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**About ICAN:** Formed in 2006, the International Civil Society Action Network (ICAN) aims to strengthen women's participation and influence in conflict prevention, social justice, coexistence, and peacebuilding efforts, in situations of closed political space and conflict affected states. ICAN's MENA program seeks to elevate the voices and impact of women's civil society groups on issues of rights, security and peace in countries undergoing transitions, affected by rising militarism, and extremism targeting women.

# What the Women Say: The Arab Spring & Implications for Women

**Brief 1: December 2011**

As the Arab world rumbles and shakes, women in the region are experiencing the good, the bad and the ugly that comes with instability, transition and crisis. From Tunisia and Egypt to Syria, Libya and Bahrain, women have been present and vocal in the street protest movements, standing shoulder to shoulder with the men, resisting the batons and tear gas, and being killed. Many have been key organizers and leaders in social networking, helping to articulate a common message and vision of freedom, democracy and equality, and providing logistical support to men at the frontlines of violence. They have also faced many of the same physical and sexual threats and risks that women elsewhere have encountered during crises and transitions, including harassment, assault and death. Despite their contribution, they are again facing exclusion from the political processes under way.

While they made major gains in education and civil rights in the 1950s and 60s, Middle Eastern women were marginalized from politics and decision-making throughout recent decades. The current transition period does not bode well either. By omission or commission, the emerging male-dominated leaderships seem to forget that democracy without equality in all aspects of the law and full participation of 50% of the population population is another form of authoritarianism.

**Across the region, especially in countries undergoing conflict and transition, religious political parties and socially conservative forces are seeking to impose ancestral customs that ascribe to women the role of obedient wife, daughter, sister or mother, under the protection and control of male relatives. These restrictive definitions are not a by-product of larger power play and politics, they are a central tenet and key priority of this growing conservative ideology. As women and religious scholars have tried to demonstrate, much of it counters Islamic values.**

The political developments and status of women differ across countries. In the first of *ICAN's What the Women Say; MENA Region briefs*, we highlight common regional trends that threaten basic norms of democracy, equality and affect women's abilities to participate in and influence the decision-making processes – nationally and internationally - that will determine the course of these countries' futures and their lives.

Once a law is identified as Sharia-based it becomes sacred and very difficult to change. Even in countries where social and cultural norms have progressed to view women in more equal light, they are still bound by legal discrimination. So generations of girls can be affected.

**1. Bargaining away the rights of 50% of the population in the quest for democracy, will not lead to democracy:** Silence about the rights and challenges facing women is nothing new. In many liberation and democratic movements in history – women have joined the broader democratic struggle but then had to fight for their own space, voice and rights. From the early 1900s, as in the case of the 1906 Constitutional Revolution in Iran, till today, the message to women in the MENA region has typically been to put the struggle for democracy ahead and above their demands for gender equality. With democracy comes equality is the common mantra but this is far from reality. Women have seen their rights ignored or bargained away by champions of democracies.

✱ ***Dismissing women's rights emboldens religious conservatives:*** In MENA, the difficulties women face are also specific to the cultural and political trends of the region. Women not only joined but, many initiated the non-violent struggles for democracy. Yet their own counterparts in the democracy movements are undermining women's concerns, suggesting that their demands are too sensitive, opposed to Islam, divisive or not culturally appropriate. Progressive groups that are supportive of women's rights are still too weak, and in their bid to gain influence they often bargain away women's rights. When women raise concerns about their status in family law - an area in which women's rights are often most compromised - democracy advocates often undermine them by questioning their priorities when more "urgent tasks" of nation building are at hand. Yet experience across the region shows that for religious conservative groups, family law especially the status of women is a key priority.

Libya is a case in point. The National Transitional Council (NTC) offered strong rhetorical support for women's rights and participation in leadership, but its membership remains overwhelmingly male-dominated (40:1). The transitional government announced in November 2011 has two women among 24 ministers. The draft constitution discriminates against women, and in the first major speech following the demise of Col Ghaddafi, the NTC leadership declared that Islamic laws would be the core source of law and as such polygamy would no longer be banned. Many Libyan opposition supporters have challenged this overt position, so it may be toned down ultimately. But it may also be a harbinger of more regressive actions down the road.

**2. There is a real risk of unnecessarily locking in discrimination against women in new constitutions and laws, but Islamic principles and universal rights are not mutually exclusive:** As regional and international figures, intellectuals and politicians asserted, the Arab Spring is heading towards the creation of Islamic democracies rooted in Sharia Law. In post revolutionary Egypt, Article Two of the constitution calling for laws to be aligned with Islam, remains untouched and there are demands for compliance with Sharia Law.

✱ ***Progressive Interpretations of Sharia Law do exist and are being enacted in the region:*** Despite the fears and assumptions that persist about Islam, there are areas of convergence with democratic norms as well as basic human rights (as defined by the Universal Declaration of Human Rights). But there are core elements of Sharia law particularly in the realm of family law that are open to interpretation and can have profound discriminatory implications for women. For example, women's testimony in court can count as half the value of men's; girls' age of marriage and age of criminal responsibility maybe reduced, sometimes to as low as 9 years old; men can have multiple wives and uncontested divorce, while women's rights in the family and divorce rights are severely curtailed and they are at risk of losing everything (children, home and property) if they contest their husband's decisions. Across the MENA region and the Muslim world, women are embroiled in an often difficult and dangerous fight for equality and representation. Religious scholars, both men and women are offering alternative, progressive interpretations of Sharia law on the issues noted above, in countries as diverse as Bahrain, Iran, Malaysia and Morocco. The reform of the Moroccan family code, for example, was written based on progressive interpretations of Sharia law and offers significant legal support for women.

In the constitutional processes of Afghanistan and Iraq, efforts were made to reconcile Islamic and universal human rights norms by creating hybrid constitutions. They allow for application of Islamic laws in some circumstances while attempting to hold states accountable to universal norms and international laws. Afghan women were given the opportunity to prepare and participate in the Constitutional Loya Jirga. Many rights activists still believe that while Islamic law is given much prominence, the constitution - if respected and implemented – does protect women's rights in all spheres. By being present in the loya jirga and engaging other actors they also secured 25% quotas in governance. But lack of subsequent systematic engagement has meant their exclusion from processes and proposed negotiations with the Taliban.

✳ **There are profound sensitivities to the discussions about Sharia law.** While Sharia law is open to interpretation, it is considered sacred, as such it is very difficult to reform even in countries where social and cultural norms have progressed to view women in more equal light. Those seeking to reform religious laws, regardless of the religion, often face reprisals, accusations of heresy, threats, arrest assault and attempts on their lives.

✳ **Many questions remain with respect to the adoption of Sharia law as the basis for these new democracies.** Many of the post-revolutionary Islamists and their international supporters (Western and otherwise) refuse to address these issues in specifics. Whose interpretation of Sharia law will be used as the basis of new democracies? Will these Sharia-based democracies include discrimination against religious minorities? Will they instigate flogging, stoning or the cutting of hands – all literal interpretations of Sharia penal code? These interpretations of Sharia law are deemed unpalatable in many quarters, yet the aspects that instil discrimination against women are often tolerated.

✳ **Equality for women is being associated with the former regimes and therefore at risk of being reversed:** In the countries of the Revolution, laws protecting women are often equated with the former regimes, moral corruption and westernization, and openly criticized by conservative forces. In Egypt, where women have made minimal legal gains in child custody and divorce rights, there is a call for reversing these rights. In Tunisia, while very positive steps have been taken, such as compliance with the Convention on the Elimination of Discrimination Against Women (CEDAW) without reservations and inclusion of women in equal numbers on party ballots, women are experiencing pressures and limitations that are unprecedented. For example they are being pressured to limit their social participation and to observe Islamic veiling. There is serious risk that hard-won past legal and social gains may be lost in the future.

✳ **New constitutions must uphold and ensure universal human rights for all. Entrenched patriarchy and chauvinism not Islam is often at the root of discrimination of women:** As in all countries, there are multiple cultural currents running through the MENA states. Progressive and conservative trends coexist cutting across generational and economic divisions. There is also an understandable desire for culturally and religiously acceptable norms and legislation. But at times local customs are conflated with religious laws. There is a danger that when prioritizing cultural traditions in the drafting of new constitutions, human rights and international norms are abandoned or not given appropriate consideration.

Ultimately the Arab Spring has been about indigenous demands for universal human rights and freedoms. National women's rights advocates appreciate the sensitivities of conservative forces in their societies. They also recognize that constitutions established now set a trend for future generations. They want the men and women of the region to benefit equally from the basic standards of equality and universal human rights to which other countries aspire. They need the international community to support and affirm these rights.

This is partly due to a misunderstanding of universal rights and false assumption that they do not adhere to Islamic values, and partly because they are assumed (wrongly) to be 'western' and not indigenous. The rejection of human rights standards combined with rising conservative interpretations of Islam and local customs are resulting in repressive attitudes toward women and fomenting divisions between women and men. If these interpretations persist and are favoured over universal human rights standards, there is a real risk and likelihood of serious legal and institutionalised discrimination against women invoked through constitutions and laws. The impact will be felt by generations of women and girls, as well as men and boys.

What's missing from the discourse is acknowledgment that when it comes to women's rights, the challenge is not necessarily Islam but entrenched patriarchy and chauvinism. Those opposed to women's equal rights cloak their concerns in the mantle of colonialism and westernized threats to local culture, and have been effective in pushing back against advocates of equal rights. The international community, including western policymakers have at times unwittingly enabled these developments by claiming respect for local culture and deriding progressive voices as being elitist or western. This is partly due to their short-term focus on quick-fix solutions for stability, and to their limited understanding of Islam, local cultural contexts and histories, especially the history of women's struggle for equality and rights in the region.

Yet as the Arab Spring has demonstrated vividly the demand for equality, dignity and democracy is coming from the ground up across the region, often led by women from across the social spectrum. It is neither elitist nor western.

Local activists are the best placed to articulate their demands for equal rights within a culturally acceptable frame. The Libyans are a case in point. In November 2011, at the first ever international conference of Libyan women, the overwhelming demand was for gender equality and equal rights under the law. But they need the international community

to support their demands for adherence to universal norms, and to hold Libyan politicians to a basic standard of inclusion and human rights including women's rights. This overarching frame would protect and respect people's freedom to practice religious and cultural customs –regardless of their religion, race, ethnicity or gender - while ensuring that when exercising their rights, they are not abusing the rights of others or being inconsistent with universal provisions for human rights and equality.

**3. *Strengthening civil society is key to democracy and women's inclusion:*** Despite decades of repression, civil activism finally burst out through technology and mass mobilization in the MENA region. Women in these countries have been a central force of non-violent activism, and they remain most visible in civil society because formal political structures, religious movements and organizations tend to exclude them from leadership. The emergent civic movements have shown strength in numbers and clearly had impact. But they lack the experience and mechanisms to become structured entities in the political arena and lack the resources to participate fully in the construction of their countries-- at least in the short term. Many of the new groups are focused entirely on responding to the needs on the ground and have little or no access to decision making processes. International actors compound the problems as they lack modalities for structured and consistent engagement with civic actors and thus women leaders and groups.

✳️ ***“Rule of Law” Being Used to Silence Civic Actors:*** Restrictive laws governing civic activism and formation of non-governmental organizations remain on the books and in some countries they are being implemented once again to limit the voice of dissent and the ability of citizens to organize. In Egypt for example, emergency laws have been utilized to pressure and arrest civil society activists after the Revolution. In Iran, where repressive policies are in full force, civil society has faced major crackdowns, with organizations being shut down and activists being arrested.

✳️ ***New Political Parties and Women – Catch 22:*** Newer, more progressive political parties are emerging in the region, but they are inexperienced and lack structured access to the public at large. By comparison religious parties are operating from a long-standing base including years of social service to communities. The religious parties tend to promote more regressive social policies, particularly regarding women's status. Recognizing the importance of having political voice, many women activists, in Egypt and Tunisia, have chosen to join more progressive parties. Nonetheless while offering the best opportunities for gender-sensitive political agendas, there is also doubt about how committed the new parties are to women's inclusion. In Tunisia, for example, new laws called for 50% women on the ballots. Women candidates, were not given top positions on the party lists, but they managed to win 24% of the vote or 49 seats in the parliament.

Nonetheless, despite their show in the elections, and promises by the Ennahda leadership to respect the legal rights of women, there is already an attack on women. It is being launched by the female spokeswoman of Ennahda, who was elected to Parliament on the Islamic Party's ticket and who had managed to claim notoriety for not wearing the headscarf despite her political affiliation. In response to statements made by a radio host calling for legal protection of single mothers, Souad Abderrahim claimed that single mothers are a disgrace to Tunisia and “do not have the right to exist.”

**4. *Media biases have critical impact on progressive voices in the region:*** In this region state radio and television has historically served the interests of authoritarian regimes, and therefore is not trusted. Satellite channels are playing a critical role in informing public opinion at the national level. But women's groups are frustrated by a lack of access to media and biased reporting. Programs broadcast from Saudi Arabia tend to be not only popular but promote extremely regressive messages on women. Even where there is relatively positive legal support for women, such as Morocco, satellite programs from Saudi Arabia have continued to impact the public's perception of women negatively.

✳️ ***Global stations provide imbalanced airtime for social conservatives:*** In Tunisia and Egypt, where Aljazeera has played an important role in informing the public during revolution, women activists criticize the station for giving unfettered access to Islamist groups and being aligned with Islamists who promote the concepts of women as second class citizens. BBC Arabic is viewed in similar light in the region and criticized for giving too much airtime to Islamists, even moderate Islamists who propose agendas that discriminate against women. In Iran, state media has been utilized to promote propaganda and regressive policy measures targeting women's gains. This level of negative messaging targeting women in Iran has been unprecedented since the early days of the 1979 Revolution. Meanwhile, in the midst of increased attack on women's gains and rights, the Voice of America Persian Service reduced its programming on women, from 5 hours to 45 minutes per week.

✳️ ***Media outlets reinforce negative stereotyping and exclusion of women:*** National and foreign based broadcasts also fail to include women experts in programs addressing other issues, such as the economy, politics, international affairs, national security, etc. Women's rights advocates contend that to shift public perceptions and counter the negative

stereotyping, it is imperative that women's expertise in general areas be demonstrated. Instead the media relegates women to talk about a narrow slice of 'women's issues', such as family law, considered 'soft' and less urgent.

✳ **Alternative media is critical for progressive voices but it is insufficient:** In many countries, women and other progressive groups have successfully utilized alternative media, particularly the internet, to get out their messages and create a discourse on women's status. But alternative media has not penetrated national audiences sufficiently and cannot shift public perceptions of women when contrasted with mainstream media.

## Recommendations:

Women have been leaders in the democracy movements in the MENA region. National and international actors should not underestimate their conviction, commitment, contributions and the absolute necessity for their equal participation in the formation of just, open, equal and democratic societies. The courage and bravery they have demonstrated in stepping out into the public arena should not be overlooked or ignored. If women are not full participants and their opportunities are stymied, countries in the region will fail the democracy and peace test.

### To International Policy Makers – Bilateral and Multilateral Actors:

**I. Let the women speak for themselves by ensuring structured engagement and space for their participation in all country-specific discussions that international actors coordinate, host or fund (per SCR 1325).** It is never too early to engage women, but it can become too late, very quickly. Where international actors exclude women, they send a clear message that their status and rights are of secondary importance. Women are most active and present in civil society. As such international actors involved in the region, must ensure **systematic inclusion, and structured engagement** with women (and other unrepresented stakeholders), and provide them the opportunity to articulate their perspectives to both national and international entities. This can be done by:

- ✳ Inviting women's CSOs to meetings/discussions with political leaders/elites;
- ✳ Encouraging and supporting formation of civic forums with links to political/peace processes (as in Guatemala and Northern Ireland in the 1990s);
- ✳ Creating space and providing financial support for women's CSO participation in international fora (e.g. international contact group or Friends meetings).

**II. Avoid double standards and being culturally relativistic** – Unfamiliarity with Islam and local contexts, coupled with an assumption that women's rights and inclusion are of secondary importance lead many international policy makers/shapers to fallback into a position of cultural relativism and double standards. Many other issues ranging from equal treatment of minorities to economic liberalization and democratic elections are supported by outsiders and elites, and may go against local customs. They can be deemed culturally insensitive but that does not stop international actors from addressing these issues on the basis of universal norms. Protection of women's rights should be seen in the same light and sense of urgency.

**III. Echo and adhere to international human rights standards and norms that guarantee those rights.** They include: the Universal Declaration of Human Rights (UDHR) that is derived in part from cultural and religious values including Islam; CEDAW that was negotiated by UN member states and which most states have ratified; the Beijing Platform for Action and the UN General Assembly Resolution on Mediation in (A/res/65/83, 2011) that were based on consensus; and UN SCR 1325 on women, peace and security that originates from women in countries affected by violence and transition. None are antithetical to Islam or cultural values of the region. The following measures can help:

- ✳ Avoid disagreement about labels (e.g. Islamic v. western/secularism) by drawing on the substance of the UDHR and language of existing conventions, resolutions etc. when supporting constitution drafting or legal reform;
- ✳ Raise women's protection and participation issues with political elites in power-sharing, legal or security discussions;
- ✳ Inform women's groups of forthcoming meetings, support their preparation of position papers and enable them to participate directly.

**IV. Hold political actors in the region accountable to existing norms:** Newly selected or elected leaders who emerge on the wave of democratic demands, should be informed of and held accountable to international norms that ensure human rights protection for all citizens.

**V. Support development of media programming and civic education on core concepts of human rights, democracy and peace:** Civil society actors including women's groups are keen to initiate media programming that raises public awareness and understanding of democracy, universal rights etc. so that citizens can increasingly hold their leadership accountable, and challenge those who espouse intolerance.

#### To National Governments and Political Actors:

**I. Engage women legally or politically through formation of civic forums:** Since women are most active in civil society, governments and political leaders must establish structures to engage them fully and ensure their legal protection. Exclusion and legal discrimination against 50% of the population reinforced through political, economic and socio-cultural structures will not lead to democracy.

**II. Draw on core religious values of equality and dignity of all and avoid patriarchal norms:** There are multiple interpretations of Sharia law that demonstrate convergence between Islam and universal human rights. These interpretations should be utilized to support arguments and legal initiatives, in line with international obligations intent on protecting the rights of citizens.

**III. Draw on all social capital and assets in society:** Excluding 50% of the talent pool in the complex task of building a democracy and peace is bad policy. Democracy advocates and emerging leaders in the MENA region should take all measures, including legal and structural, to ensure fair representation of all groups in decision-making processes. This can include quotas for women and youth in parliament; formation of community and national civic forums for regular interactions; creation of thematic working groups through which civil society activists can provide input into policy initiatives; and open parliamentary processes to enable citizen oversight and government accountability.

**IV. Institute NGO and media laws that foster civic activism and freedom of expression:** Transitional governments should immediately adopt legal measures to ensure that civic groups, including independent media and NGOs, are able to register and operate without reprisal. Programs to develop civil society should be supported.

#### To the Media:

**I. Give fair and equal airtime to women and progressive social activists:** Every country has multiple cultural currents at play. In the MENA region at a time when critical issues are being addressed, the media – including satellite stations – must provide unbiased and fair reporting, and provide opportunities for women's rights advocates to share perspectives on developing political events through media.

**II. Recognize that discrimination against women is an early warning sign of rising repressive practices in other spheres:** media outlets should realize that undemocratic societies may eventually limit the media's freedom of speech and target journalists as well. Consider women's inclusion as an integral strategy toward the right to free speech and independent media.

This brief is available on our website at:  
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ICAN's Next Issue Brief: Tunisian Elections & Implications for Women

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