



# Muslim Marriages: *A life in Limbo*

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Category: Media COE

Mauritius SADC GENDER PROTOCOL SUMMIT

GENDER EQUALITY BY 2015, YES WE MUST!

# BRIEF DESCRIPTION OF **MEDIA HOUSE**

- Location (urban)
- Type: print
- Circulation (very wide-international audience)
- Higher prominence of women sources



# Your submission

- Muslim Personal Law: A brief glance back.
- Call for the formal recognition of the Sharia law to govern the institution of marriage in the Islamic Community in Mauritius.
- Freedom of conscience v/s secularity.
- Difficult Compromise reached by the legislator.
- What about the Muslim woman? Far too long she has been excluded from this debate and expected to live this life of precariousness. Her voice must be heard too.

# HOW DOES YOUR SUBMISSION CONTRIBUTE TOWARDS ACHIEVING THE 28 TARGETS OF THE SADC GENDER PROTOCOL?

<b>PROTOCOL TARGET</b>	<b>ACTIONS</b>
Article 8 of the Protocol: Men and women must have equal rights and must be regarded as equal partners in their marriage.	There is a need to redress the inequality that the present law is perpetuating in the case of Muslim marriages.
Article 8 (2) (c) of the Protocol: Every marriage, whether civil or religious, needs to be registered in accordance with the laws of the country.	Mauritian Courts have recognised the right of the Muslim woman to register her religious marriage, even without the consent of her husband.

# HOW DOES YOUR SUBMISSION CONTRIBUTE TOWARDS ACHIEVING THE 28 TARGETS OF THE SADC GENDER PROTOCOL?

<p>Article 8 (3) (a) of the Protocol: States should adopt appropriate legislations to ensure that when spouses separate or divorce, they have reciprocal rights and duties towards their children.</p>	<p>The Civil Code ensures that children are ensured the rights that legitimate children enjoy. There is however a void as to the duties of both parents in the event of a separation/divorce.</p>
<p>Article 8 (3) (b): The spouses should also be ensured equitable share of the property acquired during their marriage</p>	<p>The estranged/divorced wife is afforded only minimum protection. (only given alimony if the separation is not her fault)</p>

# Background

- This article responds to a debate which remains even today, unresolved.
- It tries to describe the precarious situation of Muslim women in Mauritius today, who may be denied adequate protection and recognition by the present state of affairs.

# Objectives

- The ultimate aim of the article is to bring to light the gender inequalities inherent in the Muslim marriages as they exist in Mauritius today.
- The article aims to take this debate out of the political or religious sphere and give Muslim women their due.



GENDER EQUALITY BY 2015, YES WE MUST!

# Targets

- Its target audience would be the average Muslim woman in Mauritius, which it aims to empower by sensitizing her to her fundamental rights and also, by providing information on the different regimes of protection that are available to her.
- The legislator is also targeted in the hope that this legislative vacuum may one day be filled.



# Process

- The principal sources used in the formulation of the article were the Civil Code, the Civil Status Act, the Constitution of Mauritius, the SADC Protocol on Gender and Equality, and different case laws in Mauritius
- The article also draws from experiences related to me by friends of the Muslim community.

# Feedback



- Positive reactions from other colleagues at Genderlinks.

# Follow up

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- Follow political and legislative debates with regards to eventual amendments to the laws ensuring gender equality in the Muslim Marriages in Mauritius

thank  
you!