

## **WOMEN'S RIGHTS**

The status of women varies across the Muslim world. But there is a trend: the more explicitly religious a country, the more strangled women's rights are.

The religion itself technically declares the equality of the sexes, but does so under the pretext of "separate but equal," wherein women and men's differing social roles entitle them to different rights. Restrictions on women's financial freedom, movement, and legal power are justified in this way.

For example, women's religiously- mandated unequal share of inheritance is explained by a husband's "duty" to provide for his wife (or wives), but in practice, simply leaves women with less power and resources.

## **MODESTY**

Dress is the most visible and most recognizable symbol of Muslim women. In religious countries and communities, modesty is of utmost importance, for both sexes but particularly for women, whose body and sexuality is believed to belong privately to her husband—current or potential.

As such, it is customary for women to cover. If not only their hair, then their body in general must be clothed in such a way as to not arouse a male. In some places, this is mandated legally; in others, it is regulated socially.

## **CURRENT LAWS & CUSTOMS ON ISLAMIC MODESTY DRESS**

The Qur'an calls for women to dress modestly, the specifics of which are interpreted differently by religious scholars. Today, veiling is required by law in Iran, Afghanistan, and the Aceh Province of Indonesia. Though other countries have not codified these restrictions, they often impose them under implied threat.

## **IRAN**

Before Iran's Islamic Revolution, women largely dressed as they pleased. In 1979 all that slowly changed, and by 1983 the hijab had become compulsory for ALL women and girls over the age of nine. Today, women who do not comply are arrested and harassed, and even [killed](#) by "morality police."

## **INDONESIA ACEH REGION (IN SUMARIA)**

In the Aceh province of Indonesia, Islamic religious law is observed. Women are required to wear the jilbab, which is a type of headscarf or hijab. In 2018, it was ruled that even female flight attendants, Muslim or not, must wear the hijab upon landing in Aceh.

## **SAUDI ARABIA**

Until 2018, the abaya (a loose fitting full length robe) was a legal requirement for all women. With a relaxing of some restrictions on women (they are now permitted to drive, for example), women are now merely required to dress "[decent and respectful](#)." Saudi women are now wearing lighter colored Abayas in public (rather than black), and open abayas, which are worn over pants or a long skirt.

## **AFGHANISTAN**

In 1990, the Taliban imposed the burqa on all women. As of the 2021 Taliban takeover, with the degradation of the rights of women in general, the burqa is once again mandatory.

## **YEMEN**

There's no legal dress code; however, the abaya and niqab are customary and are often forced on young girls. In some areas the hijab is part of school uniforms. [Women who don't cover themselves do so at the risk of facing abuse.](#)

## **GAZA STRIP**

In the late 1980s and early 1990s, Hamas campaigned for mandatory hijab as well as insisting that women stay at home and be segregated from men. During that time women who didn't wear the hijab were verbally and physically harassed, so they wore it to avoid problems on the streets. In 2007, when Hamas came into power, they attempted to implement Islamic law but were shot

down in the courts. In 2011, Hamas banned the styling of women's hair, and continued enforcing Sharia law on women's manner of dress.

## NON-MUSLIM COUNTRIES

Though not required by law, individual families have demanded their daughters adhere to strict religious principles, including wearing the hijab. Girls and women who refuse run the risk of being disowned by their family or [killed](#).

Many Muslim women in the West continue to wear hijab in public. A [2017 Pew Poll](#) reported that in the US alone, 43% of Muslim women wore it all or most of the time.

## INHERITANCE

Islamic religious law dictates that a woman receive half the inheritance share of a man.

*“Allah charges you in regard with your children: a son's share is equal to the share of two daughters; if the [children] are [only] daughters and two or more, their share is two thirds of the legacy, and if there is only one daughter, her share is half [of the legacy]...” (Surat An-Nisaa 4 : 11)*

Religious apologists claim this discrepancy in inheritance isn't discrimination, but mere difference; a man receives more money because he is entrusted with providing for his wife and children. However, in practice, this merely disenfranchises women, stifles their independence, and keeps them under financial control of the men in their lives.

## MARRIAGE

According to religious law, a woman owes to her husband certain “duties”—among them, sexual availability. Marital rape is not criminalized in Morocco, Libya, Lebanon, Qatar, Syria, Saudi Arabia, Palestine, Oman, Iran, Iraq, Algeria, Malaysia, and Bahrain.

Other provisions explicitly make sex a right owed by a wife to her husband.

This is the case in:

- Bangladesh<sup>1</sup>
- Afghanistan<sup>2</sup>
- Bahrain<sup>3</sup>
- Egypt<sup>4</sup>
- Iran<sup>5</sup>

## DOMESTIC VIOLENCE

The Qur'an makes reference to domestic violence as the last recourse a husband must take in case of a disobedient wife.

*As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) **strike them (lightly)**; but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all). — Quran 4:34*

## ABORTION

Just as is the case for divorce, the ruling on abortion varies by madhab. The Hanafi and Shafi school permit abortions up to 40 days after conception, the Hanbali school permits abortion up to 120 days, and the Maliki school forbids abortion entirely.

At 120 days, all schools forbid abortion, based on the Islamic belief that the soul has entered the fetus's body (Sahih al-Bukhari, 4:54:430).

Access to abortion varies across the Muslim world. Turkey and Tunisia are the only countries to permit abortion on request<sup>6</sup>.

While no country bans abortion completely, those that do permit it only do so when the mother's life is in danger.

This is the case in:

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<sup>1</sup> Section 375 (Of Rape) of the Penal Code includes the exception: "Sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape"

<sup>2</sup> Article 134 (2) of the Shia Personal Status Law states "It is the duty of the wife to defer to her husband's inclination for sexual enjoyment"

<sup>3</sup> Article 375 of the penal code explicitly states that sexual intercourse by a man with his wife is not rape, as long as she is not younger than 13 years

<sup>4</sup> 1928 Court of Cassation ruled that "a wife cannot withhold sex from her husband without a valid reason according to sharia".

<sup>5</sup> The law considers sex within marriage consensual by definition (Penal Code art. 221)

<sup>6</sup><https://www.amnesty.org/fr/wp-content/uploads/2021/06/eur440082012en.pdf>

Afghanistan, Algeria, Bahrain, Bangladesh, Brunei, Egypt, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Morocco, Niger, Oman, Pakistan, Palestine, Saudi Arabia, Sudan, Syria, UAE, and Yemen.

## GUARDIANSHIP

The blanket institution under which women's movement, resources, and choices are wholly under the purview of male family members is referred to as "guardianship." The specifics of what permissions are needed for what actions vary.

### Examples of this include:

- A father's permission for a woman to marry, as is the case in Kuwait, Qatar, and Bahrain.
- In Iran, women need permission to receive a passport and to travel abroad. Married women need their husband's permission to work outside the home.
- In Yemen, the Personal Status Law includes provisions requiring women be "obedient" to their husbands; to obtain their husbands' permission to seek employment, in order to leave the house, and obliging women to have sexual relations with their husbands whenever they desire
- In Iraq, Article 25 states that a wife is no longer entitled to financial maintenance if: (i) she leaves her husband's home without his permission and without legitimate reason; (ii) if she refuses to travel or move with her husband; or (iii) if she is convicted and imprisoned for a crime or debt.
- In Algeria, the family code treats women as minors under the legal guardianship of a husband or male relative, and requires a woman to obey her husband<sup>7</sup>.

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<sup>7</sup>[https://www.equalitynow.org/discriminatory\\_law/algeria\\_the\\_family\\_code\\_of\\_1984\\_modified\\_by\\_ordinance\\_no\\_05\\_02\\_of\\_27\\_february\\_2005/#:~:text=Articles%208%2C%2011%2C%2030%2C,grounds%20for%20divorce%20for%20women.](https://www.equalitynow.org/discriminatory_law/algeria_the_family_code_of_1984_modified_by_ordinance_no_05_02_of_27_february_2005/#:~:text=Articles%208%2C%2011%2C%2030%2C,grounds%20for%20divorce%20for%20women.)

## FGM

Despite efforts to distance Islam from the practice, FGM not only prevails in much of the Muslim world, but is encouraged and celebrated by religious authorities.

200 million girls and women worldwide, usually between infancy and age 15, undergo the procedure.

Not all Muslim communities practice FGM, and not all those who support FGM are Muslims. Even with incomplete global data, of those countries with the highest rates of the practice, the majority are Muslim.

### ESTIMATED PERCENTAGES OF WOMEN WHO ARE CUT

- **Egypt** - 87% of women and girls 15-49<sup>8</sup>
- **Burkina Faso** - 76% of women and girls 15-49<sup>9</sup>
- **Djibouti** - 93-98% of women and girls 15-49<sup>10</sup>
- **Mali** - 88.6% of women and girls 15-49<sup>11</sup>
- **Somalia** - 97.9% of women and girls 15-49<sup>12</sup>
- **Sierra Leone** - 83% of women and girls 15-49<sup>13</sup>
- **Sudan** - 88% of girls and women 15-49<sup>14</sup>
- **Indonesia** - 97.5% of Muslim girls under 18<sup>15</sup>
- **Iran** - 60% among Sunni Muslims in the Hormozgan Province, 70% among Sunni Muslims in Qeshm county
- **Iraq** - 72% among Sunni Muslims in Iraqi Kurdistan
- **Malaysia** - 93% of Muslim women

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<sup>8</sup> <https://www.refworld.org/pdfid/5a17eee44.pdf>

<sup>9</sup> <https://www.unfpa.org/data/fgm/BF>

<sup>10</sup> <https://www.refworld.org/pdfid/527a05c74.pdf>

<sup>11</sup> <https://www.28toomany.org/country/mali/>

<sup>12</sup> <https://www.refworld.org/pdfid/5a17d35b39.pdf>

<sup>13</sup> <https://www.28toomany.org/country/sierra-leone/>

<sup>14</sup> <https://www.unfpa.org/data/fgm/SD>

<sup>15</sup> [https://www.nytimes.com/2016/02/05/health/indonesia-female-genital-cutting-circumcision-unicef.html?\\_r=0](https://www.nytimes.com/2016/02/05/health/indonesia-female-genital-cutting-circumcision-unicef.html?_r=0)