

- 
- A photograph of a woman with long dark hair, wearing a dark sweater, covering her face with her hands in a gesture of distress or crying. In the background, the legs and arms of other people are visible, suggesting a crowded or public setting.
- ★ **KMEWO Conference Against Polygamy Law**
  - ★ **Polygamy violates Women's Human Rights**
  - ★ **Press Release Against Polygamy Law**
  - ★ **Interview with Sawsan**
  - ★ **If polygamy is a Holy Law**
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  - ★ **In Support of Women in Afghanistan**

# Al-Nisa 13

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# Women's Rights Are Fundamental Human Rights!

Hanan Ali

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In this issue of Al-Nisa we have tried to reflect on the issue of polygamy as part of the oppression faced by Middle Eastern women on a daily basis. Family Law or Personal Status Law is a minor branch in the legal sphere. But it is the most important one because it deals with women's basic rights of living in a just society. Politicians say nothing about it and consider it "private" and "nonpolitical" matter. That might be partly because they still believe in the old political theories that family matters are domestic, private, and nonpolitical while other matters are public and political.

There is a culture of avoidance in the Muslim societies concerning Personal Status Law. This is mainly because the political activists are either Islamists or secularists in these societies. They are either over-privileging or undermining Islam and the Islamic culture. On one hand, those who are over-privileging Islam and its culture are trying to idealise the family to the extent that they justify any inequality within it as God's will. On the other hand, those who are undermining it are trying to avoid discussing family matters by adopting the "personal/political" approach; which relegates the family to the "private" sphere where not much attention has been drawn to it. They call for secular government and see religion as separate from political life. They see inequality between the sexes within the family as something trivial and that doesn't deserve to be mentioned in their lengthy speeches. However, both of these people are two

faces of the same coin. That's why they adopt similar stance and want the law to exist as it is. Women are the ones who live the "personal" and the "political" everyday and they are the ones who suffer and feel exploited by both religious and secular politicians.

Since polygamy has become law in Iraqi Kurdistan last October KMEWO receives many calls from women who live in the UK complaining about their polygamous husbands and want to know their rights within the UK's law. As Sawsan Salim, the KMEWO's director, says in the conference about polygamy, that polygamous laws in Kurdistan also affect women in the UK. Kurdish and Middle Eastern women report that their husbands are using UK domestic law to divorce them but they remain married according to Sharia law. They then marry another woman in Kurdistan and might have several wives, but only one of whom he will be legally married to.

As Sheila Rowbotham says: "Much of the oppression of women takes place 'in private', in areas of life considered 'personal'. The causes of that oppression are social and economic, but these causes could only be revealed and confronted when women challenge (d) the assumptions of their personal life." We want to challenge our "personal" lives represented in this family law and would like to invite all organisations especially women's organisations to join and support our campaign against this brutal culture of inequality.

# KMEWO Conference Against Polygamy

## International Women 's Week Activity

As part of Kurdish Refugee Women's Organisation's continuing support for International Women's Week, KRWO held a conference to raise the awareness of issues around polygamy in the UK and in the Middle East. Over the last 17 years of Kurdish self-rule some of most barbaric violations of women's rights have continued and continue to affect the lives of over two million women in Kurdistan Iraq. Women and girls continue to be subjected to forced marriage, child marriage, female genital mutilation, domestic violence as the norm and honour killing. All of these violations of a women's right to be free of inhuman and degrading treatment, not to mention the right to life, have been met by almost complete silence by the Kurdish government.

In the new Personal Status Law brought into effect by the Kurdistan Parliament in October 2008 renewed the right of men to enter into polygamous marriages.

Breathing new life into the history of polygamy which is tied directly to the subjugation of women and violates the basic principles of equality between men and women as understood in International Law.

In the UK some Muslim men have religious marriages that are not recognised by UK law and marry more than one woman and because these marriages are not recognised they are not legally understood as bigamous. This situation, Lady Warsi, the shadow minister for community cohesion, has argued is the result of an inappropriate concern for cultural sensitivities.

There are one of two solutions: either Muslim marriages are recognised by the state which raises the issue of the compatibility of the two legal systems as among other things sharia law recognises polygamous marriages and UK laws do not. The other option is to make marriage a civil matter only, with religious blessing permitted only after a marriage has been registered with the state. In this way, the problem of an individual entering into multiple unrecognised marriages that offer their partners no legal protection would be resolved.

This conference was organised with a view towards ending polygamous marriages in this country and abroad, and eradicating violence against women.

The Conference on Polygamy was attended by researchers from Bristol University, University of London student reporters, Insight News TV Company, Nawa, an international Kurdish radio station and reviewed on many Kurdish websites and on the online Kurdish language newsletter, October, as well as, by many mem-

bers of the Kurdish and Middle Eastern community and supporters.

Gona Saed is a women's rights activist from Iraqi Kurdistan opened the conference with a slide show illustrating a contemporary imaginary around the issue of polygamy. As you can see the first two pictures, contemporary and comic, obscure the reality of polygamy for many women living in the Middle East and indeed in the UK. The reality of polygamy is etched on the faces and in the hunched poses of the women in the second two pictures. Polygamy isn't a new fad, a new and radical take on relationships in the modern world, polygamy has a long history that underscores and entrenches inequality, perpetuating violence against women.

Detective Superintendent Gerry Campbell, Metropolitan Police lead for the Violent Crime Directorate's, began by stating that inequality is a cause and symptom of violence against women. His speech centered on the legal framework for marriage in the UK and the scope and limits of police responsibility in regard to polygamous marriages in the UK.

In summary, the police have a mandate to preserve life, prevent and detect crime and uphold the Queen's peace. In addition the Honour-based Violence Strategy





launched in October 2008 by the Association of Chief Police Officers stated that the police 'have an absolute duty to uphold the law and to protect the Human Rights of our fellow human beings.'

Article 12 of the Human Rights Act states that men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right. The national legal statutes or laws relating to marriage in the UK are the Marriage Act 1949 and the Matrimonial Causes Act 1973. These laws governing marriage in the UK state that a man or a woman can only have 'one' husband or wife at anyone time. If a man or a woman has more than 'one' husband or wife they have committed a criminal offence called bigamy. Bigamy is an offence that can result in a prison sentence.

However, for marriages to more than one person to be bigamous they must be marriages that are 'recognised' by the national laws governing marriage. For a marriage to 'recognised' in the UK the law requires that the marriage be conducted by a person or in the presence of a person authorised to register marriages. The marriage must also be entered into the official marriage register and signed by the husband and wife, two witnesses and a person who is authorised to register marriages. The marriage must also take place in a place where marriages are permitted.

If all these requirements are fulfilled the marriage will have full legal status and can only be ended by divorce. If a person fulfils all of these legal requirements in marriages to more than one person then the offence of bigamy will have been committed. If all of these requirements have not been fulfilled the marriage is simply considered legally 'void'. The

marriage will have no legal status and the people involved will have no legal rights or responsibilities towards each other.

Therefore marriages that are performed in the UK that are not legally recognised can lead to exploitation whether they are polygamous or not. Marriages that are legally void, in other words marriages that are not recognised by UK laws governing the right to marry, can leave women without access to financial rights, specifically maintenance and inheritance. Marriages that are not legally void can leave women at the mercy of family members and social or cultural systems that may not uphold or support women's rights. In these situations abuse and exploitation can occur which can lead to serious consequences for affected women and their children.

Violence against women can take many forms, such as honour-based violence including forced marriage, female genital mutilation, domestic abuse and violence, rape and other serious sexual offences including sexual harassment and human trafficking. In London last year 102,277 incidents of domestic violence were reported to the police.

Domestic violence is legally defined as any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between

adults, aged 18 or over, who have been intimate partners or family members, regardless of gender and sexuality. Family members are defined as mother, father, son, daughter, brother, sister and grandparents whether they are directly related, or in-laws or step-family.

Lord Stevens, the Former Commissioner of the Metropolitan Police stated that domestic violence is 'the most pernicious denial of human rights because it is perpetrated not by strangers but by family members, people in positions of trust.'

Sawsan Salim, Director of KRWO spoke in Kurdish about polygamy in Kurdistan, her speech was translated into English by Gona Saed.

After the ocean of violence against women for the past 18 years of self-rule in Iraqi Kurdistan there is still no freedom for women and now there is the new polygamy law. In the last 18 years, after the uprising under the Kurdish nationalists and Islamists, our problems as women have not been simply a lack of paid employment or that our work in the home is unpaid, the problem is a systematic political attack on women as women by the Kurdish government and their party. Women are routinely abused and harassed on the street; women are murdered under the pretext of honour and



cleansing society. Women are not treated as citizens. For example, Nahida was imprisoned in a small bathroom by her father for eight years, Nishtiman was hung from a bridge, Kazhal had her nose cut off and Dua was stoned to death. None of these acts was ever prosecuted. Suicide remains a daily occurrence.

What does freedom and democracy in Iraqi Kurdistan mean for women? A woman who is divorced cannot live alone with her children. If there is freedom why can't a woman travel alone? If there is freedom why can't women wear what they choose? Why have more 30,000 women been killed or committed suicide in the last 18 years? If everyone is equal in law, why can men marry four women? If there is democracy and equality then why is there polygamy? Polygamy can not be accepted in the 21st century. The right to polygamy is defended by rich and powerful men for their benefit, not for the advancement and protection of women. 75% of the population do not want polygamy. Why was this law implemented if there is democracy?

The sociological and psychological impact of polygamy on women and children is huge. Recognising polygamy in law undermines equality, reinforces the idea of women as second class citizens and erases women's independent identities and perpetuates violence against women.

Polygamous laws in Kurdistan also affect women in the UK. Kurdish and Middle Eastern women report that their husbands are using UK domestic law to divorce them but they remain married according to Sharia law. They then marry another woman. These men will have several wives only one of whom he will be legally married too.

Our message is clear, that all people who enter into marriage



should be protected by the national laws. Allowing sharia law marriages that offer women no legal protection under UK domestic law is an abuse of their human right to equality before the law.

We must strengthen our movement in against polygamy in Iraqi Kurdistan and we must get international support and solidarity against this brutal law. We must strive for equality and freedom. All women's rights must be implemented at an UNHCR standard. The measure of any society reflected in the way that all its citizens are treated.

Dr Ghayasuddin Siddiqui, Director of the Muslim Institute view of the compatibility of Sharia law and UK domestic law is reproduced here in the article Shariah Queries Pose Challenge, first published in the Eastern Eye, April 2009. Proponents of traditional form of justice have to deal with equality issues, says Muslim scholar

The comments made by Rowan Williams, the Archbishop of Canterbury and Lord Phillips, the former Lord Chief Justice, last year in favour of the applicability of the Shariah law in Britain have aroused expectations among the promoters of Shariah law within the Muslim community that their victory is around the corner. However, comments by the archbishop and former Chief Justice are merely proof that at least

a section of the British establishment is willing to consider these issues seriously provided that Muslim family laws meet the established norms and requirements.

The first issue which remains unclear in the minds of most proponents of shariah is that these sets of laws are man-made and hence can be updated. Though derived from the Quran and Sunnah (sayings & actions of Prophet Mohammed) shariah law were put together by esteemed Muslim scholars taking into consideration their local environment. A typical example is the punishment for adultery. The Quran prescribes 100 flogs yet shariah laws give stoning to death as the applicable punishment, a punishment which existed in Arabia due to the influence of the Old Testament.

The Quran provides a set of values to raise the societal morality to a high level such as justice (adl), ihsan (benevolence) rahmah (compassion), hikmah (wisdom) and human dignity.

Punishments are less corporal and more reformatory, when all efforts to reform an offender fail then a maximum punishment is applied. However, if at a given time any law violates Islam's higher values it becomes unacceptable.

The Muslim community is very diverse. This diversity is further stretched with the practices

based on schools of thought and certain cultural conventions. Hence there is no single 'Muslim family/personal law' ready to be applied. This makes such application more daunting and thus requires more trained professionals. During 2003-2005, a prolonged debate took place in the Canadian province of Ontario about the use of the Arbitration Act and the use religious principles to deal with matters such as marriage, divorce, property division, support on marriage breakdown, custody and access to children, and inheritance. The Shariah Tribunals in Britain seeks to follow the same route. The former Attorney General of Ontario, Marion Boyd, prepared a lengthy report on the subject which is very instructive for those who wish to have an insight into the issue ([boyd.review@jus.gov.on.ca](mailto:boyd.review@jus.gov.on.ca)). However, as a result of nationwide debate and pressure from women's groups including Muslim women the scheme was shelved (see <http://www.ccmw.com/>). The review highlights a general perception about shariah law in the society:

'Muslim family law perpetuates a patriarchal model: man is the head of the state, the mosque and the family. Most proponents of the Muslim law accept that men have the right to marry up to four wives; that they can divorce unilaterally; that children belong to the patriarchal family; that women must be obedient and seek the male's permission for many things; that if the wife is 'disobedient' the husband can discipline her; the daughters require their father's permission to marry and she can be married at any time after puberty; a wife does not receive any maintenance except for a period of three months to one year and must agree that the children should go to the father usually at the age of 7 for boys and 9 for

girls. If the wife wants a divorce she should go to court, while the husband has the right to repudiate the union without recourse to the courts. Inheritance laws favour the male to the extent that the wife gets only a portion upon the death of her husband. A wife cannot travel without her husband's consent and does not have the right to choose her place of residence.'

This poses a great challenge to the Muslim community to remove the perception that Islam treats women as second class citizens. This is particularly important at a time when women are performing better than their male counterparts in all areas of professions and are in many cases breadwinners in the families. Unless shariah supporters are able to carry the support of women groups with them, their chances of success are remote.

With regards to qualification and training, the review emphasised the need for mandatory membership of one of the professional associations dealing with stan-

dards for mediators and arbitrators. Equally extensive religious training that qualifies them to mediate or arbitrate in faith-based context was required. Apart from this, the process ought to be transparent, subject to established human rights and women's rights conventions.

Whether the Muslim community is ready to face the challenge is a mute point. All indicators are they want to put the cart before the horse i.e., manage the Shariah Tribunals and deal with issues as they arise. However, this is not the way the justice system operates.

[www.womenagainstviolenceuk.org/documents/Conference on Polygamy 2009 REPORT.pdf](http://www.womenagainstviolenceuk.org/documents/Conference%20on%20Polygamy%202009REPORT.pdf)





# Polygamy Violates Women's Human Rights

Polygamy is the most common practice in some Muslim countries where there are no laws against it, but in fact there are laws to condone it and even with some head-of-the states endorsing, adopting and practicing it. For instance, the president of Sudan, Omer al-Basheir has openly encouraged the Sudanese men to marry more than one wife, as he did! When speaking on Sudanese TV, he suggested that to "increase the population needed for the country's development, we should ignore international family planning policies and men should aim to have "many wives" ([http://www.religious-freedoms.org/polygamy\\_around\\_the\\_world.htm](http://www.religious-freedoms.org/polygamy_around_the_world.htm)), as stipulated by the country's Family Law for 1991.

In countries such as Jordan, Israel, Syria, Yemen, Iraq and Iran, as well as some of those in North Africa -- including Egypt, Sudan, Morocco, Tunisia and Algeria, polygamy is widely spread. These countries are made of mostly agricultural communities, where women are responsible for working in the fields, while men work with the cattle ([http://www.religious-freedoms.org/polygamy\\_around\\_the\\_world.htm](http://www.religious-freedoms.org/polygamy_around_the_world.htm)).

In Iraq's Law for Personal Status of 1959, polygamy was only permitted by judicial consent, to be granted on two conditions: financial ability and lawful benefit. If the judge fears unequal treatment of co-wives, his/her consent would not be granted, and penalties of imprisonment and/or fines could be imposed on non-compliance (<http://www.law.emory.edu/ifl/legal/iraq.htm>).

Before the US invasion in 2003, Iraq's civil code had legal protections for women such as prohibiting marriage below the age of 18, arbitrary divorce, and polygamy. According to

*Agence France Presse*, Iraq's civil code in 1959 was at one point considered the most progressive in the Middle East ([http://feminist.org/news/newsbyte/uswire\\_story.asp?id=8247](http://feminist.org/news/newsbyte/uswire_story.asp?id=8247)). Zakia Ismael Hakki, an Iraqi female judge, stated that, this "law will send Iraqi families back to the Middle Ages. It will allow men to have four or five or six wives. It will take away children from their mothers. It will allow anyone who calls himself a cleric to open an Islamic court in his house and decide who can marry and divorce and have rights," (*The Washington Post* 16/1/2004).

In Egypt the Family Law of 1979 requires the man's first wife's consent before conducting another marriage. The law gave the wife the right to a judicial divorce if she insists there is harm in this polygamous relationship. She has up to one year from the day of her knowledge of her husband's second marriage and entitled to compensation (<http://www.law.emory.edu/ifl/legal/egypt.htm>).

In Turkey women were granted equal rights before the law in 1920s. Therefore, the Family Law of 1926 outlawed polygamy. However, in reality polygamy is still a common practice. Although, the law considered the "head of the marriage union" to be the man, but the 2002's revision of the law abolished it (<http://www.womensenews.org/article.cfm/dyn/aid/777/>). Still a woman remains vulnerable and faces "honour" murder if her family suspects that she's having sex before marriage or behaving "inappropriately" (ibid). However, the law stipulates that the wife should be obedience to her husband; the husband has the right to choose the matrimonial home and has prior-



ity over the children's custody in case of divorce (Arat, 1996).

In Tunisia, the 1956 Family Law outlawed polygamy. It introduced a 1 year jail sentence and a fine to polygamous couple. However, in Morocco the Family Law of 1957 was lenient on polygamy, unless "any injustice is to be feared between co-wives", then it was not permitted and the first wife has the right to ask for a judicial divorce on grounds of harm (Mernissi, 1975). In the reformed law of 2003, polygamy is greatly limited and becomes subject to judges' authorisation and strict legal conditions ([http://www.unifem.org/gender\\_issues/voices\\_from\\_the\\_field/story.php?StoryID=264](http://www.unifem.org/gender_issues/voices_from_the_field/story.php?StoryID=264)).

The Family Law of Sudan of 1991 stated that men can marry up to four wives; even the head of the state in Sudan himself is married to two wives. After the current regime came to office in 1989 there are many types of marriages emerged in Sudan, Egypt and the Gulf; where by



men can have sex with as many as they like as long as they have legal document to show they are married at the time. This type of marriage is called 'zawaj urfi' or *mutaa* or *misyar* or *misayaf* (secret marriages where no witnesses needed) where a man can officially be married to up to four wives and still has the right to contract himself with other women for a temporary period where the two parties consent to have sex without legal obligations (<http://www.algeria.com/forums/open-board-forum-libre/8104-sex-tourism-cairo-2.html>). These irresponsible relationships have created health hazards as HIV/AIDS infection shot up and moral dilemmas as the unwanted children who come as a product of such unprotected sexual relationships have been thrown in the streets for stray dogs to feast on or if lucky enough would be taken by orphanages ([www.Aljazeera.net](http://www.Aljazeera.net) & [www.sudaneseonline.com](http://www.sudaneseonline.com)).

There are other types of temporary and seasonal marriages for men to choose from. It's a glossy way of promoting prostitution and adultery (<http://www.algeria.com/forums/open-board-forum-libre/8104-sex-tourism-cairo-2.html>), however endorsed by religious leaders and their teachings. This endorsement degrades women, strips them from any dignity and human rights.



## PRESS RELEASE Against polygamy law in Kurdistan Iraq

On 27 October 2008, the Kurdistan Parliament brought the new Personal Status Law (PSL) in affect which did not ban polygamous marriage laws as hoped for. The new law continues to perpetuate the history of polygamy which is tied directly to the subjugation of women.

Over the last 17 years of Kurdish self-rule some of most barbaric violations of women's rights have continued and continue to effect the lives of over two million women in Kurdistan Iraq. Womens and girls continue to be subjected to forced marriage, child marriage, female genital mutilation, domestic violence as the norm and honour killing. All of these violations of women's rights to be free of inhuman and degrading treatment not to mention the right to life have been met by almost complete silence by the Kurdish government.

Now rather than legislating in favour of women's rights, the Kurdish Parliament has approved a new Islamic law which continues to endorse polygamy and continues to violate the basic principles of equality between men and women as understood in International Law.

The Kurdish Parliament has accepted the argument that polygamy is a realistic answer to improving the lives of widowed and divorced women.

KRWO demands that the Kurdish Parliament legislates against polygamy and recognises its responsibility to ensure that women are given the tools and the means to provide for themselves and are not forced into marriage for purely economic reasons. Providing women with job opportunities or welfare benefits would enable not only widowed and divorced women to live independently in dignity but would empower ALL women to make meaningful lives of their own choice.

KRWO and many other women's rights organisations will continue to actively campaign against this discriminatory law and replace it with a truly progressive law that recognises the human rights principles of human dignity and freedom.

**End..**

**For further information contact**

**Sawsan Salim**

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**December 2008**

**Sawsan Salim Says:**

**We consider the practice of polygamy totally degrading to women's rights. It can be likened to legalized prostitution under Islamic law.**

**Interview with Sawsan Salim on the importance of KMEWO's**

**As part of The Kurdish and Middle Eastern Women's Organization's continuing support for International Women's Week, KMEWO held a conference to raise awareness on issues around polygamy in the UK and the Middle East. In this interview Sawsan Salim, director of the organization, talks in depth about the conference and wider issues connected to the issue of polygamy.**

***A.R: Why did KMEWO decide to organize a conference on the subject of polygamy at this time in particular?***

Every year, on International Women's Year, we bring a controversial subject to the attention of the Government and the wider public. Last year, the conference focused on honor killing. Last October, the news reached us that the Kurdish Government had decided to legalize polygamy. Even though, 73% of Iraqi Kurds were against this law but in spite of that it was still passed. The passing of this law had a big impact on women's groups and people in Iraqi Kurdistan. As an Organization that supports women refugees and campaigns for women's rights we are aware of the extent to which this law can and will affect women's lives both in Iraqi Kurdistan and in Europe. We felt that we must openly dis-

cuss our feelings on this subject and highlight the impact that this law can have on immigrant populations living in Britain.

***What is KMEWO's position on Polygamy?***

We consider the practice of polygamy totally degrading to women's rights. It can be likened to legalized prostitution under Islamic law. We feel that this law is inhumane. It not only exposes women to domestic violence and makes them vulnerable to many different types of abuse including economic, community and emotional.

***What has KMEWO's been doing since the polygamy law was passed?***

We began a campaign here in Britain to raise public consciousness about the issue. We alerted the press to let them know what was happening in Iraqi Kurdistan and to inform them of the position of women's refugee organizations on the matter. We took part in interviews on the internet, the radio and on Kurdish and Arabic channels. We felt it was particularly important to stress the ways in which the passing of this law would affect the lives of women



living in both Iraqi Kurdistan and the rest of the world. As this shameful law has been passed in Kurdistan we decided to launch the conference under the slogan 'No to Polygamy in Kurdistan'. In a sense, it represents the source of the problem and it must be stopped from spreading abroad.

***How does the polygamy law passed in Iraqi Kurdistan affect women in Britain?***

We have dealt with many cases where a man has had one wife registered officially and the second unregistered. Women have come to us telling that their husband has put pressure on them to get divorced without giving a good reason. After the divorce the man has gone to Kurdistan and has married another woman and has brought her over to the UK. We have witnessed the affect of this type of situation on the psychological condition of the woman. It's a daily torture for her. As an organization we are against any type of violence against

women, be it physical or psychological. Having come across this type of issue again and again, we knew that we had to do something.

We have seen exactly the same thing happening in the case of honor killings in this country and in other European countries.

**Who attended the conference?**

We brought together groups of people that had a direct interest in this subject. This included, the Home Office, the police, women's groups.

This conference was potentially very controversial both controversial and extremely political. There are groups who want sharia marriages to be legalized in this

country. Groups such as KMEWO are totally against the mixing of religious and secular laws. Those who call for sharia marriages to be instituted within British law see themselves as being on the side of women but we see the matter completely differently. We see polygamy as affecting the woman on many different levels including in the lives of her children.

**How did Dr Siddiqi's (Director of the Muslim Institute) contribution to the conference?**

We have read Dr Siddiqi's perspective on Islamic teachings. He presents a very positive image of Islam and is completely against polygamy. In his speech he tried to present the negative effects of

polygamy on society and family life. We also feel that it is important that people of opposing views are able to discuss and debate their stance on the matter.

**Do you feel that the conference was a success?**

Absolutely. We achieved our goals in raising public consciousness about the negative effects of polygamy on women in Kurdistan and its ability to affect the lives of women in the UK. We will continue our campaign until this disgraceful law has been repealed.

## In Support of Women in Afghanistan

In March 2009, the President of Afghanistan signed a law which legalizes rape in marriage and prevents women from leaving the house without permission of males.

Under this new family law framework, wives must submit to the sexual advances of husbands and be denied the most basic right of control over their bodies. The law also prevents women from seeking work, education or a doctor's appointments without their husband's permission. Moreover, the custody of children is solely vested to fathers and grandfathers.

Although this legislation was passed by the US-backed government of Afghanistan, it clearly reflects the Taliban Regime's social values. Similar family laws have been in place for a long time in Saudi Arabia, Kuwait, and other Islamist allies of the United States. In the new so-called "democratic" Iraq, the Iraqi women's movement is also struggling to cancel the notorious article 41 of the constitution which gave way to similar practices.

The new family law in Afghanistan is a product of the American intervention and the support which was provided to Islamic groups during the 1980s in Afghanistan. Nevertheless, the US administration is not concerned with such a barbaric law, which proves that their only interest in Afghanistan was political and economic, but never women's rights or human rights in general.

**The Organization of Women's Freedom in Iraq (OWFI) denounces this legislation which can only be described as a Women's Enslavement Law. All who condone and justify this law are partners in committing silent crimes against millions of women.**

Women in Afghanistan deserve full social, economic and political equality with men.

We call on all women's groups and human rights groups to support the women of Afghanistan in their fight against the dark forces which have once more prevailed in their society.

Long live freedom and equality for women in Afghanistan

**Yanar Mohammed**  
**Organization of Women's Freedom in Iraq, president**  
April 19, 2009



# If polygamy is a holly law it would have been given to women

By Wajiha Al-Hawaidar

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On the thirtieth of September a Saudi National newspaper 'El Watan' published the news that a charitable women's organization has begun a program that encourages men to marry more than one wife. One reason for this is that it is thought that polygamy will solve the problem of spinsterhood among Saudi women. The other reason given is that a man should be able to marry again in cases where the first wife has become afflicted by an illness that stops her from carrying out her duties towards her husband and family.

Let us begin by discussing the first reason, which today is known as 'the phenomenon of spinsterhood'. The cause of this phenomenon is namely the 'guardian law' which states that a woman must be accompanied wherever she goes by a male member of her family and the secondly the lack of free mixing between the sexes in Saudi Arabia. This problem can only be found in Saudi society, and whoever denies this is blind to the truth. According to official Saudi statistics the percentage of male children born is higher than that of females by almost 2%, this means that for every 100 Saudi women there are 102 Saudi men. The number of Saudi men is six times as much as Saudi

women; this means that for every woman, there are six men. The reason for this is that the number of foreign workers and immigrants has reached 8 million and as many men come to work in Saudi Arabia without their wives the percentage of men has increased. Therefore, there is no reason Saudi woman to worry as in essence, the demand is higher than the supply. In Saudi Arabia men are in plentiful supply.

The reason why Saudi women marry late is because they are bound by strict and oppressive laws. The most important factor in the phenomenon of 'spinsterhood' is the repressive guardianship law which is a deadly nightmare that women live during their lifetimes and can only cast off at death. The guardianship law is what both stands in the way and complicates the life of the Saudi woman. Indeed, because Saudi Arabian law gives the man complete control over the life of the woman he has sole authority over her dealings, both private and public. Therefore it is he who decides when and who she marries. I believe that if the issue of marriage was left to the woman she would choose a suitable husband for herself.

Saudi women are sinking to the ground under the stifling laws that don't allow them to leave their homes accept with permission. In addition to this, they are completely isolated from Saudi men. Therefore, it is hard for the two sexes to meet, get to know each other and then decide marry. The situation in Saudi Arabia is against human nature. Free mixing was proscribed by Allah for



mankind; and had Allah wanted the sexes to be separate, he would have created a planet for women, and another for men.

In Saudi Arabia most of the women that work in the institutions that allow free mixing, such as hospitals and some companies such as 'Saudi Aramco', have married their work colleagues and have been enabled to establish happy and stable families.

As for the excuse that polygamy is lawful if the first wife has become ill and incapable of taking care of family affairs; this excuse clearly shows the degree of value accorded to a woman in the life of a man. Indeed, even when we have a family pet, it is hard to desert it and exchange it for another animal when it becomes ill. If that is the case, what about a person who gives up his life and soul for you?? What is the point of the marriage vows where both pledge to support each other through the years in times of weakness and strength?? If the husband gets ill doesn't his wife have the right to chuck him out and go and look for an exchange for him?? Or can it be that a man has feelings that deserve respect, while a woman is just a piece of inheritance that one can exchange when one wants?? Further, if the man doesn't respect his first wife, what treatment





can his second wife expect?? No law should urge a man to throw away his life companion at her time of need and weakness when it was she who gave him everything she had and gave up her youth for him. Surely no belief encourages the neglect of people's feelings and stabs people in the back when they are weak and ill??

I believe that Islam thinks highly of women and does not trivialize their affairs or treat them as appendages or household appliances that when they have finished being useful can be thrown away. Islam does not condone polygamy; it has only come from patriarchal interpretation and those who practice it do it only for selfish indulgence without a thought to the feelings of their families.

Historically, polygamy was a custom observed by the Arabs before the coming of Islam. It was not a custom confined to men only; women practiced it to the same degree. Arab women would have intimate relationships with more than one man, and when they gave birth, it would be them, or the man that they personally chose to be the father, who would be responsible for the child.

The prophet Mohammad (PBUH) did not take another wife when married to his first wife Khadija bint Khoilid (AS), who was fifteen years older than him. Even when she became old and ill, he did not think of deserting her and marrying someone else.

The prophet also refused to allow his son in law Ali Bin Abi Talib (AS) to marry another woman whilst married to the prophet's daughter Fatima Zahra (AS). Does this not make one wonder about the legitimacy of polygamy? Is it really the legal right that Allah gave men, as the male religious jurists claim?? Of course not, the refusal of the prophet (PBUH) on two separate occasions is a clear indication that it is not a legal right.

To those who believe that it is *Sunna* to practise polygamy have not understood that the prophet was not an ordinary being and the same rules that applied to him do not apply to us all. The reason that he married more

than once was because at that time marriage was seen as a way to strengthen the ties between tribes and at this stage in Islam's early history.

It is written in the Qur'an in Surat Al-Nissa that if a man fears that he will not be able to treat each wife fairly then he should only marry one woman.. In the same Sura we read: "and you will not be able to be just between women even if you desire to be so" (Surat Al-Nissa: 129). This clearly means that one wife is the norm as no man can treat more than one woman equally, either financially or emotionally. Allah alone is just. For this reason polygamy is not lawful, even if the *fuqaha* say it is.

If we were to presume that polygamy was what Allah had intended for humanity we could easily argue that women are better suited for it than men. Firstly, a woman's characteristics are more refined than a man's for she possesses a compassionate heart and is more likely to see that justice is done. Secondly, a woman is more resistant to illness, lives longer than a man and is therefore able to carry the stresses and strains of family life. Another claim that legitimises a woman's claim to polyandry is her

sexual prowess; for she is able to make love without fatigue or boredom for many hours. A man's abilities in this area are rather pitiable as he tends to burn out like a match after it is struck for the first time.

After everything that has been said, is it not abundantly clear that if it was legal for her to do so, a woman would be better placed to practice polygamy?? Of course not. Polygamy is not and should not be acceptable in any religion. It is well known that polygamy is practiced only for selfish greed and has the tendency to lead to family disintegration. Allah makes it clear that the foundation of a healthy society is the family, within which one finds a husband and wife living together in loving harmony. This is demonstrated clearly in *Surat al-Baqarah*: "...they are your garments and ye are their garments" (Yusuf Ali 2:187).



# Equality Bill 2009

"The aim of the law should be to empower individuals, organizations and communities, not constrain them". Equality and Human Rights Commission (EHRC).

'The way we define citizenship is intimately linked to the kind of society and political community we want.' Chantal Mouffe, Political Economist.

The concept of citizenship has been understood and approached in a number of ways across times and cultures. The New Oxford Dictionary (1988) defines a citizen as 'a legally recognized national of the state, either native or naturalized'. Focusing on issues of citizenship means considering the relationship between citizens and the states in which they live. Within the citizenship debate arises issues pertaining to the equal rights of diverse groups in society, including: ethnic minority groups and recent immigrants, as well as men and women's rights and duties towards the state.

## Background

The Equality Bill 2009 will provide a platform for action and collaboration between citizens and the government to work together to end discrimination in its various forms.

There are a huge number of complex discrimination and equality laws in Britain. In order to streamline the various equality 'strands' that make up all discrimination laws local government, in conjunction with various community groups, published a green paper containing proposals for a single equality bill in June 2007. The paper was called "A Framework for Fairness: Proposals for a single Equality Bill for Great Britain".

Recognizing the need for united action, ROTA (Race on the Agenda), HEAR (Humanity, Equality, Rights), LCF (The London Civic Forum), and

LVSC (London Voluntary Service Council) decided to come together; working in partnership to ensure that the voluntary and community sector in London would contribute a response to the consultation document. However, having reviewed the green paper, the over whelming opinion amongst the VCS was that its proposals were not strong enough, and that an important opportunity to strengthen the discrimination law had been lost.

ROTA, HEAR, LCF and LVSC subsequently asked the government to consider a more holistic and inclusive approach to equality based on the four main principles of respect, freedom, equality and dignity.

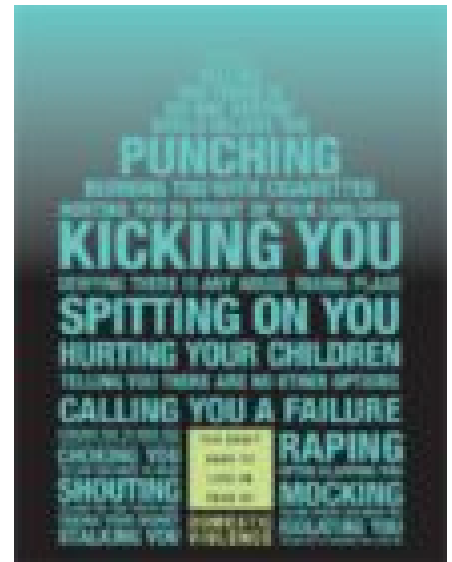
## What will the new bill do?

The new bill, published in June 2008 and entitled 'Framework for a Fairer Future: The Equality Bill', is considered to be a vast improvement on the green paper. Many criticisms put forward by the VCS and many of the recommendations made by LVSC, ROTA, HEAR and LCF have been addressed and published in the bill.

The new bill aims to make the law stronger in seven areas of public policy.

1: The Equality Bill puts new duties on public bodies, such as, government departments, NHS hospitals and social services.

Public services need to demonstrate that they are assisting all levels of society by considering everybody's diverse needs in their planning and delivering of public services. Previously the law directly oversaw that the rights of men and women, disabled people and people of different races. The law is now responsible for protecting the rights of people of different ages, gay, lesbian and bisexual people, transsexual people, people of different religions or belief, pregnant women or mothers who have just had



a baby.

2: The Equality Bill 2009 will protect the rights of older people.

There is still a great deal of discrimination towards older people. This discrimination has manifested itself in a number of ways including employment and health rights. The Equality Bill aims to ensure that public bodies and businesses will not be able to discriminate against people because of their age.

3: The Equality Bill closes the pay gap between men and women.

Previously, employers did not have to disclose the amount they paid their employees. It was thus made almost impossible to assess whether or not women were being paid less for comparable work. The Equality Bill has abolished this practice and now requires transparency from employers on this very matter.

4: The Equality Bill aims to spread equality through buying services.

As public bodies buy many services from private companies with tax payers money, the Government will now be able to make public bodies take action about equality when they buy from businesses.

5: The Equality Bill promotes positive action:

The Equality Bill is pressing employers and other businesses to give people the same rights to employment through pro-active, positive action. This will allow for positive discrimi-

nation in the work place.

6: The Equality Bill protects carers, families and friends.

The Equality law now protects those who are ill treated on the grounds of being associated with or caring for someone who is gay, of a different race or is disabled

7: The Equality Bill protects the rights of disabled people.

After consultation, it was agreed that The Equality Bill could go further in the ways in which it sought to protect the rights of disabled people. The law now condemns the discrimination of disabled people on the grounds of their disability or anything connected to it.

#### Reactions to the Equality Bill 2009

The Equality and Human Rights Commission (EHRC) has welcomed the government's bold proposals but suggests that because of persistence of some inequalities the Single Equality Act should go further then simplification and harmonization and proposes a new social contract based on fairness.

The ERC believes that the time is right for an even more ambitious approach to tackling the systemic inequalities in society and that the new Equality Act will be the cornerstone of a new assault on inequality.

The Equality Act may prove to achieve the goals various goals it has set down. However, it is also important to stress that the government must be held accountable for the positive steps it has taken towards ending discrimination. It is not enough to pay lip service to the ideal of equality without putting plans into action. Women in their various social and economic categories must see that the government follows up on its public duties towards them as equal citizens of this country.

To have a look at their briefs visit:

<http://www.lvsc.org.uk/files/99098/FileName/28EqualitiesBill.pdf>

## Together We Can End Violence against Women

A summary of the Governments recent consultation paper on violence against women.

### Background

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The recent Government consultation on violence against women and girls represented a significant step in the right direction. Indeed, it was the first time that the government had consulted the public as to the best way to combat violence against women and girls. In that respect; it was considered a welcome but long overdue step on the part of the women's sector. The consultation aimed to engage with all members of society and to promote awareness and dialogue by holding a number of events. The Government stressed that if there was to be an end to violence against women it was essential for community groups, the public and government bodies to work together. The consultation focuses on two separate but inter related theme

Violence against women and girls

How to prevent it, how to support its victims and, how to bring its perpetrators to justice.

How to find ways to deal with women's fear of violence and the effect it has on their day to day lives.

### Key Issues for consultation

Tackling Violence against Women from the Roots up:

The Government recognizes the important role played by both schools and parents alike in helping children develop healthy relationships and deal with their emotions and reactions to challenging situations rationally.

The government acknowledges that these issues have been tackled by schools in a number of ways including through the curriculum on personal, social health and economic education (PSHE) which is supplemented by guidance and materials on sex and relationship education (SRE) and on the social and emotional aspects of learning (SEAL).

In order to ensure the effectiveness of these programs the government has established an advisory group





which will:

Contribute to the public consultation on the PSHE Advice on the development of new guidance on SRE and the prevention of gender based bullying in schools.

Participate in the wider violence against women consultation process and consider how conclusions from the consultation can best be applied to specifically in the contexts of schools.

Consider how different messages and approaches can be used in education to influence boy's behavior and reinforce positive images of masculinity.

#### **Addressing the Sexualisation of Girls and its Link to Violence:**

The Government has recognized that many parents feel that their teenage and pre teenage daughters are under pressure to appear sexually available. Throughout the period of consultation the Government said it would listen to parents concerns and set up a review group who would analyze evidence from road shows and debates.

The Role of the Public Services in the Fight against Violence against Women:

The Government wants to identify the ways in which the public services can play a stronger role in identifying the early signs of violence. This might include GPs and healthcare professionals.

Helping Those with no Recourse to Public Funds:

The Government is aware of the problems faced by the victims of domestic violence when it comes to getting support from public services. This is especially the case of those whose legal status is not secure. In March 2008 the Home office announced as scheme whereby victims of domestic violence whose applications for Indefinite Leave to Remain are successful may qualify for a contribution towards their housing and living costs.

Tacking the Perpetrators of Violence against Women:

The Government has given the police new legal powers to control perpetra-

tors including:

The Sexual Offences Act 2003.

The Forced Marriage Act 2007

In addition to this a full review of what additional powers the police may need to control the activities of perpetrators.

#### Women's fear of Violence:

The Safer Streets Website:

The Government will be launching a website that allows people to have a say on what makes them feel safer on their streets. The website will allow people to report where they felt either safe or unsafe in their local area and why. This information will be used by local councils when planning safety improvements. Some of these areas of focus will include car parks and licensed premises.

#### KMEWO's Response to the Consultation Paper

Having been recognized by the Government as providing a valuable service to women from the Arab and Kurdish communities; the director of KRWO, Sawsan Salim, attended two meetings at the Home Office.

KRWO applauds the ambitious steps taken by the Government outlined in its consultation paper. However, KRWO is concerned that the Government's top down approach will have limited effect in the lives of women from ethnic minorities that are suffering from domestic violence. KRWO is keen to see more Government funding channeled towards women's organizations that understand and are in constant contact with the communities they serve. KRWO feels that the Government must also invest money into women's refuges which despite providing a much needed service, are dreadfully under funded. More ways need to be found to reach women who are isolated from mainstream British society due to their inability to communicate in English.

For copies of the consultation: <http://www.homeoffice.gov.uk/documents/cons-2009-vaw/vaw-consultation.pdf?view=Binary>

**In Britain this  
is a particularly  
important  
moment in time  
for equality and  
we need to act  
now.**



#### **VIOLENCE AGAINST WOMEN SHOULD END**

We do not accept it  
You should not accept it  
**Let us end it!**

يجب إنهاء العنف ضد النساء!  
دهبي تونسي تثيري له دزي زنان كوتايي بيت

If you are a woman experiencing violence and you speak Arabic, Kurdish or Farsi, or you want information about our work, please contact:-

Kurdistan Refugee Womens Organisation or  
The Middle East Centre for Womens Rights  
Tel: 020 7263 1027 Mob: 077 488 51125

Email: [info@womenagainstviolence.org.uk](mailto:info@womenagainstviolence.org.uk) [www.womenagainstviolence.org.uk](http://www.womenagainstviolence.org.uk)