Strategies of Resistance: Challenging the Cultural Disempowerment of Women
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Foreword

Culture is used as a tool of new forms of oppression of women, whether in its orientalist or occidentalist guise... Compromising women’s rights is not an option; the challenge before us is to respect our diverse cultures while developing strategies to resist oppressive practices in the name of culture and to uphold universal human rights standards while rejecting ethnocentric rulings. – Yakin Ertürk

Although patriarchal societies evolved in different times and places, a commonality they share is the use of ‘culture’ to justify the disempowerment of women. This has included women’s bodily autonomy, as well as their rights to conduct their lives as they wish, to own property and to participate in public life as autonomous individuals. In recent years, we have even seen this justification in the international arena, where member states of the United Nations claim cultural or religious freedom to deny women’s freedoms, and thus declare themselves exempt from international commitments to women’s human rights.

Yet, who are the spokespersons for the apparently mono-vocalic ‘cultures’ used as a fig leaf for disempowerment? Do women, girls, and members of sexual, ethnic, and religious minorities or subcultures also subscribe to an identical reading of the dominant culture? Does every individual in society hold identical beliefs and subscribe to identical customs? These are some of the questions which informed the project Women Reclaiming and Redefining Cultures (WRRC) and form the basis for this book.

WRRC seeks to address the nexus of control over women’s sexuality imposed through violence and exclusion from public arenas, to strategise around the assertion of women’s rights over body, self and public spaces as interconnected sites of contestation, and to challenge states and non-state actors who seek to manipulate these interconnections. It also seeks to build upon women’s indigenous strategies of resistance and to create connections between individuals and organisations working in different contexts, thereby enabling mutual learning and forging solidarity. WRRC is led by Women Living Under Muslim Laws, a solidarity network linking women in Muslim contexts in 70 countries, in partnership with the Institute for Women’s Empowerment, a multi-country organisation in Asia. Together, the two aim to develop sustainable strategies for women’s empowerment in culturally appropriate ways that are meaningful to women in their local contexts, both Muslim and otherwise.

Most of those involved in WRRC work in Muslim contexts in Asia and Africa, with some in other religious contexts. The project has brought together women and activists from eight different countries, creating a space where they can share their understanding of how culture has been used to legitimise women’s disempowerment, so as to develop strategies, individually and collectively, to mount effective and sustainable challenges in three thematic areas: inheritance and property rights, sexuality, and violence against women.

This book is an integral part of this project. It collects strategies used to advance women’s rights in the face of culturally justified disempowerment and examines their implementation in different contexts and in different thematic areas. To achieve this, narrators were chosen from amongst the members of each working group: Vivienne Wee for Women’s Inheritance and Property Rights; Shaina Greiff and Rochelle Terman for Stop Killing and Stoning Women (since renamed Violence is Not our Culture); and Ngozi Nwosu and Mufuliat Fijabi for the Sexuality working group. Each was asked to collect stories of strategies used successfully in her thematic area. While most stories collected were derived from the work of WRRC members, narrators also supplemented these with selected exemplary narratives from elsewhere. They researched the actions taken, analysed the social and historical contexts, and interviewed those involved.

The editor of this volume, Fatima Raja, then edited and organised the narratives into the ten strategies presented here, providing additional contextual analysis, identifying common themes, and discussing the similarities and contrasts between approaches to similar issues in different contexts. In a concluding chapter, the editor discusses how applications of particular strategies confront the cultural disempowerment of women. The editing and analysis was reviewed at several stages by Vivienne Wee and Roya Rahmani, and benefited from insights offered by Lin Chew, Febe Deug, and further information provided by other members of WRRC. Special thanks to all partner organisations for providing copyright for pictures used in this volume. Tristram Ariss of Ariss Design & Associates and Roya Rahmani have worked on design and layout of this volume. Vivienne Wee undertook the final editing and proof-reading of the page proofs.

This compilation is intended as a living resource, which will be amended and added to as women and organisations apply the strategies listed here to their own contexts, or try out new ones. It is, moreover, intended as a basis for exchanges, cooperation and solidarity, showing that women in very different countries and societies face similar forms of oppression, and that coordinated action is a vital form of resistance in a connected world.

Fatima Raja, Roya Rahmani and Vivienne Wee, on behalf of WRRC.
A. Introduction

Developing an international framework for women’s human rights

In 2000, the United Nations General Assembly adopted eight goals for international development to be achieved by 2015. These, the Millennium Development Goals (MDGs), set targets relating to the eradication of extreme poverty, primary education for all, and reduced mortality rates. While each MDG touches upon aspects of women’s well-being, the third (MDG-3) explicitly refers to the need to ‘Promote gender equality and empower women’.

The achievement of the other MDGs is predicated upon MDG-3: without women’s equal participation as informed, independent and empowered actors, the international community’s economic and social goals are unachievable.\(^1\)

A number of international agreements provide a framework for advocacy for gender equality and women’s empowerment. The Convention on the Elimination of Discrimination Against Women (CEDAW) came into existence in 1979, and commits its 180 member states to abolish discrimination in laws, establish institutions to protect women against discrimination, and eliminate discrimination by individuals, institutions and organisations.\(^2\) In 2000, an Optional Protocol to CEDAW created a mechanism for the committee monitoring compliance with the convention to conduct inquiries into violations of women’s rights.\(^3\) The Beijing Platform for Action (1995) sets forth commitments made by governments to enhance women’s rights, and progress on fulfilling these commitments is reviewed every five years.\(^4\)

The UN General Assembly has adopted a series of resolutions to intensify efforts to end violence against women.\(^5\) A set of UN Security Council Resolutions adopted between 2000 and 2010 form a framework for improving the situation of women in areas affected by conflict.\(^6\) Finally, on 1 January 2011, UN Women, an agency with the mandate to promote gender equality and empower women, came into existence.

Culture, religion and the disempowerment of women

Despite a number of international agreements, committees, conventions and statements, however, women face discrimination, violence and disempowerment everywhere in the world, and their movement, autonomy, right to property and control over their own bodies are limited or threatened.

A major reason for this is that culture, and its subset religion, are used to excuse or legitimise the disempowerment of women around the world, and are major contributors to its persistence and perpetuation. Disempowering forces argue that traditional practices and religious fiat mandate restrictions upon women’s rights, and argue that the concept of women’s human rights is an external concept with no indigenous roots. Restrictions manifest themselves in actual legal restrictions, or in the refusal to implement laws protecting the rights of women.

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\(^2\) The text and updated list of signatories, ratifications and reservations may be found at: http://www2.ohchr.org/english/bodies/cedaw/convention.htm.

\(^3\) The Optional Protocol to CEDAW and the list of signatures and ratifications may be found at: http://www.un.org/womenwatch/daw/cedaw/protocol.


Indeed, religion, culture and law are closely interlinked. As Ziba Mir-Hosseini writes,

Religious beliefs and practices are not only shaped by the cultural contexts in which they originate, function and evolve, but they also influence cultural phenomena. Law, too, not only controls behaviour but is shaped by religious as well as cultural practices; and all these beliefs and practices are in turn subject to relations of power – rulers, governments, structures of inequality...

In other words, we must recognize that laws and religious practices are not fixed, unchanging and uniform, but rather they are the products of particular social and cultural circumstances, and of local and wider power relations.7

This use of culture and religion to justify women’s disempowerment, and to defend unjust laws occurs at every level, from the individual to the national. In a report on violence against women presented to the UN General Assembly, the secretary-general observed:

Cultural justifications for restricting women’s human rights have been asserted by some States and by social groups within many countries claiming to defend cultural tradition. These defences are generally voiced by political leaders or traditional authorities, not by those whose rights are actually affected.8

Many are hesitant to denounce violations of women’s human rights that are being excused in the name of culture or religion, out of misplaced respect for diversity and cultural relativism. Conversely, some essentialise traditional cultures as inherently harmful, and human rights law as a means of eradicating harmful traditional practices.9 However, no society or cultural group is monolithic, though dominant groups may claim guardianship.10 Indeed, culture itself is fluid and variable, with room for competing perceptions and interpretations. As the Marxist thinker Antonio Gramsci writes about Catholicism, there “is in reality a multiplicity of distinct and often incoherent religions: there is one Catholicism for the peasants, one for the petits-bourgeois and town workers, one for women, and one for intellectuals which is itself variegated and disconnected.”11 Thus ‘culture’ as seen from the outside is often simply the dominant, or hegemonic, voice which overpowers multiple, subaltern voices.12 As Farida Shaheed, the UN independent expert on cultural rights, wrote in a submission to the UN General Assembly, “cultural diversity exists not only between groups and societies, but also within each group and society, and... identities are not singular.”13

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12 Farida Shaheed lists subaltern voices who may not accept or live according to prescribed normative behaviour, including minorities (e.g. ethnic or religious groups), individuals on the peripheries of society, and groups which consciously reject the dominant culture, in: Shaheed, Farida. “Violence against women legitimised by arguments of “culture”. Paper presented at the International Symposium on Due Diligence, the Responsibility of the State for the Human Rights of Women. Berne, Switzerland: 21–23 September 2005. A version of this paper appears in Benninger-Budel, Carin (ed.). Due Diligence and its Application to Protect Women from Violence: Koninklijke Brill. Leiden: 2008.

As Shaina Greiff asks, in the specific context of cultural justifications for violence against women:

[Are these practices really part of an ‘authentic’ cultural tapestry? Who is speaking for these ‘cultures’? Whose interests do they represent? Which cultures or cultural practices are at stake? And where are the voices of women themselves when it comes to cultural and religiously justified [violence against women]?

Nor is this use of culture a mere relic of history which will disappear with economic growth, education or the passage of time. Instead, ‘culture’ is constantly reinvented and religious tenets reinterpreted as tools to actively restrict women’s rights and legitimise their disempowerment. Thus challenging this use of culture as a justification for the disempowerment of women is an absolute prerequisite for the achievement of international goals to protect women’s rights and ensure just, sustainable development for all.

The rise of Muslim fundamentalisms

The late 20th century saw the concurrent development of a human rights framework and instruments to resist patriarchy, and fundamentalist religious forces which invoked religion – particularly Islam – to legitimise their own claims to power. The latter both cemented existing modes of disempowerment for women, and politicised new areas of personal life which had not heretofore been concerns of the state, such as women’s dress and sexual behaviour.

The rise of religious fundamentalism is rooted in a complex set of interrelated global and local factors. Muslim fundamentalisms, specifically, owe much to political factors such as the establishment of Israel, the rise of political Islamic movements to oppose autocratic regimes and Western power, and the politics of the Cold War and the War on Terror. These combine with the lack of agency caused by the experience of colonialism, the establishment of autocratic regimes, poverty and lack of opportunity, and the vision of an idealised past in which a perfect Muslim society coincided with growth and global power. Thus Muslim fundamentalisms are based on the utopian vision of a ‘return to Sharia’.

The term Sharia (Muslim laws), in Muslim discourse, refers to the concrete, lived manifestation of religious values, as “God’s will as revealed to the Prophet Muhammad”. This is distinct from fiqh, jurisprudence, which is “the human endeavour to extract legal rulings from the sacred texts of Islam”. Thus, by its nature, fiqh is human, fallible and open to reinterpretation, while Sharia is holy, immutable and cannot be questioned. Yet many Islamists present their reading of Muslim law, i.e. their fiqh rulings, as Sharia, closing the very possibility of debate and ending the diversity of thought characteristic of Muslim legal thought. For this reason, Ziba Mir-Hosseini argues, it is important to reclaim the term ‘Sharia’ from Islamists who apply it only to their own limited interpretations of Muslim laws, and thus claim them as divinely sanctioned and unchallengeable. Instead, she recommends using fiqh to denote variant interpretations of Sharia, allowing the Islamist reading no greater weight than any other.

At the individual level, the fundamentalist construction of a ‘good Muslim woman’ almost invariably denies her rights (including the right to own or inherit property as granted under Muslim law), autonomy and agency. Women who resist risk condemnation, abuse and threats or actual violence. Women at the margins, those belonging to sexual minorities, low income groups, widows and runaways, are particularly at risk.
**Women Reclaiming and Redefining Culture**

To address the use of ‘culture’ as a tool of women’s oppression, the Women Reclaiming and Redefining Culture (WRRC) project set out to develop effective strategies challenging and rejecting the ‘cultural’ legitimation of women’s disempowerment towards the achievement of MDG-3. Its primary emphasis was on women in Muslim contexts, with a secondary emphasis on non-Muslim contexts. The WRRC project is jointly led by Women Living Under Muslim Laws (WLUMeL), an international solidarity network with coordination offices in the UK, Pakistan and Senegal, and the Institute for Women’s Empowerment (IWE), a Hong Kong based non-governmental organisation which developed from an earlier research consortium on women’s empowerment.¹⁹

The key principles of the WRRC project are:²⁰

- MDG-3 can be only be achieved if existing structures of disempowerment are transformed.
- This requires countering disempowering forces which seek legitimacy by referring to culture, which normalises disempowerment as a component of culture, and puts it beyond criticism. It also offers an excuse for states to justify non-compliance with international human rights commitments. Thus strategies must be developed and tested to challenge the use of culture to legitimise women’s disempowerment.
- Muslim women live in a wide range of contexts, yet are regarded in much public discourse as a unique and monolithic Other, socialised to accept oppression. Strengthening alliances between advocates working in different contexts helps to discredit this construction.
- Priority areas include violence against girls and women, property and inheritance rights, gender inequality in employment, and lack of decision-making in public arenas.
- Thus strategies focus on the assertion of women’s rights over body (including sexuality), self (including issues of violence), and public spaces (including freedom of movement, speech and ownership of property).

Following these principles, the project aimed to benefit women marginalised by totalistic gender systems and intolerant political agendas that claimed to be sanctioned by ‘tradition’ or ‘religion’. The project both supported women who are engaged in struggles to resist the control of disempowering forces, and reached out to women who are particularly vulnerable to the impositions of such forces, e.g. non-literate women, rural women, women migrant workers and young women. By working to overturn disempowering constructions and their claims of ‘cultural’ legitimation, the project sought to expand the range of alternative points of reference available to women.

WRRC aimed to test and collect successful strategies to resist women’s disempowerment in three thematic areas: control over the body (the Sexuality thematic group), the ownership of land and access to resources (the Women’s Inheritance and Property Rights thematic group), and violence against women (the Violence is Not our Culture thematic group – derived from a pre-existing campaign²¹ to end culturally justified violence against women). Each thematic group engages both in discussion of means to resist the nexus of control over women through culture in various countries and contexts, and supports the development of locally appropriate strategies through funding and shared learning. Women and their advocates operating in a wide range of contexts developed indigenous strategies of resistance and formed links both within their communities and across national and cultural borders to learn from each other’s experiences and collectively resist disempowerment.

**Collecting strategies of empowerment**

Most of the initiatives discussed in the following chapters were developed as part of the WRRC project, and draw upon a wide range of strategies, operating in many different contexts and at different levels, to create a space in which women can resist disempowerment. The narratives range from stories

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²¹ The campaign’s website may be accessed at http://www.stop-stoning.org. The campaign was originally named the Global Campaign to Stop Killing and Stoning Women.
of individuals strategising to claim their rightful inheritance to organisations seeking legal protections against culturally sanctioned violence directed at women. In the following chapters, we consider ten strategies which are illustrated by narratives from a wide range of contexts and addressing all three thematic areas.\(^{22}\)

The strategies themselves are organised into four categories roughly corresponding to the type of action taken. The first category, in Chapter B, is of strategies which seek to renegotiate traditional beliefs and ways of thinking (including re-reading religious texts), so as to challenge disempowerment from within the cultural context. The second, discussed in Chapter C, includes strategies which appeal to the legal system, such as those which utilise laws protecting women’s rights. Chapter D collects strategies which seek to create a space where women can express themselves as individuals or as a group. Finally, Chapter E addresses strategies which empower women through knowledge: by spreading awareness, or through research which challenges conventional wisdom about women.

Naturally, there is substantial overlap between these arbitrary divisions, and these are discussed in Chapter F, which asks: what kind of change does each strategy hope to achieve? What are the challenges women face in implementing this strategy in differing contexts? And finally, how successful is a strategy, and can this success even be assessed?

By asking such questions, this collection hopes to provide a starting point from which organisations and individuals can assess and develop their own strategies to resist the culturally justified disempowerment of women. This is thus a library for women and their advocates to learn from the experiences of others in addressing disempowerment in a multitude of contexts and at very different scales, from the individual to the national.

More, it is intended as a living document, to which members of WRRC and others within the global movement will, in time, add new experiences and strategies, and translate the existing ones into other languages for use by both individuals and organisations. The strategies discussed here are far from the only means by which women and their advocates resist disempowerment, and the narratives described in these chapters may not illuminate all aspects of even the ten strategies described in this collection. Even as the WRRC project comes to an end, members continue to develop or fine-tune strategies they have found effective in their various contexts. There are countless other women and organisations with similar aims who are not WRRC members, but who can both share their own experiences, and learn from those described in this text.

It is also important to note that this document collects both the strategies used by individuals to resist disempowerment in their personal lives, and by organisations to empower women. Developing the nexus between these two kinds of strategies is an essential outcome of strengthening alliances, publicising inspiring examples, sharing information and strategies across contexts and between individuals, and increasing women’s awareness that they, too, are part of a global women’s movement.

\(^{22}\) The thematic area in which each initiative falls – violence against women, sexuality and control over the body, and access to land and resources – is indicated. In addition, this document also indicates where an initiative has received funding from WRRC.
B. Renegotiating tradition

Strategy 1: Women and their advocates work within existing systems to shape discourse.

Strategy 2: Women uphold and use empowering cultural or historical practices to assert their rights.

Strategy 3: Communities are collectively convinced to end practices which disempower women.

Disempowering forces which are legitimised by appeals to culture or religion may themselves be contested by reinterpreting the traditions they refer to. This allows women to successfully challenge attempts to control their bodies, freedom and physical space, while contradicting the all-too-common accusation of being ‘anti-culture’ or influenced by a ‘foreign’ rights-based discourse. Instead, women can ground their claims within their own culture to identify and use the indigenous tools for empowerment it offers.

The three strategies discussed here show how women and their advocates may not need to go outside their communities or culture to challenge disempowering forces. A society’s dominant interpretation of religion, culture and its own history are all mutable and challengeable. Elements within culture can be redefined as harmful and against the empowering spirit of the tradition as a whole. The traditional guardians of culture – such as church workers, clerics or older women – can identify empowering aspects of religion, culture or history, which can challenge or supplant a dominant disempowering narrative.

In this chapter we see how groups and individual women in very different contexts devise appropriate means to challenge disempowering interpretations. We also see how entire communities can reorient themselves: this has been dramatically demonstrated in cases where villages vow to give up longstanding practices such as female genital mutilation (FGM), led by the very women who were the traditional guardians of the practice. Thus women become not merely the victims or even the guardians, but the makers of living tradition: a new, empowering role in itself.

Strategy 1: Women and their advocates work within existing systems to shape discourse

In a range of contexts, activists and individual women work within – instead of opposing – existing religious, cultural and institutional structures. These are attempts to shape the existing discourse in a just and gender-equitable manner without appearing to be in opposition to an established structure. Thus they avoid being dismissed as being ‘anti-religious’, ‘liberal’ or ‘pro-Western’ (or other common tags used to slight women and their advocates) and challenge the legitimisation of disempowering narratives.

In Aceh, the promulgation of increasingly harsh laws has progressively disempowered women and introduced corporal punishments supposedly derived from Muslim laws, and have been an inspiration to Islamists in other parts of Indonesia. In Aceh itself, individuals and religious leaders fear to speak out against these laws, fearing accusations of apostasy or of being anti-Islam. To address this, activists are careful to oppose laws based on inhumane interpretations of Muslim laws (i.e. *fiqh*) rather than the institution of Islamic laws themselves. To ground this opposition in facts, they collect case studies of women who have suffered unjustly. By presenting these cases to religious scholars and community leaders, activists give them the tools to oppose imperfect, unjust laws without risking accusations of being anti-religion.

Amongst Nigeria’s south-eastern Catholic population, women’s sexuality is a taboo subject. FGM is commonly practised, and women have no source of information on their sexuality and reproductive rights. To address this, the Centre for the Advancement of Development Rights (CEADER) has trained religious workers – the counsellors affiliated with a local Catholic church – in issues relating to women’s sexuality. They are thus informed on the issues around sexuality and trained in counselling young women. They are also linked to medical and advocacy resources. Thus, by using an existing religious organisation as a channel, a frank and free discussion on sexuality, FGM and reproductive rights is achieved without opposition from conservatives.

Debate on polygamy in Indonesia risks being marginalised as a women’s problem rather than a human rights problem. To address this, Semarak
Cerlang Nusa Consultancy, Research and Education for Social Transformation (SCN-CREST) collected testimony on the problems of polygamy from men from a wide range of backgrounds, including religious scholars, and is now producing a documentary to disseminate this view.

In Aceh, activists oppose inhumane interpretations, rather than the institution of Muslim laws

The Indonesian special territory of Aceh has a long history of unrest. In the 1950s, soon after the formation of the Indonesian state, the region achieved the status of a ‘special territory’, with more autonomy than other areas of the country. In 1999, in the midst of an insurgency, Aceh was permitted to adopt Muslim laws; it was not, however, stipulated exactly how these would be implemented. In subsequent years, local regulations (known by the Arabic term for law or regulation, qanun) became increasingly concerned with criminalising offences deemed to be contradictory to certain interpretations of Muslim laws, largely derived from aspects of classical Shafii fiqh. Thus alcohol and gambling were criminalised and flogging was prescribed as a penalty for a wide range of offences.

Aceh’s history of conflict and opposition to the Indonesian state, which led to greater autonomy, also led to wider jurisdiction for its religious courts than elsewhere in the country, largely to further the political motivations of their backers amongst right-wing politicians and ulama.

The Acehnese ‘exceptionality’ provides for more radical (ab)use of religious tenets for political purposes, inter alia, due to its provincial identity being directly linked to legalistic, ‘straight-forward’ expressions of adherence to one’s Muslim faith, born in a protracted political and social crisis caused both by provincial political (and religious) leadership and the central government’s history of mistakes in building relationships with this special territory.

In 2003, a new by-law was introduced, outlawing khalwat: proximity between an unrelated man and woman. In September 2009, the territory’s legislative body adopted a new qanun jinayat (criminal law) a fortnight before it was due to be replaced by a newly elected, more moderate regional parliament. This replaced earlier laws on alcohol consumption, gambling and fornication, and prescribed cruel and degrading punishments for these ‘crimes’. For the first time in Indonesian legal history, the offence of zina (sex outside marriage) was punishable by 100 lashes for the unmarried and stoning to death for the married.

The region’s governor, Irwandi Yousuf, a former member of the GAM civilian leadership, refused outright to sign the qanun jinayat. Writing in the Jakarta Globe, Dewi Kurniawati quoted experts who attributed this creeping radicalisation to a form of “historical sabotage” carried out by various factions including hard-line Islamic groups, right-wing political parties and elements within the military. Though Aceh’s legislative developments are specific to the province’s particular history, there are reports that hardliners in other parts of Indonesia have looked to its by-laws as models.

Dissenters opposed to these laws risk being dismissed or even targeted as ‘kafir’ (unbeliever), ‘anti-Islamic’ or ‘Western’. For instance, the West Aceh District Chief responded to criticism of a by-law prohibiting women from wearing tight trousers by saying: “[T]hat’s Islamic law. If you’re against it, you’re blaspheming. If you choose to be a Muslim then you have to follow the law.” As a result, many religious leaders blindly endorse the laws, often

[24] Collected by the Violence is Not our Culture thematic group.
[25] The Shafii fiqh (jurisprudence) is the dominant school of Islamic jurisprudence in Indonesia.
[26] Ulama is the plural of alim, religious scholar.
without having even read them, from a genuine desire to be faithful or fear of being labelled apostate. The burden of the laws has fallen upon the impoverished, the young and women.33

To address this, the Koalisi NGO HAM (the Coalition of Human Rights Organisations) in Aceh works directly with religious scholars (ulama), community leaders and religious students to improve their understanding of the law. The advocacy campaign takes the approach that while Muslim laws provide a basis for a humane legal system, the qanun jinayat is derived from inhumane and cruel interpretations of Muslim laws, and the implementation of such interpretations will result in human rights abuses which are in complete opposition to the spirit of Islam.

To create this understanding, Koalisi members meet religious leaders to review each article of the qanun jinayat and discuss it from a human rights perspective. They document cases of women who have faced difficulties under the law, to create a concrete understanding of how these laws affect real individuals, and provide ulama with arguments grounded in local, lived realities against the qanun jinayat.

For instance, in 2006, Koalisi members presented the case of a woman who was abruptly divorced by her husband without her consent. Unable to provide for her children, and denied support from the government, she began selling lottery tickets to make ends meet. This was in contravention of laws prohibiting gambling; she was arrested and caned. This, the Koalisi argued, was a real-life example of an unyielding, inhumane interpretation of law. The woman’s extenuating circumstances – the sudden end of her marriage and lack of maintenance or a government safety net which had left her unable to support her family in any way – were not considered at all. Thus while the qanun was followed to the letter, the spirit of Muslim law – to protect the weak and indigent – was not. Such cases are thus used to increase awareness of the impact of qanun jinayat on women. In effect, therefore, the Koalisi used the famous argument of the Hanbali jurist Ibn Qayyim al-Jawziyya:

Islam will always stand for justice and any part that is taken toward justice is bound to be in harmony with the Shari’ah, and can never be against it.34

Such approaches are disputed as allowing fundamentalists to set the terms of public debate,35 but the Koalisi argues that in Aceh’s special circumstances, this engagement is appropriate. Opposition to Muslim laws is extremely marginalised, and is not taken seriously by decision-makers. Secondly, the Koalisi argues that the Sharia is not inherently contradictory to human rights or women’s empowerment: instead, inhumane interpretations of Muslim laws harm women.

Using this strategy, the Koalisi avoids abstract theological discussions on whether Islam should be the basis of the law of the land, which would simply provide ammunition to propagandists and invite accusations of apostasy. Instead, documented cases are held up as examples of how inhumane interpretations of Muslim laws – such as the qanun jinayat – affect individuals in ordinary life. As a result, the Koalisi has formed relationships with ulama, policymakers and community leaders. More and more ulama opposed to qanun jinayat begin to shape the public discourse on these oppressive laws. As a result, the artificial distinction between the defence of women’s human rights and indigenous values begins to crumble, and ulama – the traditional guardians of religion – become also the guardians of these rights.

See also: Strategy 7. A space is created for women’s experiences to be shared and discussed, which creates a new understanding of their disempowerment by existing interpretations of religious law.

> “If anybody tries to silence Coalition activists by calling them apostates or anti-Islam, they can respond by saying: ‘We are Muslim. We respect the law. There is nothing we are saying that is not true. It is not imitation [of the West]. It is not propaganda. It [what we talk about] is something that happened.”’

> – Evi Narti Zain, Executive Director, Coalition of Human Rights Organisations in Aceh in a private interview, August 2010.


In Nigeria, religious workers are trained to teach sexuality and reproductive rights

Christianity is the predominant religion in the south-east of Nigeria, where over 70 per cent of the country’s Catholics live. There are strong religious and cultural taboos against women discussing sexuality, or providing information to enable women and girls to make informed decisions regarding their own sexuality. As a result, matters relating to women’s sexuality and reproductive rights are shrouded in secrecy, and the little sexuality education for young women that exists concentrates on virginity and abstinence. Young women who become pregnant outside wedlock are stigmatised or even abused. Abuses of women’s sexual rights are rife. Child marriage, thanks to misinterpretations of biblical injunctions, is common. In 2008, a major nationwide survey found that over half of adult women in this region had been subjected to various forms of FGM.

Given the importance of Christianity as an organising force in this region, CEADER launched a project to provide sexuality and rights education for women through Catholic churches. The project was launched at the St John’s Catholic Church in Umunkwo, in Imo State, to train women church workers to counsel young women in the congregation of 250 about sexuality issues.

This initiative built upon an earlier workshop on Sexuality and Reproductive Rights organised by the Lagos-based BAOBAB for Women’s Human Rights in 2009. The workshop had trained participants in techniques to disseminate their training to others. Using the tools provided by the BAOBAB workshop, CEADER held two focus group discussions for 20 young women at St John’s Church, to gather information on their experience and knowledge of sexual and reproductive issues, and the extent and nature of sexuality education they had already received.

The focus group findings provided the basis for the next step of the project: to train 34 women counsellors at the church in providing sensitive, adequate and holistic education on sexuality and reproductive rights. During three interactive discussion-based sessions, conducted largely in the indigenous Igbo language, the church workers were trained in collectively resisting harmful traditional practices such as FGM, child marriage, the preference for male children and other harmful traditional practices, as well as the sexual, health and reproductive rights of girls and women. Through open discussions, participants could give examples and explore solutions from their own experiences, effectively tailoring the workshop to their community needs.

A doctor was invited as a resource person, to train the counsellors, answer their questions, and to link the worlds of pastoral care and health care. CEADER’s staff made themselves available for discussion and assistance to the seminar participants even after the end of the workshop, and exchanged direct mobile numbers to encourage continued contact. Counsellors were trained in confidentiality protocols to protect privacy and reassure young women that they could speak openly and confidently without fear of social repercussions. CEADER won a commitment from counsellors that this new understanding would inform their work in the community.

With sexuality and reproductive education provided through the church and by respected members of the community, opposition proved minimal. Two women approached CEADER asking why children were being ‘taught to have sex’. They were referred to their own peers, women who had participated in the training, and provided reassurances that they trusted.

Subsequently, CEADER followed up to find that counsellors were, indeed, providing sexuality education to young women in the parish, and had contacted the medical staff who assisted in the training for further information or assistance. Follow-up contacts through telephone conversations and informal visits have since shown that church workers continue to

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36 This initiative received funding from the Sexuality thematic group.
use their training when counselling young women. Indeed, other churches in Umunkwo and elsewhere have since requested the same training.

Achieving the cooperation of the priest of St John’s Catholic Church was an important part of the success of this strategy. With teenage pregnancy a major concern in Umunkwo, Reverend Father Kelechi Ononkwo and his church were very receptive to sexuality and reproductive rights education. CEADER had initiated contact with him well before the project began through a member of the church who had introduced the project and worked with him to select potential trainees. He welcomed the training, and encouraged young women and counsellors to share their training and discussion points with others who had not benefited. He was also invited to attend and thus endorse training sessions. Cooperation from within the religious establishment enabled a freer discussion of sexuality issues than the community might have otherwise accepted, and in the future will help to reach religious leaders who would otherwise be less receptive.

This strategy created a discussion of sexuality and sexuality rights in which young women could participate without fear of being stigmatised as ‘immoral’ – effectively, women’s sexuality has been normalised instead of being considered a matter for shame. Because this discussion was delivered through the church, older and more conservative members of the community did not object. Church workers, who already had access to families and were now trained in confidentiality and women’s sexuality and reproductive rights, now play an important role in preventing abuses such as FGM or forced marriage, and in providing information about women’s reproductive rights.

The strategy also emphasised the creation of alliances to help women express their sexuality rights. This included linking them to resources outside their community, including doctors who could offer impartial medical advice, as well as NGOs to assist them if the police were to refuse to support them on sexuality issues. Finally, by creating a free, open dialogue on sexuality and reproductive health issues during the training sessions, CEADER helped create a new community of understanding amongst women counsellors.

See also: Strategy 9. Women and community workers are empowered through knowledge and dialogue about their sexuality rights, and linked to resources outside their community.

Training in sexuality education for church workers

**Session 1:** ‘Counselling content: Sexuality education, when to start, what to tell young women about their bodies and strategies for resisting teenage/unplanned pregnancy’. This session covered strategies for resisting harmful traditional practices such as FGM.

**Session 2:** ‘Young women and their sexuality and information needs: How to manage information and channel their needs effectively’. This included information on sexual, reproductive and health rights.

**Session 3:** ‘How to receive and manage information received from young women during counselling sessions’. This session covered the importance of maintaining confidentiality and thus gaining the trust of young women during and after counselling.

In Indonesia, men’s testimony demonstrates the harm caused by polygamy

Under Indonesia’s Marriage Law of 1974, a man may have up to four wives, with permission from the local court and the consent of pre-existing wives. Permission is supposed to be granted by the court only if existing wives are disabled, terminally ill, sexually inactive or infertile, but these restrictions are rarely enforced. Many men simply bypass these conditions, either by giving incorrect or complete information, or simply by not officially registering the marriage. Wives from unregistered marriage are deprived of legal protections, and their children risk losing inheritance rights. Even when registered, polygamous marriage disempowers women. Young women and adolescents are often coerced into such marriages, and are at higher risk of domestic abuse. In addition, polygamy, in the form of polygyny as practised in Muslim contexts (i.e. men with multiple wives, but not vice versa) treats women and men as inherently unequal with unequal sexual rights.

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38 This initiative received funding from the Sexuality thematic group.

In recent years, the debate over polygamy has intensified. In 2006, a leading Islamic cleric and televangelist, Abdullah Gymnastiar, announced he had married a second time, stating, “Women tend to be monogamous, that’s how their software is. But men, you know… their software is different.” This triggered intense controversy, and attendance at his popular weekly sermons dropped dramatically, while the president, Susilo Bambang Yudhoyono, proposed extending an existing ban on polygamy for civil servants to cover ministers and other government officials. Once a potential vice-presidential candidate, Gymnastiar faced intense public backlash, particularly from the women who comprised the bulk of his congregation. His television contracts were pulled and his businesses began to fail. In 2007, the Constitutional Court struck down a legal challenge to restrictions on polygamy by a businessman whose wife refused him permission to remarry. In a country where 75 per cent of women and 50 per cent of men disapprove of polygamy, but its supporters are well organised and vocal, the debate continues. Indeed, divorce cases linked to polygamy are reported to be rising steadily with 937 reported in 2007, up from 813 in 2004. Meanwhile, the Religious Affairs Ministry began drafting a bill punishing unregistered marriages with fines or imprisonment which was finally proposed in 2010.

SCN-CREST initially sought to collect stories of women in polygamous marriages. In its preliminary study, however, it found that while women’s testimony had been extensively documented, the voices of men speaking against polygamy were almost absent.

This raised new questions. Is polygamy exclusively a women’s struggle? Do men support polygamy? Or are there those who struggle against it? Thus the project’s new strategy came into being: to show that polygamy and its violations of the sexual rights of women affects both men and women. This strategy prevents religious and social conservatives from dismissing critiques of polygamy as arising only from discontented ‘Westernised’ women.

Research soon showed that there are many men opposed to polygamy, and with some even campaigning against it publically. The reasons for preferring monogamy varied: while some were influenced by their experience growing up in a polygamous household, others spoke of inspirational teachers, of men who had become victims of a masculinised culture and of their interactions with feminist thought.

Realising that these stories ought to be brought to the public, SCN-CREST conceptualised and developed a documentary film. Eight men were selected who had expressed public support for monogamy and participated in collective or personal campaigns: from offering more equitable readings of the Quranic verses purportedly allowing polygamy to establishing a Men’s Anti-Polygamy Club. Speakers included noted religious scholars such as Kyai Husein Muhammad, a leading Islamic feminist who heads a pesantren (Islamic boarding school) and Kang Maman, a prayer leader who has publically committed to monogamy with his wife, who is also his colleague. Some were identified due to public recognition for their stand, others were suggested by women’s organisations who had noted their contributions.
Interest has already been expressed by groups opposing polygamy. The film has been used to inform students at pesantren and Islamic universities, and shown in poor urban communities. Interest was expressed by Indonesian organisations and Musawah, a Malaysia-based movement for equality within Muslim families, as well as activists from Iran and Afghanistan.

There is already considerable debate on polygamy in Indonesia, and the film contributes a new perspective to this conversation. It shows that the women’s struggle for sexuality rights is not for women alone: that men are also victims of a patriarchal culture and can offer a unique perspective in support of the women’s movement. Through this film, SCN-CREST presents the voices of men opposing polygamy and the different paths by which they came to this view, and who are often drowned out by supporters of polygamy. Many of the men belong to backgrounds which would normally predispose them to polygamy. They are religious scholars, or come from polygamous families, and their opposition to an institution which, according to conventional wisdom, is to their advantage, is especially significant. By bringing their views to the public, a fresh, more nuanced debate is stimulated, and shows that it is possible for men to campaign, in their personal lives and in public, to eradicate this custom.

“There is something wrong with our paradigms, particularly men’s paradigms, which consider women as objects [of sexual desire]. That’s wrong! On the other hand, it is believed that men cannot manage their sexual desire and are permitted polygamy to avoid adultery. That’s wrong too! My friends and I, particularly men, must reconsider and redefine men’s history.”
– Wawan Suwandi, administrator of the Club Anti Poligami, and a man who grew up in a polygamous household.

In Indonesia, an Islamic scholar offers empowering re-readings of religion

Siti Musdah Mulia is the product of a strict Islamic education and was the first woman to be awarded a doctorate in Islamic political thought in Indonesia. Using her impeccable credentials in Islamic thought, she argues for social justice, women’s rights and sexuality rights. In her capacity as senior advisor to the Minister of Religious Affairs, in 2004 she headed a team of 11 experts to issue a controversial counter legal draft to revise existing gender-biased Islamic laws. In her counter draft, she proposed forbidding polygamy, permitting inter-faith marriage and raising the legal age of marriage for women from 16 to 19.

The document drew harsh criticism from religious conservatives, but the widespread interest and debate it engendered helped bring Mulia’s feminist reading of Quranic verses into the mainstream. Mulia herself works to raise awareness on the effects of culture and religion on the rights of women, and her work has been translated into 300 languages.

By working from within the religious establishment, using the language and arguments of Islamic scholarship, Siti Musdah Mulia shows that interpretations of religious texts can be questioned whilst accepting the underlying faith, and historically disempowering narratives can be challenged as products of a mutable culture rather than emanating from an immutable divine. Translations of her writings bring her views directly to millions of women who can then use her arguments to assert their own rights.

See also: Strategy 9. By translating her writings into indigenous Indonesian languages, Siti Musdah Mulia brings new readings of Islamic texts to the public.

“People always say that religious teachings are final, it’s God’s law, no need to tinker with them. That statement especially arises during the discussion of marital law. I tell them that the whole marital law is manmade, none of it is a fax from heaven. Why be afraid? God won’t get mad, He’s very wise.”
– Siti Musdah Mulia, in a 2004 interview with The Jakarta Post

Strategy 2: Women uphold and use empowering cultural or historical practices to assert their rights

In many places, there are religious or cultural practices in place which can be used by women to assert their rights. This appeal to tradition under-
cuts claims that women asserting their rights are, in some way, alien to indigenous society or are imported from a corrupt and decadent West.

This has been demonstrated in Niger, where amongst some ethnic groups, there is a custom whereby a group of women can claim usufruct of agricultural land. Deriving from a custom whereby women would be given use of land in the absence of a right to inheritance, today it is a source of livelihood for small collectives of women. In other communities in Niger, the traditional practice of kirad, fortified by an appeal to perhaps legendary religious sources, can be invoked by women to inherit property from their parents or brothers.

By contrast, in Indonesia’s Minangkabau community in West Sumatra, the contact between the traditional matrilineal system and the patriarchal state and capitalist economy have resulted in many women being deprived of their own property. Mothers’ brothers, traditionally the public representatives of a matrilineage, use this widely recognised position to sell or pawn their sisters’ or nieces’ lands. To combat this, women in matrilineal groups are asserting their position as owners of land, and renegotiating the power dynamics which can deprive them of their property.

The story of a woman in rural Pakistan who asserted her claim to mehar, the Islamically mandated wealth given to a bride by her husband, shows that in patriarchal contexts, even appeals to religion may be superseded when a woman’s right to freedom or property is at stake. In this case, a widow demanded her mehar so that she could live independently with her children. After years of resistance, her in-laws agreed to a traditional negotiation, or panchayat, at which they conditionally conceded her mehar.

Throughout the Muslim world, Islamists have justified restrictions on women’s dress and movement, claiming a return to a purer, more traditional society. In Sudan, vague and discriminatory laws permit morality police to arrest and lash women for ‘crimes’ such as wearing trousers. To contest their claim that they are the guardians of Sudanese tradition, Salmmah Women’s Resource Centre, a women’s organisation, has documented women’s attire through the previous century, with photographs and personal testimony. This helps show that women in previous generations were actually freer to move in public than their descendants today.

In Niger, women’s groups use indigenous customs to assert their right to use agricultural land

About 80 per cent of Niger’s population is Muslim, though there is considerable syncretism incorporating animistic beliefs and practices. Under prevailing interpretations of Islamic inheritance laws, women inherit only half the share of their brothers. To address this in a country where agriculture contributes 39 per cent of GDP and employs 90 per cent of the labour force, a cultural practice exists whereby a group of women can request use rights to agricultural land. This is a widespread practice, found amongst at least three major ethnic groups: the Zarma, Fulani and Hausa, who together form over three-quarters of the population, though there is considerable diversity in local practices. There are various indigenous terms in the respective languages for this practice, which may be translated into English as ‘female land’.

According to Zeinabou Hadari of Reseau des femmes pour la paix (REFEPA), this practice has existed in Niger since the pre-colonial sultanate and caliphate. Women were disadvantaged in their individual inheritance, and received only a half or no share of family land compared to their brothers. According to Marthe Diarra and Marie Monimart, this was traditionally addressed by allowing women’s groups the use of land:

While customary law certainly prevents women from owning land and denies them the freedom to transfer it to their heirs (male or female), it is relatively equitable insofar as it guarantees women access to the resource according to their needs and their capacity to put it to productive use. This still applies in northern Niger (Eliki, Tigar, Dan Kullu), where there is less pressure on land.

Women are motivated to claim these rights both to meet livelihood needs and because they have fewer inheritance rights than men. Thus customary law

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46 This initiative received funding from the Women’s Inheritance and Property Rights thematic group.
48 Ibid.
49 Ibid.
50 Personal communication to Vivienne Wee.
51 Although contact with Europe started in the 19th century, Niger became a French colony only in 1922.
provides a means to assure women’s rights of access to good agricultural land and thus to livelihood.

When trying to claim use right, a group of women identify a piece of land in terms of its quality and relevance to their needs. They then make a formal demand to the local authority (such as village chief, town chief or religious leader) and present a plan for land use. In accordance with custom, the chief or other local authority accepts this demand and grants the group the right of use to that piece of land. In recent years, the groups requesting use of agricultural land may be formed by an NGO or micro-finance group. Even they need to request for land from the village chief or other local authority.

Since this land is collectively held, it is not inherited individually. It is usually a large piece, divided into small plots for the members of the group. Usufruct rights are exclusively transmitted through the female line.

Diarra and Monimart note that “the few women mentioned in the land transaction certificates we saw were all categorised as ‘housewives’, whether they were farmers, herders, traders or even teachers. This denial – often unconscious – of rural women’s socio-professional status has profound consequences in terms of equitable access to natural resources.” Although this observation refers to the access of individual women to family land, the denial of “rural women’s socio-professional status” is nevertheless relevant as it may also affect women’s collective access to land.

Women’s collective access to land is related to Islamic waqf, though this term is used in Niger only by religious scholars. Waqf refers to a religious or public endowment which manages land, trust investment or other kind of property, and is, in principle, permanent unless the contract is violated.

While Zeinabou Hadari considers women’s collective access to agricultural land a form of waqf, perhaps this practice may also be related to what Diarra and Monimart refer to as a “loan”:

Whether a loan or a waqf, a key issue is that this access is not documented or registered. Although the women only have usufruct, they can register the land for the use of women only with no men permitted to work or own it. So in order to use this strategy, it is essential for women and organisations working with them to prioritise land registration.

A comparison may be made between two ethnic groups in two time periods. From the 18th century, some Fulani pastoralists settled, using the culture and practices of previously settled groups to rule over them. The Fulani rulers (sultan, emir and chief) regarded land as a resource to parcel out to their own supporters. Because women inherit less than men, rulers granted land for the collective use of female members of the royal family. For example, Zeinabou Hadari’s great-great-grandmother was a daughter of a ruler who was given land. At that time, kinship was the basis of group formation among the women. Today, Fulani women’s right to use agricultural land is transmitted from female ancestors who were granted land by the Fulani rulers.

Amongst Zarma women, however, groups are formed based on gender and age group, not kinship. Thus women from different classes and ranks (e.g. those from slave and commoner families) can belong to the same group. Even here, kinship may be a factor in negotiations; for example, women’s groups may send, as their representative, someone close to the chief to plead on their behalf. If a request comes from a female relative, the chief may find it more trustworthy and a way for his own female relatives to control the land.

But threats to women’s access to land have emerged with increasing land pressure due to marketisation, drought, environmental degradation and land grabbing by business interests who have influenced the government to reduce the power of local authorities, including their power to make land grants to women. Changes in the national land policy and the legal system are now calling into question traditional practices related to the chief’s land from which such land grants have been made. As a result, women’s right to use agricultural land is being challenged, especially if they have not registered their land use. This is happening particularly in well-watered valleys where high-quality land is available, and many women’s groups now risk losing their right to land and their skills as professional farmers, ultimately leading to increased female poverty. Diarra and Monimart write: “The de-feminisation of agricul-

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53 Ibid, p12.
tured is an ongoing reality; modes of access to land are changing; and the role of the land commissions and decentralisation is still limited.”

At present, the most effective way to block the process of land grabbing is for women to register the land they are farming. This will help protect women’s land from being appropriated by business interests who could otherwise claim it as ‘nobody’s land’. More organised effort needs to be asserted in urging women to register their land and thus cement their traditional rights to the use of land.

This traditional protection suggests that there are existing cultural values and practices which may protect women’s right to property. Such values and practices need to be identified, upheld, and used in the face of new pressures from agribusiness and environmental changes.

Women use traditional customs to claim the right to inherit land

*Kirad* is a customary practice whereby an individual woman can claim inheritance of land from her parents or brothers. It is practised in two areas of Niger: Gaya Department in the south-western Dosso region and Doguerawa (a village and rural commune) in the Mirriah Department of the eastern region of Zinder. These areas, which are predominantly Muslim, encompass both rural and urban communities.

Following customary practice, women often cannot inherit from deceased husbands. Thus *kirad* allows women to retain their rights in their families of birth. Women using *kirad* refer to Islamic authority for the practice; however the custom is most likely based in traditional practices which allowed women to claim customary rights to their birth families’ land.

Zeinabou Hadari notes that the two areas where *kirad* is practised have good land and high population density. This has been an important cultural resource for some women, though it is unclear whether their rights through *kirad* are on par with the rights of their brothers. Cultural practices such as *kirad*, sometimes legitimised by traditional religious beliefs, may thus prove an important tool for women to assert their rights to property and inheritance.

Women assert their place in a matrilineal culture to prevent misappropriation of their land

The Minangkabau people in West Sumatra, Indonesia, constitute the world’s largest and most robust matrilineal society. However, women’s customary rights of matrilineal inheritance and power over communal ancestral land are not guaranteed and are often challenged by men, sometimes with physical force.

Women are recognised as the heirs of matrilineally transmitted communal ancestral land, with the right to utilise and manage it, to build houses and to transfer these rights to their daughters. Males may utilise ancestral land with their sisters and mothers, though without the right to build houses. The maternal uncle or mother’s brother (‘*mamak*’) is obliged to protect the house, land and children of his sister. The senior-most maternal uncle is also the representative of his matrilineage in external affairs. Important decisions regarding ancestral land, such as distributing, pawning or selling it, are supposed to be taken by consensus amongst lineage members during a *musyawarah* (Arabic ‘deliberation’) meeting.

The reality is often far from this ideal. Ancestral land is frequently contested, particularly between the most senior amongst the mother’s brothers and junior female members (i.e. his nieces). Increasing urbanisation and population density have increased land prices, and there are no efficient mechanisms to restrain the *mamak* from appropriating communal land. Indeed, such misappropriations can occur with impunity: since the colonial period the state has recognised the *mamak* as the only legitimate representative of the matrilineage. Thus many *mamak* exploit loopholes in customary law to pawn or sell land for personal profit. Local authorities tend not to intervene, even when malpractices contravene authentic custom. Sisters’ children are relatively powerless if the *mamak* chooses to flout custom.

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54 This initiative received funding from the Women’s Inheritance and Property Rights thematic group.
56 Personal communication to Vivienne Wee.
57 This initiative received funding from the Women’s Inheritance and Property Rights thematic group.
58 In 2000, there were over 5.4 million Minangkabau. See Suryadinata, Leo, Evi Nurvidya Ariffin and Aris Ananta. Indonesia’s Population: Ethnicity and religion in a changing political landscape. Indonesia’s Population Series 1. Institute of Southeast Asian Studies. Singapore: 2003, p12.
59 Wee, Vivienne and So Yuen-man Phoebe. ‘Adat, the state and Minangkabau women’s land rights in West Sumatra, Indonesia’. Working Paper of the Programme on Women’s Empowerment in Muslim Contexts. Lahore: Shirkat Gah Women’s Resource Centre, 2010. Based on research conducted by the authors in four rural and suburban sites in Padang and Paniman.
Minangkabau women are disadvantaged by the customary division of responsibilities. Women do not attend negotiations about land transactions, are not consulted by customary leaders and cannot veto pawning or sale in a legally recognised manner. There have been many cases where mamak pawned or sold ancestral land without informing their matrilineal kin. Sometimes this is done through fraud, such as making fake genealogies or claiming the approval of matrilineal kin, or conspiring with officials to endorse fake documents.

Some women have been beaten up or threatened with violence by their mothers’ brothers. Some women could not contest because they could not afford the Rp 50,000 to pay for validating documents, or the cost of communicating with faraway officials. The financial costs and threat of violence deter many women from taking action.

Nevertheless, Minangkabau women have devised various tactics to reassert their rights to ancestral land, including:

- Physically preventing new owners from taking occupancy.
- Exposing internal family conflicts to deter potential buyers or tenants.
- Documenting their genealogies.
- Lobbying within the lineage group to have offending mamaks replaced and lodging complaints with customary leaders.

The unifying strategy behind these tactics is simple: women assert their rightful place in the matrilineage, thus adapting an ancient cultural practice to modern needs. Women assert physical ownership of their property and assert their place within a complicated lineage structure. By lobbying customary leaders, they assert their right to speak for their matrilineal group, and by lobbying within the group itself, they place its interests above that of an individual rogue member.

Thus even in a matrilineal society, women’s customary rights over ancestral land are not necessarily respected, and women must devise a strategy to assert their place within this traditional context. Individual women use these tactics, and sometimes gain support from supportive customary leaders. In addition, NGOs, including the WRRC partner organisation SCN-CREST, are now working to create awareness through research and discussion that this is a shared problem for Minangkabau women.

Such tactics have varying degrees of success, depending on the women’s financial and social capital, but even where women were unable to stop the misappropriation of land, many women feel they have achieved more influence in lineage matters.

In Pakistan, a woman successfully claims her right to mehar

Asia Mujahid, aged 30, was married to Mujahid Hussain with two sons, aged eight and five, and lived in Rajanpur, a rural district of Pakistan’s Punjab Province. Mujahid Hussain earned a monthly salary of Rs 10,000 and was employed in a furniture workshop in the distant town of Quetta. One day, when returning home from Quetta, he and two colleagues were killed by members of the Bugti tribe on the unfounded grounds that they were ‘terrorists’.

After her husband’s sudden death, Asia Mujahid remained with her in-laws, with whom she had lived throughout her marriage. However, she was soon moved into a tiny, unventilated room on the second floor where even access to water was difficult. Finally, two years after her husband’s death, she decided to assert her right to mehar as the basis for living with her two sons in a separate house.

Mehar is the scripturally prescribed payment to be made by the groom to the bride at the time of marriage (nikah), and is hers to dispose of, according to the Quranic verse 4.4. The First Encyclopaedia of Islam states: “According to a tradition in Bukhari, the mehar is an essential condition for the legality of the marriage: ‘every marriage without mahr is null and void’.”

61 Collected by the Women’s Inheritance and Property Rights thematic group.
62 About €92.
63 The Bugti people are a Balochi speaking tribe of Dera Bugti district, which lies on the route between Quetta and Rajanpur. They were estimated to number more than 250,000 in 2005. See http://www.findpk.com/cities/Explorer-pakistan-Dera%20Bugti.htm
64 This verse has been variously translated as follows:

- “And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, Take it and enjoy it with right good cheer.” (Yusuf Ali)
- “And give unto the women (whom ye marry) free gift of their marriage portions; but if they of their own accord remit unto you a part thereof, then ye are welcome to absorb it (in your wealth),” (Marmaduke Pickthall)
- “And give women their dowries as a free gift, but if they of themselves be pleased to give up to you a portion of it, then eat it with enjoyment and with wholesome result.” (MH Shakir)
In Pakistan, Qazi Dr Shaikh Abbas Borhany, a member of the Federal Shariat Court, agrees:

A Hadith transmitted by Ali ibn Abi Talib says: “Allah would forgive every sin but He would not forgive the person who has usurped the Mehr of his wife.” Fuqha (Muslim Jurist) has made this point clear that after Nikah a woman is not Mubah (legal) to the husband unless her Mehr is paid to her. Ali al Murtaza explained that without fixing an amount of Mehr no Nikah is Halal. Alas the actions of the Ummah in regard to Mehr are simply conjectural. Majority of the husbands don’t follow this clear injunction of Qur’an regarding this important Right of Wife.66

Khawar Mumtaz and Meher M Noshirwani note that in most parts of Pakistan, where women rarely own or inherit land, “a woman’s dowry [i.e. mehr] is considered to be a compensation.”67 Nevertheless, it is a social taboo for women to raise their voice about claiming mehr. Indeed, the payment is often never made, as Borhany notes above.

Despite this taboo, Asia Mujahid reminded her in-laws that the mehr that had been given to her was four marla of unconstructed land plus two-and-a-half marla68 of a constructed house. Mujahid’s claim was seen by her in-laws as a serious threat. They tried to force her to marry her brother-in-law so that the property would remain in the family and the honour of their dead son would be secure. They argued that if she were to live alone, she would be unable to get by in a male-dominated society. But Mujahid was determined, and refused to marry her brother-in-law.

This crisis continued for over two years until eventually Mujahid succeeded in winning her in-laws. Her brother had agreed to provide legal support, and her parents arranged a panchayat to resolve the issue to avoid having to go to court. A panchayat is a village council; in this context, the term refers to a village meeting of the two families, i.e. Asia Mujahid’s family of birth and the family of her late husband.

Her in-laws agreed to relinquish their claim to her mehr property, on the condition that Mujahid would never remarry. Finally, four years after her husband’s death, Asia Mujahid obtained her mehr and now lives comfortably in her own house with her two sons.

Mujahid’s story is a clear case where patriarchy initially trumped empowering Islamic principles; in contrast, when Islamic principles disempower women, they are usually upheld. Mujahid successfully fought this disempowerment by appealing to a combination of Muslim principles and the traditional institution of the panchayat.

This also enabled her to avoid being forced to marry her brother-in-law – though she had to compromise her sexual freedom by promising not to remarry. Moreover, her in-laws’ agreement may have been based on the fact that her children were both sons, and will ultimately inherit her house, keeping it within the patrilineal descent group. If Mujahid had had daughters instead of sons, her in-laws might not have ceased their resistance.

Nevertheless, Mujahid’s experience is an inspiring one for other women, and has been publicised widely by a local NGO, the Sangtani Women Rural Development Organisation. Since then, other cases of women taking a similar stand have emerged. See also: Strategy 3. Those who sought to deprive a woman of her property rights were persuaded otherwise through traditional forms of negotiation and incentives.

In Sudan, a restrictive dress code is challenged by showing that it does not represent historical norms69

In 1983, Sudanese President Gaaffar Numeiri declared Islam the basis of Sudan’s criminal law. This imposition of Muslim laws was amongst the chief grievances in the decades-long civil war between the Muslim north and the largely non-Muslim south. Even after a 2005 peace deal, after which Muslim laws were supposed to apply only to Muslims, there were reports that non-Muslim Sudanese were punished under such laws.

A restrictive dress code was first introduced and enforced under President Omar Bashir’s government through Article 152 on ‘indecent and immoral acts’ of the 1991 Sudanese Penal Code. It states:


68 About 100 square metres and 60 square metres respectively. One marla, a traditional South Asian measure of land, is approximately 25 square metres.

69 This initiative received funding from the Sexuality thematic group.
As the extract above shows, the definition of ‘indecent or immoral dress’ is vague and, in practice, left to the discretion of the police officer. Aside from its openness to abuse, the law is discriminatory and a restriction of human rights. Girls and women from all religious backgrounds have been flogged by morality police for offences such as having uncovered hair, wearing trousers or being seen in public with a stranger.

In 2007, the Sudanese government claimed that the public order laws had been abolished. In reality, the laws were simply renamed the Society Social Code 2009, and the relevant articles remained in place. This gained international attention in July 2009, when thirteen women, including three minors and four non-Muslims, at a restaurant were arrested for wearing trousers. Ten were flogged and three, including the journalist and United Nations worker Lubna Ahmad Hussein, insisted on legal representation in court, and invited journalists and activists to witness it. This led to a public trial which brought international attention to the humiliation and violence against women which occurs under Sudanese law and is perpetrated by law enforcement officials. Hussein was ultimately sentenced to a fine or a month in prison.

Building upon the international attention from the Lubna Hussein case, the Salmmah Women’s Resource Centre, based in Khartoum, seeks to challenge the definition of ‘indecent or immoral dress’ by documenting the history of women’s dress in Sudan from the 1950s to the present, with photographs and women’s testimonies. This book is a tool to show the evolution of women’s dress over the years, showing how there was greater freedom and flexibility for women to move in public spaces without fear. Thus it challenges claims of a traditionalist basis for the imposed dress code, pointing out that it is an ahistorical phenomenon, and that discrediting opposition by calling it a ‘Western’ import is simply untrue. The book also seeks to educate young women, showing them that in many ways they possess less freedom and space than their elders, regardless of dress. Thus this book is an important tool to lobby for women’s bodily freedom, dignity and self-respect.

The conception of ‘modest’ women’s attire is at the heart of efforts to limit women’s free movement in public spaces, and to exert control – often by state actors, as in the Sudanese morality police. Thus showing proof, first day of imprisonment, however, others paid the fine against her will and she was released, having successfully brought global attention to Sudan’s public morality laws.

The rise of Islamist movements in the 20th century were partly in response to Western political and economic dominance. They led to a widespread use of Islam and reinterpretations of Muslim laws to legitimise an ahistorical control of women’s bodies, movement and property, claiming this was a return to purer traditions after the corruption and ‘immorality’ imposed by Western countries. As Ziba Mir-Hosseini writes, “the Islamists criminalised – and thus politicised – areas of sexual and moral behaviour that previously had not been the concern of the state, and thus facilitated the enforcement of their authoritarian and patriarchal interpretations of the law.”


in the shape of photographs and women’s testimony, of the diversity of traditional Sudanese attire strikes at the heart of regressive attempts to control women’s freedom.

See also: Strategy 10. Historical research and personal stories are used to challenge the dominant narrative about historical Sudanese attire for women.

Strategy 3: Communities are collectively convinced to end practices which disempower women

Even when individuals or families wish to abandon harmful or disempowering traditions, such as FGM or forced marriage, they come under social pressure to conform to the community’s traditions. To counter this, holistic approaches to ending such cultural practices have often been successful, where entire communities are convinced to work together to abandon the practice.

In the Gambia, important decision-makers and shapers of opinion are approached and encouraged to participate in collectively renouncing FGM. Special attention is paid to the representatives of this tradition – the women who traditionally perform the procedure on young girls, who publically ‘drop the knife’ and commit to becoming the guardians of girls in their communities. In essence, therefore, they redefine what a community means by protections for girls: instead of providing the imaginary religious and social ‘benefits’ of FGM, they commit to protecting their health and freedom from harmful traditional practices. A project in Nigeria takes a similar approach to end FGM, and works closely with traditional practitioners of FGM to determine the alternative means of livelihood they themselves consider most sustainable. Another project in Senegal approaches entire communities to give up FGM through their older women, the guardians of tradition.

FGM is recognised as a severe violation of the human rights of girls and women as well as a major contributor to maternal mortality and morbidity. As commonly practised in the Gambia’s predominantly Muslim society, it involves the excision of the clitoris and part or all of the labia minora (Type II FGM). Over 78 per cent of women and girls aged between 15 and 49 years have undergone this mutilation, and with 73 per cent of women saying they would like it to be inflicted upon their daughters, it seems certain that this harmful practice will continue for at least another generation. The country is yet to pass laws prohibiting the practice, and indeed major religious leaders and politicians publically oppose campaigns to eliminate it. Indeed, state media have been forbidden from broadcasting messages opposing FGM.

The Gambia Committee on Traditional Practices Affecting the Health of Women and Children, or GAMCOTRAP, works to end FGM in the country through advocacy with policy-makers, media training and campaigns, and most importantly, direct engagement with communities. This includes developing training programmes for men, women and children, religious and community leaders, doctors and journalists, and perpetrators of FGM to persuade them that the practice is extremely harmful to women and girls, as well as show that there is no religious sanction for the practice.

72 Collected by the Sexuality thematic group.
GAMCOTRAP also targets members of the Gambian parliament to institute laws prohibiting FGM. Through consultations, the organisation’s representatives target committees on women, children and health, presenting the case for the Gambia to fulfil its international commitments and end FGM. GAMCOTRAP also disputes the religious justification for FGM, pointing out to religious leaders that it is based on a ‘weak’ hadith, an insufficiently authenticated saying of the Prophet Muhammad.

A centrepiece of GAMCOTRAP’s strategy is the Drop the Knife campaign, which persuades perpetrators of FGM – usually rural women – to publicly denounce the practice and swear to stop it in their communities. Aside from intensive training and information sessions, this requires helping these impoverished women develop alternative means of income. This is a holistic community-based approach, in which discussions are initiated with families, elders and community leaders, so that a community collectively renounces the practice.

In 2007, the first batch of 18 former perpetrators covering 63 communities ‘dropped the knife’ and pledged publicly to end the practice. In 2009, at a major celebration in seven districts, 60 former perpetrators of FGM covering 351 communities committed in a public declaration to protect children from harmful cultural practices.

Women do not enjoy equal opportunities in the Gambia. Many women require permission from their husbands to perform certain kinds of work, enter polygamous marriages whilst still in their early teens, and are vulnerable to sudden, arbitrary divorce. Though 13 per cent of households are headed by women, they are disadvantaged in public and economic life because of their gender.

This lack of empowerment is a major contributor to the perpetuation of traditional practices harmful to women. Thus, placing the women who were once perpetrators of harmful practices at the centre of this movement reaffirms their instrumentality in their societies.

By involving key decision-makers in a community in the discussions around FGM, a more sustainable commitment to eradicate FGM is achieved, and the women themselves are strengthened by playing a positive and instrumental role in protecting girls and younger women. When these women, the representatives of the practice, publically refuse to continue it, and are backed in this resolve by their communities, GAMCOTRAP hopes to ultimately eradicate FGM village by village throughout the Gambia, and in doing so, establish women as the guardians of the future, as embodied in their girls, instead of an outdated and harmful tradition.

See also: Strategy 6. GAMCOTRAP engages in advocacy with policy-makers to pass legislation prohibiting FGM.

“We the Traditional Birth Attendants know how much women suffer during childbirth. In my village we are working closely with the circumciser to protect future mothers.”

“It is clear that the issues of FGM are about religion and health; from the evidence we have seen, Muslims cannot rely on a weak hadith to continue the practice.”

“I have witnessed a girl from my family bleeding to death due to the FGM performed on her. I know FGM affects us and this training has given me confidence to openly join you in the campaign to eradicate FGM.”

“Last month a group of refugee women came from Cassamance with 12 children to be circumcised and I refused. I am educated about this practice and I decided not to cut any girl again.”

Picture provided by GAMCOTRAP in the Gambia: Drop the Knife Project
In Nigeria, perpetrators help develop alternative sources of livelihood in order to end FGM\(^ {77}\)

In southern Nigeria’s Cross River State, over 34 per cent of women have undergone FGM, a fifth of them Type III, the most drastic form of the procedure.\(^ {78}\) About 86 per cent of women in the state report that a traditional ‘circumciser’ performed the procedure.\(^ {79}\) While the practice has been reduced considerably, according to a 2008 survey, 13 per cent of women still intended to have their daughters undergo FGM.\(^ {80}\)

Aside from cultural and social imperatives, the women who perform FGM have a strong interest in the continuation of the practice: they depend upon it for their livelihoods. Thus creating alternative sources of livelihood is essential to supplement public awareness and education initiatives.

Safehaven, an organisation seeking to eradicate FGM in the state, invited traditional circumcisers to participate in focus group discussions and help develop viable, desirable and sustainable alternative methods of income generation. Through discussion, the circumcisers identified that food processing and preservation, petty trading and other activities related to agriculture were the most appropriate alternatives for their economic imperatives and lived realities. Thus, Safehaven has developed a baseline campaign to help women access food processing equipment (such as equipment to mill grain and process garri from cassava), obtain seed and learn business management skills.

This avoids the potentially unsustainable approach of offering women perpetrators alternative means of income generation which may not be appropriate to their individual situation. Because the women are involved in the process of discussing and choosing alternative sources of livelihood, they have an active stake in their success, and are further empowered to play an active part in ending FGM.

Older women are recruited in the struggle to end FGM in Senegal\(^ {81}\)

The Grandmother Project\(^ {82}\) seeks to achieve positive change through older women who are often considered the guardians of tradition. By recruiting these women to end FGM in their communities, it seeks to tap a pool of very influential decision-makers who are often ignored in efforts to end FGM. By working with older women and recognising their say in family decisions, the project hopes to improve community acknowledgement of their important status and improve communication between generations in a rapidly changing society. Older women are encouraged to holistically analyse traditions for young girls, promote those which are positive and discard the negative.

\(^ {77}\) This initiative received funding from the Sexuality thematic group.
\(^ {79}\) Ibid. Table A-18.3.
\(^ {80}\) Ibid. Table A-18.4.
\(^ {81}\) Collected by the Sexuality thematic group.
C. Working through the legal system

Strategy 4: Women claim their rights through the legal system.

Strategy 5: Advocates raise awareness about women’s rights and provide tools to exercise those rights.

Strategy 6: Women and their advocates work to change laws to protect women’s rights.

Protections against cultural barriers to women’s empowerment may exist in a country’s laws. These may be direct, such as the legal prohibition of polygamy in Tunisia. In many cases, however, these protections are indirect or must be developed through interpretation, or the laws themselves must be contested. Through seeking the enforcement of supportive laws and policies, some women and their advocates can assert guaranteed rights and create precedents which benefit other women in the future.

The strategies discussed in this chapter show how women can use existing laws and government policies to protect their own rights, or advocate for changes or new laws. In many countries, especially in postcolonial contexts, more than one legal system operates in parallel, and often in conflict with each other. There is the secular system, often based on common or civil law and derived from the former colonial power’s policies. There may be laws based on religious texts. Finally, there may be recognition of customary law, which may vary considerably between regions and ethnic groups. This complicated legal scene presents both a challenge for women, especially those with little legal understanding, but it is also an opportunity to identify and uphold empowering laws and customs to supersede disempowering ones.

In many cases, laws to protect women’s rights exist, but are not adequately utilised due to custom, lack of information or lack of opportunity. In other cases, the laws themselves disempower women, and must be challenged or resisted using means appropriate to the local context.

Strategy 4: Women claim their rights through the legal system

The legal system is not always sympathetic towards women seeking to claim their rights. While successful battles can be groundbreaking precedents for some women, even unsuccessful ones can be exemplars of the need for women to create a place and a voice for themselves in official and legal discourse.

In Pakistan, while the judiciary is often unsympathetic to women’s personal or sexual rights, it frequently upholds women’s claims to inheritance, particularly under the unequal distribution mandated by Muslim law. Whilst deriving from the patriarchal view that women must be ‘provided for’, these decisions can be used to increase consciousness of a woman’s right to property in a society where family members – both men and women – prevent most women from inheriting at all. Thus women must possess both the knowledge of their inheritance rights and the willingness to make a stand in a society where traditionally their public dealings are limited. In this case, advocates – from within the family, or organisations specialising in women’s legal rights – can be instrumental both in providing information and helping to file cases.

Sometimes, even laws providing a limited right to inheritance simply do not exist. This is the case in Niger, where instead of a unified family law, judges use a mix of religious and customary laws to rule on matters of inheritance, divorce and marriage. This puts women at a serious disadvantage. When women fight legal battles and lose, others may be deterred from contesting their own disempowerment in court. In these situations, women and their advocates must consider the conditions which render them unable to defend their rights, such as a biased judiciary, or the lack of women’s representation in the relevant government departments. Thus Lobbo Hamma, a Nigérienne who lost such legal battles, works to bring women into the local government bodies which manage land registrations, and send representatives to the regional and national levels. By bringing women’s views and voices into the decision-making process, in the long-term women will be able to shape the distribution of resources more equitably.

83 Daughters receive half the share of their brothers. See Quran 4.11; quoted page 35, below.
In Pakistan, a widow goes to court to claim inheritance from her husband’s estate

In Pakistan, the marriages between Muslims are conducted according to the Muslim Family Laws Ordinance 1961 (VIII of 1961), Rules 8 and 10 which require the contract to use a nikah nama form (marriage certificate). The nikah nama requires information on the bride’s entitlements, including her bridewealth (mehar), how much of this is to be paid promptly and how much deferred, if property is given in lieu of the mehar (called ‘dower’ in the form), as well as any additional special conditions. This is in accordance with Muslim beliefs which require husbands to endow their wives at the time of marriage and is widely considered a supplement to the reduced inheritance women receive from their parents under Muslim law.

In Pakistan, following Sunni Muslim law, daughters are entitled to half the entitlement of their brothers, and widows with children are entitled to a quarter of their deceased husband’s property. Yet many women fail to exercise even their lesser rights because of lack of knowledge or family pressure to keep property within the male line: in a 2005 survey in rural Punjab and Sindh Provinces, while 95 per cent of women were aware of their legal right to inherit property from their parents, nearly 72 per cent were willing to relinquish their inheritance to placate their brothers.

Rani Shamim, a resident of Maliwal in Nankana, a rural district of Punjab Province, has worked with human rights and development organisations since 1995, including with partners of Shirkat Gah Women’s Resource Centre, which hosts the WLULM Regional Coordination Office for Asia. Thus she is well informed about her rights under Pakistani law. Nevertheless, she reluctantly acquiesced to her family’s wishes when her father arranged her marriage with his nephew whom she disliked. During the wedding, Shamim pleaded that the nikah nama be properly filled out in accordance with the law, but was ignored.

Thanks to the unpleasant circumstances under which the wedding took place, the couple faced problems from the very beginning. Finally, Shamim and her baby son left her husband’s house to take refuge with her parents. Soon after, Shamim’s husband died unexpectedly.

Shamim’s father-in-law had died shortly before, and left his son ten marla of unconstructed land. On her son’s death, Shamim’s mother-in-law insisted to the patwari (the local government official responsible for the administration of land and recordkeeping) that the estate was to be distributed only amongst herself and her two surviving sons, and omitted mention of Shamim’s husband and her own three daughters.

Although Nankana District is predominantly Muslim, customary practices frequently deny women their right to inheritance under Muslim and Pakistani law. Families seeking to deny women often conspire with sympathetic local government officials. In this case, Shamim and her son were denied their inheritance, and her sisters-in-law were also disinherited.

On hearing this, Rani Shamim immediately contacted the Shirkat Gah Women’s Resource Centre. With their advice, she took an aggressive approach, and argued that under the law of inheritance, she had a rightful share in her husband’s property. She visited the patwari, and explained the law clearly to him. She threatened to file a court case against him for fraud if he did not allot her what she was entitled to. Upon the threat of legal action, the patwari immediately changed the documents to bring them in line with the law. As a result, Shamim and her sisters-in-law all received their rightful shares.

84 Collected by the Women’s Inheritance and Property Rights thematic group.
85 The nikah nama form as used in Pakistan is available online at: http://www.sdpi.org/know_your_rights/know%20you%20rights/nikkah%20nama.htm
87 Approximately 250 square metres.
Rani Shamim’s success was due to her awareness of her rights in the matters of inheritance, and willingness to exercise them in the face of social pressure. With support from her family – an uncle accompanied her trip to the patwari – and her experience with matters of women’s rights, she successfully acquired her inheritance by using a simple but effective strategy: to present her claim and its legal basis, and to be willing to use legal force to uphold it.

The Pakistani judicial system has a very mixed record on upholding women’s rights. On matters of inheritance, however, it generally upholds women’s claims:

In deciding matters of inheritance, the superior judiciary has generally tried to favour interpretations which are more beneficial to women and in this their attitude is at variance to the generally discriminatory stance taken when deciding issues of criminal law (The Hudood Ordinances) or matters relating to marriage and divorce. The reason for this could be that issues related to inheritance and related property rights for women are decided squarely within the religious context and with reference to the Quran and Hadith. Rights are granted to women in consideration for fulfilling their traditional roles within society i.e. that of mother, daughter and sister. The Quranic shares given to these women recognize their traditional role in that the religious justification for not giving women equal inheritance rights is that they are not required under Islamic injunctions to provide for the family and that the male providers who are supposed to be looking after them will do so in other ways.88

At the same time, there is no mechanism for verifying that women have indeed received their due shares. Thus a knowledge of the law must be combined with women’s willingness to proactively pursue the case, with the support of advocates within the family or community, and women’s organisations.

Rani Shamim’s strategy was thus to become fully aware of the legal ramifications of the case, and use the judiciary’s reputation for upholding such cases against the low-level government official who would normally have conspired to deprive her and her sisters-in-law of their inheritance. In the long-term Shirkat Gah hopes to be able to equip more women to fight for their own rights by giving them the confidence to acquire what is rightfully theirs.

See also: Strategy 9. The knowledge of laws supporting women’s rights to inheritance, as well as her contact with women’s groups, enabled Rani Shamim to pursue her case and win her inheritance.

Two sisters successfully claim their inheritance in court89

When their father died, two Pakistani sisters – one married, the other a widow – found themselves deprived of their inheritance. Their father had left a ten marla90 double storey house. Two of their four brothers were intent on making sure that the sisters received their due share; indeed, one even rented out his portion of the inheritance and handed over the proceeds to his wife and sisters. However, the two middle brothers refused to even consider letting their sisters have any share in the property.

The eldest brother decided to make use of the law to get his sisters their rightful share. Shirkat Gah’s panel lawyer devised a strategy whereby the sisters would file the case against all four of their brothers and, at the evidence stage, the two supportive brothers would testify in their favour.

Two years after the case was filed, the court decided in favour of the sisters. As the house could not be divided between the six siblings, the court decided to auction the house and to divide the proceeds among them, thus awarding justice to the two sisters.

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89 Collected by the Women’s Inheritance and Property Rights thematic group.

90 Approximately 250 square metres.
When claiming their inheritance, the sisters were motivated by the need for financial security as well as their right to inheritance. The two supportive brothers were motivated by the imperative to achieve justice for their sisters, and were assisted by Shirkat Gah lawyers who also saw this as an opportunity to achieve social justice through legal process, and bring the issue of women’s inheritance rights to public attention.

Thus, while laws of inheritance exist in Pakistan, and can support women’s claims, they are frequently under-utilised because women are unaware of them or unwilling to go to court. Achieving their rights through the legal system creates a precedent, and can be used to publicise routes for women to claim their inheritance.

See also: Strategy 5. The sisters’ brothers served as advocates who helped them access the tools to exercise their inheritance rights.

In Niger, a woman denied her inheritance fights to bring women’s voices into decision-making on land ownership

No family code exists in Niger, despite a draft bill completed in 1993. In the absence of a code, customary law governs marriage, divorce and inheritance. These customs differ between communities, and judges have discretion in identifying and applying appropriate customs to a case. Thus, while under the ‘positive law’ legal system, women and men have equal rights to write wills, if someone dies intestate, the estate is divided according to Islam and custom. The division is not standardised and is frequently unequal. Customary courts based on Islamic law and local tradition are located in large towns and cities, and traditional chiefs may act as mediators with authority in customary law cases. Under national law they are also designated auxiliaries to local officials. In any case, “under customary courts and traditional mediation, individuals do not have the same legal protections as those using the formal court systems.”

In this pluralistic system, women have largely been unsuccessful in taking legal actions to claim family inheritance. Indeed, the women whose cases were widely publicised owe the exposure not to winning, but to persisting with legal actions after losing one hearing after another. Their ‘success’ lies in leaving behind a legacy of struggle.

Lobbo Hamma of Kollo, in southwestern Niger, is now in her late seventies. She lost her legal case to claim her share of her deceased father’s land despite being the only daughter, and was disinherited in favour of her brothers’ sons. Lobbo is an active participant in the Réseau des femmes pour la paix (REFEPA), a network of advocates for women’s human rights and leadership. She now urges women to be vigilant about their rights to land, and take the struggle to another level. To achieve this, Lobbo links women to the national level through contacts with a female parliamentarian. Together they encourage women to register land to which they have access or claim. They also encourage women to participate in COFOB (Commission Foncière de Base), the local government unit in charge of land, which sends representatives to its regional and national equivalents.

91 This initiative received funding from the Women’s Inheritance and Property Rights thematic group.
rights; instead, Lobbo works to create an environment where such struggles will not be fruitless in the future. She is thus a source of inspiration for women to fight for their rights and not give up even in the face of great challenges.

Lobbo uses her struggle to inspire other women to not only demand their rights in courts of law, but to create a place for themselves within the legal and government systems. This is achieved by networking with sympathetic policy-makers, assisting women to register their claims to land, and by encouraging women to proactively join local government bodies in charge of registering land so that they have a voice in decisions for future generations.

Strategy 5: Advocates raise awareness about women’s rights and provide tools to exercise those rights

Laws exist, however imperfect, which protect women’s rights, but are often not exercised. This may be because women are unaware of their rights, or do not have the tools to exercise them – they may be unable to afford fees or transportation, or be uneducated about how to fill out the correct forms, etc.

In southern, predominantly Christian, Nigeria, women are often left destitute when widowed. They are ritually humiliated and disinheritied by their brothers-in-law or sons, who often seize the share of younger siblings as well. To prevent this, men are encouraged and assisted to write wills to protect their wives’ and children’s shares. Women and children are also educated about family finances, and the need for bread-earners to ensure that their estates pass smoothly and fairly after their deaths. Thus, since Nigerian law respects wills for non-Muslims, widows and children are protected.

In Pakistan’s Sindh Province, a programme to distribute rural land to impoverished peasants initially stalled due to inefficiency, corruption and challenges from powerful local interests. When resumed, it targeted primarily landless women. To prevent similar problems from recurring, advocates devised a communication campaign to inform and motivate women to claim their share. It supplemented this campaign by distributing the forms needed to make the claims, helping women fill them out, and transporting them to the open hearings where they filed the claims. As a result, women were both informed about their right to own land – unprecedented in many of these communities – and assisted to actually claim it.

In several of Nigeria’s northern provinces, disempowering interpretations of Muslim laws have been increasingly applied to criminal matters, and disproportionately affect women. BAOBAB, a women’s organisation, seeks to counter this through legal aid and legal literacy workshops, developing a network of paralegals who can assist women navigate the schools of laws based on interpretations of Islam. This is supplemented by legal research and documentation, which challenge monolithic interpretations of Muslim laws.

In the conservative Khyber-Pukhtunkhwa Province in Pakistan, women’s right to inheritance is frequently ignored by their relatives who seek to keep property within the male line. An NGO worker used his own position in this culture as a man who is sympathetic to women’s rights to advocate with three brothers on behalf of their dispossessed sisters. By speaking from within the culture, and educating the brothers on their obligations under Muslim law, he helped ensure that the woman received her property.

In Nigeria, encouraging men to write wills to protect their widows and children

Many women in Nigeria are disinheritied when their husbands die. This frequently occurs in southern...
Nigeria, amongst the predominantly Catholic Igbo and Protestant Yoruba. It also occurs amongst Catholic or Protestant ethnic minorities in the Middle Belt. Wives wield some authority over their husbands’ goods and property during their lifetime, but lose all claim once widowed. With less than 40 per cent of women in the labour force, many do not have an independent income, and are left dispossessed and penniless.94

In Igbo tradition, the first son is supposed to inherit all his father’s estate. However, older brothers of deceased men often assert a right to the inheritance, even if the deceased has a son. Based on Nigeria’s patrilineal kinship reckoning, the oldest brother is the first son one generation higher than – and thus senior to – the deceased man’s oldest son. Traditionally, this patrilineal mode of inheritance was accompanied by customary obligations to extended family, and the oldest son or elder brother was responsible for caring for the other survivors. But these obligations are increasingly disregarded as people move into nuclear families in urban settings, and many squander the property, leaving nothing for the widow and younger children. Thus, as the family structure changes, old inheritance patterns prevail but are stripped of countervailing obligations.

The Yoruba have two patterns of inheritance: idigi or ori-ojori. Under idigi, the estate is shared amongst a man’s children, both male and female. Under ori-ojori the estate is shared between his wives, and disregards the number of offspring from each wife. Responsibility for distribution – whether to children or to wives – rests with the oldest son. Often, the son simply misappropriates the shares, thus negating these apparently equitable patterns of inheritance.

Amongst both Igbo and Yoruba, a widow is symbolically stripped of all dignity through funeral rites that render her socially dead without her husband. So punitive are these funeral rites that the Immigration and Refugee Board of Canada considers widowhood a factor for consideration when deciding asylum applications by Nigerians. It lists some of the rituals widows are subjected to upon the death of a husband (rituals that are particularly prevalent in southwest and southeast Nigeria):

Drinking the water that was used to wash the husband’s corpse, the shaving of the widow’s hair, sleeping on the ground without a blanket for a month and a week, wearing the same garments for a year, sitting on the ground motionless for a specified period of time, eating only with the unwashed left hand, and fasting…. The widow’s drinking of the bathing-water of her husband’s corpse is a ceremony of self-exculpation whereby it is believed the widow will die if she was blame-worthy for her husband’s death…. “To refuse, or to even retch while imbibing, would be showing complicity or joy in his death.”95

According to Josephine Nzerem of Human Angle, a Lagos-based NGO,96 the only way a widow can escape such rituals is if her supportive brothers carry her bodily away. However, the Nigerian legal system respects wills when dealing with non-Muslims.97 Thus this provides space for an effective strategy for Human Angle to ensure that widows are protected from destitution and humiliation.

Human Angle uses a broad approach which targets all members of a family. Men are urged to write and register wills, and stipulate that their widows should not be subject to humiliating customs. Women and children are encouraged to be financially literate, aware of their family assets and to encourage men to write wills. As Nzerem observed in an interview: “When only your brother-in-law knows who owns what and where the papers are, you don’t even know what you have been disinherited from.”98

Human Angle has developed a guide and template for wills, called Wills Made Easy. People are trained to write and register their own wills at the Probate Registry, and to submit a copy to their bank – with multiple copies in secure places, forgeries are less likely to succeed. As no lawyer is involved, the cost is minimal. As a result, about 200 men have written and formalised wills in five years. Many others have written, but not yet formalised their wills.

Many men are reluctant to write or formalise their wills because they fear it may result in their immedi-

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94 The female labour force participation rate was 39 per cent in 2008. United Nations Statistics Division. World Statistics Pocketbook. ‘Nigeria’. Available at: http://data.un.org/CountryProfile.aspx?crName=Nigeria. Accessed 2 December 2010. However, the labour force statistics are known to undercount women’s labour force participation substantially. More to the issue is that women’s labour is usually not formally recognised in monetary value (unpaid ‘family’ labour) or has very little return (low wages, low profits from small-scale retail).


96 Personal communication to Vivienne Wee.

97 In the northern Muslim-majority states, Muslim personal law is followed.

ate death. Josephine Nzerem believes that this is because many men associate wills with death and are nervous that thinking about death will cause them to die. Thus Human Angle’s work encompasses more than just teaching men to write wills: it involves catalysing a shift in the mode of cognition, from magical thinking to rational planning. To achieve this, Human Angle provides real-life examples of those who died without formalising wills. With these concrete examples of the threats to their wives’ and children’s well-being, men are able to think rationally about the need for a will.

This need for a shift from magical thinking to rational planning applies also to women. Nzerem says: “An uncomfortable proportion of women, out of ignorance, tend to view this matter [of disinheri-
tance after their husbands’ death]... with resignation. How best can we get our women to see the seriousness of the issue and tackle it head-on and without sentiment?”

Women are invited to workshops which begin with an emotionally gripping play called ‘Tears’ which shows the consequences for widows and children if a male head of household dies without a will. How can this terrible outcome be prevented in their own families? Through discussions amongst themselves and with experts, participants are shown the importance of knowing the family’s assets and of ensuring that wills are written. Some are trained to pass on their knowledge to other women outside the workshops.

Human Angle’s programme Every Child An Advocate is directed at younger sons and daughters, who are especially vulnerable under customary practices, though even the oldest son may be disinherited by his father’s older brother. Thus developing the children’s financial literacy helps them take charge of family finances.

Human Angle encourages men to name their beneficiaries in their wills and bequeath specific amounts. This is particularly important for Igbo daughters, who otherwise risk being entirely dependent upon their husbands after marriage, with no right to inheritance if widowed.

Human Angle also advises men to include in their wills their wish that their widows not be subjected to funeral rites that strip them of human dignity: a symbolic humiliation which is usually a prelude to material dispossession. Indeed, with increasing recognition of this problem, some men are now buying property in their wives’ names to ensure they will not be left homeless if widowed.

To ensure that widows are not left destitute, Human Angle also asks women to make sure that their marriages are legally registered under the Marriage Act. Though its articles are disputed, the act provides for intestate inheritance and some legal protection for widows.

There has been some resistance, largely from traditionalists who view Human Angle as inciting women to rebel. Increasingly, however, this strategy has been welcomed. More people are now requesting information about wills and the registration of property in women’s names. Indeed, some groups of women have taken the initiative to link Human Angle with resident associations, or have suggested related abuses (e.g. when widows are inherited by male relatives as part of the estate) to focus on.

The disinheritance of widows and their children arises out of contradictions between the Nigerian legal system (derived from English common law) and customary practices (based mainly on patrilin-

cial patterns of inheritance, as well as accusations of witchcraft used against women). Human Angle’s will-writing initiative provides the means to appeal to the Nigerian legal system to overcome disinheri-
tance from customary practices. However, by its nature customary law is flexible and can adapt to social change. Thus this strategy enables advocates for women to overcome disempowering and de-
grading traditional practices by offering alternatives based on rationality and the law, which women can use to exercise their right to inheritance. Through information campaigns and workshops, Human Angle then helps to bring these new ways of thinking about women’s inheritance into the mainstream.

In Pakistan, landless women are empowered to take advantage of a government programme

The hari of rural Sindh, Pakistan’s south-eastern province, are typically landless peasants who work as tenants for landlords. Many are bonded labourers, toiling to pay back loans and punitive – and sometimes unwritten – rates of interest. They

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99 In anthropological or psychological terms, causal reasoning between acts or utterances and events.

100 Collected by the Women’s Inheritance and Property Rights thematic group.

have few or no protections against the violence, discrimination and exploitation they are subject to in Sindh’s feudal society.

To help landless peasants break out of the cycle of poverty, the Government of Sindh initiated a land distribution programme in 2008. It aimed to “distribute 91,000 hectares of cultivable state land to 80,000 poor and landless peasants, many of them women”, with 21,000 hectares reserved for women. In November 2009, it was reported that 17,400 hectares had been distributed to 4,200 beneficiaries, of whom 70 per cent were impoverished women who each received between 1.6 and 10 hectares.

Nearly a year earlier, however, on 1 January 2009, Sindh’s revenue minister, Jam Saifullah Dharejo, had already admitted at a conference that there were reports of “flaws and irregularities” in the land distribution programme. Some of the land distributed amongst women was “not fit for cultivation”, and in many areas there were reports of local influentials trying to usurp land granted to poor families.

Problems with the allotments continued and were documented in an Oxfam GB-supported study by Participatory Development Initiatives (PDI) released in December 2009. Women reported being allotted land on the sea bed, or in a graveyard. There were reports of land allotted to wives of influential people. According to PDI director Sikander Brohi, in many cases, instead of issuing final allotment orders at open katcheries [hearings], revenue officials merely issued lists of names and told the allottees to come to the revenue department for their land ownership papers. People who could afford to travel went to the revenue office; many of them found that the lists had been changed and their names were no longer included in the new lists.

There had also been mass mobilisation to file appeals against allotments, which the impoverished allottees could not afford to contest. Others were threatened or their families assaulted, and 70 per cent had not received their documents.

The land distribution programme was halted in order to improve the process, and in April 2010 a second phase was announced which would distribute 50,000 acres of land amongst the poorest women in the province through open katcheri.

While efforts to assist women to claim land had been made in the first phase of the land distribution programme, PDI’s December 2009 study had showed that more work was needed. Aside from procedural problems, PDI found that there was also a need for legal support to fight challenges to the rights of women to own land from wealthy landowners.

Thus, to spread awareness amongst landless women of their right to claim land, PDI launched the following activities:

- Visiting villages and informing women that the government was giving land.
- Printing copies of the application form and distributing them freely.
- Mobilising rallies of women chanting Sindhi slogans to spread excitement and awareness.
- On radio and in public gatherings, broadcasting Sindhi folk songs with new lyrics appealing to women to claim ownership of land as their birthright.
- Publishing Sindhi literature and brochures about the procedures for applying for land ownership.

Simply informing women of their rights was insufficient: PDI taught women how to fill out the application forms and arranged transportation to bring them to the katcheri. PDI members also attended the katcheri and assisted women to fill out and submit their application forms.

In addition, PDI provided legal aid to some of the women granted land in the earlier distribution, monitored the programme, and increased awareness amongst the Pakistani public and members of the Sindh government.
PDI’s approach assisted hundreds of women to apply for land successfully. The strategy was thus twofold. The first aspect was to ensure women knew their rights and were motivated to exercise them, by spreading awareness and creating a sense of excitement and commitment at this, the first opportunity many families had ever had to own land of their own. The second aspect was to provide women the concrete assistance needed to exercise those rights, such as help in understanding and filling out the forms (many are illiterate) and arranging transportation to the open hearings, the cost of which may otherwise be prohibitive.

Beebul Hassan is a 37-year-old mother of seven children who obtained four acres in Thatta. Until then she and her husband had lived and worked for minimal wages on a landlord’s property:

“I and my husband worked off our whole day just for a few rupees of 100 which never bought us enough food to feed our 7 children and us…. [T]here were days when I and my husband would sleep without having any dinner trying to feed our children first…. [W]e were bound just for the sake of the patch we lived upon, there wasn’t any other place we could think of migrating.”

She had not even heard of the land distribution programme until PDI’s representatives arrived in her village with radio and public announcements. She took one of the application forms, and on the day of the katcheri, PDI arranged for her transport to ensure she could make her claim in person. Now, with a small plot of her own, Hassan plans to build her own house, and grow tomatoes, wheat, chillies and other vegetables.

In Nigeria, women and communities receive legal aid and legal information to counter harmful interpretations of Muslim laws

Nigeria operates under three legal systems: secular laws formed of the relics of the colonial legal regime and decrees since independence, customary laws, and laws derived from interpretations of Islam. While customary and laws based on Islam were long restricted to personal and family matters such as marriage and inheritance, since military rule ended in 1999 twelve of the 36 states have extended laws based on interpretations of Islam to criminal matters. This has raised concerns about the effects of these laws on women, and whether women in these areas are equipped to protect themselves. Criticism of these laws is limited by fears of being targeted as ‘anti-Sharia’ or ‘anti-Islam’, and because many Muslims do not feel they are informed enough about the laws.

BAOBAB, which was formed to protect women’s human rights in 1996, seeks to address this by creating a greater understanding of religious laws, their diversity, and their impact upon women in Nigeria and elsewhere. This includes “documenting how historical, political, economic, sociocultural, and gender specificities mark the construction of all laws (customary, secular or religious)”, thus challenging the construct of a single, misogynistic, Muslim law. It allows for analysis and critique of particular laws implemented in Nigeria’s northern states, and challenges fundamentalist claims that Muslim laws are timeless and divinely inspired without human intervention.

From 2000, this has included providing legal defence to women unfairly charged under Muslim laws. The best known of these cases is that of Amina Lawal, who was charged with adultery on the basis of her pregnancy outside marriage, and sentenced to death by stoning. BAOBAB’s lawyers successfully appealed this within the Sharia court system, thus proving the diversity of interpretation within Muslim laws.

A key strategy is to increase legal literacy amongst Nigerian women and the legal profession, particularly regarding laws based on Sharia. This is achieved through volunteer outreach teams working in communities who, with BAOBAB, support...
workshops, legal literacy materials, and training for paralegals to create a network of knowledgeable individuals sensitised to women’s concerns and the law. BAOBAB considers its task that of increasing “legal consciousness rather than legal awareness” — an informed critique of disempowering interpretations of Muslim laws as they affect women, and means by which they can addressed. Legal literacy materials are also translated into Hausa and Yoruba, and their contents publicised through newspaper articles, radio and television.

BAOBAB trains paralegals to do community-based legal mediation and counselling. The training is aimed at community activists with an interest in women’s human rights who may be a first stop for advice when women enter the complicated and expensive legal system. They are often also the last step, in their roles of mediators and counsellors.

The training modules introduce the function of a paralegal, as well as his or her limitations. They describe the forms of law in Nigeria, including the roles of the court system, law enforcers and the international instruments applicable here. They also focus on the actual exercise of theoretical rights, including means of accessing legal rights, and give a systematic critique of the lack of protections in law. When discussing personal law, BAOBAB includes a systematic discussion of the religious and customary laws which affect women most acutely. Paralegals are expected to share their knowledge with their peers, to increase public awareness of the laws affecting Nigerian women.

BAOBAB consciously tries to create a shared platform between human rights and religious discourse, while avoiding relying solely on one or the other. This approach, while criticised from both sides of the aisle, seeks to create an indigenous world view consonant with human rights. Thus BAOBAB equips women and communities with the information and tools to argue effectively about and to challenge the dominant, disempowering interpretations of Muslim laws from within, and trains activists working at the grassroots to understand and navigate the labyrinthine legal system. By providing legal information and representation, it equips them with the tools to fight unjust verdicts and breaches of their rights, and provides a precedent to others in Nigeria and elsewhere.

See also: Strategy 1. Women and advocates are empowered with the legal knowledge to contest dominant narratives about laws based on Muslim laws.

Advocates persuade brothers not to obstruct their sisters’ right to inheritance

In the Pakistani town of Haji Baba in Malakand, Khyber-Pakhtunkhwa Province, three brothers denied their sister of her inheritance by sharing their deceased father’s property amongst themselves. This came to the knowledge of Sher Nawaz Khattak, who worked for an NGO partnered with Shirkat Gah Women’s Resource Centre.

Sher Nawaz Khattak called a meeting with the three brothers and explained to them their rights and obligations regarding inheritance under Pakistani and Muslim law. He explained to them that Muslim law decreed that men and women had to share inheritance, and directed them to the relevant Quranic verses:

Allah (thus) directs you as regards your Children’s Inheritance: to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-knowing, All-wise.


116 Collected by the Women’s Inheritance and Property Rights thematic group.

After extended discussion, the brothers agreed to give their sister her rightful share in the inheritance. Indeed, when the land designated for her was found to fall short of her actual share, they compensated her from within their own property.

As a long-time advocate for women’s rights in the conservative Khyber-Pukhtunkhwa region, Khattak was an ideal advocate for the sister denied her inheritance. He was knowledgeable and committed to upholding women’s rights, knew the religious arguments which would appeal to his audience, and, as a man within this patriarchal society, could speak and be listened to more than a woman or an outsider would be. Thus an advocate who is considered an authority in a patriarchal environment may prove to be the most effective advocate for women’s rights.

See also: Strategy 1. An advocate takes advantage of his position in a patriarchal society to uphold the rights of inheritance a woman has under religious law.

See also: Strategy 3. Those who disempower women are persuaded through argument to abandon this practice.

Strategy 6: Women and their advocates work to change laws to protect women’s rights

Laws based on religion, cultural practice or outdated secular or colonial sources frequently have unintended – or, often, intended – negative effects on women’s lives and freedoms. Often, women and their advocates are dismissed or silenced by traditionalists and are unable to openly speak against these laws. Changing these laws or introducing new protections may thus require indirect means, as shown in the narratives below. They link back, in a sense, to Strategy 1, where women and their advocates investigate how an existing legal system can be tweaked to provide protections for women which may have never been intended.

In Iran, where stoning is a punishment which most often affects women and is often meted out based on a judge’s intuition rather than evidence, activists challenge such verdicts based on the lack of documented evidence. This enables them both to save the lives of individuals subject to this horrific punishment, but also to argue for its abolition.

In Afghanistan, when a severely anti-woman family law was passed, activist networks decided to attempt to supersede it by participating in the framing process for a new bill to eliminate violence against women, and persuading the president to support its passage. This new bill, it is hoped, will provide women with protections against the provisions of the earlier bill.

In Iran, an unjust verdict and violent punishment are overturned through legal means

Since its Islamic Penal Code was ratified in 1983, Iran has been under strong pressure from domestic and international forces to ban its use of stoning as a punishment. In December 2002, the Head of the Judiciary, Ayatollah Shahroudi, imposed a moratorium on stoning, whilst keeping the punishment on the books. The punishment continued quietly, however, and in 2006 a man and a woman accused of adultery were stoned in Mashhad. In June of that year, a woman named Ashraf Kalhori was convicted to death by stoning within 15 days. As reports of these cases became public, it became clear that the ban had not been fully implemented. Since these sentences are normally executed in secrecy, the names and number of those stoned to death are unknown. In 2006, a two-month research project by the Network of Volunteer Lawyers identified nine women and two men under sentence.

In response to this, the Stop Stoning Forever Campaign was formed to change the Islamic Penal Code to eradicate stoning. Since an overt call would not be heeded, the campaign takes an indirect approach. Instead of pointing to the violent breach of human rights due to this punishment, the campaign focuses on problems with procedure and evidence which undermine the validity of this punishment. In turn, stoning is used to represent the worst aspects of the Iranian Penal Code and Family Laws.

Thus the immediate focus of the Stop Stoning Forever Campaign is to work on individual cases of prisoners facing execution by stoning, and to advocate for the passage of a law abolishing the punishment altogether. While most members privately support the decriminalisation of adultery and illicit

118 Collected by the Violence is Not our Culture thematic group.
sex, this is not explicitly stated in official documents.

The vast majority of those sentenced to stoning are women. The discriminatory nature of Iranian family law allows men a range of options in case of sexual dissatisfaction or an unhappy marriage, such as polygamy, temporary marriage, sexual rights, easier divorce and preferential child custody. Women do not have any of these recourses, and are more likely to be found guilty of adultery. In addition, women are more vulnerable to unfair trial: women’s testimony is given half the weight of a man’s, and as more women are illiterate, they are more likely to be forced to sign statements or confessions they do not fully understand.\[121\]

In 2004, Iranian newspapers reported the sentencing of Hajieh Esmailvand for having an adulterous relationship with a 17-year-old boy named Ruhollah G.\[122\] It was further reported that the two were also accused of murdering Esmailvand’s husband.

It is now known that in 1999, Esmailvand was the victim of a rape attempt at her home by a young man known to her husband. It is now believed that this was also Ruhollah G. Six months later, Esmailvand was visiting her parents in Tabriz where her child was receiving medical treatment. During her absence, Ruhollah G killed her husband in a fight. Under interrogation, he claimed Esmailvand was his accomplice and that they had had an adulterous affair. On 20 January 2000, Esmailvand was arrested.

Hajieh Esmailvand is ethnically Iranian Azerbaijan, and her mother tongue is Azerbaijani Turkic. During her trial, she had a court-appointed attorney, and the proceedings were conducted in Persian, a language she did not then fully understand. Esmailvand tried to explain that Ruhollah G had attempted to rape her, and that she had not committed adultery with him. However, it is believed that due to language difficulties her statement was taken as a confession of adultery.

On 25 April 2000, Branch 3 of the Julfa Public Court sentenced Esmailvand to five years imprisonment as an accomplice to murder, and hanging for adultery. The Supreme Court upheld the death sentence, but changed the method of execution from hanging to stoning. According to reports, Esmailvand did not even learn of her sentence until she asked her brother some time later: she did not know the meaning of the Persian word for ‘stoning’.

Hajieh Esmailvand wrote several letters to the Head of the Judiciary, insisting she was innocent and asking for a retrial. Her letters were not answered, and the stoning was scheduled for 1 September 2004 in Julfa. According to reports, the local judiciary distributed leaflets to the community, inviting them to participate. All arrangements had been made.

However, the judge responsible for implementing the sentence reviewed the case and found significant flaws. The trial judge had not properly explained the basis for finding Esmailvand guilty of adultery, given that she had repeatedly denied having sexual intercourse, did not know the meaning of the Persian word for ‘adultery’, and claimed that she had resisted and fought off the man. The reviewing judge rejected Esmailvand’s supposed ‘confession’ and in December 2004, a stay of execution was granted by then Head of Judiciary, Ayatollah Shahroudi, and referred to the Amnesty and Clemency Commission for a decision.

In August 2006, Bahareh Davalloo began officially representing Esmailvand, who had by now spent two years in detention awaiting a decision. An experienced human rights lawyer, Davalloo is a member of the Stop Stoning Forever Campaign. When the High State Court finally reviewed Esmailvand’s case, the sentence was overturned and referred to a lower court for retrial. During the retrial, Davalloo successfully defended her client. Esmailvand was released on bail September 2006 pending a retrial for the charge of adultery and was acquitted on 9 December 2006. She is now free.

Hajieh Esmailvand’s case was amongst the first to be widely publicised by human rights groups since the 2002 judicial moratorium. The Stop Stoning Forever Campaign coordinated a press campaign on the case, sending appeals that were taken up by international groups such as Amnesty International, WLUML and others.

The Esmailvand case is an example of the core strategy of the Stop Stoning Forever Campaign:


to use existing legal means to publically challenge sentences of stoning and thus indirectly challenge the existence of this punishment, which is very unpopular amongst the Iranian public. To achieve this, lawyers affiliated with the campaign appeal their cases, questioning the means by which proof is obtained. Given the Iranian government’s reluctance to be seen to succumb to external pressure, arguing from within the law allows officials to leave open the possibility of change.

Under most interpretations of Muslim laws, proving the crime of adultery requires an immense burden of proof. As a result, most stoning sentences are on the basis of the judge’s intuition rather than proof. Article 105 of the Islamic Penal Code allows judges to rule on ‘knowledge’ or ‘intuition’ as long as it is based on documented evidence. In reality, many judges’ decisions are based simply on gut feelings. This offers a loophole which the campaign’s lawyers can exploit in individual cases, and use to argue that the stoning law renders women’s lives vulnerable to the whims of judges.

Meanwhile, the campaign exerts pressure by publicising the details of the case inside and outside Iran. Since stoning sentences are unpopular in Iran, and even the word is prohibited in the press, public exposure can result in their review. In addition, there is a growing recognition within Iran, including amongst some religious and government figures, that stoning sentences should be abolished.

Since 2006, thirteen women and men have been saved from execution by the campaign.

“Our emphasis is on methods of proof and avoiding execution in the current system using current legal capacities.”

– Gholamhossein Raeesi, lawyer for the Network of Volunteer Lawyers, which collaborated with the Stop Stoning Forever Campaign

In Afghanistan, advocates attempt to supersede a discriminatory law with new legislation

In mid-2009, Afghanistan’s President Karzai signed the new Afghan Shia Family Code into law, affecting the approximately 10 per cent of Afghans who belong to the Shia minority. Amongst its original provisions was the requirement that wives have sex with their husbands at least once every four days. The bill, written by conservative Shia parliamentarians, was touted as ‘faithful to the prescriptions of Islam’. Once the law became public, a huge outcry was raised in Afghanistan and abroad, resulting in a new version which stated instead: “if the wife without any Shariah-approved and legal excuses refuses to perform legal and Shariah-approved marital obligations, she shall not be entitled to maintenance” (Article 162). This change was little more than semantic. The bill, even in its amended form, also restricted women’s free movement.

Amongst the civil society organisations whose input to the bill had been ignored was the Afghan Women’s Network (AWN) an umbrella entity for women’s rights and gender-oriented organisations. AWN and its partners now moved on to a new challenge: a law on the Elimination of Violence Against Women (EVAW) which could automatically undermine the questionable aspects of the Shia Family Code.

AWN and other women’s groups, the Ministry of Women’s Affairs and the Women’s Rights Committee of Parliament drafted a law and sent it to the Ministry of Justice. The draftees also met President Karzai to convince him to approve the law; he finally did so in July 2009. If passed, this law will strengthen protections for women, and criminalise rape and child marriage for the first time. However, the EVAW law is yet to go to the newly elected Afghan Parliament where it risks being watered down or even struck down.

124 Collected by the Violence is Not our Culture thematic group.
After the battle to prevent or effectively modify the Shia Family Code was lost, if the EVAW law is passed it offers an opportunity to negate anti-woman provisions by offering alternate and equally valid laws, supported by international pressure and treaties. Instead of agitating against a law that was supported by a powerful conservative lobby, AWN and its partners thus hope to simply supplant it.

D. Spaces for expression

Strategy 7: Women speak about their experiences, creating a new recognition of disempowerment in their communities.

Strategy 8: A safe and empowering space gives women the opportunity to learn skills, meet others and understand themselves.

Women’s participation in public life, and their control over their own bodies is frequently limited by cultural forces which prevent the recognition of disempowerment or oppression, or stifle women’s expression in private and in public spaces. Cultural excuses for limiting women’s movement and speech are particularly difficult to challenge as they stifle communication and expression. For women to speak about their experiences is empowering for themselves personally and creates a public understanding of a problem which otherwise goes unacknowledged.

The strategies discussed in this chapter seek to take back space, in public and in private, for women to speak, to learn and to understand and express themselves. When women are given the space and opportunity to speak – and be heard – their personal testimony brings home to communities the lived realities of disempowerment. Speaking out is, in itself, an empowering act for individuals, and for women as a group, it is a means of claiming their right to enter public discourse and expose the injustices and breaches of human rights caused by dominant cultural narratives.

Many women, especially those from marginalised groups, such as sexual minorities, find few spaces where they are accepted for themselves as individuals with the right to express themselves freely. Creating a space where these women are accepted, and their autonomy and instrumentality respected, also offers an opportunity to ensure that women have the information they need to protect themselves and their rights. Some organisations, such as the Indonesian Institut Pelangi Perempuan (IPP) discussed below, use this space to provide empowering activities which celebrate the power of the body. These spaces also bring together women facing similar struggles, breaking the silence and isolation in which many on the margins live, and creating the foundation for a unified opposition to disempowering forces.
Strategy 7: Women speak about their experiences, creating a new recognition of disempowerment in their communities

When women’s voices are heard, communities often recognise, for the first time, the disempowerment they suffer. Often, women themselves do not identify the fact of their own disempowerment until given the chance to speak, or until they hear the experiences of others in similar situations. Creating a platform for women to communicate thus resists disempowerment by creating a recognition that there is a problem to be solved. For women themselves, speaking out and having their experiences recognised is, in itself, empowering.

In Nigeria, where women live in a complicated matrix of traditional, secular and religious laws, BAOBAB initiated radio programmes which solicited call-ins from women and men to discuss violence against women and its cultural justifications. Radio remains an important medium in Nigeria, especially for housebound women. These programmes created a framework for debate through an introductory discussion by women’s advocates, and then opened the floor to callers who were free to debate disempowerment in their own contexts.

A Pakistani organisation, Baidarie Sialkot, realised that there was little acknowledgement or awareness of even the existence of violence against women in the home, even amongst women themselves. Moreover, institutions meant to uphold the law, such as the police and local government, dismissed the few complaints made to them. To create understanding and a sense of joint responsibility, Baidarie trained community members to survey women in their own neighbourhoods, to better understand the realities of disempowerment. Local residents were entrusted with investigating and acting on domestic violence in their neighbourhoods. As the existence of domestic violence and the culture of silence around it were acknowledged as a real problem, the number of complaints made increased.

Individuals may also choose to speak up about their experiences in public, and thus create understanding of their difficulties faced by their group. In Senegal, Aïssatou Cissé, a woman living with a disability, has used her own experience to show the discrimination faced by those who live with disabilities, and which is largely invisible to those without.

Through call-in radio shows, women and men share their experiences with religious and cultural justifications for violence

A complicated legal landscape exists in Nigeria, where customary, secular and religious systems coexist. In this context, informing people both of the laws which can affect how they live, and of the effects of the law upon others, is a priority for organisations such as BAOBAB for Women’s Human Rights, an organisation which seeks to promote women’s rights in this context. BAOBAB states:

This has meant research to find out what rights and/or constraints exist in laws, implementation and in social practice. It meant further disseminating that knowledge and means of actually accessing those rights. But further than that, it means examining whether laws and their implementation are adequately protecting rights and devising strategies to further develop laws, implementation and social practices where they do not.

Much of BAOBAB’s research and knowledge dissemination concentrates on the northern states where the gradual expansion of laws based on restrictive interpretations of Muslim laws to criminal matters since 1999 has increasingly impinged upon women’s lives. This has largely affected the Muslim majority of the north, though some states with Muslim minorities, such as Kaduna State, have also followed suit in Muslim-dominated areas. Poor, non-literate Nigerians have been the worst affected. Women have been prosecuted more often than men for crimes related to fornication or adultery. The laws have had indirect effects on women’s lives as religious conservative voices became more powerful, including attempts to impose dress codes and seclusion, and to restrict sexuality education and fertility rights. Part of BAOBAB’s strategy is to sensitise journalists to the ways in which religious misinterpretations and cultural beliefs are used to excuse violence against women.

To follow up on this media campaign, BAOBAB began efforts to encourage public debate on violent punishments against women. To achieve this, it arranged for BAOBAB staff and volunteers, journalists who had participated in sensitisation workshops and others to appear on live phone-in radio
programmes in Borno, Enugu, Oyo and Kano states. Of these, Borno and Kano have implemented laws based on interpretations of Muslim laws.\textsuperscript{130}

Representatives discussed past initiatives on combating violence against women, with specific reference to violence perpetrated in the name of culture or religion. After this brief introduction, the lines were opened for listeners to call in and debate.\textsuperscript{131}

Radio is a popular medium in Nigeria, especially amongst women who work at home. Radio is the most popular medium amongst women in all four states, and in Oyo and Kano, as many as 86 per cent and 63 per cent of women respectively listen to the radio regularly.\textsuperscript{132} The response was correspondingly positive. Callers actively engaged with the issues raised and brought their opinions, questions and concerns to the debate.

In each state, speakers and callers debated issues relevant to their own contexts. In Kano, a predominantly Muslim state, panelists discussed how religion is interpreted. They emphasised that they were not discussing the Quran or Islam per se, but how people understand the Quran and its implications for the advancement and protection of women’s rights. In Oyo, callers agreed that many women are subjected to violent punishments, and there was a need to safeguard women from such treatment. In Enugu, callers discussed the violence against women in its local manifestation: the mistreatment of widows. Some expressed their dismay at this widespread ‘cultural’ practice, while others spoke of the need for traditional leaders – the ‘custodians of culture’ – to become sensitised to the effects of harmful practices. Callers proved enthusiastic about the programme, and asked for follow-ups, as well as information such as where they could report abuse.

The radio programmes provided an unprecedented space for women and men to share their experiences and thoughts on violence justified by religion and culture. An anonymous yet public space, it allowed people to speak up about their personal stories and reached thousands of listeners who learned the true, tangible effects on women in their own voices. By using radio instead of television or news, it reached the thousands of women who are illiterate or work within the home and rely on radio for their entertainment and news. For women who are subject to violence, it shows that there are others out there, dealing with or speaking up about similar issues. Finally, the programmes guided listeners and callers to further assistance or information.

The success of BAOBAB’s campaign to end violence against women justified by religion or culture is predicated upon societal recognition of the unjust nature of this violence. The first necessary step for achieving such recognition is to open a dialogue which reaches into private homes and addresses real, relevant concerns.

See also: Strategy 3. Communities are collectively convinced to debate and, ultimately, end practices which disempower women.

In Pakistan, people are encouraged to learn about their neighbours’ experiences with violence against women, thus creating a recognition that the problem exists.\textsuperscript{133} Sialkot District is located in wealthy Punjab Province, north-eastern Pakistan. Dominated by the industrial hub of Sialkot City, the district is otherwise largely rural, with its population consisting of field and factory workers, labourers and low-ranking government employees. Many are below the poverty line.

In the past ten years, members of Baidarie, a local NGO which works to protect the rights of women, children and minorities, noticed a significant increase in the incidence of violence against women. Recorded incidents include gang rape, acid burning and stove deaths,\textsuperscript{134} domestic violence and torture, forced confinement, dowry disputes, child marriages, ‘honour killings’, forced suicide, and sexual violence in both marital and non-marital relationships. Baidarie’s own research showed that most occurred as forms of domestic violence. Between April 2005 and March 2006, Baidarie learnt of 532


\textsuperscript{131} An English-language excerpt is available online at: http://www.wluml.org/node/6462. Accessed 8 December 2010.


\textsuperscript{133} This initiative received funding from the Violence is Not our Culture thematic group.

\textsuperscript{134} Acid burning is commonly perpetrated in Pakistan: acid is flung onto women’s faces to kill or disfigure them. Stove-burning occurs when a woman is doused in kerosene and set on fire, and a defective stove is blamed. Both are usually perpetrated by abusive husbands or in-laws. For 2009 statistics on reported cases of these and other forms of violence against women see: Aurat Foundation. ‘Statistics of violence against women in Pakistan in 2009’. Press statement, Islamabad: 1 February 2010. Available at: http://www.afl.org.pk/PDF/Eng%20Ver%20Report%202009.pdf. Accessed 8 December 2010.
cases of violence against women (through news, police reports and personal accounts) in the area. Of these, 273 were cases of domestic violence.

Aside from the physical, emotional and psychological consequences, women who survive these acts deal with discrimination and stigma. These crimes are severely under-reported due to cultural, economic and political factors. Many women choose not to report their abuse, fearing the harm to their family’s and their own reputations. When such crimes are reported, the survivors are often denied justice while the culprits may receive protection and even support from government offices. A woman interviewed by Baidarie said:

The police would say, “it is your fault, you did a wrong thing, this is why your husband beat you, and your husband did good work. And you should accept, and you should go back, we will not support you, we will not file a complaint against your husband because you are a corrupt woman.”

Cultural and religious reasons often sanction acts of violence, and result in silence and stigma. In one case Baidarie was alerted to a woman being severely beaten by her husband. When representatives visited, the woman refused help, saying that it was her husband’s right to beat her. This illustrates the degree to which cultural arguments legitimising violence have been internalised and accepted by women themselves, and others are unwilling to interfere.

To address this, Baidarie launched a project to attack the root causes of violence against women in ten rural areas of Sialkot District from 2005 to 2008 by raising awareness and challenging established ways of thinking. A key aspect of this strategy was to make people aware and accepting of the following:

- The existence of violence against women in the community.
- What constitutes violence against women.
- The religious and cultural arguments to oppose it.
- The legal and institutional framework to tackle it.
- The importance of acting to stop it.

The organisation’s efforts were initially met with resistance. Hina Noureen, the president of Baidarie, reports: “When we went into the community, we talked with the people [and] they were so angry with us. They did not want to listen to us. They just blamed us, [saying] ‘you come with a European agenda, and we don’t want you to talk to our women.’”

The first step was thus to convince community members that violence was, indeed, a problem. To achieve this, Baidarie trained residents of neighbourhoods to collect information and conduct their own research on violence against women. Noureen recalls: “When they got the information, they were really surprised. Because they visited from house to house and they got the cases. And they were stunned: ‘Oh! Yes, violence does exist! We heard the stories of women, and they are facing many, many problems!’” Once individuals saw the evidence with their own eyes, many became the organisation’s staunchest supporters.

Thus a key aspect of Baidarie’s strategy was to open a debate about violence against women by encouraging individuals to find out about women’s stories in their own neighbourhoods, and create a space where they could be heard. Baidarie was careful to use culturally sensitive language and arguments, such as referring to the teachings of the Quran and the sayings of the Prophet Muhammad, to avoid allegations of ‘European’ influence.

Word of mouth was also instrumental in gaining community trust. When a woman approached Baidarie about a daughter who was being abused by her husband and in-laws, the assistance she received in obtaining a divorce led her to spread the word that the organisation could be trusted. As a result, eight to ten new cases were reported from her village.

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135 Personal interview, 2 August 2010.
This was followed up by a series of informational workshops and theatre productions accessible to uneducated women with limited mobility outside the home. The information workshops targeted about 2,000 decision-makers and opinion-leaders such as local politicians, journalists, health workers, teachers and religious leaders. Over the course of twenty performances, the play attracted over 7,500 people who watched and discussed the issues it raised about the role of culture and social pressures in sanctioning violence against women. The play featured a character representing cultural disempowering forces going from house to house spreading mischief and violence, offering an identifiable peg for discussion.

Forty community vigilance groups were developed to lead the effort to raise awareness. Each consisted of about ten members, all persons with access and standing in their neighbourhoods, and were trained to enquire about acts of violence in their community, provide information, and help achieve justice, support the victim’s rehabilitation and provide shelter if required. They also helped to raise awareness and exert pressure on the institutions meant to support women.

These awareness-raising activities made a significant impact in communities. More women are now speaking out about abuse, indicating a sea change in cultural attitudes about violence against women. Surveys before and after the duration of the project demonstrated that an increased number of domestic violence cases were reported to the Baidarie help line. Investigation showed that the incidence of violence had not increased. Instead, women felt able to report abuse instead of bearing it silently. Furthermore, while no cases of domestic violence had been reported to the police before the project, thirty were reported following its implementation.

A key aspect of Baidarie’s work was to create a dialogue about culturally justified violence against women in communities where its discussion was taboo. To overcome this taboo, and to avoid allegations of ‘European’ influence, Baidarie had to first encourage individuals in communities to conduct their own research: to question their neighbours so that women could tell their stories and show that violence against women was real and it existed behind doors in familiar streets. Assisting individuals also led to greater trust and acceptance. Through a popular play, Baidarie showed that ‘culture’ could be as insidious and familiar as a gossiping neighbour and cause violence within families, and opened discussions on how to prevent it. Finally, through community vigilance groups, Baidarie placed the responsibility for discussing, finding out about and acting on violence against women in the hands of local people. Thus, for the first time, a community was able to acknowledge openly that violence against women exists as a problem to be addressed, and its members entrusted with the task of preventing it.

See also: Strategy 3. Communities are informed and convinced to act against violence against women.

In Senegal, a woman uses her personal experience to advocate for the sexuality rights of women living with disabilities

In Senegal, prejudice against people living with disabilities, especially women and girls, is commonplace. Many live in a continuum of violence. Girls with disabilities are often not sent to school and are, instead, hidden at home where they do housework, or are sent to beg on the streets and exposed to a wide range of abuses. Although there are many reports of young girls with disabilities subject to sexual abuse, they receive little attention. School enrolment and attendance is lowest amongst children with disabilities. Children born with disabilities are mocked, or regarded as incarnations of djinn who can bring suffering or good fortune. It is difficult for women to find life partners, and since many Senegalese find their sexuality unthinkable, their reproductive health is not accommodated. For many adults living with disabilities, begging is the only means of income. According to a 2005 estimate by Handicap International, at least 200,000 people of Senegal’s then-population of 10 million were disabled, though experts believed the true figure to be five times higher. In September 2010, Senegal took the step of ratifying the Convention on the Rights of Persons with Disabilities, and is committed to ensuring that those with disabilities have the opportunities and support to live fulfilling lives.

Aïssatou Cissé, the daughter of two teachers and the eldest of nine, was born with a severe motor disability and has used a wheelchair for most of her life. Cissé experienced first-hand the difficulties faced by women who live with disabilities. Forced to abandon her education because classrooms were inaccessibly located on higher floors of buildings, such as local politicians, journalists, health workers, teachers and religious leaders. Over the course of twenty performances, the play attracted over 7,500 people who watched and discussed the issues it raised about the role of culture and social pressures in sanctioning violence against women. The play featured a character representing cultural disempowering forces going from house to house spreading mischief and violence, offering an identifiable peg for discussion.

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she educated herself and became a published writer. She is also an activist with Le Groupe de Recherche sur les Femmes et les Lois au Sénégal (GREFELS) in Dakar. In this role, she developed an advocacy programme to combat the abuse of women and girls living with disabilities. This included a training session for journalists, students and others which was used to develop a media campaign. She has been instrumental in advocating for the protection of the reproductive and sexual rights of women living with disabilities.

Following the workshop, Cissé wrote a bande dessinée (comic book) to educate young people about some of the issues around disability. Titled Les histoires de Nafi & de Khadija: Les droits pour tous, it tells the stories of two girls, one who is raped after being sent to beg by her parents, and a second, an albino, whose marriage is opposed by her prospective in-laws until a marabout persuades them: “Nous sommes tous des créatures de Dieu” – we are all creatures of God.

Cissé uses her own example as a woman living with disability who yet lives an active, productive life, to advocate for the rights of others. By speaking about her own and others’ experiences, she creates an awareness of the need to protect their rights.

Strategy 8: A safe and empowering space gives women the opportunity to learn skills, meet others and understand themselves

Creating a safe space for women to speak, learn and express themselves has proved a successful strategy in several contexts. In many cultural contexts women, especially young women and those belonging to historically marginalised communities such as sexual minorities, are discouraged from expressing their identity and individuality. This stifles women and is a tool of disempowerment in all aspects of life. It may lead to the acceptance of violence against women in private or family contexts.

When a space is available where women are accepted for themselves and their individuality acknowledged, it builds self-confidence which empowers them in their public dealings and private lives. It also creates an opportunity to gain the trust of women who may be defensive and unwilling to open up even to friendly overtures, and to educate them about their rights.

In Indonesia, where homosexuality is a taboo and lesbians are severely discriminated against, IPP uses a technique it calls ‘edu-fun-tainment’ to reach out to young queer women. A small community centre where women can come to relax, enjoy themselves, meet others and also learn about sexuality and feminist thought in a fun and accepting environment. This is supplemented by a popular boxing club which uses physical exertion to help women feel in control of their own bodies and thus their sexuality.

Sport is also used to reach women footballers, particularly young lesbian women, in Nigeria, where women rarely receive sexuality education. Sport empowers women and engenders acceptance of the body; in this empowering context, football coaches and captains are trained to provide sexuality education to the young members of their teams. This integrates sexuality education into football culture and also shows young women that authority figures accept women’s sexuality and sexuality rights.

In Iran, Omid-e-Mehr also provides an actual physical space for young women. State-run shelters for runaway girls in Iran stigmatise them and follow a model of providing girls with charity rather than empowering them to take control of their lives. Omid-e-Mehr instead creates a place where young women’s autonomy is respected, their views solicited and the staff trained to treat them as clients rather than wards. At the centre, women attend classes, receive therapy, and are directed towards further education and employment.

Lesbian women in Jakarta come together to learn through fun and sport

Queer women in Indonesia face many kinds of discrimination and persecution. While homosexuality is not explicitly illegal, recent policies have been used against queer citizens. A far-reaching anti-pornography law passed in October 2008, allowing local authorities to arrest anyone who promotes, participates or engages in “sexually suggestive performance or immoral acts”, has been used against homosexuals. Some local anti-pornography initiatives place homosexuality in the same category as bestiality and prostitution is considered criminal and deviant. Many homosexuals are expelled from their families and are often regarded as deviants corrupted by the West. They are vulnerable to

138 Available at http://grefels.org/images/ressources/bd_droits_pour_tous.

139 This initiative received funding from the Sexuality thematic group.
violence due to their orientation, and receive little support from the police.  

Lesbianism is a sensitive and taboo subject. Prevalent cultural norms and religious interpretations demonise homosexuality as a sin, and lesbian women are stigmatised in mainstream society. Coming out is extremely difficult, and many young lesbians are expelled from their families, sacked from employment, and face violence and harassment on a daily basis. They are often denied access to important information on their rights, health and social opportunities.

This prevents many young lesbians from accepting their sexual identity, and engenders emotional and psychological anguish. As Kamilia Manaf, a founder of IPP, put it, “There are some lesbians who felt alone, before they knew our community. One of us almost decided to marry [a man] to make her parents happy. Another lesbian, she feels like a sinner all the time, and it’s so difficult for her to accept her sexual orientation.”

To provide young lesbians with a safe space to receive information, support and opportunities to speak out about queer issues, Manaf and her colleagues established IPP, the ‘Women’s Rainbow Institute’ in Jakarta in 2005.

In Indonesia, as elsewhere, queer people have few safe spaces where they can bolster their self-esteem.

Though many conservative religious spaces exist for young people, offering peer engagement and fun activities, they are dominated by conservative ideologies and promote patriarchy and discrimination. As Manaf observed, “Young people need a place to talk, to share their problems. And for queer people, they don’t have that space.”

IPP seeks to create this alternative. Initially it was an online space where young women could, for the first time, safely connect with others going through similar struggles. Quarterly newspapers burned onto CDs with innocuous covers were also distributed. This helped reduce the extreme isolation and psychological burden felt by queer youth.

When IPP was able to provide physical spaces for young people, it used a strategic framework it called ‘edu-fun-tainment’ – to give them a place to watch films, participate in a popular boxing club, and also learn about sexuality and human rights issues. The accepting space gives confidence, self-worth and a support network. Through fun, they learn the issues which affect their lives as individuals and as members of a sexual minority, and are empowered to accept their bodies and sexuality, and speak about queer and women’s rights.

In Muslim contexts, sexuality is a heated and contentious topic and queer Muslims frequently live in difficult circumstances. But by approaching this stark reality with fun, not anger, IPP hopes to diffuse strong feelings and lead to better communication and understanding. “I know that people have the right to be angry,” Manaf says, “but if we want to do advocacy and campaigns and make a positive social change towards LBT [lesbian, bisexual and transgendered] women, we cannot do it with anger.”

Thus IPP uses the strategy of the politics of fun, not anger. This also attracts young women to the organisation, as it addresses the common perception that women’s and queer groups are ‘too serious’. “They think that feminism is just for NGOs, just for activists,” says Manaf. “But we show them it’s a way of life.”

See also: Strategy 9. Lesbian women are empowered through knowledge and discussion about sexuality and feminism in a safe, enjoyable environment.
Kartini Sejati Boxing Club

Many women at IPP are insecure and lack self-confidence, thanks to social and institutional discrimination and rejection, or are survivors of violence against women. Physical activity has enormous potential for improving both physical and mental well-being, and has been shown to raise self-esteem and confidence. To achieve this, IPP launched the Kartini Sejati Boxing Club, named after a colonial-era feminist, with guidance from the Toronto-based Shape Your Life programme. The programme was initially meant for young lesbian women, but its popularity later led to its expansion to all women.

The programme teaches recreational boxing in which there is no sparring or hitting others. The intention is not to manufacture fighters but to connect with and support survivors of violence in order to empower them. Thus women are allowed to exhibit healthy, controlled aggression, of which the culmination is an optional exercise in which they enter the ring against a trained opponent who parries, but does not hit back, creating a sense of strength, control and empowerment.

“We do feel that most lesbians, especially when they’re young, feel alone when they realise that they’re lesbians. They feel like they are the only lesbian in the whole world. So our strategy is to create a safe space where they feel, ‘Okay, I’m not alone. I can share my problems and my friends will help me and support me.’”

– Kamilia Manaf, founder of Institut Pelangi Perempuan.

In Iran, disadvantaged girls find a place where their autonomy is respected

Young women from abusive homes, those who have been raped or are affected by drugs, or have run away from their families are deemed ‘damaged’ by mainstream Iranian society. Some are subject to racism – particularly Afghan refugees – and lack educational opportunities. Others are victims of the cultural belief that even a broken or abusive family is better than none:

The general comment that you hear from people in positions of power in Iran is that having a bad family is better than no family. So even though your father is abusing you, or your brother at home is abusing you, it’s better to stay in that abusive home than to be on the street or for [others] to help you.142

This dominant cultural perspective makes it difficult for social service providers to help children escape toxic home environments: even where the child faces rape, forced drug use, violence or neglect, the state often prefers she or he remain at home. Indeed, even child welfare institutions and social services see these girls as lost causes, beyond redemption or hope.

As a result, these girls and young women are taught all their lives that they are somehow unworthy and have been found wanting. In Iran’s traditional structure of charity, which emphasises individual giving of money for food or clothing, instead of being empowered, girls become receivers of charity from others.

Marjaneh Halati, an Iranian psychotherapist, established Omid-e-Mehr (‘hope of love’) in Tehran to address the cultural and institutional shortcomings in services for disadvantaged girls by providing a place where they find a welcoming environment offering psychological support and recreation, and helps reintegrate them into the mainstream through education, vocational training and job placement.

From the beginning, others discouraged her. Halati recalls: “When I was setting up the centre, I was being told left, right and centre that I would be dealing with lost causes and basically I am wasting my time and my resources.” The centre began with fifteen young women, or ‘clients’, referred by state-run institutions. It now caters to about 85 young women at a time, aged between 15 and 25.

The clients are taught skills designed to prepare them for independent living. This includes vocational training, English and computer classes. One-on-one psychological counselling is offered. In group therapy sessions, the girls learn interpersonal skills for future romantic or familial relationships and to break the cycle of abuse.

141 Collected by the Violence is Not our Culture thematic group.

Omid-e-Mehr is based on a ‘home’ model and although most girls are not full-time residents, support is available after-hours. “It’s like a home,” says Halati. “They walk in and there’s a smell of food. They’re constantly reminded of their own worth. Clients are told constantly that they can make it, they’re accepted despite any handicaps they may have.” Unlike other Iranian institutions, the staff are trained to be non-judgemental and close to their clients.

This points directly to the central idea of Omid-e-Mehr’s strategy: to create an accepting space where young women can be convinced of their own value and worth, and experience their autonomy. Often this realisation is overwhelming. Halati says: “They have been told that they’re worthless throughout their lives... Suddenly they come to an environment where they’re told their worth something. Where they have a voice. Where they have a choice. They don’t know what to do with all this new information.”

Thus, when clients first arrive at the centre, they are shy and sceptical when asked to voice their own opinions. Gradually, however, they internalise the staff’s promise that their voices are valued and heard, and their participation style dramatically changes. Omid-e-Mehr boasts a remarkable success rate; Halati estimates about 85 per cent of girls complete the programme and find work or educational opportunities, significantly greater than state-run institutions.

Iran’s traditional model of ‘charity’ is of individuals giving money for food or clothing to the poor. Assisting the disadvantaged through rehabilitation is unknown. Gifts of money or food, while sustaining and potentially lifesaving, also risk creating dependency and reducing the recipient’s self-worth and autonomy. Omid-e-Mehr’s strategy is, instead, to rebuild a sense of autonomy and instrumentality. This is achieved by giving young women the tools to learn, work and build independent lives, encouraging them to have a say in the centre’s running; training staff to interact with them as autonomous equals, encouraging their self-worth, and simply by calling them ‘clients’, with connotations of independent choice.

Thus at Omid-e-Mehr, disadvantaged young women learn new skills, meet others, integrate into society as independent earners and, most importantly, leave feeling that they are in control of their own lives.

“I think the root of the problem is... the cultural perspective or the perception of these kids culturally... It’s not only that they’re disowned by their fathers or mothers, they are disowned by society at large. It’s because they are perceived as damaged, as damaged goods. The general comment that I have confronted is that damaged goods will never be good again. So if that’s your starting point, no institution really has faith in you that you will be okay.”

– Marjaneh Halati, founder of Omid-e-Mehr

In Nigeria, coaches and captains learn about sexuality rights and teach young women footballers

HIV and AIDS have had a massive impact on Nigeria. In 2007, it had the third-highest number of people living with the virus, with prevalence especially high amongst young people. Prevalence amongst young women aged 15–24 is twice that of young men in the same age group, and misconceptions and misinformation about the disease are rife. According to official sources, a million people in Lagos, over 5 per cent of the state’s population, are living with HIV and AIDS.
Cultural and religious constraints on women’s sexuality form a major reason for this lack of knowledge. Discussion of sexuality is considered improper for women and girls in both Christian and Muslim areas of the country. Multiple partners for men, both in marriage and outside, are common. Many women do not have ownership of their own fertility: decisions regarding safe sex are frequently made by men, exposing women to unwanted pregnancy and sexually transmitted diseases.

The restrictions on sexuality extend also to sexual minorities. Same-sex sexual activity is illegal under the criminal code, and in 12 states, may be punished by stoning. For young lesbian women, discrimination, social stigma and lack of information about their sexuality rights combine to create isolation, fear and self-loathing.

Sport has been widely recognised as a means of empowering women and regaining control of the body. Jennifer Doyle, a gender theorist who also studies football, writes:

I am reminded of how important the game is to the women who play it, in no small part because it radicalizes one's experience of the body. It is one thing to see the body transformed in Bacon's painting. It is another to feel one's own body transformed within and by the athletic gesture itself. As much as women are taught to have (or that they should have) a strategic relationship to their looks, we aren’t always encouraged to develop physical awareness of the embodied self – the kind of awareness that is paradoxically won when self-consciousness is lost.

Physical expression thus creates an awareness of the body, its autonomy and strength. Sport thus provides a means to create an affirming environment, through which vulnerable young women can also discuss and learn about their bodies and their rights. Football is wildly popular in Nigeria, and by integrating sexuality education into its culture, the Women’s Rights and Health Project (WRAHP) in Lagos hopes to provide a space for self-expression, discussion and learning for young women football players, and integrate its pre-existing adolescent sexuality and health education programme into this sport. The young women who play at these clubs are largely unemployed and out of school, from impoverished backgrounds and with few opportunities. Some are expected to support their families.

The project selected and trained coaches, team captains and their assistants as peer educators and coordinators at 22 local women’s football clubs. They then provided education on gender discrimination, self-esteem, sexual orientation and practices, sexuality rights, sexual abuse, drug abuse and skills for life such as communication and negotiation. The content of the workshops was previously determined in consultation with the peer educators and the women footballers, and sessions are held during team practice sessions. Over 270 young women footballers aged 12–24 years have attended these workshops.

During the course of the project, WRAHP found that young lesbian women were especially vulnerable, even in the context of the sports team. There were reports of women being passed over due to their sexual orientation, and of lesbian women compelled to give sexual favours to team officials in return for a place on the team or to repudiate their orientation. There was a widespread belief that sexual orientation affected a team’s performance. To address these discriminatory beliefs and practices, WRAHP concentrated on sensitising coaches and captains on their players’ sexuality rights. They showed them scientific studies disproving links between sexuality and performance. Secondly, the project assisted women to defend themselves from unwanted advances, and project staff stayed in constant touch by telephone and email, to provide support whenever it was needed. WRAHP secured the endorsement of the Amalgamation of Nigeria Women Football Coaches, the coordinating association for coaches, to monitor compliance among their members.

This was the first opportunity coaches and other team officials had had to discuss and understand sexuality issues, and the action plans they developed at the conclusion of the workshops showed their receptiveness to these new ideas. Subsequent peer education sessions held by team officials also reflected this new awareness. While much progress remains to be made, personal reports from the free online and telephone counselling service indicate that relationships have changed for the better between young lesbian footballers and their teammates, and the football pitch is now a friendlier, more welcoming space than it once was.

Sexuality education is thus provided in a safe environment where young women are expected to
respect their bodies and embrace their own potential. With coaches and team captains acting as peer educators and conduits of information, the information these young women receive is stamped with authority, and with acceptance of their identity as sexual beings. Meanwhile the figures of authority, i.e. coaches and captains, also learn for the first time about sexuality rights, confront their own misconceptions about sexuality, and learn to prevent discrimination against their players.

See also: Strategy 1. Existing authority figures support young women and teach them sexuality, reproductive and health rights.

**E. Knowledge for empowerment**

**Strategy 9:** Women and their advocates are empowered through knowledge and dialogue about their rights.

**Strategy 10:** Organisations challenge existing narratives about women’s disempowerment through research and fact-finding.

Through learning and sharing information, women and their advocates challenge disempowering forces which legitimise themselves by referring to culture or religion. This challenge through knowledge may be of several different types: it may be through rights education for women or for their advocates or capacity-building to improve their communication skills. It may be education on women’s health and fertility, so that women can make informed decisions about their bodies and lifestyles. Organisations may collect and make information available in a central, easily accessible place, or conduct research which calls into question a dominant narrative about women.

Many women are prevented from accessing information about their own rights over body and self, and the means to exercise those rights, due to cultural factors which stigmatise the free discussion of women’s sexuality and reproductive health. This may be an immediate threat to life and health for vulnerable women, such as those living with HIV. Women and advocacy groups alike can also benefit from learning new tools and channels for communication, or honing their understanding of women’s rights. This not only gives a more informed position from which to challenge disempowering forces, it allows for better outreach to other women, both to join in the struggle, and to reach them with information.

The strategies discussed in this chapter show how advocates seek to empower women directly, or indirectly through new research. In some cases this is by reaching out to women with information about health, sexuality and life with HIV. In others, it is by training women’s advocates working at the grassroots about international debates on women’s sexuality rights, and applying these to local conditions. In either case, women and their advocates build women’s capacity to resist disempowerment and threats to their well-being, and thus assert control of their lives.
Through research and fact-finding, women’s advocates created a new understanding of women’s disempowerment. In some cases there was no understanding of even the existence, let alone the impact, of the cultural forces which limit women’s movement and participation. These studies thus provide a basis for advocacy, challenging established narratives and agitating for a change in policies to protect women’s rights to conduct their lives without harassment.

Strategy 9: Women and their advocates are empowered through knowledge and dialogue about their rights

With good information, individuals are empowered to make the best decisions for their health and well-being. For women, this may include information on their rights under civil or traditional law; it may also include vital information on how to protect those rights and preserve their own health, sexuality and autonomy. For women living with HIV, it can mean the difference between a life of well-being and one of secrecy, fear and ill-health. Education and training also provide women and their advocates with the tools to make a clear, persuasive case for changes that empower women, from a position of knowledge and authority. These may include education on women’s rights and mechanisms of disempowerment; they may also include new skills, such as filmmaking, to improve their advocacy work.

In Indonesia, training in sexuality rights and filmmaking opens new spaces for women to speak about their experiences

In Indonesia, the public discussion of sexuality, especially women’s and queer sexuality, is severely constrained. In 2010, one religious group, the Islamic Defenders Front, threatened and attacked a workshop for transgender individuals and a long-running queer film festival, with little action from the authorities. Religious arguments are used to justify FGM in Aceh public flogging is a punishment for adultery or even kissing in public. Women’s sexuality is considered a private matter to be kept inside the home: as a result, abuses of women’s rights, such as nikah sirri (unofficial but religiously sanctioned marriage; see page 54) are allowed to continue. These problems are multiplied for women from poor or uneducated backgrounds, who may lack the information to make decisions about themselves and their bodies, or simply be dismissed as unable to make those decisions. While women’s organisations may have copious data and research, formulating this into materials for advocacy at the grassroots level remains a challenge.

In Nigeria, misconceptions about HIV contribute to the discrimination and isolation experienced by those living with the disease, and further its spread, especially amongst women and children. Woman Kind Nigeria works to break this isolation, end discrimination and help women gain the tools to protect themselves. Since HIV is severely stigmatised, Woman Kind Nigeria’s representatives disclose their own HIV status to women who have been newly diagnosed with the disease, and use this common ground to educate them on how best to live with HIV.

Two members of IWE in Indonesia received training in sexuality rights, which they passed on to members of other organisations working on women’s empowerment in Indonesia. This directly led to the production of five films about local issues relating to women’s empowerment, such as how health workers dismissed mothers’ needs to understand how their babies had died. The localised focus and production of these films allowed advocates to open discussion in communities, and in many cases, offered the first opportunity women had to discuss their experiences. Also in Indonesia, SCN-CREST trained high school students in filmmaking, allowing them to debate sexuality issues which they may otherwise be exposed to only informally or through the media.

149 This initiative received funding from the Sexuality thematic group.
To address the lack of trained sexuality advocates in Indonesia, two members of IWE attended a week-long workshop on Sexuality, Gender and Rights in Istanbul, organised by CREA, a feminist human rights organisation based in India. This enabled the two to deepen their understanding of the issues surrounding sexuality. On their return, they trained others in visualising sexuality issues which resulted in the development of the Women’s Channel: a space for women at the grassroots to assert their autonomy, communicate about the sexuality issues touching their lives, deepen public understanding, create connections between women, and to use film to empower women through knowledge and discussion. Moreover, this brought the international conversation about sexuality rights to women at the local level, and enabled them to apply it to their own lives.

This ‘training of trainers’ resulted in the production of five films on local issues related to women’s health and sexuality rights: the gender-based division of labour in a small village, birth control, flogging as a punishment, nikah sirri, and a film on infant death. Each film was shown in local contexts – in the villages where they were filmed, or other nearby areas, to local religious groups and local government staff.

For example, Graves of Babies was a film made about infant death in a small community where there are few health workers, including midwives. In this area the mothers were not told how their babies died, and were judged too ignorant and uneducated to understand. Because of the lack of health workers – a single midwife served six hamlets – they did not have the information to exert their reproductive rights and correctly use birth control pills, and many became pregnant repeatedly.

For the first time, women facing this dismissal of their capacity and their right to know felt empowered to speak about very personal matters that they now realised could also inform other women. By making the decision to speak out, women defined their situations in the context of women’s human rights. Indeed, for some it was the first time they ever spoke about their loss.

Through intensive overseas training and encounters with resource persons from other disciplines and areas of the global south, IWE members were empowered with the knowledge to debate sexuality rights, and to relate them to local contexts in Indonesia. From their training in presenting this discussion – through film and other media – they acquired the tools to disseminate this knowledge, and passed it on in turn to other Indonesian organisations and to women at the grassroots. Thus, women dealing with breaches of their sexuality and reproductive rights in Indonesian villages were empowered to define their autonomy and make their voices heard through a long chain extending from the local to the international, and across to other women in similar contexts. The success of this initiative has since led the Women’s Channel to embark upon a wider advocacy training project, including training for more effective scriptwriting, to provide women and their advocates with the tools to speak clearly and persuasively, through film and other media, about sexuality rights.

See also: Strategy 7. A space is created for women’s experiences to be shared and discussed, which creates a new understanding of their disempowerment.

In Nigeria, sharing personal experiences of life with HIV helps reach women with information

Karu and Keffi, in Nasarawa State, Nigeria, belong to one of the continent’s major urban conurbations, and host slums inhabited by hundreds of thousands of migrants working in and near the national capital, Abuja. Literacy rates are low, especially amongst women: in Nasarawa State, 41 per cent of women of reproductive age have had no schooling at all. This contributes to cultural forces which prevent women from taking informed decisions about their sexuality and reproductive rights: the fertility rate in this state is 4.7 births per woman, and less than half have even heard of modern methods of contraception. A fifth of teenagers have begun childbearing.

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154 This initiative received funding from the Sexuality thematic group.
Knowledge of HIV and AIDS is also low, with only 28 per cent having a comprehensive knowledge about the disease.156

Cultural taboos around sexuality and women’s limited ownership of their bodies contributes greatly to this lack of knowledge and disempowerment amongst both Muslim and Christian women. Customary practices such as polygamy and child marriage contribute to the disempowerment of women: women’s bodies and sexuality are conceptualised as belonging to men rather than themselves. These practices contribute to violence against women, breaches of their rights and rendering them vulnerable to HIV.

Women living with HIV are discriminated against. Some religious communities refuse to sanctify their marriages; some priests advise parents to abandon children with HIV, and friends avoid sharing food and lavatories.156 Thus, ensuring that women – with and without HIV – are empowered to demand their sexuality rights is vital if the transmission of the disease and stigma against those living with it are to be reduced. To achieve this, Woman Kind Nigeria has developed workshops and resources to reach women living with HIV and AIDS in Karu and Keffi, intended specifically to spread information on sexuality rights and preventing the transmission of the disease, and ultimately, to equip them to demand their sexual rights.

Central to Woman Kind’s strategy is to approach women who have recently tested positive for HIV and are vulnerable to the trauma, fear and isolation which accompanies this news in this society. Woman Kind seeks to show them that it is possible to live a normal, fulfilling life, and to take measures to protect themselves, their children and others from the same disease. This is accomplished by using the experiences of Woman Kind Nigeria’s own affiliates: the founder of the organisation, Assumpta Ngozika Reginald, is also living with HIV and chose to break silence about the condition in her own family and community.

This allows Woman Kind and its staff to advocate nationally from a position of knowledge, to show the public that it is possible to live an active, fulfilling and fearless life, without shame or stigma, if health and sexuality rights are upheld. Most importantly, this shared experience offers a bridge to women who welcome contact with others in the same situation. Through support group discussions, workshops on health, sexuality and reproductive rights, and counselling, women living with HIV find the information and support from others to seek anti-retroviral treatment, defend their own rights, and protect their children from transmission.

Woman Kind also seeks to create a conversation within women’s communities about their sexuality rights and violence against women. Thus women leaders in the Muslim and Christian communities in Karu and Keffi are specifically targeted for training: as opinion-makers in their own communities, they are encouraged to spread information on women’s rights, and to open a dialogue on their personal experiences with traditional and religious laws. The media coverage these discussions engendered also helped to break the silence around HIV and promote awareness within a wider community.

Thus Woman Kind uses disclosure and the affirmation of shared experiences to reach out to women at a time when they feel alone and vulnerable, and provide them with the tools to protect themselves, assert their own rights and lead fulfilling lives, and to help build an environment where women are empowered to make informed decisions about their own health and sexuality.

See also: Strategy 7. A space is created to discuss women’s sexuality rights and life with HIV.

In Indonesia, high-school students discuss sexuality through film157

Most Indonesian teenagers learn about sexuality and reproduction largely from family, peers, media messages and society at large instead of through organised sexuality education at school. Indeed, even the country’s education minister, Muhammad Nuh, has opposed sexuality education in schools, stating that “people will learn about sex naturally”.158 Existing government programmes on reproductive health do not provide adequate information on

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157 This initiative received funding from the Sexuality thematic group.

contraception, from a fear of being seen to promote free sex.\(^\text{159}\) This contributes to high rates of teenage pregnancy.\(^\text{160}\)

The lack of awareness at this early age also means that discriminating and disempowering cultural attitudes risk being propagated to subsequent generations instead of debated and discarded at a time when young people are open to new ideas. This is a barrier to ending violations of individuals’ sovereignty over sexuality, such as unregistered marriage, polygamy, homophobia and child marriage.

To help address this, SCN-CREST, a women’s research and advocacy group, collaborated with other organisations to develop discussion on sexuality amongst secondary school students in Yogyakarta through a film festival where the students themselves developed the films. The theme of the festival was sexuality: thus it offered an opportunity to discuss the subject in detail with students.

Entry to the film festival was by application. Eight teams, each consisting of three students, were selected to participate in discussions on sexuality, their own concerns and views, and to develop short film scripts. A coaching clinic on social constructions of sexuality allowed a frank discussion on normally taboo topics such as homosexuality. At the end of the clinic, participants were trained in producing short films and photo-novellas. The resulting four films and photo-novellas were then viewed and discussed by the teams and resource persons.

This festival, while suffering hitches due to time limitations and organisational problems, provided a means to create a debate about once-taboo subjects amongst young people and introduced it through an enjoyable and expressive activity. This offered new perspectives on sexuality rights for the students and a means to debate and express what they had learned amongst themselves in an accepting environment. It also offered openness and information on safe sex and relationships. For the organisers, this festival offered the chance to work closely with young people, understand their perspectives and concerns and use these findings to fine-tune their strategies to work with secondary school students.

See also: Strategy 8. A safe space is created where high school students can discuss sexuality rights.

**Strategy 10: Organisations challenge existing narratives about women’s disempowerment through research and fact-finding**

Cultural practices which disempower women may be challenged by researching and disseminating information which casts a new light upon existing narratives. In Indonesia, where nikah sirri, or unregistered marriage, is frequently used to abuse women’s rights, the Institute for Women’s and Children’s Studies and Development (LSPPA) embarked on a study to learn the conditions under which young women would consider entering this form marriage. The study also looked at the reasons men and women entered nikah sirri, and the views of a community where this kind of union is common. Its findings were then used to inform advocacy efforts in Jakarta by organisations supporting strict penalties for nikah sirri, and to link the experiences of women with nikah sirri to the national debate. The study also showed that cultural taboos and restrictions on sexuality, which led to the lack of sexuality education and the risk of teen pregnancy and the resulting stigma, needed to be challenged in order to end nikah sirri.

Women face routine sexual harassment in public spaces in many parts of the world. This limits their entry into public life, which in turn renders women even more exposed and subject to harassment. In Sudan, Salmmah conducted a survey of the sexual harassment faced by women which highlighted the existence of this issue and its impact upon the lives of women. For many, this was the first time sexual

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\(^{160}\) Balansa, Walter. ‘Sex education for Indonesian teens?’ Ibid. According to the Indonesian Child Protection Commission a fifth of abortions involve teenagers, while others think the proportion may be twice as high.
harassment had even been defined and identified; acknowledging the existence of a problem and its prevalence thus provided a means for advocacy to institute laws to punish the practice. A similar survey in Afghanistan concentrated on sexual harassment and discrimination in government departments – the very institutions which are supposed to implement the country’s commitments under CEDAW and other international human rights instruments.

In Indonesia, women’s views on unregistered marriage are researched to strengthen the case for strict penalties\(^\text{161}\)

In Indonesia, \textit{nikah sirri} refers to a marriage performed by a cleric under Muslim law, but not registered under Indonesian law. As the marriage is unregistered, the two parties have no legal rights as spouses, and their children are illegitimate in the eyes of the state, with no claim upon the father, and may be stigmatised by society. There are reports that police officials often require a civil marriage certificate from women reporting domestic violence by a partner.\(^\text{162}\)

\textit{Nikah sirri} is often used by men to enter into a polygamous union where the first wife has not given consent to a second marriage. Thus the first wife’s right to reject a polygamous union – guaranteed to her by Indonesian and Muslim law – is denied. The second wife enters into a union where she has no protections or guarantee of support for herself and her children, and may be abused, abandoned or left without maintenance with impunity. Unregistered marriages are reported to be used to legitimise prostitution: in Puncuk, West Java, tourists, particularly from Arab countries, enter into unregistered marriages with local women and divorce them at the end of the holiday.\(^\text{163}\) The custom is also used to marry under-aged girls: in November 2010, a politician and religious cleric was sentenced to prison for entering into a \textit{nikah sirri} union with a 12-year-old girl.\(^\text{164}\)

Thus this practice can have serious consequences, especially for women, yet in recent years its incidence is believed to have increased. Reports of polygamy received by the Indonesian Women’s Association for Justice rose from three cases in 2007 to 36 in 2008, all performed using \textit{nikah sirri}.\(^\text{165}\)

While existing laws require couples to register their marriage, there are no penalties for violators. A new marriage bill which will penalise men who engage in unregistered marriage was drafted by the Ministry of Religion and is presently under deliberation.\(^\text{166}\)

\begin{footnotes}
\item[161] This initiative received funding from the Sexuality thematic group.
\item[162] Amnesty International. \textit{Left Without a Choice}, ibid, p19.
\end{footnotes}
The proposed bill has been controversial, with opposition from religious figures, members of the public and even celebrities.\textsuperscript{167} Common justifications for supporting the practice are on religious grounds, to prevent premarital sex and its lower cost.

To develop a wider understanding of how women’s property, sexuality and human rights are affected by nikah sirri, LSPPA, based in Yogyakarta, conducted a study of women from a diverse range of socioeconomic backgrounds to research their perspectives on nikah sirri, particularly their experiences with the practice and why they agreed to it. This was supplemented by focus group discussions with teenagers and young women to gauge the conditions under which they would consider this form of marriage, as well as parents, teachers and community leaders, members of women’s organisations, rural women and female members of a Quran discussion group.

The findings were used to create a documentary film which was shown to about 250 women and teenagers in five Yogyakarta communities and formed a basis for debate. The findings were also forwarded to advocacy groups in Jakarta to show the reasons women consent to nikah sirri unions and thus influence the adoption of the proposed marriage bill.

The study cast new light upon the social pressures that drive women to accept nikah sirri marriages. In a focus group discussion with teenagers, despite agreeing that this is a very problematic custom, all but two said they would agree to nikah sirri if they found themselves pregnant out of wedlock. Similar views were voiced by young women, showing that the attitude to women’s sexuality remains discriminatory, and that young women must be empowered to take control of their own reproductive choices as part of the campaign against nikah sirri. Older women, including parents and community leaders, showed that perceptions of nikah sirri and its uses are changing with time: where once it was an acceptable way to marry in an emergency (such as the death of a parent), today it signifies an avoidance of registered marriage for economic reasons, polygamy, etc.

All the women in nikah sirri relationships revealed that the impetus to perform this marriage had come from their husbands. Women agreed to enter nikah sirri unions for the following reasons:

- They were pregnant and social pressure left them feeling there was no other choice.
- To improve their own family’s economic condition.
- One of the partners had not yet been legally divorced, so could not re-marry.
- Religious reasons put forward by the parents.

Men interviewed gave the following reasons for choosing nikah sirri:

- A first wife would not give permission to legally enter into a polygamous union.
- Family and the community had asked them to marry girlfriends who became pregnant.
- To avoid the expense of a traditional wedding.
- Ease and practicality.

Discussions with women from Saptosari, a rural sub-district an hour away from Yogyakarta, proved enlightening about the views of communities where nikah sirri is prevalent. The women reported four cases of nikah sirri in one month alone, three involving under-aged girls who had not been compelled by pregnancy. These women, seeing the impact of the custom on local families, spoke vehemently for the need to educate women about the marriage laws, restrict nikah sirri and facilitate legal marriage.

In the midst of a national debate on nikah sirri, the study provided a more nuanced study of the practice, and explored the reasons why some women consented to it. The findings showed that it is not only the institution of unregistered marriage that needs to be challenged, advocates must also consider the impact of cultural limits on women’s sexuality and the lack of sexuality education. Women were never the initiators of nikah sirri, suggesting both that it is to their disadvantage and that they are not the chief decision-makers in their own marriages. The reasons given by men were almost invariably to their own benefit rather than the woman’s. That women recognise this disparity was reflected in the discussion with women in rural communities where nikah sirri is common. They recognised its problems, and formed a potential activist group to work for its prohibition.

These findings were sent to groups reviewing the new marriage bill in Jakarta, and will create a better, more nuanced understanding of the real reasons why women enter nikah sirri, and the impact it has
upon their lives, thus informing advocacy. At the grassroots level, the film that resulted is a tool for building awareness and a movement to oppose nikah sirri, and its public showings have already spurred young women to pledge to refuse the practice. Thus this study solicited the views of women vulnerable to, and already in, nikah sirri, and used these views to bridge policy-level advocacy in Jakarta, and grassroots movements near Yogyakarta.

See also: Strategy 6. Advocates support the efforts to change marriage laws to penalise unregistered marriage.

See also: Strategy 7. Women in nikah sirri marriages speak out about their experiences in discussion and on film, and connect with others in similar situations.

See also: Strategy 9. Women are empowered through a dialogue about their rights in marriage.

In Sudan, a survey on sexual harassment leads to the first acknowledgement of this issue\textsuperscript{168}

Thanks to a long-running military dictatorship, violence in Darfur and the (now realised) secession of the south, the 2010 Failed States Index ranked Sudan as the third most unstable country in the world, following only Somalia and Chad.\textsuperscript{169} Women face many forms of culturally justified violence, including FGM, rape, sexual harassment and domestic violence. Low literacy rates, militarisation, HIV and AIDS, and conflict also result in violence and discrimination against women.

In Sudan, as elsewhere, sexual harassment is a widespread social problem. Women are harassed in universities, at the workplace, in the streets and in their homes, regardless of their age, dress or behaviour. This harassment is justified in the name of culture, religion and tradition. Young women are particularly at risk, as are those working in the informal economic sector, such as tea sellers and waitresses.

Nevertheless, women are hesitant to talk publicly about sexual harassment, due to shame and the fear of public scrutiny. They rarely receive support from the law, police or other social services. Women who complain are often told that they ‘are asking for it’, especially if they choose to not adhere to government-prescribed dress codes (see page 21). In the minds of law enforcers, women instigate harassment by the way they dress or behave.

According to Salmmah Women’s Resource Centre, a Khartoum-based women’s advocacy group, many Sudanese men believe that flirting with women on the streets does not threaten them or make them uncomfortable. Indeed, they believe women welcome flirting as it raises their self-confidence and reflects on their beauty. Sudanese women try to ignore harassment to avoid aggressive responses. “While men’s initiation of verbal harassment is tolerated, women’s reaction to it is not,” says a Salmmah report. “Any women who expresses objection will be subjected to more verbal abuse to make her feel that she has asked for it.”\textsuperscript{170}

Violence against women has never received significant attention in Sudan, and its discussion is considered taboo, too sensitive for serious debate. To remedy this, Salmmah decided to research the prevalence of sexual harassment in Sudan, showing its existence, undesirability and effect upon women.

From February 2010, researchers conducted field investigations. In-depth surveys were conducted with 125 participants, including 75 university students, 25 female tea sellers and 25 waitresses in Khartoum State. These interviews served to document illustrative cases of sexual harassment. For instance, one woman reported that she was on public transportation when a 35-year-old man began touching and harassing her. She avoided reacting to his harassment because she feared that others would misunderstand the incident.\textsuperscript{171} This incident demonstrates the powerlessness and lack of recourse women feel when publically harassed. Many others reported harassment on public transportation. In this narrowly confined environment, many women could not escape and felt pressured not to object for fear of how the other passengers might interpret the situation.

Another recounted how her harassment was received by the police:

One day while I was working a man approached me and asked me to go with him. I refused and

\textsuperscript{168} This initiative received funding from the Violence is Not our Culture thematic group.


tried to stop him quietly but he insisted… more vulgarly. So without thinking I found myself pouring hot water on him, which caused him a lot of injuries. The police came and I was taken to the station and I was charged with causing severe injury ignoring… why I did this… One of the police officers said to me “You are looking for sex, that is why you are [doing this] kind of work; you are [a] whore.”

The study also gathered data on sexual harassment to gauge the nature of the problem. For instance, the majority of women interviewed did not know the meaning of the phrase ‘sexual harassment’. Once they were given a definition, however, 97 per cent reported that they had experienced harassment. The most common type reported was touching, followed by verbal harassment and gestures. Most reported being harassed by both young and old men, and 32 per cent said that they usually responded by remaining silent and passive. This was because most feared that the harasser might become more aggressive or a distorted account might be conveyed to her family – an example of how cultural pressures can prevent women from speaking up against violence. Blaming the victim for enticing men to harass them was common. A significant number said that the others in the community showed no response or even supported the perpetrator, while a majority reported that police offered no response if they were at the scene or were themselves the perpetrators. Most also said that if laws existed and were effectively enforced, they would use them against perpetrators.

This groundbreaking study was the first time sexual harassment in Sudan had been documented, and provided a suitable platform for advocacy. Salmmah arranged forum discussions in which journalists, lawyers and activists discussed how the findings, and research on laws in other countries, could be used for a campaign to criminalise sexual harassment.

One of the journalists who attended the forum subsequently wrote an article for a popular Sudanese newspaper on the acceptability of sexual harassment in Sudanese culture. Another participant, a university student, took it as her dissertation topic, and conducted follow-up research. A group of activists and journalists formed a coalition committed to working on the issue online. Salmmah also produced a pamphlet using cartoons to illustrate the forms of sexual harassment women face, along with recommendations on how to stop it, and is developing a wider public campaign.

Sexual harassment simply does not exist as a concept for many men and women in Sudan: it was only after the offending behaviours were described did women in this study acknowledge that they had been targets. Through this study, therefore, Salmmah defined a form of violence against women that previously had been nameless and accepted as an unchangeable fact of life, even by women. By defining it, presenting the voices of women who had undergone it and demonstrating its impact upon them, Salmmah was able to create a new public acknowledgement of this problem, and an impetus for eradicating it. Moreover, it created recognition of the need for a new set of laws to protect women against a form of violence which is normally sanctioned by convention and culture.

See also: Strategy 7. Women speak about their experiences with sexual harassment and, for the first time, create an understanding of their disempowerment in public spaces.
In Afghanistan, a groundbreaking survey of sexual harassment is conducted in government ministries

Discrimination and violence are facts of life for many women in Afghanistan. Although Afghanistan ratified CEDAW without reservations in 2003, gender-based discrimination is entrenched in the fabric of life here, and protections from the law are limited or unenforced. Many laws passed after the ratification of CEDAW are in violation of women’s human rights, and are justified by misogynistic and regressive interpretations of religion and culture (see page 38).

There are few women in public life, and their participation is not encouraged. In 2009, politician Sitara Achakzai, a prominent human rights advocate, was murdered, and in 2010 at least two women politicians were shot. Women in the police force and elsewhere face in entering public service in the country. Under Taliban rule, women were excluded from all forms of public life, including the civil service. After their removal from power, women began entering the workforce, including the civil service, but the persistence of violence and restrictive cultural practices limited and even reduced women’s participation in making and implementing policy. In 2009, only 21 per cent of civil servants were women, a considerable decline from 31 per cent three years earlier.

Women face threats, resistance and discrimination when representing state institutions, especially when dealing with religious or traditional power holders. Less well-known is the discrimination and harassment women face within their workplaces. To bring attention to its prevalence, and indeed existence, Women for Afghan Women initiated a groundbreaking new survey in government ministries to ascertain the extent and nature of sexual harassment and discrimination, and the policies and preventative or disciplinary measures against it. This was achieved through anonymous questionnaires circulated amongst men and women working at the ministries.

Eight ministries agreed to participate, and about 300 staff members filled out the questionnaires. It emerged that none of the participating ministries had a sexual harassment and discrimination policy that their employees were aware of, and 59 per cent of respondents had heard of colleagues subjected to sexual harassment. Several women spoke of opaque salary scales and being denied development opportunities open to their male colleagues. Others mentioned harassment at work, mostly through inappropriate comments and jokes.

The low awareness and understanding of sexual harassment as a problem may be gauged by the disparate participation rates: many ministries were uncooperative, and only a fifth of the respondents were men, despite their preponderance in the workforce. Those who responded needed clarifications about the meanings and implications of the questions which dealt with a rarely discussed topic.

Thanks to Afghanistan’s difficult work environment and possible threats to its women’s shelters, the organisation was unable to complete its planned follow-up: to develop workshops educating ministry staff about sexual harassment and discrimination.

Nevertheless, by conducting the survey, Women for Afghan Women challenged the denial of sexual harassment that is prevalent in Afghanistan’s professional life and created a framework through which to analyse and combat discrimination and harassment in the workplace. It created a fact-based basis for a frank discussion of sexual harassment and gender discrimination in the very workplaces which administer government policy.

172 Collected by the Violence is Not our Culture thematic group.
174 Ibid. Most women are employed in a limited range of ministries, such as those for health, education and women’s affairs. Only 9 per cent of women middle managers are women, largely in the ministry of women’s affairs.
176 Ibid, p16. Interviews conducted by UNAMA show that women’s views and contributions are dismissed due to their gender, they are left out of work-related activities, accused of immoral behaviour, and fear being dubbed blasphemous if they comment on religious matters. Only a few professions (e.g. health, education, women’s and children’s affairs) are considered suitable for women, and there are reports of women obliged to change their professions for this reason.
F. Domains of empowerment

The preceding chapters offer a variety of strategies used by women and their advocates to resist cultural disempowerment in a wide range of contexts. These strategies range in scale from national-level advocacy to implement laws, to village-level discussions of intensely personal experiences of loss and grief, from organisations working to change laws across countries, to individuals asserting their own rights to inheritance. The projects range across all three of WRRC’s areas of focus: inheritance and property rights, violence against women, and sexuality rights. Many initiatives discussed here were implemented over short periods with limited resources, and have consequently limited results, but offer lessons and directions for future initiatives in those contexts.

This document is intended as a reference for organisations to examine how others have used strategies of resistance in the past, and to inspire women seeking to resist disempowerment in their own lives. As such, each strategy discussed here is illustrated by narratives which illuminate some of the ways the same strategy can be implemented depending on context, thematic area, available resources, etc.

A key question any organisation seeking to resist culturally justified disempowerment must ask when beginning a new initiative is: what is the desired end result of the initiative? At the most basic level, the answer is ‘resisting cultural disempowerment’. But in what area of women’s lives? And once an end is identified, how can a strategy be chosen and adapted to the particular needs of women in the context in which the organisation works?

This chapter hopes to contribute to this last step by placing the strategies and narratives in this document in a matrix which asks what the domains of change are that can help to resist culturally justified disempowerment. Through this, it is hoped, successful strategies can be formulated and adapted to specific needs and contexts. Similarly, women seeking to resist culturally justified disempowerment may find inspiration in the stories of other women, and develop their own strategies of resistance.

A useful framework for discussion is the Rao-Kelleher model showing the four dimensions in which gender power structures operate, and which strategies of resistance to disempowerment must navigate. The four interrelated domains of the Rao-Kelleher model indicate the areas in which change needs to be made in order to empower women. At its simplest, the model shows the four domains in which the end result of an initiative may be placed. For instance, ‘resisting cultural disempowerment through ownership of property’ is firmly in the domain of ‘access to resources’ (domain b). However, change leading to empowerment can rarely be considered a discrete event: it is a process. Moreover, defining when an end point has been achieved is extremely difficult, especially for the two informal domains (a and c). Thus in this discussion, these four domains are considered as sites of change which lead to empowerment within the three thematic areas of women’s inheritance and property rights, sexuality, and culturally justified violence against women.

Domains a and b represent individual change. Thus change in domain b represents change in women’s access to resources: a measurable change in individual conditions, including freedom of movement, freedom from violence, freedom to speak, as well as freedom to be economically active. Domain a represents change in individual consciousness, such as knowledge, awareness, political will, etc.

Domains c and d, on the other hand, represent areas of systemic change. In domain c falls community consciousness: when customary practices and cul-

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177 Thanks to Febe Deug and Lin Chew for suggesting this approach.
tural norms which disempower women are changed or abandoned. Domain $d$ represents formal systemic changes, such as changes in policies and laws.

As a rule, changes in the formal domains offer the clearest examples of concrete, identifiable success and, for this reason, have historically received more attention when projects are designed and evaluated. For instance, when landless women in Sindh Province are helped to claim land (page 32), they become property owners within their own families and gain an understanding of Pakistan’s labyrinthine bureaucracy. The achievements in domain $b$ demonstrated by this initiative are concrete: a measurable number of women are helped to utilise a policy (whose own formation falls in domain $d$) to obtain a documented parcel of land in their names. Similarly, if a new law to counter violence against women in Afghanistan is finally passed (page 38) it is a measurable achievement in domain $d$.

Success in the informal domains, on the other hand, is difficult to determine. A clear example of this is the project to help high school students explore issues surrounding sexuality and fertility through film (page 52). How did the discussions preceding the filming influence their understanding in a society where most information about sexuality comes from popular culture? When the films were shown to other students, did they help to create better understanding of women’s rights and sexuality, including the rights of sexual minorities? How can we tell, given the limited time frame of the initiative, and the vague nature of the change it hopes to create?

Naturally, changes in one domain are rarely independent of the others. For instance, there is a two-way traffic between domains $c$ and $d$: as cultural practices change, laws are changed to reflect them, and properly enforced laws and policies (such as land redistribution) may, over time, effect change in social norms. There are similar links and movement between the two individual domains $a$ and $b$. When individual men are made conscious of the rights of women to inherit property, for instance, they may proactively support their sisters’ claims to land, as is demonstrated in the Pakistani case described on page 28. When women are empowered and free to access public spaces, learn new skills and make their voices heard, their own attitudes about their rights change, as well as the attitudes of other women who observe their freedom, and the men who realise that women’s empowerment is not a zero-sum game. This two-way stream also operates between domains $b$ and $c$, as women’s access to resources influences cultural norms and vice versa.\(^{181}\)

This points to an important limitation of the Rao-Kelleher framework which should be borne in mind even as it is employed as a useful tool in planning strategies. The four-domain model is, by its nature, rigid and does not account for the complex interlinkages between domains.

Thus while each domain in which strategies effect change is discussed separately here, it is important to remember that there are effects, or even preconditional changes, which occur in other domains. This is particularly clear when initiatives are examined in detail: the Drop the Knife Campaign in the Gambia works with FGM perpetrators to convince them, as individuals, that the practice is harmful (domain $a$) and assists them in finding new roles and means of generating income in their communities (domain $b$). These women are encouraged to lead their communities to collectively renounce FGM forever (domain $c$), and the organisation also advocates for national policies to eradicate the practice throughout the country (domain $d$) (page 23). In this discussion, strategies are discussed under the domains in which they have the most significant overall effect.

At the same time, however, it is important to bear in mind that the thematic areas on which WRRC concentrates – and comprise most of the initiatives described in this document – are primarily concerned with culture, and thus de-emphasise the domain of laws and policies ($d$).\(^{182}\) Historically, domain $d$ has been emphasised by organisations seeking to effect change and their supporters and donors, partly because it is so much more straightforward to identify success. However, cosmetic changes in laws and media-friendly policies are often inadequate to effect lasting change if society and culture do not change. For this reason, WRRC seeks to challenge also the emphasis on the formal accoutrements of change without considering that a change in mindsets, culture and economic realities is necessary if these laws and policies are to be implemented. Cultural change, therefore, may be a necessary pre-condition for effectively formulating gender-equitable policies and laws.

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\(^{182}\) Thanks to Vivienne Wee for this observation.
Each of the three thematic groups naturally emphasise different domains of change. For the Women’s Inheritance and Property Rights group, for instance, the desired end result is for women to have access to and control over resources (i.e. domain b). When women have control over land and resources, they are economically and socially empowered, and in a position to have political clout, individually or as a group. While success in this domain may depend upon changes in societal or family attitudes to women’s inheritance, success or failure in domains a, c and d are not the intended outcome; these merely support the achievement of change in domain b, which in turn contributes to the achievement of the greater aim: empowerment.

Similarly, for the Sexuality thematic group the desired end result is largely success in internalised attitudes and practices (domain a). When individual women and members of sexual minorities can express their sexual autonomy without fear of retribution or discrimination, it is a major step towards empowerment. In the case of women’s rights related to marriage, for instance, laws may change to support this (e.g. to equalise the legal age of consent for marriage), as may social attitudes towards women’s rights (e.g. by disseminating reinterpretations of religious restrictions on divorce), and the free ownership of land may give women more economic power in family decisions. All these combine to empower women in domain a: the freedom of an individual to marry as she chooses.

For Violence is Not our Culture, the end point of change is primarily in socio-cultural beliefs that justify violence against women (domain c). Women who live free of violence may be supported by properly enforced laws prohibiting gender-based violence, and individuals may be persuaded to change their views and actions so as to ensure that women are not subject to violence. In each case, changes in the other three domains support that central change. These, however, are end points: empowerment has to be understood as a process rather than a destination, even when the change in gendered power structures is measurable (e.g. the passing of a new law).

Strategies of resistance and the domains of gender empowerment

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| a Internalised attitudes, values and practices | Strategy 8: A safe and empowering space gives women the opportunity to learn skills, meet others and understand themselves. (page 44)  
Strategy 9: Women and their advocates are empowered through knowledge and dialogue about their rights. (page 50) |
| b Access to and control over public and private resources | Strategy 2: Women uphold and use empowering cultural or historical practices to assert their rights. (page 16)  
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| c Socio-cultural norms, beliefs and practices | Strategy 1: Women and their advocates work within existing systems to shape discourse. (page 10)  
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Strategy 10: Organisations challenge existing narratives about women’s disempowerment through research and fact-finding. (page 53) |
Domain a: Internalised attitudes, values and practices

The strategies which seek to achieve change in domain a help women empower themselves as individuals, through acceptance, better understanding of their rights and the knowledge they need to protect themselves from disempowerment. Though the strategies discussed here do not necessarily concentrate on this, domain a may also include efforts to change the attitudes of other members in a family, as shown by the initiative which seeks to persuade Nigerian men to write wills forbidding the ritual degradation of their widows.

Indeed, as this initiative demonstrates, domain a can be the bedrock of successful change in other areas. When men are persuaded to leave behind superstitious beliefs in jinxes and write wills (page 30), this signifies change in domain a for them, though for women, the more substantive change is in domain b: they gain access to family resources when widowed. In this discussion, we concentrate on those strategies which help women to empower themselves through increasing their own understanding of themselves and the world around them.

Strategy 8 involves creating a space in which women can move and express themselves freely (page 44), and in doing so, learn and discuss in an unpressured environment. Many women, especially those living in repressive cultural contexts, are deprived of such spaces. As John Berger wrote, “men act and women appear. Men look at women. Women watch themselves being looked at.”183 Berger wrote this in the context of classical European art, but the observation offers insight into the lives of women facing disempowerment by culture. In patriarchal societies, women – and in particular their bodies – are the bearers of tradition, of rectitude and honour: thus their actions, appearance and thoughts are scrutinised and evaluated by the men and women around them in public and private spaces. Aware of this constant scrutiny, therefore, a woman becomes a performer, not just a participant in social interaction. Regarded as the representative of an ideal (or, conversely, an aberration), she is denied the opportunity to express herself or understand herself as an embodied individual. This lack of space for free expression may also deny her the ability to seek out information to empower herself through better understanding, both in the sense of understanding herself and her body better, and by learning how to protect herself from disempowerment, loss of autonomy, poverty, etc.

This is especially true for women from the margins of society such as sexual minorities, those without strong family connections, the impoverished, or those belonging to religious or cultural minorities. Discriminated against, vulnerable to violence because of their status or identity, these women are often denied a place where they are accepted for themselves. Strategy 8 creates a safe space for such women. For young lesbian women in Jakarta, where the dominant cultural discourse declares their sexual identity sinful, IPP accepts this identity (page 44). By creating a space where young women can simply have fun, it helps women accept their sexuality as normal. In this space they explore their own bodies and learn to accept its power through a carefully designed boxing programme. Similarly, the Omid-e-Mehr centre in Iran accepts young women runaways as autonomous individuals rather than victims (page 46). In both cases, women are first accepted as autonomous entities worthy of respect in their own right, and are given the opportunity to develop the self-confidence and skills which can help them navigate the outside world where they are not guaranteed this respect.

Strategy 9 seeks to empower women through knowledge and discussion (page 50), and is thus closely connected to Strategy 8, and other initiatives which seek to provide women with the knowledge to make informed decisions about health, legal rights, fertility, etc. By creating a dialogue about women’s disempowerment, some initiatives using this strategy go a step further: they show women that there is a debate which they can enter into and give their own views, which will be listened to and respected.

Lack of education for girls, restrictions on movement and on participating in public life, or managing economic and legal affairs are all means by which women are prevented from gaining the information needed to navigate the world. Women may also be unaware of their own rights as citizens, individuals and as women, under national law and international commitments, and even under certain interpretations of religious or traditional laws.

Perhaps the clearest case is that of women’s sexuality and reproductive rights. The censorship of debates on sexual diversity and the proscription of sexuality outside hetero-normative marriage isolate those living with conditions considered ‘tainted’

by improper sexuality, such as those with HIV, and propagate discrimination against those who are regarded as failing to live up to the culturally mandated model of sexual propriety, such as divorcées, homosexuals, or those engaging in premarital or extra-marital sex. Even in places where family planning programmes freely exist, women may be uninformed about their rights and may lack the capacity to control their own fertility and protect themselves from disease. When women access this knowledge, or learn about and debate their rights, there is positive change in their practices: they may take control of their own and their family’s health and property, and consider other perspectives than those presented by the dominant culture.

This is demonstrated in Woman Kind Nigeria’s efforts to reach Muslim women living with HIV (page 51). In a society where HIV is severely stigmatised and there is little awareness or use of preventative measures, women diagnosed with the disease live in isolation. Many of Woman Kind Nigeria’s own staff members, however, including the founder, also live with the disease. They use this common ground to approach women who have been recently diagnosed, gain their confidence, and integrate them into a support network which provides in-}

Another Indonesian filmmaking project, led by SCN-CREST, used this strategy slightly differently (page 52). In this initiative, filmmaking was taught to young high school students, who also participated in discussions on sexuality. There is little formal discussion of sexuality in Indonesia, and many young people grow up propagating the same prejudices and misconceptions (e.g. homophobia) as their elders. The project helped the students learn and discuss sexuality, learn about international debates on sexuality rights, and present issues they felt relevant to their own lives in film. This discussion and the films which came out of it thus broke taboos in a respectful and inclusive manner, giving young people the information to take control of their sexuality. In turn, they helped SCN-CREST better understand the issues which matter to students. In the short-term, therefore, this initiative helped to change how these high school students regarded sexual issues, particularly their attitudes towards sexual minorities, and will help SCN-CREST target future efforts towards domain c: changing attitudes for younger people as a group, and thus effecting change in the socio-cultural norms around sexuality.

Other strategies also depend on change in this domain. For example, efforts to ensure that women have access to resources – whether as public space, land or other forms of inheritance – or to take advantage of women-friendly policies, depend on women losing their reluctance, internalised by fear or cultural practice, to move in the public domain, and of men in positions of power to abandon a culturally instilled impulse to disempower women in this arena (see, for instance, the narrative about brothers who were persuaded to go against local tradition and not withhold their sisters’ inheritance; page 35). Similarly, shifts in socio-cultural norms are effected through changes in the mindsets of individuals; for example, initiatives to persuade communities to give up FGM depend upon first changing the views of opinion leaders such as the women perpetrators of FGM, community elders and religious leaders.

Other initiatives demonstrate different aspects of this strategy. IWE in Indonesia sent two members overseas for training, and then used their new knowledge on sexuality issues to train other Indonesian organisations in making documentary films on family issues such as unregistered marriage, the division of labour or the trauma of losing a child (page 50). Through these films, women in small communities offered their own perspectives and life stories in a wider discussion on disempowerment due to cultural factors. Many spoke of their experiences for the first time, locating their situations in the context of women’s human rights and offering their personal experience to reach out to other women. By doing this, they challenged the silence around family issues affecting women. Domain b: Access to and control over public and private resources

Still at the family or individual level, but now moving along the formal axis, are strategies which seek to ensure women have access to resources, either individually or collectively. Resources in-
clude inheritance, as well as access, control and/or ownership of land and other property. Considered more broadly, it may also mean the access to public spaces, freedom of movement, and responsibility for public interactions.

By and large, women’s right to own and inherit property is guaranteed by most secular laws, and even many traditional and cultural laws, though not necessarily in equal shares to men. For example, standard interpretations of Muslim laws prescribe women’s inheritance, though less than that of men, and guarantee women’s rights to own property in their own right. In general, but particularly in areas where resources are limited, these rights may be revoked, or simply ignored, with cultural mores used as an excuse to legitimise the consolidation of resources in men’s hands. Indeed, as several of the narratives in previous chapters show, those who deny women’s property rights are very often their closest male relatives: uncles, brothers or brothers-in-law who justify usurpation by referring to cultural traditions.

Many countries with Muslim majorities base their family laws, including laws governing inheritance, upon classical fiqh or Muslim jurisprudence even while other legal codes, or even alternative versions of family law, may be based upon secular systems derived from common or civil law and international treaties. Some countries (such as Nigeria) also recognise customary law. This complicated interaction of legal systems and custom creates a minefield of rights and regulations that women must navigate, but also provides an opportunity to use one competing system to claim a right denied by another. This is explored in Strategy 4: women claim their rights to resources through the legal system (page 26).

Thus, for instance in situations where the law exists but is disregarded, women can appeal to courts to protect their rights. This is demonstrated by two cases in Pakistan. One is of a widow, Rani Shamim, who was denied her husband’s share of his father’s estate (page 27). Her sisters-in-law were also dis-inherited so that the property would remain with the surviving brothers. This was done in collusion with a land administration official. Armed with her knowledge of the law, Shamim disputed the land administration official’s ruling and threatened legal action. Aware that the Pakistani courts generally uphold women’s right to inheritance under Muslim law, the official conceded and Shamim and her sisters-in-law received their inheritance.

The second case is of Pakistani sisters whose inheritance was seized by their brothers (page 28). In this case, two other brothers lodged a case to support their sisters’ claim to inheritance. This case went to court, and ultimately the sisters won their share of their inheritance, again according to Muslim laws. Pakistan has a spotty record on upholding women’s rights in matters relating to sexuality, but its judiciary has historically been sympathetic to women’s inheritance claims, even if these are in the unequal proportions mandated by standard interpretations of Muslim law. Thus Shamim and the two Pakistani sisters could use a law inspired by religious interpretation to overturn a cultural reluctance to allow women to inherit.

It is notable, however, that in both cases, women worked with male advocates. Shamim managed her own public dealings, but was accompanied by male relatives whose presence may have contributed to her claim being taken seriously. The two sisters had sympathetic brothers as strong advocates who filed cases on their behalf, thus avoiding the necessity for women to engage in protracted legal cases by themselves. Had the brothers not been willing advocates, would the sisters have pursued their case to its conclusion?

Thus in many cases, certainly in the two discussed above, this strategy demands that women receive credible support when pursuing legal cases. This, in turn, raises the question: is a woman empowered if she has to depend upon a man’s assistance before she can pursue a legal challenge? On the other hand, when the end result is of gaining control over resources, in the long-term the woman becomes financially independent and economically empowered. In addition, she creates a positive precedent for future women claimants, as the Pakistani court system and other male-dominated environments become familiar with the presence of women.

Rani Shamim asserted her right to control her inherited property because of her knowledge of the law, and her contacts with women’s groups. This also suggests the importance of ensuring women know their rights and are motivated, through suc-


cessful examples such as Shamim’s, to pursue them (domain a).

The case of Lobbo Hamma, in Niger, shows that even where laws exist to support women’s claims to inheritance, repeated legal appeals may fail (page 29). Her case is instructive in another sense: once her legal challenges failed, Lobbo used her own example to spread awareness amongst women of the need to protect their rights by legally registering their ownership of their property, and to join local government bodies so that their perspectives come to inform land rulings. Lobbo Hamma’s work links closely to Strategy 5: advocates raise awareness about women’s rights and provide tools to exercise those rights (page 30). As Rani Shamim’s case demonstrated, without adequate information, and the tools to use that information, women may not know about their legal rights or be unable to exercise them.

A cogent example comes from Pakistan’s Sindh Province, where thousands of people are trapped in poverty due to poor education, caste- and religion-based discrimination, and feudal land ownership structures (page 32). In 2008, a government programme sought to reduce Sindh’s historical inequities by distributing land, with nearly a fifth reserved for women. This programme was severely flawed, with reports of fraudulent claims, violence against the claimants, and women receiving unusable land, in some cases at the bottom of the sea. For the second round of distribution, Participatory Development Initiatives (PDI) launched a publicity campaign to bring eligible women to register for allotments. The multichannel information campaign had, however, to be supplemented with real assistance for landless women, most of whom were uneducated, inexperienced with filling out government forms or attending hearings, and many unable to even afford transportation. Some also needed legal assistance from the first round. Thus PDI’s strategy informed women about their right to claim resources, familiarised them with the procedure, and then assisted them in real terms – such as providing transportation to open hearings – so that women could actually make those claims.

This initiative ensured that hundreds of women, for the first time in generations or perhaps ever, had the opportunity to own substantial resources. This effects a lasting, long-term change in family dynamics, as the woman is the property owner, not her husband, with larger implications for social change as families escape the landowner/landless worker relationship in Sindh. A possible follow-up activity to cement these changes would be to motivate women to leave their property to their daughters instead of, or equally with, their sons, and to form alliances to lobby for better access to markets and government-subsidised farming inputs to escape subsistence level agriculture. Indeed, the latter is particularly important, as much of Sindh’s agricultural land was affected by massive floods in July–August 2010.

The opportunities offered by exploiting loopholes in parallel systems (demonstrated in the case of Rani Shamim, above) also occur in Strategy 5. Amongst certain Nigerian communities, widows are badly mistreated and deprived of any support after their husbands’ deaths (page 30), and they and their children are often left destitute, deprived of their property by the deceased man’s brothers. To prevent this, Human Angle works with families to encourage men to write wills which clearly lay out how their property is to be divided, and to state their opposition to the degrading rituals widows are subject to. This is done through information campaigns and workshops to help men overcome their superstitious fear of inviting death and to write wills and officially register them.

Human Angle thus works in several domains: it persuades men to overcome their personal superstitions about preparing for death (domain a) and write wills in accordance with Nigerian inheritance laws (domain d). This achieves substantive change in domain b as women are able to access family resources even after their husbands’ deaths, and are no longer reliant upon charity or the goodwill of their in-laws and children. In the long-term, this represents a shift in disempowering societal practices around death (domain c) as children are also encouraged to question these cultural practices, and helps encourage gender equality in property ownership.

Strategy 2 shows a slightly different approach to using existing systems to claim rights (page 17). Instead of appealing to an established laws, whether ones based in a secular civil code, government policy or in religious law, women uphold empowering aspects of existing cultural or historical practices to assert their rights to access resources. Resources here may be private, such as inherited land, or public, such as common land or unfettered access to public spaces.
Two examples come from Niger, where mainstream Muslim laws on inheritance of land are rarely applied, especially in rural areas. Instead, traditional practices exist to allow women to claim the right to use land. One, which Nigeriennes attribute to local interpretations of Muslim law, allows women in certain areas of the country to inherit through traditional channels (kirad, see page 19). The second is derived from a long-standing cultural practice whereby groups of women can claim use of land (page 17). In the latter case, the strategy employed updates this historical practice so that claimant groups can include, for example, micro-finance consortiums. This right to use may be transmitted through the female line. Even these traditional strategies need support, as already severe gender inequalities in rural land ownership increase with growing pressure on arable land. To resist this, and encourage women’s ownership of land, advocates are urging groups of women to register their claims, and then to cement this claim with Niger’s rural land register. This ensures that land under women’s usufruct is not seized by unscrupulous outsiders claiming that the land was not under anyone’s ownership. Thus women revive and uphold a traditional practice to assert their claims on land, and seamlessly combine it with civil law to ensure that the claim is upheld.

A similar assertion of traditional claims is seem amongst the Minangkabau people of Indonesia (page 19), where communal property is transmitted through the female line, but legal dealings are the responsibility of the mamak or mother’s brother. This male role has gained substantial power, thanks to colonial practices which recognised the men as the only legitimate representatives of the matrilineage, and the subsequent reluctance of Indonesian government officials to interfere in what they saw as customary matters. In recent years, many mamak have contested their female relatives’ ownership of ancestral land, and sold or misappropriated such land for themselves. To resist this, however, many Minangkabau women are now reasserting their traditional rights, as granted by their matrilineal culture, by representing their claims personally, documenting their traditional rights, and working with other lineage members to have offending mamak deprived of their authority. In the best case, this serves to protect the land belonging to a lineage, and reassert women’s power over their family property. Even in the worst case, it is an appeal to the lineage as a group to acknowledge its matrilineal identity and reaffirm women’s customary rights.

The rigid demarcation between feminine private spaces and masculine public spaces in Muslim societies is a relatively recent conception, that has been attributed to Western orientalist images of women in these societies and the colonial encounter in which women became “symbols of cultural authenticity and carriers of religious tradition”. This has translated, in many cases, to restrictions on how women access public space: forcible Islamist restrictions on women’s attire are often manifestations of this. In Sudan, the state has implemented morality laws which prohibit, in vague terms, what it dubs ‘indecent or immoral dress’ based on its own interpretations of cultural views on public decency (page 21). In a celebrated case in 2009, several women were sentenced to flogging for the ‘crime’ of wearing trousers. Following this incident, the Salmmah Women’s Resource Centre began to research whether, in fact, ‘modest’ attire for women, as prescribed by the Sudanese government, was grounded in historical fact.

Its research on women’s attire from the 1950s onwards proved, using photographs and personal testimony, that Sudanese women had historically moved freely in public without fear, and with great freedom and flexibility in dress. Thus it showed that the dress code was an ahistorical phenomenon, with no basis in Sudanese culture, and those who rejected it were motivated not by Western influences, but by their own history. Thus the organisation challenged the government’s attempt to appeal to culture to restrict women’s access to public space.

The problems of appealing to alternative interpretations or ‘streams’ of culture are demonstrated by the case of Asia Mujahid, a Pakistani woman who claimed a share in her late husband’s property as her mehar, or property bestowed upon a bride by her husband (page 20). Pakistani women rarely claim their mehar, despite its basis in Muslim law,


187 Ibid.


189 Mir-Hosseini, Ziba. ‘Criminalising sexuality’. Ibid.
and Mujahid’s claim was denied by her in-laws. Mujahid appealed to the traditional institution of the family council, which ruled that while she could receive her mehar and live independently, it was on the condition that she not remarry. Thus Mujahid had to sacrifice her sexual freedom in order to assert her property rights using religious law and traditional arbitration. These did not uphold her human rights as an individual free to marry as she wished.

Nevertheless, when women gain access to and control of resources in their own rights, they are simultaneously economically and politically empowered within their immediate circles. This also forms a strong basis for developing group empowerment: women with economic or political clout may organise and speak for their collective interests.

Domain c: Socio-cultural norms, beliefs and practices

Changing cultural norms which discriminate against and disempower women is to a large extent the prerequisite for instituting lasting systemic change which affects the lives of individuals. Even when individuals abandon disempowering values, or have the knowledge to change their practices, social pressures from a monolithic cultural discourse may prevent them implementing this change in a meaningful way. At the same time, cultural mores are malleable and mutate with time, class, geographical location and other factors. As the United Nations Population Fund observed:

A number of harmful practices are deeply rooted in tradition. Though many reflect an underlying gender bias, they have been practised by parents and grandparents and passed from one generation to the next. They are thus commonly accepted facets of community life. But culture is not static: it is dynamic and learned. People are not passive products of their cultures but are active participants in interpreting and shaping them. As experience around the world has shown, communities that understand the dangers posed by certain practices, and question them from within their own cultural lens, can mobilize to change or eliminate them.190

This belief underlies Strategy 3: that it is possible for communities, as rational collectives, to recognise practices as harmful to women and in violation of their rights, and to consciously abandon them (page 23). The Drop the Knife campaign in the Gambia is one such initiative (page 23). It seeks to change community behaviour by involving key decision-makers in the community, most notably, the women responsible for performing FGM. By persuading them to publically renounce the practice of which they are the chief representatives, GAMCOTRAP, the organisation leading the initiative, convinces communities to abandon FGM collectively. Instead, former practitioners take on a new, vital role in the community, as guardians of girls and young women. This strategy succeeded in eliminating FGM in over 300 communities in 2009 alone, despite government opposition – in recent years, government representatives have actively spoken in favour of the practice.

Another initiative, Safehaven’s work to end FGM in Cross River State of Nigeria, also seeks to achieve change in socio-cultural practices through the perpetrators of FGM (page 25). Here, the approach is slightly different: Safehaven brings former perpetrators to alternative sources of livelihood, and consults with the women closely to understand the most suitable forms of economic activity (domain b).

A similar change in community understanding and, consequently, social norms is apparent when women speak about their experiences of disempowerment for the first time (Strategy 7; page 40). When a single cultural narrative dominates discourse, and discourages women from speaking out about their experiences, communities may be unaware, or unwilling to confront the fact, of disempowerment. When the silence is broken and women speak from within the cultural context, the opportunity arises to effect change in this domain.

In many areas of Pakistan, discussion of domestic violence and violence against women simply does not occur, and women themselves are prevented from speaking publically by notions of family privacy and honour (page 41). In one such area, Sialkot, a local organisation named Baidarie confronted great resistance to even the notion that domestic violence might exist in the community. To break this silence and force the community to confront the issue, Baidarie opened platforms where women could speak out about their experiences. In particular, Baidarie focused on how cultural and religious practices led to violence against women. Perhaps most

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importantly, the organisation recruited community members to research for themselves amongst their neighbours and find out about domestic violence. The findings were clear: the problem existed, though it was never spoken about, and had to be addressed. Before Baidarie’s work began, no complaints of domestic violence had ever been lodged with the police. After its implementation, thirty cases were lodged. Baidarie’s strategy was to change the cultural resistance to acknowledging domestic violence not by challenging the silence directly, but by helping community members to discuss it and learn about its extent in their own neighbourhoods for themselves.

A Nigerian organisation, BAOBAB, found radio an appropriate platform for women to air their views and experiences of disempowerment (page 40). These radio shows, with live calls, enabled women to phone anonymously and discuss their experiences on air. Men and women debated issues around disempowerment, and the radio hosts guided women to resources which could help them challenge violence justified by culture. BAOBAB’s radio shows were broadcast in four different states, and in each area callers brought up the issues they felt were most relevant in their lives: from the need to safeguard women from violent punishments in Oyo, to concern about the mistreatment of widows in Enugu. Thus communities were provided a forum to recognise, debate and challenge the cultural bases for practices which disempower women.

Radio is a suitable means for conducting this sort of discussion. It ensures a degree of anonymity, while retaining emotional power. Lack of education or access to technology is not a barrier as it is with internet discussion groups – radio is a very popular medium in the country, especially amongst house-bound women who can listen as they work. The popularity of this initiative suggests that entertaining, absorbing radio shows where listeners interact freely and safely have great potential in effecting cultural change simply by helping people listen to each other in a non-judgemental space.

In many cases, the cultural bases for disempowerment themselves can be challenged and reinterpreted by communities. This is the foundation of Strategy 1: women and their advocate work within existing systems to shape discourse (page 10). Here, again, the change desired is at the community level as cultural mores are challenged and redefined. This strategy enables women and their advocates to effect lasting change, since local culture is not abandoned but reinterpreted.

In Nigeria, conservative religious beliefs prevent a free discussion of sexuality, and because of the lack of understanding of these issues, young women are vulnerable to early marriage, teen pregnancy and other breaches of their rights. To address this, one organisation, CEADER, made close contacts with a Catholic priest. He then sent his staff members to receive training in providing sexuality education to the young women in their congregation, as well as providing a discreet and understanding ear to those who confide in them (page 13). Because this is done through trusted members of the church, who would in other contexts lead objections to what they saw as indecent practices, this strategy increases community acceptance of sexuality education. Indeed, with sponsorship from the priest, there was few who objected to this innovation, and other churches have since approached CEADER requesting that their staff also be included in the programme. Thus, sexuality education is not an alien imposition which may entice young women away from the church, it is, instead, authorised and even delivered by the church.

The Koalisi NGO HAM also seeks to recruit religious leaders to oppose the imposition of a restrictive interpretation of Muslim laws in Indonesia’s Aceh region (page 11). It does this by collecting real-life stories of women whose lives have been unfairly affected by the new laws. These are then shared with religious leaders, the natural supporters of the laws, as well as community leaders and policy-makers. The stories are used to demonstrate that while the new laws might fit an unjust reading of the letter of Islam, they do not fulfil its spirit: to protect the weak and prevent, rather than perpetrate, injustices.

There is a vibrant debate on polygamy in Indonesia, which is sanctioned by many readings of Muslim law despite the negative impacts on women (page 14). To prevent this from becoming ghettoised as an issue which concerns only a vocal ‘minority’ of women, SCN-CREST researches and publicises the views of men who are opposed to polygamy. Many of these men are part of the religious establishment or have grown up in polygamous households. Speaking as they do from within the culture, they offer convincing arguments against polygamy from religious principles and personal experience, and show that there are a multiplicity of voices even within the establishment and legitimises change in
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Women Living Under Muslim Laws • Institute for Women’s Empowerment

Cultural norms surrounding marriage. This serves to broaden the debate on polygamy, and offers a new nuance: the two sides in the debate are not religious vs. the anti-religious, but those who adhere to a disempowering reading of Muslim principles vs. those who follow a more nuanced and woman-friendly approach.

Domain d: Laws, policies and resource allocations

Progressive laws and policies can protect the rights of women against culturally sanctioned forms of disempowerment or violence against women. In addition to protections, they can also proactively encourage change, e.g. through establishing quotas for women in government bodies, or the Pakistani land distribution programme discussed earlier (page 32).

In reality, however, many women face disempowerment due to discriminatory laws. States which have acceded to CEDAW are obliged to reform laws which formalise discrimination against women, and to implement policies which counter disempowerment. Yet, such laws still stand on the rule books, and many countries have avoided their commitments by declaring reservations (often justified in the name of religion) to key provisions of the convention.

Developments in family laws, which particularly affect women’s lives, are especially inadequate and a major point of contestation between Islamists and women’s advocates. In most Muslim countries, the source of family law is classical fiqh, jurisprudence developed in the pre-modern era, and marked by a strong patriarchal ethos and the complete lack of women’s voices. Even in countries where the constitution provides for equality between men and women, laws based on religion or custom are given precedence. Where several legal systems – customary, religious and secular – exist in parallel, when they are in conflict, discriminatory practices almost invariably prevail.

Change in domain d, including laws, policies and resource allocations, must encompass both reform to existing laws, and proactive measures to pass new laws which protect women’s human rights and policies which encourage their economic and political participation.

Strategy 6, women and their advocates work to change laws to protect women’s rights, is thus a natural part of this domain (page 36). The two initiatives discussed in this strategy clearly show the difficulties faced when attempting to challenge discriminatory laws or institute new protections when they are supported by cultural justifications.

One initiative is the Stop Stoning Forever Campaign (page 36) which seeks to challenge Iran’s punishment of stoning by legally defending women and men who face this punishment. The campaign’s lawyers exploit the requirement under Muslim law of an immense burden of proof for the ‘crime’ of adultery. Since many rulings occur on little more evidence than a judge’s intuition, there is scope for challenging the verdict. At the same time, the campaign publicises the cases inside Iran and outside, suggesting that when such extreme punishments are based on such flimsy evidence, there is a strong argument for legal reform.

The Stop Stoning Forever Campaign operates in an extremely difficult political and legal environment, where overt calls to end stoning as a punishment would go unheeded or even result in reprisal. Thus, the campaign takes an indirect approach, challenging the law on procedural and evidentiary grounds, and in the process saving men and women from this horrific punishment. Though the laws remain on the books, and people continue to be subject to stoning, often in secrecy, there is growing recognition amongst Iran’s religious and political elite that the sentence should be abolished. The campaign approaches its chief end: to abolish laws which discriminate against women, obliquely, and so avoids backlash from the Iranian religious establishment.

Considerable constraints also exist in Afghanistan, where efforts to prevent the passage of a bill delineating family laws for Shia citizens resulted only in cosmetic changes to provisions that effectively permitted marital rape (page 38). The bill was justified as being in accordance with Shia Muslim principles. After its passage in 2009, women’s organisations decided that instead of challenging the bill directly, they would take a more indirect tack to mitigate its worst effects: to advocate for a strong law on the elimination of violence against women, which would automatically undermine the worst aspects of the Shia Family Code. To accomplish this, the Afghan Women’s Network and other organisations took an active role in drafting the new law, and advocating directly with the president to approve it. By late January 2011, the law was yet to be passed as the new Afghan parliament only opened on 26 January 2011.
This attempt to mitigate a disempowering law by passing another, more supportive law, shows the difficulty of working in contexts where the government is rife with corruption and extremism. It also shows that while domain $d$, of laws and policies, appears to contain the foundational change for lasting and effective empowerment, the reality is that all four must be addressed holistically. Weak governments, ineffective or corrupt police and judicial systems, and populations who simply do not or cannot take advantage of laws and policies in their support, all obstruct domain $d$'s effectiveness. For laws to be effective, communities must believe they are supported by their culture and values. Thus, for example, if women are prevented by fear of further violence or cultural notions of honour from reporting acts of violence, or if the police do not take appropriate action, the proposed law in Afghanistan is an achievement only on paper (page 38) and the Shia Family Code and other regressive laws and customs will rule women's lives.

Strategy 10 seeks to create change in this domain from a different perspective: through research and fact-finding that challenge existing narratives about women's disempowerment (page 53) and support efforts to implement appropriate policies and laws. In Indonesia, there is an active debate about prohibiting nikah sirri, or marriages conducted only according to Muslim rites but not registered under law, which are often used for polygamous unions, marriage of under-aged girls and sex tourism. Without the support of Indonesian civil law, nikah sirri leaves women unprotected in case of divorce, widowhood or domestic abuse, and children may be deprived of their inheritance.

To understand better why women enter into nikah sirri unions given the significant drawbacks, LSPPA, an organisation based in Yogyakarta, conducted a study of people in such unions, of women who would consider entering them, and of women living in villages where nikah sirri is common. The findings proved what was already suspected: women were often pressured into nikah sirri because of premarital pregnancy or poverty, while men considered it an inexpensive and practical solution. Moreover, women in communities where nikah sirri is common were unequivocally opposed to it. The research project's findings were then conveyed to groups reviewing the proposed marriage bill.

In other cases, research was conducted to define, for the first time, a problem which needed to be addressed through policy-making. In Sudan, sexual harassment on the streets is a common experience, but a new study showed that while women recognised the phenomenon, they did not even define it as harassment until the term was explained to them. Even police considered harassment the women’s fault rather than of the male perpetrators. Once the problem was recognised, however, and its extent acknowledged, a media and civil society campaign began for laws to prohibit it and penalise men who harass women on the streets. Similarly, in Afghan government ministries, gender discrimination was not recognised as a problem for women until a survey questioned women and men about it. Indeed, departments lacked any policies on discrimination and harassment, or even the awareness that they ought to implement them.

Making links

A key lesson offered by these strategies is the importance of building connections. In an interconnected world, global partnerships are both simple to make and inexpensive to implement, and women in very different contexts can learn from each other’s experiences. At a more personal level, these links show women that they are not alone, that others have succeeded in similar struggles. Through links with advocates, women can empower themselves, and organisations can, in turn, use those links both to benefit individuals and to strengthen their own work.

These connections may be vertical: reaching from individual women at the grassroots, up through local and national institutions, the government and overseas. The traffic in these vertical connections is not necessarily one-way. The film training for high school students discussed earlier (see page 52) taught young people about sexuality and their reproductive choices, but in turn, it educated the organisation conducting the training, SCN-CREST, about the concerns their generation had about these issues. Similarly, national-level organisations which assist women at the grassroots to access legal aid also benefit. The Stop Stoning Forever Campaign in Iran has very real benefits for the individual women they defend: the campaign is instrumental in saving them from a cruel death (see page 36). Conversely, the women’s cases provide material to the campaign’s own advocacy campaign to end the practice of stoning forever, spread awareness locally and internationally, and benefit countless women
who, in the future, might be subject to this terrible punishment.

IWE offers a good example of the use of vertical networking to benefit organisations and women resisting disempowerment (see page 50). IWE saw a lack of trained sexuality advocates, and sent two members overseas for training. This exposed IWE’s network to diverse viewpoints and experiences of sexuality in other contexts, resulting in a more nuanced understanding of sexuality, which they were able to share with others in Indonesia. Moreover, they came into contact with different ways of presenting and discussing sexuality issues appropriate to different contexts. On their return, they passed on this learning to others who applied it to develop documentary films on very local Indonesian issues. The women involved in the making of the films thus learned from the skills IWE had brought, and in turn, taught others nationally and overseas about their own experiences through the long chain of communication from the small villages around Yogyakarta where they lived. Thus, in the face of cultural attempts to silence women, these links can strengthen their voices to reach far beyond local and even national boundaries.

Connections formed may also be horizontal, between the women resisting disempowering forces. These connections are vital to overcome the isolation inherent in resisting the dictates of the dominant culture, the very environment one has grown up in, and the values one has learned to hold most dear. Isolation may lead to self-doubt and silence, and individuals are at greater risk of violence or repression than groups. It also offers a chance to share information. Old media remains important in areas where internet access and literacy are limited, especially amongst women. BAOBAB’s chat show in Nigeria was broadcast into the homes of thousands of women who thus learned they were not alone in their struggles, and telephoned in themselves to share their stories with others like them (see page 40).

With electronic communication, the potential for strengthening links is immense. One example from Senegal, not discussed in this text, is of a pioneering means for vulnerable children to report if they are at risk of FGM, and set an immediate response into motion. Perhaps the greatest potential, as more and more women come online and on the mobile phone network, is in creating horizontal links between women with shared experiences (see Strategies 7 and 8). In Jakarta, IPP has now created a physical space for young lesbian women to meet and learn in a relaxed environment, but contacted many through secretly circulated computer CDs with newsletters about lesbian life and concerns (see page 45).

Forming links helps to broaden the struggle to oppose women’s disempowerment. By incorporating a range of views, women and their advocates simultaneously address several issues. They contradict those who might dismiss the women’s movement as the aberration of a discontented minority, or as foreign imports, not indigenous struggles. They also escape accusations of being anti-religion, when they are, in reality, opposed to the disempowering constructions of religion developed by fundamentalists. When allying with traditional or religious leaders, organisations may gain access to women they would not have otherwise reached, as demonstrated by the Nigerian initiative which delivered sexuality education through church (see page 13). In this case, CEADER and the members of St John’s Catholic Church tacitly agreed to set aside other areas of disagreement to work together on what they both saw as a serious community problem: young women lacked information on sexuality rights and reproductive health, or trusted and knowledgeable elders to turn to for advice.

Similarly, though there is little study of the impact of religious fundamentalism on men, organisations may call upon men to participate in resistance to disempowering cultural forces, as demonstrated by SCN-CREST’s work to publicise men’s opposition to polygamy in Indonesia (see page 14). At the same time, however, women and their advocates must be wary of appearing to seek validation from their male counterparts and risk propagating the patriarchal belief that women need male spokesmen or approval.

While the primary focus of this document is the efforts of organisations to promote the empowerment of women, there are also several examples of individual initiatives, which must be considered separately: these are women who sought to empower themselves of their own volition. Most examples here are of women seeking access to resources: to land or property they have a claim on under the law of the land or derived from religious beliefs or cultural precedent. They include the Pakistani women who claim their rightful mehar (see page 20

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and 27), as well as indigenous efforts to claim land through traditional means in Niger (see page 17 and 19).

Reaching out to women with information and support is a critical means for organisations to support this empowerment from within. Developing information clearinghouses, community outreach (such as that by Baidarie in Pakistan; see page 41), and ensuring that women know that the information to support them exists and where to find it can all help individual strategies of resistance. Women are thus incorporated into a greater movement, conscious of their own rights and those of women around them. In turn, they provide organisations with case studies to support formal change at a societal or national level.

Indeed, the collection of successful strategies into this document also represents an attempt to improve links with individual women, provide inspiration and change individual attitudes and practices through the dissemination of these inspiring stories.

At a wider level, building solidarity between women in different cultural contexts helps to create a recognition that many of the root causes of disempowerment – such as patriarchy, and the global political and economic order – are shared, and can be challenged collectively. Women can also learn from each other’s different contexts, and offer a new, sympathetic perspective on the challenges they face.

Different contexts, common challenges

Despite the varying contexts, many of those initiatives faced similar challenges to their success. For those working to effect social change in communities, there were different forms of resistance to be overcome. These included suspicions of a Western agenda intended, in some way, to subvert their culture – a charge which many upholding women’s human rights face. Baidarie, the Pakistani organisation which sought to create awareness of domestic violence, initially faced this accusation, and dealt with it by disengagement: instead of seeking to convince the community of its good intentions and of the existence of a local problem to be solved through local means, it simply helped residents discover the existence of domestic violence for themselves. Initiatives which seek to challenge disempowering interpretations of Muslim laws (such as the resistance to qanun jinayat laws in Aceh) also face this problem, and seek to nip it in the bud by insisting that their dispute is not with Muslim laws, but with particular interpretations of these laws.

Less of a flashpoint is the accusation that the matters that these initiatives bring up are inappropriate for discussion. The inappropriateness may derive from the subject matter, with sexuality the most common target. The project which provided sexuality education through female church workers in Nigeria was an attempt to address this concern, though the project still received a few complaints. In this case, exposure to the actual content of the sexuality education, in light of the sexuality-related problems faced by the community, helped to end resistance.

Nigerian men being urged to write wills to protect their widows also resisted the initiative on the superstitious basis that they would risk inviting their own deaths. This was addressed through an appeal to reason: the organisation concerned, Human Angle, showed them case studies of what happened to widows whose husbands died without wills. This appeal to rationality and real consequences has been a surprisingly successful means of addressing individual and community challenges.

Baidarie’s discovery that many people were unwilling to admit that domestic violence even existed as a problem was largely addressed in the course of the project. A greater challenge was posed by a similar denial in the survey of discrimination and harassment in Afghanistan’s ministries. Not only was there little awareness of the scale – or even existence – of the problem, the ministries themselves failed to recognise the importance of assessing it, and several were uncooperative. As a result, some simply did not participate in the survey, and only a fifth of respondents were men, despite their preponderance in public service. No mitigating action was taken, and follow-ups were restricted because Women for Afghan Women, the organisation responsible, feared reprisal attacks upon its women’s shelters.

This problem of institutional opposition is a difficult one to surmount. Such opposition may come from the highest levels: in the Gambia, FGM has received support from the presidency. In October 2010, two staff members of GAMCOTRAP, the organisation profiled in this document, were arrested and charged with misappropriation of funds in a case which was conducted in a way that suggests that
the trial may not be unprejudiced. In Iran, the Stop Stoning Forever Campaign constantly risks being seen as a security threat due to its ties with international women’s groups. At the local level, government officials may ignore women’s concerns due to their own cultural allegiances. Thus in the Rani Shamim case, a land registry official conspired with her in-laws to ignore her claim to inheritance until threatened with legal action. In West Sumatra, where Minangkabau men represent their matri-lineal group in public dealings, local government officials often ignore misappropriation, chalking it up to cultural practices. In Niger, a possible long-term solution has been suggested: to bring more women into local land tribunals, so that their views gain more prominence.

Finally, an important challenge is that of sufficient planning when designing an initiative. Several initiatives faced difficulties, ranging from how best to schedule a high school film festival to developing survey questionnaires that could be easily understood by Afghan government officials. Thorough advance planning is especially important when one considers the short time frames and limited resources of many of these initiatives, and offers another area in which women and advocates can benefit from close communication and learning.

As religious fundamentalism rises around the world, particularly in Muslim contexts, challenging totalistic and harmful world views is essential if women and their advocates hope to live fulfilling lives in which they can exercise their rights freely. Culture and its subset of religion are used by these fundamentalists to legitimise oppression, to normalise disempowerment, to suppress debates and to obliterate cultural diversity. The initiatives described here show the wide range of strategies of resistance which have been employed across a wide range of contexts, the nature of their successes and the challenges they have to overcome if they are to empower women. Using such strategies and building upon them, innovating, learning, and reaching out to others facing similar struggles in other societies, women and their advocates can hope to resist the tide of disempowering interpretations of religion, and reclaim the diverse, polyphonic cultures which are theirs to redefine.


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Maps

Red dots denote places where WRRC projects were implemented

Africa
Strategies of Resistance: Challenging the Cultural Disempowerment of Women

Asia
Indonesia
## Abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<tr>
<td>AWN</td>
<td>Afghan Women’s Network (Afghanistan)</td>
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<tr>
<td>CEADER</td>
<td>Centre for the Advancement of Development Rights (Nigeria)</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of Discrimination Against Women</td>
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<tr>
<td>COFOB</td>
<td>Commission Foncière de Base; local government unit in charge of land (Niger)</td>
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<tr>
<td>EVAW</td>
<td>Elimination of Violence Against Women</td>
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<td>FGM</td>
<td>Female genital mutilation</td>
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<tr>
<td>GAMCOTRAP</td>
<td>Gambia Committee on Traditional Practices Affecting the Health of Women and Children (Gambia)</td>
</tr>
<tr>
<td>GREFELS</td>
<td>Groupe de Recherche sur les Femmes et les Lois au Sénégal (Senegal)</td>
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<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<tr>
<td>IPP</td>
<td>Institut Pelangi Perempuan (Indonesia)</td>
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<tr>
<td>IWE</td>
<td>Institute for Women’s Empowerment (Indonesia)</td>
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<tr>
<td>LSPPA</td>
<td>Institute for Women’s and Children’s Studies and Development (Indonesia)</td>
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<tr>
<td>MDG</td>
<td>Millennium Development Goal</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
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<tr>
<td>PDI</td>
<td>Participatory Development Initiatives (Pakistan)</td>
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<tr>
<td>REFEPA</td>
<td>Réseau des femmes pour la paix (Niger)</td>
</tr>
<tr>
<td>SCN-CREST</td>
<td>Semarak Cerlang Nusa Consultancy, Research and Education for Social Transformation (Indonesia)</td>
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<tr>
<td>SKSW</td>
<td>Global Campaign to Stop Killing and Stoning Women</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>VNC</td>
<td>Violence is Not our Culture Campaign</td>
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<tr>
<td>WIPR</td>
<td>Women’s Inheritance and Property Rights</td>
</tr>
<tr>
<td>WLUML</td>
<td>Women Living Under Muslim Laws</td>
</tr>
<tr>
<td>WRAHP</td>
<td>Women’s Rights and Health Project (Nigeria)</td>
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<tr>
<td>WRRC</td>
<td>Women Reclaiming and Redefining Culture</td>
</tr>
</tbody>
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**Glossary**

*bande dessinée*  comic book  
*fiqh*  jurisprudence  
*hadith*  narration concerning the words and deeds of the Prophet Muhammad  
*hari*  landless farmers in Sindh (Pakistan)  
*idigi*  Yoruba pattern of inheritance whereby an estate is shared amongst a man’s male and female children (Nigeria)  
*kafir*  unbeliever (Indonesia)  
*katcheri*  hearing or forum (Pakistan)  
*khalwat*  proximity between unrelated man and woman (Indonesia)  
*kirad*  custom whereby women can claim inheritance from their parents or brothers (Niger)  
*mamak*  mother’s brother (Indonesia)  
*marla*  measure of land: approximately 25 square metres (Pakistan)  
*mehar*  bridewealth (Pakistan)  
*musyawarah*  deliberation (Indonesia)  
*nikah nama*  marriage certificate (Pakistan)  
*nikah sirri*  unregistered but religiously sanctioned marriage (Indonesia)  
*ori-ojori*  Yoruba pattern of inheritance whereby an estate is shared amongst a man’s wives, regardless of the number of offspring each has (Nigeria)  
*panchayat*  village council or meeting (Pakistan)  
*patwari*  local government official responsible for administration of land and record-keeping  
*pesantren*  Islamic boarding school (Indonesia)  
*qanun*  Arabic for law or regulation; in Aceh, local regulation (Indonesia)  
*qanun jinayat*  criminal law (Aceh, Indonesia)  
*Sharia*  in Muslim thought, the religious values and principles which direct human life  
*ulama*  plural of *alim*, or religious scholar  
*waqf*  a permanent religious or public endowment which manages land, trust investment or other kind of property (Niger)  
*zina*  sexual intercourse outside marriage (Indonesia)

While the terms listed may be used in different ways or in different contexts, the definition given here is the one relevant to this document, and in the country or context indicated in parentheses.