

Roundtable on “Family Law & Gender in the Middle East and North Africa: Change and Stasis since the Arab Spring”

Welcome and Opening Remarks, Dean Adrien K. Wing

Good morning, everyone. Welcome to our roundtable on the Cambridge Press book published during summer 2023, which is entitled FAMILY LAW AND GENDER IN THE MIDDLE EAST AND NORTH AFRICA: CHANGE AND STASIS SINCE THE ARAB SPRING.¹ I am one of two coeditors of this volume. I am Adrien K. Wing. I serve as Director of the University of Iowa Center for Human Rights, which is the main sponsor of this event along with the TRANSNATIONAL LAW AND CONTEMPORARY PROBLEMS JOURNAL (TLCP). I am also the Associate Dean of International and Comparative Law Programs and the Bessie Dutton Murray Professor of Law at the University of Iowa College of Law, where I have taught for 37 years. The co-author of this volume is my former research assistant and Iowa Law alumnus Hisham A. Kassim. He and I have published several articles together. He is an attorney at Kassim Legal with offices in Washington and Amman, Jordan. He earned his Bachelor's degree from University of Virginia, JD degree from the University of Iowa, and LLM degree from NYU. At the time we agreed upon this title, it was before the horrific events happening now in Israel and Gaza. I have no doubt that some speakers this morning will mention the situation and how it might affect the country they wrote about for the book and the broader Middle East North Africa (MENA) region. We invited all of the authors featured in the volume to join us. We have participants from China, the UK, Morocco, Jordan, and the United States. Nathalie Bernard-Maugiron, who wrote the Egypt chapter, could not be here on the zoom, but has submitted an entry for the TLCP journal publication. Professor Michael Karayanni from Hebrew University could not attend. Our cosponsors today include the University of Iowa College of Law International and Comparative Law Program, the University of Iowa International Law Society, and the Iowa JOURNAL OF GENDER RACE AND JUSTICE.

I would like to introduce this very special book. It serves as a reference point for anyone who is interested in the Middle East and North Africa, as well as for those who are interested in women's rights and family law, generally or in the MENA region. It is the only book including the personal status codes of nearly a dozen countries: Tunisia, Egypt, Morocco, Algeria, Iraq, Lebanon, Jordan, Israel, Palestine, and Qatar. It covers only the Muslim family law, even though there are people living in these countries from other religions, especially Christianity. Some of these countries were heavily affected by the Arab Spring, and some were not. With our authors from all over the world, each chapter of the book provides a history of personal status law both before and after the Arab Spring. Tunisia emerges as the country that made the most significant progress politically and with respect to women's rights, but there are some issues in that

¹ Please note that the speakers may have condensed their remarks directly from their book chapter. Quotations and footnotes have been omitted. The transcript has been very lightly edited for purposes of publication.

country with respect to its developments. More than a decade from the Arab Spring across the region, there is more evidence of stasis than change. The authors will discuss what the future may hold in their countries about which they wrote.

I am not going to read the full, rich biographies of our speakers in depth, but I will give you shorter biographies of each person.

Our keynoter today is going to be Professor Mounira M. Charrad from the University of Texas. She was the co-author of the Tunisia chapter. She is an associate professor of Sociology, University of Texas at Austin, and a non-resident fellow at the Baker Institute, Rice University. Her book, *STATES AND WOMEN'S RIGHTS: THE MAKING OF POSTCOLONIAL TUNISIA, ALGERIA AND MOROCCO* won numerous distinguished awards including Best Book in Sociology from the American Sociological Association and Best Book on Politics and History from the American Political Science Association. Her articles have appeared in many major scholarly journals. She has edited or co-edited several volumes, including: *PATRIMONIAL POWER IN THE MODERN WORLD*, *PATRIMONIAL CAPITALISM AND EMPIRE*, *WOMEN RISING: IN AND BEYOND THE ARAB SPRING*. Her new book, *NAVIGATING AUTOCRACY: FEMINISTS IN TUNISIA*, is forthcoming with Columbia University Press. Her work has centered on state formation and social movements. She received her undergraduate education from the Sorbonne in Paris and her PhD degree from Harvard University.

Professor Charrad will be followed by Professor Hyun Jeong Ha, an assistant professor of Sociology at Duke Kunshan University, China. She is the other co-author of the Tunisia article in our book. Her research examines how ethnic and religious differences manifest the interaction between the Muslim majority and the Christian minority after the Arab Spring. She has a Bachelor's degree in Arabic from Hankuk University Foreign Studies and a Master's of Sociology degree from Seoul National University with her PhD degree in Sociology from the University of Texas at Austin.

Professor Ha will be followed by Ms. Stephanie Willman Bordat of Mobilising for Rights Associates, Morocco (MRA). She is one of the two co-authors who wrote the chapters on Morocco and Algeria. She is a founding member of MRA, which is an international nonprofit women's rights organization based in Rabat and she is currently working in Morocco, Algeria, Tunisia, and Libya. She was a Fulbright Scholar and she is just going to speak on Morocco today. Her coauthor, Saida Kouzzi is present at the Roundtable.

Ms. Bordat will be followed by Dean Haider Ala Hamoudi, of the University of Cincinnati Law School. He earned his Bachelor of Science degree at MIT, as well as his JD and his JSD degrees at Columbia. His scholarship focuses primarily on Islamic law and the Middle East, and he has written extensively on the Iraqi personal status code. His books include the *NUTSHELL ON ISLAMIC LAW*, as well as a number of other volumes. He will speak on Iraq.

After the Dean, Professor Sara Ababneh, who is a lecturer in International Relations at the University of Sheffield (UK). Previously, she was head of the Political and Social Research Unit at the University of Jordan's Center for Strategic Studies. She earned her Doctorate degree in Politics and

International Relations from St. Antony's College at Oxford. She wrote the Jordan chapter.

Our next speaker will be Mr. Jonathan Kuttab. He and I co-authored the chapter on the West Bank and Gaza. He is an attorney and human rights activist, who is fluent in English, Arabic, and Hebrew. He is currently the Executive Director of Friends of Sabeel North America. He earned his BA degree from Messiah College and a JD degree from the University of Virginia. He worked on Wall Street and is a member of the Bar Association in New York, Israel, and Palestine. He is the founder of various human rights organizations, including Al-Haq and the Mandela Institute for Palestinian Prisoners. He is a recognized authority on international law, human rights, and Palestinian and Israeli affairs. His recent memoir is *THE TRUTH SHALL SET YOU FREE*.

After Mr. Kuttab, we will hear from Ms. Nada Ammar, attorney, who will speak on Lebanon. She is an immigration lawyer in Southern California. She earned her LLB degree from the Lebanese University and her LLM degree from Chapman University in California. Prior to attending Chapman, she worked as a legal officer at the regional office of the United Nations High Commissioner for Refugees in Beirut.

Finally, after Nada Ammar, we will hear from Professor Lina M. Kassem who is visiting Assistant Professor of Government and International Relations at William and Mary. She will speak on Qatar. She taught for three years at the Asian University for Women in Bangladesh, and has taught at Qatar University and Zayed University in the UAE. She has a PhD degree in Political Science from the University of Cincinnati.

After the authors have spoken, I will moderate a discussion. Finally, there will give very brief closing remarks.

Dr. Nathalie Bernard-Maugiron submitted her remarks after the Roundtable. She is a senior researcher at the French Institute of Research for Development (IRD) in Paris. She holds a PhD degree in Public Law from the University of Paris and a Master's degree in International Human Rights Law from the University of Grenoble (France). She teaches comparative Middle East constitutional law at Sciences Po in Paris. She was a part-time faculty member at the Political Science department of the American University in Cairo, where she taught Egyptian constitutional law and human rights courses. She specializes in personal status law, the judiciary, and constitutionalism in Egypt and in the Arab world.

Keynote Address, Professor Mounira M. Charrad

It is my pleasure to be here with all of you. My thanks go to Adrien and her colleagues for organizing this conference and for inviting me to give the keynote address. The conference gives us a chance to continue the conversation we started with the cutting-edge volume on family law in the Middle East edited by Adrien Wing and Hisham Kassim. The volume is unique in bringing together different disciplines, a wide range of countries and an analysis of the latest developments.

In this address, I offer a sociological perspective on family law in the region by raising two questions. First question is why is it that family law takes such political significance in the Middle East and North Africa (MENA)? In recent history, more contention has surrounded the issue of family law in MENA than in other world regions. An object of heated debates, the issue has been at the forefront of demands by women's rights advocates. My second question asks: what processes, political or other, help explain the occurrence of family law reforms that expand women's rights? What social actors initiate them or promote them? I consider the second question by referring to the case of Tunisia. Among MENA countries, Tunisia has been at the forefront of family law reforms that have expanded women's rights. As such, it requires scrutiny. I focus here on processes that led to reforms and leave it to my co-author Hyun Jeong Ha to give you the specifics of changes in the law. In concluding, I draw lessons from the Tunisian case to discuss more broadly what we have learned about processes by which women gain rights.

Family Law Reform as Contention In The Middle East And North Africa

The lawyer and civil rights activist Asma Khadar once declared family law to be the key to the gate of freedom and human rights for women. I agree with her. While growing up in Tunisia, I saw what repudiation and widowhood had done to women before family law reforms transformed the legislation. I observed the long-term consequences of repudiation and widowhood as they played themselves out in the lives of two women in my extended family. One woman was repudiated by her husband three years after marriage, and another became a widow after being married two years. Each had a young child, and both were left without resources. Each received support from a brother and lived in the brother's household with her child. On the positive side, in becoming part of a brother's household, the two women enjoyed a form of economic security.

However, they had no autonomy. In exchange for economic security, they paid a price in lack of autonomy for most of their lives. They did not make decisions for the household, nor most of the time for themselves. Their brother made decisions affecting these women's lives and the brother's wife ran the household. The brother decided matters concerning not only the woman, but also her child. Sometimes, he convened a meeting with his other brothers to make these decisions. As a young woman in Tunisia, I became acutely aware of gender inequality as I saw how the final word often rested with a man or a group of men who had authority over women. I observed major gender inequalities existed in regard to marriage, divorce, custody, and inheritance. These were four issues about which men had privileges and could make decisions affecting women's lives. The law in effect before it was reformed had given power to men not only in their roles as husbands, but also as fathers, brothers, sons, and sometimes uncles or cousins.

Reforms promulgated from the mid-1950s until today have changed the situation in Tunisia. Since they are detailed in our chapter on Tunisia in this volume and elsewhere, they need not be described here again. In a nutshell, the gist of the reforms was two-fold: 1) it reduced the power of men over women by giving women more autonomy over their lives; and 2) it enshrined a model of the

family as a conjugal nuclear unit in contrast to the model of the extended kinship system which predominated in the family law in place before the reforms.

The combination of the two points above makes family law reforms contentious in the entire region of the Middle East and North Africa. Reforms call into question patriarchy and the power of men over women. They disrupt the existing gender-based power distribution in family life and by extension in the family. They give women more autonomy in choosing a marriage partner thus diminishing the likelihood of a woman being given in marriage against her will and reduce men's ability to practice polygamy. They increase women's access to divorce and do away with a man's unilateral right to divorce. They define divorce as a matter to occur in court, with potential compensation to the wife rather than as a private decision by the husband, with possibly no compensation to the wife. The reforms also enhance women's custody rights over children in case of divorce and modify inheritance rules slightly in favor of women, even though inheritance laws have remained largely unchanged in the region.

However, reforms of family law as outlined above do not only reduce patriarchy. They should also be seen as a form of social engineering that transforms the social fabric. They enshrine a nuclear family system and thus potentially foster a transformation of the family system from extended to nuclear. By empowering individuals, male and female, they weaken the extended kinship system and the privileges of extended kin over members of that system. The social engineering involved has contributed to making reforms contentious as segments of society see the fundamental transformation of the kinship structure as a threat to their way of life and the undermining of their social power. As social engineering, the reforms especially threaten power holders whose constituency primarily resides in regions of the country where extended kinship prevails as the dominant family form.

Top Down and Bottom Up: The Case Of Tunisia

Let's next consider key processes that have led to family law reform. The case of Tunisia exhibits two major processes, top down as initiated by the political leadership, and bottom up as demanded by women's associations. When I went to college at the Sorbonne in Paris, I encountered students from other Middle Eastern and North African countries, especially from Algeria and Morocco. Women students from these countries would say to me: "You are so lucky to be from Tunisia," "Women have greater rights in Tunisia—We don't have these rights in our country."

Why the three countries of North Africa chose different legislations on family law puzzled me. Algeria, Morocco, and Tunisia were similar in culture, language, geography. They all were French colonies. Yet Tunisia had engaged in a different policy on family law and women's rights as soon as it became independent from French rule in 1956. Tunisia promulgated the Code of Personal Status (CPS), which I like to think of as a Bill of Rights for women. Embodying the reforms outlined above, the CPS freed women from extreme forms of patriarchy and offered them a degree of protection against hardships. Algeria and Morocco took different paths after they freed themselves from the

yoke of colonization. At the end of French colonial rule, they essentially kept in place the version of Islamic family law that had historically predominated in the region, and that gave men power over women.

What started as observation in my environment later turned into an intellectual preoccupation. A core question for me became to figure out the structural and historical forces that led these three countries to follow different paths with respect to family law and women's rights in the aftermath of independence. After considering several possible other explanations such as length of French colonization or level of economic development, I concluded that, at the critical historical moment of gaining national sovereignty in Tunisia, family law reform constituted social engineering. The political leadership of newly sovereign Tunisia wanted to create a modern state. Family law reform was part of its agenda.

This entailed policies aimed at eradicating tribal identities based on patriarchal networks. The leadership saw these identities and the patriarchal networks supporting them as threat to state power. Fostering individual loyalties to the state and weakening tribal ties thus became a national project for the newly formed national state. Reforming family law and giving rights to women as individuals was part and parcel of that project. Creating a modern state involved a new form of family structure, one in which individuals would have more autonomy and be less embedded in the extended kinship ties that are at the basis of tribal identity. At that moment in the history of the country, with little or ineffective opposition, the political leadership essentially had free rein to implement its vision of future Tunisia. It was able to launch reforms in several areas, including family law. More autonomy for individuals and less control by patriarchal networks meant more autonomy for women as well as men. Once started, reforms of family law proceeded at an uneven but steady pace. At that moment in the history of the country, with little or ineffective opposition, the political leadership essentially had free rein to implement its vision of future Tunisia.

When a new regime followed the first postcolonial government, which lasted from 1956 to 1987, it continued the reformist path. The Ben Ali regime, established in 1987, declared itself a champion of women's rights. By then, Tunisia had gained an international image of woman-friendly legislation. Damaging that image would have been costly to the new regime. Prompted in part by a concern for its international reputation, and attempting to ward off Islamist influences, the new regime pursued a reformist policy on family law. At the same time, however, it silenced the only two existing women's associations independent from the state. It essentially adopted a carrot and stick strategy. It occasionally allowed women's associations to voice demands for greater gender equality, but considerably restricted their activities and access to public expression. In a nutshell, the regime tolerated women activists and repressed them at the same time.

Tunisia maintained its position at the forefront of women's rights from the 1950s all the way to the Arab Spring and beyond. In 2011, the Jasmine Revolution during the Arab Spring brought mass protests followed by a process of democratization, which lasted a solid decade and has left traces. We witnessed

the emergence of civil society. This entailed a shift from the state having a free hand to make decisions affecting the country to openings for social movements to express demands and put pressure on the state. Another way to put it is a change from the predominance of top-down to the inclusion of bottom-up processes in regard to policy formulation. And still another way to put it is a transition from authoritarianism to the presence of civil society.

After the collapse of the authoritarian regime during the Arab Spring, suddenly people could talk, they could write in the press, and they could create associations. When I asked people in Tunisia about what they saw as the best thing the Arab Spring brought, their answer was consistent. Most agreed with the statement made by someone I interviewed: "People can talk now. People are talking anywhere and everywhere." Earlier, under authoritarian censorship, people would not talk. They would not even talk in homes. Afraid of being heard, people would say: "Walls have ears" to explain their silence. In addition, the post Arab Spring period witnessed the proliferation of new women's associations of various persuasions, including feminist and Islamist. Many were vocal. This is something that had never been seen before in the country because people could not easily create an association under the authoritarian regime. A license had to be obtained for the establishment of any association and licenses were hard to get. A repressive climate prevailed.

Following the Jasmine revolution of 2011, we heard the voices of women's activists. The two women's associations that had managed to survive authoritarianism took a leading role in promoting women's rights after 2011. They were ATFD, or Association Tunisienne des Femmes Democratres (Tunisian Association of Women Democrats) and AFTURD, or Association des Femmes Tunisiennes pour la Recherche et le Developpement (Association of Tunisian women for Research and Development). Taking the lead, these two associations joined hands with other newly formed women's groups to organize demonstrations and lobbying activities promoting women's rights.

The new political context in the country required a new constitution. One was promulgated in 2014. Women's rights advocates now had a chance to influence policy. They publicly expressed their demands and were able to lobby members of parliament. Again, this was something new in the country. It was a special moment that did not last forever, but lasted long enough to show how women's associations defending women's rights were able to shape debates. Most notably, these associations were able to promote the principle of gender equality in the 2014 Constitution. When the Islamists wanted to use the term "complementary" to refer to men and women, women's associations organized protests and campaigns opposing it. They demanded that women and men be referred to as equal in the text. Ultimately, the term "complementary" was dropped from the text of the 2014 Constitution. Instead, the principle of gender equity was included, marking a victory for women's rights advocates. Even though the Constitution was modified again in 2021, with a curtailing of gender equity, women's participation in the political process in 2014 shows how bottom-up pressures effectively produced an expansion of women's rights.

I close this keynote address by reformulating one of the questions I started with: How do women gain rights? Who are the social and political actors

who have promulgated family law reforms enhancing women's autonomy, argued for them, and fought for them? I propose that there are basically two ways that reforms are done. One way is top-down with state officials taking the initiative of promulgating laws that expand women's rights, usually for reasons of their own political interest. This occurred in Tunisia in the mid 1950s onward. The other way is bottom-up, as a result of pressure from women's movements that demand greater rights for women. This took place in 2011 onward. On some occasions, these two basic processes come together when the interests of state power holders intersect with the demands of women's rights advocates. Sometimes they combine with international influence or pressure, explicit or implicit. Tunisia offers a good example of all these processes. As such, it serves as a "laboratory" for an analysis of how women may gain rights in the Middle East and possibly elsewhere.

Tunisia, Professor Hyun Jeong Ha

Thank you Professor Wing for organizing this event and Professor Charrad for giving the keynote speech. It is my great pleasure to join the panel today. Let me continue the presentation as the co-author of the Tunisian Family Law chapter. As we learned from the keynote speech, Tunisian family law is known to be the most liberalized family law in the Middle East and North Africa. In this chapter, we take a sociological approach to identify motivating social factors that have led to changes in Islamic family law in Tunisia. From the 1950s to 2021, we found that the state-led reforms played a critical role in making revolutionary changes in women's rights while feminist activism emerged since the 1980s. We witnessed growing feminist voices after the Arab uprisings.

As Professor Charrad gave an overview of changes in Tunisia family law in her keynote speech, my presentation on our chapter will focus more on detailed changes in chronological order. Comparing Tunisian family law between the colonial period and after promulgation in 1956 helps us understand the significant role the state played in reforming the family law. During the colonial era, family law remained untouched and restricted women's and children's rights. For instance, polygamy was legal, and there was no minimum age for marriage. Husbands could terminate the marriage without their wife's consent, while the wives had to prove the harm that they received from their husbands.

With the promulgation of the family law however, drastic changes emerged. They abolished polygamy and criminalized the practice with imprisonment and fines. The consent of the two spouses formed a marriage, and this was an important recognition compared to the colonial era when brides were represented by their matrimonial guardians. The civil registry registered marriage. The other forms of marriage certificate were not recognized. Custody of a child could be decided by a judge. Repudiation by husbands was abolished and divorce could happen only in court and by mutual consent.

Further changes were made in the 1980s and until 2010. The most changes were made to expand women's rights in divorce and custody and redefined marital relations between husbands and wives. In the 1980s, financial

compensation was added to the family law. Anyone who caused divorce must have paid financial compensation to their spouse until their death or remarriage. In the 1990s, marital relations were redefined as cooperative instead of women being obedient and submissive to men. This is an important recognition to achieve quote reciprocal family obligations, cooperation and household management and assistance in childcare unquote. The mother's right to custody was allowed if father's inability to fulfil his parental responsibilities was proven. Procedures to protect minors from early marriage were implemented, which required consent from both parents and the minor. A minor's right to custody and guardianship was newly recognized in case of the father's death, which was the husband's close relatives who had a priority before. The state also appointed a family judge to strengthen enforcement of laws to help a couple reconcile. The appointment of a family judge was an important change because it meant that the family law and its implementation became more professionalized. In the 2000s, family judges had expanded authority to make a decision on visitation rights.

Further changes were implemented regarding early marriage. The minimum age for marriage was adjusted to 18 for both men and women in 2007. Previously, it was 17 for women and 20 for men. Protection of children and mothers after divorce was introduced in 2008 by reinforcing the father's financial responsibilities for mother and child. Tunisia has entered the new era after the Jasmine revolution in 2010 and 2011. Women activists have been more actively involved in reform processes including the new Constitution of 2014. During that year two achievements were made, including the repeal of reservations on CEDAW (The Convention on the Elimination of all forms of Discrimination Against Women). The new Constitution set an important tone for gender equality and the promotion of women's rights.

Finally, significant changes were made between 2015 and 2017. For example, the travel ban for mothers with their children was removed. Domestic violence was criminalized and the penalty for marital rape was increased. The ban on interreligious marriage of Muslim women was lifted. To sum up, feminist activists taking a more central role in family law reforms is a significant change in Tunisia. Although it is hard to predict what types of changes will be made in the future, the transition of the agent for reform from the state to including feminist activists is a welcome achievement. Thank you.

Morocco, Stephanie Willman Bordat

Hello, good morning and good afternoon to everyone from Morocco. Thank you, Professor Wing, again for gathering us all here. Thank you everyone for being here given the very difficult context in the region right now and for remaining committed to women's rights despite the other things going on, because as we all know when there are crises, wars etc. women's rights tend to be treated as a luxury that have to be postponed. We all know women's rights and equality are fundamental to peacemaking. Thank you all for still being here given the context. I'd like also to recognize my colleague and co-author Saida Kouzzi here in Morocco, who is also with us today.

I think I will jump off one of the questions posed by Professor Charrad, about what would have to happen for women's rights to be expanded. I will use Morocco, but hopefully with some ideas that will resonate with other countries in the region. To do that, since Saida and I are legal practitioners and activists, we tried to use the framework given by the United Nations Committee on the Elimination of Discrimination Against Women, in its General Recommendation 33 on Women's Access to Justice. This provides six interrelated and essential components that are necessary to ensure women's rights to access to justice, and in our context we're going to be focusing on family justice.

Those six components include justiciability, meaning that women's rights are actually legal entitlements that they can claim under the law, as well as availability of courts or judicial bodies across the country. Accessibility of justice systems means that they be affordable, secure, and physically accessible. These justice systems must be of good quality, competent, efficient, independent, and effective. Women must have remedies and redress for any of the harms that they might suffer. Then finally, the accountability of the justice system through monitoring the accountability and the actions of justice systems professionals must occur.

We want to think about what would have to happen, looking at access to justice and not just looking at the provisions of the law, for example in the family code or the personal status code, but also looking at issues of institutions, of issues of mechanisms and issues of resources. To simplify a little bit to answer the question about what would have to change, from our perspective, there are three things that would have to be addressed and happen to improve women's rights.

The first one, obviously, is law reform and we will give a couple examples of that. The second relates to the regulatory framework surrounding women's rights, particularly in the family. The third has to do with the different material and human resources challenges. I will not go into the details of the Morocco family code because people might be familiar with it and can read the chapter in the book.

The first challenge, or first thing that would have to be addressed for women's rights to be expanded in Morocco is clearly the issue of the family code and the law itself. There are still provisions that are either discriminatory against women or are unclearly written, and there are total gaps in the family code, in the law, and in the topics it addresses. To give a few examples of the discriminatory provisions that still exist in the law, which are provisions that are likely shared across our countries, there's the issue of polygamy, which is still legal. There is the issue of women's unequal access to divorce as compared to men in Morocco. Then, finally, there is the discrimination in issues of guardianship. Fathers in Morocco still retain the *wilaya*, the legal guardianship of children even after divorce and women mainly have physical custody. There's also discrimination against unwed mothers and their children, given that children born outside of legal marriage are not recognized. So, those are the discriminatory provisions that clearly would have to be changed.

There are many provisions in the law, in the family code, that are so unclear that they cannot be applied or are open to wildly different interpretations, depending on the judges. That would be the case for example of child marriage. The age of marriage is 18, but judges can authorize the marriage of under 18-year-old people after an assessment that the girl—we're talking 99 percent of these times these petitions are for girls—has the aptitude to assume the responsibilities of marriage. That's a terribly unclear word and concept, which leads to very different and harmful interpretations.

Then an example of a total gap in the law that we need to address has to do with the economic relationships between spouses and marital property. Here we can perhaps draw a contrast with the French Civil Code for those who might be familiar with it. The whole section of marital property in the French Civil Code sets out hundreds and hundreds of articles with four different marital property regimes to choose from varying extremes of separate property to community property. Whereas in the Moroccan family code there's one article setting out separate property and saying spouses can do a contract if they want. This is clearly a huge gap that would need to be addressed to address women's economic rights during and after marriage as well as upon divorce or other forms of dissolution of the marriage.

The second area that would need to be addressed to improve women's rights in Morocco has to do with the regulatory framework. The country is quite good about enacting laws that might give some formal rights on paper, or that might look good on the surface, but that lack the entire regulatory framework behind it. This tends to make people's eyes blur over, when you talk from a legal or regulatory standpoint, because it sounds very boring. It actually is the backbone of making laws that work and are effective. We are talking about a lack of clear procedures, lack of standardized protocols, binding rules or anything that supports, or directives that basically support justice sector officials in application of the laws. These are necessary to define roles and responsibilities, and to create duties and obligations. One of the problems with the application of the family code and other laws in Morocco is that the people responsible for applying the law tend to consider them optional rather than mandatory.

There is also then the lack of any internal/external monitoring mechanisms to hold public actors accountable for their performance. This is the entire regulatory framework that is missing. As a result of that, in the Moroccan context, you see a lack of uniformity of the law being applied across the country. So, you could have the exact same fact situation, the exact same case in two different parts of the country, but the judges will decide them entirely differently depending on their interpretation. So, you could have the same situation regarding polygamy, and one judge in one town will authorize polygamy and another judge will not. Same thing occurs with child marriage. Depending on the individual in the justice system deciding the case and depending on the region of the court, you can get a wildly different outcome despite the same fact pattern.

Then thirdly, what would have to change for women's rights to be really guaranteed in the context would have to be to address all of the different

structural, material and human resources challenges that currently are obstacles preventing women from obtaining relief in the current justice system. Here we need to look at how the different laws and structures and institutions are not responsive to women experiencing compounded forms of discrimination. We are looking at women in rural areas who are just geographically isolated from public services, from the court systems, from the judges etc. They are simply too far away with the lack of road infrastructure or transportation. Amazigh speaking women can not necessarily access the Arabic language justice system without translation and interpretation which is not systematically provided. In Morocco, half of women are still illiterate. If you cannot read or write the court documents, write a complaint, fill out forms, or increasingly use modern technology to access the online justice mechanisms, that is a big barrier for your ability to get relief from the courts.

Women with disabilities are faced with the justice system that lacks a disability perspective, whether it is with sign language interpretation or accessibility for persons with physical disabilities, etc. These are all some of the obstacles that women face accessing justice, in addition to costs relating to transportation, preparing the paperwork, bribes, corruption, etc. that can cause barriers to women being able to claim the rights that they might technically have on paper.

Looking at the time, I am going to stop here but it is not all bad news. As human rights advocates, we tend to sound like we're always talking about just the problems and the bad news. But perhaps in the follow-up discussions and questions, maybe we can address the fact that there are actually reforms to the Moroccan family code on the very near horizon that present some good opportunities to further promote women's rights here in this country, and hopefully serve as a good example for others as well. Thank you so much.

Iraq, Dean Haider Ala Hamoudi

In terms of addressing the questions posed by Professor Charrad, I am here to discuss them in the context of Iraq. There's a lot of connection to some of the things that Stephanie had been talking about with respect to Morocco, in terms of how to best improve, and what would need to change in order to improve women's status within the family law within Iraq. Then, there's some interesting and notable differences. But if I could start with the similarities, the easy part is to identify, and of course that is what relief organizations do all the time. The easy part is to identify legislation that is on its face quite clearly gender driven. The personal status code of Iraq is, comparatively speaking for the region, I would say, progressive. As Stephanie said, I think we all sort of see very similar patterns. Certainly it is not as progressive as Tunisia. At the same time, as relative to its neighbors, it is progressive.

It does continue to contain clearly gender driven rules. Most notably there is polygamy, and then also the unilateral right of a man to pronounce a divorce, and the much more restricted ability of a wife to obtain one. With respect to polygamy, there is a restriction that's supposed to be what's called a legitimate interest (*udhr shar`i*) and the problem with the term (*udhr shar`i*) is that it is

a maddeningly vague phrase and courts across the country, much like apparently Morocco, will apply that radically differently. I will be a little fair to Iraqi judges and say when you're faced with a standard of "is there a legitimate interest for the husband to take a second wife," that disparate results are almost necessary. I will return to that momentarily.

With respect to *talāq*, or the right of a husband to obtain the unilateral divorce freely, while the wife always needs cause because *talāq* is not available to her, Iraqi courts are very reticent to grant cause. There are some restrictions on the husband's exercise of *talāq* if it is done in anger or, much like Jihan's Law in Egypt, there are civil consequences in terms of any damages if it is done capriciously or arbitrarily. At the same time, given how easy *talāq* is, and given how difficult it is for a woman to achieve a cause-based dissolution of her marriage, overwhelmingly even consensual marital dissolutions take the form of *talāq*. They just ask the husband to pronounce it because it's far easier to do that than it is to try to identify a cause in Iraqi court. This is really difficult, maybe even more so by court interpretations: the Court of Cassation interpretation makes it almost impossible really for a wife to obtain a divorce, even a wife who is claiming physical abuse who has a formal, legal right to obtain a divorce. The proof of abuse is almost always demanded in the form of some sort of criminal conviction. It does not take a lot of imagination to see precisely what is wrong with that, to wait for criminal conviction before a wife can obtain a dissolution of her marriage from her husband.

The second thing is, and it relates to the first, but it is important, is there is a lot of ambiguity in provisions. I just gave you probably the most egregious example of "legitimate interest" with respect to the husband's right to polygamy, which leads to radically different results. Another interesting one with respect to this is with respect to child custody. It is true that in Iraq, apparently similar to Morocco, the *wilāya* belongs always to the man. This is the right of guardianship. It comes from the classical Islamic rules. But what is known as *hadhāna*, or "rearing" if you will, belongs to the wife, and her family, generally speaking, under the same classical Islamic rules. The line between what counts as rearing and what counts as guardianship is not a clear one under Islamic law and certainly Iraqi courts have taken or the Iraqi code takes some advantage of that by starting to throw increasing numbers of things into "rearing" -- the right to education for example. The Code also raises the right—the age at which this rearing continues, to a higher and higher age. So that parental rights, if anything, at this point can be thought of as being potentially not as much in favor of the man as earlier. They are not as favorable to a man as they have been, say, 30 years ago and potentially almost a significant portion much more progressive with respect to this particular area of law.

The real challenge that I think that you face with respect to this is that because the line isn't clear, it really depends on the judge in terms of how much a woman is going to be able to claim the right to rear the child, while the man technically still has guardianship over the child, and exactly how the court administers that is a place in which there are challenges in terms of the extent of court oversight to begin with. It creates an acute problem and more broadly it is very, very gender-driven. From a human rights standpoint, there is an

additional problem. It does not really matter whether or not the woman has presumptive rights over X, and the man has presumptive rights over Y. The problem is that the best interest of the child becomes a tertiary concern to the rights of the husband and the wife, and that is not directly on the question of women's rights. It is problematic.

Beyond ambiguity and beyond the text of the law, you do have significant enforcement challenges. I would put child marriage in this category, as opposed to where it seems to appear in Morocco, where it's up to the judge. The law is actually relatively clear, if blunt. People have to be 18 in order to marry and if anybody tries to marry someone under the age of 18, a woman in particular, anybody who tries to force a marriage or contract such a marriage faces a potential prison term. There's no court that's going to actually certify a child marriage. I think you can go as low as 16 under the law with permission of the parents. That said, 25 percent of marriages in Iraq are under the age of 18. Overwhelmingly, they are done out of court. What about these criminal provisions? Well, having sat in Iraqi courts, even progressive judges are reticent to, when someone around the age of 19 comes into court to register their marriage usually five years after the fact and you can see a couple of kids with them. They are from a poor rural family. Nobody wins by putting the husband in jail at that point. The instrument is blunt and as a result it's radically unenforced and it does create a problem. So we do continue to have a problem within Iraq with respect to child marriage, despite having a provision that overall, as I say, is relatively clear.

It really does bring in what I would describe as the fourth real concern. So, in addition to the law itself, a big problem to me is ambiguity, and a bigger problem than ambiguity is lack of enforcement, and the biggest problem of all from my perspective is the structural challenges that are created and that exist within Iraqi society. There is a lack of access to justice, which I think is quite significant within Iraqi courts. It is very difficult for most women to be able to access the courts. Again, the parallel to what Stephanie describes in Morocco is quite notable. In addition to that, even if they were able to access the courts in many parts of the country, the judge is not particularly sympathetic to a woman who claims that she was forced into a marriage when she was 14 or something. Or he might be sympathetic in some cases, but he is not sympathetic to this argument so long as he feels she has been well treated by her husband. And it is overwhelmingly a 'he' who serves as a judge on this. That is a significant structural challenge.

The other major structural challenge which I think is important is the extent to which tribes continue to control a lot of family law within Iraqi society—deciding who gets married and how they are going to get married and what age they are going to get married. This is all overwhelmingly governed by tribes and tribes overwhelmingly exert and are able to exact punishments, including criminal punishments, for breaches of codes of sexual ethics, including very much, for example, out of wedlock children. To be very honest, the problem within Iraqi society is not how to deal with out of wedlock children, only because the result is either a shotgun marriage or quite often an honor killing. That phenomenon that prevents out of wedlock children is the problem in other words.

It is not that the children are then trying to access the courts, and the courts are not listening. There is almost a denial of existence of the phenomenon and meting out this kind of “justice.” You really would need a state that was much more proactive in trying to address some of these structural challenges that are faced. I think that really calls for a very different understanding of the relationship of different elements of society to one another. The challenges are quite steep.

I am actually a little optimistic that the code is not going to get worse. That was certainly the going theory from 2003 for a while and it seems unlikely at this point. There have been attempts to scale back women's rights provisions, and almost all have failed. Increasingly, they are more demagogic than they are real, in the sense that they are very hastily put together things that are sort of presented to a Parliament immediately before election, and then forgotten about again. At the same time, my guess is that things are likely not to improve with respect to women's rights and they are not great. We have a relatively on balance progressive code that is not getting any worse, and so it is better than it could be I guess is a good way to put it. I hope that is helpful. Thank you very much.

Jordan, Professor Sara Ababneh

Thank you everyone for being here. It is quite difficult for a lot of us to be here when our minds and hearts are with the people experiencing genocide in Palestine as we speak. In my paper, I look at the Jordanian Personal Status Law (PSL) through a historical lens to examine some of the themes that come out in terms of changes in the law and whether they are helpful for women or not. For today, I am going to first define some concepts and then look at the Ottoman rights of the family and how that was conceptualized. I am also going to look at some examples of the discussions from the Ottoman period and their family rights law and juxtapose that to discussions that we have right now in Jordan in terms of personal status law. I am going to conclude by thinking about themes such as modernity or *Sharia* and whether these are inherently or dis-inherently empowering to women.

Let's start by defining some terms. The first term all of us hear when it comes to personal status law is *Sharia* versus *Fiqh*. *Sharia* literally means divine law or the law of God, and the claim is that personal status law is based on “*Sharia*.” Feminists and legal scholars have pointed out that these laws are not really based on divine law as they are not based on the Koran or the Bible. They are not even based on the *Sunna*. Mostly, they are based on Islamic jurisprudence (*Fiqh*). This difference is really important, and it is at the heart of the debate in many countries that supposedly have their personal status laws based on *Sharia*.

So, let's look at the Ottoman Law for the Rights of the Family because that is the law that influenced the Jordanian Personal Status Law. It was the first law adopted (by Transjordan) in 1933 and it's a version of that law that is used in Jordan today. The interesting thing about the Ottoman family rights law is that the authors included the justification for why some laws were taken and other laws were not and the debates that were going on. These debates are quite

telling in terms of the relationships between the sources of the law and what was considered permissible and not permissible. For example, the authors debated whether they should include polygamy, the ability of a husband to marry more than one wife. The authors felt that given the modern times, polygamy was not really the best law to keep in. However, they go back to the *Qur'an Surat al Nissa* verses 2 to 3 (Qu'ran 4:2–3) and here is basically the idea that polygamy is a solution to orphans. Given that this is World War I, with lots of orphans, polygamy might not be a bad idea.

The authors of the Ottoman family rights law had a debate on what they should do about including polygamy. Should they require permission from the first wife for the husband to get a second wife? The authors quickly decide against this as no first wife is going to agree to her husband having another wife. The authors resolve the dilemma by leaving the polygamy issue up to the marriage contract between the man and wife. So, if a woman puts into her marriage contract that her husband cannot take a second wife, but he does anyway, she can either get a divorce or void the subsequent marriage per the contract.

This debate would be unthinkable today when these laws are considered divine and any discussion sacrilegious.

Mostly, Jordanian personal status law is discussed in terms of the fact that it discriminates against women, which it does of course. It's not discussed in terms of discrimination according to socioeconomic class. I'm not going to speak about that today. I speak about that in the chapter. I am not going to speak about that here, but I'm happy to answer questions about that.

Let's talk about a few of the changes the Jordanian personal status law has undergone over the years. The first thing that we will see is that we do not have progressive change. We have cyclical change. Laws are changed back and forth with very minimal changes over time. One very notorious example is the age of marriage. The minimum age of marriage has gone from 17 to 16 to 18 to 15. This has literally been going around since 1933, with the last change in 2019. Another example is the issue of guardianship and custody over children. Here we see some progress over time as women have been given longer custody over their children. However, women can still not be guardians of their children. Only very recently have mothers been able to sign off for life-threatening medical procedures, which only happened after a boy died when his father refused to allow medical treatment, despite the protests of his ex-wife. After that, women can now sign for medical procedures, but still do not have guardianship rights.

Another issue that has been quite politicized is the issue of divorce and specifically the issue of *Khulu'*, which is nonconsensual divorce. Here again we see quite a bit of regression from earlier Islamic texts both in terms of the *Qur'an* and in terms of the *Hadith*. In terms of the *Qur'an*, we have a verse very clearly saying that women should be able to exit marriages that they do not want to be in. In the *Hadith* we have precedents of a women giving up certain parts of their dowry to get out of marriage.

In conclusion, what does this historical lens let us say about notions such as progress and sources of law, whether we call them religious sources of the law

or secular sources? Firstly, it's important to note that in many ways the Jordanian personal status law is quite a modern law in its effects. As Amira Azhari Sonbol has rightly noted, the idea of a nuclear family is a very modern notion that does not really have any precedents in Islamic history, but the Jordanian personal status law is very much concerned with preserving the nuclear family as a core unit of Jordanian society. However, the law gives a father certain rights *vis-à-vis* his family members and makes the father the representative of the family. That's very much a [modern European] patriarchal notion that enters the personal status law.

Another way that modern thought enters Jordanian personal status law is by emphasizing procreation as one of the aims of marriage. Within Islamic jurisprudence, marriage is generally understood as a sexual relationship first and foremost, but procreation is not really the stated aim. However, since the 1970's, procreation has become one of the main aims of marriage in the Jordanian personal status law. We also see that the Jordanian personal status law is quite a regressive law, as women have lost many of the rights they had 100 to 200 years ago. An example of that would be *Khulu* (divorce) where anthropological research of cities in Jordan and Palestine show that women were able to go to [a *sheikh*] and were able to exit marriages in a much easier way than they are right now.

Most importantly, however, we see the lack of discussion on the Jordanian Personal Status Law. Despite small changes happening here and there, there is absolutely no discussion on the source of the law and on the supposed divinity of *Sharia*. The whole notion of the divinity of the law, modernity, and outside influence has been politicized. As a result, it's almost impossible to make even the smallest minute changes even when you try to do them from within the "Islamic framework." We need to rethink the law in the way the Ottoman jurists did. We need to think not just about the Islamic source, but also about how the laws will benefit women and men. This will make a huge difference. Let me end with an example. As I said, in the Ottoman law, if a woman put in her contract that her husband cannot take a second wife, the second marriage would be void. Right now, in Jordanian Personal Status Law, if a woman states her husband cannot take a second wife but the husband does anyway, nothing can prevent him from doing so because it is considered his divine right to have multiple wives, up to four. What happens then is the woman immediately gets a divorce, but cannot prevent him from legally marrying again in ways that the Ottoman family right law would have prevented. I think it is important to keep these examples in mind when we speak about tradition and customs supposedly of Islamic heritage. With this I end, thank you very much.

West Bank and Gaza, Jonathan Kuttab

It is not only difficult but almost surrealistic to be sitting in an academic setting, objectively recording scholars, and discussing the law when Gaza is undergoing forcible transfer, genocide, and ethnic cleansing within a few months. The whole population may be forcibly moved into Sinai and no longer exist as a functioning society. But even before these events took place, we were already in a very fragile situation where changes and progress in the law

pertaining to family status was very much subject to the political vagaries that surround the whole situation. Gaza was specifically cut off from the West Bank, even though they are supposed to be one territory and unit. And the West Bank was, for the last 16–18 years, without any legislative mechanism to enact any laws. Changes in the law occurred by presidential decree, but did not enjoy the kind of legitimacy that legislation and a legislative counsel would have. And the decrees had no effect in Gaza, which was controlled by a separate legal and political function of Hamas, which again did not have proper legislative functions.

If we are talking about the future and moving forward, we must also take into consideration the political situation. I will make a few comments about those, leaving the bulk of the scholarly description to what is in the book, which is very useful and still valid. I will also mention that in Israel as well, we now have a political direction where the more conservative religious elements are now part of the government and, instead of being neutral about these matters, are trying to influence legislation towards regressive changes in the law. These changes will be applicable to all Jews, whether they are secular, reformed, or conservative because under the deal that was done between the Orthodox and the Secular Zionist state when the state was created, the religious Orthodox have exclusive jurisdiction in the personal status matters of the Jews in Israel itself. In a real way, Jews have less religious freedom in Israel today than they do outside of Israel. They cannot even perform weddings under reformed or conservative laws. They have to either follow the Orthodox laws or they have to marry abroad and then have their marriage accepted under the principle of the comity of nations.

So, in Israel, there are those dynamics that are at play. In the West Bank, as I said, there is no legislative process because the legislature doesn't even meet. It's all presidential decrees and there has not been much movement towards improving the status of women or children in the West Bank. And in Gaza, of course, you have Hamas, which again without promulgating additional new legislation tends to be more traditional and Islamist in its orientation. The good news is that Palestinian society generally is highly educated and there is a very active civil society that continuously agitates towards a more progressive movement in the future. But there is no question that any real progress will have to await some kind of political solution or configuration that allows Palestinians to look at these questions and maybe make changes in the legislation.

I have written on the subject, a small book called *BEYOND THE TWO STATE SOLUTION*, where I posit that Palestine and Israel needs a civil law side-by-side with the religious law. Under the Millet system, as you all know which at the time was very progressive, there was exclusive jurisdiction in personal status matters for each Millet, or community, for each religious ethnic unit. And that of course creates problems as each unit tries to figure out what its understanding of *Sharia*, for example, is. Those who deviate from their particular community, such as those who have intermarriages or those denominations that do not have recognized status and their own religious courts,

find themselves in a very difficult position. The regular courts do not usually know how to deal with those situations and attempt to apply *ad hoc* solutions to the problems. The secular principle of the “best interest of the child,” for example, does not really play into the different religious and *Sharia* courts that are applying the law.

One last comment that I want to make in the short time allotted to me is that precisely because of the confused and confusing political situation, those who wish to move the ball forward and create a more progressive situation have a variety of tools in which to do it. They can in fact use Jordanian law when it becomes progressive and provides some progressive elements. They can reach back into Ottoman, British-Ottoman law where they find that useful. They can appeal to the current situation and the needs of society now as they try to interpret or present new forms of legislation that are more progressive and more in tune with the current situation. And with this, I will stop and if there are any questions in the chat box, I may be able to address them. Otherwise, I want to thank Adrien and thank those who put this event on under very difficult circumstances.

Dean Adrien K. Wing

Thank you very much Jonathan. We appreciate your input. As you said it's kind of a surreal situation that we're having an academic conversation about these issues in the middle of the current circumstances. It was my pleasure to co-author this chapter with you and to have known you for over 30 years. Please give our regards to all your family and friends and colleagues at this difficult time. So, thank you Jonathan. We are ready to hear from Ms. Nada Ammar who will be speaking to us about her home country Lebanon.

Lebanon, Nada Ammar

Thank you Professor Wing for this amazing opportunity, I am very honored to be featured among prominent authors from the Middle East and I'm also very proud to represent my home country Lebanon. Prior to diving into the subject matter, I would like to echo the calls for peace in our region during these very, very, dark times. Discussing women's rights while we are witnessing the repression and the right to life itself seems trivial, but here we are, so here I go. My chapter focuses on women's rights and Islamic family law in Lebanon. As many of you know, Lebanon is a multi-confessional state with power-sharing between different religious denominations. We have 18 registered denominations, and this judicial pluralism extends to the area of family law which remains under the exclusive prerogative of religious authorities. The Lebanese Constitution gave the religious authorities the right to legislate in matters about family law, so it's a complex legal system with personal status laws that are governed by different religious sects.

In Lebanon, Islamic family law is a combination of *Sharia* law along with the Ottoman family rights law of 1970. Due to this, we find different interpretations of the law between the Sunni, the Shia and the Druze and these

different interpretations lead to legal inequalities for women in terms of divorce, custody rights, guardianship, maintenance and accessing divorce. Personal status laws are exclusively left to the religious courts and to sectarian legislation. Discrimination against women comes not only because of the laws themselves, but also from the court proceedings because, often, religious courts are headed by men. For example, the religious courts often deny adequate spousal support when a woman decides she wants to leave a marriage or if she is deemed recalcitrant. Also, a lot of women are sometimes obliged to relinquish their pecuniary rights/severance under the marriage contract just to be able to get divorced. There are no legal aid programs available in this judiciary system that allow women to navigate the court proceedings.

All these hinder women attempting to have access to basic justice. There were several attempts in Lebanon to call for reforms of the personal status laws, but they never achieved anything. There were also calls and bills that were introduced to adopt what is called an optional civil status code, but these have faced a lot of resistance from the religious authorities themselves because the religious authorities want to control family law matters. They consider that the judicial pluralism is protecting Lebanon's religious diversity. While the Lebanese Constitution has a decree which provides guarantees of equality for women in civil and political rights, women's rights activists consider the lack of a unified personal status code to be the major obstacle to gender equality across the various religious communities, especially when it comes to access to the courts, divorce maintenance, or custody rights.

The decree that established the personal status law order in Lebanon also recognized freedom of belief. Everyone has freedom of belief and has the right to opt out of the religious personal status law. Some activists have used this loophole in the law to remove their religious affiliation in their civil registration document and to have a civil marriage rather than a religious marriage. The decree also recognizes the rights of the Lebanese from different faiths or even from the same faith to enter marriages in a foreign country under their civil laws and allow these foreign marriages to have full legal effect in Lebanon. In these cases, the Lebanese judge would, in the event of dispute, apply the foreign civil law in Lebanon.

Women's rights activists have been using these laws to push for calls to adopt a similar option in the personal status code in Lebanon. However, I must say that civil marriages, even those that are contracted, are limited because in the event one of the parties' resorts to the religious courts, the Sharia laws takes over, and if you have a religious marriage and a civil marriage contracted abroad, the religious law will take precedence.

So, what are the few things in my opinion that would need to happen for women's rights to be expanded in Lebanon? There are many obstacles that remain, but I must say that the social fabric in Lebanon is progressive and could be compared to neighboring countries. Women have rights, but we need to push for the adoption of, like I said, a personal status Civil Code.

One promising avenue is to open the door of activism and open the door for Islamic jurisprudence. If the religious courts adopt a more egalitarian

interpretation of Islamic family law to what is called a *Ijtihad*, this will allow us to reform the religious laws while retaining them as well. This was done with the issue of custody for the Sunni personal status code. What they've done is they have used this reasoning of a more egalitarian interpretation of Islamic family law and called for Islamic jurisprudence. In doing so, they were able to push through a change in the law and reform custody rights. Now the custody rights for mothers are pushed until the age of 12 for both boys and girls. This was achieved because, instead of relying on rights and on the CEDAW convention or the Convention on the Rights of the Child [UNCRC], which are international human rights, they resorted to the plurality within the Islamic law itself by highlighting the diversity of the jurisprudence currents and different schools of thought.

If we are going to approach reforms for religious law, it would be good to do it in a way that will not raise speculation from these religious authorities that these are western ideas. We could just open the door of *Ijtihad* (Jurisprudence) and we would be able to reform certain areas of the law. Then we can gradually expand to a more secular system by adopting and enacting an optional civil personal status code. This option of a civil personal status code would operate alongside the religious law and would reaffirm the freedom of belief right. If one believes in a religious marriage, then one would have the option to have a religious marriage, but if one prefers a civil marriage and its corresponding civil rights, then one could opt for a civil union. We must gradually expand by adopting and enacting an optional civil person status law, and the two systems could coexist through the legal pluralism between the civil and the religious system.

Religious courts should comply to the provision of the Lebanese Constitution which guarantees the equality for women in civil and political rights. The problem is the Court of Cassation, the highest civil court in the Lebanese judicial system, has very limited foresight on this religious judiciary body. We must change or give the court administrative authority to consider judgments issued by those religious courts if they violate human, constitutional, or international convention rights. Lebanon is a signatory to the CEDAW and to the UNCRC. We need to continue our activism with civil society groups and push for certain changes and recommendations that were made by the committee of the CEDAW.

A law on domestic violence was enacted in 2014 with the aim to provide greater protections for women. Nonetheless even as it established protection measures, it only defined domestic violence very narrowly and did not criminalize marital rape. So further protections need to be enacted.

I believe another very important way to push forward and broaden women's rights is expanding the training requirements for judges and recruiting and encouraging the appointment of female judges in the religious courts. Now of course we're going to see a lot of resistance from different conservative religious groups because this will undermine the control over a person's status and there's a lack of political will to push for these judicial reforms. But nonetheless, I think there are some positive aspects that are there. One can put conditions to further protect their rights since a Muslim marriage is deemed a

civil contract. For example, women can put marriage contract conditions limiting her husband's rights to take additional wives, the "right to divorce," *i.e. Isma*, for the Shia sect can be pre-written in the marriage contract. There was also an introduction to marriage counseling/mediation mechanism before divorce. Another reform option would be to push for a law that sets the minimum age of marriage to 18.

So, there are some positive changes to the Lebanese laws, but still no full reforms as of now as the personal status Civil Code has not been adopted. It is a mix of Sharia law and civil rights that are applicable to women in Lebanon. All these factors could be promising avenues to push for broader rights for women in Lebanon. With that, I conclude. Thank you very much Professor for the opportunity.

Qatar, Professor Lina M. Kassem

I will delve into several prevalent themes commonly discussed by distinguished speakers, and towards the end, I'll aim to address Professor Charrad's questions. It's crucial to highlight that in the context of Qatar, a delicate equilibrium exists between legal and political reforms on one hand, and the preservation of cultural customs and traditions on the other. This dynamic involves navigating diverse powers and conflicts related to the maintenance of traditions, a priority consistently upheld and seemingly influenced by an unspoken policy, a legacy that persists even under the current Emir of Qatar, Sheikh Tamim bin Hamad Al Thani. The challenge lies in reconciling progressive legal reforms through the means of a top-down state feminist approach with the deeply entrenched religious authority that persists to this day. Despite significant strides, such as appointing women to key leadership roles, including appointing four women on the Shura Council, appointing several female ministers, as well as appointing a young woman as the official spokesperson of the Ministry of Foreign Affairs, the pace of change in Qatar continues to be gradual.

One primary obstacle that persists is the lack of an effective national mechanism to address gender inequality issues and advocate for legal reforms to rectify these disparities. Recent changes indicate a shift in the oversight of women's affairs to the Ministry of Administrative Development, Labor, and Social Affairs, suggesting a potentially diminished status within the overall political structure. In the past, women's issues held a more prominent place under the Qatar Supreme Council for the Family, an entity more dedicated to addressing women's concerns. Qatar, like other states in the region, relies on state feminism as a common theme for legal reforms related to women's rights, contingent upon the will and eagerness of the current political leadership. This is why the role of the state is of paramount importance when it comes to the implementation of progressive legal reforms to the status of women.

The primary legal framework governing marriage and family matters for the Muslim majority in Qatar is the Qatar Family Law, which is based on the Hanbali school of thought interpretation of *Sharia*. In the absence of specific provisions within the Qatari Family Law, judges can resort to alternative

interpretations from other Sunni schools of thought, namely *Maliki*, *Shafi'i*, and *Hanafi*, as allowed by Article 3 and Article 4 of the Qatar Family Law. It's important to note that individuals from other Islamic sects and Qatar's non-Muslim communities are governed by their respective laws, as outlined in Article 4. While they have the option to choose the Hanbali School of Law or the Qatar Family Law, it is not a mandatory requirement.

Theoretical legal guarantees to equality are enshrined in the Qatari Constitution, particularly in Articles 34 and 35. Article 34 establishes that citizens shall enjoy equal rights and duties, while Article 35 states that all individuals are equal before the law, and there should be no discrimination based on gender, race, language, or religion. However, Article 21 of the Constitution introduces a nuanced perspective. It underscores the importance of the family as the foundation of society, rooted in religious, ethical, and patriarchal principles. This article also assigns the family the role of "protecting" and supporting its patriarchal structure, along with safeguarding maternity, childhood, and old age.

Article 37 explicitly emphasizes an individual's right to safeguard their privacy from external interference, explicitly prohibiting intrusion into matters such as privacy, family affairs, residency, honor, or reputation. Implicit in this provision is the expectation that the state should refrain from involvement in familial disputes, including those between spouses. This is furthered when combined with prevailing societal norms designating the male as the head of the family, holding ultimate authority in family affairs, thus implying a husband's right to discipline his wife without external interference.

Public opinion surveys, the most recent in 2014, revealed concerning perspectives on this issue. The data showed that 7 percent of women and 16 percent of men aged between 15 and 49 believed that a husband is justified in hitting or beating his wife in various circumstances, such as going out without informing him, neglecting the children, arguing with him, refusing sex, or even burning the food. The researchers have pointed out that while the Constitution guarantees equal rights for women in the law, the legal framework still allows a husband to resort to violence, justifying it under the pretext of disciplining his wife.

Article 47 of the Penal Code states that no crime is committed if an act is executed in good faith or is considered right according to Islamic Sharia law, adding complexity to the situation. Compounding this challenge is the lack of local officials and social workers with adequate training to address issues of domestic violence. Law enforcement officers often encourage victimized women to pursue resolution through signed commitments from the perpetrator rather than formal charges. Social workers may advise abused females against reporting domestic violence, suggesting that doing so could exacerbate the situation and hinder resolution.

A 2008 study surveying over 1000 married Qatari women revealed that approximately 28 percent had experienced domestic violence, most frequently at the hands of their husbands. Formal reporting of family violence is culturally stigmatized, a common issue in many communities in the region. Victims are

often discouraged from coming forward due to fear of shame, and the close-knit nature of the community further compounds this challenge. Additionally, a lack of awareness about rights prevents family members from disclosing violence and seeking assistance.

Although the Qatar Family Law, codified in 2006, places significant emphasis on the family unit and aims to stabilize and protect families while addressing potential disputes, it tends to prioritize the family's collective rights over individual rights, particularly in instances where the family's interests clash with those of women. While domestic violence is not criminalized, it has been acknowledged as an issue that requires attention, even in the Qatar National Vision 2030.

Due to time constraints, I'll jump to specific aspects of marriage and divorce laws in Qatar. Despite the constitutional principle of equality in Article 35, the Qatari Family Law establishes a marital framework rooted in reciprocity between spouses. Scholars in the field refer to this as the "maintenance for obedience equation," where the wife is expected to show obedience and the husband provides financial maintenance. It's crucial to note that this is one interpretation derived from Verse 4:34, also known as *Qawama*, where many people can easily recite the first part of the verse, interpreted as "Men are *Qawamoon* over Women" but may not delve into its entirety. It is important to note that the interpretation of this verse has been debated along with the meaning of the word *Qawamoon*. The interpretations vary from superior, to being financially responsible for. The importance of this particular verse is highlighted by the fact that most of the rationale behind the majority of family laws in Muslim-majority states, dealing with guardianship, rely on the interpretation of this verse.

According to Qatari family law, marriage is defined as a legitimate contract between a man and a woman, emphasizing sustainability, cohabitation, and chastity. Mutual consent from both parties is essential for the marriage to be valid. An important, potentially problematic aspect is that a woman must have a guardian for marriage, and she cannot marry without the guardian's consent, regardless of her age. In marriage, she has the right to a dowry and financial maintenance, provided she is not disobedient or in a state of *Nushooz* (disobedience).

Regarding divorce, the husband has the unilateral ability to divorce his wife. A woman can seek a judicial divorce or forgo her financial compensation through *Khul'*. Nationality laws introduce another area of discrimination against women. A Qatari man can pass his nationality to his wife after five years and immediately to his children. However, a Qatari wife does not have the same ability to confer nationality to her husband or children.

To conclude swiftly, addressing Professor Charrad's question revolves around the common themes, such as potential solutions to issues related to access and limitations in traditional judicial reprieves hindered by guardianship and *Wiliah*. Notably, Qatar recently transitioned to online courts in 2022, offering an interesting prospect for future studies on how this move impacts

women's access. Ambiguity in the law remains a recurring theme, emphasizing the need for clarity and comprehensive legal reforms.

Another issue to note is the common top-down approach in state-led legal reforms in Qatar. While acknowledging the significance of codifying family law as a major step, there is a need to focus on government-led initiatives for genuine and progressive legal reform. Additionally, efforts like those outlined in the Qatar National Vision are crucial, especially in attempts to criminalize domestic violence.

The role of civil society is crucial in advocating for and influencing progressive reforms within a country. In the context of Qatar, active civil society groups have yet to play a pivotal role in shaping the narrative, raising awareness, and putting pressure on the government to implement positive changes, especially in the realm of legal and social reforms. In the case of Qatar, where legal reforms may face challenges or ambiguities, civil society groups can contribute significantly to the discourse by fostering transparency, accountability, and inclusivity.

When it comes to civil society, there are encouraging signs out of Qatar. One illustrative example is the group of young women who authored the Shadow report for the CEDAW is particularly impactful. These women demonstrated a proactive approach to engaging with international mechanisms and standards. By compiling a Shadow report for CEDAW, they shed light on the existing challenges, gaps, and areas needing improvement in Qatar's efforts to address gender-based discrimination.

This type of civil society engagement showcases the power of grassroots initiatives and their ability to contribute to the broader conversation on human rights, gender equality, and legal reforms. The involvement of civil society groups adds depth to the dialogue, bringing in diverse perspectives and ensuring that the reforms are not just top-down directives but reflective of the needs and aspirations of the people they aim to serve.

Egypt, Nathalie Bernard-Maugiron, Prepared Remarks not Presented During Roundtable

Egypt is the first country to have codified *Hanafi* rules of family law in the Qadri Pasha Code of Personal Status in 1875, and to have used the concept of "personal status" (*al-ahwal al-shakhsiyya*) to qualify family law. This codification, that advocated a particularly patriarchal structure for the family, was never promulgated but became a reference and a standard manual for teaching Hanafi family law.

Egyptian personal status laws for Muslims began being codified by the state in the beginning of the twentieth century. These substantive rules, though, have not been codified in a comprehensive and exhaustive code, but were promulgated step by step in different legislative texts. The state played a significant role in reforming traditional rules with respect to women's rights in family law. The minimum age for marriage was raised to 18 to protect minors from early marriage, and the wife does not lose her right to maintenance

anymore if she leaves the domicile in cases permitted by the legislature. The grounds on which a wife can initiate a divorce were enlarged and in 2000 women were allowed to use the *khul'* procedure to end their marriage. The laws also put conditions for a repudiation to be considered valid. Husbands that caused divorce without their wife's consent and for no cause must pay financial compensation (*mut'a*). Women were also given longer custody of their children over the years. In accordance with the principles of the *Hanafi* school, adult women shall express their consent directly and do not need to be represented by their matrimonial guardians.

In spite of these reforms, family law in Egypt is still gender driven. The contrast with countries like Tunisia, Morocco, or Algeria, where more progressive changes were made regarding issues like polygamy or repudiation, is apparent. Polygamy is still legal and requires no authorization from the judge, and husbands can still divorce their wife freely. Besides, unregistered or customary (*urfi*) marriages are not forbidden and are only granted a status inferior to that of registered marriages. The ban on interreligious marriage of Muslim women has not been lifted, guardianship of the children still belongs exclusively to the father, the divorced (or widowed) mother who remarries loses custody over her children, and children born out of wedlock marriages are still not recognized. These gender-based laws may also run against the interest of the husband/father, who is still legally responsible financially for caring for his wife, children, and for all house expenses (even if the reality may be different with women often assuming most of the burdens).

Among the similarities with issues raised by other speakers—in particular Stephanie Willman Bordat for Morocco and Professor Charrad regarding Tunisia—we could stress the role played by judges in family law. In Egypt too, they have expanded authority to make decisions and enforce provisions unclearly written and open to different interpretations, such as the meaning of “harm” (*darar*) that can grant wives a divorce, or the concept of the “best interests of the child” that must guide judges in awarding custody rights. Judges shall also fill legal gaps in Egyptian family laws, by looking for the most appropriate opinion in the Hanafi school. Among other similar patterns, we can also mention the different structural, material and human resource challenges women face to get relief at courts, as described by Stephanie Willman Bordat with respect to Morocco and Haider Ala Hamoudi regarding Iraq, that prevent Egyptian women too from accessing justice. Accessibility, affordability, and efficiency of the judiciary is particularly important for women to get remedies for the harms they might suffer. The parallel with other countries extends to the lack of awareness about their rights and to social and economic obstacles that may prevent them from seeking judicial relief and hinder the implementation of legal provisions. Women should be provided an environment that would enable them to use the rights they have been given.

Before the removal of former President Hosni Mubarak in 2011, women's groups were hoping to reform personal status laws further. Among the proposed reforms were to consider customary (*urfi*) marriages illegal to avoid paternity disputes, to abolish the wife's duty of obedience, to forbid polygamy or at least require its authorization by a judge, to forbid repudiation or at least require that

it take place before a judge and be justified, or that divorced spouses split in half assets accumulated during marriage. There were also proposals to allow divorced mothers who remarry to keep custody over their children or to replace paternal guardianship with parental responsibility and to criminalize domestic violence. The 2011 uprisings stopped all these reform projects. All attempts by Islamists to scale back women's rights provisions in family law failed too, and no reforms were adopted under the Muslim Brotherhood (2012–2013). In 2017 an amendment to the 1943 inheritance law made it a crime to deprive a woman of her inheritance rights; and in 2014 a law criminalizing sexual harassment was adopted.

New law reform would be needed for women's rights in family law to be expanded. It is difficult, however, to know what the future may hold in Egypt. In that country, like in other Muslim countries, personal status law reform has been limited in its scope and constrained by the political context, the survival of patriarchy, and the role played by conservative and religious opposition. Experience has shown that it is not easy to amend these laws because of the resistance of the society and conservative religious groups. Governments, who often resort to authoritarian means to pass laws, have always been keen on presenting their reforms as consistent with *Sharia* law and supported and endorsed by eminent religious authorities. To answer one of Professor Charrad's questions in her insightful keynote speech, under the present authoritarian regime, no human rights organization, feminist or not, will be in a position to influence the state's policy in Egypt. Therefore, reform will only come top down, and civil society, at best, will only have a power of resistance. The Egyptian government announced in October 2019 that a new personal status law was being prepared by the Ministry of Justice and that the draft bill should be referred to parliament in the beginning of 2020. A draft unified codification of family law was submitted to parliament in 2020, before being withdrawn in 2021 in the face of protests from feminist movements opposed in particular to the expanded powers it was giving to the guardian to cancel the marriage entered into by a woman without his consent, to the absence of limits to polygamy, and to the reinforcement of the powers of the father as guardian of his children. In June 2022, a family law reform committee was established by the Minister of Justice and instructed to submit a report on possible reforms of family law. The Committee submitted its report in July 2023 but by February 2024, however, no draft bill had been submitted, though heated debates around possible reforms were dividing the society.

Question-and-Answer period, moderated by Dean Adrien K. Wing

We have one half-hour allocated now for the question period so could all of our remaining speakers who are still with us come on? For this phase, that is Professor Ababneh, Charrad, attorney Bordat, and attorney Kassim. What I want to do is to go directly to the questions from the audience that are in the Q&A and to see if we can deal with what they have.

Let me first thank all of the panelists coming from so far and joining us for this important event. We have three questions here, and we are going to look at all of them at once. One of the questions is who is responsible financially for

carrying for the kids in a family in the MENA countries versus the West? I can tell you right away. Legally, it is the father. The father is responsible for the family. It is usually not under the "best interest of the child" standard that we have in the United States. It often means that the mother has the physical custody of the children, and the father may give some money or he may not. In the MENA area, responsibility within the family and legal custody of children is through the father. The mother may have some physical custody of some of the kids for some of the time when they are younger. If anybody else wants to comment on that particular issue, you can do so in a minute.

The next question is how can success in relationships be measured and are you aware of any comparative studies in this area? The final question we have is very provocative. Religion is the main culprit for women's rights, because religion by its nature is patriarchal. Can women in the world be deprogrammed from believing in a God that was created by men to subjugate women? Wow. Okay. We have these questions that have been raised. Do any of you want to address any of those questions in a very succinct manner?

Stephanie Willman Bordat

Maybe I'll answer the first question practically, and then the second question perhaps a little more theoretically. It is true that in the text of the laws men are typically financially responsible for supporting their children. However, the reality on the ground is quite the opposite. We see most of the cases in reality where we have women who are assuming the financial responsibility for the family through their work whether they are still married, divorced, or abandoned. Because of the very different challenges getting child support awards enforced by the courts, there is a difference between the theory and the reality. The reality is women are assuming most of the charges and burdens, and men are not assuming the financial responsibilities owed to their wives and children.

Regarding the second question, I am almost tempted to reframe it as how do we deprogram men from being so interested in money and sex? Because a lot of times when we push behind this defensive sort of screen of religion, custom and tradition, when you dig deeper, it comes down to money. It comes down to someone who has a vested interest, namely either over sexual power, sexual interest, or financial benefit from the current system. Looking at it from a more legal contextual perspective, it is basically unjust enrichment of men. Men are becoming rich by not having to meet their financial obligations to women, and a lot of the discriminatory provisions in the family code tend to benefit men financially. That is why illegitimate children are not recognized. That is why there is discrimination in inheritance laws. That is why sexual relations outside marriage are illegal. If you dig deeper behind all this, there's a financial interest involved that suggests that the exploitive behaviors by men of women, exploiting women for sex, for money etc., those came first. Or at least parallel and then the justification of religion, custom and tradition, especially in some of the countries with the colonial background, that came later. It is used as justification for what were previous exploitive behaviors.

Professor Sara Ababneh

I want to speak to that question about religion. I think it's very important. I do a lot of work with my students on this to not generalize. First of all, what is religion? What is Christianity? Is Christianity in Ethiopia the same as Christianity in Italy? You cannot make these generalizations. I think we often think about religion in a specific way that comes out of the European experience of the Middle Ages, and of course when we look at Islamic contexts, they're very, very different. They are contexts, not one context. I think a lot of these examples actually show that many of the major issues actually come from secular laws, not necessarily even from the schools of jurisprudence. Or if they come from them, it is not necessarily because of the religious element. I think it is very, very important to always look very specifically at what the issue is, and it's not because there is inherently religious or inherently secular liberating aspects to it. We have to be very, very careful not to generalize.

Dean Adrien K. Wing

I wanted to say something. I'm a Protestant and I belong to a progressive denomination called United Church of Christ or the Congregational church. My denomination had women as ministers decades ago, has gay people as ministers, and is very, very open and flexible. Originally it was very patriarchal, but over time, some of that patriarchy has ended. But of course in the US, it's nonreligious law that is the main thing governing family law, and there are 50 different states doing 50 different things. In my own family, I have a Muslim daughter. I have a Jewish daughter-in-law. I have three evangelical Lutheran children and I have an atheist son. So I've got the rainbow. The last son converted to Catholicism to join his Catholic wife. We are not going to argue during holidays. I agree with Professor Ababneh concerning not generalizing when we say religion is very important. Professor Charrad, I wanted to bring up one of your last issues where you said how do current events affect what is happening? I want to make sure we address that if anybody wants to—the events in Israel and Gaza, and Palestine generally. How do they affect your countries or what you think might happen?

Professor Mounira Charrad

About religion, I think the religions we are dealing with in the region all include different interpretations. That is true of Christianity. That is true of Islam. Think about Islamic feminists. What are they arguing nowadays? They are saying that we can have greater women's rights by returning to the origins of Islam and reading the texts with fresh eyes. I think that, in universal religions, you can find statements in one direction or in the other, in favor or against women's rights. Religions are formulated that way. They provide space for more than one possible interpretation on many issues. When family law reforms were made in the 1950s in Tunisia, some people saw them as a rejection of Islam. Others described them as anchored in the Islamic tradition and respecting the spirit of Islam, while offering a reinterpretation necessitated by modern times. The interesting question for me is not what religion dictates, but

how social actors interpret religious texts in different parts of the world or countries and in different historical periods.

Dean Adrien K. Wing

Thank you. Of the three questions, there was one about how can success in marital relationships be measured? Are you aware of any comparative studies? To me what does success mean? Does it mean you have been married a long time? You might be very miserable. Does success mean someone's definition of what's a good balance in the relationship? Hard to know. But have any of you heard of any studies that try to quantify things like that? No? None of us know this. Let's go back to the last question that Professor Charrad had about have any of you even begun to think about how the current events which are still just evolving, how they might have any long-term effects? One of the themes of the book was looking at events before the Arab spring and after. Everybody thought the Arab Spring was going to do all these great things, and your chapters show for many countries it did not do a whole lot. Does anybody have any even preliminary thoughts about what's going on now? This is not the first time there has been bombing in the Gaza Strip. There have been a number of times, and as Mr. Kuttab said, it could be something totally different if they push the 2 million people out of the Gaza Strip into some other place like the Sinai. That is something that has not happened before. And then Professor Charrad mentioned are you optimistic or pessimistic with what is happening? I hate to end on a negative note, but does anybody have anything they want to say about this question? At this early time, nobody wants to touch that?

Professor Sara Ababneh

I think there are multiple things. On the one hand I think there's a question and I think the question was raised in the presentation. This question is about women's issues, women's rights, and the rights of the nation. We know especially that the Palestinian case has been at the forefront of what does national liberation mean in terms of women's liberation? And we have had the unholy alliance of supposedly colonizers and imperial powers claiming to be saving women from their communities. I think what is happening in Palestine, it is a gendered issue, and it is a national issue. If everyone is dead, that doesn't mean anything.

But on the other hand — on the one hand it is absolutely devastating. I think we are witnessing a genocide and we are also witnessing a supposedly moral order based on World War II where supposedly the world said never again. We are actually seeing televised genocide and we, especially those of us who are in the global North, [see] propaganda of a degree that I don't know if it has ever existed to such a way to try to just erase that. But I think on the other hand, there is also a global consensus that can see that injustice and that is refusing that sense of northern justice, which has been based on colonialism and imperialism and the denial of crimes against Indigenous People who have been colonized, enslaved people. I think there is a global sense of that injustice and out of that I think new conversations about what justice and liberation means

will come out. I think that will hopefully include different groups within that nation. The nation is not necessarily just meaning men. What we can see out of Palestine in terms of gender roles, in terms of all these men holding onto these orphaned children, is heartbreaking, but beautiful and heartbreaking. I think there is something—hopefully there's hope in that new sense of justice, that global new sense of justice. But we are in the midst of mass genocide, so they are terrible times.

Dean Adrien K. Wing

I'm the mother of seven, and I'm the grandmother of 19. I want to be optimistic for their future, and I have been teaching 37 years. I've taught thousands of people. I also want to be optimistic for these future lawyers and policymakers etc. It's a very hard time. But all of the issues that we are dealing with, whether it's from this book or these long-term deeper political issues, they've been around for centuries in different iterations. We are not going to solve or cure any of these -isms or issues perhaps in our lifetime. So, I look at it as Nelson Mandela once said, "the struggle is my life." He did not think he'd ever get out of prison and he became the first Black president of South Africa. We are in a long-term struggle, and we are at various stages of our careers. Some of my children have been with me to Gaza. I hope one day that my grandchildren can go with me to Jerusalem and meet children from every background and they could interact with each other as human beings and not see each other as enemies or as nonhuman. At this point, I will turn it over to Hisham to say something, and then I have to close with a remark about UICHR. Hisham, thank you for coming.

Hisham A. Kassim

Thank you so much for having me. I want to end on a more optimistic note. I want to ask the panel what they think the future holds, given the war, given people's awareness of what's going on in Palestine. Do you see it improving? Are we optimistic? Are we pessimistic? About women's rights?

****Small-talk back and forth omitted****

We have one optimist and one pessimist.

Stephanie Willman Bordat

Let me give one reason to be concerned and one reason to be optimistic, at least from the Moroccan context given perhaps our specific location and point in time. I take a very practical, nuts-and-bolts point of view looking at it from the point of view of NGOs and civil society groups doing activism to promote equality for women. It was noted on many occasions in the keynote speech and in many interventions afterwards, the important role of civil society and of civil society groups and women's NGOs to push for reforms. It's a stark reality that local associations rely on funding. A lot of it is bilateral and other donors do exist. The funding for NGOs in the region, for women's groups through advocacy had already started diminishing with the war in the Ukraine as countries and other

fundings want to divert the resources to more military action. So, there's a threat to the civil society that's important in all of our countries to play the role to push for change. There is a concern in terms of diminishing civil society in these times.

We are optimistic just because, at least in Morocco, in the political context, in July 2022 the King made a speech calling for reforms to the family code 20 years after the family code was last enacted and amended. Then just recently on 26th of September 2023, the King sent a letter to the head of government saying that the reforms of the family code have to happen in the next six months. There are now huge civil society consultations with the Ministry of Justice. There is big participation in discussion of what those reforms would look like on some very interesting items — things related to inheritance, which normally are untouchable. Hopefully child marriage will be reformed. We are hopeful and optimistic about what the Moroccan family code could look like six months from now, and hopefully give an impetus and continued inspiration and models for the region.

Concluding Remarks, Dean Adrien K. Wing

In conclusion, I would like to take this opportunity to say that we have had a very important conversation this morning, about the poignant, moving, incredible issues that you all have discussed in the book and that you communicated to us, to the audience. I want to thank all of you—the panelists, the viewers, the sponsors, our UICHR tech guru Erika Christensen, and our close captioner. 2024 is going to be the 25th year of the existence of UICHR and we plan to have very important programming, and we hope to see some of you at those events virtually. Our hearts are with everyone who is experiencing a difficult time regarding the MENA area to which we have all dedicated our careers. Thank you all very much and please take care.