



Strengthening Women's Legal Empowerment: Building an Evidence Base and Mobilising Change Makers

Goal: Through a strengthened legal protection framework, violence against women decreases and women regularly receive their inheritance and property rights

Duration: January 2015- December 2016

Situation Analysis: In much of the West Asia-North Africa region, the justice system does not afford equal opportunity and protection to large segments of the female population. Such exclusion has proven negative implications for economic growth, livelihoods, social equity and stability. To examine these dynamics at a country level, in 2014, the WANA Institute conducted a qualitative baseline mapping of legal empowerment in Jordan. A key observation was that women are exposed to specific forms of rights violations, and that these cases disproportionately fall within the jurisdiction of the Shari'ah courts: women report 82.6% of civil status and documentation cases, 100% of alimony and custody cases and 86.6% of divorce cases. At the same time, women face particular difficulties accessing justice at the Shari'ah courts: they account for 55.6% of cases not referred to court and 64.4% of cases referred to court without representation. These obstacles involve a complex combination of legislative, economic and socio-cultural factors. In particular, inadequacies in the legal protection framework are reinforced by judges following personal,

often highly conservative, interpretations of Islamic Shari'ah, as opposed to statutory law. A further issue is that religion and culture fuse in complex and dynamic ways, such as where discriminatory customs are presented as being condoned by or required under Islam. Rights to inheritance, restrictions on early marriage and protections from domestic violence, for example, while specifically provided for in law, are routinely violated in practice and justified from a religious standpoint.

In response, the WANA Institute undertook scholarly research on how Islamic jurisprudence could be used as a tool to better protect and uphold women's rights. The research identified violence against women, parental rights and property-inheritance rights as three areas where there was wide scope to reform legislation, improve court outcomes and modify customary practices on the basis of existing practice having no grounding in, or being inconsistent with Islamic provisions. To this end, the WANA Institute, in partnership with the Jordanian National Commission for Women, Justice Centre for Legal Aid, Mizan and Sisterhood is a Global Initiative, elaborated a project to improve women's protection and access to just outcomes based on scholarly interpretations of Islamic jurisprudence. The theory of change is that 'proper' Islamic behavior is a more effective motivator of behavioral change in duty bearers than appealing to statutory law or international rights doctrines.



Project Components

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1. Legislative reform based on gender sensitive interpretations of Islam: An advocacy strategy will be rolled out aimed at galvanising support for (i) the elimination of mitigating and exculpatory provisions in the Penal Code, (ii) strengthening domestic violence protections and (iii) vesting legal guardianship rights equally in men and women. The strategy will be based on scholarly opinion that existing laws, or their implementation, directly conflict with Islamic principles, based on the principles of true Islamic purpose, maslaha and ijtihad.

2. Strengthening women’s rights awareness and protection at the community level: Awareness-raising programs to date have had limited effectiveness insofar as they have focused on women’s rights under statute and international law to the exclusion of Islamic norms, and rights holders to the exclusion of duty bearers. In response, the project will undertake 500 women’s legal awareness sessions adopting a dual-track approach that presents women’s rights as being protected under both law and Islam and 20 complementary sessions targeting Imams.

3. Strengthening women’s protection at the formal legal system: The project will provide capacity building to 40 NGO lawyers (6 sessions) in how to strategically use arguments grounded in statutory law and Islamic jurisprudence, and to a cadre of 50 Shari’ah court judges in gender sensitive interpretations of Islamic jurisprudence.

Activities	Objectives
<ul style="list-style-type: none"> • 1. 5 white papers based on scholarly interpretations of Islamic jurisprudence. • 2. 6 high level meetings with policy-makers and senior regional religious scholars • 3. Training and mentoring of 2 Jordanian Islamic scholars in ijtihad <ul style="list-style-type: none"> • 1. Module development and baseline data collection • 2. 520 awareness sessions (15,360 women and 875 Imam beneficiaries) • 3. Impact evaluation • 1. Module development and baseline data collection • 2. Training sessions (40x lawyers and x6 session, 50x judges and x1 session) • Impact evaluation 	<ul style="list-style-type: none"> • 1. Political will among legislators and Islamic leadership and requisite conditions to reform specific laws through a process of ijtihad • 2. Increased awareness and normative commitment on the part of scholars and policy makers regarding the challenges faced by women and the importance of their protection • 1. Women are more confident to take cases of rights violations to Shari’ah courts on the basis that they will receive a positive outcome • 2. Target beneficiaries have increased awareness and normative commitment regarding the challenges faced by women and the importance of their protection • 1. Legal practitioners use scholarly interpretations and new skills to uphold women’s rights in court more effectively • 2. Judges take gender-sensitive interpretations into account in decision-making and demonstrate strengthened normative commitment to the importance of enhancing the protection of women