

The Human Rights of Middle Eastern & Muslim Women:
A Project for the 21st Century

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Abstract

THIS ARTICLE WILL EXPLORE THE STATE OF HUMAN RIGHTS OF MIDDLE EASTERN/MUSLIM WOMEN IN A SELECTION OF NORTH AFRICAN, CENTRAL ASIAN, AND MIDDLE EASTERN COUNTRIES. IT THEN TURNS TO SOME OF THE LEGAL REFORMS AND ATTEMPTS MADE BY A NEW GENERATION OF WOMEN'S RIGHTS ACTIVISTS, WHO ARE BUILDING NEW INSTITUTIONS IN THEIR HOMELANDS DESPITE NUMEROUS OBSTACLES AND GREAT PERSONAL AND POLITICAL RISK.

I. Introduction

In her widely read novel, *The Handmaid's Tale*,¹ Margaret Atwood took the futuristic nightmares of George Orwell's *1984* and Aldous Huxley's *Brave New World* one step further by imagining a misogynist state that was ruled by fundamentalist men. The new state of Gilead, located in Boston, Massachusetts, denied women jobs and education, persecuted homosexuals, banned other religious sects, and moved "undesirable" populations to colonies. Women were turned against women through domination and indoctrination, the state controlled women's sexuality, and reproduction became an instrument of terror. Atwood wrote her novel in 1986, perhaps as a literary response to both the Iranian Revolution of 1979, which brought an Islamic Republic to power, and the growth of Christian fundamentalist organizations in the US. Yet despite this foreboding novel, in the last decade threads of her vision have become a reality in Europe, the Middle East, and most egregiously, Afghanistan.

Historians might call the turn of the twenty-first century "The Era of the Gender Wars." The word 'war' is not only used as a euphemism for intellectual and political debates, but also as a reference to the bloody carnage that persists over who gets to control the women's minds and bodies in the new millennium. By definition, a war has both victories and losses, and these ongoing Gender Wars in the Middle East/Muslim world are no exception. The growth of Islamist movements world wide, and the rise of new nationalisms after the fall of the Soviet Union, unleashed new atrocities aimed at women. At the same time, Middle Eastern/Muslim women reached new milestones in the 1990s by placing women's human rights, women's centers, and feminist scholarship on the political agenda.

This report will attempt to present both sides of the ongoing struggle. First, it will examine the dismal state of human rights of Middle Eastern/Muslim women in a selection of North African, Central Asian, and Middle Eastern countries. The article then turns to some of the legal reforms and attempts made by a new generation of women's rights activists; women who are building new institutions in their homelands despite numerous obstacles and great personal and political risk. It will end with a discussion of Shirin Ebadi, the 2003 winner of the Nobel peace prize. This event has generated a great deal of excitement among Iranian advocates of women's rights. One hopes that world attention to the subject of human rights of middle east women

would lead to a significant improvement in this area in the next decade.

II. Human Rights and Women's Rights

The 1990s opened with the war in the former Yugoslavia, leaving behind the carnage of Bosnian and Croatian women. After Serbian nationalists besieged Sarajevo close to 10 percent of the Bosnian Muslim female population, or nearly 100,00 women, were raped. Over 60 percent became pregnant as a consequence of this systematic rape, and by 1993 over 35,000 babies were born as a result of rapes in concentration and death camps.² After the war, and as the decade dragged on, trafficking in women reached epidemic proportions.³ Throughout Bosnia and Herzegovina women are to this day held in debt bondage in brothels. They are forced to provide free sexual services to local police who sometimes participate in the trafficking as owners and employees of clubs, or as middlemen who provide false documents. Even some members of the International Police Task Force (UN Police) have been charged with visiting brothels as clients.⁴

The world once again watched in horror when a similar scenario was repeated in 1999, this time aimed at the Muslim Albanian women of Kosovo, as well as other women of the former Yugoslavia.⁵ Rape and various forms of sexual violence were used as weapons of war and instruments of systematic "ethnic

cleansing." Rapes were not isolated acts of individuals; they were weapons "to terrorize the civilian population, extort money from families, and force the population to flee their homes."⁶ The purpose of rape by the Serbian and Yugoslav forces was to force the ethnic Albanian Muslims out of Kosovo. According to Human Rights Watch, the perpetrators were the Serbian special police in blue uniforms, the Yugoslav army soldiers in green, and especially the Serbian paramilitaries, bearded men who carried long knives. Rape often took place in the presence of military officers and with their acquiescence.⁷

Sandwiched in between these two European atrocities was the genocidal episode of the Taliban in Afghanistan (1997-2001).⁸ The Taliban (and before them the Mujhidin of the United Front) sexually assaulted and abducted women on a large scale during the years of conflict. Under the Taliban, women of all social classes and ethnicities were targeted, though the most systematic violations were aimed at the minority Hazara and Tajik women.⁹

Under the Taliban regime, severe restrictions were placed on the liberty and basic freedoms of all women, thereby practically erasing them from public life.¹⁰ The Taliban banned women's employment (in most sectors), closed girls' schools, and forbid women from appearing in public without supervision by a close male relative.¹¹ All had to wear the burka, a restrictive, head-to-toe covering, instead of the lighter veil that had become more common in the urban centers in the last few decades. The

religious police, the Ministry for the Promotion of Virtue and the Prevention of Vice (modeled after similar institutions in Saudi Arabia and Iran), ruthlessly enforced these laws. Women were severely beaten for showing their wrists, hands, or ankles. They were even tormented for begging on the streets.¹²

These actions took place at a time when Kabul alone had forty thousand war widows.¹³ Prostitution, while legally banned, became rampant, and the Taliban leaders, the same men who had forced female doctors out of the medical profession, routinely frequented the houses of prostitution.¹⁴ Many of these restrictions are still imposed on women in Kuwait and Saudi Arabia, as well as several other nations with which the international community maintains routine political and economic ties.

While not reaching the level of denial of women's rights found in Bosnia, Kosovo, or Afghanistan, the spread of Islamist movements, and in some cases the increase in poverty and war in parts of Africa, Central Eurasia, South Asia, and the Middle East, has led to a loss of rights and benefits for women in a number of other countries.

A. Kuwait

In Kuwait, despite the active participation of women in education and employment, and their impressive leadership role in various

institutions, little effort has been made to modify the numerous forms of institutional discrimination against women. In 1999 the ruler of Kuwait Sheikh Jabar Al-Salah attempted to give women the right to vote, but his decree was vetoed by a majority of the legislators.¹ Women are denied equal inheritance rights and have limited rights in marriage and divorce.¹⁵ The penal code reduces or eliminates punishment of men in so-called "honor crimes." Men who kill female relatives in "honor crimes" serve a maximum of three years.¹⁶ A woman is never free to make a marriage decision on her own.¹⁷ Between the ages of fifteen and twenty-five a guardian can prohibit her from marrying. Even after a divorce or being widowed, when a woman may choose her spouse, she still needs a guardian to contract her marriage.¹⁸ Additionally, a husband has a unilateral and unconditional right to divorce his wife, a right his wife does not enjoy. A man who kidnaps a woman may be excused from all punishments if the guardian of the woman consents to the marriage.¹⁹

In sum, Kuwaiti women face severe discrimination in both their public and private lives. Women can not pass their nationality to their spouse or children.²⁰ Women are banned from many public positions, including serving as judges. Many of these restrictions, including men's guardianship over women, repudiation, "honor killings," and lack of citizenship rights, are also enforced in other countries of the region.²¹

¹ ILENE PRUSHNER, "KUWAITI WOMEN SEEK RIGHT TO VOTE," *CHRISTIAN*

B. Nigeria

In Nigeria, the Shariat law was instituted in twelve northern states in the late 1990s with dire repercussions for women. In the northern state of Zamfara, which has declared itself an Islamic state, Safiya Hussaini Tungar-Tudu was sentenced to death by stoning for having non-marital sex. In February 2002, and as a result of intense international pressure, her sentence was commuted to seventy-five lashes. Next Amina Lawal was sentenced to death for committing adultery. She had given birth to a child without a husband. In September 2003, and once again as a result of national and international pressure, the verdict was overturned.²² Safiya and Amina's cases show how the more lenient sexual mores of the village community are being replaced with a harsh, and unprecedented reading of Malaki Islamic laws. Indeed the judges were able to set aside Amina's sentence by returning to a more traditional reading of Malaki laws and showing that her adultery was not proved beyond doubt.²³ The men who had sex with Safiya and Amina were set free by the courts for lack of sufficient evidence.²

C. Pakistan

SCIENCE MONITOR, AUGUST 8, 2003.

² "NIGERIAN SPARED DEATH BY STONING," *BBC NEWS WORLD EDITION*, SEPTEMBER 25, 2003.

Despite the impressive leadership role of Pakistani women, and the work of the feminist organization *Sherkatgah*, which is affiliated with the international network of *women living under Muslim law*, violence against women continues in significant numbers in Pakistan. In a one-hundred page report on Pakistan, human rights watch documented a "virtual epidemic of crimes of violence against women, including domestic violence rates as high as 90 percent, at least eight reported rapes every 24 hours nationwide, and an alarming rise in so-called honor killings."³ The Organization of Islamic Clerics of Pakistan demanded the expulsion of all Western-financed nongovernmental organizations (NGOs), and the closing of all women's centers and organizations. They claimed that several NGOS in Pakistan, "propagate obscenity, immoral behavior, and Christianity to please their Western donors."²⁴ The Organization also urged Pakistani women to shun such groups and to regard them as centers of prostitution. The Islamic clerics of Pakistan has encouraged its members to kidnap members of women's organizations, keep them locked away at home, or force them into marriage to pious Muslims.²⁵

D. Saudi Arabia

In Saudi Arabia, women "face pervasive discrimination, ranging from strictly enforced gender segregation in public places --

³ SEE PRESS RELEASE, HUMAN RIGHTS WATCH

including schools, universities, and the workplace -- to unequal legal status with men in matters relating to marriage, divorce, and child custody."²⁶ Women are restricted in their movements, are not permitted to drive, and do not have the right to transmit their nationality to their children.²⁷ The religious police, known as the Office for the Propagation of Virtue and the Prevention of Vice, which is funded by the government, abuses women who do not conform to the traditional restrictive dress code, or appear in public with men who are not related to them.²⁸

Saudi Arabia does not have a constitutionally elected parliament.²⁹ The consultative parliament, which has 120 members, serves as an advisory body to the government. There are no women on this council.³⁰ There are also no women's rights organizations in Saudi Arabia.³¹ Prince Naif, the interior minister, was quoted in January 2001, to the effect that any public discussion on women's rights was simply "out of the question." In April 2001, he maintained that lifting the ban on women's driving was impossible.³² But even in Saudi Arabia advocates of reform are becoming vocal. In September 2003 over 300 Saudis, both men and women, handed a petition to the government calling for political and social reform. Among others they asked for separation of powers, the establishment of an elected legislative body, and recognition of various institutions of civil society.⁴

WWW.HRW.ORG/PRESS/1999/OCT/PAKPR.HTM.

⁴ KHALID AL-DAKHIL, "SAUDI ARABI'S REFORM MOVEMENT," *THE DAILY STAR*, OCTOBER 18, 2000.

E. Sudan

In Sudan, the governor of the state of Khartoum issued a ban in September 2000 that prevented women from "working in public places where they come into direct contact with men."³³ Under the rubric of respecting the "honor of women," the law bars women from working in bars, restaurants, and gas stations, as well as cafeterias, and anywhere in the service sector. The ban apparently was a reaction to the news that the Shell Oil Company had started employing women in service stations. The law requires employers to fire all their women employees. Many Sudanese activists fear that, in the tradition of the Taliban in Afghanistan, "the decree is a prelude to removing women from all fields" of work outside the home.³⁴ The law has resulted in a particularly sad reality for Sudanese women, as "after years of civil war, many women are the sole providers for their families."³⁵ International monitoring organizations, including Human Rights Watch, have called on "all employers, including foreign companies whose female employees will be affected by this law, to privately and publicly protest the ban."³⁶

F. Syria

In Syria, following Bashar al-Asad's assumption of the office of the presidency in July 2000, there were some hopes that the country's human rights record might improve.³⁷ Six hundred political prisoners were released, and for the first time in over thirty-five years a privately-owned newspaper was allowed to publish.³⁸ Pro-democracy advocates and civic forums encouraged by these reforms began to appear. Unfortunately, in February 2001, the government began to "clampdown" on all such activities, dimming the hopes for increased women's rights in Syria.³⁹

Syrian law grants women the same formal legal and political rights as men, but the personal status law and the penal code retain major forms of discrimination.⁴⁰ An adult woman cannot marry without the permission of a male guardian.⁴¹ The minimum age for girls is seventeen, but the judge can allow marriage of a minor girl of thirteen if the father consents.⁴² Muslim women may not marry non-Muslims, a right that is available to Muslim men.⁴³ A wife has to obey her husband and may not work outside the home without his permission.⁴⁴ Men retain the right to marry four wives simultaneously and to divorce their wives by repudiation.⁴⁵ In some cases, women, can sue for divorce in court due to irreconcilable differences or marital discord if all attempts at reconciliation fail.⁴⁶ As in most Muslim countries, marital rape is not even recognized as an issue. "Honor killings" continue in Syria and a man who kills his wife or sister for committing adultery is exempt from any legal penalty.⁴⁷

G. Uzbekistan

In Uzbekistan, despite claims by the government that women enjoy broad human rights protection, Human Rights Watch reports that women are doubly victimized, both by their husbands and by the state.⁴⁸ In the post-Soviet era, the average marriage age for girls has declined.⁴⁹ Likewise, women's educational attainment has dropped. In 1991, about 40 percent of students in higher education were girls; by 1997, that figure had dropped to 37 percent.⁵⁰ Many officials openly express the sentiment that higher education should be limited to men.⁵¹ Instead of protecting women from domestic violence, the government of Uzbekistan routinely pressures women to stay in violent marriages and prevents them from having access to divorce.⁵² In a fifty-seven-page report based on interviews with victims of domestic violence, women's rights activists, lawyers, judges, police, doctors, and government officials, at the national, province, district, village, and local community levels, Human Rights Watch showed that state policies actually prevent women from recourse against spousal abuse.⁵³ Officials rarely prosecute husbands who beat their wives and try to reconcile couples without any concern for the women's safety.⁵⁴

III. Women Fight Back: New Political and Legal Reforms, New Feminist Institutions

It is important to note, however, that the rights of women have not been curtailed everywhere in the Middle East and Muslim world in the last two decades. As specifically discussed below, in Tunisia, Malaysia, Indonesia, Israel, Jordan, and Iraq, women have maintained most of the rights they obtained in the 1970s and in some areas extended them. Most of the countries in this category, are however controlled by secular authoritarian rulers which makes the future of these reforms highly questionable were there to be a change in government.

In Tunisia, a full-fledged ministry of women, family, and children's affairs was established in September 2002. In addition polygamy was abolished and a woman's right to divorce was legalized.⁵⁵ A new form of multicultural education has been introduced in both high schools and Universities. Sexist and chauvinistic comments on women and people of non-Muslim faiths were removed from school texts, and new required courses on the universal declaration of human rights and democracy were developed.⁵⁶

In Malaysia, the current anti-discrimination laws are being further amended to give women equal constitutional rights. Discrimination based on religion, race, ethnicity, and sex will be prohibited. A women's office at the ministerial level was

created. The head of the central bank, the Attorney General, and the Solicitor General are all women.⁵⁷

The 1990s also witnessed the proliferation and growth of a new feminist scholarship on Muslim women in a variety of fields, such as Anthropology, History, Sociology, Political Science, and Literature. At the same time, through grassroots initiatives, a number of shelters for abused women, hotlines, and women's centers have been established in the region. In Iran, Israel, Turkey, Egypt, and Jordan, activist women routinely held meetings, conferences, and even public demonstrations. In these countries, there is a feeling that the fundamentalist movements (Muslim and Jewish) might have reached their peak. In a number of countries, women have formed think tanks seeking cultural, social, and political change. Many women's rights organizations publish journals. Newsheet (a publication of Sherkatgah and affiliated with the international network of *Women Living Under Muslim Law*) in Pakistan, *Al-Raida* in Lebanon, *Zanan*, *FASL-i Dovvom*, *Hoquq-i Zan*, in Iran, *Nogo* in Israel stand at the forefront of the women's movement in their respective nations and report on feminist activities around the globe. Despite this progress, it seems we often move two steps forward and one step back in most areas of the region, especially with regard to institutions and regulations that control women's sexuality.⁵⁸

A. Algeria

Algeria continues its decade old bloody battle against the Islamic Salvation Front (FIS) in which over 150,000 have died.⁵⁹ The FIS regards political independence from France as only phase one of the struggle against colonialism and calls for the rejection of all "foreign" cultural influences. In this retrograde discourse, it is a woman's "religious duty" to cater to her husband and children.⁶⁰ At the same time foreign customs that fit the patriarchal mold were introduced, such as the practice of temporary marriage (mut'a), which is mainly a Shi'ite Iranian practice.⁶¹ Sexual slavery of women became routine in the 1990s as Islamist vigilantes killed, burned, raped, and looted villages then selected and kidnapped the most attractive women for themselves.⁶²

At the same time the political liberalization of the last several years has brought a multiparty system and a freer press. A number of women's associations have been formed, though most are attached to the male-controlled political parties, especially the Reassemblent pour la Culture et la Democratie (RCD) and the Front des Forces Socialistes (FFS).⁶³ Algerian feminists formed independent and audacious organizations in the 1990s, in their valiant battle against the FIS and GIA. They were also rewarded

in the summer of 2002 with five cabinet posts - an unprecedented number - including two that went to feminist leaders.⁵

Two major demands in the current struggle for greater democracy are the recognition of one of the Kabyle-Berber dialects as the official language of Algeria and the abolition of the Family Code.⁶⁴ The Kabyle-Berber dialects, and not Arabic, are native dialects of many North Africans. The recognition of one of these dialects would be particularly helpful to women as it would make print media available to them in their native tongue. The abolition of the family code would eradicate many retrogressive gender practices that have been legalized through this code.

B. Bangladesh

In Bangladesh, where orthodox Muslim clerics issued a fatwa (*religious edict*) that called for the death of feminist author and medical doctor Taslima Nasrin a few years ago, new laws were passed that increase punishment for crimes against women, including rape, kidnapping, and the throwing of acid on women's faces. The high court has declared that fatwas are illegal and has asked the parliament to enact appropriate laws in this regard.⁶⁵

⁵ SEE VAL MOGHADAM, "ENGENDERING CITIZENSHIP, FEMINIZING CIVIL SOCIETY: THE CASE OF THE MIDDLE EAST AND NORTH AFRICA," *WOMEN AND POLITICS*, VOL. 25, NOS. 1-2, 2003, PP. 63-89.

C. Egypt

In Egypt, parliament voted to give women a traditional Islamic right known as *khol'* divorce. This is the right of a woman to divorce her husband. In return she has to give up all the money, property, and gifts she has received, and also relinquish her right to an alimony. Still, feminists support the law and the Al-Azhar University in Cairo, the oldest institution for Islamic teaching in the world, supported the decision by the parliament.⁶⁶ At the same time, however, some of the ulama (Muslim clerics) and the state embarked on an unsuccessful campaign against two secular and progressive intellectuals. In July 2001 the Egyptian courts dismissed a case against Nawal al-Saadawi, an Egyptian feminist author and medical doctor. The religious authorities had been calling for the automatic divorce of Saadawi from her husband because of her feminist activities, on the grounds that she had renounced Islam, something she denies vehemently. Similarly, the sociologist Saad al-Din Ibrahim was jailed twice in 2001-2003 by the Egyptian government for discussing electoral fraud, for speaking of the persecutions of the Coptic minority, and for criticism of President Hosni Mubarak.⁶⁷

In addition, the Egyptian women's movement has recently made a number of new efforts, such as income generating projects and

small loans for women, workshops that promote legal awareness of existing laws, and a Female Genital Mutilation Task Force. Feminists are also fighting for a woman's right to travel abroad without her husband's permission. Research on the hitherto taboo issue of violence against women has begun. Seminars and workshops on gender training, on NGOs, and on women's media are offered. Both the Islamists and the government continue to accuse women of links to imperialism and of receiving funds for carrying out a Western agenda and spying. The irony is that the Egyptian government is the largest recipient of US aid after Israel.⁶⁸

D. Iran

As a result of retrogressive laws introduced in 1979 after the Islamic Revolution, Iranian women still face significant legal discrimination in marriage, divorce, child custody, dress, and in their ability to travel freely even though Iran has signed various international agreements on human rights.⁶⁹ After the election of President Mohammad Khatami in 1997, some degree of liberalization took place. The strongest supporters of Khatami were university students and women. Initially Khatami was successful in relaxing some of the requirements imposed on women and also allowed for a greater freedom of press. In the years that followed, however, Khatami proved to be less effective and his reform measures were routinely subverted by the more

conservative religious leader Ali Khameneh'i, and the clerical establishment.⁷⁰ Nevertheless, Iranian women have made dramatic progress in educational attainment.⁷¹ The birth rate has dropped to 2.1 percent (comparable to many European countries) and the age of marriage has been raised to thirteen (It was eighteen before the Iranian Revolution, at which point it was reduced to nine years old).⁷²

In 2001, about 60 percent of those who were accepted at universities were women. Women were elected to the provincial councils [they constituted 11 percent of the council], and for the first time several advocates of women's rights were elected to the parliament. Iran's parliament has finally granted unmarried women the right to apply for a scholarship to study abroad. In August 2002, the parliament voted to give women an equal right to divorce, but the highly conservative Council of Guardian has repeatedly vetoed the measure. According to Zahra Bonyanian, of the Women's Participation Center, a new hotline to address domestic violence was recently set up in Tehran. Women's Studies as an academic discipline, has been officially adopted by Iran's universities and a new feminist library was recently established in Tehran. In 2002 the national entrance exams for colleges and universities included the field of Women's Studies. In 2003 four colleges and universities, including Tehran University, accepted students in this major.⁷³

E. Israel

In Israel, women (Jewish and Arab) do have a number of rights with regard to education, employment, and participation in the political process. Some 51 percent of Jewish women and 18 percent of Arab women participate in the paid labor force. Still, with few exceptions, women are under-represented in their respective communities. Throughout Israel's history only one woman, Golda Meir, has become premier and six have become cabinet ministers. In 1999, a total of fourteen women (12.5 percent) were elected to the Knesset, including one Israeli-Arab woman, the largest number ever. The most impressive statistic is in the judiciary where 40 percent of the judges are women. On the Supreme Court 15 percent of the judges are women. No Israeli-Arab woman has ever held the position of judge. As in many Muslim countries, the orthodox rabbinical authorities control Israeli family law. Jewish men may refuse to grant their wives divorce and are protected by the rabbis. For years, Israeli women have demonstrated on behalf of the "chained women" or the *agunot*, women who cannot remarry. The orthodox community considers a second marriage of such a woman and any children born of such a marriage to be illegitimate.⁷⁴ In the last decade the peace process has been the main issue around which feminists have organized. But the second most important issue has been violence against women. A recent study concluded that 20% of Israeli female soldiers were sexually harassed during

the mandatory military service.⁶ Israeli feminists have set up a host of shelters, hotlines, centers for rape victims, and have demanded greater accountability by the police and more public awareness. In response the government has taken some modest steps. For the first time Yitzhak Mordechai, a former defense transportation minister in the government of Sharon, was charged with and convicted of sexual violence against two women employees.⁷⁵ Women's groups called the event an important step toward combating sexual harassment, which they say is rampant in Israel.⁷⁶

F. Jordan

Statistics show that Jordanian women have made remarkable advances. The literacy rate for women is 83.9 per cent. Also 67 percent of women (as against 65 per cent of men) have a secondary education.⁷⁷ Women hold 6 percent of top government positions. Life expectancy for women is 71.8 years.⁷⁸ Jordan has a large number of women's centers, associations, and professional clubs. The country hosts one of the offices of the international organization "Sisterhood Is Global" and Jordanian universities offer courses on women's and gender studies.⁷⁹ Other legal reforms are gradually being implemented. In the 1990s it was estimated that twenty-five to thirty women died every year in so-

⁶ SEE "ISRAEL: 20% OF FEMALE SOLDIERS REPORT SEXUAL HARASSMENT,"

called honor killings.⁸⁰ In 1999, women and human rights activists gathered 13,000 signatures calling for an end to the legal sanctioning of 'honor killings." In 2001 the Jordanian government cancelled article 340 of the personal code which had acquitted the men who had committed this crime. New revisions to the personal status law also raised the legal age of marriage to eighteen for both men and women. ⁸¹

G. Lebanon

In Lebanon, the struggle for greater representation of women in decision-making positions and the reform of the Personal Status Law are on the agenda. There are nineteen religious sects in Lebanon, each with its own personal status code on issues such as marriage, divorce, custody, and inheritance. At the forefront of the movement is the Institute for Women's Studies in the Arab World (established in 1973), which is located at the American University in Beirut and is the oldest such institute in the region. The institute offers a variety of courses related to women's issues and plans to offer a minor in Gender Studies. The Institute's publication, the English-language *al-Raida*, is one of the most sophisticated feminist journals in the entire region. Each issue focuses on a special theme and includes articles, conference reports, book reviews, interviews, and art news.⁸²

H. Morocco

At the First International Conference of the Arab Human Rights Movement in Casablanca in April 1999, it was noted that the general human rights situation in Morocco had witnessed "relative progress in the last decade, due to the efforts of the Moroccan and international human rights organizations."⁸³ The Casablanca Declaration signed at the convention agreed to a ten-point action plan. The document specifically singled out the suffering of Arab women, which had occurred as a result of the growth of the Islamist movement in the region, and "called upon women and human rights NGOs . . .to challenge the culture of discrimination, and to adopt courageous stances in exposing the practice of hiding behind religion to legitimize the subordination of women."⁸⁴ As in Algeria, an important debate on the status of the Berber language is taking place in Morocco. This debate will inevitably have gender implications, since gender lines are directly tied to language choice. Arabic is the language of politics and hence the "male sphere." Berber is the language used in the family and most urban women are educated in French.⁸⁵

Morocco is also the scene of a major debate over revision of the Personal Code. The new revisions would raise the minimum age of marriage for girls to eighteen, require a judge's authorization for polygamy, give women equal rights concerning divorce and community property, and permit divorced mothers who

remarry to ask for custody of their children. In the year 2000, over 400,000 people took to the streets, with half supporting the measure and the other half opposing it. In October 2003 King Mohamad VI approved the measure which is expected to be ratified by the Moroccan parliament.⁸⁶

I. Palestinian Territory

Palestinian women have been in the difficult position of presenting a feminist agenda in the midst of a nationalist movement, especially since the Islamist tendencies of Hamas and Islamic Jihad have become more dominant. Nevertheless Bir Zeit University has set up a Women's Studies Institute in both Bir Zeit and in Jerusalem that has challenged the male-dominated character of the nationalist movement and questioned the phenomenon of early marriage during the Intifada. The Institute tries to bring greater awareness to issues such as violence against women and has developed an academic research program on women and gender issues, offering a master's degree in Gender, Law, and Development.⁸⁷

J. Turkey

Turkey remains one of the most liberal Muslims nations on women's rights, with Malaysia, Tunisia, and Indonesia not far behind. In

November 2001, advocates of women's rights reformed the Civil Code, primarily through public campaigns. The new changes benefit women educationally and economically. The supremacy of men in marriage was legally terminated and men and women were declared equal in marriage. The law scrapped the traditional right of a man to unilateral divorce. The marriage age of girls was raised to eighteen. Children born out of wedlock were granted equal inheritance rights. Single parents may now adopt children. The most original and controversial sections of the reform law were its provisions for community property, fifty-fifty split in the case of divorce. Eventually, the conservative and nationalist as well as religious elements in the parliament accepted the new law. A last minute controversy limited its validity to property acquired after January 2003. Women's groups plan to fight this amendment.⁸⁸

In 2001 under pressure from the Islamist Rifah party, certain restrictions with regard to sexuality were imposed anew. The Turkish government re-instituted virginity tests for girls studying medicine in high schools. Turkish Women's and Human Rights Organizations were outraged at the government for resurrecting the practice and Human Rights Watch called on Prime Minister Bulent Ecevit to rescind this new regulation. In February 2002 the Turkish government finally rescinded the law

when five female students tried to kill themselves by taking rat poison, instead of undergoing the humiliating vaginal exam.⁷

III. HOPE FOR THE FUTURE?

The list of Middle Eastern and Muslim countries with Women's Studies centers and programs continues to grow and includes among others: the Women's Studies and Research Center at the University of Aden and University of San'a in Yemen, the Institute for Gender and Women's Studies at the American University in Cairo, Egypt, the Afhad University for Women in Sudan.

Even in some of the Arab countries of the Persian Gulf, where traditional gender relations have been hard to change, a new day may be dawning. In Qatar, women can now participate in municipal elections and in Bahrain they voted in the 2002 elections.⁸⁹ In Saudi Arabia, in November 2001, the government agreed to issue identity cards to women and to gradually discontinue the practice of issuing family cards under the names of male heads of household.⁹⁰ The ID cards will include a photograph of the unveiled woman, but the minister of the interior insisted that the new system "in no way means an end to women's modesty or to exposing them to unveiling, anything shameful, or any violation of Islamic law."⁹¹ Even in this highly patriarchal country, there is a movement to establish a Women's

⁷ "TURKEY SCRAPS VIRGINITY TESTS," *BBC NEWS EUROPE*, FEBRUARY 28, 2002.

Studies Program, to be housed in the King Abdulaziz Foundation for Research and Archives in Riyadh.⁹²

It remains to be seen if the social, political, and cultural emancipation of Middle East/Muslim women will be accomplished in our time. The turn of the twenty-first century has been a highly contradictory one for advocates of women's rights. Alongside the brutal and misogynistic nationalist and Islamist movements that have tried to push women's rights back, there has developed a remarkable and courageous feminist movement, one that attempts to undo the outdated notion that feminism is a Western or "imported" phenomena or that it is irrelevant to Middle Eastern and Muslim women. Instead through journals, women's centers, and academic publications new indigenous expressions of feminism are gradually and painstakingly constructed, articulated, and disseminated.

We witnessed this new spirit in Afghanistan as women celebrated the defeat of the Taliban and began to assert the very difficult task of claiming their rights, especially in the sphere of education. In Iran, Shirin Ebadi, this year's winner of the Nobel peace prize, is one of the best representatives of this generation.⁸ Ebadi who is a practicing Muslim, is also a staunch advocate of separation of religion and state. Ebadi was appointed Iran's first woman judge before the 1979 revolution but after the revolution she was removed from her post and demoted to the position of a cleric in the new religious courts. Gradually

Ebadi, and her colleague Mehrangiz Kar, were able to practice law again and they distinguished themselves for taking up the cases of abused women and children, as well as political dissidents. Ebadi, who is the author of eleven books, has defended the rights of women against domestic violence, "honor killings" easy male-initiated divorce. She has also worked to give women custody of their children and compensation after divorce. Ebadi was the first lawyer to investigate the murder of the famous dissident couple, Dariush and Parvaneh Foruhar. Her efforts led to the creation of the Committee for the Defense of the Rights of the Victims of Serial Murders in Iran. In 1999, when government goons violently attacked student protesters, and several students were killed during a rampage on their dormitory at Tehran University, Ebadi took up the case of the jailed students, an act that landed her in solitary confinement for a few months.

After the announcement of the award and her return to Iran, over 200,000 Iranians jubilantly greeted her in the airport and showered her with white flowers. In her first news conference Ebadi announced that she will take up the case of Zahra Kazemi, a Canadian-Iranian journalist who was murdered in prison, after she filed a report outside the infamous Evin prison of Tehran for international news agencies. Ebadi has also called for the release of all political prisoners and has issued the following statement, "I am proclaiming the Iranian people's message of

⁸ "IRANIAN LAWYER AND PROFESSOR WINS NOBEL PEACE PRIZE," *THE*

peace and friendship to the world. We are a peace loving people. We hate violence. We condemn terror. We are not hostile toward other religions.”⁹ Perhaps those who essentialize the women (and men) of the Middle East and the Muslim world should expand the definition of feminism and human rights to encompass the voices of Muslim feminists such as Shirin Ebadi and Mehrangiz Kar. Not every misogynistic interpretation of religion is “authentic” and “indigenous,” just as not every liberal and progressive reading is “Western” and “foreign” influenced and therefore “inauthentic.” This type of labeling has been the tactic of the Islamist movements in their effort to gain power. It is now being challenged by some intellectuals and women’s rights activists of the region, individuals whose voices need to be heard more often.

CHRONICLE OF HIGHER EDUCATION, OCTOBER 10, 2003.

⁹ *CHRONICLE OF HIGHER EDUCATION*; Sheila Sahar. "Iranian Feminist Wins Nobel Peace Prize." News & Letters, vol. 48, no. 9, November 2003, p. 2.

Endnotes

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¹ MARGARET ATWOOD, *THE HANDMAID'S TALE* (1986).

² *Bosnian Feminists Shatter Myth About War* an interview with Diana Kapidzic & Aida Daidzic, representatives of women refugees from Bosnia, in *BOSNIA-HERZEGOVINA: ACHILLES HEEL OF WESTERN "CIVILIZATION"* (Chicago: News and Letters, 1996).

³ Human Rights Watch, *Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, 14 HUMAN RIGHTS WATCH PUBLICATIONS 9, 11 (2002), available at www.hrw.org/reports/2002/bosnia/Bosnia1102.pdf.

⁴ *Id.*

⁵ Human Rights Watch, *Federal Republic of Yugoslavia: Kosovo-Rape as a Method of "Ethnic Cleansing"* (2000), available at www.hrw.org/research/europe.php.

⁶ *Id.*

⁷ *Id.*

⁸ Human Rights Watch, *Afghanistan: Humanity Denied*, 13 HUMAN RIGHTS WATCH PUBLICATIONS 5, 2 (2001), available at www.hrw.org/reports/2001afghan3/afgwrdr1001.pdf. SEE ALSO VAL MOGHADAM, "PATRIARCHY, THE TALEBAN, AND THE POLITICS OF PUBLIC SPACE IN AFGHANISTAN," *WOMEN'S STUDIES INTERNATIONAL FORUM*, VOL. 25, NO. 1 (SPRING 2002), PP. 19-31. REPRINTED IN *SEPTEMBER 11, 2001: FEMINIST PERSPECTIVES*, EDITED BY SUSAN HAWTHORNE AND BRONWYN WINTER, AUSTRALIA: SPINIFEX PRESS, 2002.

⁹ Human Rights Watch, *Afghanistan: Humanity Denied*, 13 HUMAN RIGHTS WATCH PUBLICATIONS 5, 2 (2001), available at www.hrw.org/reports/2001afghan3/afgwrdr1001.pdf. at 8.

¹⁰ *Id.*

¹¹ *Id.* at 2.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Press Release, Human Rights Watch, *New Report Charges Serious Discrimination* (25 Oct. 2000), available at www.hrw.org/press/2000/10/ku102500.

¹⁶ *Id.*

¹⁷ Human Rights Watch, *Kuwait: Promises Betrayed--Denial of Rights of Bidun, Women, and Freedom of Expression* (2000), available at www.hrw.org/reports/2000/kuwait/kuwait-05.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Press Release, Human Rights Watch, Nigeria: Woman Sentenced to Death Under Sharia (23 Oct. 2001), available at www.hrw.org/press/2001/10/nigeria1023 AND NIGERIAN SPARED DEATH BY STONING,” *BBC NEWS WORLD EDITION*, SEPTEMBER 25, 2003.

²³ Somini Sengupta, *Facing Death for Adultery, Nigerian Woman is Acquited*, N.Y. TIMES, 26 Sept. 2003, at A3.

²⁴ XIII NEWSHEET . (JAN. 2002). NEWSHEET IS A PUBLICATION OF SHERKATGAH (LAHORE, PAKISTAN), AND IS AFFILIATED WITH THE INTERNATIONAL NETWORK OF WOMEN LIVING UNDER MUSLIM LAW (WLUML).

²⁵ XIII NEWSHEET (Jan. 2002).

²⁶ Human Rights Watch, *Human Rights in Saudi Arabia: A Deafening Silence*, HUMAN RIGHTS WATCH BACKGROUNDER 4 (2001), available at www.hrw.org/backgroundunder/mena/suadi/saudi.pdf.

²⁷ *Id.*

²⁸ *Id.*

²⁹ See U.S. Department of State, *Background Note: Saudi Arabia* (Nov. 2001), available at www.state.gov/r/pa/ei/bgn/3584.

³⁰ Human Rights Watch, *Human Rights in Saudi Arabia: A Deafening Silence*, HUMAN RIGHTS WATCH BACKGROUNDER 4 (2001), available at www.hrw.org/backgroundunder/mena/suadi/saudi.pdf.

³¹ *Id.* at 4-5.

³² *Id.* at 5.

³³ Press Release, Human Rights Watch, Sudan Blasted on Women’s Ban (8 Sept. 2000), available at www.hrw.org/press/2000/09/sudan908.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Memorandum from Human Rights Watch on Syria’s Compliance with the International Covenant on Civil and Political Rights, to the United Nations Human Rights Committee, available at www.hrw.org/press/2001/04/syriam-0405.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See the Personal Status Law No. 34, discussed in Memorandum from Human Rights Watch on Syria’s Compliance with the International Covenant on Civil and Political Rights, to the United Nations Human Rights Committee, available at www.hrw.org/press/2001/04/syriam-0405.

⁴¹ *See id.* art. 21.

⁴² *See id.* art. 18.2.

⁴³ *See id.* art. 48.2.

⁴⁴ *See id.* art. 73-74.

⁴⁵ *See id.* art. 17.

⁴⁶ *See id.* art. 105-15.

⁴⁷ *See id.* art. 548.

⁴⁸ Human Rights Watch, *Uzbekistan: Sacrificing Women to Save the Family?*, 13 HUMAN RIGHTS WATCH PUBLICATIONS 4, 3 (2001), available at www.hrw.org/reports/2001/uzbekistan/uzbek0701.pdf.

⁴⁹ *Id.* at 9.

⁵⁰ *Id.* at 10.

⁵¹ *Id.*

⁵² *Id.* at 3.

⁵³ *See id.*

⁵⁴ *Id.*

⁵⁵ Press Release, United Nations Committee on Elimination of Discrimination Against Women, Committee Experts Commend Tunisia's "Great Strides Forward" in Promoting Equality Between Women, Men (14 June 2002), available at www.un.org/News/Press/docs/2002/wom1348.doc.

⁵⁶ Susan Sachs, *In One Muslim Land, an Effort to Enforce Lessons of Tolerance*, N.Y. TIMES, 16 Dec 2001, § 4, at 4.

⁵⁷ XIII NEWSHEET, *supra* note 25.

⁵⁸ *Ibid*

⁵⁹ Eric Goldstein, *While the West Backs Algeria's Rulers, the People Suffer*, INT'L HERALD TRIB., 12 Jan. 2002, available at www.hrw.org/editorials/2002/algeria_011202.

⁶⁰ *See* Marnia Lazreg, *Citizenship and Gender in Algeria*, in GENDER AND CITIZENSHIP IN THE MIDDLE EAST 58, 66 (Suad Joseph ed., 2000).

⁶¹ *Id.* at 67.

⁶² *Id.* at 67-68.

⁶³ *See id.* at 68-69.

⁶⁴ *Id.*

⁶⁵ XIII NEWSHEET, SUPRA NOTE 25.

⁶⁶ XII NEWSHEET (Jan. 2000).

⁶⁷ FOR DETAILS OF BOTH CASES SEE JANET AFARY, SPECIAL SUPPLEMENT ON "THE ASSOCIATION FOR MIDDLE EAST WOMEN'S STUDIES" IN THE *International Federation for Research in Women's History*, VOL. 32 (FALL 2001).

⁶⁸ Nadjé S. Ali, *Women's Organizations in Egypt*, AL-RAIDA (Summer/Fall 2000).

⁶⁹ For human rights of Iranian women *see generally*, REZA AFSHARI, HUMAN RIGHTS IN IRAN: THE ABUSE OF CULTURAL RELATIVISM (2001); ELIZABETH MAYER, ISLAM AND HUMAN RIGHTS (1995).

⁷⁰ *See generally* Press Release, Human Rights Watch, Iran Blocks Overseas Education for Women: Reform Effort to Give Broader Rights to Women Scuttled (26 Jan. 2001), available at www.hrw.org/press/2001/01/iran0123.

⁷¹ AFSHARI, *supra* note 69, at 256.

⁷² JIM MUIR, "CONDOMS HELP CHECK IRAN'S BIRTH RATE," BBC WORLD NEWS, APRIL 24, 2002.

⁷³ Parvin Ardalan, *Majaraha-yi Ta'sis-i Reshteh-yi Motale'at-i Zanan*, 81 ZANAN 36-39 (2001); XIII NEWSHEET, *supra* note 25.

⁷⁴ XIII NEWSHEET, *supra* note 25.

⁷⁵ Deborah Sontag, *Israeli Official is Found Guilty of Sex Charge*, N.Y. TIMES, 22 Mar. 2001, at A4.

⁷⁶ *Id.*

⁷⁷ SEE AL-RAIDA VOL. XX, NO. 100 (WINTER 2003), P. 106.

⁷⁸ *Id.*

⁷⁹ Abir Handun, *Women Centers in Jordan*, AL-RAIDA (Summer/Fall 2000).

⁸⁰ Press Release, Human Rights Watch, Jordanian Parliament Supports Impunity for Honor Killings (27 Jan. 2000), available at www.hrw.org/press/2000/01/jord0127.

⁸¹ FOR MORE INFORMATION SEE THE WEBSITE OF THE JORDAN MINISTRY OF FOREIGN AFFAIRS, WWW.MFA.GOV.JO/PAGAES.PHP?MENU-ID=75

⁸² Interview, Mona Khalif, Editor, *Al-Raida*, Bellagio, Italy (Aug. 2001).

⁸³ The Casablanca Declaration of the Arab Human Rights Movement, *adopted 23-25 April 1999*, First International Conference of the Arab Human Rights Movement, *reprinted in Middle East & Islamic Studies Collection available at www.library.cornell.edu/colldev/midest/casadecl*.

⁸⁴ *Id.*

⁸⁵ Fatima Sadiqi, unpublished paper presented at Bellagio, Italy (Aug. 2001); FEMINIST MOVEMENT: ORIGIN AND ORIENTATION (Fatima Sadiqi ed., Fez: Centre d'Etudes et de Recherches sur la Femme, 2000).

⁸⁶ STEPHANIE IRVINE, "MOROCCO WOMEN WIN RIGHTS," *BBC NEWS UK EDITION*, OCTOBER 11, 2003.

⁸⁷ *Eileen Kuttab Recounts*, *AL-RAIDA*, (Summer/Fall 2000).

⁸⁸ *NEWSHEET*, *supra* note 25.

⁸⁹ *AL-RAIDA VOL. XX, NO. 100 (WINTER 2003)*, P. 96 & P. 122.

⁹⁰ Human Rights Watch, *Human Rights in Saudi Arabia: A Deafening Silence*, *supra* note 30, at 5.

⁹¹ *Id.*

⁹² Personal e-mail from Eleanor Doumato, Saudi Arabia, Fall 2002 (on file with author).