

COMPENDIUM

Gender Reforms in the Middle East

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Gender Reforms in the Middle East

Egypt

Kritika Karmakar^{1}*

Introduction

In his article titled “the Egyptian Roots of Feminism”, Khalid Diab argues that the Egyptian civilization has largely been viewed as a “distant and exotic land” (Diab, 2017) by the West and that this perception has dimmed the influence that the civilization has had on the contemporary life of the West. One aspect that generally goes unacknowledged is that of gender equality in the ancient Egyptian civilization. Peter A. Piccione (Piccione, Excursus III: The Status of Women in Ancient Egyptian Society, 1995) in his works on ‘Women of Ancient Egyptian Society’ takes a look at the various social, political, legal and economic freedoms enjoyed by women of the time. From exercising equal property rights to holding important positions in the bureaucracy as compared to their male counterparts, women of ancient Egypt enjoyed far more freedoms as opposed to what they do today. However, these freedoms were not just limited to males and females but also extended to the other genders. Even though the exact societal status of the non-binary genders is still unknown, archeologist and anthropologist have recognized the possibility of the “third gender” (Matić, 2016), by analyzing ancient Egyptian texts and sculptures. In most cases, these ambiguous gender systems were worshipped as gods such as Neith and Mut.

However, as per the 2015 Global Gender Gap Index, Egypt ranks 136 out of 145 countries worldwide (“Gender Equality and Women's Empowerment | Egypt | U.S. Agency for International Development”, 2021), making it one of the lowest ranking nations in terms of gender equality. Additionally, the Egyptian government as of 2020 has officially refused to recognize the existence of the LGBTQ (lesbian, gay, bisexual, trans, queer) community, thereby denying the existence of gender identity and sexual orientation (Younes, 2017). This is a stark contrast to that of its historical past. But what caused this change? This essay will

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take an objective look at the evolution of gender roles in the Egyptian society over the decades, and will attempt to understand the status of women and other genders in light the socio-political context of the time. The first section of the paper will provide a historical overview of the various feminist movements and their evolution under every political regime. The second section will focus on the contemporary laws and policies passed by the Egyptian government that might have affected women and the LGBTQ community, in addition to accounting instances of violence and human rights abuses against them.

A Historical Overview

18th and 19th Century Egyptian Society and Status of Women

Under the Ottomans, the status of women was primarily determined by the male members of the family. Being a patriarchal society, a woman's role as a wife or a concubine served as an essential element of the socio-political power hierarchies. In Mary Fay's book, "Unveiling the Harem: Elite Women and the Paradox of Seclusion in Eighteenth-Century Cairo", she describes the importance of the *harem*² and how it served as a tool for controlling women's sexuality and status in society. She states that, "the *harem* should be regarded a key component of the political household system constructed by the Mamluks because it facilitated control of women's sexuality and the creation of alliances through marriages and concubinage that enhanced the power of the household" (Fay, 2012). On the other hand, even though most positions of power were male-dominated, women did exercise many economic and legal freedoms as granted by Islam. Marriages were also a way to elevate a woman's status and power in society and allowed her to own property and find other investment opportunities given Egypt's robust trade relations at the time.

However, with the arrival of the French in the 1700's, attitudes towards women's rights started to change. The traditionally veiled Egyptian women were influenced by the "Western women", who introduced the notions of freedom, and sexual autonomy. In order to freely associate with the Frenchmen, Egyptian women started to unveil and, in some ways, moved away from the conservative traditions laid down by Islam. This was viewed as a revolution in itself. By the

² Harem is a term used (in former times). It is a separate part of a Muslim household reserved for wives, concubines, and female servants.

end of the 18th century, after the withdrawal of the French campaign, women could be seen participating in political movements (Shaker, 2014), which eventually paved the way for the Egyptian feminist movement.

With the departure of the French, the Ottomans re-filled the power vacuum under Muhammad Ali's reign. The main aim of Muhammad Ali was to establish a strong European style state, which he achieved by introducing many social, military, economic and political changes. As part of his modernization process, he prioritized women's education and developed various institutions to enable them. Given that prior to the 19th century, education was primarily controlled by the *Ulama*, in the form of theological seminaries, which was only limited to educating males, Muhammad Ali appointed a Council for Public Education which was responsible for creating a state system for girl's education. But this failed to be implemented (Bekhet, 2014). However, in 1826, Captain Robillard from Charles X's sloop La Truite, made a proposition to Muhammad Ali to send an envoy of forty-three Egyptian civilians to pursue studies in Paris (Silvera, 2021). This opened pathways for Egypt to receive Western education for the first time. But most students who went abroad to seek higher education were male. Nevertheless, they returned to their homeland with new views and ideas about the world.

Despite Muhammad Ali's attempts to propagate secular Western education for all, this was largely restricted to the elite class. In 1832, he introduced the first school for the girls belonging to the lower classes (Abdulaal, 2018), yet this did not receive a lot of support from the French missionaries. Muhammad Ali's grandson, Ismail, continued his work on female education and greatly expanded it by creating a network of public schools at primary, secondary and higher levels. Furthermore, Ismail's wife who was also in charge of girl's education set up the first school for girls in 1873 ("Egypt - EDUCATION", n.d.). But this school only served the daughters of the elites and the white slaves (Bekhet, 2014).

Moreover, with the importance laid on women's education and the introduction of free press during Muhammad Ali's reign, by the 1860's, many feminist writings in the form of essays, poems and tales were published. Interestingly enough, feminist advocates were mainly men who had received liberal education abroad. This included Riffa al-Tahtawi, who published his book *A Guide to Education of Girls and Boys*, in 1872 (Abdulaal, 2018), and his subsequent books along with Ali Pasha Mubarak in 1869 and 1875, that advocated for women's education and called for reforms in the system to better recognize women's rights; validating it from the Quran and Sunna (Bekhet, 2014). Even with the stagnation of state education under the British

rule, proponents of women rights and education continued writing about it. Eventually, Malak Hifni Nasif became the first Egyptian woman to become a teacher in 1911. She went to the Egyptian legislative assembly to propose her 10-point program for women's emancipation, which suggested elementary schooling for all girls and training for medical and training professionals. (Abdulaal, 2018)

Anti- Colonial protests and a shift from Liberalism

With the advent of 20th century, and the increasing British control over the nation, the feminist writings of the previous decades led to a political awakening, where women like Huda al-Sha'arawi, Umm Kulthum and Doria Shafik stepped into the public space and actively took part in the nationalist movement. By working alongside their male nationalist counterparts in 1919, Egyptian women not only managed to lay down their specific feminist demands but also were able to build a power base for their movement with the help of their political connections (Ramdani, 2013). However, after the partial independence gained by Egypt in 1922, women nationalists and feminists were sidelined by the Wafd party and found their political rights being curtailed. After the Muslim brotherhood was established by Hassan al-Banna in 1928, anti-western sentiments were encouraged and politics was mixed with religion. Islam was used as a tool to curb women's rights that supported the conservative and traditional views of women as a mother and a wife.

But this did not dissuade the feminist movement which was still largely restricted to the elites. In 1923, Huda al-Sha'arawi co-founded the Egyptian Feminist Union (EFU) and created two newspapers in French - l'Egyptienne in 1925 and al Massriya in 1937 (al-Hakim, 2020). In order to continue with their fight for equal rights in light of the curtailed formal political freedoms, many other feminists resorted to "informal networks of activism" (al-Hakim, 2020); which was done by setting up unions similar to al-Sha'arawi's EFU. These included the Muslim Women's Society set up in 1936 by Zaynab al-Ghazali and the Daughters of the Nile Union established by Doria Shafiq in 1948.

State Feminism and a new era of gender politics under Nasser

With over a decade of fighting against a conservative religious authoritarian system for basic freedoms, the election of President Abdel Gamal Nasser in 1954, proved to be a turning point for the feminists and women's rights activists at the time. According to many scholars and

historians, Nasser's reign is often considered as the 'golden age' for women's rights (al-Hakim, 2020). However, this remark has been met with considerable criticism.

Even though Nasser ended the monarchy, his rule was still authoritarian in nature, which did not encourage free press and exerted control over all aspects of society. Given that the feminist movement gained momentum as the Egyptian Free Officers came to power, many women believed that women's rights could be advanced only if amendments were made to the Egyptian constitution. The Free Officers however did not wish to grant too many social and political rights to women which eventually led to many protests, including Doria Shafiq's hunger strike in 1954 (Sika & Khodary, 2012). Ultimately the demonstrations succeeded as women were granted the right to vote according to the Egyptian constitution for the first time in 1956. Soon after, the Nasser administration ensured the inclusion of women rights with development, modernity and welfare of the state. This led to a series of economic, political and employment opportunities for women. State laws were revised which provided more opportunities for high school and graduate students to be employed with the government. Additionally, the right to education was for all sexes. This could be seen in the 1963 revision of the Egyptian constitution which declared that all Egyptians were equal under law, and discrimination on the basis of gender, race, language, religion, etc. was forbidden (Hatem, 1992). This gave rise to the concept of 'state feminism' as women sought employment and also enjoyed benefits such as maternity leave and child care.

But despite the rights and freedoms provided by the state, one must not forget that Nasser's administration was still a dictatorial regime. Irrespective of the progressive changes which was brought about in the Egyptian society, the feminist movement appeared to be regulated by the state in many ways. The Revolutionary Command Council (RCC) which was formed in 1952, became the leading political party of the nation and any other opposing parties were outlawed. This increased state regulation was further institutionalized in the form of the Ministry of Social Affairs, which was tasked with the supervision of civil societies. A law passed at the time, gave the Ministry of Social Affairs ultimate control over the actions of the civil societies. Feminist welfare associations too came under its ambit. In accordance to this, the first Egyptian Feminist Union which was an independent women's organization was banned by Nasser and was modified into a service-oriented charity institution (Sika & Khodary, 2012). This indubitably made it difficult for the feminist movement to advance their agenda.

Harvest Braverman while writing for the American Socialist in 1959 accurately pointed out that, “*The hallmark of the present military regime is while sincerely seeking the industrialization and modernization of Egypt, it hopes to achieve that goal without breaking up the old social structure.*” (Bastawy, n.d.) Nasser’s progressive modernist policies with regards to women’s rights only managed to leave a mark on the public sphere, without altering the social structures. The private sphere was still largely unaffected by the ideological changes that were being brought about in the Egyptian society. While it did manage to economically enable women to a certain degree, the familial and conservative religious views about women and other genders remained unchallenged.

The Sadat Regime- Balancing gender, religion and politics

Carrying forward with the notion of maintaining the old social structure, Nasser’s successor, Anwar Sadat who gained power in 1970, primarily focused on appeasing the conservative Islamists, whilst conforming to international pressure. Sadat on joining office suppressed the supporters of Nasser and then went on to form alliances with the Islamists. This led to an Islaminst revival which proved to be damaging for the women’s movement in Egypt (Torunoglu, 2016). This political change was followed by a series of legislative changes that seemed restrictive of women’s rights and had a more religious leaning. In 1971, an amendment was made to the Egyptian constitution which stated that, “*The state shall guarantee harmonization between the duties of woman toward the family and her work in society, ensuring her equal status with man in fields of political, social, cultural and economic life, without violation of the rules of Islamic jurisprudence*” (Doss, 2012). This shift towards the Islamic sharia was seen as a step away from gender equality. Additionally, the state’s authoritarian control over the civil societies prevailed, further curbing the actions of women’s organizations.

It was only towards the end of the 1970’s when the Sadat regime started to encourage women’s rights. But one reason for doing so was the international attention at the time and the introduction of the economic policy of *infitah* (open door) by Sadat. Apart from the Sadat regime had also signed many international treaties one of them being the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 (Gómez-Rivas, 2011). In order to gain the favor of the West, Sadat and his wife Jihan Sadat launched many missions and programmes that were aimed at uplifting the socio-political, economic and

legal rights of Egyptian women. From 1975- 1985 which was deemed as the UN decade of Women, Jihan Sadat backed by the international and Egyptian feminists highlighted the various prevalent gender issues as well as initiated many welfare reforms regarding women's legal rights in polygamy, marriage, child custody etc. This informally came to be known as "Jehan's laws". Sadat eventually established the Egyptian Women's Organization and the National Commission for Women which was to handle concerns of family planning, child welfare and illiteracy. Apart from that the Personal Status Law was also amended in 1979, however this was short lived as it faced strong opposition from the Islamists and was eventually nullified in 1985. (Miller, 1985)

Appeasing the Fundamentalists- The Mubarak Regime

After the assassination of Anwar Sadat, President Mubarak, took over. From Sadat's regime, Mubarak had inherited the increasing Islamic fundamentalist pressure at the same time the surging feminist movement, in addition to the international commitments that Egypt had previously made. Even though women were an essential part of the administrative and socio-political structure of the nation, the rising Islamic conservatism hindered the feminist movements in many ways. Gender studies scholar, Nadjé Al-Ali explains this as, "increased confrontation with the Islamists over the implementation of the *Shari'ah* law," pressuring the Mubarak regime to "legislate and implement more conservative laws and policies toward women and to diminish support for women's political representation." (Torunoglu, 2016) The Mubarak regime to a certain extent did give into this pressure. One example of this was the nullification of the Personal Status Law of 1979. However, many other laws and policies were set in place to encourage women's rights, despite the religious political opposition.

There was an emergence of an increased number of women rights organizations, but as was seen during the previous regimes, these organizations too were closely monitored and associated with the state. The Mubarak regime passed the NGO law which gave the Ministry of Social Affairs the power to dissolve any NGO. Despite the highly restrictive policies, the number of women led civil society organizations exponentially increased over the next few decades, from around 10,000 in 1998 to almost 30,000 by 2008 (Sika & Khodary, 2012). Apart from that in the year 1993, Aziza Husayn was appointed the head of National Preparatory Committee for NGOs, before the convention of the UN Conference on Population and Development in Egypt. Being a woman, Aziza took this opportunity to advance and mobilize women rights groups and activists. Similar to the previous first lady of Egypt, Suzanne

Mubarak, the wife of the President, also actively partook in the leading women's rights movement. In 2000, the National Council for Women (NCW) was formed and Suzanne Mubarak was elected as its President. The NCW advocated against violence faced by women, such as Female Genital Mutilation (FGM), and fought for the rights of women in various spheres of society. But according to Abu-Lughod, this move was seen as the "governmentalization of women's rights" (Magdy, 2017).

Contemporary Egypt

Blurring public and private spheres- women participation in key uprisings

Throughout Egyptian history, under the various political regimes, the women of Egypt have always found a way to state their claims and fight for their rights; as elucidated upon in the above section. However, it is essential to make note of the female participation in key socio-political movements in order to understand their demands from the state. Since 2000, women have actively participated in uprisings and protests of various kinds. One of them being the *Kefaya* (Enough) movement of 2004. The movement protested against the then president Hosni Mubarak on the belief that he was to transfer power to his son, Gamal. However, this protest also had socio-economic underpinnings. Women were seen actively participating in these protests. According to Diane Singerman, one reason for increased women involvement in the movement was the surging unemployment rates, clubbed with the preexisting patriarchal mindset which called for women to quit working upon their marriage (Singerman, 2013). As per the Population Council of the Egyptian Cabinet, in 2006, around 87 percent of the females were unemployed as compared to the 39 percent of males. Given that the focus on education was one of the best strategies that elevated the status of women in the Egyptian society, the increased female unemployment affected their position in both the public as well as the private sphere. The *Kefaya* movement eventually paved the way for the subsequent 2006 and 2008 Mahalla strikes, which was carried on by the labor union. These demonstrations too were in light of the deteriorating economic conditions and demanded new minimum wages, meal allowances and increased investments (El Sharnoubi, 2013).

The series of relatively smaller protests eventually gave rise to the 2011 uprising against the authoritarian state. A significant part of which were women. On 25th January, 2011, masses filled the Tahrir square in Egypt. What was remarkable during this particular protest was the

diversity seen among the various genders as well as the classes present. Women belonging to different classes and socio-economic backgrounds were part of the demonstrations. Majority of the female protesters were university students; this went on to show that the younger generation of Egyptian women are better informed and more politically engaged as compared to their predecessors. The 2011 uprising was a time when societal restrictions on women were visibly lax, as mothers permitted their daughters to step out on the streets to protest (Hammond, 2011).

The impact of the uprising was felt even after the demonstrations got over. As a result of the involvement in one of the major protests in Egyptian history, many young women, who had no prior experience in social and political organization, started off many grassroots initiatives, for gender-specific issues (Khorshid, 2021). Another tool that has enabled females to actively engage with socio-political issues despite the traditional patriarchal restrictions, is the use of social media. Even during the 2011 protests, social media was used as a medium to connect with people across the nation and garner support. The presence of Egyptian women on social media is increasing over time, albeit slowly (Kuhlow, 2013). The ability to voice their opinion on social media allows women to step into the public sphere, irrespective of the restrictions and provide newer perspectives.

Laws, policies and representation

According to the World Economic Forum, in 2012, female labor participation was at 24 percent as opposed to that of males which was at 79 percent (Abdulaal, 2018). Over the years these numbers only seemed to have declined, as according to the International Labour organization's (ILO) 2016 report, around 22.5 percent of the labor force of Egypt constitutes women, making it one of the lowest across the globe. In addition to that the number of females seeking employment or are unemployed is four times higher than that of males (International Labour Organization, 2021). The exact statistics on the participation of the LGBTQ community in the labor force is still unknown, however, it has been reported that while seeking employment opportunities, the community has faced discrimination from both governmental and non-governmental actors alike ("TIMEP Brief: LGBTQ Human Rights in Egypt", 2019).

Even though the Egyptian government has taken steps to encourage women employment over the years, they still fall short. An introduction of a few laws and policies have been made over

time, along with several amendments to the labor code. One of the amendments made in the labor code was the prohibition of women (especially in the industry sector) working the night shift, or an one hour early sign out for women with children. Apart from that, in 2008 the duration of maternity leaves was extended from three months to four months. Additionally as per the existing labor code, women's involvement is prohibited from hazardous work but are allowed to have a maximum of two maternity leaves, and unpaid childcare for a maximum of two years (Japan International Cooperation Agency (JICA), 2018). Despite these alterations and introductions of new policies, the number of females and members of the LGBTQ community in the labor market are still remarkably low.

On the other hand, literacy rates and numbers surrounding women's access to education have been relatively high. As per the Egyptian school system, the level of education is categorized on the basis of age- the pre-university (pre- primary, primary and secondary) and university or higher education. According to the Borgen project, girls make up 103.67 percent of primary level education where boys make up 103.59 percent, whereas in tertiary education, girls consist of around 34.85 percent of those enrolled and boys make up for 34.04 percent. (Project, 2018) The government of Egypt has introduced various policies aimed at encouraging female education. The sustainable development strategy which is a part of Egypt's 2030 vision, is a gender inclusive policy which aims to provide high quality of education for all, without discrimination and equip students with necessary technical and technological skills. A similar plan was introduced by the MoETE (Ministry of education and technical education), the strategic plan for pre-university education 2014-2030 (Japan International Cooperation Agency (JICA, 2018). However, it does not have any special provisions for females. Apart from state funded provisions, many international organizations work closely with the Egyptian government to promote and enable women's education in the country. One of them being UNESCO, that supports community schools for girls, and since 2010, around 27,747 children (62 percent girls) aged between 4 to 16 years of age have enrolled in 1,002 community schools in Egypt ("Egyptian girls empowered to choose education", 2018).

Apart from understanding the status of women in the educational and employment sectors it is also essential to make note of the female representation in the administrative framework of the nation. Even though, the seats reserved in the parliament for women have always been significantly lesser than the seats reserved for their male counterparts, in 2015, the Egyptian parliament experienced a record-breaking participation of women. As opposed to the previous

years, women in 2015 were in control of 75 seats, around 14.9 percent of the total seats in the parliament (Hassan, 2018). In addition to that over the past decade, many landmark rulings have been passed by the Egyptian judiciary in favor of women empowerment. In 2014, the new constitution stated that necessary measures regarding the representation of women in the parliament is required (Tadros, 2019). In addition to that in 2008, the supreme judicial council allowed women to sit on the bench as judges for the first time in the nation's history. ("Refworld | Women's Rights in the Middle East and North Africa 2010 - Egypt", 2010) However, the implementation of this law is still faced with some impediments as discrimination against women is still prevalent and the appointment of female judges is not allowed as per Islamic law.

Besides the policy and legal changes made by the Egyptian government in the sectors of education, employment and parliamentary representation, over the past decade some other laws too have been passed to safeguard women from violations. The Egyptian judiciary has increased the minimum age of marriage to 18 years as well as criminalized the practice of Female Genital Mutilation (FGM) ("Refworld | Women's Rights in the Middle East and North Africa 2010 - Egypt", 2010). Given that child marriage still remains an important problem in the Egyptian society, in 2017, the NCW drafted a law on Combating Marriage of Minors, which led to the eventual ruling passed by the judicial council regarding increasing the minimum age for marriage (United Nations Development Programme, 2018). In addition to these provisions, in 2004, the National Law of 1975 was amended to grant Egyptian women who were married to non-Egyptian men the right to pass their nationality to their children. (United Nations Development Programme, 2018) With respect to countering sexual abuse, on 4th of June 2014, a new law was passed that criminalized sexual harassment in any form- including, verbal, physical, behavioral, phone and online sexual harassment ("Gender-based violence", n.d.). This was the first time when sexual harassment had been criminalized in Egyptian history.

Gender based violence and discrimination

In a research study carried out by UN Women in 2013, around 99.3 percent of Egyptian females reported having faced some sort of sexual harassment in their lifetime. As per the same study, 82.6 percent of the females felt insecure in the streets and 86.5 percent felt unsafe in public transportation systems ("Gender-based violence", n.d.). The ECWR (Empowerment and Aid project), categorized violence against women in mainly four groups- violence committed by institutions of the state, domestic violence, female genital mutilation and structural violence

and discrimination and barriers to women's political participation ("Violence Against Women in Egypt", n.d.). In recent years, the cases of sexual violence perpetuated by Egyptian police and armed forces has escalated exponentially, especially after the 2011 protests against Honsi Mubarak. Multiple instances of sexual assault have been reported around Tahrir square, where the protests took place ("Women in Egypt stand strong against "sexual terrorism" - News - Gender Concerns International", n.d.). Additionally, ever since the military took over in 2013, cases of sexual violence have increased as law enforcement officials have been reported to sexually, physically and verbally abuse women ("Egyptian authorities using sexual violence on 'massive scale'", 2015). Despite the interests shown by international NGOs such as Amnesty international to address the issue of grave discrimination and violence against women, the morsi government has not taken any steps to combat the issue. ("Amnesty International documented a pattern of recent mob-led sexual assaults on women in Cairo's Tahrir Square, including rapes, and called on President Morsi to take urgent steps to bring the perpetrators to justice, saying impunity for these crimes only fuels more assaults.", 2013) Activists claim that this is a part of a political strategy, to women out of public spaces. This is deemed as sexual terrorism.

Apart from instances of sexual and physical violence perpetrated by the state agencies, cases of FGM have also been a prominent concern though out the middle east as well as in Egypt. According to the 2014, Demographic and Health Survey (DHS), 92 percent of Egyptian married women between the ages of 15 and 49 have undergone FGM ("Female genital mutilation", n.d.). Moreover, in recent years, this practice is condemned upon and has also been criminalized by the state. The rate of FGM has also been on a steady decline over the past five years (Van Rossem & Meekers, 2020). Another issue faced by Egyptian women is domestic violence. Given that Egypt is patriarchal society, women are constantly subjected to restrictions, unfair societal expectations and other injustices in the private sphere. About half the women interviewed by the ministry of health, said that they had experienced some form of domestic violence. Even though the official numbers stated by the Egyptian government are faulty, as per amnesty International's research, most of the interviewed women have reported instances of violence by their partners, or family members, as well as psychological and verbal abuse faced by them, in light of the failing legal system. ("“CIRCLES OF HELL:” DOMESTIC, PUBLIC AND STATE VIOLENCE AGAINST WOMEN IN EGYPT", 2021) According to the UN Gender and Justice report on Egypt, there is no specific law against domestic violence (Abdulaal, 2020). Presently, at the time of the COVID-19 pandemic, Egypt has reported a total of 415 violent crimes against women, in 2020 alone. ("Egypt sees gender-

based violent crimes rise to 415 during 2020: Edraak Foundation | Salaam Gateway - Global Islamic Economy Gateway", 2021)

Some of the main reasons for the increasing violence against women is the patriarchal attitudes towards them. Most victims of domestic abuse are unable to seek legal help due to the discriminatory marriage and divorce laws. Furthermore, the stigma surrounding divorced women discourages many to seek help. But women aren't the only ones who are subject to constant discrimination in Egypt. Reports of harassment and discrimination against the LGBTQ community have also been reported over the years. But the violence and state persecution of the community has been prevalent from the early 2000's. In May of 2001, one of the best-known cases against the LGBTQ crackdown was reported. The Cairo based discotheque, the "Queen boat", which was known to be frequented by gay men, was raided by the police, which led to the arrest of 52 men. They were accused of blasphemous conspiracy. The Egyptian media too portrayed them as "sexual perverts" and "Satan worshipers" ("In a Time of Torture", 2004).

The Human rights Watch reported that ever since 2013, the Egyptian police and the national security agency has regularly been detaining gay men under inhuman conditions, which often lead to torture and sexual harassment. Ever since the Mashrou' Leila concert in 2017, in Cairo, the government has launched an anti-LGBTQ crackdown. This was reportedly triggered after the pride flag was waved at the concert, which led to many fierce oppositions from conservative politicians and religious leaders, who pressured the government to take actions against it ("Egypt: Stop Anti-LGBT Crackdown, Intimidation", 2017). Even though no law according to the Egyptian constitution directly targets same-sex relations, law 10 of 1951 prohibits debauchery. This law was set in place to criminalize sex work and does not explicitly point towards same-sex relations. However, as an aftermath of the 2017 Mashrou' Leila concert, many Egyptian parliamentarians proposed a draft law that would directly criminalize acts of homosexuality as well as acts that supported the LGBTQ community. This law was not passed ("TIMEP Brief: LGBTQ Human Rights in Egypt", 2019).

Conclusion

Being the part of the Arab world, Egypt has been accused of conservative laws and policies that have been unjust to women and other genders. This accusation to a certain extent stands true. Egypt's past is rich with mentions of a number of strong women who challenged the

traditional Islamic outlook towards women and demanded equal rights. Even though, with the rise of the Islamist fundamentalists, and the pressure from the Egyptian government has stifled the feminist movement in many ways, younger generation of Egyptian women seem to walk into the footsteps of their ancestors. This was visible during the 2011 uprising, where significant women participation across all classes was observed. In a digitally connected era, Egyptian women today have access to social media platforms, that to a certain degree made their voices heard in public spaces. However, for many, access to digital spaces might not be an option given the limited resources and opportunities available to women. Additionally, increased political representation and participation of women has led to some violent crackdowns from the state government in the form of politically motivated sexual terrorism.

Despite the challenges, the literacy rates among women in today's Egyptian society is better in comparison to the previous years. But this does not guarantee their economic and financial freedoms as issues of unemployment and child marriages are still prevalent. Despite the introduction of numerous policies and laws by the Egyptian administration in the favor of women education and employment, the private sphere is still largely governed by patriarchal attitudes where women are subordinated. This seriously decreases the chances of women being independent, irrespective of their educational backgrounds.

But women are not the only ones, who have been a target of the increasing conservative Egyptian state. Considering the surging number of attacks and human rights violations carried out against the LGBTQ community, in recent years, the community is the most vulnerable to attacks from the state as well as religious institutions. Egypt even today is strongly influenced by traditional Islamist views and organizations. The failure of the state to recognize the rights of the members belonging to the LGBTQ community makes them susceptible to unjust laws and malpractices carried out by the law enforcement agencies. Bearing in mind the number of incidents that reported some form of physical, sexual and verbal abuse at the hands of police officials or the armed forces, it will not be wrong to assume that the nation is becoming extremely authoritative. In light of such a state, the protection of the rights and freedoms of not only women and the LGBTQ community but also any Egyptian citizen appears to be bleak.

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Iran

By Aulina Pandey^{3}*

Introduction

This paper analyses women's rights in contemporary Iran. The author seeks to explore how each regime that came to power in Iran from 1979 to 2020 has used women's rights as a political agenda to gain power and influence. The article intends to understand whether the lack of gender equality is a result of state practice and policy, the patriarchal mindset of the Islamic society towards women and the political parties of Iran. The article also analyses how such policies have affected the overall state of women's rights in Iran, as they exist today. The author suggests lifting the veil of ignorance with respect to the perspectives of Iranian women using Islamic feminism as a tool to gain equality and empowerment.

Women in Iran have been demanding equal right to representation and fighting against patriarchal state mandates and laws for over forty years now. A sustained effort has been carried out to achieve gender equality in terms of political, economic and social status. Civil disobedience movements and protests are a common phenomenon yet women continue to face a second-class citizen treatment since the revolution of 1979.

Women's rights in Iran before the Islamic Revolution of 1979 was quite different. Women still faced discrimination, however visible progress in terms of social and political rights were being made before 1979. Under the rule of the Shah of Iran in 1930's, women rights took significant strides for instance, banning the use of veils and headscarves and lived in an era of professional and personal freedom. This demonstrates that the current dire situation of women's rights in Iran wherein progress is backsliding or stagnant is different to the situation before the revolution. It sheds light on how women's rights could have been restricted as part of a political agenda rather than a cultural or societal practice in Iran. For instance, the Supreme Leader Ayatollah Ruhollah Khomeini who came to power in 1979 decreed that all women must wear

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a veil regardless of religion or nationality. This rule formed the foundation for Khomeini's overall opposition to the modernist ideology of the Pahlavi monarchy while the country struggled with attaining wider public political participation. It could be construed as a political strategy by Khomeini to gain support of a large section of society particularly the religious and conservative nationalists and Islamist fundamentalists, which eventually led to the undoing of years of advancement for the women in Iran.

Iran has a particularly abysmal record with ratifying international treaties and agreements dealing with women's rights. Furthermore, international statistics have shown the falling record of women empowerment and gender parity in the country. According the World Economic Forum report titled, *The Global Gender Gap in 2020*, Iran ranks 148 out of 153 countries. Additionally, in the regional classification it ranks 16 out of the 19 countries in the Middle East and North African region. (Global Gender Gap Report 2020) Iran had refused to ratify to international agreements such as CEDAW – Convention on Elimination of All Forms of Discrimination Against Women, stating that it goes against the Islamic laws and their religion. (Bakshizadeh) For instance, according to Iranian family laws there is no minimum marriageable age for men or women. Under Article 1041 of the Civil Code, children are free to marry at the age of 13 and 15 for females and males respectively. This law which itself goes against the international standards set by CEDAW has been considered un-Islamic by the leaders in Iran furthering the rift with domestic and international laws. With respect to the legal provisions, all citizens in Iran are governed by the Islamic rules governed by the Constitution, Civil Code and Shari'a-based law. Religion and law go hand to hand in Iran. This legitimizes "moral crimes" as reason enough to suppress and discriminate against women. Most of the civil society seems to have imbibed the principles of democracy; however, in doing so they have found themselves in direct contradiction with their religious beliefs. Thereby, principles of democracy like equality of representation and secularism are often overshadowed by the conservative attitude of religious fundamentalists who currently constitute a large part of the non-elected state structure.

The problem lies with the patriarchal mindset of the conservatives and the dilemma of modernity versus tradition. The fear of the society getting influenced by western ideologies was so great that women became a catalyst for the propagating the ideal Islamic tradition and a way to showcase nationalist solidarity. (Homa Hoodfar, 2010) Scholars have written extensively of the dualist state structure adopted by Iran wherein non-elected state institutions are able to influence and govern the elected ones or even the electoral process. (Homa Hoodfar,

2010) For instance, the role of The Guardian Council- a non-state entity that has not been clearly established by the Constitution- plays a significant role in curbing the political rights of women. The members of the council are handpicked by the Supreme Leader and are responsible for choosing candidates. It has rejected women from standing for parliamentary as well as Assembly of Experts candidacy till 2020. Even the Rouhani government during the presidential campaign, had made several promises to increase women's participation in the parliament and the Assembly of Experts – a body that chooses Iran's Supreme Leader. However, neither of these could be done due to grave opposition from the non-state entities. (Amirshahi, 2016)

The first part of the paper will deal with the state structure and political institutions as a means to propagate Islamic values and religious integrity. The second part will deal with contextualizing the concept of Islamic feminism in an attempt to decode agenda of the conservative patriarchal political institutions that curb the civil and political rights of Iranian women. The third part is an attempt to understand the primary obstacles to gender equality – the question is whether the unequal status of women in Iran is a result of undemocratic practices of the state or the religious traditions and societal practices.

Historical Overview of the Role of Women in Iran since the Revolution

The Muslim society has had a tumultuous past in all aspects. Iran was under the authoritarian rule of the Qajar dynasty from 1785 to 1925. As a result of discourse between Muslim intellectuals in civil society and an alliance between the modernists and traditionalists, the authoritarian rule of the Qajar dynasty came to an end. While the ideologies of the allies differed, both had similar goals in mind for the future of Iran. The modernists believed in the principles of democracy and equality of all citizens before law. And the traditionalists, known as *Ulama* (a conservative section of religious leaders), swore by the interpretation of holy texts and Islamic values. They believed that Muslim men were at a higher level than Muslim women and non-Muslims. Although both these sections wanted a constitutional and parliamentary state structure their approach to rights of men and women was fundamentally different. (Homa Hoodfar, 2010)

During the Pahlavi regime from 1925 to 1979, modernists enjoyed formal power in the state infrastructure. The Ulama, on the other hand, enjoyed informal power and commanded large support for their conservative and traditionalist outlook from within the society includes Mosques etc. They allied with the merchant class of the society which has strongly impacted the women's struggle for equality. This time period was comparatively better for women's rights in Iran. A number of liberal legal reforms were introduced during the Pahlavi regime and the modernists with respect to family law, right to divorce for the women, restriction in polygamous marriages and custody rights. It was also the beginning of weaponizing women's rights issue by political regimes to assert power. The power struggle largely was between the modernist Pahlavi regime and the conservative leaders. (Homa Hoodfar, 2010) While the Pahlavi regime sought to urbanize and industrialize Iran, its dictatorial tendencies and the establishment of a police state and lack of freedom lead to fear of loss of Iranian culture. It also led to the fear of westernization among most citizens of Iran.

The takeover of Iran by Ayatollah Ruhollah Khomeini's Islamic Revolution changed the status of women's rights drastically in Iran. He not only exercised full control over the government including the judiciary, legislature and the executive branches but also applied restrictive laws in the name of Islam to determine social and political rights which severely weakened the position of women in Iran. Apart from the decree on compulsory veiling, Khomeini also retracted several The Family Protection Law. This law provided protection to women with respect to polygamy or the marriageable age of women and banning women for specific professions. (Gashtili, 2013) His reign is often considered a dark period for women's rights. During the regimes of President Rafsanjani and President Khatami saw legal reforms to a certain extent and the removal of harsher laws against women. This was also because most of their voter basis and political agendas were on women's right and issues. A number of women organisations were also established systematically during this time. However, the ingrained patriarchy of the established state institutions could not be overcome. Since the Supreme Leader exercised power unilaterally derived from the divine intervention, most of the laws in place were based on Islamic law were interpreted from a male context. And, therefore propagated discriminatory practices such as only fifty percent inheritance for women or compulsory veiling to ensure modesty and restricting women from political or economic participation. Therein lies the issue. Furthermore, the conservative interpretation of the Shari'a law and the subsequent unequal treatment of women is inextricably woven into the Constitution of Iran and more importantly the Civil Code. (Gashtili, 2013)

Any progress made by the regimes whether the Khatami which saw a freer public sphere or Rafsanjani's presidency which advocated for stronger legal and educational access for women was curbed by undemocratic state structures such as The Guardian Council. These institutions still operate on the basis of unaccountable and unrestrained power of the supreme leader and strike down any gender equitable legal reforms as un-Islamic. (Homa Hoodfar, 2010)

The Ahmadinejad regime sought to "domesticate" women at the very onset. Even though they spoke in favour of women's rights during the campaign, their stance completely changed once in power. Only three women, mostly because of public pressure, were included in the cabinet. However, the regime continued suggesting through various means such as - arbitrary enforcement of a dress code for women, detention or prison sentence for showing too much hair and loosening laws on polygamy. The regime as a symbolic gesture also renamed the "Centre of Women's participation" as the "Centre of Women and Family". (J. Roshandel, 2019) The Ahmadinejad regime marginalized women and adopted elaborate gender discriminatory measures to curb women's rights in political and social spheres as well. It restricted their role to the domestic sphere and insisted on their "primary" responsibility of managing the household. Moreover, the military and security-based regime from 2005 to 2013 saw an assault on free press, speech and expression with several women publications being banned and labelled un-Islamic and anti-state. This led to widespread protests and demonstrations. Many activists and leaders are imprisoned or had to seek refuge in other countries. The elections came at a time when the climate was particularly tense for the Iranian women. (Moghissi, 2013) The Rouhani government therefore could use a number of campaigning strategies showcasing their support for women's rights and pledged "equal opportunity and social opportunities" that eventually worked in their favour. But when he was finally elected, not even one woman was part of his cabinet. (J. Roshandel, 2019)

Scholars have noted that the seven principles of UN women's empowerment published in 2010 act as indicators that determine the level of gender quality within a State. Statistics of international organisations such as the International Labour Organisation, World Bank, Human Development Index, World Economic Forum and UN Women suggest the following: Iran has made insignificant improvements between 2005 to 2019 in corporate leadership or women's participation. Policies such as the Plan of Increasing the Population proposed by the Ahmadinejad and Rouhani government which increased maternity leave to nine months is detrimental to the job security for women. There have been no measures or legal remedies for women facing violence either. (J. Roshandel, 2019) Sexual and reproductive health services

for women is also regressive in nature and jeopardized the public health of Iran and also leads to unsafe and unsanitary practices such as illegal abortion etc. (Kokabisaghi, 2017) It was also concluded that the ideologies of the governments clearly do not impact gender quality and the issue could possibly lie with the amalgamation of religious interpretation and state policies. Islamic feminists and their approach to the issue of gender discrimination is along these lines.

Understanding Islamic Feminism in the Context of Women's Rights in Iran

Islamic feminism is a branch of feminism that advocates the issues faced by women in the theocratic Muslim countries. Its application is fundamentally different from western feminism. It is derived from the feminist reading and pluralist interpretation of Islamic texts, traditions and history. Some scholars have defined this as a pluralist understanding or interpretation of Islam. In an essay, Afsaneh Namabadi, a renowned feminist scholar spoke about Islamic feminism as an opportunity for the religious enthusiasts and secular feminists to have an elaborate dialogue concerning their views. (Gashtili, 2013) Rethinking of holy texts and revising Islamic concepts from a feminist perspective is the need of the hour. Many religious-oriented Iranian feminists insist that the root of women's issues is the result of the misguided interpretation of the Islamic texts as opposed to the religious principles themselves. (R. Barlow, 2008) Islamic feminism draws on the concept of equality of all human beings as mentioned in the Quran, rather than being reduced to specific issues such as wearing a veil and taking permission from men before travelling. For instance, domestic violence and the discourse surrounding it in an Islamic society often gets limited to the man's right to rule over his wife. Islamic feminists would suggest that domestic violence is wrong because it causes pain and suffering and has little to do with the man. Women have taken to retracing their history and reclaiming their roles as learned or saintly Muslims to support their cause. (Fawcett, 2013) This could also be understood as patriarchy working its way through a society that needs to suppress women to exhibit power.

Iran is a complete theocracy and the hegemonic idea of the ideal "Islamic" women as a result of the same is ingrained in the political context as well. Since the amalgamation of religion and politics is inevitable in a religious state like Iran, Islamic feminists out of legal and tactical necessity justify their demands for political and civil liberties by aiming to change the

interpretation of the Islamic texts. (Tajali, 2015) If their demands coincide with Islamic ideals then the achievement of gender parity can be better articulated and applied in Muslim countries. (Tajali, 2015) The monolithic interpretation of Islamic texts lead to misunderstandings, since the narrative of those in question is subdued. The methodology used by these feminists includes tools from various areas such as history, literature, sociology, anthropology and through independent research or the reinterpretation of the Quran. (Ahmadi, 2006)

An interesting case of the *Zanan* Magazine which was shut down by the Ahmedinejad regime in 2005 for publishing information deemed detrimental or un-Islamic in nature and inciting violence, after 16 years. A leading feminist magazine that was founded by Shahla Sherkat, focused on women's issues and offered critiques of the state mandates with respect to women's rights. (M. Rodgers, 2007) The feminist perspectives and narratives published by the magazine were enough to threaten the Ahmedinejad's government, and had to be shut down for a few years before it was allowed to publish again. It deals with women-centric issues such as psychological and lifestyle of Iranian women, women's bodies, sexual violence, women and consumerism and women in middle management etc. According to Sherkat, a major opposition faced by the magazine is the cultural view of their magazine which is often considered to be anti-family or anti-motherhood. She reiterates that the intention is merely to transform the understanding of the same. As of 2015, apart from these economic resources and encouraging women to fill positions, finding trained professional staff is a new struggle as most had to emigrate after the magazine was shut down. (Shahla Sherkat, 2015) The *Zanan* magazine therefore acts as a medium of Islamic feminism through which the perspectives of women and their histories could become a part of intellectual discourse in the society.

Barriers to Gender Equality and Women Empowerment

The primary obstacle that Iranian women face is the imbedded patriarchal ideology based on which the legal framework has been built and has tremendous impact on the realities of women. Although Iranian women live fairly advanced lives and are highly educated and have jobs, however the women continue face legal restrictions. The Islamic Republic considers women and men as fundamentally different beings and have allotted different roles and responsibilities in society. It is important to note, that despite being branded inferior to men, women in Iran have constantly shown immense resilience and vigour when it comes to defending their rights. The state policies and infrastructure continue to devalue Iranian woman's life, political and civil liberties as compared to men. Iranian women themselves refuse to succumb to the

discrimination and as a result continue grappling with the issues of unemployment, housing which ultimately leads to poverty, breakdown of families, prostitution and drug problems leading to social chaos social chaos. (R. Barlow, 2008)

Despite facing tremendous backlash from governments and little to no support from the judiciary or the law, women in Iran have always managed to keep up their quest for equality alive. A gathering of women activists just three days before the elections in 2013 included both self-identified and secular women from the government to discuss the demands. An impressive feat was the infamous “The One Million Signatures Campaign” which was a massive undertaking to revolt against practices such as polygamy, equal right to be witnesses and get divorces, joint custody and increasing legal age from 9 to 18. (Moghissi, 2013) A harmonious interpretation of the state policies, laws and Islamic holy texts from a gender-neutral perspective could fundamentally change way of life for Iranian women. Alternatively, imposing the patriarchal interpretations to curb the rights of women and the exercise of authoritarian power by the non-state Islamic institutions in the name of divine intervention is severely detrimental.

It has been suggested in various studies that Islamic political parties have mobilized the support of women and politicized women’s rights issues to serve their own political agendas such as to gain power. The strategic use of women right’s issues as campaign tactics to gain a positive public outlook is a tremendous barrier to gender quality and empowerment. (Tajali, 2015) Often times the steps taken by the governments such as allowing women to enter sports stadiums and hints from the Guardian Council to allow women to stand for presidential elections are critiqued as cosmetic changes rather than the actual change to women’s rights issues in Iran. As Iran nears presidential elections in 2021, The Guardian Council has issued a statement that there is no law restricting women to be president. Article 115 of the Iranian Constitutions talks about a presential candidate as *rajol-e siasi*. While the term could mean both “political man” or “political personality” if interpreted through a feminist lens, would be the latter. (Zimmt, 2020)

An article written by Noushin Khorasani, a threefold set of demands were identified that could help overcome the division of the Iranian society. The first is the demand to address the human rights issue in Iran especially the police-state system, the second is the right to a life of dignity free from poverty and misery for both men and women and lastly women-centric issues and their access to legal, social, political and economic rights. (Moghissi, 2013) (Moghissi, 2013)

Women's rights groups in Iran have also tactfully identified that if their demands are compatible with the religious framework of the state rather than the international human rights, their efforts are accepted with less resistance by the ruling elites. For instance, the Zeinab Society, founded by Maryam Behruzi advocates for wider political participation for women. Her devotion to the Islamic regime was effective in gaining her important alliances and influence. She also went on to be the first minister nominated from within the state infrastructure. (Tajali, 2015)

In report was published by the Ceasefire Centre for Civilian Rights which in an initiative undertaken to monitor violations of human rights mentioned the following instances where women in Iran have faced detention, harassment and imprisonment. Homa Amid and Najmeh Vadehi were arrested in September 2018 because they wanted to conduct a workshop to raise awareness about domestic violence and early marriage. Narges Mohammadi, an activist was sentenced to 16 years in prison for her efforts to eliminate death penalty. Nasrin Sotoudeh, a lawyer has been in and out of prison since 2010 and is now charged with 12 years in prison and 148 lashes for taking on clients protesting mandatory veiling etc. (Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International, 2019) The punishments for the offences are legally justified by Iran's penal Code.

Conclusion

It can be concluded that viewing women's rights issues through a Islamic feminist lens and reconstructing the concept of gender through religious Islamic discourse is imperative. The focal point of this would be taking into account the narrative of Islamic women and including their understanding of Islamic culture and holy texts. Religion still plays an important role in the lives and cultural realities of women in Iran. However, the problem lies with the misguided interpretation and gender discrimination in the name of religion. Additionally, deconstructing the hierarchy that places Iranian men way above women is imperative. The retraction of absolute power exercised by the state institutions also needs reconsideration. The common tactic of framing of women's rights as a way of furthering political agenda and garnering maximum public support is apparent. There is no doubt that this trend as a way to is inevitable, given that women's rights issues trigger a sense of nostalgia and sensitive nerve within the society. Women as political agents in an undemocratic state structure solidifies an already

unbalanced society, in terms of gender. However, lifting the veil of ignorance through awareness, tactful and skillful feminist discourse is a way to dodge the ingrained patriarchal mindset of the current infrastructure in Iran.

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Yemen

By Himani Yadav^{4}*

Introduction

Yemen has been the most unequal country in the world when it comes to equality between genders. Women and sexual minorities have been subjugated for decades. Whatever little progress was achieved in the area of gender equality has been wiped off because of the current civil war. Women and sexual minorities are discriminated against in all areas of life ranging from education to inheritance. This paper aims to investigate the patterns of discrimination prevalent against women and sexual minorities in Yemen. Further, it describes the discriminatory practices existing in the form of laws and policies in the country.

The northern and southern parts of present-day Yemen officially unified in 1990 and came to be known as the Republic of Yemen. Contrary to the claims made by Yemen's government, the country is largely heterogeneous in terms of ethnicity and race. Currently, the country is territorially divided due to the prevailing civil war. The current civil war originated because the country failed to achieve a smooth political transition following the Arab Spring.

Arab Spring finally led to the removal of the authoritarian president Ali Abdullah Saleh. To replace Saleh, his deputy, Abdrabbuh Mansour Hadi was chosen in 2011. At this time, Yemen was floating amidst multiple crises including but not limited to, unemployment, corruption, a separatist movement in the South, food insecurity and continuing loyalty of security forces to the former president, Saleh.

The Houthi Movement or previously known as Ansar Allah which claim themselves to represent Yemen's Zaidi Shia Muslim minority, along with supporters of Saleh took advantage of the situation and established their control in the northern part of Saada province and neighbouring areas. The Houthis then tried to establish their control over the entire country in

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2015. This caused anxiety in Sunni majority states who then decided to restore the Hadi government with the logistical support of the US, UK and France. It has been six years and there seems to be no sign of relief for the citizens of Yemen. The civil war has led to one of the worst humanitarian crises of recent times. Poverty, discrimination against women and other minority communities; food insecurity and refugee crises are at an all-time high.

This paper is particularly concerned with the existing rampant discrimination prevalent against women and other minority communities in Yemen. **Part I** describes the pattern and basis on which women and other minority communities are discriminated against. **Part II** elucidates on the prevailing legal and policy framework.

PART I: Patterns of discrimination and Inequality

While patriarchal notions affect all genders, the discrimination resulting from patriarchy is perpetually high for women and non-binary people. The discrimination that women and non-binary people face causes a ripple effect and limit opportunities for both the communities in many areas such as education, employment, politics and economics etc. Gender inequality in Yemen is the highest in the world. According to the Global Gender Gap Report (2020), Yemen ranked 153rd out of the 153 countries for gender equality. Further, it was ranked amongst the bottom few in terms of economic participation and opportunity (151st out of 153), educational attainment (150th out of 153) and political empowerment (151st out of 153).

Existing stereotypes regarding women's domestic and familial roles coupled with discriminatory state policies and laws have negatively impacted women in Yemen for decades. According to the 2013 World Values Survey, 75% of Yemeni respondents, including 88% of men and 62.9% of women, thought and agreed that "men should have more rights to a job than women". 91% of the men and 75.5% of women thought that "when a mother works for pay, the children suffer".

Girls from a young age are conditioned to think that they are lesser than boys. This type of thinking paves the way for men to inflict violence against women and for women to endure it. The ongoing civil war has worsened the situation for women in Yemen. In the absence of a functioning and efficient grievance or redressal mechanism, they are no more vulnerable and

susceptible to discrimination and harmful cultural practices such as child marriage, sexual violence and domestic abuse.

Further, the size of the LGBTQ+ community remains unknown due to the non-availability of any statistics. Organisations working for Human Rights in Yemen believe that due to the homophobic and transphobic nature of the country, LGBTQ+ individuals do not come out as they are afraid of the consequences that would follow. Homosexual relationships are penalised in Yemen. Due to the existing stigma, homosexual individuals are subjected to hate crimes and other forms of discrimination. The extent of hate crimes and discrimination is unknown as people from the LGBTQ+ community do not report the crimes or seek redressal because of existing homophobia. However, the absence of evidence on the LGBTQ+ community should not be seen as the absence of any discrimination against them but rather as an indication of the stigma surrounding sexual and gender minorities in Yemen.

PART II: Legal and Policy Frameworks

Constitutional Law:

Yemen has no constitutional provision that prohibits gender discrimination. Yemen's constitution differentiates between 'citizens' and 'women' through two different articles i.e., Articles 41 and 31 respectively. Article 31 states: “[w]omen are sisters of men. They have rights and duties, which are guaranteed and assigned by Shari’a and stipulated by law”. The article implies that women are merely sisters of men and not full citizens of the country, therefore they have different rights and duties. Article 31 enshrines discrimination against women in the constitution itself. Further, this article states that women's rights and duties are derived from Shari’a law and national legislation as opposed to international law. Such reliance on Shari’a law leads to the denial of equal rights to women.

Yemen has been criticised by UN treaty bodies for not having a comprehensive anti-discrimination law, a gender-equality act and a definition of gender discrimination in its legal framework. Before the civil war, Yemen did try to work on gender equality and came up with policies with the help of mainly two organisations which are the Yemeni Women's Union and the Women's National Committee (WNC). However, the policies were criticised for lacking monetary resources, reliable indicator and subsequent legal reforms.

Criminal Law:

Not only the constitution but Yemen's Penal Code also contains certain provisions which discriminate against women, especially when read along with other legislations. Article 269 of Yemen's Penal Code defines rape as "*any sexual insertion committed against other person. Whether a male or female, without that person's consent*". On the face of it, this provision seems gender-neutral and gives an impression that marital rape is penalised. However, Article 40 of the Personal Status law elucidates that a married woman has a duty of obedience towards her husband, this includes allowing her husband to have "legitimate intercourse" with her when she is fit to do so. This provision prioritises the duty of obedience that a woman owes to her spouse over her consent. Further, the government of Yemen in its sixth periodic report to the CEDAW Committee in 2007 stated that for Article 269 to come into action the intercourse has to be forceful and not merely without consent. Yemen's position in this regard is against international human rights law where the issue of rape is tested against the touchstone of consent and not force as it may or may not be present.

Yemen's Penal Code explicitly condones honour-based violence against women. Husbands often have their punishment mitigated if they are convicted of honour-based violence. Article 232 of the Penal Code states that if a husband finds his wife committing adultery and end up assaulting or killing them (both the wife and the person she was committing adultery with) then no punishment is required and mere reprimanding the husband with imprisonment for one year or a fine is sufficient. There is no equivalent provision concerning what will happen if the wife finds her husband committing adultery and ends up assaulting or killing them (both the husband and the person he was committing adultery with).

Further, Article 42 of the Penal Code reduces the amount of compensation paid to the women survivors of honour-based violence. Besides, Article 263 penalises any consensual sexual relations between an unmarried man and a woman, thereby infringing their right to privacy.

Law of Evidence:

The Yemini Law of Evidence differentiates between a woman's and a man's testimony by not allowing women to provide testimony in certain cases such as adultery. It not only prevents women from giving testimony it also considers a woman's testimony to be half the value of a man's testimony in financial and rights-based cases.

Marriage and Divorce:

When it comes to marriage and divorce, Article 6 of the Personal Status Law make women legally permissible to a man when married to him. Further, a woman either needs the consent of her guardian which is usually a male member to get married or she has to apply in court and rely on the court's discretion to obtain permission to get married. Also, there exists no minimum legal age for girls to get married in Yemen but it does have a legal age for boys (15 Years) to get married. Such a provision encourages child marriage for girls thereby depriving them of educational and employment opportunities.

Moving on, the Personal Status Law permits polygamy and allows a husband to marry up to four wives. This law is in direct contradiction of the recommendations provided by UN Treaty bodies, which have clearly stated that polygamy discriminates against women and therefore is a harmful traditional practice.

Not only in marriage, but women are also severely discriminated against in divorce. While the law allows men to divorce their wives by repudiating the marriage three times, women have to file a petition in court and the divorce is only granted if certain conditions are met. If these conditions are not met then a woman can apply for "*khula*" divorce which allows for separation only if the wife or an anonymous party pays compensation to the husband which is often very high. The difference in the conditions imposed on men and women to obtain a divorce is highly discriminatory against women and therefore divorce is not a realistic option for most women in Yemen.

Employment and Freedom of Movement:

Article 40 of the Personal Status Law states that a wife can only leave her home with her husband's consent or in certain exceptional circumstances. This Article previously provided for an exception and allowed a woman to leave her home for work but following an amendment in 1998, this exception was removed. Now, a wife is only allowed to leave the house if she is performing a mutually agreed job that aligns with Islamic law. Further, women can only go out of their homes if they are accompanied by a male relative. These existing provisions explicitly violate women's right to work.

When it comes to employment Yemen's Labour Code discriminates against women by excluding them from certain jobs which are considered to be hazardous, socially and medically

harmful. Also, Article 46(b) prohibits night-time employment for women which further limits the employment opportunities available to women.

Citizenship Law:

Women are also discriminated against when it comes to obtaining citizenship. Yemeni women cannot confer citizenship on their non-Yemeni husbands in the same manner as Yemeni men. Further, a Yemeni woman needs to get the consent of the Ministry of Interior when marrying a non-Yemeni man, while on the other hand, Yemeni men are only supposed to notify the ministry when marrying a non-Yemeni woman.

Gender-Based Violence and Female Genital Mutilation:

Gender-Based Violence is highly prevalent in Yemen. It is considered as a right of male members to reprimand and discipline women in their families to maintain the family honour. Most of the cases of Gender-based violence go unreported and women often resort to the informal justice system to save the family honour. Even if they decide to report the cases, there are very few avenues of redressal available to them. The instances of gender-based and domestic violence have exacerbated due to the ongoing conflict. Young girls and women are kidnapped, raped, tortured and abused by all groups involved in the conflict. The reasons for the increase are manifold including displacement, poverty, breakdown of mechanisms for the protection and the rule of law.

Female Genital Mutilation (FGM) is also commonly practised particularly in coastal and rural areas. Although the state tried to reduce the frequency of the practice through various policies, it remains legal and a cause of concern.

Inheritance:

When it comes to inheritance, Article 23 of the Yemeni Constitution states that “*the right of inheritance is guaranteed in accordance with Islamic tenets*”. Accordingly, Shari’a law states that a man is entitled to twice the share in comparison with a woman. Such a practice discriminates against women based on their gender.

Detention:

Women prisoners in Yemen are often discriminated against in comparison with male prisoners. They are kept beyond their sentence period and are not released until a male family member

consent to their release. If a woman does not have any family, then she may never be able to get released.

Political Participation:

Although Article 42 and 43 of the constitution allow women to vote, stand and participate in political life, existing social norms and restriction on movement make it almost impossible for women to exercise their rights. Even when they do and vote in elections their votes are often directed by family members, leaving them with no option to exercise their agency. Besides, women occupy very few positions of responsibility whether in the judiciary or politics.

Law on Homosexuality:

Homosexuality is penalised in Yemen. Article 264 and 268 of the Penal code criminalises sexual relations between two consenting same-sex adults. Such penalization perpetrates stigma, violence and intolerance against sexual minorities. Further, this has implications on their other rights as well such as their freedom of expression, assembly and association are curbed as penalization causes fear, which makes it difficult for the LGBTQ+ community to demand their rights. Besides, penalization means there aren't any official LGBTQ+ organisations in Yemen thereby impacting LGBTQ+ communities right to association.

Conclusion

Yemen has been the worst-performing country when it comes to gender equality on various equality indices. Women and sexual minorities in Yemen face rampant discrimination in all areas of life, throughout their life. The discrimination mainly results from existing stereotypes, biases, prejudices, discriminatory laws and policies, intolerance and acceptance of abusive behaviour. The conflict in Yemen has further deteriorated the situation for women and sexual minorities. Displacement, Poverty and broken governance during the conflict have further deepened the inequality. With no end of the conflict in sight, it remains to be seen how Yemen will work for gender equality or will it ever?

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Jordan

By Pradeek Krishna^{5}*

Introduction

Jordan boasts of the largest female literacy rate in all of the Middle Eastern Region but the literacy rate does not necessarily depict the state of women and the gender gap in the country. The country's patriarchal family structure and discriminatory legal framework inevitably result in women getting a lower position in society with respect to men. Women's participation in the social, economic, and political spheres is also vastly limited. In recent times, the government has introduced several initiatives and has outlined its intentions to attempt to close the gender gap. The following sections of this essay will look into the legal framework of the country, the initiatives announced by the government, and the social problems faced by the women in Jordan.

Policy and Law

Jordanian legal system is based on the Islamic Shari's law and the French Civil Code. The legal system has also been subject to influence by tribal traditions (UNICEF, 2009). Sharia courts hold jurisdiction over matters related to inheritance, marriage, and divorce. For the citizens belonging to minority religions, communities' own religious standards are applied in personal status related matters. This implies that there is no uniform civil code in Jordan. Additionally, there is a clear discrepancy between the perception of a woman in civil courts and Shari'a courts. In the civil courts, the testimony of a woman is equal to that of a man, while in Shari'a courts, the testimony of two women is equal to that of a man. (Husseini, 2010).

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The Jordanian constitution which has been in power since 1952 guarantees equality before the law for all Jordanians and many constitutional provisions affirm basic rights and political representation for all. Article 22 of the constitution states that each Jordanian has an equal opportunity to be appointed to and serve in public offices and that these appointments would be made based on merit and qualifications (World Bank, 2005). However, Jordan was fairly late to grant suffrage to women and women did not receive the right to vote until 1974. However, in a bid to increase women's political participation, Jordan has issued quota legislation through amendments to electoral law (UNDP Human Development Report, 2008). In 2003, women were entitled to 6 seats in the national parliament. In the 2010 elections, the number of seats was increased from 6 to 12. However, despite the existence of reservations, the representation of women in Jordan's parliament remains limited. In the recent parliament, women have not been able to win one seat outside the number of seats reserved for them.

In the legal system, there are 40 female judges in the civil court system of Jordan however not a single female judge is employed in the Shari'a courts (Freedom House, 2010).

With regards to nationality, Jordanian women cannot pass citizenship to non-Jordanian spouses and their children, contrary to the Jordanian men who can transfer citizenship to a foreign spouse (Freedom House, 2010). Moreover, there are severe differences in divorce rights as well. A woman filing for divorce has to provide valid reasons for seeking a divorce, while no such rule exists for men. Recently, an amended personal status law of 2010 broadens the reasons for which women can file a divorce but the discriminatory law remains in power (UNICEF Jordan, 2011). On this issue of guardianship and custody rights, the father is the legal guardian of his children and is responsible for their support. The mother can be granted custody in the event of a divorce, but the father remains the legal guardian (Committee on the Elimination of Discrimination against Women, 2010). Jordan's male guardianship system is the center of a web of discriminatory provisions. The system grants men the power to control women's lives and limit their personal freedoms. Further, Jordan still allows the detention of women if they disobey their male guardians or have relationships deemed inappropriate (Amnesty International, 2019).

Differences could be observed even in the case of laws regarding inheritance. Jordanian women have the right to inheritance according to Islamic law, but generally, women's share and men's share are highly dissimilar with women's share being considerably less. In Jordan, Islamic

inheritance law applies even to non-Muslims (Freedom House, 2010). In 2009, the Jordanian government withdrew reservation to CEDAW Article 15, which grants men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile (United Nations Treaty Collection). The 2003 passport law allows women to obtain a passport without the permission of a male guardian (Freedom House, 2010). Jordan offers little protection for women against child marriages. The minimum age for marriage for both girls and boys is 18, however, exceptions can be made if the girl is over 15 years of age (Freedom house, 2010). 10 percent of young women aged 20-24 were married before the age of 18 and among the women from the poorest households in Jordan, 17 percent were married before the age of 18 (DHS, 2007). Concerns have been raised over Jordan's reduced penalties for honor crimes and punishment for rapes. Following this, Jordan responded by stating that the practice to treat honor killings the same way as other violent crimes have been put into effect. A specialized tribunal was set up by the Ministry of Justice in 2009 to hear such cases which ensure stricter sentences for honor killings (Freedom House, 2010). However, the Jordanian Penal Code allows the possibility of a perpetrator of rape escaping punishment by marrying the victim under certain circumstances which offer less protection for women against rapes. Additionally, marital rape is not illegal in Jordan (US Department of State, 2010).

Women's participation in the economic field is a notable case study in Jordan. Jordan's constitution provides for mandatory primary education of all the citizens including all men and women. Jordan has a highly educated female population with a huge potential to advance Jordan's development. Jordan has a 97% female literacy rate which is an impressive statistic in the Middle East Region. The primary school enrolment ratio is 90 percent for girls while in secondary school, the net enrolment ratio for girls is 83 percent (UNESCO, 2011). However, when it comes to employing women, Jordan lacks severely. Women's economic participation in Jordan is considerably low. The labor force participation rate among women aged 15 or above is only 23 percent, while the corresponding rate for men is 74 percent (United Nations 2010). Several regulations limit women's participation in the labor market. Women are prohibited from working during the night between 1900 hours to 0600 hours and some jobs may be prohibited for them (European Training Foundation, 2009). Pre-school care is costly and domestic helpers are expensive, which makes women feel that it is more economically viable to stay at home (World Bank 2014). The constitution provides the basic right to work to all citizens, but despite this, disparities exist between constitutional provisions and actual reality due to Jordan's highly conservative society. Legal provisions such as maternal leaves

and daycare are not followed and, in several cases, these provisions discourage employers from employing women (Sonobol, 2003).

Legal reforms

Jordan has made several strides towards gender equality and empowerment of women in the past few years. From 2004 to 2009, the women's movement made several gains including the formation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the official gazette (United Nations, 2017). The government has also made positive steps to address the issue of domestic abuse. This includes the opening of a major women's shelter, the Family Reconciliation House, and the amendment of the Family Protection Law which was designed to regulate the handling of domestic violence cases by medical workers and law enforcement bodies (Manjoo, 2012). Women have continued to be politically active over recent years and have held several high-level government positions, including appointments as ministers and lawmakers (Husseini, 2010). Women's groups got a huge boost in their activities when legal restrictions on freedom of assembly and association were removed through an amendment to the Public Gathering Law which allows groups to hold internal meetings without prior approval (Human Rights Watch, 2010).

The Jordanian government has outlined several intentions to close the gender equality gap by 2030 through a plethora of actions including intensifying efforts to align national legislation with the Kingdom's international commitments. Jordan plans to expand the scope of economic, social, cultural, and political support to women and girls. The government plans to address social norms and stereotypes which result in gender-based discrimination (UN Women). The Kingdom also plans to empower the Jordan National Commission for Women (JNCW) in a bid to carry out its mandate. The JNCW will also support and facilitate the work of organizations offering protection and social and legal empowerment to women (Jordan Times, 2015).

The women of Jordan have benefitted from the investments of the government in its human resources. The government has spent more than 10 percent of its GDP on health and education and the quality of life among women has improved due to this (World Bank, 2013). Jordan has been making significant strides in the health sector. Jordan is categorized as making progress towards improving maternal health according to the Maternal Mortality Estimation Interagency Group (UNICEF, 2009). Further, Jordan also has to address the issue of early childbearing. 4

percent of young women aged 20-24 had their first birth before they reached the age of 18. The adolescent birth rate is 32 births per 1,000 girls aged 15-19.

Challenges to gender reforms

Jordan has made efforts to close the gender gap in the education sector, and a high female literacy rate acts as evidence that they have been fairly successful at doing so. However, the high literacy rates have failed to translate into high participation of women in the economic and political sectors, which has slowed women's empowerment. The Jordanian government has worked constantly to bring in reforms however these reforms have been considerably slow due to limitations in the legal framework which grant a lower position to the women with respect to the men. Especially in matters related to family rights, women have considerably fewer provisions than men. The discriminatory legal framework further makes the task of closing the gender gap in Jordan more difficult.

Further, the nationality law which dictates those Jordanian women cannot pass their citizenship to non-Jordanian spouses and their children creates further obstacles, especially for such children, who have to pay fees to attend government schools, which is free for the citizens (Husseini, 2010).

Another challenge remains in the issue of fighting crimes against women. The issue of honor killings is still prevalent in Jordan. Article 98 of the Jordanian constitution prescribes a sentence of 3 months to 2 years in prison for honor killings and there are an estimated 20 such murders each year. Despite the establishment of a special tribunal to hear such cases, such cases still prevail. Sentences in such cases can also be reduced if the victim's family decides to drop the charges, which often happens when the victim and the perpetrator belong to the same family (Ref World, 2010). Article 308 of the Jordanian penal code allows rape charges to be dropped if the perpetrator agrees to marry the victim. Additionally, he is not allowed to divorce the women for the next three years. This results in considerably less protection for women against violence.

Women's access to justice is limited in several ways. In Shari'a courts, the testimony of two women equals the testimony of one man. Female expert witnesses and female translators are not allowed. Women often fear social retribution if they were to testify against family, and the costs of court proceedings often prevent women who are not financially independent from accessing justice without the support of their family (Husseini, 2010).

Public perception

Recent modernization efforts by the government have brought several sociocultural changes in Jordan, especially with regard to gender roles and the division of labor within the family structure. This instills a sense of optimism within the Jordanian women that there is a large possibility of a shift of gender roles and gender perception in the imminent future. However, there is a societal insistence on the preservation of the traditional gender roles which are based on rigid gender and generational hierarchies, with a woman's roles restricted to those of an adolescent child and then a dependent wife or mother (Shteiwi, 2015). The traditional attitudes and inequities continue to limit women's participation in civil, political, and economic fields, which implies that women are underrepresented in leadership positions including the cabinet, CSOs, professional unions, and political parties (USAID, 2017). Despite fundamental rights and constitutional provisions, women lack stature as citizens and mostly interact with the state through their male relatives (Shteiwi, 2015).

Jordan has a patriarchal family structure which inevitably results in gender-based discrimination and suppression of women. Men are perceived as the primary breadwinners for their families and a woman's main role is to uphold the family and to work as mothers (Hamid Rao, 2019). These gender perceptions which are deeply engraved within the patriarchal family structure of Jordan make it especially difficult for the government to bring in reforms. The provisions introduced on paper might not be effectively implemented in practicality due to social limitations. This could prove to be fatal to Jordanian women in the long run because this hampers the opportunities for women to become financially independent and contribute more to the economy. The gender gap in Jordan is also manifested sharply in its media. The percentage of women's appearance in media, both public and private, is not more than 9%. Additionally, there is a lack of gender awareness prevailing among a large number of media professionals and many media organizations do not provide their staff with training on gender-related concepts. The TV reports are largely centered on the urban city centers, which lead to the exclusion of women in rural and tribal areas. Women are also notably absent from leadership positions in media (UNESCO, 2017).

Despite the progressive stance of the monarchy on Women's rights, they have actually receded in Jordan. Jordan was ranked 140 out of 145 countries in the gender gap index of 2015, which was its worst rank since the index started in 2006. Women's exclusion from the economy has

been a key factor in the increasing gender gap and has also contributed towards the country's worsening track record on women's rights (Freedom House, 2016).

The US government has invested heavily in democracy and human rights programs in Jordan. Additionally, a huge number of NGOs have been working toward the promotion and protection of women's rights in Jordan. The said organizations have had success in raising the issue of domestic violence by lobbying high political offices to denounce and domestic violence. Despite the rejection of several draft legislation aimed at providing women equality by the parliament, these women rights activists have made great strides in bringing women's rights to the spotlight (Hassan, 2015).

The Jordanian government has outlined its intentions to close the gender gap and ensure equality by 2030 and it has put in efforts towards that. Jordan adopted a 5-year Women's Economic Empowerment Action Plan which aims to increase women's labor contribution rates to 24% by the end of 2025. This will be done by increasing the capacity of the government to address restrictions to women's economic participation, supporting the creation of family-friendly and non-discriminatory workplace environments, increasing the employment of women in the private sector, and supporting female-led cooperatives and MSMEs. The government also adopted the Jordanian National Action Plan (JONAP) for advancement on the implementation of UNSC resolution 1325 on Women, Peace, and Security. The JONAP was developed in conformity with the government's intentions to commit towards the promotion of human rights, justice, and equality. It also recognized the importance of women as key actors in combating extremism and violence. Furthermore, the amended Jordanian Labor Law added clear definitions on wage discrimination and flexible work, which could be seen as a step forward towards pay equality and non-discriminatory practices in the workplace (Kawar, 2019). In 2018, the ministry of education began implementing a five-year Education Strategic Plan (ESP) and complementary strategy for maintaining Gender Equality in Education, with support from UNESCO. These plans are backed by an institutional assessment and a gender-based analysis, which include a clear set of activities needed to reach the goals of the National Strategy for Human Resource Development (UNESCO, 2020).

Conclusion

The Government of Jordan has taken steps in recent years to close the huge gender gap in the country. The gender gap is deeply engraved within the country's socio-political structure due to its discriminatory and patriarchal family structure. The oppressive legal framework further

makes it hard for women to participate in social and economic life. Despite introducing quotas for women in the political sphere, women's participation remains limited. Despite boasting about the highest female literacy rate in the Middle East region, these numbers fail to translate into the participation of women in the economic sphere. Jordan has seen several changes in recent times but still, it has a long way to go. For the recent initiatives to work, changes need to be made in the legal framework of the country. For example, the government should work to amend the Family Law and remove provisions that give men an upper hand over women in marriages. Further, inheritance and citizenship laws also must be changed and women must be given equal rights. Further, civil society should expand its efforts to raise public awareness of the issue of domestic abuse and the need to support the victims of violence against women. The government should look into providing clear penalties for cases of domestic and family violence, which includes honor killings and marital rapes. Further, the provisions of avoiding rape penalties if the perpetrator agrees to marry the victim should be removed. This law undermines the security of women against rape and violence.

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