

Developing UN sponsored guidelines for empowering Muslim women through improved access to finance and property

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**The UEL
Centre for Islamic
Finance, Law and
Communities**

Framing the debate...UK Muslims in the 2011 census

- Estimated 3 million Muslims in the UK (5% of population)
– second largest religiously based demographic group in UK
- British Muslims ethnically diverse, majority Asian; 33% are under 15, while 4% are over 65.
- Approx. 47% were born in the UK; 73% identify as British, and only 6% struggle to speak English.
- 48% of the Muslim population lives in 10% of the most deprived local authority districts in England

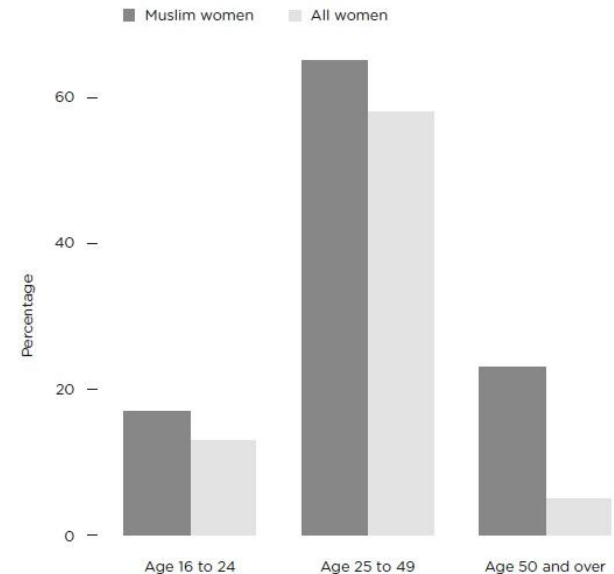
UK Muslims employment & housing

- 20% of British Muslims are economically active (compared to 35% population average); only 5.5% occupy positions in managerial, administrative or professional occupations.
- 24% have above degree qualifications, the same percentage have no qualifications.
- While 43% own their own home, 30% private rent and 28% occupy socially rented housing; 5% are in temporary housing.

UK Muslim Women

- Only 29% Muslim Women aged 16-24 in employment (compared to 50% pop. average)
- 43% of British Muslim students are female, but face higher barriers to entering the workforce.
- Wider socio-economic and cultural challenges not captured in the 2011 census data

Figure 7 The proportion of economically inactive Muslim women and all women who are inactive because they are looking after the home or family in England and Wales, 2011



Source: 2011 Census

Perceptions of UK Muslim Women





GLTN
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Response



- Secular CEDAW/HR Approaches
- Abandoning Field to Fundamentalists
- Theological – Faith, Agnostic, Secular
- UN – Risks/ Developmental Opportunities
- UEL-UN research since 2003 (w H Lim)
- UEL lead 77 member GLTN incl. WB, civil society, professionals



COLLABORATIVE EFFORT



GLTN

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UN  HABITAT
FOR A BETTER URBAN FUTURE



Approaches

- Research-led Impact/ Methodology?
- Working with Muslim Women, Interpretations
- Strategic Alliances
- Capacity Development
- UN Standards

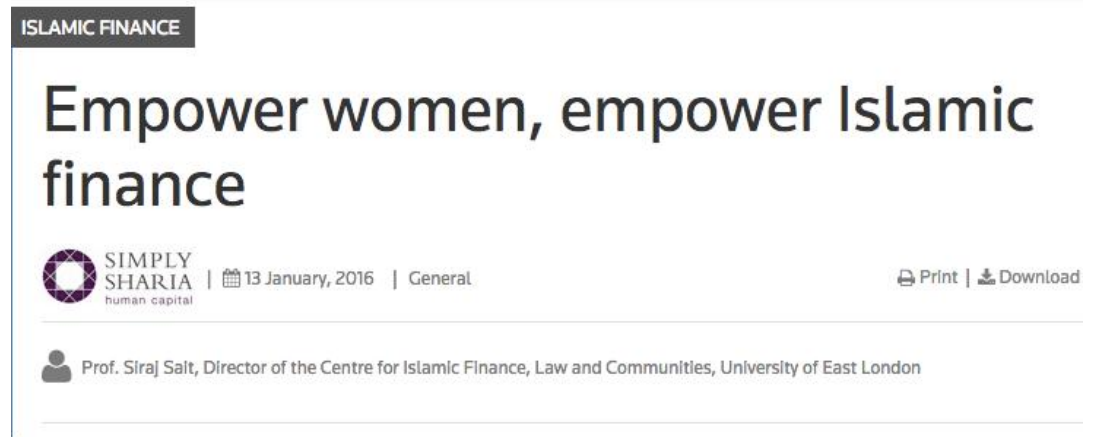


The Continuum of Property Rights

- Muslim Women own less than 2% of land?
- Ownership, Access and Control of Property essential to facilitating empowerment
- Diversity of the status of women: as minorities, Women Head of Households (WHH), in polygamous relationships, or even displaced persons in conflict/post-conflict.
- Islamic approaches as offering opportunities, with understanding of customary regimes.

Islamic Finance for Gendered Access

- Finance is a critical component of empowering Muslim Women globally;
- 72% of people in Muslim-majority countries do not use conventional banking
- Islamic/alternative/ethical finance as a mechanism to help achieve gender balance and financial inclusion



UN sponsored guidelines for empowering Muslim women through improved access to finance and property

4 main objectives of proposals:

- 1) Redressing the limitations of Muslim Women's inheritance rights through property rights systems
- 2) Dealing with the Separation of Marital property through joint property regimes
- 3) Challenging the dominance of patriarchal approaches to property through matrilineal alternatives
- 4) Role of Islamic finance in facilitating Muslim Women's empowerment vis-à-vis conventional approaches

Compensating Women's Islamic Inheritance?

- Question: Can unequal inheritance shares be compensated by equal property outcomes?
- Estate Planning – Will (1/3rd), gifts (hiba), dower (mahr), maintenance etc. with Post- Inheritance Adjustments –
- However, waivers – due to fear disowned by the family and Renunciation Tanazul – need for reform
- Methodology: Life course perspectives – Timelines – Inheritance Systems, not simply rules
- Parties: pre-marriage, marital, post – parents, siblings, spouse, children, relatives, others
- Documents – how to record, quantify and align property rights
- Role of Institutions – Judges, Muftis, Mujtahids?
- What Outcomes – Financial, in kind, religious?

Separation of Marital Property and Islamic Joint Property

- Muslim women retain property thru marriage, divorce, while a Husband earns, acquires property in his own name
- No concept of marital property in Islam i.e. women get nothing from property during a marriage.
- Islamic Joint Property perspectives: Independent female property rights; Marriage is not a sacrament in Islam; Contract basis (nikanama) therefore possible Equity of ownership without jurisprudential obstacles.
- Innovations in application of such approaches, but need for greater use and acceptance to facilitate the empowerment of Muslim Women.

Examples of Islamic Joint Property

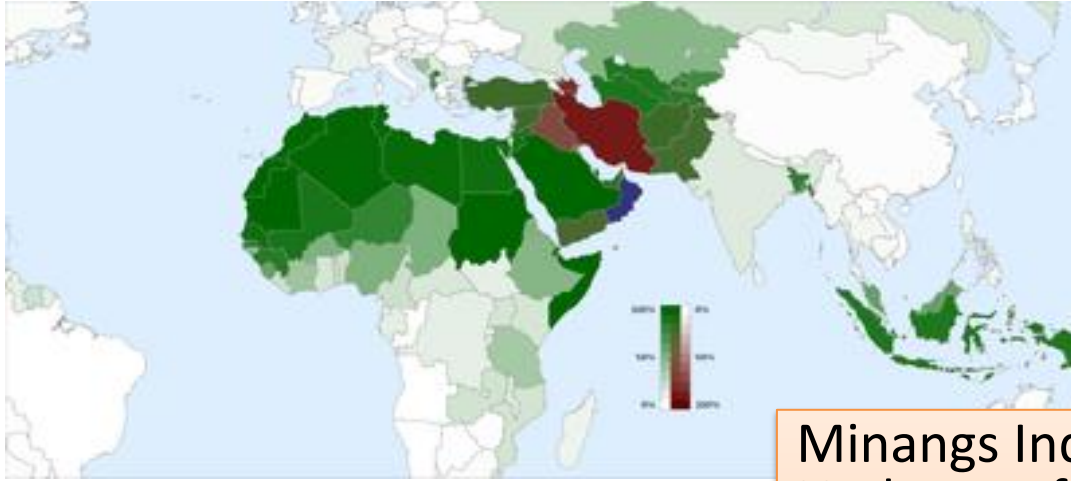
Turkey
Kazakhstan
Indonesia
Malaysia
Morocco
Tunisia
Iran
Maldives
Tanzania
South Africa



Confronting Islamic Patrilinealism and the Significance of Matrilineal approaches to property

- Is Islam inevitably patrilineal? Islamic *Usul al fiqh* – jurisprudence (1) **Primary heirs – women, and thru women** (2) Agnates – no cognates (3) **Residuals – Cognates included** **Shia-No difference Agnates/ Cognates**
- Matrilineal approach – descent through female line with matrilineal residence (husband resides at the home of wife after marriage) and female property inheritance; changes in household dynamics.
- Not a “feminist nirvana” or assurance of gender equality – still patriarchal? May not necessarily improve women’s property prospects, but generally better access to land and property.

Examples of Matrilineal approaches to property



Minangs Indonesia,
Undangs of Malaysia
Chams of Vietnam,
Cambodia
Mappillas of India
Moors of Sri Lanka
Tuaregs of Algeria
Bobos of Burkina
Faso
Somaliland
Akan of Ghana

Serer of Senegal
Digos of Kenya
Yaos of Tanzania
Chewa in Malawi
Wangazidja of
Comoros
Bejas of Sudan
Makhuwa of
Mozambique

Gender, Human Rights, Islamic Finance and Property

- Land, Law & Islam 2006
- Accidental Islamic Feminism 2006
- Gender Equality Mechanism 2008
- Gender Evaluation Criteria 2009
- Gender Implementation Guide 2010
- Political Support– Cairo 2005, UEL 2007, Malaysia 2009, Cairo 2013
- Islamic Gender Tools 2008-2018 World Bank



Land and Poverty Conference 2016

Scaling up Responsible Land Governance

14-18 March, 2016 | Washington, DC

IMPROVING WOMEN'S ACCESS TO LAND AND PROPERTY IN THE ARAB STATES: THE ROLE OF INHERITANCE, DOWER, AND MARITAL PROPERTY

Ombretta Tempra: UN-Habitat / GLTN

DOAA EL SHERIF, Urban Training and Studies Institute, Egypt;

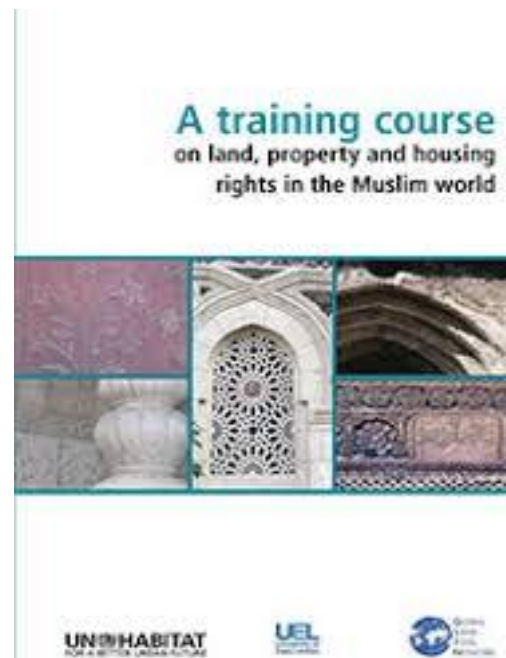
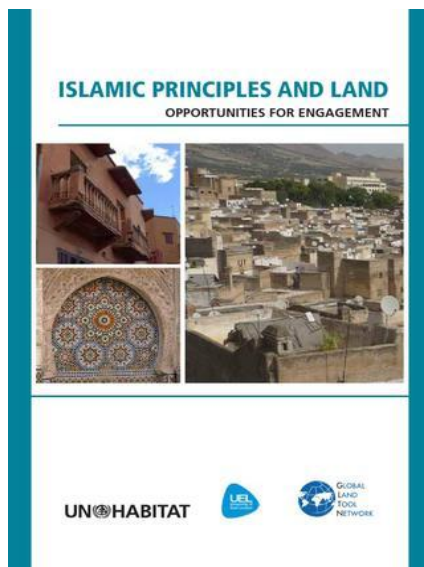
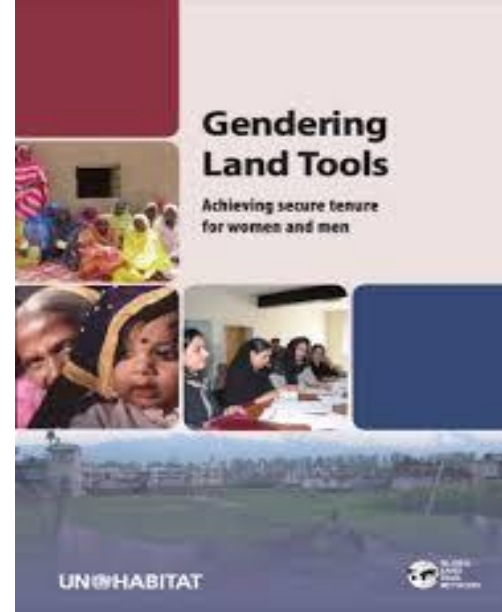
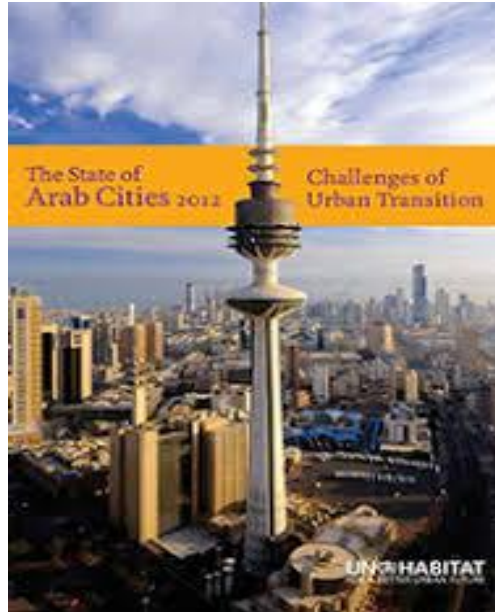
M. SIRAJ SAIT, University of East London, UK

DINA NAGUIB, Urban Training and Studies Institute, Egypt



UEL Event on Muslim Women at World Conference on Urbanisation Quito, Ecuador 2016







- Development of UN sponsored guidelines for empowering Muslim women through improved access to finance and property, Beirut 2017

Monitoring and Evaluating SDGs NUA

Collaborative and inclusive process for the development of the Global Land Indicators started by the Millenium Challenge Corporation (MCC), UN-Habitat and the World Bank (WB),

GLOBAL LAND INDICATORS INITIATIVE



Regional and Country Level



Global to Local?

- Muslim Women Networking
- Al Azhar, Kuwait, Malaysia, Egypt.
- GLTN positionality –Cross Fertilisation
- Comparative Islamic approaches
- Membership GLTN Board, UN-Habitat Reform Panel, UN-Habitat Advisory Board
- Country-specific Programmes on women's empowerment and gender equality