Zainah Anwar’s remarks on the 10 years anniversary of the WGDAW

*[“You have worked closely with the Working Group, including informing the report on discrimination against women in the family and cultural life. This report set a different perspective on the issue, which had not been tackled with so much frankness within the UN. From the work that you do, could you share your reflections on whether the situation of women’s rights in the family has improved since this 2015 report? What do you see as the drivers of positive change? How can the UN support greater progress?”]*

Congratulations to the WG on your 10th anniversary.

I’d like to focus on the three key themes of this webinar as they relate to family law: shine the light on this most intractable area of law reform, celebrate the work of activists working on this issue in ground breaking ways, and explore some ways we can galvanise international attention and support to turn family law reform into a priority global issue.

This year, two campaigns on family law reform were launched online to draw global attention to the urgent necessity to end discrimination against women in the family.

* First, The Musawah Campaign for Justice in Muslim Family Law Reform launched online on May 15, the International Day of Families. And last Saturday, we finished a 5-day online global conference on MFL reform, involving participants from some 30 countries across 18 time zones.
* Second, The Global Campaign for Equality in Family Law bringing together groups working on family laws across regions, religions, culture and tradition. We have established a Coordinating Committee, comprising Equality Now, Musawah, Act Church of Sweden, CLADEM, FEMNET, WLP, MPV, with strategic support from UNWomen.

We are sending notice to the governments and the international system that enough is enough. So many declarations have been made, reports, surveys and evidence collected to point out that without equality in the private sphere of the family, there can be no equality in the public sphere. All these public statements have called on governments to reform their discriminatory family laws, even if they are based on religion, culture and tradition; not least in the working group’s own 2015 report on discrimination against women in cultural and family life.

The evidence is so overwhelming. Gender equality is good for the family, for society, for the economy, for a country’s prosperity and well-being. Yet many governments and religious and political leaders remain opposed to the demands for change by invoking religious and cultural preservation. They continue to persecute women human rights defenders for allegedly being a threat to public order and national security, accusing us of being pet poodles of the west, for trying to impose alien western values on the poor unsuspecting women of the Global South.

Family law is indeed the most politically fraught and contentious arena of women's rights reform. This is particularly so in countries where political and religious power are closely linked, thus making efforts at law reform difficult. And it is, unfortunately, in Muslim contexts that we still see until today much of the institutionalized fusion of religious and political authority, and the rigidities this then introduces into the laws that govern our lives in the family. A classical legal framework that regards the husband as the provider and protector of the family and the wife as the obedient caregiver until today underpins Muslim family laws, - while civil law has moved forward to recognise equality and non-discrimination. This is outrageous!

Obviously, all manner of articles in treaties and declarations and evidence of harm not just to family well-being, but to national development, have not moved the patriarchs in government to take action to end discrimination against women in family law.

Thus this initiative by Musawah, Equality Now and other regional partners to launch these two global campaigns.

In Muslim contexts, what has changed the most over the recent years actually is not so much the family laws themselves, but the emergence of critical feminist scholarship in Islam and activism on the ground led by women’s groups. This is a critical foundation that is needed because women’s rights activists pushing for family law reform confront threats and demonization by Islamist actors and religious authorities who accuse us of going against Islam, against God, against divine law. Knowledge and alliances are critical to enable us to hold our ground in the face of these attacks. Thus this global organising and mobilising.

Activists and academics are today working together to reconcile religion and rights to make the case for the possibility of reform towards equality and justice. New voices have emerged at the national and global levels to challenge the ways governments use religion, culture and tradition to justify discrimination against women and resist demands for law reform.

WHAT we in Musawah are trying to do is to **“UNFREEZE”** that patriarchal understanding of religion as the dominant understanding of Islam in our societies, and assert the right of us, women discriminated by these frozen classical texts, to speak out and claim the legitimacy of our experience and our voice to shape the ways how our religion is understood and used as a source of law, policy and practice.

We are asserting **our right to know and our right to be heard**. We are building new rights-based scholarship to challenge the dominant patriarchal religious discourse that imprisons us. We are pushing open the public space for debate on Islam and women’s rights: What Islam, Whose Islam is the Right Islam? - in the context of the 21st century, in the context of our lived realities today.

The Musawah Global Conference on Muslim Family Law Reform that just ended on Saturday will be forming Thematic Groups to focus on some critical themes to enable us to move forward to push for reform in our national contexts. The goups will focus their work on **Comprehensive reform of MFL** based on the framework of marriage as a partnership of equals, **Access to Justice**, **Violence Against Women**, and **Women’s Financial Rights Upon Divorce**.

We are excited about this development moving forward in co-creating our 5-year campaign with partners from the MENA region, South and Southeast Asia and Sub-Saharan Africa. And we are excited that we will be joining hands with the Global Campaign for Equality in Family Law that will bring together groups working on the issue of family law across all religions, cultures and traditions.

Jointly, both campaigns plan to take advantage of the spaces opening up with the Generation Equality Forum and Action Coalitions and the SDGs review processes to draw global attention to the urgent issue of family law reform. In fact SDG Indicator 5.1.1 has already identified family law reform as one of the four legal frameworks that governments must reform. How do we put pressure on governments to report progress on this?

CEDAW Article 16 on marriage and family already demands compliance from governments to their treaty obligations. I think the glaciers are melting much faster than government compliance with Article 16, the most reserved article of all UN treaties.

I would love to hear from the Working Group members on how the international system can be more effective in pushing progress on family law reform by 2030. You will have partners in civil society that are now organising and mobilising at the national, regional and global levels. We are excited about the potential reach and galvanising effect we can summon to build a global collective force for change. How can we all work together to strengthen the women’s human rights machinery and the international system to join us and turn family law reform into an urgent priority global issue.

Thank you.