Sakina’s case and beyond.*** By Rafia Zakaria

‘With respect to the use of stoning as a punishment for adultery, a prominent Islamic feminist scholar Ziba Mir-Hosseini associated with Musawah recently published a critique of stoning laws based on Islamic theology. In her paper, published on the Musawah website and entitled “Criminalising sexuality: Zina laws as violence against women in Muslim contexts” Mir-Hosseini locates Zina crimes at the intersection between “religion, culture and law”.’

For the full article by Rafia Zakaria go to:

<http://saaazworld.wordpress.com/2010/09/29/sakineh%E2%80%99s-case-beyond/>

### **III. Building Our Movement**

#### **1. Musawah Events**

- **Outreach Strategy meeting:** In cooperation with Alimat-Indonesia, Musawah Focal Point for Asia, the Musawah Secretariat held two meetings in Yogyakarta in August 2010. The Outreach Strategy meeting brought together some 30 Musawah Focal Points and Advocates from 16 countries in Africa, Asia, Europe, Middle East and North America to lay out Musawah’s Outreach Strategy, discuss Musawah’s structure and assess the movement’s communication needs. Subsequently, 17 Musawah Advocates from seven countries attended the Asia Strategy meeting, which looked at building and coordinating the Musawah Movement in Asia. A report from the meeting will be sent to all Musawah Advocates in November.

Musawah Advocate Hatoon Al Fassi from Saudi Arabia wrote about her experience being in Indonesia for the Outreach Strategy meeting in *Al Reyadh* newspaper.

To read the Arabic article, go to:

<http://www.alriyadh.com/2010/08/08/article550016.html>

For the machine-translated English version by Google Translate, go to:

<http://translate.google.com/translate?js=n&prev=t&hl=en&ie=UTF-8&layout=2&eotf=1&sl=ar&tl=en&u=http://www.alriyadh.com/2010/08/08/article550016.html>

## 2. Musawah Outreach

- **Two New Musawah Videos on YouTube**

- Musawah Movement (4 minutes): Find out more about Musawah, a global movement for equality and justice in the Muslim family: why equality and justice are necessary, what changes are needed in family laws, and how Musawah is mobilising.

This is intended as a tool for Musawah Advocates to share with their audiences, inform and update them on Musawah's progress since its launch in 2009.

<http://www.youtube.com/watch?v=DhbqWm8KDGc>

- Musawah Outreach Meeting (9 minutes): Find out what Musawah, the movement for equality and justice in the Muslim family, has been doing since its launch in 2009. Learn about some of its work to build knowledge, engage in international advocacy and reach out to women and men who are working to reform Muslim family laws and practices, and protect women's rights in the family.

This is intended as an update for Musawah Advocates who were unable to be present at the Outreach Meeting, as well as a means for participants to share some of their decisions and experiences during the Outreach Meeting.

<http://www.youtube.com/watch?v=1LAXuYq04qQ>

- **Twitter is on!** Tweeters have mentioned Musawah multiple times in the past three months. On August 8, 2010 Engy Ghozlan (@EngyG) tweeted: 'The Musawah campaign is worth looking into, many seculars have joined it, give they live in Muslims countries [www.musawah.org](http://www.musawah.org)'. On October 4, 2010 @SubaBat tweeted: 'Guernica on the Sakineh Ashtiani stoning case, Syariah, and the work of Sisters in Islam and the Musawah movement: <http://bit.ly/bPxAnm>'

- **The 6<sup>th</sup> Annual International Leadership Training Programme: A Global Intergenerational Forum**

The UNESCO Chair & Institute of Comparative Human Rights organised the 6<sup>th</sup> Annual International Leadership Training Programme: A Global Intergenerational Forum, August 6-15, 2010 at the University of Connecticut. Layali Eshqaidef, our part-time Communications Officer, was one of 80 youth participants who were selected from among over 800 applicants representing more than 104 countries for their demonstrated engagement and service as young human rights leaders and community activists.

Layali presented Musawah's Key Messages and three areas of work and encouraged young leaders in Muslim majority and Muslim minority societies

to join and support the movement and spread the word about it. The forum participants joined thousands of youth all over the world in celebrating the International Youth Day on August 12 by launching the International Year of Youth 2010 – 2011: *Our Year, Our Voice*, commemorated at the United Nations Headquarters in New York.

### **3. Updates from Musawah Focal Points and Advocates**

#### **The Arab (MENA) Region**

Musawah International Advisory Group member, Marwa Sharafeldin, was featured in *The Guardian*'s article 'The new feminists: still fighting' published on August 15, 2010. In the article she says: 'I work with the Network for Women's Rights Organisations in Egypt and the Musawah International Movement for Muslim family law reform. One of our aims is to reform Egyptian family law, which has been in place since the 1920s. We're trying to reread the Islamic texts and Qur'an and come up with a new law that is more relevant. Currently the law obliges the husband to maintain the wife, but the price is obedience – and if she is financially dependent it puts her in an even weaker position.'

For the full article go to:

<http://www.guardian.co.uk/world/2010/aug/15/meet-the-new-feminists>

Sana Ben Achour, Musawah Advocate in Tunisia and president of the Tunisian Association of Democratic Women, sent us a copy of the statement 'Citizenship ... No Bargaining' issued by the Association on August 13, 2010 in celebration of the 54<sup>th</sup> anniversary of the amendments of the Tunisian Personal Status Code, which brought equality for women in all its articles, and thus became an example for Arab countries to follow.

The statement traced the different phases of the women's movement in Tunisia and acknowledged individuals and institutions that contributed to the success of the movement and its continued progress despite challenges such as state hegemony.

The following is a part of the statement:

'Today, we celebrate – as we do annually – the anniversary of the promulgation of the Personal Status Code, which has been, since its announcement on the 13<sup>th</sup> of August 1956, a triumph for the modernist mind and the most important vehicle in the liberation of Tunisian women. We celebrate the occasion in our own way, refusing the historical ingratitude and concealment of memory, and recognizing initially that it was all due to our people, without whose efforts we would not have been able to achieve all of this, literally and spiritually. We declare this without any pretence of monopolization or exclusion, and we intend to do it through a critical overview of the contributions of consecutive generations of men and women who have put the first building blocks towards the right of Tunisian women to dignity and freedom.

'We praise the generation of pioneers in the feminist movement, those who fought in the 1920s, yet have never been mentioned in school books, and were totally ignored in the "official historical narrative." We praise the forgotten

and the famous ones, all of whom pierced the public and political spaces with utmost courage and bravery, refusing all types of domination over women, and surmounting all kinds of deprivation and isolation. We praise Menoubia Al-Wartany, Hebibia Al-Menshary, Bashira ben Mourad, Tawhida ben Al-Sheikh, Qladis Edda, Suzan Grad, Nabiha ben Milad, Gilda Al-Khaiary, Sharifa Al-Saadaouy, and Sharifa Al-Mousedy... and all the others who contributed, with their struggle and commitment, to drawing the path to freedom.’

### **Southeast, South and Central Asia**

The situation in Indonesia regarding the Family Law has not changed lately. The law remains gender-biased. The government’s proposal on Material Law Religious Courts (Hukum Material Peradilan Agama) also contains gender-biased paradigms and rules. Nevertheless, efforts by groups of activists in Indonesia continue unabated. ALIMAT, Musawah Indonesia and Regional Focal Point for Asia, notes some relevant recent activities and events.

#### **Legislative Activities**

1. On August 23, 2010, the National Consultation Forum on the Amendment of Marriage Law was organised by CEDAW Working Group Indonesia (CWGI) and Legal Aid Foundation (Lembaga Bantuan Hukum/LBH) APIK which consists of women activists and NGOs. This network produced an academic paper and a draft amendment of the Marriage Law to be sent to the Indonesian Legislative Institution (Badan Legislatif/Baleg DPR RI). The group members discussed and agreed on many points including:
  - To include the fetus (before birth) in the definition of the child;
  - Zero tolerance to child marriage (under age 18), even when a girl is pregnant before marriage, and giving the girl in this case other choices such as abortion; and
  - The roles of husband and wife in the marriage are flexible and changeable.

The full report is available from ALIMAT in Bahasa Indonesia.

2. On August, 24, 2010, ALIMAT, Rahima and Komnas Perempuan held a discussion on Understanding Variations in Family Laws: a Study of Family Law Reform in Multi-Ethnic and Multi-Faith Communities.

#### **Cultural Activities**

1. August 31– September 1, 2010: workshop on research findings on Civil Society’s strategies in addressing sexuality from women’s perspective, organised by [Semarak Cerlang Nusa - Consultancy, Research, and Education for Social Transformation \(SCN-CREST\)](#), a ALIMAT member.
2. September 1– 3, 2010: workshop on sexual and reproductive health and rights for female Ulama, organised by [Rahima](#), a ALIMAT member.

3. Dissemination of Muhammadiyah (Islamic Mass Organization)'s fatwas on: women can be Imams for men in certain condition; women can be presidents; monogamy is the principle of marriage; marriage is legal only if recognised; FGM is neither compulsory nor suggested; women can perform Friday prayers on their own with their own female Imam, Khatib, and Mu'azin; and the minimum age of marriage is 18 years old and child marriage is not legal (Aisyiyah/ALIMAT).

#### ALIMAT as Musawah's Asia Focal Point

ALIMAT hosted Musawah's Outreach Strategy Meeting, August 3– 6, 2010 and Musawah Asia Strategy Meeting, August 8– 9, 2010 in Yogyakarta, Indonesia. In the Asia Meeting, ALIMAT was officially elected as Musawah's Focal Point for the Asia Region, which includes eight countries: Indonesia, Malaysia, Philippines, Nepal, Afghanistan, Iran, Kyrgyzstan, and Thailand.

#### **The Horn of Africa**

Musawah Sudan, Musawah's Regional Focal Point in the Horn of Africa, was established in March 2009. Since then, it has brought together a considerable number of organisations and women activists working in the fields of legislative reform, women's rights and violence against women.

The movement founders adopted a structure for coordinating and planning Musawah activities and setting internal policies. Currently Musawah Sudan is composed of six member organisations and seven Sudanese women activists (Musawah Advocates). Member organisations mainly work in the fields of human rights, legal reform, gender equality and field research, documentation and media.

Member organisations working on field research projects conduct assessments and surveys, then analyze and publish all relevant results related to the personal status law and its application as well as its impact on women's lives and rights. Their work helps promote strategies for gender equality in Muslim families; open up dialogue on the intersections of family laws with other laws and regulations; and encourage youth, female and male, engagement with the movement.

Musawah Sudan's activities and achievements since its establishment include:

- A one-day discussion session on the present marriage contract (Gassima) and possibilities for its amendment;
- An orientation session on the Musawah framework as part of the Gender Center's seminar on Gender and Islam;
- Drafting a 6-month work plan that includes different activities such as orientation sessions on the Musawah framework, establishment of a women's forum on family law, monthly forums to introduce the Musawah framework to different institutions and networks, and more;
- Participation in the "Understanding Islam from a Rights Perspective" course held in August 2009; and

- Participation in Musawah’s first outreach meeting, August 2010.

Musawah Sudan’s coordinator, the Sudanese Organisation for Research and Development (SORD), is spearheading a programme that works on raising awareness about discrimination against women and inequality in Sudan’s laws and traditional practices and calls for adopting a progressive version of the Personal Status Act. As part of the programme, SORD has produced a documentary film in Arabic called: *Salalem lel Ghad Al Maw’ood* [Ladders to the Promised Future] that discusses Sudan’s Personal Status Laws, customary violations of the law and human rights and the need for legal reform. Here are links to the film, which has been posted on YouTube in four parts:

Part 1: <http://www.youtube.com/watch?v=OApNq5Mo8Y>

Part 2: <http://www.youtube.com/watch?v=P2qeUrXDT4E>

Part 3: [http://www.youtube.com/watch?v=nW\\_SPiow1PI](http://www.youtube.com/watch?v=nW_SPiow1PI)

Part 4: [http://www.youtube.com/watch?v=sAY31D\\_ZHEE](http://www.youtube.com/watch?v=sAY31D_ZHEE)

### **The Gulf Region**

Amira Salman Al-Talai from Oman published an article in *Al Ro’yah* newspaper titled ‘Polygamy in the Moroccan Moudawana [Personal Status Code]’ on September 5, 2010. In her article, she discusses how the Moroccan Moudawana is an exemplary code for family laws in Arab countries as it sets reasonable limits on polygamy and addresses the social and psychological factors involved in polygamy, not just the legal ones. She discusses how the Moudawana has institutionalised mechanisms to guarantee the essential conditions of equality and consent of all parties in the limited cases where polygamy may be allowed.

Amira asserts that ‘the legislature in Oman can benefit from the Moroccan experience, or it may even modify and develop the experience to suit the specificity of the Omani society in terms of its legal and social conditions. The necessity of a law regulating polygamy cannot be ignored anymore because of its importance in ensuring family stability and continuity as well as securing the rights of all parties. Demand for this law should not only come from women, but also from men.’

For the full article (Arabic) go to:

<http://nesaaoman.net/disArticle.aspx?Aval=175>

For the machine-translated English version by Google Translate, go to:

<http://translate.google.com/translate?js=n&prev=t&hl=en&ie=UTF-8&layout=2&eotf=1&sl=ar&tl=en&u=http://nesaaoman.net/disArticle.aspx%3FAval%3D175>

### **Sub-Saharan Africa**

An update from Musawah Nigeria

Musawah Nigeria has recently used the Musawah Framework in its advocacy work against the child marriage of an Egyptian girl to a Nigerian Senator, who was a former Governor of Zamafara State, the first state to declare *Shari’ah* as

state law in 1999. The Senator married, in public, a 13-year-old Egyptian girl in April 2010. In addition, he had divorced the 17-year-old mother of his child. The 17-year-old girl had been married to him at the age of 14.

Using the Child Rights Act, which had been ratified in the Federal Capital Territory (FCT), a coalition of civil society organizations collaborated with the National Human Rights Commission (NHRC) and the National Agency for Protection Against Trafficking of Persons (NAPTIP) to call for action against the Senator on the basis that the human rights of a child had been abused. Musawah Nigeria is part of the coalition and some responses included writings by Musawah Advocates as well as support to agencies such as the NHRC and NATPTIP to ignore claims by the government and the Senate that under Islamic law he had a right to marry a child. Our support gave the agencies the strength to say 1) the laws in the FCT banned child marriage, and 2) the issue had nothing to do with Islam. Musawah Nigeria made sure they had all the information and examples of action already taken within Nigeria and other Muslim communities that not only challenged the right of fathers to marry off their daughters and the right of men to marry under-age women, but prove that these cases had been successfully challenged and such marriages were dissolved through legal processes.

The latest on this case is that the father of the girl was arrested in July 2010 in Egypt by the INTERPOL, and the NHRC has challenged the government to charge the Senator in court for breaking the laws of the country. The coalition resolved to ask the Minister for Women's Affairs to lead them to the Attorney General of the Federation, to demand that he prosecutes the Senator. The NHRC has made moves to request the ICC to prosecute the Senator and charge him.

In response, groups of the Muslim Right have threatened to fight to protect "Islamic Principles" and quickly registered an NGO claiming to protect Islam from "westernized persons" in the country. This group has gone to court to claim that their member was being harassed. Such groups partially hinder our work by raising fears among men that they are losing privileges they have enjoyed throughout the years through biased interpretations. However, our strategic position has helped us gain recognition among national bodies that are now asking us to take the lead in issues related to women's human rights within Muslim communities.

There are growing numbers of people, both men and women, desiring change in the country, especially related to anti-women interpretations of the Qur'an. We are working with both National and State Houses of Assembly to push for women's human rights both within Muslim-majority states and nationally with issues that affect all women. We have focused our advocacy work within Muslim-majority states on pushing states that have not signed the Child Rights Act and the Violence Against Women's Bill to adopt them. Not only that, but also we reach out to the public and grassroots to get their support and to help people understand the bills and what we are asking for. Women Right Advancement Protection Alternative (WRAPA), part of Musawah Nigeria, is leading work in the areas of Islamic Family Law in the north-west of the country and the Harmonized Bill, which is a legislative framework to protect and prohibit violence against persons in Nigeria. ([WLUML](#))

Musawah Nigeria has grown and expanded recently with new members joining in preparation for Musawah's Outreach Strategy meeting in August. The group is planning a National Strategy Meeting as well as an Africa Regional Strategy Meeting by the middle of next year, pending availability of funds. Lately, Asma'u Joda, member of Musawah's International Advisory Group and Musawah Advocate in Nigeria, presented a paper at the Annual General Conference of the Nigerian Bar Association (NBA) titled 'Nigeria at 50: Cultural and Religious Barriers to the Attainment of the Full Potentials of the Nigerian Child' addressing the issue of child marriages and forced marriages as violations of children's human rights and a deviation from the teachings of Prophet Mohammed.

### **Muslim Minorities in the North**

#### Women's Rights, Muslims and Family Law in New Zealand

In September 1893, New Zealand became the first country in the world to give women the right to vote in parliamentary elections. Prior to that, colonial New Zealand was very similar to other European societies and women had begun to challenge the notion that women's involvement should be limited to home activities.

For a considerable period, family law was not separate from other legal matters in the legal system. The Royal Commission Report on the Courts in 1978 led to the establishment of the Family Court in 1980, enabling people to seek help to address their family concerns and guarantee the best interest of children.

The current New Zealand family law addresses issues including:

- Marriage
- Domestic Violence
- Separation and Divorce
- Maintenance
- Relationship Property
- Child Custody
- Care and Protection of Children
- Child Abduction
- Adoption
- Mediation
- Mental Health
- Parenting after Separation

For more information about the Family Court go to:

<http://www.justice.govt.nz/courts/family-court/what-family-court-does>

In the 1980s, the Women Refuge Movement was an influential lobby group advocating to criminalise domestic violence. The movement was already responsible for providing safe shelter to women and children victims of domestic violence. Prior to the introduction of the Domestic Protection Act of 1982, domestic violence was deemed a private matter both by the police and

courts. In 1985 Section 28(3) of the Criminal Act (1961) was removed, making marital rape a crime.

The 1982 Domestic Protection Act was replaced by the 1995 Domestic Violence Act. Some of the key changes to the Act included:

- Broadening the definition of violence to include psychological abuse, which includes harassment, intimidation, verbal abuse, and damage to property besides physical and sexual abuse;
- Introduction of a compulsory programme for perpetrators of violence and an optional one for protected persons, including children;
- Replacement of non-molestation and non-violence orders with a Protection Order, which would be valid whether the victim lived with the perpetrator or moved away; and
- Including extended family members, flat mates, and others specified by applicants for Protection Orders.

According to Auckland University's research in 2006 on family violence within New Zealand's Asian communities, among factors that trigger family violence was dominance of men and women's fear of losing immigration status in the case of withdrawal of sponsorship by the husband as a result of separation. However, New Zealand's immigration law mandates that women victims of family violence can apply for residency on their own if they meet the requirements of the special category of family violence. New Zealand's Child Custody Act allows for either parent to gain custody of children if they are both suitable as parents.

Umma Trust is a non-governmental organisation working to provide social support to Muslim women and children in a range of areas including family violence and parenting. The organisation works in collaboration with a range of mainstream providers, NZ Police, Child Youth and Family, ethnic communities, lawyers and other non-governmental organisations to facilitate workshops on family violence in the NZ context, the application of family laws, custody orders, legal aid, parenting after separation among others. These workshops provide women with a safe space to receive information, often through hired interpreters, enabling them to make life choices for themselves and their families in New Zealand.

#### **IV. International Advocacy**

This month, October 2010, Musawah is holding three seminars on Islam and Women's Rights and the Musawah Framework for Action. Participants will include CEDAW Committee members, officials from the Office of the High Commissioner for Human Rights, and key human rights NGOs based in Geneva.

Furthermore, the first draft report of Musawah's research on CEDAW and Muslim Family Laws: In Search of Common Ground is ready and will be presented to the CEDAW committee. The research offers the CEDAW Committee and NGOs presenting their shadow reports alternative approaches in responding to State party positions and their use of Islam to maintain

reservations and resist calls for reform to end discrimination against women. The research presents an alternative approach, based on the Musawah Framework, for a more constructive and effective engagement with governments and their obligations under CEDAW.

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