

DOWNLOAD PDF INTRODUCTION TO GENDER, MUSLIM LAWS, AND REPRODUCTIVE RIGHTS WORKSHOP

Chapter 1 : Refworld | Women's Rights in the Middle East and North Africa - Yemen

The essays in these workshop proceedings deal with sexuality, reproductive rights, and gender violence in Islamic societies, as mediated by larger and conflicting regulatory perspectives - patriarchy, various interpretations of Islam, and laws of the modern state.

UNHCR is not responsible for, nor does it necessarily endorse, its content. Dominant party military-influenced traditional chiefs Literacy: A succession of Zaydi imams governed areas of northern Yemen until military officers launched a coup and established the Yemen Arab Republic YAR in After the two parts of Yemen were united on May 22, , in the Republic of Yemen, the country underwent unprecedented political reforms and took steps toward a democratic system of government. Constitutional amendments on February 20, , created a bicameral legislature consisting of a seat Majlis Al-Shura Consultative Council , to be appointed by the president, and a member House of Representatives to be elected by popular vote. Yemen is basically an agrarian society that depends heavily on a very limited quantity of oil exports to provide 80 percent of its public budget. With an estimated poverty rate of 41 percent, Yemen has a birth growth rate of 3. An estimated 73 percent of Yemenis inhabit rural areas, most of which lack basic infrastructure and sufficient services. Small numbers of Jews, Christians, and Hindus also live in Yemen. Pre-Islamic and Islamic history demonstrate that women played significant roles and held high status in Yemeni culture. The Queen of Sheba is a source of pride for the Yemeni nation, as the Quran described her throne as great. Nevertheless, Yemeni women today face many obstacles in their efforts to achieve gender equality and empowerment. Gender inequality in the law remains a major problem today, and legal implementation and protections for women are very poor. Yemeni women do not have access to most of their economic, social, and cultural rights and still face many challenges in exercising their full political and civil rights. Women are vastly underrepresented in the government and the labor field, and only 8. The government of Yemen does not have effective mechanisms to enforce the compulsory education law, and many families deny their daughters the right to education for cultural or economic reasons. A large percentage of rural families also marry their daughters at an early age. Gender inequalities in education persisted in , with female literacy at only The wording of Article 31 implies that women are not equal citizens but rather are sisters of male citizens. Furthermore, Article 31 is in direct contradiction to Article 41, which emphasizes the principle of equality among citizens in public rights before the law. Such legal inconsistency leaves the many issues covered under these two articles open to judicial selectivity and multiple interpretations by individual judges, which in turn, contributes to practices of discrimination against women and impedes their access to justice. Gender discrimination is present not only in Yemeni laws, but also in the implementation of laws, by-laws, and procedures, which may be subject to various interpretations and the personal whims of individual state agents and authorities. Discrimination is faced not only by women in Yemen, but also by ethnic minorities such as the community called Akhdam servants , refugees from the Horn of Africa, and the small Jewish minority who remain in Yemen. The government has not instituted a formal complaint mechanism whereby an individual or group can file a report if they become victims of discrimination. A Yemeni woman citizen is required to have the approval of the Minister of Interior, along with a written letter of approval from her guardian, in order to marry a non-Yemeni. Furthermore, Article 6 of the Nationality Law of denies Yemeni women married to foreigners the right to pass citizenship on to their children, while the children of a Yemeni man married to a foreign woman are guaranteed immediate Yemeni citizenship. In , Article 3 of the Nationality Law was amended to grant children of a Yemeni woman and a foreign husband citizenship at the age of 18 on one of three conditions: Women are legally eligible to work in the judiciary and appear in court. However, women in Yemen face tremendous obstacles in their struggle to gain access to justice within a legal system that is overwhelmingly male-dominated at all levels. Access to justice is particularly difficult for poor and rural women without a male guardian and for members of marginalized communities. A woman in Yemen is not

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recognized as a full person before the court; the testimony of two women equals the testimony of one man. Article 45 21 of the Evidence Law forbids the testimony of women in cases of adultery, libel, theft, or sodomy. The only time in which the testimony of a single woman is fully accepted is in cases in which Yemeni men are not culturally permitted to be present, such as during the delivery of a baby. This disproportionate value system is also applied to victim compensation. For example, for the 27 crimes that involve attacks on the body, a surviving female victim is eligible to receive half the compensation that a male victim receives. Furthermore, Yemeni law provides greater leniency in punishments for men who commit so-called "honor killings" violent assaults or murder of a female relative for her perceived immodest behavior, or when caught in the act of illicit fornication zina. Article of law No. Women are treated differently from men in cases of detention, arrest, or seizure. Yemeni police officials tend to exhibit a greater degree of interest in cases involving women, and proceedings may be lengthened, particularly if the charges against a woman are of a "moral" nature such as zina, involving illicit sexual activity like adultery or prostitution. In some cases, the police may allow a male relative to report to the police station and be held in detention on behalf of a woman suspect. The special attention given to cases involving women is mostly due to the social stigma associated with a woman who is arrested or imprisoned. Special treatment is not normally provided to women members of marginalized or powerless social communities, like the Akhdam or refugees, and is generally reserved for women of a high social and economic class. By law, detainees must be arraigned within 24 hours of arrest or be released. Nevertheless, both men and women sometimes wait for long periods before being allowed access to legal proceedings or a lawyer. Women reportedly receive longer punishments than men for crimes such as zina or khilwa. A woman arrested for crimes such as khilwa or improper acts outside legal definition may be considered guilty without an investigation and sent to prison by the police even before any legal procedures begin. National laws in South Yemen were reasonably compatible with the convention. As a follow-up to the Beijing Platform of Action, gender affairs departments were created in most government ministries by Nevertheless, these departments have not been very active, due to inadequate human and financial resources and limited decision-making authority. Advocacy for equality and gender empowerment is most often conducted in reference to Islam, rather than the language of international human rights conventions, in order to avoid accusations of promoting western agendas. The government should establish nationwide complaint mechanisms for women to access if they are discriminated against on the basis of their gender. However, no such executions for religious conversion have been reported in Yemen. A man, however, is entitled to conclude his own marriage contract. The Personal Status Law does not establish a minimum age of marriage for boys or girls, thus encouraging early and child marriage. Little research has been conducted on the percentage of girls married at an early age in Yemen; however, early marriage is a serious problem and a widespread phenomenon that can lead to serious health problems for girls. The law requires a non-virgin usually a woman who has been previously married to pronounce her consent to marriage verbally, while the law allows the silence of a girl or woman considered to be a virgin to signify her approval or consent to marriage. In practice, most judges do not verify the consent of a woman, and a majority of marriages take place at home, not in the courts. A man is allowed to be married to up to four women at one time in Yemen, and the law does not require him to obtain permission from his first wife or inform her of the other marriages. Women do not have the same rights to divorce as men. A husband can divorce his wife at any time without needing to provide any justification, whereas a woman must litigate in court and present adequate justification in order to have the marriage contract nullified. However, the court must agree to nullify the marriage contract; the wife may not do this on her own. Meanwhile, a man has the right to restore his relations with the wife who is divorcing him within the period of edda a waiting period of three months before a divorce becomes legal without her consent. This waiting period is mandatory and is intended to ensure that the wife is not pregnant by the husband she is divorcing. Personal Status Law No. A wife is required to reside where her husband resides, no matter what the condition of the residence, and she is legally obligated to do the housework. While the trafficking of women in Yemen has not been a problem in the past, there are indications

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that it may become one. Little information on this crime is available, but cases have been reported of children trafficked within Yemen and to Saudi Arabia for child labor, as well as an increasing number of women trafficked to Yemen for prostitution, some of whom may have originated in Iraq. Yemeni law does not specifically prohibit trafficking in persons, and protections for victims have not yet been established, but several other Yemeni statutes are being used to prosecute traffickers. Prisoners are mistreated and suffer from extrajudicial torture, which is in violation of the constitution. By custom, children and babies born in prison usually remain with their mothers. Recently, the Prisons Law was slightly amended to stipulate that "pregnant women in prison must have access to medical care before and after delivery. Although there is no such law in Yemen, as a matter of cultural practice, Yemeni prison officials do not release women who have completed their sentences unless they can be released into the custody of a male family member. Partly due to the shame and social stigma associated with women in prison, many women who have served their time continue to wait for male family members to appear and authorize their release. Prison guards have been known to both impregnate women during their incarceration and marry off female inmates to men who bribe the guards. There are no state-sponsored services to help women reintegrate back into society once they have completed their sentences. In addition to Yemenis, a number of women inmates from neighboring African countries, particularly Ethiopia, languish in prisons past the expiration of their sentences. There are no legal protections for women who suffer from domestic violence in Yemen. While a married woman may report acts of violence against her committed at the hands of her husband, a physical trace of the violence must be visible on her body. Women may experience various forms of street violence in Yemen, particularly verbal harassment. Social norms in Yemen most often place the burden of proper social behavior on women instead of their male harassers. Verbal harassment serves to humiliate women and often leads families to prohibit daughters and women from leaving the home. Many women prefer to appear anonymous in public in order to avoid harassment and the resulting embarrassment felt by their families. Most Yemeni women fully cover their bodies in a black dress with their faces veiled except for the eyes. Very few women expose their faces, and those who uncover their hair are rare. While the veil is not legally imposed, some extremist religious groups exert pressure on women to veil as part of their duties as "good" Muslim women. Unveiled women face harassment and are strongly criticized. While both women and their families may experience harassment on the streets, the government has failed to increase the availability of safe and affordable transportation for the many Yemenis limited by poverty. **RECOMMENDATIONS** The government should increase the minimum age of marriage to 18 years to help girls complete their high school education and protect them from early and forced marriages, and initiate campaigns to increase awareness of the harmful effects of early marriage. The government should create adequate prison facilities for women and allow human rights organizations and individuals to monitor their conditions. Declines in oil prices served to stunt the economic growth of the s. Yemen has embarked on an International Monetary Fund IMF -supported structural adjustment program designed to modernize and streamline the economy. However, high population growth, scarce resources, and political corruption challenge economic advances. An estimated 35 percent of the population is unemployed, and the illiteracy rate in Yemen remains as high as Most women, especially in rural areas, do not know about their property and inheritance rights, nor do they know how to gain access to them or use them. The government has not initiated programs for rural women to provide them with basic information on their economic or human rights. Women legally have full and independent use of their incomes, but in practice, fathers and husbands may partially or completely control that income. Some wealthier families may forbid their daughters to marry anyone outside the family in order to protect their properties from being transferred to another family. No legal provisions prevent women from participating in business, commercial, or economic activities at any level. Article 54 of the Yemen constitution declares education compulsory, yet the government does not translate this provision into practice.

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Chapter 2 : MIFTAH - MIFTAH caps off training workshop on health and reproductive rights and gender eq

These events occurred during a heated controversy in Nigeria about the nature and desirability of Sharia (Muslim laws), rights in Muslim laws, constitutional rights, international human rights and their relationship(s) to each other.

For the past ten years, Imam has been a trainer in gender awareness at many international symposia and workshops. She received her B. As part of coordinating group, she has developed programmes and comparative frameworks for the Women and Law Programme, i. As regional coordinator, respond to the training needs of action-research groups in 13 countries in Africa and the Middle East. This includes training in proposal writing, project planning and implementation, research methods, data analysis, group conflict-resolution, gener-awareness, assertiveness training, and outreach, as well as evaluations. Some of these training programmes include: Also responsible for information sharing, database building, networking, solidarity action and organising campaigns throughout Africa and the Middle East. She was responsible for developing programme to ensure that all training courses in planning and economic development take account of gender issues. Also for organising and facilitating training in gender sensitivity and gender analysis for trainers of planners and policy-makers, and for their trainees. She developed, organised, facilitated and taught intensive two-month post-graduate courses on gender analysis and methodologies to young African social scientists. Oxford University Press, Jacqui Alexander and Chandra Mohanty. Routledge, , pp. Mahmood Mamdani and Mamadou Diouf. Cultural Reassertions and Feminisms in International Perspective. Westview Press, , pp. WIN, , pp. Proceedings of the Third Women in Nigeria Conference. Women Living Under Muslim Laws. University of Wisconsin Press, , pp. Reprinted in Review of African Political Economy 54 Myth or Reality," in Women, Struggles and Strategies: Third World Perspectives Rome: An Experience from Kaduna State, Nigeria. What is to be Done? Zed Books, , pp. Funded by Ford Foundation grant and presented for doctoral degree as: Social Anthropology, University of Sussex at Brighton -- Research on the ideological representation of gender in radio and television in northern Nigeria. Ahmadu Bello University -- Research on gender relations and social reproduction in rural northern Nigeria. Reported as Social Reproduction and the Gender System: Polytechnic of North London -- Analytical research on ideologies in Nigerian novels. Polytechnic of North London Jump to one of these related pages:

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Chapter 3 : Gender and women's rights | Federal Public Service Foreign Affairs

This workshop is a forum in which to present ongoing work studying dynamics of abortion struggles and effects of abortion law and reproductive rights. The workshop is open to participation - with or without paper presentation - by prior agreement.

Liberty, Dignity and Equality Res. M in Human Rights, Ankara Univ. New Developments in Turkey "If men could get pregnant, birth control would be from gumball machines and bacon flavoured" A. Introduction Since the beginning of the second decade of the 21st century, reproductive rights have become a surprisingly heated topic in Turkey. Before, there was only a slight public interest in this issue, when compared to that in the US or Ireland. For example, as it can be seen below, abortion has been legal in Turkey since Along with the other reasons which have been explained, during the legalization of optional abortion² the feminist and women movement was active but changing the state policy on reproductive rights was the main reason. There was not much of a discussion on this issue until However, when we look at the last two years, the scene seems a bit different " especially the proposed ban on abortion made a tremendous impact. Every segment of society has been involved in these public discussions. Interest of Turkish media was also very high. This paper aims to introduce the new developments on reproductive rights in Turkey. Since the debate is mainly focused on abortion, we will follow this path and try to explain the reason behind this debate. In our opinion, same reason is valid behind the other developments about reproductive rights. Regulating abortion in The Republic of Turkey In this chapter, we will present the current regulation of abortion in Turkey. While doing that, we will also examine the reason behind this policy. To understand the current situation in Turkey, we need to examine the historical background of the regulation of abortion. We start from the Otoman Empire era but since our main topic is the new developments in Turkey, we will not try to examine the entire legal framework. After the historical background, we will give a detailed legal framework of abortion in contemporary Turkey. We can identify two different phases on the regulation of abortion in Turkey, but the main reason for this regulation has deeper roots in the Otoman Empire era and we will explain this reason in this manner. In the Otoman Empire period, under Islamic Law, there was a consensus among schools on the problem or abortion. Family Planning and the Legacy of Islam. International Journal of Middle East Studies 29 2. Gender and The Politics of the Female Body: Midwifery, Abortion, and Pregnancy in Ottoman Society s. Doctoral dissertation, Retrieved from author via e- mail. Balsoy for her kindness and help. The Hanbali school allows abortion before 40 days. There were three types of the procuring miscarriage: If pregnant woman tries for her own miscarriage, she will be sentenced to imprisonment for a minimum of 6 months, up to three years Art. Someone else inducing miscarriage was a more severe crime, with a prison sentence of a minimum of one year, up to three years Art. Journal of Women in Culture and Society 32 2. In this paper, we choose latter. For other two types, the pregnant woman consents to an abortion. Selling contraceptives without a prescription were also illegal within this era. The Penal Code of was amended several times. With the comprehensive Penal Code amendments in , all five articles which were prohibiting abortion with prison sentences changed, along with the headline of subchapter. Prison sentences for abortion rose with this amendment again, after Interestingly, one extenuating circumstance also introduced: If one induced abortion for defending honour, the total sentence would be reduced from half to two-thirds of the prison time. The amendments of were a result of the Mussolini era Italian Penal Code of , also known as the Rocco code. After the reception of main codes, Turkish politicians and law professors highly influenced by court verdicts and academic debates from referring law system and introduced them to Turkey. Implementing various provisions of the Rocco Code can be seen as a result of that. From to , abortion and birth control were strictly prohibited practices in Turkey. State and Class in Turkey: A Study in Capitalist Development. At that time, increase of GDP was app. If the life of the woman was at stake, physician would make the operation and inform the authorities within the 24 hours. According to the Law, access to contraceptive pills and tools would be encouraged and education on

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population planning would be programmed. To sum up, we can easily identify two motives for developments in reproductive rights in Turkey between and The former was the essential one, as can be seen from I. In , the new Law on Population Planning no: According to the report of the legislative commission, legalisation of abortion had two main purposes: When optional abortion was illegal, it continued in the form of unregistered, unsecure and expensive operations. As data presented in the report showed, , people per year were procuring miscarriage and only 0. After this period, therapeutic abortion can only be performed in public or private hospitals Art. Legalisation of optional abortion was an unavoidable phenomenon in Turkey and we can interpret the law in this light. Meanwhile, pro-life and pro-choice arguments have had a little impact throughout time. As a neo-liberal conservative party, the ruling AKP took up a debate that had never been seen before in Turkey. Since marital rape is also recognised as a crime in the new Penal Code Art. According to Federici, a witch-hunt had been used for this purpose: But it also relied on the redefinition of what constitutes a reproductive crime. Implementing demographic policies through control over the female body has become a state practise from those times on. Caliban and The Witch, New York: It has also been a sign of the dangerous and heavy costs for women on their reproductive rights. After being legal about for 20 years “when we leave all troubles in implementation aside- the prohibition on abortion was at stake. Moreover, the ban on Caesarean sections, contraceptives and morning after pills, as well as blacklisting the women who had had abortions was also at stake. Below, the changes which has the AKP wanted to carry out and did carry out will be explained. Afterwards Caesarean sections and the blacklisting the women who have had abortion and the issue on morning after pills will be presented. The same request was repeated in , after the discussions on ban on abortion: Three children mean we are not improving but not receding either. So, I repeat, at least three children are necessary in each family, because our population risks aging. We are still on the good side, as we still own a young and dynamic population. But we are slowly aging. Presently, the whole western world is trying to cope 26 Kasap, T. Please do not take our susceptibility lightly, this is a very serious issue. Abortion is an insidious plan to eliminate a nation from the world stage. Many reports have been prepared and shared with the public concerning what really happened and who was in charge of the airstrike. As we stated above, abortion was mekruh in Otoman Empire era, since nineteenth century. We should note that predominant Islamic Sect is Hanafi in modern Turkey and Religious Affairs pursues the doctrine of this sect. You are cutting off its organs and body. You are destroying it. This was the final straw. Women non-governmental organizations, feminists, and many people from different social, political and economic backgrounds protested against the proposed ban on abortion. On those same days, the Ministry of Health prepared a Report on Abortion. This draft law has never shared with the public. Fortunately, despite this extraordinary secrecy, there was a great deal of information leaked to the media and some press releases included the details of the draft law. The most sensational issue about the draft law was whether the legal term for optional abortions would be shortened. The most striking reform the draft 30 Bianet. In this interview, the risks of the abortion would be explained to the couple and a review of their decision would be advised. In order to discourage women from abortion, women would be encouraged to listen to the heartbeat of the foetus. The husband would also be invited to this interview. The abortion would only be authorized after a thinking period of two-three days. If the doctor performs the abortion after the legal term and if the woman died as a result, a prison term of at least twenty years was proposed. Still, if the draft law had passed out of Parliament, it would have meant a de facto ban on abortion. Especially, the psychological pressures on women, such as forcing women to listen to fetal heartbeat would have further aggravated the already hard decision on abortion. However the effect of the debate on the ban on abortion has substantially resulted in a de facto ban in state hospitals and partly in the private hospitals since Doctors were already hesitant about abortions after eight weeks before But the discussions on the ban on abortions and contradictory speeches have created disinformation as if abortion had already been banned.

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Chapter 4 : Abstractâ€” Women, Islam, and the Law â€” Kyoto Review of Southeast Asia

Introduction to Law, Economics & Sexuality, & the Law Reproductive Rights & Justice Sexual Orientation, Gender Identity, Islamic Law Jewish Law.

Imam argues that while Sharia Muslim laws are neither uniform nor God given, the opposition between conservative and liberal jurisprudence has prevented progressive scholars and activists from establishing Muslim laws that ensure and protects the rights of women. Amina Lawal was convicted of adultery in March and sentenced to stoning to death. In the wake of a new Sharia Penal Code in Katsina State, religious right vigilantes instigated a case against her for having a child after divorce without remarrying. The alleged father swore that he had not had sexual relations with her and was released. These events occurred during a heated controversy in Nigeria about the nature and desirability of Sharia Muslim laws , rights in Muslim laws, constitutional rights, international human rights and their relationships to each other. This case is perhaps one of the best known concerning the introduction of Sharia Penal Codes in several Nigerian states in Zina, or unlawful sexual intercourse, includes adultery, punished by stoning to death, and fornication, penalized by whipping. In some of the states, men may be imprisoned in addition. The tensions between conservative religious politics and crude antiterrorism policies which are often blatantly Islamophobic must be considered in this discussion, which also involves local cultures containing a complicated mixture of ideologies and social practices, structured by power relations. This is important so that human rights principles actually guarantee people their rights in their day to day lives; this requires that they are claimed and respected by local cultures, and are not merely written texts, so that they are seen as social and historical products, affected by the power politics and of the cultural traditions of the dominant groups in their own contexts. Understanding that human rights constructions are themselves subject to power structures makes it possible to recognise the Western European influences on the construction of rights today. But it is also possible to accept the universality of the notion of rights, which are not static and are constantly reconstructed by those whose lives are impacted by them. Approaches to human rights must also be constantly reconstructed. It is important that local cultural-religious norms and traditions, as well as formal national and international rights regimes must be simultaneously drawn from and negotiated with. Even though many of these groups are often regarded as in opposition to family, religious or ethnic community, they are in fact challenging not the communities themselves, but the current definitions of culture and norms of that community, and the powers of the cultural gatekeepers to maintain those definitions. It is with this background in mind that this article looks at the politics and activities surrounding zina cases under the Sharia Penal Codes in Nigeria. Nigeria has seen a growth in religious essentialism and conservatism. However, the introduction of Sharia in Nigeria has had more to do with emotional political appeal, especially due to economic and educational issues, rather than religious sentiment. Reactions to Sharianization were many. Christian and non-Muslims feared the imposition of Muslim religious laws on them. Human rights and other NGOs activists including Muslims were concerned about the religious rights of non-Muslims and the violation of constitutional provisions of secularity.

Chapter 5 : Reproductive Rights: New Developments In Turkey | Murat Ongel - calendrierdelascience.com

The Workshop will explore a range of issues related to this burgeoning area of law and policy, including: how the framing of a confrontation between religion and rights tends to essentialize a set of values labeled "religious," and thereby ignores the diversity of faith-based values, many of which support sexual and reproductive rights;

Chapter 6 : Cyra Akila Choudhury | UK College of Law

The Women's Convention, Reproductive Rights, and the Reproduction of Gender BARBARA STARK Traditionalists,*

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whether working within a religious or a "scientific" framework, have.