

The Arab region: 30 years of CEDAW

B+15

Despite the progress achieved in countries that have succeeded in lifting certain or all reservations to CEDAW, much work remains to be done in countries where its implementation is severely limited by strict reservations. National legislation and discriminatory national laws continue to be an obstacle to women in their struggle for equality. The global economic and financial crisis has greatly affected the region and the status of women placing a greater burden on them while forcing them in larger numbers into the informal sector and unpaid work. Gender-sensitive economic policies must address the issue of power relations at a middle ground that reaches between state institutions and women.

Far from the myth of a single homogenous 'Muslim World', experiences show that women's groups have been pushing for transformation from within their communities, pushing against conservative interpretations of Islam that deny equality and for gender justice at the local level.

Despite the common culture, there is a marked difference between the Arab countries as to the extent of the achievements of the platform of action of Beijing. This difference can be traced back to several factors, including the position of every country from the interpretation of religious texts in relation to women which reflects clearly in the personal status laws and the responsibilities that they are allowed to exercise outside the boundaries of their home and family.

It is worth noting that all Arab States have signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) but under so many reservations that the purpose of the convention is defeated. Other countries like Afghanistan, for example, have ratified the Convention but never submitted a report to the CEDAW Committee.

The amount of reservations has led women's rights activist in the region to believe that "Arab states have never meant to implement CEDAW hence the numerous reservations they have institutionalised to block any possible useful implementation. In addition, we believe that you simply cannot have any reservation on universal principles pertaining to human rights and equality. You simply cannot place equality under reservation".¹ A coalition of women's and human rights organizations from different Arab countries have come together for a campaign called *Equality without reservation* with the aim of promoting the withdrawal of reservations by Arab countries.

On the other hand, the region is by no means immune to effects of the global economic financial crisis which resulted in financial costs and affected people's ability to exercise their human rights as enshrined in international conventions and instruments including CEDAW.

Much has been said about the role religion plays in the region especially on the advancement of women. The use of the word "fundamentalisms" to refer to conservative interpretations of Islam has long been debated by feminists in the region (see box) and new initiatives are

emerging that aim to reform Muslim Family Law from within.² Organizations in the region acknowledge that the lack of political will – and not religion – is the main obstacle to increase women's participation in positions of leadership.

Beijing +15 on the balance

On December 2009, in Cairo, Egypt, a number of women's organizations held a regional consultation meeting to evaluate the achievements and challenges faced in the Arab region since the adoption of the Beijing Platform for Action in 1995. The regional meeting included 235 women's rights leaders and civil society representatives from fourteen countries and concluded by outlining future priorities in the Arab region towards the fulfilment of the Beijing Platform for Action.³

The NGO shadow report on Beijing +15 shows that generally speaking the Arab states have made progress in regards to the status of women since Beijing 1995⁴; however this progress differs according to areas and countries.

As for national laws and policies several countries have made adjustments, for instance, in Lebanon the government is discussing a new law criminalizing spousal abuse—a giant step forward in a campaign by women's groups for equal rights.⁵ In the Palestinian territories, a draft law has been submitted before the Palestinian Legislative Council (PLC) to change the Personal Status Law, which amongst other issues governs the treatment of women before the law, to make it more gender equitable.⁶

The majority of the Arab states provide a variety of services to women. This includes the social security system and financial assistance to widows and their children, including the system of small and micro-credit loans. However, the disparity in the distribution of income

and resources in many Arab countries is an obstacle to the reduction of poverty in general and among women in particular. The services provided to poor women – and women in general – still have many shortcomings, and on occasions women ignore their very existence.

The report also noted that there is still a general climate in most Arab countries tainted by prejudice against women. There are concepts that still have not changed in the Arab community that do not allow the woman to own her body or have the freedom of control over it. For example, in Bahrain, an NGO report stressed that women do not have the empowerment to take the final decision when it comes to using family planning methods; such a decision lies within the hands of the husband (which men usually refuse as they regard the matter contrary to the principles of Islam).

In many countries in the region, laws regulating family life constitute a system of exclusion and discrimination against women. Such is the case where women are deprived of equal rights in marriage, divorce, custody of children and inheritance. In addition, the majority of women in the region cannot transfer their nationality to their children. In certain countries, the law permits, implicitly and in the name of honour, male family members to kill women, by allowing the man to benefit from mitigating circumstances, under provisions applying to so called 'honour crimes'.

Female Genital Mutilation (FGM) is widespread in Djibouti where 98% of girls undergo this process in its four types. However efforts to eradicate FGM in the region took a step forward with a *fatwa* (or religious decree) against the practice in Mauritania and sanctions in Niger against mothers who subject their daughters to it.⁷

The Arab Human Development Report 2009⁸ produced by the UNDP Regional Bureau for Arab States says violence against women in the region is greatly promoted through marriage laws since most of them confirm a husband's custodial rights over a wife. However, steps to reform personal status laws were taken, especially in the Maghreb countries such as the Tunisian laws, the Moroccan code and, to a lesser degree, the Algerian laws.

"The lesson derived from the Arab Maghreb's legislation is that it is possible to develop Arab laws that would

1 Kathambi Kinoti, "Equality without reservation: An interview with Lina Abou Habib", *Equality without reservation*, (April 2009), <cedaw.wordpress.com/2009/04/28/equality-without-reservation-an-interview-with-lina-abou-habib-ctda/>.

2 See Musawah, For equality in the family: <www.musawah.org>.

3 Regional Beijing+15 NGO Shadow Report Issued by Women's Rights Experts, El-Karama, <www.el-karama.org/content/regional-beijing15-ngo-shadow-report-issued-women%E2%80%99s-rights-expert>

4 Regional Arab Conference Non Governmental Organizations Beijing +15, <www.theallianceforarabwomen.org/en/The+Regional+Beijing+15+NGO/default.aspx>.

5 Mona Alami, "Lebanon: Law to stop violence against women takes time", IPS, <ipsnews.net/news.asp?idnews=47240>.

6 Mashoor Basissy, director of the Palestinian Authority Ministry of Women's Affairs (MOWA), "Q&A: Women Are Not Equals in Our Society", IPS, April 2009, <www.ipsnews.net/news.asp?idnews=46430>.

7 "West Africa: Fatwa against practice of FGM", Women Living Under Muslim Laws, <www.wluml.org/node/5889>

8 Arab Human Development Report 2009, "Challenges to Human Security in the Arab Countries", UNDP, 2009, <www.arab-hdr.org/contents/index.aspx?rid=5>.

FOOD FOR THOUGHT ON “FUNDAMENTALISMS”

Anita Nayar

The link between global power dynamics and increasing inequality is evident but we also need to recognize that deepening inequality is a major cause of violent conflict and social unrest that can be linked to so-called ‘fundamentalisms’. But what does this term ‘fundamentalisms’ mean? Is it even an appropriate term to use? Many feminists from Muslim societies in particular have said the term is a misnomer. After all, anyone of faith who believes in the fundamentals of the faith could be considered a fundamentalist. The fundamentals of a faith of course depend on who is defining them and that is a contentious issue. But many people who believe in the fundamentals of their religion are not conservative or right wing. So would it not be more appropriate to use the term religious ‘conservatives’ or ‘religious right’?

Feminists’ response to the religious right has been to insist on a secular state that is responsible for guaranteeing the human’ rights of all peoples. But is this a sufficient response given the complexities in some situations where the religious right is providing basic social services which the secular state is failing to deliver? Is this sufficient where there are patriarchal and undemocratic secular states?

We cannot just fight for a secular state without intentionally developing ways of addressing the economic basis for the growing attraction to religious extremism. We therefore need to ask, other than being secular or not, what does the State need to do economically? We may not have all the answers but we need to be mindful that one of our challenges is to envision an alternative economic system to capitalism that protects the rights of people and the health of the planet. ■

From: Anita Nayar, “Women’s Rights and Global Change”.

preserve the religious fundamentals while adopting interpretations that achieve greater equality between men and women and thus eliminate the historical injustice against women in family relations” states the report.

Women in conflict situations

The region has many areas of conflict: whether it is Palestine, Lebanon, Iraq, Afghanistan or Somalia, war-time assaults on women take place in a context of lawlessness, displacement and armed clashes.

In June 2008, the UN Security Council unanimously adopted Resolution 1820 demanding the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians”. The resolution noted that women and girls are particularly targeted by the use of sexual violence as “a tactic of war”.

In this context of armed conflict, basic rights to self-determination and peace have been forcibly annulled. Women face threats to their lives, freedom, livelihoods, education, nutrition, health and physical environment from outside forces whose presence wreaks institutional, structural and material violence on them every day.

Palestinian women continue to suffer abuse and denial of basic human rights at the hands of Israeli settlers and soldiers in the Occupied Palestinian Territories. According to a report recently submitted by the Palestinian Women’s Centre for Legal Aid and Counselling (WCLAC) in Ramallah, Palestinian women continue to suffer abuse and denial of basic human rights.⁹ In addition, the siege of Gaza in 2008 led to a sharp rise in the number of battered and sexually abused women. “Men in our patriarchal society are regarded as the heads of

the household, and because many men who used to be employed in Israel lost their jobs they feel emasculated and frustrated, and the easiest way to take out their anger and frustration is on women” said Manal Awad, director of the Gaza Community Health Programme (GCHP).¹⁰

How is the economic crisis affecting women’s advancement in the region?

Financial and economic crises constitute a greater burden on women, especially the poor and the migrant, as they get fired from their jobs due to the perception that the man is the provider for the family. Furthermore, the unemployment rate for women is very high throughout the region whereas women are predominantly located in the informal sector.

Although women’s economic participation has increased, it is still very low compared to other regions, and there is a high level of economic dependency with all the social consequences this implies. Women are often employed in the informal sector, and when they own their own businesses, they do not actually manage them most of the time, having to leave this task up to a male family member. When they are employed, there are wage gaps between them and their male colleagues, but due to lack of data, there is no reliable statistical evidence for this.¹¹

Experts say that the current crisis has granted governments the chance to change their macro-economic policies for investments to be directed at ensuring gender equality. On the other hand, women’s organizations and

feminist economists have questioned this strategy arguing that in Muslim contexts, national policies and programmes that are supportive of women’s empowerment cannot be effective if their implementation is blocked by forces located between women and the state institutions.¹²

The transformation of power relations is essential because what is ordained at this middle level (e.i enhancing economic opportunities, spreading legal literacy, or increasing women’s access to political participation) will not automatically flow downwards to lower levels of governance. Feminist scholars also argue that gains made in one domain do not transfer automatically to other domains, for the simple reason that different power dynamics may be at work in different domains.

Access to and control over economic resources play a fundamental role in women’s economic empowerment in the formal and informal economy. Cooperatives and networking are seen as examples of women organising around economic resources as a means of changing gender relations. ■

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