

Women's Rights and the Arab Spring: Democracy at Stake

Written by Rosa-Ana Alija-Fernández

This PDF is auto-generated for reference only. As such, it may contain some conversion errors and/or missing information. For all formal use please refer to the official version on the website, as linked below.

Women's Rights and the Arab Spring: Democracy at Stake

<https://www.e-ir.info/2013/09/02/womens-rights-and-the-arab-spring-democracy-at-stake/>

ROSA-ANA ALIJA-FERNÁNDEZ, SEP 2 2013

Women in the streets, women in the demonstrations, women in the media... Women were key actors in the Arab Spring of 2011. The overthrow of long-standing dictatorships was seen as a great opportunity to bring democracy and social justice to Arab countries. For women it was also a chance to make their voices heard in the public arena and to include the promotion and protection of their rights in the agenda for change. Indeed, as Sameena Nazir already noted in 2005, "a meaningful breakthrough for freedom will require major progress toward women's equality".[1] Democracy is a twofold concept involving a model of state that has public participation accessible to every citizen and the recognition of a set of rights to individuals protecting them against abuses by public authorities. No real and solid democracy is to be expected then if women are left aside from public participation and not guaranteed equality of rights with men.

Two years is still too short a period to definitively assess the impact of the Arab Spring on women's rights. Notwithstanding this, a close follow-up of the process allows us to identify the obstacles in its way in order to remove them and serve as a lesson for the future. Indeed, there are several factors that may influence the final outcome, such as the previous level of public participation and rights they enjoyed, women's actual or potential capacity to participate in public affairs, or the openness of the society to the involvement of the international community. These three factors are far away from being homogeneous in the Arab countries, although there are some common features that allow us to develop a general picture of the current situation.

Three Keys to Success: Public Participation, Human Rights and International Action

Concerning public participation before the Arab Spring, some of the countries involved had encouraged the participation of women in the public arena, even through the creation of specific bodies in favour of women's rights (such as the Woman National Council in Egypt). However, such initiatives were an attempt to improve the international image of the country rather than a real commitment with women's equality. As has been pointed out,[2] the authoritarian regimes supported elites of women, normally with the first ladies (Leyla Ben Ali in Tunisia, Susan Mubarak in Egypt, Asma Al Assad in Syria...) in their forefront as examples of "modernity", thus articulating a "feminism of state" linked to despotic governments that did defend the patriarchal structure as a strategy to show their Western allies that women were defended against the "islamist danger", in no way aiming to boost a social change. Although this policy did not help feminist activism,[3] Arab women have proved a great capacity to organise and take the streets during the revolts, becoming an important actor of the civil society.

Their jump to decision-making fora is nevertheless full of obstacles, but women have not abandoned their goal to get to the parliaments and governments. In some cases, they have embraced moderate Islamist parties, such as Ennahda in Tunisia, which won the elections in October 2011 including more women in its lists than any other party. In Egypt, on the contrary, women were excluded from the Constitutional Committee and women's quota established under Mubarak's regime was abolished – making the number of women in the Congress dramatically fall from 65 in December 2010 to 10 by July 2013 (Inter-Parliamentary Union, Women in National Parliaments). That did not deter broadcaster Bothaina Kamel to run as the only female candidate for the Presidency of Egypt. Unfortunately, she was unable to get the required signatures to make the ballot and had to withdraw. In Libya, the government approved in

Women's Rights and the Arab Spring: Democracy at Stake

Written by Rosa-Ana Alija-Fernández

2012 by the National General Congress includes two women (Minister of Social Affairs Kamila Khamis Abdallah Al Mizaini and Minister of Tourism Ikram Abdelsalam Bach Imam). The most significant rise in the number of female MPs, though, is to be found in countries where the Arab Spring had a rather moderate impact. In Morocco, 2011 constitutional reforms undertaken by the King after demonstrations – including a quota for female candidates to the Parliament – turned into almost double the number of women MPs after the elections in November that year.[4] Even more astonishing was the emergence of women in the Algerian parliament: from 30 to 146 female representatives after the 2012 legislative elections in a country where the Arab Spring has hardly blossomed.[5] These figures show the positive result of a law passed in November 2011 fixing a female quota of 20% to 40% in the electoral lists, as part of President Bouteflika's political reforms to prevent revolts, not so welcome though by the Parliament.[6]

Regarding the rights already enjoyed by the time the revolts broke out, it cannot go unnoticed that in the last decades slow progress and some social changes have been achieved in the Arab world. In its 2005 *Freedom in the World* report, the Freedom House pointed out some trends of improvement in freedom and civil liberties in the Middle East and North Africa, and in Muslim majority countries in general. Interestingly, the report linked such improvement to a “growing attention to the absence of fundamental rights for women in many Islamic – and particularly Arab – societies”,[7] together with a growing discourse concerning the need for political reform.

However, the raising of Islamism as a result of the Arab Spring could mean that women's rights are again restricted. Worryingly, even moderate Islamist parties such as Ennahda in Tunisia (a country where women have the most advanced status in the Arab world thanks to the 1956 Code of Personal Status) tried to limit women's equality by voting draft constitutional reforms proclaiming women were “complementary” with men, a proclamation that laicist parties rejected and ultimately failed.

The international involvement in and/or monitoring of the transitional process can also be a relevant element to facilitate a successful transition to democracy.[8] So far, the participation of the international community has been highly variable from one country to another, ranging from military intervention in Libya to technical cooperation in Tunisia (resulting in the opening of the first office of the United Nations High Commissioner for Human Rights [UNOHCHR] in the area). The measures adopted by United Nations human rights mechanisms concerning Syria provide another example of international involvement in transitional processes, albeit with a more limited reach due to the lack of internal cooperation. These measures include the celebration of three special sessions – sessions 16 to 18 – of the Human Rights Council, the establishment of a Fact-Finding Mission, an Independent International Commission of Enquiry (which has, up to now, lacked access to the country), and a Special Rapporteur on the situation of human rights in the Syrian Arab Republic. In contrast, little action has been taken in Egypt (except for a mission sent by UNOHCHR in March-April 2011 – for further details, see the final report).

Military interventions are an urgent measure to restore peace. Therefore, little improvement of women's rights are to be expected from them. Instead, human rights technical cooperation seems to be a very positive tool to help in restoring the rule of law and advancing towards democracy while promoting gender equality as a top priority in the transitional agenda.

Equality Needs Democracy, Democracy Needs Equality

Many authors have held that political transitions have a great potential to modify traditional gender relations not only in the public arena, but also in the private sphere.[9] A powerful bottom-up movement involving men and women aiming for democracy, the Arab Spring seemed a perfect testing laboratory to prove this thesis. However, it has become clear that a generalised transformation concerning women's right should not be expected in the short term. Some author has even pointed out that “overthrowing dictators is proving easier than overturning the pervasive supremacy of men”.[10]

By now it is already obvious that it will be democracy, rather than revolution, that can improve women's rights in the Arab countries.[11] But the establishment and consolidation of democracy is a long process full of hurdles, as the 2013 coup d'état in Egypt and subsequent repression evidences. Even Tunisia, which is facing transition in a smoother way, is finding problems in moving forward, as shown by the suspension of the constitutional process in

Women's Rights and the Arab Spring: Democracy at Stake

Written by Rosa-Ana Alija-Fernández

August 2013 after the assassination of MP Mohamed Brahmi.[12] In any event, the consolidation of democracy will depend on the recognition of equal rights to all the population. It should be a priority for the international community to offer its cooperation in order to help design gender-sensitive transitional processes that fully accord with human rights standards. Nevertheless, nothing can be done without the will of the involved states to build an inclusive democracy. The success of the Arab Spring depends on it.

—

Rosa-Ana Alija-Fernández, *Dr. eur.*, is lecturer of Public International Law and Human Rights Law at the University of Barcelona. Her main research interests are International Criminal Law, human rights and transitional justice. She has written and contributed to several books on these topics, such as *Impunity, Human Rights and Transitional Justice (Impunidad, derechos humanos y justicia transicional, in Spanish)* with Jordi Bonet, 2009, and *Persecution As a Crime Against Humanity (La persecución como crimen contra la humanidad, in Spanish)*, 2011. She is member of the United Nations Association of Spain's Board of Directors, and has collaborated with international research teams and networks on transitional justice and with the International Criminal Tribunal for Rwanda in training Rwandan lawyers.

[1] S. Nazir, "Challenging Inequality: Obstacles and Opportunities towards Women's Rights in the Middle East and North Africa", 5 *JJIS* 31 (2005)

[2] G. Martín Muñoz, "Las transiciones árabes a la democracia: año II", 1 *Política Exterior* 83-84 (2013)

[3] *Ibid.* 83

[4] Comparative data for 1st July 2013 and 31st December 2010 obtained from the Interparliamentary Union's *Women in Parliaments* database.

[5] *Ibid.*

[6] See G. Khelifi, "Mandatory Quota for Female Representatives in Electoral Lists in Algeria", *BabelMed* (2012)

[7] A. Karatnycky, "Essay: Civic Power and Electoral Politics", *Freedom House* (2005)

[8] R. A. Alija Fernández & O. Martín-Ortega, "Women's Rights in the Arab Spring: A Chance to Flourish, a Risk of Hibernation", 11 *Revista de Estudios Jurídicos* 6 (2011)

[9] Among others, see N. Cahn & F. Ní Aoláin, "Hirsch Lecture: Gender, Masculinities, and Transition in Conflicted Societies", 44 *New Eng. L. Rev.* 17-18 (2009), F. Ní Aoláin, "Gendered Under-Enforcement in the Transitional Justice Context", in S. Buckley-Zistel & R. Stanley (eds.), *Gender in Transitional Justice*, Palgrave Macmillan (2012), 59-87.

[10] I. Coleman, "Is the Arab Spring Bad for Women?", *FP*, December 20, 2011.

[11] G. Martín Muñoz, *cit.* 82.

[12] On its impact on the constitutional process see L. Sadiki, "Tunisia: Tamarrod by assassination?", *AlJazeera*, 27th July 2013

Women's Rights and the Arab Spring: Democracy at Stake

Written by Rosa-Ana Alija-Fernández

About the author:

Rosa-Ana Alija-Fernández, Dr. eur., is lecturer of Public International Law and Human Rights Law at the University of Barcelona. Her main research interests are International Criminal Law, human rights and transitional justice. She has written and contributed to several books on these topics, such as *Impunity, Human Rights and Transitional Justice* (Impunidad, derechos humanos y justicia transicional, in Spanish) with Jordi Bonet, 2009, and *Persecution As a Crime Against Humanity* (La persecución como crimen contra la humanidad, in Spanish), 2011. She is member of the United Nations Association of Spain's Board of Directors, and has collaborated with international research teams and networks on transitional justice and with the International Criminal Tribunal for Rwanda in training Rwandan lawyers.