



musawah

For Equality in the Family

Musawah Vision

Issue 8: December 2011

A quarterly update on Musawah issues and activities

I. Trends in Family Law

Resisting Polygamy and Child Marriage

Canada: ‘A B.C. court has upheld Canada’s anti-polygamy law as constitutional – condemning multiple marriage as a practice that encourages abuse of women, endangers children and creates an underclass of dangerously ostracized young men.’

Read more: <http://www.theglobeandmail.com/news/national/british-columbia/bc-politics/bc-court-upholds-anti-polygamy-law-as-constitutional/article2246238/>

Yemen: ‘We don’t divorce little girls,’ said the judge. ‘But how come you allow little girls to get married?’ said the little girl.’

Read more: http://www.huffingtonpost.com/evelyn-leopold/we-dont-divorce-little-gi_b_1176877.html

Eliminating Violence in the Family

Nigeria: Governor Babatunde Fashola of Lagos State signed a bill into law, which allows for the prosecution and jailing of any man who impregnates and deserts a woman.

Read more: <http://www.vanguardngr.com/2011/08/fashola-signs-law-against-abandonment-of-pregnant-women/>

Pakistan: The Prevention of Anti-Women Practices (Criminal Law Amendment) Act 2011 was unanimously passed by the lower house. The bill outlines strong punishments for anti-women social practices like *wanni*, *swara* or *budla-i-sulh*, wherein women are traded to settle personal, family or tribal disputes.

Read more: <http://tribune.com.pk/story/292165/prevention-of-anti-women-practices-bill-unanimously-approved-by-na/>

Change, Reform and the Family

Gulf countries: 'Five of the GCC countries have adopted new codified personal status laws that govern issues such as marriage, divorce, inheritance and child custody, and Saudi Arabia is considering codifying a family law document.'

Read more: <http://arabnews.com/opinion/columns/article538957.ece>

UAE: The United Arab Emirates amended its citizenship law to allow children of Emirati women married to foreigners to apply for UAE citizenship at age 18.

Read more:

<http://www.thefreelibrary.com/UAE+gives+women+right+to+pass+nationality+to+children-a01612545166>

Egypt: Copts seeking the right to divorce and remarry gathered in front of the Ministry of Justice in order to present their collective resignation from the Coptic Orthodox Church, which would allow them to file for divorce according to Islamic *Shari'ah* law instead.

Read more: <http://weekly.ahram.org.eg/2011/1064/eg16.htm>

India: 'Several interpretations of Muslim personal laws are available and unless they are codified and passed by the parliament, the exploitation of women will continue.'

Read more:

http://twocircles.net/2011nov27/bmma_demands_codification_muslim_personal_law.html

Lebanon: 'The Ottoman-era personal status laws apply differently to each of 15 religion-based groups, effectively outlaw secular marriage or divorce, and codify discrimination against women.'

Read more: <http://www.theatlantic.com/international/archive/2011/09/in-lebanon-a-tangle-of-religious-laws-govern-life-and-love/245857/>

Malaysia: 'In reference to the proposal in Kelantan to introduce harsh punishments on men who divorce their wives without reason, Sisters in Islam proposes that divorce should only take place in court.'

Read more: <http://www.freemalaysiatoday.com/2011/10/21/criminalise-arbitrary-divorces-in-kelantan/>

Sri Lanka: 'Muslim personal law is a very sensitive issue. It is linked to the Muslim identity in Sri Lanka, and is also seen as a very political issue.'

Read more: <http://www.thesundayleader.lk/2011/12/18/time-to-change/>

A Few Steps Backwards

Iraq: 'After Hussein's overthrow in 2003, religious authorities' attempts to replace the inequitable personal status law with *Shari'ah* law were successfully fought off by female advocates. However, Article 41 in the new Iraqi Constitution has again introduced family law for religious interpretation by different sects.'

Read more: <http://ipsnews.net/news.asp?idnews=105079>

Mali: Mali's President signed a new family law rolling back women's rights. 'In the new code a woman must obey her husband, men are considered the head of the family and the legal age for marriage is 16 for girls.'

Read more: <http://www.rnw.nl/africa/bulletin/mali-enacts-new-family-law-rolling-back-womens-rights>

Lebanon: 'Amendments to the draft law against domestic violence, including the removal of the criminalization of marital rape, were slammed by the gender rights organization KAFA (Enough Violence and Discrimination).'

Read more: <http://www.dailystar.com.lb/News/Local-News/2011/Nov-24/155001-rights-group-slams-removal-of-marital-rape-clause-from-law.ashx#axzz1eiVmVCid>

Preventing Violence Against Women

Saudi Arabia: 'Men who are found guilty of harassing women in Saudi Arabia will be publicly shamed and fined, according to a new legislation that is still being drafted.'

Read more: <http://www.ibtimes.co.uk/articles/263101/20111208/saudi-sex-predators-face-public-humiliation.htm>

Turkey: On November 25, the International Day for the Elimination of Violence against Women, Turkey ratified a Council of Europe agreement on preventing violence against women.

Read more: <http://www.todayszaman.com/news-263882-turkey-marks-day-for-end-to-violence-against-women-with-new-charter.html>

II. Building Our Knowledge

Welcome to our new team members

Mulki Al-Sharmani has recently joined the Musawah Secretariat to coordinate the global Life Stories project. Born in Somalia, Mulki grew up, studied, and worked in Egypt. She is currently based in Finland. She holds a Ph.D. in Anthropology from the USA and has research experience in Muslim family laws, with a focus on Egypt. Contact her at mulki@musawah.org

Adila Aziz joined the Musawah Secretariat as a Program Assistant in October 2011. She holds a Bachelor's degree in Law & Commerce and is currently pursuing her LLB at a public university in Malaysia. Her desire to work with Musawah is firmly rooted in her interest in Quranic teachings, Human Rights and Muslim family laws. Contact her at adila@musawah.org

Digital Storytelling

Meghana Bahar, Programme Officer for Communications at Musawah, participated in a digital storytelling workshop in Singapore organised by Digital Storytelling Asia in July 2011. She writes about her experience:

“By conveying the real life stories of women’s and men’s experiences on the ground, ‘citizen journalists’ are able to advocate for the greater good while at the same time churning organic, substantive and more importantly, truthful data. Very often such truthful accounts in the form of socio-economic data are the weapons wielded by civil society organizations and community leaders to convince those who are in the ‘upper echelons of power’ to realise change in the world. Because change cannot wait to be realised any longer, digitizing our stories will help actualize real change more speedily, and more meaningfully, through the leadership of ordinary citizens. As the experiences of this workshop have made me aware, the tools are at our fingertips. They just need to be WO-MANipulated!”

Here is the link to the video Meghana produced at this workshop:

http://www.youtube.com/watch?v=RqnB7_xpFKw

On a similar note, Fnaire, a popular group of Moroccan singers, released this song and video clip called ‘Lalla Mannana’ in support of Morocco’s reformed *Moudawana* (family code) and gender equality in Morocco: <http://youtu.be/ux7XKLqcfOE>

Resources

- Coming soon: a 40-volume scholarly collection on Muslim women scholars by Shaykh Mohammad Akram Nadwi, a research fellow at the Oxford Centre for Islamic Studies. His decade long study of *Al Muhaddithat: the women scholars of hadith*, features more than 8,000 biographical accounts of women scholars, some of which ‘excelled far beyond their male contemporaries.’

For more: http://www.emel.com/article?id=89&a_id=828

- *Child Marriage Factsheet*. Equality Now. <http://www.equalitynow.org/node/868> (Research conducted in Summer 2010).

This factsheet gives a brief background about child marriage: what it is, its prevalence, reasons behind it, and its consequences. It tabulates the minimum age of marriage for girls in laws around the world grouped by region.

For more: <http://www.equalitynow.org/node/868>

- The Women and Memory Forum in Egypt, in cooperation with The Danish Egyptian Dialogue Institute and KVINFO The Danish Centre for Information on Gender, Equality, & Ethnicity, is planning a conference on “Feminism and Islamic Perspectives: New Horizons of Knowledge and Reform” in Cairo, 17-18 March, 2012.

For more: <http://www.wmf.org.eg/en/node/929>

- *Women, Leadership, and Mosques: Changes in Contemporary Islamic Authority*. Edited by Masooda Bano and Hilary Kalmbach. Brill, December 2011.

‘This volume investigates the diverse range of female religious leadership present in contemporary Muslim communities in South, East and Central Asia, the Middle East, Africa, Europe, and North America, with chapters discussing its emergence, the limitations placed upon it, and its wider impact, as well as the physical and virtual spaces used by women to establish and consolidate their authority.’

For more: <http://www.opendemocracy.net/5050/masooda-bano-hilary-kalmbach/spread-of-female-islamic-leadership>

- *Muslim Women Online: Faith and Identity in Virtual Space*. Piela, Anna. Routledge, 2011.

‘This book examines Muslim women in transnational online groups, and their views on education, culture, marriage, sexuality, work, dress-code, race, class and sisterhood.’

For more: <http://www.digitalislam.eu/article.do?articleId=7062>

- *Constituting Equality: Gender Equality and Comparative Constitutional Law*. Edited by Susan H. Williams. Cambridge University Press, February 2011.

‘The book takes a design-oriented approach to the broad range of issues that arise in constitutional drafting concerning gender equality.’

For more:

<http://www.cambridge.org/asia/catalogue/catalogue.asp?isbn=9781107403178&ss=fro>

- *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*. Zakia Salime. University of Minnesota Press, 2011.

This book ‘challenges binary approaches that stress the polarization of the women’s movements along religious and secular lines. Instead, [this] book explores... the interdependent trajectories of these movements.’

For more: http://www.jadaliyya.com/pages/index/3341/new-texts-out-now_zakia-salime-between-feminism-an

- *Unveiling the Mind: The Legal Position of Women in Islam – A South African Context*, 2nd Edition. Najma Moosa. Juta and Company publishers, 2011.

‘The book investigates the historical origins of Islam and subsequent interpretations by jurists, while examining the position of Muslim women in the contemporary Islamic world.’

For more:

http://www.vocfm.co.za/index.php?option=com_k2&view=item&id=2180:muslim-women-and-law-in-focus&Itemid=131

- The Arab Families Working Group (AFWG) was founded in 2001 as a collective of sixteen scholars committed to advancing the state of empirical and theoretical knowledge of Arab families in Palestine, Egypt, Lebanon and their Diasporas. AFWG invites scholars working with issues related to Arab families and youth to join its free, searchable Online Scholars Database by filling out the scholars’ template form available at <http://www.arabfamilies.org/content/afwg-scholars-database-template>
- *Adila* is a documentary film about family laws in Sudan produced by the Sudanese Organization for Research and Development (SORD). It is in Arabic, and an English version is forthcoming. <http://youtu.be/m3hgJwX3bRA>
- *The Light in Her Eyes* is a documentary film shot inside the women’s side of a mosque in Syria. ‘In a world rarely seen, *The Light in Her Eyes* tells the story of a leader who challenges the women of her community to live according to Islam, without giving up their dreams. Filmed right before the uprising in Syria erupted, the film is an exclusive

look at a social movement thriving in a country controlled by a repressive regime.’
<http://thelightinhereyesmovie.com>

III. Building Our Movement

Musawah News and Events

***Qiwamah* and *Wilayah* Meeting in Amman, Jordan**

As part of the Knowledge Building Initiative on *Qiwamah* and *Wilayah*, Musawah held a conceptual workshop in Amman, Jordan, from 24-26 November 2011. The 35 participants from 19 countries worked together to understand findings from the research that has been conducted thus far. They built a consensus on key themes and concepts that can be included in a ‘Musawah Viewpoint Document on *Qiwamah* and *Wilayah*’ that will be produced for the next Global Meeting in 2013. This workshop was organised in conjunction with the Jordanian Women’s Union.

The Knowledge Building Initiative on *Qiwamah* and *Wilayah* is kicking off its global Life Stories project. Musawah Advocates in various countries and contexts will be documenting women’s and men’s life stories to learn how the concepts of *qiwamah* and *wilayah* affect their lived realities. The Secretariat is currently recruiting teams of Advocates who can commit to being part of the project. If you are interested, please contact Mulki Al-Sharmani at mulki@musawah.org.

Upcoming: new Musawah website

A new Musawah website will go live soon! It is more accessible, more interactive and more about YOUR work for equality in the Muslim family. The new website will have sections about Musawah and our work areas, a rich resources repository and with your help, a vibrant and burgeoning online discussion forum, all reflecting the dynamism and diversity of the Musawah movement. Join us in making it THE resource hub for all things Musawah-related, and beyond. Visit the new site and find out how you can get more involved!

Musawah Outreach

Sub-Saharan Africa

Nigeria



Caption: Musawah Nigeria's retreat: 'Ensuring Justice, Protecting Muslim Women'

Musawah Nigeria coordinated a self-sponsored national retreat called 'Ensuring Justice, Protecting Muslim Women' from 7-9 October, 2011. The retreat aimed to organize efforts to document, edit and publish a book that compiles stories of the lived realities of Muslim women and men in support of the *Qiwama* and *Wilayah* research project coordinated globally by Musawah. The gathering also served as an opportunity to issue a call for action and joint efforts by activists to bring about a 'coordinated response to end the sexual violence epidemic in Nigeria.' A draft family code was discussed and will be compiled by Maryam Uwais, a lawyer and one of the founding members of Musawah Nigeria.

During the retreat, new members joined Musawah Nigeria, which yields a broader reach in the vast country. Topics researched and presented at the retreat included: 'Polygamy' by Bola Risikat Usman, 'Child Marriage and Adoption in Islam' by Yaiya Talib Sani, 'Divorce' by Khadija Asuquo, 'Almajiranci (street children in the North) and Drug Abuse' by Mariya Ibrahim Baba, and 'Area Boys (street children in the South)' by Sherifat Akinlade. Tauhida Ibrahim also gave a presentation of select excerpts from Women Living under Muslim Laws' publication *Knowing Our Rights*.

Arab Region (Middle East and North Africa)

Palestine

Musawah Advocates in Palestine, Women's Centre for Legal Aid and Counselling (WCLAC), has shared with Musawah a report on 'The Experience of Personal Status Law in the Occupied Palestinian Territory.' The report addresses the complexity of the legal system in Palestine explained by the long history of occupations from the Ottoman Empire till the current Israeli occupation. Due to the Palestinian Authority's limited powers and control over the territory and because it has not developed into a fully independent sovereign state, multiple legal systems remain in effect in the Palestinian occupied territory.

To this date, two different Personal Status Laws are in effect within the Palestinian territory; the Jordanian Personal Status Law (PSL) of 1976 is enforced in the West Bank while the Egyptian Family Law of 1954 is enforced in the Gaza Strip. WCLAC, together with other human rights and women's rights organizations, conducted several studies that involved comprehensive mapping of the laws being enforced in the West Bank and Gaza, explored discriminatory legal provisions in the current PSLs, and concluded that these laws are in effect are incompatible with society's and women's needs and the CEDAW convention and therefore needed extensive amendments.

In 1998 the late president Yasser Arafat established a committee presided over by the head of the High Council of *Shari'ah* Judiciary to draft a new personal status law. Committee members included *Shari'ah* court judges, academics and professors of Islamic *Shari'ah* law and lawyers, but it was all men. The committee drafted a personal status law that still had discriminatory provisions against women.

Parallel to the Presidential committee, a National Coalition on Family Law was set up by various civil society organizations and coordinated by WCLAC. The Coalition stood firm in challenging the draft law by the Presidential committee in the context of the social debate over its suitability for the Palestinian society. Rather than drafting a whole new law, six issues were identified as 'top priority' issues for which amendments were

needed urgently: 1) raising the minimum marriage age for girls to 18 and revoking the guardianship clause for girls who are above 18 years old; 2) granting equal witness status on marriage contracts; 3) granting women the right to divorce their husbands on equal footing with men before courts; 4) connecting child custody to the best interest of the child; 5) strengthening restrictions on polygamy to make it extremely difficult; and 6) sharing common wealth equally, particularly properties and wealth obtained during marriage.

In 2007 the Ministry of Women's Affairs together with the Head of the High Council of the *Shari'ah* Judiciary forwarded the draft law that was prepared by the Presidential committee for consideration and approval. However, the National Coalition successfully blocked the passage of the draft law because of its discriminatory clauses. Members of the National Coalition met with President Mahmoud Abbas and Prime Minister Salam Fayyad to explain the Coalition's stand on the current and draft laws.

At the invitation of the Jordanian Women's Union, WCLAC participated in a regional project from 2007 to 2010 that aimed to initiate social dialogue at the regional level on personal status laws and necessary amendments in the countries involved. While a new, unified law has not been passed yet, small achievements have taken place in the last year. The High Council for *Shari'ah* Judiciary circulated memos banning divorce without the approval of *Shari'ah* courts and imposing fines on any man who divorces his wife outside *Shari'ah* courts. Another memo requires of all men wishing to marry a second wife to inform the first wife, and if they refrain, the Court would inform her. According to the same memo, they should also inform the women they wish to marry that they already have a wife; otherwise the Court would inform her. Another memo addressed women's inheritance rights in that it banned determination of heirs during the four months after the death of the person who owned properties, in order to prevent pressure being put on women to give up their shares of inheritance during this period.

Contact Us

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Musawah Affinity Groups:

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VI. Young Women's Caucus

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To submit advocate updates, write to Musawah Outreach at:
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