Recognising Common Ground: Islam and Women’s Human Rights

Proposal for Side Events at Sessions of the Commission on the Status of Women (March 2015) and Human Rights Council (June 2015)

Musawah, the global movement for equality and justice in Muslim families, seeks to partner the government of Indonesia, with UNWomen (MENA region) and the United Nations Population Fund (UNFPA) on side events at the fifty-ninth session of the Commission on the Status of Women (CSW) in March 2015 and the twenty-ninth session of the Human Rights Council (HRC) in June 2015. The focus of the side events will be on the compatibility of Islam and women’s human rights, with a particular emphasis on the concepts of qiwamah and wilayah, which are commonly understood to mandate male authority and guardianship over women.

The CSW side event will examine how the dialogue between women’s human rights and Islamic discourses have evolved since the adoption of CEDAW in 1979 and the Beijing Declaration and Platform for Action in 1985, and outline the opportunities that are now available for reconciling human rights and Muslim legal tradition.

The HRC side event will focus on qiwamah and wilayah, two key concepts that are at the heart of most contemporary Muslim family laws, and how thinking about these from a rights perspective that is in line with Muslim legal tradition can help governments better fulfil their human rights obligations in law and in practice.

Both CSW and HRC side events will touch on laws and practices related to women’s rights and marriage and family relations in Muslim contexts, including early and child marriage, consent to marriage, sexual and reproductive health and rights, polygamy, access to divorce, custody and guardianship of children, and inheritance rights. It will also call for a new legal framework on Muslim family laws that regard marriage as a partnership of equals.

Objectives:

- Reflect on the dialogue between women’s human rights and Muslim legal tradition since the adoption of CEDAW in 1979 and the BPFA in 1985.
- Outline the evolution of concepts and laws related to women’s rights and marriage and family relations in the past 20 years.
- Discuss methodologies within Muslim legal tradition that can be used to promote women’s human rights.
- Share insights into how qiwamah and wilayah can be understood in a way that is consistent with Muslim legal tradition, human rights principles, and lived realities, thus facilitating reform of Muslim family laws and policies to better fulfil human rights obligations.

Anticipated outcomes:

- Participants will better understand why human rights and Muslim legal tradition have been considered to be in conflict and ways in which they can be seen as compatible.
- Participants will better understand the central role played by the concepts of qiwamah and wilayah in marriage and family relations in Muslim contexts, and will gain ideas on how to reconsider these concepts in a way that is consistent with Islamic teachings, human rights standards, constitutional guarantees of equality, and lived realities of men and women.
- UN agencies will learn language and concepts from within Muslim legal tradition that can be used to promote universal human rights standards.
Governments will gain ideas on how they can better fulfil their human rights obligations, particularly in relation to CEDAW and the BPFA, in ways that are consistent with Muslim legal tradition.

Proposed speakers/presentations for CSW side event (March 2015): Recognising Common Ground: Islam and Women’s Human Rights

- **Zainah Anwar (Malaysia):** Ms. Anwar will share reflections on developments in Muslim women’s rights since Beijing, including her personal experience at the Beijing Conference, the on-going debate among Muslim women about human rights and Islam, and an overview of family law reforms that have taken place in various countries around the world.

- **Marwa Sharafeldin (Egypt):** Dr. Sharafeldin will present Musawah’s research on how OIC governments have used Islam to justify reservations to CEDAW and non-compliance with treaty obligations, especially on Article 16 on marriage and family relations. She will also share Musawah’s strategies in challenging this through the holistic approach of the Musawah Framework for Action.

- **Asma Lamrabet (Morocco):** Dr. Lamrabet will discuss the theology of *insan* (humanity) as a way to reconcile human rights and Islam from a Qur’anic perspective.

- **Ziba Mir-Hosseini (Iran/United Kingdom):** Dr. Mir-Hosseini will provide an overview of the social and political contexts that have fostered the on-going debates between the legal traditions of Islam and human rights; and will delineate prospects for forging an overlapping consensus between Muslim legal tradition and international human rights.

Proposed speakers/presentations for HRC side event (June 2015): Rethinking Male Authority in Muslim Legal Tradition

- **Ziba Mir-Hosseini (Iran/United Kingdom):** Dr. Mir-Hosseini will provide social and political background on the current debates between Islam and human rights and will show how the emergence of Muslim feminist scholarship and the ongoing development of the concept of substantive equality can be applied in Muslim contexts to promote women’s human rights.

- **Natasha Dar (Pakistan/United States):** Ms. Dar will present updated findings based on Musawah’s 2012 report *CEDAW and Muslim Family Laws: In Search of Common Ground* on justifications made by governments for non-implementation of CEDAW provisions and Musawah’s response for why implementation is possible from an Islamic perspective.

- **Mulki Al-Sharmani (Egypt/Finland):** Dr. Al-Sharmani will explain the *fiqh* concepts of *qiwanah* and *wilayah*, which are commonly understood to mandate male authority and guardianship over women, their central role in contemporary Muslim family laws, and how these concepts operate in context.

- **Nani Zulminarni (Indonesia):** Ms. Zulminarni will share personal stories of how women in Indonesia grapple with *qiwanah* and *wilayah* in their daily lives, based on life stories documented in a multi-year, multi-country Musawah Global Life Stories Project.

- **Zainah Anwar (Malaysia):** Ms. Anwar will unveil Musawah’s Viewpoint Document on *Qiwanah* and *Wilayah*, the outcome of a five-year knowledge building initiative. The Viewpoint Document will present Musawah’s proposals for rethinking these two concepts and reshaping Muslim family laws using a holistic framework that integrates Islamic teachings, universal human rights standards, national constitutional guarantees of equality, and lived realities of women and men.

What is expected from the Indonesian government:

- Co-sponsorship of a side event
- Room booking for the side event
- Invitations to government delegates and missions in New York/Geneva to attend the side event.