

## Women's Rights in Transitions to Democracy: Achieving Rights, Resisting Backlash AWID 2012 Forum Pre-Meeting and Strategy Sessions Report<sup>1</sup>

### BACKGROUND

The Association for Women's Rights in Development (AWID) and Women's Learning Partnership (WLP) are pleased to present this report as the result of our collaborative effort to raise the visibility of and support for women's rights activism in contexts of transition in the Middle East and North Africa (MENA).

AWID hosted its 12<sup>th</sup> International Forum in Istanbul, Turkey, in April 2012, bringing together more than 2,200 women's rights activists from around the world under the broad theme of *Transforming Economic Power to Advance Women's Rights and Justice*. Recognizing the sweeping changes occurring across the MENA and the relatively accessible location of the Forum for activists from the region, AWID reached out to key women's rights activists and organizations active in the region prior to and in preparation for the Forum. The aim was to explore how best to maximize the Forum's utility for activists from the MENA to share their experiences and insights with a diverse international group, as well as to build meaningful bridges of solidarity and exchange with women's rights activists who have been through similar transition processes in different regions.

The result of these discussions was an agreement that a dedicated pre-meeting consultation would be useful for MENA activists, giving them the opportunity to analyze geopolitical challenges and opportunities in the region for women's rights, hear from related experiences among women's rights movements in other parts of the world, and explore possible strategies or ways forward. In addition, AWID allocated one of the six-hour "in-depth" *Strategy Sessions* during the Forum for further exchange and strategizing around women's rights and transitions to democracy in the MENA. These convenings were intended to build upon, and in turn feedback to, other related meetings on women's rights in the MENA that were happening prior to and following the AWID Forum.

Since the recent events in the Middle East and North Africa began to unfold, Women's Learning Partnership (WLP) has convened a series of meetings to discuss the role of women in the transitions occurring in the MENA and to determine how to ensure that women's voices will be heard and included. In March 2012, WLP organized a strategy meeting of activists and experts from around the world, who discussed the causes, consequences, threats, and opportunities generated by the revolutions.<sup>2</sup>

WLP led the planning and preparations for the pre-meeting consultation as well as the Forum *Strategy Session* devoted to strategizing around women's rights and transitions to democracy, with inputs from AWID, Global Fund for Women, and the Equality without Reservation Coalition. Almost 100 women's rights leaders from over 18 countries in the MENA, as well as activists

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<sup>1</sup> This report attempts to synthesize the main points from the presentations and discussions during both the pre-meeting consultation and the Forum *Strategy Sessions*. The report was written by Alexandra Pittman, with support from Ani Colekessian and Adina Spivak, as well as from many of the meeting participants and speakers who generously responded to requests for clarification. Any corrections or clarifications may be submitted to [contact@awid.org](mailto:contact@awid.org).

<sup>2</sup> Recommendations and analyses from these discussions appear in WLP's "[Strategizing for Democracy: Challenges and Opportunities for Women in the MENA Region](http://www.learningpartnership.org/lib/strategizing-democracy-challenges-and-opportunities-women-mena-region)." (<http://www.learningpartnership.org/lib/strategizing-democracy-challenges-and-opportunities-women-mena-region>)

from Central and Eastern Europe, Latin America, Sub-Saharan Africa, and South Asia, attended the pre-meeting consultation on *Women's Rights in Transitions to Democracy: Achieving Rights, Resisting Backlash*, held on April 17-18<sup>th</sup>, 2012.<sup>3</sup> At this pre-meeting, activists and scholars shared case studies of women's rights status, progress, limitations, and key areas of strategizing during democratic transitions.

Then during the 12<sup>th</sup> International Forum, AWID held a series of 'in-depth' *Strategy Sessions* to delve deeper into concrete strategies across different contexts, with small group reflections on the overarching context, key challenges, the use of social media and movement building, and constitutional reform and transitional justice strategies. (For a full list of pre-meeting consultation and *Strategy Sessions* speakers and participants, see Annexes 1-3.)

This report integrates insights from both the pre-meeting consultation and the *Strategy Sessions* in order to elucidate the context of the struggle for women's rights in the MENA and articulate key strategies that have been effectively used, need to be developed, or could be leveraged during diverse transitions to democracy, as they continue to unfold and in the future.

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<sup>3</sup> See Annex 2, below.

## I. AN OVERVIEW OF THE GEOPOLITICAL LANDSCAPE AND WOMEN'S RIGHTS IN THE MENA REGION

The past few years have seen a surge in grassroots-led movements demanding democracy and justice and calling for the end to corruption; the overthrow of authoritarian regimes in Egypt, Libya, and Tunisia; and the emergence of democratic elections and processes in many countries across the region, in what has been called the “Arab Spring.”<sup>4</sup> However, since the first, hopeful days of the revolutions, many sobering developments have been taking place, including the election of political Islamist representatives who are vocal in their opposition to women's rights, the Salafi movement's call for the reinstatement of Islamic law and a caliphate across the Arab region, the state using violence against its own citizens in Bahrain, Egypt, Libya, Syria, Tunisia, and other MENA countries, and rape being used as a weapon of war in Libya and elsewhere.

In the early days of the “Arab Spring,” with the grassroots demanding democratic regime change, the hope was that women's rights would be an integral part of the agenda, given that democracy, social justice, and an end to corruption were the initial rallying calls for mobilization and change. Women were essential to the success of the “revolutions/uprisings” and they were visible in all the “Tahrir Squares” of Egypt, Libya, Syria, Tunisia, and Yemen. They participated in the uprisings as citizens, on equal footing with men and not as women per se, demanding social justice and democracy. They supported the national agenda for ending authoritarian regimes and establishing democratic systems. They were instrumental in bringing about change and were involved as active citizens changing their societies. However, despite women's presence and participation alongside their male compatriots in these struggles across the MENA, the all-too-familiar discourse of ‘nation first, women's rights second’ has taken precedence.

In the aftermath of the uprisings, women became invisible, absent from the process of formation of the new democratic states, and excluded from decision-making roles, responsibilities, and positions. Men took over the leadership positions in transitional leadership structures, including the constitutional reform committees and subsequently also through elections, e.g., in Egypt and Tunisia. Women and their presence and participation have also been largely erased from media coverage and public narratives of the “Arab Spring,” save for stories of sexual harassment or violation. For example, in Syria, despite the devastating civil conflict, women are not referred to as revolutionaries, and the media show few examples of women demonstrators. Except for a few exceptional women whose presence has been acknowledged, the rest are invisible, considered second-class citizens.

What has clearly emerged in the transitions is a strong and immediate backlash against women and women's rights, even across different countries in the region, with seemingly limited public resistance. For example, in September 2011, Mustafa Abdul Jalil, the head of the interim National Transitional Council in Libya, announced before cheering crowds in Tripoli's Martyrs' Square that “women will be ambassadors, women will be ministers.”<sup>5</sup> Yet less than a month later, he stated that *shari'a* should be the basis for legislation and talked about reinstating polygamy, which was greeted by cheers from his audience.<sup>6</sup> Not only in Libya, but in many other MENA countries, the rise of political Islamists and their election to parliaments have left women's rights platforms in a tenuous position.

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<sup>4</sup> We use the term “Arab Spring” for simplicity in this report, acknowledging that the terminology was subject to debate within the meetings.

<sup>5</sup> <http://www.guardian.co.uk/world/2011/sep/16/libyan-women-our-revolution-too>

<sup>6</sup> <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8844819/Libyas-liberation-interim-ruler-unveils-more-radical-than-expected-plans-for-Islamic-law.html>

Vast poverty and huge class and social divisions exist across the MENA, with deep-cutting wealth and income inequalities based on decades of corrupt autocratic power. For years, popular movements in Bahrain, Egypt, Syria, Tunisia, and Yemen have denounced corruption and autocratic regimes tied to big business and natural resources (e.g., oil and gas) and have called for an increased focus on social justice, domestic economies, and employment, all of which have had immense reverberations across the region and played an important role in revolutions and the rise to power of Islamists in the aftermath. Spring-boarding from the anti-corruption platform, after the revolutions Islamists began claiming the “Arab Spring” as a religious revolution, despite the fact that this was not the original intent of the uprisings in any of the MENA countries. Many have found this paradoxical, since the Islamists, such as the Muslim Brotherhood, for the most part did not participate in the revolutions, and instead tried to seize control of the outcomes. The fact that political Islamists are coming to power in countries where women’s rights have been stronger, such as in Morocco and Tunisia, as well as in more conservative countries, is disturbing to many women’s rights activists. Also disquieting is the increased and collective demands from Salafis to move from nation-state governance structures to a new geopolitical caliphate structure.<sup>7</sup> The question for many is whether the political terrain is moving toward a clash between secularists and the Salafis.

*“People didn’t come to ask for shari’a, they came to ask for social justice, they asked for bread; they didn’t ask for religion...religious leaders are trying to get their hands all over this change in the Arab world, because they did not do much to make it happen and they are trying to turn the Arab revolution into a product of their own.”*

*In Tunisia, they are saying the revolution is a spiritual one; people were asking for democracy and freedom of expression and the Islamists turned this around and claimed it [rights to the revolution]! What a paradox, because they were largely not participating, but instead tried to seize control of it and use nondemocratic forms of control in a democratic system.”*

Rabéa Naciri  
Association Démocratique des Femmes du Maroc/  
WLP Morocco

The context in many countries across the MENA and the lack of prioritization of women’s rights issues in the emerging transitions have posed a variety of complex challenges and moments of opportunity for women’s movements. Within this complex landscape, several trends are emerging, with implications for the future of women’s rights in the region.

### Meeting Discussion Reflections

Throughout the meeting, the need for women’s rights organizations and movements to take a step back and reflect on the ideology behind the “Arab Spring” was underlined as essential. Conceptual clarity for women’s and feminist movements was highlighted as a necessary first step to defining future strategic action. For example, calls for greater understanding, definition, and unity in commonly held notions of democratization, modernization, justice, dignity, and secularization were called for. Moreover, analysis and debate were deemed necessary, in order to understand what has happened in different stages and in different countries during the “Arab Spring” and its aftermath, as well as how to best move forward in terms of movement building and the protection of women’s rights.

There was agreement among participants and speakers that feminist and women’s rights activists cannot wait for women’s rights to be addressed during these transitions – we must address the issue as the new power configurations are forming and we must build strategic

<sup>7</sup> See, e.g., <http://www.bbc.co.uk/news/world-middle-east-19914763> (Egyptian Salafist says “The changes we seek are to apply the Islamic Sharia...and to establish an Islamic Caliphate”); <http://www.memritv.org/clip/en/3245.htm> (Jordanian Salafist says King Abdullah’s son will re-establish the Caliphate); or [http://mideast.foreignpolicy.com/posts/2012/09/28/who\\_are\\_tunisia\\_s\\_salafis](http://mideast.foreignpolicy.com/posts/2012/09/28/who_are_tunisia_s_salafis) (Tunisia’s “Salafis look toward a morally pure caliphate characterized by the complete imposition of sharia law”).

alliances. There was a sense that many are waiting for the Islamists to fail, but that this was not a strategy we should follow – that what was needed was proactivity and action *now*. This was particularly important since the transitions in the MENA are still unfinished, and opportunities may be more limited in the future, depending on the type of leadership structures that emerge. This raised interesting questions about when and how to leverage and pressure different actors in transitional reform processes, particularly if those in power are opposed to the core values of women's rights and feminist agendas. For example, does it make sense for progressives to boycott or sit out political processes instituted from an Islamist position (e.g., Egypt's constitutional process), or does such a boycott violate principles of democracy? What are the costs and benefits of this strategy? Women's rights organizations and movements must decide how to engage across political and social boundaries in order to have the most impact.

Another key debate that ran throughout the meeting was about differing perspectives on whether women's movements and feminists should engage with change from an institutionalized religious perspective or from a secular, human-rights based approach (which references religion amongst many other types of argumentation). The religious perspective aims to reinterpret women's rights through the *Qur'an*, often by validating women's rights through *ijtihad*, the reinterpretation of religious texts based on current realities. The secular perspective uses human rights as its base, stemming from the Universal Declaration of Human Rights. Secularists argue that people living in the MENA should not be excluded from the protection and promotion of their human rights, and they envision the concept of full citizenship for both men and women as a basic right. During the discussions, secularists questioned the need to fully engage with the reinterpretation of religious texts, given that the issue was really about power and who claims rights within religious contexts. However those coming from the religious perspective argued that the strongest way to ensure that women's rights are protected is to justify those rights using the same framework and language that religious actors use. Further analysis and exploration of possible ways of working together and collaborating to bridge these different perspectives within women's and feminist movements are necessary in moving forward.

## **II. CHALLENGES THAT WOMEN'S AND FEMINIST MOVEMENTS FACE DURING THE TRANSITIONS IN THE MENA**

In all parts of the MENA, there is a trend toward the rise of religious fundamentalism and conservatism, essentially waging a war on women. While the fundamentalists may share some similar characteristics, each society's social and economic development often defines how aggressively fundamentalists will work to deny women their rights. For example, across the MENA, Islamists agree on the "*shari'a*-ization" of women's rights – but it is a matter of degree to which they are able to implement this "vision" in a given country (e.g., in Iran vs. emerging trends in Morocco or Tunisia).

Some meeting participants argued that the uprisings and waves of popular protest against authoritarian regimes that have swept across the MENA recently have resulted in an "Islamist Spring," not an "Arab Spring," and called attention to lessons from Iran after the 1979 revolution, which may offer warnings about the potential pathways that some of these countries may take. After the Iranian revolution, Iranian feminists took to the streets and protested vehemently against the Khomeini regime's determination to curtail women's rights. However, not long after that, Iran's new government quickly institutionalized rollbacks of hard-fought women's rights – including the rollback of one of the most progressive family laws in the region. The suppression of women's rights and of the organized resistance in Iran after the revolution alarmed many feminists across the region. While Egypt and Tunisia have experienced a different transition process in comparison to Iran (in the sense that the Islamist political leaderships there did not

have a blueprint for political transformation or the power sufficient to implement change the way Khomeini did), the full outcomes remain to be seen there. The warnings nonetheless should be heeded, and since the transitions across the MENA are still unfinished, feminist movements must collectively strategize on how to avoid similar outcomes of total religious control of the state.

Religious fundamentalisms create challenges for feminist movements by directly intervening in political and official channels, by threatening civil society (particularly elements that use women's rights language), and by curbing individual freedom. They accomplish this using fear tactics, employing violence or threats of violence, propagating discriminatory and derogatory stereotypes of women, and limiting women's bodily autonomy, integrity, and choice, including full access to sexual and reproductive health and rights. Despite similar struggles globally, there was a sense during the meetings that feminists are not uniting in the MENA – or in the West for that matter – and that their positions are not deeply resonating with the public. However, their rhetoric is being co-opted and used in diverse ways: for example, Islamists and others have adopted women's rights language and are finding resonance at the grassroots level. Yet society-wide feminist and women's rights movements are not achieving the same public support. What accounts for this disconnect and how feminist and women's rights movements should strategize to counter this trend remain key challenges for the future.

Some of the most pressing challenges for the “Arab Spring” in general and for feminist and women's movements that were highlighted in discussions included:

#### *Overarching Challenges*

- **The political promotion of religious notions of justice and family in the public sphere.** Since the 1980s across the MENA, with the shift to economic decentralization and the emergence of security states, social safety nets have disintegrated, leaving people's unfulfilled needs to be filled by faith-based organizations. Some participants at the meetings felt that the autocratic states created the conditions under which political Islam could proliferate, by inserting conservative religious perspectives in school manuals and the rise of Islamist perspectives infiltrating the media, among other actions. Coupled with the fact that some fundamentalist groups (e.g., the Muslim Brotherhood in Egypt) have been providing social services in place of the state, they have become trusted and seen as active promoters of social justice. As such, political Islamist groups have achieved a level of social resonance, trust, and impact that women's movements largely have not been able to reach, as yet. Although women's movements are not homogenous, some discussants noted that in many cases they have a narrative disadvantage and that they must begin addressing and engaging more deeply with grassroots communities to win hearts and minds.
- **Women voted in large numbers for the Islamist parties.** Although Islamist policies will likely oppress women, women are voting for the Islamists. Some meeting participants felt that one of the reasons that Islamists have been so successful is that in the face of the corrupt regimes and deep injustices, they framed their work in religious terms and as pure and godly efforts. Thus, people expected that if change occurs through a religious lens, it will be more just. Because religion promises a fair distribution of resources, economic justice, and less corruption, it is a very persuasive discourse.
- **Fundamentalists have been delegitimizing women's movements by calling them Western or by linking their goals to the old autocratic regimes.** For decades the fundamentalists' aim has been to frame those actively speaking out for human rights and democracy as elites or Western puppets who are not authentic cultural actors. This type of discourse serves to create a barrier between the mass appeal of women's rights and feminist discourse in society by coupling them with regimes of power and corruption. But at times,

even within women's and progressive movements, there is a tendency to subsume the work, agency, and advocacy of women's rights groups under these regimes. For example, people describe the law to ban FGM, dubbed the "Susan Mubarak Law," as a state-run affair. However, many Egyptian women's rights activists, after decades of struggle, had a readiness and advocacy strategy in place to help make that law a reality, in addition to their own demands.

- **People have learned to submit to political authorities created by dictatorships and authoritarian regimes.** Self-censorship is practiced and people are afraid to speak out.
- **Due to women's sidelining after the transition processes began, there is a replication and intensification of pre-existing gaps in women's leadership and empowerment.** This makes concerted efforts to increase women's participation and lobbying during the transition process more challenging.
- **Space for debating different ideologies for government and rights protection publicly is closing; the focus is most often on religion.** Talk of citizenship, social equality, or the rights of women is marginalized in public debate; instead, if raised, the issues are framed within religion.
- **Power operates not only through coercion, but also through access to benefits and privileges in society.** For example, we are now seeing a growing bourgeois class engaging in consumerism similar to the non-Muslim bourgeoisie. Foreign invasions also add to the complexity of women's rights situations internally. As such, political economy and militarism should be at the center of feminist discussions, analyses, and strategies for action.
- **Different political parties and religious conservatives within some countries are beginning to question and speak of redacting their CEDAW<sup>8</sup> commitments, as well as other international and domestic legal and social commitments to gender equality.** Within such a context, how do women's rights activists maintain the commitments made under previous authoritarian regimes and avoid the new governments' adding more reservations or withdrawing of signatures?

#### *Challenges for Women's and Feminist Movements*

- **Most of the major actors – including the feminist movement – failed to predict the rise of Salafis and the extent to which they would be able to co-opt the process, and thus they were unprepared to appropriately respond to the situation.** Some meeting participants felt that civil society (excluding charities) is facing a harsh reality in the MENA and that the only real pockets of resistance in the Arab world are coming from artists, women, and youth. They felt that the arrival of radical political Islamists to power creates a real danger: for them music is *haram*, artists are heretics, freedom of expression is heresy. Women's movements must use this significant threat to freedom and democracy to build stronger alliances nationally and to work with others to challenge the political Islamist agenda.
- **International donor-led efforts have further repressed local women's movements and marred women's rights agendas.** Some participants felt that the way the CEDAW platform was funded and translated into national machineries created distinct challenges for women's rights groups in the MENA. These machineries essentially became appendages of national regimes (often under the care of First Ladies, e.g., in Egypt, Lebanon, Syria, and Tunisia), which would only flourish under the state. The way this played out in the MENA was lethal, as women's rights agendas were framed internally as a democratic fig leaf for authoritarian regimes.
- **There is a need for increased focus on reviving feminist movements in the region.** Women's movements and activists have addressed changes in laws (e.g., divorce, civil law)

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<sup>8</sup> CEDAW is the acronym for the Convention on the Elimination of All Forms of Discrimination against Women ([www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/)).

and specific goals, but participants felt that the movements' further advancement would be limited unless they couple feminist theorizing more with a grassroots, broad-based reach. They felt that Arab feminists should increasingly link feminism with the real political issues of the current moment.

- **The women's movement(s) needs to take a more comprehensive approach to addressing issues that matter to women, in ways that resonate across different political and religious perspectives.** The movements should redefine objectives, needs, and priorities, to bridge the gap between what has been perceived in some contexts as a disconnect between the "elite" and grassroots. To create justice and equality, women's rights and feminist organizations must increase their critical engagement with the question of poverty, framing issues in terms of the social justice matters that the broader public cares about and engaging people across different political and religious perspectives, educational and income levels, occupations, and localities. Further reflection is also necessary on why the feminist movement has been unable to cultivate massive, broad-based social and political support over the past decades.
- **Women's movements' rhetoric is not consolidated or clarified, which is weakening efforts of the movement.** For example, there is internal disagreement on what democracy means and what democratic values are. Islamists speak of democracy in terms of justice and dignity, which is very different from how women's movements would define it. Issues of definition and resonance in connecting with the grassroots are central to achieve more effective results.
- **Feminists can feel tensions due to identity politics.** For example, in Palestine, some feminists experience tension between feminist belonging and the nationalist movement, where they feel pressure to identify as a nationalist first and feminist second.

The path of democratic transition is difficult and complicated. Meeting participants agreed that in moving forward, feminists and women's rights activists must seize the opportunity for regrouping and re-strategizing around core feminist demands, in order to challenge patriarchy and the rise of fundamentalists across the MENA. This is particularly important now, since for the most part the basic structure of governments and constitutions have not been changed and the countries are still in transition. This provides women's and feminist movements the opportunity to redefine the goals and be at the forefront of protest and change for women's rights.

### III. STRATEGIES FOR MOVING FORWARD IN TRANSITIONS IN THE MENA

This section provides an overview of some of the lessons learned for women's rights activists during transition periods, in the areas of constitutional and legislative reforms, transitional justice, and movement building. Strategies and recommendations for moving forward are drawn from experiences in other regions, discussions from the *Strategy Sessions*, and past successes in different feminist movements in the MENA.

#### A. Constitutions and Legislative Reform

Meeting participants shared the following general principles as important concepts for women's rights and feminist advocates to consider as constitutional reform and legislative proposals are being drafted:

1. It is important to ensure that women are part of constitution-drafting committees in representative numbers and have full access to constitutional reform processes.
2. There is a need for strong, autonomous feminist articulation of agendas and demands. It is important to establish a women's rights agenda as a distinct political force, to ensure that these demands will be included and be seen as a central and intrinsic part of the democratic process.

3. Women's movements must pay attention to the role of religion in politics and decide how to frame their demands. In working against religious fundamentalisms, many activists and scholars underscored the importance of the establishment of a secular state as a necessary condition for the defense of the rights of women and minorities. It is particularly important to respect cultural diversity and to *validate* diversity (e.g., in the Moroccan constitution), since all countries in the MENA have ethnic or religious minorities.
4. The constitution needs to be very specific. In-depth attention on defining terms is of the utmost importance to avoid misinterpretation. For example, the term "citizen" is generally written in the masculine form; however, it should be replaced by both masculine and feminine forms in the text.
5. One priority focus for reforms concerns citizenship/nationality and the relationship between the state and individuals. Women's autonomy and their rights to nationality are central to ensuring their equal rights (see [Arab Women's Right to Nationality campaign](#)).
6. In drafting the constitution, incorporating the primacy of human rights conventions is important. Given that the constitution is a social contract between *all* citizenry, prioritizing one religion over another or one sect or school of a religion over others divests citizens of other faiths of their rights to their religious freedom.
7. Focus should be placed on including amendments to the constitution (if a *new* constitution is not drafted) that address both direct (intended) and indirect (unintended, but resultant) discriminations, as defined in the CEDAW convention.<sup>9</sup>
8. It is important to ensure that in the constitutions, women have the same civil rights as men. For example, the only constitution in the Arab world that currently ensures this right is the newly reformed Moroccan constitution; achieving this inclusion involved a contentious struggle with conservatives who wanted economic, but not civic equality.
9. Enforcement and accountability mechanisms must be embedded within the constitution. Constitutions should include provisions for independent judiciaries and constitutional courts to address rights violations. These accountability mechanisms are essential for the protection of rights in constitutions.
10. The constitution is a consensus document and as such, should be developed in a participatory and transparent manner. Activists should work broadly with other groups to develop recommendations and sample draft amendments for constitutions.
11. It is important to do advocacy work to include women's demands in the constitution. For example, Brazilian feminists campaigned for four years about the electoral process and then lobbied to include women's demands in the constitution.<sup>10</sup>
12. Organizations should engage in extensive public education, including using the media to spread public awareness about the importance of the constitution as a social contract between the state and its citizens.
13. It is crucial to maintain pressure. Political forces need to be prepared to fight *more* during times of transition. Citizens and civil society organizations have to know *how* to interfere in the agendas of political parties, depending on the political context and circumstances.

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<sup>9</sup> "Discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." UN [CEDAW, Article 1](#).

<sup>10</sup> Demands were accepted through a process of consultation, identifying the main equality demands within institutions and asking questions around what should be done. A group of lawyers translated the constitutional proposal and convened a national meeting for discussion and approval of the "Women's Letter to the Constituents," with close to 80% of women's demands being met in August 1986. Due to differing perspectives and need for consensus, some issues such as abortion were left out.

To further illustrate potential strategies for constitutional and legal reform processes, participants shared lessons learned from concrete cases of constitutional advocacy and reform processes in Brazil, Egypt, Jordan, Morocco, Nepal, South Africa, and other countries:

- **Articulate clear demands, lobby with constitutional committees, and raise public awareness.**

In Egypt, women were a strong part of the revolution, but were excluded from the constitution-writing process. The first talks the cabinet held with women were only on symbolic levels. A women's rights coalition was created immediately after Mubarak was overthrown and continued throughout the summer of 2011. Even though they were not invited into the drafting of the constitution, the coalition prepared demands,

claimed a space, and reached out to the public in different cities, the media, and local communities. The coalition used negative developments in the Egyptian political context at the time, such as virginity testing, to raise public awareness and organized daily strategies and a space for political and social groups to organize. However, the rapid transformation of the political power dynamics closed much of the public arena to women and other progressive forces. Women activists in Egypt need to find new avenues for raising awareness and mobilizing public support.

- **Leverage national coalitions and the political currents of the moment.** In July 2011 the constitutional reform process began in Morocco with many consultations and the remobilization of national coalitions and allies that had been active in previous law-reform efforts (e.g., *Moudawana*, nationality code). Activists also drew on momentum around the re-establishment of the National Human Rights Council in March 2011 as additional political leverage in the constitutional reform campaign. This underscored the importance of human rights as well as the independent committee that had been recently created to address human rights violations. Feminists were instrumental in uniting and mobilizing around a "second spring" that focused on amending laws and on women's issues (criminalization of abortion, family, domestic violence, consensual relationships, equality, etc.). Activists also lobbied and influenced political parties to increase awareness and continue to internalize the principle of equality.<sup>11</sup>

#### ***Consolidation of a State-recognized Feminist Agenda in Brazil***

In Brazil's transition against military dictatorship in 1982, feminists acted by strengthening the women's rights agenda and bringing it into other movements and spaces (e.g., labor unions, professional associations, and academia), creating a larger circle of support. This broader base helped the movement gain legitimacy in the eyes of the state. The transition provided a unique opportunity to bring women's equality into a new paradigm of political representation, creating a national council of women's rights and legitimate representation.

The lesson learned is that women's movements must develop and maintain a powerful feminist and women's rights lobby that is a key player during political transition processes.

<sup>11</sup> Human rights activists in Morocco eventually succeeded with including key language in the Moroccan Constitution of July 2011, which provides: "The prohibition of discrimination against any person because of sex, color, creed, culture, social or regional origin, language, disability or any personal circumstance whatsoever" (Preamble) and "For the enjoyment of equality, by men and women, of civil, political, economic, social, cultural and environmental rights and freedoms under the Constitution as well as within international conventions and agreements duly ratified by the Kingdom and in compliance with the provisions of the Constitution, constants and laws of the Kingdom" (Art.19). However, the last phrase (underlined) was added following pressure by conservatives to limit the scope of Article 19. Other constitutional provisions of note include: the commitment of public authorities to work for "the creation of conditions that enable widespread effectiveness of the freedom and equality of citizens and their participation in political, economic, cultural and social life" (Art. 6), and the commitment of public authorities to create an "Institution for equality and the prevention of all forms of discrimination" to ensure effective implementation of these new standards of equality put forward in Article 19."

- **Underscore and highlight inconsistencies between religious texts and national, constitutional, or international human-rights laws and policies.**<sup>12</sup> This strategy has been used in Morocco with great success. Building on lessons learned and on national and regional coalitions from past reform efforts, Moroccan women's rights activists drew from various sociological, human rights, religious, and constitutional arguments (using previous analytical and strategic work done in the regional coalition Collectif 95 Maghreb Egalité, as well as the Campaign for Arab Women's Right to Nationality), to raise public awareness of the need to reform the Moroccan constitution in 2011.
- **Humanize laws, look at real life cases, and mobilize around these current events.** For example, in 2012, the penal codes that had remained unchanged for decades in Morocco allowed a rapist to marry 16-year-old Amina Filali, to avoid retribution. Feminists brought this case to public attention, underscoring the grave injustice of the ruling. This created a scandal in Morocco and led to significant public outcry and calls for reform of Article 475 of the penal code to hold rapists to account. One strategy that was explicit in the Moroccan context was that activists avoided the temptation to produce newer interpretations of religion as a strategy/antidote to the Islamist discourse. Instead, they considered real case scenarios of violence and injustice, and shared them publicly and widely, with specific legal demands for action. Women's rights activists should think strategically about how to leverage real cases and create a public outcry for reform.
- **Build a grassroots groundswell and increase pressure for reform.**<sup>13</sup> In the Jordanian context, women's rights activists have succeeded in defining feminist issues as a just cause, but retrogressive forces are blocking progress. Protesting that there were no women on the constitutional committee, Jordanian women's rights activists have created alliances and have met with the national and royal committees to discuss amendments that affect women's rights. Still this lobbying and advocacy has not been enough to embed gender equality in the constitution. Some successes were seen, but at the last minute, influential powers removed the gender equality amendment. There is a need to organize the grassroots and widen the base, to have a greater influence and leverage to push reforms through.
- **Enhance progressive women's political participation in formal politics and alliances, to broaden political support for constitutional reform processes.** Political participation across the MENA is one of the lowest in the world.<sup>14</sup> Of course there are variations by

#### ***Transitional Justice Mechanisms in Central America***

Transitions in Central America opened a space to bring human rights violations to light; however, depending on the countries, these were addressed in varying ways. In Guatemala, for the Women Human Rights Defenders, the problem of organized crime was severe; also in Guatemala, human rights offenders were characterized as "perpetrators of genocide," but in exchange for truth, the victims received only limited reparations and promises of justice. In Nicaragua, there was a denial of abuses; in Honduras, certain recognition; and in El Salvador, the Truth Commission exposed names, but then declared amnesty, denying victims/ survivors any justice or reparation.

<sup>12</sup> This has also been done in Mexico, for example. Women's groups, such as *Católicas por el Derecho a Decidir*, challenged the moral authority of the Catholic Church, highlighting the sexual abuse scandals and denouncing the violation of human rights by the church. Feminists highlighted disconnects that exist between practices and the core values held by religious traditions.

<sup>13</sup> The 19-day people's revolution in Nepal changed the country through human-rights monitoring and by educating and mobilizing grassroots organizations around political activities, which has kept the constitutional reform agenda front and center in the public and political sphere. Together with the Maoists, civil society activists bridged the movement and political parties to form the constitutional process, in which four women were part of the drafting committee. After the creation of the draft constitution, there was a constitution election committee and Constituent Assembly, and international human rights defenders were asked to come in as members. Approval has been stalled multiple times, and in 2012 the Prime Minister disbanded the Constituent Assembly responsible for drafting the constitution, leaving a significant legal protection gap.

<sup>14</sup> In the Arab region, only 10.7% of parliamentarians are women (both upper house and lower house combined). This is in comparison to rates of women's participation of 17.9% in Asia, 20.2% in Sub-Saharan Africa, 22.3% in Europe, and 22.7% in the Americas. Source: Inter-parliamentary Union 2011 data. <http://www.ipu.org/wmn-e/world.htm>

country, and some promising and some detrimental developments have been seen in recent years. For example, in 2012, for the first time, women candidates in Palestine won in municipal elections in Hebron, as part of the "By Participating, We Can" campaign. Nonetheless despite some progress, women are severely under-represented in institutions throughout the region. In Mauritania, in 2012 a fatwa was issued essentially banning women from the presidency, noting that women could run for president, but not hold the office.<sup>15</sup> Thus, a key aim for the region is to strengthen women's political participation and leadership.

## **B. Transitional Justice**

In many countries that have witnessed or are still witnessing violent transitions, such as Libya, Syria, and Yemen, as well as Egypt and Tunisia, women have experienced harassment, severe violence, and rape. As Asma Khader, Jordanian-Palestinian lawyer and member of the UN Commission to investigate human rights violations during the Libyan conflict, noted, not only were the rapes and violence perpetrated against women during the Libyan conflict war crimes, but the community reaction and justice mechanisms were also under question. Evidence has been emerging that women have been committing suicides or have been killed by their families because they were raped. However, there are no institutional committees set up to track these deaths. Some women are unable or afraid to access health and psychological services due to community and/or family retribution, public shame, etc. Thus during the transitional period, women are paying a double price, without prospects of achieving justice.

The intensified violence against women has been reported in many other transition contexts as well. Women in Syria are experiencing sexual violence at alarming rates, and new efforts to track the violence through crowd-sourcing techniques are underway at [Women Under Siege](#), in an attempt to both document and, it is hoped, bring perpetrators to justice. Across the MENA there is little or no accountability for violations of women's rights and violence against women. In fact, laws in some countries institutionalize and normalize sexual violence, e.g., the Amina Filali case (above) related to the penal code in Morocco. Protection of women's rights and right to justice must be priority issues during transitions and beyond.

Meeting participants recommended that women's rights groups and other human-rights activists take a variety of steps to create transitional justice processes that work to protect women:

1. Enhance freedom of expression to expose these tragedies, so that women or other victims feel free to speak without fear of further harm or violence. This requires work on social norms and open communication, particularly concerning the issues of honor/shame. The principle of freedom of expression should also be codified in constitutions as a basic principle of democracy.
2. Strengthen the role of civil society organizations in the transitional justice strategizing process. These organizations must be proactive in developing and advocating for concrete mechanisms to address the legal landscape and enhance survivor support.
3. Ensure that immediate medical, psychological, and legal services for women or witnesses of violence are readily accessible and free or low-cost. Longer-term programs for survivors of violence, perhaps through feminist and women's organizations, are also needed to ensure support, coping mechanisms, and strategies for rebuilding a sense of peace and security.

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<sup>15</sup> See <http://english.alarabiya.net/articles/2012/05/22/215759.html>

4. Start with fact-finding missions and documenting the extent of the injustices. The burden should not fall on victims to document the injustice they experienced. This should, where possible, be done in an open and transparent way to hold governments, military factions, and other perpetrators to account.
5. Strengthen legal frameworks, constitutions, and penal codes to include specific accountability mechanisms as a fundamental step to setting new legal obligations and abolishing impunity (see previous section on Constitutions and Legislative Reform).
6. Leverage [international security resolutions from the UN Security Council](#) (such as UNSCR 1325, 1820, 1888, 1889, and 1960) to protect women's rights in countries undergoing transition. Strategize on how to implement and use these resolutions within each country to uphold principles of justice and protect women's and human rights.
7. Strengthen community mechanisms for justice. There are many models to learn from in different countries (e.g., South Africa's Truth and Reconciliation Committees, Liberia, Rwanda), which are more community-focused and victim-based, combining forgiveness and prosecution. Another recent example is Gaza's community councils, which have been successful in solving community conflicts in areas not governed by rule of law but by traditional community leaders, such as in the areas of tribal and family dynamics.
8. Strengthen the justice system, ensure that judges, lawyers, etc. are trained in laws and respect them, and ensure that police and health professionals know the laws and implement systems for investigation and referrals. Public pressure and monitoring of court decisions may be useful to this end, including calling public attention to corruption or violations of legal standards. In cases of the state's inciting or condoning mass rape or other forms of human-rights violations, international legal mechanisms should be used.
9. Compensate victims of violence and their families.

#### ***Paradoxes in Transitions in Eastern Europe***

The complexity in Eastern European transitions gave rise to a variety of paradoxical elements that feminists were not necessarily prepared to address. First, the fact that women's movements in Eastern Europe did not pause to analyze the situation on an ideological, discursive, and political level was a significant constraint. The transition process essentially was built on a specific patriarchal system that (re)produced new as well as old models of discrimination and inequalities that were present during pre-Soviet and Soviet rule. While there was a narrative push toward democratization, it was limited by the liberal, competitive, free-market economy. This changed the institutional structures and arrangements in society, including fueling the emergence of dark economies, criminal activities, and war. At the same time, there was a revival of religious conservatism (contributing to family violence and strong entrenchment of rigid gender roles), along with militarism and nationalism. Further complicating issues, during the transitions in the Balkans, as the conflict spread, NATO became legitimized as a peace measure. Countries started to prepare for peace through militarization.

During these transitions, there was space within civil society to organize around women's rights with the support of the international community, donors, and the international feminist movement. However, progress was more limited than it could have been, based on lack of proper analysis of the landscape and issues, key emerging challenges and opportunities, and areas for consolidated and strategic action, given the rapidly changing landscape.

### **C. Movement Building**

Throughout the meetings, the issue of fragmentation among women's movements, separation from other potential allies in civil society, and underdeveloped communication and awareness-raising strategies were highlighted as some of the key obstacles. To address these concerns, three major areas of strategic action emerged, including: promoting deeper analytical and conceptual deliberations and discussions about political transitions, enhancing the participation

of citizens, and highlighting the need for broadening the base of support for women's and feminist movements' narratives and demands.

Activities suggested by participants to address these areas of strategic action include:

- **Take time to analyze the previous regime and existing models of patriarchy, as well as new notions of democracy arising in transitions.** There is a need to expand reflections and build an analysis of how geopolitics and social, historical, and contextual realities contributed to the emergence of the "Arab Spring." Why did the revolutions happen when they did? What narratives tapped into the revolutionary spirit and how did feminist narratives fare in the public space? Why? What is the ideology behind the "Arab Spring"? What is the place for religion in democracy? How do identities in politics affect freedom of thought and assembly?
- **Redefine the concepts of citizenship, justice, dignity, and democracy.** Feminists need to reinterpret the concept of democracy, incorporating gender, race, sexual orientation, and invisible forms of exclusion, to transform formal spaces to accommodate differences. Counter-cultural strategies can be used as a basis for advocacy, to increase women's political participation and broaden spaces to struggle against patriarchy. There is a need to deepen understanding and clarification concerning the meanings of these (citizenship, justice, dignity, and democracy) and other related terms and how they connect with the public, particularly given that Islamists have so skillfully recrafted some women's rights and feminist language and concepts.
  - There is also need to rearticulate a broader sense of what citizenship means as a social contract between citizens and their government, the rights of both men and women within that contract, the state's responsibility and accountability, and women's direct access to the state, among other issues. This includes concepts such as women's right to vote, run for president, pass their nationality on to their children, etc., but it also broadens the framework to include religious freedom.
- **Create a public voice and debate on religion at this current moment.** Activists should open up spaces for debate concerning religion, the state, and rights, and they should stress individuals' capability to understand and to choose in matters of faith, demand the right to freedom of religion for all, and reassert the importance of reforms. Although Islamic fundamentalism is of most concern to women's movements in the MENA, many of the characteristics seen in Islamic fundamentalisms exist in conservative religious factions everywhere.
- **Women's movements must address issues of militarism during transitions and its connection to patriarchy.** Militarism further entrenches patriarchy, a culture of violence, and impunity for violating women's rights. How do feminists and women's rights movements theorize and construct action, given the rising militarism in many parts of the MENA, particularly in light of occupations from the West? Much can be learned about the effects of militarization and foreign occupation on women's rights through case studies, e.g., Afghanistan, Iraq, and Palestine.
- **Articulate a shared agenda, strategies, and a dedicated action plan.** Women's movements need in-depth analysis of the context and constituencies, shared framing and messaging, and an overarching strategy, leading to dedicated action plans. The movements also need to work more diversely, for example with women from different sectors, including trade unions, domestic workers associations, rural women's organizations, youth groups, progressive politicians, journalists, INGOs, media, and academics. For example, to build feminist movements and voice amidst fundamentalist tensions in a multicultural/multi-religious society, All Women's Action Society (AWAM) in Malaysia used a number of

strategies including: developing a shared and common vision despite diversities; drawing from international human rights principles including the UN Declaration on Human Rights and CEDAW; forming diverse coalitions across ethnicity/geography/class/gender boundaries; ensuring sensitivity to both *shari'a* and civil law; and sensitizing grassroots using a participatory, inclusive, and horizontal leadership process.

- **Feminist movements, particularly in the MENA, need greater attention and knowledge-building around gender and the body** (see [Coalition for Sexual and Bodily Rights in Muslim Societies](#)). In many cases, during times of transition, the first attacks on women target women's bodies through physical and sexual violence, e.g., virginity tests, assaults, and rape.
- **Underscore the importance of women's rights within human-rights organizations and collaborate with them to engage in joint actions where possible.** Many women's rights activists felt that some human-rights organizations were not as interested in supporting their cause because they see women's rights as already included within the broader human-rights framework and therefore not requiring special attention.
- **Empower and mobilize women who can lead and fight for women's rights.** Processes of empowerment are required for women to be active and effective in working for their sisters and society at large. Women's rights organizations should help women discover their own potential and capabilities, so that they are no longer unaware of their own capacities. This includes reaching out to, supporting, and creating strategic alliances with women who are holding or running for office in municipal settings, local councils, or national parliaments.
- **Cultivate broad-based movements to create pressure, widen the reach, and increase the visibility of key demands.** For example, Iran's One Million Signatures Campaign for Reform of Discriminatory Family Laws<sup>16</sup> used reaching out to the grassroots through door-to-door visits, to youth through social networking tools, and to men through other social justice networks. We should work to engage a diversity of people in change processes, sharing information, and broadening networks of support. Through network building, awareness raising, direct action, advocacy, and leveraging political opportunities, transformational processes can be catalyzed.
- **Strengthen regional networks of solidarity.** Regional movements, such as the Equality without Reservation Coalition, have great potential for strengthening women's and feminist movements nationally. Strengthening ties with and learning from the experiences of organizations across borders is crucial, as is connecting with other stakeholders working for women's human rights, such as INGOs and other human rights groups.

#### ***An Autonomous Feminist Movement in South Africa?***

Despite South Africa's having a model constitution and high women's representation in politics (e.g., 45% representation of women MPs in the National Assembly in 2009), the neoliberal agenda there has not supported funding for the implementation of rights and has allowed high unemployment rates and inequality to persist. Some reflect that this is due to the lack of an autonomous women's movement in South Africa.

There is a need to strengthen South African women's movements and their ability to affect structural changes that impact women's daily lives and to hold the state accountable for lack of rights protection. Indeed, research by [Mala Htun and S. Laurel Weldon \(2012\)](#) has empirically shown that feminist movements' tackling deep issues of discrimination and inequalities, such as gender-based violence, has more impact than other political and socio-economic factors.

<sup>16</sup> See

[http://www.learningpartnership.org/sites/default/files/shared/u16/Iranian%20Women%27s%20One%20Million%20Signatures%20Campaign%20for%20Equality%20-%20The%20Inside%20Story\\_English.pdf](http://www.learningpartnership.org/sites/default/files/shared/u16/Iranian%20Women%27s%20One%20Million%20Signatures%20Campaign%20for%20Equality%20-%20The%20Inside%20Story_English.pdf).

- Activists need to broaden the reach of regional networking and learning, e.g., particularly with people from Gaza and other occupied territories or refugee communities in Jordan or Lebanon.
- Women's rights organizations need to be inclusive and representative. Some groups (e.g., Afghanis, Iraqis, Palestinians, and Sudanese) felt excluded from the conversation and analysis given the focus of the conversation's focus on "the Arab Spring." In the future, more work should be done to include a wider diversity of perspectives.
- **Continue leveraging social media as a means to raise awareness, garner support for political actions, and mobilize action, particularly among youth.** Many organizations use Facebook and Twitter to organize actions and have online discussions on women's rights. While recognizing the limitations of social media, women's rights organizations should use it to promote publications, blogs, or documentaries of women's rights work and spread the news widely, to increase the movement's reach.
- **Document women's and feminists movements' histories, showing their struggles, gains, challenges, and strategies forward.** This documentation can be used to show how women's movements have been present within all cultures throughout history, to show how they pushed for changes that made a real difference in people's lives, and to use for internal purposes of movement learning.

#### ***Encuentro Feminista***

In Latin America and the Caribbean, *Encuentro Feminista* has been held every three years for the last 30 years. The *Encuentro's* aim is to share current movement-building efforts and analyze them in a coordinated manner, to enhance feminists' learning of strategies and tactics that have/have not worked in different countries and movements and to deepen regional ties and cross-regional demands.

As a central part of the gathering, feminists create campaigns and slogans against dictatorships and corrupt governments in order to use them collectively to seek gender justice. The *Encuentro* has been an important regional event, building solidarity and collective and individual activists' strength and voice, as well as being a place of celebration.

## **IV. CONCLUDING REFLECTIONS**

Women's and feminist movements are necessary for structural, deep, and meaningful changes to policy and daily lives. During the current complex changes taking place in the MENA, strong feminist and women's rights voices must be integrated in policy and legal frameworks and public debates, and must be represented in politics and important decision-making spaces. Indeed, women's rights as citizens must be fully respected and protected. How this will be accomplished remains to be seen and requires deep analytical, strategic, and organizing work across the region and within each country.

To conclude, a brief summary of some of the key themes for reflection and action are highlighted below. For other reflections after the meetings, please see [Thoraya Obaid's \(2012\) analysis](http://www.learningpartnership.org/lib/women-rights-transitions-democracy-obaid)<sup>17</sup>.

<sup>17</sup> <http://www.learningpartnership.org/lib/women-rights-transitions-democracy-obaid>

### **Summary of the Meetings' Key Themes for Reflection and Action:**

1. Women make up half the population across the MENA. As such, any democratic change or transition process must be predicated on women's full inclusion and participation.
2. Women's rights cannot take a back seat to other issues such as democracy or poverty. Consolidated action is necessary now.
3. Strategic clarity is needed to ensure impact. Groups must define key concepts from a feminist perspective, including citizenship, democracy, justice, and dignity.
4. While perspectives differ on whether women need to substantiate gender equality and women's rights through re-interpreting religious texts or whether they should avoid relying on newer interpretations altogether, it is important to underscore and highlight the inconsistencies between religious law and national, constitutional, or international human rights laws and policies.
5. Women and feminists must be part of the constitutional process and engage with decision-making bodies, ensuring the inclusion of their rights and demands.
6. Women's rights activists must identify and occupy strategic spaces in the movement for transitional democracy and justice, becoming integral and visible advocates in the process.
7. It is critical for women's rights activists to work *across* movements and create alliances to bring a women's rights agenda into other movements and arenas. The aim should be to understand and connect with grassroots issues and to gather as many supporters as possible, reaching out to women at all levels, including young women. Women's rights activists can also advance their agendas through adopting lessons learned from and collaborating with women's movements nationally, regionally, and globally.

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