



Women's Rights and the Arab Spring

Middle East/North Africa Overview and Fact Sheet

Successful uprisings in Tunisia and Egypt in the last year have sparked movements against dictatorships across the Middle East, North Africa, and the Gulf region. These movements call for democratization, new constitutions that protect equality, free speech and assembly, and fair elections. Women have been an integral part of these revolutions, organizing and marching alongside men. Now, as countries in the region are in the process of building new governments, women's activists know they must fight to play a substantial role.

Today, just as before the Arab Spring, women's rights groups in the Arab world are fighting for rights set forth in the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the most comprehensive women's rights treaty, and are using it to demand government action. Written in 1979 and entered into force in 1981, CEDAW has been ratified by 187 nation-states, including every Arab country except Somalia and Sudan.¹ However, each Arab state has ratified the treaty with substantial reservations that undermine the treaty's spirit.²

CEDAW is a critical tool in the fight to advance women's rights in a democratizing Arab world. Across the region, women have been using CEDAW to pressure governments to take meaningful steps to advance women's rights, and to push new governments to live up to their countries' commitments under the treaty and withdraw all reservations. Many governments in the region need to take further steps to align national laws with existing international commitments under CEDAW. However, while many area governments have yet to live up to CEDAW's principles, women's rights activists continue to leverage governments' desire to appear to be in compliance with CEDAW as a way to advance their cause.

A coalition of women's rights organizations based in the Middle East and North Africa has been working to achieve full implementation of CEDAW in the region, which would result in a leap forward for women's empowerment. As part of this effort, feminists from across the region met in Rabat, Morocco in May 2011 to review regional changes and strategize for the future in the wake of the Arab Spring transitions. Together, they are closely monitoring changes in the region and working to ensure that constitutional reforms clearly protect equality between women and men in both the private and the public sphere, legitimize women's role in politics and public affairs, and include implementation mechanisms to achieve these effects.³

Leading women's rights activists from across the region have made clear the critical importance of CEDAW to these efforts. Furthermore, these activists have stressed that the failure of the United States to ratify the treaty undermines their ability to use this vital tool when advocating for change. The United States has made clear that as successful democratic systems and economic development in the Middle East and North Africa are vital to U.S. strategic interests, women's empowerment in the region is vital and inextricably tied to democratic and economic development. U.S. ratification of CEDAW is therefore a key component to America's long-term strategic interests.

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Fact Sheet on Egypt, Tunisia, Morocco and Jordan

Egypt:

For decades, women in Egypt as elsewhere in the region have been intimately involved with the reform movement – from organizing labor union strikes and asserting their right to free speech, to participating in the protests that led to the ouster of the Mubarak regime. But after playing a vital role in the revolution, women are being actively excluded from the reform process.

The ten-person constitutional amendment committee responsible for revising the constitution prior to the upcoming elections was all men. No women were appointed to be governors, and only one woman of a possible 34 was appointed to the new cabinet, and she was a holdover from the Mubarak regime. A committee on women overseen by the cabinet was established, but it is likely to have little power. One activist called the committee's creation condescending: "It's like saying, 'You women can have your little committee while we men do the serious business.'"⁴ According to The Egyptian Center for Women's Rights (ECWR), "The exclusion of women in Egypt turned into a systematic policy."

Activists such as the founder of Egypt's New Woman Foundation, Amal Abdel Hadi, are making demands rooted in CEDAW principles. She calls for women to be added to the constitutional committee, for "equal and fair representation of women and young people in all representative bodies," and for freedom of expression. The latter, she says, "should allow women to participate more effectively in all areas of public life and will provide them with the opportunity to give their perspectives on health, the economy, the environment, working conditions, etc."⁵

Activists have achieved some major successes, using CEDAW as a foundation of their demands. After a long fight by Egyptian women's rights activists, the government issued a decree on May 2 allowing Egyptian women married to Palestinian men to pass their nationality to their children.⁶ Enas El Shaffie, Executive Director of the Forum for Women in Development, a Cairo-based women's rights organization, said CEDAW was key to leveraging government action on the nationality law. Three years earlier, the government had withdrawn its reservation to CEDAW Article 9(2), which affirms a woman's right to pass her nationality on to her children.⁷ The 2011 decree brings Egypt one step closer to compliance with its treaty obligations. According to El Shaffie, CEDAW is widely used by Egyptian women's rights and democracy activists to pressure the government to live up to its obligations and take action on domestic reforms.⁸

Tunisia

After overthrowing the dictatorship of Ben Ali in January 2011, inspiring the Arab Spring across the region, Tunisia initially seemed to be on the path to ensuring women's inclusion in the new regime and was considered by some to be a model for women's empowerment. On April 11, 2011, the Tunisian transitional government passed a revolutionary law that established full parity and compulsory alternation of male and female candidates on all lists for the October 23 election of the Constituent Assembly that will draft the new constitution.⁹ Still, men were listed first in 94 percent of the electoral lists.¹⁰

On August 16, after Minister of Women Lilia Laabidi submitted a draft decree, Tunisia withdrew all specific reservations to CEDAW.¹¹ This was a significant milestone for Tunisia, which signed the Convention in 1985 and is the only country in the region other than Morocco to eliminate all specific reservations.

However, women's rights groups such as Association Tunisienne des Femmes Démocrates (ATFD) oppose the government declaration that it will not enforce CEDAW provisions deemed contrary to Article One of the Constitution, which stipulates Islam as the state religion. Women's rights activists assert that this caveat undermines the legal significance of the removal of reservations and is particularly worrisome in regard to statutes on family law, such as inheritance. Tunisian women are now seeking withdrawal of this declaration and removal of all discriminatory provisions from Tunisian law.

The October 23 elections resulted in a majority vote for An-Nahda, considered by some to be a moderate Islamic party. While party leaders have said they will uphold women's rights achieved under Ben Ali, women's rights and democracy activists are seriously concerned that the party will act differently once in power.

Tunisia ranked highest in all four categories of a 2010 Freedom House report on women's rights in the region.¹² As in Egypt, however, some people associate women's rights with the old regime, so this transitional period is critical to ensuring that the gains of the past several decades are maintained.

Jordan

In response to demonstrations and protests since January 2011, King Abdullah initiated a process of reform in the political, economic, and constitutional areas. He established a Royal Commission to review the constitution and recommend amendments. This gave women's activists an opportunity to present their demands, including increased protections from violence, guaranteed economic and political participation, and other social justice and democracy provisions, including social security, separation of powers and environmental conservation.¹³

The women's movement advocated adding "gender" to the phrase, "There shall be no discrimination between Jordanians as regards to their rights and duties on grounds of race, language or religion" in Article 6 of the constitution. This would ensure application of the principle of equality and prevent discrimination against women. Though many Arab and Muslim-majority countries include such a stipulation in their constitutions, the commission sent its final wording of proposed changes to Parliament without amending Article 6, despite the women's demands and international commitments.¹⁴

In July 2011 Jordan passed a Municipalities Law that raised the quota for women's seats in municipal councils from 20 percent to 25 percent. (In May 2010, a new elections law had raised the number of parliamentary seats reserved for women from 6 of 110 to 12 of 120). Women's activists are now working to prepare women for participation in upcoming elections.¹⁵

Jordanian women's rights advocates continue to protest delays in implementing women's full human rights according to international standards, drawing special attention to CEDAW, which Jordan ratified in 1992. Following national activism on the issue, Jordan in 2009 removed its reservation to Article 15 of CEDAW, which grants women the right to travel freely and choose their place of residence.¹⁶

The current challenge for women's rights activists in Jordan is the one facing activists worldwide: they must not let so-called "bigger" issues overshadow women's issues or create a climate allowing their neglect.¹⁷ Today, the country's failure to fully implement CEDAW and its reservations related to women's nationality rights remain critical barriers to the realization of women's rights in Jordan.



Morocco

As the impact of the Arab Spring was felt across the region, activists in Morocco launched protests calling for democratic reform and an end to corruption in the country. In response, King Mohammed called for a Consultative Commission to review the constitution and deliver recommendations for democratic reform. Women were five of the 18 commission members. Women's rights organizations, including the Association Démocratique des Femmes du Maroc (ADFM), played an active role in advocating reforms to establish women's rights.¹⁸

On April 18, 2011, after years of advocacy by women's rights organizations – including ADFM -- Morocco formally withdrew its reservations to CEDAW. In a related development, Moroccans voted July 1 to accept the proposed constitutional reforms.

These were major changes. They included: recognition in the preamble of women and men's equal status as citizens; a ban on discrimination, including sex discrimination, and a commitment to fight it; a commitment to government action to advance the "freedom and equality of all citizens and their participation in the political, economic, cultural and social spheres"; the creation of an Authority for Equality and the Fight Against all Forms of Discrimination for the purpose of achieving equality between men and women; recognition of the need for a legal provision promoting equal access for women and men to elected positions and to improve the participation of women on local authorities; and, most importantly, the need to bring national law into agreement with the country's international commitments.¹⁹

That means that while in practice women in Morocco still experience significant discrimination, those fighting for women's rights and empowerment now have authority under the national constitution to cite all of CEDAW's provisions as leverage to hold the government to its commitment to move toward women's full equality.

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End Notes

¹ Iran has also not ratified CEDAW.

² Articles typically reserved by countries in the Middle East and North Africa: (2) Affirmative obligations to prevent discrimination; (9) The right of a woman to retain her own nationality despite marriage, and to pass nationality on to her child despite the father's nationality; (15) The right of a woman to equality of men under the law, the right to freely contract, property rights, and the right to choose residence and domicile; and (16) The right to equality in marriage and family.

³ *Feminists Convene in Rabat to Strategize on Women's Equality After the Arab Spring*, WOMEN'S LEARNING PARTNERSHIP (May 25, 2011), <http://www.learningpartnership.org/blog/2011/05/womens-equality-arab-spring/>.

⁴ *The new Egypt: Leaving women behind*, AL-JAZEERA (Mar. 8, 2011), <http://english.aljazeera.net/indepth/features/2011/03/201138133425420552.html>.

⁵ *Interview with Amal Abdel Hadi*, INT'L FED. OF HUM. RTS. (Mar. 10, 2011), <http://www.fidh.org/Interview-with-Amal-Abdel-Hadi-New-Woman>.

⁶ *Post-Revolution, Egypt Establishes Right of Women Married to Palestinians to Pass Nationality to Children*, WOMEN'S LEARNING PARTNERSHIP (May 13, 2011), <http://www.learningpartnership.org/lib/post-revolution-egypt-establishes-right-women-married-palestinians-pass-nationality-children-1>.

⁷ UNITED NATIONS TREATY COLLECTION, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#20 (last visited Sept. 29, 2011) (information located in footnote 20).

⁸ WLP interview with Enas El Shafie, October 5, 2011.

⁹ Kristine Goulding, "Tunisia: Arab Spring, Islamist Summer," *Open Democracy*, (October 25, 2011) <http://www.opendemocracy.net/5050/kristine-goulding/tunisia-arab-spring-islamist-summer>

¹⁰ "Tunisia Elections: Women Still Struggle to Run," *Huffington Post*, (October 21, 2011), http://www.huffingtonpost.com/2011/10/21/tunisia-elections-women_n_1024170.html

¹¹ *Tunisia: Government Lifts Restrictions on Women's Rights Treaty*, Human Rights Watch (Sept. 6, 2011), <http://www.hrw.org/news/2011/09/06/tunisia-government-lifts-restrictions-women-s-rights-treaty>.

¹² Sanja Kelly and Julia Breslin, eds., *Women's Rights in the Middle East and North Africa* (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010) http://freedomhouse.org/uploads/special_report/section/269.pdf

¹³ WLP blog, *Our Vision and Voices: Women's Rights in the Balance: Upcoming Constitutional Reforms in Jordan and an Appeal by WLP Partner Asma Khader*, <http://www.learningpartnership.org/blog/2011/05/jordan-constitution-women/>

¹⁴ "Women activists call for ensuring equality in constitutional amendments," *Jordan Times*, (August 17, 2011) <http://www.jordantimes.com/index.php?news=40500>

¹⁵ "House passes Municipalities Law," *Jordan Times*, (July 28, 2011) <http://www.jordantimes.com/index.php?news=39899>

¹⁶ Valetine Moghadam, *Women's Learning Partnership: An Independent External Evaluation: Activities and Outcomes*, 2010

¹⁷ Interview with Leila Hammarneh, Projects Director, Arab Women Organization, Jordan, Int'l Fed. of Hum. Rts. (Mar. 10, 2011), <http://www.fidh.org/Interview-with-Leila-Hammarneh-Projects-Director>.

¹⁸ "Constitutional Reform: ADFM Memorandum," <http://www.adfm.ma/spip.php?article1403&lang=en>; "Des Marocaines militent pour l'égalité homme/femme dans la Constitution," *De Caroline TAIX* (AFP), (May 12, 2011), <http://www.google.com/hostednews/afp/article/ALeqM5qOv0CCqNYdlr76c0mpDzVklMEwQw?docId=CNG.0944f388f e663cc8b4c80eadfaa9f7c2.11>

¹⁹ "Q&A: Morocco's referendum on reform," *BBC News*, (July 29, 2011) <http://www.bbc.co.uk/news/world-africa-13964550>; "Women's Rights in the Draft Constitution," ADFM Press Release, <http://www.learningpartnership.org/lib/womens-rights-draft-constitution>