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What Women’s Rights Tell Us About the Arab Spring

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Since September 11, 2001, numerous studies and surveys have attempted to dissect the divide between the Islamic world and the West. Some scholars claim that the core differences revolve around issues of gender equality rather than democratic governance per se.¹ Researchers have found that citizens in Muslim countries tend to be less permissive about gender equality than about democratic principles in general. This thesis has been refined subsequently to differentiate the Arab and the non-Arab Middle East,² but the assumption has not changed: cultural factors are the main element impeding women’s realization of full citizenship rights in most Arab countries.

In that respect, have the 2011 uprisings changed the discourse and substance of this reality? Why are women’s rights issues central to political debates in Tunisia, Egypt and Libya, while women, after contributing significantly to liberate their countries, are far from being granted full emancipation?

Women have been largely eclipsed in the transitions in Tunisia, Egypt and Libya, which is all the more striking given that these revolutions were carried out in the name of dignity and social justice. In the context of post-revolutionary emancipation, local populations feel for the first time that they have their political and economic future in their own hands. However, this same empowerment has so far failed to apply to women. After playing a prominent role in the initial phase leading to the overthrow of their autocratic leaders, female activists have been marginalized in the political space and their voices sidelined.

Progress on women’s rights is a crucial indicator of democratic development and a powerful symbol of increased pluralism. The debate on these rights, however, has stalled. Women are losing the battle to turn their ideas into political influence and to sustain the active role they played initially, although to a different extent in each of these three countries.

¹ Ronald Inglehart and Pippa Norris, “The True Clash of Civilizations”, *Foreign Policy*, n. 135, 2003. Available at: http://www.hks.harvard.edu/fs/pnorris/Articles/Articles%20published%20in%20journals_files/The_True_Clash_Inglehart_Norris_Foreign_Policy_2003.pdf

² Helen Rizzo, Abdel-Hamid Abdel-Latif and Katherine Meyer, “The Relationship between gender equality and democracy: A comparison of Arab versus non-Arab Muslim Societies”, *Sociology*, n. 41, 2007

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Some observers might be tempted to use the strong electoral performance of female candidates in Tunisia to brush aside commonly expressed fears of a human rights backlash following an Islamist takeover. But Tunisia is not a standard Arab Muslim country as far as gender equality is concerned, thanks to its long history of women's rights, the presence of several, well-organized women's groups and a small but powerful secular pro-Western elite.

Moreover, (free and fair) elections are only the start of democratic life and not the end of the process, though Europe and the U.S. forget this detail far too often. Maintaining a truly democratic political life remains a challenge in every single liberal democracy, and we should not expect any democratic *enfant prodige* to emerge from the 2011 revolutionary processes.

Western analysts and policymakers should suspend judgment until the new democratically-elected parliaments and governments in Tunisia, Egypt and Libya start making decisions focusing on women's rights. In particular, they should closely watch any reform to Personal Status Code law. Rather than insisting exclusively on the immediate application of universal rights, which triggers antagonistic reflexes and political misunderstandings, Western governments and NGOs should focus on encouraging concrete improvements in women's lives in the region and empower women to make their voices heard.

Will Tunisia remain the trailblazer in the region?

In Tunisia, the Constituent Assembly emerging from the October 23, 2011 elections will be in charge of drafting—although the timeframe is still unknown—a new constitution for the Tunisian people, as well as appointing an interim government. Tunisia is looked upon with admiration by many women in the region. It has a longstanding tradition of recognizing women's rights and a mandate that an equal

number of male and female candidates are on the electoral lists. Although women were granted only 5% of the top positions in the electoral lists, they won 25% of seats of the new Constituent Assembly. Interestingly, of the 49 women elected to Tunisia's 217-member Constituent Assembly, 42 belong to the Islamist party Ennahda. In the party's executive committee, two out of 13 members are also women.

With decolonization, Tunisia and many other countries in the region granted voting rights to both men and women simultaneously. Since the promulgation of the law on Personal Status by President Habib Bourguiba in 1956, women have seen discrimination against them diminish greatly. The law granted women more rights in matters of marriage, divorce and abortion, but did not extend to inheritance. The road to empowerment for women has been a bumpy one, as progress typically depended on the regime's short-term political calculations. Fully-fledged women's rights organizations only became active in the 1990s, and earlier family law reforms mainly resulted from top-down decisions of the president aimed at modernizing the country and inflicting a blow to Islamists' political aspirations.³ This does not mean, however, that social norms have not changed, despite the regime's erratic behavior.

Women's rights, rooted in the Personal Status code, have become entrenched in the country's social fabric and have become part of its political and social identity. Turning the clock backwards, in the case of Tunisia, is not only unlikely; it is a scarcely plausible hypothesis. Although extremist Islamist social and political forces such as the Salafis exist in the margins and contest the place of women in society, their message has limited appeal and is not likely to succeed in limiting women's rights.

³ M.M. Charrad, "From nationalism to feminism. Family law in Tunisia", in: K.M. Yount and H. Rashad (eds.), *Family in the Middle East, ideational change in Egypt, Iran and Tunisia*, Routledge, 2008

However, in attempting to influence social norms through very conservative and simple slogans, the extremists might diminish the room for debate over widening rights.

Currently, women's associations are well represented in the social landscape. They articulate a variety of demands and are involved in awareness-raising projects throughout the country. Last August, all of the main women's associations gathered to celebrate the establishment of the Personal Status law. They also expressed their anxiety vis-a-vis the post-revolutionary obscurantist propaganda aimed at reversing their personal and civil rights. The women's associations' main political message was twofold: asking all political parties to include women's rights in their political agendas and asking the next government to withdraw its reservations to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and to fully implement it.

International NGO representatives have embraced the flourishing of civil society as a necessary pre-condition for full-fledged democracy. However, the women's associations have limited influence in the sphere of civil society—in comparison, for example, to the power wielded by the trade unions—and exert minimal pressure on current political parties.

A poll conducted in the summer of 2011 and recently released by Human Rights Watch revealed that while the great majority of Tunisian political candidates declare to be in favor of greater gender equality (for example recognizing the right to marry non-Muslim men), very few parties publicly call for granting women the same inheritance rights as men. The Islamist party Ennahda ("renaissance" in Arabic), the winner of the recent elections with over 40% of the votes, unconditionally rejects this possibility.

Women's rights represent a prism through which Tunisian contradictions become manifest: an Islamic but secular country, now openly at ease with a more pronounced Islamist identity. At the same time, it is a country that defines itself as modern and liberal but wishes to move towards a more leftist economic system.

An even longer road ahead for Egyptian women?

In comparison to other nations in the region, Tunisia is considered enviably progressive regarding women's rights. In Egypt, women are still struggling for basic human and civil rights. There were, however, several formal improvements between 2004 and 2009: Egyptian women married to foreign men were allowed to pass on their nationality to their children, women were allowed to become judges, the minimum age for marriage was increased to eighteen years and female genital mutilation was outlawed. In practice, though, the weight of conservative social norms weakens the enforcement of these reforms and hinders a national debate over widening them. Women still struggle to get a fair divorce in Egypt—it was only ten years ago that women gained the right under the "Khul Law" to file for divorce without their husband's consent, (while men do not even need to go to court). In such situations, however, if a mutually-agreed divorce cannot be reached, the women must waive any financial right and give back the dowry that was paid to their family when they were married.⁴ If Sharia law were the only source of legislation, divorces granted by courts but without the consent of the husband would be outlawed. The application of CEDAW, which Egypt signed in 1981, has responded to the same logic; while Egypt is a signatory to the international convention, it has refused to implement some of its parts (mainly linked to women's rights within marriage) due to

⁴ http://freedomhouse.org/uploads/special_report/section/253.pdf

reservations justified on the grounds of respecting Islamic law.

Since the overthrow of Mubarak, the interim government headed by the Supreme Council of the Armed Forces (SCAF) has given the impression of sidelining revolutionary actors and women. It went so far as to single out women protesters and subject them to virginity tests while detained, thus revealing SCAF's patriarchal attitudes towards women. Women, however, have promoted their role in all phases of the uprising, including the violent "Battle of the Camels" which took place on February 2nd in Tahrir Square.⁵ The number of women in the cabinet has fallen from four to one,⁶ and it is highly unlikely that women will be part of the committee drafting the new constitution.⁷ As for positive discrimination for women's political participation, the electoral law adopted for the November parliamentary elections scrapped the Mubarak government's provision for a women's quota (granting women 64 seats out of 518). The system, based two thirds on proportional representation and a third on single ticket voting, requires each list to have at least one woman among its candidates. However, given the high fragmentation among the registered political parties, it is expected that for small and medium-sized parties only the first one or two candidates in each list will stand a chance of being elected. Needless to say, only a handful of women are in these positions.

The picture does not become rosier if one looks at next year's presidential elections, in which out of dozens of candidates only one woman is running, Buthaina Kamel. She has limited funding, has received scant media coverage

⁵ A horse and camel attack on pro-democracy protesters in Tahrir Square in Cairo, representing a turning point in bringing about the downfall of President Mubarak. Former members of the National Democratic Party (NDP) have been accused of having masterminded it:

<http://weekly.ahram.org.eg/2011/1039/eg21.htm>

⁶ Fayza-Abul Naga, a member of the old NDP and the only Minister to keep her post from the Mubarak regime.

⁷ <http://www.economist.com/node/21532256>

despite being a well-known national TV presenter and has often been ridiculed by competing presidential candidates.⁸ The Muslim Brotherhood, the single most popular party in today's Egypt, not only lacks women in its executive committee but also in its platform. It has banned women (and non-Muslims) from running for President.

Anyone concerned with women's rights in Egypt was taken aback by recent polls suggesting that over 60% of Egyptians would want to see Sharia as the sole source of legislation. Of course, the way in which this would trickle down to human rights and women's rights remains to be seen, but it is a powerful indicator of the increased weight religion will have at all levels of Egyptian politics.

With regard to women's rights, the political climate, both in Tunisia and Egypt, has become overheated with allegations of double discourse by Ennahda and the Muslim Brotherhood. Depending on the audience the movements were addressing at the time, both have switched stances and denied their previous declarations on gender equality. The extent to which Islamist political parties will abide by current women's rights laws will only be tested when these parties exert their share of power. In its political platform, for instance, the Muslim Brotherhood Freedom and Justice party, has stated that it favors "support for the empowerment of women of their complete rights, which do not conflict with the basic values of society."⁹

Some Islamists, however, such as the Egyptian Salafi, have framed only one discourse, characterized by an anti-modernist tone on women's rights. The Salafist Nour party, for example, has declared that women candidates for parliament are "evil", adding

⁸ <http://www.guardian.co.uk/world/2011/aug/05/bothaina-kamel-egypt-woman-president>

⁹ <http://egypt.electionnaire.com/parties/?id=18>

that “no nation will succeed if they are run by a woman”.¹⁰

Will talk of polygamy in Libya foreclose any progress on women’s rights?

Contrary to what one may assume, women in Libya currently enjoy (at least on paper) a wide range of rights, including the opportunity to hold judicial positions. They have the right to a judicial divorce and the ensuing custody of their children. Libya signed and ratified CEDAW in 1989 and signed the first optional Protocol in 2004, allowing the international committee to receive complaints from individuals and groups on human rights violations. However, the influence of tribal and patriarchal social norms has greatly limited the enforcement of these rights and impeded the development of a more equal social culture. One example is offered by *zina* laws, which criminalize female adultery, and condemn offenders to detention in “social rehabilitation” facilities where women cannot offend society with their behavior.¹¹ Qadhafi had a typically schizophrenic approach towards this issue. In his *Green Book*, he underlined gender equality as well as the biological differences between the sexes, without drawing any conclusions on the subject. This left him enough room to circumnavigate the issue according to other political considerations.

Since Qadhafi's killing, many among the rebels have freely spoken about the crucial place of Islam in their country's future political evolution and have pointed to Sharia law as the basis of social order and political life. Many rebel groups have openly advocated for re-instituting polygamy in the country as a symbol of change from the Qadhafi era. The leader of the interim government, Mustafa Abdel-Jalil, has declared the quasi-prohibition of polygamy instituted by

¹⁰ <http://english.ahram.org.eg/NewsContent/1/64/24583/Egypt/Politics-/Will-women-make-it-into-Egypt's-upcoming-parliament.aspx>

¹¹ <http://www.hrw.org/sites/default/files/reports/libya0206webwcover.pdf>

Qadhafi as being anti-Islamic. While depicted by many as inexperienced and amateurish in his leadership style, Abdel-Jalil's inclination to focus attention on contentious social issues, and framing a discourse of emancipation around topics such as the right of polygamy does not bode well for women and the place they will occupy in the post-Qadhafi society. The interim leadership has repeatedly congratulated itself for the successful insurgency and has commemorated its war victims. However, the role of women in the uprisings, as well as ideas of a more equal and just society for them, has been largely ignored. In the short-lived Draft Constitutional Charter put forward by the National Transitional Council (NTC), equal and civil rights were to be accorded irrespective of “religion, belief, race, language, wealth, kinship, political opinion or social status”.¹² Notably, gender was not included in that list. However, a more socially conservative goal, the protection of family and marriage, ranked high in the core tasks of the future Libyan state.

What does this eclipse of women mean for the Arab Spring?

Since the successful outcome of the Tunisian and Egyptian revolutions, Western commentators generally have taken one of two positions. Some have been sympathetic to the political messages of Islamist leaders that highlight the commonalities between Islam and liberal democratic values and the inherent compatibility between women's rights and religiously-inspired principles.¹³ Others have questioned these movements' democratic credentials and cautioned against their position on women's rights.¹⁴

¹² <http://www.scribd.com/doc/62823350/Libya-Draft-Constitutional-Charter-for-the-Transitional-Stage>

¹³ <http://www.nytimes.com/2011/02/19/world/middleeast/19egypt.html>

¹⁴ <http://online.wsj.com/article/SB10001424052748703712504576234601480205330.html>

The first school of thought has tended to dominate the debate, with analysts trying to examine the specific doctrines of the Tunisian Ennahda and Egyptian Muslim Brotherhood, as well as their leaders' trajectories and political role models. These analyses explore different opinions within these religious movements, bringing to light the vivacity of debates and the variety of stances within each Islamist party. The assessments also lead to the conclusion that the parties' political evolution remains largely unpredictable given the multi-party nature of the emerging political systems. These commentators focus on the movements' claimed ambition to reconcile Islam with many elements of modernity. On the issue of women's rights, this school of thought highlights Islamist discursive frames, arguing for example that Islamist feminism is emerging alongside Islamist political movements¹⁵. However, if one takes a closer look, it remains unclear to what extent women within Ennahda would question male authority within the movement and to what extent the female wing of the Muslim Brotherhood, the Muslim Sisterhood, is truly emancipated. The Sisterhood was created in 1932 together with the Muslim Brotherhood and was instrumental in keeping the organization alive in the Mubarak era since the female wing attracted less attention and could operate under the authorities' radar.¹⁶ It has a male leadership and for most of the women belonging to it, their primary duties are promoting an Islamic society, chiefly by being good wives and mothers.

A variation of this optimistic view rests on the idea that we are now seeing the peak of Islamist parties, rather than a growing trend. Islamists have won the Tunisian elections and are set to perform as well in Egypt (in Libya, it is too early to think in electoral terms) because of their role in opposing the failed regimes, their organizational skills, their long histories and

¹⁵ <http://www.nytimes.com/2011/10/27/opinion/can-islamism-and-feminism-mix.html>

¹⁶ <http://www.spiegel.de/international/world/0,1518,754250,00.html>

experience as parties, their access to substantial funds, their simple and effective messages and, more than anything else, their reputation of probity. Within pluralistic political systems, however, they will have to negotiate and bargain with other parties and will bear the responsibility of government. In other words, we can expect a learning curve for Islamist parties. Their pre-election propaganda will necessarily turn into more pragmatic stances on socially contentious issues.

On the other side, more conservative commentators are concerned by Islamists' hijacking of the initially non-religious uprisings¹⁷ and point to the detrimental impact this might have on women's rights. Conservative thinkers are renowned for attributing the socio-economic backwardness of many countries in the region to Islam. These analysts don't trust that parties claiming religious inspiration will create a pluralistic state. Some would go so far as to accuse Islam of being inherently misogynistic. In the words of Bernard Lewis: "The greatest defect of Islam and the main reason they fell behind the West is the treatment of women".¹⁸

Overall, much will depend on the concrete situation in each country. In Tunisia, the new Constituent Assembly which is being formed will largely concern itself with drafting a new Constitution and appointing an interim government. There will be careful scrutiny by the public at all stages of this process and a societal debate will accompany the work of the Constitutional Assembly. Ennahda has explicitly declared that it does not aim to curtail women's rights. It is therefore unlikely that any reform of the Personal Status Code will be proposed.

In Egypt, the new parliamentary assembly that will emerge from the November elections will

¹⁷ <http://www.danielpipes.org/9326/tunisia-turmoil>

¹⁸ <http://online.wsj.com/article/SB10001424052748703712504576234601480205330.html>

only represent one step in a long electoral process that will culminate with presidential elections in March 2012. The agenda of the interim government, the SCAF, for the upcoming election season remains unclear (other than securing its autonomy and privileges), but it is likely that all contentious social issues will be avoided and left to the attention of the next government. The Brotherhood has so far downplayed its socially conservative agenda as far as the place of women in society is concerned.

In Libya, there are few, but worrying, signals that women's rights will be threatened, particularly in light of the fact that Libya has no history of organized civil society, including human rights and women's groups.

On the whole, it is too soon to draw conclusions about the fate of democracy and women's rights in post-uprising North Africa. As is often observed in Western countries, politicians of all stripes have an inclination to exaggerate their political messages during electoral campaigns and then moderate their policies upon election.

What role for international actors?

The U.S. and Europe have reacted to the Arab Spring reluctantly, but as momentum gathered in North Africa, they took sides and became increasingly relevant actors in supporting these transitions. Both transatlantic partners have felt particularly responsible for contributing to the economic recovery of Egypt and Tunisia. The U.S. and Europe mobilized international donors this past spring in an attempt to promote a concerted approach to starve off economic stagnation.

While both Washington and Brussels have devoted time and attention to broad political and economic issues facing these countries, gender issues have scarcely taken the center-stage.

With regard to Libya, Secretary of State Hillary Clinton has made several declarations mentioning the importance of women in the future political evolution of the country and has tried to push for a bigger inclusion of women in the TNC and their political agenda. But these have met with little success.

The same has occurred in Egypt, where, under the auspices of the U.N., several NGOs met last July and drafted a Charter for Egyptian women. It was submitted to the SCAF in an attempt to become part of a supra-constitutional declaration that would bind the next elected parliament to permanent civil and human rights principles. However, the SCAF, pressed by the Muslim Brotherhood and reluctant itself to be obliged to uphold these principles, has resisted these calls.

Institutions like the National Democratic Institute and the National Endowment for Democracy are heavily investing in women's awareness-raising and empowerment activities in the region. However, most U.S. initiatives in the region still suffer from widespread Arab beliefs that any U.S. funded program has a hidden agenda. The toxicity of U.S. democratization efforts in the Middle East and North Africa (MENA) is to a great extent a consequence of the Bush-era democracy promotion policies. International donors and especially NGOs should focus on collaborating with local (versus international) small, grassroots organizations carrying out hands-on work. Fields of action include raising political awareness, combating illiteracy (in Egypt, it is about 40%), offering scholarships to students, especially women, to study in the West and helping women start small businesses. As some women's rights advocates in Egypt argue, "We want to go beyond women's issues, these are societal issues."¹⁹

¹⁹ <http://www.unwomen.org/2011/03/bachelet-addresses-challenges-provides-recommendations-for-pathway-to-democracy-in-egypt/>

Donors should also make an effort to limit funding to the usual suspects or organizations that have received funding in the past two decades. They should take some moderate risks in supporting smaller organizations, with less ambitious but realistic targets having an impact in different communities throughout the country, and avoid the habitual bias in favor of big cities.

Hence, this might not be the time for transatlantic public diplomacy to merely invoke universal rights, hoping to influence North Africa's complex political agenda through our assumed soft power. While attention towards women's rights should increase after elections in the three countries, it is also time to listen to North African societies' demands concerning their priorities and their requests. The West needs to accept that sustained social change is most effectively brought about through indigenous change. Towards that aim, the West should foster the empowerment of women and other disenfranchised groups, so that they can gradually claim the reforms that they see fit on their own. As far as resources are concerned, the U.S. and the EU should think strategically, especially given limited resources in foreign aid and democracy assistance, and build synergies among their policies and projects. Devising linkages among U.S. and EU-funded projects in the same country and intra-regionally would represent an incrementally successful effort.

An example of a relatively successful foreign policy tool in this field is the European Instrument for Democracy and Human Rights (EIDHR), the only instrument that bypasses national governments and directly engages with local civil societies. The EIDHR's latest call for proposals, issued in the aftermath of the Tunisian revolution, is funding social and political projects with a greater attention to the gender dimension. However, topics and priorities for action should be decided at the EU delegation level and not in the European Commission headquarters in Brussels, as is the case now. If priorities were based on the results

of consultations held by the EU delegations with local Arab grassroots organizations, it would lead to a much greater inclusiveness and sense of ownership by those constituencies who would benefit from these programs. The goal should be to provide not just financial aid but shared values and a commitment to social and human development. Since the Lisbon Treaty, the weight of the EU delegations has been significantly augmented, at least on paper. However, the disconnect between the political and the project-oriented side of the delegations' work continues, diminishing the impact of all EU policies.

In the medium to long-run, an even more ambitious goal would be to have the two transatlantic partners coordinate their approach to avoid duplications and foster synergies between USAID, MEPI and EUROPAID and EIDHR. Moreover, this would allow them to streamline their efforts across all policy areas.

Leaving ideology aside, transatlantic public diplomacy should focus on getting across a single, uniform message on the social and economic benefit of having educated and employed women. These women would then be in a much better position to claim their own rights.

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