



**WOMEN'S** | **STORIES**  
**LIVES** Male  
Authority in  
Muslim  
Contexts

A publication by Musawah,  
the global movement for equality and justice in the Muslim family



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Muslim  
Contexts

**Women's Stories, Women's Lives:  
Male Authority in Muslim Contexts**

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These are the women and men who participated in the project, with the names of the institutions that supported the teams in parentheses. All resource persons' names have been changed to protect their identities.

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# Table of Contents

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<b>Preface</b>	<b>7</b>
<b>Acknowledgements</b>	<b>13</b>
<b>Introduction</b>	<b>17</b>
<b>On the Ground: Data, Trends and Stories by Country</b>	<b>27</b>
<b>Bangladesh</b>	<b>28</b>
Women's Economic Roles	
Male Guardianship and Anxieties about Gender Roles	
Women Speak...Ranu's Life Story	
<b>Canada</b>	<b>40</b>
Identity Politics	
Legal Pluralism	
Spousal Roles and Sexual Relations within Marriage	
Women Speak...Naeema's Life Story	
<b>Egypt</b>	<b>53</b>
Male Authority and Negotiation of Gender Roles	
Context and Pathways to Empowerment	
Women Speak...Nadia's Life Story	
<b>Gambia</b>	<b>62</b>
Women's Navigation of Gender Inequalities	
Women's Struggle for Access and Rights in the Public Sphere	
Women Speak...Natoma's Life Story	
<b>Indonesia</b>	<b>77</b>
Realities of Spousal Roles	
Women's Self-Knowledge and Relationship to Religious Tradition	
Women Speak...Sinta's Life Story	
<b>Iran</b>	<b>91</b>
Difficult Access to Divorce	
Male Authority and Women's Autonomy	
Women Speak... Elham's Life Story	

<b>Malaysia</b>	<b>102</b>
Realities of Spousal Roles	
Multidimensional Impacts of Polygamous Marriages	
Women Speak...Mimi's Life Story	
<b>Nigeria</b>	<b>114</b>
Child Marriage	
Domestic Violence	
Women Speak...Rashida's Life Story	
<b>United Kingdom</b>	<b>123</b>
Navigating Gender Roles in Minority Communities	
Transnational Arranged Marriages and Migration	
Women Speak...Nijat's Life Story	
<b>Women's Experiences: A Transnational Overview</b>	<b>135</b>
<b>The Workings of <i>Qiwamah</i> and <i>Wilayah</i> within Family Laws</b>	<b>138</b>
Child Marriage	
Economic Roles: Who Provides?	
Polygamy	
Domestic Violence and Sexual Relations within Marriage	
Divorce and Post-divorce Rights	
Custody and Guardianship of Children after Divorce	
<b>Cross-Cutting Trends</b>	<b>168</b>
<b>Pathways to Equality</b>	<b>177</b>
<b>Conclusion: Building Egalitarian Marriages</b>	<b>183</b>
<b>Annex 1: Demographic Information</b>	<b>187</b>
<b>Annex 2: Glossary of Key Terms</b>	<b>193</b>
<b>Annex 3: Tools from the Countries</b>	<b>196</b>
<b>Annex 4: On the Ground: Data, Trends and Stories by Country - References</b>	<b>202</b>

# Preface

Musawah is a global movement for equality and justice in the Muslim family. Launched in 2009, it seeks to link scholarship with activism, bring fresh perspectives on Islamic teachings and contribute constructively to the reform of Muslim family laws and practices.

The Global Life Stories Project is a central element in Musawah's ongoing and multifaceted research programmes aimed at producing new egalitarian knowledge from within Muslim legal tradition.

## Democratizing the Production of Religious Knowledge

In Musawah ('Equality' in Arabic), we draw on the latest Muslim reformist thought and feminist scholarship in Islam, and ground our claim to equality and our arguments for reform simultaneously in Islamic and human rights frameworks. We recognize two blind spots in approaches to gender issues in Islam and human rights. On the one hand, many scholars of Islam are unaware of the importance of gender as a category of thought and analysis. On the other hand, many feminists and human rights advocates have little knowledge or appreciation of religious categories of thought and religion-based laws, considering them

**The quest for gender equality in Muslim contexts involves reclaiming the egalitarian ethos of Islam's sacred texts and creating a public voice for it.**



as antithetical to the feminist project. We believe these blind spots need to be addressed and that approaches from Islamic studies, feminism and human rights perspectives, far from mutually opposed, can be mutually reinforcing, particularly in mounting an effective campaign against gender discrimination. The quest for gender equality in Muslim contexts involves reclaiming the egalitarian ethos of Islam's sacred texts and creating a public voice for it.

We also recognize the political difficulties that we inevitably encounter: defenders of entrenched interests will not easily engage with proponents of arguments that they perceive as threatening beliefs and practices fundamental to their own tradition and indeed their interests and *raison d'être*. But for a feminist project to bring sustainable and meaningful change, it must develop arguments and strategies that can effectively break the tenacious bond between patriarchy and despotic politics that sustains unjust laws and structures, whether they come in a religious or a secular guise. In this sense, Musawah is part of a larger struggle for the democratization of the production of knowledge in Islam and for the authority to interpret its sacred texts.

## The Musawah Framework for Action

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We have developed a holistic *Framework for Action* that integrates Islamic teachings, universal human rights principles, national constitutional guarantees of equality and the lived realities of women and men. We take a critical feminist perspective, but most importantly we work within the tradition of Islamic legal thought and we invoke two of its main distinctions. The first, which underlies the emergence of the various schools of Islamic law and within them a multiplicity of positions and opinions, is between *Shari'ah* and *fiqh*. *Shari'ah* ('the way') in Muslim belief is God's will as revealed to the Prophet Muhammad. *Fiqh* ('understanding') is Islamic jurisprudence, the process and the methodology for discerning the *Shari'ah* and extracting legal rulings (*ahkam*) from the sacred sources of Islam: the Qur'an and the *Sunnah* (the practices of the Prophet as contained in *ahadith*, Traditions). Like any other system of jurisprudence, *fiqh* is human, temporal and local.

The second distinction is between the two main categories of legal rulings: *'ibadat* (ritual/spiritual acts) and *mu'amalat* (social/contractual acts). Rulings in the first category, *'ibadat*, regulate relations between God and the believer. Here jurists contend that there is limited scope for rationalization, explanation and change, since such rulings pertain to the spiritual realm and divine mysteries. This is not the case with *mu'amalat*, which regulate relations among humans

and remain open to rational considerations and social forces, and to which most rulings concerning women and gender relations belong.

These distinctions give us the language and the conceptual tools to argue for gender equality from within Muslim legal tradition. Contemporary Muslim family laws, we contend, are neither divine nor immutable; they are the products of *fiqh* developed by classical jurists in vastly different historical, social and economic contexts. They belong to the realm of *mu'amalat*, an area of *fiqh* rulings that is open to *ijtihad*, re-interpretation in line with the demands of time and place. These rulings, we believe, must now conform to contemporary notions of justice, to which gender equality became inherent during the course of the 20th century. Women's concerns and voices were silenced by the time the *fiqh* schools emerged, early in the history of Islam; today we are re-inserting them into the processes of the production of religious knowledge and lawmaking.

## Rethinking Male Authority in Muslim Legal Tradition

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In 2010, Musawah began a multi-faceted initiative to rethink two central concepts that lie at the basis of the unequal construction of gender rights in Muslim family laws. These are *qiwamah* and *wilayah*, which, as understood and translated into legal rulings by Muslim scholars, place women under male control. They operate in all areas of Muslim law relating to gender rights, but their impact is most evident in the laws that classical jurists devised for the regulation of marriage and divorce. The jurists defined marriage as a contract that automatically places a wife under her husband's *qiwamah* (authority) and presumes an exchange: the wife's obedience and submission (*tamkin*) in return for maintenance (*nafaqah*) by the husband. *Wilayah* was understood as the right and duty of male family members to exercise guardianship over female members (e.g. fathers over daughters when entering into marriage contracts).

Behind these two concepts, which in time became the lynchpins of the patriarchal model of family in Muslim legal tradition, is the assumption that God has given men authority over women. This assumption is justified with reference to Qur'anic verse 4:34, which is often the only verse that is invoked in relation to marriage.

To engage with these two concepts from within the tradition, we conceptualized and designed a research project with three interconnected elements. For the first, we commissioned background papers that expounded and interrogated the construction of *qiwamah* and *wilayah* in classical *fiqh* and their underlying

theological, legal and sociological doctrines as well as their working in contemporary laws and practices. The second element was a participatory Global Life Stories Project which, through documenting life stories, aimed to shed light on how *qiwamah*- and *wilayah*-based norms and practices shaped contemporary women's real-life experiences. The final element involved opening spaces—such as in-person and electronic discussions and communications—where scholars and activists from different regions worked together to advance our collective understanding of *qiwamah* and *wilayah* and of women's rights in Islam in general.

In the course of several intensive workshops we brought together scholars and activists involved in the initiative to share insights from lived realities, feminism, critical legal studies and Muslim legal tradition in order to produce new knowledge consistent with the egalitarian vision of Islam. The first product of this process was *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, an edited collection of 10 chapters that challenged male authority and gender discrimination from within the tradition. The book's main thesis was that *qiwamah* and *wilayah* were mistakenly understood as divinely sanctioning men's authority over women, with the result that they in time became the building blocks of patriarchy within Muslim legal tradition. The different chapters of the book provided alternative understandings of *qiwamah* and *wilayah*, with some drawing on Qur'anic concepts central to the theological principles guiding God-human relations, others taking a holistic feminist approach that linked Muslim tradition to modern theories of knowledge, justice and equality, and yet others grounded in lived realities and women's experiences.

*Women's Stories, Women's Lives: Male Authority in Muslim Contexts*, the report of the Global Life Stories Project, is another key output of the initiative, relating the life stories of Muslim women in different countries. It gives us a glimpse of how religion, law and culture are used to legitimize male authority as embodied in *qiwamah* and *wilayah*. It documents their place in women's lifecycles: how they experience, understand, and resist the notion of male authority at different stages in their lives.

## Our Findings

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Our key finding so far has been a huge gulf between Muslim ideals and realities. The first output, *Men in Charge?* tells us that *qiwamah* and *wilayah* in the sense of male guardianship over women are not Qur'anic concepts—they are juristic constructs shaped by the gender ideology of the classical Muslim scholars in the

context of the norms and practices prevalent in their times. The term *qawwamun*, from which the classical scholars derived the concept of *qiwamah*, only appears once in the Qur'an in reference to marital relations (4:34). In the two other verses (4:135 and 5:8) where it appears, it is used in the sense of 'standing for justice'. In relation to marriage, two other terms appear numerous times: *ma'ruf* (that which is commonly known to be right) and *rahmah wa mawaddah* (compassion and love). The closely-related term *wilayah* does occur in the Qur'an but never in a sense that specifically endorses male guardianship over women, which is the interpretation of the term that is enshrined in classical *fiqh*.

The book further shows that verse 4:34, like other Qur'anic verses dealing with gender relations, was part of the effort to strengthen and improve the condition of women in the patriarchal context of pre-Islamic Arabia. Its objective was to protect women in unequal relationships by providing them pecuniary rights in marriage that would enhance their situation and bargaining power. Such protective measures were initial and important steps in a gradual process of freeing women from male domination and enabling them to acquire substantive equality—this is conveyed through the Qur'an's repeated call for marital relations to be based on *qist* (equity), *'adl* (justice) and *ihsan* (kindness). But as understood and defined in *fiqh*, this verse has become a further block in the patriarchal construction of marriage, according to which a woman's right to be provided for was linked to her duty to submit. Musawah believes that this link must be severed by challenging the transactional logic of 'maintenance for obedience' and restoring the original Qur'anic intent.

The evidence of *Women's Stories, Women's Lives* reveals other facets of the gulf between ideals and realities. It tells us how, in practice, the traditional conceptions of *qiwamah* and *wilayah* and their presumed protective and empowering aspects have been turned on their heads and used to justify male dominance and the treatment of women as perpetual minors. It shows how the *fiqh* definition of these two concepts makes women vulnerable, denying them security and dignity at different stages of their lives. In telling their life stories, women reflected on their own experiences and the choices they made at various stages of their lives. For most, it was a powerful revelation to see the gap between the Qur'anic vision of marriage and gender relations and what they were told was 'Islamic', and to understand that their lives had been shaped by a mistaken belief. *Qiwamah* and *wilayah* are so embedded in women's experiences that they tend not to see them unless the bundle of rights and duties that come with them is revealed, as these stories do so clearly. For the investigators in the country teams too, it was eye-opening to discover through the stories what these concepts entailed in law and practice. They too

found themselves reflecting on the importance, in their own life experiences, of something they all knew but had not named. This is the power of naming—we know and can change something only when we can see it for what it is and have named it.

Above all, women's life stories reveal that *qiwamah*- and *wilayah*-based family laws are untenable and that there is an urgent need for law reform. Not only are these laws unjust and discriminatory, far from creating harmony in marriage, they are themselves one of the main causes of marital breakdown and violence against women. Not least, polygamy and unequal access to divorce and child guardianship create not harmony and happiness but only pain and suffering for women and children, and often for men too. Happy and stable families, as our stories show, are those in which there is equality and mutuality of rights and duties, and resources are shared. This is what women want but they are prevented from expressing it and face resistance when they do so, because they are told their demands are against Islamic teachings.

The way forward, indicated by the findings of the two components of our project, is to rewrite the script of marriage as a partnership of two equals. Musawah argues that this is in line with both the Qur'anic vision and contemporary conceptions of justice. Rethinking the terms of the marriage contract from within the tradition is the next step in our journey towards knowledge; and with knowledge comes change.

Ziba Mir-Hosseini  
Co-founder of Musawah and Convenor  
of the Knowledge Building Working Group

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We are indebted to the Indonesian pilot team (Kamala Chandrakirana, Nur Rofiah, Nani Zulminarni, Tati Krisnawati and Dini Anitasari Sabaniah) for so carefully and thoughtfully undertaking the pilot study on which this project was based. We are also thankful to Alimat, an Indonesian coalition working on reforming religious knowledge to advance gender equality and justice, for co-organizing and hosting the initial Methodology Workshop in Bali in 2012.

We extend special thanks to the organizations, institutions and individuals in the nine participating countries that undertook this project: BRAC University (Bangladesh); Canadian Council of Muslim Women (Canada); Women and Memory Forum (Egypt); GAMCOTRAP (the Gambia); Alimat (Indonesia); Hoda Mobasseri (Iran); Sisters in Islam (Malaysia); Musawah Nigeria, with particular contributions from Isa Wali Empowerment Initiative and the Center for Women and Adolescent Empowerment (Nigeria); and Muslim Women's Network UK (the United Kingdom). In particular, we wish to acknowledge the country team members listed at the front of this report and thank them for an enriching journey of reflective learning about women's lived realities and their relevance to normative texts and laws.

We wish to acknowledge the Norwegian Ministry of Foreign Affairs for funding the project activities and the UN Women Regional Program for the Arab States for funding the production of this report, which was undertaken within the framework of the 'Men and Women for Gender Equality' programme funded by the Swedish International Development Cooperation Agency (SIDA). We also appreciate Deena Hurwitz's continuous support of this project, especially her insightful comments on the final draft of this report.

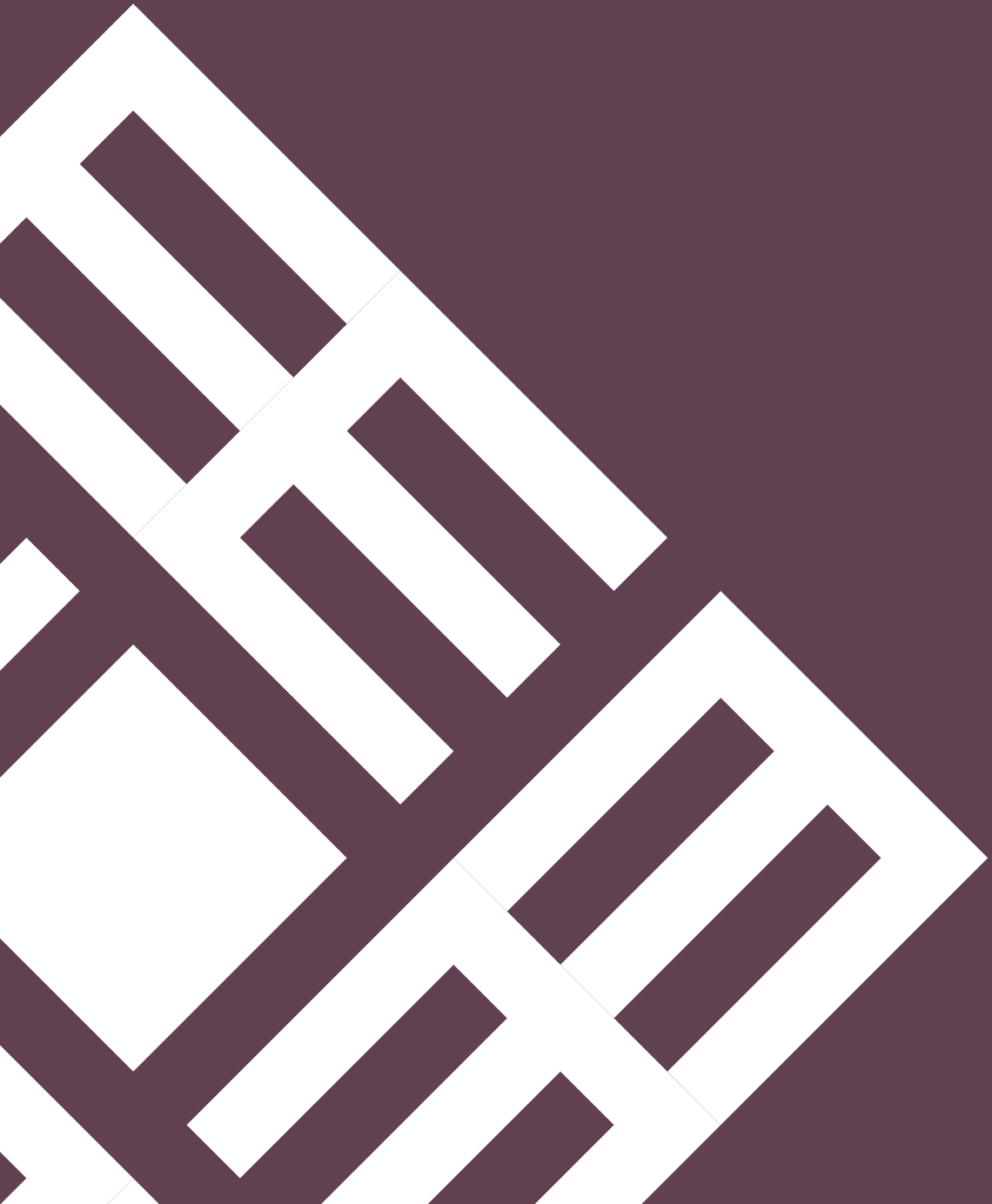
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**Musawah Knowledge Building Working Group**  
(Ziba Mir-Hosseini, Jana Rumminger, Mulki Al-Sharmani and Sarah Marsso)







# Introduction

# Introduction

How do women experience male authority and guardianship? How do these experiences play out in a girl's childhood, when she is getting married, in her role as wife or mother, or if the couple divorces? What does it mean for a woman to obey or submit to male authority on a daily basis or over the course of months or years? What happens if the husband or father fails to protect and provide for his wife and/or children—how do they survive? These are some of the questions probed during Musawah's multi-year Global Life Stories Project.

In this report, we outline the findings and selected stories from the Global Life Stories Project, which documented the life stories of 55 Muslim women in nine countries (Bangladesh, Canada, Egypt, the Gambia, Indonesia, Iran, Malaysia, Nigeria and the United Kingdom) over a period of three years (January 2011 through December 2013). The Project was undertaken by teams from the nine countries, the Musawah Knowledge Building Working Group, individual Musawah Advocates from different countries and an Indonesian Pilot Project team.

The Life Stories Project is one component of Musawah's Knowledge Building Initiative on *Qiwamah* and *Wilayah*, two concepts that are commonly understood to mandate men's authority over women and that lie at the heart of contemporary Muslim family laws. *Qiwamah* includes a husband's authority over his wife and his responsibility to provide for and protect her. The related concept *wilayah* relates to male family members' right and duty to exercise guardianship over female family members and fathers' privileged guardianship

over children.<sup>1</sup> We designed the Knowledge Building Initiative, which comprises theoretical research alongside this life stories documentation, to produce new feminist knowledge about the idea and realities of *qiwamah* and *wilayah* that Musawah Advocates can use to promote egalitarian family laws and gender norms.

In this report, we include the following:

1. An introductory section outlining the objectives of the project, the process through which the documentation of life stories took place, the methodological approach and the framework for analysing the stories.<sup>2</sup>
2. Insights and stories from each of the nine countries that participated in the Project, including socioeconomic information, key experiences women had with male authority and guardianship, and short and long excerpts from the life stories themselves.
3. An in-depth overview of the main findings from the stories, taking a transnational approach to understand how male authority and guardianship can manifest in women's lived experiences.

The annexes include a table with demographic information on all of the resource persons, a glossary of terms used in the report and examples of some of the visual tools arising from the stories that were developed by some of the country teams during the Project.

## Objectives

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The Global Life Stories Project has several objectives:

1. To better understand how women experience *qiwamah* and *wilayah*, the disconnect between textual (religious or legal) constructions of the concepts and women's lived realities, how this disconnect is manifested in women's lives and how it affects their life choices and experiences.
2. To highlight the voices of Muslim women from different walks of life and diverse national contexts and reveal insights they have gained from their

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<sup>1</sup> For more on *qiwamah* and *wilayah* in classical and contemporary Muslim legal tradition, see the book produced from the Knowledge Building Initiative: *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, edited by Ziba Mir-Hosseini, Mulki Al-Sharmani and Jana Rumminger (Oneworld 2015).

<sup>2</sup> A more detailed description of the Global Life Stories Project objectives, process, methodological approach and analytical motivation can be found in a chapter explaining the Project in the book *Men in Charge?*

life experiences, recognize the alternative knowledge they can offer and reflect their concerns and interests.

3. To collectively build alternative knowledge and develop a methodology that reflects our understanding of egalitarian Islamic ethics and feminism, thus working to counter the patriarchal ethos that informs Muslim family laws, practices and the production of knowledge.
4. To promote collective learning and capacity building in Muslim legal tradition, focusing on Islamic feminist knowledge that revisits patriarchal interpretations and engages critically with the tradition.
5. To produce knowledge that can contribute to social change in the participating countries and to Musawah's activities and advocacy at the global level. Each national team tailored the methodology to their local contexts based on their specific agendas for women's rights advocacy, public education or other work for legal and policy reform at the country level.

## Process

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Musawah developed and implemented the Global Life Stories Project over several years. In 2011, a team formed in Indonesia to conduct a pilot project by developing the methodology, deciding on the scope and testing their process by documenting a number of stories. The team comprised five activists from Alimat, an Indonesian coalition working on reforming religious knowledge to advance gender equality and justice. The team decided to approach the project as a collective and mutual learning experience that is inter-disciplinary and grounded in national activism and the process of movement building. Over the course of a year, the Indonesian team worked carefully to better understand the issues, decide how to undertake the process in an ethical and principled manner and actually document the life stories of five Muslim women from different regions of the country.

At the conclusion of the pilot project, the project coordinator recruited Musawah Advocates from 12 countries (see box) to take part in the global project as country teams. Ranging in size from one to seven persons, the national 'teams' implemented the project with the guidance of one or more coordinating members. Team composition differed from country to country but included individuals from different disciplines such as Islamic theology, anthropology, law, literature, agriculture, development studies, gender studies, etc., who worked in a range of fields such as academia, women's rights and advocacy work, international development, education, family law, human rights, etc.

Most teams were supported by non-governmental organizations that worked on women's issues within the country.

At the April 2012 initial Methodology Workshop in Bali, Indonesia, the Indonesian pilot team, the Musawah Knowledge Building Working Group, and representatives of the country teams worked together to clarify objectives, reflect on feminist principles and Islamic guiding values, understand concepts and develop a methodology for the global project building on the Indonesian framework. After this workshop, the country teams further elaborated on goals and work plans that they would implement in their specific contexts in accordance with their own advocacy agendas, then conducted interviews and documented the stories. We collaborated through online discussions and a series of Skype meetings between the project coordinator and the country teams.

Given limited resources, the implementation phase was limited to a selection of regionally representative Muslim-majority and -minority countries, with the potential for expanding to more countries later. Musawah Advocates from 12 countries (Afghanistan, Bangladesh, Canada, Egypt, the Gambia, Indonesia, Iran, Jordan, Malaysia, Nigeria, the Philippines, the United Kingdom) agreed to join the Global Life Stories Project. The organizations from Afghanistan, Jordan, and the Philippines eventually withdrew their participation because of other priorities in their national work, so the project was completed in only nine countries.

The nine teams eventually documented life stories from 55 women. As discussed below, teams recruited the women based on a variety of factors, including how their stories spoke to various issues within the country and how well the women would be able to talk about such personal and sensitive matters. Interviewers generally met the resource persons for several extended sessions, discussing details of their stories as well as emotions, reflections, hopes and plans for the future. Teams offered a variety of support services as necessary for each woman. Many of the women felt the process of telling their stories to be empowering, and wanted to share what they had experienced in order to help others.

These women shared their stories, experiences and insights, contributing valuable resources to both national and global movements for equality and justice. Consistent with feminist research methodology, we thus recognized and referred to them as **resource persons** and not merely respondents or passive subjects.

In December 2012, we held a Mid-Term Review Workshop in Kuala Lumpur, Malaysia, to explore in more depth the concepts of *qiwamah* and *wilayah* and their linkages to the documentation of stories. We discussed the teams' progress and challenges and developed a collective framework for analysis that the teams could adapt to their specific contexts as they saw fit. After this workshop, the teams and project coordinator continued to hold regular Skype meetings to address obstacles teams encountered in implementation, share analysis processes, further develop the framework for analysis and discuss key articles in Muslim legal tradition related to themes revealed in the life stories in a collective learning process.

Each country team produced a final report from which this global report was written in ongoing consultation with the teams. The resource persons whose stories are shared all consented to having their stories included in those country reports and this global report.

## Approach and Methodology

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Musawah uses a holistic framework that integrates Islamic teachings, universal human rights, national constitutional guarantees of equality and the lived realities of women and men. The Global Life Stories Project, a transnational effort like all of Musawah's work, began with the question of how women experienced *qiwamah* and *wilayah*—male authority and guardianship—in their daily lives and to what extent their experiences correlated with the theory behind the concepts.

Our methodological approach in this Project was informed by two main principles that for us reflected Islamic and feminist values. Our approach foregrounds Islamic ethics of justice and the equal worth and dignity of all human beings, who are all God's creatures and moral agents on earth with a responsibility of doing good, forbidding evil and building human civilization. We undertook this project as women who believed that these Islamic ethics should be central to all Muslim legal and social norms and sensibilities. We believe that knowledge—especially that grounded in experience—offers a path towards equality and justice in Muslim countries and contexts.

In addition, our methodology was developed as an ethical feminist inquiry characterized by a number of key elements consistent with Musawah's knowledge building approach. Thus, our processes and outcomes were:

- **Appreciative of alternative forms and sources of knowledge**, including non-traditional forms of expertise, contexts in addition to texts and knowledge produced in a democratic and open manner with women's experiences given voice.
- **Focused on building and valuing relationships based on trust, respect, care and reciprocity**, hence valuing the collective learning and advocacy process carried out by a diverse group of women (including the Knowledge Building Working Group, pilot team, country teams and resource persons) across many countries and contexts.
- **Participatory and egalitarian on multiple levels**, ensuring ownership by all participants and the incorporation of various perspectives and types of experience and expertise.
- **Reflective** in order to improve the methodology, implementation and analysis, making visible our assumptions (discipline-based, political, personal, etc.) and helping monitor the extent to which we upheld the principles we considered important.
- **Transformative**, namely by producing knowledge that could facilitate empowerment, legal reform and social change.

## Overview of Documented Stories

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The nine country teams that completed the project<sup>3</sup> documented a total of 55 life stories from resource persons ranging in age from 16 to 78 years and representing all walks of life. Note that in this report, all resource persons' names have been changed to protect their identities. As mentioned above, we call these women 'resource persons' because, in sharing their stories and lives, they have contributed valuable resources to the movement. These women come from different regions in their countries, including both urban and rural settings. Their education levels range from no schooling or little schooling to university graduates. Most are economically active in diverse kinds of work: street vendor, farmer, domestic worker, migrant domestic worker, taxi driver, paralegal, teacher, administrator, community development worker, businesswoman, village head, politician, singer, etc. Annex 1 presents a table with demographic information on all the resource persons.

Teams selected resource persons based on a number of factors, with emphasis on the process rather than statistical significance. Most of the teams sought people

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<sup>3</sup> The country teams are described in the 'Process' subsection above and in each of the individual country sections below.



whose stories exhibited issues of concern and/or were key issues in advocacy campaigns in their countries, or whose stories highlighted the gaps between marriage as experienced and normative models of gender relations and rights in juristic and societal understandings of *qiwamah* and *wilayah*. In addition, teams sought women who, because of personalities, temperament, and/or previous trusting relationships, were comfortable talking about and reflecting on their sensitive and sometimes traumatic life experiences and describing the transformation in their sense of self and their understanding of the world around them. Documentation teams and resource persons met multiple times over the course of a year to document and reflect on the life stories.

Given these requirements as well as limited time and resources and the presence of other organizational priorities, most country teams documented four to six stories over the two-year process. The Gambian team documented 12 life stories; the researcher working alone in Iran documented three life stories.

## Analytical Process

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We chose to document women's life stories in their entirety both because life events and experiences were so interrelated and could not be isolated, and in order to capture nuanced, layered knowledge about *qiwamah* and *wilayah*. This helped shed light on how the women made sense of their experiences, choices and factors that enabled or made difficult certain paths. Sharing their life stories also allowed the resource persons—those who shared their stories—to reflect on their life trajectories and changes in self-understanding.

The aim of recording the stories was not to document some objective 'truth' about the women but rather to trace and highlight their personal trajectories and perspectives as they grappled with the diverse workings of male authority and patriarchal gender norms. The resource persons shared their stories in open-ended conversations over the course of multiple extensive meetings. This gave them space to speak freely and spontaneously, add or clarify details and reflect on the experiences and the meanings that they gave to their lives. It also allowed us to capture and explain multiple layers of a life: significant life events and how these were explained; choices a woman makes and why; complexities and implications of these choices and changes in self-understanding.

We developed the collective framework for analysis together, and the country teams then applied it as best suited their contexts. The framework included the following inquiries:

- Whether the life experiences departed (e.g. with regard to gender roles, relations and rights) from the juristic *qiwamah*- and *wilayah*-based gender regimes, the determining factors when this occurred and the consequences and implications.
- How resource persons made sense of their experiences, changes in their sense of self and their relations with tradition and authority.
- How patterns, norms and power structures in the stories related to *qiwamah* and *wilayah* and how they might have influenced the resource persons' choices, access to rights, resources, opportunities and life trajectories.
- Similarities and differences between the stories within each country and between countries in terms of the resource persons' experiences, choices and views, and how individual life stories might speak to a larger narrative of gender inequality and marginalization or empowerment in the global or national contexts.

Some of these points are covered in this report, both in the transnational overview and the individual country sections. More stories and detailed insights from each country can be found in the individual country team reports on the Musawah website.

We recognize that while we can identify trends on the basis of these reports, the experiences of our resource persons are not necessarily representative of all Muslim women in all contexts, nor of all women's or men's experiences in Muslim families. We did not intend to undertake a statistically representative study of Muslim women's experiences of *qiwamah* and *wilayah*, but rather to develop a process of enquiry and a new kind of methodology as well as to devote time and open a safe and honest space for a collective effort of reflective knowledge production and movement building.



# On the Ground: Data, Trends and Stories by Country



# Bangladesh

## *Qiwamah & Wilayah* and Women's Lived Realities

The Bangladesh Life Stories Project was undertaken by a research team based at BRAC University, Dhaka. The team consisted of five academics and researchers: Moushumi Khan, Maheed Sultan, Sohela Nazneen and Sahida Khondaker, led by Samia Huq.

The main goal of the project was to probe the secularist stance of women's rights movements in Bangladesh and their ideological aversion to engagement with religion. The research team explored the significance of a new feminist approach that engaged with the religious tradition constructively while being firmly grounded in the lived realities of women.

The team documented life stories of five Muslim Bangladeshi women from different age groups and socioeconomic backgrounds to observe the workings of *qiwamah* and *wilayah* in their lived realities.

### At One Glance

**Population** 161,000,000  
(World Bank, 2015)

**Total fertility rate** 2.2  
children born per woman  
(WEF, 2015)

**Child marriage** 18% of girls  
married by the age of 15  
and 52% by the age of 18  
(UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)**  
170 (WEF, 2015)

**Life expectancy at birth**  
73 years for females,  
70 years for males  
(World Bank, 2014)

**Religions (2010)** 89.8% of  
the population is Muslim,  
9.1% Hindu and 1.2%  
other, including Buddhist,  
Christian, and folk religions  
(Pew, 2012)

**Literacy rate** 58% for  
women and 65% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 60%, 87%  
(WEF, 2015)

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Rafia** (35 years old)

is a well-educated married woman. Born into a middle-class family, she had a happy childhood until the death of her father when she was 12. When tensions started between her mother and brothers over the household's authority, Rafia escaped into a world of novels, where she built an ideal of masculinity and platonic romance. Rafia married for love but has faced problems in her marriage. Both she and her husband have struggled with Rafia's role as the main breadwinner. These tensions, together with a miscarriage, led to emotional and physical distance from her husband, causing Rafia to fall into depression. She worked to overcome this with psychiatric help and increased self-awareness. Rafia is now a journalist at a popular daily newspaper in Bangladesh. She has repeatedly considered and initiated divorce, but the couple has decided to wait and try to work out their differences.

### **Ranu** (55 years old)

is a married mother of seven children. Born into a lower-class family, she faced many troubles throughout her life, starting with the divorce of her parents when she was around seven years old. Ranu was then sent to work as a housemaid and faced several hardships such as marriage to a man who secretly had other wives, abandonment, kidnapping of her son by child traffickers and sexual harassment as a single mother. She eventually chose to enter a polygamous marriage with an older man to seek protection for her second child and to spare her child the struggles of living without male protection.

### **Ruba** (45 years old)

is a married mother of three children. Born into a lower-class family, she took on the role of the caregiver for her ailing mother from a young age, thus denying her the opportunity to go to school. After her mother and then her father

**The research team explored the significance of a new feminist approach that engaged with the religious tradition constructively while being firmly grounded in the lived realities of women.**

passed away, she was able to escape marrying a suitable boy from the village when, at the age of 18, she met and married a Chinese man who converted to Islam. They had a healthy relationship for most of their marriage. When her husband struggled to provide for the family because of low-paying or unstable jobs, Ruba took the initiative to start a catering business with his support and assistance, and they became more financially stable. Yet tensions began when Ruba became more religiously observant and expected the same from her husband. They have continued to live together but have grown physically and emotionally apart.

### **Sultana** (45+ years old)

is a single mother of one daughter. Born into a poor rural family, she lost her father at a very young age and experienced a succession of hardships related to poverty and insecurity. Deprived of education, she was a child domestic worker and married around the age of 13. As a child bride she faced dowry-related abuses and violence from her husband and in-laws. Later, when her husband married a second wife without her consent, she decided to get divorced. She worked first in the fields and then as a domestic worker to serve as the sole provider for herself and her daughter, paying for her daughter's studies and later for the costs of her marriage.

### **Simi** (35 years old)

is a divorced woman. Born into an upper-middle-class family, she was raised in an egalitarian household with a caring father. Her parents invested in the education of their daughters and secured land in their names in order to preserve their financial independence and avoid inheritance issues with male relatives. Although she married a husband of her choice, she was disappointed by her husband's neglect of his responsibilities and his abusive behaviour. She eventually filed for divorce and moved back to her father's home. She is now working in the family business.

## Women's Economic Roles

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Contrary to social expectations and despite the barriers faced by women in the public space, all of the resource persons from Bangladesh played active economic roles in their families. Sometimes, the combination of women taking on greater economic roles and men having difficulties earning a living created frustrations and tensions within the household. For instance, Rafia was already working as a teacher when she met her husband. Since she knew that her family would never accept an unemployed suitor, she decided to keep her marriage

## Gender Equality

Ranking 64th out of 145 countries in the World Economic Forum's Global Gender Gap Report 2015, Bangladesh achieved several developmental feats that have improved the lives of women through gender-sensitive programmes such as providing women better access to micro-credit, education and healthcare. Bangladesh has made tremendous progress by achieving gender parity in primary and secondary education. In 2015, more girls were enrolled than boys due to the removal of tuition fees for girls in rural areas. Yet challenges remain. Despite the increase in educational levels, attrition for female students is extremely high and males complete secondary education in greater numbers than their female counterparts. Poverty and early marriage keep the attrition rates for women high.

Gender wage gaps are observed in every industry with an estimated earned income two times lower for women than men in 2015. Furthermore, cultural models and social norms that discriminate against women persist in Bangladesh, which hinder the process of development. Girls continue to be considered as financial burdens on their families, particularly in poverty-stricken rural areas. They receive less investment in healthcare than their male counterparts, resulting in malnutrition and pressure toward early marriage. Bangladesh has the fifth-highest rate of child marriage in the world, with 52% of girls married before the age of 18 between 2005 and 2013 (UNICEF). Early marriage leads to early childbirth, which is associated with higher maternal mortality and health complications.

Women in Bangladesh also fall prey to various forms of violence ranging from sexual harassment to rape, murders related to dowry demands, acid attacks, trafficking and forced prostitution. Despite numerous national laws and ratification of regional and international conventions pertaining to combating trafficking, about 100 children and 50 women are trafficked every month from Bangladesh to foreign countries (CWCS).

secret from her family until he found a job. However, Rafia continued to be the main breadwinner in the family, providing three-quarters of the household income, while her husband worked only erratically. When Rafia's marriage started to fall apart, she found her pathway to empowerment through writing. After her participation in a writing workshop, she started to work as a journalist for a daily newspaper and this helped her rebuild her social and public life.

Similarly, Simi is a highly educated woman who was already economically independent when she met her husband. The mere fact that she earned more than her husband made her mother-in-law think that their marriage would not last. However, Simi never expected her husband to provide for her financially, but rather expected him to fulfil the role of guardian and protector. But her husband failed to fulfil his responsibilities, such as taking an active role in her



family and supporting her when she needed help. Instead, he prioritized his own needs above everyone else's. This, in addition to his occasional mental and physical violence in the home, led to the breakdown of their marriage. Simi's economic independence through her earnings and her father's wealth gave her the independence and self-confidence to end her marriage and to forgo any financial claims.

Within the Bangladeshi stories, the challenges related to changing realities of gender roles were greater for poor women. Since men are expected to maintain their wives financially, girls, particularly in poor households, are deprived of access to education and opportunities to participate in the public sphere. Thus, when women lose male guardians because of abandonment or death, they are more likely to become poor and be forced to work to earn a living for their parents, siblings, children and even husbands.

Sultana's life story offers an example. After the death of their father, she and her sister were deprived of education and sent off to work as domestic workers in the village while their earnings were used to pay for the education of their younger brother. Their working conditions were extremely difficult and they also faced physical and verbal abuse from their employers. Married at the age of 12, Sultana was exploited by her in-laws and had to do all the household chores while being subjected to emotional and then physical abuse. After her husband married a second wife without her permission, Sultana decided to divorce. Sultana began to work in the rice fields to provide for the needs of herself and her daughter. Later, she took up domestic work to pay for her daughter's education. Sultana never received any financial support from her ex-husband; she raised her daughter by herself and even paid for her wedding expenses.

Similarly, after the divorce of her parents, Ranu was sent to work as a domestic worker and had an early arranged marriage. Once married, Ranu took a job at a garment factory to contribute to the household income while managing domestic chores and physically struggling with her first pregnancy. When she was four months pregnant, her husband deserted her and she lost her job. She could not earn a living because nobody wanted to hire a pregnant woman, and was forced to live on earnings from small sewing jobs. Illiterate and without family support, Ranu faced a succession of hardships such as extreme poverty, the sickness of her son, his kidnapping and the threat of falling prey to traffickers. After her re-marriage, Ranu continued to work in garment factories and as a domestic worker to raise her children. Even after the marriage of her daughters, she has helped them provide for their families as their husbands are not fulfilling their responsibilities.

Ruba also held the role of primary breadwinner. From early in their marriage, Ruba and her husband faced financial difficulties. Therefore, Ruba started working in a Chinese restaurant owned by her brother-in-law. Although her family-in-law would often object to her working close to the male kitchen staff, she kept working and her income soon became necessary for the sustenance of the household. Indeed, after the birth of their second child, Ruba's husband lost his job and their income became unstable.

But Ruba had acquired the skills to cook Chinese food, which helped her to establish her own catering business in partnership with her husband. Despite their continuing financial challenges because of the growing needs of their children, Ruba and her husband built a strong marriage of care and mutual management of the household income. They had few of the tensions faced by the other resource persons even though Ruba was the primary earner. Their conflicts began only after Ruba became increasingly religious and expected the same from her husband, to no avail.

## Male Guardianship and Anxieties about Gender Roles

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One of the prominent features of the life stories documented in Bangladesh was the weight of social and religious norms on gender roles, which brought both women and men anxiety and unhappiness because these norms did not fit their lived realities. The resource persons' lives were marked by a spectrum of issues including abandonment by male guardians, lack of female bonds, pressure to get married and experience motherhood, and spousal abuse.

For instance, Rafia and Simi were both inspired by the egalitarian relationships of their parents from which they drew their ideal model of gender roles. Although their mothers did not provide for the household, they had a say in the decision-making, were granted independence to manage their own savings and were respected and protected by their fathers. Both Rafia's and Simi's fathers secured land in the names of their daughters, invested in their education and saved money for their weddings. The idea of the male guardian serving as a protector of the assets and well-being of his female wards had a strong impact on Rafia and Simi's lives. Although they both cherished their economic independence, their ideals of marriage and family focused on the guardianship role of their husbands—a role that both of their husbands failed to fulfil.

When Rafia's father passed away, Rafia expected her brothers to undertake the role of her male guardian and help her find a suitable groom. However, not only were her

brothers unable to locate a suitable match for her, they fought to become the authority figure in the family, and then tried to take over Rafia's and her sister's rightful shares of property. This created anxieties and doubts in Rafia's sense of self and life perspectives. Disillusioned by her brothers, Rafia expected that marriage would bring her a certain level of companionship and protection. When she met her husband, he was unemployed. Her family would thus not consider him a suitable suitor, so she entered into a secret marriage. However, Rafia continued to be the main breadwinner. Her husband was unable to keep a steady job, which enhanced his feeling of humiliation. After Rafia's miscarriage, the distance grew between them. Her husband felt alienated by the reversed spousal roles and therefore withheld physical intimacy. Rafia felt resentful that he was no longer emotionally and physically available. Their marriage suffered because they had both internalized traditional norms dictating that a husband should provide and a wife should bear children.

In the case of Simi, the contradiction between her husband's failure to fulfil his guardianship role and his attempt to retain authority created tensions that led to their divorce. Although she was the main breadwinner, she had nothing against his acting as the figurative head of the household provided that he fulfilled his obligations to protect his wife and his extended family. However, he failed to perform his duties both as husband and son-in-law.

Rafia and Simi's stories reflect how traditional norms relating to male guardianship and fixed gender roles in the family create unhappiness and frustration, as these norms do not reflect lived realities. Yet social acceptability is still derived from these norms.

All the resource persons, regardless of class, expected their husbands to be their guardians and protectors but none of the men fulfilled this role. Ranu and Sultana, who are both in lower classes, found that their situations were made worse by the interlinkage of the lack of male guardians, patriarchy, harsh living conditions and their own economic roles. Both suffered from the abandonment of their male guardians—for Sultana because of her father's death, and for Ranu because of her parents' divorce and father's remarriage. Ranu and Sultana experienced child labour, physical abuse and early marriage. Their marriages brought them more troubles because they were unable to secure male protection for themselves and their children. Yet both Ranu and Sultana managed to find their own ways to support and protect their children, juggling multiple roles as caregivers, providers, and guardians.

Throughout their lives, Ranu and Sultana have longed for male protection and financial maintenance, the absence of which they believed to be at the root of their misery. However, they both learned to rely on themselves and discovered their inner strengths and abilities to overcome their hardships.

## Political and Legal System

The People's Republic of Bangladesh is a parliamentary democracy based on the accountability of the executive (the President and the Prime Minister) to the unicameral parliament. The country has a common law-based jurisdiction. The main sources of law in Bangladesh are the Constitution (1972, amended fifteen times), the laws enacted by the legislature and interpreted by the Supreme Court, customs, and Islamic law for Muslims. Although supportive of secularism, amended article 2A to the 1972 Constitution provides that the state religion is Islam while ensuring equal status and equal right in the practice of religious minorities. There is no uniform civil law that governs family law matters in Bangladesh but there are several personal laws applicable to each community—Muslim, Hindu, Christian, Buddhist and tribes.

While the 1972 Constitution guarantees women's equality before the state and in public life, Muslim women often face gender-based inequalities under customary practices and patriarchal interpretations of Islamic principles. Muslim personal laws in Bangladesh are discriminatory in their embrace of polygamy, their greater barriers to divorce and child guardianship for women than men, their limited provisions on maintenance, and women's unequal share of inheritance. Most Muslim personal laws are unwritten and based on the Hanafi school of jurisprudence. There are a few pieces of legislation regulating family matters, such as the Muslim Marriages and Divorces (Registration) Act (1972), which requires civil registration of marriages, and the Muslim Family Laws Ordinance (1961), which establishes penalties for polygamous marriages that contravene the law (consent of the first wife and local government arbitration). However, 'unlawful marriages' are not invalidated or penalized.

Despite some progress, there is still a large gap between the legal provisions that safeguard the rights of women and their implementation on the ground in Bangladesh. The country ratified CEDAW with reservations in 1984. It withdrew its reservations to articles 13(a) and 16(1)(f) in 1997 but still maintains reservations to articles 2 and 16(c). The Government has stated that it is committed to enshrining gender equality in its domestic legislation. Women's groups and activists are playing an important role in advocating for the strict enforcement of laws against early marriage, rape, trafficking, prostitution and against all forms of discrimination against women in personal laws.

## Women Speak...

## Ranu's Life Story

### **A floating childhood: rejection and abuse**

I was born in Muradnagar in Comilla district. My parents had lost three daughters in infancy and were left with two live daughters—my sister, who was three years older than me, and myself. My father was a farmer and owned a lot of land, but both my sister and I were never able to claim a share of his assets.

It all started with the divorce of my parents when I was about seven years old. My sister and I wanted to live with our mother, but she left for our grandparents' home and our maternal uncles promised that they would take us later.

Meanwhile, we remained at my father's home. We were hungry most of the time because nobody took care of us and we were too young to be able to cook. Some nights, we wouldn't even have oil to light lamps. We would sit scared in the dark, in one corner of the room, waiting for my father to return home. I would cry out of hunger and fear of the dark and my sister would console me.

One evening my father came home with his new wife. Our stepmother was very nice to us in front of him. But when he went out, she would make us do the household chores, would keep food from us and even beat us. If our aunts protested, she would fight with them and then hit us even more. My father would pretend that he wasn't aware of what was going on. Unable to endure this maltreatment, we asked to be sent back to our mother.

In the meantime, our mother had remarried a widower who had children of his own. She left us at our maternal grandparents' home and promised that she would come back to get us soon. But her new husband never let her take us back. He had so many children himself and he couldn't afford two more mouths to feed. Although our grandmother took care of us, our maternal uncles were not keen on providing for us, so we were sent back to our father. The cycle of verbal and physical abuse from our stepmother started again. We sought protection from our paternal uncles and aunts, but this led to the reverse. Our father became angry and took us to the edge of the village, put us on a boat and told the boatman to leave us at sea to die! The boatman didn't drown us but dropped us off at the other side of the river.

We walked from road to road. When night fell, we would sleep under trees or in a stranger's backyard. One day, our father's cousin spotted us and offered to take us home but, out of fear of our father, we refused. However, this cousin informed our father, who found us and took us with him. Once home, he severely beat us. The cycle of abuse started again. Seeing our condition, a relative took us back to our grandmother's but once again we faced our maternal uncles' rejection. My sister could not bear it anymore, so she attempted to hang herself. My grandmother came to her rescue.

After this, my grandmother sent my sister to work in a relative's home and sent me to work as a domestic helper in Chittagong. Once my sister and I went to different places, we never saw each other again. Later, my sister married a migrant worker and died soon after. I never knew the details that led to her death, but I presume that it may have happened at childbirth. My mother also had trouble at childbirth and finally died some time later giving birth.

## **Marriage, abandonment, trafficking and survival**

My first experience of domestic work did not end well. I broke a saucer and, out of fear of being reprimanded, I fled. I took a train to Dhaka and found work in a house in the Cantonment area. The employer was kind to me and arranged my marriage with a rickshaw puller. Although our marriage was registered in a *qadi* (Islamic judge) office, I never received my *mahr* (dower).

After our marriage, I moved out to my husband's house in Jatrabari. Once there, I found out that my husband had already been married several times and that he was known for picking up a wife wherever he went! My heart was broken but there wasn't anything to be done; a woman must endure. I took a job at a garment factory while my husband continued to pull rickshaws.

Some time later, I got pregnant. When I reached my fourth month of pregnancy, I started suffering from constant nausea and found it difficult to cope with work. This is when my husband disappeared. I started to look for him but I could not find him; he just fled. I figured he probably went back to live with one of his wives. Shortly thereafter, I lost my job and could not find another because no one wanted to hire a pregnant woman. I spent the rest of my pregnancy in extreme poverty and lived off small sewing chores. I gave birth to a son. Hungry and weak, I did not have enough breast milk. I begged and borrowed money to be able to buy some formula for him, but the child was unwell and cried all the time.

When my son was four months old, my husband reappeared. He said he had been at his village in Jessore the whole time. He came back because his mother wanted him to take me to the village. At first I was reluctant, but then I thought that at least I would have a roof over my head and could eat properly. However, even there, my husband didn't have a regular income and there was little food at home. My mother-in-law and sisters-in-law were working in Mumbai. They told my husband to send me to work with them there but I could not envisage parting with my sick child. If I went there, God knows when I would see him again. So I escaped the pressure by running away to Dhaka.

Once in Dhaka, I couldn't get work anywhere because of my child and his illness. So I put my son in the Komlapur Hospital and took a job at a nearby garment factory. However, as soon as my son was released from the hospital, I lost my job. This is when a lady from my slum approached me and offered me a good position in Dhaka. I was very excited because I'd finally be able to overcome the odds and make a decent life for my child and myself. I left my son with someone in the slum and went to Dhaka. Once there, I decided to first visit my prior employer who had married me off. She welcomed me but warned me about my job prospect. She said that I was about to fall prey to a trafficking and forced-prostitution network. I was horrified and decided to leave the slum. Alas, when I went back to fetch my child, he wasn't there! The family with whom I left him denied that I had ever left him with them. I returned home, gathered a few people and went back to their house but the family was gone. I never saw them again. Until now, I don't know where my son is, or whether he's dead or alive. I went mad after this incident. I used to wander the streets looking for my son day and night.

Then, one day, my husband turned up again and asked me to forgive him. I took him back and fell pregnant. Soon after, he disappeared again. This was the last time I saw him. I was in a complete desperate state. I had lost my child, was abandoned by my husband again and was living in the slum pregnant and alone. At night, men would bang on the door and throw rocks at my window. During daytime, when I went out, they would send me lewd propositions. I was feeling unsafe and constantly harassed. I needed a man for protection, so I decided to marry again.

## **Second marriage: seeking male protection**

I received several marriage proposals but none of the men wanted to take responsibility for my child. Finally, an old man who had older children offered to share the parenting responsibility for my still unborn child. For me, my child was

the priority. I wanted to protect him and to keep him close to me at all times. Therefore, I went to the Jatrabari *qadi* office, divorced my first husband and married 'Oldie'. My *mahr* was 5,000 takas (USD64).

We set up home in a shed in Agargaon slum. Soon after, I gave birth to a son. Once he was born, Oldie was reluctant to recognize my son publicly. He said that they didn't share the same blood. When my son got older, he even threw him out of the house a few times. His children from his previous marriage behaved the same way, refusing to treat my son as one of them.

I worked very hard—in garment factories and in people's homes—to raise my son, who is now a driver of a private car. He is married. He buys groceries for me and looks after me as much as he can. I also have two daughters and three sons with Oldie. My son looks after all his stepsiblings. My husband's children are well settled with jobs but they don't ask about my children.

Much like my first husband, Oldie never earned much. So, with all these mouths to feed, I returned to my father's home some years ago, hoping to get some financial assistance. My father owned several parcels of land and my stepsiblings were doing well. I gathered all the courage I had and went to see my father to ask him to give me a piece of land so that I could put up a shed and live there with my children. My father was furious. He said all his land was for his sons. He told me that if I was going to ask for money or property, I should never come back, not even to visit. I also went to my maternal uncles because my mother should have had some rightful shares from her parents' property. My uncles didn't want to part with anything. I tried to file a case but my uncles bribed the court to prove that they never had any sister, let alone a niece.

So I never got much assistance. I've always had to fend for myself. One would think that now that my children were working, I would get some respite. My son helps me out from time to time. But I still find myself contributing towards my daughters' households. Even though they themselves work and earn, their husbands are very demanding. My eldest daughter earns 8,000 takas (USD102) a month, which her husband takes away. This Eid, my daughter gave me 500 takas (USD6.40) and her mother-in-law said, "A thief transfers money to another thief!" The fact that they all take my daughter's income is nothing. The fact that her son takes money from me is also nothing. But it's a big deal if my daughter gives me anything. It's insufferable but I stay quiet for the sake of my daughter.





# Canada

## *Qiwamah & Wilayah and Women's Lived Realities*

The Canadian Life Stories Project was undertaken by the Canadian Council of Muslim Women (CCMW). Founded in 1982, CCMW is a national non-profit organization that advocates for the equality, equity and empowerment of Canadian Muslim women. The research team consisted of four activists/researchers: Eman Ahmed, Nabeela Sheikh, Alia Hogben and Sahar Zaidi.

CCMW has developed booklets on various aspects of Canadian and Muslim family laws in several languages. These have been used to provide workshops across the country. CCMW's other focus has been on the creation of a marriage contract to address the contemporary problems of male guardianship and to raise the awareness of Canadian women on how to negotiate egalitarian Islamic marriage contracts based on Islamic principles of equality.

CCMW documented seven life stories of Canadian Muslim women from varied ethnic, social and cultural backgrounds who have espoused and/or questioned patriarchal religious interpretations of gender roles and rights in Muslim marriages.

### At One Glance

**Population** 35,900,000  
(World Bank, 2015)

**Total fertility rate** 1.7  
children born per woman  
(WEF, 2015)

**Child marriage** data not  
available (UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)**  
11 (WEF, 2015)

**Life expectancy at birth**  
84 years for females,  
80 years for males  
(World Bank, 2014)

**Religions (2010)** The  
majority of the population  
is Christian (69.0%),  
alongside a large number  
not affiliated with a  
religion (23.7%) and  
Muslim (2.1%), Hindu,  
Sikh, Buddhist and Jewish  
minorities (Pew, 2012)

**Literacy rate** 99% for  
women and 99% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 75%, 82%  
(WEF, 2015)

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Naeema** (59 years old)

is a well-educated, single mother of one daughter. She comes from Pakistan and has been living in Canada for 48 years. After graduating in Library and Information Sciences, she has been working ever since. She paid for her husband's studies and was the sole breadwinner for most of her marriage. Once her husband started earning, he expected her to become an obedient housewife. Naeema eventually filed for a divorce when she realized that her husband married a second wife while still legally married to her under the Canadian law. She is currently working in a senior managerial position within the civil service.

### **Samina** (48 years old)

is a well-educated single mother of an adopted child. She comes from a small town in India. She married her first husband, an American citizen from the same religious community, at the age of 19. After suffering from her family-in-law's continuous humiliations and her husband's extra-marital affairs, she filed for divorce. When she married her second husband, she did not know that he was already married and that she would be his second wife. After violence and threats by her husband, she escaped to Canada to save her life.

### **Safia** (50 years old)

is a well-educated single mother of four boys. Raised in a family in Somalia with strong feminist models, she left Somalia in 1989 to study in the United States. After graduating in geology, she married an Ethiopian man at the age of 22. In 1993, after Somalia's civil war, she applied for and received refugee status in Canada and stayed there with her husband and sons. Safia's marital relationship with her husband was generally egalitarian and respectful, with finances and decision-making split 50-50, but gradually changed when her husband became the primary breadwinner and he and his mother wanted to make decisions for the family. She eventually filed for divorce when her husband decided to marry a second wife while still legally married to her under the Canadian law.

### **Amina** (50 years old)

is a well-educated single mother of four children. She is a Muslim convert who was born and raised in Ontario. She was married to a Muslim Arab man for 25

years, during which he was domineering and abusive. After being informed that her husband had married a second wife while still legally married to her under the Canadian law, she initiated the Islamic *khul'* divorce, and therefore gave up her *mahr*. She currently teaches full-time.

### **Lila** (45 years old)

is a well-educated divorced woman. She was born and raised in a non-religious and lenient family in the United States. She eventually converted to Islam with her husband after a trip in Spain. Her husband had obsessive-compulsive disorder (OCD), which exacerbated his use of patriarchal Islamic interpretations to physically and emotionally control Lila. After many years of hardship, and despite her husband's refusal to give her a divorce (*talaq*), she decided to leave him. She is now in a marriage that she feels is equal and just. She currently teaches part-time and is involved in community work.

### **Kulsum** (45 years old)

is a well-educated married mother of three children. She was born and raised in Canada in a healthy and egalitarian environment. When she met her husband, an Arab Muslim man, she was not interested in marriage or religion. Yet, she converted to Islam and has been married for almost 20 years. Despite her initial feminist mind-set, she believes in the traditional roles of marriage. Her story is characterized by contentment within a traditional structure, which she views as liberating. She is currently teaching part-time and is involved in community work.

### **Noreen** (50 years old)

is a well-educated married mother of three children. She comes from a strong Muslim family of Turkish and Bosnian background and was born and raised in Canada. She is currently married to a Muslim man. Despite the pressure exerted by their extended families, they have managed to build a functioning and egalitarian relationship.

## Identity Politics

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As a historical immigrant country, Canada's demographics and socio-cultural landscape have been shaped over time by different waves of immigration. The Muslim population comes from diverse ethno-cultural backgrounds. During the 1970s, the country adopted a formal multicultural policy that has been affirmed by a diverse citizenry. But the policies aiming to recognize and promote multiple cultural, ethnic and religious traditions within a single jurisdiction have long

been the subject of debate between supporters and critics. The former invoke the freedom to build multiple identities nourished with a variety of traditions while the latter are concerned about fostering communal segregation and marginalization of minority communities. Muslim youth are intensely focused on defining their identities and CCMW has done projects regarding their multiple identities—ethnic, cultural and religious—within their Canadian-ness.

The Canadian research team selected seven Muslim women of various ethnicities and races, including converts, demonstrating the pluralism of Canada. Their life stories show their experiences with intersectionality—being part of a minority community and facing gender-based discrimination. These women have fallen prey to multiple forms of oppression because of their gender, race, ethnicity and/or religion, and face the double challenge of being minorities within a minority.

In the case of Naeema, patriarchy intersected with ethnicity to justify her Arab husband’s decision to leave her and to engage in a polygamous marriage. As a South Asian educated independent working woman, she did not fit with the traditional gender roles expected by her family-in-law and was thus never fully accepted. Despite knowing that Naeema’s husband was still legally married, his sisters helped introduce him to a new wife from his own ethnic background. They felt that his polygamy should be acceptable to Naeema. Yet a few years later, when one of the sisters-in-law was confronted with the polygamous marriage of her husband, the entire family felt offended.

## Gender Equality

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Canada’s Charter of Rights and Freedoms prohibits gender-based discrimination. However, Canadian women remain poorer than men, more vulnerable to all forms of violence and are underrepresented in leadership positions. Although violence against women, which encompasses physical, emotional, psychological and financial abuse, is treated as a serious crime in Canada, it remains a pervasive issue with devastating social and economic implications. According to the Canadian Women’s Foundation, every six days a Canadian woman is killed by her intimate partner, and nearly 50% of women have experienced at least one incident of physical/sexual violence since the age of 16; a mere 10% of all sexual assaults are reported to the police. In recent years, Canada did not do as well in terms of women’s participation in politics, ranking 45th out of 190 countries in the Inter-Parliamentary Union’s world classification (2014). However, in November 2015, for the first time in Canada’s history, the new Prime Minister, Justin Trudeau, named an ethnically diverse and gender-balanced cabinet with the appointment of 15 women and 15 men.

Conflicting identities also feature in the story of Amina, a Muslim convert who struggled with the challenges that came with marrying into an Arab family and the communal form of surveillance that characterized her marriage. While attempting to gain acceptance into a non-inclusive Arab Muslim community, she forfeited her Canadian identity and in the process lost the ability to express her own cultural rights. Later, Amina realized that her husband would never have treated a woman from his own ethnic background in the same way. The double standards became more apparent when her husband took a second wife from the same cultural background. While Amina was expected to comply with a dress code and traditional gendered roles, the second wife had a freer hand. Finally, when both of these marriages ended, her husband gave his Arab wife her full payment of *mahr*, whereas he declined to pay the entire (much smaller) sum to Amina.

Both Amina and Naeema's situations point to the vulnerability and discrimination potentially faced by women, especially as converts in Amina's case, when they marry into communities with very different gender norms from their own.

## Legal Pluralism

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Although most Canadian laws are gender-sensitive, the resource persons were not always able to make use of these laws to their advantage. Indeed, the legal loopholes left by multicultural policies sometimes give way to uncodified rules—based on traditional interpretations of Muslim family laws—that are unjust to women. The life experiences documented are indicative of the dominant role that religious discourses can play in valuing particular understandings of Islam that allow a husband's dominance and claims to authority over his wife. The stories also demonstrate the power of community leaders (such as imams) to determine uncodified rules that regulate marriage and divorce. For many Canadian Muslim women, the overlap of legal frameworks places them in vulnerable situations.

For instance, Canadian law guarantees equal marriage and divorce rights to both spouses and prohibits polygamy. Yet all of the resource persons experienced men's selective use of religious norms and/or state laws to safeguard their own interests. Indeed, Naeema, Samina and Safia's husbands made divorce pronouncements to end their marriage, claiming a unilateral right to do so in Islam. However, when it came to the division of property, the very same men relied upon secular Canadian divorce laws that allow them to claim 50% of the marriage's assets, even though in Islamic jurisprudence wives are entitled to keep what they earned.

This selective use of one or another normative system impacted on the resource persons in tangible ways, diminishing the benefits the women could gain from state codes. For instance, Lila's husband believed he had total rights of divorce and refused to release her. She felt that having an Islamic divorce was important alongside her civil divorce, especially because the civil divorce took several years to finalize. Every imam she initially approached claimed that there was no legitimate basis for the divorce, as Lila had been aware of her husband's mental illness when she married him. She eventually was able to find a religious scholar who told her that she had a right to leave her husband and sever their spiritual connection.

## Political and Legal System

Canada is a constitutional monarchy and a parliamentary democracy based on the accountability of the executive to the duly elected assemblies. The Canadian legal system derives from English Law and the French civil code brought to the continent in the 17th and 18th centuries by colonists. In 1982, the Constitution was patriated together with the Charter of Rights and Freedom. The latter guarantees basic human rights and is now entrenched as part of the supreme law of Canada. The Charter of Rights and Freedom guarantees equal rights, opportunities and conditions for women and men in all areas of life. Canada acceded to CEDAW in 1981 and ratified the Optional Protocol to CEDAW in 2003. However, formal protection under the law does not always lead to its implementation. Some communities insist that religious freedoms should supersede women's equality rights.

Canada also has a Multiculturalism Act (1985) that articulates the rights of cultural and religious groups within the framework of the Charter. It provides minority groups with protection and permission to negotiate and develop an identity that reconciles their religious identity, including Islamic traditions and beliefs, with that of their country. For some Canadians, there is tension between the Charter and the Multiculturalism Act. Some feel that the Multiculturalism Act is creating divisions between different groups, and the province of Quebec prefers to use the term 'inter-culturalism' rather than 'multiculturalism'.

In late 2003, an organization called the Ontario Islamic Institute of Civil Justice planned to establish a 'Shari'ah Court' that would offer legally binding arbitration using Muslim family laws. This was legally possible because the Arbitration Act (1991) was open to the use of other laws in the domestic sphere. After research into Muslim family laws, the Canadian Council of Muslim Women held meetings with several sister organizations which resulted in a coalition of over 50 NGOs, supported by labour groups, fighting against the application of any religious laws—whether derived from Muslim, Jewish, Christian or other religions—in the secular system. The coalition, which was called 'No Religious Arbitration', stated that based on guarantees of equality in the Canadian Charter of Rights and Freedoms, women should not be treated differently under the country's laws. In September 2005, the Premier of Ontario Province announced that no religious laws would be used in family matters. Some laws had to be revised to achieve this.

While polygamy is illegal in Canada, several husbands had no problem taking a second wife, considering it their God-given right. Neither they nor their wives showed any concern that the men could be charged, the families could be penalized (such as taking away state benefits such as housing) and the subsequent wives had no protection under Canadian family law. Because a significant percentage of Canadian Muslim women, both first and second wives, do not register their marriages with civil authorities, they further deprive themselves of the legal rights guaranteed to women under Canadian laws.

In fact, some of the resource persons themselves believed that polygamy was a right sanctioned by the Qur'an and linked to the man's *qiwamah*. For instance, Amina felt forced to accept her husband's polygamous marriage. She did not challenge this practice because she had learned that it was mentioned in the Qur'an and felt that objecting would make her a disbeliever in the eyes of the community.

In theory, a man is allowed to marry more than one wife only if he can provide for both women equally—financially and emotionally. However, in several life stories, both wives ended up being treated unfairly.

Some of the women were able to resist the pressure of uncodified rules and make use of their rights. Safia illustrates this individual resistance. Raised with a feminist grandmother and father, she learned how to challenge religious patriarchy and to be a strong assertive woman. Her marriage was initially based on partnership and equal sharing of responsibilities, but her husband and mother-in-law started making decisions without consulting her, then her husband decided to take a second wife. Safia made sure her divorce was handled in a civil, diplomatic manner, both within the context of the Canadian legal framework and the Muslim family law framework. Her husband initially gave her everything in terms of property, then later attempted to use Canadian law to gain access to half of the marriage's assets. But Safia held firm and told him he had signed away

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his rights at the time of the divorce. Safia followed the laws of the land and her understanding of Muslim marriage and divorce laws, and in doing so she reconciled her two identities of being Muslim and Canadian.

## Spousal Roles and Sexual Relations within Marriage

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In Canada, marriage contracts and separation agreements are considered to be 'domestic contracts' and are governed by provincial authorities. For instance, in Ontario, a marriage contract is an agreement in which the couple is left to negotiate and state their respective rights and obligations during the marriage, upon separation, and after its dissolution.<sup>1</sup> Sometimes, this allows for unequal relationships based on patriarchal understandings of Muslim family laws, often to the disadvantage of women.

The Canadian research team documented stories of families in which women were often the main breadwinners. Yet, the men selectively referred to traditional gender roles when it served their particular interests, expecting female compliance while neglecting duties prescribed by the same religious framework. The life stories reveal the disconnect between the realities of spousal roles and the static rights and obligations created by the *qiwamah-wilayah* model that result in tensions and injustices against women and children.

For instance, Lila was the primary income earner for her household but also took care of all domestic chores. Not only did her husband do nothing to help her, he also acted as the head of the household, demanding control over the use of her earnings. Similarly, Naeema was for a long time the sole breadwinner and paid for her husband's education and their joint property. During that time, there was no head of household and decisions were mutual. Once her husband started earning, he expected her to leave her job and asked for obedience. After they separated, both Naeema and Amina's husbands neglected to provide financial support for their children even while attempting to regulate their lives.

While the majority of dominant religious discourses consider sexual relations to be the right of both partners in marriage, the idea that sexual access is the husband's right and the wife's duty in exchange for support and maintenance persists. In fact, many people believe that a husband has an unfettered right to sexual access. For instance, Samina, Amina and Lila's husbands expected

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<sup>1</sup> L. Clarke and P. Cross, *Muslim & Canadian Family Laws: A Comparative Primer*, Toronto: Canadian Council of Muslim Women, 2006.



their wives to fulfil their sexual needs even though they failed in their duty of maintenance. Samina's second husband asked her to waive her rights to property, withheld information about his polygamous marriage and never provided for her economically. Yet, he claimed his right to satisfy his sexual needs. His marriage to Samina was essentially conducted for sex purposes.

One of the devastating results of these patriarchal understandings was the inability for some women to exercise agency over their own sexuality within the context of marriage. Due to the pressure of trying to be 'good Muslim wives', some resource persons conveyed their feelings of guilt for not obeying their husbands. They invoked the *hadith* that "those women who deny their husbands' sexual right are despised by God's angels". Lila, for instance, believed that men had the right to have sex with their wives whenever they wanted. Throughout her marriage, she was subjected to marital rape even though this was legally recognized as a sexual offence by the Canadian criminal code and was not endorsed by the Qur'an. Even though her second marriage was characterized by equality, it took her a long time to believe that she had a say in their sexual relationship. She narrates: "He was very sensitive to consent in sex when we first met, and if I said, 'We have to stop', he would stop immediately and just hold me. It took six months or so for me to realize that I could just completely relax, that I didn't have to worry about being raped with him, that sex with him would always be consensual."

For the majority of the resource persons, sex was characterized as a wifely chore rather than a pleasant experience. Women's sexual pleasure and satisfaction were of no importance to the husbands, even though the Qur'an encourages the mutuality of sexual desire. Kulsum's story is an exception. Unlike other resource persons, she conveyed a strong sense of awareness of her sexual rights within marriage, establishing that it is the husband's duty to fulfil his wife's sexual needs. Yet, she still adopts a patriarchal perspective when she states that because men have a higher sex drive, they must be given sex or will commit adultery.

## Women Speak...

## Naeema's Life Story

### **Joyful childhood**

During my childhood, before coming to Canada from Pakistan, there were many people living in our home and it was not apparent to us—as children—who was in charge. My paternal grandfather was highly respected and people used to go to him for advice. Since my mother and my aunt were still studying, my grandmother and a caregiver took care of us. Within the household our grandmother was in charge, whereas for the outside world it was our grandfather.

My father is a very open-minded person and is not religiously observant. He never imposed his views on my mother, who enjoyed the freedom to study and work. He wanted all his children to get an education and have professional careers—boys and girls. The only thing he was peculiar about was when we were late coming home at night. He was much stricter with me than with my younger brother. He did not want me to hang out with boys. This was not an issue with my brother. He never asked him about girls but was more concerned about him doing well at school.

Although decision-making was made jointly and my mother's insight was valued, my father still took the lead. For instance, if buying and selling property was jointly decided, buying cars was his sole decision. As for us, we made our own decisions. Our parents knew our friends and never imposed restrictions on us. I was very lucky to have such amazing parents. They were not overprotective, but gave us enough security for us to know that someone cared.

### **Marriage, obedience and economic roles**

I got married when I was 26. I met my husband the previous year while studying for my MA in Canada. He was in the third year of his undergraduate degree and was teaching Arabic. Initially I was the sole breadwinner. We shared responsibilities. I earned the money and he kept track of the expenses simply because he was better at it. Once we had a child, he did not take part in childcare. Although he was loving and playful with our daughter, he did not share the household chores. I did all of it, taking care of the child, cooking, cleaning, etc. Later, I had live-in help, so then neither of us had to do it. During the first seven years while my husband was a student and I the breadwinner, neither of us was the head of household. I do not know

what he thought but I did not feel it. It was not until my husband finished his education and had the ability to earn a living that he started to take more responsibility.

He had been working for eight months or so when I got a promotion at work. He did not react much when I told him. A week later he told me that he did not like living in Toronto and would like to move to London. I had just received a promotion and I could not just leave. My husband asked me to come with him and also to promise that I'd never work outside the house again. I told him that I have been working outside the home pretty well all my life. But he insisted and said, "As your husband you must obey me." He never talked about obeying or anything like this before. So, when he gave me this ultimatum, I responded that I do not have to obey anyone. And then he retorted that in Islam the wife had to obey her husband.

The next day my husband went to my father and related what happened. My parents felt completely betrayed by him: how could he have such expectations when I was financially supporting him and paid for his studies? I did not see it coming either, as he had never behaved like this before. I think his family had a lot to do with it. His mother had coddled him. He expected the same from his wife and I never did that. I think he probably wasn't happy in our marriage and he used to complain to his family. I was definitely an anomaly in his family—none of the other women worked.

I think he needed to be affirmed as the head of the household now that he was earning. When I was the primary breadwinner, he could not ask me not to work since I was supporting him. He must have been very unhappy to be in a subordinate type of a role. I was earning and because of that we could afford a comfortable life. He did not even work in the summers and never offered to repay me. Even after he started working, I still carried most of the financial burden. I still paid the mortgage on the new house we had bought and had paid for the two houses we owned before that. My husband was still paying his student loans even though I had contributed a lot to his tuition fees.

## **Divorce and polygamy**

His demands were very unreasonable so I left him. I had never lived in a household where the men said, "Don't work". All the female role-models in my family were educated, worked and enjoyed freedom of action. After that conversation, my husband left to live with his sister over the Christmas break and I went to visit a friend in the United States. A day after both of us came back, my husband told

me that he had something to say and pronounced three times, "I divorce you". I asked him, "What's that?" and he said, "That is how you divorce Islamically, so now we are divorced". I replied, "No, we are not; my understanding of divorce is that there is a period of reconciliation, and that when it does happen, there are witnesses". He said, "No, we are now divorced", and he moved into another room of the house. We then put the house up for sale, and he left after that.

The next day we had a discussion about our daughter and custody. He said, "Well, you are the mother, and the child should stay with the mother". Although we had been Islamically divorced, I wanted a legal divorce. So I went to see a lawyer to draft a separation agreement, including custody and child support. He then reversed himself and asked for joint custody while at the same time negotiating child support. A few months later, my daughter went to visit her father and came back very upset because her cousins told her that he had another wife.

After that event, my husband called me twice, saying that he missed me and that he would like to work something out for the sake of our daughter. I confronted him with the existence of a second wife and he admitted it. I asked him how he could marry another wife while we were still legally married. He said that they were Islamically married. This was crazy. I asked him to not try to befriend me anymore; from now on we will only concern ourselves with our child. Interestingly, one of his sisters, much later in life, was in a situation where the husband married a second wife while still married to her. Her family was very upset, up in arms, that their daughter was treated in such a way. With me, the issue was not only that I was from a different ethnic background but also that I was not a 'devoted wife'. Our families' ways of thinking were very different.

## **Post-divorce and the loopholes of legal pluralism**

The legal divorce came through a year later; his second wife also wanted us to formalize things. While we were negotiating a settlement (custody and child support) we kept going back and forth over the amount of money. In Islam, if the woman earns money, she gets to keep it. But under Canadian law, it is 50-50. So suddenly he became Canadian and wanted his share. We had to put the house up for sale though he had not invested any of his money in it. The down-payment and the mortgage were all mine. Once the house was sold, he said that he would give his share in lieu of support payments for our daughter, until the money runs out, based on a certain amount every month. We never signed the separation agreement because my husband convinced me that we could work this out ourselves. This was a mistake. A year later the

child support money ran out and he never made regular support payments after that.

If I exercised my rights fully, I could have gotten a huge financial settlement. I put him through school; I could have sued for his practice and for child support. I did not do any of those things because, thank God, I had the wherewithal to support my child and myself. But for my daughter's sake, I should have. He did not meet his obligations vis-à-vis our daughter. He has not met his commitments in terms of visiting rights. My daughter would be waiting for him, looking out the window, and he would call to say that he could not make it. When she got older, she used to take the bus to visit him. He barely gave her anything when she got married. When she was studying in England, I paid all the tuition, and he paid a little bit of her living expenses. Yet he still thinks that he has the right to exert control over her life.

I think I did not have a deep affection and love for him, but marriage was something I was supposed to do. I think that is wrong; but I have a wonderful child out of it. I also regret not following through on the legal aspect, since I feel I deprived my daughter of what was due to her from her father—and not just in terms of finances. I feel that he does not value her because she is *my* daughter. She has a lot of me in her, ethnically and culturally. She is also very strong and is also a feminist. He always tries to assert his authority and she pushes back.

I feel really good and am thankful to God for my life. God has given me the strength to raise my child and be happy. I think that the spouses should decide how they are going to share the responsibilities. There should be no real definition of roles. I just believe that each person has his or her strengths and they are not defined by gender. Responsibilities should be shared depending on what the strengths of each person are. If some people love cooking, then they should take on that responsibility. If they both love it, they can share it. I do not believe that you could ever achieve complete equality between partners in a marriage. That is just not how human beings are. You end up with a couple where one just may give way to the other.



# Egypt

## *Qiwamah & Wilayah and Women's Lived Realities*

The Egypt Life Stories Project was undertaken by the non-governmental research-based organization Women and Memory Forum (WMF). Founded in 1995, WMF works towards unearthing the voices and roles of Arab women in cultural and religious traditions, and combatting patriarchal representations and perceptions of women. The Egyptian life stories research team consisted of three researchers/activists: Maissan Hassan, Diana Abdelfattah and Hoda Elsadda.

The main goal was to capture feminist stories, specifically the personal trajectories of three Egyptian women from different age groups and class backgrounds as they experienced and resisted gender inequalities in different eras and contexts.

The stories questioned assumptions about the 1950s and 1960s being the golden age of liberalism in Egypt in terms of gender equality; explored the lived realities of gender roles in families in the context of the open-door policy of Egypt and labour migration; and examined female independence and the role of the provider in the context of unmarried single woman in present-day Egypt.

### At One Glance

**Population** 91,500,000  
(World Bank, 2015)

**Total fertility rate** 2.8  
children born per woman  
(WEF, 2015)

**Child marriage** 2% of girls  
married by the age of 15  
and 17% by the age of 18  
(UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)**  
45 (WEF, 2015)

**Life expectancy at birth**  
73 years for females,  
69 years for males  
(World Bank, 2014)

**Religions (2010)** 94.1% of  
the population is Muslim  
and 5.9% Christian (with  
a majority of Coptic  
Orthodox) (Pew, 2012)

**Literacy rate** 65% for  
women and 82% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 26%, 79%  
(WEF, 2015)

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Amina** (74 years old)

is a prominent Egyptian psychoanalyst and activist. Although born into a wealthy and well-known family, she faced and overcame many obstacles in pursuing her education and career. Her experiences of marriage, divorce and migration contributed to her empowerment. After obtaining her PhD, she became active in Egyptian civil society and focused on women's rights issues. Amina finally moved to the United States with her second husband, an American citizen. She chaired and presided over two UN-related organizations and is currently working as a psychoanalyst and human rights activist.

### **Nadia** (45 years old)

is a well-educated divorced mother of three children. Born into a working-class family, and as the eldest of her siblings, Nadia had to work to support her parents and soon became the main provider. Later, she migrated to the United Arab Emirates and sent remittances to her family in Egypt. She eventually married twice to Egyptian migrants in Dubai, but faced many hardships in the marriages including financial neglect, psychological and physical abuse, and abandonment. After her second divorce, Nadia returned to Egypt and started a taxi business, asserting her female authority in a male-dominated field.

### **Sara** (27 years old)

is a well-educated single woman. Born into a middle-class family, she grew up with a relative amount of freedom and hence learned to challenge the social conservatism of her father. Sara was allowed to maintain a romantic relationship with her boyfriend although she decided to end the relationship when he started to infringe on her freedom. Sara started to work and to contribute to the livelihood of her family, which gained her more freedom. After the 25th January Revolution, Sara became politically and socially engaged, and started working in the field of human rights. She is now living on her own against her father's wishes.

## Male Authority and Negotiation of Gender Roles

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The Egyptian research team documented life stories of women who continuously challenged the rigidity of traditional gender roles and the resulting determination of their life choices and place in society. The idea that men are the providers and protectors of their female wards in exchange for the latter's obedience is both enforced by the state laws and embedded in social values. Indeed, although the resource persons did not engage directly and overtly with the religious and legal concepts of *qiwamah* and *wilayah*, their stories demonstrate how these concepts were manifested in social norms that shape gender relations and roles. Beyond the different generational experiences and social backgrounds, Amina, Sara and Nadia faced gender-based barriers in their access to education, the pursuit of their careers and their freedom of mobility.

### Gender Equality

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Despite the state's constitutional and international obligations to protect, support and promote gender equality, Egyptian women still face gender-based discrimination and violence in both the private and public spheres. Although gaps are closing between male and female enrolment in secondary and tertiary education, female literacy remains 17% lower than that of men. Traditional gender role expectations along with socioeconomic and geographical factors continue to affect girls' access to primary education. In 2015, 76% of out-of-school children of primary school age were girls, compared to 24% for boys.

Furthermore, women's employment rates remain low while gender wage gaps are observed in every industry with an estimated earned income more than three times lower for women than men. According to UNFPA, gender gaps are accentuated by poverty. This is reflected in the higher incidence of illiteracy among female-headed households in rural areas and high rates of female participation in the informal sector, which foster women's vulnerability and impoverishment.

Many Egyptian women are subjected to various forms of physical and psychological violence, including female genital mutilation, sexual and collective harassment, marital rape and beatings, whether at home, the workplace or the public space. According to a study released by UN Women in 2013, 99.6% of women have been subjected to some form of gender-based harassment. In 2014, a law criminalising sexual harassment was passed with the offence carrying a minimum penalty of one year's detention. However, prosecution remains deficient, with a very limited number of convictions and a large majority of female victims still awaiting justice.



## **The Egyptian life stories also show many ways in which the resource persons managed to overcome gender-based obstacles, to assert their autonomy and to lead more empowering lives.**

For instance, Amina, born to a wealthy and non-religious family, had to struggle a great deal to pursue her higher education. Her father was against the idea of sending his daughters to school as he believed that girls were supposed to stay at home and become housewives. When he eventually agreed to send his daughters to a French convent school, he believed that they would learn how to draw and play piano. When she applied for university, her father first refused and then imposed his conditions by deciding for her which field of education to go into and making her promise that she would not work after graduation. Since living alone in the university hostel was not an option for her father, the whole family moved to Alexandria. To pursue graduate studies in France, Amina once again had to comply with her father's condition that she marry before going abroad to study.

Similarly and on a different level, Sara had to challenge the authority of her father, mother and boyfriend to assert her independence. When she was offered a scholarship to study in the United States, she faced the opposition of her mother and boyfriend, who argued that it was inappropriate for a young woman to travel alone without a male guardian. Her boyfriend also criticized her way of dressing and her friendships. At that point, Sara realized that she could not accept her partner's authority and decided to end the relationship. Sara's father was not religious but he still believed that it was his moral duty to protect and control his daughter's life choices. Hence, while he allowed Sara to have a romantic relationship and study abroad alone, she was still subjected to his control and curfews. It was only when she started to work that she was allowed to stay out until midnight for work purposes. Even after Sara moved out of the family house to live on her own, she still faced her father's interference in her private matters. He considered her status as a single woman and her economic independence as threats to his social image and honour as head of the household.

## **Context and Pathways to Empowerment**

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The Egyptian life stories also show many ways in which the resource persons managed to overcome gender-based obstacles, to assert their autonomy and

to lead more empowering lives. The life stories highlight the different contexts of resistance for each resource person and the impact these had in shaping their pathways to empowerment.

## Political and Legal System

The Arab Republic of Egypt is a democratic state with a semi-presidential political system in which the popularly-elected President shares executive power with the Prime Minister and Government, the latter being accountable to the Parliament. The Egyptian legal system emerged from a combination of Islamic Law and French Napoleonic Code and is based on a set of written and codified laws. The main sources of law in Egypt are the Constitution (2014), international conventions, codified statutory rules, executive regulations, decrees, customs, and general principles of law. The 2014 Constitution enshrines in its article 53 the equality of all Egyptian citizens before the law, establishing that all have the same civil, political, economic, social and cultural rights and prohibiting all forms of discrimination. Yet, its article 2 provides that the principles of Islamic *Shari'ah* are the main sources of legislation, while its article 3 states that Egyptian Christians and Jews are to be governed by their own personal status laws.

The *fiqh*-based personal status law consists of a set of substantive laws (Law No. 25/1920 and Law No. 25/1929, both amended by Law No. 100/1985) and a procedural law (Law No. 1/2000). These laws contain a number of provisions that discriminate against women in terms of spousal rights and duties in marriage, a wifely legal obligation of obedience, unequal access to divorce and financial rights, and unequal rights to custody and guardianship of children. Furthermore, Egypt's Penal Code No. 58 of 1937 has a lenient approach to crimes motivated by 'honour' (article 237) and prohibits abortion in all circumstances, even in cases of rape, incest or life-threatening pregnancy.

Egypt is a State party to the UN International Covenant on Civil and Political Rights, CEDAW, and the regional African Charter on Human and Peoples' Rights. These conventions are considered to have the same legislative status as national laws and to be equally binding. Yet, Egypt maintains its reservations to CEDAW articles 2, 9, 16 and 29, providing that compliance to these articles shall not "run counter to the Islamic Sharia."

For instance, although born in the Egyptian 'golden age of liberalism', Amina had to bargain with structures of authority and patriarchy to secure her life choices. She even went on a hunger strike to pressure her father to agree to her pursuing university education. Throughout her life, Amina has had to comply with traditional expectations as part of her resistance, such as having her whole family move with her so that she could pursue her university studies or agreeing to an arranged marriage so she could do doctoral studies abroad. Amina's mother played an important role in supporting her empowerment. For instance, she convinced her husband to send their daughters to school. When Amina's

husband graduated and decided to return to Egypt, she encouraged Amina to stay in France until she completed her postgraduate studies.

Years of education, living in different places and career experiences enabled Amina to develop a strong sense of self. Unhappy in her arranged marriage, she decided to divorce her husband. Later, she decided to dedicate her life to support human rights and women's causes in Egypt and in the world. Furthermore, Amina contributed to developing the use of a psychoanalytic approach to tackle socioeconomic challenges faced by developing countries and eventually chaired the United Nations Committee of the International Psychoanalytical Association.

Sara's life story addresses the issues of women's rights and place in the Egyptian society after the 25th January Revolution. Indeed, though concerned for their daughter's safety, Sara's parents did not object to her participation in the protests, including when this involved coming back home late at night. For Sara, her presence at the Tahrir Square sit-ins and substantial participation in collective efforts towards political and historical change was fundamental. It intertwined with and enabled her pursuit of gender freedom, leading her to challenge male authorities in her private life and resist social expectations of gender roles from her parents and the surrounding community.

Although Nadia faced several hardships during her two marriages in the UAE, she transformed her difficult marital experiences into strengths. After her second divorce, Nadia returned to Egypt and started first a business buying and selling cars, and then a taxi company. She had gained enough confidence through her life experiences to resist gender-based discrimination, mockery and sexual harassment in a male-dominated field. By demonstrating her physical strength and self-confidence, she asserted her authority and is currently respected by her male business associates. Although she still faces disapproval from some family members, Nadia has gained enough confidence to live her life the way she wants. During the 25th January Revolution, Nadia befriended human's rights activists and became popular among local and international NGOs. She started giving interviews and promoting women's economic participation, which led to her desire to train female drivers to deal with gender-based discrimination in male-dominated fields.

## Women Speak...

## Nadia's Life Story

### **Education and economic role**

I grew up in a very modest family in Bab El-Sheeriya. I loved school and had good grades but I also had to help my mother with the housework. As the eldest of my siblings, I had many responsibilities, including working to financially support my parents. While studying at the Faculty of Agriculture in Cairo University, I started working in the service and tourism industry. After graduating, I held a research assistant position in one of the prestigious state-owned research centres. My dream was to pursue a PhD. My monthly salary was EGP120 (currently less than USD20). But by the end of the 1980s, I chose to quit this job to focus on a more lucrative career. I made more than EGP1,500 through my new job in the service industry, owned a car and provided for the household.

My first love was a young sailor from a well-off family. Although we were officially engaged and loved each other, his family forced him to break off because of my lower social status. Alone, I worked very hard and became the main provider for my family, paying for the education and marriages of my younger siblings. After a few years working in Cairo, I received a job offer as an event organizer in Dubai. My first years in Dubai were the best in my life and I was happy. I earned enough to support my family and my personal needs while saving money.

### **First marriage and divorce**

After several years in Dubai, I met my first husband, a young good-looking Egyptian who worked in the same hotel. We married in Dubai without seeking my parents' approval. At that time it was not a concern for my parents. My younger sisters were already married and my mother was happy that her eldest daughter was also getting married. I paid for most of the marriage costs and for the new household's expenses.

For me, marriage was not about love but partnership. But my husband was not a good partner. He was not ambitious and was thriftless; most of our arguments about money ended with him beating me. Once pregnant, I had to quit my position as a wedding organizer because of the long hours. I started a new job in a government hospital with a lower pay, which caused more fights with him.

When I gave birth to my twins, it was hard to balance work and my maternal duties. I could not afford child care and did not have any relatives to help me. In the meantime, my relationship with my husband had worsened and became hateful. I did not want this to affect our children, so after a year, I decided to leave them with my mother in Cairo.

After getting a divorce, I managed to focus on my career again. I was motivated by the desire to maintain a decent standard of living for my children, particularly now that they were away from me. As a divorced woman living alone in a foreign country, I had to be aware of how others perceived me. I spent most of my time between work and home. I did not go out with friends as I had before getting married. I decided that I would never marry again until I met Tarek, who became my second husband.

## **Second marriage and difficult divorce**

Tarek was a well-off, charming, handsome young man and I fell in love with him. Interestingly, this time, my family insisted that my brother meet Tarek before my wedding. My family was impressed by his background and advised me to marry him. They believed that marrying Tarek was a golden opportunity considering my situation as a divorced woman with two children. Not only was Tarek young and never married, he also owned a small business in Dubai.

During my first weeks with Tarek, I experienced happiness that I never felt in my first marriage. However, suddenly everything changed. Tarek became aggressive towards me and behaved violently. He had started to have problems with his business, so I gave him the money to save him from bankruptcy. After a few months, Tarek told me that he had been married to another woman before me—a *jinnia* (a female jinn, invisible being). He said that he possessed extraordinary powers, which made him charming. According to him, his violent behaviour was due to the *jinnia* and her children's jealousy towards me. Despite my attempts to help him, Tarek was still very violent to me, beating me, pulling my hair and punching me. His abusive behaviour did not stop even after I got pregnant.

While my daughter was still a newborn, Tarek convinced me to apply for a loan under my name in order to help his business. However, our relationship worsened since Tarek did not make regular payments to the bank as requested. I finally asked for a divorce but he refused. After several months, I convinced him to go to the court to register our divorce. However, I found out that he bribed one of the court employees to hijack the divorce process. He told the judge that I had

been seen with a strange man in his car, which was illicit behaviour. Although I refuted this false allegation, they presented a witness and the judge refused to grant me a divorce.

A few months later, Tarek left Dubai suddenly without letting me know. He left me alone with a newborn child and a debt of 10,000 Dirhams. I spent three years paying the loan back to the bank while providing for my baby in Dubai and my children and mother in Cairo. After living in harsh conditions for these years, I decided to go back to Egypt and rejoin my family and children.

## **Business in Cairo**

In Cairo, I could not find a job matching my experience, so I started a small business buying and selling used cars. My past marriages helped me survive in a male-dominated market and I managed to gain respect from my business partners. This respect was not always easily obtained. Once, I had to hit a man in a business meeting after he made a sexually explicit remark about me.

After I bought a taxi, a friend advised me to keep it and to employ drivers. But I was let down by the drivers' lack of commitment, so I decided to drive it myself. For several months, I did not tell my family about my new job. While my mother did not mind and encouraged me, my siblings were sceptical and ashamed.

I am now seeking to establish an academy for female drivers where I can teach women how to drive and to prepare them for working in the field. I want to integrate women's issues in the trainings in order to develop a feminist consciousness. It is important for women to learn how to deal with all kinds of harassment, especially as a female taxi driver. Moreover, I would like to create a syndicate for female drivers to investigate and tackle their problems.



# Gambia

## *Qiwamah & Wilayah* and Women's Lived Realities

The Gambian Life Stories Project was undertaken by the non-governmental women's rights organization Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP). Founded in 1984, GAMCOTRAP focuses on sexual and reproductive health rights of women and girl children in the Gambia. The organization advocates for the elimination of harmful practices such as female genital mutilation (FGM), early marriage and gender-based violence. The Life Stories team consisted of six activists/researchers: Isatou Touray, Amie Bojang-Sissoho, Mary Small, Isatou Jeng, Sarjo Camara and Binta Bah.

The team focused on the manifestations of *qiwamah* and *wilayah* in various issues faced by Gambian women, such as sexual bodily rights, FGM, access to education, polygamy, political participation and leadership. They documented 13 life stories of Muslim women from the different administrative regions of the Gambia who engaged in grassroots activism and contributed to the empowerment of women.

### At One Glance

**Population** 1,990,000  
(World Bank, 2015)

**Total fertility rate** 5.8  
children born per woman  
(WEF, 2015)

**Child marriage** 9% of girls  
married by the age of 15  
and 30% by the age of 18  
(UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)**  
430 (WEF, 2015)

**Life expectancy at birth**  
62 years for females,  
59 years for males  
(World Bank, 2014)

**Religions (2010)** The  
majority of the population  
is Muslim (95.1%),  
alongside Christian (4.5%)  
and animist minorities  
(Pew, 2012)

**Literacy rate** 48% for  
women and 64% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 73%, 83%  
(WEF, 2015)

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Natoma** (45 years old)

is a childless married woman. Born in Sankwia, Jarra West, she was deprived of education and had an arranged marriage at the age of 14. She divorced her first husband when he decided to marry the daughter of a family friend as his second wife. Although she left her first husband because of his polygamy, she later decided to enter into a polygamous marriage as the third wife, with specific conditions about her living arrangements. A farmer and women's leader, she has led many struggles in her community, including protecting girls from deep-rooted practices such as FGM.

### **Fama** (50 years old)

is a married mother of 11 children. Born in Tumanna in the Upper River Region, she was deprived of education and had an early arranged marriage as a second wife. After the death of her husband, she was forced to marry her brother-in-law as his last wife in order to safeguard her children's interests. She has had to deal with being in polygamous relationships as well as providing for herself and her children. A farmer and businesswoman, Fama plays a leadership role in her community and is a representative of GAMCOTRAP in the region.

### **Maimuna** (51 years old)

is a widow and mother of five children. Born in Basse Kabakama, she completed her education and attended a school of nursing where she trained as a midwife. Despite a physical disability, she took a leadership role in her family and her community. She provided for the extended family, controlled family land and was the first female *Alkalo* (village head) elected in the First Republic. After the death of her husband, she refused to remarry and worked as a nurse. She is now retired and continues to work on her farm.

### **Penda** (52 years old)

is a widow and mother of five sons. Forced to marry an elderly man who was powerful in her village, she was subjected to violence by her co-wives. Her husband neglected her and she had to work and provide for her children. After the death of her husband, she remarried and divorced three times to men who were more interested in sexual relations than forming a marital partnership.



She now lives alone and works as a farmer. She has led her region in advocacy efforts to end FGM and currently works with various women's rights organizations.

### **Anta** (57 years old)

is a widow and mother of five children. She was among the few rural women of her generation who had the opportunity to get an education. She worked as a midwife. She is in a monogamous marriage, and was supported by her husband to enter partisan politics. For five years, she held the position of councillor in the local government structure in her region. Upon the death of her husband, she faced many challenges as a widowed woman and had to give up her political aspirations to provide for her household.

### **Sally** (73 years old)

was a single mother who passed away in 2015. She was among the few rural women of her generation who had the opportunity to complete an education because her father was posted in Banjul with the Gambia Police Force and he was determined that his children should be educated. Divorced four times, she faced many hardships in her marriages and decided not to marry again. Despite her young age, she became the first female candidate elected to Parliament during the first regime and was nominated Minister of Health in the second Republic. She served as a head teacher and was also formerly a public relations officer at the Women's Bureau.

### **Adu** (59 years old)

is a married mother of two sons and two adopted daughters. Born to a Muslim family, she married a Christian man to avoid being in a polygamous marriage. Both she and her husband took part in opposition politics and were imprisoned for seven months by the State. Her husband is gender-sensitive and very supportive of her political activities. A journalist, politician, activist and trainer, she encourages women to engage in political participation through a non-governmental organization she founded.

### **Kumba** (37 years old)

is a single mother of two children. Born in Sukuta, Kombo North, she completed her education and became a successful businesswoman employed by a series of international companies. She was the second wife in her first marriage, and she faced harassment and violence from her co-wife. She eventually left this abusive marriage. When she remarried several years later, her second husband's family mistreated her while her husband was working abroad, and her husband eventually abandoned her while she was pregnant. Left impoverished, she started to run her own business to provide for her family. Later, she began to campaign against FGM in her community.

### **Yama** (78 year old)

is a widow and mother of one son and several adopted children. Born in Njawara, lower Raddihu District, she was deprived of education and entered into an arranged marriage at the age of 15. After her husband's death, she took over leadership of the village and held the position of *Alkalo*. She helped raise awareness about the harm of the practice of FGM. She has adopted more than 30 children whom she describes as her own children.

### **Mariam** (76 years old)

is a widow and mother of four children. Coming from a rural area, she was deprived of education. She married a poor Lebanese man against her parents' will and had a strong egalitarian marriage with him, working hard on their farm to build their assets. After her husband's death, she inherited all his property. She is a well-respected political figure who led the campaign against FGM in the Central River Region North. She also served as National Women's Councillor under the Women's Bureau promoting the socioeconomic and political rights of Gambian women and girls.

### **Binta** (57 years old)

is a married mother of five children. She was born in Banjul to a gender-sensitive father who gave her the opportunity to further her education and saved her from early marriage. She was granted a scholarship to study overseas and worked for several foreign agencies and development organizations. She was married at the age of 19, and has a generally supportive husband and family-in-law. She is involved in voluntary work to advocate against child abuse.

### **Kaddy** (32 years old)

is a married mother of two children. Born in Brikama, she completed her education and was trained in computer software. She is a second wife but lives in a separate dwelling from the first wife and provides for her household as well as for her younger siblings. She used to be a circumciser and an active supporter of FGM but her perception changed after she became engaged with GAMCOTRAP. She is now involved in leadership positions with women's groups in her region.

### **Hawa** (36 years old)

is a single mother of five children. Born in Brikama, she was deprived of education because her parents could not afford it. She was married at the age of 16 and her husband took advantage of her illiteracy by cheating her out of property. For years she worked hard to survive while her husband travelled. Upon his return, he married a second wife, divorced Hawa, and insisted she leave the house

that had been funded by her loan but registered in his name. The judge did not support her case and said she must leave. She runs a small-scale business to make a living.

## Women's Navigation of Gender Inequalities

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The Gambian research team documented life stories of women who still faced gender-based discrimination despite the state and civil society's ongoing efforts to make the legal and judicial system gender-sensitive. The gap between formal equality and the lived realities on the ground demonstrate how gender biases and inequalities are deeply rooted in cultural traditions that threaten the bodily integrity and dignity of Gambian women. The 13 life stories give us a glimpse of the challenges navigated by Gambian women in the private sphere, such as child/forced marriage, FGM and polygamy. Religious arguments are often used to justify these practices and maintain patriarchal values and control over women.

### Child marriage

Although Gambian written laws protect girls from child betrothal and forced marriages, most of the resource persons married under the age of 18, which contravenes sections 24 and 25 of the Children's Act (2005) and various international conventions. In rural Gambia, child marriage is a prevalent practice and more of a priority than the education of girls. For example, though Natoma was a brilliant pupil, she was denied the opportunity to continue her education because of an early arranged marriage. At the age of 14, she was betrothed to a relative and left the country to live in Spain.

Child marriage is considered normal or, at best, an accepted social norm. Many families marry their daughters off at an early age to avoid pregnancy outside marriage and thus disgrace and loss of face within the community. For instance, Yama was forced to marry her cousin at the age of 15. As a young girl, she was told that she was expected to marry soon and to take care of her husband and in-laws while taking on the responsibility of being a mother.

### Female genital mutilation

Despite women's groups' strong advocacy work, the practice of female genital mutilation remains prevalent in the Gambia. According to UNICEF, 56% of Gambian girls under the age of 14 years underwent FGM between 2010 and

2015. All 13 resource persons experienced FGM. This traditional custom, which is used to establish control over the sexual behaviour of women, is often falsely associated with Islam. For instance, Sally experienced FGM at the age of eight and believed that as a good Muslim girl, she had to be circumcised and purified.

Through women's groups' endeavours to raise awareness about women's sexual and reproductive health rights, the Gambian Parliament enacted a law that banned FGM in January 2016. Several of the resource persons were involved in GAMCOTRAP's advocacy work to end the practice of FGM. For instance, at the age of seven, Kumba had a painful infection resulting from being cut. Threatened by the circumciser to be mutilated a second time, she could not complain to her parents and suffered in silence. In later life, she overcame this trauma by advocating against the practice of FGM in her community. Mariam was a well-known circumciser and promoter of FGM who later realized the harm of this practice. She led an anti-FGM campaign in the Janjanbureh as a result of which 30 circumcisers dropped their knives.

## Polygamy

Since polygamy is a prevalent and justified practice in Gambian society, most of the resource persons did not have a viable option to refuse polygamous marriages. Polygamy is often considered to be a religious right of men and is justified by some Qur'anic interpretations and men's claim to *qiwamah*. Most interpretations require that a husband must earn enough money to support all of his wives. Yet, as illustrated in the Gambian life stories, often the husbands did not support their wives and the latter had to provide for themselves and their children. At an early age, Penda was forced into a polygamous relationship as the fourth wife of an elderly man who had no sons from his other wives. Penda was forced to live with her co-wives who abused her because they were jealous that she gave birth to boys. She lost her first son, and she believes he was poisoned by one of her co-wives.

Some women managed to negotiate ways to protect themselves from the negative workings of polygamy. Natoma rejected polygamy in her first marriage when family friends who once supported her as a young bride suggested their daughter become her husband's second wife. In her second marriage, she chose to become the third wife of an influential chief but laid out conditions so she could remain independent, economically secure and emotionally content. One condition was that she would live in a separate compound from her co-wives, which is rare in rural Gambia. In a rare example, Adu drew lessons from the bitter experience of the polygamous marriage of her father. She felt that

because the practice was so embedded in Muslim society in the Gambia, the best way to guarantee a monogamous marriage was to marry a Christian man.

## Gender Equality

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Although the Gambia has ratified all of the international conventions and protocols that promote women's rights, women still face discrimination in accessing basic rights in the public and private spheres, injustices that are fostered by patriarchal religious, cultural and traditional norms. Despite the Government's gender-responsive policies, women's empowerment is still challenged by low literacy levels, a higher incidence of poverty, gender-based violence and limited influence over the decision-making process.

While some progress has been made in women's access to primary education, with a female enrolment rate of 71% compared to 66% for men (WEF, 2015), gender inequality persists in secondary and tertiary education, where men make up 71% of all enrolments. As a result, the female literacy rate remains considerably lower than that of males, which makes women more vulnerable to poverty. The Gambia is one of the poorest countries in Africa, ranking 175th out of 188 countries in the United Nations Human Development Index (2014). Income poverty is concentrated in rural areas, where women comprise the majority of the working population, accounting for more than half of the agricultural labour force and representing 70% of unskilled labourers (IFAD, 2013).

Furthermore, women have little influence in health-related decisions and face multiple risks, as is apparent from the high maternal mortality rate due to the lack of prenatal care and women's heavy workloads, the difficult access to contraception and reproductive health services, and the practice of FGM. Gambian women are also still underrepresented in politics both at the national and local levels. In 2015, women made up only 9% of Members of Parliament and 21% of ministerial positions in the Gambia.

## Women's Struggle for Access and Rights in the Public Sphere

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Despite the Government's emphasis on women's fundamental rights to education, employment and political participation, women's access to the public sphere in the Gambia remains restricted. This was highlighted by the resource persons' difficult access to schooling, ownership of resources and leadership positions.

## Education

As young children, several of the resource persons were denied education because they were tasked with household chores, subjected to early marriage or expected to conform to a traditional model of gender roles. For instance, Hawa went to a madrassa for a short time but was not educated further because her family could not afford it. Instead, as the first child she took responsibility for household chores—cleaning the compound, washing dishes, cooking and helping her mother on the farm. Her illiteracy cost her dearly when her husband of many years cheated her out of property she had bought with a loan in her name by putting the documents in his own name.

At the same time, some of the women who were deprived of education were able to find other routes to success. Mariam's grandfather denied her the opportunity to get an education but she worked diligently on agricultural endeavours and capitalized on her success by supporting politicians behind the scenes. Adu went through primary and secondary schooling but she could not continue her tertiary education because her parents could not afford it. However, she never gave up and started to write for a newspaper. Later, she became actively involved in girls' education and adopted an orphan girl. Adu paid for her adopted daughter's secondary and tertiary education and she is now working as an accounting clerk.

Sally and Binta were among the few Gambian resource persons who had the opportunity to further their education, which later opened the doors to their economic and political empowerment. For instance, Sally's father believed that his children's education would enhance the family's well-being. Sally had the chance to pursue her education both because of his support and because he was a member of the Gambia Police Force posted in Banjul. She studied first as a nurse and then as a teacher and worked her way through various positions and schools to become the main breadwinner in her extended family. Later in life, she entered into politics and became the first woman elected to the Gambian Parliament.

In contrast, Binta had to struggle and to navigate gender inequalities in order to get an education. She was denied a scholarship to complete high school because of her gender and her rural background but her father managed to pay for her schooling. She recalled how the male pupils would provoke her and tease her about her handwriting, though she managed to beat them in marks. As she advanced in her education, there were fewer and fewer girls.

Because of her hard work, she was able to further her studies in the United States and return to the Gambia to work with international agencies and NGOs on development issues.

## Leadership positions

The life stories documented by the Gambian research team show ways in which women could demonstrate their leadership capacities. Several resource persons held various leadership positions, especially among their female peers. Although sometimes accepted as community leaders of both women and men, women faced more challenges in mixed communities because of patriarchal resistance and the burden of navigating gender-based discrimination on a day-to-day basis. For instance, Natoma overcame the barriers of education and

## Political and Legal System

Following its independence and after a popular referendum in 1970, the Gambia became a republic with a presidential form of executive government. Since then, the country has experienced several military coups and two constitutional orders (1970 and 1994). Twenty-two years after his military coup, Yahya Jammeh still controls the presidency of the country. In December 2014, he declared the country an Islamic Republic to mark a break with the colonial past but provided no specifics about the legal consequences of his declaration.

The main sources of Gambian law are the Constitution (1994), legislation (enacted by the National Assembly), judicial precedents (made by the courts), decrees (passed by the Armed Forces Provisional Council), English law (business law and criminal law) and customary and *Shari'ah* law (inspired by the Maliki school of law). The 1994 Constitution of the Gambia guarantees equal dignity and equal treatment of men and women in the political, social and economic spheres. However, these provisions have been weakened by subsection 5, which recognizes both customary laws and *Shari'ah* as the personal status laws applicable to members of the communities concerned. In most cases, these rules are not favourable to Gambian women, who still face discrimination in many family law matters.

The Gambian women's movement has played a significant role in promoting gender equality and advocating for policy reform. The Gambia has ratified all the relevant international conventions that guarantee gender equality and human rights such as CEDAW (1993), the Convention on the Rights of the Child (1989) and the Maputo Protocol to the African Charter on the Rights of Women (2006). In January 2016, the Gambian Parliament passed a bill that banned FGM and provided penalties for committing the act. The Gambia's gender-responsive policies and national programmes have created formal equality for women but have failed to create substantive equality on the ground.

## **Despite the harassment by some male and female members of her own political party, she won the position of councillor in the local government structure of her region.**

polygamy by reaching several leadership positions at the regional and national levels. Awarded the Medal of the Order of the Republic of the Gambia, she led several community-based organizations in her region. However her illiteracy in English and her gender became obstacles when it came to her pursuing a seat in Parliament. According to Natoma, she was denied the opportunity to take a seat because she was illiterate in English while several of her male peers were able to serve in Parliament even though they were equally illiterate.

Anta was among the few rural women of her generation to receive an education, be in a monogamous marriage and hold leadership positions. Despite the harassment by some male and female members of her own political party, she won the position of councillor in the local government structure of her region.

Sally became the first woman elected to the Gambian Parliament despite her young age and her status as a divorcee. She defied the social expectation that marriage should be a priority for women. Sally made the struggle for empowerment of rural women a key priority in her political agenda. Through her political career, she won greater independence and proved that women could travel alone without a male guardian, provide for the household and be the head of the family.

### **Ownership**

Although there is no written legal provision to prevent women from holding property and owning land, cultural norms and practices curtail their access to ownership. The Gambian research team documented life stories of women who were allowed to use and sometimes control landed property but could not own it even through inheritance. For instance, Natoma had access and control over all of her late father's landed properties but, unlike her brother, never held ownership rights. Furthermore, she had access to the use of her husband's farmland but did not own it.

Most of the time, land ownership is based on a community tenure system, which translates into the land being under male control. Women are not given the right to inherit land because the property would be lost through their marriages.



Therefore, they are only entitled to make use of it. Furthermore, while Gambian law guarantees a widow's right to inherit the landed property of her late husband, this right is often accompanied by the custom of levirate. Widows are expected to marry one of their late husband's relatives in order to safeguard the familial property. For instance, when her husband died, Fama and her nine children were 'inherited' by his brother. Soon after she completed the mourning period, her brother-in-law asked for her hand in marriage. Despite her reluctance, she had no choice but to accept his proposal or risk losing her inheritance rights. She is now living in her late husband's house and is working as a farmer to provide for herself and her children.

## Women Speak...

## Natoma's Life Story

### Childhood and early marriage

I was born in Sankwia in the district of Jarra West. By the age of eight, I started Arabic school and was among the best pupils. Since I had good Qur'an recitation skills, my teacher allowed me to assist the younger students. However, other parents complained, saying that a girl should not be allowed to teach. Following that, I was denied the opportunity to get a scholarship to further my studies in Saudi Arabia and I was forced to quit school by the age of 12.

At the age of 14, I married a distant relative who was living in Barcelona. When I arrived in Spain I was under the guardianship of my brother's friend who lived there. His wife took care of me as a young bride in a foreign country.

In the course of time, my relationship with my husband worsened until the point where I found out he was planning to marry a second wife. This started when a family friend who was living in Spain approached me to introduce me to his family. He had a close relationship with my family in the Gambia and was willing to take care of me like a family member. I regarded him as a father and used to spend weekends with his family.

However, one day a woman called to inform me that this family friend was planning to give his daughter in marriage to my husband. I did not believe her because my husband was a relative of my mother and could not betray me. I was still very young and noticed nothing unusual before this conversation. It was only some time later that my husband woke me up in the middle of the night to inform me about this marriage proposal. When I asked if he took the initiative to ask for this girl's hand, he replied that the family offered him their daughter. I told him that if he married this girl, I would leave him. After that event, I left my husband's house for my brother's house. My ex-husband attempted several times to bring me back with him, but I refused. This is how my five years of marriage with him ended.

### Divorce

Some time later, I received a summons to appear in court. When I went to the tribunal, accompanied by some family members, the police prosecutor was surprised by my young age. In fact, my husband reported to the court that I

had been beating him during our marriage despite my young age and physical stature. I was thus asked to relate my own version of our marital conflict. Following that, I was allowed to return home while my ex-husband was put in detention. Later, my brother begged me to seek my husband's release, which I did.

Although my first marriage was officially registered, I was not aware of the contract stipulations because I did not read English. The marriage certificate was in my ex-husband's possession, though he gave it to me after the divorce. But he also made a copy of the certificate and replaced my name with his second wife's name. At that time, young and illiterate, I was not aware of his machinations. Now that I am empowered by these hardships, nobody will fool me.

After my divorce, I went back to my mother's home in the Gambia. My brother tried to convince me to live with him in Spain but I preferred to look after my mother. I observed three months of *'iddah* (post-divorce waiting period) at my mother's house but my husband never made any maintenance payment or tried to contact me. I did not have to refund the dower or pay any compensation since he was the one who offended me.

## **Second marriage and polygamy**

A year later, at the age of 22, I decided to marry a rich and influential chief. Although he already had two wives, I gave my consent subject to several conditions, including the right to live in a separate compound from my co-wives, which is very rare in rural Gambia. My husband accepted all my conditions.

I can say today that I feel happy and lucky in my life. My husband is well off by Gambian standards and I don't have any problems with my co-wives because I don't live with them. I believe that each of us has to acknowledge her blessings. The reason why I refused my first husband's polygamous marriage was because I felt betrayed by the bride's family. They were like parents and they stabbed me in the back.

I never had the chance to get pregnant but this is Allah's will. I don't feel any pain regarding this matter and my husband never made any reproaches about me not getting pregnant. Some children from my immediate family are under my custody and my husband treats them as if they are ours.

## Leadership

I grew up with leadership potential and thus used to lead my peers in many activities. Since then whenever I take part in a forum or event, people always agree that I should lead them. Today, my leadership ranges from my local community to the regional and national levels. I am the regional mobilizer for the ruling party in the Gambia and was the Women's Councillor for nine years in the National Women's Bureau. I have served as the regional president of an initiative by the President to reach out to rural women for support. I am also the president of the adult literacy programme in my region and have myself benefitted from these literacy courses. I coordinated the July 22nd Movement and interacted with the President, who offered me a trip to Mecca to reward my leadership effort. Later, I was also awarded the Medal of the Order of the Republic of the Gambia.

I was trained as a community-based facilitator by GAMCOTRAP, the Department of Social Welfare and the Women's Bureau. Many Gambian women have learned from my experience. I teach them about children's and women's rights issues. People come to my house to seek advice and support. In 2012, I joined GAMCOTRAP's awareness-raising programmes and led the 'Dropping of the Knife Ceremony' in the Lower River Region (LRR), which included 20 circumcisers and 150 communities.

I have not tried to join the Parliament because I am not well educated in English. However, some male MPs are equally illiterate yet were elected to go to Parliament. But everything is in the hands of Allah.

My current husband is supportive of my leadership responsibilities. I like to work with influential people to learn from them and thus empower myself and improve my family life.

## Land rights

When my father died in 1983, I had access to and control over all of his landed properties but not ownership rights. I have two siblings from the same mother and father. We shared the profits among ourselves after selling the properties. Similarly, I have access to and control of my husband's farmland, but not ownership.

I manage and control my money on my own. Sometimes I contribute to the items needed for the house and at times I provide for my mother. My husband gave me a piece land that I own, with the all of the documents in my name. I

now want to build my own house. Allah is guiding me and this is the appointed time to go ahead. I would have built it a long time ago but as a leader who is trusted by many people I have to also consider their needs. There are times when people ask for my financial support and I assist them in solving their problems. I know that this is not permanent; a person grows from one stage to another until she reaches an age when she cannot do much. I realize that I am aging and have to plan my future now.



# Indonesia

## *Qiwamah & Wilayah and Women's Lived Realities*

A team of Indonesians developed and implemented the pilot phase of the Global Life Stories Project (GLSP) in 2011 in cooperation with Alimat, an Indonesian network of organizations and individuals advocating for equality and justice in the family. Alimat was established after Indonesian women's rights advocates participated in Musawah's first Global Meeting in Kuala Lumpur in February 2009.

The Indonesian pilot research team was led by the activists/researchers Kamala Chandrakirana, Dini Anitasari, Nani Zulminarni, Nur Rofiah and Tati Krisnawaty. The pilot project was integrated into Alimat's overall advocacy programme for reform of Indonesian family laws. The team documented the life stories of five Indonesian women from diverse backgrounds such as heads of households, migrant workers, activists and religious preachers.

The second Indonesian team, led by activists/researchers Aida Milasari, Dini Anitasari and Nur Rofiah, documented four other life stories of women whose experiences reflected different kinds of marginalization (indigenous woman,

### At One Glance

**Population** 258,000,000  
(World Bank, 2015)

**Total fertility rate** 2.3  
children born per woman  
(WEF, 2015)

**Child marriage** 14% of girls  
married by the age of 18  
(UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)**  
190 (WEF, 2015)

**Life expectancy at birth**  
71 years for females,  
67 years for males  
(World Bank, 2014)

**Religions (2010)**  
More than 87% of the  
population is Muslim,  
alongside Buddhist,  
Christian, Confucian and  
Hindu minorities  
(Pew, 2012)

**Literacy rate** 92% for  
women and 96% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 54%, 86%  
(WEF, 2015)

domestic worker, divorcee, HIV-positive) that were exacerbated by *qiwamah* and *wilayah*.

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Sinta** (46 years old)

is a well-educated single mother of one son. At the age of 15, she had an arranged marriage and went through many hardships like domestic violence and polygamy. Although she has been married and divorced twice, she used these bitter experiences as a foundation to build an Islamic discourse on gender justice. She is now a religious leader who founded and runs an Islamic boarding school (*pesantren*) for girls.

### **Nisrina** (41 years old)

is a single divorced woman. She was raised in a difficult environment with divorced parents and meagre economic resources. Deprived of education, she

## Gender Equality

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Although women are guaranteed equality under the Indonesian Constitution and international conventions, they still face gender-based discrimination in laws, through economic marginalization and in social and religious practices. In 2015, there was almost no difference between female and male educational attainment from primary to tertiary education. However, gaps persist in employment, with female labour force participation still lower than male, and women's wages twofold lower than men's.

Parallel to this, more Indonesian women are becoming primary breadwinners but find it difficult to make a living to support their families. Many women are employed as domestic workers both inside and outside the country. The absence of laws governing the relationship between domestic workers and employers has allowed for violations, abuses and slave-like practices against these women. Although Indonesia enacted a Law on Child Protection (2002) and has ratified the ILO Convention on the Worst Forms of Child Labour, 26% of domestic workers in Indonesia are children, 90% of whom are female (2013). These children lose the opportunity to go to school and many have had their childhoods shattered by abuses such as physical, psychological and sexual violations.

decided to work as a migrant domestic worker in Saudi Arabia to earn money for herself and her family. Despite repeated sexual abuse at the hands of her employers, she kept working in order to help her family. She fell in love and married an older Saudi man who had another wife, but he spent only one week with her and then divorced her by text message three weeks later. She sees the positive in her journey, however, and is now looking for a job and a husband who will accept her past.

### **Nurul** (48 years old)

is a divorced mother of one son and one daughter. She did not complete her education because her parents could not afford it and gave privilege to her brother's schooling. She has been married and divorced three times, where she contributed to household expenses and also suffered from ill treatment each time. Her first husband's family treated her as their property and eventually took custody of her son—she has not seen him again. Her second husband left to work in Malaysia and never returned, and Nurul was saddled with his debts. Her third husband, who already had another wife, abandoned her and her parents on an *umrah* trip to Saudi Arabia when she was heavily pregnant. Since then, she has been the primary provider for her parents and daughter. She is now selling traditional Indonesian clothes and is involved in advocacy work with a national NGO.

### **Murti** (63 years old)

is a married mother of three children. She is from the indigenous Minang ethnic group in West Sumatra. She was raised in an egalitarian environment with supportive parents. She married her boyfriend and openly refused to follow marriage customs that were unjust to women. She was the chief of a village for seven years and is now chairperson of a peasant group, active in a married women's group, a participant in Qur'an reading activities and attends village meetings.

### **Asih** (48 years old)

is an educated divorced mother of two children. There were ups and downs in her childhood with a strict mother and a caring father. Her father pressured her to marry because her younger brother wanted to marry and social norms dictated that the older sibling should marry first. During her marriage, she faced domestic violence, her husband's adultery and economic difficulties. Yet her mother did not support her in the process of divorcing because she believed Asih did not fulfil her duties as a 'good housewife'. She is now working in an NGO and is the sole provider for herself and her children.



### **Shafira** (42 years old)

is a divorced mother of three children. She is an indigenous woman from Kalimantan who was raised in a polygamous household. She married her ex-husband to escape her abusive sister but was then subjected to his strong jealousy and violent behaviour. She struggled to earn her divorce and is currently working as a kindergarten teacher.

### **Amalia** (33 years old)

is a divorced mother of three children. She was born and raised in West Java in a precarious environment. She married her boyfriend against her parent's will, then faced ill treatment and slave-like practices from her ex-husband and her in-laws. After her husband took a second wife and both abused her verbally and mentally, she decided to divorce. She is currently working as a domestic worker to provide for her children.

### **Nawa** (27 years old)

is a widow and mother of one daughter and has been diagnosed as HIV-positive. She was born in Jakarta to a Christian mother and a Muslim father. After her husband died, she found out he had been HIV-positive and then learned that she and her daughter were also infected. Yet, she transformed her problems into strengths and is now involved with organizations that advocate for HIV prevention to end AIDS in Indonesia.

### **Nadira** (57 years old)

is a twice-divorced mother of four children. She was born and raised in West Java. Her first husband was dependent on his parents controlling Nadira, refusing to let her work and remain independent. Her second marriage was abusive and violent. Although she faced difficulties pursuing her divorce and in suing her husband in a criminal court, she did not give up until the judges sentenced her husband to jail. Her testimony has helped other women and encouraged other domestic violence victims to open their cases to the public. She is currently working with a national agency.

## Realities of Spousal Roles

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The Indonesian 1974 Marriage Law and cultural and religious norms specify differences in status, roles and responsibilities between husbands and wives in Indonesian marriages. The husband is considered to be the head of the household and is entitled to full and unconditional service by the wife. The

wife is assumed to be protected, led and provided for by him. However, the Indonesian life stories demonstrate that in practice, women must lead, protect and struggle to provide for themselves and their families while sometimes being treated unfairly and unjustly in their marriages.

Most of the Indonesian resource persons provided for their households and extended families. Yet their active economic roles did not reverse hierarchical gender dynamics in their conjugal relationships. Their husbands expected their wives to be obedient and submissive while contributing to household expenses and taking care of all domestic chores.

Women suffer under this disconnect between normative spousal roles and reality on the ground. As a matter of social custom, husbands control family properties: the house, land, cars and other matrimonial assets are often in their names. Thus, women do not have equal access to these assets in the case of divorce. For instance, Shafira failed to obtain her property rights after divorce (even though she contributed financially to the couple's matrimonial assets) because the house was documented in her husband's name to 'save face' as he was assumed to be the provider for the family. Her ex-husband even took advantage of her weakness and threatened to evict her from the house if she remarried.

Sometimes resource persons succeeded in building relationships based on partnership. For instance, Nawa's mother earned more than her husband and hence had a strong enough bargaining position to make decisions in the family. Nevertheless, they failed to build equal relationships with their children. The mother replicated the patriarchal model and tended to impose her will on her daughter. This shows the complex way in which patriarchy operates and how abusive *qiwamah* authority is not confined to male guardians (husbands and fathers) but extends to other members of the family.

**Women in Indonesia and around the world are often abused or discriminated against in the name of tradition and religion.**

## Political and Legal System

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The Indonesian legal system emerged from a combination of different legal systems accumulated over time: customary law, Roman-Dutch law and Islamic law. The main sources of Indonesian law are the 1945 Constitution (replaced by the 1950 Federal Constitution and then enacted again in 1959), government regulations, Presidential decrees, regional regulations, unwritten laws (not promulgated by a state authority), customs (conduct fixed through repetition and believed to be binding on society), *Adat* Law (local and traditional laws attached to ethnicities) and the Islamic Law Compilation (mainly inspired by the Shafi'i school of jurisprudence). Civil and religious courts operate side-by-side, with religious courts having jurisdiction over cases involving Muslims in marriage and divorce matters.

Indonesia ratified CEDAW in 1984 and has not yet ratified the Optional Protocol. The principle of equality before the law asserted by the Convention is also stipulated in the Constitution. However, matrimonial laws, including the 1974 Marriage Law and the 1991 Compilation of Islamic Law, still contain discriminatory stipulations for women in marriage and families. These include differentiated minimum age of marriage, polygamy and gendered household roles (the husband as head of the family and the wife as housewife). According to Human Rights Watch's latest report (2015), Indonesia has a total of 279 discriminatory local regulations targeting women.

In the past decade, Indonesian women have been organising and advocating for reform. In 2004, a Domestic Violence Act was passed. Women's groups use a variety of arguments to support reform (e.g. Islamic scholarship, human rights principles, evidence of women's lived realities), and a variety of means to promote these arguments (e.g. law reform, court cases, public education).

## Women's Self-Knowledge and Relationship to Religious Tradition

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Women in Indonesia and around the world are often abused or discriminated against in the name of tradition and religion. For the resource persons from Indonesia, the way they understood the dominant knowledge tradition in the different stages of their lives had a significant impact on their pathways to empowerment.

In the early stages, many Indonesian resource persons had relationships with tradition and religion that could be characterized by guilt and submission. For instance, Nisrina had limited access to religious knowledge and thus interpreted the abuses she faced as ways of redeeming herself for the 'sins' she had committed. When she was sexually exploited as a domestic worker in Saudi

Arabia, she believed that the rape was a punishment from God because she had committed adultery. Similarly, when her husband unilaterally divorced her through a text message, she believed that her short-term marriage was granted by God to justify her loss of virginity in the eyes of society. Nevertheless, Nisrina is aware of her lack of religious knowledge and asserts her willingness to learn. In telling her story, she began to distinguish between Islam and the people who practised Islam, with the latter being fallible.

Although religious education was not the sole driver of women's empowerment in the Indonesian stories, it played a significant role in some resource persons' pursuit of equality and justice. The inequalities and challenges that these women suffered, which were sometimes justified in the name of religion, did not lead them to reject their religion. Rather, the resource persons sought religious knowledge and recognized how religion and culture could be manipulated to excuse injustices against women. For instance, Shafira believed that she owed her husband obedience and sexual availability, and felt that she would commit a religious infringement by denying him a sexual relationship. Later, she realized that marriage in Islam was actually about mutual compassion, love and mercy. Her new religious understanding of gender rights encouraged her to bring a petition for divorce and increased her self-esteem.

Sometimes, seeking religious education encouraged the resource persons to challenge the normative systems that shaped their family relations, gender roles and life choices. Their harmful life experiences made them legitimate actors and agents in the production of religious knowledge. For instance, Sinta faced many hardships: child marriage, deprivation of education, domestic violence, polygamy and abandonment. However, her religious beliefs had always been her main source of empowerment and inner strength. She was convinced that justice and dignity for women and men were central to her religious tradition. The way her husbands and people in her community marginalized her and other women contravened this inner sense of justice and changed how she experienced her religion. The injustices she faced encouraged her to seek gender-sensitive knowledge and impart this to her community, particularly to women and girls.

## Women Speak...

## Sinta's Life Story

### Childhood and early engagement

I was born into the family of a *Kyai* (religious scholar and teacher) in East Java and thus was raised within religious communities. My father had a *pesantren* (Islamic boarding school) for men. At the age of nine, my parents arranged my engagement to the son of a *Kyai* from another village. I was still playing like other kids. Every time my future mother-in-law paid a visit, I was told to bathe, dress up nicely and act properly like a lady. I was asked to *sungkem* (kiss the back of her hand while on my knees), shake her hand and sit nicely. Once in a while my future husband also came. I was embarrassed because he was a man I didn't actually know. I did not know the meaning of engagement, marriage, husband or in-laws because I was still a child.

My father passed away when I was 13 years old. At that time, I was in an Islamic Junior High School but then was transferred to a *pesantren* owned by my uncle. My formal education stopped because in the boarding school I only studied religion.

A year later, my mother came and took me to my future in-laws' place. The next morning a *Kyai* performed a *Nikah Siri* (religious marriage not officially registered) ceremony. I still did not understand the meaning of marriage. There was no feeling of sadness or happiness whatsoever. I did not even realize that I had become a wife. After the *Nikah Siri*, I went back to my uncle's boarding school as usual.

### First Marriage

A year later, my mother decided I should marry officially in the Office of Religious Affairs with a magistrate guardian because none of my father's brothers met the requirements to be my *wali*. They forged my age to 16 years, a year older than my real age. My husband was 25 years old. My mother hosted a small gathering at home. When the party was over, I suddenly passed out, still in my complete bridal attire. After that incident, every day for a whole year I would pass out for quite a long duration and at uncertain hours of the day. This was considered unnatural, so they took me to a healer. Then I moved to my in-laws' place.

I lived with the students in the *pesantren*. My father-in-law was very nice. He taught me about the *kitab kuning* (Islamic Scripture) and asked me to teach the male and female students. At the age of 17, I got pregnant and gave birth to our first son. After that, I began to get active in the Fatayat NU (the young women's wing of the largest Islamic organization in Indonesia, Nahdlatul Ulama) at the village level as the organizer of the *Da'wah* (preaching of Islam) division. One of its activities was recitation of *kitab kuning* with the community. I started to receive invitations to preach. My father-in-law was happy to hear that the people liked my preaching and recitation. He taught me more intensively to read the Holy Scripture and to preach better. Little by little, he trusted me to preach at events at the *pesantren*. But this triggered jealousy among my husband's family.

## Divorce

After nine years of living with my in-laws, my father-in-law passed away. After that, my husband's family did not hide their dislike of me. Although my husband preferred to live with his mother, I wanted to live in my own house. So my mother supported me by paying 70% of the costs to build a new house. However, having our own house did not improve the situation. Once, I received an invitation on short notice. As always, I asked for my husband's permission to attend the event. When I came back home, I was surprised to find my in-laws in front of the house. My husband had left his keys inside the house and got angry because he was locked out. They scolded me in front of the women who took me home. That triggered a big argument. The next morning I could not stand the situation anymore and decided to go to my mother's house.

On the 14th day, my brother-in-law brought a letter from my husband, which said, "You and I are no longer soul-mates from God." I was shocked, but God gave me the strength to reply to the letter, "Because you married me officially, therefore I will await you at the Religious Court." My husband and his family did not reply to my letter. My mother asked for our marriage certificate but they said that they lost it. My mother took me to the Office of Religious Affairs to buy a copy of the marriage certificate, then to the Religious Court. Fortunately, the registrar was my father's friend from the *pesantren*. He took care of the process of getting the divorce papers, composing a report and preparing a summons letter for my husband. He reminded me that I was entitled to the assets and the wealth we generated during marriage, but I emphasized that it was not my main intention.

My husband's family received the first summons letter from the court but they disregarded it. They did not believe that we were serious. My mother said, "Although we are women, that does not mean they can fool around with us." My husband then sent someone to tell me that he wanted to reconcile, but my mother answered, "If he wants to reconcile, then come to the court." The second summons letter came and my husband sent someone to represent him in the court. My mother tried to get my husband to come to the third court hearing, which he did. We still wanted a divorce but wanted to teach them a lesson because they brought up the divorce first.

In this third hearing, the judge announced that everything had been discussed in the previous court hearings. Then the judge read the rights of the wife, including that she was entitled to property that she brought into the marriage and some of the marital property. My husband looked for loans here and there. In the fourth hearing, he came and brought money for the price of the house. The court decided that we were officially divorced and gave me full custody of our child. I became a divorcee in 1993. My ex-husband never contested the court's custody decision. To this day, he has not provided for his child at all.

## **Second marriage and domestic violence**

I lived with my mother and formed a female Qur'an recitation group. I was active as a preacher. A year after my divorce, I met a divorced man with children. He had been studying at a *pesantren* and had a bachelor's degree in religion, so I thought he was a good man. At first, my family objected because he was not a son of a *Kyai*, was still in the process of divorcing and did not have a job. I convinced my family to accept him, especially after he obtained his divorce papers. Soon after he proposed to me, he got a job as a civil servant at the Ministry of Religious Affairs and we got married.

After the wedding, we lived with my mother but my husband had to travel 24 kilometres to get to his job. Six months later, he persuaded me to rent a house near his office. My mother was upset but I promised her that I would come weekly for the Qur'an recitation. My mother pitied me for having to do everything by myself in my rented house for the four of us—me, my husband and our children from our previous marriages. Once we moved to the rented house, my husband began to show his true colours. He was temperamental, jealous and raised his voice all the time. Soon after, he began to hit me for trivial things and the physical abuse escalated.

Two years later, I was elected Chairperson of Fatayat NU for the District Office. The next year, I participated in a training programme at a *pesantren* that was conducted by an NGO from Jakarta. My husband gave me permission to attend but forbade me from telling anyone about our marital conflicts. In the training, I learned about gender injustices but was not brave enough to say that I was a victim of domestic violence. I never told my mother about my husband's violent behaviour, though she was suspicious when she noticed bruises on my body. Every time she visited us, kitchenware would be all over the place. She would say: "Looks like you fight a lot. Why have you never told me about it? If he hurts you, don't stay silent!" I tried to convince her that the fights were normal. I was ashamed because I was the one who insisted on getting married and I knew that my mother would ask me to get a divorce if she knew.

## Politics and polygamy

In 1999, a new political party was formed within the Islamic organization I was part of. The *Kyais* asked me to campaign for the party, which I did among my female networks. Later the *Kyais* nominated my husband to be a representative in Parliament. I was against the idea because I was in the process of building a *pesantren* and could not move to Jakarta. Moreover, my husband never informed me about his political aspirations; the only reason why he was selected was because I was the daughter of a *Kyai*. I kept campaigning for the new party but refused to campaign for my husband.

Soon after, my husband took a radio broadcaster as his second wife without informing me. At first he denied it. One day I found a receipt for new home appliances and went to find the address written on the receipt. I met an old man who told me about the people who had just moved into the house. I was devastated because the description matched my husband. I went home and cried all the way. I took my aunt to see the old man and confirmed my suspicions. When I got back home, I asked my husband to drive us without telling him where we were going. We went to the second wife's house and I confronted him about the situation. My sister-in-law—who was also a second wife—was there and told me: "You want to keep your marriage or you want to get divorced, it's your call." I answered, "I was married legally; so, if you want a divorce, let's go to the court." When I went home, my husband apologized. I said, "You have to choose—me or her." He could not answer. Finally he said, "I still choose you." I asked him to prove it.



Then he went to the *Kyais* to tell them that I found out the truth. It turned out those *Kyais* were the headmen, witnesses and guests at my husband's second wedding. I called one of them, who apologized and said that he had to allow the marriage because she was pregnant. I got even more upset: "How could you nominate my husband to be a Member of Parliament when you know he committed adultery and got a woman pregnant out of wedlock?" Later, the *Kyai* came to see my husband and I heard him asking, "What should we do? Your wife knows. She will forbid you from going to Jakarta and threatens to tell the *Kyais* here." A few days later, some *Kyais* asked me to be patient for the sake of the party. They asked me not to get a divorce in the Religious Court because of their plan to make my husband a Regent (i.e. head of a Regency—a local government area within a Province). I didn't care about the position, so I pushed my husband to make a decision as quickly as possible. However, for the sake of the party, I accepted my husband's written statement that he was going to divorce his new wife. I did not tell my mother but she eventually found out from other people. She was angry but respected my decision to maintain the marriage.

## **Cycle of domestic violence**

After my husband was elected, we went to Jakarta. We initially stayed at his friend's house, where his ill manners and domestic abuse continued. His friend told me that my husband was also abusive to his ex-wife and often banged her head against the wall. After the inauguration, we moved to another house. While the physical abuse escalated, I found out that my husband continued to pursue his relationship with the second wife. She was now pregnant for the second time. My husband said that he had divorced her verbally but then he took her back. He apologized again but this time I did not believe him. I relied on God to guide my decision.

Some time later, when I confronted him again, he threatened to kill me. I screamed for help. The people next door heard my screams and sent someone to check. However, I had to be silent because my husband threatened, "If you scream again, I am going to kill you!" The next day, he threatened me again with a heavy car jack that was made out of metal. I ran and hid in a neighbour's house to save my life.

Later, I decided to go back home. My husband continued to control all my movements and would call every five minutes to check what I was doing. Secretly, I contacted a friend from an NGO in Jakarta and told them about my husband's violent behaviour. I felt relieved and not alone anymore. When they

asked what I wanted, I said, "My husband only gives me these choices: either live miserably or get a divorce. With all my heart I choose to get a legal divorce. I want to show that when a wife is beaten up by her husband it is not always because of the wife's faults but it can be because of the husband's atrocity." I convinced them that I was ready for all the consequences. They introduced me to other women activists and started to develop strategies for my case.

## **Raising the voice and divorce**

One day, my husband kicked my stomach because I refused to sign a paper for a loan that was given to all Members of Parliament. After that incident, I decided to live at my uncle's house and informed my husband by letter. He never called or looked for me. I was free to go to the office of the NGO that provided me with assistance. In 2001, the wife of the leader of my husband's party launched a new women's NGO. I was asked to give a testimony about my experience without mentioning my husband's name or the party. During that event, a senior woman activist, in her opening remarks, said that everyone in the room would help me. I felt touched and convinced even more that I was taking the right path.

After my husband's party leader was ousted from his position, my case started to roll. We submitted a civil suit and a criminal suit against my husband in 2002. The criminal suit was for the physical abuse and identity forgery committed by my husband, while the civil suit was related to the divorce. Because of his position as a Member of Parliament, the case required approval from the President. Luckily, someone who assisted with the case was a member of the President's political party so it was easy to get the approval.

The criminal case ping-ponged between police headquarters in different places. Then it hit rock bottom because they said we lacked legal requirements. I was convinced that there had been an intervention from my husband. I decided to proceed with the civil suit because getting legally divorced was my main intention. In the court, my husband turned back all the facts by accusing me of abusing his child. His child was forced to testify against me, though after the court hearing he apologized. I told my lawyer that I did not want anything from my husband since I did not think he had good will. I was right. To this day, he has not given me my share of the matrimonial property. I was officially divorced in 2003, three years after we started the process. I became a divorcee for the second time.

## Rise up with women

Back in my village, I was surprised that people welcomed me with open arms and even asked me to reactivate the Qur'an recitation group. I preached everywhere and spoke at seminars and radio talk shows. My bitter experience in my marriages became a valuable lesson for me and made me determined to prevent this from happening to other women. I started spreading the idea that Islam was not a religion that taught us to commit violence. I changed the communication pattern in Qur'an recitation events from monologue to dialogue. I encouraged people not to be ashamed to share their life experiences.

Little by little women started sharing what we had kept silent about for so long. It motivated me to tell them that we should not be afraid as long as we did not do anything wrong. To avoid resistance from the men, I also taught about gender awareness and the importance of husbands and wives working together in the family. Some men took their wives to consult me about their marital problems. When I decided to build a *pesantren* for girls, many people supported me through donations of construction materials and helping with the construction process. In the middle of my efforts to build the *pesantren*, my mother passed away. I felt a deep loss because she had always supported and protected me.

In the *pesantren*, the girls study classical Scripture with a gender-sensitive approach. I also conduct a Qur'an recitation event every Saturday and Sunday. Around 25 girls regularly come and often use the opportunity to raise problems in their families for discussion. Once an old woman reported that her 11-year-old great-granddaughter had been raped and got pregnant. We found out that the rapist was her own grandfather. I suggested she go for an abortion and gave religious grounds and interpretations to justify this act in those circumstances. However, the midwife refused to do the abortion, so I had to meet her and convince her. The girl finally got her abortion and went back home like nothing ever happened.

Dealing closely with these kinds of problems gives me the motivation and spirit to fight against gender injustices perpetuated through Islam. Some speakers and preachers do not want to be in events with me and some people try to ban me from speaking. Nevertheless, invitations to speak at different events never stop flowing in. Whenever there is an opportunity to plant the seed of Islamic understandings that have a gender justice perspective, I never waste it.



# Iran

## *Qiwamah & Wilayah and Women's Lived Realities*

Due to specific circumstances in Iran, the Life Stories project was undertaken by one researcher, Hoda Mobasseri, who documented life stories of three Iranian women who were eager to share their stories and be involved with Musawah. The main aim of the project was to learn and build gender-sensitive religious knowledge, starting from the resource persons themselves.

## Resource Persons

### **Elham** (34 years old)

is a divorced mother of one daughter. She has strong religious convictions and originally believed that God would grant her a respectful and pious husband. However, her marriage was a daily round of humiliation and ended with a painful process of divorce. For the sake of her daughter, she transformed her hardship into strength and became financially independent. She worked first as a teacher, then as travel agent, and recently became a fashion designer. Elham does not trust men anymore and has rejected many suitors.

## At One Glance

**Population** 79,100,000  
(World Bank, 2015)

**Total fertility rate** 1.9  
children born per woman  
(WEF, 2015)

**Child marriage** 3% of girls  
married by the age of 15  
and 17% by the age of 18  
(UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)**  
23 (WEF, 2015)

**Life expectancy at birth**  
77 years for females,  
74 years for males  
(World Bank, 2014)

**Religions (2010)** The  
majority of the population  
is Muslim (99.5%), and  
there are small Christian,  
Zoroastrian, Jewish and  
Ba'hai minorities  
(Pew, 2012)

**Literacy rate** 83% for  
women and 91% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 18%, 77%  
(WEF, 2015)

### **Zahra** (31 years old)

is a highly educated woman in an unhappy marriage. She was raised in a religious but difficult family environment. Although a graduate of a medical school, she grew up with low self-esteem and fear of interacting with people. She eventually met her husband through relatives and left Iran to live with him in the United States. There, she faced the hardship of living in a Western country combined with humiliation at the hands of her in-laws. Over time her husband abandoned her and entered into a temporary marriage with his American girlfriend. She is now seeking a divorce.

### **Nasibah** (18 years old)

is a young student who still lives with her parents and two siblings. She suffers from her father's authority and patriarchal rules. Prevented from making choices in her life, she feels trapped and sees marriage as an escape route. She has been in a long-term relationship with a boy but her father refuses to consent to their marriage. She is currently seeking a job in order to become economically independent.

## Difficult Access to Divorce

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Under Iranian family laws, like most Muslim family laws, women and men have unequal access to divorce. Unlike marriage, which is a bilateral legal act requiring the consent of both contracting parties, termination of marriage can be a unilateral act that takes legal effect only through the declaration of the husband (*talaq*). After the 1979 Revolution, men's right to *talaq* was partially restored and they were no longer required to provide grounds; however, no divorce can be registered without a court order. Between 1979 and 1992 a man could register a divorce with his wife's consent or a court order.

The 1992 Amendment to Divorce Regulations once again outlawed registration of a divorce without a court order. Since then, every divorcing couple must come to court. Men are still not required to provide grounds, but women can obtain a divorce only upon establishing one of the recognized grounds, which are basically the same as those available to them before the 1979 Revolution, and which are similarly written into marriage contracts. This Amendment also allows the appointment of female advisory judges to cooperate with the main judge. More importantly, it enables the court to place a monetary value on women's housework, and to force the husband to pay her *ujrat al-mithl* ('wages in kind') for her work during marriage, provided that the divorce was not initiated

## Under Iranian family laws, like most Muslim family laws, women and men have unequal access to divorce.

by her or caused by any fault of hers. Now, every divorcing couple is required to go before arbiters, one chosen by each side. If the arbiters fail to reconcile the couple, the court allows the husband to effect a divorce only after he has paid his wife all her dues: dower (*mahr*), waiting period (*'iddah*) maintenance and *ujrat al-mithl*.

In some cases, husbands use this right to divorce as a lever to force their wives to waive their rights. For instance, Elham, whose story is told below, went through a long and painful process of divorce, with her husband setting up obstacles along the way to try to punish her and protect himself.

The practice of asking a heavy *mahr* is often used to ensure women's rights in case of marital conflict or divorce. Indeed, men's unilateral right to divorce is checked by social and legal sanctions through the conditions negotiated and stipulated in the marriage contract. Thus, informed Iranian women can state their rights to divorce, child custody, work and education among their conditions for marriage. In these cases, the husband keeps the right to initiate divorce but delegates it to his wife through a contractual stipulation.

With the rise of men misusing their right to divorce and women's increasing claim to equal treatment, Iranian lawmakers were forced to expand women's limited rights to exit unwanted marriages. They used the legal concept of 'hardship or suffering' (*'usr-o haraj*), which enables a woman to obtain a court divorce if the continuation of marriage entails hardship (1982 and 2002 Amendments to Civil Code, article 1130). Nevertheless, judges still have discretion to define what constitutes 'hardship' and to decide whether it applies.

As shared in her story, Elham sued her husband for not fulfilling his duties: not providing for his daughter's school tuition, being unfaithful and violent to his wife, and preventing her entering the house by changing the locks. Although she collected evidence, she had trouble proving that her husband could provide for her but did not. The legal process dragged on and she was only released by her husband because of his second marriage.

## Gender Equality

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The Iranian Constitution of 1979 assigns women 'special rights' and the 'precious duty of motherhood'. Women and men have manifestly different social roles and duties. Consequently, gender-based discrimination is neither recognized nor prohibited by law. Inequality between Iranian men and women exists in access to employment, economic resources and political participation. While the gap between women and men in primary, secondary and tertiary education has started to close, in 2012 the Iranian Government introduced bans on female and male enrolment in specific academic fields with the greatest restrictions on women. Moreover, in 2015 the estimated earned income was more than five times higher for men compared to women, and women's unemployment was double that of men (19.8% vs 8.6%). The largest gender gap is in the political field, with women comprising only 3% of Parliament and 10% of ministerial positions.

## Male Authority and Women's Autonomy

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One of the prominent features of the life stories documented in Iran was the weight of male authority in the resource person's lives, based on the legal and social power of the *qiwamah* and *wilayah* principles. The Iranian civil code clearly provides in its article 1105 that the position of the head of the family exclusively belongs to the husband in return for the duty of providing food, clothing and shelter for his wife and children (1106). This set of default rights and duties entails the authority of male guardians (father, grandfather or husband) and the subordination of female wards (daughter or wife).

As a result, most men believe they have the right and moral duty to control their wives and daughters in respect of education, marriage, career and other areas of life, as is reflected in the experiences of all three resource persons. For instance, Nasibah was subjected to the abusive control of her father. Although he refused to support her financially, he still claimed to have control over her activities and social relationships. Not only was Nasibah supposed to work to provide for herself, she also had to perform household chores. Indeed, her father believed that maintaining the household was a female duty but he did not question his failure to provide financial maintenance.

The principle of male guardianship and authority infringes on women's autonomy and right to make key decisions regarding their lives, such as marriage and divorce. For instance, in Iran, the marriage of a virgin woman is still dependent

## Political and Legal System

The Iranian Revolution of 1979 brought clerics to power and led to the creation of an Islamic Republic, a complex institutional framework that reflects both democratic and theocratic legitimacies. The former is expressed through the direct popular vote to elect legislative and executive bodies. The latter is embodied in the institutions of guardianship of the jurist (*velayat-e faqih*) or Leadership (*rahbari*) and the Guardian Council (*shura-ye negahban*) composed of 12 members, six of whom are clerics appointed by the Leader, the other six being laymen nominated by the head of the judiciary and approved by Parliament, with a tenure of six years. The Constitution grants the Leader—the ruling jurist—a wide mandate and a final say in running the state and charges the Guardian Council with deciding whether laws passed by Parliament conform to the *Shari'ah* and the Constitution. In effect, they are the official interpreters of both the Constitution and *Shari'ah*.

The main sources of Iranian law are the 1979 Constitution (amended in 1989); primary Islamic sources (Qur'an and *Sunnah*) and secondary commentaries based on these (dominated by the Ja'fari school of law); legislation (enacted by Parliament); regulations (promulgated by the Government); customs and revolutionary principles. The Constitution provides in its article 4 that all laws and regulations should adhere to 'Islamic principles'. Following the 1979 Iranian Revolution, *Shari'ah*-based provisions within existing laws remained in force, which for matrimonial matters includes the Marriage Law (1931), relevant articles of the Civil Code (codified in 1935, amended several times since), Family Protection Law (1976), Amendment to Divorce Law (1992) and Protection of Family Act (2012).

With the ascendancy of the Shi'a clerics, the state embarked on a process of 'Islamization' of law and society, with some negative consequences for women and civil society. Family and criminal laws became the main target of the 'Islamization' of the legal system; legal reforms introduced in the 1960s that gave women easier access to divorce and child custody were dismantled soon after the Revolution, and in 1983, with the enactment of Islamic Criminal Law, *zina* laws were revived. Iran's contemporary family laws are discriminatory and give greater rights in marriage and divorce to men than women. While the former have access to polygamy, temporary marriages and unilateral right to divorce, the latter need their husbands' consent for several actions, have limited access to divorce and inherit half of what men do. However, the dynamism of Iranian civil society has led to the implementation of a few measures to protect women's rights, such as the requirement that divorces be registered and the institution of a right for wives to be paid for doing housework.

Iran is among the very few countries that have not ratified CEDAW. Ratification has been envisaged twice in 1997 and 2003, but the Guardian Council rejected the bills based on its interpretation that CEDAW's conception of equality is not compatible with their understanding of Islam. In 2013, CEDAW ratification was again raised by women's groups, who made it one of their main demands during the presidential campaign that led to the election of the pragmatic and moderate Hassan Rouhani. But this demand has yet to be met.



on the permission of her male natural guardian (*vali-ye-qahri*). However, women have the possibility to override their guardian's opposition by obtaining the permission of the civil court. Nevertheless, in reality few women are able to challenge the moral authority of their fathers, as Nasibah's story underscores. Feeling imprisoned by her father's restrictions, Nasibah considered marriage as an escape route from his abusive control. Yet again her father was a major obstacle barring her way to marriage. When Nasibah wanted to marry a man she had known for more than four years, everybody in both families agreed to their union except her father. Since the marriage could not happen without his agreement, Nasibah had no other solution but to wait for her father's permission.

Zahra found all her attempts to socialize prevented by her husband and in-laws, who controlled all her movements—even when she took out the garbage. Her in-laws took advantage of Zahra being intimidated by living in a foreign country and also used the threat of Islamophobia to justify restrictions they imposed on her. For instance, when Zahra got her driving licence, her husband gave his second car to his brother. When Zahra asked to have at least a bicycle, her husband responded that it would be too dangerous for a woman wearing a hijab to ride a bike.

Guardianship and male authority as a protection system hinders women's ability to take initiative and to manage their personal lives. For instance, while facing the failure of her marriage, Elham could not exercise agency and make the legal choices she wanted because of her husband and father's control over her. After the divorce, she gained economic independence and self-confidence, but her husband retained authority over her because he was the legal guardian of their daughter and thus had a say at all stages of her life.

## Women Speak...

## Elham's Life Story

### Youth and gender inequality

I don't remember experiencing segregation or gender discrimination during my childhood, except that, as girls growing up in a female-dominated household, we used to think that my grandmother favoured boys. The first time I experienced the double standards of patriarchy was when at the age of 19, my engagement ended because my fiancé was in love with another girl. My family members were not surprised by his attitude and thought it was natural for a boy to be involved in more than one relationship. They even argued that we should not break our engagement and should accept things as they were. But I could not accept this injustice. I could not understand why a girl was supposed to preserve her virginity until marriage and a boy not. I was convinced that God was just and that there was a hidden wisdom behind this. I remembered the following verse of the Qur'an: "Vile women are for vile men, and vile men for vile women. Good women are for good men, and good men for good women such are innocent of that which people say: For them is pardon and a bountiful provision" (24:26).

### Marriage

Seven months after breaking the engagement, I had a new suitor. I believed that things would work this time. God would compensate for my loss and send me someone who never had sexual relationships before marriage. Amir was a suitor from a rich family and a high social class. His family was religious and held regular ceremonies and Qur'an recitations in their house. My mother told me that by marrying this man I would succeed in this world as well as in the Hereafter. Before the marriage, I kept performing specific prayers for guidance (*zikr*). My father did not like it because he was concerned that I might get disappointed if things did not work. After the proposal, my fiancé's family started to rush for our engagement. They had performed the prayer of consultation (*istikhareh*) and said that the marriage should happen soon, otherwise they would lose the bride. I personally wanted to take time to get to know him better but my father disagreed and had the last word. Shortly after, we got married.

In the beginning of our marriage, I was thankful to God for granting me such a good husband. When we were going to travel to the UAE, Amir wanted me to wear fashionable dresses, like the tight ones girls wore on the street. But I

refused; I felt I had to be grateful to Allah for granting me this marriage and I demonstrated this by wearing modest clothes.

## **Marital conflicts and emotional abuse**

I soon found out that my husband and his family were selfish but I kept tolerant and silent. My family-in-law was very intrusive and never allowed us to spend time alone, infringing on our intimacy. These daily issues became unbearable when my husband started having relationships with other women.

When my daughter was five months old, I found out about my husband's extra-marital adventures from one of the employees of his company. While still breastfeeding my daughter, I fell into depression. I felt that once again unwanted things were imposed on me but I could not think about divorce. One month later, I was supposed to go to Mecca with my husband and his family. However, following my husband's infidelity, I felt that I deserved to spend these holidays with my own family. Amir came with us but he continued to go out at night. He would leave the house around 11pm and come back around 5am. My grandmother started to ask where Amir was going and I pretended not to know. Then, my grandfather locked the door but Amir asked him to give him the key. At that time I was lost and did not know how to react. I could not leave my six-month-old baby and go after Amir to spy on him.

Following these holidays, my father went to talk to Amir's parents even though I asked him not to. Those talks were supposed to stay confidential but the in-laws informed Amir. This widened the emotional gap between us. Eight months later, I went to a counsellor who advised me: "Don't waste your time with this man; go for a divorce. Your husband has several girlfriends, he does not go to work and he is not responsible." When Amir found out about this, he got angry, went to the counsellor's house and threatened her.

One day, I told Amir that I did not love him anymore and I asked him to leave me alone. I knew he was still having relationships with other women. He claimed that he stopped his relationships and that I could check if he was still seeing someone. However, the day after this discussion, Amir called my mother and asked her to come to take me and our daughter, otherwise he would kill us.

## **First separation**

I stayed in my parent's home for 40 days and then I moved back to my husband's house. However, we stayed emotionally and sexually apart. I knew that my

husband was still having extra-marital relationships but I pretended not to know. At the same time, I feared that he would not give me *nafaqah* (maintenance) because we started sleeping apart. During that time, I lived in constant fear because my husband became more and more aggressive, threatened to bring other women into our house, controlled my movements and took my jewellery. Once he took my daughter with him and left me alone in the house at night. Another time he kicked me in the street because I had not bought bread. Following this event, my father hired a lawyer and told Amir that it was the last time he would hit his daughter. I begged my father to let me return to his house but he refused and asked me to wait.

I finally left Amir in July 2007, when my daughter was almost three years old. I was enjoying my freedom in my parents' home. After one month, I decided to become financially independent from my father and started working as a teacher. Even before I earned my first salary, I sold some leftover packs of baby diapers and a piece of fabric. It was important for me to gain my economic independence. When I received my first salary, I registered my daughter in a nursery. Later, I started doing private tutoring and some translation work at night.

## **Caught between husband and father**

One month later, my father hired a lawyer because Amir had changed the door locks to prevent me from entering the house. Moreover, he had not yet paid me the *nafaqah* (maintenance) and *mahr* (dower) which were due. As a result, Amir came and said he did not want to divorce me. So I decided to try to make our marriage work out and went to Mecca with Amir's family. However, during the whole trip, my husband neglected me and was distant. When we went back to Iran, Amir asked me to leave again for my father's home.

The summer after I left Amir's home for the second time, I became a teacher in an institute. My life started to become stable. My daughter was attending preschool and my father was paying for her tuition fees. I was planning to pay him back when I received my *mahr*. Amir kept saying: "You have to earn your divorce", meaning that I should withdraw my claim for *mahr*.

One day, Amir asked me to collect my *jahaz* (furniture of the marital home) and all my belongings in the house. However, when I informed my father, he refused. I was so tired. I felt caught in the middle of a war between my father and my husband. My father insisted on waiting rather than pursuing the divorce. Had I been strong enough, I would have pushed for the divorce.

My father filed a lawsuit against Amir to claim *nafaqah* and *mahr*. If the husband does not pay *nafaqah* for four months, he can be fined. If it is more than six months, he may go to jail unless his wife forgoes her claim to the *nafaqah* he owes her. We collected evidence from neighbours and acquaintances that Amir had not paid *nafaqah*, had hit me and had inconvenient visitors.

In the first court appearance, Amir tried to turn the case in his favour. I was very emotional, cried and said that I wanted to make my marriage work. The judge asked Amir if he would find a flat for me and he agreed. But in the second court appearance, the situation had not changed. The judge told us to leave and he would proceed with the case. The next week, the judge called me and said that Amir had got me a flat. When I called Amir to thank him, he responded: "You want to get back to the relationship; I will now teach you a lesson." I recorded Amir's voice and gave it to the judge.

When we appeared in the court for the third time, Amir said that he has some conditions for me to stay in the marriage. First, I should not work, as he would pay me *nafaqah*. Second, our daughter should not go to school. Third, I should not visit with my parents or other family members. I started laughing. The judge got angry and threw all the documents in the air. He asked us to leave until the next court appearance. In the time being, I found out that Amir had bought shares in the stock market and informed my lawyer. This was the proof that he had money while he was not providing *nafaqah*.

## **Divorce and empowerment**

In April 2010, the divorce case was filed. Later, Amir married another woman. I do not know when he started his relationship with her. Because of his new marriage, Amir gave me the *nafaqah* and consented to divorce in November 2010. Custody of our daughter was with Amir but he wanted to live his own life. I was thus in charge of her and gained Amir's permission for a period of five years to take her out of the country. However, Amir's mother still tries to control our daughter's actions. She keeps lecturing her: do not practise piano, do not polish your nails, you should wear a chador, you should not put cream on, etc. As a result, our daughter started to fear God's punishment for her sins. I told her that her father was the first one to commit sins by not performing his duty of child maintenance.

Following the divorce, I have been going to therapy sessions. I used to blame myself because I refused to face reality from the beginning. Now, I realize that all our experiences are for us to improve and I stopped blaming myself for the problems I confronted. Since that time, I have received many proposals for short-term (*siqah*) and permanent marriage. I also received offers from married men. But I don't want to have a relationship for now. My first fiancé tried to reconnect with me and contacted me through email. He even asked me to marry him and said he would divorce his wife for my sake. But I have reached the conclusion that it is better to stay away from men because they abuse you and do not come to love you.

Many men do not accept that you have a child and it ends up only about having a sexual relationship. I would like to be in a relationship to feel loved. I am happy with my current situation, which is stable and smooth, and I do not want to risk my position by entering into a new relationship.



# Malaysia

## *Qiwamah & Wilayah* and Women's Lived Realities

The Malaysian Life Stories Project was undertaken by Sisters in Islam (SIS). Founded in 1988, SIS is a non-governmental organization committed to promoting women's rights on the basis of foundational Islamic principles that promote gender egalitarianism. The Life Stories team consisted of four activists/researchers: Suri Kempe, Azrine Razak and Wan Zumusni Mustapha, led by Rusalina Idrus. The project was designed to complement and feed into the ongoing national advocacy work on Muslim family laws in Malaysia.

The team chose to document the life stories of five Muslim Malaysian women whose life experiences provided insights into a range of key issues relevant to the national context and the global project. Some of these life stories highlighted the negative workings of *qiwamah* and *wilayah*, particularly in the case of polygamy, an issue that is a central focus of SIS's advocacy work. Some of the life stories also depicted and gave insights into marriages in which spouses had egalitarian spousal roles and relations. The resource persons were also selected to ensure diversity in terms of rural-urban backgrounds, educational and socioeconomic levels.

### At One Glance

- Population** 30,300,000 (World Bank, 2015)
- Total fertility rate** 2 children born per woman (WEF, 2015)
- Child marriage** There is limited data available, though in 2010 over 82,000 married women in the country were girls between the ages of 15 and 19 (Girls Not Brides, 2016)
- Maternal mortality ratio (per 100,000 live births)** 29 (WEF, 2015)
- Life expectancy at birth** 77 years for females, 72 years for males (World Bank, 2014)
- Religions (2010)** 63.7% of the population is Muslim, 17.7% Buddhist, 9.4% Christian, 6.0% Hindu, and 2.3% folk religions (Pew, 2012)
- Literacy rate** 93% for women, 96% for men (WEF, 2015)
- Labour force participation (female, male)** 47%, 79% (WEF, 2015)

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Nadia** (32 years old)

is a well-educated married mother of three children. She was born into a middle-class family. She felt betrayed by her father when she found out that he had been married in secret to a second wife. Unlike her mother, Nadia is a strong assertive woman. She married a gender-sensitive husband with an activist background. Nadia is the breadwinner in her family and her husband stays home to take care of the children.

### **Mimi** (70 years old)

is a single mother of four children. Her father married her mother after his first wife passed away, then married a subsequent wife when her mother fell ill. Between his three wives, her father had 17 children. In the 1960s, Mimi was one of the few women who had the opportunity to pursue her education, subsequently leading her to a career in the Education Department. Mimi suffered twice from polygamy, first through the actions of her father, then through her husband's secret marriage to a second wife. However, she overcame the hardships she faced in marriage and divorce and is now involved in activism to help single mothers.

### **Mawar** (40 years old)

is a married mother of two children. She was prevented from pursuing her education at an early age, and worked as a rubber tapper to support her family. At the age of 23, she was arranged to be married to a man she had never met. For most of her marriage she was the main breadwinner in her family and thus earned her financial independence, but at the cost of an unequal share of familial responsibilities.

### **Wati** (34 years old)

is a married mother of one daughter. Coming from a modest background, she did not pursue her education after elementary school and worked to provide for her family and to pay for her brother's studies. While working in a factory in Kuala Lumpur, she fell in love with a married man and became, in secret, his second wife. Eventually, after the birth of her daughter, she and her husband told her parents and co-wife about the marriage, and they reluctantly accepted it for the sake of the child.



## Gender Equality

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The Federal Constitution of Malaysia (1957, 1963) guarantees the principle of equality before the law; article 8 stipulates that there shall be no discrimination on the basis of gender, religion, race or place of birth. However, personal laws—i.e. Muslim family laws—and affirmative action to protect 'Bumiputera' (Malays of the Peninsula and indigenous populations of Borneo), among other things, are excluded from this guarantee of equality. Despite the fact it has committed to protect the principle of equality under the Constitution and international human rights conventions, Malaysia still lags behind in terms of substantive equality, ranking 111th out of 145 countries according to the World Economic Forum's Global Gender Gap Report 2015.

Gender disparities persist in Malaysia in terms of health, education, economic activity and political empowerment of women, fostered by patriarchal religious and customary norms. While the literacy rate gap between men and women is decreasing, in 2015 girls were still the first to be withdrawn from school, making up 76% of out-of-school children of primary school age. Furthermore, gender wage differences prevail in the Malaysian labour market, where male workers earn up to 8.4% more than their female counterparts (2013). Finally, the country lags far behind in terms of political empowerment of women, ranking 134th out of 145 countries. In 2015 women made up only 10% of Members of Parliament and held 6% of ministerial positions in Malaysia (WEF, 2015).

### **Lola** (36 years old)

is a married woman with three children. She was born into an egalitarian family, where her parents shared household tasks and insisted the siblings do the same, regardless of gender. Lola followed the footsteps of her parents by sharing decision-making with her husband. Lola was deeply affected by her grandfather's polygamous marriage and decision to give jointly-acquired marital property to his new wife, which devastated Lola's grandmother and made Lola resolve to stay financially independent within her own marriage. Although Lola helps provide for her nuclear family, she has also consciously chosen to play a 'housewife' role and thus does the majority of housework and childcare.

## Realities of Spousal Roles

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The Malaysian research team documented life stories of women who were breadwinners against societal and religious expectations that husbands served as the main protectors and providers. Most of the resource persons provided not only for themselves but also for their children and extended family, whether

by choice or by necessity. Yet, society does not recognize them as heads of households or as equal partners with their husbands.

For instance, since the beginning of her marriage, Mawar was the main contributor to the household income and paid most of the bills and for their children's needs. After her husband's hernia surgery, she became the sole breadwinner and took over her husband's responsibilities. Although her financial contribution allowed her room to negotiate with her husband and create space for her independence, she was still expected to fulfil the role of housewife and to take care of all the domestic chores. Mawar believes that low-income household aid should be given to wives who play the main role in the household, rather than to husbands, who currently are *de facto* eligible because they are assumed to be the providers and protectors.

The family and social environments play an important role in strengthening traditional gender-based roles. The resource persons were expected to conform to certain standards, such as to marry by a certain age, to be a submissive wife and to allow the husband to be the head of the household. These norms are present in different spheres of society, including schools. For example, Wati was taught by her schoolteacher that a husband was the leader of the family and had the responsibility of earning a living, while a wife's duty was to manage the household and take care of the children. Yet neither Wati nor her mother fit this model. Both of them worked to provide for their households while being subjected to their husbands' authority.

These social expectations are so embedded in some of the resource persons' lives that they still carry guilt about not fulfilling their socially-expected roles. For instance, Mimi overcame her painful marital relationship and process of divorce to become an activist helping single women. Yet, 30 years on, she still wonders if she had done something that led to her husband's marrying a second woman.

The life stories of Nadia and Lola demonstrate that egalitarian gender relations are possible within Muslim marriages. For them, marriage should be an equal partnership, where spousal roles are negotiated according to the needs of the family rather than fitting into normative gender-based distribution of responsibilities. Hence, Nadia has financially provided for her household while

**The life stories of Nadia and Lola demonstrate that egalitarian gender relations are possible within Muslim marriages.**

her husband primarily takes care of their children and the domestic chores. Nadia has neither considered herself as the head of the household nor stuck to a specific gender role, as she both earns and sometimes helps with domestic tasks. Although being raised in a traditional family, where her father controlled everything, Nadia has managed to build an egalitarian relationship and to keep harmony in her marriage.

This form of partnership is often viewed as an anomaly and challenged by the surrounding society, making women question themselves regarding their relationships. For instance, Lola was raised in an egalitarian family with parents sharing decision-making and the domestic chores being distributed equally among them and her siblings. As a result, her brother was often mocked by his friends because he was doing 'female tasks', and Lola felt that her family was different from those she saw around her and on popular TV shows, and thus wished she had a 'normal family'. Looking back, however, Lola is proud that her father boasted of her mother's contributions instead of being ashamed that he was not the sole provider.

Once married, Lola wanted to contribute to the household income and to share decision-making responsibilities. At the same time, she made a conscious choice to fulfil some of the 'traditional' roles of a housewife by sometimes cooking for her husband, taking care of the children and doing some of the domestic chores. She likes doing this as long as it is a choice and not her husband's expectation. Yet she is still chided by family members and friends who tell her that she needs to be obedient and who wonder if her husband minds that she does not cook for him every day.

## Multidimensional Impacts of Polygamous Marriages

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The Law Reform (Marriage and Divorce) Act (1976), which came into force in 1982, banned polygamy for non-Muslims in Malaysia. Therefore, polygamy has become increasingly associated with Islam and viewed as a religious right held by Muslim men, sanctioned by the Qur'an and linked to their *qiwamah*. However, polygamy is a pre-Islamic practice, regulated and restricted rather than encouraged by the Qur'an, and its impact in contemporary life can be devastating for women and children. Four out of the five life stories documented by the Malaysian team featured multidimensional negative impacts of polygamy, either on the first wife, second wife or children.

## Political and Legal System

Malaysia, a federal constitutional monarchy composed of 13 states, was formed in 1963 through the union of the Federation of Malaya, which had gained independence from the British in 1957, and newly-independent Singapore and the former British colonies of Sarawak and Sabah (then called North Borneo) on the island of Borneo. Singapore left the Federation in 1965. The king, who is elected to a five-year term from among the nine Sultans of the peninsular states, is the head of state as well as leader of the Islamic faith at the federal level. Federal legislative power is vested in the Government and the federal bicameral Parliament. The main sources of the Federal Malaysian law, based on the British common law system, are the Constitution (1957, amended several times) and Acts of Parliaments (enacted by the Federal Parliament). Malaysia has two levels of lawmaking that is divided between federal and individual state legislatures. In addition, Malaysia has *Shari'ah* (Islamic law) legal regimes at the state level that apply only to Muslim citizens, with different laws among states resulting in different impacts on individuals.

Muslim Malaysian women often face gender-based inequalities in the *Shari'ah*-based laws mainly under the Islamic Family Law Act (1984, 2005) as well as the federal Syariah Criminal Offences Act (1997) and corresponding state enactments. The Islamic Family Law contains a number of provisions that discriminate against Muslim women, such as age of marriage, unilateral divorce, male guardianship, criteria for witnesses, matrimonial property and polygamy.

Malaysia acceded to CEDAW in 1995, but the accession was subject to compatibility with the provision of *Shari'ah* law and the Federal Constitution. Malaysia has also placed several reservations on articles 9 and 16, and this has undermined equal marital, parental and family rights.

The Malaysian women's rights movement has played a significant role in promoting gender equality. For instance, the organization Sisters in Islam (SIS) has been working on drafting a model Muslim Family Law bill based on the principles of justice and equality that would serve as a lobbying tool to promote law reform.

A widespread view in Malaysia is that polygamy is a beneficial system meant to help unmarried women, since such marriages can ensure they have a provider and protector. Yet many polygamous marriages may be motivated by men's sexual desires rather than their magnanimity, and end up resulting in financial and emotional injustice for women and children. For instance, Nadia's father secretly married a second wife when Nadia was 24 years old despite having a stable and happy life with his first wife and children. When asked why he needed to marry again, his only answer was, "She is young". Feeling betrayed by her husband, Nadia's mother suffered psychological trauma. Nadia and her siblings suffered as well. Yet, Nadia's father used religion to justify his practice, saying that it was his duty to honour God's blessing. Furthermore, he told her

mother she would be rewarded in heaven for being in a polygamous marriage. Nadia's mother and siblings adapted to the situation but Nadia forgave her father only for the sake of her mother, and did not inform her own children about this marriage.

Paradoxically, polygamous marriages are both accepted and frowned upon by Malaysian society. Indeed, regardless of their claim to polygamy as a religious right, Nadia's father, Mimi's husband, and Wati's husband initially hid their polygamous marriages from their first wives and children. When Wati first met her husband, she was aware that he was already married and had four children. In the beginning, she tried to deny her feelings for him since she did not want to hurt his wife. Furthermore, her mother often advised her to marry a single man and not to be a reason for another woman's unhappiness. Yet Wati persisted in her relationship and eventually married him in secret. Neither her parents nor the first wife were aware of their marriage until she gave birth to their daughter. Her husband did not treat his wives equally and gave priority to his first wife. But as a second wife, Wati decided that she must always give in and take the backseat.

As described in her story below, Mimi did not expect or believe that her husband would marry a second wife and initially endured the polygamous relationship—praying that Allah would guide her and trying to be patient—until she could no longer bear it. Mimi is now involved in an organization that helps single mothers. She deplores the State's failure to protect women and children against the injustices resulting from polygamy. Indeed, many of the women she has helped had to wait for many years to be granted a divorce by the courts and to get maintenance for their children because the system protects men rather than women.

## Women Speak...

## Mimi's Life Story

### **A happy youth**

I was born in Kedah in 1942. My father was a teacher and my mother was a housewife. When my father married my mother, he was a widower with three daughters. Together, they had five more children of which I am the eldest. When I was about seven, my father was transferred to Alor Setar, where I started my schooling years. I first went to the Malay school until Standard Six, then to the Malay special class for two years and finally to the English secondary school. I went to the regular school in the morning and attended a religious school in the afternoon to learn to read the Qur'an.

I don't usually tell people this but I guess I am from a 'broken family'. Following five childbirths, my mother's health began to deteriorate, so my father decided to marry again. My father eventually had 17 children from three wives. Among the 17, my sister and I were my father's favourites. If the other siblings were in a quandary, he asked them to consult us. My father was strict but not overly religious. Although he was the head of the family, we were closer to our mother. My mother was very quiet. She was a soft-spoken housewife who focused on taking care of her children and husband.

I finished schooling in 1959 after Form Five and started working in Sungai Petani. My father was transferred back to teach in Sungai Petani, so we all moved with him. I lived with my mother and siblings and my father lived with his other wife and children. I often became the go-between for my mother and siblings and my father. I was the one who would speak to him when we needed something.

Later, I started to work as a clerk in the Education Department. There were very few women working there at the time. People sometimes stared at us when we went out to work. We were stylish and 'modern'. I used to wear long skirts and perm my hair. I had very curly hair and wore red lipstick. I was very happy when I was young. When I got my salary, I spent it on my brothers and sisters and would only keep a small amount for my own savings.

### **Marriage, polygamy and divorce**

In the late '60s, I met my husband—a schoolteacher—at a house party. We married in 1968. After 16 years of marriage and four children, we divorced in

1984. The failure of my marriage was a surprise to me. We were happy together and had a good life. That's what I thought, at least. Then, one day, he went out of town and did not take me with him as usual. Apparently, he went away with another woman. When he came back, someone told me that he was getting a second wife. I did not believe this person at first—my husband would never do that to me. But God wanted to show me the truth. The *hantaran* (gifts) he ordered for his secret marriage were wrongly delivered to my house. Words cannot describe how I felt that day. My world collapsed. I really did not expect this to happen to me.

I prayed for Allah to guide me in making the right decision. My first instinct was to ask my husband for a divorce, but he refused. I ended up staying in the polygamous marriage for four years. I tried to be as patient as I could be. But how long could I live this way? You would not have recognized me if you saw me at that time. I cried all the time and often I just sat staring into space. I was very depressed. Every night I asked God: is this how my life is supposed to be? Can I survive such a life? How long do I have to live like this? I finally decided that I needed to get out of this relationship. I stayed to save my marriage and my family, but I could not pretend any longer. I just couldn't be in a marriage like this. I was miserable. This was not the life I wanted to live.

When I informed my children that I was getting a divorce, they told me, "It's okay, Mama, do what you think is right."

During my time, there was no *Shari'ah* court. You went to the *Pejabat Agama* (Religious Department) to get a divorce. I had no lawyer. I did everything on my own. My husband refused to divorce me, at first. The officer at the *Pejabat Agama* advised us to reconcile. But, I said: "No, I cannot". I asked for *khul'* (a woman's right to initiate divorce), paid one ringgit (Malaysian dollar), and got my divorce.

It was hard to be on my own but I was happy. I just focused on my career, my children and my health. If I was sick, my children would get sick too. If I messed up, I might lose my job and my children would have nothing to eat. That was what I was thinking about after the divorce.

After I got divorced, people said all sorts of things about me, such as I divorced because I wanted to be with another man. It is fine; they can say anything they want. They were not going through what I was going through. I did not tell my parents until the process was finalized. They were shocked and unhappy with my decision. I did not rely on my family for support. I just focused on taking care

of my children on my own. I just asked Allah to guide me to the right path. God gave me strength to make the decision to leave the marriage. What was the use of living in a big house and having a lot of money when your heart was always hurting? I knew the woman he married. She worked in my husband's office. I was nice to her. Why did she do this to me? Sometimes I wonder what I did wrong that he had to look for another wife. I had given him four beautiful kids. I never betrayed him. I was always supportive of his career. Why did he do this to me? Until today, I wonder, was she better than me?

## **Being a divorced single parent**

After the divorce, I moved out of my ex-husband's house in Bangsar to a rental in Keramat. It was a big move for all of us. Before, we had a comfortable life. I was used to a high standard of living, and then suddenly—*pap!*—I fell right to the ground. It was also a hard transition for my children. They had a happy life before; they got whatever they wanted, and then suddenly we were struggling. My eldest was 15 at the time and the youngest was only nine. At the time, my husband did not provide us with anything. I brought up the children on my own with my small salary. I told my kids, if you want to live with mama, this is the life. If you don't want this, you can live with your father. They all wanted to stay with me. You know, when we were with my ex-husband, we had a luxury car and a driver to drive us around. Now (after the divorce), my children and I had to take the public bus. To make ends meet, I started to do some part-time work selling cosmetics and household products. Life was a struggle then.

When the children were older, my ex-husband took them back in with him. He was doing well in his career and had more money. He sent our sons to Australia to go to school. During these years, I saw little of my children. We kept in touch, but my husband kept them away from me. I would drive all the way to the airport when they were flying off and I would just wave to them from afar. When they flew back I would make sure to be there to welcome them. But I stayed back as I did not want to interact with my ex-husband and his family. Even if I could not talk to them, I wanted my children to know I was always there for them. I remember driving my old car and crying all the way home from the airport.

I have a good relationship with my children now. When they graduated, they all looked for me. They are all married, except for my youngest son. I visit them from time to time. But I choose to live on my own because I like my independence. My ex-husband has since passed away. On his deathbed, he asked to see me. I think he felt guilty about the way he treated me. He asked for Mimi: "Where is Mimi? I want to see her." I was at the hospital at the time, accompanying my



children, but I stayed in the lobby. I refused to see him. My daughter told me, "Father wants to see you." But I just couldn't. What he did to me. I can forgive but I cannot forget.

## Activism with single mothers

In 1993, I began to help other single mothers. We created a support group with the help of a sociology professor, Dr Wan Halim. We would get together and introduce ourselves and tell our stories. If you were not feeling brave enough to share your story, you just listened at the back. That was how we worked. We listened and supported one another. We met once a month. We became like a family—if someone needed to go to a government office or to the bank, a volunteer would go with that person for support. Initially, I started working part-time with a government agency to help single mothers. When I retired, we started an association for single mothers.

At the time, single mothers were called *janda* (widow or divorcee), which had a lot of negative connotations. We came up with the term *ibu tunggal* (single mothers). We became known as the *persatuan ibu tunggal* (association of single mothers). We don't have a lot of money but we don't really need that much. We just get together and share a common meal. At each gathering, 40 to 60 people come. I am very grateful for everyone who helped us in the early years and pushed and motivated me to continue with my work. But the *ulama-ulama* (religious people)—we did not get any support from them. We could not even get any *zakat* (Islamic religious tax) money to help us with our programme for single mothers.

Nowadays, there are many single mothers' groups but some of them only have religious lectures. Learning religion is good but the lectures do not give you ideas to help solve your problems. The mothers need support and help in starting their lives again. Sometimes it is very practical things about surviving day to day. With religious lectures, the women can only listen and nod their heads. They need space to voice out their feelings and opinions. It has to be a two-way street.

I have now been involved in this for a long time. People know me and they still continue to call me for help and advice. After 20 years of doing this, I have to say I hear the same stories over and over again. The main problem is with women finding it hard to get a divorce. They have to wait years and years to get a divorce. Actually, a woman's rights are all in the *taklik* (marriage contract) when you get married. Why is it so difficult for a woman to get a divorce? In the *taklik* it says, "If a husband does not provide for his wife for more than four

months and 10 days, you can get a divorce.” Why do you need to get a witness and all that? It is not easy for a woman to make a decision to go to court. They think about their family and people around them. And, most of all, they think about their children. Some even take 10 years before they dare go to court. They suffer for a long time. For me too, it was not an easy decision, but I had to do what was best for me. I tell these women the same too. Do what is best for yourself. Allah will guide you to what is best.



# Nigeria

## *Qiwamah & Wilayah and Women's Lived Realities*

The Nigeria Life Stories Project was undertaken by a coalition called Musawah Nigeria, with particular contributions by two non-governmental organizations: the Center for Women and Adolescent Empowerment (CWAE) and Isa Wali Empowerment Initiative (IWEI). Founded in 1996, the CWAE promotes women's human rights and women's socioeconomic and political participation, advocates against child marriage, provides support to people who have been displaced by the recent insurgency in the northeastern states and raises awareness about reproductive and sexual rights.

Founded in 2009, the IWEI focuses on the most vulnerable groups, most of whom are women and children, aiming to enhance their capacity building and economic self-reliance through the provision of access to justice, healthcare, education and economic empowerment programmes.

The Nigerian life stories research team consisted of four activists: Asma'u Joda, Amina Hanga, Maryam Tauhida Ibrahim, and Mariam Marwa-Abdu. The team chose to focus on child marriage

### At One Glance

**Population** 182,000,000  
(World Bank, 2015)

**Total fertility rate** 6  
children born per woman  
(WEF, 2015)

**Child marriage** 17% of girls  
married by the age of 15  
and 43% by the age of 18  
(UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)**  
560 (WEF, 2015)

**Life expectancy at birth**  
53 years for females,  
52 years for males  
(World Bank, 2014)

**Religions (2010)** Muslims  
represent 48.8% and  
Christians 49.3% of the  
population (Pew, 2012)

**Literacy rate** 50% for  
women and 69% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 49%, 64%  
(WEF, 2015)

as part of their advocacy work on eliminating child marriage in Nigeria, and therefore documented life stories of six women who had been child brides.

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Salamatu** (16 years old)

is a divorced young woman. At the age of 14, she was forced to marry a man 40 years older than her. Facing his abuse and marital rape, she fled to the city to work as a nanny. Her employer encouraged her to pursue her education but after her mother tracked her down once, she disappeared. Later, her mother found her again and took her back to the village, but all contact with her has since been lost.

### **Hauwa Balarabe** (50 years old)

is a married woman. Raised by her aunt, she faced many hardships, was deprived of education and forced to work, and was married off at the age of 14. While escaping her first abusive marriage, she fell into prostitution and went to work in Saudi Arabia. She remarried twice, first for 18 years as a second wife to an elderly Saudi man, and then to a former Nigerian suitor. She is unhappy in her current marriage, feels constrained and would like to go back to her work in Saudi Arabia.

### **Rashida** (35 years old)

is a divorcee and a mother of six children. At the age of 16, she was forced to quit school and was married off. She faced abusive treatment from her husband and in-laws and had little support from her family. The court advised her to ask for a *khul'* divorce even while her family pressured her to return to her husband. She was resolute and finally won her case and got a judicial divorce.

### **Murja** (35 years old)

is a married mother of three children. At the age of 14, she was forced to quit school and marry her cousin. After she suffered domestic abuse and polygamy, her maternal aunt helped her get a divorce. She is now happily married to her second husband and is pursuing her dream of furthering her education.

### **Safiya** (41 years old)

is a married mother of nine children. Raised by her aunt, she was prevented from going to school or even studying the Qur'an in the class her uncle taught in front of their house, and was instead forced to work selling goods on the streets. At the age of 15, she was forced to marry a man who was 65. She ran away several times before he finally granted her a divorce a year later. She eventually married the man of her choice but is facing polygamy and economic hardship while struggling to support her children with little assistance from her husband.

### **Zainab** (40 years old)

is a married mother of seven daughters. She was raised by relatives, deprived of education, forced to work as a child and forced to marry at the age of 14. Marginalized by her in-laws because she 'only' gave birth to girls, her husband married a second wife. She suffered from her co-wife's mistreatment and her husband's neglect.

## Child Marriage

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The Nigerian research team documented life stories of women who experienced child marriage, a major problem encountered by many Nigerian women, particularly in Muslim-majority areas in the north. In 2003, the Nigerian National

### Gender Equality

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Although the Constitution prohibits gender-based discrimination, inequality between men and women exists in education, employment and economic resources. While 55% of Nigerians can read and write, gender-based differences remain. Seventy per cent of males aged six and above have attended school but only 58% of females have entered a classroom (NDHS, 2013). Moreover, 54% of women in rural areas (compared to 22% in urban areas) have not been educated. Because of limited education and skills, some women and girls are confined to care and housework at home or producing small items for petty trading. Women's unemployment and underemployment rates are higher than men's (8.9% vs 6.3% unemployment; 19.6% and 13.9% underemployment (NDHS, 2013)).

For many years, Nigeria has been facing terrorist threats and attacks posed by militant groups. The most worrisome group, which is nicknamed 'Boko Haram' (a Hausa term that means 'Western education is a sin'), focuses on opposing the education of girls and women by attacking schools. The threats and attacks have caused serious security problems throughout the country, particularly the Northern states, and a grave humanitarian situation in the North East of the country.

Assembly passed the Child's Rights Act to consolidate and unify all laws relating to rights and responsibilities of children. The Act defines a child as one who is below the age of 18 years and prohibits betrothal and marriage of children. However, federal laws must be adapted by state assemblies, and none of the states in the North have adapted the Child's Rights Act. Therefore, residents of those states can use customary laws that allow child marriage.

All the traditional Muslim schools of law consider that a girl has reached sexual maturity (*bulugh*) and can be married once she menstruates. At the same time, to acquire legal capacity and be able to enter contracts, a person must attain a separate condition called *rushd*, or the intellectual maturity to handle one's own property and affairs. In other words, puberty without intellectual maturity does not create the legal capacity to contract marriage. Thus, child marriage is a violation of not just human rights principles but also of Muslim juristic principles.

However, most Muslim marriages in Nigeria are based on Maliki interpretations that allow a guardian (*wali*) to conclude marriages for and on behalf of an infant boy and virgin girl. For many of the life stories documented, the power of *wilayah* was extended beyond legal guardians to other actors within the family, to the detriment of the resource persons. For example, some of the resource persons' forced marriages were arranged by senior family members who were not their legal guardians, such as stepmothers, aunts, older sisters, uncles, brothers or grandfathers, irrespective of the say or involvement of the existing legal guardian. For instance, Salamatu was forced to marry a man 40 years older than her because her suitor gave money and gifts to her stepmother. The father followed his wife's decision, assuming that she was close to Salamatu and would take into consideration Salamatu's desires. Salamatu's express consent was never required to conclude her marriage.

Child marriage is also entangled with and exacerbated by other forms of vulnerability such as economic and social marginalization. These marriages were motivated to some extent by the poverty and meagre economic resources of the families. Child marriage is often perceived as a way to secure a young girl's financial survival and protection. For instance, before getting married, many of the Nigerian resource persons had already left school and engaged in informal work to earn incomes for their families. As such, when Hauwa Balarabe was living with her aunt, she had to do all the house chores while selling food items to provide for her schooling expenses. Hauwa's aunt still considered her to be an economic burden and married Hauwa off against her will at the age of 14.

These marriages have many harmful consequences for child brides who are subjected to psychological and emotional trauma, domestic violence and health problems such as premature pregnancy, maternal mortality and sexually transmitted infections. Because of extreme economic vulnerability, the resource persons often married much older men who were already in polygamous marriages, resulting in highly abusive and hierarchical marital relations. In addition, resource persons' lack of access to education put the women in further marginalized positions that greatly reduced their options to resist or exit unwanted marriages.

## Domestic Violence

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Regardless of age, economic background, education or ethnicity, domestic violence was a common thread for the Nigerian resource persons. As in many other parts in the world, domestic violence is rooted in community practices and rarely reported because communities view what occurs in the home as a private matter. The resource persons faced abuses from both their husbands and other family members, such as beating, punching, kicking and having objects thrown at them. For instance, Murja's first husband beat her with electric cables while her co-wife enjoyed the scene; Hauwa Balarabe's husband frequently beat her with a uniform belt and flung plates and dishes at her.

Husbands used violence as a tool to demonstrate power, authority and control over their wives. The fact that the marriages were based on extremely hierarchical gender relations, coupled with husbands who were older and had more resources (whether money or social networks and leverage), further cemented the men's unchecked authority.

For most of the resource persons, domestic violence was accompanied by sexual abuse. The negative workings of *qiwamah* were manifested in the resource persons' husbands' unchecked and abusive claims to marital sex. For instance, Salamatu, who married a man 40 years older than herself, was severely beaten by her husband over six months because she refused to have sexual relations with him. He eventually violently raped her and she escaped. Although Salamatu's young body and genitals were severely wounded, her father sent her back to her husband and threatened to kill her if she came back to him again.

Spousal violence—both physical and sexual—was also justified by both men and women on religious grounds. Rashida believed that it was a wifely duty

to obey and sexually satisfy her husband. She felt that if she failed in her duty, he had the right to punish her. Dominant interpretations of verse 4:34 posit that physical disciplining (*daraba*) of a wife in a state of 'disobedience' (*nushuz*) is permitted as long as it does not cause 'great harm'. However, there is a range of opinions as to the meanings of the terms *daraba* and *nushuz* which could lead to many other interpretations. Domestic violence and all other kinds of violence are violations of human rights and Islamic ethics.

While experiencing severe domestic violence and sexual abuse, many resource persons did not get support from their families. On the contrary, they were very often advised to go back to their husbands and to be obedient and submissive wives. For instance, as shared in her story, Rashida was subjected to systematic domestic violence and sexual abuse but her family pressured her to go back to her husband for the sake of their children and respect in the eyes of community. Despite this lack of support, Rashida managed to get a judicial divorce from her husband.

## Political and Legal System

Nigeria has a plural legal system with ill-defined boundaries. The main sources of the Nigerian law are the Constitution (1999), federal law (enacted by the National Assembly), English law (common law and the doctrine of equity), customary laws, Islamic laws, and judicial precedents. Although the 1999 Constitution declares freedom of religion and seeks to separate state affairs from faith, religious institutions are recognized by the state at the executive and judicial levels. The Constitution prohibits gender-based discrimination but also recognizes customary and religious laws, thus often restricting women's rights.

As a result of amendments introduced to the Constitution in 2010, matrimonial matters fall under federal jurisdiction. Marriage, divorce and child custody issues are governed by the Matrimonial Causes Act (1970), the Marriage Act (1990), the Maintenance Orders Act (2004) and the Married Women's Property Act (1882). These laws are secular and guarantee equal access to divorce, but many Muslim women are unaware that they can access them. In addition, the 1999 Constitution states that "the Shari'a Court of Appeal shall be competent to decide any question of Islamic personal law regarding a marriage concluded in accordance with that law" (article 262). Women face discrimination under the Shari'a Court rulings, particularly in regard to child marriages, which can be concluded by guardians of minors according to interpretations of the Maliki school of law, introduced in Nigeria in the 15th century.

Nigeria ratified CEDAW without any reservations in 1985 and the Optional Protocol to CEDAW in 2004. The country also ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) in 2005. Nevertheless, CEDAW is still not domesticated in Nigeria.



## Women Speak...

## Rashida's Life Story

### **Childhood and child marriage**

When I was about three years old, my parents left to live abroad for a few years. During that period my younger brother and I lived with our grandparents. Even though they treated us very well, I always wished I could have lived with my parents. Yet I did not have a close relationship with my mother. She was always sending me away to stay with my grandparents.

There was a *Mallam* (Islamic teacher) who had a lot of influence on my mother. When I was about five years old, I attended his *Islamiyya* (religious) school. He used to rub himself against me and whenever I would not cooperate, he would give me a beating. He would then explain the bruises on my body to my mother by saying I was very disruptive in his class. When I would try to explain what happened, my mother would neither listen nor believe me. To this day, it has affected my relationship with my mother, whom I don't trust anymore.

I started getting marriage proposals when I was 14 years old. After I had completed secondary school, I got married at the age of 16. My father would have preferred that I pursue my education but my mother pushed for the marriage. My mother was nine when she got married and this could explain why she did not see anything wrong in getting me married that early. The planning of the marriage created a lot of friction between my parents. Two days after my wedding, I found out that my parents had divorced during the ceremony. To this day, my mother blames me for the breakup.

### **Marital neglect and domestic violence**

After our wedding ceremony, we moved into my husband's family compound. Life there was tough and his family made things difficult for me. My brother-in-law was the one in charge of controlling the family affairs. The water pipe line was diverted to his house, cutting off our water supply. My housemaids used to get beaten and harassed by family members living in the compound, until they all left. Whenever my friends came to visit, they were not welcomed, and eventually they too stopped coming.

My husband was very quarrelsome and dictatorial. We had five children, and for each delivery, the only thing he would provide was the ram for the *sunnah*

(naming ceremony). I would sustain myself and the children with the food provided by my family and money given as gifts. Sometimes my children would go to sleep hungry.

He would not let me go out to work and contribute to the family income. One day he did not return home until midnight. There was no food in the house and the children were hungry. When he came in empty-handed, I got up and put on my veil, then left the house and started walking to my brother's house to get food. I did not have any money for a taxi. As I was walking, a man who used to live in our compound passed by and paid for a taxi so I did not have to make the long walk.

For many years, we did not have a television. When my last child saw a television in someone's house, he screamed out of fear. At times, when I remember these things, I cry or I laugh.

Our sexual relationship was very poor. My husband was rough with me and would force entry, which was painful. Sometimes I would wake up in the middle of my sleep to find him on top of me. I had never been aroused sexually. My childhood experience affected me to the extent that I just could not enjoy sex. During my second pregnancy, I was very ill with typhoid and malaria but the only thing my husband cared about was his sexual desire.

After I had delivered my second child, one of the stitches came undone but the doctor said it was small and would heal by itself. Instead it worsened due to the rough sexual handling of my husband. After my fifth child, I went to see the doctor and after examining me, he was so shocked that he exclaimed, "What sort of man is he, is he stark ignorant? He is very rough with you sexually!"

He restricted my movements and I needed his permission even to visit my parents. He would shout at me whenever I asked him, so I hardly asked. Prior to our marriage, he promised that I could go back to school. When I asked, he refused even when I told him that it would help me contribute to the family income. My children's education has also been erratic. For two years they were unable to attend school and once I had to sell some of my clothes to buy school uniforms for them.

## **Pathway to divorce**

Last year, I decided I could not take it anymore. I had been married for 16 years and had reached the point where I hated the sight of my husband. Thus,

I moved into my father's house where I stayed for seven months before being persuaded by my mother to go back for my children's sake. I returned to my husband's home due to pressure from my family. I told my husband that I have no feelings for him. However, despite our marital problems he still continued to approach me for sex. This time I refused him. How can you think about sex when you are hungry and unhappy? Is marriage all about sex?

The turning point came when I found out that my husband was trying to hijack my efforts to find employment. He would go behind my back and tell those I had approached not to employ me. Once, I was offered a job and they asked me if I had sought my husband's permission. I said yes. When my husband found out, he called the employer and accused him of having a sexual relationship with me.

Feeling tired and frustrated, I finally took the matter to court. My husband tried to persuade me to drop the case but I resisted. I did not even tell my family, as I knew they would try to stop me. My husband refused to divorce me and I was advised by the judge to give him back his *sadaaq* (*mahr/dower*) for my freedom (i.e. *khul'*).

My family put pressure on me to not proceed with the divorce. They even had promised to pay my children's school fees. However, I was determined to go ahead with it. I regret having children with him. I pray that when all this is over, my children will be looked after and be given a good education. I warn my kids not to be like their father. I tell them to be good, honest, responsible and trustworthy. If time were to be rewound, I would change all the decisions I have made so far. My advice to a person with a similar case is to leave the man without hesitation. My advice to men is they should treat their wives with love and compassion and understanding.



# United Kingdom

## *Qiwamah & Wilayah* and Women's Lived Realities

The UK Life Stories Project was undertaken by Mussurut Zia, a representative of the non-governmental women's rights organization Muslim Women's Network UK. The MWNUK was formally established in 2003 with the support of the Women's National Commission to give independent advice to the Government on issues relating to Muslim women and public policy. In 2007, MWNUK decided to establish itself as an independent non-profit national organization to ensure that the concerns and voices of Muslim women and girls reached decision-makers.

The main goal of the Life Stories Project in the UK was to create space for critical and participatory feminist learning about Muslim legal tradition and gender norms. This was accomplished through a series of conceptual workshops held in different regions in England with Muslim British women from different communities that focused on what *qiwamah* and *wilayah* meant, how to trace them in uncodified religious laws and cultural norms, and reflections on women's lived realities. The UK documentation included life stories of four British Muslim women from South Asian communities whose experiences demonstrated the multiple challenges faced by women in these communities.

### At One Glance

**Population** 65,100,000  
(World Bank, 2015)

**Total fertility rate** 1.9  
children born per woman  
(WEF, 2015)

**Child marriage** Data not  
available  
(UNICEF, 2016)

**Maternal mortality ratio  
(per 100,000 live births)** 8  
(WEF, 2015)

**Life expectancy at birth**  
83 years for females,  
79 years for males  
(World Bank, 2014)

**Religions (2010)** The  
majority of the population  
is Christian (71.1%)  
alongside Muslim (4.4%),  
Hindu (1.3%), Buddhist  
(0.4%), Jewish (0.5%)  
and unaffiliated (21.3%)  
minorities (Pew, 2012)

**Literacy rate** 99% for  
women and 99% for men  
(WEF, 2015)

**Labour force participation  
(female, male)** 70%, 82%  
(WEF, 2015)

## Resource Persons

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*\*Note that all of the resource persons' names have been changed to protect their identities and that most of the quotations and stories have been translated, edited and condensed for clarity.*

### **Rafeeqa** (46 years old)

is a married mother of one daughter. Born in the UK to immigrant parents from Pakistan, she was forced into marriage at a very young age and faced abuse in this marriage that led to divorce. She faced disapproval from her family and community during the divorce process and because she had previously married and divorced twice. Rafeeqa eventually met her current husband and built a healthy and egalitarian relationship with him. She is currently working in a women's refuge.

### **Nijat** (32 years old)

is a well-educated single woman. She is a third-generation Pakistani Muslim born and living in the UK. Throughout her life, she has faced intense pressure from immediate and extended family members to conform to traditional gender roles. She overcame these obstacles by constantly negotiating her rights to education, to work, to live alone and to choose her partner. She currently works as a sales manager.

### **Sumera** (55 years old)

is an educated mother of four children. She is the child of one of the first Pakistani immigrants to settle in the mill towns of England. Her parents and extended family pressured her to marry her cousin in an arranged marriage. She currently works as a civil servant, contributes to the household finances, and manages the household and family affairs.

### **Shadiya** (38 years old)

is an educated mother of four children. Born in the UK to immigrant parents from Pakistan, she was engaged in an arranged marriage to her cousin. Throughout her marriage she has faced the abusive authority of her husband and extended family while struggling to pursue her education and to exercise her right to work and to control her earnings.

## Navigating Gender Roles in Minority Communities

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Britain has a long history of welcoming immigrants but dramatic changes took place following the end of World War II and the establishment of the Commonwealth. The influx of 'non-white' migrants coming from beyond Europe transformed British society into a complex multi-ethnic entity. In the 1980s, this led to the implementation of a British multiculturalism inspired by the American and Canadian models, which recognizes and supports the distinctive identities of the country's cultural and ethnic groups. However, minority cultures or religions can be discriminatory towards women, and can clash with the norm of gender equality that is endorsed by state laws.

All of the UK resource persons are from Muslim South Asian communities and are vulnerable to multiple layers of discrimination due to their ethnicity, sex and religion. Rafeeqa, Nijat, Sumera and Shadiya were all subjected to cultural and religious expectations of gender roles, which often constrained their life choices and personal development as daughters, wives and mothers. The men in the community believed they had the right and the moral duty to control their wives and daughters and that the latter should not be given autonomy, as this would lead them to transgress against the norms of their families and communities. The experiences of all four resource persons demonstrated control of women with respect to their education, career, clothing and friends. For instance, Nijat's rights to make free and informed choices about her own education, career and marriage were constrained by her gender. As a daughter she was expected to cook and do household chores, and was not allowed to walk to school alone or hang out with friends. Her father was always concerned that she might do something to compromise the honour of the family.

The issue of honour (*izzat*) was a common trend in the documented life stories, where the burden was often placed on women to safeguard the family name and reputation. For instance, Shadiya was not allowed to pursue her education but rather was taught how to be a good wife and maintain the honour of her father and her husband. Married at an early age, she believed that her role was to go along with everything her husband and his family said. As a result, she was unable to confront her husband when her daughter was taken from her and sent to Pakistan to be raised by her mother-in-law. She eventually managed to pursue her education and to bargain for her right to work. Yet, as a mother, Shadiya perpetuates some of the patriarchal expectations and behaviours in the education of her daughters. Not only does she dictate their way of dressing and choice of education, she has also secretly identified a marriage partner

## **The issue of honour (*izzat*) was a common trend in the documented life stories, where the burden was often placed on women to safeguard the family name and reputation.**

in Pakistan for her 14-year-old daughter. For Shadiya, it is important that the wider community recognizes her ability to make marriage arrangements for her daughters, which is considered an outward sign of good parenting. This illustrates how patriarchal norms are sometimes perpetuated by women as they bargain for power and privileges within the patriarchal structure, often to the detriment of younger, less powerful girls and women.

Although all the resource persons played important financial roles in their households and extended families, they were still subjected to their parents' or husbands' authority and control. For instance, Nijat has managed to pursue her education and to work and live on her own while providing for her parents and brothers. Yet, her parents still tried to control her movements and impose their conditions on the choice of her partner even though she was in her 30s. Shadiya and Sumera were only allowed to work because their husbands realized that their wives' incomes would free up their own money and serve their purposes. Unlike traditional expectations of gender roles, both served as the main providers for their families. While Shadiya was expected to account for her earnings and to justify her expenses to her husband, Sumera's economic autonomy gave her a stronger voice in the decision-making process, particularly with regard to her children and their future.

## **Transnational Arranged Marriages and Migration**

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Transnational arranged marriage is an important issue in South Asian migrant communities in the United Kingdom. According to Home Office research on marriage-related migration to the UK (2011), the Indian subcontinent has long accounted for the largest proportion of migrant spouses in the UK (41% of all grants of settlement in 2009). The majority of these marriages are arranged or semi-arranged marriages between cousins or more distant relatives. Motivated by multiple factors, these marriages provide an opportunity to forge ties with the country of origin by helping relatives while demonstrating family honour and maintaining family assets. Yet these practices often negatively impact women's autonomy and life choices, as reflected in Rafeeqa, Shadiya, Sumera and Nijat's life experiences.

## Gender Equality

The right to equality before the law is a common law principle and is guaranteed by the European Convention on Human Rights. Despite this set of legal guarantees, discriminatory practices against women, ethnic, religious and other minorities persist. The political culture still views women's equality as an accomplished goal in modern Britain although the following facts show otherwise. In 2015, British women were paid less than men for the same job; the gender pay gap has increased to 13.9% from 10.5% in 2011. Because women continue to play a greater role in caring for their children and elderly relatives, they tend to work in precarious, low-paid and socially unprotected roles, either part-time (38% female vs 11% male employment) or in the informal sector (four out of six informal workers are female).

The UK ranks among the worst countries in Europe in terms of violence suffered by women in their lifetimes (5th in 2014). The proportion of women affected—44%—is far above the European average of 33%. At least one in four British women experiences domestic violence in her lifetime and one in eight experiences it annually. Finally, women are still underrepresented in the political field at both the national and local levels. In 2015, women held only 22% of Parliamentary seats, 23% of ministerial positions and 32% of local councillor positions in England.

The stories show that two main motivations for arranged transnational marriages are to marry off the daughters to protect the family honour, and to maintain and build transnational family-based support networks and resources. Several of the resource persons conveyed the feeling of being a burden on their parents that could be relieved through marriage. For instance, Rafeeqa's grandfather arranged her marriage and that of her sister's without their consent. She had her religious marriage (*nikah*) in Pakistan at the age of 15 to a man she had not known or heard of before. This marriage and her subsequent two marriages resulted in abusive relationships, with the husbands only wanting to gain legitimate rights to remain in the UK and access UK citizenship.

Sumera said that her marriage of 38 years to her paternal cousin was arranged only to benefit their families. Her parents wanted to get rid of the burden of a daughter and her husband's family wanted to get him to England, so he and they could have a prosperous future. Similarly, Nijat was constantly pressured by her father to accept an arranged marriage to a relative in Pakistan. When one prospect died, his mother reminded Nijat's father that she had another son who was also suitable for marriage. This illustrates the idea of daughters being a door of entry and economic opportunity for male relatives abroad.

In the stories, the transnational marriages resulted in marital tensions related to economic contributions to the country of origin and the omnipresence of



extended family. For instance, Nijat is the child of a transnational arranged marriage. Not only did her father's family in Pakistan have a strong influence on their daily lives, they also utilized her father's and her nuclear family's resources. While Nijat went to a state school and her nuclear family struggled to make a living in the UK, her father was paying for her (boy) cousins' private education in Pakistan.

When economic welfare was the main drive for marriage, the husbands in the stories often prioritized their family back home over the family they created through marriage. For example, Sumera's husband regularly transferred money and visited his family in Pakistan, and she felt he even prioritized his brother's children over his own. She resented the fact that despite this financial support, her husband's family did not bother to call them or to build relationships with their children. This resentment grew when her husband wanted to fulfil his mother's wishes of marrying their daughter to her nephew. Sumera was strong enough to break the cycle by preventing her husband from using their daughter as another means to benefit his family back home.

## Political and Legal System

The United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy and a parliamentary democracy. Since 1999, the process of devolution has transferred varying levels of power from the UK Parliament to the devolved institutions of Scotland, Wales, and Northern Ireland, forming distinct jurisdictions and legislation. The principal sources of UK law that apply in the whole territory are: legislation (enacted by the UK Parliament), case law (made by the courts), European Union law, and the European Convention on Human Rights (which has been incorporated into UK domestic law by the Human Rights Act of 1998). Although the UK ratified CEDAW in April 1986, treaties are not binding unless incorporated by legislation, which has not yet been done.

Although the UK does not have a written constitution, its unwritten constitutional law prohibits gender-based discrimination. Women and men have equal rights and duties in marriage and divorce under civil law. Polygamy is illegal, custody is based on the welfare of the child, and division of property upon divorce recognizes women's unpaid contributions to the family. In 2007, the UK enacted the Forced Marriage (Civil Protection) Act, which enables courts to prevent forced marriages. In 2014, the Forced Marriage Unit saw about 1,300 cases, many involving Muslim women, with one in eight victims under the age of 16.

In theory, Muslim women in Britain have the same rights as other women. However, many are subject to uncodified laws, customs and traditions of their families and communities, or even laws of other countries if they marry or have children abroad. This implies many possible conflicts of laws, and women often lack protection within marriages and upon divorce.

## Women Speak...

## Nijat's Life Story

### **Childhood: controlled by a dominating father**

From a very young age, I realized that the only person in charge was my Dad. When I was about 10 years old, I used to steal sweets from our own shop and store them in a bag under my bed. One day, my dad found the bag and smacked me, all the way up the stairs, asking for an explanation. My mum couldn't stop him from yelling at me, shouting at me or beating me. He was the man in charge and she would do whatever he said.

I think that's when the understanding first kicked in that nobody else was ever going to be in charge. When I started high school, my Dad didn't approve of me walking home, so he picked me up and dropped me off. I was never allowed to go on school trips or to hang out with friends. I found this unfair. My friends were allowed to go wherever they wanted and do things I couldn't. My brother, Ishafaq, was as scared of my Dad as I was. I remember towards the end of high school, Ishafaq wanted to shave. However, my Dad said no, so my brother had to keep his facial hair.

When I was 15, I started rebelling against my dad. I had seen him hit my Mum and thought somebody had to stand up to him. However, I soon realized that my Mum was getting the backlash for my behaviour. My Dad would say, "If Nijat is not behaving well then it's your fault, because she's your daughter."

I did not understand why he acted like this. As I got older I realized that it was his fear of me taking away his *izzat* (honour) that drove his behaviour. I remember, when I just started Sixth Form, he told me, "Just remember that every time you leave this house you're carrying the respect of the whole family in your hands—if anything happens, the onus is on you."

When I reached college-age, my dad became obsessive. He had to know where I was at every moment, my timetable and when I had free periods. However, he was happy for me to attend St Wilfred's for Sixth Form, as there weren't many South Asian people there to observe me. It was only about him and his reputation—not about protecting me.

In the meantime, my relationship with my Mum was getting a lot better. I remember whenever Dad went for his annual holiday to Pakistan, everyone was

relieved. We would get up early, there would be music playing, there were no instructions telling me to be home by a certain time, to make sure that my Dad's dinner was ready, etc. I realized how different things were when he was away. But whenever he returned from Pakistan, he was even worse. He believed more so than usual that everyone should be a slave to his needs.

## **Marriage, studies and identities**

When I was 17, my Dad wanted to take me to Pakistan to get married. This created many arguments in the house. My Mum was adamant that my life wasn't going to be a replica of hers and was therefore insistent that I get an education. I wasn't party to these conversations but was told bits of them. At that time, I felt much more supported and that I had someone on my side who understood me. I kept hoping for my Mum to remain strong, as she was the only one who could stand up for me; otherwise my fate would be sealed. When I informed my parents that I wanted go to Manchester University and do a degree in Social Work, my mum agreed straightaway but my dad did not. He told her, "You got what you wanted, she's been to college, now it's time for her to get married."

To keep the peace, I gave up my dream of social work and instead went to Blackburn College. I was out of my comfort zone because I was different. I had been pulled out of a predominantly white Christian school and thrust into a College with a majority of Asian Muslims with many diverse complexities regarding culture and identity. I lasted three months before I opted to leave. This was the start of a new relationship with my Dad. He agreed to let me go to Preston University, to go with my Mum to a mixed gym, and he accepted a new friend of mine and allowed me to go to her house. I wondered why he was fine with my friend, and then realized it was because her father had arrived in the UK around the same time as he. Maybe all the people who arrived at the same time shared the same fears and felt they needed to control their children and prevent their exposure to these ills in society.

There was a time when my Dad wanted to go back to Pakistan and take us all with him. He was insistent on all of us obtaining our dual nationality so that when they kicked us out we would be able to go back to Pakistan without difficulty. I found this a thoroughly ludicrous thought and didn't understand it at all. I'm a British citizen. Why am I ever going to be kicked out?!

## Who provides and who protects?

My Dad did not value his home life. Yes, he worked and earned money, but a large percentage of his income went to his family overseas. I discovered that while I had been attending a state sixth-form college and school, he had been paying for private education for his nephews in Pakistan. I remember thinking that he was supposed to be my guardian and protector but he failed to do that. He was protecting and supporting his family in Pakistan when we were struggling to make a future for ourselves.

My Dad was very concerned with his external image, and my Mum's going out to work went against it. He was happy for her to earn money, he just didn't want her to be visibly working because then it could appear that he was inadequate in other people's eyes. But my mum's income freed up his money and he could send it all abroad. Islamically, the money earned by my mum was hers to keep. I think the reason she didn't do it was to make her life a little bit more bearable and to take care of her children because our Dad didn't. Until this day I haven't seen any of my Dad's money; he's never supported me.

I never ever felt that my Dad carried out his role and responsibilities. My Mum was doing all the shopping and cooking, calling and phoning people when things needed fixing. I don't remember my Dad doing anything apart from maintaining his own car or engaging in his own social activities. To the outside world it would definitely not have appeared this way. People admired my dad, saying how well he managed his home and family and how hard he worked. But he only got there because my Mum held her own and supported us. Many times he blamed extended family rifts on my Mum and her working too. Extended family members would discuss the fact that she was out, she was getting ideas, and she was becoming disobedient and standing up to her husband.

## The building of trust

I wanted a job while I was at university. We had to break this idea to my dad very slowly, in a manner that would be acceptable to him. In fact, I had been working for three or four weeks before I told him. His response was surprising—he was very relaxed about it. Why had he changed? Then I realized it's because he trusted me and knew I was not going to do anything wrong. After this my dad and I started talking and slowly began to build a relationship. But in the background he still talked about marrying me to his cousin in Pakistan after I finished university. He was being good to me because he wanted something at the end of it.

My graduation was a killer! I didn't want to go but my dad was insistent, to the point where he wanted the DVD, the photographs, my gown, etc. On the day, he was the proudest man there. I remember saying to myself, "Why are you so proud, what have you done? Nothing. You've paid for my hat, you've paid for my gown, and you've run around for the DVD? Wow, big deal!" Some time later, the person my dad had originally wanted me to marry died in an accident. For my mum there was a sense of relief because the threat had passed. Far from it: the dead boy's mother had another son who was suitable. By this time my relationship with my dad was much better and we were comfortable talking with each other, to the point where I could tell him where he was wrong.

While I was at university, I met somebody I wanted to marry. My mum agreed to put it to my dad, but we had to strategically plan how we were going to tell him. In the end it never happened—maybe it wasn't meant to be—but this experience made my relationship with my mum a bit different as well. I think my mum is trying to sort something out for my marriage, though my dad has said to me, "If there is somebody that you like then just let us know, as long as he treats you right it will be okay." But I feel he still has prerequisites for this person, like he must be of a high caste, he cannot live too far away and he has to be Pakistani.

## **Trials of singlehood**

If anyone is protecting me it is Allah. I have moments where my faith dips—I'm not going to lie about it—but I always come back to it. It's the one thing that's always there for me. Nobody has ever protected me, so I have to protect myself. I don't trust anyone and I don't think anyone will protect me even in the future. I'm at the stage now where I'm just confused about everything. My dad has allowed me to live away from home, but now my mum's turned the other way and is protecting the family's name and reputation. She says things like, "If you meet a man for the purpose of marriage don't tell him you're living away from home, because then he will think you're not a good Pakistani girl." These are the sorts of things my dad used to say and she used to challenge, and now she's saying them. My brother's wife now has to fight for those very things that my mum fought with her husband about. It's strange how their roles shifted. My mum is now the person in the family that we go to when major decisions have to be made. My dad's opinion no longer matters.

At this moment, my family and I don't get on very well. They don't agree with my views and I still feel they don't value my opinion. However, some things have changed. For instance, Ishafaq, who was very quiet and wasn't close to me, now says that I am the only one he can confide in. Yasser always comes to me

before he makes a decision to get my approval or opinion. Do you need to be married to be able to give good advice, can a single person not do it, and does marriage give you a licence to be able to offer advice and support? I don't think so! But I know that the community thinks I'm not qualified to support other women; it's because there is no man in my life. I'm not married, therefore I don't know anything.

I often justify the fact that I'm not married to myself more than others. The main reason I think that I'm still single is because my family needs me to be at home. However, it can't carry on indefinitely, and within the next few years I'm going to have to secure myself a husband who will treat me with respect and as an equal, not the way my dad did with my mum—a husband whose priorities are his wife and his children and not his mum and his brothers and sisters all the time. It has been, and still is, immensely difficult to defy the cultural norms and expectations, but I have been strong; in fact, one of my biggest fears is losing that inner strength. My principles and my beliefs mean a great deal to me. I know many people from our community and extended family and friends think I'm westernized, which is seen as a bad thing, but I think it is ridiculous. There are many girls that I know from my own community and religion who are doing all the things that they shouldn't do, but are not seen as deficient as me because they're married. I know I am different but not in a bad way. I pray, I respect my parents, but I don't embrace the whole community and society's expectations.

In my opinion an ideal family would be the exact opposite of what all of us are here. I know we all like to think we are equal but we are not. I would like to take my family exactly how it is and give them the ability to discuss things openly, where everyone is valued equally. I don't think we will ever be equal as women—how many years have women fought for rights and still not got them? When we still have people like my mum turn around and change after so many years, we will always have inequality. We could have had a demonstration of equality if mum had stayed where she was in terms of fighting for equality, and dad had met her partway. Instead we've always had one who has power—my dad has come down a step, and my mum has stepped up to take over the control and power.



Women's  
Experiences:  
A Transnational  
Overview



# Women's Experiences: A Transnational Overview

The concepts of *qiwamah* and *wilayah*—loosely understood as men's authority and guardianship over women—manifest themselves in the 55 stories that were documented from the nine countries (Bangladesh, Canada, Egypt, the Gambia, Indonesia, Iran, Malaysia, Nigeria and the United Kingdom) involved in the Global Life Stories Project.

These countries are situated in different regions of the world and include both majority and minority Muslim populations and family laws that are either secular or based on religious interpretations. While the countries involved are very different (and thus were analyzed individually in the previous section), it is significant and useful to see how women have had similar experiences across countries despite these differences.

Multiple dimensions of *qiwamah* and *wilayah* can be seen in classical religious interpretations, contemporary laws and social norms. In Muslim contexts around the world, husbands have an obligation to provide for their wives and children, whether by law or in practice, and wives have a responsibility of obedience in return. This reflects classical understandings and is sometimes reflected in the laws. As a result, sexual relations are often assumed to be the right of husbands and the responsibility of wives. In contemporary Muslim family laws and practices in minority contexts, men can marry up to four wives if they can provide for all

of them (and, in some contexts, if they can be just to all). In most contexts, husbands have a unilateral right—legal or customary—to divorce their wives; in contexts where women can initiate divorce, the process is often more difficult because of burdens of proof or requirements that women relinquish some rights. As fathers, men have privileged guardianship rights over their children.

But it is clear from the stories documented in this project—crossing national, regional and socioeconomic boundaries—that these standard laws, customs, social norms and community expectations, all of which are justified in the name of religion, are not working for all families. The experiences of families and individual women, men and children who compose them are vastly different from the theory behind the concepts.

People are struggling. Many men are burdened by and unable to fulfil the responsibilities of providing and protecting, whether by choice or by circumstance. Many women are shackled by the expectation of obedience, especially when coupled with the necessity of caring for themselves and their children in both financial and emotional ways. Children often see and understand the challenges their elders face, how they struggle and suffer, and are affected by them. The overall wellbeing of families and communities suffer because of the unworkable expectations that are embedded in laws and social norms and justified in the name of religion.

At the same time, the women's stories show the ways in which they are forging pathways towards equality—sincerely and often devoutly—despite the personal and social obstacles they face. Many of the women who shared their stories have been able to process what has happened in their lives, analyze their relationships, better understand the social and gender dynamics that influenced their experiences, and subsequently make choices that could propel them and their families forward. In some cases, women are working with their family members to develop egalitarian relationships and happy, healthy family lives. Despite their struggles, trauma and injustices, the women's stories on the whole are not dismal. These women are strong, resourceful and in many cases empowered to better their lives.

**The women's stories show the ways in which they are forging pathways towards equality—sincerely and often devoutly—despite the personal and social obstacles they face.**

In this section, we begin with an overview of the stories, then share some of the major themes related to Muslim family laws that arose from the participating countries: child marriage; economic roles within the family; polygamy; domestic violence and sexual relations within marriage; divorce and post-divorce rights; and custody and guardianship of children. We then look at broader trends related to how resource persons made sense of their experiences, how they examined and questioned what happened around them and how this influenced their life decisions. We present some pathways that resource persons have used to empower themselves and others. Finally, we offer ways to build equality in family life for women, men and children alike.

## The Workings of *Qiwamah* and *Wilayah* within Family Laws

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In this section, we identify major themes within contemporary family laws and provide commentary on trends in resource persons' experiences within each theme as well as specific examples of those trends, using the women's own words wherever possible.

### Child Marriage

Child marriage is an element in stories from five of the countries (Bangladesh, the Gambia, Indonesia, Nigeria and the United Kingdom), with parents and guardians arranging marriages for girls for a variety of reasons. These marriages were generally difficult for the girls, who left behind their childhoods (often having to leave school) and found themselves vulnerable to their mostly older husbands and sometimes their in-laws.

Such harmful effects of child marriage are well-documented globally. But setting a minimum age of marriage is a particular challenge in some Muslim contexts; often the example of the Prophet's marriage to Aishah is cited to justify child marriage. However, there have long been debates about Aishah's actual age at the time of the marriage, and their marriage was not one of domination but of egalitarianism, respect and love. Needless to say, there have also been vast social, cultural and economic changes in society since the time of the Prophet. Far from being a religious mandate, child marriage today is a devastating practice for millions of girls who have little to no voice in their futures.

We observed the following trends and experiences relating to child marriage based on stories shared by resource persons from five countries:

**In the life stories, child marriage often served as a solution for families who were poor or could not adequately care for all of their children (and so married off the girls) or as a way to build or extend relationships with other families.**

Several of the Nigerian resource persons were married to older men who provided gifts and money to their guardians to show their interest in the girls and sway the guardians to agree to the marriage. As Salamatu narrated:

**“When I turned 13, a man called Danlami (who was over 40 years of age with a reputation for having been divorced six times and who was also widely known as a wife-beater) came and asked me to marry him. When I refused, he went to my stepmother and gave her some money, which she accepted. I would refuse to see him whenever he came but he would go straight to my stepmother and give her the gifts I had turned down.**

**When he sent his people to my father with his marriage proposal, my father said he would have to ask me first before giving them an answer. As soon as they left he called my stepmother and told her. Eagerly and immediately, she told him that Danlami had been visiting me and I was interested in him. Without asking me, he sent word to them that I had accepted. I tried in vain to get my father to listen to me that it was not true but my pleas fell on deaf ears.**

**Upon learning of the impending marriage, I ran to my maternal aunt's house in the next village but my father found out where I was and brought me back. My aunt tried to talk him out of the marriage but he would not listen. The marriage took place immediately after I was brought back.”**

Sinta of Indonesia was engaged at nine and married at 14 to ensure the school her father ran would continue after his death. As her mother said when she was suddenly married, “Your father passed away when he was building a *pesantren* (Islamic boarding school). And you are a woman, so there is no way you can lead the *pesantren*. Therefore you should get married so that your husband can take over the *pesantren*.”

Sumera from the United Kingdom says she was never asked nor consulted on her prospective marriage, since "Good Muslim girls didn't talk about marriage; they certainly didn't challenge their parents regarding the choice of marriage partner." But when her parents first tried to arrange a marriage for her when she was 14, she resisted and ran away. She finally agreed to marry when she was 16, and chose her father's nephew over her mother's nephew. She saw the marriage as beneficial to the families and her husband:

**“My parents' intention was to get rid of the burden of a daughter and my husband's family's intentions were to get him to England in order to gain opportunities for a better life for his family...My parents had no interest in my aspirations and what I wanted in the future.”**

Sultana from Bangladesh married around the age of 12 because her father had died when she was six, her mother had been cheated out of the land she inherited, and the family was poor and had no resources. Sultana and her sister had gone to work for wealthier families in the village. Sultana met her husband, who was about 20, in the bazaar and they liked each other. His family had some resources and resisted the marriage because her family was poor and couldn't provide social connections or a dowry (customary in Bangladesh). Her family was relieved that she found a husband, especially since she had no male guardian to make the marriage arrangements.

**In many of the stories that documented child marriage, the girls were not aware of the marriage arrangements and not fully consulted or asked for their consent.**

Zainab from Nigeria said she did not know about her marriage before it was already arranged, and was surprised and shocked to learn she was to be married:

**“One evening when I was 14, two elderly men came into my sister's house. I welcomed them, spread a mat for them and brought water. I never for one moment thought that these men were representing Mallam Baba and had come to ask for my hand in marriage. No one informed me. Thereafter, all I saw was my sister buying bridal gifts, a bed, dishes, pots, etc. It never occurred to me that they were for me. I only came to find out when, one day, Mallam Baba's friend came to the shop and called me 'amariya' (new bride). I asked him, 'Who is the amariya?'**

He replied, 'Don't you know you are to be married on Friday?' Perplexed and with my heart in my mouth, I asked, 'To whom?' He responded, 'Mallam Baba!'

Similarly, Rafeeqa from the United Kingdom was forced to marry at the age of 15 without her prior knowledge:

“My parents had always said daughters are never ours to keep, they are somebody else's property...My Granddad did my and my sister's engagement; we knew nothing about this. My *nikah* (marriage) was in Pakistan. I had no idea I was about to be married. It was early evening and I remember trying to escape to bed when one of my aunties said, 'You are getting married in a minute, you can't go anywhere.' That's when reality sunk in, and I felt sad. I just remember being ushered into a little room with a big veil on my head, in my nightclothes, and asked to repeat some verses of the Qur'an...I began to cry and no one would look at me or answer my questions. I was too young to be married. My father was present; my Mum was in the UK. I remember signing a document in a blur, and then everybody was rejoicing and giving thanks to my dad. I felt utterly helpless and sad. The whole experience for me was a negative one; it made me question the whole of Islam. I was so angry and felt guilty all the time. No one listened to my aspirations. I was just a woman with no voice, screaming silently. This was not what I had imagined marriage to be like...”

Sinta, the daughter of a *Kyai* (religious leader and head of a *pesantren*) from Indonesia, discussed her arranged engagement:

“When I was nine, I was engaged with the son of a *Kyai* from another village. I was still playing like other kids. Every time my future mother-in-law paid a visit, I was told to bathe, dress up nicely and act properly like a lady. I was asked to *sungkem* (kiss the back of her hand on my knees), shake her hand and sit nicely. Once in a while my future husband also came. I was embarrassed because he was a man I didn't actually know. I did not know the meaning of engagement, marriage, husband or in-laws because I was a third-grader.”

**The young brides had little or no power in the face of their husbands, in-laws and co-wives, especially when their husbands were older men. The stories demonstrate abuses and ill-treatment that the young girls experienced because of their age and vulnerability.**

After her marriage, Sultana and her husband lived in a joint household with her husband's brother, sister, father and mother. As shared by the Bangladeshi team: "She had to do all the work, cooking, cleaning, sweeping, washing, laundry. It was strenuous for a 12/13 year old. They would scold and bad-mouth her. They would call her poor, 'low class/birth', ugly, etc. The main issue was that she had brought nothing to the household. However, she was not physically beaten. This Sultana considered as good luck."

Salamatu from Nigeria, whose marriage story is told above, refused to have sexual relations with her 40-year-old husband. He beat her severely for months and eventually raped her. When she ran away, her father beat her and sent her back. After being beaten and raped by her husband for about a year, Salamatu was able to run away for good.

Shadiya from the UK reported:

**“Earlier on in the marriage I continuously felt inhuman, as if I didn't matter. My feelings had no importance or recognition. Whatever I did was not good enough. I couldn't ever say anything, even when my four-year-old daughter was taken away from me. I don't know how I got through those years. All I know is that although my parents were supposedly there for me through everything, it wasn't really the case. And as long as I returned to my husband after I cried to them, then it was all okay.”**

**Many resource persons mentioned how child marriage prevented them from continuing their education, to their long-term detriment.**

Ruba from Bangladesh and her sisters only studied until the end of primary school. As the Bangladeshi team reports: "They were expected to and were married off at a young age. Ruba laments that she wanted to further pursue her education but could not due to her mother's sickness. Her mother later passed away after being ill for a considerable period of time. The gap in education as well as early marriage are perhaps factors caused mostly by the economic condition of their family, but there are social conditions involved in this process as well. Ruba points out that in her social setting, women are expected to look after the family

rather than pursue further education, especially in times of crisis.” Ruba’s father died when she was 14, and she ended up marrying at 18.

Rashida from Nigeria said:

**“I tried to continue with my education since prior to our marriage, (my husband) promised that I could go back to school. When I asked him, he refused even when I told him that it would help me contribute to the family income...I could not understand this as my brother-in-law allowed his wife to continue her studies. And this is coming from someone from an educated family.”**

Hauwa Balarabe from Nigeria told the country team that one of her biggest regrets in her life was not furthering her education. “She felt that her lack of education resulted in her not knowing her rights in society and during her failed marriage, which has contributed to the hardship she went through all her life... She felt that if she had gone to school she would not have married so early and have had so many problems, and would certainly not have become a commercial sex worker.”

Murja, also from Nigeria, was forced to withdraw from school at 14 to marry her 28-year-old cousin. She divorced him at the age of 16 after he abused her and neglected her and their baby daughter. During the divorce hearings, she offered to stay in the marriage on one condition—that she be allowed to go back to school to realize her dream. He refused. After their divorce, she returned to school and met her second husband, who supported her studies. She reflected:

**“Forced marriage and withdrawing girls from school to marry them off is a very bad practice...Withdrawing girls from school is the end of a dream and you don’t know what potentials you are snuffing out as they could be of immense benefit to society if they were allowed to have a good education.”**

**In several cases, the early marriage was proposed, championed or at least supported by a woman—mother, step-mother, sister, etc.—rather than simply being pushed by the male authority figure.**

Rashida from Nigeria was married at 16. Her mother married at the age of nine. Rashida narrated:



“My father was not in favour of the marriage as he could see I was interested in furthering my education, while my mother wanted me to marry. This could be in part because from the time I was 14 years old, I started getting marriage proposals...There was a lot of friction during this period between my parents but in the end my mother won the battle and I got married.”

Murja from Nigeria states that her marriage to her older cousin was arranged by her step-mother and aunty, who encouraged her uncle to marry her off.

## Economic Roles: Who Provides?

In the classical juristic understanding of *qiwamah*, which influences contemporary laws and cultural norms, men (fathers, uncles, brothers, husbands, sons) are responsible for providing for and protecting women and children; women in turn must obey these men.

But in each of the countries involved in the Global Life Stories Project, resource persons shared stories of the men in their lives who did not provide for or protect them and their children. In extreme cases, women and their children were abandoned by their husbands or fathers, who married additional wives, began to favour other wives or simply disappeared. More frequently, men struggled to earn enough to support their families, and women picked up the slack, or the women worked or earned more than their husbands to begin with. In many cases, this led to insecurity on the part of the men and instability within the marriages.

The stories show the disconnect between the laws—and even the theory and logic behind the laws—and the realities that families face. The idea that the man should be the sole provider and protector does not work for these families in today's globally competitive system, especially amid the rise of nuclear family formations. And when men do not fulfil their responsibilities, they still retain their privilege and right of authority over women, which is unfair and unsustainable.

These are some of the main observations about the economic roles taken on by men and women in the life stories documented through this project:

**In all the countries, women took on the roles of providers and protectors for themselves, their children and sometimes their extended families. Most of the resource persons earned money and contributed to their households regardless of economic status. Women took up formal and informal work**

**as farmers, office workers, journalists, domestic workers, cooks, NGO staff, teachers, college professors. They did home-based sewing projects, sold items at markets and took on cleaning, sweeping and other odd jobs. Women also disproportionately carried the burden of unpaid work at home.**

Safiya from Nigeria started petty trading, had her children hawk pure water (potable water in plastic bags), *alale* (bean cakes), boiled yam etc., borrowed money for school fees and finally was able to go into full scale trading with a loan from a micro-finance bank to enable her children to attend school and meet the other needs of the house. She said:

**“My husband was completely irresponsible and didn't adequately provide for me and our children...He did not provide enough food for the house let alone other things, which I heard Islam says he is supposed to do. To survive I was forced to find a way to supplement his meagre contribution.”**

Samina from Canada supported herself in her second marriage, in which she was the man's second wife:

**“He did not look after me financially, nor was he there emotionally. Throughout the four years of our marriage he took no responsibility. There was no fairness or justice. He only used to stay two days with me and the rest with her. He did not financially support me in any way. Never once when he came over did he bring anything for me. Physically, yes, perhaps he was taking care of me, or I was taking care of his physical needs.”**

Mawar from Malaysia is the main earner in her family, like her mother before her:

**“Fate decides everything. When my first child was six, my husband became ill and had to be hospitalized for hernia surgery. Since then, I had to take over the responsibility as head of the family from my husband. He couldn't work for four years. I took a job tapping rubber...My income increased as most of the rubber trees were young and still produced a lot of latex. With this income, I assisted my husband, brought up my children and became the head of the family.”**

Nadia from Egypt helped her father support her five siblings, then supported her first and second husbands. After graduation from university, she gave up a

prestigious job as a researcher and worked in a hotel to earn a larger income. Then she emigrated to a Gulf country where she worked as a wedding planner in a hotel, supporting her family in Egypt and paying the marriage costs for her younger sisters and brothers. She married twice while living abroad, both times to Egyptian men, and gave birth to three children. Both marriages failed because of conflicts with her spouses about their marital roles, since Nadia constantly felt uncomfortable and a little resentful about shouldering the financial burden of supporting the family in addition to child care and housework.

**In most cases, women's husbands and fathers wanted to keep the women under their control even though they were not fulfilling their responsibilities as providers and protectors. In addition, the resource persons' communities continued to think of the men as the heads of their households. This was true across countries and class lines.**

All of the Indonesian resource persons worked in paying jobs throughout their marriages and lives (e.g. Nurul and Murti as farmers and traders, Nisrina as a migrant worker, Sinta as a preacher and teacher, Shafira as a teacher, Nadira and Amalia as food and confectionaries sellers, and Nawa and Asih in NGOs). The Indonesia team reflected on the four life stories collected in their second phase: "All husbands expected their wives to take part in providing for the family, to be obedient and submissive wives at the same time and to take care of all domestic chores."

Similarly, Shadiya from the UK reflected:

**“Many times I have felt that this ‘man as head of household’ identity is a farce, but other times I know it to be true. Although I am the main earner, and I am better educated and qualified than my husband, I am still a woman and I don’t have the final say in anything. In some things I have a say, but I feel that this is more to humour me and keep me on his side. I feel I am given permission to work or to see my friends, rather than this being my choice, so in reality I don’t have a say at all.”**

**The fact that the resource persons were helping to provide in the face of societal expectations caused problems within marriages on both sides. Both men and women often expected the men to provide, and when they could not, the men felt threatened—as if robbed of their manhood—and the women too were disillusioned. In addition, the women's economic roles did not allow them legal or social claims, so they were ambivalent about contributing.**

Rafia, a well-educated middle-class woman from Bangladesh, has consistently provided for her husband and herself, contributing approximately 65% of the household expenses. Her husband has had trouble holding down jobs, and she has consistently worked to help with expenses. Rafia said:

**“He feels bad about this—I know. But if he admits that or shows me too much affection, he feels that he will be defeated. This saddens me... I think if his financial woes are lifted, he will be in a better place, he will behave better. His ego just can't accept that I bear most of the household expenses.”**

The couple has had trouble making ends meet. Emotional and physical distance has grown between them, especially after she suffered a miscarriage, and Rafia also felt cut off from her family and friends because of their financial predicament.

Similarly, when the husband of Asih from Indonesia was unable to provide for the family, they faced tensions in their marriage—from her side as well as his. This led to major arguments between them, triggered by his failure to try to support the family. They were thrilled to have their first child, but:

**“The happiness did not last long. Since L. was laid off, L. did not seem to try his best to find another job. If he did have a job, he would not stay too long with the reason that he did not feel comfortable with the new job. He kept changing jobs. Finally what L. did was just odd jobs here and there...He only gave money occasionally and it was not sufficient.”**

Naeema from Canada was the sole breadwinner for many years while her husband was earning his degree. She earned all the money, paid deposits for the two houses the couple bought, paid mortgages, contributed to his tuition fees, etc. Once he got a job, he immediately demanded that she stop working and move with him to London. When she protested and said she'd wait to move until finding a job there:

**“(H)e gave this ultimatum of ‘I am your husband, and you have to obey me.’ I said, ‘No, I do not have to obey anyone.’ And then he said, ‘In Islam the wife has to obey her husband’, and I said, ‘Not that I know of.’**

**The next day he went to my father to tell him what happened, and said 'This is what I want her to do, but she won't.' So my father said to him, 'What are you talking about? She made you (financially supported his studies), and you would not be what you are if it weren't for her.' This was just the biggest insult for him...He dashed out of the house, really angry. ”**

Naeema reflected, "I think he needed to be affirmed as the head of the household. He needed to assert that, and up to that point he could not do so since I was the primary breadwinner. Now that he could earn and he was earning, he said, 'You do not need to'. Maybe all along he was unhappy that he was not in charge...(and) in a subordinate type of a role." Naeema continued to work outside the home. Soon after, her husband unilaterally divorced her. He married another woman months later.

## Polygamy

Polygamy (in the form of polygyny)<sup>1</sup> appears in stories from all of the countries, both in the resource persons' marriages and in their narrations of their parents' marriages. In most cases, the resource persons were the first wives and their husbands married again, with or without the resource persons' consent. In some cases, the resource persons were the husbands' subsequent wives, usually by some degree of choice since they knew they were entering into marriages where there were existing wives.

The stories demonstrate the harmful effects of polygamy on both first and subsequent wives as well as the children of such marriages. Polygamy as practised today no longer serves the original intent of permitting polygamy in the Qur'an, namely to do justice to orphans and widows. Instead, men are abusing the practice in order to justify their desires for multiple sexual partners as legitimate in the eyes of God.

The following are some of the observations and experiences shared in the Global Life Stories Project:

**Many of the resource persons in polygamous relationships were deeply surprised, hurt, and felt powerless when they learned their husbands had taken another wife.**

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<sup>1</sup> 'Polygamy' is a generic term that encompasses 'polygyny' (a man married to more than one wife at the same time) and 'polyandry' (a woman married to more than one husband at the same time), although polygyny is much more common and the only form sanctioned in Muslim family laws.

Mimi from Malaysia married at the age of 26 and divorced 16 years later after her husband took a second wife without her knowledge or consent:

“The failure of my marriage was a surprise to me. We were happy together and had a good life. That’s what I thought, at least. Then, one day, he went out of town and did not take me with him as usual. Apparently, he went away with another woman. When he came back, someone told me that my husband was getting a second wife. I did not believe this person at first—my husband would never do that to me. But God wanted to show me the truth. The *hantaran* (gifts) he ordered for his secret marriage were wrongly delivered to my house. Words cannot describe how I felt that day. My world collapsed. I really did not expect this to happen to me.

I prayed for Allah to help guide me in making the right decision. My first instinct was to ask my husband for a divorce, but he refused. I ended up staying in the polygamous marriage for four years. I tried to be as patient as I could be. But how long could I live this way? You would not have recognized me if you saw me at that time. I cried all the time and often I just sat staring into space. I was very depressed. Every night I asked God: is this how my life is supposed to be? Can I survive such a life? How long do I have to live like this? I finally decided I needed to get out from this relationship. I stayed to save my marriage and my family, but I could not pretend any longer. I just couldn’t be in a marriage like this. I was miserable. This was not the life I wanted to live.”

Sinta from Indonesia discovered that her husband had committed adultery and that the religious leaders helped her husband marry his mistress without Sinta’s consent:

“He took a radio broadcaster to be his second wife. I was so devastated. At first he denied it...Then he went to the *Kyais* (religious leaders) to tell them that I had found out the truth. It turned out those *Kyais* were the headmen, witnesses and guests at my husband’s second wedding. I called the *Kyai* who was the head of an Islamic organization to see if he actually knew all along. He apologized and gave an excuse that he had to do it because the woman was pregnant.”

Amina from Canada had discussed polygamy with her husband before he married a second wife but was still surprised when it happened:

“One day, the children were all at the table eating dinner. The telephone rang and they became very excited because they knew from the way it rang that it was long-distance, so it must be their father. He told me, ‘I got married. I hope you don’t mind. I’m going to sleep with her tonight.’ And I just couldn’t respond. And then later he would say, ‘You consented’, but there really wasn’t much I could say with the kids around.

And the first thing that popped into my mind when he called was a *Hadith* from Abu Huraira: that a woman should not ask for the divorce of her sister to fill her own cup because she shall not have more than whatever God has decreed for her. So I figured it’s *haram* for me to object to this marriage. Several months before this happened, my husband had given me a book, *Polygamy in Islam*, which presented polygamy as an unchangeable part of Islamic law. And I didn’t suspect a thing. Looking back, I can say that I had been primed to believe that Islamically, I didn’t have the right to object.”

Amalia from Indonesia was pregnant with twins when she heard that her husband had taken a second wife:

“I couldn’t stand on my feet and fell to the floor. It was like I was struck by thunder and earthquake. I felt like I was in hell. It was very painful and I couldn’t believe what I heard. I cried in anguish and my three-year-old son looked at me while shedding his tears on my shoulder. Everything was so dark and I sighed, ‘Oh Dear GOD, why should I be burdened with these miseries?’”

**Polygamy did not serve the resource persons well, whether they were the first or subsequent wives. Husbands took multiple wives but were unable to support all of them and their children or treat them equally, whether on financial, emotional or simple time-based measures.**

Murja from Nigeria married her cousin when she was 14. She was devastated to be forced to leave school, and decided not to obey her husband as a way to voice her protest. They fought constantly, and her aunt and step-mother supported her husband.

**“So they advised my husband to marry another wife, which he did. I thought I would get some relief but the opposite happened. Zainab, my co-wife, became a thorn in my flesh. Our husband withdrew food items from the store and kept them in his room. I was to ask for anything I needed and she would give me what she felt like giving. This was breaking tradition, which gave the first wife the right to control if any control was to be exerted.**

**The turn for the worse came when I got pregnant. My co-wife stopped talking to me and would just look at me with deep envy and pain that I was pregnant instead of her...I had a very difficult pregnancy. I threw up all the time. I couldn't take in anything except watermelon but Zainab doesn't eat watermelon, so she refused to buy it and forbade it being brought to the house...I also had to do all my household chores. If I didn't do them, I would receive a good beating...He would refuse to allow me to visit my dad next door and always made sure I went days after I had sought permission.”**

Kaddy from the Gambia knowingly entered into a polygamous marriage as a second wife. However, her husband didn't pay the house rent and only gave her 'fish money' when he planned to spend the night with her. When she resisted, he stayed away for six months. He then agreed to shoulder his responsibilities but changed his behaviour again when she was pregnant with their second child. They divorced after she gave birth but have reconciled again. Kaddy is now responsible for her younger siblings and also needs to provide for herself and kids because her husband does not have a job and is not providing for his two wives and seven children.

Sultana from Bangladesh married when she was very young because her father had died and her family was poor. Her family could not provide a dowry (common in Bangladesh) when she married, and her husband originally said it was unnecessary. When he was having trouble earning, however, he started asking her for the dowry and then beat her over it. She left for her mother's house. While she was staying with her mother, he married another woman whose family provided a large dowry. Sultana thought about staying in the marriage but decided the relationship was not going to work: "I would never have any peace after he remarried. I did not want to live with a co-wife. I could not go back. But he still had legal and all claims of a husband over me." This meant he could demand obedience, including sexual obedience, from her, which meant she would have to submit to him, which could lead to more children.



After the husband of Hawa from the Gambia took a second wife, she was forcefully divorced and sent out of the house that she had helped fund:

**“We were married for over 20 years until he decided to marry another wife. He divorced me because he wanted me and my children to leave so the new wife could come in. During my *'iddah* (three-month waiting period before the divorce is finalized), the new wife came in. After that period, he asked me to leave the compound that I had bought with a loan in my name. We went to court and the *qadi* (Islamic judge) ruled that I should move out and leave the compound because his name was on the compound documents.”**

**Some of the resource persons were also affected by polygamy in their parents' and grandparents' relationships.**

Shafira from Indonesia found her life changed when her father married a second wife. Her family was socially and economically stable for many years until her father took a second wife when her mother gave birth to their seventh and last child. Her father kept the second marriage secret but relatives eventually told her mother. “Her mother was very shocked to hear this news. She was traumatized because she thought that her husband was a loyal husband and cared for his family. But in fact he had lied to her and their children. Her mother could not accept this situation so she got depressed and ill. Moreover, she was not getting enough *nafaqah* (maintenance) and her husband abandoned her. Economically their standard of living dropped dramatically because her father cut down on their monthly expenses.”

Lola from Malaysia related that her grandparents had been married a long time and had built their life together physically and financially. But her grandfather took a second wife and gave away the property they had acquired together. Her grandmother's experience made a huge difference in Lola's outlook:

**“I saw how it affected my grandmother. She felt hurt and betrayed; it made her a bitter woman for the remaining 22 years of her life. I saw this as an injustice and I swore to myself that I would always be financially independent.”**

**Several resource persons chose to become subsequent wives. They did so for a variety of reasons, mostly related to wanting or needing marriage to feel protected or socially accepted.**

Several women entered into polygamous marriages to secure the physical protection afforded by their husbands. This was the case with Ranu from Bangladesh, whose story is recounted above. Hauwa Balarabe from Nigeria married an elderly Saudi Arabian man to escape her life as a sex worker. She said she agreed to keep their marriage a secret “because I was desperate to leave my old life behind and for once have someone take proper care of me.”

Natoma from the Gambia willingly entered a polygamous relationship because of societal expectations that women should be married. She rejected polygamy in her first marriage, divorcing her husband when she learned he was considering marrying another wife, but she married again as a third wife. However, she chose a powerful man and negotiated conditions with him, including that she would live separately from his other wives, which is rare in the Gambia.

Wati from Malaysia chose to enter a polygamous marriage because she wanted a man to be her religious guide and become her protector, and she felt that being a second wife was better than not being married at all. Wati and her husband married secretly in Thailand and only told her family and his first wife when she gave birth to a daughter. The first wife acquiesced because the daughter was already born, and Wati voluntarily took a back seat to the first wife. Her husband spends more time with his first wife and children, and contributes more to their expenses (she pays many of her expenses on her own), but she says, “I just hope that my marriage will last and (he) can be the leader and protector for me and my child. Perhaps these are the sacrifices I have to go through as a second wife.”

## **Domestic Violence and Sexual Relations within Marriage**

Stories from every country feature domestic violence—whether physical, sexual, verbal, psychological, emotional or financial. The extent of the violence is shocking, with (mostly) men trying to assert their authority by literally and figuratively knocking down and sexually abusing their wives. Occasionally, other members of the family—fathers, in-laws, co-wives, siblings—perpetrated violence against the resource persons as well, though most of the stories involved spousal abuse. In the stories, abuse happened to women from a variety of circumstances, including those who were most vulnerable to begin with (such as child brides) and those who were powerful and strong (such as independent businesswomen and politicians).

Domestic violence and forced sexual relations can be linked to the *qiwamah* logic that the husband is responsible for providing and protecting his wife while the wife must absolutely obey her husband, as well as to interpretations of Qur'anic verse 4:34 that allow a man to hit his wife. Changing mind-sets and values is a particular challenge when many men feel that the Qur'an provides them with the right to chastise their wives and that Muslim family laws justify their authority. But many alternative readings of verse 4:34 exist, and marriage relations in the Qur'an are generally based on love and compassion (*mawaddah wa rahmah*), serenity (*sakinah*), dignity (*karamah*), and consultation and mutual consent (*tashawur wa taradi*). The Prophet himself exemplified treating wives with love, kindness and respect, rather than violence. The question of protecting Muslim women from domestic violence and all other forms of discrimination does not relate to religion; it is simply a matter of political will.

Some observations from the stories include the following:

**Resource persons most frequently discussed physical abuse, ranging from minor arguments that occasionally became violent to frequent severe beatings. Many wives were not surprised by this type of behaviour from their husbands and in-laws because it is so common, and thought themselves fortunate if they were not physically beaten. They endured the violence for a long time because of fear, stigma or feeling they had no way out.**

When Nadira from Indonesia suspected and accused her husband of an affair, he slapped, pushed and kicked her, and then threatened to kill her if she accused him again. She refused to see a doctor because she was ashamed, but went to her husband's office the next day to report the abuse to his boss.

**“After reporting this case, I felt very afraid because my husband might be angry with me. My feeling was right. He came home and abused me several times. He kicked my stomach, threw a block from the terrace at me and pulled a match from his pocket to burn my head. No one was at home and able to help me. I screamed loudly and ran to the bathroom and flushed my head with water. I felt the severe pain in my head and body. My head and body were burning. I was shivering and ran away from the house to ask for help. I went to a neighbour's house and they took me to the doctor to save me. I was hospitalized for a week and my children took care of me in the hospital. I was devastated but I couldn't think what was the best thing to do at that time. I felt depressed, traumatized and afraid.”**

Hauwa Balarabe from Nigeria endured physical abuse until she could stand it no longer:

**“Initially my marriage was good, but gradually my husband became abusive. He would beat me with his uniform belt and give all sorts of excuses for the beating. He would get upset and beat me for wanting to discuss personal issues with him or if I refused to have sex with him. I became very scared of him, so much so I couldn't eat properly. Whenever we were not on good terms, he would fling my plates and dishes after eating. The day I will never forget was when I served him half-cooked food. He was so angry that he flogged me with the buckle of his belt. The hook stuck in my head and I had to go to the hospital to get it removed. I still have the scar on my head. This was the final straw that ended the marriage.”**

Rafeeqa from the United Kingdom was married at the age of 15 and faced a violent husband. She narrates:

**“My ex-husband was also a very abusive man, spoke harshly and thought I was there only to be used and abused...I ended up running away after he tried to kill me. I fled to the police station in the early hours of the morning with nothing but the clothes I had on, and my daughter—no shoes or belongings. I stayed in a shelter but was constantly harassed by family members to return to him.”**

Hawa from the Gambia states:

**“My husband used to batter me, especially when he was planning on marrying his second wife. I can remember him beating me severely just after giving birth to our last son and it was so serious that I could not move my neck for five days.”**

**Several of the resource persons also discussed verbal, emotional or psychological abuse at the hands of their husbands.**

Shafira from Indonesia was repeatedly berated and humiliated by her husband, who called her offensive names, insulted her by claiming that he had been her saviour (“If I didn't marry you, you would be living under the bridge!”) and threatened her with violence (“If I see you with your male friends, I will beat

you and have your son beat you as well!”). He had loud screaming fits that the neighbours overheard, which was embarrassing to Shafira. This emotional abuse evolved into financial and control issues: “Shafira never received any money from her husband during her marriage. He did not trust her to manage the family budget and did the shopping himself. He controlled the family and wanted Shafira to be obedient and fulfil all his demands.”

Rashida from Nigeria faced physical and sexual abuse at the hands of her husband and also emotional and financial abuse. He refused to provide for her and their children, to the extent that there was no food in the house and the children could not go to school. Rashida wanted to work, but he forbade her and controlled her movement from the house. “(For Rashida,) the turning point came when she found out he had sabotaged her search for work. He would go behind her back and tell those she had approached not to employ her. She said someone offered her a job, which she accepted, and at the time they also asked her if she had asked her husband’s permission and she said she had. She said her husband found out and he called the man and abused him, and also accused the man of adultery with Rashida. She said this caused her to no longer trust him.”

**In some cases, it was not just the husbands but other family members who were abusive towards the resource persons.**

Kumba from the Gambia, a successful businesswoman, was not liked by the brothers of her second husband, so they harassed her, told her husband lies about her, beat her and threw her and her belongings out of the family compound while he was travelling and she was eight months pregnant.

Sally, also from the Gambia, was a powerful woman who eventually became a Parliamentary Secretary. In her fourth marriage, however, her sisters-in-law and mother-in-law criticized her because she was past child-bearing age and convinced her husband that he needed to have children, and so should take a second wife. She complained to him, and he physically abused her.

Amalia from Indonesia was emotionally abused by her husband’s second wife, who worked to further turn her husband against her physically and emotionally:

**“When I arrived home, he apologized for hurting me. I said, ‘Well, I accept your apology but I have one requirement. Do not bring your second wife to stay here! It’s sickening.’ They never kept the promise. She came to visit him while he was in my house. She**

**tried to make me sick and leave my husband. She showed her affection and romance towards him in front of me...I sent them away and they were both very shocked. Syam got angry and we had a big fight. He took a gas cylinder and threw it at me. Syam pulled my hair, punched my face, slapped the back of my head and pushed my head against the wall. I felt dizzy and fell down. He kicked my shoulder and dragged me out of the house and said, 'Go to hell, Satan!' ”**

**Husbands frequently used sexual violence—forcing sexual intercourse, demanding sexual obedience or withholding sexual relations—as a method of asserting control and dominance over resource persons. Despite the fact that sexual relations within marriage are considered the right of both partners in both classical and contemporary religious discourses, men were assumed by many resource persons and their families and communities to have superior sexual rights; women were expected to be obedient and submissive.**

Salamatu from Nigeria was forced to marry a 40-year-old man who had a reputation as a wife-beater, when she was 13:

**“ A few days after the marriage, my husband gave me a severe beating because I refused to have sexual relations with him. It continued that way for almost six months, until one day he was able to get his way with me sexually; Danlami beat and raped me. I was bruised all over, from my entire body to my private parts. I ran away...After I got back home, my father gave me a beating and told me never to come back to his house or he would kill me; I was to return to my husband's house and I was expected to be a good wife. I was forced to go back to Danlami's house and the beating continued for a year. Sometimes he would come back late at night, drunk and smelling of alcohol. On those nights, his sexual desire would increase and the beatings would increase. I would get simultaneously raped and beaten. ”**

Samina, who is originally from India but now lives in Canada, coped with sexual violence and manipulation from both of her husbands. About her first husband, she says:

**“ Whenever he wanted sex, I had to do it. I never wanted it. And he would say that I was a frigid woman. I was not interested in**

**sex. I could not forgive him for what he did during and before marriage. I remember during the wedding he was flirting with my friend. During our marriage, through credit card use, I found out that he was cheating on me. ”**

Samina's second husband used sexual relations as a weapon against her during the conflict with her co-wife. She explains:

**“As for sex in our marriage, when I wanted it he would not be willing and when I did not want it, he wanted it. He would wake me up in the middle of sleeping, excite me and when I was excited and would ask for it he would go back to sleep. He would just have it whenever he wanted it. ”**

Amina, a convert from Canada, said that she and her husband had sexual problems from the start, but she submitted because she was trying to be a good wife and a good Muslim:

**“We were taught, *it's your duty as a wife, and if you don't, the angels will curse you or God will curse you. And there can be no free consent in those circumstances. Sometimes I would be just too sick or too tired, and I would refuse, and I would feel terribly guilty, like God is going to punish me...The ideas about sexuality that we were being taught were just so destructive. My ex was taught that sex was his right, and a good woman would always be compliant, and we were trying to live up to these caricatured ideas of how a relationship works. ”***

Even before she was married, Elham from Iran learned that society expected and allowed men to have sexual freedom in relationships. Her first engagement was broken because her fiancé fell in love with another girl. Her relatives said that this behaviour was to be expected from men—that girls but not boys were supposed to be celibate until marriage. Elham ended up marrying a man she thought would be the right person but he also cheated on her with other women and was not held accountable for it.

Binta from the Gambia had supportive parents and worked hard so she could finish school in the Gambia and then travel to the US to earn a bachelor's degree. She has held a variety of development-oriented jobs and managed various projects to help the Gambia's development and support Gambian girls and women. Yet she admits she was still a victim of marital rape and that she was told it was a sin to refuse your husband.

Several resource persons reported that their husbands withheld sexual relations even when they asked for it, and that this served as a type of sexual or emotional abuse for these women. For instance, Zahra from Iran never consummated her marriage; initially they were living with her in-laws and were not comfortable having intimate relations, then her husband forged a temporary marriage with a girlfriend and refused to have sexual relations with Zahra. Rafia from Bangladesh found that her physical relationship with her husband dissolved after she had a miscarriage and because of tensions over his failure to earn an income. She said they were not sexually intimate even when she pleaded with him, and said it was an obligation mandated by God, or when she flirted with him.

## Divorce and Post-divorce Rights

Laws and customs relating to the dissolution of marriage vary greatly within the countries involved in the Global Life Stories Project, as they do across Muslim countries and cultures around the world. In some countries, men may terminate their marriages unilaterally and extra-judicially. In some countries, women may initiate divorce but must provide evidence on narrowly defined grounds and/or be subject to lengthy court procedures. In some countries, men and women may initiate divorce on equal grounds but cultural values or the expected fall in the standard of living post-divorce influences their willingness to do so. Yet in other countries, social attitudes make it relatively easy for both men and women to divorce, and they are not judged negatively for doing so.

In some contexts, such as Canada and the United Kingdom, the co-existence of secular family laws and religious customs within individual families or communities create complexities for women. Husbands may initiate religious divorce but not be willing to pursue civil divorce proceedings; wives may find it easy to get a civil divorce but also feel the need for a religious divorce for acceptance in the community or within their own consciences.

In general, men and women have different and unequal rights to divorce. Women face gender bias in the judicial system, with inordinate delays when women initiate divorces and their husbands oppose them. The culture of male authority over women impacts women's access to justice even when women have a right to initiate divorce.

Stories from the resource persons help demonstrate various ways marriages can be dissolved and, more importantly, how women experience divorce and process their experiences:



**In many countries and cultures, men are allowed to divorce their wives unilaterally. Resource persons reported that men used this tool both as a threat to hold over their wives and as a means of divorce. It sometimes left the women in a state of uncertainty or without a formal record of the divorce.**

Naeema from Canada initially had a stable marriage with her husband but found he changed once he started earning and she was no longer the primary breadwinner. He suddenly wanted her to stop working, which she could not contemplate, and to obey him simply because he was her husband. After the couple spent some time apart, her husband suddenly pronounced divorce three times, moved into another room of the house and then was gone. At some point, he married another wife while he and Naeema were still legally married under civil law. Naeema had to arrange the civil divorce, which took about a year.

Penda from the Gambia married a religious leader who had proposed to her, following all of the customary rituals with her relatives and village in order to secure their respect. She relates:

**“After the fourth day when the marriage rituals were done, he came over to spend the night. On returning to his hometown in Basse the following day, he sent me a message saying that he has divorced me. I do not even want to discuss this marriage. He did not love me but wanted to have fun with me.”**

Nurul from Indonesia was separated from her first husband when he left to work in Malaysia, and was unsure of the status of their marriage. When he returned to Indonesia after a year, she found out that her husband had pronounced *talaq* (unilateral divorce) before a religious headman, so she was divorced. “The marriage...was not registered legally. So the divorce could also be done easily, arbitrarily and unilaterally by the husband through a local religious leader in the area.”

**When the resource persons wanted to initiate divorce, they were often subjected to lengthy or difficult processes, either because of procedural requirements in the courts or because their husbands tried to delay the process. The women often either needed assistance or support from an outside source to achieve the divorce or they needed to relinquish post-divorce rights.**

Elham from Iran spent years trapped in a failed marriage, initially stuck between her husband's and father's actions, and then in a long and drawn-out divorce process. Her husband committed adultery with other women after their child was born, would go out partying at night, stopped paying her *nafaqah* (maintenance), threatened her and eventually hit her. After living in limbo for some time while her husband refused to divorce her and her father urged her not to initiate divorce, she finally filed first a claim for *nafaqah* and then a divorce claim. Her husband played games during the court appearances. Elham had to take additional steps to gather evidence on her husband's personal and financial situation to make her case, plus record his messages to show the judge he was not acting in good faith. He finally married another woman and immediately consented to a *talaq* (unilateral) divorce.

Sultana, from Bangladesh, decided to divorce her husband after he began to abuse her and married another woman. Since her family was poor and she had no guardian, she asked for assistance from her former employer, a local official and influential man in the village. It was helpful that her marriage was registered with the local government, that her husband did not dispute the divorce since his new wife did not want Sultana around and that she had the support of the community and her influential former employer. Once the divorce was formalized and registered by the chair, she was paid 1500 Bangladeshi taka (USD19.15) as her *mahr* (dower); she did not receive expenses for the *'iddah* period (the three-month waiting period before the divorce can be finalized).

Lila from Canada was trapped in an abusive marriage with a mentally-ill husband. Both she and her husband had converted to Islam and both were eager to learn and practise their new faith, but their understandings came through misogynistic teachers. Lila's husband demanded that she submit to him completely in every aspect of their life, and she had a difficult time getting out of the marriage. Lila said:

**“When I wanted to get a divorce, he refused to give me one because he believed he had total rights of divorce and I didn't. But I had the right of divorce based on multiple conditions—he was mentally ill, abusive, not financially supportive, etc. Any one of those would be sufficient for a juridical divorce, but every single scholar I went to said that they didn't work. They said that because I went into the marriage supporting him, I didn't have any expectation of support. Because I went into the marriage knowing he was mentally ill, and then, when he became mentally ill and I stayed, I lost my right to leave...And the abuse—he never**

**abused me 'illegally' because he never struck me in the face. He never punched me. He raped me. But I had been told there is no rape in Islam within marriage. So he would claim that all of those things he did to me were actually his rights on me.**

**Finally, somebody put me in touch with a good scholar who said, 'Look, you're divorced. This is what you need to do: just tell everybody that you're divorced. Your situation is sufficient enough to warrant doing that.' ”**

Shafira from Indonesia filed a divorce petition in the Religious Court after her traumatic experiences with her husband. She initially faced a challenge because public servants needed to get permission from their superiors to submit a petition of divorce, but she found a way around this. Still, the process took a year and she had to cover the total costs of the divorce. She also decided not to petition for her property rights—namely, her share of the two houses the couple had purchased—because a 'divorce consultant' advised that demanding her share and post-divorce *nafaqah* would make the process long and tortuous. She is still living in one of the houses but her ex-husband has threatened to evict her if she remarries.

Rashida from Nigeria was married at 16. It was a difficult marriage, with her husband not providing adequately for her and her children, preventing her from getting a job and treating her extremely rough sexually. After 16 years, she finally decided to leave him. He tried to persuade her to drop the case and tried to turn her children against her. Her family pressured her not to follow through with the divorce, even promising to pay her children's school fees. When her husband refused to divorce her, the judge suggested she return the *mahr* in order to secure a *khul'* divorce. She had reached the point that even if it meant hardship for a while, she was willing to endure it rather than stay with him.

Rafeeqa from the United Kingdom was abused by her first husband to the extent that she fled to the police station in fear of her life. She says:

**“I ended up going to the *Shari'ah* council for a divorce, which was an awful experience and very insulting. No one really cared or listened to my story. I went through the court system to get an injunction to stop my ex-husband harassing me. My family was angry I had taken it this far; they wanted me to grant him a permanent visa for the UK. I had sole custody of my daughter. He didn't really care, as she was a girl and he always wanted a**

**son. I didn't receive much assistance from anyone...I wanted to send him back to Pakistan but he stayed here. To this day I have never received anything in maintenance from him. ”**

**Some of the women found it relatively easy to obtain a divorce procedurally, though they sometimes had to give up certain post-divorce rights. Even so, these women reported that the divorce process negatively impacted them emotionally.**

Asih from Indonesia was surprised that the divorce process went smoothly, in part because her husband did not contest it. Because she initiated the divorce, she had to pay all fees. The judge awarded her custody and alimony, which her ex-husband has never paid. Asih recalls:

**“ The afternoon after the decision was taken by the judge, I did not come home directly but I went to work instead. At that time, I could not wait to spread the good news to my friends who had been so supportive towards me and offered me strength through all my sufferings. But when I got to the office, I did not laugh when I saw my friends, but I cried instead...There were a lot of feelings I had inside. On one hand I was happy that I finally could get out of the torment, but on the other hand I felt really sad to accept the reality that my two children did not have a father anymore. ”**

Mimi from Malaysia remained in her marriage for four years after her husband married a second wife, and then decided to seek a divorce. Her husband refused to divorce her, so she was able to ask for a *khul'* divorce and pay a small fee. However, she recognizes that choosing to divorce and navigating the process can be extremely difficult for women. She started an association to help support single mothers and women who were struggling in their marriages. She says:

**“ After 20 years of doing this, I have to say I hear the same stories over and over again. The main problem is with women finding it hard to get a divorce. They have to wait years and years to get a divorce...It is not easy for a woman to make a decision to go to court. They would have mulled over the decision for a long time. They think about their family; they think about people around them. And, most of all, they think about their children. Some even take 10 years before they dare go to court. They suffer for a long**

time. It is not an easy decision. For me too, it was not an easy decision, but I had to do what was best for me.”

## Custody and Guardianship of Children after Divorce

When resource persons who have children were contemplating divorce, they had to consider how their children would be cared for and supported, and what their role would be in their children's lives. Mothers are not guaranteed custody rights—they often do not get custody when challenged by fathers or have to give up custody rights in order to get a divorce—and can lose custody rights on several grounds, including remarriage. Most Muslim family laws do not recognize mothers as guardians. In contrast, fathers almost never lose their right of guardianship, even if they do not provide for or visit their children.

Although fathers or male guardians are supposed to protect and provide for their wards under the *qiwamah* and *wilayah* formulations, many of the fathers in these stories were irresponsible about providing maintenance for their children during marriage and after divorce. Thus, mothers had to weigh whether they could gain custody of their children if they left their unhappy or unsafe marriages and how they could support their children if they were able to obtain custody.

**Mothers reported battling to gain custody of their children after divorce, often giving up other rights or making sacrifices in order to do so.**

After Naeema from Canada and her husband divorced through his pronouncement of *talaq*, she arranged to get a civil divorce—but custody and support payments became an issue. Eventually, he said it was too complicated to use lawyers, and they should work it out themselves. He promised that he would make support payments. But he never paid a penny and never met his obligation towards their daughter.

Amalia from Indonesia did not get post-divorce *nafaqah* for her children because the judge considered that her husband was jobless and was not able to provide the *nafaqah*.

**In some cases, mothers are not able to obtain custody, such as when the fathers decide they want to keep the child or when the mothers remarry. This can force them to make choices between their best interests and keeping their children with them.**

Murja from Nigeria experienced problems relating to custody first as a child, when her young mother was not allowed to take her following her parents' divorce, and then as a mother. Murja was married off at 14 but was able to divorce her abusive husband a few years later because of the intervention of her courageous aunt. After her divorce, she had custody of her young daughter. She recounts:

**“One day (the father) came to the house under the pretext of seeing see our daughter. He just picked her up and took her home and handed her to his mother...But my aunt went straight after him to the house and demanded my daughter back, threatening to take them to court for kidnapping a baby less than seven years old from her mother.”**

So Murja was able to keep her daughter for a few more years. When she remarried, however, she was forced by her uncle to send her five-year-old daughter back to the uncle's house.

Nurul from Indonesia had a child with her first husband. They separated, and he went to Malaysia to work, telling her she and her parents should care for the child. But this was short-lived. Nurul narrates:

**“I didn't feel anything about his going away because I felt that I was already divorced, so I did not care if he left us. Until, one day, (my husband's) family came and forcefully took my son from me. I was weaving a cloth and he was asleep in a cradle next to me when they came and took him, saying that he was their right, especially because he was a baby boy...I have not seen my son ever since and have lived separately from him to this day.”**

Samina, who is from India but now lives in Canada, adopted a child with her first husband. When they divorced, he gave her the option of keeping custody. She chose to do so and moved with her daughter to Dubai. Then she got an opportunity to do a degree in Canada. She asked her husband if he would take care of their daughter while she was away. He agreed but shortly after she left he filed a custody suit, saying she had abandoned their daughter. Samina decided to go back to India to fight for her daughter, losing approximately CAD30,000 that she had already paid in tuition fees. Once she returned, however, she found out that her daughter was attached to her ex-husband, and she realized that he could give her a home and a father and a mother

(since he had remarried by this time). Samina decided to give up her fight for custody of her child.

Shafira from Indonesia finally decided to divorce her husband after years of living under his control and abuse. She has custody of their children but her ex-husband has threatened to force her out of one of their family houses and take the children if she remarries. She has met a man who loves and cares for her but she is reluctant to accept his marriage proposal because she would have to give up her children.

**Many women who do have custody of their children do not receive child support from the fathers, and thus work long hours and in difficult jobs in order to provide for themselves and their children.**

Sultana from Bangladesh was initially not given custody of her daughter. But Sultana soon decided to bring her daughter home, and the father did not object because child care was difficult at his house. The father has not paid for child care or provided any support, and Sultana did not push for it because she did not want to owe him anything or rely on him. Her family did not support the divorce and did not want to take on the burden of feeding two extra people. So Sultana has worked to pay for all of her and her daughter's expenses, first in the fields processing rice, then by migrating to Dhaka to do domestic work. Her daughter has now earned a BA and recently got married. Sultana is clear that she is the guardian of her daughter, as she bore all of the costs and made all of the decisions concerning her. She says:

**“I have done both a father's and a mother's job.”**

Mimi from Malaysia chose to divorce after her husband married a second wife, and she moved from her husband's house to a rental. She was not given maintenance afterwards even though her husband was wealthy; she and her children survived through her hard work:

**“It was a big move for all of us. Before, we had a comfortable life. I was used to a high standard of living, and then suddenly—*pap!*—I fell right to the ground. It was also a hard transition for my children. They had a happy life before; they got whatever they wanted, and then suddenly we were struggling. My eldest was 15 at the time and the youngest was only nine. At the time, my husband did not provide us with anything. I brought up the children on my own with my**

**small salary. I told my kids, if you want to live with mama, this is the life. If you don't want this, you can live with your father. They all wanted to stay with me.**

**You know, when we were with my ex-husband, we had a luxury car and a driver to drive us around. After the divorce, my children and I had to take the public bus. To make ends meet, I started to do some part-time work selling cosmetics and household products. Life was a struggle then. ”**

**In most cases, guardianship of the children remains with the father or other male relative, and mothers who care and provide for their children on their own must decide how to navigate the guardianship legalities.**

Nurul from Indonesia who previously lost her son when her first husband's family took him from her, faced guardianship issues following her third marriage. Nurul's third husband abandoned her while they and her parents were on *umrah* (pilgrimage) in Saudi Arabia and she was eight months pregnant. She gave birth to her daughter in Saudi Arabia, and eventually she and her parents found a way out of the country and back to Indonesia. Nurul has been working to raise and support the child and her parents. Her husband never cared for the child, and she found out he had died when her daughter was nine years old. However, her daughter still does not have a birth certificate, and Nurul is reluctant to put her husband's name as the father because she does not want his family to serve as her daughter's guardian when she marries. Nurul's brother has been helping to care for the girl, and she feels he is serving the role as guardian.

Asih, also from Indonesia, divorced after a difficult marriage and was able to get custody of her two children. Her husband had been ordered to provide alimony but has not done so, so Asih is providing for herself and her children on her own. Asih does not want her husband to be her daughter's guardian when she gets older, as he has always favoured their son and not cared for their daughter, and because she feels he does not deserve to be her guardian. She feels that a guardian needs to be responsible, protect his family, provide for his family and put his best efforts into working hard so they can have a simple life. Asih is the one taking care of and sacrificing for the child, and she does not want the father to be recognized as the *wali*.



## Cross-Cutting Trends

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In addition to the family law issues that have surfaced in stories across the countries, there are a number of cross-cutting trends common to many of the resource persons: (1) experiences with male authority within families and within society, (2) parental relationships influencing resource persons' views and (3) heightened tensions and questions about their personal identities.

### Experiences with and Relations to Male Authority

Manifestations of male authority over females could be seen throughout the life stories documented in this project, and several trends were common across countries, classes and life circumstances. In particular, the stories showed that when religion was used to justify male dominance and such dominance was further sanctified in law, then the values, attitudes and understandings of men's authority over women became a natural part of life and were very difficult to challenge. Even women who faced difficult circumstances in relation to male authority found it difficult to break away from an entrenched belief that men were natural leaders and providers. Many thus continued to suffer in unhappy marriages or willingly entered polygamous marriages in order to conform to dominant social norms and supposed religious injunctions.

**Men are often presumed—by wives, daughters, other men and society in general—to hold authority within a family. Norms about male authority are implicitly and explicitly taught at home, in schools, in the media and in religious communities.**

Sumera from the United Kingdom, who had an arranged marriage when she was 16, reflects:

**“As a young girl I don't recall any particular time that I was told who held the authority in our house. I always assumed it was my dad, and this made sense to me. It seemed a natural order of things; dad was the person in charge and mum kept things in order.”**

With regard to her husband, Sumera says:

**“Despite taking the lead and managing all aspects of our family life, I could never be seen or recognized as being the head of the**

**household because I am a woman. The head of a household has to be the man; this was decided/expected by the family, society and cultural and religious norms, which all expect him to fulfil this role and carry out all his responsibilities. ”**

Wati from Malaysia internalized gender roles related to protection and obedience based on lessons she learned in her family and school:

**“ In our household affairs, my father was seen as the head of the family. All decisions were made and determined by him. Mother just had to comply without saying much. She has been like that for as long as I can remember. Her attitude and reaction towards my father somehow shaped my view of the opposite sex. That is why I still look up to and respect my brother even though he is younger than I am—because he is a man. My brother, on the other hand, has to protect my safety. These are the values that have been embedded in my family. Men have the priority and must be respected while women have to be protected.**

**Even in school, the *ustazah* (female religious teacher) almost always emphasized that men were the leaders of the family. The responsibility to earn a living and support the family financially lies on the shoulders of the husband. The wife's responsibilities are to manage the household chores and take care of the children. ”**

Safia, originally from Somalia but now living in Canada, talks about her father as pro-feminist and supportive of women's education and independence, but says:

**“ When I was little I knew that my dad was the authority, since he was the breadwinner, although my mum also worked as a nurse. It was a 100% Muslim country and automatically it was the father who would take care of the family...I never questioned that since in my culture that was normal; it was a patriarchal society and the man was at the top. ”**

**Men use their roles as authority figures in many ways: to control family assets, to maintain what they considered to be their own and the family's honour, to control women's movements and to consolidate power.**

Rafia from Bangladesh was influenced by the egalitarian relationship of her parents and by male and female role-models in the literature she read. After her father died from a sudden heart attack, Rafia witnessed her two older brothers fighting both for assets and for authority within the family because they felt that a man should be the household's natural head.

Nasibah from Iran has always felt dominated by her father and the controlling role he plays in her family. She notices how he views men and women differently, that "women's word is not worth anything (but) men's word is worth listening to", that her mother "does not dare object", and that "he doesn't care what you say because he is a man and you are a woman". She would like to get married, and sees marriage as a way to escape from her father's authority, but her father, as *wali*, will not give his consent. She reflects: "Getting married is a misfortune for many women but not for me, as I have limitations now living under my dad's domination."

Sara from Egypt feels that her father needs to maintain control over her, even as she becomes more independent:

**“My relationship with my father is full of ups and downs, and the more spaces I gain in terms of my independence the more he becomes violent. It never develops to physical violence, but he is aggressive and violent verbally. He wants to demonstrate that I won't be accepted within the family with the lifestyle I am adopting. He really cares about his social image and my behaviour defies that image.”**

**In many of the stories, men considered to be women's guardians did not serve as the protectors of the women and girls in their lives. Instead, the women and girls were subject to abuse and challenges—both from the outside world and from the men themselves—while the 'guardians' stood idly by.**

Ranu from Bangladesh was not protected by her father, her stepfather, her uncles or either of her husbands. Her father allowed her stepmother to be abusive towards her and her sister, and then tried to abandon the girls. Ranu found a job as a domestic worker and her employer arranged a marriage for her. She found out later that her husband had several wives in different places, and he repeatedly abandoned her. Her child was taken from her by the family whom she had trusted to care for him while she worked. When her husband reappeared, she took him back and fell pregnant again. And then he disappeared for good. Ranu narrates:

**“I was in a complete state. I had lost my child, was abandoned by my husband again and was living in the slum, pregnant and alone. My pregnancy prevented me from taking up a job. At night, men would bang on the door, throw rocks at my window. During day time when I went out, they would make vulgar propositions and say bad things to my face. I decided I had to marry again. I needed protection. The child I was carrying would have to have a father.”**

Shafira from Indonesia suffered after her mother died when she was six and then her father died when she was 13. No one stepped up to be her guardian. Although she lived with an uncle and aunt, they treated her like a housemaid and not as a peer to their five children. She had to do heavy housework in addition to her studies, and her uncle did not provide clothes, uniforms, textbooks, etc.

All of the resource persons in Nigeria were subject to child marriage, with their guardians marrying them off for money or power rather than protecting them.

**At the same time, some of the resource persons talked about or implied that they wanted or needed a man or a male authority figure in their lives for protection, even if the men did not fulfil those responsibilities.**

Sultana from Bangladesh felt a need for male protection several times in her life. After her father died, she and her teenage sister were harassed because they had no male guardian. Later, Sultana needed to rely on her employer to help arrange both her marriage and then her divorce.

Samina, who is originally from India but eventually settled in Canada, found that she needed male protection when she was trying to run a beauty centre as a divorcee:

**“There were these police guys who would come to the centre and insist that the women do massages for them. We were all women at that centre and I felt very insecure. I felt the need for a man to protect me. And I guess I thought, here is this man who likes me and if I marry him I would have that security/protection/respect of a married woman, and not be a divorcee whom men want to take advantage of.”**

Nisrina, an Indonesian migrant worker who worked in Saudi Arabia three times, was physically and sexually abused by several male employers, and then was

cheated by an older Saudi man who married her, spent a week with her and divorced her three weeks later. Yet she longed for the companionship and protection of a husband:

**“I hope God would forgive me and forgive everyone who believes in Him. I hope God would not punish me; I hope I will find a husband—a Muslim who can teach me religion. Those are my hopes now. To have someone who will always protect me, someone who can shower me with love.”**

Ranu from Bangladesh, as quoted above, decided she needed to marry again to gain protection for herself and her unborn child.

## **Generational Forces: The Influence of Parental Relationships on Children**

One common thread throughout the stories, regardless of country, age or class of the resource persons, was how the dynamics of parental relationships—positive or negative—had a strong impact on the resource persons' lives and choices.

**Several of the resource persons pointed to the egalitarian relationships of their parents as inspiring them to strive for egalitarianism in their own marriages.**

Rafia from Bangladesh spoke of how her parents considered themselves equals and shared everything with each other. They treated all of their children with equal love and respect, both emotionally and materially, with her father often stating that all of the family's property must be divided equally among the children. Their relationship was a model for Rafia of how husbands and wives should interact with and treat each other.

Naeema, whose family emigrated to Canada from Pakistan when she was 11 years old, talked about how her parents were open and accepting and shared decision-making. Her father supported her mother in her studies and work, and her father supported both his male and female children in their studies. She says of her parents:

**“As for decision-making, I would say it was done jointly. So, for example, when they were buying a house, both my parents went to see the house and my father took into**

**account what my mother thought. The decision-making was done together. ”**

Naeema thus thought nothing of working and supporting her husband and sharing responsibilities with him through the seven years that he was studying. Because of her upbringing and the influence of her parents' relationship, she was shocked when, less than a year after he began earning, her husband asked her to stop working outside the home and said "as your husband you must obey me."

Murti from Indonesia has been supported by her parents throughout her life, which has allowed her to believe in herself, take strong stances and have enough confidence to take on leadership roles within her community and eventually as village chief.

Lola from Malaysia shared that her parents both contributed to the household income, with her mother primarily supporting the family from her work in the private sector and her businessman father bringing in irregular income from his government contracts. Her father's flexible hours meant he would pick the children up from school, cook and work with the children—boys and girls—to clean the house. When her brother's friends made fun of the fact that he washed dishes and cleaned the house, her father told her brother he should be proud of shouldering the equal responsibility. Lola and her husband followed her parents' model, with both contributing income and sharing household chores.

**Several of the resource persons whose mothers were married at young ages reported that this influenced their own lives and ideas on marriage.**

Noreen from Canada explained that her parents had an arranged marriage, and a 25-year age gap between them. Noreen's mother helped her father build the business, working alongside him night and day, and was a real partner to him. But the age difference impacted on their relationship, with her husband always in control and always expecting his young wife to wait on him. Noreen says:

**“I told you all that because it's important to know who I am. Because I am them. So I am a bit of a martyr. I am somebody that wants to do everything. I want to be my husband's partner, be that partner that he needs. My marriage is so different from my mother's, so equal, so much better. ”**

Murja from Nigeria narrates:

**“My mother was forced to marry my dad at the age of 14 and was so unhappy that she wasn't an easy person to get on with. She gave birth to me when she was 15½ years old. Her requests for a divorce never yielded results, so when she threatened to walk out of the marriage and showed it by packing her things, she received her divorce letter. She wasn't allowed to take me with her.”**

Murja grew up with little contact with her mother and was also forced to marry at a young age. But when Murja remarried after divorce and had to send her young daughter to live with a relative, she made sure the daughter knew her side of the family so that she and her family could continue to support her daughter despite not having custody of her.

**In a few cases, parents' relationships influenced how resource persons approached marriage and divorce.**

Amina from Canada shares that her parents' divorce when she was 15 had an effect on her thinking about her own marriage:

**“My mother's marriage ended when I was 15. I remember her saying, not to me, but to other women, how it was important for women to have their own financial resources, because if this kind of thing happens, you're going to need it...And I remember thinking I'm not going to have to worry about that, because my life is going to be different.”**

Amina's marriage was up and down, and she finally decided to leave after her husband married a second wife and she realized how differently she was treated as a convert. She was also fearful that he would marry their daughters off at young ages. So she packed their things and left, after not having worked in years and with only a fraction of the *mahr* she had negotiated. She found herself in the exact situation her mother had warned about.

Relationship anxieties passed from parents to resource persons, but also from resource persons to their own children. Asih from Indonesia had an unhappy childhood, with a strict, domineering mother and a father who did not always act in her best interests. Asih was pushed to marry before she was ready because her younger brother wanted to marry and custom dictated that older

siblings should marry first. But her marriage grew increasingly hostile, with huge screaming arguments and her husband throwing and destroying furniture. Once they had a son, Asih became concerned about the effect of these arguments on him:

**“My son often saw us fighting, from when we screamed and yelled at each other to the physical abuses. L. often threw things at me, and I remember L. tried to strangle me...Since then my son became a quiet kid and very introverted. His face often looked sullen and he rarely laughed even when he saw something funny. This was because of the trauma from witnessing all the violence. I consulted a psychiatrist who said that with time and maturity, his personality would change by itself. Thank God, now he has shown progress and has started to be more open.”**

**As discussed previously, several of the resource persons discussed how their parents' polygamous relationships influenced their views on polygamy and the roles they felt they needed to play in their marriages.**

As recounted above, Shafira from Indonesia felt that her life changed dramatically when her father married a second wife, and Lola from Malaysia was influenced by her grandmother, who felt devastated and betrayed when her grandfather married a second wife and gave her some of their marital assets.

Adu from the Gambia shares:

**“I am from a Muslim family. My father was a polygamist when my mother married my father. My mother was taken advantage of and abused. This showed that my father has not been fair. I vowed not to marry a man who has more than one wife.”**

## Questions about Identity

Many of the stories demonstrate the tensions resource persons experienced because of conflicts they perceive between religious, state, community, family and personal expectations, values and priorities. Women are subject to multiple contradictory ideas about how they should act, dress, think and feel, and have to sort through rulings from religious leaders whose opinions sometimes differ one from another. They also have to deal with state laws, regulations and incentives, whether secular or religious; community and cultural attitudes and



gender dynamics, made more complex based on who the subject is (age, sex, marital status, convert, etc.); family needs and objectives; a woman's own understandings of her faith; and her own hopes, desires and aspirations. These are compounded by socioeconomic conditions and situations, and what needed to be done for individual and family survival.

**While tensions related to identity were more explicit for resource persons in minority communities in the UK and Canada, they could be seen in stories from most of the countries.**

Rafia from Bangladesh felt conflicted about her life circumstances because of the tensions she was experiencing on many fronts: her belief in egalitarian relationships, based on her parents' model, versus the tussles for authority she witnessed between her brothers; her internal conflicts between wanting to be independent and wanting to be taken care of; and tensions about whether she should pursue divorce and live as a single, childless woman, or stay in an unhappy and unfulfilling marriage where she was taking care of her husband financially and emotionally.

Amina, a convert from Canada who married an Arab man, experienced confusion and questions when her parents divorced during her teenage years, which led her to seek answers in different faiths and her conversion and marriage into an immigrant community at the age of 19. Throughout her 25 years of marriage, she felt divided between her personal, national and religious identities; her own understanding of Islam and what the community, religious leaders and her husband told her to believe; cultural differences and discrimination she felt against her as a convert; her own personal needs; and what she felt her children needed.

Most of the Malaysian resource persons struggled to define their roles for themselves even as families and communities set out ideals for them about when and how they should marry and relate to their husbands. Going against the norm meant risking community censure or at the very least not getting any support. For instance, Nadia reported that after her father married a much younger second wife, her mother, though attractive and fashionable with a stable and well-paying job, felt embarrassed to be a divorcee and too old to change her life completely. So she accepted the polygamous relationship. Mimi, who eventually asked for a divorce four years after her husband married a second wife, went on to have a successful career and provide support for single mothers, but she still questions what happened:

**“ Sometimes I wonder what I have done wrong that he had to look for another wife. I had given him four beautiful kids. I never betrayed him. I was always supportive of his career. Why did he do this to me? Why? Until today, I wonder, was she better than me? ”**

Nijat, a third generation British Pakistani, continually questions her role and identity within her family and community. Nijat’s mother was raised in Britain but was sent to Pakistan to marry; her mother and father then returned to the UK so he could finish his studies. Nijat, the only girl of four children, faced different expectations and boundaries than her brothers from an early age. Her mother protected her from early marriage in Pakistan, and she was allowed to get an education and work to earn money for her family. Her job with a call centre helped increase her self-esteem. She is now older and not yet married, and vacillates between wanting a husband and family and wanting respect for her accomplishments as a single woman.

## Pathways to Equality

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While many of the resource persons who shared their stories have had difficult lives or life experiences, the women cannot simply be reduced to a group of victims. What is most incredible about the stories is that these women have survived and found ways to care and provide for themselves and others, and many have overcome their difficulties to thrive and even help other women thrive.

We found three interconnected ways in which the resource persons overcame difficulties and worked to build strong and independent lives for themselves. First, many of the women, while telling their stories, emphasized the ways in which they learned through their experiences and developed a critical egalitarian consciousness that could inform their future decisions. Second, some of the women who faced difficult life situations managed to pivot from the difficulties to develop more empowering lives, even if they sometimes had to make a bargain with patriarchal structures based on *qiwamah* and *wilayah*. Third, some of the women were able to proactively foster nurturing and egalitarian relationships with their partners despite social and religious norms that promoted unequal gender relations.

## Development of a Critical Egalitarian Consciousness

Many of the resource persons developed and grew as individuals through their experiences, and accordingly made choices in how they navigated their relations with different structures of authority, including parents, siblings and extended families; religious and legal authorities and norms; and other institutions in society. This, in turn, had an impact on their future experiences .

Most of the resource persons initially accepted and relied on information and ideas conveyed to them by dominant sources of authority, whether at home, in religious settings, at school or elsewhere in society. But some experienced a change in awareness and understanding, sometimes through formal education but often only after difficult or painful life experiences where they began to question what they saw around them. These shifts are exemplified in the reflections of the resource persons and the ways in which they carefully considered the prevailing patterns of authority and knowledge. Depending on their experiences, they sometimes resisted or rejected traditional sources of authority, or even began to build new understandings on their own. Many of the resource persons shifted from passive participants in their stories to active seekers of knowledge who could choose where they were going.

**This type of development could be seen in the life stories across the countries and regions that were part of the project, despite huge differences in culture and context. Through formal education or informal access to knowledge generally and religious knowledge in particular, women grew in their ability to think, question and make informed decisions about their lives.**

Safia, who is from Somalia but now lives in Canada, first learned about religion from her maternal grandmother in Somalia, who became the spiritual leader of a Sufi order. She built a school for women from which nearly 5,000 women have graduated, which Safia said "showed us that women can do anything." Her grandmother's influence impacted on her own life, as it made her value the importance of learning and taught her to question ideas instead of just accepting them as 'truth'. Safia reflects about her grandmother:

**“She had her own business, she ran schools and a place where women could come and get information on religion. She showed them that male interpretation of the Qur'an is different from the way women would interpret it. She would do this by inviting male**

**religious scholars, Sufis and women to debate one another. The women would ask the men why they had to do this or that. It was amazing the way they opened up.**

**My grandmother not only learned how to read the Qur'an literally, she also learned how to interpret it and understand its deeper meanings. She went to Yemen for two years to study the Qur'an. My grandmother also spoke Arabic very well. She understood that what the Arabic language says and what the Arabic of the Qur'an says are two different things. She found out a lot of things that women never learn. Most scholars use the *hadith* to give us explanations and rationale. However, most of the *hadith* are from men and interpreted by men.**

**She also told us about polygamy and that when Ali (cousin and son-law of the Prophet) wanted to marry another woman, the Prophet got angry and said, 'First you will divorce my daughter.' (That) means that unless the husband could treat the multiple wives equally, the Prophet did not allow it. And the Qur'an itself says, 'And we doubt that you can do that', but people do not quote this part; they only talk about multiple wives. ۞۞**

For Amina, a prominent Egyptian psychoanalyst and human rights activist, education was a key element in her path to empowerment and her career. Amina was heavily influenced by her grandmother. She was not allowed to go to school, so she paid her male siblings to teach her what they had learned. Like her grandmother, each step of Amina's journey was affected by her gender. Amina's father didn't feel it was necessary for girls to go to school because they would just become housewives; Amina and her sister were able to attend only because their mother insisted. Amina's father promised she could go to university if she passed her exams, then refused to honour his promise. So Amina went on a hunger strike until her father relented. Her father would not let her live in a hostel, so the whole family moved to Alexandria for her to attend university there. When she wanted to pursue a Master's degree in France, her family would only relent if she married first. In each step of her education, Amina's eyes were opened to the world around her, but also to her relationships with authority in her personal life.

Murti, the village chief from Indonesia, talks about her own education and how she uses that as a model for her children's education:

**“ I raised and educated my children the same way my parents raised and educated me. There was some advice from my parents that I will never forget. My parents often said that it doesn't matter how poor we are, the education of our children should be the number one priority. Never treat your sons and daughters differently in any aspect of their lives because everyone should be treated equally. Never control your children but let them make their own choices instead. As parents our task is to encourage and help them to make the best decision, especially when our children start to enter adolescence and become adults. ”**

Amina, a convert from Canada, married her Arab husband when she was still quite young. She observes that her personal and religious development took place throughout her very difficult marriage. Her experiences with a domineering husband, combined with the fact that she was introduced to Islam as a literalist and oppressive religion, robbed her of any sense of self or autonomy. But at the same time, she sought out literature on Islam so she could learn more about her new faith. As she faced more significant problems and questions about her marriage (namely her husband's polygamy), she began to read more books and articles that opened her eyes to a wider range of ideas about Islam. She says of the books, articles and Internet posts:

**“ They were written by believing Muslims, but they took critical approaches to ideas that I had read and been told were beyond question. In a sense, they gave me permission to ask my own questions. ”**

Through seeking knowledge and developing a critical consciousness, Amina was able to find her own path as a believer and as an independent woman without the oppression or subjugation she originally experienced.

Sinta of Indonesia survived two difficult and abusive marriages. But the marriages and divorces did not ruin her. As she navigated her way through these marriages, she continued to learn about her religion and question common assumptions about gender roles. After her second divorce, she decided to use her experiences to prevent this from happening to other women. She looked back to her upbringing in an Islamic boarding school and started to build an Islamic discourse on gender justice, equality in Islam, that Islam did not teach us to commit violence, that we should share our experiences, and the importance of husbands and wives working together in the family. She now teaches the Qur'an and speaks on women's rights, domestic violence and the importance of

harmony in marriage, and she has built and runs a *pesantren* (Islamic boarding school) for girls.

## Empowerment after Difficulties

**While many of the resource persons have had difficult lives and have faced significant challenges, it is incredible how some of these women, despite the challenges and injustices, are able to make choices and take steps to overcome their difficulties and forge lives where they experience dignity and respect.**

Mimi of Malaysia eventually decided to divorce her husband four years after he took a second wife. Her divorce was devastating to her, leading her to question her self-worth. Yet Mimi took her weakness—her divorce and life as a single mother—and used it as a base from which to start an association for single mothers to help them navigate their way. She said the women would share their stories, listen to one another, support one another and try to motivate one another. “We became like a family, helping each other.”

Many of the resource persons from the Gambia are in leadership positions: Maimuna and Fama have leadership positions within their villages, Kumba is a businesswoman and Anta is a well-educated nurse and community leader who is active in politics.

Natoma from the Gambia married at an early age and divorced when her husband decided to take a second wife. She then agreed to marry a rich and influential chief as his third wife, negotiating conditions such as living in a separate compound from the other wives, which is rare in the Gambia. She used this comfortable perch to pursue leadership positions, such as a role within the ruling political party, coordination of a regional adult literacy programme and playing a role as a trusted and influential advisor in her village. She realized she needed to be married in her society, so manipulated the patriarchal structure of polygamy to achieve her leadership potential.

Nawa of Indonesia was infected with HIV by her husband, who was a drug user. Since his death, she has built a new life for herself and her daughter, who is also HIV-positive, and empowered many others at the same time by working with prominent HIV and AIDS organizations.

Nurul, also of Indonesia, has lived through three marriages and abandonment by two husbands. Instead of crumbling, she took on the role of head of household

and main breadwinner for herself, her daughter and her parents, and became actively involved in an organization for rural female heads of households, where she helps other women through her role as a paralegal.

## Egalitarian Relationships

**Several of the resource persons shared how they and their husbands decided to base their relationships on equality and mutual respect. To a large extent, this required a conscious decision on the part of both spouses and a commitment to discuss issues when they arose.**

Noreen from Canada is extremely happy and content in her marriage, which she views as a partnership of equals despite the traditional roles they often play:

**“My marriage is so different from my mother’s, so equal, so much better. I found such a good man...My husband is my partner, so we share expenses...I contribute to the household financially but my husband makes more money than me. It’s significant, what I contribute, sure. But it’s not just the money you bring in, it’s the support you give, the attention to the team. And it’s also, of course, about my own self-worth. It’s about me feeling like I’ve contributed, that I’ve used my brain...When it comes to disagreements, we work things out together. When it comes to sexual relations, he has never forced me; it’s a healthy relationship.”**

Murti of Indonesia met her future husband, an Army non-commissioned officer, when she was active in the village youth, sports and arts organization, an experience through which she said “I began to understand better that the positions of women and men should be equal in all fields. From here I also understood that how my parents treated us and what they taught us were indeed how it was supposed to be.” She found her future husband to be friendly, sociable, open-minded and said they thought alike. They lived in a military barracks, where Murti continued to be active in arts and sports groups and learned from the other families around her. After her husband’s retirement, they returned to their home area and she was elected village chief of her village and he was elected village chief of another village. Her husband supported her in the election process and in her leadership role.

Yama of the Gambia is now 78 and has been the village head since her husband passed away. She says that her husband was kind and honest and they worked

together side-by-side on their farm. She has only one biological child but has taken in many other children and raised and supported them.

Murja of Nigeria was forced to marry her first husband when she was 14 and he was 28, and had a miserable marriage. After her divorce, she was able to go back to school, where she met her second husband. His encouragement and support contributed to her success in her exams, and he is supporting her furthering her education. They are happily married and have two children.

Lila from Canada had an extremely abusive and controlling husband in her first marriage. She reflects that her second marriage is “equal and just” in that she and her husband are choosing some traditional and some not-so-traditional gender roles, and her husband is very sensitive regarding consent and power. She says:

**“He’s very, very sensitive to not abusing his privilege. I think this is the thing that a lot of men don’t have—they’re not aware of the privilege that they have, that they do these very small things that they don’t realize are letting us know that they’re in charge. And even in a supposedly gender-equal culture like Canadian secular culture, nevertheless, men have these patriarchal norms and they let women know in subtle ways that they are the boss.”**

Nadia from Malaysia and her husband have consciously tried to build an egalitarian relationship, sharing responsibilities as members of a household instead of dividing responsibilities based on roles as husband or wife. They both contribute to household expenses based on their abilities and they share household duties. They try to teach this perspective to their children as well.

## Conclusion: Building Egalitarian Marriages

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The excerpts above only skim the surface of the 55 life stories documented in this project. But what do we take away from the stories to promote stronger and healthier families and individuals?

The dominant model for most Muslim marriage contracts, which is founded on the concepts of *qiwamah* and *wilayah* or men’s authority and guardianship over women, often does not serve the needs of families today. The resource persons’ stories show incredible levels of unhappiness and great disconnects between the logic of marriage contracts in Islamic jurisprudence and Muslim



family laws against reality, and between gendered expectations about family responsibilities and how family units actually function. This model is not a sustainable way to promote happy, healthy and stable families. The stories that show stable and tranquil families are those in which husband and wife have made a conscious commitment to build a marriage on the basis of partnership.

For many resource persons, little consideration was given to the marriage contract, its elements, the possibility of inserting stipulations, and whether the women gave their consent to the contract and were aware of what it entailed in law. This occurred for different reasons in different countries and situations—confusion over the utility and terms of a contract, lack of concern for spousal rights, the focus on the symbolic nature of marriage instead of legal rights, the informal nature in which many marriages are contracted, etc.—but was fairly consistent for all. For instance, Shadiya from the United Kingdom narrates:

**“The initial consent to the proposal was given by me—which really wasn't consent, just going along with what I was expected to say—but after that I had nothing to do with anything. My family and his family made all decisions. They decided the *mahr* and they decided the way the *nikah* would take place. I was expected as a bride to sit there looking pretty, sign a document and nod my head. I was never told that I had a right to write my *nikah* contract and include things that were important to me; in fact it was hammered into my head that I had to be a good wife and take care of the *izzat* (honour) of my father and also now my husband. This was such a huge responsibility and I felt that the only way to take care of this *izzat* was just to go along with everything my husband and his family said, which is what I did in the first few years of marriage.”**

The current situation—the disconnect between theory and reality—calls for the revisiting of the model for Muslim marriage contracts. Pre-modern jurists understood Qur'anic verse 4:34 as placing a wife under her husband's authority and accordingly defined the rights and duties of spouses in marriage, but there are other Qur'anic verses related to marriage, alongside the Prophet's examples, that can and should guide marriage and spousal relations. How can we re-envision a new model for an egalitarian marriage contract that respects the Islamic framework and builds on the lived realities of women and men?

A way forward is to draw on the Qur'anic ethos and the Prophet's practice. For example, the premise of gender relations could begin with verse 9:71 of the

Qur'an: **"The Believers, men and women, are protectors one of another";** and the marriage contract could begin with verse 30:21: **"And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in *sakinah* (serenity) with them, and He has put *mawaddah* (love) and *rahmah* (mercy) between your (hearts)".**

As they reflected on their stories, some of the resource persons shared what they believed a Muslim marriage, relationship or family should look like in the 21st century. The following are some of their aspirations:

**“Ideally, my relationship with my husband should be equal, and we should recognize that we have different qualities, strengths and skills that we bring together to make things good for our children.”**

– Shadiya, the United Kingdom

**“In my opinion, an ideal family would be able to discuss things openly, where everyone's opinions are valued and everyone's opinions matter and everyone is valued equally.”**

– Nijat, the United Kingdom

**“I pray when all this is over, my children will be looked after and be given a good education...I tell them to be good, honest, responsible and trustworthy...My advice to men is they should treat their wives with love and compassion and understanding.”**

– Rashida, Nigeria

**“Marriage in Islam should be based on consent and respect for each other. Women should not be degraded or disrespected. Equality of Muslim men and women has been expressed in many areas to promote harmony and social cohesion...Everything requires dialogue and respect for each other's views.”**

– Adu, the Gambia

**“I want a marriage that brings serenity, love, and compassion (*sakinah*, *mawaddah* and *rahmah*).”**

– Shafira, Indonesia

**“ I promised myself to educate my three children to be the best kids they could possibly be, to always be respectful and appreciative to anyone regardless of gender, men or women. Also to instil values and principles that women and men are created equal, each has advantages and disadvantages to complement each other, not to hurt each other. ”**

– Murti, Indonesia

**“ I think that the spouses should decide how they are going to share the responsibilities. There should be no real definition of roles, such as, ‘I am the breadwinner, and you are this or that, etc.’ I just believe each person has their strengths. And I do not believe that strengths are defined by gender. It is possible that each has strengths in certain areas, and you should leverage that. Responsibilities should be shared depending on what the strengths of each person are. ”**

– Naeema, Canada

**“ I think more important than the roles is equal respect. Respect that the husband and wife give to each other is imperative...It is important to respect each other's opinions, differences, ideas and values—respecting them, not demeaning them. ”**

– Samina, Canada

**“ My husband and I do not think of our marriage in terms of the ‘responsibility of a husband’ and the ‘responsibility of a wife’—to us, it is the responsibility of a household. We try to break these boundaries—things that a wife should do and things that a husband should do. Marriage is about keeping things in harmony. We decided early on in our relationship not to have this concept of ‘your responsibility’ versus ‘my responsibility’. One cannot have equality in the house if we have this mentality. We are in it together. ”**

– Nadia, Malaysia

# Annex 1: Demographic Information

Story	Country	Name	Age	Education	Marital Status	Occupation and Work History
1	Bangladesh	Rafia	35	Master's degree	Married	College teacher and journalist
2	Bangladesh	Ranu	55	None	Married	Domestic worker
3	Bangladesh	Ruba	45	Primary education	Married	Worked in a Chinese restaurant and now runs a catering business
4	Bangladesh	Sultana	45+	None	Divorced / Single	Domestic worker and worked in rice fields
5	Bangladesh	Simi	35	Bachelor's degree from a university overseas	Divorced / Single	Entrepreneur and runs a family business
6	Canada	Naeema	59	Master's degree	Divorced / Single	Works in the public sector
7	Canada	Samina	48	Master's degree	Divorced / Single	Runs a centre for disabled children
8	Canada	Safia	50	Studying for PhD	Divorced / Single	Graduated in geology; studying for PhD
9	Canada	Amina	50	Master's degree	Divorced / Single	Full-time teacher
10	Canada	Lila	45	Doctorate	Divorced / Single	Community work and teacher
11	Canada	Kulsum	45	Doctorate	Married	Community work, teacher and writer
12	Canada	Noreen	50	BA and Teacher's degree	Married	Operates her own business
13	Egypt	Amina	74	PhD	Married	Psychoanalyst and international human rights activist
14	Egypt	Nadia	45	University degree	Divorced / Single	Worked in the service and tourism industry; event organizer in Dubai; ran business selling cars and now runs a taxi business.

Story	Country	Name	Age	Education	Marital Status	Occupation and Work History
15	Egypt	Sara	27	University degree	Single	English instructor and currently works in a women's rights NGO
16	Gambia	Natoma	45	Primary education at Arabic school	Married	Farmer and local and regional women's political leader; runs the adult literacy programmes and is involved in advocacy work against the practice of FGM
17	Gambia	Fama	50	Primary and secondary education at Arabic school	Married	Farmer, petty trader, businesswoman, female community leader and regional representative of GAMCOTRAP and NAWFA
18	Gambia	Maimuna	51	Completed nursing school	Widow	Midwife, first female <i>Alkalo</i> (village head) elected in the First Republic, is currently a retired farmer and does community work
19	Gambia	Penda	52	None	Widow	Farmer in rice fields and female local leader involved in advocacy work against the practice of FGM
20	Gambia	Anta	57	General Nursing certificate	Widow	Midwife, councillor in the local government structure
21	Gambia	Sally	73 (passed away in 2015)	Graduated from Yundum College	Divorced	Head teacher, first female candidate elected to Parliament in the First Republic, public relations officer at the National Women's Bureau

Story	Country	Name	Age	Education	Marital Status	Occupation and Work History
22	Gambia	Adu	59	Graduated from the School of Public Health	Married	Worked in the public sector, journalist, politician, human rights activist and founder of an NGO
23	Gambia	Kumba	37	Graduated from the Gambia Technical Training Institute	Divorced	Worked in the public sector, in banking, in shipping agencies and now runs her own business and campaigns against the practice of FGM in her community
24	Gambia	Yama	78	Attended Qur'anic classes until the age of 10	Widow	Farmer, held the position of <i>Alkalo</i> (village head) and helped raise awareness about the harm of FGM; now retired
25	Gambia	Mariam	76	None	Widow	Political figure, national councillor at the Women's Bureau and led a major campaign to end the practice of FGM
26	Gambia	Binta	57	Graduated from Indiana University (USA)	Married	Worked for several UN agencies, the US embassy, Amnesty International, and opened a school to fight against child abuse
27	Gambia	Kaddy	32	Graduated from the Gambia Technical Training Institute	Married	Former circumciser, petty trader, but now active in campaigning against the practice of FGM and works with an NGO
28	Gambia	Hawa	36	None	Divorced	Petty trader
29	Indonesia	Sinta	41	Formal education through first grade at Islamic junior high school plus informal religious education	Divorced	Religious teacher and leader, former chairperson of Fatayat NU for the district office, and now runs an Islamic boarding school ( <i>pesantren</i> ) for girls

Story	Country	Name	Age	Education	Marital Status	Occupation and Work History
30	Indonesia	Nisrina	36	Elementary school	Divorced	Babysitter, petty trader, farmer, migrant domestic worker in Saudi Arabia and currently unemployed
31	Indonesia	Nurul	43	High school	Divorced	Farmer, weaver and is involved with an NGO
32	Indonesia	Murti	58	Junior high school	Married	Held the position of village chief for seven years and is now chairperson of a peasant group, while being active in an NGO
33	Indonesia	Asih	43	Graduated from college	Divorced	Working as an education and training staff member at an NGO
34	Indonesia	Shafira	42	Senior high school	Divorced	Kindergarten teacher
35	Indonesia	Nawa	27	Senior high school	Widow	Involved with various organizations that advocate for HIV prevention to end AIDS and is now project assistant at an NGO
36	Indonesia	Amalia	33	Islamic boarding school	Divorced	Domestic worker
37	Indonesia	Nadira	57	Junior high school	Divorced	Knitter, assistant to wedding organizer, cashier in a billiard house, petty trader and now works with an Indonesian government agency
38	Iran	Elham	34	BA in French translation and a year of graphic design	Divorced	Teacher, travel agent and now a fashion designer who runs a dress design shop in Tehran
39	Iran	Zahra	31	Graduated from medical school	Ongoing divorce	Pursuing studies in the United States when the story was documented, then the interviewer lost contact with her

Story	Country	Name	Age	Education	Marital Status	Occupation and Work History
40	Iran	Nasibah	18	Some courses in an informal education centre	Single	Still studying while seeking a job when her story was documented
41	Malaysia	Nadia	32	BA	Married	Writer and editor
42	Malaysia	Mimi	70	English secondary education up to Form Five	Divorced	Worked in the Education Department and is currently involved in helping single mothers
43	Malaysia	Mawar	40	Secondary education up to Form Five	Married	Worked in a factory, farmer (watermelons and rice) and is now a rubber tapper
44	Malaysia	Wati	34	Secondary education up to Form Five in a religious school	Married	Clerk in a factory
45	Malaysia	Lola	36	Bachelor's degree	Married	Journalist
46	Nigeria	Salamatu	16	Enrolled into both religious and formal schools for a couple of months	Divorced	Petty trader ( <i>kuli-kuli</i> ) and babysitter; went back to her village and the team lost contact with her
47	Nigeria	Hauwa Balarabe	50	Primary education	Married	Child labour, exploitative work environments and is now a migrant domestic worker
48	Nigeria	Rashida	35	Secondary education	Divorced	Returned to school to pursue her education, was volunteering with community work and now has a fulltime paid job
49	Nigeria	Murja	35	Enrolled into secondary school after her divorce	Married	Pursuing her education and wants to go to the Federal College of Education in Yola
50	Nigeria	Safiya	41	None	Married	Child labourer, petty trader, domestic worker, small-scale trader



<b>Story</b>	<b>Country</b>	<b>Name</b>	<b>Age</b>	<b>Education</b>	<b>Marital Status</b>	<b>Occupation and Work History</b>
51	Nigeria	Zainab	40	None	Married	Child labourer, salesgirl, petty trader and tailor
52	United Kingdom	Rafeeqa	46	Employment -related professional development courses	Married	Currently working in a women's refuge
53	United Kingdom	Nijat	32	Graduated in both health and education studies	Single	Worked in a call centre and is now a sales manager
54	United Kingdom	Sumera	55	Employment -related professional development courses	Married	Currently working as a civil servant
55	United Kingdom	Shadiya	38	Postgraduate Diploma in Community Leadership and Volunteer Sector Management	Married	Independent community educator

# Annex 2: Glossary of Key Terms

Many of the terms used in Muslim family laws and practices are transliterated and/or translated from Arabic words. Because transliteration styles differ, different spellings for the same term are used in different places. Two common examples are *Shari`ah / Sharia / Shari`a / Shariat* and *qadi / kadi / Kadhi / quazi / qadhi*.

For ease of reading, we have opted to use a single transliteration for each term consistently throughout the report (e.g. *Shari`ah, qadi*), except in formal usage specific to a particular country or context (e.g. Syariah Court, Kadhis' Court). This in no way implies that there is a 'correct' way of spelling any given term.

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**'adl:** Justice.

**ahkam:** (plural of *hukm*) Legal rulings.

**bulugh:** Age of puberty, once a girl or a boy reaches sexual maturity.

**Da'wah:** (lit. making an invitation) The preaching of Islam.

**fiqh:** (lit. understanding, knowledge) The science of understanding *Shari`ah*; also used to refer to the huge amount of literature produced by Muslim jurists.

**hadith:** (lit., report, account, statement) In the Islamic tradition, a *hadith* is a report about what Prophet Muhammad said, practised, approved or disapproved. A *hadith* report consists of two parts; the first gives a list of narrators of the report and the second part the text. The jurists and the collectors of *hadith* differed in their criteria about the normativity of a *hadith*.

**haram:** One of the five categories of *Shari`ah* connoting that which is forbidden or sinful.

**'ibadat:** A category of *fiqh* rulings that deals with ritual and spiritual acts.

**'iddah:** (lit. counting) Waiting period that a woman must observe before she can remarry of about three menstrual cycles (for a divorced woman) or four months 10 days (for a widowed woman).

**ihсан:** Kindness.

**izzat:** (Urdu) Honour.

**jinn:** (female *jinnia*) Invisible being.

**khul':** Divorce by redemption initiated by the wife, generally through payment or compensation to the husband.

**ma'ruf:** A Qur'anic concept that refers to that which is commonly known to be right and just.

**mahr:** Dower, or the goods and/or cash due from the groom to the bride as part of the marriage contract. It may be given at the time of the marriage ceremony or promised to be paid at a later date or be paid upon divorce or the death of the husband, or divided into prompt and deferred portions.

**mawaddah:** Qur'anic concept that means love.

**mu'amalat:** A category of *fiqh* rulings that deals with social and contractual acts.

**nafaqah:** Maintenance of wife during marriage, and, if she is divorced, throughout the *'iddah* period, including shelter, food and clothing.

**nikah:** Literally, act of coitus, sexual intercourse. The term is commonly used to refer to marriage.

**nushuz:** Marital discord caused by either spouse.

**qadi:** An Islamic judge. A *qadi* is distinguished from a *mufi*, the former being a legal authority who is appointed by the state and thus represents the state. The ruling of a *qadi* is binding for the parties and is enforceable; the *mufi* only gives advice, which is not enforceable in a court of law.

**qist:** Equity.

**qiwamah:** Juristic concept that sanctions men's authority over women. This concept entails a set of obligations for men and women in marriage: men are supposed to provide for and protect women and children; women in turn must obey men.

**rahmah:** Qur'anic concept that means compassion.

**rushd:** The age of legal majority, when a girl or a boy acquires the legal capacity to enter into contracts and reaches the intellectual maturity to handle her or his own property and affairs.

**sadaaq** (or **sadaqah**): Dower (see *mahr*).

**sakinah:** Qur'anic concept that means serenity.

**Shari'ah:** (lit., water source, the way, the path) The path or way given by God to human beings, the path by which human beings search God's Will. Commonly misinterpreted as 'Islamic law', *Shari'ah* is not restricted to positive law per se but includes moral and ethical values and the jurisprudential process itself.

**Shi'a:** (lit. party or faction) Historically a branch of Islam whose followers are the majority in Iran and Iraq, with substantial minorities in several other countries.

**Sunnah:** (lit. the way or course or conduct of life). The term refers to the example of the Prophet Muhammad embodied in his statements, actions and those matters that he silently approved or disapproved as reported in *hadith* literature. *Sunnah* is acknowledged as a primary source of Islamic law after the Qur'an.

**talaq:** The term refers to the unilateral act that takes legal effect through the repudiation of the wife by the husband. This form of divorce, which is the most commonly practised, does not require the wife's consent.

**wali:** Guardian (for marriage) or the person who has the authority to contract marriage on behalf of the bride; this role is to be undertaken—according to some schools of law—by the father, paternal grandfather or other male relative.

**wilayah:** Juristic concept that refers to the right and duty of male family members to exercise guardianship over their dependent wards (female or male). This often translates into fathers having the right of guardianship over their daughters in contracting their marriages, and the privileging of fathers over mothers in guardianship of their children.

**zina:** Sexual intercourse between parties not married to each other.

# Annex 3: Tools from the Countries

Each of the country teams incorporated their documentation of life stories into their own national and local advocacy work, and developed tools for that purpose. These are some examples of the visual outputs that some of the teams produced as part of the project.

## Illustrations of *Qiwamah* and *Wilayah*, Indonesian Pilot Project

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**Nasab (family lineage)**



**Education**



**Akad Nikah  
(marriage contract)**



**Domestic Violence**



**Inheritance**

**Witness**





**Public Roles**

**Male Authority**



**Women's Economic Roles**

## Storyboards from Nigeria

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**Sample images  
taken from  
Safiya's Storyboard**

"Safiya given to her  
Aunt and husband."

"Safiya spends the  
day hawking goods."



"Safiya sets up a  
business to cater  
for her kids."



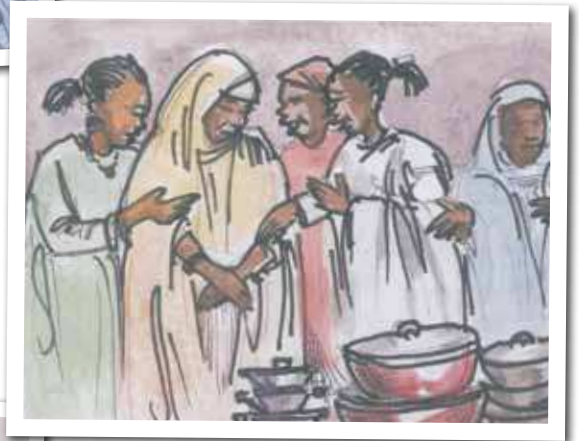
**Sample images  
taken from  
Zainab's Storyboard**

"Zainab doing some household chores."



"Mallam Baba refusing to collect his change from Zainab."

"Zainab finally married to Mallam Baba."



"Mallam Baba favours his new wife for giving him a baby boy."



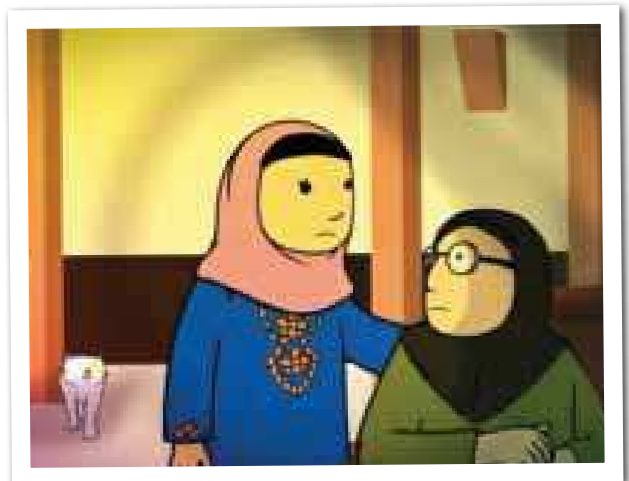
# Stills from Animated Films from Malaysia

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Animated film depicting equality in a Muslim marriage.

Animated film featuring 'Ustazah Adilah', who advises Muslim women on their rights.



Animated film about polygamy.

# Annex 4: On the Ground: Data, Trends and Stories by Country — References

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