

Women's Place and Displacement in the Muslim Family: Realities from the Twenty-first Century

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The world in the twenty-first century is one propelled by unprecedented levels of information flow and movement of peoples, creating new challenges, opportunities and aspirations, and generating forces for change which are often uncontrollable and mostly irreversible. No part of the world is left untouched. Men, women and children are all affected—albeit, in different ways—and they are all actively taking part in the whirlwinds of this new century world, voluntarily or involuntarily, for better or for worse.

The forces of change are at times contradictory while consistently multidirectional. While more and more people experience wealth and prosperity, poverty and war remain widespread and continue to be unresolved. In spite of all this, or because of it, the twenty-first century global community has strengthened its commitment to freedom, human dignity, equality, justice, peace and the eradication of poverty, as stated definitively by world leaders at the birth of this new century through the Millennium Declaration in 2000.¹

The Muslim world has never been isolated from the progress and challenges faced by humankind and, at times, has been one of its most influential forces. The realities of everyday lives of Muslim women and men—and the shape of Muslim families—are responses to these global challenges. It has therefore become imperative to take stock of the ways in which global forces of the twenty-first century have affected, shaped, and even changed the many faces of the Muslim family. A reimagining

of the Muslim family should be as much rooted in the stark realities of today, as it is inspired by the visionary values of Islam.

This paper uses existing global data² to paint a preliminary broad stroke picture of the lived realities of Muslim women today and capture the changing dynamics of the Muslim family in the twenty-first century. Available case studies demonstrate the challenges women today face within Muslim families and societies, and show how women and whole nations have come together to overcome these challenges by making legal and policy breakthroughs to better guarantee justice and equality for all. All in all, these realities compel us to acknowledge that gender equality and justice in the Muslim family have become undeniable necessities and that, through enlightened political leadership, vibrant democratic processes, and the hard struggles of Muslim women and their allies, their attainment is possible.

I. Muslim Women Making a Living in the Global Economy

In the past ten years, 200 million more women have joined the labour force, bringing the total number of employed women worldwide to 1.2 billion.³ In the process, the types of work women engage in have become more diversified: from primarily agricultural work, which was the main source of employment for women ten years ago, to the multifaceted service sector which now employs almost half of all working women.⁴ Among these numbers are women from the Muslim world. While there is a wide gaping hole in statistics specifically on Muslim women, we can nevertheless begin to construct some general trends from existing global data on women's lives overall.

There is huge interregional variance among Muslim women worldwide, of course. For instance, according to the International Labour

Organisation (ILO), South-East Asian women—of which a large proportion are Muslims in Indonesia, Malaysia, Southern Philippines and Southern Thailand—have been among the most active participants in the labour force throughout the past decade, maintaining the third highest position globally, after East Asia and sub-Saharan Africa. By contrast, women in North Africa and the Middle East—most of whom are Muslims—have the lowest rates of labour participation in the world.⁵ It is worth noting, however, that between 1990 and 2003 the Arab region witnessed a greater increase in women's share of economic activity (at more than six times the global rate) than what took place in all other regions of world; that is, women's share of economic activity increased by 19 per cent as compared to the 3 per cent increase for the world as a whole.⁶

Acknowledging variations and specificities from region to region, it is nevertheless an undeniable reality that more and more Muslim women are playing an active part in the labour force and the economy. In many cases, these Muslim women do so by moving back and forth across national borders. Indeed, women overall are increasingly becoming an integral part of the growing global movement of peoples, constituting almost half of all international migrants worldwide. According to the United Nations Population Fund (UNFPA),⁷ this means 95 million women are crossing international borders, not even counting the many who move from one part of their own country to another. In Asia, with more than half of the world's Muslim population, the number of women migrating from their home countries has surpassed that of males.⁸ In Indonesia, where about 176 million Muslims live, women constituted almost 80 per cent of all migrants leaving the country, between 2000 and 2003, to work. UNFPA explains, in their State of the World Population Report 2006, that

Migrant women move to marry, rejoin migrant husbands and family or to work. They are domestic workers, cleaners, caretakers of the

sick, the elderly and of children. They are farmers, waitresses, sweatshop workers, highly skilled professionals, teachers, nurses, entertainers, sex workers, hostesses, refugees and asylum-seekers. They are young and old, married, single, divorced and widowed ... Some are educated and searching for opportunities more consistent with their qualifications. Others are from low-income or poor rural backgrounds and seeking a better life for themselves and their children.⁹

Who benefits from the global migration of women? First and foremost, it is women's families at home who stand to benefit. Various studies¹⁰ show that compared to migrant men, migrant women regularly and consistently send a higher proportion of their earnings overseas to their families in the home country. The money that women migrant workers send back home can raise families and even entire communities out of poverty. A study by the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and the International Organisation for Migration (IOM) in 2000 shows, for instance, that Bangladeshi women working in the Middle East send home 72 per cent of their earnings on average, and that 56 per cent of the remittances were used for daily needs, health care or education—a pattern which reflects the spending priorities of migrant women elsewhere. In contrast, male migrants tend to have much of their remittance income spent on consumer items.¹¹ A snapshot of the life of an Indonesian migrant worker, Suminah, from West Nusa Tenggara who works in Saudi Arabia demonstrates this trend:

Suminah sends money every six months to her parents for four reasons. Firstly, the money is needed for her children who live with her parents; secondly, the money will be managed by her parents to

build a house; thirdly, Suminah does not want the money to be used by her husband Sanerdi's first wife; and, fourthly, Suminah too often hears of husbands mismanaging the earnings of their wives either for remarrying or philandering.¹²

In war-torn areas, women also play important roles in contributing to the survival of their families. According to the UN Office for the Coordination of Humanitarian Affairs, as much as 80 per cent of the internally displaced persons and refugees around the world are women and children.¹³ Many of the women survivors must often take over the responsibilities as heads of households amidst death and destruction and change traditional gender roles in the process. A testimony from a humanitarian worker in West Darfur attests to this:

Women are bearing the brunt of the burden caused by the conflict in West Darfur. There are currently 710,000 displaced people living in camps and settlements throughout the state. Women – mothers and wives – are holding these families together. Some are now household heads, their husbands killed in the conflict, while others have become the sole breadwinners in a situation where men are too scared to leave the camps for fear of being attacked. This fact is particularly stark in Mornei, one of the largest camps in West Darfur. The camp is contained as there are Arab militia in the surrounding areas and the people are scared to move far beyond the perimeter. If a man wanders outside the camp and is found by the Janjaweed militias he will almost certainly be killed. A woman who goes outside the camp might 'only' be raped. Yet women must travel outside the camp on a daily basis to collect firewood for cooking and to sell as it is the only form of income generation within the crowded camp ... I worked with Hadija and Aisha to make our stove ... Hadija has ten children

and that morning had prepared food for them all before attending the training. On a normal day she will leave her home in darkness, early in the morning, and walk six hours to collect firewood. She returns to cook for her family and then she goes to the market to sell what is left of the wood. Hadija stays at the market for as long as it takes to sell the wood.¹⁴

In diverse contexts, Muslim women—rich and poor, in peace and in war—are playing undisputedly critical roles for the survival and growth of their families and communities. They contribute important and much-needed earnings (*nafkah*) for their children and other dependents, at times along with their husbands but often on their own as heads of households. The reality of today is that both men and women are equally breadwinners in their families, providing *nafkah* to their dependents. Overall, it is estimated that approximately 20 per cent of households in the world are headed by women.¹⁵ Among predominantly Muslim countries, the percentage of female-headed households range from 7 per cent (in Pakistan) to 15 per cent (in Morocco) to 29 per cent (in Mauritania).¹⁶

And yet, the 19th Islamic Conference of Foreign Ministers has articulated in its Cairo Declaration on Human Rights in Islam, adopted on 5 August 1990, that ‘woman is equal to man in human dignity’ but that ‘the husband is responsible for the maintenance and welfare of the family’ (Article 6).¹⁷ Denying women their roles as heads of households and the consequent entitlements which are due to them would be detrimental to the well-being of not only the women themselves, but also their families and communities.

Even in families where women are not the sole heads of households, their decision-making authority remains critical to the family’s welfare, particularly that of the children. The United Nations Children’s Fund (UNICEF) finds the following:

The consequences of women's exclusion from household decisions can be as dire for children as they are for women themselves. In families in which women are the key decision-makers, the proportion of resources devoted to children is far greater than in those in which women have a less decisive role. This is because women generally place a higher premium than men on welfare-related goals and are more likely to use their influence and the resources they control to promote the needs of children in particular and the family in general.¹⁸

In the process of providing much needed income and leadership for the family, Muslim women have secured their role in the economy and carved out their own modes of participation beyond their respective homes and into the global economy. It demonstrates that, as active economic actors, women are securing more and more influence in the overall socio-political life of entire nations. This has now become one of the irreversible social facts in the Muslim world today.

In response to such stark realities, key actors in the global economy and international development are changing the way they perceive and engage with women, acknowledging them as active economic decision makers, as full citizens in their respective countries, and as human beings with universal human rights. There is more and more awareness worldwide that societies that ignore these facts do so at their own peril. In its latest report on global employment trends, the ILO states: 'Society's ability to accept new economic roles for women and the economy's ability to create the jobs to accommodate them are the key prerequisites to improving labor market outcomes for women, as well as for economic development as a whole.'¹⁹

Global economic policymaking is increasingly more responsive to the specific realities of women's lives and struggles. In its 2007 report on the global gender gap, the World Economic Forum states:

... a nation's competitiveness depends significantly on whether and how it educates and utilises its female talent. To maximize its competitiveness and development potential, each should strive for gender equality ... [as] numerous studies have confirmed that reducing gender inequality enhances productivity and economic growth.²⁰

How do these realities—created also by Muslim women—correlate with the stipulations found in various family laws in the Muslim world which make a broad stroke assumption that the head of family is singular and exclusively male? How can we explain this phenomenon and what are its impacts? What is needed to reconcile the new realities of women's lives with the laws which govern family and marriage within Muslim societies around the world?

II. Women in the Muslim Family: Discrimination and Violence by Law

Dear Sisters in Islam, my name is Aisyiah. I've been a working woman and married for many years. All these years of marriage, my husband barely supports me. I suppose he feels that since I'm earning it is not necessary for him to provide basic things that a husband is required to give. So I'm the one who buys the house, the car, the furniture, my own clothes. I pay the doctor's bill when I'm sick, I help to pay for the children's education. Since I know I will get nothing from him, I invest my money so that I won't be a financial burden to anybody.

Section 107A of the newly-amended [Malaysian] Islamic Family Law says that a husband has the right to freeze the wife's account when

the marriage fails. Does he have the right to whatever property I own and claim them as joint marital assets when in actual fact, everything was solely acquired and owned by me? I hope and pray that the government will amend the laws ... and listen to the pleas of the majority of Muslim women in our country.²¹

In many Muslim countries, governments adopt interpretations of Islam which undermine women's rights and women's real contributions to the family and community. Such family laws legally codify that the husband is the head of the family, often requiring the wife to obey her husband, as in many such laws in the Middle Eastern countries, and at times giving the husband power over his wife's right to work and travel. In terms of inheritance, sisters get half of the shares of their brothers, and women generally get a smaller share of family property than do men. In Algeria, the family code stipulates that 'the duty of the wife is to obey her husband' (article 39). Ultimately, these laws create the foundations of legal inequality for women even beyond the family.²²

In Egypt, the government has created two different systems for divorce, one for men and one for women.²³ Egyptian men have a unilateral and unconditional right to divorce and do not need to enter a courtroom to end their marriages, while Egyptian women must resort to backlogged and inefficient courts to divorce their spouses. Human Rights Watch explains that the pains involved in initiating divorce in the backlogged courts compel many Egyptian women to push their husbands to divorce them. In return, women usually agree to sacrifice their financial rights.

Meanwhile, Egyptian law also conditions a woman's right to housing on her having physical custody of children. This, in turn, deters women from seeking divorce, by instilling fear in them that they will be rendered homeless; and thus confine women in abusive relationships with their husbands.

I felt trapped. He wouldn't let me go outside. I felt depressed. He always wanted to have sex but I didn't want to. He asked for sex a lot ... He'd go to the office and before he left he'd say 'today's our day [for sex]'. He'd insult me ... When I refused him, he'd hit me. He'd give me a black eye ... But if I divorce him, where would I live? I won't get anything.²⁴

As a result, too many women must find ways to survive in between deprivation and violence.

This trend spreads across regions within the Muslim world. In Indonesia, domestic violence is the most common form of violence faced by women. Indonesia's National Commission on Violence Against Women reported more than 20,000 cases of domestic violence reported and handled by various community, legal and health institutions nationwide in 2007.²⁵ A multi-country study conducted by the World Health Organisation (WHO) found that more than 50 per cent of women in Bangladesh have been subject to physical or sexual violence by intimate partners. In Afghanistan, the United Nations Development Fund for Women (UNIFEM) reported that out of 1,327 incidents of violence against women documented between January 2003 and June 2005, 36 women had been killed—in 16 of the cases by their intimate partners.²⁶

Domestic violence is by no means specific to the Muslim world, but discriminatory family laws make Muslim women particularly vulnerable to this form of abuse. Such laws often use the *Shari'ah* as grounds to establish exceptions to the universality of human rights as it applies to women. The Cairo Declaration on Human Rights in Islam considers that only men have the 'right, within the framework of the Shari'ah, of free movement' and that it is prohibited to breach the right to safety from bodily harm 'without a Shari'ah-prescribed reason'.²⁷ Section 60 of Egypt's Criminal Code states that 'the provisions of the penal code shall not apply to any deed committed in good faith, pursuant to a right

determined by virtue of the Shari'ah'.²⁸ According to this law, the acts committed supposedly in good faith includes circumstances when the beating is not severe, the beating is not directed at the face; and the beating is not aimed at vulnerable 'fatal blow areas'.²⁹

It is not just women family members—wives, daughters, daughters-in-law—who are vulnerable to discrimination and violence in the Muslim family. Unrelated women who are employed as domestic workers are particularly vulnerable, given their lower status and the prejudices of employers against them. In Indonesia, almost 500 cases of violence against domestic workers have been reported and handled by crisis centres between 2004 and 2007.³⁰ In the Gulf region and other parts of the Middle East, most domestic workers are from Asia, and many are Muslim women themselves, from Indonesia, Bangladesh and parts of Sri Lanka. In a recent report on Asian domestic workers in Saudi Arabia,³¹ Human Rights Watch described practices of forced labour, slavery and slavery-like conditions in the employment of women domestic workers, aside from other forms of abuse, including rape. Excerpts from a testimony by an Indonesian domestic worker, Nour Miyati, describes the following practices of forced labour:

I never had a chance to rest, I woke up at 4 a.m., made breakfast for the children, I worked all day without rest. I went to sleep at 3 a.m. So many times I didn't get a chance to sleep at night, I worked around the clock.

My employer had my passport. He is a policeman ... I never got a chance to leave the house. They locked me in from the outside. When I had stayed there for one year, I got a chance to escape ... I got a taxi that took me to a police officer ... My employer came to the station and took me back ... When I reached the house, they beat me again.³²

A Filipina domestic worker from the Muslim community of Mindanao explains the slavery-like conditions of her employment in Saudi Arabia:

They took me to an agency [in Saudi Arabia] where they trick people. I stayed in the agency for one week. I had to work in five houses in one week. One day the agent told me he was taking me to his sibling's house. He was the only one there. He started holding me, kissing me ... I was crying, "don't do this to me, I am a Muslim."

When we went back to the agency, my true employer ... brought me to the house. He said, "Be good so I don't send you back [to the agency]." ... After a while, [my] employer started showing some affection for me. He called me into his bedroom. He said, "I want to tell you how I got you from the agency." He said, "I bought you for 10,000 riyals." That is when I found out I had been sold ...³³

Muslim women are also particularly vulnerable to harmful traditional practices, such as female genital mutilation (FGM), dowry-related crimes and honour killings. The lack of government policies that effectively protect women from these harmful practices is a distinct failure of state responsibility towards the human rights of all. Equally disconcerting is the perpetuation of belief that these practices are somehow related to the teachings of Islam.

In Africa and some countries in the Middle East, it is estimated that more than 130 million girls and women have undergone FGM, while two million girls are at risk every year. In Bangladesh, women and girls are subject to acid attacks due to disputes about dowry: 315 women were victims in 2002, and 267 in 2005. In the meantime, according to a 2002 report of the UN Special Rapporteur on Violence Against Women, honour killings take place in countries like Egypt, Iran, Jordan, Lebanon,

Morocco, Pakistan, Syria, Turkey, Yemen, and other Mediterranean and Gulf countries. UNFPA estimates that, every year, up to 5000 women worldwide become victims of honour killings³⁴ which has been called 'the most extreme form of domestic violence'.³⁵

When governments condone or even adopt gender-based discriminatory and violent practices in society by creating laws to that effect which refer—directly or indirectly—to Islam, it betrays the all too common alliance made between the state and the patriarchal forces in Islam. In these situations, women become victims of systematic discrimination by both society and state, and they are left on their own with no effective means of protection or recourse. These laws contradict current overwhelming trends of the global society and undermine hard-earned social and economic achievements and gains made by individual women and entire communities. Within the framework of human rights, in which governments hold the ultimate responsibility for the fulfilment of the human rights of all their citizens, these laws also constitute a serious violation of human rights.

III. A Twenty-first Century Imperative: Changing Values and Laws for Justice in the Family

Ultimately, laws follow society's sense of justice, and not the other way around. In the process of fulfilling increasingly critical roles for their families' survival and growth, and as active actors in the increasingly mobile and information-centred global community, Muslim women—and many young Muslim men—have developed new aspirations and new sensibilities which are shaped by current life experiences and have set them apart from many of their elders.

According to the UNDP Arab Human Development Report 2005, many Muslims no longer see polygamy as acceptable. A public opinion

survey for this report conducted in four Arab countries—Egypt, Jordan, Lebanon and Morocco—shows that at least half of the men and nearly all of the women surveyed disagreed with the practice of polygamy. And among those who did agree with it, they linked their approval to the agreement of the wives concerned.³⁶

In the post-conflict and post-tsunami Aceh, a Muslim Indonesian woman who made a decision to divorce her abusive husband appreciates her newly found emancipation:

Although I must play the double role of mother as well as father, in which I must provide for my children, educate and assist them, I don't feel burdened. In fact, I feel happy because I can make decisions on my own and I don't have to fear my husband. I also have a sense of responsibility to raise my children. Whereas when my husband was still around, I was very dependent on him.³⁷

Muslim women who migrate across national borders play a role beyond providing financial remittances to their families by actively promoting, as global citizens, the rights of women in all aspects of social, economic and political life in their home countries. For example, UNFPA notes the role of Afghan women who have lived outside the country in actively supporting women's participation in the constitution-making process in Afghanistan. New ideas, skills, attitudes and knowledge brought back by returning women migrants are recognised by the United Nations as 'social remittances'.³⁸

Out of the hardships of famine, new roles emerged for women and changed the gender relations between men and women. In Sudan, women took leadership roles in the local economy and became the strongholds of their communities' survival, as indicated in this story:

During the time of famine (1984-85), those who chose to stay home fought vigorously to avoid starvation. They employed different strategies to survive and to secure their families' well being. The only hope for the survival of the people of Manawashai, Darfur, western Sudan, from the time of famine to the present, was to utilize traditional art in order to develop an economic means to save the families from starvation. Women artists in Manawashai took the initiative by weaving into their baskets new patterns and designs to create saleable products that could bring about economic change ... [These] women artists depicted patterns and symbols in their baskets to signify the cruelty of the times of hardship; it was a self-realization in conquering hunger, destitution, and an expression of a hope for a better life ... [As a result] a growing number of men were working as dealers for women's products [and] selling and buying the raw materials that women used in their traditional art. As Manawashai's sheikh put it, "It was our sisters who worked for our survival during famine time; without them we could have perished." [The men] were employed in different positions and were mostly supervised by women. 'Asha, a cafe owner, usually hires men to bring the water for her café, and she also employs a male butcher to slaughter the sheep everyday needed for her meat supply. In addition, there are some young boys who run errands.³⁹

Whatever the reasons, whether it is the hard realities of living in poverty and war or the new interconnectedness of twenty-first century global citizenship, worldviews of Muslim individuals and communities are changing. More and more Muslims are accepting, by choice or through the force of survival, unprecedented roles of women in the economy and in politics.

In the meantime, Muslim women have made major advances in equipping themselves with new ways of organising and building solidarity among fellow women and with their allies. As a consequence, their concerns and interests are more effectively articulated and are more successfully integrated into political decision-making. In the Gambia, women have established a special means, in the form of the Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP), to advocate for the rights of women and young girls, particularly in relation to FGM practices, early marriage, and the trafficking of women and children. The Committee's work goes beyond the local as it calls for law reform consistent with international conventions, such as the Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.⁴⁰

Forward-thinking and insightful Muslim theologians are also increasingly taking public positions in support of women's rights. In 2006, a group of distinguished Islamic scholars who had assembled at Al-Azhar University in Cairo, issued recommendations recognising that female genital mutilation 'is a deplorable, inherited custom, which is practiced in some societies and is copied by some Muslims in several countries'. They affirmed that 'there are no written grounds for this custom in the Qur'an with regard to an authentic tradition of the Prophet' and acknowledged that 'female genital circumcision practiced today harms women psychologically and physically' and should be 'seen as a punishable aggression against humankind'. They emphasised that 'the practice must be stopped in support of one of the highest values of Islam, namely to do no harm to another', and called for its criminalisation.⁴¹

In effective democracies with vibrant social movements on women's rights, the combination of society's changing views on women and the family, on the one hand, and the increasingly effective local to

global advocacy campaigns for women's rights and human rights, on the other, have culminated in major policy and legal breakthroughs designed to reverse the effects of discriminatory laws and practices towards women. These successes reflect an increased accountability of states to national constituencies of women and men who believe in equality and justice for all.

In several Muslim democracies, domestic violence is already treated as a criminal act punishable by law, such as in Malaysia and Indonesia. Indonesia's Law on the Elimination of Domestic Violence, passed in 2004, criminalises not only physical abuse within families but also marital rape between spouses and violence against non-family members who live and work in the homes, namely domestic workers. In the same year, 2004, the Moroccan Parliament passed a series of sweeping revisions to its Civil Status Code that encompasses family law governing women's status. These revisions amounted to a new Family Code, called the *Moudawana*, establishing a woman's equal status within the family through provisions on 'joint responsibility for the family shared by both husband and wife (where previously responsibility rested exclusively with the husband), the removal of legal obligation for the wife to obey her husband, equality between men and women with respect to the minimum age for marriage, and important advances with respect to the state's obligation to enforce the law and protect women's rights'.⁴²

Also in 2001, Turkey passed a new Civil Code which takes a new approach to the family and to women's role in the family. The old legal approach, which assigned women a legally subordinate position in the family with rights and duties defined in respect to the husband, has been abandoned in favour of one that defines the family as a union based on equal partnership. The terms 'the wife' and 'the husband' are replaced by 'the spouses'. Also, the husband is no longer the head of the family; spouses are equal partners, jointly running the matrimonial union with equal decision-making powers. Spouses have equal rights over the

family abode and both have equal rights over property acquired during marriage. Spouses have equal representative powers. The concept of 'illegitimate children', which was used for children born out of wedlock, has been abolished; the custody of children born outside marriage belongs to their mothers.⁴³

As early as 1956, Tunisia produced a personal status code which establishes women's full and equal rights as an integral part of the nation's broader social and economic reforms at the birth of this republic nearly fifty years ago. Considered one of the most progressive family laws in the Arab world, Tunisia's personal status code abolishes polygamy and repudiation. It requires that both parties to a marriage be consenting and provides women with the right to divorce and child custody. It also establishes a minimum marriage age for girls and boys. A 1981 amendment grants women lifelong alimony upon divorce and provides a woman with automatic guardianship over her child at the death of the father. A further amendment, in 1993, criminalises domestic violence and treats honour killing as a crime equal to manslaughter which is punishable by life imprisonment.⁴⁴

All laws passed to advance the rights of women and to enable them to live free from violence and discrimination are products of long struggles by women and their allies. The existence of these laws in the Muslim world signals the willingness of national leaders to break from the outdated alliance between the state and the patriarchal forces in Islam in the name of justice and human rights for all. They are also evidence of the integral part that women's rights plays in a nation's democratisation agenda and a recognition of women as a significant constituency within the nation's political landscape. These struggles do not end with the passing of laws, of course. They continue into the next phase to ensure effective implementation so that de jure rights become de facto realities.

Conclusion: An Issue of Relevance

The overwhelming experiences of globalisation, war and poverty have been detrimental to the lives of men and women of the twenty-first century. As part of the global community, Muslim women and men have undergone major changes in the roles they play. In many Muslim societies, these changes are unprecedented. Many laws governing the Muslim family no longer fit with these new realities, and reflect more of an imagined past. On the other hand, there are countries within the Muslim world that have developed laws on marriage and the family which are in sync with women's active and critical roles in the economic, social and political arenas. These progressive laws are themselves a product of Muslim women's leadership in society.

While laws are always a product of political negotiation, they also reflect the vision of Islam held by society. This applies also for family and marriage laws in the Muslim world. When gender-sensitive laws on marriage and the family are genuinely based on society's belief that the Islamic principles of justice (*'adl*), equality (*musawah*), human dignity (*karamah*), mercy and compassion (*mawaddah wa rahmah*) must apply to women, there are more guarantees that these laws would actually be implemented effectively and positively affect the everyday lives of women and men. This means that the imperative for states to come up with progressive laws ensuring women's rights in the Muslim family is intricately linked to the new envisioning of Islam as a religion and its role as a source of law and public policy. Given the new realities of Muslim women and men's lives today, a stubbornly unchanged vision of Islam that regards women as inferior to men and therefore undeserving of a life of equal worth and dignity, could lead to the religion losing its relevance for men and women of the future.

In short, a new vision of Islam which affirms women's humanity and articulates itself in the form of gender-sensitive laws adopted by states is both equally necessary and possible. The time to make this a reality throughout the Muslim world is now.

Notes

- 1 This then led to the formulation of the Millennium Development Goals. See <http://www.un.org/millenniumgoals/>.
- 2 Not many data are available that have been broken down to allow focus on the social, economic and political situations of Muslim women.
- 3 ILO, *Global Employment Trends for Women*, p. 1.
- 4 In 2007, 36.1 per cent of women worked in agriculture and 46.3 per cent in services. *Ibid.*, p. 3.
- 5 *Ibid.*, p. 5.
- 6 UNDP, *Arab Human Development Report 2005*, p. 8.
- 7 UNFPA, *State of World Population 2006*, p. 1.
- 8 *Ibid.*, p. 23.
- 9 *Ibid.*, p. 24
- 10 *Ibid.*, p. 29.
- 11 *Ibid.*
- 12 Krisnawaty et al., *Rumah-Dambaan Buruh Migran Perempuan*.
- 13 Inter-Agency Standing Committee, 'Policy Statement for the Integration of a Gender Perspective in Humanitarian Assistance', para. 2(b).
- 14 O'Boyle, 'Strength, Survival and Resilience'.
- 15 UNICEF, *State of the World's Children 2007*, p. 28.
- 16 United Nations Department of Economic and Social Affairs Statistics Division, *The World's Women 2005*, pp. 130-5.
- 17 Ertürk, 'Intersections Between Culture and Violence Against Women', p. 16.
- 18 UNICEF, *World's Children 2007*, p. 16.
- 19 ILO, *Global Employment*, p. 3.
- 20 Hausmann et al., *Global Gender Gap Report 2007*, p. 20.
- 21 Hanis Hussein, 'Letter'.

- 22 Freedom House, 'Women's Rights in the Middle East and North Africa'.
- 23 Human Rights Watch, *Divorced from Justice*, p. 1.
- 24 Ibid., p. 45.
- 25 Komnas Perempuan, *Annual Report on Violence Against Women*.
- 26 UNIFEM, 'Violence Against Women', p. 2.
- 27 Ertürk, 'Intersections', p. 16.
- 28 Egypt Law No. 58 (1937).
- 29 Ammar, 'In the Shadow of the Pyramids', as quoted in Human Rights Watch, *Divorced from Justice*, p. 14.
- 30 Komnas Perempuan, *Violence Against Women*.
- 31 Human Rights Watch, 'As If I Am Not Human'.
- 32 Ibid., p. 35.
- 33 Ibid., p. 42.
- 34 UNFPA, *The State of World Population 2000*, p. 29.
- 35 Human Rights Watch, *Honoring the Killers*, p. 1.
- 36 UNDP, *Development Report 2005*, p. 136.
- 37 Afrida Purnama, 'Nasib Syaripah Tidak Seperti Nasibku'.
- 38 UNFPA, *State of World Population 2006*, p. 14.
- 39 Muhammad, 'Famine, Women Creative Acts, and Gender Dynamics in Manawashai, Darfur, Western Sudan'.
- 40 *WLUML Newsletter*, p. 3.
- 41 Ertürk, 'Intersections', pp. 20-1.
- 42 UNIFEM, *Progress of the World's Women 2008/2009*, p. 74.
- 43 Women for Women's Human Rights, *Turkish Civil and Penal Code Reform from a Gender Perspective*, pp. 8-9.
- 44 Freedom House, 'Women's Rights'.

References

- Afrida Purnama (2004), 'Nasib Syaripah Tidak Seperti Nasibku', in Nani Zulminarni (ed.), *Sebuah Dunia Tanpa Suami*, Jakarta: Pekka, PPSW & Komnas Perempuan.
- Ammar, Nawal H. (2000), 'In the Shadow of the Pyramids: Domestic Violence in Egypt', in *Domestic Violence: Global Responses*, Bicester: A.B. Academic Press, pp. 28-46.
- Egypt Law No. 58 of 1937, promulgating the Penal Code (1937).
- Ertürk, Yakin (2007), 'Intersections Between Culture and Violence Against Women: Report of the Special Rapporteur on violence against women, its causes and consequences', A/HRC/4/34, Geneva: United Nations.
- Freedom House (2005), 'Women's Rights in the Middle East and North Africa: Citizenship and Justice', New York: Rowman & Littlefield.
- Hanis Hussein (2006), Letter read at the opening ceremony of the International Consultation on 'Trends in Family Law Reform in Muslim Countries', Kuala Lumpur, Malaysia, 18-20 March.
- Hausmann, Ricardo, Laura D. Tyson, and Saadia Zahidi (2007), *Global Gender Gap Report 2007*, Geneva: World Economic Forum.
- Human Rights Watch (2004a), *Divorced from Justice: Women's Unequal Access to Divorce in Egypt*, vol. 16, no. (8)(E), New York: Human Rights Watch.
- (2004), *Honoring the Killers: Justice Denied for 'Honor' Crimes in Jordan*, vol. 16, no. (1)(E), New York: Human Rights Watch.
- (2008), *'As If I Am Not Human': Abuses against Asian Domestic Workers in Saudi Arabia*, New York: Human Rights Watch.

- Inter-Agency Standing Committee (1999), 'Policy Statement for the Integration of a Gender Perspective in Humanitarian Assistance', Food and Agriculture Organization, United Nations Office for the Coordination of Humanitarian Affairs, available at <http://www.un.org/womenwatch/daw/csw/Mcaskie.htm>.
- International Labour Office [ILO] (2008), *Global Employment Trends for Women*, Geneva: International Labour Organization.
- Komnas Perempuan (2008), *Annual Report on Violence Against Women*, Jakarta: Komnas Perempuan.
- Krisnawaty, Tati, S.H. Ningsih and J.J. Rizal (eds.) (2008), *Rumah-Damba Buruh Migran Perempuan: Sepuluh Cerita dari dan tentang Rumah Buruh Migran Perempuan asal Sukabumi, Malang, Lombok Tengah dan Bone*, Jakarta: The World Bank.
- Muhammad, Baqie Badawi (2002), 'Famine, Women Creative Acts, and Gender Dynamics in Manawashai, Darfur, Western Sudan', *Jenda: A Journal of Culture and African Women Studies*.
- O'Boyle, Sarah (n.d.), 'Strength, Survival and Resilience: The Women of Darfur', West Darfur, available at <http://www.sudanreach.org/DarfurWomen.pdf>.
- United Nations Children's Fund [UNICEF] (2007), *State of the World's Children 2007*, New York: UNICEF.
- United Nations Department of Economic and Social Affairs Statistics Division (2006), *The World's Women 2005: Progress in Statistics*, New York: United Nations.
- United Nations Development Fund for Women [UNIFEM] (2007), 'Violence Against Women – Facts and Figures', available at http://www.unifem.org/campaigns/vaw/facts_figures.php.
- (2008), *Progress of the World's Women 2008/2009: Who Answers to Women? Gender & Accountability*.

United Nations Development Programme [UNDP] (2006), *Arab Human Development Report 2005: Towards the Rise of Women in the Arab World*, Amman: UNDP.

United Nations Population Fund [UNFPA] (2000), *The State of World Population 2000: Lives Together, Worlds Apart, Men and Women in a Time of Change*.

——— (2006), *State of World Population 2006: A Passage to Hope: Women and International Migration*.

Women for Women's Human Rights – NEW WAYS (2005), *Turkish Civil and Penal Code Reform from a Gender Perspective: The Success of Two Nationwide Campaigns*, Istanbul.

Women Living Under Muslim Laws (2007), *WLUML Newsletter*, Issue 4, August, London.