



EXECUTIVE SUMMARY

Introduction

“Towards the Rise of Women in the Arab World” is the fourth issue in the UNDP-sponsored series of Arab Human Development Reports. It concludes a comprehensive analysis of development deficits affecting the region by examining shortfalls in women’s empowerment.

The Report opens with a survey of development trends in the region during the period in review. Its analysis of its main theme starts by outlining some core concepts and defining issues that frame the human rights and human development dimensions of the rise of women in Arab countries. The Report next offers a situational analysis of the state of women in Arab societies, focusing on the acquisition and use of essential capabilities, and resulting levels of well being. Following an evaluation of the historical achievements and limitations of Arab women’s movements, the central chapters probe the interaction between cultural, religious, socioeconomic, legal and political components of Arab societies that influence the status and prospects of women. The report concludes with a strategic vision offering broad guidelines for promoting the advancement of women in the region.

I. CHANGES IN HUMAN DEVELOPMENT SINCE THE LAUNCH OF AHDR 2004

As in the past, the Report begins by reviewing national, regional and international events believed to have influenced overall trends in Arab human development since the publication of the previous issue.

THE REFORM PROCESS AND ISLAMIC MOVEMENTS: RECONCILING FREEDOM AND FAITH

Widespread and thoroughgoing political reform, leading to a society of freedom and good governance, is the means of creating a free society, in the comprehensive sense, which in turn, would be equivalent to human development (Arab Human Development Report, 2004). For such a thoroughgoing reform process to start and succeed, three cardinal conditions will have to be met: all reform groups must respect the key freedoms (opinion, expression and association); accept the principle of participation to include all forces in society, particularly those that command a strong popular following; and respect the principles of universal human rights.

No political power can ignore the fact that religion, and especially Islam, is a crucial element in the cultural and spiritual make-up of the Arab people. However, the reopening of the door of independent jurisprudential thinking, its encouragement and affirmation, remain a basic demand if the creative marriage between freedom in its contemporary, comprehensive definition and the ultimate intent of Islamic law (Sharia) that is required for the society of freedom and good governance, is to be achieved. The Islamic currents that are solicitous of the renaissance of the Arab world must add to their agenda and responsibilities the assumption of a lead role with respect to this demand.

The Islamic currents constitute a wide spectrum, with wide internal variation. The great majority of Islamic currents in Arab countries represent widespread societal

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forces and have deep popular roots as a result of their practice over many years of social and political action among ordinary people. The mainstream currents have experienced important developments over the past five decades with regard to their stance on certain societal issues, such as respect for human rights and good governance or democracy, that will be crucial for the future. Such developments will make it impossible to characterise them, should they attain power, as theocratic. Similarly, most of these mainstream currents are witnessing a noticeable growth, among their relatively younger generations, of an enlightened leadership, at the moment that these younger generations are increasingly appearing at the top of their organisational hierarchy. In addition, there is growing activity from the grass-roots demanding greater internal democracy. However, these positive developments do not mean that the mainstream Islamic currents have succeeded in eliminating all concerns of other societal forces in Arab countries as to the negative impact they might have on freedom and good governance should they come to power, and this is especially so with regard to the issues of women and minorities.

Negative reactions on the part of hegemonic forces inside or outside the Arab world to the possible outcomes of reform that may not prove acceptable to them, remain one of the most important issues that could slow down the course of reform in Arab countries. One example was the rejection by certain Arab regimes and some global forces of the sweeping victory of the Islamic Resistance Movement (Hamas) in the Palestinian legislative election, agreed to have been free and fair. A similar response followed the success of the Muslim Brotherhood in Egypt's recent legislative election

THE GROWTH OF ACTIVISM IN CIVIL SOCIETY

Arab civil society organisations took a higher profile, thrusting themselves into the public space with increasing vigour and impact. Adopting firm positions through the independent press, on satellite television,

in public rallies and private meetings and on the Internet, they demonstrated close solidarity with political movements and, at times, the ability to take the lead in spurring political change. Egypt's "Kifaya! (Enough!)" Movement openly opposed the President's re-election and the transfer of power to his son, drawing support for an end to hereditary succession from all shades of the political spectrum, including the Muslim Brotherhood, the National Rally for Democratic Change and the National Alliance for Reform and Change. In Lebanon, groups clamouring for state and institutional reforms to give citizens more voice and representation joined the mainstream political scene and public debate in force. In Syria, different opposition groups united to issue the Damascus Declaration insisting that the ruling party adopt more thoroughgoing changes to the constitution, the conduct of presidential referenda and the alternation of political power. Throughout the period, civic action in the region was distinguished by a growing pluralism and enlarged Internet presence, testifying to a new assertiveness and sense of public mission in civil society.

GIVING THE LIE TO REFORM

Arab governments announced a host of reforms targeting freedom and good governance, most of which remained on the surface of their ambitious agendas. Some regimes tightly limited the scope of reforms they introduced while others continued to violate human and political rights while purporting to adopt enlightened changes. Observers noted that reforms often seemed empty gestures to cover up the continuation of an oppressive status quo.

A Wave of Mostly Flawed Elections

A wave of elections, many either hampered by adverse circumstances or flawed by irregularities, swept the region in this period. In the occupied Palestinian territory, elections judged to have been mostly free and fair despite tough conditions of occupation and severe external pressures produced a victory for Hamas that shook expectations. In Iraq, elections to the transitional National Assembly

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in January 2005 took place amid a severe breakdown of security and a terrorist campaign against candidates and voters. Nonetheless, subsequently almost 70 percent of Iraqi voters turned out for the country's December 2005 elections to the National Assembly, which were however marred by forgeries and stolen ballot boxes. Saudi Arabia saw municipal council elections held for the first time, a progressive step that was undermined by the exclusion of women and by restrictions on the proportion of council members chosen by election. In Egypt, Article 76 of the Constitution was amended to permit multi-candidate presidential elections. The amendment however arrived freighted with various restrictions such that it seemed but a formalised codification of the existing referendum system for choosing the president. Some licensed opposition parties boycotted the subsequent presidential election, which produced a landslide victory for the incumbent. Its notable aspect was that, according to official statistics, the participation rate amounted to only one fourth of those entitled to vote. Judges monitoring the parliamentary elections that followed afterwards reported irregularities favouring ruling party candidates in two major districts. Evidently, electoral reform in the region has some distance to cover before elections become a component of the society of freedom and good governance.

WORSENING HUMAN RIGHTS VIOLATIONS IN THE ARAB COUNTRIES

VIOLATIONS RESULTING FROM OCCUPATION AND ARMED DOMESTIC CONFLICTS

Violations of individual and collective human rights worsened during the period under review. Grievous abuses occurred under foreign occupation where women often bore the brunt of this decline amid deteriorating humanitarian conditions, the spread of lawlessness and rape, and hardships brought on by the separation of male breadwinners from their families during conflicts or long periods of detention. Armed domestic conflicts were another theatre of

serious human rights abuses, with women being especially vulnerable to rape and murder, not only under military assaults but also during flight and emigration. International human rights circles have condemned atrocities committed by government forces and their allies, as well as by rebel forces, as tantamount to war crimes and crimes against humanity. Somalia remained in the grip of armed conflict and lawlessness, which exacted a rising toll on civilian lives.

The Government of one Arab country launched a large military campaign to put down a rebellion led by the leader of an opposition organisation in a province. More generally, political conflicts have constituted still another locus of human rights violations. In this connection, three Arab governments have disclosed attempted coups, which have led to trials and harsh sentences.

VIOLATIONS OF PUBLIC LIBERTIES AND FREEDOMS OF OPINION AND EXPRESSION

Public freedoms in the region, especially those of opinion and expression, came under further pressure. In a peremptory move, one Gulf state stripped members of a clan of their nationality, later conceding to local and international pressure by reinstating some members and naturalising the rest. Another country not only held back on promised reforms for enhancing media freedoms; it actually stiffened freedom-restricting penalties for journalists. A third state similarly introduced draft laws curbing freedom of the press. The region remained a dangerous place for reporters. Indeed, among world regions, the Arab world sees the highest prevalence of murder or abduction of journalists and other media personnel in areas affected by armed conflict.

TARGETING REFORMERS AND HUMAN RIGHTS ACTIVISTS

In most Arab States, reformers and human rights advocates have become open targets of official repression. Such figures frequently risk prosecution and arrest, and sometimes assassination, while many Arab CSOs run

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a gauntlet of legal obstacles to their work. In three Gulf states, several applications for permission to form human rights organisations were simply frozen. The same trend was evident in a Mashreq country, which also saw numerous activists rounded up and detained and several civil society organisations closed down. A north African country continued to obstruct the work of civic bodies, independent professional associations, labour unions and human rights institutions. Among Arab States, the same north African country has gained notoriety for restricting freedom of expression in general and the use of the Internet in particular although, when it comes to cyberspace, a recent survey demonstrated that only three countries, Jordan, Qatar and the United Arab Emirates, permit relative freedom of Internet use. Another Gulf state subjected several civil society groups to official harassment, refusing to grant legal recognition to a number of them.

UNFRIENDLY INTERNATIONAL AND REGIONAL ENVIRONMENTS

International and regional conditions arising from the “war on terror” and the occupations of Palestine and Iraq continued to undermine human development and human rights in the Arab world. The Report warns that continued occupations and the failure to reform global governance in order to provide security and help achieve prosperity for all may push the region further towards extremism and violent protest.

THE ISSUE OF TERRORISM AND ITS CONSEQUENCES FOR FREEDOM IN THE ARAB WORLD

The war on terror

In the “war on terror”, the Arab region in general and Islamic movements in particular have been stereotyped as breeding grounds for terrorism. This campaign has blurred the distinction between what may rightly be termed the terrorising of innocents on one hand, which the Report affirms is an unacceptable affront to the human conscience, and, on the other, legitimate resistance to foreign occupation, as

recognised by the Geneva Conventions and United Nations resolutions. Acts of terrorism have spread in a number of Arab countries killing and/or wounding thousands.

Mirroring global trends, under the pretext of combating terrorism, Arab governments have consolidated emergency laws and passed additional anti-terrorism legislation. Scores of those pursued by such governments have been killed, while thousands of citizens have been arrested on the basis of administrative decisions, some of whom have been subjected to torture and ill-treatment. Most Arab states refer terrorist cases to special tribunals such as military courts or national security courts, which usually fall far short of international standards for a fair trial.

The Occupation continues to frustrate human development

The Israeli occupation of Palestine continued to deny Arab people the most basic political, economic and social rights and to threaten the security and safety of the region as a whole.

The Report maintains that Israel’s withdrawal from the Gaza Strip took place as part of a unilateral disengagement plan launched by the Israeli Prime Minister (Ariel Sharon) to relieve Israel of the security burdens entailed by the occupation and to enable it to avoid serious negotiations aimed at a settlement. At the same time, Israel has reserved the right to intervene militarily in Gaza whenever it sees fit and to maintain control over its air space, regional waters and most border crossings. These considerations led the Special Rapporteur of the UN Commission on Human Rights to conclude that Gaza remains occupied territory.

The Report details how Israel’s construction of the “separation wall” has accelerated the systematic destruction of the Palestinian economy, with severe impacts on the health and livelihoods of Palestinians, thousands of whom have been separated from their agricultural lands. The wall and constant border closures have led to the extreme deterioration of living conditions throughout the Palestinian territories.

In Iraq, the rising human costs of occupation became clear in a context of

growing lawlessness and internal conflict. With the election of a Permanent National Assembly and the formation of a new government in 2006, the great challenge for the incumbent authority remains the reform of the constitution. This is necessary in order to guarantee the territorial integrity of Iraq, the protection of human rights, the achievement of national reconciliation, and the elimination of anarchy and corruption, in a unified country free from foreign occupation and terrorism.

Evidence of the use of torture by both the occupying powers and the former Iraqi government continued to emerge. Material damage inflicted on Iraq under the occupation extends to its assets, including oil resources and a cultural heritage that belongs to humankind.

PROGRESS TOWARDS OVERCOMING DEFICITS IN HUMAN DEVELOPMENT

The increasing restriction of public freedoms and the perpetuation of oppressive systems of rule in Arab countries remained the main features of this period. Nonetheless, some positive steps towards widening the margins of freedom in the region were taken.

Egypt's National Council for Human Rights issued its first annual report (2004-2005) which highlighted some of the most serious human rights violations in the country and called for an end to the state of emergency. Jordan's National Centre for Human Rights also published its first annual report. Bahrain issued a decree requiring that democracy and human rights be taught in the State's schools and in the United Arab Emirates a human rights association was formed. Morocco's efforts to purge a long history of oppression moved forward when its Justice and Reconciliation Commission submitted its final report proposing legal, institutional and cultural reforms. The President of Algeria announced a similar initiative in national reconciliation in his country.

In addition, nine Arab States appointed women to prominent positions at the national, provincial and municipal levels in moves to increase women's empowerment.

II. TOWARDS THE RISE OF WOMEN IN THE ARAB WORLD: CONCEPTS AND PROBLEMATIC ISSUES

CONCEPTS

The Report considers that, as human beings, women and men have an innate and equal right to achieve a life of material and moral dignity, the ultimate goal of human development. It thus views the rise of women in the joint framework of human rights and human development. In terms of human rights, the advancement of women is to be achieved as part of society's advancement to freedom, in its most comprehensive definition. This definition includes not only civil and political rights, the mainstays of citizenship, but freedom from ignorance, disease, want, fear and all else that diminishes human dignity.

In terms of human development, the rise of women entails:

- Complete equality of opportunity between women and men in the acquisition and employment of human capabilities;
- Guaranteed rights of citizenship for all women on an equal footing with men;
- Acknowledgement of, and respect for differences between the sexes. Women are different from men, but that in no way implies they are deficient. Under no conditions is it acceptable to use gender differences to support theories of inequality between the sexes or any form of sexual discrimination.

Historically, various women's non-governmental organisations have focused on different objectives. Some have concentrated on promoting women's equal rights and the elimination of discrimination embedded in Arab laws, whether these concern personal status issues or social guarantees. Others have targeted charitable development activities, providing loans and income-generating projects for women or services in health, education and other sectors. Relatively few however, have focused on women's empowerment as the collective goal and undertaking of society as a whole.

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THE QUESTION OF THE “INTERNAL” AND THE “EXTERNAL”

The spread of the concept of “women’s empowerment” in the Arab region has excited the rancour of certain socio-political forces. They have tended to see it as “imposed” by the West and not emerging from either the realities or needs of Arab societies, which are based on the entrenched role of the family as society’s basic building block. This has driven some to resist development plans that adopt the gender perspective and to resist the governments and the women’s organisations which work in accordance with it.

An enforced anatomic separation between what is deemed local and what is deemed foreign is no longer possible in this age. What we call “foreign” culture actually thrives within Arab societies – particularly in terms of values and modes of behaviour – owing to the increasing globalisation of Arab societies. Nor is such a separation beneficial for the aspiration for progress in the Arab world—which is an authentic aspiration— and which has continued, since the beginning of the Arab Renaissance, to be positively influenced by the best human accomplishments of the prevailing Western civilisation.

To be more precise, there is a largely beneficial collaboration between the struggle for women’s emancipation in Arab countries as a liberating dynamic in society, and women’s movements around the world, including those in the West. The efforts of international organisations are particularly important here, especially the agreements, resolutions, mechanisms and international activities aimed at protecting women’s rights and equal treatment.

However, the crassness of the call from outside for reform, sometimes imposed by force, has elicited a negative reaction among some segments of society. This reaction, directed against a dominant Western-imposed women’s empowerment agenda, is considered by such segments to be a simultaneous violation of Arab culture and of national independence.

The Report maintains that the rise of women, in both intellectual and practical terms, remains an essential axis of the Arab project

for a human renaissance. The advancement of women - viewed both as struggle against despotism on the inside and appropriation from the outside - is part of the construction of a renaissance that will bring about freedom, pride and vigour for all Arabs, men and women on an equal footing.

Despotic authority and the rise of women

Paradoxically, repressive regimes, for their own reasons, have encouraged women’s rights in ways that might not have been possible if matters had been left to the natural progress of society, given its imposed and inherited constraints. The mechanisms of political oppression have even served at times to accelerate the rise of women. But the Report notes that this imperious, top-down style of “progress,” however enlightened, inevitably encounters objections and resistance from the popular base. It argues that a shift to free and well-governed societies in Arab countries would be quite capable of realising those historic breakthroughs required for women to advance, while also attracting broad social support that will guarantee the movement popular strength and sustainability.

The undervaluation of women’s participation in economic activity

Arab society does not acknowledge the true extent of women’s participation in social and economic activities and in the production of the components of human well being, and it does not reward them adequately for such participation. Since most women work without pay for their families, their contributions are not recognised as economic activity.

This historical prejudice is reflected in the undervaluing of women’s contributions to different types of human activity in general, and to economic activity in particular.

A proper evaluation of women’s contribution to producing the elements of human welfare requires a creative theoretical foundation that goes beyond the national accounts’ system, restricted as it is to market exchange and the cash valuation of goods and services. This can be done by using a broad definition of human welfare that is commensurate with the concept of human development. From a procedural perspective,

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this will require diligence in developing research and statistical tools that aim to measure accurately women's contribution to the production of human welfare and the construction of human development. This is a field that remains open to research.

THE STATE OF WOMEN IN THE ARAB WORLD

The state of women in Arab countries results from, and contributes to a number of cultural, social, economic and political factors which interact to affect levels of human development. Some factors are problematic in nature and thus call for a close analysis of various components of Arab society.

The Report examines the situation of women in the region by tracing a basic axis of human development: the acquisition and utilisation of human capabilities and resulting levels of well being. It probes levels of health and education in particular. It also assesses experiences in the advancement of women by reviewing two factors crucial for the success of such a movement: the extent of Arab society's desire for such progress and the forms of social action adopted to pursue it.

ACQUIRING CAPABILITIES: THE DENIAL OF OPPORTUNITIES TO WOMEN

Health

Women in Arab countries, especially the least developed countries, suffer unacceptably high rates of risk of morbidity and mortality connected with pregnancy and reproductive functions. The maternal mortality rate in Arab countries averages 270 deaths per 100,000 live births. This rises to over 1,000 deaths in the poorest Arab countries (Mauritania and Somalia) and falls to levels such as 7 for every 100,000 births in Qatar.

Women lose a larger number of years to disease, and this appears to be unconnected to standards of living, risk factors, and deaths linked to pregnancy or childbirth, indicating that this relatively greater loss is attributable

to general life styles that discriminate against women.

The Arab region remains one of those relatively least affected by HIV/AIDS at present. Despite this, women and girls are increasingly infected by the disease and now represent half the total number of people carrying the virus in the Arab world. Women are at greater risk of catching the virus and contracting the disease: the probability of infection among females from 15 to 24 years of age is double that of males in the same age group.

Education

Despite the tremendous spread of girls' education in Arab countries, women continue to suffer more than men do from a lack of opportunities to acquire knowledge. This occurs despite the fact that girls excel in knowledge pursuits, outstripping boys in competitive academic performance.

In terms of basic indicators, the Arab region has one of the highest rates of female illiteracy (as much as one half, compared to only one third among males). It also displays one of the lowest rates of enrolment at the various levels of education. This is in spite of the success of some Arab states, most notably those in the Gulf, in increasing the percentage of girl's enrolment and narrowing the gap between the sexes at the three levels of education.

The relatively greater denial of educational opportunities to girls contrasts with Arab public opinion. The Report's field study indicates that the majority of people believe that girls have a right to education on an equal footing with men.

Female enrolment in university education has risen, yet women are still concentrated in fields such as literature, the humanities and the social sciences where they constitute the majority. These are the subjects in least demand by employers. By contrast, enrolment rates for females in fields that lead to jobs, such as engineering and science, are noticeably lower. Again, this trend runs counter to Arab public opinion which favours letting women students choose their fields of specialisation.

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Drop out rates for girls are lower than those for boys in all the countries for which data are available. Notwithstanding this, discrimination against women in Arab countries continues to limit their access to knowledge despite the mass of statistical and other evidence indicating that Arab girls are the better learners, especially on the first rungs of the educational ladder.

The share of girls among top scoring students in all Arab countries where data is available is over 50 percent. Since, on average, girls account for fewer than half those enrolled in education, this achievement underlines their academic ascendancy. Such achievement is all the more remarkable given the unhelpful societal and familial environment that some face arising from the myth that a girl is destined for the house and that education and work are basically male domains.

The Report thus stresses that Arab countries stand to reap extraordinary benefits from giving men and women equal opportunities to acquire and utilise knowledge for the advancement of society. What deprive the region of these gains are its harmful and discriminatory practices that hold back women.

THE USE OF HUMAN CAPABILITIES

ECONOMIC ACTIVITIES

Slow growth in the region predisposes economies towards low demand for female labour. In addition, the traditional view that the man is the breadwinner blocks the employment of women and contributes to an increase in women's unemployment relative to men. Women thus encounter significant obstacles outside family life that reduce their potential. Most limiting of these are the terms and conditions of work: women do not enjoy equality with men in job opportunities, conditions or wages let alone in promotion to decision-making positions.

Starting from a low base, between 1990 and 2003, the Arab region witnessed a greater increase in women's share in economic activity than all other regions of the world: the increase for Arab women was 19 per cent compared to

3 per cent for the world as a whole. Despite this, Arab women's economic participation remains the lowest in the world: not more than 33.3 per cent of women fifteen years and older in contrast to the world average of 55.6 per cent. Furthermore, their participation does not exceed 42 per cent that of men, again the lowest rate in the world compared to a global average of 69 per cent.

Except in low-income economies where women work primarily in agriculture under conditions of poverty, they tend to find jobs in the services sector, which in the Arab world is characterised by low productivity and low remuneration. Women thus commonly experience low returns on work.

The causes of Arab women's weak economic participation include but are not confined to the prevailing male culture where some employers prefer to employ men, the scarcity of jobs in general, employment and wage discrimination between the sexes, and high reproductive rates. Laws hindering women, including those designed for their "protection," such as personal status and labour legislation, also restrict women's freedom by requiring a father's or a husband's permission to work, travel or borrow from financial institutions. Additionally, women's job opportunities have been undercut by weak support services and structural adjustment programmes.

Dependency ratios in the Arab region remain the highest in the world, with each worker supporting more than two non-working people, compared to less than one in East Asia and the Pacific. The principal reason for this is the low rate of participation by women. The situation becomes even graver when this high level of family maintenance occurs in combination with an absence of pension plans and of a National Insurance network covering all worker cohorts.

With the increasing expansion of the informal sector, where worker coverage is low, family support becomes a tremendous burden for the small number of those working. The strains on women in providing care for children and the sick, elderly, disabled and handicapped without sufficient social support also continue to grow.

The failure to use human capital, especially highly educated women, curbs economic development and squanders important energies and investments, which might otherwise contribute to greater economic development for all.

ARAB WOMEN IN THE POLITICAL SPHERE

In the Report's field survey, Arab public opinion clearly endorses the right of women to participate in political activity and to hold the highest executive positions. Yet these are areas from which women are often excluded.

In most Arab countries (with the exception of the Gulf States) women obtained the right to vote and be candidates in parliamentary elections in the fifties and sixties of the past century. Lebanon was the first Arab country to grant women these two rights, in 1952.

Later, the adoption of quota systems increased women's parliamentary participation in Jordan and Morocco. Despite these favourable changes, the proportion of women representatives in Arab parliaments remains the lowest in the world at under 10 percent.

Arab women have shared in executive power in some Arab countries since the middle of the last century. The first woman minister was appointed in Iraq in 1959, in Egypt in 1956 and in Algeria in 1962. The number of Arab countries that appoint women as ministers has increased in the last three years to the extent that women now participate in all governments except that of Saudi Arabia. Such appointments do not however reflect a general trend towards women's empowerment. Women in power are often selected from the ranks of the elite or appointed from the ruling party as window dressing for the ruling regimes.

OUTSTANDING ACHIEVEMENTS OF ARAB WOMEN

Certain Arab women have realised outstanding achievements in various fields, including those in which women do not receive training on an equal footing with men, such as athletics and the natural and precise sciences.

Literary creativity: Women writers have

proved that they can write and are capable of equalling and, at times, surpassing their male colleagues.

Artistic creativity, with the cinema as an example: Arab women have played an outstanding role in the effective foundation of the cinema.

Social sciences: The works of pioneering feminists such as Nawal al-Sa'dawi and Fatima Mernissi evince a joy in the discovery of unknown "continents" in the history, heritage, beliefs and renaissance of the Arab world. Though such writers set up a sharp and divisive dualism based on male/female antagonism, the following generation transcended the issue and its writings reveal a more balanced scholarly tone without the loss of a feminist orientation.

Natural and exact sciences: Despite severe barriers to women's entry into scientific fields, a galaxy of Arab women has made stellar contributions to the natural and exact sciences. Indeed, when Arab women scientists and technicians have been given an opportunity to use their abilities at the international level, they have succeeded in producing exceptional results.

Athletics: In the last six Olympic Games (1984-2004), six women from the Arab world, five from the Maghreb and one from Syria, carried off one of the three top prizes in track and field events. Two-thirds of these are gold medal winners, a relatively high figure given that only a quarter of male Arab Olympic medallists won gold.

Business: The region's movement towards free market economies, together with growing advocacy for the empowerment of women in Arab countries, have combined to increase the contributions of women entrepreneurs in Arab economies and to augment their influence in private sector business organisations. It has given rise to their own business organisations, even in those Arab countries most conservative on women's issues.

LEVELS OF WELL BEING

No clear scientific indicator exists for the feminisation of poverty defined as lack of income. However, women apparently suffer higher levels of "human poverty" as measured

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The most influential factor in the history of the women's movement may have been its involvement in the struggle for liberation from imperialism before it embarked on the struggle for women's liberation within Arab societies.

in terms of deprivation of the three dimensions of the human development index, namely, health, knowledge and income.

Specifically, women suffer from a noticeable impairment of personal liberty.

THE SPREAD OF POVERTY AND THE DISEMPOWERMENT OF WOMEN

The Report indicates that the spread of income poverty generally leads to women's disenfranchisement in the areas of parliamentary participation, professional and technical employment, and control of economic resources. Human poverty results in the wide disempowerment of women and the exclusion of women from upper-level legislative, administrative and organisational jobs as well as from the professional and technical arenas.

THE IMPAIRMENT OF PERSONAL LIBERTY

The forms of violence practised against Arab women confirm that Arab legislators and governments, together with Arab social movements, face a large task in achieving security and development in its comprehensive sense. The mere discussion of violence against women arouses strong resistance in some Arab countries.

The most important step to oppose violence in the Arab world is to fight against its concealment, to remove the cloak of silence surrounding it and to expose it wherever it occurs, whether in public or in private. Continued silence on the subject will incur a heavy cost for individuals, society, and even the state. It is equally important to place forms of violence that many women affected have come to accept as natural in the category of unacceptable behaviour.

Such forms of violence range from honour killings, in which a woman is killed on the pretext of protecting family honour, to domestic violence, which is found and condemned in many areas of the world. Additionally, the high incidence of female circumcision in some Arab countries leads to serious health complications for women.

Women living in difficult circumstances, especially those in areas of conflict or under occupation, suffer additional difficulties. Women living in desert and marginal regions and in informal settlements are often unaware of their rights and of the services available to them. Often, they do not possess the papers, such as birth certificates, that would permit them to receive such services. Many of them endure violence in some form.

Foreign female domestic workers in Arab countries are often victimised. Labour laws do not protect their work, they endure unspecified working hours, and they are denied freedom of movement and residence. Some female workers in this sector are also exposed to physical and mental violence from their employers, including sexual assault.

Fortunately, Arab public opinion as indicated by the Report's field survey overwhelmingly condemns violence against women of any form.

THE ARAB WOMEN'S MOVEMENT: STRUGGLES AND EXPERIENCES

The most influential factor in the history of the women's movement may have been its involvement in the struggle for liberation from imperialism before it embarked on the struggle for women's liberation within Arab societies.

The first generation of women's associations (formed at around the end of the nineteenth century) was focused on charitable work. They emerged amid the wealthy classes and their standard was carried by aristocratic women, or women from ruling families.

The colonial period impacted the women's movement by dislocating the structure of occupied Islamic countries. Traditional Arab economic, social, cultural and moral frameworks were shaken. It thus became necessary to marshal national sentiment and consciousness in order to conduct national struggles of liberation as the overriding priority. As a result, social development, and the rise of women as a part of it, remained hostage to the drive for national independence, falling much lower on the list of priorities.

The 1940s and 1950s were rich for the moulding of women's discourse. Political

parties started to form women's associations under their own banners, thereby bringing men into the women's movement. Thus, immediately following the Second World War, another set of women's associations emerged throughout the Arab world.

The Arab women's movement went through a host of transformations during the colonial period as a result of social changes. The Report cites the spread of education among females; the entry of many women into the higher professions as doctors, university faculty, engineers and lawyers; the accession by some women to positions of power in the leadership of political parties and governments; the development of a well rooted consciousness of the situation in which women were living; and an increase in societal sympathy for women's issues.

Governments attempted to bring women's associations together into "unions," in line with a common phenomenon in the Arab world, namely, the confinement of women within a framework monitored and directed by the male power structure. Some scholars describe this as the feminisation of the ruling discourse.

This trend coincided during the last three decades with another significant development, the rise of Islamic movements and the spreading influence of proselytisers urging a return to the Islam of the "venerable forebears" (Salafism). These movements held women responsible for the difficulties that society was undergoing. They based their attacks on the idea that equality in public life would, by its nature, reduce men's opportunities in the job market and that the man was the master of the family and the woman his dependant.

Starting with the 1975 UN Conference in Mexico and under the influence of international organisations working for the rise of women, new instances of the so-called "feminisation of the state" began to emerge.

A number of Arab regimes saw in the Islamic groups a means to weaken leftist and labour forces. This led to the growth of the Islamic revivalist movement, whose concerns extended to all spheres of public and private life and whose discourse attracted broad segments of youth, especially young women.

In response, a call emerged for the

restriction of Islam to the realm of personal belief and spiritual value. Some groups were obliged to modify their stance, asking that the door to independent religious thinking (ijtihad) be opened on questions connected with women in the belief that enlightened readings of the regulatory Qur'anic verses would establish a new discourse on women nourished by the Islamic heritage. The second half of the 1970s saw the founding of women's organisations independent of official political organisations. Debate centred on the inadequacy of, and loopholes in, the Personal Status Code in terms of achieving equality, notwithstanding its pioneering nature compared with family legislation in many other Arab countries. Attention also concentrated on forms of violence inflicted upon women and on how this violence was reflected in their status in society.

The women's movement saw a qualitative upswing in the 1980s in the establishment and extension of associations. Politically active associations emerged, linked to parties. The eighties were also a crucial period in the transformation of the women's movements, especially in the Maghreb countries. It is no coincidence that the names of the new women's associations included words such as "democratic," "progressive," and "rights." Their independence and courage distinguished these movements as they trod a path strewn with obstacles, under siege from, and beset by the ruling regimes.

The new generation of women's associations is distinguished by its qualitative closeness to the topic of women and women's issues. It considers these as central questions no less important than those of democracy, development, and human rights.

The international discourse on women has been a significant influence on the Arab women's movement and a driving force in the latter's perseverance and reformulation of its goals. The new consciousness was reinforced at international conferences, chiefly those convened under the auspices of the United Nations. The new approach aimed to dislodge traditional views still clinging to the women's question. Thus, personal status laws were the most important priority among these goals,

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The impact of women's movements in Arab countries has varied from one country to another. Their principal achievement may have been to increase awareness among women of the lesser status accorded to them and the need to work to change it.

followed by the enactment of legislation guaranteeing the equality of women and men in political and economic life. Women's associations were also active in urging Arab governments to implement the international agreements that they had approved, especially the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The 1990s are considered to have been difficult years for Arab society, filled with contradictions, tribulations, and successive, bitter disappointments. The Report observes that it lies beyond the power and resources of the women's movements to affect such an entangled politico-social situation by themselves, which confirms that the fight for women's freedom is the fight of Arab societies as a whole.

EVALUATING ACHIEVEMENTS FOR WOMEN

The participation of women in national movements helped women to articulate their case and enhanced their legitimacy in society's eyes. Nevertheless, and despite some palpable gains by women, the postponement of the resolution of their social and political demands had regrettable consequences after independence (Algeria is an excellent example of this). For, in most cases, the new nationalist governments pretended to forget or ignored some or most of these demands, especially those related to the Personal Status Codes. In general, and with the exception of the modifications made to the personal status laws in Tunisia, unequal relations of power within the family survived.

The impact of women's movements in Arab countries has varied from one country to another. Their principal achievement may have been to increase awareness among women of the lesser status accorded to them and the need to work to change it. By concentrating public scrutiny on Personal Status Laws, the movement has impelled Arab states to take tangible steps to improve family law and legislation on marriage and divorce in general. *The Tunisian experience:* Tunisia remains a model among the Arab states in terms of women's emancipation. Half a century

has passed since the issuing of its Personal Status Code, through which Tunisian law gave legal effect to the principle of women's equality with men. The changes to family law instituted by President Habib Bourguiba soon after independence sprang from a reformist movement that viewed the rise of women positively on the social, economic and political levels. Likewise, it is important to note that the laws of the Personal Status Code sprang from an initiative undertaken by two schools of Islamic jurisprudence, the Maliki and the Hanafi.

However, progressive changes in family laws have coincided with restrictions on the freedom of action of activist women and with state monopolisation and monitoring of the movement's discourse. This leaves only a limited field for women's initiatives and demands. The tendency to transform the rise of women into a political tool that may be used to enhance the image of the state abroad, even at the expense of women, has become very clear.

The Moroccan experience: The Moroccan women's movement has become acutely conscious that amendments to the legal code are the key to women's ownership of their own issues. Its struggle in that area was crowned by the new Family Code, issued in 2004.

Looking at experiences in other Arab countries, at the present time, Egyptian women have only managed to win the right, granted in 2000, to initiate divorce proceedings (khul'), after waiving certain financial rights entailed in other forms of divorce. They have also won the right to travel without their husbands' permission and to obtain Egyptian nationality for their children by a foreign husband.

Jordan has raised the legal age for marriage to eighteen years for both spouses and granted women the right to obtain a passport without their husbands' permission.

In Algeria, the Family Law still remains in force. However, there are positive signs in the difference between the form the latter took in 1984 and the modifications issued in 2005.

The Report concludes that re-evaluating the position of Arab women today is a sine qua non for a stronger civil society, one that demands a conviction that overrules pretexts for inaction that reject all forms of women's development

as part of the culture of “the Other”.

THE SOCIETAL CONTEXT OF THE STATE OF WOMEN

CULTURE

The Report considers social patterns that contribute to shaping the position of women in Arab societies today. It focuses on three central sources of influence: religious heritage, popular culture and Arab intellectual, artistic and media production.

Religious heritage: gender bias in juristic interpretations

In Arab Islamic history, religious culture is not built on sacred texts of indisputable authority, but, rather, on differing interpretations of the content, substance, forms and views of multiple writings and sayings in the collective memory of society. It is also based on customs and traditions that have been consolidated to preserve a specific order for the family and society.

General principles of interpretation enable us to infer the broad outlines of a social system that responds to the objectives accepted by the Islamic community in order to live a life of interdependence and consensus, while recognising the equality of all human beings, males and females. On the other hand, juristic interpretations, crystallised in some schools of Islamic jurisprudence, contributed to the establishment of a number of norms approving the principle of discrimination between the sexes.

The strictness of legislation in Islamic jurisprudence conceals other matters that originate in Arab Islamic society itself, particularly since jurists deliberately read the canonical provisions through the lens of custom. They believed that any other kind of readings would disrupt the continuity of the social order in its reinforcement of social cohesion, which, in their view, was congruent with “the order of nature”.

Men have always been given priority and preference in jurisprudential studies related to women. This predisposition entrenched itself as a result of reading the Qur’an with a bias

in men’s favour. Nonetheless, enlightened legal interpretations did exist.

Because the dynamics of transformation in contemporary Arab societies are different from those in Arab societies at the time when the schools of jurisprudence were established, earlier endeavours are no longer appropriate to either the nature or pace of current social transformations. Rather, it is a right to try to open the gates of interpretation anew and to seek further understanding of the spirit of the Qur’anic text in order to produce jurisprudential texts based on values of equality. Such texts will seek to embody a jurisprudence of women that goes beyond the linguistic and historical equation of what is feminine with what is natural (pregnancy, childbirth, breast feeding, upbringing and cooking). They will contribute to the promotion of feminine cultural values and transform them into a general attitude.

THE ARAB WOMAN IN POPULAR PROVERBS

Arab popular culture projects contradictory images of women, girls and wives at different stages of their lives. Proverbs dealing with women are repeated in most Arab social classes and generally provide clear examples of the perception of women as inferior, indicating that popular awareness is isolated from the fundamental transformations taking place in Arab societies. The proverbs create several myths about the conditions and state of women, which often conflict with women’s actual circumstances.

Hundreds of popular proverbs project an attitude akin to that which led to the burying of girls alive. In order to justify their retrograde spirit, these proverbs use moral and other arguments expressed in the language of tales and myths. Some also rely on psychology. In their various forms, these proverbs serve to underline the inferior social and moral position of women in society. Some go even further, considering a woman to have only half a mind, half a creed, and half an inheritance, and to be worth only half a male. Their general drift is to limit women’s biological and domestic life and denigrate their worth and independence.

The strictness of legislation in Islamic jurisprudence conceals other matters that originate in Arab Islamic society itself, particularly since jurists deliberately read the canonical provisions through the lens of custom.

Yet several popular traditions and texts render another image of woman, a woman who is intelligent, articulate and, indeed, something of an enchantress but in the positive sense of the word.

WOMEN IN CONTEMPORARY ARAB THOUGHT

TOWARDS THE EMERGENCE OF NEW SOURCES OF AUTHORITY

Contemporary Arab thinking on women and the theories supporting it are closely tied to the Arab Renaissance movement and its struggles against all forms of inherited traditional authority. At the outset of the social transformation that led to this renaissance towards the end of the nineteenth century, reform-minded political thinkers and intellectuals recognised that European societies had specific features that accounted for their strength and progress. An excellent representation of this particular moment is the reform project of Shaykh Rifa'a Rafi' al-Tahtawi.

First attempts to restrict gender-biased jurisprudence

Reformers such as Qasim Amin, Nazira Zayn al-Din, and later al-Tahir al-Haddad and others, were acutely aware of the necessity for change in the position of women. These thinkers did not believe that any significant contradictions existed between European society, the values and lifestyle emerging in contemporary Arab society and the principles of Islamic law. They also initiated a debate on the reinterpretation of certain Qur'anic verses, with the aim of unmasking biased interpretations. Their efforts stand out in Arab cultural history because they succeeded in opening wide a door for women at the centre of the solid wall of Arab society.

The participation of women in civil society organisations for legal and political action further helped to re-educate society to accept an active female presence. It contributed to replacing the traditional feminine stereotype with an image of women engaged in other activities that rested on much greater freedom

of action, production and creativity.

Today, the type of dissent expressed by women in the Arab world transcends what is expected of women in society and embraces a more comprehensive position in step with the major transformation taking place in Arab societies involving questions of renaissance, development and progress. Arab women have made the project of political and economic reform, and positive interaction with the human rights system, part of their direct objectives. This is also reflected in the increasing presence of women in the organisations of civil and political society.

Women and the media

The Report observes that the women's movement has benefited from new media forms such as the Internet, chat rooms, and television channels and their specialised programmes, all of which generate perspectives based on the power of dialogue. These media forms have facilitated a new discourse of liberation by enabling women to occupy public spaces that they could not have entered through the use of written material and newspapers alone. They have helped to promote gender awareness oriented towards social cohesion, equality and the principle of equity as the appropriate alternatives to discrimination between the sexes.

The broadcast media, notably satellite channels, and print media, are employing more women in some countries yet, a few exceptions notwithstanding, the ownership of political and hard news media remains a male bastion. Women play no role in planning media policy or making media decisions. The Report questions the extent to which the increased number of Arab women in the media positively influences the general orientation of programming and the popular image of women.

Women in the Arab novel

The Report illustrates that there are four main images of women to be found in women's novels - the woman deprived of her rights, the militant woman, the rebellious woman, and the 'multiple' woman. The term "multiple" refers to splitting and fragmentation, and highlights

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multiple identities within one being. Most of these novels reflect the expansion of the image of Arab women into the space once occupied by uniform stereotypes which are inadequate vis-à-vis the social transformations which these works portend. In building new linguistic and aesthetic sensibilities, these writings support values capable of breaking down such stereotypes.

Arab novels also shed light on aspects of women's oppression as well as their role as accessories in perpetuating male dominance. The confusion and contradictions that many novels reveal point to conditions of cultural refraction that may be interpreted in the context of the global environment and the transitional historical stage through which Arab societies are passing, both of which frame the world of fiction.

The image of women in the cinema

Arab cinema plays an important role by raising public awareness of women's issues and the injustices that befall them from harsh traditions or unfair laws. Among the most important contributions of Arab cinema to challenging society's sexual hierarchy is its visual exposure of the mechanics of women's submission.

However, Arab cinema, like all arts, plays a dual role stemming from its commercial nature. On the one hand, using the power of moving images, it generalises values of sexual discrimination. And, at the same time, the new cinema emerging in more than one Arab country is sending messages that reflect the wishes of new generations of women seeking freedom and full selfhood as complete and independent human beings.

Other forms of cultural production

Television serials are especially influential in challenging or entrenching the traditional image of women, as are TV commercials that portray women through different images and settings. This is true not only of Arab television channels but of that vast network of channels that enter Arab homes and present Arab families with images and attitudes containing more disparities than similarities.

The Arab living room has become

a veritable battleground in the war of information. Like the wars over the interpretation of Islamic jurisprudence, the clash of popular proverbs and the struggles of Arab civil society to promote the values of freedom and equality, it is a conflict that confronts citizens with different and confusing choices. For example, most Arab satellite channels produce religious programmes aimed at spreading an Islamic culture. The scholars that are charged with issuing fatwas are careful to preserve the prevailing patriarchal system of Arab societies and make little effort to bring Islamic jurisprudence up to date. An increasing number of conservative channels are consolidating the image of women on the lower rungs of the gender hierarchy. At the same time, numerous channels that claim modernity in fact project a demeaning portrayal of women, seen mainly as physical bodies and mere commodities.

This Arab media operates in societies governed by strong central powers where the worlds of money, authority and the media intermingle in the shadow of fierce competition among media channels for a constrained advertising market. This makes the industry run after a large Arab public with significant purchasing power, in particular the Arab Gulf public, about whom it has preconceived ideas.

SOCIAL STRUCTURES

TRIBALISM AND PATRIARCHY

Arab tribal society understood very well the structural and functional importance of women to its existence. It viewed honour, respect and protection as a unity linking any one of its members with the whole and thus also the women with the whole. This made any interference with the status of women a matter touching the very heart of her kinfolk's security and standing.

Islam brought with it the concept of the umma (the Islamic community) as an expression of collective identity to replace that of the tribe. However, the Arab tribes, primarily the Bedouin but also the urban-rural tribes, preserved their authoritarian structures

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Women often rise to the challenge of coping with harsh changes and have proven to be the protectors of social existence in exceptionally tough situations as is the case with women under siege and sanctions in Iraq, and under the multi-faceted violence afflicting Sudan, Lebanon, Iraq, and Palestine.

unchanged.

Although Islam established the notion of individual responsibility for both men and women, and emphasised respect for both sexes and their rights, the socio-cultural and economic-political formation of the conquests imposed limits on these broad vistas that the new religion had opened for women.

The emergence of the modern authoritarian system played a large role in curtailing the growth of civil institutions. Though European capitalism brought with it new values relating to the state, politics and society, these did not originate in local conditions. Hence the cycle through which the foundations of a law-based state and an independent civil society resistant to oppression might have been established was never completed.

Initially, the all-encompassing Arab state contributed to a greater participation by women in the public sphere, professional fields and social services, as well as to the relative protection of motherhood and childhood. But in the end, bureaucratic rigidity, the expropriation of different social and civic initiatives and the system of the local dignitary (a man, of course) as the sole intermediary between authority and society held women's rights hostage to the nature and vicissitudes of power. The symbiotic relationship between state authority and patriarchy saw to it that these early achievements soon became opportunities for personal gain. The position of women thus continued to deteriorate with the retreat of citizenship rights and the return of organic patriarchal rights as the final means of self-defence of a society forbidden to engage in the various forms of civic activity.

Relations within the family have continued to be governed by the father's authority over his children and the husband's over his wife, under the sway of the patriarchal order. Changes to which this authoritarian family framework has since been subjected cannot be considered far-reaching. Nor have they appreciably affected the functional nature of the relationship between the sexes. While they have had an effect on some forms of discrimination between men and women, they have not effected a qualitative change in the nature of the relationships between them

except in limited circles. Male control at the economic, social, cultural, legal and political levels remains the abiding legacy of patriarchy.

The belief that women must be controlled remains, of course, subject to variation across different countries, social classes, standards of living and general consciousness. It shows itself particularly among the poor whose marginal position in society affords them less legal and social protection and leaves them exposed to the dominant patriarchal culture.

Yet despite lacking political freedoms, women have been able to manoeuvre under traditional social conditions to defend their rights by establishing charitable, medical or literary women's or family organisations. They have formed delegations to demand their rights, benefiting from the social space allowed them in some countries that nevertheless restrict their ideological space. Some resourceful women activists have taken advantage of this narrow latitude to establish civil society groups for women's rights, ironically creating social change out of the very structures that have restrained it.

In some societies, the qualitative accumulation of small victories by women has caused patriarchal hegemony to retreat, to varying degrees. And women often rise to the challenge of coping with harsh changes and have proven to be the protectors of social existence in exceptionally tough situations as is the case with women under siege and sanctions in Iraq, and under the multi-faceted violence afflicting Sudan, Lebanon, Iraq, and Palestine. In this sense, social structures have not prevented women, in different degrees and forms, from becoming active players in the historical transition that some Arab countries are undergoing.

THE FAMILY AND THE STATUS OF WOMEN

The family continues to be the first social institution that reproduces patriarchal relationships, values and pressures through gender discrimination. Such pressures on women increase in violence at times of crisis when a woman becomes subject to surveillance. The man's right of disposal over her body, his

watch over it, his use of it, his concealment, denial and punishment of it all become more blatant. This violence in turn comes into play to intensify the feminisation of poverty, political misery, dependency, domination and alienation.

To date, personal status laws constitute the most emblematic and profound embodiment of this problem. Matrimony is the first and foremost form of the relationship between women and men whether in the conscious or unconscious mind, in religion or society, in terms of the permissible or prohibited and the sacred or the desecrated. These laws may well represent the most pronounced embodiment of the relationship between Arab patriarchy and the forbidden and the taboo. Key laws relating to gender discrimination find refuge in that relationship, allowing family laws to become the lair protecting culture, traditions and customs, religious as well as popular.

Elements of modernity have reached into Arab traditional culture, within and across countries. Nevertheless, large social sectors still remain closer to tradition than to innovation. A girl pays a heavy price for asserting her independence in milieus where individualisation in both the human rights and economic senses is weak.

Yet the Arab family is too complex to be summed up in one generalised and absolute characterisation; nor should society succumb to a negative stereotype of fatherhood. Such one-sided images lead individuals to surrender to authority figures and give credence to the notion that rebelling against authoritarianism or changing the status quo is impossible. Additionally, the assertion that women are repressed denies value to their lives, implying that these are wasted. Under the shadow of any harsh environment, a woman can yet take possession of her freedom by taking decisions that will give her unexpected happiness. This freedom is the source of the inspiration for change.

SOCIALISATION AND EDUCATION

School systems under authoritarian rule rarely give sufficient encouragement to initiative, discovery or the development of creative and critical faculties or personal aptitudes. Despite

the inroads Arab women have made in political, social and economic fields, the gap between such progress and the stereotypical images of women in school curricula is enormous. Those images invariably confine a woman to the roles of mother, homemaker and housekeeper.

As a result, pedagogy specialists have demanded that some curricula be modified, and that new guidelines and concepts be formulated for content that rescues girls from the superficial setting to which they are still confined. They have also called on Arab women to participate in drawing up educational policies, a task from which they have been almost completely excluded. Female participation in the setting of school subjects was estimated at less than 8 per cent in a random sampling of Arab curricula.

LEGAL STRUCTURES

Many laws in the Arab countries discriminate against women. Constitutional provisions for the protection of women's rights exist in nearly all countries but are often flouted, contradicted by other legislation or not enforced. The Report illustrates a range of discriminatory provisions and practices that reveal the bias of the Arab legislator against women.

ATTITUDES TOWARDS THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Most Arab states have signed and ratified CEDAW and are thus bound by its provisions, reservations excepted. Those reservations entered by Arab states (and they are many) give cause for concern; they put in doubt the will to abide by the provisions of CEDAW. Particularly worrying are their reservations with regard to Article 2, which establishes the principle of equality of men and women: reservations to this crucial article effectively render the ratifications meaningless.

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conflicted with the provisions of Shari'a (Islamic Law). On occasion this reservation was intended generally so as to absolve the state of its commitment to any provision of the Convention that it considered conflicted with Shari'a. In certain cases, a state would provide no justification for its reservation.

In a number of Arab states, and at the urging of civil society and some national institutions, legislative reviews are under way to reconsider the state's stand on reservations. This positive move deserves to be encouraged, along with greater efforts to raise awareness of the Convention in public and legislative circles and law enforcement agencies.

CONSTITUTIONAL CONDITIONS

Equality in the law

Most Arab constitutions contain provisions affirming the principle of equality in general and the principle of equality between men and women in particular. Some contain specific provisions for equality of men and women in, for example, employment in public office, political rights, and rights and duties. Some also contain provisions stipulating the right to equal opportunity; affirming the state's obligation to preserve the family, to protect motherhood and children, and to guarantee a proper balance between women's duties towards their families and their work in society; and prohibiting the employment of women in certain types of industries or at specified times of day.

Much to their credit, Arab legislators, and constitutional lawmakers in particular, have respected the principle of gender differences and have made provision for regulating the effects of these differences legislatively. Unfortunately, in many areas of law, legislators have leaned so heavily towards the principle of gender differences that they have codified gender discrimination, thereby violating the principle of equality, which is sanctified in religious canons and rendered an international obligation under international treaties.

Women's political and public rights

National legislation in many Arab states

contains provisions guaranteeing women's political rights and stipulating the principle of equality of men and women in the exercise of the right to participate in electoral processes and to stand for public office.

Nevertheless, despite these constitutional and legislative guarantees of women's right to political participation, the actual extent of this participation is still meagre.

The paltry representation of women in parliament in the Arab Mashriq (eastern Arab world) should impel states of this region to seriously consider emulating the example of the Arab Maghreb (North Africa), where most states have adopted quota systems to ensure a significant representation of women in their parliaments.

Parliamentary quota systems for women

Even when laws provide for gender equality in political participation, such formal equality has been of little aid to women in a cultural and social environment inimical to women's acquisition and free exercise of their political rights. Affirmative legislative intervention to allocate a quota of parliamentary seats for women would help society to make amends for its historical injustice against women. Such action would also make up for lost time in giving effect to the principle of equal opportunity enshrined in many Arab constitutions. The Report firmly supports such steps.

Incrimination and punishment

Negative discrimination between men and women can be found in the penal codes of some Arab states. For example, in some Arab penal codes, in the crime of adultery, men are held guilty only if the act takes place in the marital home. Women are guilty regardless of where the act takes place.

Arab legislators have made inroads towards eliminating gender bias in Arab penal codes, but their approach remains ad hoc and piecemeal. Attention must be given to developing a more intensive and comprehensive approach.

Personal status laws

Arab personal status laws, with regard to

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Muslims and non-Muslims alike, are witness to legally sanctioned gender bias. This stems from the fact that personal status statutes are primarily derived from theological interpretations and judgements. The latter originate in the remote past when gender discrimination permeated society and have acquired a sanctity and absoluteness in that confused area where the immutable tenets of religious creed interact with social history.

Nonetheless, evidence from the report's public opinion survey indicates that the Arab public is moving towards a more liberal perspective on personal status issues, such as asserting women's right to choose a spouse.

The lack of codification in some States

Arab personal status laws remain conservative and resistant to change because a number of Arab States are reluctant to develop a national personal status code. Instead, they leave matters entirely to the judiciary, which is heavily influenced by the conservative nature of classical Islamic jurisprudence (fiqh). Some Arab states, such as Egypt, Lebanon, Qatar and Bahrain lack a unified personal status code entirely, whereas others have unified personal status codes for Muslims.

Personal status regulations for non-Muslims are derived from the canons of their respective religious sects or denominations. For the most part, these regulations sharply curtail the right of both spouses to divorce and, in some cases, prohibit it altogether.

In general, personal status law in the Maghreb is more progressive and less discriminatory than that in the Mashriq.

Nationality

In general, in Arab legislation, native nationality is determined by paternal descent. If a father is a citizen of a particular Arab country, his children acquire his nationality automatically. The children of a female national only acquire their mother's nationality if the father's identity is unknown or if he is stateless.

Recently Arab lawmakers have been working to counter the inhumane consequences of Arab states' long-held refusal to grant nationality to the children of female

citizens married to foreigners (Egypt, Algeria, Lebanon).

AWAY FROM OFFICIAL LAW

The social environment is a crucial factor in discrimination against women, regardless of what the law may say. Because of what is commonly considered appropriate or inappropriate behaviour for a dutiful, decent and virtuous wife, recourse by a woman to the courts to demand her rights, or those of her children, is widely frowned upon as a form of public indecency. As a result, many women refrain from pursuing their family rights through official legal processes. Instead, matrimonial disputes in many Arab societies are resolved either within the family or through the unofficial channels of tribal arbitration. As these mechanisms evolved in the context of a male-dominated culture and male-oriented values, their biased outcomes are often a foregone conclusion.

AWARENESS OF GENDER EQUALITY AMONG ARAB LEGAL PRACTITIONERS

Arab tribal culture, which sanctions discrimination against women, has strongly influenced juristic interpretations that establish the inferiority of women to men. Otherwise put, the male-dominated culture has been a crucial factor in shaping juristic judgements and endowing them with religious sanctity.

Some Arab legislators evince hostility towards gender equality, despite the provisions of their national constitutions and the international conventions to which their states are party. Frequently, the application of the principle of gender equality founders on the reservations of Arab judiciaries, a resistance fuelled by the growth of fundamentalist trends and their increasing impact on the legal consciousness of Arab judges. The depth of male chauvinism among members of the judiciary in some Arab states can be seen in their opposition to the appointment of female judges.

Discrimination by the legal community against women is also evident in the way judges

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A tight job market, slow job creation and the spread of women's education, along with society's irrational preference that men should take what jobs there are, have combined to increase the unemployment of women, especially educated women, even in Arab countries that import non-Arab workers.

use their discretionary authority to deliver lighter or harsher sentences in cases where a woman is one of the litigants. Many interpreters of legislation echo this discriminatory tendency when faced with the principle of equality before the law. In contrast to such views there exists a body of enlightened Islamic jurisprudence that interprets such texts in their context and inclines to the espousal of the principle of gender equality. However, the first – conservative – school of thought still finds a sympathetic ear in practice and still appeals to the man on the street because of the support it receives from conservative clerics.

POLITICAL ECONOMY

The extent to which women in Arab countries are empowered is significantly influenced by the political economy of the region. The mode of production in Arab countries is dominated by rentier economies and levels of economic performance marked by weak economic growth.

The combination of these two characteristics results in weak production structures in the Arab economies and a paucity of means of expansion, laying the groundwork for the spread of unemployment and poverty. The overall result is a pattern of economic activity that has disastrous results for human economic empowerment, with other social circumstances multiplying the harshest results when it comes to women because of their economic weakness.

These unhealthy effects include rising rates of unemployment in Arab countries, particularly among graduates, and the inevitable and consequent increase in poverty and misdistribution of income and wealth, since the labour market is the most important economic resource for most people in the least-developed economies. Since this mix of factors means a narrow labour market throughout the Arab world and low rates of expansion through creation of new job opportunities, rates of unemployment of the less-skilled labour force in the Arab world are affected disproportionately. This in turn, results in reliance on foreign labour. Naturally, the weakest social groups, including women, suffer

most.

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The state also has withdrawn from economic and service activity and limited government employment, which had previously represented the preferred form of employment for women and a bastion of their rights. As a result, the region is witness to an abundance of qualified female human capital suffering from above average rates of unemployment.

Another factor that disempowers women economically is the bias in labour practices against women when they do work, particularly in the private sector, which has reduced women's relative earnings.

GOVERNMENT INSTITUTIONS AND THE LIBERATION OR MARGINALISATION OF ARAB WOMEN

Appointing a woman to a ministerial position has been a general rule in most Arab governments since at least the 1990s, and the practice has grown steadily since then. However, the nature of women's participation in government has generally been either symbolic (one or two female ministers in most cases), social (usually ministries of social affairs or ministries related to women), or conditional (the number of female ministers fluctuates with numerous changes of government).

Undeniably, women have achieved representation in Arab government bodies, whether as a result of internal or external pressure, or both. Nonetheless, such progress remains limited. Women in decision-making positions tend to be sidelined in a predominantly male-oriented executive culture. While women's membership in parliament has taken off, and while equality of the sexes appears as one of the principles of Arab constitutions, their empowerment remains relatively partial; and some states still fail to apply the principle of gender

equality to their election laws. Moreover, the number of parliamentary seats held by women does not necessarily mean that women are democratically represented; it may in fact reflect concessions to a group of women supported by the state against other women on the fringes of dominant political forces.

Arab political parties have come to espouse the general cause of women, but from that initial point they diverge. The political failures attending reform or change in the region have led to fierce controversies, resulting in sharp political divisions, the balkanisation of the party-political map in Arab countries, and the fragmentation of party positions on women. Nevertheless, some political parties have helped to push the issue of women to the forefront. Additionally, growing demands by Arab women's groups and the increasing response from governments for quotas to help women reach decision-making positions, have led to certain positive changes. Quotas have also helped women enter local government councils.

ARAB CIVIL SOCIETY AND THE ISSUE OF WOMEN

Many Arab laws specify that private social and women's associations are forbidden to involve themselves in policy or in political matters. This legal obstacle to the free expression of opinion implies that politics is removed from the activities of civil society and from private charitable and social work.

Despite the importance of these organisations and groups in providing services that segments of the female population need, doubts exist about their ability to change the prevailing gender-biased power relationship in Arab societies. Representation of women in such groups is usually restricted to the educated middle-class, which means the most deprived and needy women are often beyond their operational reach. The spread of this type of social organisation would not necessarily mean greater political or social representation for all segments of the female population. Many of them do not basically seek to organise women to defend their rights and interests; rather rights are defended in general since achieving

these rights is in the interest of all women.

DIFFERENT POLITICAL POSITIONS ON WOMEN

Political forces on the Arab scene do not oppose the rise of Arab women or their political and social participation; all accept the legal and political equality of women. The problem lies in these forces' implementation of their principles in party and political life.

ISLAMIST POSITIONS ON WOMEN

The position of the Salafite movements has always been clear, namely, that a woman's place is in the home and that her role is to care for the family. While these movements may have accepted women's right to vote by analogy with allegiance to the ruler, they adamantly reject their right to seek and hold public office "to avoid pitfalls" (saddan lil-dhara'i'). The Salafites are opposed to women being active in civil society, adopting a division of social labour that limits women's role to that of reproduction, motherhood, and child raising and warning against the mixing of the sexes. The most that can be expected from the Salafites is an acceptance of independent feminist activity in private charities.

On the other side of the arena, the Muslim Brotherhood adopts a principled position in support of women's political rights, accepting in this regard the independent interpretations of contemporary scholars such as al-Ghazali and al-Qaradawi, which are based on jurisprudence.

Ultimately, the challenge before the Islamists is how to develop an alternative Islamic vision of women that can co-exist with differing or opposing trends and advance women's position in discourse and practice, not as a result of, but as one of the conditions for building the Islamic society they desire.

EXTERNAL PRESSURES FOR THE EMPOWERMENT OF WOMEN IN ARAB COUNTRIES

The international agenda has witnessed fundamental changes since the beginning of the 1990s, with the increased importance of issues

Growing demands by Arab women's groups and the increasing response from governments for quotas to help women reach decision-making positions, have led to certain positive changes.

Political forces on the Arab scene do not oppose the rise of Arab women or their political and social participation; all accept the legal and political equality of women. The problem lies in these forces' implementation of their principles in party and political life.

The Report calls for the temporary adoption of the principle of affirmative action in expanding the participation of Arab women to all fields of human activity according to the particular circumstances of each society. This will allow the dismantling of the centuries-old structures of discrimination against women.

such as human rights, women's and minority rights and democratic change. Demands for change in women's status globally pressured Arab countries to respond.

But for many Arab rulers, the issue of women's political rights became a type of democratic façade. Women offered an easily manipulated symbol for countries that wanted to escape political criticism of their undemocratic conditions at a time when human rights reports and reports on women's affairs were pressing for change.

The Report observes that the new wave of Western interest in advancing the position of women has led donors to support projects solely because a visible women's or feminist institution puts them forward; or to support any projects to strengthen the status of women that seem topical. Seldom are proper studies carried out to measure the effect of these projects on the status of Arab women in their society, in the family or in relation to the state. Western pressure and the ready accommodation of it in some Arab countries are particularly clear with respect to the representation of women in the political framework, such as parliament and the cabinet.

The Report goes on to cite a series of positive developments in the consciousness and situation of Arab women flowing from the acceleration of the global women's movement after the 1995 Beijing International Conference on Women.

A STRATEGIC VISION: TWO WINGS FOR THE RISE OF WOMEN

KEY FEATURES

The rise of Arab women must go beyond a merely symbolic makeover that permits a few distinguished Arab women to ascend to positions of leadership in State institutions. Rather, it must extend to the empowerment of the broad masses of Arab women in their entirety.

In human development terms, the rise of Arab women requires, first, that all Arab women be afforded full opportunities to acquire essential capabilities firstly and

essentially in health. As a primary requirement, all Arab girls and women must also be able to acquire knowledge on an equal footing with boys and men.

Second, full opportunities must be given to Arab women to participate as they see fit in all types of human activity outside the family on an equal footing with their male counterparts.

It is also essential that the appropriate social value be given to women's role in the family as an indispensable contribution to the establishment of a sound social structure capable of supporting a project for the renaissance of the Arab world. From that follows the pivotal importance of the reform of education in Arab countries in order to ensure that all girls are guaranteed opportunities to acquire knowledge and to utilise it, within and outside the family.

In line with the calls in previous Reports for comprehensive, rights-based societal reforms, the rise of Arab women entails:

- Total respect for the rights of citizenship of all Arab women.
- The protection of women's rights in the area of personal affairs and family relations.
- Guarantees of total respect for women's personal rights and freedoms and in particular their lifelong protection from physical and mental abuse.

The achievement of these rights requires extensive legal and institutional changes aimed at bringing national legislation in line with CEDAW.

The Report also calls for the temporary adoption of the principle of affirmative action in expanding the participation of Arab women to all fields of human activity according to the particular circumstances of each society. This will allow the dismantling of the centuries-old structures of discrimination against women.

The Report envisages these societal reforms as one wing of the bird symbolising the rise of women in the Arab world.

The second wing is the emergence of a widespread and effective movement of struggle in Arab civil society. This movement will involve Arab women and their male supporters in carefully targeted societal reform on the one hand, and, on the other, empower all Arab women to enjoy the fruits of changes that serve

the rise of both women and the region as a whole.

THE FIRST WING: SOCIETAL REFORM FOR THE RISE OF WOMEN

This will address attitudinal shifts and the reform of cultural frameworks. In particular, it will modernise religious interpretation and jurisprudence through the widespread adoption of the enlightened readings of *ijtihad*. The latter must escape the thrall of existing religious institutions and personages to become the right and duty of every Muslim of learning, woman or man, who has the capacity to engage in the study of her or his religion.

Efforts to overcome attitudinal obstacles will extend to new syllabi and techniques in social education that promote equal treatment between the sexes. They will associate the media in educating the public to understand the significance of CEDAW. Efforts to overcome structural obstacles will include deep-seated political and legislative reforms in the areas indicated in this Report. The latter relate particularly to the functions of the judiciary at all levels, and all political, administrative, local, academic and other leadership functions.

In particular, a culture of equal treatment and respect for human rights should be encouraged among men in the judiciary and all those responsible for enforcing the rule of law.

The first wing will also address the issue of social justice, aiming to reduce the spread of income poverty by supporting economic growth, and achieving greater justice in income distribution. It will simultaneously seek to reverse the spread of human poverty, which refers to the denial to people of opportunities to acquire and effectively exercise their essential capabilities. Among the most important mechanisms for the attainment of social justice is expenditure on education, health and social safety nets.

A final priority under this wing is to confront reductions in women's personal liberties. This calls for inculcating an understanding that violence against women in all forms is a degradation of their humanity. It extends to the enactment of laws that criminalise violence

against women and the provision by states and civil society of safe sanctuaries for women victims of violence.

THE SECOND WING: A SOCIETAL MOVEMENT FIT TO BRING ABOUT THE RISE OF WOMEN

The Report maintains that the rise of women cannot be separated from a wide and effective movement in Arab civil society aimed at achieving human development for all. Such a movement will be the means by which Arab women may empower themselves and their male supporters. It will have two levels. The first is national and will involve all levels of society in every Arab country. The second is regional: it will be founded on trans-border networks for the co-ordination and support of regional efforts to achieve a comprehensive Arab movement for the rise of Arab women, benefiting from modern information and communications technology. The movement will give birth to active civil society organisations in the Arab world linked to politically neutral international and UN organisations working for women's advancement.

This movement will begin by focusing on two sets of priorities:

1. Eliminating women's legacy of deprivation in health and in knowledge through education

Health

This requires guaranteeing that all women enjoy good health, in the positive and comprehensive sense. Thus, the general trend to ensure positive health for all, which is an integral part of human development, extends automatically to the provision of special care for the needs of the weak in general and of women in particular. Implementation of the Report's recommendations for the elimination of poverty, and especially human poverty, are relevant here.

Ending the denial of education to girls and women

Ending once and for all the denial to girls and women of their human right to education over

To change attitudes, efforts should extend to the educational domain and to the media. To overcome structural obstacles requires political, legislative, judicial reforms and new forms of leadership.

The authors hope that the desired transformation will be carried out by taking the path of a vibrant human renaissance based on a peaceful process of negotiation for redistributing power and building good governance.

a period of, say, ten years is an indispensable requirement. The movement will be called upon to embark on a serious programme, with official and civic dimensions, as well as regional and national ones, over a finite decade, which would ensure all girls and women a complete basic education. The goal will be to achieve, by 2015, the eradication of Arab female illiteracy, and to ensure that every Arab girl completes twelve years of basic schooling.

2. Eliminating stubborn obstacles to women's use of their capabilities as they see fit

Priorities in this focus area include:

- Accelerating the rate of economic growth to enable the creation of employment opportunities on a large scale. The significant increase in the price of oil over the last few years constitutes a revenue source that may enable Arab economies to develop and diversify their productive infrastructure.
- Resisting the cultural obstacles facing women's employment of their full capacities in all areas of human development as freely chosen by them.
- Guaranteeing in Arab constitutions, legislation and implementation mechanisms equality of employment opportunities for all regardless of gender.
- Guaranteeing women's enjoyment of appropriate working conditions consistent with human dignity, and when necessary, providing some aspects of positive discrimination, protective of their family roles, without making them pay for this preferential treatment, by decreasing their work privileges vis-à-vis men.
- Building the mechanisms of an efficient and modern labour market both at the regional and national level, equally open to both women and men.

CONCLUSION

This Report argues that the rise of women is in fact a prerequisite for an Arab renaissance, inseparably and causally linked to the fate of the Arab world and its achievement of human development.

Despite Arab women's equal rights under

international law, their demonstrated talents and achievements in different spheres of human activity and their priceless contributions to their families and society, many are not encouraged to develop and use their capabilities on an equal footing with men. In public life, cultural, legal, social, economic and political factors impede women's equal access to education, health, job opportunities, citizenship rights and representation. In private life, traditional patterns of upbringing and discriminatory family and personal status laws perpetuate inequality and subordination. At a time when the Arab world needs to build and tap the capabilities of all its peoples, fully half its human potential is often stifled or neglected.

In the short run, time-bound affirmative action to expand women's participation in society and dismantle centuries-old discrimination is both legitimate and imperative. However, the comprehensive advancement of Arab women requires accelerating and expanding past achievements through a collective renaissance project: a historic transformation that encompasses all of Arab society and aims to secure the citizenship rights of all Arabs, women and men equally.

The authors hope that the transformation they call for will be carried out under their preferred future scenario by taking the path of a vibrant human renaissance (izdihar) based on a peaceful process of negotiation for redistributing power and building good governance. Guaranteeing Arab societies the key freedoms of opinion, expression and assembly will facilitate the emergence of a dynamic, effective civil society as the vanguard of such a peaceful process that will avoid the impending disaster whose dark clouds are gathering in more than one key Arab country at this time.