

# Arab Countries in Transition:

## Gender Rights and Constitutional Reforms

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*Al-Raida* is pleased to launch a special thematic issue in two parts that grew out of the international conference titled “Arab Countries in Transition: Gender Rights and Constitutional Reforms” organized by the Institute for Women’s Studies in the Arab World at the Lebanese American University in partnership with the Women and Memory Forum–Egypt, Konrad Adenauer Stiftung, Rule of Law Program MENA Region, and the Danish Centre for Research and Information on Gender, Equality, and Diversity (KVINFO).

In November 2013, I met with Professor Suad Joseph at the MESA convention held in New Orleans. We discussed the explosive events in the Arab world and the possibility of having a conference related to these events. Joseph suggested that we focus on the Arab constitutions, and we both agreed that it is a very pertinent and important topic worth highlighting and investigating. What made the topic particularly attractive to us is the fact that we would be able to invite activists who had first hand information. We thought of Dr. Hoda Elsadda from Egypt who participated in drafting Egypt’s 2014 Constitution and felt that her views and contribution as a woman activist would be vital. We also thought of a large number of NGOs, and other organizations within the Arab world that are well-suited to contribute to our conference.

This issue of *Al-Raida* has its genesis in the International Conference on “Arab Countries in Transition: Gender Rights and Constitutional Reforms” held at the Lebanese American University June 23-25, 2014. The conference was organized by the Institute for Women’s Studies in the Arab World in partnership with Konrad Adenauer Stiftung, Rule of Law Program MENA Region; the Danish Centre for Information on Gender, Equality and Diversity, KVINFO; and The Women and Memory Forum in Egypt.

The conference brought together scholars, social workers, activists, legal specialists, and UN representatives interested in probing the current status of women in the Middle East and North Africa in the wake of the uprisings/revolutions. The conference focused on women’s rise to power, their active and indispensable role

in the overthrowing of authoritarian regimes and their role in the decision-making processes. In this light, the conference explored debates that ensued as a result of the revised/new constitutions (Egypt, Tunisia, Libya, Morocco, and Jordan), particularly issues related to gender equality and feminist concerns during and after the uprisings. Simultaneously, the conference focused on the marginalization and the disempowerment of women as well as on the serious human rights violations they were subjected to during and in the aftermath of the uprisings. It also highlighted the rise to power of Islamist movements with conservative agendas that augmented the pressure on women. Many papers focused on the role of the political system in determining the parameters of women's political and social roles. The conference aimed at engaging scholars in debating and analyzing these transforming conditions, and produced animated and fruitful discussions and debates.

Owing to the large number of insightful, germane and timely presentations, we chose to compile these papers in two successive issues of *Al-Raida*. The first issue has a more theoretical orientation focusing on the genesis and meanings attached to constitutions in general and Arab constitutions, in particular in the aftermath of the Arab uprisings and the gendered dimensions of these constitutions and what they tell us about engrained social and religious values within Arab societies. The second issue of *Al-Raida* deals with human rights violations as well testimonials that authenticate such abuses.

In her inspiring presentation titled "Constitutional Matters: Women, State, Law, Constitutions in the Aftermath of the Arab Uprisings", keynote speaker Professor Suad Joseph focused on the role of constitutions as 'founding myths' that define and map the structures and principles of society. She argues that in the Arab region the



Participants during the conference

family (rather than the individual) is the fundamental unit through which citizens interact with the constitutional discourse, thus excluding unmarried men and women.

Our second keynote speaker was Dr. Hoda Elsadda, Professor of English and Comparative Literature at Cairo University, co-founder and Chairperson of the Board of Trustees of the Women and Memory Forum, and member of the 50-committee that participated in revising the constitution. In her keynote speech, Elsadda briefed the audience on her role in drafting the 2014 Egyptian Constitution after the overthrow of President Mohamed Morsi in July 2013 and the suspension of the 2012 Constitution drafted by an Islamic majority. She focused on the framework within which the Egyptian Constitution was drafted, the historical circumstances, the legal context, and the history of Egyptian women's attempts to amend their constitution.

Another insightful presentation is one by Professor Valentine M. Moghadam titled "Democratization and Women's Political Leadership in North Africa". Moghadam contended that countries that witnessed progress in women's political participation prior to the Arab Spring, such as women in North Africa, are more likely to continue to advance successfully to democracy. She explored the factors that allow for women-friendly democracies and focused on endogenous and exogenous forces that can enhance or inhibit women's progress. Lilia Labidi's article titled "Tunisian Women in the Arab Spring: The Singularity of Article 46 in the 2014 Constitution" reinforced Moghadam's view by focusing on a long history of commitment by women to political activism through their contributions to secularization and the reinterpretation of religious thinking in Tunisia. Having herself served as Minister for Women's Affairs in the provisional Tunisian government following the fall of the Ben Ali regime, Labidi sees the Arab spring through a long history of political engagement by Tunisian women. "Negotiating Gender Rights and Gender Relations in the Constitution-Making Process in Egypt: Towards a 'Thick' Constitutional Guarantee for Women's Rights" by Naoko Kuwahara examined the constitution-making process from comparative constitutional law and gender perspectives. She maintained that the controversy over women's legal rights is entrenched in tradition and the fear of the erosion of one's cultural values. In "Women's Fight for the Constitutionality of Gender Equality in Morocco", Nadia Nair dealt with Moroccan women's struggle to legalize gender equality.

In addition to these enlightening presentations, the conference served as an important platform to expand and strengthen cooperation among women's rights activists in the Arab world and to build the necessary coalitions among them with the common aim to counter the hegemonic patriarchal pattern and its manifestations in the lives of women everywhere.

During the four days of the conference several priority areas of concern were singled out. The key conclusions and recommendations included:

- safeguarding all the gains that were previously achieved and guaranteeing that women's rights are protected in the Arab constitutions;
- ensuring women-friendly outcomes of the democratic transitions by recognizing women's societal roles and guaranteeing women's political participation during and after the Arab uprisings/revolutions by adopting gender quotas (parliamentary/



Booklet of the conference

- political party quotas); increasing the number of women in trade unions, cabinet positions, etc.;
- criminalizing all forms of gender-based violence such as abuse, sexual violence, trafficking, forced marriages, femicide, and honor crimes (combatting sexual violence in Egypt, mobilizing to end sexual violence against refugees and internally displaced women and children in Syria, Iraq, Libya, etc.);
  - establishing international solidarity through linking the work of civil society groups on the ground across national boundaries and exerting pressure on international and national bodies to promote equality as a priority issue on their political agendas;
  - working on the refugee crisis and ameliorating the miserable situation of refugees and in particular women and girls;
  - assessing the impact of the refugee crisis on the host countries where the crisis created and/or exacerbated political divisions within the host countries;
  - highlighting the role of religion and the family in raising awareness on gender rights;
  - engaging men in gender rights reform processes;
  - understanding the role of the state as both protector of citizens and part of the problem (endorsing dictators, engaging in human rights abuses, promulgating discriminatory laws, etc.);
  - examining the role of Islamic law, including the place of *shari'a* in constitutions

and family law, and the sectarian divisions and multiple family laws in Lebanon; - launching of a network that joins local, regional, and transnational actors where scholars and participants exchange information and expertise (the network was launched in September 2014 and serves as a forum for exchange of ideas and expertise regarding human rights and women's issues).

It is hoped that through the conference proceedings published in two issues of *Al-Raida*, one can understand the gendered implications of social transformations in the Middle East and North Africa and how they contribute to change. Injustices that women face take place not only locally or regionally, but globally. Hence, the importance of networking transnationally and supporting one another's work to improve the status of women globally.

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