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# Capacity Building Workshops in Yemen & Tanzania

The ISIM project 'Rights at Home: An Approach to the Internalization of Human Rights in Family Relations in Islamic Communities' organized four Capacity Building Workshops in Yemen and Tanzania in the summer of 2003. In close cooperation with the local counterparts, the Yemeni Forum for Civil Society and the Tanzanian Sahiba☆Sisters Foundation a total of 150 participants were invited to come to San'a (21–24 July), Taiz (26–29 July), Aden (31 July–4 August) and Mwanza (9–17 August) respectively to enhance their knowledge and practical implementation of human rights issues within the local family.

The men and women who participated in the workshops represented very diverse regions and socio-economic strata. They had been selected for the training on the basis of two criteria: their impact on local family life based on their social or religious position, professional or other activities, and their open-mindedness to reforms.

## Yemen

In Yemen participants were representatives of governmental and non-governmental organizations (NGO's) dealing with the human rights of women and children, as well as teachers, social workers, psychologists, tribal leaders, imams, preachers (*wu'az*), advisers in religious issues (*murshidun*), politicians, lawyers, writers, journalists and others involved in the public media.

The workshops began with a discussion on human rights according to international standards. Local trainer Abdelkarim Kassim remarked that many Muslims consider the issue of human rights an issue that can be disregarded because of its assumed Western origin. The example of the former ruler of Yemen, Imam Yahya, who as the Yemeni representative in the United Nations, recognized the Declaration of Human Rights even before the United States, shows that they are mistaken. The Imam was convinced that human rights were inherent to his own Islamic religion and culture. A foundation can be found in the Qur'an and the *hadith*, an interpretation that is confirmed by great Muslim thinkers like Ibn Rushd, al-Farabi and al-Ghazali, to name but a few. Against this background the actual situation of neglect and violation of human rights in the Islamic world can to a large extent be explained by political, not by religious causes.

The actual situation in Yemen gives a similar impression. The rights of women and children seem well described in the Yemeni legislation, but are not implemented in actual practice. It was remarkable that, despite the very different backgrounds of the participants to the workshops, people agreed widely upon the obstacles for the actual implementation of human rights of women and children. Most of the activists held the view that the causes of the problems should be ascribed to the prevailing culture rather than to religion. Traditional society offers many ways to discriminate between the sexes, and to depreciate the position of both women and children. The impact of tradition and custom is often stronger in Yemen than religious prescriptions.

Confusion arose during the discussions about the differences between what Islam prescribes and what traditions says. Both Islam and tradition can be characterized by diversity. On the one hand, participants said that some Yemeni traditions actually enhance the cause of rights of women and children. An example of a tribe in Ma'rib in which women hold very strong positions was received with laughter among all present. On the other hand, trainer Abdullahi an-Na'im (former Director, Rights at Home) stressed that the very existence of the four schools of Islamic law (*madhhab's*) shows that within Islam there has

always been room for discussion and other opinions. The fact that many Muslims have no knowledge of the diversity of thought within Islam causes them to miss opportunities to learn and profit from divergent ideas.

Next to tradition and 'religious illiteracy' (*ummiya diniya*), the participants mentioned several other factors, like the poor economic conditions, poverty and unemployment, widespread illiteracy, especially among women, that negatively influence the condition of human rights in Yemen.

When it finally came to finding solutions for all the above mentioned problems, it was remarkable that the majority of the participants argued that it is mainly the responsibility of the Yemeni government to solve them. It is exactly this idea that the training hoped to change: the participants should be convinced that they, as 'advocates of change' must make the difference themselves. In fact, during the training they were becoming more and more aware that, for example, the Yemeni legislation already offers many possibilities and solutions for the violation of women's and children's rights, but that in practice lobbying from the people and strong local organizations are needed to actually implement this legislation.

The workshop trainer Laila al-Zwaini (primary consultant, Rights at Home) was enthusiastically received when she presented the marriage contract as a strategy for the enhancement of human rights within the family. Examples from elsewhere in the Islamic past and present showed that it is allowed to include additional stipulations or conditions in the marriage contract. The official marriage contract that is used in Yemen nowadays was analyzed in separate working groups, with a proposal to develop new models of the contract. The participants came up with models that all contained conditions that better secured respect of human rights within the family such as: witnesses should confirm the mutual consent of the couple concerned so that the chance of a forced marriage is reduced, women may stipulate the right to study or work after marriage, and the right to divorce.

While an improved marriage contract can provide a basis for more equal relations between spouses, the organizational structure of Yemeni family life also needs critical analysis. Trainer Suaad al-Qadasi (The Women's Forum for Research and Training) pointed out how this structure determines how parents treat their children, and how many choices are made without consulting them. Girls rather than boys are assigned tasks in the household, and boys rather than girls are enabled to follow higher education. Similar structures with huge impact on the development of both sexes can be found in schools. In general, adults don't listen very well to children, and they are often treated with violence or neglect.

The Minister of Human Rights, Ms Amat al-Alim al-Susuwa, who held the opening address of the workshop in San'a, stated that improvements in the human rights' situation in Yemen can only to some extent be the result of initiatives of the government or cooperation projects. Changes should start with the people themselves, within their own consciousness, within their families and communities. Human rights start at home, and come about through loving and respectful interactions between husband, wife and children.

## Tanzania

After Yemen the Rights at Home project team went to Mwanza in Tanzania. Mwanza was chosen as the location for the workshop because of its peripheral position and its vigorous Muslim community.

The geographical concept that underlies the Rights at Home Project is the cultural sphere of the Indian Ocean, with a special interest in neglected areas. Moreover, local NGO's play a key role in providing the people of Mwanza with social security. It was due to their help that the workshop could successfully be held.

Some sixty Tanzanian professionals working in the public service and with NGO's, coming from the coast, the interior as well as from the islands Zanzibar and Pemba, took part in the seminar. Although many trainers were Tanzanians, the tutors from abroad also made a great contribution. Among the staff were Abdullahi an-Na'im, Muhammad Khalid Masud (the former Academic Director of ISIM), Yasmin Busran-Lao (al-Mujadila Development Foundation, the Philippines), Abdulkader Tayob (ISIM), Zainah Anwar and Pia Zain (Sisters in Islam, Malaysia). By sharing their experiences of living in very different locations it became self-evident that there doesn't exist only one comprehensive Islamic lifestyle. Various trainers refuted the idea that Islam is frozen in time and does not permit up-to-date interpretations; or that a state or another institution has the exclusive right of interpretation. Khalid Masud put this aptly when he explored the notion of *shari'a* which when translated literally means a path or road. He argued that some think that once they introduce *shari'a* they can unroll their mats and sit on the road. But the road needs maintenance and a destination otherwise it will fall into ruin through neglect and it will lead to nowhere. One of the major goals (*maqasid*) of *shari'a* is respect for human rights.

The cases that were presented during the workshop exemplified the problems that social activists in Tanzania are dealing with. Salma Maoulidi (Sahiba Sisters Foundation) presented the case of a woman in her forties who was trained as a nurse but was not allowed by her husband to work after marriage. When she became infected with HIV her husband divorced her. Without hearing from the woman the religious establishment granted the divorce with a small compensation, leaving her destitute.

Another case that caused a lot of concern was the *Husna case* that participants encountered during the course of a field study. A young girl was seriously injured after she was raped by a *madrassa* teacher. The influential social position of the suspect prevented him from being put on trial. Another case was taken from the host town Mwanza and used for a role play exercise during the course 'Development of advocacy skills' facilitated by a local human rights organization, Kivulini. The case involved Hawa, the second wife of Juma, who was pregnant and

the mother of two children. She was expelled by Juma from the house after he found out she was HIV positive. The magistrate court ruled that the husband had to pay her a maintenance fee, however he lodged an appeal against the ruling. As the court proceedings dragged on Hawa's health condition weakened while Juma married another woman.

The nine days in Mwanza which are further described in Salma Maoulidi's text (see page 58) were characterized by ideological and practice challenges as participants tried to make meaning of the 'new truths' revealed in the workshop. Many weathered the challenge by remaining open-minded and dialoguing. This often demanded long working days, which participants braved with extreme show of commitment and it is this dedication that made the workshop an enjoyable and valuable learning experience for both trainees and trainers.

The next phase of the Rights at Home project will bring 45 participants from Yemen, Tanzania and Southeast Asia in a joint Advanced Training scheduled in Spring 2004. One of the objectives will be the further translation of the theoretical underpinnings of human rights in practice based on Islamic *fiqh* and tradition.

*More information about the project can be found on the project section of the ISIM website.*

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The following personnel changes occurred in the Rights at Home project team. For health reasons Abdullahi an-Na'im (Emory University, Atlanta) stepped back as Project Director. Abdulkader Tayob (ISIM Chair of the University of Nijmegen) succeeds him in this position. Ebrahim Moosa (Duke University, Durham), Cassandra Balchin (Women Living under Muslim Laws, WLURL, London), Muhammad Khalid Masud (Islamabad), Abdullahi an-Na'im and Nasr Abu Zayd (former resource person of the project, University for Humanistics, Utrecht) now act as external advisors for Rights at Home.



**Training workshop in Tanzania where simultaneous translation was provided.**

PHOTO: MARIËTTE VAN BEEK, 2003