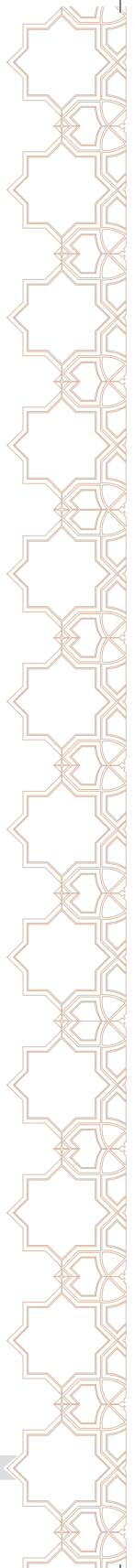



Women's Rights in the Kuwaiti Personal  
Status Law and Bahraini Shari'a  
Judicial Rulings  
(Practical Part)

The Role of Civil Society and Women's  
Non-Governmental Organizations in Arab Gulf Countries  
in  
Raising Awareness of the Importance of  
Personal Status Law

The Experiences of Kuwait and Bahrain  
2006 – 2008

*Compiled by*  
Business Care Consulting Bureau  
Bahrain, January 2009





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ISBN 978-99901-15-65-9

Bahrain, Public Lib-Administration, Deposition No. 8009 (ع.د.) 2010

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This project is funded through the U.S. Department of State, Bureau of Near Eastern Affairs, Office of the Middle East Partnership Initiative (MEPI) under Cooperative Agreement Number S-NEAPI-05-CA157. The opinions, findings, and conclusions or recommendations expressed herein are those of the Author(s) and do not necessarily reflect those of the Department of State. MEPI supports efforts to expand political participation, strengthen civil society and the rule of law, empower women and youth, create educational opportunities, and foster economic reform throughout the Middle East and North Africa. In support of these goals, MEPI works with non-governmental organizations, the private sector, and academic institutions, as well as governments. More information about MEPI can be found at: [www.mepi.state.gov](http://www.mepi.state.gov).

Printed at Awal Press, P.O. Box 744, Manama, Kingdom of Bahrain - email: [info@awalpress.com](mailto:info@awalpress.com)

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## Acknowledgments

Freedom House's Family Law Program wishes to acknowledge the contributions of our partners in the Gulf involved in research and consultation for the practical portion of the *Women's Rights in the Kuwaiti Personal Status Law and Bahraini Shari'a Family Court Rulings* publication. We would especially like to acknowledge the Women's Cultural and Social Society in Kuwait and the Bahrain Women's Union for their efforts in conducting national family law campaigns, and their collaboration in sharing information on these campaigns with the author. We thank the author, Sadiq Jaffer, for his work in synthesizing the campaign materials and extracting valuable advocacy strategies for reformers. We also thank Fatima Ahmed for her participation in the roundtable discussions and her contribution to the program's activities. We are grateful to Dr. Dima Malhas, director of the Family Law program from 2006–2008, for her tireless efforts in coordinating this advocacy guide on women's rights and family law in the Gulf.

The Family Law Program also gratefully acknowledges the support of the Middle East Partnership Initiative (MEPI) and the United Nations Development Fund for Women (UNIFEM).





## Preface


For generations, cultural norms coupled with legal restrictions in the Arabian Gulf have prevented women from fully participating in many aspects of society. Over the past several years, however, a number of Gulf countries have made incremental progress in enacting women's rights reforms,<sup>1</sup> and women have been able to capitalize on these strategic openings. Although in many cases they continue to face resistance from societal actors and reluctance on the part of their governments, women have sought and in some cases obtained positions of power in their countries. Additionally, their inclusion in legislative elections has given political weight to their views on legal changes in the areas of women's rights and family law, and recent years have witnessed a vibrant movement of women's rights reformers.

Within this context, Freedom House's Family Law Program works with women's groups, activists, Islamic scholars, and legal experts in Kuwait, Bahrain, and other Gulf countries to review and raise awareness of existing family laws, provide comparisons with international standards, and conduct legal analyses of current practices from the point of view of both civil and Islamic jurisprudence. The *Women's Rights in the Kuwaiti Personal Status Law and Bahraini Shari'a Family Court Rulings* publication is a result of such efforts. Local civil society activists and legal and Shari'a scholars have developed this two-part guide, which covers both theoretical and practical aspects of family law reform using Kuwait and Bahrain as case studies.

The present portion, the practical component of the full publication, highlights two significant family law advocacy campaigns in Kuwait and Bahrain, conducted by the Women's Cultural and Social Society and the Bahrain Women's Union, respectively. The family law campaigns were designed in light of each country's reform priorities and operating

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<sup>1</sup> See the Freedom House survey *Women's Rights in the Middle East and North Africa, Gulf Edition* (2009), located at <http://www.freedomhouse.org/template.cfm?page=383&report=76>



environment, and this guide elucidates the resulting campaign activities in great detail. Furthermore, the publication places the campaigns within the framework of the larger women's rights movements in both countries—not only to better explain the design, successes, and setbacks of each campaign, but to provide a broader context from which to develop future reform strategies.

This publication also uses the experience of the campaigns in Kuwait and Bahrain to identify general strategies for the development and implementation of future campaigns. The case studies reinforce the importance of engaging all relevant actors in government and civil society, and of designing campaigns which reflect the cultural, religious, and political circumstances of the country in question. The record of these two campaigns and the advocacy principles they have engendered will be valuable resources for further family law reform efforts, not only in Kuwait and Bahrain, but in the rest of the Gulf region and in the greater Middle East.


## Summary

The guide begins with an introduction about the subject of personal status law and its sensitivity in Islamic society. It then examines the social and political environment that surrounds the issue, including conditions for women, in Bahrain and Kuwait. The introduction concludes by describing the goals of the campaign to raise awareness of the importance of personal status law.

Part One of the guide is a record of the campaign's activities. The first section details the 14 different components of the campaign in Bahrain, beginning with the launch of the effort and its main milestones. Information on each activity—such as goals, methodology, agenda, and participants—is then listed, followed by a review of its outcome, including the lessons to be learned and the format in which it is documented (photographs, working papers, and news coverage). The profile of each activity ends with a quick reference to the strategies that were applied. The types of activities carried out by the campaign included quantitative opinion surveys, reading sessions to review the draft of a personal status law, forums and public lectures, training courses, panels and advisory committees, and the distribution of documentary and educational material in various media formats.

The second section of Part One provides a similar outline of the campaign in Kuwait. The 11 activities carried out in that country—divided into eight national activities and three with a regional character—included news reports, conferences, workshops, promotional campaigns, and educational publications.

Part Two of the guide addresses the overarching strategy of the campaign, beginning with a brief review of the core concepts of awareness, guidance, appropriate discourse, and building solidarity. It then describes the five strategic principles that the campaign has adopted: represent the campaign through a national agent, meaning a civil society group based in the country; use appropriate language;



clarify the disadvantages associated with the lack of a personal status law; utilize the diversity of Islamic jurisprudence; and communicate with representatives of the legislative power.

The guide then identifies the strategic roles played in the campaign by civil society organizations, experts in Shari'a, and experts in law. The means through which the campaign is conducted are also listed, including qualifying meetings, supporting frameworks or committees, mass media outreach, and publications to raise awareness. Part Two closes with a discussion of the strategic environment in which the campaign operates, and the importance of adapting to this environment to achieve the campaign's goals. A series of graphical representations at the end of this section show how the various campaign strategies were applied in Bahrain and Kuwait.

The guide report concludes by reviewing key lessons learned from the campaign experiences in Bahrain and Kuwait.

## Introduction: Personal Status in Muslim Countries

Personal status law is a set of provisions concerning marriage, divorce, separation, maternity, parentage, child custody, alimony, bequests, and inheritance. In short, it is the body of law governing issues related to the personal affairs of individuals and their family relations.

The sensitivity and importance of personal status in the culture and history of Islamic societies is reflected in the fact that the relevant formats and practices have remained relatively intact even as other norms, habits, and traditions—including in the political, economic, and social realms—have changed over the course of decades and centuries. This could be ascribed to many factors, but the main reasons are that personal status issues are related to individual privacy, and that they are for the most part codified in sacred texts. They are directly and explicitly mentioned in the Koran, the holy book of the Muslims, or in the Hadith, the sayings and proverbs of the Muslims' Prophet.<sup>1</sup>

Because of this foundation in religion, any attempt to reinterpret or reshape the rules on personal status, or their implementation, can be seen as a form of infidelity or blasphemy. It is very difficult or even impossible to change or abrogate practices that are supported by clear verses in the Koran, even if it is the wish and the will of the majority, or an outcome of calls for democracy or any similar demands. In fact, the fear that democracy could lead to the abrogation of practices rooted in Islam is one of the main reasons behind the wariness toward that political system in many Muslim societies.

Any change in the formula or interpretation of these personal status provisions needs direct support from the two highest institutions of power in Muslim societies—the political and religious authorities.

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<sup>1</sup> Translator's note: The only two sources of Islam for Muslims are the Koran, which every Muslim should believe is the revelation from God to the Prophet, and Hadith, which is the collection of sayings and actions of the Prophet. Hadith has a special importance to the Sunni Muslims.

And any abolition or perversion of these provisions, especially if it is carried out in an arbitrary manner, would be temporary and reversed at the first opportunity.

### **Background on the Shari'a Courts System in Bahrain<sup>2</sup>**

The first regular court to resolve disputes among Bahrainis was established in the early 20th century. Islamic Shari'a was the source of its verdicts, and its judges were mainly Shari'a scholars. In the mid-1920s, two Shari'a courts were established; the first was a court for Sunni jurisprudence, and the second was for Ja'fari (Shiite) jurisprudence.<sup>3</sup> By the 1960s, cassation courts had appeared in the Shari'a courts system, with the capacity to hear challenges of the Shari'a courts' decisions. This arrangement disappeared under Law No. 13 of 1971, which reorganized Shari'a courts according the following structure:

- The court of first instance has the authority to hear filed cases involving alimony, custody rights, inheritance, property deeds, different forms of attestation,<sup>4</sup> and documents related to personal status.
- The high Shari'a court has the authority to hear all personal status cases that fall outside the jurisdiction of the court of first instance, and to issue verdicts on appeals from the court of first instance.
- The high Shari'a court of appeal has the authority to hear challenges of the verdicts issued by the lower courts.

Cases before the high and appeals courts are decided by a panel of three judges, while those before the court of first instance are

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<sup>2</sup> Sheikh Khalid Mahyoob, "Your Legal Consultant: Highlights of the Judicial and Administrative History of Shari'a Courts in the Bahraini Court System," *Al-Watan*, June 4, 2007.

<sup>3</sup> See the glossary appendix at the end of this report.

<sup>4</sup> See the glossary appendix at the end of this report.

decided by a single judge. All Shari'a court judges are subject to the supervision of the Supreme Judicial Council, which has nine members and is headed by the king of Bahrain, and of the department of judicial inspection, which reviews and assesses judges' activities.

### **Background on the Social and Political Environment Surrounding Personal Status Law in Bahrain**

Bahrain is an archipelago of 33 islands with a population of over 1.05 million people,<sup>5</sup> about one-third of whom are foreign nationals. About 70 percent of Bahrain's population are Shiite Muslims. The government is a monarchy, and the current constitution was enacted in 1973 and amended in 2002.

#### *The Importance of a Codified Personal Status Law for Bahraini Women*

The need for a codified personal status law arises from many factors, including the large number of personal status cases heard by Shari'a courts. Between 15 and 20 cases are heard daily,<sup>6</sup> or 3,500 to 5,000 every year, and many pending cases remain undecided for long periods. The delays harm women, who are often the more vulnerable party in these disputes. Other factors include the poor quality of many Shari'a court judges, insufficient standards of competence and appointment procedures for such judges, inadequate judicial training beyond Shari'a scholarship, the need to remedy women's ignorance of their rights through judicial support, and the tendency among many women to concede their rights in the face of long delays and a lack of confidence in the Shari'a courts system.<sup>7</sup>

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<sup>5</sup> 2008 US Human Rights Report: Bahrain.

<sup>6</sup> Sheikh Hameed al-Mubarak, chairman of the Ja'fari Shari'a high court of appeals, during a meeting at the University of Bahrain with the students of family courts and law, *Al-Watan*, December 21, 2007.

<sup>7</sup> Supreme Council for Women, "Briefing Paper on the Conditions of Divorced Women and Their Children before Shari'a Courts" (Bahrain, 2005) (in Arabic).

## *Controversies Surrounding the Law: 1982–2005*

Bahraini women's groups noticed and recorded, through their social activity, many cases of family disintegration, dispersal, and loss of children as a result of deteriorating family conditions and men's arbitrary use of their right to divorce. They also observed the ensuing, intensifying disputes between conflicting parties, and found that women and children were most often the victims of these disputes. In 1982, the women's societies formed a committee to advocate the adoption of a codified personal status law as a top priority, arguing that the conditions of the entire society would be improved and secured if the conditions of the family were repaired.

Many people who were concerned with family affairs joined this committee, including lawyers, doctors, businesswomen, and Shari'a scholars; all of them felt that the time had come for a real change in the deteriorating conditions of the family. The committee has managed over the years to carry out many activities, particularly its frequent meetings with the justice minister (about the Alimony Fund, Family Guidance Offices, and the enactment of a personal status law) and with the minister of housing (about the right of women to be a partner in the ownership of the marital home).

By the mid-1990s, the committee had gained more maneuvering room. It held a series of seminars, lectures, and workshops with the participation of various schools, clubs, societies, and councils. Many members of the committee—including men, women, and religious scholars from both sects—also took part in televised talk shows.

The following briefing covers the debate on the personal status law issue from the summer of 2001 to the autumn of 2005:<sup>8</sup>

- This phase started with an interview of Her Highness Sheikha Sabeekah bint Ibraheem al-Khaleefah (the king's

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<sup>8</sup> Bahrain Women's Federation, "Personal Rights of Bahraini Women in the Parliamentary Elections of 2006: A Survey Analysis" (Bahrain, 2007) (in Arabic).



wife), published in the daily *Al-Ayam* on June 16, 2001, in which she expressed her support for the enactment a personal status law derived from Shari'a to govern family life.<sup>9</sup>


- By the end of 2002, and specifically on October 19, the most senior Shiite scholars issued a statement warning members of secular legislative councils against codifying personal status law. It was signed by Sheikh Issa Qasim, Assayed\* Jawwaad al-Wadaa'i, Assayed Abdullah al-Ghareefi, Sheikh Muhammad Salih al-Rabi'i, and Sheikh Abdulhusein Assatri. The statement said: "In view of reports about the codification of personal status law, we refer to the principle of the Ja'fari doctrine which holds that *ijtihaad* (legal reasoning or interpretation) within Shari'a should not impose a certain juristic opinion—albeit within the doctrine—on whole generations, a principle that is consistent with the basic concept of allowing *ijtihaad*. We can do nothing but oppose any codification that contradicts that clear component of the doctrine.... However, hearings into Shari'a rulings should be confined to *mujtahid* (juristic scholars),<sup>10</sup> and should not be extended to members of secular legislative councils or anyone else."
- The Bahraini Council of Representatives (lower house of the legislature) decided on December 9, 2003, to consider a proposal addressing the lack of codified regulations governing judicial rulings on family and personal status issues. The proposal was discussed by the committee of legislative and legal affairs and approved by the majority of its members. The committee explained that "issuing a law to codify personal status matters is an urgent demand."

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<sup>9</sup> "An Interview with Her Highness Sheikha Sabeekah bint Ibraheem al-Khaleefah," *Al-Ayam*, June 16, 2001.

\* Translator's note: Assayed (Master), for the Shiite, refers to any man who is believed to be affiliated with the family of the Prophet.

<sup>10</sup> See the glossary appendix.



Judge Hameed al-Mubarak, commenting on the committee's action, said that "the presentation of this issue to the Council of Representatives is not a positive event, rather it is doubtless a negative development, because it will trigger many reactions." Similarly, Judge Muhsin al-'Asfoor said, "This is not within the authority of the parliament, because it is a matter of Shari'a rather than an issue that is related to other matters. So we oppose any claim of authority to decide in these matters."

- Ghaadah Jamsheer, chairwoman of a women's *'areedhah* (petition) committee and an activist in advocating the enactment of a personal status law, went on trial on June 4, 2005, on charges of insulting the Shari'a courts and slandering a judge.<sup>11</sup>
- On October 31, 2005, six Shiite Islamist societies issued a statement to express their objections to the manner in which the issue of enacting a new law for personal status had been presented. The six societies were the Islamic Education Society, the Future Women Society, the Mission Islamic Society, the Sayyid Asshuhadaa' (Master of Martyrs) charitable society, Al-Bayaan (Manifesto) Society, and the Capital City Society for Islamic Culture. They argued that the personal status law should be codified according to Shari'a, the integrity of every doctrine should be respected in drafting the law, the law should be written by religious scholars who are specialists in the field, the law should be ratified by the most senior religious authorities, and it should include a provision stating that any changes or amendments should be made only after consulting with the most senior religious authorities and receiving their approval.<sup>12</sup>

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<sup>11</sup> "Public Prosecutors Investigate Ghaadah Jamsheer," Women's Gateway website, May 29, 2003, <http://www.womengateway.com>.

<sup>12</sup> See a confirmation from the Council of Islamic Scholars through its spokesman, Sheikh Muhammad Sanqoor, "Ready for Dialogue with the Decision-Makers," *Al-Ayam*, July 2, 2007.

*The Law in the Eye of the Storm: November 9, 2005, to March 16, 2006*

- Responding to a call for a sit-in issued by the Bahraini Women's Union, which was not legally recognized at the time, and to the personal status committee's call for the enactment of a personal status law, the Council of Islamic Scholars organized a massive march on the evening of the scheduled sit-in on November 9, 2005, in order to protest the idea of enacting a personal status law. More than 20,000 people turned out for the march, according to some estimates, and this had a great impact on the supporters of the law, shaking their confidence that they could overcome such a huge tide of popular opposition. The protest led to a severe breakdown in the supporting activities for enacting the law, which lasted until after the parliamentary elections of November 2006. A number of initiatives seeking to revitalize the movement did not trigger any meaningful response. One of these initiatives, called Ihtiraam (Respect), included members like the Bahrain Human Rights Watch Society (BHRWS) and the National Alliance Against All Forms of Violence Against Women. Ihtiraam was launched on December 10, 2005, on the occasion of the International Day for Human Rights. It called for promoting the rights of women, children, and the family. On April 26, 2006, a delegation of members from women's *areedhah* (petition) committees traveled to Europe, met with British parliamentarians, and visited the headquarters of the United Nations High Commission for Human Rights in Geneva to discuss the difficulties that the proposed law was facing. Meanwhile, the leaders of the 2005 protest issued a statement in which they confirmed their attitudes and objections regarding the process of enacting a law.
- On November 23, 2005, a march was staged at the University of Bahrain by students affiliated with two Shiite Islamist

societies—Islamic Education and National Accord—to protest the idea of enacting a personal status law.

- Three senior scholars from the Ja'fari sect in Bahrain<sup>13</sup>—Sheikh Issa Qassim, Ayatullah Husein Najaati, and Sheikh Abdullah al-Ghareefi—denounced the referral of a personal status law to the Council of Representatives and warned of total “civil disobedience” and an appeal to the United Nations if the council passed the law.

### *Statistics and Drafts*

*Bahrain Brief*, a bulletin published by the Khaleej Center for Strategic Studies, presented in its November 2005 issue the results of a survey it conducted about the proposed personal status law in Bahrain. The poll showed that about 73.7 percent of respondents supported the law; of those, 53 percent were women. In addition, 58.5 percent said they had no information about the law, and 97 percent stressed that the law should be based on Islamic principles; 45.9 percent said that Sunni and Shiite religious scholars should prepare the draft.

It is important to note that there are many drafts for the law in Bahrain, including one prepared by Judge Muhsin al-'Asfoor, and another put forward by a legal specialist. There is also the government's draft, which is supported by the Supreme Council for Women.<sup>14</sup>

It seems that there are two key problems facing the law in Bahrain:

1. The mainstream of the public remains ignorant about the contents and goals of the proposed personal status law, with the majority believing that it would abolish the traditional authority of guardians and pave the way for moral disintegration in the name of individual freedom—or as they

<sup>13</sup> “Bahrain: Shiite Clergymen Threaten to Stage Civil Disobedience against Personal Status Law,” *Al-Sharq al-Awsat* (London), March 17, 2006.

<sup>14</sup> *Al-Ayam* printed, published, and distributed this draft in 2006.

put it, moral disintegration through the West. The fact is that the law's articles cover the religious judgments and verdicts that govern the daily, social, family, and individual life of the Muslim citizen. However, this point is lost as a result of mistakes made by the activists who advocate enacting the law, particularly in recent years. The activists are perceived by the religious majority to be nonreligious, secular, or liberal, particularly because some of the demands of these activists reveal that they are ignorant about Islamic culture and the provisions of Shari'a. For example, they have called for a unified law for both Shiites and Sunnis, which the religious people and scholars clearly find unacceptable. The activists have also demanded the abolition of basic religious rules that allow polygamy, and giving women equal rights to seek divorce. Such demands increase the mistrust of the majority of the people toward these activists, their intentions, and their qualifications to represent the public on the topic of enacting a personal status law based on Shari'a, in which the public believes, whatever their sect or doctrine.

2. The mechanism adopted by those supporting the enactment of the law is the element that is most worrying to religious elites and Shari'a scholars who oppose the effort. The articles of the law are based on the instructions and prohibitions of the religion, but referring it to the parliament for consideration and passage would mean placing the issue in the hands of lawmakers who, in the view of the measure's opponents, lack religious qualifications and in some cases even oppose religious attitudes or call for a modernization of religious culture to suit their own interests. Therefore the prominent religious figures who address this issue are demanding—before taking any step to support or discuss the enactment of the law—guarantees from the highest institution in the country, namely the king, that the mechanism used to develop and approve the draft will be suitable. They argue that the law should first be drafted by qualified Shari'a scholars, and that

any change or amendment of its articles should be carried out by these scholars. They would consequently deny the parliament any authority to change, amend, abolish, or add any article without the consent of the Shari'a scholars.

To handle these two problems, it is necessary to adopt a new approach that is designed to gain the support of Shiite Shari'a scholars and educate the public on the nature of the law, which is based on and in agreement with the essence of Shari'a.

### **Background on Women's Status and Personal Status Law in Kuwait**

Kuwait is located in the northeast of the Arabian Peninsula. It has a population of over 2.5 million, slightly more than half of whom are foreign nationals. Shiites constitute about 30 percent of the population.<sup>15</sup> Kuwait was the first Arab Gulf country to establish an elected parliament, under the constitution approved in 1962.

#### *Synopsis of the Status of Kuwaiti Women's Rights*<sup>16</sup>

Efforts by Kuwaiti women to eliminate barriers to the exercise of their political rights through the legislative authority go back to the 1970s. On December 15, 1971, Nooriyyah Assaddaani, chairwoman of the Arab Women's Day Committee in Kuwait, submitted a petition to the speaker of the Kuwaiti National Assembly that included the recommendations of the first women's rights conference. The recommendations included granting women the right to vote and to run for elected office. The petition was presented to the National Assembly's committee for petitions and complaints, which delivered its report to the full chamber on November 24, 1973. The majority

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<sup>15</sup> <http://www.infoplease.com/ipa/A0107694.html>.

<sup>16</sup> This synopsis and what follows about the Kuwaiti personal status law are loosely quoted from a book by Dr. Badriyyah Abdullah al-'Awwadhi, *Political, Legal, and Human Rights of Kuwaiti Women: A Comparative Study with Arab Laws and International Treaties* (Kuwait, 2006) (in Arabic).

of the committee's members rejected the petition, arguing that it contradicted Shari'a and other norms.

On May 22, 1999, the emir issued Decree No. 9/1999, which would have amended the first article of the National Assembly Elections Law No. 35/1962 to grant women the right to vote and run for office. However, the National Assembly voted on November 30, 1999, to reject the decree by a margin of just two votes.

On June 22, 1999, *Al-Ra'i al-'Aam* newspaper published the results of a survey involving a random sample of 400 Kuwaitis, both men and women. A total of 58 percent of the respondents felt that women were not ready to exercise their political rights, while 28 percent indicated that women were ready. Some 46 percent said that women's membership in the parliament would upset the balance of power within families. While 48 percent said granting women their political rights would not help to improve the country's political and social conditions in the future, 42 percent said the opposite.

The results of the survey indicated that both women and men in Kuwait had a poor understanding of the importance of women's participation in the political process and in economic and social development. Though the survey showed that the majority supported the emir's decision, it brought to light a flawed understanding of what political rights are. A full 31 percent said they are designed to replace the principles of the Shari'a with the principles of human rights, while 17 percent said they did not know.

### *Granting Women's Political Rights in 2005*

On May 16, 2005, the Kuwaiti National Assembly finally adopted legislation granting Kuwaiti women their political rights and opening the door to their participation in the elections that followed. The government also took some positive steps to enable women to participate in public life, appointing the first two women to the Municipal Council and another to serve as minister of planning and administrative development, making her the first female cabinet minister.

## *Synopsis of the Kuwaiti Personal Status Law*

The Kuwaiti personal status law is one of the country's most controversial laws and has an immediate impact on the family, whether positive or negative. Its provisions address family issues through the woman in her status as wife, mother, daughter, divorcee, or widow, or in any case in which the woman is the key element in the growth and stability of the family.

The law, issued in 1984, consists of 346 articles that govern the legal standing of the family. It covers "issues related to family order, such as engagement, marriage, spouses' mutual rights and duties, dowry and financial arrangements between spouses, alongside other matters associated with divorce, separation, and other issues that are closely related to an individual throughout his life, from cradle to grave."

The law tackles the arrangement of spousal relations and the issue of competence in marriage, which are covered by six articles. It also includes 48 articles that address the rights of the wife and children in the case of divorce or separation; Article 102, for example, does not accept the divorce declarations of the insane, the imbecile, the coerced, the erroneous, the drunk, the astounded, or the angry man if his sayings and doings are apparently defective. The law devotes nine articles to *khul'*, a divorce initiated by the woman that involves the return of her dowry to the husband.<sup>17</sup>

The law includes 11 articles on custody issues, establishing a legal framework designed to protect the child's interests. Article 191 states the custody rights of the mother after divorce, and it stipulates that the mother loses custody rights if she marries another man.

Other issues that are dealt with indirectly but in a detailed and comprehensive manner include violence against women, alimony for relatives, guardianship over young children, wills, and inheritance.

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<sup>17</sup> See the glossary appendix at the end of this report.



### *Updating the Kuwaiti Personal Status Law*

Although the personal status law was enacted and includes a number of provisions that improve the condition of women and promote their rights, some find that the law still contains many loopholes that constrain women's independence in choosing their partners for marriage and their power to unilaterally terminate marriage contracts without endangering their legitimate and legal rights. The law is also unclear on the child custody rights of divorced women and other important matters.

Over two decades after the law was enacted, many attempts to review or amend it have arisen among lawmakers, civil society groups, and legal experts.<sup>18</sup>

On May 12, 2004, *Al-Watan* newspaper reported that four Shiite representatives in the National Assembly had proposed drafting a Law on Ja'fari Personal Status in the Court of Appeals within the framework of the judiciary body.


On March 14, 2006, a conference on women and human rights concluded by issuing 21 recommendations, including a recommendation to reconsider personal status laws and amend them so as to achieve equality.

*Al-Watan* published on November 18, 2007, the main contents of the 86th report of the committee on legislative and legal affairs, on a proposal to add new articles to the personal status law. The committee convened several meetings to discuss a measure covering a certain form of will, and attending members voted unanimously in favor of an amendment.

It can be said that the key issues in Kuwait are improving the personal status law and raising awareness of the importance of its

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<sup>18</sup> See for example efforts and calls for updating the law that were published in the press, including in *Al-Watan* newspaper on April 14, 2004, and February 22, 2006, and in *Al-Ra'i al-'Aam* newspaper on September 30, 2004 and December 18, 2005.



articles. The public must be encouraged to use the legislation to solve family, social, and financial problems at the individual level, including financial disputes, inheritance questions, and the stewardship of the money of minors. People's ignorance of the law and lack of familiarity with the legal system in general has left them unable to benefit from its protections. These circumstances call for an approach that is based mainly on disseminating legal knowledge and clarifying the available benefits for families, women, and children, as well as for the stability of Kuwaiti society as a whole. Such benefits can only be extracted if the law is fully activated and enforced on the largest possible scale.

### **Campaign to Raise Awareness of the Importance of Personal Status Law**

The goal of the campaign in Bahrain is to raise awareness among the different sectors of society about the importance of enacting a codified personal status law, and to stress that such a step would not contradict religious tenets. In fact, the enactment of a law based on the provisions of Shari'a would be completely in agreement with religious principles. But while Shari'a contains just and fair provisions and supporting texts, it can suffer in practice from deficiencies in enforcement, understanding, and interpretation. It also lacks the textual harmony that could be gained from codification in legal, modern, and clear language that everyone can understand.

In Kuwait, while there is a codified personal status law, many citizens—and especially women—do not have enough knowledge about the substance of the law and its privileges or how they can benefit from it and utilize it to achieve justice for their causes. Therefore, the campaign in Kuwait is designed to increase the people's knowledge about the law, and to urge them to take advantage of it.

## **Part One: Record of Campaign Activities to Raise Awareness of the Importance of Personal Status Law**

### **Bahrain**

#### **Activities of the Campaign to Raise Awareness of the Importance of Personal Status Law**

The main sponsor of the campaign was the Bahraini Women's Union, which was legally recognized as a civil society organization in the summer of 2006. The union coordinates several projects on behalf of a large group of Bahraini women's societies.

#### **Analysis of the Survey of Women's Rights in the Parliamentary Elections: November 18–24, 2006<sup>19</sup>**

- **Activity Information:**
  - i. **Goal of the survey:** Measure the extent of popular support for women's rights in the context of the parliamentary elections.
  - ii. **Methodology of the survey:** The survey, which used a random sample of voters, consisted of a questionnaire that started with personal data and continued with four key questions about whether the voter wanted to elect a woman or a man. Other questions dealt with women's personal rights, the preferred characteristics of a parliamentary candidate, and the extent to which these preferences related to the ability of the candidate to support women's rights. The survey was conducted over the eight days before election day (November 25, 2006). The questionnaire was distributed during the rallies of

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<sup>19</sup> Activity documents: a copy of one page of the Bahraini newspaper *Al-Waqt* (Time), which published a summary of the survey results on November 25, 2006, and the text of the final report on the results of the survey, in Arabic.

candidates representing different attitudes and positions, and covered all 40 electoral constituencies. A total of 985 voters, evenly divided between men and women, provided valid responses.

iii. **Participants in the survey:** The questionnaire was prepared by a civil society organization, the Bahraini Women's Union, while the data collection and analysis were delegated to a specialized national consultancy.

- **Activity Outcome:**

i. **Initial results of the survey:** The main results indicated that a large portion of voters were ready to support women's rights in the elections to the same degree that they were prepared to support men, and that the rest would vote for a candidate whose agenda agreed with their aspirations, whether the candidate was a man or a woman. This result suggested that voters viewed men and women equally. However, the results of the elections and the sweeping victory of male candidates, particularly those with Islamist political orientations, proved that such a conclusion would be incorrect, or that the opinions expressed by the respondents were not truthful. Previous international studies have shown that voters often hide their true opinions and declare others that seem more morally or logically acceptable. After religious scholars and the public voiced objections to the idea of enacting a personal status law, any candidate who advocated such a measure faced a dangerous electoral stigma that threatened his or her political standing. Candidates deliberately avoided raising the issue of the law, causing public awareness of the topic to decline, and in some cases it was raised specifically to attack candidates who supported enacting a law.

ii. **Presenting the initial results in the press:** The Bahraini Women’s Union issued a press release on November 24, 2006, the eve of election day, to present the results of the survey. On the following day, *Al-Waqt* (Time), a daily Bahraini newspaper, published the results.

- **Activity Results:**

The most salient result of the survey was that it showed the extent to which the subject of women’s rights and personal status law had sunk into obscurity, drawing attention to the need for a new awareness campaign to clarify the importance of having a personal status law. The survey also demonstrated that such a campaign should include new techniques and quiet, qualitative approaches that do not, like the previous campaign, anger the majority of the public and detract from the ultimate goal.

- **Lessons Learned:**


The survey highlighted the importance of reviving the campaign to enact a personal status law. As a scientific and objective tool, the survey showed the deadlock that the campaign had reached and the urgent need to launch it again before a lasting lethargy took root.

- **Strategies Applied:**<sup>20</sup>

i. **Strategic principle:** Represent the activity through a national agent, the Bahraini Women’s Union, to facilitate the work of the surveyors and minimize embarrassment for the participants.

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<sup>20</sup> There are 14 strategic practices, divided into four main categories: (1) strategic principles, the foundation on which the campaign builds its activities; (2) strategic roles, the functions performed by different entities involved in the campaign; (3) strategic means, the various forms and methods of campaign activities; and (4) the strategic environment, the conditions and circumstances to which the campaign adapted to maximize its impact. (For more details, see Part Two of this guide.)

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- ii. **Strategic principle:** Clarify the neglect that women's rights are suffering and the need to enact supportive laws, through a scientific and objective survey.
  - iii. **Strategic role:** A civil society organization, the Bahraini Women's Union, performed the role of the national agent for the project to gain the cooperation of the participants.
  - iv. **Strategic environment:** The campaign took advantage of the social and political mobilization associated with the legislative elections to conduct the survey and justify its goals.
  - v. **Strategic environment:** A local consultative institution was assigned to conduct the survey to reinforce the impression that it arose from local or national concerns.

### **Seminar to Present and Analyze the Survey Results at the Office of 'Awwaal Women's Society: February 14, 2007<sup>21</sup>**

- **Activity Information:**
  - i. **Goal of the seminar:** Present and analyze the results of the survey on Bahraini women's personal rights in the parliamentary elections of 2006.
  - ii. **Program of the seminar:** The seminar, organized at the invitation of the Bahraini Women's Union, was held on February 14, 2007, and included 20 women representing most of the country's civil society organizations that deal with women's issues. During the seminar, a quantitative and qualitative analysis of the survey results was presented, along with the actual results of the elections. Participants

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<sup>21</sup> Activity documents: photographs.

also discussed the reasons behind the variance between the results of the survey and those of the elections. The presentation was made by Sadiq Jaffer, president of the consultancy that conducted the survey.

iii. ***Participants in the seminar:*** The Bahraini Women's Union and representatives of women's nongovernmental organizations (NGOs).

- **Activity Outcome:**

The audience was over 20 people, and the seminar lasted for two hours, with a great deal of discussion and a variety of opinions expressed.

- **Strategies Applied:**

i. ***Strategic principle:*** Clarify the neglect that women's rights were suffering during the parliamentary elections and the need to enact supporting legislation.

ii. ***Strategic role:*** The seminar was held under the auspices of the Bahraini Women's Union and in the offices of one of the NGOs.

iii. ***Strategic means:*** The results were presented in the form of a meeting, specifically a seminar, to promote the level of understanding among the interested people.

### **Roundtable Discussion on Codification of Personal Status Law: May 26, 2007<sup>22</sup>**

- **Activity Information:**

i. ***Goals of the roundtable:*** Open a dialogue and exchange views with specialists on codifying personal status law;

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<sup>22</sup> Activity documents: a record of the media coverage in the local press, photographs, and the papers that were presented during the roundtable discussion.

define points of convergence and difference between the language of Shari'a and the legal language in drafting the law; and take notes that can be submitted to the royal palace and the speakers of the two houses of parliament.

ii. **Program of the roundtable:** The roundtable was held for five hours on May 26, 2007, in the Radison-Sas hotel. It began with a speech by Mariam al Rowaie, chairwoman of the Bahraini Women's Union, followed by the presentation of three working papers and a session for discussion. The roundtable concluded with a session for recommendations.

iii. **Participants in the roundtable:**

1. Sheikh Muhsin al-'Asfoor, Ja'fari judge of the high court of appeal, with the paper "Codification from the Shari'a Perspective: The Need for an Integrated Legislative System for the Shari'a Courts."
2. Sheikh Yaasir al-Mahmeed, Sunni judge in the Shari'a high court, with the paper "Working of the Committee Assigned to Draft a Bahraini Family Law."
3. Saami Sayyaadi, a lawyer, with the paper "Why Codify Rulings on Personal Status?"

● **Activity Outcome:**

i. **Audience:** About 70 people participated in the roundtable, including members of women's NGOs, human rights societies, lawyers of both sexes, religious scholars from the Shiite and Sunni sects, members of both houses of the parliament, and representatives of the Ministry of Justice.



- ii. **Press coverage:** The roundtable was covered by most of the local Arabic daily newspapers.
- iii. **Recommendations:** The roundtable issued several recommendations, most notably the need to set a date to issue a personal status law, develop a strategy to raise societal awareness of the importance of codifying the rulings of family courts and reforming litigation procedures, include all matters related to the rights of disabled women in the law, and seek to enact a unified law with a chapter that deals with controversial issues and footnotes covering doctrinal differences.

- **Activity Results:**


The roundtable revived public attitudes in support of enacting the law despite reservations. It was a public starting point for the new campaign and for the formation of a committee of Sunni religious scholars to provide advice on a draft law. However, the roundtable led to a negative reaction in the media from Shiite religious institutions that opposed enacting a law through the present mechanism.

- **Lessons Learned:**

The participation of a large group from the elite that represented the many segments of Bahraini society helped to form the foundations of a joint view that could gather a great deal of consensus on the draft of the law and facilitate its presentation and circulation.

- **Strategies Applied:**

- i. **Strategic principle:** Represent the activity through a national agent, the Bahraini Women's Union, to gain the trust of participants.

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- ii. **Strategic principle:** Use religious language that is suitable to the cultural and societal environment to stave off the idea of contradiction between Shari'a and a codified personal status law.
  - iii. **Strategic principle:** Clarify the disadvantages of the lack of a law to increase citizens' understanding of the justifications for the campaign.
  - iv. **Strategic role:** Gain the assistance of experts in Shari'a and law in implementing the activity, to give the campaign religious and legal credibility.
  - v. **Strategic means:** Present ideas through a qualifying meeting to increase the network of supporters of the idea of enacting a law.
  - vi. **Strategic means:** Communicate with the public through widespread media coverage of the event, to address negative views that surround the idea of a codified personal status law.

### Reading Sessions on the Drafts of the Personal Status Law: June 30 to July 2, 2007<sup>23</sup>

- **Activity Information:**
  - i. **Goal of the sessions:** Complete what was started in the roundtable regarding the relationship between Shari'a and legal language in the drafts of the law; explain the articles of the drafts to members of women's NGOs; and take notes that can be submitted to the royal palace and the speakers of the two houses of parliament.

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<sup>23</sup> Activity documents: a copy of the media coverage in the local press, photographs, and the papers that were presented during the sessions.

- ii. **Program of the sessions:** The hearing sessions were held from June 30 through July 2, 2007, for three hours each day, in “Caring Mother and Child” society hall. Lawyers of both sexes presented critical reviews of the law. The reading focused on the two drafts, Sunni and Ja’fari, that were published in the Bahraini daily *Al-Ayam* and written by the official committee formed by the government.
- iii. **Participants in the sessions:**
  1. Lawyer Hasan Isma’eel, with the paper “Critical Review of the Draft Family Law”
  2. Lawyer Shahizlaan Khamees, with the paper “The Draft of the Family Law”
  3. Lawyer ‘Ali al-‘Aareedh, with the paper “Criticizing the Draft Family Law”
- **Activity Outcome:**
  - i. **Audience:** Between 50 and 60 women participated in the reading sessions, most of them from Bahraini women’s societies. The third day’s session was canceled for compelling reasons, with apologies from the lawyers assigned to present a reading.
  - ii. **Press coverage:** The sessions were covered by *Al-Ayam*, a Bahraini daily newspaper.
  - iii. **Recommendations:** The sessions produced several recommendations, most notably replacing ambiguous words that insult women with clearer and more suitable words, and attaching a detailed memorandum to clarify shortened articles of the law. Lawyers Hasan Isma’eel and Shahizlaan Khamees were assigned to collect the session notes and edit them. Isma’eel prepared a comprehensive review of the law in light of the mentioned readings.

- **Activity Results:**

The sessions played a great role in clarifying many ambiguous points in the draft law and improving the participating activists' legal understanding of its provisions.

- **Lessons Learned:**

The sessions showed the importance of educating women working in the field of personal status on the legal and juristic aspects of the subject, which allows them to avoid misunderstandings and refrain from any action that could be seen as a violation of Shari'a and law.

- **Strategies Applied:**

- i. **Strategic principle:** Represent the activity through a national agent.
- ii. **Strategic principle:** Clarify the disadvantages of the lack of a law.
- iii. **Strategic role:** Use the participation of legal experts to lend credibility to the campaign and its language.
- iv. **Strategic means:** Use the format of a qualifying meeting to increase the network of supporters of the idea of enacting a law.
- v. **Strategic means:** Present the results of the activity through mass media to reduce legislative and linguistic confusion over the law.

### **Meetings of the Committee Reviewing the Sunni Draft: Beginning August 4, 2007<sup>24</sup>**

The Bahraini Women's Union sent three letters to the Council of Islamic Scholars asking for meetings to discuss the personal status law and

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<sup>24</sup> Activity documents: photographs of the committee meetings and the text of the revised draft.

review the Ja'fari draft. The council replied by thanking the union for its efforts and confirming the priority of a constitutional guarantee for amending the law, and said it could not form a committee to review the Shiite draft due to objections from influential Shiite clergymen. Instead of forming a committee, the campaign held individual meetings with scholars like Assayyid Kaamil al-Haashimi and Assayyid Ja'far al-'Ilwi, who agreed to read the Ja'fari draft and submit notes on it. Also, the lawyer Jaleelah Assayyid was consulted about several steps that have been taken.


- **Activity Information:**

- i. ***Goals of the meetings:***

1. Review the Sunni draft of the law and submit the resulting notes to the royal palace and the two houses of parliament.
2. Create a juristic consensus on enacting a law among multiple Sunni schools and movements, such as Malikis, Salafists, Sufis, and Muslim Brothers.

- ii. ***Program of the meetings:***

A total of 38 meetings were held; the first took place on August 4, 2007, in the Crown-Plaza hotel, after which the meetings continued on a weekly basis. The participants showed a high degree of commitment to attend and participate, indicating that they believe in the importance of the subject. They praised the Bahraini Women's Union for taking the initiative in that regard. The second meeting was held in the offices of an Islamic society, and other meetings followed in the headquarters of the union. The meetings were held between 9:30 a.m. and 2:00 p.m. The committee approved some articles of the law as they were drafted, and rephrased or changed other articles, taking into account personal status laws



in Qatar, Algeria, United Arab Emirates, Morocco, Kuwait, and Oman, and local public notes on the draft. Sheikh ‘Abdullateef al-Mahmood played a crucial role in convincing the participants to react and join in the discussion. He was consulted on the figures that could be invited to be members of the committee. These individuals were contacted by Mariam al Rowaie, and they immediately agreed to participate.

iii. ***Participants in the meetings:***

1. Sheikh ‘Abdullateef al-Mahmood: religious scholar, academic, and member of the Supreme Judicial Council.
2. Sheikh Waleed al-Mahmood: Shari’a judge.
3. Dr. Ahmed al-Attawi: religious scholar, academic.
4. Sheikh ‘Abdunnasir Assadeeqi: religious scholar, chairman of committees in the Bahraini Shura Council (upper house of parliament).
5. Sheikh Naji al-‘Arabi: religious scholar, academic.
6. Sheikh ‘Abdulrahman Assha’ir: Shari’a judge.
7. Sheikh ‘Abdulrahman ‘Abdussalaam: religious scholar, member of the Bahraini Shura Council.
8. Dr. Ahmad Muhammad Bakheet: academic and researcher of personal status law.
9. Sheikh Yaasir al-Mahmeed: judge and chairman of the Shari’a high court, member of the official committee that prepared the Sunni draft.
10. Sheikh Ibraheem al-Marikhi: judge of the Shari’a high court of appeal.

11. Mariam al Rowaie: chairwoman of the Bahraini Women's Union.

12. Safiyah al-Hasan: secretary of the union.

- **Activity Outcome:**

- Audience:** Most of the participants had a joint academic and judicial background, and they represented the most important juristic, political, and cultural currents in the kingdom, allowing them to help generate societal consensus around their efforts.
- Revised draft:** The committee prepared a revised draft of the proposed law based on all the endorsements and changes it had adopted.
- Recommendations:** The committee produced a series of recommendations, the most notable of which were: inclusion of a preliminary chapter explaining the terms used in the law; addition of articles on issues that had been ignored by the draft, such as *'iylaa'* (conditioned swearing by the husband to divorce), *dhihaar* (swearing by the husband to prohibit intercourse with his wife) and *li'aan* (an oath of condemnation between spouses);<sup>25</sup> articles to deal with new family issues, such as new forms of marriage; and the establishment of two independent systems of family rulings for the Sunni and Ja'fari sects.
- The revised draft in Sunni and Ja'fari forms** was submitted to the minister of the royal palace in a meeting attended by representatives of the Women's Union and members of the committee of Sunni scholars on October 15, 2008.

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<sup>25</sup> See the glossary appendix at the end of this report.



- **Strategies Applied:**

- i. ***Strategic principle:*** Implement the activity through a national institution to show that it is working for national interests.
- ii. ***Strategic principle:*** Utilize the diversity of religious jurisprudence among Shari'a experts and scholars to gain better juristic, legislative, and legal approaches for the law's articles.
- iii. ***Strategic principle:*** Communicate with representatives from the legislature and involve them in the campaign to give it some qualitative leverage and prevent public skepticism.
- iv. ***Strategic role:*** Have a national institution coordinate the sessions to provide more flexibility and transparency in the mobilization and exchange of ideas.
- v. ***Strategic role:*** Involve Shari'a experts in the activity to deal with loopholes in the law and the problems of its legitimacy and the legitimacy of advocating its enactment.
- vi. ***Strategic means:*** The activity was implemented within a supporting framework—a committee to revise the draft—to bridge differences over the articles of the law and facilitate its future enactment.
- vii. ***Strategic environment:*** Shari'a experts from Bahrain were asked to review the draft to convince suspicious observers that the project derived from the needs of Bahraini citizens and the country as a whole.




## Survey on Judicial Procedures in Personal Status Cases: August 2007<sup>26</sup>

- **Activity Information:**
  - i. ***Goal of the survey:*** Assess the effects of personal status issues on women, children, and families, and the way they are handled by judges, lawyers, and legislation.
  - ii. ***Methodology of the survey:*** The survey depended on two questionnaires. The first was for nongovernmental and official centers that sponsor, support, and give advice to women who are victims of domestic abuse. The second was for lawyers who deal with these women's cases and defend them before the Shari'a courts. The first questionnaire contained 27 questions divided into six sections, which dealt with the lack of clearly codified personal status laws; the cases of divorced women and their suffering; the position of women and their children in cases of divorce or differences with their spouses; the conditions of affected women at the academic and professional levels; the positions of affected or abused women before Shari'a courts; and finally the types of support offered by the women's centers. The second questionnaire contained 19 questions divided into five sections, which were similar to those in the first questionnaire. The questionnaire covered conditions between 1997 and 2006.
  - iii. ***Participants in the survey:*** Several NGOs and official institutions replied to these questionnaires. They included Batelco Care Centre for Family Violence Cases, a Bahraini nonprofit organization; the Supreme Council for Women, an official organization; and the NGOs 'Awwaal Women's Society and Rural Girls' Society. Profit-seeking

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<sup>26</sup> Activity documents: the text of the final report on the results (in Arabic).



organizations like Happy Family House also participated, as did governmental centers like Sutrāh Social Center and Jaddhafs Social Center, which are affiliated with the Ministry of Social Development. In addition, the law offices of ‘Abd’ali al-‘Asfoor and Zeenaat al-Mansoori participated.

- **Activity Outcome:**

The survey produced several findings, including the conclusion that domestic violence was the top problem for married women in Bahrain, and that women were vulnerable to this form of abuse at any stage of their marriage and at any age, whatever their academic or professional positions. Women could suffer for years even if their cases were brought before a court, due to delays and inefficiency of the judicial procedures. Furthermore, the support that these women were getting from support centers depended on the status of their cases in the courts, since the centers themselves are not able to intervene in any court case, except through a bureau of complaints affiliated with the Supreme Council for Women and the ‘Aaishah Yateem Center, which give support in that regard.

- **Lessons Learned:**

The report showed the importance of creating an electronic system to monitor and record cases once they are transferred to support centers, to avoid closing them after a court decision or settlement. The support centers should be staffed with specialists capable of performing case monitoring and analysis.

- **Strategies Applied:**

- i. ***Strategic principle:*** Represent the activity through a national agent so that the participant agencies agree to provide the requested information.

- ii. **Strategic principle:** Clarify the disadvantages of the lack of a codified law and use scientific language to gain the support of the individuals and entities concerned.
- iii. **Strategic role:** Conduct the activity through a civil society institution to ease bureaucratic complications and encourage cooperation by many participant agencies.

### **Journalist Competition on the Personal Status of Bahraini Women: September to October 2007<sup>27</sup>**

- **Activity Information:**


- i. **Goals of the competition:**

1. Raise awareness of the importance of personal status law through a series of articles during the holy month of Ramadan.
2. Attract citizens' attention to the existence of a campaign to enact a law in accordance with Shari'a.
3. Increase public support for the idea of enacting a law that treats women fairly in accordance with Shari'a.

- ii. **Program of the competition:** The competition consisted of a series of articles that defined the terms and articles of the draft personal status law so as to raise awareness of the substance of the law and the importance of enacting it. An article was published every two to three days, with each ending by presenting a question that, if answered correctly, was considered a sign of the success of the competition. A guide for the participating writers and the organization that would supervise it, the Bahraini

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<sup>27</sup> Activity documents: copies of the competition published in *Al-Waqt* and *Al-Bilad* newspapers and the text of the competition published in an independent pamphlet.



Women's Union, was produced. The guide described the nature of the competition and provided a set of rules for writing an essay, so that each essay reviewed one of the key issues within the subject of personal status. The guide also presented rules for composing the question in a way that motivated the reader to read the entire article, as well as criteria for choosing the writers who would participate. Among other things, the criteria called for the writers to be experts on their subjects, and to include both men and women and both Sunnis and Shiites. The guide ends by presenting a form of the agreement with the newspaper that publishes the competition, particularly in terms of maintaining a fixed format for presenting the competition and determining how prizes could be delivered to the winners.

iii. ***Participants in the competition:*** An agreement was reached with the Bahraini daily *Al-Waqt* to publish the competition's articles on its pages with financial support from the Bahraini Women's Union. Following are some participants and their contributions:

1. Dr. Ahmed al-Attawi: "Controls and Criteria of Marital Expenses" and "Women's Right to a Safe Family and the Nullity of Men's Right to Resort to Violence"<sup>28</sup>
2. Dr. Ahmad Bakheet: "Guardian *'Adhal* (unjust barring of women from marriage),"<sup>29</sup> "Women's Right to See their Children After Divorce," "Married Women's Rights During Engagement," "Divorce Due to Desertion of Wife and *'Iylaa'*," "The Bounds of Marital Obedience in Shari'a and the Bounds of Women's Duties and Rights," "Foreign Mothers' Rights after Divorce and the Right

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<sup>28</sup> See the glossary appendix at the end of this report.

<sup>29</sup> See the glossary appendix at the end of this report.

to Citizenship Due to Motherhood,” and “The Role of the Judiciary in Activating Women Rights”

3. Judge Yasser al-Mahmid: “Justifications for *Khul’* and Women’s Rights under Shari’a” and “Examples from Shari’a Rulings in Personal Status Cases”
4. Shahnaaz Rabi’i: “Guarantees for Women’s Rights in Islam” and “Women’s Human Rights”

- **Activity Outcome:**


There were over 300 answers from readers. Winners were awarded 10 prizes, with the largest worth 600 Bahraini dinars and the others declining by increments of 50 dinars. Essays were republished in series as educational items on the concepts of personal status in *Al-Bilad* daily.

- **Lessons Learned:**

The timing of the competition to coincide with the holy month of Ramadan allowed the campaign to take advantage of an existing season of cultural and religious mobilization and competition. It also proved important to address the personal status topics in a form that was understandable and accessible to the average reader, rather than using a style that emphasizes the writer’s professionalism.

- **Strategies Applied:**

- i. **Strategic principle:** Represent the activity through a national agent.
- ii. **Strategic principle:** Use language derived from Shari’a in presenting the essays to avoid the impression that the personal status law contradicts Islamic law.
- iii. **Strategic principle:** Clarify how urgently the law is needed and improve the average citizen’s understanding of the campaign’s arguments.

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- iv. **Strategic principle:** Utilize the diversity of religious jurisprudence when handling different aspects of personal status to demonstrate the extent of the support that Shari'a offers to women and the family.
  - v. **Strategic role:** Seek help from Shari'a experts in conducting the event to promote the credibility of the language used.
  - vi. **Strategic means:** Present the activity through mass media to gain all possible public support for the idea of enacting a law.
  - vii. **Strategic environment:** Localize the activity through the engagement of local writers and experts.

### **Training Course on Family Law Rulings: September to October 2007<sup>30</sup>**

- **Activity Information:**
  - i. **Goals of the course:** Raise the level of awareness of religious, legal, and civil rights and disseminate knowledge of the importance of a personal status law among female students at the university and in different villages, towns, and cities throughout Bahrain.
  - ii. **Program of the course:** The course was designed and implemented by Shahnaz Rabi'i. All workshops were held in the headquarters of the Bahraini Women's Union between 8:00 p.m. and 10:00 p.m. during the month of Ramadan, with one workshop every two nights. Each session had two sections, theoretical and practical, that contained several exercises to promote dialogue, especially on issues of marriage, divorce, alimony, and

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<sup>30</sup> Activity documents: a copy of local newspaper coverage, photographs of the course, and the technical materials of the course.

family-related rights as well as economic and political rights, education, labor, and salaries. Participants were offered transportation, as the majority of them had no means of their own.

- iii. ***Producer of the course:*** Shahnaz Rabi'i is a women's activist and religious preacher. She is currently preparing for a master's degree in law at the University of Bahrain.
- iv. ***Training materials:*** The theoretical part of the course covered the following subjects:
  1. The role that theoretical methodology plays in defining the drive of individuals and nations.
  2. Flaws in human thought.
  3. Islam and modern women.
  4. Problems of modern women in intellectual discourses.
  5. Measuring superiority among people.
  6. The problem of women in globalization.

- **Activity Outcome:**

There were up to 115 female participants, most of them from rural areas. They consisted of students in preparatory and secondary schools, and university students.

- **Lessons Learned:**

The activity demonstrated the importance of finding a suitable time for educational programs. During the month of Ramadan, people normally attend religious events and readily participate in cultural and social events related to religious values, including public lectures, workshops, and courses. This made presenting the subject of women's rights in Islam in the form of a workshop both suitable and successful.

- **Strategies Applied:**
  - i. **Strategic principle:** Clarify the importance of a legal environment that is supportive of women.
  - ii. **Strategic role:** The fact that a civil society organization played a leading role in the activity facilitated the support of the participants and their positive interaction.
  - iii. **Strategic means:** The use of qualifying meetings expanded the network of law supporters.
  - iv. **Strategic environment:** Seasonal cultural and religious mobilization during the month of Ramadan was used to maximize public participation in the activity.

### **Training Course on the Role of Bahraini Women in the 21st Century: December 2–6, 2007<sup>31</sup>**

- **Activity Information:**
  - i. **Goals of the course:** Prepare a group of qualified female advocates to promote the role of Bahraini women.
  - ii. **Program of the course:** The program, designed and implemented by Dr. Ruqayyah al-‘Alwaani, lasted for five days, with one three-hour workshop per day. The sessions were held in the headquarters of the Bahraini Women’s Union in December 2007.
  - iii. **Producer of the course:** Dr. Ruqayyah al-‘Alwaani is a women’s activist, religious preacher, and academic at the University of Bahrain.
  - iv. **Training materials:**
    1. Women’s development in the age of the Prophecy.

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<sup>31</sup> Activity documents: photographs of the participants.



2. Brief presentation on the change in women's positions.
  3. The modern reality for Bahraini women and the international situation.
  4. Analyzing the causes of the current situation in different areas.
  5. International agreements and a study of the relevant terminology.
- **Activity Outcome:**

Twenty-five female religious preachers participated in the course.
  - **Lessons Learned:**

The activity showed the importance of training a group of female advocates who play cultural, religious, and social roles to become more effective educational channels for the ideas of the campaign.
  - **Strategies Applied:**
    - i. **Strategic principle:** Choosing a figure who has academic experience in the field of Shari'a to conduct the activity gives it credibility and a more professional quality.
    - ii. **Strategic means:** The use of qualifying meetings improves the expertise of those working to enhance women's status.

### **Lecture on Alimony Fund Law: March 2008**

- **Activity Information:**
  - i. **Goals of the event:** Educate women in the general public on the idea of an alimony fund.

- ii. **Program of the event:** The event was a lecture delivered at the headquarters of the Bahraini Women’s Union and again in one of the country’s memorial gathering places (Huseiniyaat).<sup>32</sup>
- iii. **Producer of the event:** Ibtisaam Khamees is a women’s activist and member of “Renaissance of Bahraini Girls,” as well as an employee at a law firm in Bahrain.

- **Strategies Applied:**

- i. **Strategic principle:** Clarify the importance of laws supporting women’s personal rights.
- ii. **Strategic role:** Using the facilities of a civil society organization and of cultural and religious institutions, the Huseiniyaat, allowed female participants to attend the lecture.
- iii. **Strategic means:** The meetings increased social mobilization in favor of the idea of enacting the law.

### **Lecture on Setting a Minimum Age for Marriage: March to April 2008**

- **Activity Information:**

- i. **Goal of the event:** Educate women in the general public of the importance of setting a minimum age for marriage in the ma’thooneen (marriage officials) bylaw.
- ii. **Program of the event:** The event was a lecture delivered at the headquarters of Bahraini Women’s Union and again in one of the Huseiniyaat.

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<sup>32</sup> A memorial gathering place, or Huseiniyah, is a hall where men and women gather to mark the anniversary of the killing (martyrdom) of Imam Husein Bin ‘Ali Bin Abu Talib, a grandson of the Prophet. Since memorials are held at specific times during the year, Huseiniyaat are used during the rest of the year as places to deliver educational and cultural lectures, or to hold wedding celebrations, funeral gatherings, and other social and cultural events.

iii. **Participants in the event:**

1. Dr. Sumayyah al-Joodr, a family physician, explained the negative effects of early marriage on women.
2. Lawyer Saami Sayyaadi explained and analyzed the justice minister's decision on setting a minimum marriage age in the bylaw and its legal importance.

● **Strategies Applied:**

- i. **Strategic principle:** Clarify the importance of laws supporting women's personal rights.
- ii. **Strategic role:** Using the facilities of a civil society organization and of cultural and religious institutions, the Huseiniyaat, allowed female participants to attend the lecture.
- iii. **Strategic role:** The participation of a legal expert in delivering the lecture enhanced the public's understanding of the subject.
- iv. **Strategic means:** The meetings increased social mobilization in favor of the idea of enacting the law.

**Forming a Committee for Legal Support: June 2008**

● **Activity Information:**

- i. **Goal of the committee:** Support women affected by domestic violence or other problems that lead them to seek divorce by offering legal advice and assistance in all phases of the litigation, either without charge or for a small fee, and by offering similar legal consultation to facilities that serve such women, like the 'Awwaal center and the Manaar shelter.

- ii. ***Mechanisms of the committee:*** The committee offered legal advice and direct support to women who sought its assistance, and educated them on their rights.
- iii. ***Participants in the committee:*** The following lawyers contributed to the work of the committee, which was based in the Bahraini Women's Union:
  1. Ahmad al-'Arayedh, committee coordinator
  2. Saami Sayyaadi
  3. Hasan Isma'eel
  4. Muhammad Attaajir
  5. Shahizlaan Khamees

- **Strategies Applied:**

- i. ***Strategic role:*** Mobilize legal experts to support the committee by having a civil society organization invite them to participate.
- ii. ***Strategic role:*** Give the campaign process credibility and a professional quality by depending on legal experts.
- iii. ***Strategic means:*** Form a supporting framework to encourage women to deal with their cases in a legally and practically appropriate manner.

### **Lecture on the Alimony Fund: September 8, 2008**

- **Activity Information:**

- i. ***Goal of the event:*** Arrange a direct meeting between affected women and an official of the Alimony Fund to look into the problems these women are facing in enforcing judicial rulings concerning alimony, and to inform them about the services offered by the Fund.
- ii. ***Program of the event:*** The event consisted of a lecture and live discussions held at the headquarters of the Bahraini Women's Union.

- iii. ***Participants in the event:*** The program was introduced by 'Abduljaleel al-Hayki, an assistant undersecretary in the Ministry of Justice who was in charge of the Alimony Fund. He explained the Fund's benefits and cited statistics on the number of women who have taken advantage of its services.
- **Strategies Applied:**
  - i. ***Strategic role:*** Enlist experts to explain the laws supporting women's personal rights and increase public awareness of these laws and their benefits.
  - ii. ***Strategic role:*** Invite an official from the Fund to actively participate in delivering the lecture, thereby enhancing the impression of official and legal support for women's rights in this area.
  - iii. ***Strategic means:*** These meetings increase social mobilization in favor of the idea of enacting laws that uphold the rights of women and families.

**Lecture on the Importance of Enacting a Personal Status Law:  
September 10, 2008 (the first lecture in a series to explain the  
provisions of the draft law)**

- **Activity Information:**
  - i. ***Goal of the event:*** Educate affected women and members of women's societies on the importance of the existence of a personal status law.
  - ii. ***Program of the event:*** The event was a lecture delivered at the headquarters of the Bahraini Women's Union.
  - iii. ***Participants in the event:*** The program was introduced by Hasan Isma'eel, a lawyer.

- **Strategies Applied:**

- i. **Strategic principle:** Clarify the importance of laws supporting women's personal rights.
- ii. **Strategic role:** Enlist a legal expert to participate in delivering the lecture to enhance the public's legal understanding of the subject.
- iii. **Strategic means:** These meetings increase social mobilization in favor of the idea of enacting laws that uphold the rights of women and families.

**News Conference on Enacting a Personal Status Law: December 27, 2008 (on the occasion of the referral of a draft family rulings law to the Council of Representatives)<sup>33</sup>**

- **Activity Information:**

- i. **Goal of the event:** Promote the law in the media and seek to start an open societal dialogue about it.
- ii. **Program of the event:** The event was a press conference held at the offices of *Annabaa'* newspaper, a Bahraini weekly.
- iii. **Participants in the event:**
  1. Sheikh 'Abdullateef al-Mahmood: religious scholar, academic, and member of the Supreme Judicial Council.
  2. Dr. Ahmed al-Attawi: religious scholar, academic.
  3. Dr. Ahmad Bakheet: academic and researcher on personal status law.
  4. Representative Maki al-Wada'ay: member of National Accord block in the parliament.

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<sup>33</sup> Activity documents: press coverage of the event by *Annabaa'* newspaper on January 7, 2009.

5. Representative Ibraheem al-Hadi: member of National Islamic Platform in the parliament.
6. Mariam al Rowaie, chairwoman of the Bahraini Women's Union.

- **Strategies Applied:**

- i. **Strategic principle:** Clarify the importance of laws supporting women's personal rights.
- ii. **Strategic role:** Enlist Shari'a and legal experts to participate in the event to enhance the public's legal understanding of the subject.
- iii. **Strategic means:** Communicate with the public through events that are covered by the mass media.
- iv. **Strategic environment:** Take advantage of the political mobilization associated with the adoption of the law by the Bahraini cabinet and its submission to the Council of Representatives.

**Disseminating Awareness Publications: Early 2009 (Release of the reports entitled "Bahraini Women's Personal Rights During the Parliamentary Elections of 2006" and "Judicial Procedures in Bahraini Women's Personal Rights Cases" as well as an educational pamphlet on the Ramadan journalist competition)<sup>34</sup>**

- **Activity Information:**

- i. **Goal of the event:** Raise public awareness, and women's awareness in particular, of Bahraini women's rights under Shari'a and the law.
- ii. **Program of the event:** The publications were printed and disseminated to local readers in Arabic and English

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<sup>34</sup> Activity documents: copies of the publications.

through NGOs, mass media channels, forums for interpretive reading, and direct distribution.

- **Strategies Applied:**

- Strategic principle:*** Represent the activity through a national agent to gain the trust of readers and confirm that the campaign has a national agenda.
- Strategic principle:*** Clarify the extent of the suffering of women under the current legal system and the urgent need for a law that would improve their conditions and uphold their rights.
- Strategic means:*** Educational publications offer scientific and objective evidence and arguments to activists, elites, and the public.
- Strategic environment:*** The activity was localized through the use of Bahraini organizations to prepare, print, and disseminate the materials, thereby avoiding suspicions about the program's intentions and facilitating acceptance by the public and participating elites.

### **Producing a Documentary Film: Early 2009<sup>35</sup>**

- **Activity Information:**

- Goal of the event:*** Raise public awareness of the importance of the personal status law and of the rights of Bahraini women under Shari'a and the law; screen the film during meetings with parliament members.
- Program of the event:*** The film documents real cases of women who are severely affected by the lack of a clear and codified personal status law, and includes the views and analysis of lawyers and the Bahraini Women's Union.

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<sup>35</sup> Activity documents: a copy of the documentary film.



- **Strategies Applied:**

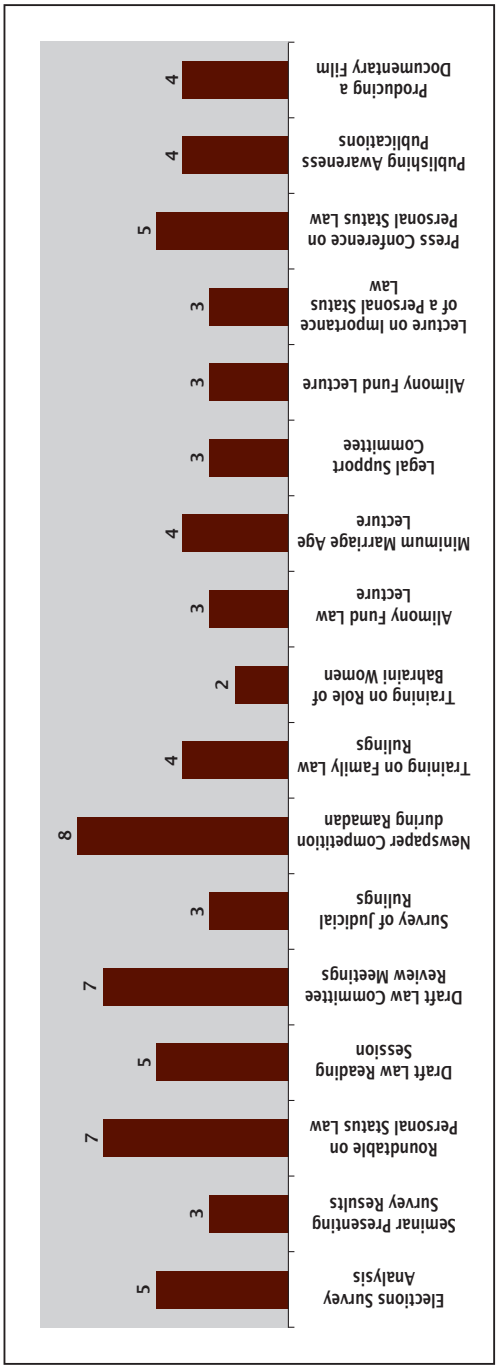
- i. ***Strategic principle:*** Clarify the disadvantages associated with the lack of a personal status law.
- ii. ***Strategic role:*** Implement the activity under the auspices of a civil society organization to gain public trust and support.
- iii. ***Strategic means:*** Use the technique of mass communication to gain support for the law and counter the negative views that surround it.
- iv. ***Strategic environment:*** The activity was localized by releasing the documentary through local media to facilitate the public's interaction.

TABLE 1  
Strategies Applied for Each Activity – Bahrain

	Strategies Applied for Each Activity – Bahrain													
	Strategic Principles			Strategic Roles			Strategic Means			Strategic Environment				
	National Representation	Suitable Language	Clarify	Utilize Diversity	Communicate with Legislators	Civil Society	Shar'ia Experts	Legal Experts	Qualifying Meetings	Supporting Framework	Mass Communication	Publications	Mobilizations	Localization
Election Survey Analysis	✓		✓			✓			✓				✓	✓
Results Presentation Seminar			✓			✓			✓					
Roundtable	✓	✓	✓				✓	✓	✓		✓			
Reading Sessions	✓		✓					✓	✓		✓			
Meetings of Committee Reviewing the Draft	✓			✓	✓	✓	✓			✓				✓
Survey on Judicial Procedures	✓		✓			✓								
Journalist Competition	✓	✓	✓	✓			✓	✓			✓			✓
Family Rulings Course			✓			✓			✓				✓	



**FIGURE 1**  
**Number of Strategies Applied in Each Activity – Bahrain**



In Bahrain, the campaign conducted 17 activities and applied 14 strategic tools. One activity, the journalist competition during Ramadan, applied eight strategies (57 percent of those available), the largest such figure of the campaign. Another activity, the course on the role of Bahraini women, applied just two strategies (14 percent). Meanwhile, six activities (35 percent of the total) applied three strategies (21 percent of those available). The average was 4.3 strategies applied per activity.

## Kuwait

### Activities of the Campaign to Raise Awareness of the Importance of Personal Status Law

The Women's Cultural and Social Society (WCSS), established in 1963, was the principal sponsor of the campaign in Kuwait.

#### Analysis of the Survey of Women's Rights in the Personal Status Law and the Parliamentary Elections: June 2006<sup>36</sup>

- **Activity Information:**
  - i. **Goal of the survey:**
    1. Identify voters' preferences regarding male and female candidates.
    2. Identify voters' priorities with respect to the National Assembly's treatment of women's rights and the personal status law.
    3. Identify voters' priorities for women's rights and the personal status law in the electoral platforms of male and female candidates.
    4. Identify voters' preferences regarding the qualifications of male and female candidates.
  - ii. **Methodology of the survey:** The survey sample consisted of 1,376 men and women aged 19 years and older, randomly chosen from all 25 constituencies in Kuwait.
  - iii. **Participants in the survey:** The survey was prepared and conducted by the WCSS.

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<sup>36</sup> Activity documents: a copy of local newspaper coverage and the text of the final report on the survey results.

- **Activity Outcome:**
  - i. ***Initial results of the survey:*** The results suggested that the majority of voters wanted to vote for the best candidate, regardless of gender; a smaller number preferred a male candidate, while the smallest percentage favored a female candidate. Although this suggested that a great number of voters viewed men and women equally, the sweeping victory of male candidates in the elections indicated that the respondents' declared views were not completely accurate. In terms of personal status issues, cases of marriage, divorce, and child custody were the top priorities for voters, and the majority of respondents supported enforcement of current laws and regulations on personal status.
  - ii. ***Presenting the initial results in the press:*** Initial results of the survey were published on the eve of the election in the newspapers *Al-Qabas* and *Al-Ra'i al-'Aam*.
  
- **Strategies Applied:**
  - i. ***Strategic principle:*** Represent the activity through a national agent, the WCSS.
  - ii. ***Strategic role:*** The WCSS, which supervised the project, is a civil society organization.
  - iii. ***Strategic environment:*** The activity was timed to capitalize on the political and social mobilization associated with the elections, which encouraged voters to air their opinions and provided easy access to potential respondents at campaign rallies.
  - iv. ***Strategic environment:*** The activity was localized through the participation of the WCSS, facilitating the cooperation of the public and elites.

## Workshop on the Results of the Survey: December 10–11, 2006<sup>37</sup>

- **Activity Information:**
  - i. ***Goal of the workshop:*** Present and analyze the results of the survey on women’s rights in the personal status law and the parliamentary elections of 2006.
  - ii. ***Program of the workshop:*** The workshop was held at the invitation of the WCSS and included representatives from women’s civil society organizations, the press, the National Assembly, and the rights advocacy and legal fields.
  - iii. ***Participants in the workshop:***
    1. Lulwa al-Mulla of the WCSS, with the paper “Discrimination against Women in Kuwaiti Citizenship Legislation”
    2. Dr. Dima Malhas of Freedom House, presenting the survey results
    3. Dr. Badria Al Awadhi, a legal expert, with the paper “The Need to Raise Citizens’ Awareness of the Personal Status Law”
    4. ‘Abdulmuhsin Taqi of the Kuwaiti Society for Human Rights, with the paper “Negative Views Toward Women in Official Positions in the Middle East”
    5. Representative Salih Muhammad ‘Ashoor of the National Assembly’s Committee on Women’s Affairs, with the paper “Women’s Empowerment in the Kuwaiti Political System”

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<sup>37</sup> Activity documents: a copy of newspaper coverage, photographs of the event, and the text of the papers presented at the workshop.

- **Activity Outcome:** The workshop lasted for two days and featured many debates and exchanges of views.
- **Strategies Applied:**
  - i. **Strategic principle:** Clarify in a conclusive and scientific way the importance of raising citizens' awareness of discrimination against women and of laws that enhance their rights, giving the campaign credibility in its presentation and analysis of the survey results.
  - ii. **Strategic role:** The civil society organizations that organized and participated in the workshop were capable of gaining the support of societal forces that might otherwise be in conflict, like liberals and Salafists (Muslim fundamentalists).
  - iii. **Strategic role:** The participation of legal experts enhances public understanding of the content of the law and its importance.
  - iv. **Strategic means:** The use of qualifying meetings increases societal mobilization and support for the idea of improving and using the personal status law.

### **Series of Articles on Kuwaiti Women's Rights in the Personal Status Law: January 29, 2007, to February 3, 2008<sup>38</sup>**

- **Activity Information:**
  - i. **Goal of the activity:** Educate readers about women's rights in Kuwaiti legislation and the personal status law.
  - ii. **Program of the activity:** A series of columns and essays explained the main issues surrounding personal status law for the average reader.

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<sup>38</sup> Activity documents: a copy of the articles in the local press.



iii. **Participants in the activity:** The newspapers *Al-Qabas* and *Al-Jareeda* agreed to publish the columns and essays. The following male and female lawyers wrote on a number of topics:

1. 'Anaadil al-Matar: "The Legal Culture of Women," "Parentage Denial."
2. Khaleefah al-'As'oosi: "Spousal Equality," "Accepting Guardianship," "Review."<sup>39</sup>
3. 'Ithraa' Arrifaa'i: "Association between Contract and Terms," "Khul'," "The Home," "Increase in the Use of Wills," "The Home and Obedience."
4. Salih Raashed al-Juwaysri: "Types of Marriage and Their Provisions,"<sup>40</sup> "Custody," "Compensation," "Inheritance."
5. Mariam al-Bisharah: "Void Contracts," "Divorce Due to 'Iylaa' (Oath)."
6. Abdullah Khalid Atturkeet: "Dowry," "Inheritance and Salaries," "Divorce for Damage."
7. Mariam 'Issaam al-Mu'min: "Divorce Due to the Husband's Absence," "Corrupted Marriage," "Marital Alimony."
8. Husein 'Ali: "Legal Amendments," "Divorce Cases," "Premarital Medical Check-up Law," "Ja'fari Personal Status Law."
9. Wasmi Khalid al-Wasmi: "Family Law," "Inheritance by Benefit."
10. Thikra Arrasheedi: "Marriage Approval."

<sup>39</sup> See the glossary appendix at the end of this report.

<sup>40</sup> See the glossary appendix at the end of this report.

- **Activity Outcome:** Nearly 30 essays were published over 12 months.
- **Lessons Learned:** Relying on specialists and lawyers to explain legal articles and subjects gives the average reader a sense of the credibility and seriousness of the published material.
- **Strategies Applied:**
  - i. **Strategic principle:** Clarify the importance of the law's articles and educate the public about its content.
  - ii. **Strategic role:** The participation of legal experts added credibility and a professional quality to the activity.
  - iii. **Strategic means:** The use of mass communications reduced legislative, linguistic, and social uncertainty related to the law and increased the public's familiarity with its concepts.
  - iv. **Strategic environment:** The use of local experts to write all of the articles gave the activity a Kuwaiti character.

### **Training Course on Improving Women's Performance in the Kuwaiti National Assembly: March 25-27, 2007<sup>41</sup>**

- **Activity Information:**
  - i. **Goal of the course:** Raise the level of awareness and improve the political performance of Kuwaiti women.
  - ii. **Program of the course:** The course was held in the offices of the WCSS, which issued the invitations. It lasted for three days, with two-hour sessions each evening. Four working papers were presented by legal experts and

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<sup>41</sup> Activity documents: a copy of local newspaper coverage, photographs of the event, and the text of the papers presented during the course.

political figures, and women from different civil society organizations participated as trainees.

iii. ***Participants in the course and their working papers:***

1. Representative 'Aadil Abdul'aziz Assar'aawi: "Mechanism to Monitor and Assess Representatives."
2. Lawyer Husein al-Abdullah of the Al-Majmoo'ah law firm: "Personal Status Law and the Rights of Kuwaiti Women."
3. Lawyer Abdullah Khalid Atturkeet, who handles cases before the Court of Cassation and the High Constitutional Court: "Personal Status Law and its Impact on Women."
4. Former representative 'Abdulwahaab Raashid al-Haaroon: "How Women Present their Cases before the National Assembly."

● **Strategies Applied:**

- i. ***Strategic principle:*** Clarify Kuwaiti women's rights to gain public support for the idea of the campaign.
- ii. ***Strategic role:*** The conduct of the activity by a civil society organization improved its success in mobilizing support from different societal forces.
- iii. ***Strategic role:*** The participation of legal experts and legislators gave credibility to the activity and enhanced public understanding of the content of the law.
- iv. ***Strategic means:*** The use of qualifying meetings improved the capabilities and expanded the network of those interested in working on personal status and women's rights issues.

## Training Course on Improving Women’s Performance in the Kuwaiti National Assembly: April 22–24, 2007<sup>42</sup>

- **Activity Information:**
  - i. **Goal of the course:** Raise the level of awareness and improve the political performance of Kuwaiti women.
  - ii. **Program of the course:** The course was held in the offices of the WCSS, which issued the invitations. It lasted for three days, with two-hour sessions each evening. Three working papers were presented, and several women from different civil society organizations participated as trainees.
  - iii. **Participants in the course and their working papers:**
    1. Lawyers ‘Ithraa’ Arrifaa’i and Thikra Arrasheedi: “Women in Personal Status Law and Other Laws.”
    2. Representative Ahmad al-Maleifi: “Hindrances to Achievements by the National Assembly Member.”
    3. Dr. Shafiq al-Ghabra: “The Role of Media in Underlining the Performance of the National Assembly and the Government.”
- **Strategies Applied:**
  - i. **Strategic principle:** Clarify Kuwaiti women’s rights and how to enhance them, to gain public support for the idea of the campaign.
  - ii. **Strategic role:** The conduct of the activity by a civil society organization improved its success in mobilizing support from different societal forces.

<sup>42</sup> Activity documents: a copy of local newspaper coverage, photographs of the event, and the text of the papers presented during the course.

- iii. **Strategic role:** The participation of legal experts and legislators gave credibility to the activity and enhanced public understanding of the content of the law and the importance of improving it through effective legislative practices.
- iv. **Strategic means:** The use of qualifying meetings improved the capabilities and expanded the network of those interested in working on personal status and women's rights issues.

### **Training Course on Improving Women's Performance in the Kuwaiti National Assembly: May 13–15, 2007<sup>43</sup>**

- **Activity Information:**
  - i. **Goal of the course:** Raise the level of awareness and improve the political performance of Kuwaiti women.
  - ii. **Program of the course:** The course was held in the offices of the WCSS, which issued the invitations. It lasted for three days, with two-hour sessions each evening. Three working papers were presented, and several women from different civil society organizations participated as trainees.
  - iii. **Participants in the course and their working papers:**
    1. Dr. Haya al-Muteeri: "When Every Day Becomes a Bad Day" (in English).
    2. Muhammad al-'Abduljaadir: "Explaining the Five Constituencies Map and its Impact on the National Assembly Elections."
    3. Lawyer Khalid al-Khalid: "Defining Women in the Municipal Council."

<sup>43</sup> Activity documents: a copy of local newspaper coverage, photographs of the event, and the text of the papers presented during the course.

- **Strategies Applied:**

- i. **Strategic principle:** Clarify Kuwaiti women's rights and how to enhance them, to gain public support for the idea of the campaign.
- ii. **Strategic role:** The conduct of the activity by a civil society organization improved its success in mobilizing support from different societal forces.
- iii. **Strategic role:** The participation of legal experts and legislators gave credibility to the activity and enhanced public understanding of the content of the law and the importance of improving it through effective legislative practices.
- iv. **Strategic means:** The use of qualifying meetings improved the capabilities and expanded the network of those interested in working on personal status and women's rights issues.

### **Training Course on Improving Women's Performance in the Kuwaiti National Assembly: December 9–11, 2007<sup>44</sup>**

- **Activity Information:**

- i. **Goal of the course:** Improve women's knowledge of their rights and duties; of the negative impact of the release of personal information and how to protect children and family from its effects; and of the importance of transparency and its impact on elections.
- ii. **Program of the course:** The course was held in the offices of the WCSS, which issued the invitations. It lasted for three days, with two-hour sessions each evening. Three working papers were presented, and several women from different civil society organizations participated as trainees.

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<sup>44</sup> Activity documents: a copy of local newspaper coverage, photographs.

- iii. **Participants in the course and their working papers:**
  1. Lawyers ‘Abdullah Atturkeet and Husein al-‘Abdullah: “Lawsuits and Cases in Personal Status.”
  2. Former minister of information Dr. Anis Arrasheed, Dr. Neebaal Boorsli, Director Suleimaan al-Bassaam, Director Ya‘rub Burahmah, and Engineer Suleimaan al-‘Awadhi: “Society Between Reality and Media.”
  3. Muhammad al-‘Abduljaadir: “Transparency and its Impact on Electoral Campaigns.”

- **Strategies Applied:**

- i. **Strategic principle:** Clarify Kuwaiti women’s rights in the personal status law and how to influence society to gain its commitment to support women.
- ii. **Strategic role:** The conduct of the activity by a civil society organization improved its success in mobilizing support from different societal forces.
- iii. **Strategic role:** The participation of legal experts and legislators gave credibility to the activity and enhanced public recognition of the importance of mobilizing society toward supporting women and their issues.
- iv. **Strategic means:** The use of qualifying meetings improved the capabilities and expanded the network of those interested in working on personal status and women’s rights issues.


**“Your Law is Your Light” Awareness Campaign: March 8, 2008<sup>45</sup>**

- **Activity Information:**

- i. **Goal of the campaign:** Raise women’s level of awareness of their rights under the Kuwaiti personal status law.

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<sup>45</sup> Activity documents: a copy of local newspaper coverage, pictures of public awareness campaign used in the campaign.



ii. **Program of the campaign:** The public awareness campaign was launched by the WCSS to coincide with two important events: International Women's Day and the First Gulf Forum. It adopted the slogan "Nourek Kanounek," or "Your Law is Your Light," to stress the importance of enlightening women about the laws that govern their and their families' lives. The campaign materials were disseminated through the national press in Arabic and English, spots in 39 local cinema houses, and 80 posters in the streets of most governorates and on large buses. It lasted for 30 days.

- **Strategies Applied:**

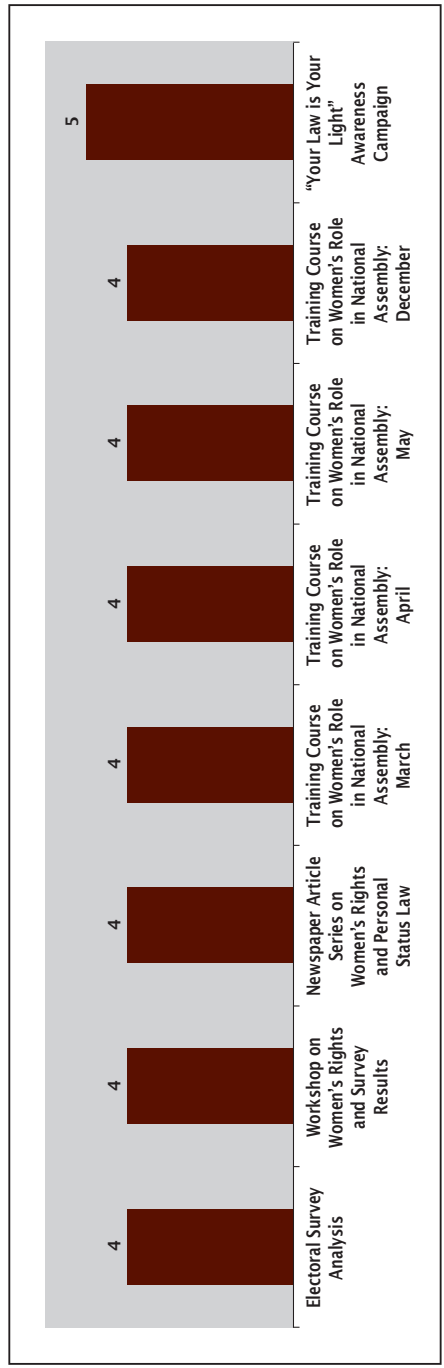
- i. **Strategic principle:** Represent the activity through a national agent to underline its grounding in Kuwaiti concerns.
- ii. **Strategic principle:** Clarify women's rights under the Kuwaiti personal status law.
- iii. **Strategic role:** The conduct of the activity by a civil society organization improved its success in mobilizing support from different societal forces.
- iv. **Strategic means:** The use of mass media helped to increase the public's familiarity with the law.
- v. **Strategic environment:** The activity was timed to take advantage of mobilizations associated with existing international and regional events.
- vi. **Strategic environment:** Giving the campaign a national character helped to gain people's trust and ensure their receptivity to its message.



TABLE 2  
Strategies Applied for Each Activity – Kuwait

	Strategies Applied for Each Activity – Kuwait													
	Strategic Principles			Strategic Roles			Strategic Means			Strategic Environment				
	National Representation	Suitable Language	Clarify	Utilize Diversity	Communicate with Legislators	Civil Society	Shar'a Experts	Legal Experts	Qualifying Meetings	Supporting Framework	Mass Communication	Publications	Mobilizations	Localization
Survey Analysis	✓					✓							✓	✓
Workshop			✓			✓		✓	✓					
Press Essays			✓					✓			✓			✓
Training Course: March			✓			✓		✓	✓					
Training Course: April			✓			✓		✓	✓					
Training Course: May			✓			✓		✓	✓					
Training Course: December			✓			✓		✓	✓					
Your Law is Your Light	✓		✓								✓		✓	✓

**FIGURE 2**  
**Number of Strategies Applied in Each Activity - Kuwait**



In Kuwait, the campaign consisted of eight activities and only applied eight strategies, or 57 percent of the 14 strategic tools. One activity (13 percent of the total), Your Law is Your Light, applied five strategies, or 36 percent of the 14 available, while the rest of the activities (88 percent) applied four strategies each, or 29 percent of those available. The average was 4.1 strategies per activity. It is noted that more strategies needed to be applied in Bahrain, where a personal status law had not yet been enacted; since a law was already in place in Kuwait, the focus was on raising awareness and improving implementation.

## Regional Activities

### Regional Workshop on Women’s Rights and Personal Status Law: December 19–20, 2006<sup>46</sup>

- **Activity Information:**
  - i. ***Goal of the workshop:*** Exchange experiences in the field of women’s rights and personal status with the participants, and draw up a methodological plan for a study being prepared by women’s NGOs in Kuwait and Bahrain.
  - ii. ***Program of the workshop:*** The two-day workshop was held at the Courtyard Marriott hotel in Kuwait and was organized by the Women’s Cultural and Social Society (WCSS), with the participation of a group of legal experts, Shari’a scholars, and academics from Kuwait, Bahrain, Morocco, Saudi Arabia, and Qatar.
  - iii. ***Participants in the workshop and their papers:***
    1. Sheikh Hameed al-Mubarak, chairman of the Shari’a high court of appeal and member of the Supreme Judicial Council and the Supreme Islamic Council—Bahrain: “Toward a New View of Family Rulings.”
    2. Lawyer Kaasib bin Abdul’azeez al-Badraan, consultant and international arbiter—Saudi Arabia: “A Proposal for Personal Status.”
    3. Lawyer Fawziyyah al-Hareekah, member of the Women’s Labor Union—Morocco: “The Moroccan Family Code.”
    4. Lawyer Faatimah al-Mahmood—Kuwait: “Kuwaiti Women’s Rights under the Kuwaiti Personal Status Law.”

<sup>46</sup> Activity documents: a copy of local newspaper coverage, photographs of the event, and the text of the papers presented at the workshop.

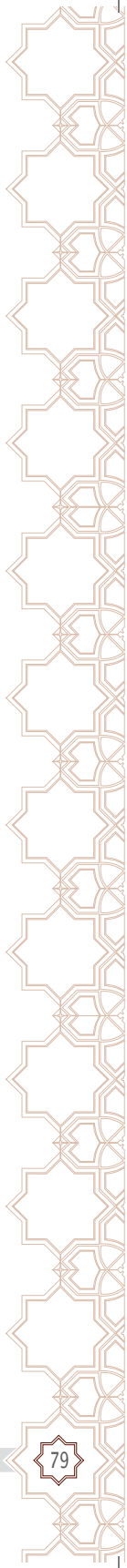
5. 'Issa Asshaarqi, member of the Cultural Renewal Society—Bahrain: “On Personal Status.”
  6. Muna 'Abbas Fadhl, researcher at the Bahrain Center for Studies and Research—Bahrain: “NGOs and Personal Status Law in the Kingdom of Bahrain.”
  7. Lawyer Husein al-'Abdullah—Kuwait: “Divorce: Reality and Solutions.”
- **Activity Outcome:** The audience consisted of approximately 30 male and female participants representing NGOs and legal and international institutions.
  - **Strategies Applied:**
    - i. **Strategic role:** The activity was organized by a Kuwaiti civil society group, the WCSS, to give it flexibility and transparency.
    - ii. **Strategic role:** Experts in Shari'a and law participated to give the activity credibility and a professional character.
    - iii. **Strategic means:** Qualifying meetings were used to improve the expertise of groups interested in working for women's rights and personal status law and expanding the network of supporters.

### **First Gulf Forum on Women's Rights and Personal Status Law: March 26, 2008<sup>47</sup>**

- **Activity Information:**
  - i. **Goal of the forum:** Review and debate chapters of the guide, *Women's Rights in the Kuwaiti Personal Status Law and the Rulings of Bahraini Shari'a Courts*.

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<sup>47</sup> Activity documents: a copy of local newspaper coverage, photographs of the event, and the text of the papers presented at the forum.

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- ii. **Program of the forum:** The one-day forum was organized by the WCSS and held at the offices of the Arab Fund for Social and Economic Development. Participants reviewed the main ideas in the guide's three chapters and took questions from the audience.
  - iii. **Participants in the forum and their papers:**
    1. Dr. Badria Al Awadhi, professor of public international law and executive director of the Arab Regional Center for Environmental Law—Kuwait: “Comparative Study of Arab Legislation.”
    2. Sheikh Hameed Ibrahim al-Mubarak, chairman of the Ja'fari Shari'a high court of appeal—Bahrain: “Women's Rights Project Reviewed by Shari'a Courts.”
    3. Dr. Ahmed al-Attawi, assistant professor in the Department of Arab Language and Islamic Studies, Faculty of Arts, Bahrain University—Bahrain: “Women's Rights in the Rulings of Bahraini Sunni Courts.”
- **Activity Outcome:** The audience consisted of approximately 150 specialists and activists representing NGOs and legal, international, and academic institutions from different Gulf countries.
  - **Strategies Applied:**
    - i. **Strategic role:** The activity was organized by a civil society group, giving it flexibility and transparency.
    - ii. **Strategic role:** Experts in Shari'a and law participated to give the activity credibility and a professional character, to deal with legal loopholes, and to enhance public awareness of personal status law.
    - iii. **Strategic means:** The format of a qualifying meeting was applied to improve the expertise of groups interested in

working for women's rights and personal status law and expanding the network of supporters.

- iv. ***Strategic environment:*** The activity was timed to take advantage of public mobilization associated with International Women's Day and gain moral and societal support for the campaign's efforts.

### **Publication of the Guide on Women's Rights in the Kuwaiti Personal Status Law and the Rulings of Bahraini Shari'a Courts: November 2008<sup>48</sup>**

- **Activity Information:**

- i. ***Goal of the guide:*** Provide scientific, legal, and juristic material to assist those interested in enacting or implementing a personal status law in a way that is acceptable to legislators, legal experts, Shari'a scholars, and the public in Kuwait and Bahrain.
- ii. ***Program of the activity:*** The idea of publishing a guide was launched at the regional workshop held in Kuwait in December 2006. A first meeting of the experts participating in creating the guide was held in June 2007. Meetings to prepare the materials and establish its final composition continued until April 2008, when five meetings were held in Kuwait and Bahrain. The guide consists of three chapters: "Comparative Study of Arab Legislation," "Women's Rights Project Reviewed by Shari'a Courts—the Ja'fari Circle," and "Women's Rights in the Rulings of Bahraini Sunni Courts." The content addressed everything related to family life, marital relations, divorce, child custody, and other such issues.

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<sup>48</sup> Activity documents: photographs of the experts during workshops and a copy of the guide.

iii. **Participants in the activity:**

1. Dr. Badria Al Awadhi, professor of public international law and executive director of the Arab Regional Center for Environmental Law—Kuwait.
2. Sheikh Hameed Ibraheem al-Mubarak, chairman of the Ja'fari Shari'a high court of appeal—Bahrain.
3. Dr. Ahmed al-Attawi, assistant professor in the Department of Arab Language and Islamic Studies, Faculty of Arts, Bahrain University—Bahrain.

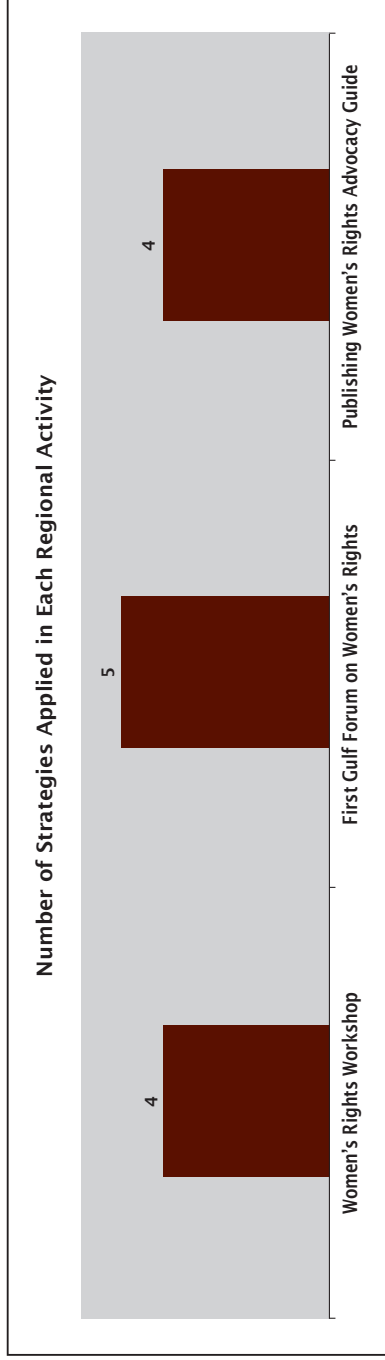
- **Activity Outcome:** The guide was published in Arabic and English.
- **Strategies Applied:**
  - i. **Strategic principle:** Clarify the importance of personal status law and its impact on women and society, and educate the public on its religious and legal content.
  - ii. **Strategic role:** The role played by experts in Shari'a and law gave the activity credibility and a professional character; they were able to deal with legal loopholes and other problems, and enhance others' understanding of personal status law.
  - iii. **Strategic means:** Using the format of an educational publication provided the general public with intellectual, scientific, and objective material about personal status law and its importance, and offered instructive material for activists and elites working to enact a law or improve its implementation.

TABLE 3  
Strategies Applied for Each Regional Activity

	Strategies Applied for Each Regional Activity													
	Strategic Principles				Strategic Roles			Strategic Means			Strategic Environment			
	National Representation	Suitable Language	Clarify	Utilize Diversity	Communicate with Legislators	Civil Society	Shari'a Experts	Legal Experts	Qualifying Meetings	Supporting Framework	Mass Communication	Publications	Mobilizations	Localization
Workshop						✓	✓	✓	✓					
First Gulf Forum						✓	✓	✓	✓				✓	
Women's Rights Guide			✓					✓	✓			✓		



**FIGURE 3**  
**Number of Strategies Applied in Each Regional Activity**



There were 3 regional activities, in which seven strategies, or 50 percent of those available, were applied. One activity, the First Gulf Forum on Women's Rights, used 5 strategies, or 36 percent of the 14 available, while the other two activities each applied 4 strategies, or 29 percent. An average of 4.3 strategies were applied per activity.

## *Part Two: Strategies of the Campaign to Raise Awareness of the Personal Status Law*

### **I. The Theory of the Campaign**

The theory of the campaign is based on four pillars: (1) raising public awareness of the existence of a personal status law, or the importance of enacting one, through educational mechanisms; (2) guiding activists in the field to the best practices; (3) adopting language that is conciliatory, nonconfrontational, and based on the terminology of Shari'a (Islamic law); and (4) building solidarity by gaining the cooperation of the religious elite, the legislative power, societal opinion leaders, and the wider public.

### **II. Strategic Principles for Campaign Activities**

Strategic principles have a decisive influence on the success of any program, while the lack of such principles undermines the effort. The strategic principles adopted for the present campaign are as follows:


#### **Represent the Campaign through a National Agent**

- **Defining representation:** The campaign should launch and operate under the umbrella of a local institution. The Bahraini Women's Union and the Women's Cultural and Social Society in Kuwait were chosen to represent the campaign in those countries.
- **Methods of representation:** The national agent represents the campaign by handling the following tasks:
  - i. Launching various initiatives—such as workshops, meetings, and committees—in the context of the campaign and its goals.

- ii. Acting as official speakers for the campaign.
  - iii. Communicating with the media; addressing and educating the public about the subjects of the campaign through the media.
  - iv. Communicating with official agencies and nongovernmental organizations (NGOs) about the main subject of the campaign—enacting a personal status law.
  - v. Seeking to solve existing problems associated with the issue, such as differences over the draft law submitted to Bahraini lawmakers.
- **Effects of representation:**
    - i. Gaining citizens’ trust and defusing the suspicion that the campaign has hidden goals or an agenda for foreign interests (a suspicion that persists among activists as well as in the public).
    - ii. Acquiring more freedom of movement without embarrassment and without the need to reiterate that the campaign is working in the national interest.

### **Use Suitable Language**

- **Defining suitable language:** It is essential to use widely accepted language and terms to present the project and its ideas in order to avoid triggering reactions that are negative, disapproving, or hostile to the content of the campaign. The language employed should attract supporters, reassure reluctant audiences, and push opponents toward more moderate stances.
- **Methods of using suitable language:**
  - i. Reassuring Muslim society by emphasizing the terms of Shari’a and explaining that the campaign is seeking a law



that is “compatible with Shari’a” as opposed to “human rights,” the “modern age,” “progressive concepts,” or any other terms that, while they do not conflict with Shari’a in essence, may suggest to the average citizen that they seek to replace Shari’a.

- ii. Using legal and juristic language to foster the impression that the campaign organizers are professional, qualified, and efficient.
  - iii. Using simplified language when addressing average citizens who have limited understanding and recognition of legal culture in order to avoid confining the impact of the campaign to an educated elite that lacks influence over society, and to give the campaign a real popular outreach.
  - iv. Using moderate, conciliatory, and inclusive language that shows a high degree of understanding, and moving away from language that is confrontational, controversial, or aggressive.
- **Effects of suitable language:**
    - i. Convincing certain religious figures to accept during the campaign activities and events that their actions have been in conflict with Shari’a.
    - ii. Addressing skepticism toward the campaign and suspicions that it is in conflict with Shari’a.
    - iii. Avoiding controversy surrounding the campaign and the negative impressions associated with the issue of personal status, and tapping into the public’s fundamental openness toward the campaign message.

## Clarify the Disadvantages of the Law's Absence or Poor Implementation

- **Defining the clarification process:** Underlining the disadvantages of a society that lacks a clear, codified, and agreed upon personal status law, or a society in which such a law is functioning improperly, thereby endangering women, children, and family life in general.
- **Methods of clarification:**
  - i. Conducting quantitative surveys on women affected by the lack of a law—and on mechanisms currently applied in the Shari'a courts—and printing and disseminating the results of these surveys by various means.
  - ii. Including in the educational activities real examples and cases of women who have suffered mistreatment and painful outcomes due to lack of a law, as occurred in the course held during Ramadan in Bahrain.
  - iii. Publishing a series of explanatory essays, in simplified language, that clarify the benefits and terms of existing or proposed laws on personal status.
- **Effects of clarification:**
  - i. Giving credibility to the message of the campaign through objective and scientific information, including statistics and results derived from the surveys.
  - ii. Gaining public sympathy and strong commitments to participate in campaign programs by relating the experiences of real individuals, as occurred at the meetings during Ramadan in Bahrain.
  - iii. Increasing the average citizen's understanding of and support for the campaign's rationale through education

efforts, as occurred with the interpretive and explanatory essays.

### **Utilize the Diversity of the Schools of Islamic Jurisprudence**

- **Defining utilization:** The multiplicity of schools of jurisprudence and the diversity among jurists of the same school can be used to offer legislative options that are milder, more flexible, and more supportive for women, as with the judicial opinion that stresses the principle of “reciprocity in spousal rights” over the principle of “obedience to the husband.” Several senior jurists have also accepted the principle of legal codification; such has been the case for Shiites in Iraq and Iran, and for Sunnis in Egypt and Algeria. Searching for judicial opinions that support the goals of the campaign does not violate Shari‘a, and this fact should be emphasized when the opinions are promoted to gain support and curb any new criticism.
- **Methods of utilization:**
  - i. Searching for fatwa and interpretations of religious texts that better fit with the modern reality, and for those of jurists who have a high status within a given doctrine or juristic school despite having long since passed away.
  - ii. Formulating targeted fatwa in linguistic forms that have luster and reverberation similar to or exceeding the prevalent forms that seek to replace them, without twisting the content of the fatwa, such as the judgment giving the principle of “reciprocity in spouses rights” priority over the principle of “obedience to the husband.”
  - iii. Seeking the assistance of contemporaneous religious figures who enjoy leverage and social influence and have expertise at a high and attested level of jurisprudence, which allows them to present and support religious

opinions that are not well known in the face of more famous opinions.

- **Effects of utilization:**
  - i. Gaining better juristic, legislative, and legal approaches for the goal of the campaign; moderating arbitrariness in practices and interpretative judgments that target women in the name of religion; replacing, in some cases, harmful or harsh interpretations with more beneficial alternatives formulated by a jurist with similar or superior stature within the same juristic school.
  - ii. Expanding the support and options that could be offered to women and families in legislation, in a manner that does not contradict the fundamental provisions of Shari'a.

### **Communicate with Representatives of the Legislative Power**

- **Defining communication:** Building relationships and gaining support from lawmakers, religious scholars, and judges of Shari'a courts in Bahrain, which still lacks a personal status law, and from legal experts in Kuwait, where proper implementation of the existing personal status law is the priority.
- **Methods of communication:**
  - i. Using Shari'a terms and suitable language based on accordance with the purposes of Shari'a, and avoiding terms such as human rights or globalization, which raise suspicions of hostility toward the purposes of Shari'a.
  - ii. Forming joint committees with representatives of legislative authorities—religious scholars and judges of Shari'a courts in this context—to clarify and correct religious concepts for the public.

- **Effects of communication:**
  - i. Lending credibility to the activities and events of the campaign in the eyes of the public.
  - ii. Giving qualitative leverage to the campaign through solidarity with these figures, who start to view themselves as an active, influential, and crucial part of the effort.
  - iii. Fortifying the campaign against rumors and allegations through the participation of insiders and experts.

### **III. Strategic Roles Needed for the Success of the Campaign**

A role is a function performed by an individual or institution participating in the campaign. These roles are strategic in that they represent crucial contributions to the overall success of the effort. The following groups perform some of the most important roles:

#### **Civil Society Institutions**

- **Defining the role of civil society:** A civil society institution should take responsibility for the campaign. It should serve as the headquarters of the campaign, launch it, and sponsor its activities. Because the campaign, in most of its aspects, relates to women, it is best to choose a local women's NGO. As mentioned above, the Bahraini Women's Union served this purpose in Bahrain, and the Women's Cultural and Social Society did so in Kuwait. Civil society groups are the ideal advocates for women who have suffered from the lack of a personal status law, and for the rights of the average citizen, since the government, judiciary, and other official bodies are involved in the mechanism of enacting and enforcing the law.
- **Methods of involving civil society organizations:**
  - i. The selected organizations should be Sunni institutions that enjoy wide acceptance among those who have



influence over the subject of the campaign, and representatives of the organizations should not be controversial or have careers that conflict with the campaign strategy. They should not have combative attitudes or a deceitful style, as the campaign seeks to adopt an approach that is calm, moderate, and nonconfrontational. The choice of the Bahraini Women's Union, led by Mariam al Rowaie, was compatible with these criteria. Previous efforts that employed a more confrontational style generated sharply negative reactions against the idea of the personal status law.

- ii. It is essential to obtain a financial sponsor to finance the campaign activities, where most civil society organizations suffer from severe budget deficits and depend almost completely on volunteerism.

- **Effects of participation by civil society institutions:**

- i. Civil society groups have more flexibility than official bodies in mobilization and negotiation on behalf of the project, and they are not restricted to the same extent by bureaucratic complications and political considerations.
- ii. Civil society organizations are capable of gaining the sympathy of different segments of society that can sometimes be in conflict—such as liberals and Salafists (fundamentalists)—due to the transparency of their goals and the voluntary nature of their activities.

### **Legislators – Shari'a Scholars (Bahrain)**

- **Defining the role of Shari'a scholars:** Because a personal status law has not been enacted in Bahrain and because this issue is sensitive, the approval of Shari'a scholars is necessary for the enactment of the law, determining the formula by which it will be implemented, and identifying acceptable participants

in its drafting. It is therefore important to gain the friendship of this group, involve them in the campaign, and emphasize their clear and specific role in order to remove any hesitation that may prevent the average citizen from openly supporting the campaign's goals. "Shari'a scholars" could be jurists or their local agents, judges of the Shari'a courts, preachers, Shari'a professors, or the religious institutions that include such scholars and organize their movement.

- **Methods of participation by Shari'a scholars:**
  - i. Using Shari'a scholars as one of the main channels of communication with the public, for example through articles in the local press like those published during Ramadan in Bahrain.
  - ii. Forming a committee to review the draft of the proposed law.
- **Effects of the participation of Shari'a scholars:**
  - i. Giving the campaign activities credibility and a professional quality.
  - ii. Tackling legal loopholes and the problem of legitimacy for both the personal status law and the campaign supporting it.
  - iii. Influencing the conduct and outcome of cases heard by Shari'a court judges who become involved in the campaign.

#### **Legislators – Legal Experts (Kuwait and Bahrain)**

- **Defining the role of legal experts:** Since a personal status law has been enacted in Kuwait, the main focus there is the role of legal experts who are fully qualified to interpret and implement it. The campaign depends on the involvement of

lawyers who can explain and promote the law, and convince the public that they stand to benefit from the full enforcement of its provisions. “Legal experts” could include attorneys, legal consultants, judges, law professors, and the respective institutions of those groups.

- **Methods of participation by legal experts:**
  - i. Using legal experts as one of the main channels of communication with the public.
  - ii. Organizing seminars to read and interpret the law and its articles, or its drafts in the case of Bahrain.
- **Effects of participation by legal experts:**
  - i. Giving the campaign activities credibility and a professional quality.
  - ii. Enhancing public knowledge and recognition of the law’s provisions.

#### **IV. Strategic Means for Conducting the Campaign**

“Means” refers to the mechanisms that can be employed to carry out campaign activities. The mechanisms that are considered strategic have a major effect on the final results of the campaign. The following set of practices meet that standard:

##### **Qualifying Meetings**

- **Defining qualifying meetings:** Qualifying meetings are gatherings at which campaign organizers aim to inform concerned and relevant parties about the subject of the campaign, exchange views with them, and listen to their experiences and opinions in order to enhance the performance of the campaign and avoid future missteps. The meetings have an introductory character and serve to create waves and reactions in the media that help to launch the subsequent

activities on a larger scale. Although the qualifying meetings largely target elite groups of activists, legal experts, academics, and Shari'a scholars, the campaign has also included audiences from the public in some of its gatherings.

- **Forms of qualifying meetings:**
  - i. **Reading forums:** Inviting specialists in law and Shari'a to explain the articles of the personal status law or its drafts to non-specialist members of women's groups, and to describe the justifications of the law so that these activists can participate in the campaign with a proper understanding of the relevant terms and arguments.
  - ii. **Roundtable discussions:** Inviting specialists in law and Shari'a to discuss their points of view on the codification of personal status law as well as the points of convergence and disagreement between Islamic and civil legal formulas.
  - iii. **Workshops:** Holding training courses led by specialists in law and Shari'a for two categories of people: (1) women at the university or secondary-school level who, as future wives and mothers, need to be aware of their legal and civil rights; and (2) religious advocates who need the training to disseminate knowledge in the field of personal status law and family rulings in accordance with Shari'a.
  - iv. **Regional conferences:** Holding seminars and conferences with regional experts, academics, and Shari'a specialists to learn from their experiences in the field of women's rights and personal status law.
- **Effects of qualifying meetings:**
  - i. Enhancing activists' understanding of personal status law and the legal and Shari'a language that is used in formulating such legislation, thus improving their ability

to advocate and engage in debates about the law, and to educate the public on these issues.

- ii. Increasing societal mobilization and using the media to promote the idea of enacting a personal status law.
- iii. Expanding the network of people who support enacting the law and are able to explain its provisions clearly and without ambiguity, allowing them to win public approval.

### **Forming Supporting Frameworks**

- **Defining supporting frameworks:** Supporting frameworks consist of committees and teams that are formed either temporarily, to accomplish a specific task, or permanently, to perform an ongoing role. These committees are composed of specialists in Shari'a and law whose social and professional status allows them to serve as acceptable representatives for larger groups.
- **Forms of supporting frameworks:**
  - i. ***Committee to review the Sunni draft of the personal status law:*** This committee was composed of Shari'a scholars, Shari'a court judges, and Shari'a professors who represented mainstream Sunni intellectual currents and schools, to ensure that the outcome of their work would be accepted by all Sunni parties in the country. Committee members stepped outside professional circles to explain the articles of the law or its drafts to non-specialist members of women's societies, helping to reduce controversy or objections when the drafts or reforms are presented for legislative approval.
  - ii. ***Committee of legal support:*** This committee was composed of lawyers tasked with addressing the problems of inadequate legal representation of women, ignorance

of women's interests and rights, and women's financial difficulties with respect to litigation fees.

- **Effects of supporting frameworks:**
  - i. Examining differences in opinion on the articles of the law and addressing problems that could hinder its enactment or enforcement.
  - ii. Encouraging women to resolve their marital and personal status problems in a legal and practical way; increasing their trust in the fairness of the legal system and allowing them to settle their cases without negative personal or social repercussions.

### **Mass Communication**

- **Defining mass communication:** Conveying opinions, clarifications, and ideas related to personal status laws to the public through mass media, such as daily newspapers, magazines, religious platforms, and television broadcasts.

#### **Forms of mass communication:**

- i. ***Newspaper columns:*** The campaign publishes a series of essays in the form of weekly columns in the local press. They are written by legal experts who can give the ideas some objective leverage, and they are released over the course of one year to reach the largest possible audience.
- ii. ***Ramadan competition:*** This technique, used in Bahrain, encouraged readers of the newspaper columns to analyze them and respond to specific questions with the aim of winning a monetary prize. While readers initially participate for the prizes, the true purpose is their increased knowledge and awareness of the issues.

- iii. **Public awareness campaign:** This technique was used by the campaign in Kuwait, and was timed to coincide with International Women's Day as the culmination of the campaign's activities. Public awareness campaign was probably better suited to Kuwait than to Bahrain, because the priority in Kuwait is to raise public awareness of the existing law and its benefits, whereas in Bahrain the chief goal is to mobilize political and societal mechanisms toward the enactment of a personal status law.
- **Effects of mass communication:**
  - i. Easing legislative, linguistic, and social confusion surrounding the law and making it more familiar in the minds of the public.
  - ii. Tackling negative views of the law and the belief that it contradicts Shari'a.
  - iii. Convincing a large portion of the population to support the enactment or use of the personal status law.

### **Releasing Awareness Publications**

- **Defining awareness publications:** These are texts or graphics that help to spread images and ideas to the public.
- **Forms of awareness publications:**
  - i. **Women's rights guidelines:** Guidelines on women's rights and personal status, prepared by religious and legal experts in language that is consistent with Shari'a provisions in order to reassure the public that the ideas in the guidelines do not contradict Shari'a or the existing legal structure.
  - ii. **Quantitative survey results:** Statistics and facts derived from the local social environment that convey logical ideas

to the public, place these ideas in a structured context, and enhance their general credibility.

iii. **Documentary film:** A film that presents the key concepts of the campaign and gives these ideas the added emotional force of images and individual cases; the film can be repeatedly screened on different occasions and made available to the general public.

- **Effects of awareness publications:**
  - i. Providing intellectual, scientific, and objective information about personal status law and its importance to the public.
  - ii. Offering instructive material for activists and elites working to enact a law or implement it properly.

## V. Strategic Environment of the Campaign

The “environment” refers to the existing circumstances that must be exploited in the interests of the campaign. It is strategic in the sense that the timing and approach of the campaign must be developed with these circumstances in mind. The following are the two main ways in which the strategic environment is taken into account:

### Political, Cultural, and Social Mobilizations

- **Defining mobilization:** Public mobilizations can arise out of political, cultural, or social events that are either isolated or cyclical, and they are characterized by the movement of the people toward a particular goal or focus of attention. This energy can be channeled and invested in several issues, provided that they are in accordance with the general trend of the mobilization. Since the issue of personal status law involves three major subjects—Shari’a, law, and women—it is suitable to take advantage of events and mechanisms that touch on any or all of these subjects.



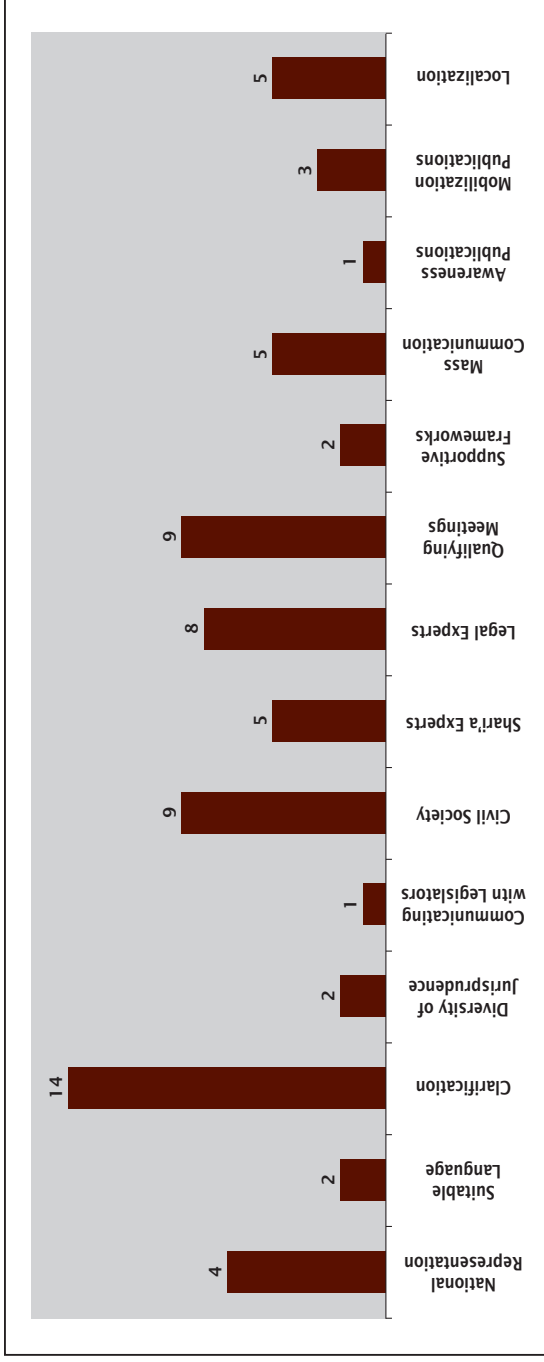
- **Methods of mobilization:**
  - i. ***National campaigns:*** The campaign in Kuwait was launched at an opportune time, coinciding with a government-backed national campaign on the political empowerment of women. The subject of this campaign overlapped with the women's rights aspect of the campaign for the personal status law, allowing the latter effort to exploit the public interest generated by the former.
  - ii. ***Religious events:*** Periodic religious events were used to enhance the influence of campaign activities, as with those launched during the month of Ramadan in Bahrain (the course on family rulings and the press competition). Despite the fact that this period had no specific relevance to women's issues, the general social mobilization associated with Ramadan allowed for increased participation in the campaign programs. The religious context of the month also allowed the campaign to present the issue of personal status from a cultural perspective, on the grounds that it ultimately derives from the heart of the Shari'a.
  - iii. ***International occasions:*** The campaign took advantage of International Women's Day by launching certain initiatives, such as the Kuwait public awareness campaign entitled "Your Law is Your Light," to coincide with it.
- **Effects of exploiting mobilizations:**
  - i. Gaining moral or material support for the campaign from elites in the general context of mobilization.
  - ii. Increasing the campaign's ability to influence public opinion by tapping into the societal consensus surrounding the main focus of the mobilization.
  - iii. Increasing the public's willingness to participate in campaign activities.

- iv. Minimizing the financial costs—particularly media costs—that are normally required to build psychological, intellectual, or political support for the campaign.

### Localization of the Campaign

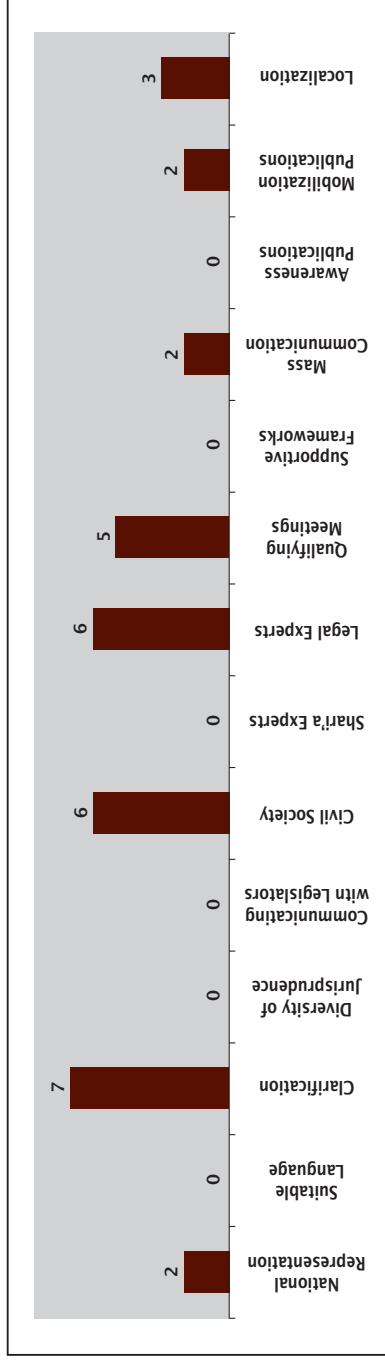
- **Defining localization:** The campaign is localized in the sense that it has a national rather than an international or foreign character, and operates within the bounds and according to the means of the society in question.
- **Methods of localization:**
  - i. ***Awareness publications:*** The individuals who form and present Shari'a and legal opinions, ideas, and provisions in the campaign's cultural and educational publications—including books, guidelines, and media campaigns—should be local writers, authors, religious scholars, and legal experts. The campaign should also use local artists and publishing houses in producing these materials.
  - ii. ***Strategic roles (figures and institutions):*** As noted above, the campaign should seek the assistance of local religious and legal figures as well as local civil society institutions in a large majority of its activities.
- **Effects of localization:**
  - i. Avoiding suspicions that the campaign, which deals with sensitive subjects, is driven by foreign or hidden agendas.
  - ii. Increasing the willingness of the public and elites to participate in campaign activities.
  - iii. Easing public acceptance by giving a religious character to some of the campaign's activities.

**FIGURE 4**  
**Applying Strategies during the Campaign in Bahrain**



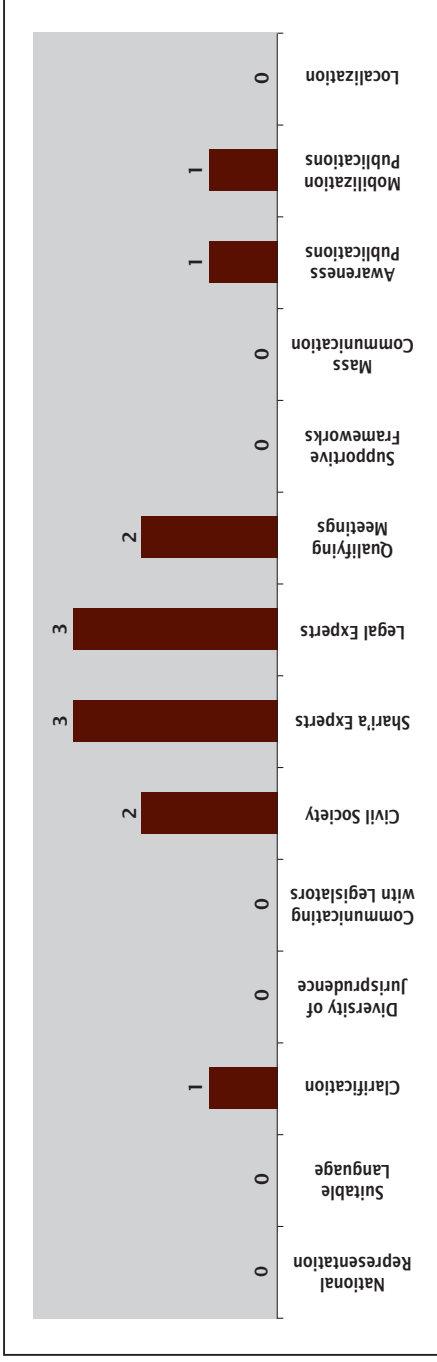
In Bahrain, the Clarification strategy was applied most often (14 times, or in 82 percent of activities), while two other strategies were used the least often (just one time). Three strategies were applied twice, and three others were applied five times, representing the two most common usage levels.

**FIGURE 5**  
**Applying Strategies during the Campaign in Kuwait**



In Kuwait, the Clarification strategy was applied most often (seven times, or in 88 percent of activities), while three other strategies were each used in two cases (38 percent of activities). It is notable that Clarification, Civil Society, and Qualifying Meetings were the most frequently applied strategies—as in Bahrain—because these strategies are related to awareness-raising processes. Meanwhile, the strategy of National Representation was applied much more often in Bahrain due to the suspicions that surrounded the issue of the personal status law before campaign activities were launched there. The strategy of Shari'a Experts was used five times in Bahrain for the same reasons, to affirm the fact that the campaign was consistent with Shari'a. There was no need for such a strategy in Kuwait, because the law had already been adopted. Instead, the campaign there focused on the strategy of Legal Experts, who could educate activists and the public about the existing law.

**FIGURE 6**  
**Applying Strategies during the Campaign – Regional Activities**

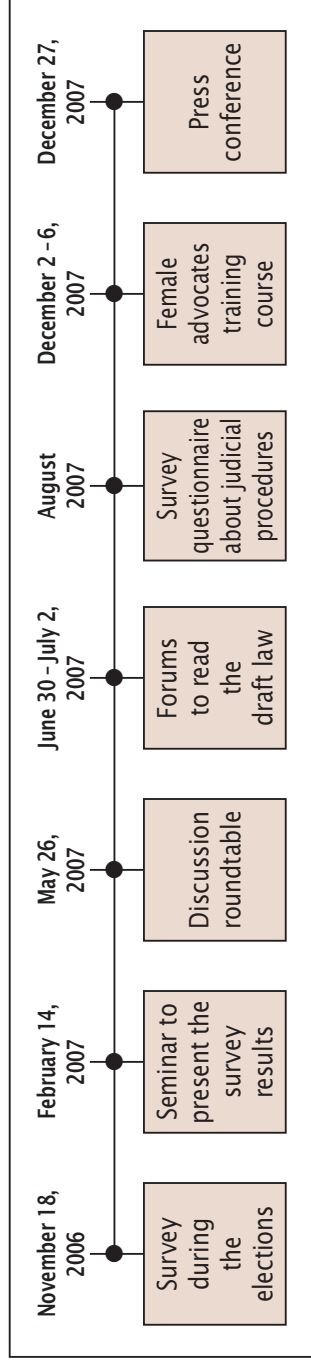


In the regional activities, two similar strategies, Shari'a Experts and Legal Experts, were applied in all activities, while three other strategies were each used in just one activity. The character of the regional activities—coordination, exchanging experiences, and intellectual mobilization—influenced the selection of suitable strategies, usually those of Shari'a Experts, Legal Experts, Qualifying Meetings, and Civil Society.

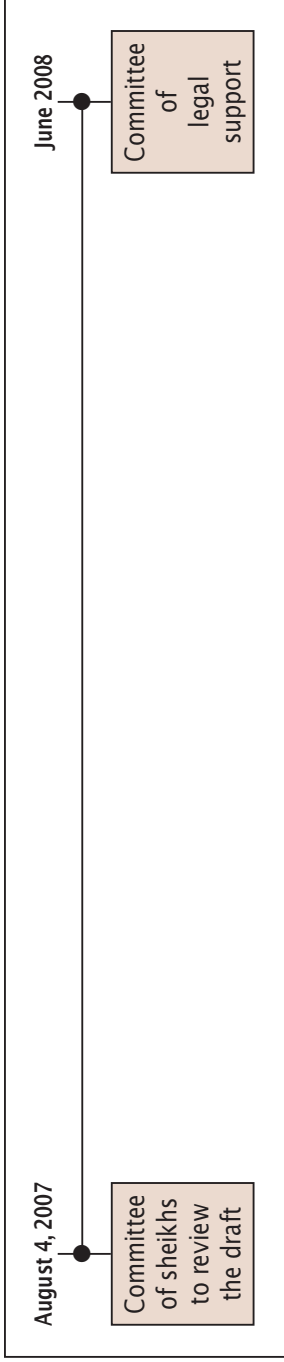
## Strategic Context in Bahrain

Since Bahrain still lacks both a personal status law and consensus on enacting one, the campaign initially focused on a set of activities and events in the circles of the elite with the aim of enhancing the position of the campaign organizers. After supporting frameworks had been established, the campaign shifted toward launching popular activities.

FIGURE 7  
Timeline of Elite Activities in Bahrain



**FIGURE 8**  
**Timeline of Supporting Framework Activities in Bahrain**



**FIGURE 9**  
**Timeline of Popular Activities in Bahrain**

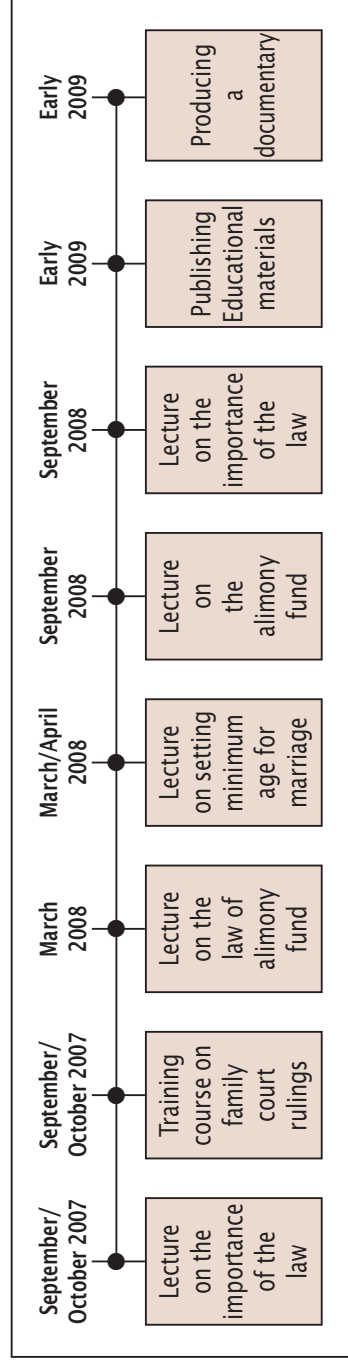
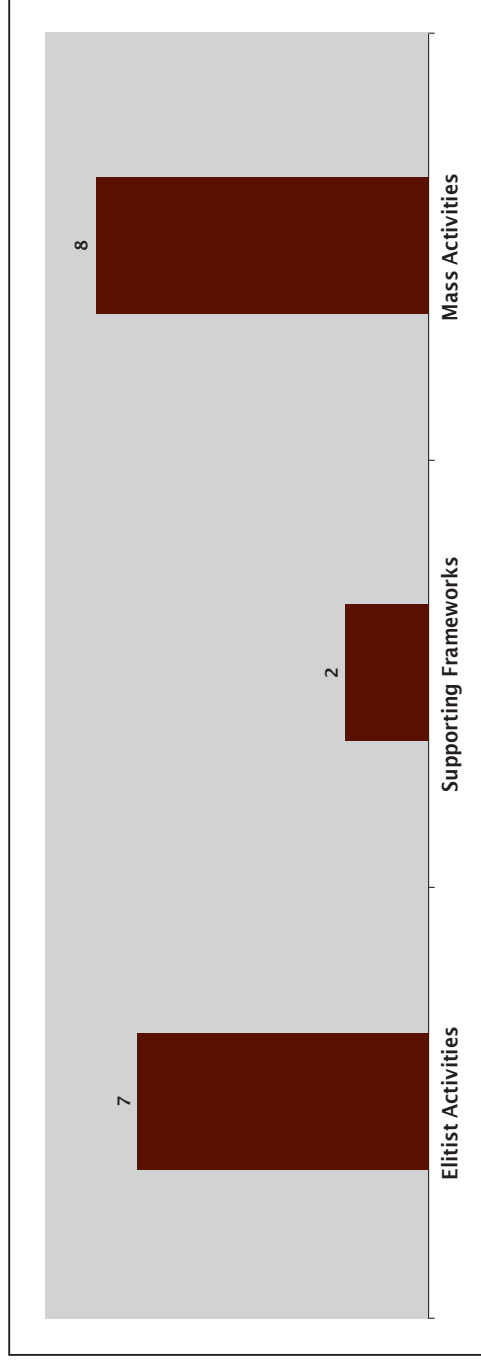


FIGURE 10  
Use of Different Forms of Campaign Activities in Bahrain



In Bahrain, elite activities represented 41 percent of the campaign, supporting framework activities made up 12 percent, and popular activities accounted for 47 percent.



### Strategic Context in Kuwait

Kuwait already has a personal status law, so the campaign focused on educating the public about its existence and potential benefits. The campaign started with activities designed for the elite—partly to prepare activists to fully participate in the campaign—in conjunction with regional activities that helped to create a supportive environment. Popular activities were quantitatively limited, and coincided with the launch and the wrap-up of the campaign.

FIGURE 11  
Timeline of Elite Activities in Kuwait

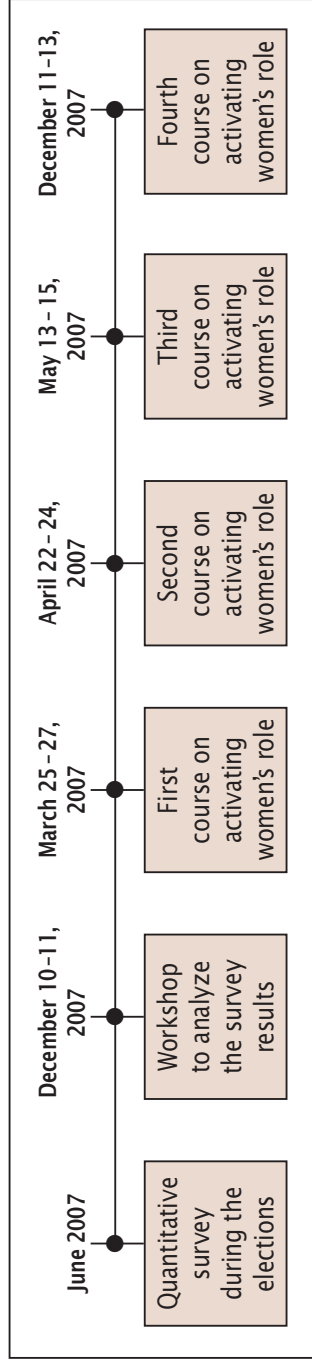


FIGURE 12  
Timeline of Supporting Framework Activities in Kuwait

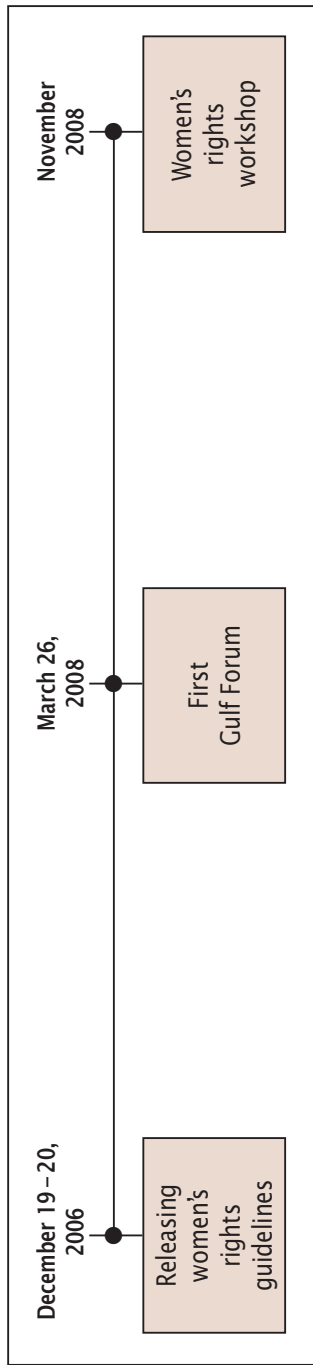


FIGURE 13  
Timeline of Popular Activities in Kuwait

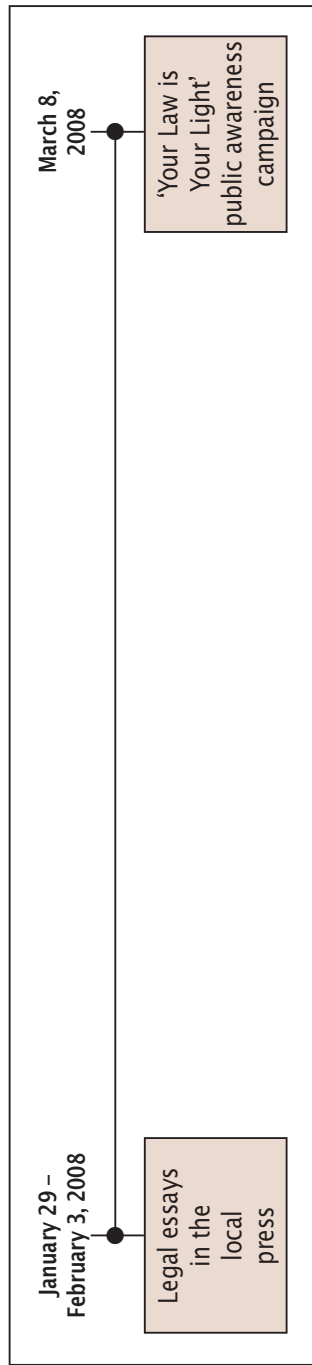
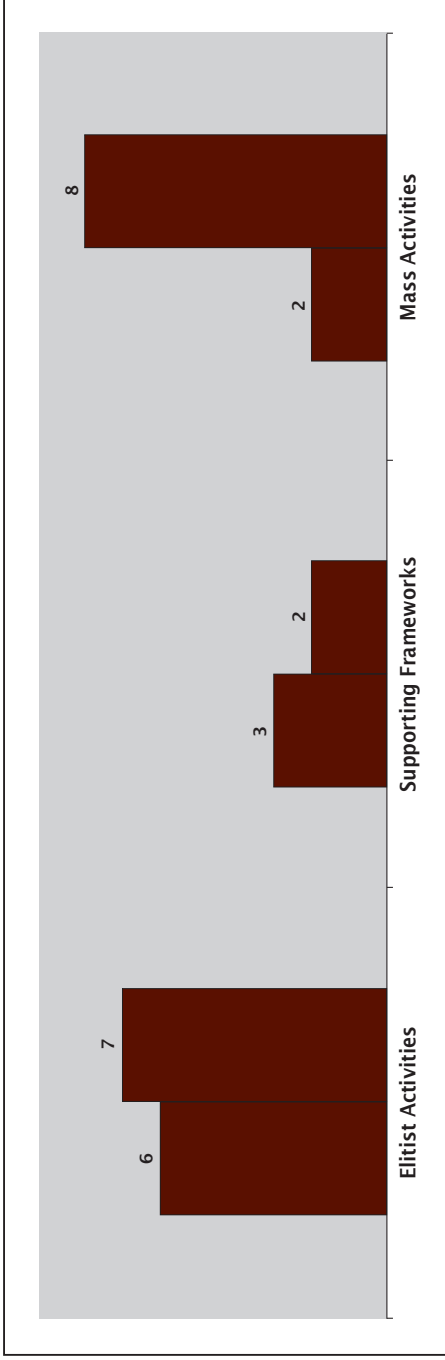


FIGURE 14  
**Use of Different Forms of Campaign Activities in Kuwait**



Regional activities were included in the Kuwaiti campaign because they were conducted inside Kuwait, and their results were positively and automatically reflected in the campaign circumstances there. Elite activities accounted for 55 percent of the campaign, regional activities represented 27 percent, and popular activities accounted for 18 percent.

## Concluding Remarks: Lessons Learned

### Overview

This section will provide an overview of the strategies employed and the lessons learned from the family law advocacy campaigns. It will also offer some general principles that may be instructive for family law reform efforts elsewhere in the region. As has been set forth in this volume, efforts to reform the family codes present a number of challenges. The campaigns in Bahrain and Kuwait took into account the social and political contexts, as well as previous family law reform efforts. An informed and country-specific approach is critical to designing a successful campaign. The hard work and persistence of those involved must be recognized.

The campaign in Bahrain was designed primarily to advocate for a codified family law, since it did not have formal written laws. The approach included fourteen components, such as convening legal drafting sessions, conducting quantitative opinion surveys, and organizing public awareness sessions on the need for a codified family law. By contrast, Kuwait already has a family code in place, but the public is not familiar with its provisions. As a result, the goal of the campaign in Kuwait was to raise awareness among the public of women's rights within the family law. The campaign in Kuwait consisted of eight activities, including a newspaper articles series explaining each article of the family code, a public media campaign, and training workshops to promote women's political participation. A number of regional activities were also held in Kuwait to enable stakeholders from the Gulf region to learn from the experiences of one another and to promote comparative learning. (See *Part One: Record of Campaign Activities for further details.*)

As explained in *Part Two: Strategies of the Campaigns*, the campaigns in Bahrain and Kuwait were based on a set of overlapping and mutually reinforcing strategic principles, roles, means, and environments. More

specifically, the campaigns adopted a set of five strategic principles: 1) represent the campaign through an effective, local partner, or “national agent;” 2) use appropriate language so as to convey the purpose of the campaign for reform in an effective manner; 3) educate the public about the need for reform by clarifying the disadvantages of the law’s absence or poor implementation, 4) work with religious leaders to incorporate explanations of how the change is consistent with the schools of Islamic jurisprudence, and 5) communicate with legislators regarding the proposed reforms.

In addition, the advocacy campaign also identified the strategic roles to be played by different stakeholders, particularly civil society, Shari’a scholars, legal experts, and legislators. The Bahrain campaign employed a range of strategic means to lay the groundwork and to build consensus for the enactment of a family code, such as by holding meetings among religious experts and conducting outreach campaigns to the public. The strategic environment of the campaign activities involved capitalizing on opportunities in the local political and cultural contexts.

### **Strategic Principles**

***Effective Local Partners.*** The family law campaigns were promoted by local organizations and activists. In Bahrain and Kuwait, the primary representatives were active women’s organizations. These lead organizations were not only local but also effective. The lead organizations can play a significant role in the ultimate success of a campaign. The efforts of the Bahrain Women’s Union and the Women’s Cultural and Social Society in Kuwait were critical to the progress made. It is also important that these local agents engage stakeholders in their community and work with others working on family law reform. This collaboration will help to maximize impact and diminish duplication of efforts. While the local organizations worked at the forefront of these efforts for reform, they also consulted with international organizations and reached out to regional counterparts. The support and input from

international and regional groups contributed to the incorporation of best practices and knowledge-sharing.

***Tailored and Effective Messaging.*** The national agents paid attention to the language and the manner in which they communicated proposed reforms. Their incorporation of suitable and appropriate language in the campaigns was critical to effective outreach and mobilization, especially when dealing with sensitive subject of family law reform. Campaigns should be designed to address the common needs and connect to the shared values of the target population. These campaigns emphasized the compatibility of Shari'a with the proposed changes. In Bahrain, the campaign engaged religious figures to involve them in the drafting of the family code. The campaign in Kuwait also took into account the language it used when designing the public awareness campaign, so as to reach the general public. For example, the "Your Law is Your Light" campaign and the newspaper series on the family code were straightforward and accessible so that average citizens could gain a better understanding of their rights.

***Education Regarding the Need for Reform.*** Both campaigns addressed why reform was needed. They made specific efforts to explain the disadvantages of the status quo: why either the absence of or poor implementation of the existing laws were unsatisfactory. In Bahrain, advocates conducted a survey of law firms and social service providers to identify specific issues Bahraini women face due to the absence of a codified family law. They produced a short documentary that highlighted the impact of a lack of family code through short personal stories of individual women. These vignettes and data were useful in advocating for change at the legislative level and in generating public support. This strategy was particularly important in Bahrain, where those opposed to the codification of the law had previously been successful in mobilizing a large section of the population to rally against the law. In reality, many of those who had protested the codification of the family code in 2005 were unaware of the benefits that a family code would provide. The more recent education

campaign helped blunt opposition and resulted in more widespread support among the public and legislators.


***Work with Religious Leaders and Address How Reform Is Consistent with Islam.*** A related strategy was to incorporate the diversity of the schools of Islamic jurisprudence in the dialogues. Discussions regarding family codes are often intertwined with questions of religion and also may have an impact on national politics. For example, in Bahrain, the family code is viewed as a delicate religious matter.

In advocating for Sunni and Shiite laws in Bahrain, the campaign engaged Sunni and Shiite religious scholars, jurists, and activists. The Bahrain Women's Union held a series of meetings involving Sunni leaders to review the draft versions of the family law and to reach a consensus on its provisions. These leaders also voiced their support for the draft law when it was presented to the Parliament.

Despite these efforts to involve a diverse representation, the campaign found it difficult to garner the support and involvement of Shiite leaders. Ultimately, only the Sunni version of the family law was enacted due to the lack of support from Bahraini Shiite leaders. Though this is seen as a success by the campaign implementers, it provides lessons learned for future efforts. Further initiatives will require additional preliminary meetings to establish an ongoing dialogue with Shiite leaders so as to discuss and address their primary concerns.

### **Strategic Roles**

For the campaigns in Bahrain and Kuwait, civil society, Shari'a scholars, legal experts, and scholars played strategic roles. As mentioned above, the two primary women's organizations were critical to the success of the campaigns. These groups were the primary agents of the campaigns; they played central roles in designing campaign activities and engaging the public and other stakeholders. Other civil society actors – such as academics and women's rights advocates –



made important contributions to the efforts. Civil society plays a significant role given its access to and connection with the public.

Legislators and Shari'a scholars also play a critical role in terms of family law reform campaigns, particularly because their support is needed for any legal change to ultimately occur. Involvement from these actors was important when incorporating several of the above-mentioned principles, namely framing the campaign with appropriate language, drawing on the diversity of Islamic jurisprudence, and communicating with legislative representatives.

It may be important to engage and involve other groups to play specific, strategic roles in these campaigns. Depending on the local context, other political or religious figures might be helpful in garnering public support for change. It is beneficial for the campaign organizers to involve key stakeholders throughout the design and implementation of campaign initiatives, given the inherent sensitivity of family law matters. The campaigns in Bahrain and Kuwait would have benefited from additional efforts to collaborate across sectors in order to reach broader consensus and support for the proposed reforms. As stakeholders come together to share, examine, and discuss their perspectives, they will gain greater ownership of the process and will be more likely to remain engaged to reach a consensus and to support the work.

### **Strategic Means**

In Bahrain, a number of mechanisms were used to lay the groundwork for the campaign and to communicate the campaign to the target audiences. These measures included preliminary (or “qualifying”) meetings, supportive frameworks, mass communication, and awareness publications. For example, the Bahrain Women’s Union convened regular discussion and consensus-building meetings that brought together critical stakeholders to discuss and strategize about the campaign. These meetings included legal reading forums,




roundtable discussions, workshops, and regional conferences. During the legal reading forums in Bahrain, several lawyers and Shari'a scholars presented critiques of existing Sunni and Ja'fari draft family laws, which were then discussed among representatives from women's NGOs. The participants developed a set of recommendations for a revised draft law, such as revising ambiguous language that could be interpreted in a discriminatory way. These recommendations from these sessions were presented to the Parliament and were covered in the media.

In Bahrain, working committees were responsible for handling various tasks, an organizational approach that is described in this volume as a "supportive framework." Committees or working groups were established to accomplish a special task or play a particular ongoing role. For example, in Bahrain, one committee included lawyers and a psychologist focused on providing legal and social assistance aspects of the family codes, particular for low income women. Another committee focused on detailed reviews of the provisions of the Sunni draft law.

Mass communication represents an important strategic means when seeking to raise broader awareness. For example, in Bahrain, the campaign used mass media to conduct a newspaper competition during Ramadan (the holy month of fasting). The competition included newspaper articles that highlighted various aspects of the draft family law to raise public support for its enactment. In Kuwait, a group of lawyers reached out to the public through newspaper articles in the "Your Law is Your Light" awareness campaign.

In addition to reaching elite audiences, campaigns should make sure to design efforts to raise awareness and to energize at the grassroots level. Public education publications were used in the campaigns to share individual stories regarding the impact of the current laws and research on the issues, to impact traditional perceptions regarding the role of women, and to address public skepticism regarding



the compatibility between Islam and women's rights. Distributing additional legal literacy materials, as well as convening legal education and advocacy workshops that target the general public, may be appropriate next steps for further efforts in Bahrain and Kuwait. These activities will continue to educate and to empower women to become advocates for their rights and those of their families.

### **Strategic Environment**

All advocacy campaigns take place within a particular current local context or environment, which have been described in this volume as “localization” and “mobilization.” Both of these strategic environments enhance efforts by reinforcing the campaign from within (localization) and capitalizing on the existing conditions (mobilization). These strategies can be incorporated in most campaign efforts.

For instance, localization can be accomplished by utilizing experts and religious scholars from the country itself, involving local organizations, and employing local artists and printers to develop the campaign tools. In Bahrain, the campaign was localized when it engaged Bahraini religious and legal scholars in discussions regarding the provisions of the draft law and when it also engaged representatives from the women's NGOs in that process. The public awareness campaign in Kuwait also represents an example of localization. That campaign was developed by local designers and featured Kuwaiti women from diverse backgrounds and stages of life.

Mobilization efforts should take into account and capitalize on the political, cultural and social contexts, so as to further campaign goals. In Kuwait and Bahrain, these aspects of the political and social environment were examined through public surveys that were conducted before Parliamentary elections, as well as through activities held during the holy month of Ramadan and on International Women's Day.


## General Strategies for Family Law Campaigns

Drawing on the experiences gained from the Bahrain and Kuwait campaigns, several lessons have been learned that may help advocates in similar contexts.

***Use data (or collect data) to explain and to reinforce the need for reform.*** Campaign activities should draw upon, incorporate, disseminate, and discuss the developed statistical and research tools with stakeholders. The stakeholders may include academics, government officials, and the public. Gathering such information can prove useful in identifying the gaps within the law as well as public perceptions on existing and proposed legislation. Data collection and public opinion surveys allow for direct information from the target population that can be used when advocating for reform. Data can also be collected at various points during a campaign so as to assess the effectiveness of various approaches taken and to adjust strategies over time.

***Plan strategically to ensure that the campaign is contextually appropriate, builds on previous efforts, and capitalizes on political, cultural and social opportunities.*** Planning sessions and discussions with a diverse group of stakeholders at the outset are helpful to identify previous lessons learned as well as the obstacles to reform. This approach will encourage a collaborative effort and thus should improve their effectiveness. These dialogues and planning sessions should be ongoing, to address new challenges and situations as they arise.

***Incorporate a strategic range of activities in the campaigns.*** It is important to lay the groundwork for campaigns by holding preliminary meetings (qualifying meetings) with influential figures to gain their support, to discuss appropriate framing of activities, and to develop supportive frameworks. This approach will also help prevent excessive backlash during activities by dealing quietly and directly



with influential leaders in the preliminary stages of the campaign. If the groundwork has been successfully laid, key leaders and experts who were engaged initially will likely remain involved as advisors and spokespeople in the public awareness activities. Buy-in from leaders across religious and secular perspectives, particularly those whom the public views as authorities, is critical to successful family law reform efforts.

If a campaign is to generate broad-based awareness and support for reforms, it should also include public initiatives that move beyond the elite and engage the general population. Campaigns will be enhanced if they connect women with existing mechanisms or create new mechanisms to support their rights. This approach helps to engage women by showing how the reforms will improve their day-to-day lives. Activities designed for women should be held in places where women naturally gather or feel comfortable gathering.

It is also important to use a variety of “strategic means” to engage the various target audiences, such as short documentaries, awareness publications, lectures, newspaper articles, and other media outreach. The strategic means employed should take into account the manner in which the public generally gains and shares information, for instance the extent to which the public looks to newspapers, radio, television, and the Internet as sources of information.

***Plan activities to capitalize on social and political contexts will increase the visibility of and involvement in activities as well as their potential impact.*** Cultural, social, and political contexts, such as elections and holidays, should be taken into consideration for both the nature and timing of activities. For instance, the campaigns in Bahrain and Kuwait used the gathering opportunities and newspaper contests that typically take place during Ramadan to raise public discussion on family law and women’s rights. International Women’s Day also provided a focal point for the regional forum on women’s rights and family law as well as the public awareness campaign in Kuwait.

***Frame family law reform efforts carefully and inclusively.*** It is important to emphasize that women's rights are supported in Islam and the proposed laws are compatible with Islam. Terms that resonate within the local context should be used. Activities that focus on developing or reviewing the law should be comprehensive, inclusive, and incorporate regional or comparative elements. Public awareness on the family law should also be framed in the context of women's rights broadly and linked to the benefits for the family and society at large. Reform efforts should also be inclusive in terms of hearing directly from women about their needs and perceived gaps in the law.

### **Final Remarks**

The successes of the campaigns are the result of the dedication of many individuals and organizations over a number of years. In Bahrain, the enactment of the Sunni portion of the family law represents an historic achievement. Advocates for greater gender equality are hopeful that this reform will pave the way for a Shiite law in the future. The campaign in Kuwait has contributed to an increased understanding of women's legal rights among Kuwaitis. The efforts detailed in this publication reflect only a snapshot of the broader work being conducted in Bahrain and Kuwait to improve the situation of women. In order to continue making progress, advocates for gender equality should continue to share experiences, to refine their strategies, and to examine lessons learned.

## Glossary<sup>49</sup>

**'ilya'a (divorce oath):** In this oath, a husband swears by God not to have intercourse with his wife, though it is subject to many related provisions and contingencies cited in books of jurisprudence and other sources.

**tasaamu' (the act of listening), shia'ae (spread of speech across time and place), and istifaadhah (the act of overflowing):** The three words have one meaning that refers to hearing from a group of people who would not be expected to form an agreement or conspire to lie, so one can be sure that they are telling the truth.

**hadhaanah (custody):** The term refers to the legal bond between a child and any of his divorced parents or other relatives who raise and care for him.

**khul' (divorce initiated by women):** A woman can initiate an irrevocable divorce if she returns any money or gifts (*mahr*) she received from her husband upon marriage and uses a specific verbal formula.

**da'wa (claim):** An assertion of ownership over a particular object or entity.

**raja'ah (return):** Remarriage with one's divorced wife is only possible during the prescribed period of waiting, or *'iddah*, after the initial divorce.

**zawaaj al-muta'ah (temporary marriage):** This form of marriage, allowed only under Shiite jurisprudence, ends after a predetermined time. It shares some provisions with ordinary marriage, but differs in a number of ways.

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<sup>49</sup> Most of the entries are adapted from Sheikh Muhammad Jawwaad Mughniyyah, *Five Doctrines of Jurisprudence* (Beirut: New Current Publishing House, 2008) (in Arabic).

***safeeh* (spendthrift):** A *safeeh* in this context is defined as an otherwise mentally competent adult who wastes his money and repeatedly spends it for improper purposes, as viewed by the rational observer.

***Shari'a* (Islamic law):** The term refers to the totality of God's instructions to believers and the related provisions.

***shahadah* (attestation):** The provision of firm information that might affect the outcome of a dispute between two parties; depending on the situation, a certain number of male witnesses may be required.

***talaaq baa'in* (irrevocable divorce):** This status applies to a divorce before marriage has been consummated, a third divorce for the same couple, a *khul'* divorce, or a divorce involving a girl less than nine years old, even if the marriage was consummated.

***talaaq al-haakim asshar'i* (divorce by a judge):** A judge in an Islamic jurisdiction has the right to forcibly divorce (separate) a wife from her husband for specific reasons cited in jurisprudence.

***talaaq arraj'i* (revocable divorce):** After this type of divorce, a husband can reclaim his wife with or without her consent, as long as she is still in the period of waiting, *'iddah*, and they have already consummated the marriage.

***dhihaar* (a type of divorce oath):** According to this formula, a man says to his wife, "For me you are prohibited like my mother," after which he cannot have intercourse with her unless he does penance according to provisions prescribed in jurisprudence.

***'iddah attalaaq* (period of waiting for divorced women):** A divorce does not take full effect and become irrevocable until this period elapses. There are different types of *'iddah* for pregnant women, women with regular menstruation, women who do not menstruate, women whose temporary marriage is ending, wives whose husbands abandoned Islam for another faith, widows, the wives of missing

husbands, women involved in suspected marriages, and wives who have had two waiting periods.

**'iddah al-mutami'bihaa (after temporary marriage):** When the temporary marriage expires without consummation, there is no waiting period for the wife. If there was intercourse but she is not pregnant, the waiting period is two menstruations or 45 days; if she is pregnant she must wait until she gives birth. In the case of the husband's death, the wife must wait four months and 10 days or until she gives birth (if she is pregnant), whichever is longer.

**'urf (tradition):** In a legal context, the term is comparable to common law, in that it refers to customary or traditional rules that predate or exist outside of formal codes and scripture.

**'adhal (guardian prevention):** This refers to the unjust prevention of marriage by a woman's guardian.

**fidiyah (ransom):** A woman seeking a *khul'* divorce pays this sum as compensation to her husband.

**fiqh (jurisprudence):** The term refers to the secondary body of Islamic law drawn from accumulated precedents and analysis of various types of evidence, as opposed to the clear provisions and direct instructions of Shari'a.

**qadhaa' (judgment):** The act of judgment puts an end to litigation, eliminates disputes, and allows justice to prevail.

**li'aan (oath of condemnation):** If a husband accuses his spouse of adultery or denies parenthood of her children, but lacks the required witnesses to prove his claim, he can use this formula to swear to the truth of his allegations and invite God's wrath if he is lying. The accused can deny the claims with a similar formula. The oath is subject to a number of provisions in Islamic jurisprudence.



***mubaari'ah* (divorce by mutual consent):** While similar to khul' in some ways, this form of divorce differs in several respects that are defined in jurisprudence.

***mubdaa' attaa'ah* (principle of obedience):** The duty of a wife to obey her husband is considered sacred, second only to obedience to God and his Prophet. Women are obliged to do what their husbands ask as long as it does not violate Shari'a and Islam.

***mubdaa' attaaqabul fi al-huquuq* (principle of reciprocity of rights):** The principle of obedience to the husband is in effect only if the husband is fulfilling all his duties to his wife. These include his obligation to support her financially and the requirement that he deal with her amicably and fairly. If the husband denies his wife's rights or neglects her, he loses his right to be obeyed.

**Sunni Muslims:** Members of the Sunni sect follow one of four major schools of jurisprudence: Hanafi, Maliki, Shafi'i, and Hanbali. They were founded respectively by Imam Abu Haneefah Annu'maan bin Thaabit (died AH 150/AD 767), Imam Maalik bin Anis (died AH 179/AD 796), Imam Muhammad bin Idrees Assaafi (died AH 204/AD 820), and Imam Ahmad bin Hanbal (died AH 241/AD 855).

**Shiite Muslims:** Members of Shiite sects following the Ja'fari school of jurisprudence, founded by Imam Ja'far bin Muhammad Assaadiq (died AH 148/AD 765).

***mahr, sadaaq, or fareedhah* (dowry):** A bride has a firm right under Islamic law to receive a dowry, usually but not always in the form of a financial payment, as agreed between the prospective spouses or their representatives.

***mahr al-mussama* (fixed dowry):** The terms of marriage, including the dowry, can be set down in advance in the text of the marriage contract.

***nafaqat azzawjah (wife's expenses)***: The husband has an obligation to provide his wife with food, clothing, a home, and other goods and services like health care, as his financial status allows. The terms of this obligation are detailed in jurisprudence.

***nafaqat al-mu'tadah (alimony in 'iddah)***: A woman in the *'iddah* of a revocable divorce is entitled to alimony, whether she is pregnant or not, but a woman in the *'iddah* following the husband's death receives no alimony, even if she is pregnant. A woman in the *'iddah* following an irrevocable divorce receives alimony only if she is pregnant.

***wasaayah wa al-walaayah (guardian of the will)***: An individual chooses a *wassi*—an executor or guardian—to carry out his will after his death, including the payment or collection of debts, and the maintenance of his children and their wealth.

***qaadi, mufti, mujtahid, and faqi***: A *qaadi* (judge) hears disputes between two or more parties and issues judgments to resolve them. A *mufti* issues legal findings or judgments for informative purposes, even if there is no dispute. A *mujtahid* is a scholar of Islamic law with the expertise to make a judgment or interpretation, while a *faqi* (jurist) is a scholar of Islamic law in a more general sense. All of these titles can apply to a single individual depending on the context.

***wilayaat fi al-zawaaj (guardianship for marriage)***: The *wali*, or guardian, of a prospective bride is responsible for approving her marriage and ensuring the fair execution of the marriage agreement.