

المجلس الكندي للنساء المسلمات
CANADIAN COUNCIL
OF MUSLIM WOMEN
LE CONSEIL CANADIEN DES
FEMMES MUSULMANES

IN THE NAME OF GOD

The Canadian Council of Muslim Women is a national non-profit organization established to assist Muslim women in participating effectively in Canadian Society and to promote mutual understanding between Canadian Muslim women and women of other faiths.





CCMW

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Canadian Council of Muslim Women
Conseil canadien des femmes musulmanes

SYMPOSIUM:

MUSLIM WOMEN'S EQUALITY RIGHTS IN THE JUSTICE SYSTEM: GENDER, RELIGION AND PLURALISM

APRIL 9, 2005

***CROWNE PLAZA TORONTO
DON VALLEY
1250 Eglinton Avenue East
Toronto, Ontario***

Appreciation

***Canadian Council of Muslim Women gratefully acknowledges
the support of the Women's Program, Status of Women Canada,
Rights and Democracy, Canadian Women's Foundation, AND
Change Canada Foundation***

PROGRAM

| | | |
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| 8:00 - 9:00 a.m. | Registration | |
| 9:00 - 9:05 a.m. | Recitation of Al-Quran | Nevin Reda and Andreea Muscurel |
| | Translation | |
| | National Anthem | |
| 9:05 - 9:10 a.m. | Host Chapter's Welcome | Barbara Siddiqui , President, Toronto Chapter Huma Ahmad , President, Peel Chapter Razia Jaffer , President, National Board |
| 9:10 - 9:15 a.m. | National President's Remarks | |
| | Introduction of Speaker | |
| 9:15 - 10:00 a.m. | Prospects and Limitations of Legal Protection of Rights: Need for Internal Transformation | Abdullahi An-Na'im, PhD , Professor of Law, Emory School of Law |
| 10:00 - 10:05 a.m. | Introduction of Speaker | Erum Afsar , Calgary Chapter |
| 10:05 - 10:45 a.m. | Testing the Bounds of Liberal Multiculturalism | Will Kymlicka, PhD , Chair, Political Philosophy, Queen's University |
| 10:45 - 11:00 a.m. | HEALTH BREAK | |
| 11:00 - 12:30 p.m. | Panel: Impact of Religious Pluralism On Women | Sirma Bilge, Will Kymlicka, Marilou McPhedran, Abdullahi An'Naim, Ayelet Shachar Alia Hogben |
| | Facilitator | |
| 12:30 - 2:00 p.m. | PRAYERS/LUNCH | |
| 2:00 - 3:30 p.m. | Panel: Is There Room for Women's Equality Rights in Religious Arbitration | Kathy Bullock, Aisha Geissinger, Julius Grey, Faisal Kutty |
| | Facilitator | Selma Zecevic |
| 3:30 - 3:45 p.m. | HEALTH BREAK | |
| 3:45 - 5:00 p.m. | CONCURRENT WORKSHOPS | |
| | 1. Primer: Consultation on Comparative Study: Muslim Family Law and Canadian Family Law | Lynda Clark, Pam Cross |
| | Facilitator | Huma Ahmad |
| | Recorder | Razia Jaffer |
| | 2. Public Policy and the Application of Religious Laws in Family Matters | Andrée Côté, NAWL Cindy Wilkey, LEAF Rizwana Jafri, MCC Tarek Fatah, MCC Ariane Brunet, Rights and Democracy Anu Bose, NOIVMWC Nuzhat Jafri Ismat Jafri |
| | Facilitator | Ziba Mir-Hosseini, Hauser Global Law, Visiting Professor, New York University |
| | Recorder | |
| 5:00 - 6:00 p.m. | Observations on Women's Experience of the Shariah as an Ideology | |
| | Wrap-up | |
| | Question and Answer | |
| | Facilitator | Alia Hogben |
| 7:30 p.m. | DINNER | |
| | Dinner/ Live Music/ Auction | |

“Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: and God is well acquainted with all that they do.”

Quran 24:30

We usually have two newsletters per year, but due to the number of projects and activities, we regret that this is the first newsletter of 2005. The use of our email list serve has kept the membership informed.

Summary Update

Since the last newsletter of Fall 2004, CCMW has been heavily engaged in a number of tasks resulting from our Strategic Plan and more recently from our new project funded by the Status of Women, titled Muslim Women’s Equality Rights in the Justice System: Gender, Religion and Pluralism.

Till the Fall of 2004, we held a conference/Forum in Montreal in October 2003, “Engaging Muslim Women in Civic and Social Change” followed by a number of regional meetings through the summer of 2004.

No conference was held in 2004 due to the workload and the regional meetings held with the chapters in Halifax, Montreal, Toronto, Calgary and Vancouver.

Since the Fall of 2004, we have completed a number of projects identified in the Three Year Strategic Plan.

THREE YEAR STRATEGIC PLAN.

Fact sheets:

We have completed three Reports and based on these, three Fact Sheets:

Beyond Perceptions: Muslims Women in Canada;

Muslim Women: From Polling Booths to Parliament;

Triple Jeopardy: Muslim Women’s Experiences of Discrimination.

These demographics reports have been useful to the media and to other organizations as till now there has been no data specific to Muslim women. Press releases were done and the media did have some articles on these reports. We are grateful to Dr Daood Hamdani for his assistance with the research for these reports.

The reports and fact sheets are on our website.

Position Papers:

McGill University’s Institute of Islamic Studies has agreed to have their students write the CCMW Position Papers. The intent is to present an Islamic, pro-woman perspective of women’s issues.

The draft papers have been done and we are waiting for the finalized Papers. These are on, Gender and Sexuality, Violence against Women, Leadership of Women and Gender Equality.

The purpose of these Position Papers are to demonstrate that Islam is a religion which is favourable to women.

Media Handbook & Media Orientation:

Some board members received media orientation and then Nuzhat Jafri did the orientation for chapters at the regional meetings.

The old handbook was revised, updated and re-designed. It has been forwarded to our chapters.

Copies are available to interested individuals and organizations

Regional Meetings:

These were held in the summer of 2003, in Halifax, Montreal, Toronto, Calgary and Vancouver. Board members attended each meeting and the meetings were facilitated by Nuzhat Jafri. The Summary Report of the meetings was forwarded to the chapters and at the AGM they presented their updates. Report is on the website.

In the Fall of 2005, we will again hold regional meetings. The meetings will be for updates, orientation for Muslim Family Law advocacy, focus groups for the Needs Assessment and for orientation to the Primer of Comparative Family Laws: Muslim and Canadian.

These meetings are open to all women and we would be pleased to have all attend. Please contact the board for the dates and places.

Increased Use of Technology:

We have been fortunate in having Andreea Muscurel as a part time administrative assistant and Faisal Saeed our webmaster. Between them we have been able to develop a list serve, and on the website we have all our documents which are easily accessible.

Without them we could not have responded as quickly as we have done to media requests and to put messages and our documents on the website. The list serve has allowed us to send different information to our members and other interested organizations and individuals.

We also monitor the use of the website as to visits and there has been a phenomenal increase in the number of visits. We are getting calls from parts of Canada, the States and around the world regarding specific issues and issues of general concern to Muslims.

We would still like greater use of the website by chapters as it is an easy way to let others know of their activities.

Needs Assessment:

CCMW wants to ensure that our work is based on what Muslim women identify as their needs. To this end, we are in the process of designing a questionnaire with Dr Daood Hamdani, which will be used across the country and form part of the regional meetings. The Needs Assessment will not be of use only for CCMW, but we hope will help other organizations learn of the issues facing Muslim women.

If you are interested in participating in this Needs Assessment please contact us.

NEW PROJECT: MUSLIM WOMEN'S EQUALITY RIGHTS IN THE JUSTICE SYSTEM: GENDER, RELIGION AND PLURALISM.

CCMW is pleased to be funded by the Status of Women for this project. The issues of religious laws in public law, the jeopardy to women's equality rights, the use/abuse of multiculturalism and the argument of religious freedom have arisen because the

Ontario Arbitration Act allows for private, legally binding arbitration agreements, using religious laws.

CCMW Position

After serious and careful consideration, and with the support of many Islamic scholars, CCMW has taken the position that no religious laws should be allowed in family matters and that all of us, regardless of religion, ethnicities, cultures or races should be under one Ontario Family Law. If every group separated itself by one criteria only, the discrimination, segregation and the development of a parallel system of private justice would be divisive.

This project is to mobilize and engage organizations to ensure that one law applies to all of us and that family matters do not fall under the jurisdiction of the Arbitration Act. The Arbitration Act's primary purpose is for commercial disputes and not for family matters.

CCMW is an organization of believing women and it is difficult for us to make a stand against the application of Muslim Family laws, but we feel strongly that we can be good Canadians and good Muslims living under the same laws.

CCMW makes a clear statement that as believing Muslim we cannot be against Sharia, but we know that fiqh/jurisprudence was developed by scholarly men and therefore has the context of their history, culture and traditions. Sadly, equality of women is not part of the patriarchal family model.

As the scholar Khaled Abou El Fadl states,

“The Shariah, for the most part, is not explicitly dictated by God.

Rather, Shariah relies on the interpretive act of the human agent for its production and execution. Paradoxically, however, Shariah is the core value that society must serve. The paradox here is exemplified in the tension between the obligation to live by God's law and the fact that this law is manifested only through subjective interpretive determinations. Even if there is a unified realization that a particular positive command does express the divine law, there is still a vast array of possible subjective executions and applications. This dilemma was resolved somewhat in Islamic discourses by distinguishing between Shariah and fiqh. Shariah, it was argued, is the Divine Ideal, standing as if suspended in midair, unaffected and uncorrupted by life's vagaries. The fiqh is the human attempt to understand and apply the ideal. Therefore, Shariah is immutable, immaculate, and flawless- fiqh is not.”

Islam and the Challenge of Democracy,
2004.

Please visit our website for a number of documents regarding this issue.

A Symposium, “Muslim Women in the Justice System: Gender, Religion and Pluralism”, was held in Toronto on April 9/05 and CCMW ensured that the differing voices of the discussion were represented. We had experts such as Will Kymlicka, Abdullahi an Naim and Ziba Mir Hosseini amongst many others who spoke on the topics within this discussion.

The purpose of the symposium was to have an open discussion on the issues, to hear

other voices, to hear from experts, to have greater participation of other groups and individuals, to have politicians attend and to have a plan of action resulting from the discussions.

We were honoured to have Professor Ziba Mir-Hosseini not only speak at the Symposium, but also assist us with the federal government regarding the use of Sharia/Muslim Family Law in Canada.

Partnerships

We are most grateful to Rights and Democracy and to the National Association of Women and the Law, for their sessions in Montreal and Ottawa. The conference on Fundamentalisms at Rights and Democracy introduced us to a number of international organizations who wrote a joint letter of support. The meeting with Rashida Manjoo of South Africa, Farida Shaheed of Pakistan, of Zazi Sadou from Algeria, Soheib Bencheikh, the Mufti of Marseilles, Vahida Nainar of India and many others was inspirational and their advice helpful.

We also met Yakin Erturk, the U.N Special Rapporteur on Family Violence and she was very interested in what is happening in Ontario, Canada.

The NAWL session was on the specific issues of religion in public law and the gathering of organizations concluded in a joint Declaration that religious laws should not be applied in family matters.

Women Living Under Muslim Laws, under the direction of Marieme Helie-Lucas, has been of great support to us. They facilitated the visit of Ziba Mir Hosseini with the financial help of Rights and Democracy.

We suggest a visit to their website as it is full of information and updates of international issues. www.wluml.org

CCMW held a meeting June 19/05 in Toronto with a number of organizations and a coalition was formed who signed the same joint Declaration of the Ottawa meeting. We will campaign together so that the government of Ontario limits all family matters under the Family Law Act regime. A Steering Committee has been formed to organize a campaign.

We have had an incredible amount of Canadian and international attention and support as this issue is seen as having repercussions around the world. We are grateful to many individuals who have become friends of Muslim women and have taken on this issue as one affecting all women of faith.

Provincial NDP Position on the use of Religious laws via the Arbitration Act

The provincial party, on May 30/05, made a public statement on this issue. We thank them for their courageous position, considering that it was their government in 1991 who revised the Arbitration Act which allows for private legally binding arbitration using religious laws in family matters.

It is courageous, as Marion Boyd was in the NDP government of the day and because she has been a longstanding member of the party.

We quote their entire statement as it is an important document.

“For some time there has been a continuing debate about what legal processes should be used to settle “family law issues.” Some advocates argue that family law issues

should be treated like other legal disputes that are “contractual” in nature, and where possible should be determined by processes such as mediation and arbitration.

Mediation or arbitration allow the parties to “find their own settlement;” avoid expensive and time consuming court proceedings; and design their own rules and choose their arbitrator. They also point out that the arbitration process has been used to resolve some kinds of family law disputes for decades in Ontario.

Critics of the “arbitration is best” argument frequently raise the concern that without ultimate court supervision of arbitration decision in family law matters, women may be disadvantaged in mediation-arbitration processes as a result of power imbalances in the relationship. This concern is heightened where women live according to the tenets of a faith community or social traditions that have a history of subjugating the interests or rights of women to the interest or rights of men.

In 1991, when Ontario’s Arbitration Act was amended these issues were then as now the subject of much debate. The policy review process which preceded the new Arbitration Act recommended that arbitration continue to be available to resolve some family law matters, but it also acknowledged the potential problem of power imbalances in family relationships and the very real possibility that women could be treated unfairly.

For that reason the 1991 Arbitration Act contained provisions that would allow a future government to easily exclude family law issues from the Arbitration Act if it concluded that arbitration did not work well in family law disputes.

Ontario New democrats believe that alternative dispute resolution processes such as mediation and arbitration should be available to women and men to settle some disputes, but believe there is sufficient evidence to conclude arbitration has no place in family law.”

We hope that both the Provincial Conservative and Liberal parties will follow the lead of the NDP.

Quebec support

The Quebec legislature passed a motion that they would not support the use of Sharia/Muslim family law in that province, and they urged other provinces to follow suit.

CCMW had a Press Release, thanking the Quebec legislature and adding that it we are working towards the elimination of ALL religious laws not just one form.

We continue to be grateful for the friendship and support of Madame Fatima Houda Pepin, MLA of Quebec.

Information Kit

CCMW has developed an Informational Kit which is fairly comprehensive about the issue of religious laws in family matters. It has been shared with our partners and will be used for the campaign.

Media and World Interest

There has been a great deal of media interest, again from Canada and abroad. We have had innumerable speaking engagements and have been invited to a number of world conferences to speak on the issue. CCMW has spoken at universities, churches, women’s groups, social service organizations’ meetings and other gatherings.

In the near future, we will be speaking at the Organization of Security and Co-operation in Europe conference in Poland, at the World Conference of Family Violence and at the Metropolis conference in Toronto.

A Symposium Report will be available soon and will be on our website. The joint Declaration is also on our website. An Information Kit is available.

Primer on Comparative of Family Laws: Muslim and Canadian.

There is a need for Muslim women and others to learn about the two systems of law and to review the similarities and differences for themselves. This will be an educational tool not just for women, but we think useful for professionals as well. The Primer is being written by lawyer Pam Cross and Islamic scholar Lynda Clarke. Currently, we have some women readers who are reviewing the content for ease of understanding, and their comments will be provided to the authors who will finalize the Primer prior to publication. The Primer will be translated into other languages as well.

Media.

We continue to have a lot of media contacts, not only about the Sharia/Muslim family law issue but about other subjects which affect our lives. Nuzhat Jafri and Alia have been in the newspapers, TV, and radio from many parts of the world.

We are grateful that we had the media training as it helped us deal with the media.

ANNUAL GENERAL MEETING:

The meeting was held on Sunday, April 10/05 after the Symposium in Toronto. The chapters presented their annual reports and an election was held for board positions.

Iman Zebian and Nina Karachi-Khaled resigned from the board and we want to thank them for their years of service to Muslim women. We wish them happiness and health and hope that they will remain active at the chapter level.

We welcome the two new board members, Khaddouj Souaid from Ottawa and Shaheen Ashraf of Montreal. Khaddouj brings needed skills to the board as she is a social worker specializing in research and policy. She is also bilingual which will help the board. Shaheen is a longstanding member of CCMW and is a business woman whose administrative skills will be an asset as will her dedication to Muslim women's issues.

An AGM report is to be published soon and will be forwarded to the chapters and will be on the website.

OF INTEREST:

Consultation with Government

CCMW has been invited by the federal government to attend various meetings, for example, in March 2004, CCMW was invited by the Department of Foreign Affairs to meet with Journalists from Southeast Asia. Alia Hogben attended with Senator Mobina Jaffer.

In November 2004, Department of Justice invited CCMW for the consultation on the Anti-Terrorism Act.

Canada Pension Plan: old Age Security and Guaranteed Income Supplement Allowance.

If you are 60-64, have a low income and think you need additional funds via the Income Supplement Program, please contact the federal government for an application.

Please contact 1-800-277-9914 Social Development Canada.

Legal Aid Certificate

The legal aid program is to make sure that people who do not have money to pay a lawyer can still get the legal help they need.

Please contact Legal Aid Canada 1 800 668 8258 or www.legalaid.on.ca

Legal Information

METRAC and OWJN in Toronto have brochures which explain matters such as Family Law, Child Support, Custody and Access, Child Protection and Custody issues for Immigrant and Refugee Women. These are available in a number of languages.

Please contact www.ojwn.org or www.metrac.org or call 416-392-3138.

Cross Cultures Canadian Magazine

Gehan Sabry of Kitchener publishes a magazine which is an open forum to promote harmony through better understanding between different cultures.

Gehan is planning a conference on Sharia/Muslim family law and has invited CCMW to participate.

Muslim Family Safety Project

An interesting project is taking place in London, Ontario and is a collaborative project between the Muslim community of London and the Coordinating Committee to End Woman Abuse.

For more information please contact Mohammed Baobaid at 519 438 9869 #25. Or mbaobaid@changingways.on.ca

FOOD FOR THOUGHT: a member's opinion.

Though not recognized, it is well known, that there is no one Islamic/Muslim culture. There is no monolithic, homogenous culture which is common to all Muslims. There are definitely shared values and practices, but the plurality of Muslims, of different ethnicities, means that the practice of Islam is also affected by the surrounding culture, history and geography of the region. That is why we should acknowledge with pride that Islam has accommodated and adapted throughout the world. This diversity needs to be celebrated, not frowned upon, and accepted that it does not detract from the sense of the "ummah."

Let us take the example of the subcontinent of India, Pakistan and Bangladesh. All these countries have a history of mingling with the local civilizations, as well as with those of Turkey, Iran and Arabia.

In the last 2 years, it seems that Indo-Pakistanis in Canada have been heavily influenced by the Arabs, mostly of the Saudi peninsula. This has resulted in Indo - Pakistanis wanting to use more Arabic words and phrases and to discard certain customs and practices which the Arabs have judged as "bida" or "haram."

In their sincere desire to be more "authentic" Muslims, it seems that other languages and other cultures are deemed inferior, and the language of all Muslims, whether Arab or non Arab should only be Arabic.

On the surface what appears to be a minor issue is in fact symptomatic of this desire to be "politically correct" within the Muslim world. One of the most striking example demonstrate this point. A sudden hostility has developed to the longstanding greeting common amongst Indo- Pakistanis, derived

from the Iranis of saying “Khuda Hafiz” at the time of departure. This practice is hundreds of years old and has never been questioned by Muslims. However, the recent demonizing of the word Khuda [God in Farsi] has led to the abandonment of Khuda Hafiz and to the newly coined “Allah Hafiz” instead. What is ironical is that this phrase is not used by Arabs either, as they use other forms of greetings, depending on their country of origin.

It appears that the reasoning is that “Allah” is Islamic because it is Arabic, while Khuda is Farsi and therefore suspect. It is true that Allah for God is used in the Quran, which was of course revealed to the Prophet Muhammad, an Arab, in Arabic.

Is the word only for the “Muslim God” or is it Arabic for God? It is true that the word Allah is traditionally used by Muslims, but it is not used in Islam exclusively; Arab Christians and Arab Jews also use it to refer to the monotheist deity and is part of their Arabic heritage. Surely this means that we Muslims cannot and should not usurp the Arabic word Allah as if it only belongs to us.

It is helpful to inquire where the Arabic word for God originated.

Was the word Allah coined by the Prophet or by the Quran or did it exist previously and was assimilated into the new faith?

What we know is that historically and simply, Allah is the Arabic word for God. It is derived from Proto-Semitic *il* as is Hebrew *el*, the word originated in pre-Islamic times. Although the word Allah has no plural form, it is grammatically masculine, and is a contraction of *al-ilah* or the only God and translates to God in English.

The pagan Arabs had a chief deity or high God in their pantheon, whom they called al-lah. Along with al-lah, however, these pre Islamic Arabs worshipped a host of lesser gods and daughters of al-lah [Allat meaning Goddess, Al-Uzza meaning the mighty one and Manat, the fateful one.] Along with al-lah, these females deities were particularly dear to the Arabs of the Hijaz.

The Arabs of the day did seem to equate al-lah with the same God as the one worshipped by the Jews and Christians.

Pagan Arabians often used the word al-lah in the names of their children, for example, Prophet Muhammad’s father, who was born into paganism, was named Abdullah, meaning the servant of Allah. So if Allah is the Arabic for God and Khuda is the Farsi for God and other languages have other names for the same monotheistic God, should we Muslims not be open to all the words as they all mean the same? The concept of the One God, indivisible and unique is what is significant, and this is not detracted by calling him Khuda if one’s heritage has Farsi words in the language?

What a great pity if each one of us abandons our rich and diverse heritage so as to be viewed as more Muslim? Surely, we can be proud of being Muslim and being from different parts of the world and of different cultures and races? Should we not question the rush to identify only with things Arabic as if only being Arab or pseudo Arab can make us good Muslims? Won’t Muslims and Islamic history be deprived of this richness of so many traditions which constitute the reality of being Muslim. This is plurality within Islam. Let us not lose it.

Sources: Karen Armstrong: A History of God,
1993
And Wikipedia.org

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