

# HIV/AIDS in Tanzania: Why are Girls Still Being Buried Alive in Muslim Communities?

By Salma Maoulidi

**M**uslims believe that Islam came as a mercy to humanity. It allowed women in particular to enjoy higher status and more rights than they had in the early patriarchal societies. Parents were duty-bound to support and show kindness and justice to their daughters, and in some instances favour them.<sup>1</sup> This was revolutionary, as prior to Islam women suffered from different forms of gender violence, from the cradle to the grave. One particular cruel practice abolished with the advent of Islam was that of female infanticide or *wa'd*.<sup>2</sup> Or was it?

According to the State of the World's Population Report, human immunodeficiency virus or HIV is now the leading cause of deaths in Africa. Globally it is ranked 4th. Over 35 million men, women and children have HIV/AIDS. New infections are estimated at 5.4 million cases each year. Africa leads in new infection rates.

Yet, the Islamic community in Tanzania has remained quiet about the pandemic in their midst. Most Islamic institutions or organisations have no HIV/AIDS programmes. Fewer still provide basic or spiritual services for those infected or affected by the virus. Among those affected are children orphaned by

AIDS, some as young as 12 and having to care for siblings. The burden of looking after these children also falls on older citizens who have, moreover, lost means of familial support.

## What are Muslims in Tanzania Doing to Support AIDS Orphans?

A survey of mosques in Dar es Salaam city revealed the absence of programmes for AIDS orphans. Children as young as nine have to fend for themselves, mostly by selling meat in front of bars and other places of adult entertainment. To make a sell they are sometimes subjected to dehumanising acts, often of a sexual nature. Without a system of social support, these children become vulnerable to contracting HIV.

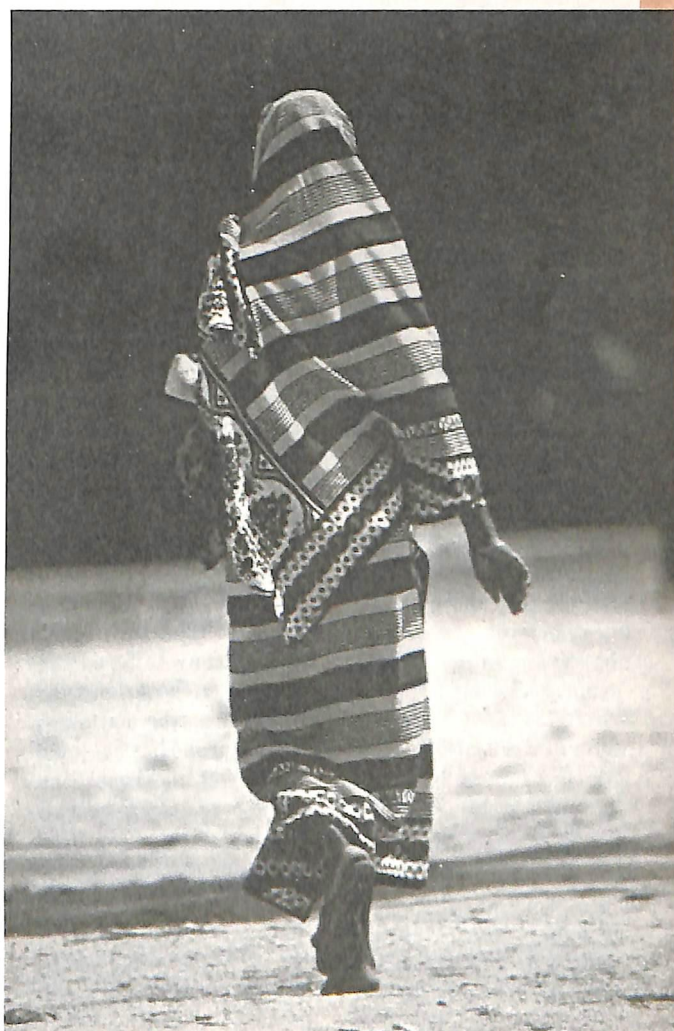
The burden of HIV/AIDS falls disproportionately on women. Increasingly, Muslim women find they have to take measures to address the effects of HIV/AIDS in their communities. One group has put up the Zainab Widows Foundation to assist widows, some of whom have lost their husbands to HIV/AIDS. The family is assisted with basic necessities, school fees and livelihood training to help them become self-sufficient. However, this assistance is not regular as the foundation lacks a regular source of support.

## How can one Characterise Muslim Attitudes to HIV/AIDS?

There is an overwhelming perception among the Muslim community that HIV/AIDS affects sexually permissive, immoral individuals—adulterers and fornicators. Thus most sheikhs spend much energy on aspects that touch minimally on central issues

that cause HIV/AIDS infection and its spread. Very little is being done in terms of instituting measures that will help check the scourge in the community posing a real threat to Muslim women.

Accurate information about the disease is not available to believers to help them protect themselves



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from the scourge. The sole defence offered by the *ulama* (clerics) has been *la takribu zinaa* which admonishes against committing adultery. They have also been adamant against the distribution of condoms and life-skills education in school. Little attention is given to practices that encourage the spread of the virus. Such attitude has had devastating effects on the community. Young brides are particularly affected.

### Why are we Still Burying Girls Alive?

Although most Muslims believe female infanticide is a thing of the past, it is still very much with us albeit in new forms. In this regard the practice of betrothal raises many issues. In Tanzania it is evident in

the way marriages are contracted.

A girl and her parents are supposed to feel honoured if a man asks for her hand. It is not uncommon for men, having settled elsewhere, to order brides from their native community. It is also common for divorced or widowed men to be offered new, often very young, wives "to ease their loneliness." I say "offered" because often the girl has very little say on the matter, especially if she has not previously been married. Since she is presumed to be a virgin, her parents can do as they please, regardless of her opinion on the matter.

Although Islamic scholars are quick to point out that legal principles dictate

that a woman can't be forced into a union, practice is another matter and this is in fact what is happening. *Kadhis*<sup>3</sup> who are empowered to contract marriages are yet to institute a premarital screening process looking into the health, background or disposition of the man. Their performance of the *nikah* or marriage rite is confined to reciting the *khutba*<sup>4</sup>, determining the amount of *mahr*<sup>5</sup> and solemnising the occasion. The priority is to fulfill the need of the groom.

Not surprisingly, the ritual is almost mechanised. In some cases the girl is not even asked for her consent, let alone made to sign on the marital contract. If one considers that the *hikma* (wisdom) of having a guardian for the girl during marriage is to protect her present and future interest in the union, then neither the father nor the *kadhi* is fulfilling his obligation. Instead they are sending young, innocent girls to a premature death. The stories I illustrate below are real and speak for themselves.

### Safia's Story

At 14, Safia has completed her primary education.<sup>6</sup> She is from an Arab background, in which some families do not encourage education for girls after puberty. Having done well in school, she wishes to continue with her secondary education but her parents decided to marry her off instead to someone they consider devout. They are convinced that because of his age (he is middle aged), he

is serious about settling down. They are happy over the fact that he has a modest business and feel confident he will provide adequately for their daughter.

Safia eventually becomes pregnant but the pregnancy is not easy, accompanied by frequent illness. Worried about her health, the antenatal clinic decides to test her blood and finds she is HIV positive. How did she catch the virus when she was a virgin and had no history of surgical procedure or blood transfusion? It became clear that while everyone was concerned about her being delivered "intact" to the groom, there was little regard as to the state of his health. Her life is ruined and what's more, she has been divorced by her husband after he learned about her situation.

Her parents are sorry, but how much longer can we excuse parents who sell their daughter's spirit and future and then feel sorry after the fact?

### Salma's Story

Only 24, Salma is living with HIV, one of the rare people who openly talk about their status. Salma has had the virus for a while now; but belonging to an organised group of people living with HIV/AIDS, she has access to retrovirals on trial.

Being an only child and living away from her native land, her ageing mother decided to marry her off after she had completed her primary education. Her mother wanted to make sure that





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In Tanzania, young women and girls are married off to middle-aged men most often infected with the HIV virus.

should she die, her daughter would have someone to take care of her.

Salma was an attractive girl and a well-to-do businessman soon came to ask for her hand. Finding no valid reasons to object, the mother agreed. He was widowed and little did they know that his first wife had died of AIDS. Salma's first pregnancy was uneventful but her child died before reaching three months. Suddenly, the baby just weak-

ened and died. This same scenario repeated itself with her second pregnancy. By this time her husband's health had deteriorated and he was bedridden. He finally admitted being aware of his illness and sought Salma's forgiveness for infecting her with the virus.

Childless and infected with the HIV virus, Salma was widowed before the age of 20. As if this were not punishment enough, upon his death her husband's

relatives took away all her belongings. She was left poor, HIV positive and unprotected. To date she still fails to understand why her in-laws inherited more than she did and why she was never compensated for being knowingly compromised.

### Sabra's Story

Sabra is a young professional, from a middle-class background, whose parents were growing anxious about her marriage prospects. They feared she was no longer in her prime and might end up an old maid. Finally, a suitor around her age, befriended the father and asked for her hand. Being a little older and wiser, she set her sole condition to the marriage: that they both be tested for the HIV virus. Her parents would have none of it. What would the groom's family think of them since such a request was tantamount to shaming their son?

From their few interactions with him, they convinced themselves of the man's good character. They chided their daughter for being too picky and proud. Whenever Sabra brought up the issue, they always ended the discussion by saying, "What will people think of us, what will they say?" On their insistence the marriage went ahead without any tests being done. Less than a year later Sabra became a widow.

It turned out that the man was recovering from a long sickness but none of his relatives was brave enough to suggest that he do an AIDS test. They could see the symptoms but it was much easier to deny the reality and instead find weak explanations as to his sickness, including being bewitched by coworkers for his success at work. Although some family members suspected something more serious, no one bothered to alert the fiancée or her parents to this fact. It would have justified Sabra's request for a premarital screening.

She now lives in fear, not knowing if indeed he had infected her. She has not found the courage to have herself tested. She is also aware that she may never attain her dream of having her own family, as no one would now allow their son to marry a woman widowed by HIV. She had grown up thinking of a future, but now realises she has no future.

Yet, amidst this reality the Islamic community is impervious to positive action to protect women from harm. Human rights and gender activists have identified weaknesses in current personal laws that allow the situation to go unchecked. Some want a one-man-one-woman rule, believing it will help each partner to monitor the other's sexual habits. However, it is not a sound solution by itself. Apart from the phenomenon of the cheating partner, one cannot be sure of the history of the current partner even in a legal union.



Without women's participation in legal-ethical deliberations, women's rights will always depend on a "representational discourse" conducted by male jurists who, in spite of their good intentions, treat the subject as "absent" and hence, lacking the necessary qualification to determine women's rights in a patriarchal society.

The issue of reform is imperative. But whenever the issue of reforming personal laws comes up, Muslim clerics complain of interference with their faith. Effectively they would prefer not to see that the imperfections of the current legal system are working against a class that, according to the texts and jurists themselves, is in need of protection.<sup>7</sup> Ironically then, women continue to be oppressed in the name of protecting cultural and religious norms.

It is also worth noting that when a sensitive issue of Islamic law and practice comes up for debate, authorities do not call on women to speak up even when the issue affects them. It is only men who are given the last say, even by human-rights and women's organisations that are careful not to upset the religious establishment. Dr. Abdulaziz Sachedina notes the danger

of this practice:

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It is remarkable that even when women transmitters of *adth*<sup>8</sup> were admitted in the *ilm al-rijal* ("science dealing with the scrutiny of the reporters")...and even when their narratives were recognised as valid documentation for deducing various rulings, they were not participants in the intellectual process that produced the prejudicial rulings encroaching upon the personal status of women. More importantly, the revelational text, regardless of its being extracted from the *Qur'an* or

the *Sunna*, was casuistically extrapolated in order to disprove a woman's intellectual and emotional capacities to formulate independent decisions that would have been more sensitive and more accurate in estimating her radically different life experience.<sup>9</sup>

When the female (infant) buried alive is questioned for what crime she was killed post-*jahiliya*,<sup>10</sup> the explanation may not be radically different from that obtaining pre-*jahiliya*—that it is a result of her community and, more specifically, her parents not valuing her as much as a male. Moreover, it is because the legal and political system tolerates practices that endanger the lives and future of women as an extension of patriarchal and cultural imperatives. Indeed, 1400 years after the advent of Islam's message, Muslim women continue to be choked by a repressive cultural legacy. ☞

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#### Footnotes:

<sup>1</sup> Jamal A. Badawi, Ph.D., "Gender Equity in Islam, World Assembly of Muslim Youth," *WAMY Stud-*

*ies on Islam* (1985)

<sup>2</sup> The Holy Quran 81: 89

<sup>3</sup> *Kadhis* is a religious official who among other things can officiate weddings

<sup>4</sup> *Khutba* is a sermon and mostly used for the Friday sermon. They are also an integral part of the marriage ceremony and it precedes the actual vows.

<sup>5</sup> *Mahr* is the gift given to the bride in consideration for her saying yes. Some interpret it to be synonymous to dowry but in strict Islamic sense it is a gift to the bride and no one else.

<sup>6</sup> Tanzania implements a 7-year universal primary education programme. Children are enrolled in school at age 7.

<sup>7</sup> Under the Law of Marriage Act 1971 (Act No. 5 of 1971) an application for divorce for a muslim woman must first be referred to The Head of Muslim Council in Tanzania or BAKWATA. The court however does not provide for a follow up system to determine whether the matter has been addressed by BAKWATA leaving many women in suspense as to her legal status for years on end thereby entrenching the unilateral right of divorce by the husband.

<sup>8</sup> *Adth* or *hadith* relates to the traditions or sayings of the Prophet

<sup>9</sup> Dr. Abdulaziz Sachedina, "Woman Half-the-Man? Crisis of Male Epistemology in Islamic Jurisprudence," University of Virginia.

<sup>10</sup> *Jahiliya* is a term used to describe the period before Islam, the period of ignorance.