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# Gender, Islam and International Frameworks in Yemen

Muna Saeed

## Introduction

This paper is intended to explore the intersection of Islam and international frameworks that aim to work on gender development projects in the context of contemporary Yemen. It will examine the opportunities and limitations that may arise when choosing to follow faith-based approaches in order to advocate for women's human rights and ensure the safety and security of Yemeni women. In particular, I will try to investigate how aligning and contextualizing United Nations Security Council Resolution 1325 (2000) (UNSCR1325) with Islam is advantageous, or necessary for women's development in the context of Yemen. To support my research question with concrete examples, I will focus on the discourse of child marriage—a persistent practice in Yemen.

First of all, I will start by briefly examining whether Islam and UNSCR 1325 are two sides of the same coin that aspire to establish justice, peace, and security for women. The analysis will start by discussing the points of view of Muslim women who identify, both, as feminists and with Islam under the concept "Islamic feminism," followed by evidence from applied projects that aimed to work on development policy and practice in Yemen under the lens of Islam. I will present how, despite their attempts to align Islam with development work, they fail to go beyond an essentialist view of women. Finally, I will discuss the discourse of child marriage closely and explore whether aligning the views of international frameworks with Islam and introducing them to the Yemeni society is advantageous to Yemeni women and guarantees their peace and security.

## Methodology

In this paper, I will be following a discursive approach by using Laura Shepherd's double-reading style (2013). Through analyzing the core concepts in the literature I will be referring to, identifying, and demonstrating antagonisms. To further explain, I will examine the concepts of Islamic feminism, and the discourse of forced child marriage by investigating how these concepts are

represented and reproduced in a particular discursive context. Some statements may be convincing about the nature of things, and we assume that we already know them, or agree on what they are, or what they mean, but according to Laura Shepherd there is always a possibility of contesting them (Shepherd, 2013, p. 26).

## **Analysis and Discussion**

### **Islam and UNSCR 1325: Two sides of the same coin?**

Islam is claimed to be the religion of justice. According to this interpretation justice is not possible without peace in a society, and women and men are considered equal in their religious obligations in Islam. According to OSAGI, UNSCR 1325 invites member states to take on measures to protect women and girls from different kinds of violence, rape, sexual assaults, etc. to guarantee that women's rights are protected, and that women are safe and secure. It also emphasizes member states' responsibility to put an end to impunity and prosecute those responsible for crimes, including those relating to sexual, against women and girls. The resolution also provides for the consideration of the rights of women through consultation with local and international women's groups, and increased representation of women at all decision-making levels. In her book about gender, violence, and security Laura Shepherd speaks a great deal about UNSCR 1325. She highlights the fact that the resolution pays particular attention to the need to "mainstream a gender perspective" into peacekeeping and conflict resolutions. Member states are to take measures to ensure the protection of human rights of women and girls particularly as they relate to the constitution, the electoral system, the police, and the judiciary (Shepherd, 2013, p. 112).

As per the idea that Islam's main purpose is to ensure justice and peace among all of humankind and the fact that it would be impossible to ensure that justice without peace and security, we can somehow understand that the message of UNSCR 1325 is not only not contradictory to Islam, but it is very much in the spirit of Islam.

### **Islamic feminism as a discourse—women's revelation?**

Throughout the Muslim world, there has been a growing movement among some women who seek to find common ground between their Muslim identity and their belief in gender equality (Segran, 2014). For decades they lived in discomfort because they felt they were either betraying their faith or their feminist consciousness. However, there have been some efforts to erase that discomfort through the work and vision of a global movement called Musawah—“equality” in Arabic. Musawah encourages women to realize that they should not have to choose between any of their key identities. In other words, it aims to help women fight for justice and gender equality within the framework of Islam by reinterpreting Islamic sources. In her chapter “Trends and Directions in Contemporary Islamic Feminist Research” Omaima Abou-Baker defines “Islamic feminism” as a feminism that originates from Islam’s values and ideals, and at the same time benefits Islam as a religion (Abou-Bakr, 2014). Her definition attempts to use feminist awareness of the discrimination against women, by first realizing the existence of the problem, then proposing reforms and interpretations that embody the spiritual message of Islam. This is a reinterpretation that eliminates concepts that have been misrepresented such as the superiority of men and marginalization of women (Abou-Bakr, 2014). It is a reinterpretation where justice and equality are inseparable.

### **Islamic feminism and development policy and practice in Yemen**

With the continuously arising discourses on gender development that are being presented repeatedly by the international community and UN initiatives in particular, a greater focus has been placed on funding initiatives and project proposals that align with the same mission as Islamic feminist movements, taking into account Islamic discourses and aiming to collaborate with faith-based organizations and religious leaders (Strzelecki, 2013). Instead of incorporating Muslim women into development projects, these donors had to take culture into consideration and fund projects that empower women in Muslim cultures. “Culture was recognized as a potentially powerful tool that had to be taken into consideration in development processes aimed at social change and at advancing gender equality” (Strzelecki, 2013).

In a country where Sharī'ah-based laws are applied, incorporating Islamic laws within a feminist discourse can perhaps be a window to promote women's rights within Muslim societies. However, this view has been challenged in Yemen since a project entitled (MWDAR) "Muslim Women and Development Action Research" was undertaken (Bartelink & Buitelaar, 2006). According to Strzelecka, the project's main objectives were to inspire Yemeni women to use religious and cultural resources when asking for their rights to reproductive health and education. Over the long term, the purpose was to highlight these insights to develop approaches to gender and development that empower women and see them as active agents of change. The study focused on women from rural areas of Aden and Dhamar. Strzelecka stresses that "mere access to education is not enough for women's empowerment; above all, it requires an access to quality knowledge and religious information so that women can use these to assert their rights and overcome their reluctance to defending what they consider to be a rightful way of life" (Strzelecki, 2013, p. 6). As a result, the study of MWDAR has emphasized the fact that these women must obtain access to religious knowledge to advocate for women's rights and enhance women's future empowerment projects. However, a few years later, one major criticism of such approaches was that they sometimes fail to go beyond an essentialist view of women (Bartelink & Buitelaar, 2006), as they only aim to redirect power from the national leaders to religious leaders, when both are still considered to be patriarchal, following androcentric practices in the society.

### **Investigating Islam and women human rights: The discourse of child marriage**

In this section I will discuss the discourse of child marriage and how is it being presented in international standpoints and language, by referring to Human Rights Watch and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). I aim to study the assumptions underlying these frameworks on which the arguments are based, then explore whether aligning Islam with international frameworks intended to help reduce the practice of child marriage in Yemen is advantageous to Yemeni women and guarantees their peace and security. I form my analysis using Laura Shepherd's Discourse-Theoretical Analysis, where I closely examine how the concept of child marriage is being represented, investigate the arrested meanings of the

discourse and, finally, demonstrate the antagonisms that tend to arise when discussing the possible solutions that could be used in order to end these.

### **Child marriage and international frameworks**

Human Rights Watch strongly confirms that child marriage is incompatible with human rights laws, affecting children's and women's rights to health, education, equality, and their right to live free from violence and exploitation (Human Rights Watch, 2013).

According to UN and Yemeni government data from 2006, the percentages of girls marrying at a young age in Yemen are very high and cause those who marry to drop out of school, die in childbirth, and face a higher risk of physical and sexual abuse. Fifty-two percent of Yemeni girls are married—often to much older men—before age 18, and 14 percent before age 15 (Human Rights Watch, 2014).

This practice is believed to cause long-lasting harm to Yemeni girls, especially those in rural communities where education is not accessible. Some Yemeni girls reported to Human Rights Watch that marrying at an early age is the end of the world for them as it means that they have lost control over their lives and their right to education; some have also reported that they tend to be subjected to marital rape and domestic abuse (Human Rights Watch, 2014). In Yemen, more than 400 women were reported killed in the name of honor in 1997 (Zuhur, 2005).

On the other hand, the argument widely used by child marriage advocates in Yemen is that child marriage mitigates poverty and improves the family's income. As cited by the International Center for Research on Women (ICRW), for many poor families, marrying their daughter at an early age is essentially a strategy for economic survival; it means one less person to feed, clothe, and educate (Human Rights Watch, 2011). However, international frameworks argue that this vicious cycle of poverty could be broken if the families allowed their girls to finish their education, which could lead to providing them with opportunities to live fuller lives. As mentioned by Human Rights Watch, there have been many studies conducted on this issue and many NGOs have implemented

initiatives to prevent child marriage from happening (Human Rights Watch, 2014). By improving the education levels of these little girls, empowering them, and helping them to gain knowledge and skills to perform and compete along with their counterparts in the work place, their family's economic conditions will be improved. This would be a win-win scenario for everyone: the girl, her family, and the entire community.

Moreover, Yemen is party to a number of international conventions that explicitly prohibit or have been interpreted to prohibit child marriage. This commits the Yemeni government to take measures to eliminate the practice. UNSCR 1325 calls on all parties to an armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse. Committing to the tenets UNSCR 1325, the international community emphasizes the importance of ensuring that the local police intervene to stop marriages that violate the laws, and that the government must take measures, raise awareness campaigns, and cooperate with religious leaders, medical professionals, and local officials about the harm to health and other consequences of child marriage for girls and women (Human Rights Watch, 2014).

CEDAW states that "the betrothal and marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age of marriage." They recommend that this age should be 18 years for both girls and boys; this is regarded as an ideal age when they attain full maturity and adequate capacity to act.

The language of the international organizations often repeat that child marriage is legitimized by patriarchy and related family structures. There are many assumptions made that by introducing laws and forcing patriarchal countries like Yemen to act, such practices could be ended. There is always a push toward changing national laws, and claims that if they were to be implemented and practiced, this phenomenon of forced child marriage would end. However, there is a lot more involved than just "making change" on a national level. Yemen is known to be a very traditional and tribal society that is dictated by customary rather than by national laws.

In addition, education as a solution is a mainstreamed mechanism often used by international NGOs. The underlying assumption is that if girls were allowed to be educated, they would acquire power to help them defeat any horrible practices that affect their lives, such as child marriage. However, I argue that by placing such a big responsibility on the girls in these situations we will not only avoid tackling the issue from its roots, but will instead limit the solution to one of either/or. Ending child marriage would be possible if girls went to schools, and impossible if they were to drop out of school. I believe that if we are to look at the problem differently, this phenomenon must be studied from more than one angle. Understanding the customary laws that are deeply integrated within Yemeni society is a start. Again, as Strezelecka stresses “mere access to education is not enough for women’s empowerment; above all, it requires an access to quality knowledge and religious information so that women can use these to assert their rights and overcome their reluctance to defending what they consider to be a rightful way of life” (2013, par. 8).

Another major assumption that is often presented by these international frameworks is the idea that forced child marriage affects only little girls. That is an arrested meaning that assumes the only victims of such a practice are girls. There is little attention being paid to the little boys that are being forced into such a practice. The scenario continues to present girls as victims and avoids speaking about boys. This arrested meaning tends to reinforce the essentialist view of women and girls as the ones who are concerned with reproduction; thus if they were not protected at an early age from such a practice, they would not be able to reproduce, nurture, and create families that are prosper and active in the society.

### **Incorporating Islam into international frameworks to end forced child marriage**

One might think that if these international frameworks would work closely with religious leaders, who are believed to have greater influence on the society than the national legal factors, forced child marriage would decrease. Clearly, many of the social, cultural, and religious issues that reinforce child marriage could be viewed as the only problem causing the society to endorse such



a practice as well as the only solution that could help in ending it in keeping with human rights goals.

The point I am making here is that if the use of religion to justify such acts plays a major role, then it may also be possible to work on reinterpreting the religious practices that may seem to justify child marriage. Incorporating Islam into an international perspective makes it possible to make grassroots rather than top-down changes. According to Musawah, child marriage is a violation of not just human rights principles, but also of Islamic juridical principles. Legitimizing and justifying the practice by government stems from reasons beyond ostensible religious grounds (Musawah, 2013). What is needed is the political will and courage of governments that still hold back in doing what is right for the girl child because of fears of political backlash.

Though there have been a few international projects that have aimed at working on women's peace and security using an Islamic lens, they were criticized as only having shifted the focus away from other debates relating to modern cultural, intellectual, and social dynamics in the country. Some secular Muslim activists in Yemen believe that this strategy does more harm than good as it focuses only on ending discrimination against women through religious leaders and preaching and overlooks the problem of power relations (Strzelecki, 2013).

According to Raja (2013), despite having existing laws that supposedly protect women and girls, they are either inconsistently applied or lack enforcement. So far, "there are no laws to protect girls from early marriage—a persistent practice in the Yemen—or to protect women from rape and harassment. And, contradictory to Islamic - Shari'ah law, women in some areas have been deprived of their inheritance rights" (Raja, 2013) Thus even if religion was to be used to justify practices that are considered "normal" and Islamic, like child marriage, women's rights are taken away under the name of the same religion as in the case of inheritance, which is sometimes taken away from women, although it is a full right granted to them by Islam and Islamic law.

## Conclusion

Although there have been multiple attempts by the international community to use an Islamic lens and get religious leaders involved as a strategy to promote women's rights and freedoms, they have failed in applying a strategic feminist vision of gender and power transformation (Strzelecki, 2013). "The use of 'Islam', either by Islamic feminists or by opposing fundamentalist clerics, results in competing religious visions over gender relationships and women's rights" (Strzelecka, 2013, p. 38).

In the hopes of ending the practice of child marriage, perhaps we should not look at the situation as binary choice. Incorporating Islam with international frameworks visions or excluding it, is not really the solution. If we were to look at the problem differently, aligning the visions of international frameworks within Islam can sometimes be advantageous, especially in the short term.

According to Strzelecki (2013), it is important to look at power relations when attempting to incorporate Islam in development projects that advocate for women's rights. These power relations that shape and are reshaped by the highly contextualized and dynamic aspects of Yemeni culture and politics tend to be continuously overlooked. Thus, in order not to exclude women from religious leadership when partnering with male religious leaders, these patriarchal power structures must be challenged. Otherwise, the status quo in Yemen will remain unchanged. The leadership and other decision-making positions would remain under the control of traditionally male-dominated figures (Strzelecki, 2013).

## References

- Abou-Bakr, O. (2014). Trends and Directions in Contemporary Islamic Feminist Research. In N. Bayoumi, R. R. Sidaw & J. S. Makdisi (Eds.), *Arab Feminisms: Gender and Equality in the Middle East* (pp. 448). London: I.B. Tauris.
- Bartelink, B., & Buitelaar, M. (2006). The challenges of incorporating Muslim women's views into development policy: analysis of a Dutch action research project in Yemen. *Gender & Development*. 14(3), 351-362.

- Khalife, N. (2011). *How come you allow little girls to get married? Child marriage in Yemen*. New York: Human Rights Watch.
- Merban, G. (1992). *Islam and Women's Roles*. Von Grunebaum Center for Near Eastern Studies Publications, University of California, Los Angeles.
- Musawah (2013 December 13). Child, Early and Forced Marriage. Contribution report to Human Rights Council (pursuant to HRC resolution A/HRC/RES/24/23). Retrieved from <https://www.musawah.org/resources/musawah-ohchr-submission-child-early-and-forced-marriage/>
- OSAGI, *Landmark resolution on Women, Peace and Security (Security Council resolution 1325)*. Retrieved from <http://www.un.org/womenwatch/osagi/wps/>
- Raja, J. A. (2013). *Yemeni Women in Transition: Challenges and Opportunities*. CCDL Working Paper Series, no. 140, July [https://cddrl.fsi.stanford.edu/sites/default/files/Number\\_140\\_Yemen.pdf](https://cddrl.fsi.stanford.edu/sites/default/files/Number_140_Yemen.pdf)
- Shepherd, L. (2013). *Gender, violence and security: Discourse as practice*. London: Zed Books Ltd.
- Strzelecka, E. (2013). Gender and Islam in Development Policy and Practice in Yemen. *Arabian Humanities. Revue internationale d'archéologie et de sciences sociales sur la péninsule Arabique/International Journal of Archaeology and Social Sciences in the Arabian Peninsula*.
- Zuhur, S. (2016). Criminal Law, Women and Sexuality in the Middle East. In P. Ilkkaracan (Ed.) *Deconstructing Sexuality in the Middle East* (pp. 17-40). Routledge.