



musawah
For Equality in the Family

Musawah Vision

Issue 6: May 2011

A quarterly update on Musawah issues and activities

I. Trends in Family Law

Women in Arab Revolutions

‘The Arab Spring has proven an epochal period of activism and change for women, recalling the role of early feminists in 1919. The sheer numbers of politically active women in this series of uprisings, however, dwarf their predecessors.’

Read more: <http://www.middle-east-online.com/english/?id=45806>

‘Increasingly educated, organized and networked, Muslim women, using sources such as the Qur’an and international human-rights laws, have begun to question the prevailing political, social and religious status quo in the Middle East.’

Read more: <http://www.time.com/time/world/article/0,8599,2059435,00.html>

‘How will the revolutions taking place in the region affect women’s rights? Is there a chance that women will become more marginalized than before?... the effects of revolution will vary country by country for women.’

Read more: <http://globalpublicsquare.blogs.cnn.com/2011/03/16/will-the-middle-east-revolutions-help-or-hurt-womens-rights-a-country-by-country-look/>

‘In light of the revolutions across the Arab world, what challenges are women facing in this new political era?’ Al Jazeera interviewed Frances Hasso, associate professor of women’s studies at Duke University.

Watch the video here: <http://ondemand.duke.edu/video/26174/frances-hasso-on-arab-feminism>

Egypt: ‘The revolution has brought this notion of equality back to the surface. The demands that are being made will almost certainly be reintegrated, and it’s very difficult to defend the concept of equal citizenship when the family law continues to uphold inequality.’

Read more: <http://www.themarknews.com/articles/4307-a-fleeting-chance-for-womens-rights>

Saudi Arabia: 'In addition to voting rights, the Saudi Women Revolution is demanding an end to guardianship laws, the ability to drive, and protective measures against early marriage and gender-based violence.'

Read more: <http://www.counterpunch.org/mack04212011.html>

'Activists among Saudi Arabia's women, who can't drive or vote and need male approval to work and travel, are turning to the type of online organising that helped topple Egypt's Hosni Mubarak to force change in a system that they say treats them like children.'

Read more: http://articles.philly.com/2011-03-30/news/29362309_1_saudi-arabia-saudi-man-wahhabi

Blogger Mona Kareem posted on March 18 the English version of the 'Saudi Women Revolution Statement' and its demands: <http://monakareem.blogspot.com/2011/03/saudi-women-revolution-statement.html>

'Pending codification of Islamic law (sharia) in the Saudi judicial system may resolve issues of interpretation, but the basic premise of *Shari'ah* is that's always applied in the context of time and place.... If an Islamic feminist movement were to take root, reinterpreting the hadith would be a core issue on the table.'

Read more: <http://www.allheadlinenews.com/briefs/articles/90041218>

Resisting Polygamy

Malaysia: 'A study by advocacy group Sisters in Islam (SIS) found that the majority of first wives and children in polygamous families were unhappy with the arrangement.... SIS hopes it will trigger a change in legislation that allows the practice to flourish in Malaysia.'

Read more: <http://www.alarabiya.net/articles/2010/07/23/114630.html>

Mauritania: 'Many of the Mauritanian women now insist on including a condition in the marriage contract that prevents the husband from keeping a previous wife or taking a new one. In case the husband violates this condition, the woman becomes entitled to file an immediate divorce.'

Read more: <http://www.alarabiya.net/articles/2010/10/31/124364.html>

Palestine: The Working Group for Equality in Personal Status Issues (WGEPSI), a coalition of women's and human rights groups that works to promote the status of Palestinian women citizens of Israel, concluded the first round of its campaign 'No Justification for Polygamy' in December 2010.

For more: <http://pstatus.org/en/?todo=ourcampaigns&nid=12>

Backgrounds to Equality in the Family

Algeria: 'Based on Islamic law and tribal traditions, Algerian law discriminates against women in terms of marriage, children's custody and education, divorce and more.... the Family Code was changed in 2005, without any positive change. The only improvement affects the marital home.'

Read more: <http://www.asianews.it/news-en/Muslim-lawyer-defends-women%E2%80%99s-rights-20984.html>

Bangladesh: ‘Dozens of people were injured and more than 100 arrested on [April 4, 2011] as Bangladeshi police clashed with protesters during a strike by Islamic parties against a proposed law to give women equal property rights.’

Read more: <http://gulftoday.ae/portal/4498cb61-5b88-470d-bd41-d08a348869d9.aspx>

Gambia: ‘The Chief Justice of The Gambia, Justice Emmanuel Agim, has warned that any *cadi* [judge] who fails to apply the new rules and regulations governing the *cadis* court system in the country would be sanctioned.’

Read more: <http://thepoint.gm/africa/gambia/article/chief-justice-warns-cadis>

Lebanon: On March 20, as part of a series of demonstrations, ‘protesters gathered to demand an end to the "confessional" or sectarian system that divides Lebanon’s government and society along religious lines. But this time the focus of protesters’ anger broadened to include the country’s system of family laws that are governed by religious authorities and often discriminate against women.’

Read more: <http://www.womensenews.org/story/the-world/110323/lebanon-protesters-take-aim-at-family-law-system>

Mali: ‘Muslim fundamentalist organizations are trying to position the reformed [family] code as “willingness of the government to serve foreign visions of our society.” Anti-foreign sentiments are rising in Mali. There is a danger that if no consensus is reached, the revised code will be shelved again.’

Read more: <http://www.trust.org/trustlaw/blogs/the-word-on-women/a-precipice-for-womens-rights-in-mali>

Palestine: Palestinian feminists have been lobbying for a progressive family law for years. However, the latest political changes resulted in the turning down of a draft family law that proposed ending polygamy, raising the age of marriage and giving women equal inheritance rights.

Read more: <http://uk.oneworld.net/article/view/145749/1/5355>

Uganda: ‘Uganda Women Parliamentarians Association is pushing for the controversial Marriage and Divorce Bill to be passed into law.’ This interview with Jane Alisemera, the chairperson of the association, addresses some of the controversy and outlines the proposed changes in the bill.

Read more: <http://allafrica.com/stories/201104040076.html>

II. Building Our Knowledge

The Rightful Place of Gender Equality within Islam

Janine Moussa, Chief Researcher for Musawah’s report *CEDAW and Muslim Family Laws*, writes about the issue, the Musawah Framework and the report on

openDemocracy.net. She argues: 'Human rights and equality is something that exists *within* each of our cultures and religions, and not above or beyond them.'

For more: <http://www.opendemocracy.net/5050/janine-moussa/rightful-place-of-gender-equality-within-islam>

Musawah in the News

- AWID interviews Musawah Advocate and International Advisory Group member Djingarey Ibrahim Maiga, the President of Femmes et Droits Humains in Mali, about 'The New Family Code Of Mali And Why Its Promulgation Has Been Delayed.'

For the full interview: <http://awid.org/News-Analysis/Friday-Files/The-new-Family-Code-of-Mali-and-Why-its-Promulgation-Has-Been-Delayed>

- Zainah Anwar, Musawah Director, and Musawah Advocate Marina Mahatir were among the Women Deliver's 100 most inspiring people (see <http://www.womendeliver.org/knowledge-center/publications/women-deliver-100/women-deliver-100-1-25/>). Zainah and Musawah International Advisory Council member Pinar Ilkkaracan were also chosen by *Newsweek* and *The Daily Beast* as two of the 150 Women 'Who Shake the World' (see <http://www.thedailybeast.com/interactive/women-in-the-world/150-women-who-shake-the-world/>).

- Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, mentioned Musawah in her statement at the Carter Center's Forum on Faith, Belief, and the Advancement of Women's Human Rights, Atlanta, Georgia, 4 April 2011. She stated:

'The movement Musawah, or "Equality," led by Muslim women, strives—and does so publicly—to integrate Islamic teachings, universal human rights and national constitutional guarantees of equality and justice. Their approach is pragmatic and law-based, and they seek to foster a constructive discussion platform where, and I quote them, "religion is no longer an obstacle to equality for women, but a source of liberation."' Sisters in Islam Board member Marina Mahathir also presented on Musawah at the Forum.

For Ms. Pillay's full statement go to:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10920&LangID=e>

- **Twitter:** We now have an active Twitter account busting with exciting tweets and followers. The account was launched at the Musawah Strategic Direction Meeting in Kuala Lumpur in February. Within 3 days of its launch, we had more than 120 followers! Follow us: [@Musawah](https://twitter.com/Musawah) or read our tweets at <http://twitter.com/musawah>.

Resources

- The Network of Women's Rights Organizations (NWRO) in Egypt has just released its guide on reforming Egypt's family law. The guide, *Legal Guide for Developing a More Just Integrated Family Law*, suggests introducing new articles and amending existing ones in accordance with human rights and the lived realities for Egyptian people today. Based on real life stories, the guide highlights 10 main areas that need amendments: Engagement, Marriage, Obedience (*Taa'a*), Maintenance/Alimony, Custody, Visitation, Divorce and processing divorce by a third party (*Tatlique*), *Khul'*, Polygamy and Shared wealth. The guide is available in English and Arabic online.

English: http://www.powregypt.org/upload/Famly_law_Eng.pdf

Arabic: http://www.powregypt.org/upload/PDF/Family_Law_Arb.pdf

- *Religion, Rights and Gender at the Crossroads*. Mariz Tadros, Ed. Institute of Development Studies Bulletin. December 20, 2010

Musawah International Advisory Group members Cassandra Balchin and Ziba Mir-Hosseini, contributed articles to this bulletin, which 'questions what the intersection of global, local and national politics means for policy and practice in the realm of religion and gender.'

Listen to the Editor, Mariz Tadros talk about the issues contained in this IDS Bulletin: <http://www.ids.ac.uk/go/idspublication/religion-rights-and-gender-at-the-crossroads>

- *Shari'a in the West*. Rex Ahdar and Nicholas Aroney, editors. Oxford University Press
'The Future of Muslim Family Law in Western Democracies', one of the best essays in the book is written by John Witte, a leading specialist in legal history, marriage law and religious liberty and Director of Emory University's outstanding Centre for the Study of Law and Religion.

For more: http://arabnews.com/lifestyle/art_culture/article319100.ece

- Partners for Law in Development in collaboration with UN Women launched the [CEDAW South Asia website \(http://cedawsouthasia.org/\)](http://cedawsouthasia.org/). As a comprehensive resource for the South Asia region, the site aims to facilitate regional sharing and to strengthen implementation of CEDAW. Users can access information about Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka as well as download the CEDAW text in nine Asian languages.

- *A Woman's Place: Perspectives on Afghanistan's Evolving Legal Framework, Rights & Democracy* publication.

'Four authors have reflected on a series of questions that constitute the central themes of this book, including the evolution of reforms in 20th century Afghanistan; civil society participation in the legislative process; the marriage contract and registration of marriages; and the gap between the theoretical discourse and practice with regards to protecting the rights of women.'

For more: <http://www.newswire.ca/en/releases/archive/February2011/15/c2814.html>

- 'Human Rights and Islamic Law: A Legal Analysis Challenging the Husband's Authority to Punish "Rebellious" Wives', Murad H. Elsaidi, *Muslim World Journal of Human Rights*, 2010: Vol. 7, Issue 2.

'Verse 4:34 of the Qur'an has historically been interpreted to give husbands authority over their wives. This article challenges this interpretation through a comprehensive legal analysis.'

For more: <http://www.bepress.com/mwjhr/vol7/iss2/art4/?sending=11320>

- 'Triple Talaq: A Socio-Legal Analysis', Samreen Hussain, *ILI Law Review*, Vol. 1, No. 1, p. 130, 2010.

The abstract is available at: <http://ssrn.com/abstract=1597858>

- Taipei Times interviews Zainah Anwar about equality in Islam. 'We felt it was time for all of us who have been in this struggle for decades to come together and create a very powerful visible presence of Muslim women demanding equality and justice in the Muslim family at the national, regional and international levels.'

For the full interview:

<http://www.taipeitimes.com/News/feat/archives/2011/03/30/2003499450>

- Counter Currents: In an interview with Sheeba Aslam Fehmi by Yoginder Sikand on Islamic Feminism in India, she argues that reforming the Muslim Personal Status Law based on gender-just understandings of Islam should go side by side with women's economic empowerment to achieve effective results.

For the full interview: <http://www.countercurrents.org/sikand110411.htm>

III. Building Our Movement

Musawah Events

Update: Consolidating Musawah's Strategic Direction



Pictures from Musawah's first strategic planning meeting in February 2011 in Kuala Lumpur

Many thanks to all Advocates who contributed to building Musawah's strategic direction by sharing written responses to the questions carried in *Vision 5*.

Your inputs are now being combined with the analysis developed by the 22 Musawah Advocates and allies, members of the Young Women's Caucus, and the International

Advisory Group from 12 countries who took part in Musawah's first strategic planning meeting in February in Kuala Lumpur.

A working group has finalised a draft Strategic Direction document which will be shared with Advocates (in Arabic and English) soon for feedback and suggestions that will be incorporated into the final Musawah Strategic Direction document.

Musawah Outreach

Southeast, South and Central Asia

Musawah Advocate in India, Bharatiya Muslim Mahila Andolan (BMMA), issued a press release on March 24, 2011 in Mumbai. Besides addressing local Muslim women's demands, needs and concerns, the press release welcomed the new wave of change that has swept countries in the Middle East. BMMA also condemned the increasing conservatism, use of violence, and assassinations of Shahbaaz Bhatti and Salman Taseer in Pakistan, stressing that 'it is time that freedom, non-violence and democratic values dominate our public and private lives.'

About their work on Muslim family law in India, the press release stated that 'BMMA has taken the lead in addressing the issue of personal status law codification and has been doing nationwide consultations with Muslim women, lawyers, academics and other experts to assess their views on this issue. Muslim women across the country have welcomed the idea of codification and have been giving their opinion on issues of mehr, divorce, polygamy, arbitration, maintenance and other aspects of the personal status law. Some lawyers have welcomed the idea of codification and extended their support through working on the draft law. These consultations have taken place in states including UP, MP, Bihar, Rajasthan, Chhattisgarh, Maharashtra, Gujarat, Tamil Nadu, Orissa and Karnataka. The BMMA wants to make sure that the government is aware of the emerging need of Muslim women.'

Arab Region (Middle East and North Africa)

Musawah Advocate in Egypt, the Centre for Egyptian Women's Legal Assistance (CEWLA), issued a statement calling for solidarity on emerging issues related to the application of custody and visitation laws. It also reflects on public concerns that visitation rights may be amended to grant the non-custodian parent the right to host his/her children for 48 hours a week instead of the current 3 hours a week rule. The concerns stem from threats that have been made by some fathers that they may run away with the children once they have the hosting right, or that children may be abused or used to threaten or abuse the custodian parent. Therefore, CEWLA calls for thorough and thoughtful consideration of all social and legal aspects relating to such proposed amendments before they are passed, particularly in the currently uncertain legal atmosphere in Egypt. CEWLA also reminds the authorities of the importance of keeping in mind the best interests of children as well as the need to define standard, clear measures that ensure just, fair and smooth implementation of legal regulations and decrees related to child custody, visitation, and hosting rights.

Young Women's Caucus (YWC)

The Musawah Young Women's Caucus together with SIS organized a local event to celebrate and pay tribute to courageous women who have been an inspiration in their fight for equality and justice in the Muslim contexts and across the globe.

Invitations were issued on social networking sites to participate in the event which took place in Kuala Lumpur, Malaysia. Participants walked around a lake in central KL displaying hand-made signs and later sat down to read stories of heroines and wise women throughout the ages from the time of the Prophet and early stages of Islam to those in the early 20th century.

The event was also registered to be a part of the Google's 100th International Women's Day Celebration.

Here is a video of the event (3:49 minutes): <http://youtu.be/LC2y9AHmjk0>

IV. International Advocacy

Strengthening Application of CEDAW in South Asia

The Musawah Framework for Action and the findings of the Musawah research on CEDAW and Muslim Family Laws were presented at the Partners for Law in Development (PLD) Training of Trainers on Strengthening Application of CEDAW in South Asia in Kathmandu, Nepal in April. Musawah Director Zainah Anwar was a resource person for the training which included 34 participants from Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The Musawah Secretariat will now consider conducting training on Understanding Islam from a Rights Perspective for South Asia given the many requests for such capacity building from the participants working in Muslim communities.

UN Working Group on Discrimination against Women in Law and Practice

At its 16th session, the Human Rights Council appointed Kamala Chandrakirana, Musawah International Advisory Group member and Musawah Advocate in Indonesia, as a member of the UN Working Group on Discrimination Against Women in Law and Practice. She joins five others including two former CEDAW Committee members Emma Aouij from Tunisia and Frances Raday from Israel/UK.

For more:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10897&LangID=E>

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