

Palestinian Model Parliament:

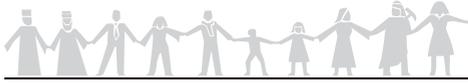
Towards Legislation Based on Palestinian Identity,
Progressive Ideals, and Just Content

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Maha Abu-Dayyeh
Sama Fayez Aweidah
Taghreed Ibrahim Duaibes
Reema Nazzal
Randa Siniora

With Soraida Abed Hussein and Zahira Kamal



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Dedication

Special loving dedication goes to the late Maha Abu-Dayyeh who passed away on 9 January 2015 before she was able to see this book finally in print. Both the Palestinian Model Parliament project and this book were her labour of love. Maha's extraordinary courage and fortitude—in the political struggle for Palestinian women's rights and the liberation of Palestine and in her personal struggle of nearly twenty years against cancer—will be respected and admired for years to come.

This book is dedicated to all the Palestinian women and men who have faced great challenges and in many cases sacrificed their lives while organizing for the liberation of Palestine, who understand and appreciate deeply the crucial importance of promoting democratic and life-affirming principles, and who have stood firm in their conviction that the liberation of the nation cannot be separated from the liberation of its women.

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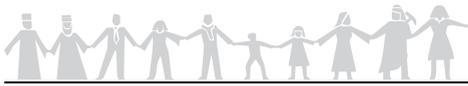
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Foreword

Since the middle of the 20th century, countless women's organisations have worked to enhance the role of women in public life. To this end, many local, regional, and international conferences and seminars have proposed measures to address the obstacles to women's participation in the development of their societies. At the international level, the United Nations Third World Conference on Women in Nairobi in 1985 identified Forward Looking Strategies to raise the status of women worldwide. The International Conference on Population and Development, held in Cairo in 1994, adopted a Program of Action that became the guiding document of the UN Population Fund. And the Fourth World Conference on Women in 1995 issued the Beijing Declaration, with a Platform for Action to ensure that a gender perspective is reflected in all government policies and programmes.

At regional and local levels women's organisations have worked to translate these broader goals and strategies into tangible actions. In Palestine, on August 4, 1994, a coalition of women's rights organizations, including the General Union of Palestinian Women, women's networks, and women's centres, issued "The Women's Rights Document," followed by the establishment of a national strategy to upgrade the status of women. In partnership with New Woman in Egypt, the Women's Centre for Legal Aid and Counselling (WCLAC) organised the first regional conference on "Women, Law and Development" in Cairo in 1994 and the first "Arab Conference for Organisations that Provide Legal Aid and Counselling Assistance to Women Victims of Discrimination and Abuse" with the Jordanian Women's Union in Amman the following year.

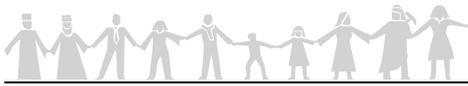
The "Palestinian Model Parliament: Women and Legislation" —a series of events conceived and implemented between 1994 and 1998—involved major efforts by the Palestinian women's movement and WCLAC. Established in 1991, the Centre's purpose was to address the causes and consequences of gender-based violence within Palestinian society, and the gender - specific effects of the Israeli occupation. The Centre undertook groundbreaking work by identifying laws that discriminate against women, especially Personal Status Laws that apply to all family matters such as the legal age for

marriage, women's marriage rights, inheritance, child custody, and the marital home, which all come under Islamic Shari'a law.

The signing of the Oslo Accords in 1993 and the creation of the Palestinian National Authority (PNA) left many Palestinians breathless with excitement, although there was notable opposition to both. Many people's hopes were heightened for an independent Palestinian state that would protect Palestinian interests and develop a Palestinian social, economic, and cultural agenda. Also, people hoped a Palestinian state would involve an indigenous Palestinian legislative process that would contribute to Palestinian social development. As the only organisation that dealt with legal matters for women, WCLAC felt a strong responsibility to take the lead in developing a comprehensive strategy to use the transition process created by the Oslo Accords to address women's strategic needs in legal and policy matters. The organisers of the "Palestinian Model Parliament: Women and Legislation" absolutely believed in the possibility of democratic change. In 1994, when we embarked on this ambitious project, the world seemed new.

Thus, the timing of the Palestinian Model Parliament (PMP) coincided with what many hoped would be a process of democratisation from occupation to state - building, the emergence of a Palestinian political system, and the first legislative elections to be held in 1996. The project spurred serious community debate among various sectors of Palestinian society over legal and social issues that concern women along with demands that Palestinian decision makers and legislators adopt laws and policies based on principles of equality and respect for Palestinian women's human rights. Indeed, the impact of this debate is still felt today. As the first project of its kind in the region, it attracted the attention of women's organisations and researchers—men and women—both in the Arab world and beyond.

It is now sixteen years since the culminating events of the PMP. During this time women's educational enrollment rates have risen. At the university level the proportion of women students is higher than that of men in some fields. Also women's participation in the labour market has grown, and several women hold senior positions as ministers, ambassadors, and heads of the Palestinian Central Bureau of Statistics or the Palestinian Capital Market Authority. Nevertheless,



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social factors remain biased against women. The Palestinian Central Bureau of Statistics shows continuing gender-based inequality and an increase in violence against women, including Femicide, or so-called “honor killings,” of women. The rise of Islamic fundamentalism has resulted in serious setbacks for democratic and progressive forces nationally and regionally. This has been detrimental to intellectual and cultural freedoms, freedom of expression, the importance of human rights and women’s rights.

For centuries, Islamic jurisprudence has entailed hierarchical thinking: Muslim versus non-Muslim, male versus female, free versus slave, abode of peace versus house of war. It also involves a social pyramid with free Muslim males at the peak and non-Muslim slaves and women making up the base. The constituents of this hierarchical system are controlled by custody relations: the custody of the ruler over the ruled, Muslim over non-Muslim, male over female, the free over the enslaved, the adult over the young. These concepts are learned and consolidated through formal education and everyday socialisation within families and communities.

To change this dualistic thinking and associated values and practices will require exceptional efforts by the State, including binding laws and procedures that are enforced systematically. It will also require persistent struggle by human rights and women’s non-governmental organisations to raise community awareness about issues of human rights and the rights of women and children, as well as advocating for change.

In this volume, five women activists provide accounts of their experiences of the PMP for the very first time. They also present lessons learned in order to take this new understanding into consideration in future work. As they seek to understand and account for the successes and challenges of this visionary project, they situate their accounts within the complex historical, cultural, political, and legal context of contemporary Palestinian society. This provides English-language readers with the knowledge and perspectives needed to grasp the historic and contemporary significance of the PMP.

The book opens with an account of the legal situation—an inconsistent patchwork of laws resulting from layers of colonisation and occupation—that regulates Palestinian people’s lives. The

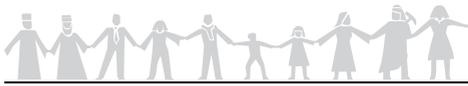
authors explain the importance of pursuing a legal strategy in order to guarantee women's rights. They wanted to engage the public in serious debate about the role of women in Palestinian society and envisaged the PMP as a vehicle to surface directly and insert into the national discourse and agenda the interests of women and the institutionalisation of their rights and legal standing.

In Chapter 1, Maha Abu-Dayyeh, the late general Director of WCLAC, discusses the importance of Palestinian women's activism in a transitional period. She sketches the terrain of that political moment, which was shaped by global women's activism, regional Arab women's activism, the Israeli occupation and colonial rule, and the goals and interests of international donors. She explains the history of Palestinian women's organisations and the significance of their political locations and party alignments that affected the processes and outcomes of the PMP.

In Chapter 2, Taghreed Ibrahim Duaibes, then trainer at WCLAC, details the why, what, and how of the project. These details include preparation for the initiative, the importance of networking with civil society organisations, the training of participants—women and men—in lobbying and advocacy skills, and the media campaign that sought to bring the PMP discussions to broad-based public audiences. This chapter honours the lawyers, scholars, trainers, and organisers who devoted their expertise to the project, with additional details and formal statements provided in Appendices.

In Chapter 3, Randa Siniora, the Senior Executive Director of the Independent Commission for Human Rights in Palestine, analyses the accomplishments, impacts, and outcomes of the PMP. She maps the fierce opposition to the project from Islamist political forces, members of the religious establishment, and other religious and political organisations. As well as outright opposition—which included vicious personal attacks on the organisers—there was also a lack of overall support from the PNA and some democratic political forces unwilling to risk their political capital in this volatile situation. In addition, some women's organisations distanced themselves from the PMP, leaving the organisers to cope with the ferocious—and largely unanticipated—opposition.

In Chapter 4, Sama Fayez Aweidah, Director of the Women's Studies



Center, analyses interconnections among women, religion, and homeland in political Islamist discourses. She shows a range of interpretations of sacred texts by scholars of Islam, including 19th-century intellectuals of the Islamic Renaissance period. More recently, she suggests, international conditions have helped to deepen authoritarian aspects of Islamic thought, resulting in the rise of sectarian intolerance and polarisation between Islamic and secular forces, both in the intellectual arena and on all social, economic and political issues. She analyses media interviews and mass-produced leaflets to highlight the issues considered most controversial by Islamist opponents of the PMP, and sees their attacks as an attempt to suppress freedom of speech and ban critical thinking in order to consolidate their political interests.

In Chapter 5, Reema Nazzal, a member of the General Secretariat of the General Union of Palestinian Women, compares the rise of Islamist political forces in Palestine with the events of the Arab Spring in Egypt, Tunisia, and Yemen. Although women's participation was crucial in all these cases, religion was used in Palestine (particularly in Gaza) and in Egypt to exclude women from political action. She stresses the negative impacts of the internal split in Palestine on women's participation in public life in Gaza, and that women have paid a high price for restrictions on their public and personal freedoms. Ms. Nazzal comments that many Palestinian women vote for conservative religious figures because clerics tell them that this is their sacred duty. She shows how the rise of the Muslim Brotherhood Movement in Egypt and Tunisia has severely undermined women's rights and participation in public life, and eroded the accomplishments made by the women's movements in these countries over many decades. By contrast, she notes that in Islamic nations like Turkey, Malaysia, and Indonesia, which have adopted civil laws, women enjoy full citizenship rights.

In documenting and seeking to understand their experiences, the authors raise broad questions for feminist organising. In the Epilogue, Soraida Abed Hussein and I join the authors to provide a forward-looking closing to the volume. We observe that creating change is not a linear process, moving from point A to point B. Rather it is a developmental process whereby individuals and institutions engage dialectically with each other and with historical and material

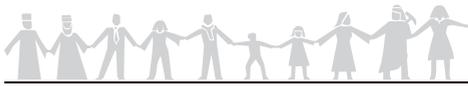
conditions, through which new possibilities—both progressive and reactionary—emerge.

Thus we argue that the establishment of a new Palestinian state that will lead to a democratic and just society requires not only changes in political structures and power arrangements but, more fundamentally, the transformation of ideology, culture, values, and consciousness, which undergird them. This raises the following questions:

- Given the history of Israeli military occupation and Palestinian militarisation, what will it take for a free Palestine to become a demilitarised nation state?
- How can we build a secular state that will give full recognition and voice to religiously faithful citizens?
- How can we create a truly egalitarian nation-state? Is this compatible with patriarchal social relations?
- Can there be a Palestinian nationalism that is not inherently patriarchal?

A thread running through many PMP discussions involved the tensions between laws based on progressive interpretations of Shari'a, in contrast to legal reforms based on international human rights laws and standards preventing discrimination against women. Although they call for the establishment of a secular Palestinian state, the authors conclude that secularism and Shari'a can co-exist.

The authors note that people experiencing hopelessness, fear, and deprivation often move towards conservatism and even extremism—in their search for relief from oppression. In response to the dire circumstances in Palestine today these authors seek to generate hope for what is possible and to imagine alternatives to existing conditions and the inadequate modes of alleviating current suffering. They intend to do this by engaging all sectors of society in community-based activities, modeling creative and inspiring leadership, and focusing on young women and men to ensure continuity of the resistance to colonisation and oppression, as well as ongoing visions of a democratic Palestine. These activities, they argue, must incorporate all areas that make up the foundation of a democratic society: economic, social, cultural, and political spheres, deeply embedded in women's and human rights values and principles. They conclude:



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Through our combined years of activism and our experiences of the PMP, we have come to realise that looking outside ourselves will not lead to the liberation of the nation or of Palestinian women. We can—and must—take on the challenges that face us.

I hope that people will read this book and make use of the experiences discussed here in their own work for social change: both change in systems and societal relations, especially relations between women and men in the family and in society. These relations must be based on respect, dignity, justice, and equality. Women in the community, in civil society organisations and groups, and in political parties need to continue to work towards the formation of a broad Arab national coalition to consolidate laws, principles and concepts that are based on equality between men and women and that enhance human rights.

Finally, it is impossible to write about the PMP without thinking of Maha Abu-Dayyeh who died on January 9, 2015, aged 63, while this book was being prepared for publication. She began her human rights work as a staff member at the Quaker Center for Legal Aid for Palestinian Political Prisoners. While working there, she began to recognise the specific needs of Palestinian women. Thus, in 1991, with several other Palestinian women, Maha co-founded WCLAC in Jerusalem, now a leading women's rights organisation dedicated to developing a democratic Palestinian society based on gender equality, social justice, and human rights.

In addition to directing WCLAC, Maha contributed to numerous local, regional, and international organisations for over 30 years. She was presented with the French Republic Human Rights Award in 1998 and the Ms. "Woman of the Year Award" in 2002 in the United States. One of her proudest contributions to strengthening Palestinian women's rights and promoting democratic principles in Palestinian society was the organising role played by WCLAC in the Palestinian Model Parliament. Colleagues and allies who had the privilege to work with her remember her integrity, perseverance, and unrelenting commitment to promoting women's human rights locally and internationally. The PMP project is a fitting testament to her vision, courage, humility, and hard work.

Zahira Kamal

Acknowledgements

The Palestinian Model Parliament: Women and Legislation was a turning point in the life of the Women's Centre for Legal Aid and Counselling as well as an historic event for Palestinian women's rights activists and feminists. The persistence and courage of all those who engaged with the project—even in the face of extreme and sustained attacks aimed at disrupting and ending PMP planned activities—and the foundational questions raised about women's rights and the vision of a Palestinian nation-state are what made it a historical moment for the Palestinian women's movement. Foremost, we thank the project staffs in the West Bank and Gaza who were at the forefront facing extreme attacks, sometimes personal, but always maintaining and promoting feminist positions, and doing the extra last-minute political work to rally support for the cause.

Special recognition and appreciation go to Hanan Abdel-Rahman Rabbani, Project Director; Ghadeer Abdeen and Nina Atallah, administrative assistants; Ghada Duaibes, Randa Sharaf, and Ma'moun Atili, media coordinators in the West Bank; Halimeh Abu-Solb, lawyer; Lutfia El-Sharif, Khuloud Sharabati, and Taghreed Duaibes, Lobbying Coordinators for the Central, Southern, and Northern regions in the West Bank; Gaza staff Marwa Qasem, Project Manager; Muna Jaber and Wafa Musa-Ba'lusheh administrative assistants; Nahed Abu T'eimah, Media Coordinator and her assistant Silah Dawawseh; Manal Nawajha, Volunteer Coordinator; Karem Nashwan, Legal Advisor; Abdel-Rahman Assouli, Coordinator of the Volunteers Committee.

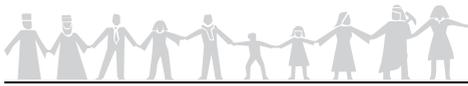
Many thanks also to Asma Khader from Jordan who brought her extensive legal expertise to the project and Randa Siniora who dedicated tremendous effort on lobbying trainings and workshops in the West Bank. Appreciation also to Sa'ad Hmeid, Azza Qasem, I'timad Muhanna, and Nahda Younes, all from Gaza, who provided the Gaza team the necessary technical and professional support and conducted trainings. Without them, the organizing in Gaza could not have happened.

Hanan Al-Bakri and Soraida Hussein, WCLAC staff, planned and conducted numerous and much needed legal trainings and leadership workshops in the West Bank.

All the members of the various preparatory committees listed in the appendix, the hundreds of dedicated individuals—students, healthcare workers, grassroots women, professors, government officials, religious leaders, community activists, teachers, social workers, journalists, to name a few—volunteered their time and skills to support the project. We will never know the extent of their immeasurable contributions but to each one, we express our deepest appreciation and gratitude.

For this book, many thanks to Margo Okazawa-Rey and Gwyn Kirk for editorial guidance and assistance, Sabrin Salem for administrative support, and Mohammad Atwan for technical support.

Finally, deep appreciation to Maha Abu-Dayyeh whose vision, persistence, and determination brought this book to fruition.



Introduction

Palestinian Model Parliament: Women and Legislation Why a Legal Strategy?¹

The Oslo Agreement and the establishment of the Palestinian National Authority (PNA) signalled a major structural change in the history of Palestine and Palestinian people. For some, it was a breakthrough—full of possibilities, hope and inspiration. For others, it was a shift in the wrong direction entirely. They argued that the Agreement did not satisfy the fundamental demand for an autonomous Palestinian state; Palestinians would still be an occupied people and those in the diaspora did not gain the right of return. Thus, accepting the Agreement was seen as a political setback rather than an advance. Within the opposition, the Islamists seized the moment to gain a stronger base of support and to fortify their position in the emerging state.

Understanding that the new PNA would be the highest legislative power of the land, we, a group of influential feminist activists and human rights defenders, saw this moment as an opportunity to integrate women's rights and interests into the emerging political structure and organisation of post-Oslo Palestinian society. In the euphoric atmosphere over the establishment of a new Palestinian state, there was a big chance to reform the existing legal system and change old power relations and structures detrimental to women's interests into new transparent and accountable power relations and structures. We also saw the transition as an opportunity for an alliance of democratic forces within Palestinian society irrespective of political affiliation, together with human rights organisations and the women's movement, to impact Palestinian law and to push forward an agenda for social justice and human rights that is consistent with a feminist agenda. We wanted to engage the public in debates about the role of women in our society. We envisaged what was to become the Palestinian Model Parliament as a vehicle to insert women's interests into the national discourse and agenda, and as a way to institutionalise women's rights and legal standing.

When is the "right" time and what are the "right" conditions for women to seek full legal representation and human rights? How should they

1. Soraida Abed Hussein provided the initial research and draft outline for this introduction.

do this? What happens when they do? How are these questions understood when the women are part of a colonised people? These are the questions that frame *Palestinian Model Parliament: Towards Legislation Based on Palestinian Identity, Progressive Ideals, and Just Content*, this collection of essays concerning the principles, ideas, goals, inner workings, and challenges of this initiative from the perspectives of several key organisers.

Palestinian Women's Quest

Palestinian women are not unique in our quest for full citizenship rights. Nor are we the only group who has sought to gain our rights as our nation struggles for liberation from colonisation or from dictators and despots. A recent example to permeate the consciousness of women's rights activists worldwide is that of Egyptian women. A lawyer and human rights activist summed up this challenge after the "Arab Spring" uprising in 2011:

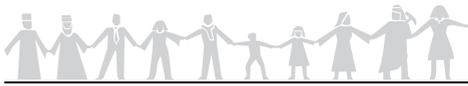
There's a problem---and it needs to be dealt with now because if not, we will be entering a phase where women are not involved in public life, in society, in politics and their roles will diminish if we don't demand them.²

Women and other marginalised people necessarily rely on the state for implementation and protection of our full rights. The national constitution is regarded as the supreme law of the land, the legal framework of nation-states that delineates the rights and legal guarantees for its citizens. Another purpose of the constitution is to institutionalise the notion of "the rule of law" as a matter of policy and practice. Therefore, women throughout the modern era have sought state recognition and support, codified in legal instruments because too often women have been subjected to traditional cultural and religious practices and beliefs that discriminate against and, in many cases, harm them in various ways. At the same time, we recognised that the existence of laws and policies cannot guarantee women's full citizenship rights and equality because of underlying cultural beliefs and practices.

Some countries apply plural legal standards that are often contradictory and conflicting—for example, using religious and

2. "Women Demand Equality in Shaping New Egypt," Amnesty International, October 2011. Retrieved from <http://www.amnesty.org/en/library/info/MDE12/050/2011>.





customary laws alongside civil laws. In such cases the “rule of law” cannot function as intended and women are disadvantaged as a result.³ Along with many Arab and African countries, Palestine exemplifies the problem of women being negatively affected by a plural legal system.

The purpose of this introduction is to provide some historical background that informed the creation of the Palestinian Model Parliament: Women and Legislation (herein referred to as PMP), especially the Palestinian legal system, and to consider Palestinian women’s struggles in relation to efforts in other countries where women have used similar strategies to create structural changes for women’s empowerment.

A Brief History of the Palestinian Legal System

Since the 16th century until today, Palestinian people have been denied the right to full self-determination, that is, to control their own destiny. One manifestation of this is the absence of an indigenous legal heritage traceable to our unique social and political development. Instead, we have lived with an extended history of various, sometimes contradictory, legal systems, established under different external authorities. Roughly speaking, Palestinian legal history can be divided into four periods: Ottoman Rule (1516-1917), the British Mandate (effectively starting in 1918 though officially from 1922-1948), Jordanian Rule over the West Bank including East Jerusalem and Egyptian administration of Gaza (1948-1967), and Israeli occupation (1967 to the present).⁴

During the earlier part of Ottoman Rule, the legal system was “based primarily on principles of Islamic law, Islamic jurisprudence, customs and decisions issued forth by the Sultan (the Governor)”. It was gradually changed and partly secularised and modernised to prepare for commercial relations with Europe.⁵ In 1921, after the collapse of the Ottoman Empire in 1917 and the end of World War I, the League of Nations divided Arab territories that had been under the control of the Ottoman Empire—Jordan, Lebanon, Palestine,

3. Ewelukwa, Uche U. May 2002. Post-Colonialism, Gender, Customary Injustice: Widows in African Societies, *Human Rights Quarterly*, 24(2): 446-447.

4. Institute of Law, Birzeit University, “Legal Status in Palestine.” Retrieved from http://law-center.birzeit.edu/iol/en/index.php?action_id=210 May 5, 2014.

5. *ibid.*

and Syria—between France and Britain, the two victors of the war, by a legal mechanism termed a “mandate”, that is, legal authority to control these nations “until such time as they are able to stand alone.”⁶ France was given the mandate for Lebanon and Syria, and Britain for Jordan and Palestine.⁷

The British Mandate maintained some Ottoman regulations and laws, like the land laws and the millet system for Personal Status Laws,⁸ and added aspects of British Common Law. From 1948 until 1967, the laws of Egypt and Jordan were promulgated alongside Ottoman and British laws, thus creating a mixed legal system: Ottoman, British and Jordanian law for the West Bank and Ottoman, British and Egyptian law for Gaza. In June 1967, at the end of the Arab-Israeli War, Israel occupied Gaza and the West Bank.⁹ Immediately, Israeli military orders were introduced to control and regulate Israel’s military activities and to protect Israeli interests in what became the Occupied Palestinian Territory.¹⁰ The Israeli military occupation designed and established economic, political, and social structures on the basis of such military orders. As Shehadeh asserts, “Israel’s occupation has been legalistic: most changes have been enacted through legal orders”.¹¹

The Oslo Accords¹² established the PNA in 1994 to govern the West Bank and Gaza.¹³ This both provided the opportunity for and

6. The Covenant of the League of Nations, Article 22. Retrieved from http://avalon.law.yale.edu/20th_century/leagcov.asp#art22.

7. For more information about the legal history of Palestine, see “Legal Status in Palestine,” Birzeit University Institute of Law. Available at http://lawcenter.birzeit.edu/iol/en/index.php?action_id=210 and The Civil Judicial System in the West Bank and Gaza: present and future, International Commission of Jurists Report, June 1, 1994. Available at <http://www.icj.org/the-civilian-judicial-system-in-the-west-bank-and-gaza-present-and-future>.

8. *Majallat Ahkam al-Adilya* can be translated as The Journal of Justice Codes and provides laws regulating all personal and family matters. See International Commission of Jurists Report, 1994, p. 1.

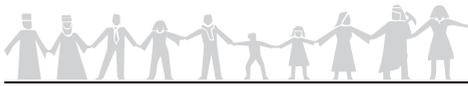
9. Israel won a land war against neighbouring states: Egypt, Jordan and Syria. Israel took control of Gaza and the Sinai Peninsula from Egypt, the West Bank and East Jerusalem from Jordan, and the Golan Heights from Syria.

10. Official bodies use the term Palestinian Territories, but we use Territory to signify that Palestinian society is one entity, occupied by Israel.

11. See the study of Israeli military orders by Raja Shehadeh, *Occupier’s Law: Israel and the West Bank*, p. vii. Ramallah, Palestine: Al-Haq/Law in the Service of Man, 1988.

12. For fuller discussions of the Madrid Conference and the Oslo Accords, see, for example, *The Madrid Peace Conference*, *Journal of Palestine Studies*, 21(2) (Winter 1992), pp. 117-149 and “Oslo Explained,” *Al-Jazeera America*, September 13, 2013 available at <http://america.aljazeera.com/articles/2013/9/13/oslo-accords-explained.html>.

13. The Occupied Palestinian Territory was divided into three administrative units, areas A, B, and C. In theory this was to delineate and clarify the authority and responsibility designated to PNA, Israel, or both. In practice, Israel maintains ultimate control over all.



challenged the Palestinian leadership and the people to imagine and create our own legal system and legal culture. This moment marked the beginning of the Palestinian state, symbolically and practically, a moment long dreamed of and hard fought for.

Although full of possibilities, the post-Oslo period also generated confusion and debates, and raised many legal, political, and practical questions, from the profound to the mundane. These included:

- Should Palestine be a secular or Islamic state?
- How should existing criminal and civil justice principles and processes be reformed? Should some be abolished altogether?
- What should be the sources of reform including international laws and conventions?
- What kinds of institutional and professional development would be required?
- What kinds of education and consciousness-raising would be needed to develop a fully informed and empowered populace?
- What role would women have in deciding the future of Palestinian law and how would their rights be enshrined?
- What would be the political role of women in the Palestinian state?

Ultimately, the fundamental questions were: Who is a Palestinian citizen? Whose rights, interests, agency, and dignity will be fully protected? And what will women's position be in relation to the diverse range of political parties that exist in the country?

Women and the Palestinian Legal System

As noted above, the foreign powers that ruled Palestine retained laws that existed at the time they entered, and they each enacted parallel legislation. That laws shape gender relations and the role of women in Palestinian society is obvious, especially to those of us working to secure women's rights. Even a brief review of the literature regarding local conditions suggests that the current legal system has contributed greatly to unequal gender relations and reinforced the dependence of women on men.¹⁴ It has also propelled women to seek an independent role to become productive participants in the public sphere and to gain full legal standing.¹⁵ Even though

14. Al-Botmeh, Reem, "A Review of Palestinian Legislation from a Women's Rights Perspective," UNDP, 2011, <http://www.undp.ps/en/newsroom/publications/pdf/other/womenreview.pdf>; WCLAC, Wing, Adrien K., "Custom, Religion and Rights: The Future Legal Status of Palestinian Women," 35 *Harvard International Law Journal* 149 (1994).

15. WCLAC, *Towards Equality: an Examination of the Status of Palestinian Women in Existing*

the existing legal system was developed by dominant powers, the Palestinian leadership had no visible position about it or related issues concerning women, and showed no “willingness to prepare for legal reforms” in these matters before, during, and immediately after the PMP.¹⁶

As a key building block in the foundation of the current Palestinian legal system, the Ottoman millet system utilised by Jordanians as the basis for Personal Status Law, has major implications for women’s lives. Moreover, according to Shehadeh, Personal Status Law is the only aspect of law used in Palestine that is based on religious law. “[I]t has become accepted that with the exception of matters of personal status (emphasis added), secular laws apply to all other legal matters, contracts, criminal law, civil wrongs, commercial laws, etc.”¹⁷

Hence, religious laws regarding the family—both Islamic and Christian—form the nexus of the struggle for Palestinian women’s rights. As in other societies where Islam is the dominant religion, “Islamic family law is the contested ground between conservative and fundamentalist forces, on the one hand, and modernist and liberal trends, on the other.”¹⁸ Why contest the laws that govern the conduct of family life? Because the family is the site where, typically, women experience the power, influence, and impacts of patriarchal domination, control, and marginalisation, often expressed through emotional and physical violence. Institutionalisation and legitimisation of the dominance of men over women in the family, although often couched as “protecting” women and the nation, primarily serve patriarchal interests. Indeed, institutionalising one group in society as the dominant group, on any social ascription such as gender, race, or ethnicity, structurally advantages that group and marginalises all others.

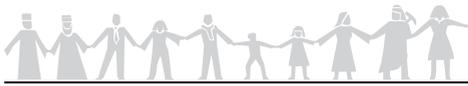
Law, Ramallah, Palestine, 1995.

16. Jad, *Islah, Women at the Crossroads The Palestinian Women’s Movement between Nationalism, Secularism and Islamism*, MUWATIN-The Palestinian Institute for the Study of Democracy, Ramallah, Palestine, June 2008, p. 105.

17. Shehadeh, *Occupier’s Law*, p. 107.

18. An-Na’im, Abdullahi A., *Islamic Family Law in a Changing World: A Global Resource Book* (London: Zed Books, 2002), p. 1.





Women's Rights and Nation-Building

Campaigns to codify women's rights and to reform existing laws have played a crucial role in the empowerment and liberation of women worldwide, from the oldest European nation-states to post-colonial states where, ironically, civil strife and armed conflict created possibilities for legal reform, such as in Algeria, Colombia, South Africa, Nicaragua, and Egypt most recently.¹⁹ Such campaigns serve three important purposes in nation building and re-building:

1. They spark open societal and community discussions and debates—sometimes provoking intense conflicts and even violence—about women's roles, issues, and rights in society, and the underlying values and cultural assumptions that shape them. Through the course of these debates, taken-for-granted perspectives are made explicit; those who adhere to them are identified, sometimes flushed out of hiding, and can be called to account.
2. Campaigns of legal reform compel women's rights activists to generate a vision of women's liberation and empowerment and to formulate specific demands for change. This process also exposes various—sometimes conflicting—perspectives as the issues are named, clarified, and framed by those closely engaged in organising the campaign.
3. Legal reform campaigns provide a significant forum through which the women's movement can gain insights about the state of the society they are attempting to change and therefore, the priorities and strategies needed to move forward.

Palestinian women have had opportunities to influence legal reforms to varying degrees. This was especially evident during the post-Oslo period. During that time, the limitations of the Oslo Accords, the nature of the newly emerging PNA, and the absence of coherent ideology or socio-political agenda created a vacuum that was also a space of opportunity. Feminist activists saw and capitalised on this transitional situation to try to open doors for gender equality and women's liberation.

19. See, for example, Algeria, Moghadam, Valentine M., *Modernizing Women: Gender and Social Change in the Middle East* (3rd ed.). (Boulder CO: Lynne Rienner, 2013); Colombia, Morgan, Martha I., and Buitrago, Monica Maria Alzate, "Constitution-Making in a Time of Cholera: Women and the 1991 Colombian Constitution," *Yale Journal of Law & Feminism*, 353 (1991-1992); South Africa, Albertyn, Catherine, "Women and the Transition to Democracy in South Africa," *Acta Juridica* 39, 1994; Nicaragua, Randall, Margaret, *Sandinó's Daughters: Testimonies of Nicaraguan Women in Struggle* (rev. ed.). (New Brunswick, NJ: Rutgers University Press, 1995).

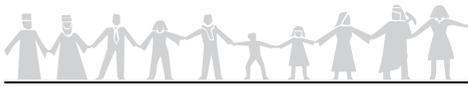
Throughout 1996 and 1998 we designed and implemented the PMP, although legal research began in 1994, as a vehicle to inspire public debates and discussions and, we hoped, to reach some consensus regarding women's rights and the status and role of women in Palestinian society. We faced profoundly disturbing challenges and obstacles in trying to make our voices, experiences, and interests heard and adopted in the emerging society. In retrospect, the challenges and obstacles portended what was to happen nearly two decades later. For example, the vehement attacks against the PMP by the Islamists were repeated in Tunisia and in Egypt during the Arab Spring.

This collection of essays represents the perspectives of several key organisers of the PMP—Maha Abu-Dayyeh, Sama Aweidah, Taghreed Duaibes, Reema Nazzal, and Randa Siniora.

- What were the opportunities we tried to grasp?
- What strategies and methods were used, why, and how were they developed?
- What changes were effected?
- What lessons have we learned as a result?
- How have these lessons influenced our subsequent perspectives and activism?

Although others have written about the PMP,²⁰ our goal here is to document this monumental initiative and to answer these questions from our perspectives as designers, organisers, and implementers of the Palestinian Model Parliament.

20. See, for example, Jad, *Islah, Women at the Crossroads The Palestinian Women's Movement between Nationalism, Secularism and Islamism*, MUWATIN-The Palestinian Institute for the Study of Democracy, Ramallah, Palestine, June 2008; Rubenberg, Cheryl A., *Palestinian Women: Patriarchy and Resistance in the West Bank*. (Boulder, CO: Lynn Rienner, 2001); Scheindlin, Dahlia, "Palestinian Women's Model Parliament," *MERIA Journal*, 2(3), Fall 1998; and Shalhoub-Kevorkian, Nadera, *Militarization and Violence against Women in Conflict Zones in the Middle East: A Palestinian Case-Study*. (Cambridge, UK: Cambridge University Press, 2009).



Palestinian Women’s Activism in a Transitional Period

Maha Abu-Dayyeh

Popular movements play an important role in the transition to democracy and a gendered analysis of these movements is essential. This chapter highlights the major milestones in developing Palestinian women’s movement goals for gender equality in the post-Oslo years. It focuses on the movement’s struggle to negotiate space in the political decision-making process and to maintain its agenda in a volatile political context.

Palestine was undergoing what we hoped would be a process of democratisation from occupation to state building, using democratic tools including the principle of “one person, one vote.” The PMP is an example of the interplay between gender relations and democratisation and the forces unleashed in the process—both supportive and antagonistic.

Introduction

The PMP took place in a historical period characterized by unpredictability and change, a major factor in shaping its preparation, proceedings, and outcomes. The project was conceived and implemented between 1994 and 1998, a period of shifting political forces and power dynamics at international, regional, and local levels that impacted Palestinian women’s discourse, political mobilisation, and organisational priorities. However, this project was also shaped by the history of Palestinian women’s struggle for self-determination. In short, the PMP provides a telling example of the many factors that affect political transition, as summarised by political scientist Georgina Waylen:

...the historical context, the nature of political elites and the choices they make, agents of change and their relationship to the local and regional shifting power forces and dynamics, as well as the length of transition all determine very much the process of transition and its outcome.²¹

The 1993 Oslo Agreement led to the creation of the Palestinian National Authority (PNA) and a new base of power comprising

21. Georgina Waylen, “Women and Democratization: Conceptualizing Gender Relations in Transition Politics,” p. 331. *World Politics*, 46: 3, pp. 327-354, Cambridge University Press, 1994.

many who returned from exile.²² The PNA had to negotiate with various, often competing bodies for power and space in the midst of conflicting political, economic, social, and cultural interests at local, regional, and international levels. In order to have any credibility, the PNA first needed to establish its legitimacy with people in the Occupied Palestinian Territory (OPT),²³ a highly politicized and mobilised population due to our long struggle under Israeli military occupation. It had to achieve permanent recognition of its authority and to extract jurisdiction over land, resources, and population centres from Israeli political, economic, and military domination. And it had to do all this through a process of bilateral negotiations based on asymmetrical power relations. Moreover, the PNA was eager to establish its international credentials and to be admitted into the community of nations through the United Nations. Thus, the newly established PNA was extremely vulnerable to Israel, to international economic institutions, and to changing regional and international influences following the US Gulf War of 1991.

The Palestinian women's movement was part of these complex and conflicting dynamics. In the face of new realities and strategic risks, Palestinian women formed new entities and organized new coalitions to meet these challenges.

The Post-Oslo Context: Forces Outside Ourselves

In navigating the complicated terrain, the Palestinian women's movement was affected by a range of external factors, including global women's activism, Arab women's activism within the region, the Israeli occupation, and the influence of donors.

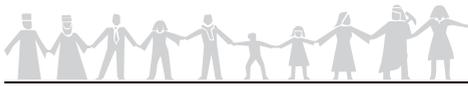
Global women's activism

The PMP took place during a time of heightened mobilisation and activism by the global women's movement, which was organising for the Fourth World Conference on Women in Beijing in 1995.

22. Oslo I, Oslo II, and the Paris Protocols are the three main agreements signed by the Palestinian Liberation Organisation (PLO) and the Israeli government which allowed the creation of the PNA, established its jurisdiction and divided the Occupied Palestinian Territory (OPT) into areas A, B, and C to correspond with levels of PNA jurisdiction. Jerusalem was specifically excluded from such jurisdiction, as well as economic relations between the OPT and Israel. The least spoken about deficiency of all these agreements was their failure to incorporate civil society groups and women's groups into the peace negotiations, and their primary focus on a military security agenda at the expense of a social security agenda of the occupied Palestinian society.

23. OPT includes East Jerusalem, the West Bank, and Gaza.





Palestinian Model Parliament:

Towards Legislation Based on Palestinian Identity,
Progressive Ideals, and Just Content

The Platform for Action adopted at this UN conference was the culmination of two decades of women's organising—from the First World Conference in Mexico City (1975), the Second World Conference in Copenhagen (1980), and the Third World Conference in Nairobi (1985).²⁴ During the period of preparation for the Beijing conference women mobilised at the global level to hold states accountable to achieve UN objectives for gender equality. Feminist thinkers produced research and theories to advance principles of gender equality and gender justice, with an initial emphasis on legal and policy reform. Palestinian feminists and women activists were very connected to the global feminist movement and were actively involved in these debates. A major complexity of our situation—living under Israeli occupation—was who to hold accountable for promoting and protecting Palestinian women's rights, and which governmental authority to press for legal and policy reforms.

Regional Arab women's activism

As is happening in Palestine, Arab women concerned about gender justice in several nations mobilised initially within struggles against colonialism, authoritarianism, and dictatorship. Their deepening understanding of the conditions that limited their freedom and denied them access to resources and opportunities for development as a nation led them to transform their struggles to address feminist issues as well.²⁵ Arab women's activism on gender issues has varied depending on national contexts and the identities of the leaders. In Lebanon, for example, feminist jurist, Laure Mghezel, has published widely in the area of discrimination against Lebanese women in law and practice. In Morocco, women mobilised around reform of family law according to a progressive interpretation of the Shari'a. In Tunisia, women mobilized around secular law for all Tunisians irrespective of religious background. Moreover, major Arab women's organisations worked together in Aysha, an Arab regional women's network that developed a vision and agenda for coordinated women's activism on issues of social justice.²⁶ Even though disconnected from the rest of

24. See <http://www.un.org/womenwatch/daw/beijing/platform/>.

25. R. Ray and A.C. Korteweg, "Women's Movements in the Third World: Identity, Mobilization, and Autonomy," *Annual Review of Sociology*, 25, pp. 47-71. 1999.

26. Under the umbrella of Aysha, WCLAC organised a workshop entitled "Exclusion of Arab Women from Effective Protection of International Law: Palestinian Case Study" during the Beijing women's conference in 1995. As a follow-up action, women's organisations in eight Arab countries wrote their own case studies of exclusion, which were presented at a regional conference in Beirut in 1998.

the Arab world by Israel, Palestinian feminists saw their struggle for legal reform as part of the regional struggles of other Arab women, and there was much to learn from their diverse experiences.²⁷

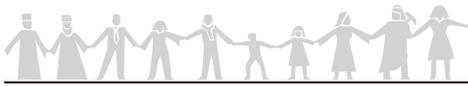
Israeli occupation and colonial rule

Since 1967, Israel has enacted a multitude of laws allowing the Israeli state to control land, resources, and all aspects of Palestinian life. Following the occupation of the West Bank and Gaza in that year, the Israeli military government has managed all matters of civilian life. Over a thousand military orders in the West Bank and Gaza are used to control Palestinian people's movements and commerce. Living under occupation, the Palestinian people feel the on-going pain and suffering caused by these legal mechanisms, along with other exclusionary policies.

Before the Oslo Agreement, there was a consensus among Palestinians to boycott the military authorities whenever possible. One way to do this was through civil society and charitable organisations established before 1967, during the Jordanian rule of the OPT. During that time Jordanian organisations could operate independently under the umbrella of the Union of Charitable Organisations, which coordinated transfer of funds through Jordan.²⁸ There were over a thousand such charitable and faith-based organisations that addressed the basic needs of civilian life. Israel exercised very strict controls over any kind of civil organising within the OPT, and any new charitable organisation had to receive security clearance and be approved by the Israeli registrar of charitable societies, located in the military government. Fearful of Israeli authorities' pressure to collaborate with them as informants, community activists organized as private non-profit organisations or worked under the umbrella of already-registered entities and charitable organisations. In the 1980s there was a proliferation of organising in the area of development, mostly providing agricultural and health services to rural communities, the sectors crucial for Palestinian survival that Israeli authorities had completely neglected. The traditional charitable organisations addressed issues of poverty, for example, by organising campaigns to

27. In partnership with New Woman in Egypt, WCLAC organised the first "Women, Law and Development" regional conference in Cairo in 1994. In partnership with the Jordanian Women's Union, WCLAC organised the first "Arab Conference for Organisations that Provide Legal Aid and Counselling Assistance to Women Victims of Discrimination and Abuse" in Amman, Jordan, in 1995.

28. Interview with Samia Khoury, Board Member, YWCA, Jerusalem, March 2009.



benefit those in need, most of whom were women, especially women heads of households. The development organisations addressed the basic health needs of urban women and young children, as well as the needs of rural women.²⁹

In addition to military occupation, Palestinian feminists from the OPT dealing with violence against women also observed the experience of Palestinian feminists working within the Israeli legal system, which had basic provisions to protect women from violence. These observations strengthened Palestinian feminists' aspiration to have a democratic Palestinian state accountable to its own people, sensitive to the diversity within Palestinian society, and able to promote social justice through gender-sensitive legislation and policies.

The influence of donors

After 1967, in the absence of an accountable authority, Palestinian society was organised around, and by, many civil society organisations, which received political and financial support from religious institutions, political parties, private contributors, and international development aid. There was no direct government assistance. Israel barely covered basic health and education for Palestinians—even though required to do so by international law as an occupying power—and did not invest in development or infrastructure.

After the Oslo Agreement, many governments opened offices in Ramallah, the centre of the PNA, and a great deal of international aid was directed to the OPT through those offices. Some funders were interested in women's organising specifically. This provided space for activism on social issues without having to be dependent on political parties. This was especially important because the political parties were moving away from a social agenda to a political agenda after the establishment of the PNA. The massive influx of donors came at the expense of women's groups within the political parties. They were forced to reorganise themselves in other frameworks to get funding to maintain the social agenda, and grassroots women's groups became dependent on women's NGOs for that work.³⁰

29. There were basic health services in urban areas but not in rural areas. Services for people with disabilities and special needs were only provided by civil society. The military government supported local hospitals for basic care at minimum level. Specialized health care cases were referred to Israeli hospitals.

30. Rema Hammami, "Palestinian NGOs Since Oslo: From NGO Politics to Social Movements?," Middle East Report, No. 214, Critiquing NGOs: Assessing the Last Decade (Spring, 2000), pp.

The Varied Terrain of the Palestinian Women's Movement

In addition to the external factors mentioned above, the Palestinian women's movement was also shaped by political changes within Palestinian society, the priorities of political organisations and parties, and the approaches of key women's organisations.

Changing political realities

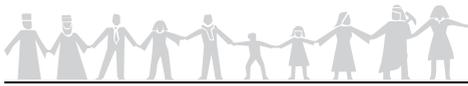
To show the complexity of the transitional period, which was reflected in contentious debates during the PMP proceedings, it is imperative to understand the major players—their political realities, geographical positioning, and political perspectives that framed the struggle before the Oslo Agreement.

As mentioned above, the PMP was conceived and implemented between 1994 and 1998, a time when Palestinians were supposedly moving from a situation of occupation and colonisation to independence and statehood. This much-anticipated transition affected our society on many levels including our core value system and the terms of engagement—politically, economically, socially, and culturally. For example, prior to this period, everything had to be conducted in secrecy. Other dramatic changes were from underground community mobilisation to open public political participation, and from an assumed and agreed-upon politics of resistance against occupation and colonisation to a diverse and often contradictory range of politics and political engagements in relation to the Oslo Agreement and the newly established Palestinian National Authority.

In addition to needing to adapt to new forms and sources of funding and other kinds of support through nascent government structures and political organisations, Palestinian communities in the West Bank and Gaza also had to absorb around 30,000 to 40,000 a'a edoun, returnees.³¹ Many of the women activists in the PMP had returned from exile, including the leadership of the General Union of Palestinian Women. Indeed, those who had direct access to the top Palestinian leadership, including late President Yasser Arafat, were mostly Palestinians who had been living in exile, and whose life experiences and modes of operation and political mobilisation were different from those who had been living under Israeli occupation.

16-19, 27, 48.

31. This term is used to describe all Palestinians who returned from exile with the late President Yasser Arafat after the Oslo Agreement and upon the establishment of the PNA.



Nevertheless, it was a very hopeful period full of new political opportunities, and the majority of Palestinian society became fully immersed in the state-building process. Particularly notable was the participation of women in this work. For example, there was a high voter turnout in the 1996 elections and 49% of the 1,013,235 registered voters were women.³² Moreover, the various political parties were totally engaged in the election process, with political perspectives ranging from continued engagement in the process set in motion by the Oslo Agreement to complete disengagement from that process. There was intense and heated political debate. Fatah, the Palestinian Democratic Union (generally known as FIDA), and the People's Party all supported the Oslo Agreement. Some parties on the Left, including members of the Palestine Liberation Organisation (PLO) like the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP), opposed it as compromising Palestinian national aspirations for self-determination and freedom from occupation.³³ The Islamist party, Hamas, also boycotted the elections.³⁴ Hamas Party was not a member of the PLO but had started organising in 1991 during the latter part of first *Intifada* and had gradually developed its own grassroots following.

For women activists, the political complexity of the situation was acute. In terms of ideology and social agenda, the DFLP and PFLP differed fundamentally from Hamas, but they all opposed the Oslo Agreement. Another issue was the fact that the PFLP, which espoused a progressive social agenda, did not wholeheartedly support demands for women's strategic needs to be addressed through the PNA.³⁵ The PFLP believed this was politically divisive and not a priority, given the political circumstances. The DFLP was not strong enough to put forward and impose the women's agenda on other left-wing parties given competing political priorities. Thus, the Palestinian freedom movement came to be in the same position

32. Documentation of the 1996 Palestinian Elections in Terms of Women: Findings on the Ra'ees and Council Elections, Jerusalem Centre for Women. July 1996, p. 11.

33. Edward Said, *The End of the "Peace Process": Oslo and After*. New York: Pantheon Books. 2000.

34. Khalil Shikaki, "Palestinian Elections: An Assessment." *Journal of Palestine Studies*, Vol. 25, No. 3 (Spring, 1996), pp. 17-22. It is noteworthy that although Hamas Party boycotted the elections, 60-70% of Hamas supporters voted in the elections

35. Khalida Jarrar, an elected representative to the PLC in the 2006 election representing the PFLP party, during a meeting with political parties at the headquarters of the General Union of Palestinian Women in Ramallah in 2011.

as other liberation movements: women's interests and needs were deemed secondary to the primary task of national liberation and state-building.³⁶ The women's movement believed that the creation of the PNA would mean Palestinian legislation and Palestinian executive institutions, and an opportunity to begin to address gender inequality and the social and economic rights of women. Indeed, history has shown that, in the absence of a state that is accountable to its people, women's rights are compromised and violence against women increases.

Differences in geographical location

The Palestinian women's movement was part of these complex and contradictory dynamics within the Palestinian political scene. Before the Oslo Agreement diverse groups had worked together, despite situational and ideological differences, when the primary struggle was to end the Israeli occupation. However, differences came to the forefront in the post-Oslo period when the focus shifted toward state-building strategies through agreements with the Israeli government.

Immediately after occupying the West Bank and Gaza in 1967, Israel took drastic measures to deplete the Palestinian community of leaders and potential leaders, and forcibly expelled thousands of professionals and community leaders to Jordan. Moreover, under the terms of several military orders, Israel criminalised any Palestinian community-mobilising and political action.³⁷ Therefore, before the Oslo Agreement, the major segments of the Palestinian women's movement operated in two settings: one in exile and the other under occupation. This geographical split profoundly affected modes of operation and the nature of the discourse. For example, communication between women in exile and women leaders in the OPT had to be done secretly since the Israeli military authorities jailed people for being members of the PLO or for contacting any of its members.³⁸ Thousands of people, including many women grassroots activists, spent time in Israeli jails on membership charges, or in administrative detention for their real or alleged membership

36. Kathy Glavanis, "The Women's Movement, Feminism and the National Struggle in Palestine: Unresolved Contradictions." In *Women and Politics in the Third World*, Haleh Afshar (ed.). (London: Routledge, 1996).

37. Military Order (MO) 101 of 1967 restricted meetings of over 10 persons in one place, and MO 284 of 1968 restricted association with an enemy organisation, which included the PLO.

38. The United States and Israel defined the PLO as a terrorist organisation until the Madrid Conference in 1991.





in “illegal and terrorist” organisations, as defined by Israel.³⁹ This was complicated by the fact that, at the time, any person who wanted to be politically active on public issues had to become a member of, or associated with, one of the existing parties, as they offered legitimacy and protection within the local community.

It is important to note two distinctions between women in exile and those in the OPT. A silent majority of Palestinian women in the OPT were politicised and supported the first *Intifada*. They contributed to the mobilization of society against Israeli occupation in one way or another, and sympathized with one political party or another, but they were not part of existing grassroots organisations or members of the PLO or the newly established Hamas party. By contrast, Palestinian women in exile were directly associated with the PLO or its organisational branches. Although all militant activism had to remain underground, political activism was open and public in exile. Whereas exiled leaders were visible, those in the OPT had to remain underground.

Key women’s organisations: Historical background and affiliations

The Palestinian women’s movement includes several key organisations, each with its own history, affiliations, and goals, which can be summarised as follows:

General Union of Palestinian Women (GUPW) was established in 1965 as a branch of the PLO to enhance the role of women in the struggle for self-determination in all spheres. It was the umbrella organization for major women’s activism. A 15-member Executive Committee under the leadership of Issam Abdulhadi from Nablus was elected at the founding of the organisation. Issam Abdulhadi was one of those expelled who sought refuge in Jordan. Fearful of Israeli expulsion, other GUPW leaders in the OPT remained underground.

The exiled GUPW leadership, however, was very active in mobilising Palestinian women and representing the Palestinian case in regional and international forums. They organised delegations to the UN conferences mentioned earlier, and maintained close contacts with social movements and anti-colonial struggles in Asia, Africa, and Latin America, especially the South African anti-apartheid movement. At times these exiled women were more active in one place than another. They operated mostly in Jordan, Lebanon, Kuwait, and

39. Article 85 of the British Mandatory Emergency Regulations of 1945; still applicable in the Israeli military courts.

Tunisia. Although free to organise in these locations, they were also constrained by the prevailing political structures and laws of those Arab countries.

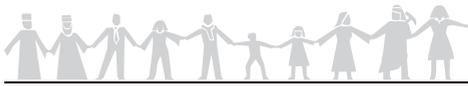
The GUPW's focus was on emancipation and self-determination for the Palestinian homeland and people. Heavily influenced by the late-1960s global student movement and other social movements, the main discourse framing their struggle was secularism and nationalism. For the purpose of this chapter, it is important to highlight the vital role the GUPW played in connecting with the global women's movement and particularly with international women's activism related to the UN Third World Conference on Women in 1985, with its focus on "Equality, Development and Peace."⁴⁰ The exiled GUPW leaders invested tremendous effort to ensure the participation of as many Palestinian women from the OPT as possible at that conference. This participation of grassroots women leaders contributed to the support and enhancement of the feminist agenda alongside the national liberation agenda.

After the Oslo Agreement the GUPW leaders returned to the OPT and were very eager to play a role in the social development of Palestinian society within the framework of the PNA.

Women's Affairs Technical Committee (WATC). was established in the OPT by a group of women lead by Zahira Kamal in 1992, at the time of the Washington peace negotiations. Its main purpose was to assist and support the negotiating teams, particularly to incorporate gender issues in the negotiations.⁴¹ It comprised four major women's grassroots organisations, all members of the PLO: the Union of Palestinian Women for Social Work, the Union of Committees of Palestinian Women, the Union of Women's Action Committees, and the Union of Palestinian Working Women's Committees. Later, to unite women's action during the transitional period, other grassroots

40. During this time all formal Palestinian political activism through the PLO and its various institutions was focused on the UN. The goal was to hold the UN accountable for the creation of the state of Israel, which had displaced Palestinians from their land and livelihood, and to exact official recognition for the right of Palestinian self-determination.

41. Other technical committees were established during that period, like health, education, security etc. All other committees were transformed into Ministries upon the establishment of the PNA except the Women's Affairs Technical Committee, which was registered as an NGO later. It was the struggle of women activists who forced the creation of the Ministry of Women's Affairs, with Zahira Kamal as the first Minister.



women's organisations, women's professional centres, and individual professional women were invited to join the WATC General Assembly. The strategic power of the WATC lay in the broad membership of major women's grassroots organisations.

The heterogeneity of the Palestinian women's movement is clear from the composition of the WATC membership. It included women's organisations from across the political and ideological spectrum, though not groups affiliated with Hamas. All the contradictions among the PLO membership regarding the Oslo Agreement, mentioned above, were reflected among the women leaders of WATC. This diversity of opinion became more evident when women's professional centres, which based their work on the principle of gender equality in all spheres of life, were invited to join the General Assembly. These contradictions were reflected in the deliberations among the WATC leadership concerning women's priorities during this period. Some held that gender equality issues, and specifically personal status issues, were not a priority—even divisive—and that national liberation should be the key focus of the women's movement.

In such a complex situation it was very difficult to agree on a unified agenda to address Palestinian women's strategic priorities during the transition. However, the WATC leadership was in agreement on enhancing women's political participation and the increased visibility of women leaders in public life. After Oslo, WATC invested much effort in mobilising women to participate in the election process, and encouraged women leaders to run for elections. Other organisations within WATC, like Women's Centre for Legal Aid and Counselling and the Women's Studies Centre, continued with their programmatic focus on gender equality in private as well as public life.

Women's Centre for Legal Aid and Counselling (WCLAC). In order to understand the role of WCLAC in the PMP, one must look at the founding of the Centre, its grassroots connections, and the political and professional background of the women who founded it. WCLAC was established in 1991 during the first Intifada, by a small group of women leaders from left-wing parties, as well as professional women and human rights activists. The Centre's purpose was to address the causes and consequences of gender-based violence within the Palestinian community, and the gender-specific effects of the Israeli occupation. WCLAC was in direct contact with pressing social issues by providing legal representation, as well as social and legal

counselling to women victims of discrimination, violence, and abuse.

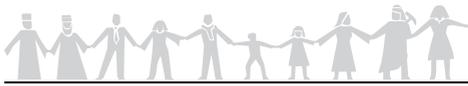
In 1990, the DFLP leadership had split over the endorsement of the Oslo Agreement. DFLP leaders who supported the Agreement created a new party, the Democratic Union of Palestine (FIDA), with a women's chapter called Women's Action Committees (WAC). Zahira Kamal was the WAC President and General Secretary of DFLP before the split; then she became a member of the Political Central Committee of FIDA. She was also the visionary behind the establishment of the Women's Studies Centre in 1989 and the Women's Centre for Legal Aid and Counselling in 1991, and is a founding Board member of WCLAC.

Thus, WCLAC was established after the split by an initiative of the FIDA leadership, the women's branch of the People's Party, and other independent women professionals and human rights activists. Also, members of WAC (the women's branch of FIDA) played a very significant role in establishing WCLAC. Palestinian women leaders on the Left knew that Algerian women had been excluded from public life after Algerian independence from French colonialism.⁴² They knew that it was necessary to connect agendas for social liberation with national liberation. This meant developing strategies to address women's issues in the private sphere as well as organising politically to end the Israeli occupation.⁴³ This understanding was rooted in the reality of Palestinian women's lives, as women leaders became more and more aware of increasing rates of domestic violence as a consequence of increasing Israeli violence during the first Intifada. Thus, in 1991, WAC presented a concept note to the FIDA leadership arguing that the women's agenda should be highlighted at all levels of political action. In addition, specific women's issues should be addressed all over the OPT regardless of an individual's political affiliation. There was resistance to this within FIDA initially, on the grounds that it was not a priority, but it was eventually adopted and the party allocated a budget to establish women's legal awareness and empowerment programmes.⁴⁴

42. Miriam Cooke, "Deconstructing War Discourse: Women's Participation in the Algerian Revolution," Duke University, Working paper #187, June 1989.

43. Interview with Zahira Kamal, 1994, Secretary General of FIDA, one of the founding members of WCLAC.

44. Interview with Amal Al-Ju'ubeh, March 2010, former General Secretary of the Women's Action Committee and Coordinator of the "Office for Women's Counselling." She was the main drafter of the concept note and one of the founders of WCLAC.



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In 1989, WAC had secured the registration of the Women's Study Centre (WSC) as a charitable society with the Israeli Ministry of the Interior. Also in 1989, the "Office for Women's Counselling" (which later became WCLAC) was established to take up specific cases of violence against women. Thus, WCLAC started its work under the auspices of the WSC. However, in order to maintain its professionalism, sustainability, independence from specific party affiliation, and its security in relation to the Israeli authorities, a separate Board was established for WCLAC in 1991, composed of women grassroots leaders representing left-leaning political parties, women professionals, and human rights activists. In 1994, WCLAC secured its own registration as a charitable entity with the Israeli Ministry of the Interior. WSC's main agenda was to undertake policy-oriented research on women's issues, WCLAC offered legal literacy programmes in various towns, villages, and refugee camps as well as legal representation in religious courts, and counselling for victims of discrimination, abuse and domestic violence.

Highlighting FIDA's commitment to a feminist agenda, the Women's Studies Centre organised a conference entitled, "Domestic Violence in the Palestinian Community," in Ramallah in the winter of 1989. The Friends School Auditorium was packed, and organisers estimated that over 300 people participated in the conference. It was the very first time that issues related to violence in the private sphere were addressed publicly, and during the proceedings it was clear that there was a need to develop support services like a hotline and counselling.

The DV conference at the Friends School was also very significant in another aspect. The gathering defied the Israeli curfew order instituted as one response to the early part of the first Intifada, and women were heavily involved in the defiance.

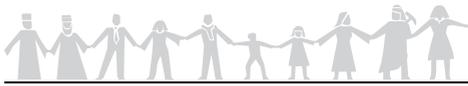
Since its establishment, WCLAC has adopted a gender equality and women's rights framework based on international human rights discourse. In its first years it focused on gender-based violence and women's rights in the private sphere. At the time, other organisations were addressing political violence against women perpetrated by the Israelis. In the absence of an accountable state, and while Israel was still in direct control of the OPT and every aspect of Palestinian life, WCLAC's focus was on the protection of women's human rights and bodily integrity within the family. That was possible because religious courts handled family law matters and Israel left that system intact.

Before the Oslo Agreement, WCLAC's legal literacy workshops were all related to family law matters, and the representation of clients was in religious courts only, which is where most women's cases were heard.

After the Madrid Conference⁴⁵ in October, 1991, hopes were heightened for an independent Palestinian state that would protect Palestinian interests and develop a Palestinian social, economic, and cultural agenda. Also, people hoped, a Palestinian state would involve an indigenous Palestinian legislative process that would contribute to Palestinian social development. As the only organisation that dealt with legal matters for women, WCLAC felt a strong responsibility to take the lead in developing a comprehensive strategy to use the transition process to address women's strategic needs in legal and policy matters.

Human rights organisations allied with the PMP. Established in 1979, Al-Haq was the first Palestinian human rights organisation to address Israeli violations of international human rights and humanitarian law through systematic documentation of violations against the civilian population and their property. Al-Haq undertook advocacy campaigns at the international level. Later the Palestine Centre for Human Rights was established in Gaza, followed by other centres for the documentation and study of human rights. All these organisations addressed human rights violations against Palestinian people and property perpetrated by Israel in the public sphere. For over 20 years a major aspect of the Palestinian struggle against Israeli occupation involved addressing the illegitimacy of Israeli practices with regard to international human rights and humanitarian law. More and more political activists have adopted this discourse to hold Israel accountable for its violations. Moreover, in terms of the struggle for economic, social, and cultural rights, Palestinian society has organised ongoing resistance to Israeli practices, which include curtailing freedoms, continued imprisonment of thousands of young people, confiscation of land and destruction of property, the imposition of high taxes, and systematic de-development without any accountability or international sanctions. The language of resistance to oppression and related calls for the respect of human rights has become part of the daily discourse of Palestinian people.

45. From 30 October to 1 November 1991, the United States and the Soviet Union co-sponsored the Madrid Conference, hosted by Spain, in an attempt to revive the Palestinian-Israeli peace process.



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The prevalence of this discourse provided a strong ethical component to challenge women's subordination and violence against women.

As part of the struggle against colonialism and occupation, Palestinian feminists understood the connection between the authoritarianism of occupation and authoritarianism within the household. Thus, Palestinian human rights groups became allies for Palestinian feminists. An example of this was Al-Haq's 1994 conference in Jerusalem, entitled "Women, Justice, and Law." Over 400 people attended the conference, mostly women activists in grassroots organisations, human rights activists, scholars, and journalists. Its goal was to identify ways in which law can be used as a tool to empower Palestinian women. The discussions focused on the political, social, and economic status of Palestinian women in the OPT and explored ways to draw on international models to advocate for legal reforms that would both protect and empower women.⁴⁶ Moreover, to demystify religious law, Al-Haq held a series of workshops regarding Shari'a, led by Shari'a Court judge Hayyan al-Idrissi in Ramallah in 1991.

The Palestinian Model Parliament

Being part of a larger global and regional movement struggling for freedom and social justice, Palestinian feminists saw an opportunity in the post-Oslo transition period to develop a strategy to impact Palestinian legislation in the direction of gender-sensitive reform. The Palestinian Model Parliament idea built on a series of actions at local, regional, and global levels. Not wanting to reinvent the wheel, Palestinian feminists reviewed other women's experiences in educating their communities and the decision-makers to develop gender-sensitive legislation. The cumulative process within the local Palestinian context included various public activities organised by the Women's Study Centre such as "Domestic Violence in the Palestinian Community: Case Study of the Old City of Jerusalem" in winter 1993, and Al-Haq's "Women, Law, and Development" conference in 1994. These were widely acclaimed and supported by members of the women's and human rights movements.

46. Al-Haq, *Thirty Years in Defending Human Rights*. (Ramallah, Palestine: 2009), p. 61.

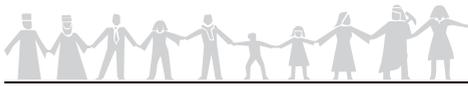
Law in Palestinian society

As explained in the Introduction, Palestinian law is very complex and uneven. It stems from many sources and different time periods: Ottoman law, British Mandatory laws and emergency regulations, Jordanian law applicable in the West Bank, Egyptian law applicable in Gaza, and Israeli military orders imposed and implemented as part of the Israeli occupation. Living under occupation that has systematically undermined the civil court system, Palestinian society frequently resorted to customary law to resolve internal disputes. This depends on the power of negotiators and the parties they represent, the main objective being tribal or clan peace rather than justice for the individual. Women's issues were mostly dealt with through the customary law system and religious courts, Muslim and Christian. The religious court system remained intact after 1967 without direct interference from Israel. Moreover, because those religious institutions protected Palestinian identity, especially in Jerusalem, they were not challenged by most left-wing organisations. As a result, they remained unaccountable, closed systems as religious authorities deemed family-law issues "holy" and not for public discussion.

Within the highly patriarchal systems of customary law and the religious court system women rarely benefit as they are on the lower end of the power imbalance. Transparent, accountable, and democratic state institutions with gender-sensitive laws and policies provide better guarantees for the respect and protection of women's rights. From the Madrid Conference, followed by the Washington Negotiations that started in November of the same year, and the Oslo Accords signed in September 1993, the primary Palestinian negotiators displayed a total lack of knowledge about Palestinian law, Palestinian legal history, and even about the laws that currently impact women's lives. As time has proven, the absence of a critical review of the details of the signed agreements related to maps and geography, as well as economic infrastructure and networks of social relations, has seriously compromised the interests and wellbeing of Palestinian people and prospects for sustainable development.

Preparation for the Palestinian Model Parliament: Confluence of Influences

The increased participation of women in public life set new models and raised crucial social justice issues. In addition, WCLAC saw that the women's movement could play a major role in the political transition process and impact legal and policy reform to achieve social justice. In the context of occupation and conflict, we believed that, for women, a bad law is better than no law.



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In addition to international, regional, and local influences, the evolution of the PMP idea went through its own incubation process. After the Oslo Accords, WCLAC mapped all laws that affected Palestinian women's lives and highlighted the discriminatory ones, publishing the findings in book form.⁴⁷ WCLAC identified laws that discriminate against women in five major areas: labour law; political and public life; health, education, and social welfare; criminal law; and Personal Status Law. As part of the process of finalizing the book, WCLAC organised workshops to discuss the findings with members of the women's organisations. Workshop participants included people from all political persuasions and ideologies within Palestinian society, and there was great eagerness to give input and feedback. Thus, the book served as a discussion document that charted the shortcomings of Palestinian law from the perspective of women's rights. It was the first time discussions about the social status of Palestinian women and the laws that determine it had taken place in open forums. Also it was the first discussion about the colonial influence on Palestinian legal history, with its legacy of tribal power and traditional ruling elites.

The next step was to see how Palestinian women perceived reform of these laws to meet international human rights standards. Another WCLAC project selected sixty-five articles that covered the five major areas identified above, and suggested amendments based on national, regional, and international principles and guidelines that protect and promote the rights of women. These included the Declaration of the State of Palestine, the Palestinian Women's Document of Principles, Arab Agreement No. 5, 1976 on working women, and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In 1998, WCLAC published an updated version of this book, which included a draft law to create a Palestinian National Council for Women's Affairs.⁴⁸ By this time the book's contents had been discussed intensively with political, religious, and social activists to get their feedback on the suggested reforms. When the revised and final manuscript went to the printers, an advocacy and media campaign was already in the works. Once we identified the discriminatory laws and documented the necessary reforms, the next step was to convince activists to lobby the newly elected legislators to adopt the changes. The Palestinian Model Parliament was the direct outcome of the democratic process described here.

47. Shehadeh, Raja and Ala'a Al-Bakri (eds.), *Towards Equality: Palestinian Women and Law*. (Ramallah, Palestine: WCLAC, 1997).

48. Khader, Asma, *Law and the Future of Palestinian Women: Drafts and Recommendations for Legislation that Guarantee Human Rights and Equality for Palestinian Women*. (Ramallah, Palestine: WCLAC, 1998).

Critical debates on inclusion, authenticity, and legitimacy

The first election for the Palestinian Legislative Council (PLC) took place at the beginning of 1996. The elections and related public discussions about Palestinian political and social life were a new experience for Palestinian society. During the electoral process women were mobilised to vote but it was not clear whether candidates were truly committed to gender justice at the level of economic, social, and cultural rights or if they only wanted women's votes. The social agenda of the newly elected PLC was not tested and the platforms were mostly political aimed at national liberation.

Palestinian women leaders who were part of the grassroots women's movement, which focused on social as well as political dimensions of the struggle, were not included in the negotiations with Israel that led to the Oslo Agreement and had no political space to voice their concerns. When the PNA was established women leaders were excluded from decision-making positions, and women's issues, needs and concerns were not on the agenda. A further complication was that a good number of prominent women on the Left did not want to highlight the social agenda because the political struggle against Israel was their main focus.

Feminist leaders discussed the possibility of forming a preparatory committee for the Palestinian Model Parliament as the best way to move forward. This would keep gender issues and women's social and economic rights on the political agenda, allow for the representation of regional and ideological diversity, and ensure representation of all social and political actors. Human rights groups and grassroots women's organisations were very open to participating in the proceedings, so WCLAC convened a preparatory committee composed of fifteen women's organisations, professional and human rights bodies, women leaders, and grassroots activists from the West Bank and Gaza.

The contradictions inherent in the political context and their effects on various women's organisations all surfaced during the discussions on the formulation of the preparatory committee. Among Palestinians in the OPT there was consensus that the GUPW was the PLO umbrella organisation for all women's activism. Newly arrived leaders of the GUPW, still unfamiliar with the OPT, had not yet figured out all the forms of gender-related activism and its proponents and leaders. In the early days of the PNA, the WATC, a coalition of grassroots organisations, was more visible and had the resources to mobilise on





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gender issues so wanted the PMP to be under its leadership. A specific question raised during one of the discussions was which body would issue the invitation to participate in the PMP, with the suggestion that WATC doing so would give more “legitimacy” to this undertaking. The ensuing conflict over legitimacy and representation meant that quite a lot of time was consumed discussing who would take leadership of the PMP. WCLAC wanted all invitations to come from the preparatory committee, but also wanted to avoid an organisational power struggle. So the preparatory committee was compelled to rethink our strategy to be able to pursue our agenda. The idea was proposed to hold regional parliaments where each region would focus on a specific area of law.

The preparatory committee decided that regional committees should be established and that decisions regarding each regional parliament would be determined at the regional level, rather than having one committee for the whole project. The regional committees were composed of regional members of the preparatory committee and members of the GUPW and women’s grassroots organisations, local women leaders, and human-rights activists from the regions. The regional committees chose the specific areas of law to be discussed. The central region, consisting of Jerusalem, Ramallah, and surrounding villages and towns, chose women in criminal law; the southern region, made up of Hebron, Bethlehem, and surrounding villages and towns, chose labour law; the northern region of Nablus, Tulkarem, Jenin, and surrounding towns and villages, chose public life, health, and education; and Gaza women chose family law. It was agreed that a summary of all issues would be discussed in a central parliament to be held in Ramallah where representatives from the various regions would participate.

This move to form regional preparatory committees proved to be the most decisive in decentralising power and contributing to real ownership of the project by grassroots organisations in the different regions. Hence, the PMP gained a life of its own with WCLAC providing support. The regional committees were able to take the PMP media materials and lobbying activities to places that no central committee could have taken them, which resulted in widespread community and media attention to the proceedings.⁴⁹

49. The preparatory committee in Gaza developed their own documents and media materials

A platform for women's concerns

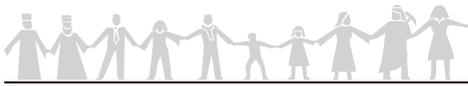
While the debates about legitimacy and representation at higher decision-making levels were going on in Ramallah, women at the grassroots level were eager to proceed. There was a high demand for legal literacy workshops and discussions about legal reform from women's groups in the West Bank and Gaza. With the guidance and support of the regional committees, WCLAC staff prepared materials and led workshops with grassroots women's groups. All women's groups in the regions gave WCLAC staff access to their cadres, across ideological lines. Women's engagement with the process was impressive and there was a hunger for more information and more and more training materials amongst grassroots women's groups.⁵⁰

There was consensus amongst Palestinian women all over the West Bank and Gaza that the existing laws discriminate against women. Disagreement concerned whether reforms should follow a progressive interpretation of Shari'a or international human rights law. This difference of opinion was reflected in the work of the PMP. In Gaza, the preparatory committee agreed that legal reform should be based on progressive interpretation of the Shari'a; in the West Bank the preparatory committees in the north and south wanted international human rights standards as the basis for legal reform.

WCLAC supported reform of all Palestinian laws, including Personal Status Law, according to international human rights standards. Moreover, we thought that Palestinian laws should not discriminate among Palestinians on the basis of religious affiliation or background, Muslim or Christian. However, since the regional committees were in charge of discussions in their regions, WCLAC did not wish to impose its vision on others and considered the lively debates as part of a healthy democratic process that should be ongoing. This perspective was aligned with WCLAC's main priority: that women should know about legal discrimination and mobilise for gender-sensitive reform,

that were more relevant to the Gaza context

50. Discussion with Khulud Al-Masry, previously a member of Nablus city council representing the Block for Reform and Change, and one of the founders of Rabitat Al-Mara' Al-Muslimah. Later, Israeli authorities arrested her for being a suspected Hamas member. She revealed that she had used the PMP training materials in her own trainings of women. Israeli authorities confiscated these materials when her house was raided.



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regardless of their ideological position.

Being closely connected to the Arab feminist movement and aware of similar debates in other countries, WCLAC wanted to bring such discussions to the OPT. We invited two feminist scholars: Hafitha Shuqeir from Tunisia who led a discussion on international human rights standards and Farida Bennani from Morocco who led a discussion of legal reform based on a progressive interpretation of the Shari'a. Their workshops were very well attended and participants got into very engaged debates.

The PMP was held at a time when political positions and identities were still fluid, and debates concerning the social agenda sharpened both. The project gave women a platform to voice their concerns and visions for Palestinian society in what was dreamed of as an independent Palestinian nation-state. It provided a platform during this critical historical moment to women dissenting from the Left for having betrayed the social agenda, to conservative women who wanted reform and to preserve a Palestinian Islamic identity, and to an emerging women's leadership along political, ideological, and party lines.

Moreover, the PMP provided a context for the first public discussion of the social contract within Palestinian society. At their core, the PMP debates related to what kind of a society we want to be and on what principles we are going to organize our relationships as individuals and communities and with the state.

Conclusion

PMP organisers met vehement, sometimes threatening, opposition from various segments of society very explicitly and directly soon after we began to gather momentum. The severity of the attacks against the women's movement was traumatising to various women leaders, leaders of left-wing political parties and some civil-society organisations. For a long time there was an exchange of blame and criticism of the PMP leaders by other women's movement leaders, party leaders, organisations, and some academics. One of the issues raised concerned timing and the lack of social preparedness for such an open debate about the Palestinian social contract.

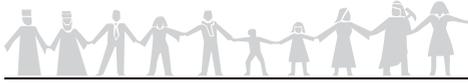
Also, the PMP and the backlash against it gave the opportunity for political Islam to surface publicly with their agenda and to gain

credibility and power in the community as the protector of culture, religion, and the entire society. Additionally, Islamists claimed legitimacy from not being “defeated” by Israel as they continued the struggle against Israeli occupation by refusing to sign onto the Oslo Agreement.

The PMP experience proved that there would never be enough readiness for us to go through the kinds of heated debates experienced and questions raised. There will always be opposition parties who will take advantage of a situation to promote themselves politically by exploiting social issues and the status of women, the easiest and most convenient platform on which they can wage their battle. It became clear through the PMP experiences that such political manoeuvring compromises honesty, integrity, and genuine commitment to human rights principles. Therefore, women leaders particularly, and all social actors, should be prepared to withstand vicious attack and remain steadfast. To do so, one must not underestimate the level of the backlash, including deeply personal attacks, but be unequivocally rooted in one’s own value system, with no illusions about who are allies in the struggle and who are not.

From the beginning, women’s activism in Palestinian society was always closely related to the struggle against occupation and for liberation. It was through the liberation struggle that feminist identities evolved, and women’s action for social justice often transcended party politics. However, many women remained within their parties and, in the electoral process where votes matter, the party position over-rode their aspirations regarding women’s liberation. In the complex Palestinian reality where both national liberation and women’s liberation are necessary to create a truly democratic society, women activists, feminists, and democratic social actors have to be clear about their identities, values, and political principles because any blurring of positions will weaken the struggle and make them unable to withstand attacks.

Linking and networking among all actors is absolutely necessary to shield ourselves from the attacks and maintain forward progress for social justice as we seek liberation. Feminist intellectual activists infuse mainstream liberation movements and struggles with ideas, aspirations, and reminders about the necessity always to adhere to truly democratic principles that ensure women and women’s



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interests are consistently acknowledged and represented as essential elements to achieving true justice, peace, and security for all. Toward this end, feminists bear a profound historical responsibility to ensure that we maintain the principles we stand for, while simultaneously maintaining open lines of communication and building coalitions with women's groups and social actors to gain support for the struggle within their parties as well as against oppressive forces inside Palestine and those of the Israeli occupation. In this context, sometimes feminists must be tactical in our alliances with other social actors, but should never compromise our long-term principles because those are what keep us relevant, make us credible within our society, and, most important, the basis on which future generations will judge us.

كيف بذك اياي في اخصر محاضرتك
عن (العنف ضد المرأة) .. انت
مش شايف
شكلي؟!



How do you expect me to attend your
lecture on violence against women...
can't you see what state I'm in?



The Palestinian Model Parliament: Why, What, and How **Taghreed Duaibes**

Introduction

Since the establishment of the Palestinian National Authority (PNA) a key responsibility of governmental, non-governmental, and human rights institutions has been the education of Palestinian people in law and human rights as part of the process of building an independent Palestinian state.

The Women’s Centre for Legal Aid and Counselling (WCLAC) has been doing educational work through various programmes and projects since its founding in 1991. One of these concerns “legal literacy” with lectures, courses, seminars, and workshops primarily designed for women. This programme promotes the idea of legal culture in Palestinian society by educating and empowering women to participate in political and civic life at all levels. We believe that the presence of women at the highest levels of decision-making will contribute to the development of policies that take into account women’s human and social needs interests.

In 1997 and 1998, WCLAC expanded and developed this legal literacy work through the Palestinian Model Parliament (PMP). This project involved proposing modifications to existing laws and recommending future Palestinian legislation to promote equality and human rights for women. It aimed to mobilise widespread support for these proposals among the general public, members of the Legislative Council, decision-makers in the PNA, other politicians, political parties, civil-society organisations, and opinion-makers—including writers, journalists, and religious leaders. Despite the many organisational and political challenges involved in such an ambitious project, it made a major contribution to political discourse among Palestinian people in all regions of the OPT.

The project team created opportunities for people to review legal proposals, to receive training in negotiation skills, and to form lobbying groups. In addition, the project included a media campaign to reach a wide cross-section of Palestinian society. A related goal was to raise people’s awareness about gaps in applicable laws, including Personal Status Law,⁵¹ and to motivate them to demand modifications in line with ideals of social justice.

51. Personal Status Law, based on religious principles, legislates conduct of personal life such as marriage, divorce, inheritance, and so on. It can be either Muslim or Christian.

As a first step, WCLAC conducted a comprehensive survey of existing laws.⁵² This included an evaluation of applicable laws with attention to gender discrimination and shortcomings regarding women's rights, especially in relation to Personal Status Law. This was followed by recommendations to amend the laws prepared by advocate Asma Khader, former Director of Al-Haq, a Palestinian human rights organization, and legal adviser to the PMP,⁵³ together with lawyers, judges, and women activists. These experts were concerned with the principle of gender equality and a desire to harmonise Palestinian laws with international conventions, treaties, and principles of human rights. Ultimately, it was expected that their analyses and deliberations would lead to proposals for national legislation to ensure equality and human rights for Palestinian women.

This chapter provides many details about the West Bank actions and fewer about Gaza. However, the organising in Gaza was extensive and relied heavily on the volunteer work of young women and men on the ground.

Education and Training

A key aspect of the project was extensive education and training to familiarise members of various communities about legal issues.

Training of Trainers

A foundational activity was the training of trainers with a focus on legal issues, negotiation and lobbying skills. This training included a selected group from governmental and non-governmental organisations, both women and men, who committed to participate in all PMP activities, including the final Central Palestinian Model Parliament. Those who took the training were expected to train others, as a way to disseminate knowledge and skills as widely as possible. Another goal was to develop the abilities of women cadres to access influential decision-makers such as legislators, politicians, officials, and religious scholars, and to persuade them to adopt the proposed amendments to laws currently enforced in Palestine.

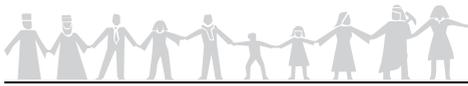
The training materials included a basic manual on how to claim women's human rights. It was used in the West Bank and Gaza.

Women's groups in different regions of the West Bank were trained

52. Shehadeh, Raja and Ala'a Bakri. *Towards Equality: An Examination of the Status of Palestinian Women*. (Ramallah, Palestine: WCLAC, 1995).

53. Khader, Asma, *Law and the Future of Palestinian Women*.





so that each would be able to introduce the PMP and its objectives concerning the status and rights of women in current law and proposals for changes to these laws. Using this approach, the organisers were able to build an extensive network and to reach a large number of citizens in different areas of the West Bank.

Although the trainees and members of regional committees were intellectuals, activists, and decision-makers who constitute a minority within Palestinian society, they helped to promote the PMP to various social sectors. This was done directly or through social activities and media coverage.

Workshop on mobilisation, lobbying, and advocacy

A three-day workshop on mobilisation, lobbying, and advocacy included 21 participants representing various women's organisations (November 9-11, 1996). The trainers were:

1. Asma Khader, Director of Al-Haq and legal adviser to the PMP. She presented general principles and legal frames of reference that must be taken into account during negotiation and lobbying for legal reform related to women's rights in the Palestinian context, and how to develop skills in this direction.
2. Leslie Abdullah, a British expert in lobbying and advocacy. She presented theoretical background on negotiation and lobbying skills on women's issues, the standards to consider in negotiation and lobbying, and the formation of pressure groups.
3. Randa Siniora, a researcher at Al-Haq. She discussed the obstacles that hinder this work within Palestinian society as well as positive elements available to the Palestinian women's movement to pressure legislators and decision-makers.

The workshop was held at the Women's Affairs Technical Committee (WATC) in Ramallah, and organised by the Preparatory Committee for the PMP. The training included members of the Preparatory Committee who represented various women's and community organisations, as well as some interested individuals.⁵⁴

Workshop on proposals relating to women in the area of family law

This training included the PMP team, WCLAC staff, and a number of lawyers from the north, centre, and south of the West Bank, totalling 20 participants and comprising three workshops held on October 23 and 29, and November 1, 1997. A lawyer, the late Ala'a Eddin al-Bakri

54. See Appendix 1: Members of the Preparatory Committee.

presented an overview of applicable laws in the OPT and highlighted discriminatory articles that required amendment. He made proposals for future legislation relating to women and family law, civil law, and penal law. Participants discussed proposed amendments in these areas and how to submit these proposals to the Legislative Council.

The Pilot Training Course

A pilot course was held for four days at the WCLAC headquarters at Dahiyet al-Bareed (March 25-29, 1997). The participants were the same as at the first training of trainers. The goals were to:

1. Empower staff of WCLAC and the PMP project by providing them with essential information about the legal issues relating to women's rights;
2. Strengthen the cadre of trainers and provide them with negotiation and lobbying skills;
3. Contribute to the creation of pressure groups; and
4. Contribute to the project by coordinating with numerous women's centres in order to intensify and unify the overall effort.

The training included:

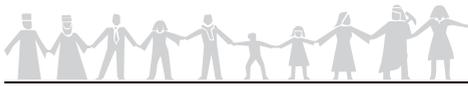
1. An orientation on local laws and regulations, particularly with regard to Personal Status Law, civil law, and penal law, presented by advocate Hanan al-Bakri of WCLAC.
2. An orientation on international law and its relationship to the rights of women, presented by Tanya Tabara of WCLAC.
3. Training on negotiation and lobbying skills provided by Islah Jad, a professor at Bir Zeit University.
4. A general assessment and evaluation of the pilot training course.

Taking the trainings to the people

Later, project organisers arranged to hold a number of similar workshops in different areas of the West Bank and Gaza in order to disseminate legal knowledge and to expand the base of support and advocacy for the PMP. It was decided to offer these training workshops in all areas of the West Bank, including Jenin, Nablus, Tulkarem, Qalqilya, Ramallah, Bethlehem, Hebron, and Jericho. This stemmed from the Centre's belief that legal knowledge should be part of mass culture, not limited to the elite.⁵⁵

55. In practice, there was some variation in activities carried out in different districts in the West Bank. Many activities took place in the central area but there were no significant activities in Jericho and Qalqilya districts. This may have been due to several factors: limited





Workshops were conducted throughout 1997 as shown in the following table:

Regions	Target Groups	Venue	Dates
Nablus	Governmental and non-governmental institutions and women's centres	National Palestinian Council	May 1997 11-15
Jenin	Governmental and non-governmental institutions and women's centres	Palestinian Red Crescent Society	May 1997 25-29
Ramallah	Public and private school teachers	FIDA Centre	August 20-23 1997
Ramallah	Political parties	Palestinian Arab Front Headquarters	10-15 September 1997
Ramallah	Ministries and non-governmental organisations	Ministry of Labour Headquarters	September 18-22 1997
Hebron	Governmental and non-governmental institutions and women's centres	Palestinian Child Arts Centre	October 5-9 1997
Bethlehem	Governmental and non-governmental institutions, and women's centres	Bethlehem University Campus	December 1-15 1997

The following experts provided the training:

- Hanan al-Bakri, WCLAC: Local laws and Personal Status Law.
- Tanya Tabbara, WCLAC: International law and its relationship to women.
- Soraida Abed Hussein, WCLAC: Evaluation of proposed laws.
- Randa Siniora, Al-Haq: Mobilization and advocacy skills.
- Sama Aweidah, Women's Study Centre: Communication skills.
- Abdel-Salam Khaddash, Tamer Institute: Communication skills.

Twenty-five trainees from each region participated in these workshops and courses. They were selected on the following basis:

- Experience in feminist work.
- Flexibility in movement and ability to travel.
- Commitment to the work and extensive knowledge regarding the status of Palestinian women.

Most participants came from institutions that already did feminist work and communicated with the public. These institutions

invitations to attend certain activities; a feeling of saturation with courses and workshops that were perceived as abstract and unconnected to tangible needs; the sensitive nature of the topic; and tight-knit social and family structures that made open meetings difficult.

supported the national campaign by assigning a staff member to participate in the training, and by committing to undertake what was expected afterwards.

The overall objectives of these trainings were to:

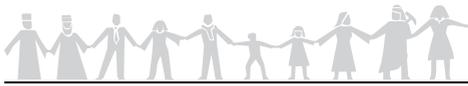
- Form local groups of women activists interested in women's rights, each qualified and equipped with experience and skills to help them influence the largest possible number of citizens;
- Empower young leaders in different areas through legal information and negotiation skills so they could pass this on to as many women as possible;
- Train women leaders in negotiation and lobbying skills;
- Expand the circle of those who support women's rights and who can work to change legislation relating to women; and
- Prepare a wide base of support for the PMP.

These trainings and workshops promoted the objectives of the national campaign, emphasising the importance of citizens' participation in establishing the rules of democracy and strengthening the rule of law in Palestinian society.

All materials presented in the workshops were distributed to participants beforehand. In addition, participants were given the proposed amendments to laws that discriminate against women for their reference and for use in the trainings they were assigned to conduct in the future. The participants were also provided with all PMP campaign materials.

After the trainings, participants were expected to hold four community meetings in their respective regions. These meetings were very successful. They focused on different groups within the community, including housewives, students, workers in the garment industry, and employees of governmental departments. These meetings had a great effect on participants, especially women, who expressed their appreciation for the opportunity to learn about legal issues concerning women's rights, a topic that was new for them. They also expressed their need for legal knowledge related to the development of women's status at all levels.

Media Work



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WCLAC initiated the PMP media campaign with a large convention, attended by all those connected to the PMP, held by the General Union of Palestinian Women under the auspices of President Yasser Arafat at Al-Siyahi Hotel in Ramallah (June 16, 1997). Publicity materials included:

- Pamphlets describing the project and detailing the goals and timeline for the campaign;
- Calendars for the PMP for 1997-1998 with satirical political captions. It included cartoons by the Jordanian artist Jalal Rifai, excerpts from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the draft Palestinian Basic Law (as approved by the Palestinian Legislative Council), articles from the Universal Declaration of Human Rights, as well as sayings of the Prophet and verses from the holy Qur'an;
- Audio cassettes of the PMP song in the form of Ala Dal'ona Ala Dal'ona, popular folk tune: "We have heard you... and now you hear us." The song was broadcast during the opening to announce the launch of the media campaign;⁵⁶
- Plastic bags printed with the project logo and other campaign slogans for distribution to shops;
- Leaflets introducing the PMP to be distributed widely at community events;
- Folders with PMP slogans to distribute campaign materials, and materials for workshops and special trainings on the PMP;
- Posters to promote the campaign and to increase visibility in the community. Two designs were produced with the slogan: "Walk with me and be my ally"; and
- Fifty cartoons created by Jalal Rifai that reflected the concerns of Palestinian women and their rights to employment and education, to formulate laws, and to participate in building a new Palestinian society. Some cartoons were made into banners that were placed in strategic intersections in major cities and towns where passers-by would be sure to notice them.

These materials were distributed to various institutions. Efforts were made to ensure they reached all members of the PLC and other influential decision-makers. Information about PMP activities was published in newspapers, and through radio and local TV to reach the largest possible number of local communities, and to mobilise

56. Ala Dal'ona Ala Dal'ona is an ancient Palestinian folk tune. PMP activists organised a competition inviting people to put new lyrics to the tune to fit the situation as part of the organising strategy.

as much support as possible. Media campaign materials were also distributed to all who participated in the training workshops. Participants took them on field visits to governmental and non-governmental institutions, members of the PLC, and other decision-makers.

PMP Coordination and Implementation

At the beginning of the project, the Preparatory Committee was formed to provide intellectual, political, and logistical support for the PMP. WCLAC bore the overall direct responsibility for the implementation of the project and provided most of the logistical support.

Given the geographical separation of Palestinian communities and to get the best possible representation and grassroots involvement, it soon became clear that there was a need for regional committees to work on a number of issues. An important goal for forming the regional committees also was to increase community awareness of women's rights through publicizing the idea of the PMP project. Another goal was to create some degree of protection for women participating in PMP activities. Accordingly, regional committees were set up in each area of the OPT. The committees consisted of volunteers and activists—women and men—from the local communities. These regional committees played an essential role in implementing the PMP. They prepared all project activities in their respective regions in coordination with PMP staff. This involved many meetings to draw up unified plans, and work to activate the regions by holding workshops to discuss women's legal issues.

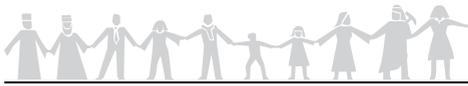
Regional committee members were selected according to the following criteria:

- Active participation in women's committees as well as governmental and non-governmental institutions in the region.
- Attendance at training on legal issues.
- Also, members were chosen from a similar age group and educational background. This was important to facilitate communication among them, their shared understanding of the PMP's objectives, and their participation in activities and events.

After the initial training of trainers, members of the regional committees identified their tasks as to:

- Recruit volunteers and form committees of their own to help





- spread information about the PMP;
- Conduct a number of visits to non-governmental and governmental institutions to introduce the PMP and to attract interested people and decision-makers, especially those concerned with women's issues;
- Monitor all PMP activities and to participate in the Central Model Parliament as a culmination of the project;
- Distribute informational materials through visits to various institutions and interested people in decision-making positions and members of the PLC;
- Develop strategies for the negotiations and advocacy committee; and
- Contribute new ideas to support and promote the PMP.

As mentioned above, these committees played an essential role in the realisation and success of the PMP. Members were highly efficient and remarkably enthusiastic in promoting project objectives, raising legal concerns, and awareness of issues related to women's rights. This was particularly notable given differences in backgrounds and perspectives among members: secular and religious; those who believed in equity and those who believed in full equality. The role of volunteers varied among regions. They were not a key element in the West Bank campaign but played a central role in Gaza where volunteers were of great help in organising community meetings and getting signatories to the PMP document.

Lobbying and Advocacy

The trainings and the regional committees resulted in three lobbying and advocacy groups consisting of 25-30 persons from each region. Their goal was to reach as many people as possible to convince them of the importance of women's legal rights. These groups included experienced and skilled people who sought to influence citizens and officials such as the governor of each district, leaders of governmental and non-governmental institutions, schools, and trade-union members. By way of preparation these groups discussed the laws and developed arguments and counter arguments.

The members of each regional committee chose a particular area of law as the focus of their work, depending on regional interests and needs. Each lobbying group worked on the law chosen by the region. Group members, assisted by legal professionals, discussed and identified issues and defined necessary amendments. They also

recommended measures to be taken in cases of discrimination and violence against women, including domestic violence. Their goal was to try to influence decision-makers with a document itemising the basic demands of the PMP: legal equality for women, abolition of legal discrimination against women, and the adoption of legislation that would ensure equality and human rights for women. Moreover, the regional committees wanted to contribute to building a civil society based on justice, equality, and respect for human rights and the rule of law.

The regional committees for each part of the West Bank developed three documents, somewhat academic and legalistic in nature. Another document, from Gaza, was written in a more popular and accessible way. Participants from Gaza stressed the need for clarity in written materials: that they should relate to women's priorities and should avoid sensitive topics, in order to mobilise the largest possible number of supporters and signatories.

The final draft of the document was approved at the beginning of January 1998, after lengthy discussions in all areas. It took into account the full range of rights and principles necessary to create a democratic civil Palestinian society based on justice and equality.

Signature campaign

The PMP process included a widespread signature campaign gain support for the approved document. This took place three months before the Central PMP sessions in order to rally support for the demands, which would be submitted to the PLC after the last session of the Central MP.

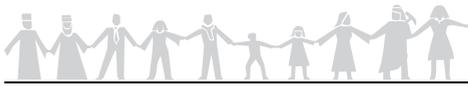
The document carried the signatures of citizens from various social strata, with a total of approximately 3,000 signatories in the West Bank and 10,000 in Gaza. Informational materials such as banners, calendars, and leaflets were used as part of the signature campaign.

Connections with Arab Nations

The contribution of Arab participants was of great importance in enriching the PMP experience. The situation of the Palestinian people, isolated by the Israeli occupation and imposed blockade, limited the possibility for keeping up with political, social, and cultural developments in the Arab world.

Regarding women's issues in Arab states, similarities stem from shared social, cultural, and religious values and norms. However, details differ from one country to another depending on political and economic





factors. For this reason, WCLAC saw a need to exchange experiences with women from the Arab world as part of PMP education and advocacy efforts. Accordingly, the Centre invited Professor Hafitha Shuqeir, a Tunisian professor of law, to address four workshops in the three West Bank regions. The founder of the Tunisian Association of Democratic Women and a member of the Women's Committee for Human Rights, Professor Shuqeir spoke on "The Tunisian Experience: Women and the Law: The Role of International Law in Strengthening the Status of Women and Protecting Their Rights."

In reviewing the Tunisian experience, Professor Shuqeir pinpointed the factors that led to the feminist movement's success in achieving the formulation of civil law that protects women's rights. A reformist movement advocated for the education of girls and women and the abolition of polygamy, and a national movement adopted these demands to be included in law. A second factor concerned political will, whereby the state took the initiative to draw up laws to protect women's rights. She discussed the role and importance of a written legal text to protect women, noting that the absence of a legal text would allow laws to follow traditional norms, customs, and traditions, which have changed in Tunisia as a result of great pressure from the feminist movement.

Reactions to these presentations varied. Audiences in the central and northern regions welcomed Professor Shuqeir's remarks and were very engaged in the dialogue. However, the reaction in the south was very different. Some participants agreed with her presentation; others from religious and conservative backgrounds did not; and a third group was completely silent due perhaps to their obvious confusion.

These varying reactions were to be expected. This was the first time in the history of the OPT that women's rights, religious laws, and civil laws were debated publicly. Second, issues regarding family law and Shari'a had not been raised in the preparatory meetings in the south. Moreover, Professor Shuqeir emphasized international law and the UN Declaration of Human Rights as necessary unifying principles underpinning local civil laws to protect the rights of women, rather than religious laws. This view aligned with the perspective of the PMP organisers but not all who attended the presentations.

Members of many governmental and non-governmental organisations, civil society actors, and those interested in human rights participated in these workshops. WCLAC also organised additional

meetings at their office in Dahiyat al-Bareed to discuss various topics concerning women and the law, including the Tunisian experience, in changing some articles of Personal Status Law. Unfortunately, some workshops organised for Professor Shuqeir could not be held due to the delay in issuing her visa by the Israeli authorities, which directly controls who enters the Occupied Palestinian Territory.

Regional Model Parliaments

The next step was to organise preparatory PMPs in the major cities of the West Bank: Nablus, Ramallah, and Hebron, together with open workshops in Gaza. The preparatory PMPs were considered open platforms to discuss proposed amendments and policy recommendations concerning the legal status of Palestinian women, and were held over two consecutive days.

The total number of participants in these PMPs was 88, equally divided between women and men. Participants came from the regional committees and lobbying and negotiation groups. Most of them had been involved in various PMP activities. They had attended training sessions as well as participating in symposia and lectures on Palestinian women's legal status. Priority was given to regional committees in the West Bank who played a very significant role in the success of local PMP activities. Other participants included people interested in women's issues from governmental and non-government organisations, and some members of the PLC were also invited.

The first regional PMP was held in Nablus in the northern region at the Arab Women's Union (February 21-22, 1998), and attended by participants from Nablus, Jenin, Tulkarem, and Qalqilya. They discussed proposed amendments to Personal Status Law, including issues of marriage, marital age, consent and eligibility, guardianship, polygamy, divorce, separation, compensation for arbitrary divorce, the marital home, equal division of property acquired during a marriage, and inheritance. The second day addressed the legal requirements and proposed amendments to penal legislation: mitigating circumstances for "honour crimes," crimes of domestic violence, rape, proper interrogation of women in legal custody, and capital punishment.

The second regional PMP was held in the south on the campus of Bethlehem University (March 2-3, 1998). This gathering discussed proposed amendments relating to political and civil rights and laws





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enforced in the West Bank: the main principles and explanatory notes on civil rights, equality before the law, women's rights in political and public participation, and women's citizenship and freedom of movement.

The last regional PMP took place in the central area at Al-Siyahy Hotel in Al-Bireh/Ramallah (March 11-12, 1998). Participants discussed the laws enforced in the West Bank, and the proposed amendments regarding economic, social, and cultural rights of Palestinian women, including: employment and social security, women's education and vocational training, protection from violence, and women's health rights. Also they discussed amendments to penal code and proposals for a family protection law.

The organisers of the regional preparatory PMPs discussed the explanatory notes concerning the proposed amendments and the justification for those amendments. The participants voted for the amendments and forwarded their recommendations to the national legislative and executive authorities. At the end of each preparatory PMP a press conference was held to announce the final statement and participants' recommendations.

Through the regional PMPs, participants identified local needs related to the specific regional focus. These needs, along with supporting evidence such as research findings and individual testimonies, provided the rationale for proposing changes in the law. Moreover, after a thorough discussion of a number of key legal principles and various case studies, participants identified and agreed upon a set of recommended amendments to the laws. These recommendations were then presented to the PLC.⁵⁷ This process was accompanied by intense pressure on the PLC to adopt the proposed amendments in any new laws. A book containing proposed amendments was distributed to all PLC members during a weekly session by the then Director of Al-Haq, the PMP legal advisor.

The preparatory PMP in the central area was the final step before convening the Central Palestinian Model Parliament, the culmination of this national campaign.

57. Interactions with members of the Legislative Council were limited because the emphasis was on implementing the regional activities. This took priority over follow-up with the PLC. On later evaluation it was agreed that, compared to the time allocated for the convening of the regional MPs and the Central Model Parliament, too little time was set aside for working with the PLC.

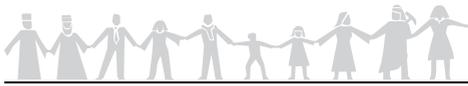
Additional Activities

WCLAC conducted numerous visits with concerned individuals such as activists, community leaders, media personalities, and university students. In addition, the PMP staff gave presentations at various universities, colleges, schools, centres, and local clubs and societies to introduce the PMP and its objectives. Many activities were held alongside the regional PMPs and these had a strong positive impact on participants. They were welcomed and attended by many interested people. These activities included:

Cartoon exhibitions Fifty cartoons by Jordanian artist Jalal Rifai were exhibited in different parts of the West Bank to introduce the PMP objectives. They reflected the reality of Palestinian women's concerns regarding employment rights, education, and the formulation of laws and participation in building Palestinian society. In addition, media campaign materials were distributed.

Cultural week The first exhibition was held during cultural week at Bir Zeit University (October 27 - November 2, 1997). Also, Hanan Rabbani (PMP Project Director), Halimeh Abu-Solb (lawyer), and Rasmi Abdul-Ghani (trade union member) facilitated a seminar that addressed the importance of laws in women's lives and women's participation in law-making. Also, the seminar highlighted gaps in current laws, which undermine women's rights. Hanan Al Bakri of WCLAC and Sheikh Imad Al-Qadi attracted a large audience when they debated the topic "Women between Tradition and Modernity" and the discussion focused on polygamy. In addition, WCLAC and other women's organisations produced brochures and publications dealing with women's issues to be displayed during the cultural week.

Study days A number of study days were conducted by the Public Relations Department of the Faculty of Shari'a at Al-Quds University in Abu Dis and by the Faculty of Law at Al-Najah National University in Nablus. The Palestinian Independent Commission for Citizens' Rights and the Social Committee of the Student Councils coordinated study days. The sessions included lectures on local and international laws, women's role and participation in the political process, current Palestinian laws, Palestinian citizenship law, and the challenges facing the Palestinian courts after many years of compromise with the Israeli authorities. The university workshops featured prominent speakers. For example, at Al-Najah National University the theme of



the study day was “Women and Legislation” (February 28, 1998) and included lectures by Nasser al-Shaer, professor at the University, on “The Evolution of Ijtihad⁵⁸ in Legislation”; Ahmad Khalidi, a professor of constitutional law at Al-Najah, on “The Evolution of Legislation in the Past and Present.” Then Halimeh Abu-Solb, a lawyer at WCLAC, presented on “Women and Legislation.”

Additional activities consisted of book exhibits with books on law, development, and women’s issues and the cartoon exhibit. A theatrical performance entitled, “I Am a Human Being,” was performed by the Central Sanabel group in cooperation with the Palestinian Independent Commission for Citizens’ Rights, and followed by a discussion with the audience.

Workshops Several workshops were held in areas of the West Bank about Personal Status Law as it relates to religious, political, social, economic, cultural, and ethical issues. These workshops were led by lawyers from WCLAC and attended by many members of NGOs and interested individuals. The workshops reviewed sections of the Personal Status Law enforced in the West Bank, followed by discussion of proposed amendments to eliminate discrimination against women.

Theatrical performance The play, *Yours Truly*, which addressed the reality of women in Palestinian society, was performed on 3 October 1997 at Al-Siraj Theatre in the city of Jerusalem, and as part of International Women’s Day events (March 8 1998). It provided an artistic impression of a woman’s life and the feelings and experiences that she might want to talk about. Directed by the artist Kamel al-Basha, the play was created through cooperation between the artist and WCLAC.

Lectures on legal issues The preparatory PMP sessions also included additional lectures on legal issues though not all of these took place due to the difficult political situation, the frequent closures of checkpoints in the West Bank by the Israelis, explosions in the occupied city of Jerusalem, and Israeli raids in the West Bank and Gaza. For example, on International Women’s Day (March 8, 1998), Asma Khader was to speak but could not do so because of the closure. Two

58. Ijtihad is the practice of generating original interpretations of problems not precisely covered by the Qur’an, Hadith, and ijma (scholarly consensus) through disciplined, analogical reasoning.

meetings in this series were held in Jenin and Hebron. Participants included several members of the PLC from those cities, in addition to representatives of governmental and non-governmental institutions, and a large number of people interested in women's issues.

Asma Khader presented a basic explanation of selected Palestinian laws, the gaps in these laws from the perspective of women's rights, and proposed amendments, particularly in relation to Personal Status Law. Rich debates followed her lectures. The large audiences responded very positively to her remarks. At the end of the meetings, participants recommended changes in existing laws to ensure the equality and human rights of Palestinian women, the promotion of legal literacy, and the elimination of all discriminatory laws. She recommended to the participants in general and members of the PLC in particular the importance of an effective independent judiciary system, especially after the return of the PLO to the homeland and the formation of the PNA.

Activities Opposing the PMP

The PMP campaign generated some severe adverse reactions among religious and conservative figures in various regions of the West Bank. Some were agitated by what they saw as a distortion of the most sensitive things about women, religion, and family in Personal Status Law. These reactions resulted in increased, and unexpected, exposure of the issues in the wider society, thus catalysing debates and conversations even among those previously removed, on the subject.

In reaction, many parallel activities were organised by religious conservatives with participation of many clerics. The conservatives' activities also included open dialogues, seminars, meetings, and public lectures. These gatherings discussed the PMP and its objectives from a religious perspective, which provoked violent and negative reactions to the project and those who supported it.

The strongest reactions were manifested in an open dialogue in the city of Nablus, organised by the Hawwa'a Center for Arts and Culture on March 31, 1998. Clerics and religious speakers, as well as members representing the PMP committees in Nablus, Jenin, Tulkarem, and Qalqilya, and the PMP Preparatory Committee, attended the gathering. Religious and conservative participants had been mobilised to fill the





hall and dominate the dialogue.

The heated debate among the speakers and the audience constituted an attack on the PMP rather than a sharing of views. It sparked a storm of controversy regarding the proposed amendments to Personal Status Law mentioned in Asma Khader's book⁵⁹ on the grounds that these were contrary to Shari'a and Sunnah. Some speakers insisted that Personal Status Law should be entrusted to Shari'a experts and the Shari'a courts. As a result, the dialogue reached a stalemate. Many opponents walked out en masse without any change in their views and to disrupt the meeting.

Another dialogue session was held in the hall of the Palestinian National Council (PNC) of the PLO⁶⁰ in Nablus on April 5, 1998. Shari'a judges, PMP project members, members of the PNC and PLC, university professors, representatives of political parties, and nationalist and Islamic activists attended this session. Participants discussed the repercussions arising from conflicting opinions about amending the Personal Status Law. This discussion included the promotion of extensive rumours, distortions, and outright lies by the opposition about the objectives of the PMP and those who supported it.

Although the heavy backlash began in Nablus, it later spread to the rest of country. Detailed information and analysis of the opposition to the PMP, including organised counter-attacks, is given in Chapters 3 and 4.

The Culmination of the PMP: The Central Model Parliament

The PMP training session

In preparation for the culminating Central Model Parliament, WCLAC held a two-day training in the PLC headquarters in Ramallah. Participants learned how to facilitate PMP sessions based on international rules and procedures of the Legislative Council, the legislative responsibilities of the Council, and the stages by which proposals become laws. The PMP project staff had attended PLC sessions to observe proceedings in order to apply them in the PMP sessions.

On the first day, Randa Siniora formerly of Al-Haq spoke about the

59. Khader, *Law and the Future of Palestinian Women*.

60. The Palestinian National Council is the elected body of the PLO that represents Palestinians in the OPT and the Diaspora.

goals for the training, which was to study and analyse the rules and procedures of the PLC. Several officials made presentations. The Rapporteur of the PLC, Amina Zahran, briefed the participants on the procedures and mechanisms for introducing and passing legislation. Nabil Siefan, then Director of Administration in the PLC, spoke about the management of parliamentary sessions, the adoption of laws, the election of parliamentary committee members, and the meetings necessary until laws are adopted and officially announced. Jamal Khatib, then Director of the Legal Department, spoke about the laws and regulations that govern the PLC. Also, film clips of some PLC meetings were shown to give a closer look at the mechanism that would eventually guide the PMP sessions.

The second day was a practice day. Participants were divided into three groups representing each of the three regions. Each group held a PMP session before an audience who observed the proceedings, followed by evaluation and open discussion with the audience to draw out lessons from this experience.

The training included 100 participants from the regional committees, and negotiation and advocacy groups from all areas of the West Bank. Also included were other interested individuals from governmental and non-governmental organisations active in the community who had attended preparatory trainings in their respective regions on legal issues, negotiation, and lobbying.

This training was the first of its kind. The participants, ordinary people, interacted in the physical setting where actual PLC proceedings occurred so felt the serious responsibility of their undertaking as well as becoming more inspired and committed to carrying on, especially in light of the backlash experienced in Nablus. This was a truly groundbreaking event in Palestinian society.

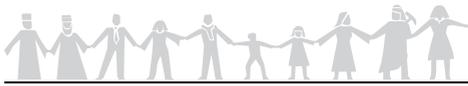
The Central Palestinian Model Parliament

The Central PMP was held under the auspices of President Yasser Arafat at Al-Siyahi Hotel in Al-Bireh (March 28-29, 1998).⁶¹

Mukaram Qasrawi, member of the WCLAC Board and of the PMP Preparatory Committee from Hebron, presided over two consecutive days of meetings. Reema Nazzal, a member of the PNC in Nablus and

61. The Head of the General Union of Palestinian Women, Salwa Abu-Khadra (Im Mahmoud), intervened with President Arafat, who realized that the PNA was the ultimate target of the attacks on the PMP. He decided that the final PMP session should be held under his auspices, and a speech was delivered in his name by the Governor of Ramallah, Issa Liftawi (Abu-Firas).





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of the Preparatory Committee for the North served as Vice President, with Rasmi Abdul-Ghani, from the Center of the Defense of Freedoms and a member of the Preparatory Committee in Ramallah, as another Vice President. The sessions were broadcast live by Wattan Television in Ramallah and there was also extensive media coverage by local newspapers. Both played a big role overall in providing Palestinian society with opportunities to follow the campaign and its activities in the different regions.

The opening session was moderated by Ghada Shadid, a lawyer. At the outset Hanan Rabbani, the Project Director, summarized the primary goal of the PMP. Next, the Governor of Ramallah and Al Bireh, Issa Liftawi, opened the PMP on behalf of President Yasser Arafat. In his speech the Governor stressed the active role of Palestinian women in shouldering responsibilities for the development of Palestinian society side by side with men. He wished the PMP success in “shaping a position that enhances the march of our people, men and women, forward in the establishment of an independent Palestinian state and Jerusalem as its capital.”

Zahira Kamal, then Director of the Women’s Development Unit in the Ministry of Planning and International Cooperation and a WCLAC Board member, delivered a speech on behalf of Maha Abu-Dayyeh, the Director of WCLAC. She commented that the PMP campaign was not coming to an end but had only just begun. She noted that efforts to improve women’s legal status should continue, and denounced the smear campaigns and other tactics by detractors to undermine this work. Next, Azmi Shoabi, a member of the PLC, made a similar speech in which he stressed the need to protect the right and freedom of expression and opinion and to respect others’ opinions.

Then the deliberations began, including discussion on the proposed amendments. The first day ended with a discussion of health rights, which continued into the following day.

Salwa Najjab, a WCLAC Board member, read the explanatory memorandum regarding Palestinian women’s health rights, which shed light on enormous deficiencies in health services at all levels, especially with regard to reproductive health. Nadera Shalhoub Kevorkian, clinical supervisor of the Social Service Unit at WCLAC and member of the Board, presented information about problems experienced by underage girls, such as rape, incest, and murder on the pretext of “honour.” She emphasised the inadequate treatment of these problems by government departments and the wider

society. She recommended the formation of health committees to help girls who are subject to these crimes and to train specialists in police stations on how to deal with such cases. This was followed by a discussion of the penal code. Participants examined the principles and proposals for amendments to Personal Status Law and there were extensive arguments on these sensitive issues.

Eighty-eight members participated in the final deliberations, divided equally between women and men, as well as guests of honour, observers, journalists, and volunteers. Participants agreed on a set of recommendations regarding the strategy for creating change, largely based on those from the regional PMPs. The most important recommendations were as follows:

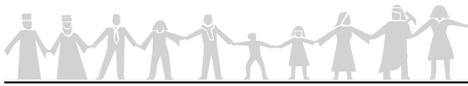
- Need to adopt Palestinian legislation to ensure the human rights of Palestinian women based on justice, the rule of law, and equality without discrimination.
- Importance of legal education and awareness on women's rights and open debate on the legal status of Palestinian women.
- Instil the concept of the rule of law in Palestinian society and institutions.
- Lobby and mobilise the support from women's organisations, the general public, members of the PLC, and other defenders of women's rights for the proposed legal amendments.
- Provide opportunities for training in lobbying and advocacy skills by various means, including the media.

At the end of the Central PMP proceedings, Mukarram Qasrawi read a statement to mark the 22nd anniversary of Land Day.⁶² The PMP participants had developed the statement to assert that Palestinian land was, is, and will remain Palestinian. It also condemned Israeli government policies of murder, repression, oppression, and opposition to peace.

Qasrawi then read the culminating draft statement of the Central PMP. Later, the official statement was read at a press conference

62. Land Day, 1976, was the first act of mass resistance by Palestinian people inside Israel against the Zionist policy of internal colonisation, a systematic process of expropriation that has reduced Palestinian land ownership from around 94% of territory in pre-1948 Palestine to less than 3% in what is now considered to be Israel. Since then, the commemoration has continued annually.





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attended by local, regional, and international media. This announced the final recommendations of the Palestinian Model Parliament, which were submitted to legislative, executive, and judicial decision-makers in order to build a cohesive society with the participation of all members.

Arab women activists from several women's and human rights organisations attended the Central PMP as observers. They included Farida Bennani, a Moroccan professor of law at the University of Marrakech; Malika Ben Rady from the University of Rabat in Morocco; Bushra Belhaj Hamida, a lawyer and Director of the Tunisian Association of Democratic Women; and Corinne Kumar, Secretary General of the Organization of Al-Tayyer International in Tunisia. These guests were invited so they could experience the Central PMP first-hand. Also their presence, representing connections to the Arab world, demonstrated the importance of mutual support from Arab feminist activists and added momentum to the project.

Following the Central PMP, the guests participated in a public seminar entitled, "The Experience of Arab Women in Legal Reform" (April 1, 1998). The objective was to share experiences of Arab women's struggles to improve their legal status and the achievements of feminist Arab movements in this regard. The seminar also provided an opportunity for the guests to discuss their experiences of the Central PMP, to strengthen communication between Palestinian society and allies in Arab countries, and to bridge the gap caused by the Israeli occupation, which limits Palestinian people's ability to participate in political, social, and cultural developments in rest of the Arab world. Specifically, there was a review of the Tunisian and Moroccan experiences in the development of Personal Status Law and of the experience of a non-Arab country, India, regarding women's struggle for the development of legal rights and social status.

Conclusion

Although the PMP ended with an agreed-upon set of recommendations regarding a strategy for creating change, there was no consensus for proposed specific legal reform. The main obstacle for reaching consensus was the differences in opinion regarding whether such reform, especially related to family law, should be based on religious principles, both Shari'a and ecclesiastical, or secular principles applied to all Palestinians. Therefore, an additional session to attempt to reach consensus was to be held from April 22 to 25, 1998. These dates were chosen so deliberations from the Central PMP in Gaza focused on the Personal Status Law, which had been scheduled for April 18 and 19, could be included in the final deliberations of the PMP. The final session was never held due to several factors including funding, demand for timely accountability to donors, logistical constraints, and other problems. As a result, there was no final document of proposed changes approved by all.

The PMP project was a very significant experience that helped to stir widespread discussion in Palestinian society. Although the main focus was on women's rights and human rights, the PMP also addressed problems of democratisation.⁶³ The regional PMPs and the activities and events that preceded and accompanied them were very effective in opening up public discussions on the legal and social status of Palestinian women, highlighting legal discrimination against women, and generating substantial recommendations to address this problem.

The great success of the Palestinian Model Parliament was demonstrated by:

- The enormous interest the project attracted from the public and the media, and the resulting public debates conducted in accessible language.
- Many articles supporting women's rights in the local press.
- Statements supporting women's rights made by leaders of various political parties.
- Experience gained regarding how to address resistance to women's rights from religious fundamentalist and conservative elements.

63. See Siniora, Randa, *The Problematic Democratization and Future Strategies*, paper presented to the Palestinian Women's Movement Conference, December 17-18, 1999.





Palestinian Model Parliament:

Towards Legislation Based on Palestinian Identity,
Progressive Ideals, and Just Content

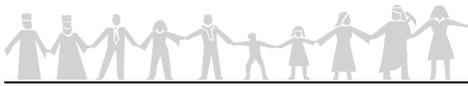
- Numerous statements issued by both supporters and opponents of the PMP.
- Positive public participation that showed people's commitment to civil society and democratic practices.

As with any major project that attempts to draw attention to and questions taken-for-granted views about a society and its laws and traditions, there were mistakes and shortcomings. Despite these, the PMP affected the whole Palestinian society and made an undeniable impact on the Palestinian women's movement.

يجب أن تسود روح الديمقراطية في اجتماعنا هذا..
الرجال يتكلموا والسِّتات تسكته!!!



The spirit of democracy must prevail
in our meeting: Men speak whilst
women stay silent!



The Palestinian Model Parliament: Accomplishments, Impacts, and Outcomes

Randa Siniora

Introduction

More than 15 years have passed since the Palestinian Model Parliament, the ground breaking feminist initiative that sparked serious community discussions and debates among all sectors of Palestinian society, and called on decision-makers to adopt legislation and policies based on gender equality, non-discrimination, and respect for the human rights of Palestinian women. The PMP had a direct impact on Palestinian society, still noticeable today. It generated considerable support as well as fierce attacks from the Islamic political movement, which led to “a state of debate and controversy that left a wide acclaim in the Palestinian community, in political, media, academic, and clergy circles.”⁶⁴ As well as focusing on proposed legal changes, the PMP provided the first experience of organised efforts around the practice of democratic life and citizenship. This was extraordinary in a society living under prolonged Israeli military occupation, and not used to democratic life or the exercise of citizenship.

This chapter discusses the positive and negative consequences of the PMP and the lessons learned from this experience of raising social and feminist issues in a patriarchal society—where the social and political system as well as social and cultural beliefs and practices all place women in a lower position than men, just for being female. This chapter focuses on the campaign against the PMP, the developments that resulted from the project principally in the field of Personal Status Law (PSL), as well as feminist discourses associated with and resulting from the PMP initiative.

Capturing the historical moment

The PMP was introduced at a specific historical moment, following the Oslo Accords that resulted in the establishment of the Palestinian National Authority (PNA) and the election of the first Palestinian Legislative Council (PLC). The Palestinian women’s movement grasped this opportunity to demand women’s equality before the law. Indeed, the timing of the PMP was very favourable because PNA

64. Othman, Ziyad, “The Palestinian Model Parliament: Women and Legislation between modernity and stereotyping, *Articles of Opinion*, 1998, p. 58.

structures and institutions were still taking shape. Generally, it was a time of widespread debate among Palestinian political forces, divided between supporters and opponents of the Oslo Accords. However, the issue of women's rights was marginalised and considered a "lost political cause" by many. Indeed Palestinian society was characterised by a weakness or absence of active democratic political forces that supported the adoption of a feminist social agenda or gave it priority.

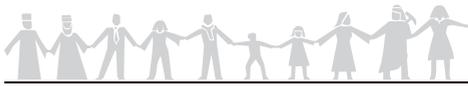
The Palestinian Model Parliament: Women and Legislation

The PMP was launched by the Women's Centre for Legal Aid and Counselling (WCLAC) in broad partnership with Palestinian women's and human rights organisations. It focused on the PLC, other decision-makers, civil society institutions, and the broad mass of people, especially women. The goal was to raise women's awareness of their legal rights and to urge them to demand legal reforms that guarantee gender equality, non-discrimination, and respect for human rights. The PMP generated widespread community debate through various activities, as detailed in Chapter Two. A range of women's associations, trade unions, political and democratic forces, and various political parties were involved. The PMP organisers wanted to connect with this broad constituency in order to expand a circle of allies to influence Palestinian decision-makers and legislators. In addition there was extensive media coverage of PMP perspectives and activities.

In initiating the PMP, WCLAC wanted a participatory and inclusive process. The Centre devoted extensive time and effort to ensure the active involvement of a range of institutions, popular committees,⁶⁵ feminist groups, human rights organisations, and civil society organisations in the PMP Preparatory Committee. WCLAC also worked hard to expand its circle of allies and to ensure a good representation and participation of all social forces in the Preparatory Committees of the PMP at regional and national levels, including representatives of the General Union of Palestinian Women (GUPM), the Women's Affairs Technical Committees (WATC), and various women's and human rights organisations, as detailed in Chapter One. Furthermore, a great deal of work was done to prepare, train, and empower the Regional Preparatory Committees.

65. Popular committees were the organising committees during the first Intifada; its leaders continue to have political standing in the communities.





Mapping the Opposition to the Model Parliament

The PMP created the opportunity to demand women's equality before the law. As such, it became a scapegoat for conservative forces, and religious and political organisations that criticised and defamed it. As well as outright opposition there was also a lack of organisational support from the PNA and democratic political forces.

Opposition from Islamist political forces

Islamist political forces waged a fierce campaign against the PMP initiative. These detractors used all available platforms, including the media and mosques, Friday sermons, panel discussions, workshops, and meetings. Opponents were helped by some religious leaders and prestigious political figures who defamed the initiative and the women in charge, accusing them of promoting Western ideas aimed at "sowing discord and the destruction of the Palestinian family."⁶⁶ The PMP project leaders were said to be so far outside prevailing social, religious, and cultural norms that they did not represent Palestinian women. Leaders were accused of marital infidelity, of calling for "polygamy" for women, and encouraging divorce, all of which, it was argued, would result in the destruction of the family.⁶⁷ Sheikh Bassam Jarrar, for example, denounced the PMP as a "Western and hybrid" initiative, unleashed on the social and religious culture of Palestinian society, and condemned it as a "Western conspiracy against Islam."⁶⁸

The regional PMP sessions on PSL were held in the North region,⁶⁹ and sparked an attack by political Islamic forces in the city of Nablus in March 1998. The late Sheikh Hamed Betawi, an Islamist clergyman, attacked the PMP very directly during this meeting and called on all those who considered themselves "true Muslims" and "genuine believers" to boycott the PMP sessions.⁷⁰ This incident was the spark for a much wider organised attack by Hamas against the PMP in other

66. Azzahra' Fatima Bint Abdullah, 1998, "Women's Model Parliament: Catastrophe to Religion and Honor after the nakbah," Series of Islamic Directives #7.

67. Amayrah, Khaled, "The Female Corrupters on the Homeland," Al- Hurriyya newspaper, April 24, 1998.

68. Sheikh Bassam Jarrar, "Women's Rights or Clash of Civilisations?" Al-Ayyam newspaper, no. 812, March 26, 1998, p. 11.

69. 70 The Preparatory Committee of the PMP in Gaza also decided to focus on the discussion of reform to PSL, considering this the most pressing area of legal reform to ensure gender EQUALITY, NON-DISCRIMINATION AND RESPECT FOR WOMEN'S HUMAN RIGHTS.

70. Sheikh Hamed Betwai, "The Law of the PMP Is a Conspiracy against Islam," Al-Risalah newspaper, no. 44, March 5, 1998, p. 5.

areas of the West Bank and Gaza.

The Islamic political movement should be viewed from a political perspective, as well as in terms of its religious and ideological dimensions. Indeed, Islamist political forces used the PMP to challenge the PNA and the Oslo Accords. These opponents used patriarchal concepts in their attacks and exploited religion to serve their political ends. In their extensive campaign against the PMP, Islamist forces asserted Islamic identity, an Islamic culture of tolerance that protects women, and prevailing customs and cultural conditions. They construed any attempt at change as an attack on the nation, its religion, and culture. They considered the demand for legal reform in favour of women a blatant attack on Arab-Islamic culture, based on ideas alien to it and “authentic Islamic” identity.⁷¹

However, it must also be noted that these fierce attacks—formal and informal—through mosques, universities, national councils, and the media made the PMP demands and calls for legal reform a highly popular topic for debate and conversation. The attacks helped to galvanise supporters, not only opponents.

Opposition from the religious establishment

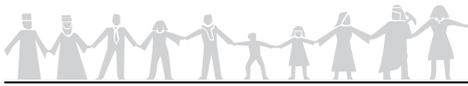
The attack on the PMP also included the traditional religious establishment, the clergy, and the Shari’a courts. These traditional courts considered themselves the only body with valid and legitimate legal jurisdiction. They claimed all legislation on personal status issues as central to their area of competence and control, emphasising their absolute authority in this regard. Thus, they resented and strongly opposed the initiative of the Palestinian women’s movement in submitting proposals and recommendations to the PLC and secular decision-makers on issues related to PSL.⁷²

The religious establishment includes the Ministry of Alawqaf and Islamic Holy Places and the office of the Chief Justice⁷³. Such institutions opposed any calls for the application of Shari’a Law

71. See Nahda Younis Shehadeh, *Gender and Politics in Palestine: Discourse Analysis of the Palestinian Authority and Islamists*, Institute of Social Studies, Working Paper 307, 1999.

72. Samar Mohamed Amireh, “The PMP: Between Acceptance and Rejection, an Interview with Sheikh Hamed Betwai, *Al-Awdah* magazine, March/April 1998, p. 32.

73. This ministry deals with Islamic properties, mosques and pays the salaries of all the imams. The office of the Chief Justice supervises all the Sharia’a courts.



before civilian courts for fear that this might weaken and marginalise the Shari'a courts. "They submitted a memorandum to the PLC stating that they reject the proposed changes, and they urged the Palestinian Legislative Council not to accept them."⁷⁴ In taking this position, the clerics not only strove to maintain their powers and doctrinal competence but also challenged the PLC's legitimacy and competence to legislate or even discuss amendments related to PSL.⁷⁵

The position of the Palestinian National Authority

The newly established PNA was in a very difficult situation. Decision-makers realised that political forces opposed to the Oslo Accords were behind the vicious attacks on the PMP, particularly by Islamists. Therefore, the PNA adopted an "intermediate" position on the demands articulated in the PMP proposals. The PNA's position was supportive but in a cautious and timid manner, based on its reading of the prevailing balance of power in Palestinian society.

Thus, the PNA was not willing to adopt a feminist discourse despite the need for timely support for women's demands from official Palestinian institutions. Their position was shaped by several factors. As a nascent authority, the PNA had not yet accumulated adequate experience in this area. Moreover, it originated from a nationalist Arab movement based on patriarchal systems of thought that reinforce women's traditional roles as mothers, wives, and housewives, with complete separation between public and private spheres.⁷⁶ From this perspective, the private sphere is considered a special space and essential for women.

The PNA paid the most attention to Arab and nationalist priorities and its own political gains at the expense of social and feminist agendas. It defined citizenship to include men, with women relegated to second-class status. Most important, the PNA was dealing with increasing political opposition to the Oslo Accords and was willing to sacrifice women's needs and interests in favour of a national consensus. It suited the PNA to have its political opponents, especially Islamist political forces, distracted and bickering over social concerns rather than political issues. The PNA was willing to sacrifice women's

74. Islah Jad, *Women at the Crossroads: Palestinian Feminist Movements and Nationalism, Secularism and Islamic Identity*. (Ramallah, Palestine: Muwatin, Palestinian Institute for Democracy Studies, 2008.), p. p. 83.

75. *Ibid*, p. 83.

76. Younis Shehadeh, *Gender and Politics in Palestine*, p. 58.

interests as the “weakest link” in favour of broader political interests.⁷⁷

Thus, the discourse and the official position of the PNA could be described as a “moderate” one, at times in favour of the demands of the Palestinian social and feminist movement. The PNA sought both to contain feminist work and to support it, albeit shyly, based on considerations of self-interest associated with promoting the legitimacy of the new political system. This reflected the PNA’s marginal recognition of feminists and its willingness to provide some support “as long as they do not constitute a danger or threat.”⁷⁸ In addition, this policy was compatible with the terms of foreign financing imposed on the PNA by the Oslo Agreement.

Democratic groups and political organisations

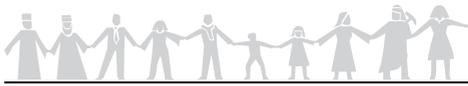
As mentioned above, the PMP paid special attention to mobilising a wide circle of allies and called in a range of democratic forces and political organisations, especially leftist ones, to participate in events and activities. The PMP sought to influence the parliamentary blocs and candidates who ran in the first elections in 1996. It urged them to support women’s issues and gender equality in all aspects of life, including legal equality. Predictably, these alliances did not reach the level of true partnerships. Even though the political organisations believed in the cause of women’s equality, they did not fully support the women’s organisations and feminist groups behind the PMP. Indeed, they stood on the sidelines when political Islamic leaders and activists and the religious establishment attacked the PMP and its leaders. Apparently these democratic forces did not feel a responsibility to support the initiative fully and were not willing to risk their own political capital in this volatile situation. They issued some generalised and cautious statements here and there to support the initiative, emphasising “freedom of opinion and expression, the right of any individual or interest group to participate in the legislative process by presenting their proposals to the Legislative Council.”⁷⁹

77. Younis Shehadeh, *Gender and Politics in Palestine*, pp. 58-60.

78. Hammami, Rema and Eileen Kuttub, “New Strategies in the Work of Feminist Movements Towards Democracy and Liberation,” in *The Status of Palestinian Women: Reports and Studies*, Vol. 1, p. 168, (AMAN: Coalition for Accountability and Integrity, 2003).

79. See the “Circulation to the Public,” issued and signed on June 10, 1998 by the governing political party Fatah, and a few other leftist Palestinian Democratic Parties such as the Popular Front for the Liberation of Palestine, the Democratic Front for Liberation of Palestine, People’s Communist Party, FIDA, the Palestinian Popular Struggle Front, Arab Palestinian Front, and the





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But they did not discuss the issues at the heart of the disputes over the PMP, and were not able, or perhaps willing, to address the attack against it. Despite the great community controversy raised and the threats experienced by women's organisations and feminist leaders, these democratic and leftist political forces did not see this cause as theirs and did not defend it as required.

The terms of the Oslo Agreement required Palestinians to settle politically with the state of Israel rather than continuing the national struggle for independence from Israel. There was widespread debate among those political parties supporting the Oslo Agreement and those opposing it. Opponents from democratic and leftist parties shared a political stand with Islamists in attacking the PNA, and were unwilling to compromise this in favour of the PMP initiative and social agendas. Despite the active participation of women and women's institutions in the national mass struggle against the occupation, political parties and organisations did not pay enough attention to social issues. They did not put women's issues on their list of priorities, and did not adopt a clear national strategy that incorporated both national and social or feminist issues.

Generally, political parties were declining at this time and losing their constituencies as citizens' confidence in them waned. The vacuum left by this decline allowed for the development of new alternatives by women to demand their rights outside the sphere and frameworks of existing political parties. According to Rema Hammami and Eileen Kuttab, the "absence of political parties from public life and their deviation from the mass action, has given real space and opportunity for the development of a feminist agenda."⁸⁰ Thus the women's movement identified its needs and priorities in a political environment where political parties had lost contact with their constituencies and were unable to develop social agendas supporting people's needs, including those of women. As the campaign against the PMP increased, the women who initiated it were isolated and left to face political conservative religious forces alone, as the political parties considered "gender issues secondary to the national cause."⁸¹

Palestinian Liberation Front.

80. Hammami and Kuttab, "New Strategies in the Work of Feminist Movements," p. 167.

81. Ibid, p. 168.

Women's Movement Responses to Attacks on the Palestinian Model Parliament

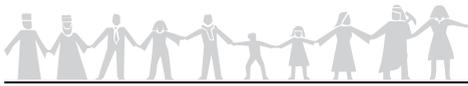
WCLAC had worked hard to ensure the participation of a broad range of women's and human rights organisations but did not devote enough time and effort in preparing for a counter attack. PMP leaders were taken by surprise by the ferocity of the attack against them and did not have a clear strategy to confront it. Their reactions seemed random and defensive in many cases, with unprecedented disorganisation and controversy among key forces within the Palestinian women's movement. Moreover, the attack was confusing in the way it deployed prevailing religious, social, and cultural concepts for political purposes.

The use of mosques, Friday sermons, and media to defame PMP leaders generated fear and panic among some women. Some defended the PMP; others were drawn to the viewpoint of religious men and dropped their demands.⁸² Some women withdrew completely when clergymen preached against the initiative and mentioned the names of PMP leaders. On the fourth day of Al-Ahda feast, a leaflet signed by youth of the mosques of Jerusalem, was distributed to the congregants accusing the PMP leaders of apostasy, which legitimises their killing under the pretext that they were deviating from Islam and the teachings of Islam.⁸³

In response, PMP leaders called on representatives of women's organisations and democratic political and social forces to counter the attack against the initiative. Some responded positively, using newspapers, radio and television talk shows, debates, and other available media outlets. However, those responses were limited, defensive, and ad-hoc. They could not fend off the campaign organised by political Islamic forces that used arguments based on prevailing cultural and religious values.

82.83 Focus group discussion on the PMP Preparatory Committee in the North, Nablus, August 19, 2008.

83. "God Is Great: Who Is in Support of This Religion?" Pamphlet distributed by the youth of Jerusalem Mosques, April 10, 1998.



Differences within the women's movement

Different sections of the Palestinian women's movement originated from different schools of thought and had varied approaches to legal reform. Some took international human rights principles as their reference point and wanted secular laws based on human rights conventions and treaties. Others considered progressive interpretations of Islam their main reference point for proposed legislation or at least one of the main sources of legislation, and called for legal reform based on Qur'an and Shari'a principles. Some were vague; some were silent, or fluctuated between these two positions. The differences were not clear when the attack against the PMP was at its peak, but they became obvious later and led to polarised positions within the women's movement between those calling for legal reform based on Shari'a and those who advocated human rights law and principles.

Reflecting on the PMP initiative years later, a member of the West Bank Northern Regional Committee indicated that, in light of the attack, "each region became responsible for itself and had to devise appropriate strategies to respond to the attack, to get out of the 'problem' and protect itself within its own community." Another member of a PMP Regional Committee pointed out that the differences in attitudes among women in the preparatory committees were due to their diverse intellectual and ideological perspectives.⁸⁴

Some women's organisations distanced themselves from the PMP and some blamed WCLAC and other leaders for placing the feminist movement in a battle they were not well prepared for. For example, some women who were organised under the umbrella of the Women's Affairs Technical Committees stated that they were dragged into an open confrontation with the Islamic movement, which they did not desire at the time and which was not planned in advance.⁸⁵ The General Union of Palestinian Women claimed that the PMP caused misunderstanding in society towards its position regarding the PSL in force. The General Union's intention was aimed at "reforming Personal Status Law and modifying some of its provisions in compliance with

84. The Preparatory Committee of the MP in the Gaza Strip has also decided to exclusively focus its MP sessions, meetings and sessions on the discussion of legal reform to Personal Status Laws, considering these legislation as the most pressing issues of legal reform to ensure, gender equality, non-discrimination and respect to women's human rights.

85. Islah Jad, *Women at the Crossroads*, p. 84.

Shari'a" and "not the abolition of Shari'a provisions within existing legislation,"⁸⁶ as was claimed by opponents.

Ad-hoc political solutions

In an attempt to get out of this crisis, and on their own initiative, the PMP Northern Regional Committee of the West Bank called for a special meeting at the headquarters of the Palestinian National Council in Nablus and invited Islamists and all other major Palestinian political parties to attend. This call was made without coordination with other PMP preparatory committees and without informing the PMP Central Preparatory Committee. It was an initiative taken by women leaders active in various political parties after consulting with their parties about "containing" the offensive against the PMP. Their goal was to come out with a unified position and a joint agreement with Islamists to put an end to the attacks.

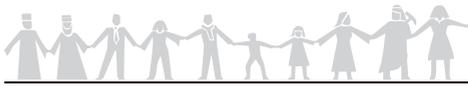
An official joint statement was issued and widely disseminated in the media after the meeting. According to PMP participants the statement included concessions and compromises by both the PMP Regional Preparatory Committee and Islamists. The PMP members who initiated this meeting claimed that, as a result of this discussion, Islamists came to recognise the role of social and political forces in proposing legislation to the PLC. This included the recognition that the PLC is that oversees the legislation of all laws in the country, including family law. For their part, the PMP members accepted that PSL and amendments to them should be based solely on the Qur'an and Shari'a as the source of legislation.⁸⁷ This position did not represent all those involved in the PMP initiative, as mentioned above, and was adopted without discussion and agreement among all PMP members. This incident reflects the variation in perspective among PMP members and their confusion and inconsistency when attacked. It also reflects the lack of consensus and shared vision among women involved in the PMP regarding the sources of family laws.

What was surprising, and perhaps even more striking to WCLAC and other PMP initiators, was that the Northern Regional Committee did not feel an obligation to inform or consult with other members of the PMP Committees, especially the PMP Coordinating Committee, before taking this step. They only consulted the parties they were affiliated

86. Ibid, p. 85

87. Focus-group discussion on the PMP Preparatory Committee in the North, Nablus, August 19, 2008.





with. This reflects the strong political affiliations of those women, and their need to protect their parties by compromising over social and feminist issues in favour of their political interests and alignments. It also indicates how politicised Palestinian society is, and how this paradox between the political and the social is invariably resolved in favour of the political at the expense of the social, especially when this entails women's rights or feminist demands.

The Islamists' attack on the PMP was relentless and well organised, while the responses were ad-hoc and unorganised, resulting in more confusion, division, and polarisation among the women's movement. In the end, the initiative taken by the Northern Regional Committee benefited the Islamists, which showed them to carry political clout, such that all other political actors wanted to reconcile with them. Indeed, the Islamists gained assurances that Shari'a would be the only source of legislation in personal status issues. Moreover, ironically, this attempted reconciliation did not end the attack on the PMP even if the Islamists wanted to stop it. The strong messages initiated by the Islamists, invoking existing social, religious, and cultural factors, took on their own momentum within Palestinian society and were impossible to stop.

With hindsight it is clear that the PMP needed to develop scenarios for a possible counter-attack and mechanisms to respond to it. Due to the limited experience of the feminist movement in this regard and in democratic life in general, the activists leading the PMP neither anticipated nor discussed possible obstacles or challenges that might be encountered. They did not analyse Palestinian realities through an in-depth reading of political, social, and cultural factors, or consider the power dynamics in the Palestinian political arena and how these factors could impact the PMP, whether positively or negatively. In short, the PMP initiators did not anticipate such an attack and were not well prepared to confront it.

The Second Intifada and the need to change priorities

By 2000 the attack against the PMP slowed down as Palestinian society confronted Israel's systematic and flagrant violations of Palestinian human rights. The Israeli military launched incursions into the West Bank; engaged in indiscriminate shelling of residential areas; carried out mass political arrests; imposed curfews and restrictions on freedom of movement; and deliberately targeted the institutions

of the PNA and its headquarters. Once again the primary focus of all Palestinian political and social actors returned to national resistance to Israeli oppression.

PMP organisers suspended the campaign and highlighted the impacts of occupation on women's lives, and the suffering caused to Palestinian families and the wider society.⁸⁸ Palestinian feminists needed to respond to events in a highly flexible way in setting their priorities and integrating national and feminist issues. Their ability to do so shows a high degree of politicisation among feminists and Palestinian women, and their ability to read the political reality. It also indicates the strong historical interdependence between the emergence and growth of the Palestinian women's movement and the Palestinian nationalist movement, as well as showing women's awareness of the interrelated relationship between what is considered social and feminist, and what is considered political and national. At this time, women shifted their priorities to deal with the national issues at hand.

Direct Outcomes of the Model Parliament

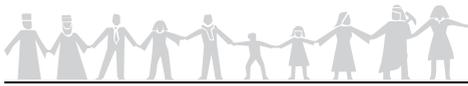
Although the PMP could not make substantive changes to the discriminatory laws affecting Palestinian women's lives, it succeeded in establishing principles and general standards that are considered vital pillars of democratic societies, and was a pioneer social movement in this regard. Specific outcomes of the PMP include the following:

Opened up community debate and discussion

The PMP create an important space for legal education programmes and community discussions by involving thousands of women and men in issues that affect women's lives so profoundly. The PMP stirred community controversy over women's legal rights, and encouraged all groups and segments of society—student unions, women's organisations, labour unions, and others—to engage in these debates. It motivated the media to follow PMP activities and events, and media outlets were crucial fore where people could express their opinions regarding the legal changes proposed in the PMP. All these discussions raised public awareness of the importance of law as a tool to promote and protect women's rights. Through the many

88. For more on the impact of the Israeli occupation on women, see "If I Were Given the Choice...": Palestinian Women's Stories of Daily Life during the Years 2000-2003 of the Second Intifada. (Ramallah: WCLAC, 2008).





PMP events and activities in the West Bank and Gaza, a group of local young women leaders became active on these issues. They may form an important nucleus of young leaders for the Palestinian women's movement and democratic movement in the future.

Established the concept of citizens' participation in the legislative process

The PMP established the concept of citizenship, the role of the citizen, and the importance of all social segments and institutions of civil society actively participating in the legislative process. The PMP involved making recommendations on legislation and policies, on the assumption that the PLC is the sole competent authority in the development of legislation and its approval. This means putting an end to the privileged position of Islamist political forces, traditional religious forces, and Islamic Shari'a courts, and the view that legislation relating to personal status comes under the jurisdiction of specialists or religious scholars. It involves establishing the right of all social groups, and political and civil society institutions to submit proposals and recommendations to the Palestinian legislature, emphasising that the laws and regulations in force in the OPT are discriminatory—especially laws relating to personal status and the penal code—and in need of serious and comprehensive review.

A public announcement issued by the PNA and political parties in June 1998, maintained that "the consolidation and amendment of all laws in the West Bank and Gaza Strip has become a national need," and that It is the right of any individual or group to make any proposals to the Legislative Council as this trend contributes to the involvement of institutions and political and religious forces in the legislative process, and the PLC according to its internal regulations is mandated with the responsibility of adopting or rejecting any submitted proposals and recommendations related to amendments of laws and legislation.⁸⁹

The statement further emphasised that

the demands of the feminist movement, including those of the PMP, did not go beyond the norms and the will of the people expressed in the 1988 Palestinian Declaration of Independence and the draft Palestinian Basic Law...to build a national democratic society that believes in justice and equality for all.⁹⁰

89. Statement to the public (1st and 2nd articles), issued by Palestinian political parties and PLC, June 10, 1998.

90. Ibid, the fifth article. The Palestinian Basic Law was adopted in 2003 and amended in 2005. The Basic Law was developed as the Palestinian Constitution for the interim period after the

This statement was issued in response to the attack on the PMP by the Islamists and was adopted by all other Palestinian political parties, except Islamists.

Demonstrated and promoted democratic principles

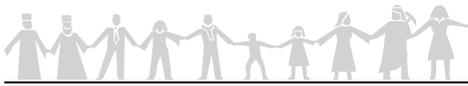
The PMP demonstrated and promoted democratic principles with official and public emphasis on the importance of freedom of expression, respect for diversity and differences in views and beliefs, as well as tolerance and non-infringement of the freedoms of others. This included the prohibition of “repression or intellectual terrorism” by bogus and specious religious or social arguments. The public statement circulated by the PLC and political parties in response to the PMP initiative indicated that “there is a difference between criticism of others’ opinions, and misrepresentation, distortion and slander of the women’s institutions and fair demands.” The statement maintained that, “religion is for all, the homeland for all, the law is for all”. It continued: “we view with concern the claim of any person that he represents religion and accuses others of serving the purposes of the devil, and with slander and personal accusation reflects a clear transgression of the ethics of dialogue.”⁹¹

Established the need to revise legislation

In response to the attack against the PMP and the community debate raised by this initiative, especially concerning PSL, in 1998, the late President Yasser Arafat formed a committee headed by Sheikh Beidoun Al-Tamimi, Chief Justice of Shari’a Courts, to draft a revised PSL. The committee included Shari’a judges, academics from Shari’a law faculties, and lawyers—but no women. Despite differing views on the composition of this committee—especially the exclusion of women, and the committee’s emphasis on the traditional concept of specialists—the formation of the committee was a clear and explicit recognition of the need to revise legislation relating to personal status in the West Bank and Gaza. The establishment of this committee was a clear validation of the PMP’s position.

establishment of the PNA. It set forth principles in compliance with human rights principles and allocated a whole chapter to emphasize the right of all citizens to enjoy their rights and freedoms, and the equality of women before the law.

91. Ibid, articles 3 and 4.



Assessed the readiness of Palestinian society for gender equality

The PMP provided a valuable opportunity to assess the dynamics of Palestinian political and social forces, especially concerning gender equality, and the level of readiness of the society to address such issues. It also demonstrated the strengths and weaknesses of the feminist movement, the political and social forces supportive of women's causes, and the importance of the active participation of political parties and forces in bringing about a significant change in gender equality. The PMP experience showed the different views and frames of reference among the Palestinian women's movement. It became clear that it is not possible to talk about a unified feminist movement with a single feminist discourse, as this

does not reflect the nature of the diversity and complexity, which is produced in a context of a national democratic liberation phase....The ideal situation would therefore be in the formation of wide alliances based on common interests; alliances of social interest groups that share a common vision for the future of Palestinian society.⁹²

Lessons from the Palestinian Model Parliament Experience

Reflecting on the PMP experience, the following lessons emerge:

1. The lack of consensus among organisations and political parties supporting the PMP initiative was a serious limitation. Participants did not have a uniform discourse. Support varied among the political parties and even within the same organisation or party.
2. Feminists and women's organisations cannot work in isolation from Palestinian organisations and political forces that share the same vision and interests. The linkage between what is considered political and what is considered social is crucial, and any attempt to separate the political from the social will be an ingredient for the failure of any future initiative.⁹³ The goals of the PMP could not be achieved without full partnership among all democratic and political forces that viewed the adoption of a social and feminist agenda as their political interest, or their

92. Hamami and Kuttub "New Strategies in the Work of Feminist Movements", p. 171.

93. Siniora, Randa, "Advocacy to Adopt Palestinian Personal Status Law: the Experience of the Palestinian Model Parliament; Women and Legislation," a paper prepared on behalf of WCLAC for the International conference entitled: "Islamic Family Law in the Middle East and North Africa", Amman, Jordan, 24-25 June, 2000, p. 11.

active contribution to bringing about this change.⁹⁴ The PMP could not secure commitment from any political party to the principles or even minimum standards related to PMP demands. The participation of some prestigious political figures and their support for the PMP were an expression of their personal attitudes towards women's legal issues, rather than reflecting binding and approved positions of their parties. Moreover, it was very difficult to respond to the counter attacks without supportive political parties or a broad-based network organised to sustain the PMP.

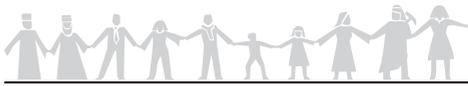
3. Any tangible future changes will require hard work within political parties and organisations to get them to adopt official positions on women's issues and to translate into binding action plans and programmes. There is a need to re-emphasise the interdependence between the political and social agendas of each political faction. Steps should be taken by the women's movement to lobby political parties and highlight the interests of those parties to "walk the talk" and translate their words into action.
4. During the preparation and planning phase, women activists involved in the PMP did not pay great attention to the role of political forces opposed to the Oslo Agreement. They did not discuss the possibility of involving the Islamists or their Muslim women sympathisers in this project.⁹⁵ They did not expect that their demands for modern laws and policies based on international human rights standards and full gender equality would fit with the principles and ideological background of the Islamist political movement. Secondly, PMP leaders assumed that these forces would not support the initiative, believing that they have "a fixed and rigid" position that contradicts the perspectives of the PMP.⁹⁶

94. Ibid.

95. There was some limited participation in sessions, workshops and discussions conducted by the PMP. But this participation by Hamas or the Islamic women's movement was ad-hoc and not structurally organized or consciously planned in order to invite those forces into the PMP initiative.

96. Islah Jad discussed this issue extensively in her book, *Women at the Crossroads*. She criticised the secular women's movement and women's organisations that assumed a consistently rigid position on the part of Hamas and that adopted a value-laden position against the Hamas movement. She argued that "the gender roles, relations and women's rights are not rigid and necessarily consistent among all Islamic movements... the idea of the presence of a constant perspective that does not change and is consistent among the Islamic movements (or Islam) is not accurate, but vary from one position to the other, and





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What the activists involved in the PMP helped shape its future direction regarding social issues and legal reform, especially in the areas of PSL and penal code. It looked for new ways to work more effectively, taking into account the balance of power in Palestinian society. This included improvements in communication networks, recruitment, organisation, and alliance-building for greater impact in the future.⁹⁷ It became clear that sources of legislation must be identified in demanding legal reforms and terms of reference clarified, either by relying on human rights principles to harmonise Palestinian legislation with international human rights treaties and conventions, or by adopting the Qur'an and Shari'a as the source of legislation through more progressive readings and interpretations of Islam. Based on the PMP experience, combining these two or overlooking this issue is a formula for failure.

Feminist Critiques of the Palestinian Model Parliament

The PMP has been subjected to harsh criticism by some feminist academics, particularly those working in the Birzeit University Centre for Women's Studies. In class sessions and research these academics cited the PMP as a good example of how, during the 1990s and with the advent of the PNA, Palestinian political and social movements that were supported by grassroots constituencies initially, especially during the first Intifada, became gradually weaker and detached from their constituencies. Political parties shifted focus from engaging with their constituencies at the grassroots level, the argument went, to transforming themselves into non-governmental organizations (NGOs) seeking funds from donors to conduct special projects.

According to these academics, this transformation was also linked with the PNA's attempts "to decode the mobilization of social movements, including the women's movement."⁹⁸ The feminist academics emphasised the importance of linking the social with the political: feminist demands with the overall national cause and democratic transformation of society. Their criticism of the feminist movement in general and the PMP initiative in particular focused on the methods adopted. In their view this had led to the detachment of the feminist cause from the wider overall challenges of colonial occupation and democratization processes within society...in this

are generally a 'reaction' based on and impacted by interaction and dialogue with different ideologies and other competing intellectual frameworks" (p. 15).

97. Ibid.

98. Hammami and Kuttab, "New Strategies in the Work of Feminist Movements," pp. 166-167.

way the women's movement (was) reluctant to use its strategic weight to link the national rights and political democracy.⁹⁹

Islah Jad was particularly harsh in her criticism of NGOs and the PMP initiative, which she considered a project conducted by de-politicised "technocrats" who were completely detached from grassroots women and society at large. On more than one occasion, she argued that the PMP began and ended with funders and was closely linked with the donors' agenda. In her opinion, WCLAC and other NGOs had

international contacts and were present in global forums, and hence aware of the donors' agendas. In addition, they are experts in preparing projects and the persuasion of donors in financially supporting those projects. They had the money to impose their agendas, felt superior over the others, and saw themselves as the most qualified to lead and educate women on their rights. Those NGOs however, lacked the link with women and popular organisations at the grassroots.¹⁰⁰

Further, she argued that the division and controversies among the women's movement after the attack on the PMP benefitted Islamists, and that the PMP "caused bitter feelings, divided the women's movement and decreased trust and confidence among various women's groups."¹⁰¹

Assessing these critiques

In assessing these claims, it must be noted that although the PMP was an initiative of the Women's Centre for Legal Aid and Counselling, an NGO, it was launched in full partnership with grassroots women's and feminist organisations, and there were systematic attempts to involve all actors, including political parties (see Chapter 2). An external evaluation of the PMP initiative commissioned by WCLAC in June 1998 concluded that, although the initiative had failed to change discriminatory laws against women, it had successfully formed "a base of support for the women's movement in the field of law," and contributed to "the emergence of many local young leaders."¹⁰² As stated above, the PMP developed a wide circle of allies

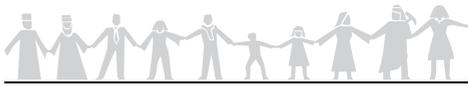
99. Ibid, pp. 166-167.

100. Islah Jad, *Women at the Crossroads*, pp. 84-85.

101. Ibid.

102. Said, Nadir, *The Model Parliament Project: An Evaluation Study... Vision, Concept and Objectives*. (Ramallah, Palestine: June 24, 1998).





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among different actors and stakeholders who became involved in the process. Moreover, the PMP was successful in encouraging public participation and involvement of all sectors of society in addressing, proposing, and lobbying decision-makers and legislators on issues of public interest, especially legal reform. The evaluators added that the PMP process had been an important platform for hundreds of Palestinians interested in discussing legal reform and gender-based equality in proposed legislation. It provided an important base of support for the women's movement in lobbying the PLC to adopt or amend legislation to ensure equality, non-discrimination, and respect for women's human rights. This view was emphasised by research conducted by other feminist academics. One study concluded that,

the most prominent feature of Palestinian women's movement compared with other mass movements, is the ability of the women's movement to maintain a social feminist agenda, and to maintain its influence and impact in the social field. The movement was also able to maintain an informal relationship with women and keep them informed on issues of concern to them. The PMP initiative is one such example.¹⁰³

It is inappropriate to examine the PMP in isolation from the political changes occurring within the OPT after the signing of the Oslo Agreement and the establishment of the PNA. Thus, it is unfair to burden the PMP with factors that it was not responsible for, such as a loss of status among political parties or the setbacks experienced by all Palestinian mass movements, including feminist, trade union, and student movements. The decline in organisational, political, and party work created a political crisis after the Oslo Agreement. Indeed, many leading cadres left political parties and found new involvements in public life by establishing NGOs. Others shifted the focus of their parties towards grassroots organisations that were initially established by the parties to address the social needs of their constituencies and contribute to the provision of services before the existence of the PNA. The overall crisis experienced by some political parties after the Oslo Accords had far-reaching effects. However, the weakness was in the political parties and those political organisations that abandoned their parties, and not in WCLAC or women's organisations that were developing social and feminist agendas to improve gender-equality

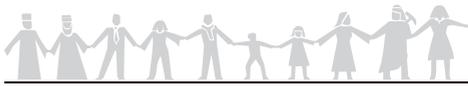
103. Hamami and Kuttub, "New Strategies in the Work of feminist Movements," p. 170.

and women's human rights. Rather, they should be credited for taking initiative in promoting women's rights and staying on course.

Indeed, the kind of decline described above should have been the concern of those political parties that committed themselves to combine political and social agendas in their programme but failed to pay adequate attention to societal needs including those of legal and gender equality. Women leaders of the PMP initiative identified pressing needs and bridged gaps that political parties failed to address. They fully realised that their role would be complementary to the mass role assigned to political parties and their demands were centred on the interdependence between political actions and working for social ends.

Finally, in response to the claim that the PMP "began and ended" with the funders' agenda, it must be said that the continuation of work on the themes raised by the PMP, the development of programmes with different terms of reference, and the adoption of new action strategies in light of the lessons learned from the PMP experiences are all indications of the importance and vitality of the issues raised. The long-term impact of the PMP on the work of the Palestinian women's movement and women's and human rights organisations can be felt to this day.

Women activists leading the PMP called for a broad-based meeting in the summer of 1999 to discuss the experience with all Palestinian political parties and organisations. The meeting was held in the town hall of Al-Bireh in Ramallah and attended by representatives of all political forces under the umbrella of the Palestinian Liberation Organization, including some at the highest party levels, such as Secretaries-General. This meeting aimed to re-emphasise the interdependence and indivisibility between feminist and social issues on the one hand, and national and political issues on the other hand. Participants reconfirmed, in principle, their support for women's demands and the need to work hard for the adoption of modern laws that guarantee full equality for women. Also, they confirmed the importance of including women's issues on the list of priorities in their political organisations and agreed on the need to promote full and true partnership with the Palestinian women's movement and intensify future efforts within the framework of this partnership. The meeting affirmed the view that women's equality should be a national political issue as important as other issues, and should be a social responsibility of concern to everybody, not just women.



Long-term Impacts of the Palestinian Model Parliament

The experience of the PMP still casts a shadow over Palestinian feminist work and those seeking to establish the principle of equality and non-discrimination in Palestinian law, especially PSL and the penal code. The momentum generated by the PMP showed numerous cultural, social, political, and religious challenges that the Palestinian women's movement face, together with those democratic forces who believe that human rights principles should be the foundation of PSL. This issue should be seen in terms of social development, not limited to women, but involving all social and political actors who believe in human rights and women's rights.

The PMP experience showed that we could not assume there is a unified Palestinian feminist movement with the same orientation and principles, working towards the realisation of unified demands. Differences in perspectives and approaches stem from the fact that Palestinian women's committees and organisations initially emerged and developed from the "womb" of Palestinian political movements, organisations, and parties with all their variations. The women's movement is an extension of the Palestinian nationalist movement. Thus, complexities stem from differing intellectual and ideological frameworks, and are linked to the dynamics of power in Palestinian society. The attack on the PMP by Islamist political forces exposed clear differences in feminist theoretical frameworks and the orientation of organisational work, which can be summarised as follows.

Discourse of enlightened religion

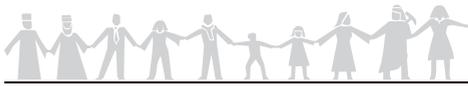
The discourse of enlightened religion sees the need to rely on Shari'a law as the only source of PSL, using original texts, such as the Qur'an and Sunnah, to read and interpret women's rights in a more progressive way. On this view, discrimination against women is caused by specific interpretations of Islam and practices based on those interpretations. The enlightened religion approach holds that the holy texts provide a good basis for equality, non-discrimination, and respect for women's rights. Progressive readings can be based on positive interpretations provided by all four major schools of thought developed by Islamic scholars since the advent of Islam.¹⁰⁴

104. These schools of thought are Hanifi, Shafi'i, Maliki, and Hanbali. See fn. 29 in Chapter 4 for more detail on this.

The Women's Affairs Technical Committees (WATC) and a number of women's institutions in the West Bank and Gaza have adopted this discourse, arguing that the original sacred texts honour all human beings, promote equality between the sexes, and can ensure full gender equality. They believe that differing interpretations of the texts have led to discrimination against women. Leaders in this discourse are the Hawwa Center in Nablus and the Mashrakiyyat Foundation, which was established after the PMP by some women leaders who worked in the PMP Preparatory Committee in Gaza. Through their reading of the situation, these women considered enlightened religious discourse to be "realistic" and "possible," arising from a deep conviction that separating religion and society is too difficult. Moreover, the possibility of jurisprudence based on enlightened readings of Shari'a law has been established in Sudan and also discussed in the writings of Arab intellectuals in the human rights movement, such as Abdulla Al-Maim from Sudan, and Fatima Al-Merissa and Farida Banana from Morocco.

Direct interaction among PMP leaders and some Arab women leaders reinforced this view. Palestinian women learned more about other Arab women's experiences, especially in Morocco. Professor Banana was an active participant in the Central PMP, and was invited to lecture and train cadres on progressive interpretations of Shari'a within the WATC Committees in the West Bank and Gaza. Palestinian women leaders who adopted this approach based it on their readings of the social, cultural, and religious realities of Palestinian society, which, they believed, do not allow for the reforming of PSL based primarily on international human rights standards. WATC and Mashrakiyyat relied on Professor Bennani to help build their capacities in this area and to provide suggestions for PSL based on new and enlightened readings of Shari'a. Many workshops, meetings, and training courses were held to develop women's ability to articulate this view.

I remember the training course in 1999 for WATC staff, held in the village of Jiffna, near Ramallah, to enhance the capacities of women leaders regarding the use of progressive interpretations of Shari'a. As a participant, I noticed that Professor Bennani's arguments, which drew on her long experience and extensive research and writings on progressive interpretations of the Qur'an, appealed to many participants who considered them very relevant to our context. She convinced participants that this perspective is more in line with the reality of Palestinian society, with its strong intertwining of religion,



culture, and social institutions. She contrasted this with human rights discourse, which she argued is problematic in Arab and Islamic societies. From her point of view, because the human rights discourse is based on international human rights principles and conventions, it is seen as Western and alien. Hence, she maintained that the discourse of human rights will not be successful in Arab and Islamic countries.

In my view, enlightened religious discourse certainly appears to be relevant and realistic, but it is also problematic. Conservative Islamic forces attacking the PMP initiative argued that Ijtihad, the interpretations of Islamic teachings by Islamic scholars, have been closed since the 15th century. These scholars claim that contemporary attempts to provide new progressive interpretations are not acceptable because they deviate from the teachings of the four Islamic schools of thought that have already provided all necessary explanations and teachings. New initiatives to reinterpret the Qur'an to provide more progressive readings will be challenged and attacked by traditional Islamic forces and the clergy who consider such attempts a deviation from Islam and beyond the jurisdiction and specialisation of those researchers and scholars who try to develop them.

Feminist activists conducting initiatives based on progressive interpretations of Islam were among those involved in the PMP experience. Many of them saw enlightened religious discourse as a reasonable way to confront the attack against the PMP, especially the allegations that it was outside the realm of tolerable Islamic discourse. Thus, they believed that enlightened interpretations of Qur'an could adequately address problems emerging from human rights discourse, perceived as secular and alien to our society and religion.

In my opinion, enlightened religious discourse is elitist because its use is limited to a small group of researchers who are expertly able to analyse the original texts. It may be possible for women activists to use this discourse as a tactic during meetings, workshops, and community discussions to support their arguments for legal reform and gender equality by providing examples that show how divine Islamic texts honour all human beings and respect women's human dignity. This approach might make it easier to raise issues of legal discrimination and to facilitate awareness programmes that focus on women's problems, using this perspective alongside human rights discourse. It could also be helpful in providing women activists and educators with additional tools to disseminate the culture of human

rights, and gender equality in all aspects of life, including legal reform. However, Islamic political forces and the religious establishment attacked those who adopted an enlightened progressive discourse as severely as they attacked those who adopted a human rights framework. Traditional Islamic forces within Shari'a courts argued that the enlightenment discourse also interfered with the powers of specialists in interpreting Islamic law and infringed on the powers of the Shari'a courts and Islamic scholars who are the only ones who have the jurisdiction to provide interpretations called fatwas.

We want to help build a modern state based on the separation of religions and state, and towards the development of legislation based on human rights principles, which will enable us to enhance concepts of democracy, citizenship, and respect for human rights within our society. In the long run, the adoption of enlightened religious discourse cannot lead us to a modern Palestinian state but will drag us deeper into religious debates and conflicts and communal strife.

Islamic feminist discourse

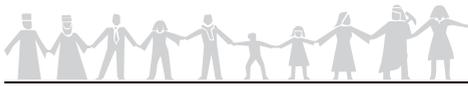
In 1999, some educated women leaders in the Islamic women's movement called for a feminist conference at Al-Najah National University in Nablus. At this very well attended event, they presented working papers related to enlightened readings of PSL, basing their arguments on Shari'a law and reiterating the view that legislation in family and personal status matters should rely on Shari'a as the only source. Some of these women were originally members of the PMP initiative, and benefited from that experience in developing their own discourse within the Islamic feminist movement.

Throughout the late-1990s, the Islamist movement in Gaza held a series of feminist gatherings that dealt with PSL and the status of women in Islam. These gatherings aimed at developing the Islamic movement's ideological framework on gender, and male leaders eagerly participated to show their support for women's work and initiatives within the movement.¹⁰⁵ The goal was to "link Islamic women's organisations together" and to present an Islamic vision for women's issues.¹⁰⁶ In the papers presented, calls were made for legal

105. 106 Jad, *Islah*, op. cit. p. 138. Some of the political leaders referred to here are Sheikh Ahmad Yasin who attended the first conference in 1998 and the fifth in 2002; Mahmoud al-Zahhar who attended the second conference in 1999; and Abdulaziz Al-Rantisi who attended the fifth conference in 2002.

106. *Ibid.*





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reforms in Shari'a law. This was not necessarily for the purpose of changing power relations between men and women within the family and ensuring gender equality and ending discrimination against women in the wider society, but rather for political purposes: to improve the image of the Islamist party and to widen its constituency among women by addressing their needs within a changing society.¹⁰⁷

The Islamist movement held gatherings in the West Bank and Gaza following the PMP initiative and held the first Islamic women's movement conference in Gaza in 2008. Although no direct causal relationship between this conference and the PMP can be proven, according to Jad, the conference focused primarily "on the delegitimization of other women's groups, in order to present its members as...the authentic and indigenous voice of women's interests."¹⁰⁸

In my opinion the impact of the PMP initiative on those conferences is obvious. The male political leaders attending wanted to build on the gains achieved in their attacks on the PMP and the societal debates it generated. They used the debates for its own political purposes: to rally women and increase their political standing in the movement through expression of interest in women's issues.

As previously state, in these conferences Islamist leaders called for legal reform of PSL. But, those calls did not seek real change in the relevant legislation or actual improvement in the status of women. Rather, they were political slogans to show an interest in the pressing needs of women within the family and society. An important indication of this was the serious criticism by male Islamist leaders of a new initiative by the PLC and civil-society organisations to develop a modern Palestinian Penal Code to address the discriminatory provisions against women in laws currently in force. These leaders waged an attack against the proposed Penal Code, during the fifth Islamist conference held in 2002, on the grounds that the proposed law was not based on Shari'a law, thus revealing their true belief that penal code—as well as PSL—should be based solely on Shari'a. As a result of this opposition, the PLC realised that the new penal code would be too controversial and suspended all discussion of it in mid-2003.¹⁰⁹

107. Ibid.

108. Ibid, p. 159.

109. Ibid.

After the PMP initiative and debates generated by it, the Islamic women's movement used mosques as an important new platform to preach about traditional Islamic women's roles within the family and society. This phenomenon was structured, organized, and widespread, aimed at preaching to women about maintaining the family and caring for their husbands. They promoted women's traditional roles within the family and the idea of confining their base to the private sphere.

Traditional religious discourse presented by Palestinian Shari'a courts

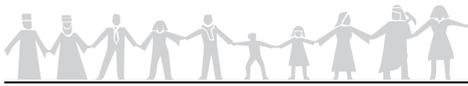
As a result of attacks on the PMP process, President Yasser Arafat called for the development of new PSL that address legal and social problems faced by Palestinian women. Data from thousands of cases available at Shari'a courts provided indicators identifying many problems in the laws enforced in the West Bank and Gaza. The President called for legal reform based on Shari'a and interpretations of the Qur'an by Islamic scholars. As mentioned earlier, in 1998, he formed a committee headed by the Chief Shari'a Justice to draft new PSL, although the new draft also discriminated against women.¹¹⁰

The re-drafting process was completed in 2000, but the draft law was not presented to the PLC due to the second Intifada. Everything was put on hold as people responded to Israeli violations, especially the direct attacks against official Palestinian institutions. It was necessary to postpone all social matters including calls for legal reform.¹¹¹ Despite this setback, the Presidential committee's work was extremely significant because the Palestinian political establishment, at the highest levels, recognized both the need for legal reform in PSL and the need to harmonise legislation in the West Bank and Gaza. The proposed draft, known as the "Al-Tamimi Law," included some reforms and minor amendments, but maintained many core issues that were disputed during the PMP process. The form and content of the proposal and its traditional references did not go beyond family matters and could not achieve full gender equality. As a result, the Palestinian women's movement did not support this law.

110. See Nura Barahma and Ruba Yasin, The Independent Commission for Human Rights. Unpublished study of what was called Al-Tamimi Law, comparing the articles of this proposal with international and human rights standards.

111. Women's Centre for Legal Aid and Counselling on drafting a Palestinian Personal Status Law experience, see <http://www.wclac.org/english/userfiles/PersonalStatusLaw%20inEnglish1Ashraf%20finl%20%282%29.pdf>





Secular discourse based on international human rights standards

This discourse was developed further after the attack on the PMP. The National Committee for PSL was formed under the umbrella of the GUPM. The committee included Palestinian women's organisations that supported the PMP project, especially WCLAC, human rights organisations, representatives of women's groups under the umbrella of the GUPM, and some key individuals and members of political parties such as the Democratic Front for the Liberation of Palestine and the People's Party. We wanted to develop a secular family status law as an alternative for people who wish to use it to organise their marital and family affairs, whether Muslims or Christians. For an interim period, the special laws that are in force would be maintained for those who prefer to register their marriage or for any other marital or family issue currently under the jurisdiction of Shari'a or Christian courts.

Within the framework of the National Committee on Personal Status Law, Palestinian secular discourse combined various streams of thought: liberal, democratic, and Marxist as well as some conservative and moderate forces who wanted modern PSL but without direct conflict with Shari'a law. This was the position taken by some women leaders under the umbrella of the GUPM, for example. Learning from the PMP experience, some PMP leaders behind this new initiative argued that any compromises, halfway solutions, or moderate positions, especially in PSL, would not take us very far. They argued that we must be forthright in our calls for legal reform to make it clear that we will not accept anything less than gender equality. Others, also affected by the attacks on the PMP, demanded that women should be realistic and only "ask for the possible". Although the negative effect of the PMP experience on some secular forces cannot be denied, its positive impact affirmed the attitudes and positions of some women, social forces, and political actors to argue for a modern secular law is also true.

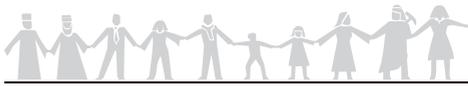
The National Committee on Personal Status Law

The National Committee's main objective was to draft modern PSL based primarily on international human rights standards, especially the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), to reflect Palestinian women's needs in the family and society, and to provide a foundation for women's full equality and non-discrimination within the family.

The Committee started to formulate a draft PSL and also an open community discussion with democratic and progressive forces through meetings and workshops convened for this purpose. The most important workshop was held in the summer of 2000 at the headquarters of Al-Bireh municipality to determine their positions on this issue. This meeting demonstrated that the political considerations overrode the commitment to women's equality. Discussions within the Committee went on for a long time, indicating that participants were still sensitive about the PMP experience and fearful of failure. The draft law was prepared after an extended and serious debate, but has not been presented for PLC approval even until now. Although the initiative lost momentum for a while due to the seriousness of the Intifada, the drafting process was heavily impacted by a lesson learned in the PMP experience: major initiatives such as changing the PSL requires a guarantee of enough support by democratic social and political forces within society.

Concurrently, the Commission of Religious Scholars formed by the President continued to work on its revised PSL. Heated arguments took place within the Palestinian women's movement regarding the position of the National Committee on the Al-Tamimi draft. Some voices within the WATC called for its adoption. After long and intense debate, the National Committee agreed that it did not provide even minimal requirements for gender equality and non-discrimination in personal and family status issues, therefore, that we should not support this initiative.

There was almost no progress on this matter between 2000 and 2006, largely due to the Israeli violations and the second Intifada. WCLAC and the National Committee shifted focus to address the negative impact of the Israeli violations, especially on women. Women were shouldering additional burdens in their families and communities as a result of Israeli policies, which included widespread arrests,



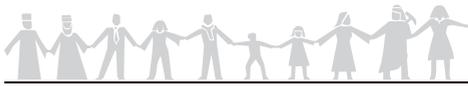
indiscriminate shelling of homes and civilian facilities, targeting of civilians, imposition of curfews for long periods, and restrictions on freedom of movement.

During these years, the National Committee's work was limited to conducting studies, analysing and developing arguments for modifying some articles in force in Gaza or the West Bank. Some committee members suggested that it would be more effective to focus on a few core issues, rather than submitting a comprehensive family status law to the PLC. So the committee decided to focus on six essential issues, and proposed reforms in the following areas: raising age of marriage to 18 years, eliminating al-wilaya (male guardianship) in marital contracts, introducing gender equality of witnesses to marital contracts, making divorce a judicial matter where women and men are on an equal footing, making the child's best interest the standard for custody for both parents, and adding restrictions on polygamy until the practice becomes impossible. Also, the Committee identified assets shared by a wife and husband as a key issue, especially money earned after marriage. It proposed that, in the event of divorce, property and money should be divided equally between the spouses.

Ultimately, the National Committee retreated in favour of "realism". The initial proposal for a modern secular PSL based on international human-rights standards, even only as an alternative for those who wished to use it, lost momentum over time, and the voices of the minority who still insisted on it gradually faded. Several factors contributed to this retreat in the National Committee's position. These included multiple perspectives within the Committee, prioritising dealing with the second Intifada, and the 2006 PLC elections when the Reform and Change Block of the Hamas party won the majority of seats. Hamas supported the Al-Tamimi draft, and some members of the National Committee realised that any attempt to propose a secular PSL would fail and backfire as had happened during the PMP. Given this situation, some secular women on the National Committee advised postponing this matter rather than presenting it to an unreceptive PLC. This helped to strengthen the position of those members who urged the Committee to reform the specific areas mentioned above.

In 2008, the National Committee developed a legal memorandum to Prime Minister Salam Fayyad on why it was necessary to change the PSL, highlighting the six core issues for immediate reform. Representatives of the National Committee presented the memorandum to the Prime Minister and it was well received. In the meeting with him it was suggested that the National Committee could cooperate with the Ministry of Justice in the adoption of a draft PSL using the same procedures undertaken by the Ministry to formulate a draft Palestinian Penal Code. In Penal Code case the Ministry of Justice had engaged in full partnership with Palestinian civil society and interested stakeholders to draft new laws in compliance with human rights principles and based on a philosophy of criminal reform: towards the abolition of the death penalty, the criminalisation of torture, the abolition of mitigating circumstances in cases of women murdered in so-called “family honour” crimes, and full gender equality.

Before the 2008 presentation of the memorandum, between 2007 and 2008, the Ministry of Women’s Affairs and the Chief Justice of the Shari’a Courts attempted to pass the Al-Tamimi draft bill by urging President Mahmoud Abbas to approve it by executive order in accordance with Article 43 of the Palestinian Basic Law, allows the President to introduce laws on urgent and necessary matters when the PLC is not in session. The National Committee expressed their opposition to the passage of this law by presidential decree. They sent many legal memoranda to the Ministry of Women’s Affairs and the Presidential Legal Advisor protesting such an initiative. They argued that it would be a misinterpretation of Article 43, which allows the passage of laws in urgent matters that cannot wait until the convening of the PLC. Moreover, such a controversial change requires societal debate and thorough discussion among all concerned parties. They also argued that the Ministry of Women’s Affairs had not sufficiently coordinated with the National Committee and had refused to adopt their recommendations. The National Committee asked for a meeting with the President to state their views. The Committee was able to stop this bill after it became clear to the President that there was a serious lack of consensus on it, and that fierce community debate would be sparked if it passed.



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The National Committee continued its work by organising various national-level activities and events to discuss the six topics related to personal status issues. Since 2009, the Committee has organised workshops in different regions. In 2010, it formed 15 committees in almost all provinces, consisting of academics, media professionals, institutions, youth centres, and political organisations and parties. The Committee works with them to discuss problematic aspects of the PSL that require reform, and to mobilise public opinion to address this. The goals are to promote human-rights culture by disseminating human-rights principles and language as the basis of PSL and to unify people's views on the demands related to it. Also, the National Committee has been active since 2008 with other Arab countries in the region in pursuit of joint projects geared towards the adoption of PSL that ensures full gender equality based on international human rights standards.

It should be noted that the feminist secular discourse that was strengthened through the PMP and the subsequent counter-attack has weakened over the past decade as shown by the decline in support for secular proposals and the few remaining voices calling for a modern secular PSL. This decline can be explained on several grounds, many of them related to the intensified political insecurity. They include the power of the prevailing cultural and religious system, the dominance of religious political forces, and the strength of traditional social, political, and patriarchal forces that are afraid of or unwilling to change. Taken together, these constitute the greatest challenge facing Palestinian secular groups. Thus, secular democratic forces need to resist claims that secularism and the separation of religion and state are an encroachment on Shari'a law and a violation of Arab and Islamic identity. This is the greatest challenge and the collective responsibility for all Palestinian secular groups, as emphasised by Aheda Taleb: "secularism is a need of the Arab community in general and women in particular."¹¹²

112. Taleb, Aheda, "Secularism and Women's Rights," The Archive for Articles and Opinions, 24 November, 2010 accessed at <http://tellskuf.com/index.php/2010-03-12-08-07-53/2010-03-20-08-09-16-sp-1033913205/7173-2010-11-24-16-58-26.html>.

Impact of Political Changes in the Arab Region on Personal Status Law

With the flourishing youth movements that started at the beginning of 2011, known as the “Arab Spring” and discussed in Chapter 5, the Arab region has witnessed unprecedented demands for democracy, pluralism, respect for others’ opinions, dignity, freedom, and economic and social justice. This was a major turning point in our region to promote ideals of democracy, citizenship, and human rights. These significant changes require progressive secular and democratic forces to embrace them to bring about fundamental economic, social, cultural, and political changes in the Arab world. It is imperative that Palestinian secular groups also use this significant historical period to seek democratisation, social justice, equality, the rule of law, and respect for human rights.

The recent transformations in the Arab region also had negative consequences, as outlined in Chapter 5, especially with the election results in Tunisia and Egypt and the rising of the Islamic political tide, which is reformist at best. Taleb argues that,

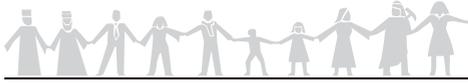
even if these movements in their various manifestations are political, their orbits also extend beyond the political to the deeper cultural and humanitarian aspects of society... the tendency is to enhance and support stability as the “non-violated” identity, at the expense of change and transformation.¹¹³

History has shown even progressive revolutionary changes will not necessarily yield positive results regarding women’s rights and gender equality, especially the PSL. According to Taleb, it is not possible to establish a legal system in favour of equality on the basis of gender while maintaining the PSL attached to religious institutions.¹¹⁴ Thus, the feminist Arab movement and democratic secular forces—including Palestinian activists—face a series of challenges and obstacles to achieving full equality for women in the Arab system of laws.

It, therefore, is imperative for Palestinian democratic secular forces working within the framework of the National Committee on the Personal Status Law to reread their experiences since the PMP, to study the variables in a critical way, to draw lessons, and to search

113. Ibid.

114. Ibid.



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for suitable strategies based on human-rights principles to enhance their position. These forces must make secular principles and human rights standards their compass in order to assess their performance in the previous phase and to plan for the next one. They should not waver or allow deviation from these terms of reference under the pretext of “realism,” “pragmatism,” or difficulties in confronting the prevailing social and religious culture. This is especially necessary, as Taleb further explains, when “the religious ideology—sometimes in its most fundamentalist and extremist forms—continues to expand and influence all aspects of our lives.”¹¹⁵ There is no doubt that critical and constructive review of our experience in the National Committee over the past decade shows that the gradual drift from our original aims requires that we close ranks again and unify our views concerning the importance of our proposals on women’s issues and the laws that affect their lives. Despite the massive challenges, we know that secularism is a requirement for Palestinian society if women are to achieve equality, to live without gender-based discrimination, and to enjoy full human rights as citizens.



This was a major turn in social, cultural, and political changes in the Arab world. It is imperative that Palestinian secular groups also use this significant historical period to seek democratisation, social justice, equality, the rule of law, and respect for human rights.



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115. Ibid.



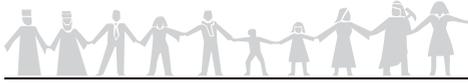
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طالما يا بنتي بحبوا بعضنا أنا ما عندي مانع
تتزوجيه.. لكن بعد ما توخذي إذن من
ابن عمك!!



So long as you love each other my dear, I
don't mind if you marry him, but ask for
permission from you cousin first!



Women, Religion, and Homeland in Political Islamist Discourse

Sama Aweidah

This chapter focuses on several strands of Arab Islamic thought, including the work of notable nineteenth-century scholars who supported women's liberation. Thus the chapter places Islamist opposition to the Palestinian Model Parliament (PMP) in a wider context. The chapter summarises arguments against the PMP by political Islamists, politicians who belong to Islamic political parties who influence people by representing themselves as the defenders of religion. At the end, the chapter also responds to these arguments.

Introduction

With the eruption of the first Intifada at the beginning of December 1987, the weight of Palestinian political decision-making was transferred to the Occupied Palestinian Territory (OPT) after being in the hands of political parties, their leaders, and the Palestinian Liberation Organisation (PLO) leadership stationed abroad. This move was in response to the organisation required by the Intifada, a widespread popular uprising against the deteriorating security, economic, social, and political conditions faced by Palestinian people as a result of the Israeli occupation and its oppressive measures. A stone symbolized this Intifada, which was called the "Intifada of Stones" because stones were the primary weapons used by the youth to confront the army.

Because organisation was essential for sustaining the struggle and grounding the Intifada in all sectors of the society, the United National Leadership for the Intifada (UNLI) formed consisting of political groups that had a major grassroots presence at the time. These were Fatah, the Democratic Front for the Liberation of Palestine, the Palestinian Communist Party, and the Popular Front for the Liberation of Palestine. The UNLI assumed responsibility for leading the activities of the Intifada in the West Bank and Gaza in its capacity as the executive arm of the PLO. Later, another UNLI group from the same parties was formed in Gaza. There were attempts to include the Islamic Jihad movement but this failed because they set conditions that were not acceptable to the other parties.

The UNLI created the Higher Council for Women from members of the same four parties, and the Council was considered a wing of the UNLI. It focused on organising women's action, mobilising women to participate in the Intifada, and establishing programmes and projects to protect women and their families.

In 1993, the PLO and the Israeli government signed the Declaration of Principles known as the Oslo Accords. This agreement was the basis for the return of the PLO leadership to the OPT and the establishment of the Palestinian National Authority (PNA). Some Palestinian political parties joined the PNA, while Islamic parties that had begun to flourish defined themselves in opposition to it, refusing to join the newly established PNA and boycotting the first elections in 1996. However, these Islamic parties started to prepare for the next elections by mobilising support with the intention of securing a favourable majority.

Key Strategies of Political Islamists

Political Islamic parties used several strategies to achieve their objectives. I discuss three of them here.

Grassroots Mobilisation

The first strategy entailed the domination of traditional charitable organisations such as the *zakat*¹¹⁶ committees, which oversee the collection and redistribution of donations for poor people and the formation of popular committees including women's and students' committee. This grassroots mobilisation was carried out through programmes with a clear political and social vision and agenda at a time the other political parties who were members of the UNLI concentrated on building professional institutions and centres focused on the elite, rather than investing in grassroots bodies. As a result, the parties became alienated from the popular base. International donors encouraged this approach as a means to create and widen the gap between the parties and the masses and to weaken organised popular action and the growth of popular resistance, which could influence the course of events, as happened with the Stones Intifada.

Promoting a closed-minded and exclusionist mentality

The second strategy was the promotion of a closed-minded and exclusionist mentality that rejects the 'other,' one who is different or who belongs to another political party. This approach claimed to protect religion and authentic Palestinian identity as expressed

116. Zakat, one of the Five Pillars of Islam, is the practice of every Muslim to give 2.5% of their saving to help ease the economic hardship of other Muslims.





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by preserving traditional culture, values, and norms. The success of this strategy relied on beginning with the “weakest link,” that is, women. Palestinian society is a highly patriarchal one, and is based on intersecting social and economic hierarchies: the rulers hold power over members of society; one class over other classes; one group over other groups, whether based on religion, culture, or race; older people over younger people; and men over women. These inequalities permeate social institutions as well as people’s thinking and behaviour.

To maintain this traditional hierarchal system and the domination of women, political Islamist groups invoked powerful emotions based on religion and love for our homeland. Indeed, religious doctrine and beliefs are constant, with loyalty to the homeland considered paramount. Such groups were well aware that the emotions aroused by religion and nation do not change over time and regardless of social, economic, political, and cultural changes.

The forces of political Islam exploited these factors amid calls for a return to authentic values and opposed all efforts to counter gender-based discrimination. They emphasised their role as protectors of Islam and of the nation, illustrating the saying: “Without protecting religion, one cannot protect the homeland”. They explained the defeats and setbacks of Palestinian society as due to people’s abandonment of religion. They portrayed a return to religion as the path towards liberation. This narrow fundamentalist view does not tolerate discussion or opposition; anyone who tries to contest this system is demonised, if not accused of outright *takfir*, heresy.

Use of the media

Islamist groups and parties have a strong media strategy. Methods used to attack the PMP included:

- Publishing leaflets, which were distributed in universities and mosques including al-Aqsa Mosque;
- Using the sermon at Friday prayers in mosques;
- Organising workshops and lectures in various universities; and
- Giving interviews and writing articles in daily newspapers and in newspapers published by different groups.

Later, I discuss key arguments by opponents of the PMP that were widely circulated in the media.

Religion, Authority, and Patriarchy

The conservative hierarchical discourse based on the oppression of women has employed religion to legitimise its domination. Thus, religion was, and is, used to restrict the conduct of women who are constrained in domestic roles and to sanction violence against women. Palestinian people's attention has been focused on violence against women, particularly violence based on the idea of "defence of honour" and other related myths, while other arenas of violence and exploitation, such as economic exploitation, have been neglected. Historically, religion provided a shared point of reference for people, particularly as the clergy who interpret religious texts and principles gradually assumed positions of authority.

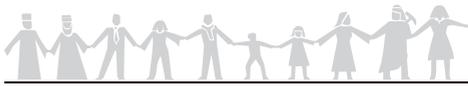
Hence, religion has become one of the most important tools to consolidate this conservative hierarchical discourse. Although some women have entered into public life, men are masters in the home and in the public sphere. In the words of Nasser Hamed Abu Zeid, "Men assume custody over women at various ages, starting with the grandfather in the extended family, then the father, the brother and the husband, right up to the son who becomes the guardian of his mother."¹¹⁷ Male domination is reflected in popular sayings, proverbs and media rhetoric; through educational curricula that teach stereotypical roles and values; and in official rhetoric. The law discriminates on the basis of gender in its texts and articles, especially Personal Status Law and the Penal Code.

Contradictions and double standards

To justify gender discrimination, Islamists have defined women as "seducers" who are the source of sin and impurity. Yet, religious practices permit various social arrangements that accommodate male sexuality. Some clerics grant men the right to marry up to four wives on the basis of religious interpretations that consider one wife inadequate to fulfil a man's lusts and desires. An interpretation provided by Sheikh Mohammed al-Ghazali, for example, states that, "the sexual desire of the male might require that he has intercourse with more than one female partner in order to ease his sexual,

117. Nasser Hamed Abu Zeid, "Women's Cause between the Anvil of Modernity and the Hammer of Traditions: A Study of Historical Texts", *Alf*, no. 19, 1999.





spiritual and physical tension.”¹¹⁸

Al-Ghazali also said,

Regardless of the motive, the cure must be to the extent of the ailment, the goal is to ease and calm the soul which sees many sights... lust sometimes overwhelms man to the point that one woman is not enough to fortify him [fortify here means preventing the man from committing adultery], so he desires to have four and not only one.¹¹⁹

In contrast, Sheikh Al-Taher Al-Haddad of Zaitouna mosque has argued the complete opposite based on the following verse Qur’an: “God said marry two or three or four women, but if you fear that you cannot be fair with all of them, then keep to one woman.”¹²⁰

Sheikh Yousef Abdallah Al-Qardawi permits nikah misyar (traveler’s marriage) in the Gulf countries.¹²¹ In Iran, there are “houses of chastity”, which are houses of prostitution where a man can have sex with a woman based on a temporary marriage contract lasting one hour or more. Such phenomena allow a man to fulfil his sexual desires while restricting the lives of women, and regardless of the social problems that might arise.

Another example of how religion is used to restrict women’s conduct concerns clothing. Women are to wear a hijab and jilbab to show their commitment to religion, whereas men are not subject to similar requirements regarding the way they dress. Although some men may demonstrate devotion by growing a beard or wearing traditional dress, not doing so does not mean that other men have abandoned their faith. Women who wear Western clothing, even if it is modest and not eye-catching, are condemned but a man is free to wear Western attire. Amro Khaled, a well-known preacher who broadcasts on several TV channels, wears Western clothing but this does not undermine his status as a man of religion. Sheikh Bassam Jarrar, who strongly opposed the PMP project, wears Western clothing, but he

118. Quoted in Abu Zeid, “Women’s Cause between the Anvil of Modernity and the Hammer of Traditions: A Study of Historical Texts.”

119. Ibid.

120. The Holy Qur’an, Surat Al-Nisa’a, verse 3.

121. Head of the International Union of Moslem Scholars, and Director of the Sunni and Shari’a Centre at Qatar University. A Sunni scholar, Al-Qardawi was born in Egypt in 1926. He left for Qatar after being arrested several times as a leader of the Muslim Brotherhood Movement.

too is not viewed as imitating the West.¹²²

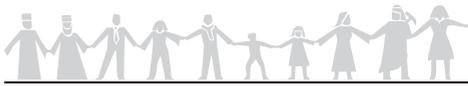
At the present time some people claim that traditional Palestinian clothing for women—an embroidered dress in central and southern Palestine and a loose coloured dress in northern Palestine—is not Islamic. They call for women to wear the Iranian jilbab and have largely succeeded in pushing Palestinian traditional dress aside without any apparent concern for preserving our cultural heritage and identity. They focus on narrowly defined interests and the belief that wearing the jilbab reflects a woman's commitment to religion and to political Islamic parties. Those who advocate this dress code and exploit the feelings of ordinary women who seek to please God are appeasing extremists without being aware that this is what they are doing.

It is apparent how women are exploited for political purposes in this instance. It is well known that traditional Palestinian dress does not violate the Shari'a dress code. Nevertheless, political Islamists have justified the banning of traditional Palestinian dress on the grounds that the embroidery is eye-catching or there is a belt at the waist. These matters were not mentioned in the Qur'an or in the teachings of Prophet Mohammed, but women are forced to abide by such rules to fit a specific religious image while men are free to choose their clothing, just as they are allowed greater latitude in other matters. Indeed, men do not accept being dictated to, in contrast to women who have become accustomed to submission and internalised subordination.

Some Islamists show their indifference to women's rights and interests on the argument that discussing this issue is a luxury compared to the severe political and economic crises facing Palestinian society. Some see anyone who raises women's issues as an agent of the West who aims to destroy Palestinian society at the heart, which is the family, according to their view. They believe that the destruction of the family occurs once women start to demand their rights. This spills over into threats to the homeland and national unity. Thus, ignoring or renouncing women's issues for the sake of national unity has become a national goal and it is considered acceptable for women to pay the price for this. Indeed, many women have become accustomed to doing so under the guise of social values that respect a woman who remains silent and submissive.

122. Sheikh Bassam Jarrar is Director of the Nun Centre for Research and Studies of the Qur'an and was the main mobiliser of opposition to the PMP.





Even the role of women in building and liberating the homeland does not carry any real weight. If women's contributions are taken into consideration, it is within a limited framework. The woman who struggles to defend the homeland is applauded, but afterwards she should return home and maintain the family hierarchy. During the Algerian Revolution against French colonialism, for example, the struggle of Algerian women was praised, but once liberation was achieved those same women were told to go home and accept the Personal Status Law that confined them.

Personal Status Law as a tool for the domination of women

Arab societies accept civil laws and civil courts in most areas of life. Penal codes are not based on Shari'a and commercial law allows dealing with interest, i.e. usury, in commercial banks that serve the business sector. Yet, these same societies reject civil laws regarding personal status and retain laws based on Shari'a to regulate relations between men and women in the family, with far-reaching implications for all aspects of life. The same applies to ecclesiastical laws for Christians and the inheritance laws of Christian churches. Early marriage for girls is permitted in religious family laws in all Arab countries under certain circumstances even though some national constitutions prohibit the practice. In short, the prevailing laws restrict women's freedom, close doors to them, and limit their opportunities to enter public life and access resources available in society. In turn, this deprives society of considerable potential that is not properly developed. Major questions arise: Whose interests are served by this discrimination? Who benefits from this failure to invest properly in half of society?

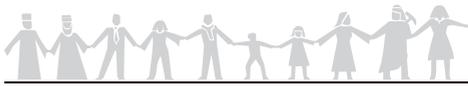
Islamists are vociferous in matters of Personal Status Law, particularly when women's rights are concerned. They, along with many others in the society, assert that raising concerns about women's issues is a tactic used deliberately to distract attention from other social issues and arrangements. Anyone attempting to challenge the situation of women is accused of subverting social priorities and sabotaging the hierarchical structure of society, which must be maintained at all costs. Indeed, religious authority is striving to maintain its last fortress: control over women through Shari'a law. For example, in response to the PMP activities, Sheikh Hasan Ali al-Joujou wrote:

... there is no doubt that the rights of the family, or what is called personal status law, differs from other laws because its articles are taken from Islamic Shari'a; it is known that after the downfall of the Ottoman Islamic Caliphate, Islam was relegated from daily life as a unique system for humanity...with its applications and instructions applied only in personal status law which is applied in the Shari'a court. Moreover, family rights law tackles the most dangerous issues of all because it deals with human life; it organises family relations and there is no doubt that the family is the first and foremost pillar of any society, and when the family is healthy, the society is healthy, and vice versa.¹²³

In addition, religious authorities use personal status issues to assert their power in relation to state authorities and to maintain their dominant role, which has been reduced with the emergence of the state. Indeed, the state and its legislative and executive apparatuses have gradually eroded the power of religious institutions, prompting those institutions to assert their authority by other means. The result has been the further oppression of women as the less powerful party.

The issue of female genital mutilation/cutting (FGM/C) in Egypt is a good example of this. For several years this was a highly contentious issue between religious authorities and the government. Religious leaders argued that FGM/C was necessary based on Islamic texts, although these texts were not confirmed and were contested by several Islamic scholars inside and outside Egypt, especially in Saudi Arabia. The religious authorities exploited popular rhetoric about preserving "a girl's honour" in support of this custom, which is one of the harshest forms of violence against women with serious physical and psychological ramifications for their health and wellbeing. The government sought to prohibit this practice on the basis of scientific reasoning, human rights, and religious ideals, and because of its embarrassment in facing the international community, especially during the UN International Conference on Population and Development held in Cairo in 1994. The conflict continues despite the enactment of a law that criminalises FGM/C in Egypt, except in certain cases and under specific conditions. It is no secret that this is a political battle about power and authority. Girls and women are the

123. Al-Ayyam newspaper, March 16, 1998.



fuel for this battle because they have no legal or social standing to defend themselves as long as there is a patriarch who is legally and culturally charged to defend and protect them. Moreover, as long as that patriarch does not bear the pain and violence resulting from this criminal act and the custom preserves his status in society and he benefits, the status quo will be maintained.

In light of the above, we can conclude that the culture of Arab societies has made women and the restrictions placed upon them a noble affair used by religious authorities to maintain their power in society. A culture of female subordination and inferiority is deeply rooted. Any act that changes this wretched reality is deemed the ruin of traditional values and a risk to interests founded on the division of gender roles. This patriarchal hierarchy defines access to and control of scarce resources such as land, real estate, inheritance and money, and opportunities like education, training, and welfare. The powerful take priority, then the weak, then the weaker, so that the weakest is expected to accept being oppressed by those who are more powerful.

Women's Rights in Islamic Thought: From Arab Renaissance to Islamic Awakening

Despite the oppression of Arab women today, notable Islamic scholars have opposed women's exclusion and the fact that they were blamed for corrupting society. The "woman question" arose during what is called the Arab Renaissance in the first half of the nineteenth century. This intellectual awakening forced people to think about the conditions of the entire society in a holistic manner in order to achieve a real revival to mobilise the potential of the Arab people as one nation. Women's education was seen as a first step towards their liberation from the outdated traditions that impeded all of society. The issue was addressed by several Arab scholars, such as Rafa'a al-Tahtawi (1801-1873), a leader of the Arab Renaissance movement in Egypt during the reign of Mohammed Ali Basha. He was assigned as the imam of the military mission in Paris, and admired educated Parisian women who wore make up, as long as they maintained their chastity. He made the education of women his passion and a national mission, and wrote a book entitled *The Honest Guide for Education of Girls and Boys*.¹²⁴

124. Rafa'a al-Tahtawi, *The Honest Guide for Education for Girls and Boys*, 1873, http://www.arabworldbooks.com/authors/refaa_eltahtawi.html

Others later followed in Rafa'a al-Tahtawi's footsteps. Mohammed Abdo (1849-1905), a scholar and jurist born in Egypt, was considered one of the symbols of renewal in Islamic jurisprudence and a pioneer of reform in the Arab and Islamic world. Qasim Amin (1863-1908), an Egyptian author and social reformer, was a founder of Cairo University and a leader of the national movement in Egypt and the movement to liberate women. Al-Taher Al-Haddad (1899-1935), a Tunisian intellectual and graduate of Zaituna Mosque in Tunis, was a writer, trade-union leader, and politician. He defended labourers' rights in Tunis, led a movement to modernise Tunisian society, campaigned for the liberation of Tunisian women, and sought to ban polygamy in the Muslim world. In support of women's liberation these reformers all based their arguments on the same religious terms of reference as those who opposed gender equality in rights and duties.

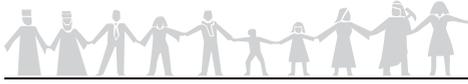
More recently, Sheikh Mohammed al-Ghazali (1917-1996), a well-known Islamic thinker and writer with many publications regarding Islamic interpretation, was influenced by these earlier discussions. Al-Ghazali stated that,

Some religious scholars still hate the face of women and hold them responsible for the exodus of Adam from Eden, as the Jews claim in their books. They believe that women must stay at home until they die and should be deprived of any public activity. I believe that if those scholars were alive during the times of Prophet Mohammed (peace be upon him) they would have demanded that he expel the two ladies that attended the great pledge at Al-Aqaba.¹²⁵ They would have told Mohammed, 'What business do these women have in this?' And if these scholars were present during the opening of Mecca, they would have told the Prophet, 'Talk to the men and they will inform their women.'¹²⁶

The visionary perspective in the writings of these scholars were criticised by others, who described them as infidels. These disapproving voices prevailed amidst increasingly deteriorating political and economic conditions in the region after the 1910 Sykes-Picot Agreement, where Britain and France secretly subdivided the

125. Al-Aqaba Al-Kobra 652 AD. Muslims of Yathreb made a secret agreement that they would protect the Prophet when he went to Mecca. Among the protectors were two women.

126. Quoted in Heba Raouf Izzat, "Women and Interpretation: Towards a New Islamic Discourse," *Alf Magazine* #19, 1999.



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Ottoman Empire into future geographic areas of control and influence by the two powers should the Ottomans fall, and they supported Zionist ambitions for the takeover of Palestine. The conditions further deteriorated after the Palestinian nakba in 1948. Hence, the conflict moved from the internal arena to the external. The struggle became one over land, identity, and existence, where the Arab people stood on one side and the European coloniser on the other, rather than disputes over the division of power and resources inside the family.

Palestinian people have united to resist the coloniser, and once again women have paid the price by deferring their cause because it is not considered a national priority. Political Islamists have exploited this situation and succeeded in classifying women's issues as alien and emanating from the West. They define themselves as defenders of authenticity and cultural heritage in the face of the colonisers and accuse the proponents of "modernisation" of adopting a liberal stance and endangering the interests of the Palestinian homeland.

Nasr Hamed Abu Zayd, Qur'anic hermeneutic scholar and theologian, points out that the return to discussions of women's issues in the Arab and Islamic world is not separate from what has been called the "Islamic Awakening" by its adherents, what others call Political Islam, or, Islamic Fundamentalism as is called by the Western media. He notes:

The crisis in Arab existence reached its peak in the defeat of June 1967.¹²⁷ This represented the starting point for reviewing and questioning everything that was considered constant and agreed upon: politically, socially, and culturally, and even in terms of ideas and thoughts. This movement started at every level and in every field. It is a movement that has not stopped and we believe that it will not stop because the ramifications of the defeat keep emerging at an alarming rate. Arab consciousness was on the verge of absorbing or comprehending what had happened after the 1973 war, but soon more defeats appeared: the Camp David Agreement between Egypt and Israel,¹²⁸ the

127. In what is referred to as the Arab-Israeli War, Israel won a land war against neighbouring states Egypt, Jordan, and Syria and took control of Gaza and the Sinai Peninsula from Egypt, the West Bank and East Jerusalem from Jordan, and the Golan Heights from Syria.

128. Secretly negotiated in 1978 at Camp David, the U.S. President's country retreat, and signed by Egyptian President Anwar El Sadat and Israeli Prime Minister Menachem Begin in Washington, DC, presided by U.S. President Jimmy Carter. This agreement shaped the future of Palestine without the participation of any Palestinian leaders in the negotiations.

fragmentation of Arab politics, the invasion of Beirut, the first Gulf War...the second Gulf War, the invasion of Southern Lebanon, the peace talks, Madrid, Oslo, Gaza, Jericho...etc.¹²⁹

These defeats at the hands of Israel, its U.S. backers, and their allies have generated sectarian and racial strife including the oppression, marginalisation, or exclusion of minorities. Also the political crises facing Arab societies have contributed to the production of authoritarian discourse, which refuses to listen or to engage in dialogue, and claims to possess the absolute truth, taking its authority from the sacred and the holy. Moreover, the collapse of the Soviet Union upended the global balance of power and led to the rise of the U.S. as the world's only super power. This fed sectarianism in the Arab world and generated unrest, leading to internal strife, because of people's inability to confront the real challenges: underdevelopment, dictatorship, Zionism, and U.S. hegemony. Abu Zayd concludes:

Muslims have no recourse against this challenge but to stand behind the representatives of Islamic discourse who inflame the emotions of the masses against the imperialist political West. They include in this anger the entirety of human civilisation, culture, and heritage in the so-called "Western civilisation."¹³⁰

In an international arena that has developed the discourse of "the clash of civilisations" that declares Islam as the enemy of the West, Abu Zayd capture the Islamist position.

Islamists, including religious institutions, organised political parties, and Islamic scholars, have mobilised in an attempt to confront these actual and perceived dangers named above. Both internal and international conditions have created deep intellectual and cultural polarisation between the Islamic wing and the secular movement on all social, economic, and political issues. The cause of women represents one form of this conflict.

Contemporary Islamist Discourse on Women

In her analysis of the Islamist discourse on women, Heba Raouf Izzat¹³¹ highlights its most important characteristics as follows:

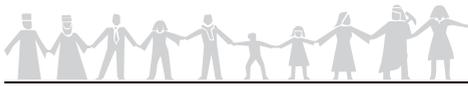
1. Textualization and tradition: Islamist discourse has sought to find interpretations for pressing public issues such as economics

129. Nasr Hamed Abu Zayd, "Women's Cause between the Anvil of Modernity and the Hammer of Traditions," *Alef*, 19, Cairo University, p. 512.

130. *Ibid.*

131. Raouf Izzat, "Women and Interpretation."





and politics. However, discourse on women's issues has remained hostage to religious texts without any attempt to adapt it to contemporary life. Thus, the texts remain stagnant. The opinions of previous Islamic scholars are adopted without attempting to study them in depth or assess them against the Shari'a text to ascertain which elements should remain constant and if any changes may be permissible.¹³²

2. **Historical simplification:** The discourse of the Islamists is captive to the historical era of the Prophet. It describes the Prophet and the participation of his women followers as an example of women's rights in Islam but fails to show how this is relevant to the reality faced by women in Arab nations today.
3. **Weak review and self-criticism:** Few Islamic writings review the arguments prevailing in the Islamic arena or critique them from a Shari'a perspective. There is also an absence of internal criticism by the Islamic movement regarding its relationship with women. Islamists tend to ignore discussion of important social issues that women experience and the growing clashes between Islamic discourse and secular viewpoints. When the secular movement calls for women to work outside the home, for example, Islamists express reservations. When the secular movement calls for the political rights of women, fatwas are issued to ban or restrict the nomination of women to parliament or prohibit them from assuming senior administrative posts. Islamist arguments also accuse the secular movement of conspiracy and collaboration with Zionism, Freemasons, and crusaders.¹³³
4. **Custom takes priority over law:** The focus of many Shari'a rights is part of a framework of conventional "virtues" without reference to a binding legal document. Most of the developments in the areas of personal status in the Islamic world have taken place as a result of initiatives by the state or legislators with Shari'a supervision. Islamic groups were not invited to participate and, in some cases, they publicly denounced reforms granting women greater rights. Examples can be seen in the events in the 1970s between the Islamists and what they called "the law of Jihan al-Saddat," referring to the wife of the late Anwar Saddat who introduced legal reform supporting women's right, especially on sensitive issues such as divorce polygamy.

132. Ibid.

133. Historically, Islamic countries were devastated by several "crusades"—wars sanctioned by the Roman Catholic Church for control of the Holy Land, which lasted for some 200 years (1095-1291). In modern times Zionists and Freemasons are accused of developing a secret pact to introduce global capitalism and Zionism into the region.

Main Arguments against the Palestinian Model Parliament by Islamist Forces

Three main arguments were used in a campaign of slander against the PMP launched by Islamic forces to oppose and restrict freedom of expression: religious authorities are the only authority in matters of personal status; PMP demands contradict Shari'a law; that PMP leaders are part of a Western conspiracy to destroy Palestinian society. I discuss each of these arguments below.

1. Religious authority is paramount in personal status matters

The first argument, advocated by men of religion in particular, emphasised their absolute authority over legislation on family matters. This group believes that laws relating to family affairs proposed by any non-religious party constitute a violation of their authority. For this to be perpetrated by women was unbearable to them. Therefore, they focused on defining "authorised people" and stressing that they are the sole party with authority. Hence, they rejected the ideas of the PMP as ideas promoted by unauthorised parties. Although some showed more flexibility about discussing ideas than others, a group of extremists rejected any debate. The following media reports illustrate this.

- In a newspaper interview, Sheikh Hamed Beitawi said:
- The law of the Model Parliament is a conspiracy against Islam. This proposed project was created by women who received foreign education and culture that have nothing to do with Islamic Shari'a, while the people who are experienced and experts in Islamic Shari'a have been excluded, such as Shari'a judges and those who have worked in the Shari'a courts system for decades with wide experience in personal status, and teachers in Shari'a colleges in our Palestinian universities, and fatwa men and others who are known for their knowledge and good names.¹³⁴

He added that Islamic authorities had prepared a working paper condemning the proposed draft law as "a violation of our Islamic religion and a conspiracy against our Shari'a courts and Islam and Muslims," and demanding that the PLC reject it.

134. Al-Risala newspaper, March 5, 1998.





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- In a newspaper interview Sheikh Tayseer Al-Tamimi,¹³⁵ then acting Chief Justice of the Shari'a courts, criticised the PMP proposals drafted by attorney Karem Nashwan¹³⁶ and stressed that authorised parties are people with "experience and expertise, meaning judges and scholars in legislation and Islamic jurisprudence."¹³⁷
- At a meeting of journalists with Sheikh Beitawi¹³⁸ and activist Reema Nazzal,¹³⁹ Sheikh Beitawi said that the party "authorised to amend and unify laws, to study them and ascertain what is useful and what is harmful in them and what follows the norms and traditions of the society and interests of the individual and the community, are people with experience and expertise, such as judges and specialised scholars in Islamic jurisprudence and legislation."¹⁴⁰
- Atallah Abu al-Sabeh stated: "... people with no experience in this field will generate doubt and suspicion."¹⁴¹

Criticisms of specific PMP demands by men of religion focused on the following:

Restriction on polygamy: The PMP did not call for a ban on polygamy, but that it should be restricted by conditions that guarantee justice. Sheikh Beitawi said:

- God allowed polygamy...God is the expert on the human soul and its needs...no human being can try to ban what was allowed by God. On justice, which God set as a condition, a human being can

135. Sheikh Tayseer al-Tamimi, born in Hebron, became the acting Chief Islamic Justice in 2000. From 2003-2010 he served as Chief Islamic Justice through a Presidential Decree of the late President Yasser Arafat. Later he formed the Hurriyya wal Istqal (Freedom and Independence) Party.

136. Karem Nashwan, a lawyer from Gaza, was a member of the PMP team who prepared a document justifying gender-sensitive legal reform in family law based on progressive interpretation of the Shari'a.

137. Al-Quds, March 8, 1998.

138. Sheikh Hamid al-Beitawi (1944-2012), born in Beita near Nablus, was the President of the Association of Muslim Scholars and Chief orator (preacher) for the Al-Aqsa Mosque.

139. Reema Nazzal is a member of the Palestinian National Council, and a member of the Executive Committee of the General Union of Palestinian Women. She was a member of the Nablus PMP preparatory committee and authored Chapter 6 in this volume.

140. Samar Amireh, "Palestinian Model Parliament: Between Acceptance and Rejection," Al-Awdah, March 1998, pp. 30-32.

141. Atallah Abu el-Sabeh was born in Sawafeer, near Asqalan. His family became refugees in Gaza after the establishment of the state of Israel as the Israelis destroyed his village. A Muslim scholar who earned his doctorate from Um Durman University in Sudan in 1995, he writes a regular column in the Al-Risala newspaper that is affiliated with the Ikhlas party.

achieve it; it is material justice in spending, housing, and sleeping.¹⁴² Sheikh Al-Tamimi affirmed these statements, but added that a man will not be able to treat his wives in a just manner even if he tries hard. He maintained:

- It refers to the heart and emotions as human beings cannot do this and this is not required in our case. The positive aspects of polygamy are that it protects against falling into sin and vice; we know that in non-Islamic societies where there is no polygamy, the husband engages in many relations outside the marriage.¹⁴³

I believe that the argument for having wives in place of lovers can be rejected because it treats men as human beings controlled by lusts and desires, and unable to think reasonably. Besides, this kind of argument restricts the institution of marriage to one function—to fulfil the sexual needs of the man—ignoring the fact that marriage should be based on partnership, understanding, love, and companionship, and as a structure to provide for the next generation. This very limited view of marriage does not take into consideration its role in providing emotional and social security. Also, there is a clear inconsistency here. A man is thought capable of dominance in the public sphere because he is “rational,” but he suddenly becomes irrational, controlled by his sexual desires and instinctual needs without the mind having any role to play.

Age of marriage: The PMP called for the marriage age to be raised to 18 years for men and women. Sheikh Tayseer Al-Tamimi said that the “current law stipulates that the girl must be at least 15 years old and the boy at least 16 years to permit their marriage, according to the Hanafi tradition, since this is the average age of puberty and is in their interests.” Sheikh Hamed Beitawi supported this view.¹⁴⁴

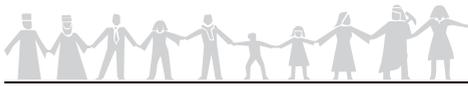
This perspective ignores scientific arguments on the dangers of early marriage, its impact on the physical and psychological health of a young mother and baby, and the social and economic vulnerability

142. Amireh, Al-Awdah, March, 1998.

143. Al-Quds newspaper, March 8, 1998.

144. In Islamic jurisprudence there are four schools of thought in the Sunni tradition: al-Hanafi, al-Maliki, al-Shafi'i and al-Hanbali that flourished up the 250 After Hijra, in the Islamic calendar. Imam Shafi'i and Imam Hanbali tended to interpret the scriptures strictly and are known as the people of naql ('imitation of the Prophet'). Imam Maliki and Imam Hanafi were more open to interpretation of the Qur'an and hadith. Each school has a distinctive method of interpretation based on al-qiyas (the consensus amongst jurists regarding an interpretation), al-istihsan (preference for one interpretation over another to serve the general good), al-urf (tradition or practice), qawl assahabah (sayings of the Prophet's contemporary disciples), and ijma'a assahabah (consensus of the Prophet's contemporary disciples).





of a family supported by a young woman who has little experience for this task. Moreover, a poverty report published by the Palestinian Ministry for Planning and UNDP found that poverty in Palestine is widespread in families who have only one breadwinner, typically the case with early marriage.¹⁴⁵

There is no explicit text in the Qur'an on the age of marriage so this point has been open to interpretation between adherents of the four main schools of Islamic thought. Overall, men of religion currently cling to the more fundamentalist tradition of Imam Shafi'i and Imam Hanbali, rather than the statements of Imam Hanafi who used *al-qiyas* (reasoning by deductive analogy). For example, he argued that, as long as a woman is given the right to control her money, why not give her the right to control her life?

Guardianship in marriage: The PMP called for guardianship to be annulled in marriages for competent adult women. Sheikh Al-Tamimi opposed this, stating:

This contradicts our religion, since the Prophet said "No marriage unless there is a guardian". To permit the marriage of a girl without a guardian conflicts with the dignity of the woman and protection of her honour because if the girl is allowed to marry without the consent of her parents, she might fall victim to evildoersif the guardian refuses to allow the girl to marry without a justifiable reason, the Shari'a judge may allow her marriage to whom she wants on the basis of his public Shari'a guardianship.¹⁴⁶

Sheikh Hamed Beitawi also supported this opinion.

In the issue of polygamy, a woman's dignity was ignored but in the matter of guardianship it becomes important, although she is still unable to protect it herself and needs her father's or another male guardian's protection. On this view, educated women leaders and activists who have devoted significant efforts to social and political causes are incapable of determining their own interests. Women may become judges and issue sentences in legal cases but they cannot have control over their own lives. We can imagine a female Shari'a judge who takes decisions and issues rulings on divorce, alimony, and custody, but who cannot decide by herself about her own marriage.

145. Ministry of Planning and International Relations, Poverty Report (Ramallah, Palestine: November, 1998)

146. "No Human Can Prevent What God Has Mandate," interview in Al-Quds newspaper, March 8, 1998.

2. *PMP demands contradict Shari'a law*

Several notable opponents of the PMP argued that the project's demands contradicted Shari'a law. In support of this claim some of them misstated and distorted PMP proposals and used these concepts to argue against secular discourse and to incite the people against the organisers. Examples include the following:

- Sheikh Bassam Jarrar "warned of the dangers of the Model Parliament as it contradicts Islamic Shari'a on all aspects of daily life. The ideas of the Model Parliament are very similar to the laws that have failed in Western societies as a result of social disintegration and loss of ethics and moral values."¹⁴⁷
- Sheikh Jarrar reacted to a statement issued by the General Federation of Palestinian Women saying, "The statement talks about commitment to Islamic Shari'a, but the fact of the matter is that the proposals that they aim to impose on our people contradict the basic, elementary principles of the Holy Qur'an."¹⁴⁸
- Sheikh Jarrar criticised the PMP position on many issues but we highlight here two very controversial and emotional ones, abortion and adultery, which he misrepresented by conflating the two. The PMP proposed to legalise abortion in cases of rape, incest, and danger to the mother's life. Further the PMP raised the issue of adultery separate from the abortion issue, and recommended that it be decriminalised but remain a grounds for divorce.¹⁴⁹
- An unknown author using the pseudonym Fatmah Bint Abdullah stated in a leaflet:

I call upon the women involved in the Palestinian Model Parliament to ask God for forgiveness and to retract their laws, which are considered a nakba on the nation and the destruction of the family and society if they are discussed in the absence of religion. How can we accept them when they are in clear violation of religion?"¹⁵⁰

The Islamic author Khaled al-Amayreh, wrote:

They demand, for example, to adopt international conventions and agreements as the basis for Palestinian laws, which means the exclusion of the Shari'a, even if this takes place gradually, and prepares the way for the introduction of strange concepts such

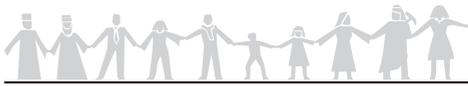
147. Quoted in article titled, "During a seminar held at Abdul Naser Mosque in al-Bireh, Jarrar warns of the dangers of the model parliament as it contradicts Islamic Shari'a," Al-Quds newspaper, April 28, 1998.

148. Statement published in Al-Quds newspaper, April 18, 1998.

149. Quoted in Fatmah Bint Abdullah's pamphlet, *The Nakba of Religion and Honour after the Nakba of the Land* by the Women's Model Parliament, n.d.

150. Ibid.





as civil marriage, which means legal adultery, the marriage of a girl without a guardian, which means social disintegration, and a ban on polygamy, which means replacing wives with lovers, and other evil things that are brought by the brokers of cultural invasion to spread in our country....¹⁵¹

- An anonymous leaflet signed “A Devout Woman” declared that, “... these Western ideas are imported and attempt to make women a cheap commodity always on sale in the market and always on display. This contradicts God’s Shari’a and the principles of good moral conduct...”
- At a seminar organised by the Student Council at the Islamic University, PLC member Yaghi called for a group of Shari’a scholars to respond to every item in the PMP proposal with evidence from the Shari’a and Holy Qur’an so that every Muslim could understand the roots of such demands.¹⁵²

3. PMP leaders are part of a Western conspiracy

The third argument used by proponents of political Islam held that PMP leaders were part of a Western conspiracy to undermine Palestinian society. Supposedly, these women obtained dubious funding from the West to derail the Palestinian national struggle. Islamist groups had declared themselves the protectors of the homeland by defending the beliefs and religious values that PMP participants, they argued, sought to distort. This slandered the PMP leaders by accusing them of straying from the path of religion and true values, and supporting colonialism. Several publications asserted the loyalty of PMP organisers to the West:

- The Palestine Scholars Association issued a booklet, which claimed that “atheists of the right and left” came together after the collapse of the Soviet Union to execute the plans of the West to strike at the structure of the family in Arab and Islamic countries.¹⁵³ The booklet compares Islamic civilisation with other civilisations; describes how this civilisation was subjected to attacks, became weak, and entered an era of decadence; and how it has returned to its prime and regained its previous glory. The authors conclude that this has provoked the West to resort to force, resulting in conflicts between Islamic civilisation and the West. In Palestine we are the most affected by this war due to the sensitivity of our location and the

151. Khaled al-Amayreh Al-Haq and Freedom publication.

152. “Student Council at the Islamic University Organises Seminar on Women in the ISLAMIC Vision,” Al-Hayat al-Jadida newspaper, March 26, 1998.

153. Palestine Scholars Association, Muslim Women and Secular Spite.

timing, but Palestinians are more aware and better protected than others due to our family and social cohesion and we have been able to resist. Therefore, the West had to strike at the structure of the family and society in Arab and Islamic countries. It succeeded on some occasions and failed on others. The Islamic Awakening is proof of its failure.

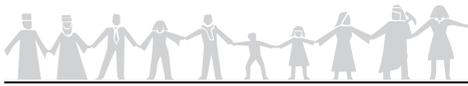
- The booklet denounced women's centres specifically, and claimed that they are supported by large amounts of money from the West to implement the West's plans of destroying the family and stripping Arab Muslim women of their dignity and humanity and transforming them into a cheap commodity like Western women. As usual, there is mention of catchy topics about human rights and women's rights.... We refuse to confuse the facts and state here that the idea of the Model Parliament, which was announced in 1997, was the result of an initiative from the Women's Centre for Legal Aid and Counselling whose headquarters are in Dahiet al-Bareed in Jerusalem. This is one of many centres whose goals are funded and it is like an octopus in the body of our suffering homeland....¹⁵⁴
- Al-Huda Women's Association also published a booklet that described the strength of Palestinian society and conspiracy plans being executed in Palestine, followed by criticism of women's centres, the PMP, and WCLAC.¹⁵⁵ This booklet used identical wording to the previous one; the only difference was the title and the party publishing it.
- A leaflet distributed to worshippers in al-Aqsa Mosque included statements from an article by Sheikh Bassam Jarrar including the following:
 - At a time when the Palestinian people are suffering in poor conditions, we see funds spent on conferences by dubious Western parties who are keen to destroy Palestinian society under the slogan of disseminating a legal culture and awareness among women and demanding their rights to legal equality and legislative guarantees to protect women's rights.
 - Why do we allow them to talk on behalf of Palestinian women who struggled and gave birth to heroes and martyrs? The followers of the West are assigning themselves as reformists who want the good of our homeland....¹⁵⁶
- The leaflet issued by Fatmah Bint Abdullah included these comments:

154. Ibid.

155. Al-Huda Women's Association, *Palestinian Women and the Secular Conspiracy*, March 8, 1998.

156. *God is Great... Who Supports our Religion?* leaflet distributed on Friday, April 10, 1998.





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- I never imagined that Palestine, the holy land and cradle of prophets and religions, would become an open playground for the worshipers of Satan and a safe haven for the enemies of the Prophet. How would God help us achieve victory while some of us are contesting His will? How can we regain al-Quds [Jerusalem] while some of us are violating the sanctity of our holy sites? The enemies usurped Palestine in the name of religion, how can we regain it through devil worshippers?¹⁵⁷
- Author Khaled al-Amayreh wrote, "It is clear how some Westernized women are becoming daring against religion and the Shari'a of God..."¹⁵⁸
- The leaflet signed "A Devout Woman" included the comment: "Islam is targeted by the enemies of Islam to destroy our values, unity, heritage, civilization, and ethics; unfortunately, this is done by some of our own people who were tempted by the devil."

These damaging criticisms raise several questions that need to be addressed:

- Is it true that activists in women's centres are alienated from society? Is it so easy to deny the national role that women's centres play in resisting Zionist's racist policies and schemes? Is it possible to express doubts about women activists who have been detained and subjected to house arrest and administrative detention for several years just because they tried to challenge the status quo?
- How can people see the struggle for women's social and economic rights as an attempt to destroy the family? Does the support provided to a wife who suffers domestic violence in front of her children protect her and her children, or the forces of colonisation and the West? Do the calls for laws that grant justice for women and promote investment in human resources, which the Israeli occupation seeks to destroy, actually serve sustainable and comprehensive development or colonisation and the West?

These questions highlight the extent of misinformation and demagoguery used by followers of political Islam and proponents of a fundamentalist approach. Our questions aim to inform public opinion and identify facts without exaggeration or distortion. We are convinced that people are not so naïve as to accept facts without discussion, but we wonder what the motive is for raising suspicions about women activities and women's centres. What purposes does this serve?

157. The Nakba of Religion and Honour following the Nakba of the Land in the Model Parliament.

158. Al-Haq and Freedom, April 24, 1998.

Using the Model Parliament to Promote Islamist Parties

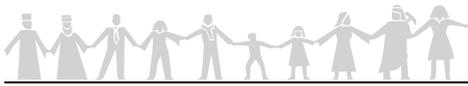
Analysing the samples above, we note the use of threatening language, from expressions like “destruction of the family and society” to statements like “I call upon the women of the Model Parliament to ask forgiveness from God.” This approach is not about rational dialogue but reflects a mentality of exclusion and dogmatism. This comprehensive, well-orchestrated campaign raises important questions: Were all these efforts targeted against one group or were there other targets? Were they geared only to women or were they intended as a message to government authorities and to the legislators?

The PMP experience represents a 1990s example of the general analysis of political Islamists’ strategies outlined earlier. As soon as women dared to present their issues, different reactions surfaced including ferocious attacks on PMP leaders and participants. We conclude that the attack was not only against women, and that the suppression of the PMP was not the main goal because the opposition was not focused on the project’s ideas. The negative reactions and responses included insults, accusations, and threats against the project organisers, hence the term “attack.” This was a concerted assault on freedom of expression and a clear case of intellectual terrorism aimed at silencing certain voices and banning particular ideas. It aimed to convey the message that only one party possesses the truth and no other party may attempt to criticise its position or present an alternative discourse.

However, it must be noted that Islamist parties did not attack the PMP project explicitly. They did not use their official names and did not sign the leaflets that denounced the PMP. Rather, activists from these parties opposed the PMP as individuals or groups using pseudonyms or names that did not identify specific individuals, such as “Devout Woman” and “Youth of Jerusalem Mosques.”

When we decided to devote this chapter to the exposing the dialectical relationship between women’s issues, religion, and the homeland, I wondered if it would spark a new offensive and whether we would be used again to serve the interests of other groups, especially during this period of internal division and dissension. These thoughts were prompted by an incident that took place at the time of the PMP sessions, when al-Quds Educational TV devoted a special episode to the PMP with Sheikh Bassam Jarrar and two women activists, Randa Siniora and Islah Jad. During the episode, a heated argument erupted, but the bigger shock came in the commercial break when live transmission stopped. At that point, Jarrar looked at Randa and Islah and said, “Your arguments and talk about the Model Parliament





do not interest us as you imagine; we are simply using you as a (beast of burden) and nothing else.”

This comment supports our analysis that, although apparently attacking women and the PMP, the opposition used us to consolidate its political power and interests, as Jarrar stated so frankly. Activists from some political parties, particularly political Islam, treated the PMP as an opportunity to communicate with the general public and declare themselves the protectors of Islam, and of authentic values, traditions, and culture. Opponents of the PMP distorted facts and claimed things that were not part of PMP documents or discussions as a way to incite the general public and proclaim the “danger” threatening Palestinian society, which they were struggling to overcome. In provoking public dialogue, Islamists stirred up opposition to the PMP organisers and their secular discourse, opening the door for incitement against all who defend secular ideas, including political parties, and leaving the public with one option: political Islamic parties. According to Islamists, secular individuals are infidels and Islamists are the protectors of religion and the faith.

PMP Responses to the Islamist Counter-Campaign

On each point mentioned above we can respond to the counter-campaign and we are ready to discuss these ideas. It must be noted that we have never claimed that only we possess the truth.

Yes, we demanded the adoption of international conventions as terms of reference for laws, and we are not the first to do so. All Arab and Islamic countries have contributed to drafting these conventions and agreements, and most have ratified them. Why were they not accused of deserting Islam? Who says that these international agreements are opposed to Islam or any other religion? These conventions uphold noble human values regardless of a person’s religion, colour, gender, and political or intellectual affiliation. We do not denounce our demands or what we said collectively and individually.

We continue to emphasise that our secular beliefs are not blasphemy. Rather, secularism is an enlightened view that calls for equal citizenship and opposes discrimination based on religion. A secular approach defines religion as an individual relationship between a human being and his or her god, and holds that religion should not be intertwined with politics: religion must be separated from politics and the state. Abdullahi An-Naim, Muslim scholar and human rights activist, eloquently argues this position in relation to Islam:

In order to be a Muslim by conviction and free choice, which is the only way to be a Muslim, I need a secular state...one that is neutral regarding religious doctrine, one that does not claim or pretend to enforce Shari'a...simply because compliance with Shari'a cannot be coerced by fear of state institution or faked to appease their officials.¹⁵⁹

This is not to oppose religion. Rather it means that everyone should have the freedom and the right to exercise his or her beliefs, practices, and rituals, without discrimination. Religious foundations of nation-building promote and legislate the principle of the supremacy of one religious group over all others, thus institutionalise and codify bigotry and discrimination.

The laws of the state must be fair and just, and apply to all citizens regardless of their religion to prevent us from falling victim to racial or sectarian discrimination, as happened in Egypt where Christian churches and the houses of Christians were burned. Or the violence perpetrated against women who decide to cross the boundaries established by cultural traditions and societal norms. Whose interests do these acts serve but those who want to inflame racism and sexism, divide the population, and distract people from what should be their real targets: colonisation and oppression.

Yes, we demanded the right of a wife to receive half the value of the marital assets after divorce because we did not want to see divorced women homeless on the streets. These are women who devoted their lives to raising their children, therefore, did not join the waged labour force. They worked to reproduce the people who will become the pillars of society in the future. These women deserve shelter and must not be at the mercy of relatives in order to have a home.

We defined rape in marriage as a crime and demanded the criminalisation and prosecution of a husband who rapes his wife. This does not mean that we will be standing behind doors of the bedroom, as the Islamic Bloc at Birzeit University claimed in the booklet they distributed on campus. But we believe it is unfair for a wife to be taken by force by her husband who may be a drunkard or an addict. This violates a woman's bodily integrity and may harm her health. Who will stop the husband? Why shouldn't there be a law to protect women from such violence?

159. Abdullahi An-Naim, *Islam and the Secular State: Negotiating the Future of Shari'a*. Cambridge, MA: Harvard University Press, 2008, p. 1.





Palestinian Model Parliament:

Towards Legislation Based on Palestinian Identity,
Progressive Ideals, and Just Content

Regrettably, we did not ask for polygamy to be banned, which was a move away from the opinion of scholars like Sheikh Al-Taher Al-Haddad who have argued against it. We accepted that polygamy could be permitted under certain conditions, but demanded that it be restricted in a manner that guarantees justice. Didn't God set justice as a condition for polygamy? The late Sheikh Beitawi stressed that material justice is required, and maintained that this is achievable. Sheikh Al-Tamimi claimed that emotional justice is not possible, but not necessary. Why is it not necessary? Who decides the correct interpretation of a Qur'anic verse?

What is wrong in asking that a woman who lived with her husband for 15 years should have the right to receive alimony after divorce and until she marries again, especially if she does not work outside the home? This is the least that can be offered: to allow a woman to live with dignity after she gave her youth to her husband and children and does not have the skills or experience to apply for a job.

We demanded that the right to file complaints in cases of adultery should be granted to the husband and wife only, without interference from others. This is to protect women from abuse from legal guardians, always men, who have the right to accuse women. We also demanded that femicide, or the so called "honour killings," always related to allegations of adultery and "sexual misconduct," be ended because we believe that only God who gave us life can end it.

Our final and the most important point: what we presented through the activities of the Palestinian Model Parliament was offered in a peaceful and respectful manner. The ideas were presented in public, in broad daylight, and not behind closed doors. Why were they not discussed in the same peaceful and respectful manner? Why were we not engaged in open dialogue instead of being accused and attacked? And for the tenth time: Whose interests does it serve to attack women in this manner or the "other" who is different?

We are determined to analyse the positions of the different parties towards the PMP, not for the sake of arguing with them, but to persist in seeking a serious public dialogue, with the hope that we can reach some kind of consensus that will build confidence and serve the interests of the Palestinian nation. If, indeed, we were a "beast of burden" to be used and exploited, what will happen after this book is published? Whatever happens, we will face any challenges courageously and steadfastly, using lessons learned from the Palestinian Model Parliament.



قال صلى الله عليه وسلم :
من حرم وارثاً من إرثه حرّمه الله من دخول الجنة
(حديث نبوي شريف)

The Prophet Muhammad, Peace Be Upon Him, said:
“Whomsoever forbids the inheritor of his inheritance, God
will forbid him from entering paradise.”
(Hadith Nabawi Sharif)



The Palestinian Model Parliament and the Arab Spring¹⁶⁰

Reema Nazzal Introduction

Less than two years after my return to Palestine in 1993 following the Oslo Accords, after 27 years of exile, I had an experience that shattered my illusions about a reality that had protected me during exile. The Palestinian Model Parliament (PMP) was an eye-opening experience for all of us who participated and contributed by sharing our visions, assumptions, and dreams. It gave us different perceptions and expectations of the new Palestinian reality, especially the strength of Islamic religious forces.

It is not an exaggeration to say that the PMP experience shattered our conceptions about the tolerance of Palestinian society and its understanding of the needs and demands of Palestinian women, who have participated in the national struggle against Israeli occupation in every way and at every stage. Palestinian women have considered the national cause their first priority even at the expense of social and feminist issues that affect them, including democratic and legal rights. However, this long history of unlimited giving and sacrifice was not enough. All the talk about women's status and significance turned out to be mostly rhetoric, beautiful words that faded away as soon as women began to talk about gender equality, or made any other legal or human-rights demands.

It is well known that Palestinian women are going through a multi-dimensional struggle because of the Israeli occupation. They have the burden of participating in the national struggle as well as being victims of discrimination based on gender. Palestinian women also share the circumstances and complexities of the social struggles for democracy with other Arab women due to similarities in the social, cultural, and economic structures of Arab nations. Side by side with men, Arab women are participating in common struggles for social justice, and against social and class inequalities and disparities in the distribution of wealth.

This chapter discusses the rise of Islamic and fundamentalist political parties in several Arab nations, the role of women during the "Arab Spring," and the subsequent gains made by Islamic political parties at

¹⁶⁰. All sources used in chapter are in Arabic. Therefore, please refer to the Arabic version of this book for citations.

the expense of women's rights and freedoms. The chapter compares the situation of Palestinian women with others in the region, especially Egypt and Tunisia, and calls for stronger regional alliances in defence of women's rights.

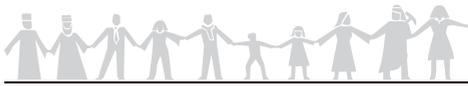
The Palestinian Situation and the Rise of Political Islamists

A decade after the PMP project had suffered such vicious attacks from Islamic religious forces, detailed in Chapter 4, Hamas took power in Gaza in a coup against the elected Palestinian National Authority (PNA), using armed militias, on June 7, 2007, over a year after the international community refused to recognise the Hamas victory in the 2006 national elections. In the process many people were killed and many others were arrested, and resulted in deep divisions all over the OPT. However, this was not a popular revolution like that of the "Arab Spring". People did not rise up for political change, despite the fact that they had many reasons to do so and to hold accountable those leaders who were responsible for corruption. What happened was the result of deep conflicts within the official Palestinian political system, expressed as a dispute over authority between Fatah and Hamas. This escalated into armed conflict in 2007, settled on the terms of Hamas. The result was a split in the political system and the deepening of the geographical separation between the West Bank and Gaza Strip. This change had many negative effects in terms of public freedoms and the status of women, their organisations, and the gains achieved through long and difficult struggle. All this was in danger of being taken away.

From the beginning, the Hamas government took many oppressive steps to ensure the stability of its rule. It worked to spread an atmosphere of fear and intimidation, from threatening public and personal freedoms to the exclusion of civil society organisations and restricting political actions. Hamas and other Political Islamists resorted to ideological procedures to shape Palestinian society according to its narrow views. They prohibited social mixing between men and women in clubs and public organisations. The police and militia were given a free hand to pressure people into conforming to these rules, and to spread terror throughout the society.

Women were the targets of many more regulations, so that one felt as if one was watching a "black comedy." A woman was accused of laughing loudly on the beach. Girls' schools were "feminised" by banning male teachers. Women were prohibited from smoking the





al gile in public. The government imposed so-called Islamic dress on female students in schools and universities and lawyers in the courts.¹⁶¹ Al Aqsa University introduced a yearly renewal of its modesty code and prohibited “foreign” hairstyles. Drapers were forced to take mannequins out of their shop windows; immodest clothes were banned from display; and girls were forbidden from taking part in the third international marathon.

To legitimise its oppressive polices and violations of women’s rights and their public and personal freedoms, Hamas convened meetings of the PLC, which had been suspended as a result of the political split. Only Hamas members attended these sessions. They issued a number of laws, including the 2013 Palestinian Education Law, which was announced by Osama Al-Mazyini,¹⁶² the Minister of Education and Higher Education in the Gaza government. He maintained that the law met all constitutional and legal conditions. It was published in the official gazette, Issue 86, dated 17 February 2013, to come into effect 30 days later. Article 45 of this law states: “the Ministry shall work on feminising the girls’ schools” and the following article states, “mixing between students of the two sexes is forbidden in educational institutions after the age of nine.”¹⁶³

Hamas went further in violating the rights of women by summoning women leaders—who had to be accompanied by a male escort—for investigation by its security forces, as in the case of Amal Hamad, a member of the Secretariat of the General Union of Palestinian Women (GUPW).¹⁶⁴ In May 2009, Hamas prevented opposition women leaders from leaving Gaza for Ramallah to attend the fifth conference of the GUPW. It also forcibly suppressed women’s demonstrations that were calling for an end to the political split and a return to national unity. Thus, women in Gaza paid a high price because of this religious militancy that contravened social norms and undermined the basis for civil peace. A girl lost her life and her sister was wounded when Hamas militants opened fire on the car they were riding with their fiancés, because they suspected illicit relationships between the couples. Many mysterious killings of girls and women were recorded on the pretext of so-called “honour crimes”.

161. See Arabic version.

162. See Arabic version.

163. See Arabic version.

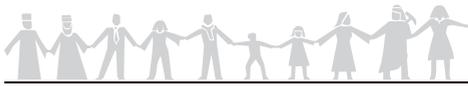
164. Interview on December 14, 2010 with Amal Hamad regarding her experiences with the Hamas security forces.

Such practices reflect the reactionary attitude of the Gaza government and its desire to impose its authority by force. But this analysis must go further because Hamas and other extremist Islamist political parties in Palestine were active before Hamas assumed power. They worked on Islamising society as a way to challenge secular forces. One of the ways it succeeded was through its efforts in social and welfare work. It benefitted from the flaws and inadequacies of the Palestinian political system represented by the PNA, who had no clear secular vision than social programmes. Moreover, they tended to follow the more traditional approaches to society. These reasons gave fundamentalist parties the credibility, justification, and weapons to take over political power.

The policies and measures practised in Gaza reflect an authoritarian, so-called Islamic method that has nothing to do with plurality, democracy, and tolerance. The longer the political split continues, the more Hamas and its allies have the opportunity to impose their control over society through a host of laws and fatwas that closes the possibilities of struggle for freedom and liberation. The women's movement faces a serious risk. The political split and the current regime in Gaza have resulted in a wider drift between the West Bank and Gaza Strip. While women's organisations in the West Bank focus on achieving more gains, the main goal of their sister organisations in Gaza is to preserve and protect the achievements they made before the split.

This political and geographical split has caused great damage to the Palestinian cause and programme for liberation, and has had a catastrophic effect on our people. It has fulfilled, for Israel, goals in ways it never dreamt of being able to achieve. It has affected the Palestinian people in general and women in particular—politically, economically, socially, and psychologically. This split has undermined the role of women in public life in Gaza Strip, as it deepened the major divisions between sectors of society and threatened both the social fabric and national identity.

After gaining power, the new Hamas authority began its plan to change the cultural and traditional identity of the Palestinian people, and women were the main targets for achieving this end. The goal was to create the impression of a conservative Palestinian identity by imposing specific clothing on women, and spreading an atmosphere of terror and intimidation, directly or indirectly. Thus, an



open authentic Palestinian identity has been substituted for a new identity with significant changes in the roles of women, to meet the requirements of the new regime. Moreover, current changes in the Arab region and the ascendance of Islamic political forces have encouraged the authority in Gaza to become even stricter.

Oppression and double standards

The oppression and violence practised against Palestinian women are not limited to social restrictions but has extended to political violence, in order to exclude women, suppress their political and social aspirations, and eliminate their achievements. Since 2007, the Gaza security forces have suppressed women activists, including summons by security forces and the detention and interrogation of leaders. Recently, a number of leading women, some of them known bloggers and media activists, received death threats in an offensive escalation aimed at defamation and character assassination.

The practices and measures that target women in the Gaza Strip are diverse and even contradictory. On the one hand, a woman is considered to be in opposition to the system, is taken seriously, and has to be summoned, called to account, and punished. On the other hand, she is considered inferior, so she has to be accompanied by a male escort to the interrogation centre. This is reminiscent of the debate that emerged in the first two years of the second Intifada (2000-2001) on commando operations conducted by women. At that time, fundamentalists decreed that women could not conduct these operations beyond the Green Line¹⁶⁵ without a male escort. They could not see women outside the frame of their established gender role, even when women were making the ultimate sacrifice of giving their lives for their Homeland.

Hamas closed many media institutions in Gaza, so the media are limited to platforms that promote a culture of intolerance that excludes women from playing social and national roles. These media contributed to the objectification of women and stripped them of their identities as independent and responsibility actors. The earlier media discourse in Palestine that called for the participation of women in public life in order to unite the whole society in the struggle for freedom and an end to the occupation has been replaced by a discourse that calls for the exclusion of women because they are

165. See Arabic version.

legal minors.

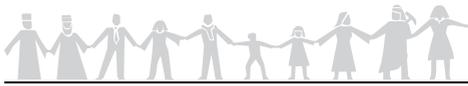
Moreover, the PNA in West Bank has used the actions of Hamas in the Gaza Strip as a pretext to reduce public freedom in the West Bank also, and the women within Hamas have paid the biggest price for this policy. Many violations against women's organisations affiliated with Hamas have been reported, including shutting them down and confiscating their assets.¹⁶⁶ When women protested the arrest of Hamas members by the security forces, and demanded their release, they were suppressed and crushed. In addition, women who support Hamas have complained of being excluded from employment in Palestinian government institutions.

Arab Women's Issues: Common Experiences

Arab women's interests involve common and overlapping areas, although some particulars differ in each country. The electoral regulations in Morocco, for example, are different from those in Sudan. Also, the political involvements taken up by Palestinian women arise from our distinct circumstances, the current balance of power, the legal framework stipulated in the Palestinian constitution, and the policies, which have the power of law. Despite these differences, common characteristics also link us. Thus, there is some shared basis for Arab women's work in facing the reversions happening now, or expected in the future, that threaten women's rights and gains made in the past. This makes it both possible and necessary to lay down unified tasks to defend the rights of Arab women; to struggle together to eliminate the discrimination and injustices we experience; and to enhance and promote the status and the role of women in all Arab societies.

The prevailing laws in Arab countries are based on inherited traditions and the dominant culture. Typically, the requirements of Shari'a define the social laws related to women, a key point of contention in debates initiated by the PMP. A quick look at the constitutions of Arab countries show that Shari'a is recognised as the main source of social laws in some countries and as one of the sources in others. Religious references are used to justify the adoption of Shari'a, considered sacred and not open to examination or argument. This has led to the suppression of all other points of view and prevents discussion or debate. In addition, Shari'a and its interpretation can be selective.

166. See Arabic version.



That is why it is crucial to stop using religion as a political tool.

Ironically, those who want Shari'a to be the source of all laws, generally apply a double standard in dealing with the holy texts. For example, when an Arab country needs a loan from the International Monetary Fund (IMF) they justify it by referring to a Shari'a law that says, "necessities allow for prohibitions."¹⁶⁷ They have no problem with investment regulations and laws governing international banking and financial markets, or that interest is taken from loans deposited in Islamic banks, camouflaged by the term *morabaha* ("cost-plus contract"), another name for usury. Here they allow religious discretion, though this practice contradicts the laws of Islam that prohibit usury.

It is a different matter, however, when it comes to the rights of women. Then Shari'a text interpretations are closed and restricted when it comes to women's rights. For example, the selectivity in using Shari'a is apparent when a woman is denied her legal right of inheritance, a common practice that openly violates the Qur'an and Shari'a, and goes against a tenet of Islamic jurisprudence that says, "there is no interpretation when there is a text".

The commonality of Arab women's interests can be noticed women's rights are circumvented, whether directly or indirectly. The circumvention usually happens by using some fatwa, taken out of context, to justify violating freedoms and blocking the way to equality, even if there are constitutional provisions about equality between citizens. This results from politicising religion or imposing religion on politics. Anyone who proposes the separation of politics and religion in Arab countries is condemned harshly and considered a heretic. This ignores the fact that, elsewhere, more than 600 million Muslims live under regimes that have adopted the principle of separation between religion and the state. This is based on the understanding that religion is a personal matter between an individual and their God, whereas the right of citizenship is the governing standard for the state based on the principle of equality, regardless of gender, religion, colour, race, and so on. In Muslim countries such as Turkey, Malaysia, and Indonesia, for example, women enjoy the rights of citizenship that Arab states deny to women.

167. See Arabic version.

Moreover, many Arab countries have declared their commitment to a number of relevant international treaties and conventions, but have not aligned their national laws with them. This is another double standard that causes confusion, as shown by experts discussing the application of the UN Convention on the Eradication of all forms of Discrimination against Women (CEDAW).¹⁶⁸

Women Active in the Arab Spring

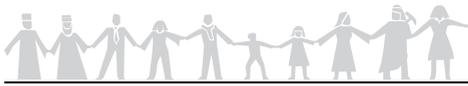
Egyptian women in Tahrir Square

In January 2011, Egyptian women took to Tahrir Square from the first moment to participate in making the glorious revolution and overthrowing the tyrannical regime of President Hosni Mubarak. Their role was very practical and they used all their abilities to serve the revolution effectively. As observers testified, women's participation was a highly significant and positive sign. In my opinion, this was because the revolutionary movement took the right approach towards women: as a force for social change with an authentic interest in achieving the revolution's goals rather considering them second rate or merely tools for mobilising others. Thus, Egyptian women were full partners in planning, organising, and managing the activities, including sleeping in Tahrir Square as a demonstration of being revolutionary partners. They proved themselves capable of leadership and were fully involved. Women were active in social media, such as Facebook and Twitter, which played an effective role in distributing information and mobilising masses of people. They shared in writing and carrying banners and placards, writing wall slogans and wall magazines, cheering and urging the crowds to further action. Moreover, they took responsibility for necessary everyday tasks such as caring for children in the sit-in tents and preparing food for the protesters.

During that time, not one incident of sexual harassment was reported in Tahrir Square despite the large and permanent presence of women, which means that the entire crowd respected them. But as soon as the first goal was achieved—getting rid of President Mubarak—things changed. The new ruling Military Council opened a shocking and

168. 169 <http://www.iicwc.org/lagna/iicwc/iicwc.php?id=960>





alarming page for women: “compulsory examination of virginity,”¹⁶⁹ which meant women were randomly arrested and subjected to virginity testing. Moreover, it was discovered that the Council’s campaign included defamation, intimidation, and issuing a torrent of fatwas, all aimed at demeaning women. This immoral campaign enlisted religion to try to exclude women from revolutionary and political activities, and public work in general. Fundamentalist and reactionary forces were responsible for this first transgression of the goals of the revolution and its progressive, democratic achievements.

Tunisian women at the heart of the Jasmine Revolution

Similarly, the role of Tunisian women in the Jasmine revolution that brought down the tyrannical regime of Zine Al-Abidine Ben Ali was very effective. Women participated vociferously in the demonstrations, carrying placards and shouting slogans, and also played a leading role in mobilising masses of people to gather in Qasaba Square to defend their freedom and dignity. This reached a peak when the mothers of martyrs and victims who fell during the struggle undertook to travel throughout the country to inspire the spirit of revolution. Moreover, women were seen carrying the bodies of martyrs to make a barrier to protect young protesters who were targets of the militia’s snipers. In Islamic societies, women carrying the bodies of martyrs is very significant because that role is reserved for men, while women remain in the house to express mourning emotionally.

The Jasmine revolution united Tunisian people from all sectors who experienced poverty, misery, indignity, and injustice. Young women were carried on men’s shoulders during the protests, as they demanded the overthrow of the regime. They volunteered to distribute news about the protests and information about the regime’s violations of people’s rights. They spread information about the revolutionary activities through the Internet. Tunisian women enjoyed a high level of social awareness and freedom. They insisted on participating in the political movement—keeping abreast of behind-the-scenes activities—in order to participate effectively and enhance their status in society.

169. <http://www.hrw.org/news/2011/11/09/egypt-military-virginity-test-investigation-sham>

Yemeni women on the same track

Like women in Egypt and Tunisia, Yemeni women also participated extensively in the protests in Yemen. They were present in Tahrir Square in large numbers. They joined the demonstrations and sit-ins, and were heavily criticised for mixing with revolutionary men. The first to defame women in this way was the head of the former regime, Ali Abdullah Saleh, who called on his opponents not to mix with women but who turned a blind eye toward gender mixing in activities that supported him. However, Yemeni women were ready for revolutionary action and they exposed the self-serving purposes behind the ex-president's statements. Instead, women accused him of instigating public opinion against them because of their participation in protests against him.

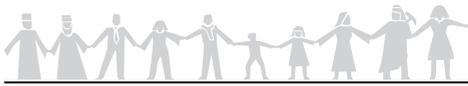
Such actions against Yemeni women by forces inside and outside the regime did not stop them from active participation, rather the opposite. Manal Mohammad, a media activist in the Coalition of the Vanguard Youth for Change, reported that, "women gained self-confidence; their role and participation in the revolution is increasing" and "women attend in the square in increasing numbers, compared to the first days of the revolution," emphasizing women's insistence on active participation.¹⁷⁰ In addition to women's involvement in demonstrations and political activities, many volunteered for work in the field hospital in Tahrir Square, sleeping in hospital or in rest tents guarded by revolutionary men.

I believe that the peaceful revolution in Yemen made it possible for Yemeni women to participate effectively and, more important, broke their fear of how the traditional male-dominated society would react. Their activism undermined tradition and social conventions, and enabled women to play a significant part in making political change. Unprecedented in Yemeni society, women raised their voices in the streets of Sana'a, Ta'az, Aden, and other cities, demanding freedom and justice from behind their veils.

To counter these revolutionary women's voices, the ruling party organised its own women's demonstrations in Yemeni cities. Thousands of women participated in these activities with the slogan, "No to Violence and Chaos." These demonstrations called on the

170. <http://al-shorfa.com/ar/articles/meii/features/main/2011/07/14/feature-01>





opposition parties to listen to the voice of reason, to hold onto democracy, and give priority to national interests over the allegedly narrow interests that had exhausted the country and its citizens. The demonstrations called for fair elections as the only civilised way to change leadership, through the ballot box. Despite their reasoned and plausible rhetoric, it became clear that the main purpose of these demonstrations was to support President Saleh and to boost his popularity, which had eroded in the public eye.

The role of Yemeni women in peaceful demonstrations and rallies, whether in support of the regime or in opposition to it, showed their active and effective presence. Despite differences of opinion about women's participation, everybody agreed on the important political and social roles women played during this time of struggle, which will help create a new reality for women and the wider Yemeni society.

Indisputably, the Arab revolutions that saw the participation of all social groups and sectors, especially women, broke the barrier of fear when people took to the streets to express their opposition to authoritarian regimes. Moreover, women's participation in these demonstrations rejuvenated many women's organisations, revitalised their agendas, and dismantled some of their negative social conventions and traditions. The popular revolutions created a new environment based on the idea that the people are the source of all power, and they established, anew, the use of the streets for people to express their demands. Revolutionaries in Tunisia said: "People want..."; followed by, "Get out...". Later, Egyptian people adopted these same slogans.

In Tunisia and Egypt all sectors of society participated in the revolutionary movements for bread, dignity and social justice. New sectors joined the movements on a daily basis. The calls for freedom, social justice, and democracy met the needs of Arab women and aligned with their interests. An overwhelmingly revolutionary situation was born in a specific historical moment, with all the ingredients of evolving into comprehensive and fundamental change in these societies. Power would be returned to the people, as the dictatorial regimes were overthrown. But, the outcomes of these revolutions overturned people's optimistic expectations and took everything back to square one.

Egypt: Systematic exclusion and intimidation of women

The Muslim Brotherhood and other fundamentalist forces tried to terrorise women demonstrators and activists through a campaign of sexual harassment and assault, aimed at excluding them from revolutionary activities. Tahrir Square, the first place of the revolution, became a site of despicable behaviour not only directed at women, but also against some men. In one notorious incident a man was stripped of his clothes and dragged along the street by fundamentalists, who resorted to sexual harassment to humiliate demonstrators to make an example of them. Harassment, rape, and stripping became tools of exclusion and revenge, showing the new regime's plan for suppressing the protest movement.

If women dared to admit to being subject to sexual harassment, or in those cases discussed publicly, it became clear that sexual harassment was a systematic, terrorist act, carried out by organized gangs instructed to hunt girls and women in Tahrir Square. The goal was to break the victim from within by means of domination and violence, to expel her from the square, and exclude her from the revolution.¹⁷¹ A slogan in the I-Witnessed-Sexual-Harassment initiative¹⁷² was "Don't use women's bodies to kill the revolution"¹⁷³

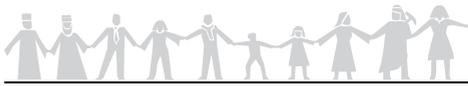
Though not surprising, the scandalous silence of the Muslim Brotherhood regarding these inhumane crimes raised significant questions. It showed their neglect of moral and ethical responsibility for the security of society as a whole. Instead of holding the perpetrators accountable, authorities blamed the victims and viewed women as being responsible for what happened to them. Eyewitness reports charged that government officials condoned sexual attacks against demonstrating women, as seen in the handling of victims' reports to the police.¹⁷⁴ There was open neglect of follow-up and police officers frequently tried to persuade victims to withdraw their complaints, thus showing clear sympathy for the perpetrators. This lack of accountability was accompanied by a widespread media campaign that blamed the victims for being out in the streets and stressed women's role as homemakers.

171. Ibid.

172. <http://www.egywomennews.com/pages.php?option=browse&id=2976>

173. www.elbalad.com/541853

174. <https://www.youtube.com/watch?v=7lvDYpDnDCI>



Women demonstrated against sexual harassment and documented cases of harassment. They were witnesses to incidents of harassment, rape, and virginity testing and took training in self-defence.¹⁷⁵ Women stepped out to defend the man who was dragged and to express their solidarity with him¹⁷⁶. They denounced the new methods of suppression against women activists and urged political parties and groups to defend women against plans to exclude them from political action. They condemned the Brotherhood regime that did not lift a finger against the hired gangs who assaulted women and raped them for political purposes.

Arab Spring Turns to Autumn

A look at the events in Arab countries that witnessed the uprisings or revolutions now shows “autumn winds” undermining women’s rights, or some of their achievements. This is apparent in contemporary debates, in the formulation of new laws, and in new draft constitutions. It is evident in Egypt and Tunisia where laws have been introduced in line with the agenda of the newly elected Muslim Brotherhood parties, including laws that have negative effects on women and women’s issues.

People’s activism during the Arab Spring generated significant changes. The heads of the regimes fell in Egypt and Tunisia. But is it the change that people struggled for, and who has reaped the fruit of their struggles? The fruit fell into the hands of the Muslim Brotherhood, the most organised party that had penetrated those cultures deeply. The Brotherhood had been banned by the fallen regimes, but this hadn’t stopped it from dominating Egyptian and Tunisian society through social networks and indoctrination propaganda, with the collusion of the governments. These states were unable—or unwilling—to provide for the basic needs of the people, especially the poor and marginalized groups who found the answer to their problems in the Brotherhood’s social networks and programmes such as *zakat* described in Chapter 4. When the moment of change arrived, these multitudes were ready to support the Brotherhood, little thinking they were helping to create a new dictatorship.

Through elections political Islam assumed power in Tunisia and Egypt. From the first moment, the Muslim Brotherhood in both

175. http://www.al-moharer.net/moh239/m_kawash239c.htm

176. <http://www1.youm7.com/News.asp?NewsID=632527#.U7RpvmSzt0>

countries revealed their agenda openly: opposition to women's rights and their participation in public activities. To undermine the gains made by women in both countries, the rising fundamentalist forces spread the idea that the wives of the two deposed presidents, Hosni Mubarak and Zine Al-Abideen Bin Ali, had achieved those gains. They called laws concerning women the laws of Suzan Mubarak and Leila Bin Ali—figures associated with corruption—and dismissed these achievements as remnants of a bygone era in order to undercut them and strip them of their public and moral legitimacy.

Fundamentalists attacked women, calling for the veil and using the most appalling means to reach their goal. Some spokesmen and members of fundamentalist parties demanded that the age of marriage for women should be reduced; one of them suggesting that the minimum marriage age for girls should be nine years! Talking to a public gathering, the famous propagandist Abu Ishaq al-Hueini called on women to cover their faces saying, "The face of a woman is just like her vagina." By using this shameful metaphor he hoped to shut down debate, but his speech "angered the women and all Muslims in Egypt," even though some of his supporters defended him.¹⁷⁷

Muna Salah, a fundamentalist candidate for the Egyptian Parliament, attacked those who called for women's participation in political life. She told Asharq Al-Awsat newspaper that "women are deficient in mind and religion, and do not have the right to rule as president."¹⁷⁸ She defended her own nomination by saying that, "membership in the Parliament is a partial rule and not a total rule like the presidency."¹⁷⁹

Egypt: Shock and anger over the new draft constitution

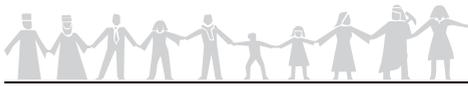
The Islamic parties who came to power raised many objections to approved legal articles, describing them as opposing Shari'a, and sought constitutional changes to suit their ideology. For example, Article 1 of the new draft constitution of Egypt stated, "Islam is the religion of the state, Arabic is its official language, the principles of Shari'a are the main source of legislation." Article 68 provided for "equality between men and women unless conflicting with the provisions of Shari'a." Thus, in accordance with the thinking of the

177. <http://www.elaph.com/Web/news/2011/12/702210.htm>

178. <http://www.alwatanvoice.com/arabic/news/2011/11/17/215883.html>

179. Ibid.





Muslim Brotherhood, which classifies women as second-rate human beings, the principle of equality was not considered absolute.

Not surprisingly, the constituent assembly formed to draft a new Egyptian constitution had an exclusionary approach and did not try to represent all sectors of the society. This caused many political parties to boycott the constitutional assembly because it was dominated by Al-Hurriyah wa Al-Adalah, the party of the Muslim Brotherhood, and the fundamentalist party, Annour.¹⁸⁰ As for women, there were seven members in the assembly at the beginning, but the number fell, with agreement of the opposition.

Egyptian people angrily rejected the draft constitution because it did not reflect their hopes and aspirations, embody the demands of the revolution, or respect the religious and intellectual plurality of Egyptian society. Indeed, the Egyptian women's movement considered it invalid. The Action Centre launched a campaign – "Your Constitution Is Invalid" – on social media, and established a site called "Fuada Watch" to monitor the president's performance regarding women's rights. The Egyptian women's movement published a document explaining why it rejected the draft constitution and proposing provisions to be included, in order for it to be a constitution for all Egyptians.¹⁸¹ They stipulated that the texts must be decisive and clear rather than open to interpretation, contradiction, or detraction. They demanded that the articles reflect full gender equality in rights and obligations, adopt the principle of parity between men and women in all domains, and establish principles of truth, justice, and freedom. Also, they demanded that the constitution emphasise human rights as laid down in the Universal Declaration of Human Rights and other international conventions, which Egypt shared in developing and has ratified.

Lawyer Nihad Abu Al-Qumsan, chairwoman of the Egyptian Centre for Women's Rights, said:

The Egyptian people do not have a religious battle, this is a fabricated battle, and what is happening now is a mass extortion of the Egyptian people. The new constitution contains not even one article about the rights of women; the word equality between men

180. <http://www.coptstoday.com/Copts-News/Detail.php?id=7105>

181. Ibid.

and women is not enough. It also doesn't contain any guarantees for the rights of citizens in education or healthcare.... As women lawyers, we submitted many suggestions for constitutional articles through which a balance could be created for social and cultural problems in society, and through which women could obtain their rights, but the Islamists have ignored everything.¹⁸²

Fat-heyah Al-Assal, chairwoman of the Front of Egyptian Women, argued that the draft constitution takes women a "million years back," adding that, "Women have struggled for a long time to arrive at what they have now. The article (in the constitution), which talks about equality between men and women without conflicting with Shari'a, is an ambiguous article. Therefore, FGM/C might be allowed, and also polygamy."¹⁸³

Mirvat Attillawi, Chairwoman of the National Council for Women, said her organisation "demanded guarantees for binding regulations for equivalent representation of women in political life to their number and role in society, and compelling political parties, in order to have their lists adopted, to allocate certain portions for women." A major reason for the Council's opposition to the draft constitution was that it, "did not mention the commitment of the state to respecting the international treaties and conventions which Egypt has ratified." She argued that, "restricting the rights of women by Shari'a provisions (as in Article 68) will open the door for the opinions of Islamic jurists and creeds, which might permit the marriage of girls at any age."¹⁸⁴

Together with other civil society organisations, Women and Memory organised a project to discuss the creation of the new constitution and initiated a campaign entitled, "Let's Write Our Constitution."¹⁸⁵ They invited coalition members to join a working group to study various constitutions and identify principles and suggestions in specific texts. The group Women, Work, and the Constitution also proposed suggestions for articles in the new constitution concerning gender equality, non-discrimination, equal opportunity, political participation, labour, childhood, education, individual freedoms,

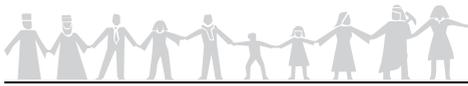
182. <http://classic.aawsat.com/details.asp?section=4&issueno=12042&article=650165&feature=#.U7p-bLE5WZQ>

183. <http://www.shorouknews.com/news/view.aspx?cdate=05112012&id=9b3d941b-161b-46e9-ad02-45598c6f7fe6>

184. <http://www.youm7.com/News.asp?NewsID=987746#.U7zkdbE5WZQ>

185. <http://www.alrakoba.net/news-action-show-id-72451.htm>





and health care. In support of these feminist organisations and perspectives, Judge Tahani Al-Jibali, Vice President of the Supreme Court, pointed out that, “all the articles of the constitution affect women, and not only those which concern women specifically, and that is why women must give their opinion on all the articles of the constitution, whether they affect them directly or indirectly.”¹⁸⁶

In short, the draft constitution did not represent the demands and interests of Egyptian women but took them backwards by many years. Women’s organisations considered it shocking, extremely disappointing, and a source of anxiety about their future status. Moreover, it raised doubts about Egypt’s ability to fulfil its commitments to the international conventions and declarations on human rights that the country has ratified.

Tunisia after the Victory of the Islamic Annahda Party

The situation in Tunisia is very similar to that in Egypt. After the Annahda party won the elections it started to draft a new Tunisian constitution. A number of human rights activists made many critical comments and objections to the first draft. The objections focused on the retraction of women’s rights compared to what had existed earlier, since the time of the former president Al-Habib Burqeibah.

In Tunisia, the struggle for women’s rights began in the 1950s. Prime Minister Habib Burguiba decreed the Code of Personal Status, considered the most progressive Personal Status Law in the Arab world, that included abolishment of polygamy, performance of marriage on the condition of mutual consent by the two parties, and creation of judicial procedure for divorce.¹⁸⁷ Signs that the first transitional government after the overthrow of Bin Ali would turn back the status of women appeared immediately after the revolution, when only two women were appointed as ministers although many women were qualified and worthy the position.¹⁸⁸ In a preparatory statement for the Tunisian Forum 2013, Tunisian women declared that, “The exclusion of women from leading positions takes away from their rights, while, if it were not for women, men would not have been able to cross the threshold of fear and stand up in the face of

186. <http://www.shorouknews.com/news/view.aspx?cdate=30102012&id=3c06cd33-ab1a-4620-aa3a-b1c53c074043>

187. http://en.wikipedia.org/wiki/Code_of_Personal_Status_%28Tunisia%29

188. <http://www.alhourriah.ps/ar/?page=det&id=13147>

the tyrannical regime.”¹⁸⁹

Women’s forebodings were not baseless. After the fall of the regime, the Prime Minister Beji Caid al-Sebsi decided to withdraw the reservations that Tunisia had recorded regarding CEDAW, which was a progressive move. When the debate about the legislation began, the Minister of Religious Affairs, Nour Eddein Al-Khademi announced that withdrawing reservations contradicted national sovereignty.¹⁹⁰ In a seminar titled “The Family in the New Constitution,” he explained that, “the reservations fall basically under many important issues in our society, like equality in the right of inheritance between men and women together with the waiting period after divorce or widowhood, and the natural differences derived from the functions and roles of both men and women.”¹⁹¹ He concluded by stating that withdrawing the reservations that Tunisia had recorded on some articles in CEDAW “represents an open violation of national sovereignty, the cultural identity and the tolerant values of Islam.”

The Impacts of the Arab Spring Four Years On

A brief look at the course of events four years after the beginning of the first Arab revolution reveals many problems in the different nations.

Tunisia is heading along the road of the Annahda party, with growing fundamentalist parties that want to seize power and impose their ideology on the country. In Egypt, the Muslim Brotherhood and other fundamentalist forces immediately started to impose their ideology through legislation and other means. This generated such strong opposition that they were deposed on June 30, 2013 by the army. The new leadership promised to protect the achievements of the people’s revolution of 2011 and to rebuild political structures according to pluralistic and democratic principles through which women assume their position as equal partners in progressive political parties and civil-society organisations in formulating the future of Egypt. Yemen, too, has a long struggle ahead in order to achieve democracy and social justice.

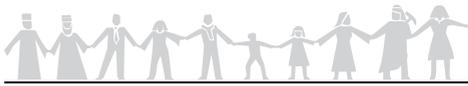
There are two other countries worth mentioning in this discussion.

189. Ibid.

190. Ibid.

191. <http://www.elaph.com/Web/news/2013/4/803560.html>





In Libya, there is ongoing civil war, and women are privately coping with the psychological trauma and physical wounds inflicted by mass rapes committed by all parties in the conflict. Most of these atrocities have not been documented because the conservative social environment prevents open discussions.¹⁹² Although Libya has deposed the tyrannical regime of Colonel Moammar Al-Qathafi, it has a long way to go to achieve stability, security, and peace for its people. As for Syria, it is sinking deeper into a bloody struggle. In this process, Syrian women have experienced all kinds of suffering, including forced displacement from their homeland. They also have been victims of rape, sexual abuse, and trafficking, and their need for safety and an escape from poverty has been exploited with early or unequal marriages. It will not be easy to stop the various forms of violence committed against Syrian women without putting an end to the civil war, and creating a pluralistic democracy that will allow Syrian society to emerge peacefully from the current, prolonged destructive crisis.

Excluding Arab women: The same approach for all

The participation of women in political and revolutionary action has been part of democratic and nationalist movements, as well as civil society organisations. However, historically women's participation was not characteristic of Islamic movements. Islamic parties have not organised women or paid attention to them, except when they needed to use them in elections. They have assaulted women's organisations and movements working to defend women's rights. During the PMP project, for example, Islamic parties spread the message that there are different opinions among women regarding social and legal rights, and that feminist activists do not represent women in general. This was one of the tools used in the assault on the PMP. Opponents claimed that Palestinian women were against the PMP and its foreign ideas, exported from the West. One way the West undermines Arab societies, it was said, is by using women's organisations as channels to that end.

The thinking of the Islamist parties that have assumed power is expressed differently according to local circumstances and the position of the party in this country or that, but broad similarities are clear. Palestinian women have been attacked over the same

192. Women Under Siege, "Conflict Profiles Libya." Retrieved from <http://www.womenundersiegeproject.org/conflicts/profile/libya>

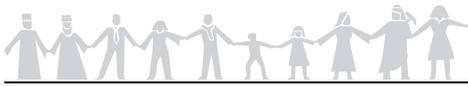
issues as women in other Arab nations: the need to preserve cultural particularity and to fight the “Westernising” of Arab culture. However, the logic of fundamentalist thought and practice is selective, contradictory, and duplicitous. Fundamentalists oppose what they call the Westernising of Arab culture when it comes to women’s, rights, behaviour, clothing, and so on, as discussed in Chapter 4. They defend the Shari’a provisions relating to women, but are much more flexible when it comes to taking loans from the IMF, as mentioned above.

Why Do Women Vote for Fundamentalists?

The fact that women vote for fundamentalist parties in significant numbers is raising wide debate and argument in Arab societies, as this behaviour seems to indicate a clear contradiction. The various fundamentalist groups adopt a conservative approach to women’s issues, utilising them only when the need arises. Yet women give their support to these parties more than to democratic parties that support women’s rights and work for their equality with men. Why does this happen? Why did Palestinian women place their confidence in Hamas Party in 2006, although they are against women’s rights, our independent identity, and political participation? The same question applies to the Egyptian women who voted for Al-Hureiyah wa Al-Adalha, the party of the Muslim Brotherhood, or the fundamentalist party Annour, and the Tunisian women who voted for the Annahda party. How can this be understood? How can this contradiction be solved? Is it that women are sentimental and naïve? What do fundamentalist parties offer them? Is it that democratic parties and women’s movements do not reach a broad cross section of women? Do women recognise the strength of patriarchal power and prefer to align themselves with fundamentalist parties that offer some traditional protections?

In the second Palestinian national elections in 2006, Hamas won 70% of the seats in the PLC and was able to form a government on its own. In local elections Hamas also did well and was able to dominate or affect decision-making in local councils and municipalities. In evaluating the outcome of these elections, general opinion tended to lay the blame on women. I believe this is a false accusation, based on hasty impressions, as people cast around for an explanation for this “coup” brought about through the ballot box. I do not agree





that women were responsible for Hamas winning the elections. The number of men on the electoral register was much higher than the number of women. In addition, a higher percentage of men voted compared to women.

Hamas Party's overwhelming success was due to the votes of the whole society. Many elements played a role in this. Hamas has penetrated deep into Palestinian society at the expense of democratic and nationalist political forces. Hamas reached women through mosques, social occasions such as weddings and funerals, and through women preachers who were able to convince religious women that electing Hamas candidates was a religious obligation. In effect, women were given two choices: elect Hamas and fulfil the will of God, or elect secular candidates and be guilty of disobeying Him. Another reason for the success of Hamas cited by some commentators, was that voters wanted to punish Fatah: "the people found in the legislative elections an opportunity to call the corrupt to account and punish them, by denying them their votes, and refusing to grant them their confidence to represent them in the legislative council."¹⁹³

In Egypt, the popularity of political Islam is high overall, but lower in urban areas and among educated people. Religious women, especially those in rural areas and without much education, vote for the parties that adopt religious ideology in enlisting supporters, and persuading them with a similar stick-and-carrot approach. If they vote for the religious candidate God will reward them; if they do not God will punish them. Islamic groups resorted to issuing fatwas, which maintained that voting for other candidates, especially secular people, is a sin. For example, in his Friday sermon on December 18, 2011, Sheikh Yousef Al-Qaradawi argued that voting is a religious obligation and exhorted Egyptians not to vote for secular candidates or non-Muslims.¹⁹⁴

We can conclude that probably many Arab women support Islamist parties for at least reasons. As a result of their conservative upbringing,

193. <http://classic.aawsat.com/details.asp?section=3&article=711251&issueno=12453#.VI2lnCc4TAo>

194. <http://classic.aawsat.com/details.asp?section=3&article=711251&issueno=12453#.U7-W8fmSzt0>

they may be more likely to support traditional gender roles and subscribe to religious discourse and fatwas, accepting whatever the sheikh, mufti, or woman preacher says, considering it a holy truth. The other is that the ruling party in Palestine that controlled the national government had not met its obligations to the people, especially women. As I have written here and was discussed in Chapter 4, Islamists provided some relief especially for poor families, whose lives rely on the strength and ingenuity of women.

This means that democratic parties and civil-society organisations will need both to make great efforts to develop connections with all women in order to educate and raise their awareness and political consciousness and to meet their basic needs and to address interests, especially in the current Palestinian society that is facing extreme hardships and political insecurity.

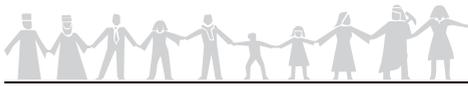
Towards Broad Alliances in Defence of Women's Rights

It is crucial that women form broad alliances and networks among civil society organisations, on national and regional levels. In this way we can establish a joint women's action to face the fundamentalist parties who organise themselves on regional and international levels as part of the Brotherhood movement. Cooperation between Arab women's movements is not an intellectual luxury but a necessity imposed by the nature of the times and the changes in Arab societies. This requires unified efforts to develop the necessary policies and strategies for protecting the rights of women, which are being threatened more than ever. Because the dangers and challenges facing social and national liberation movements in Arab countries are essentially the same, progress or failure in one country will be reflected in other countries.

Ideally, these women's networks should have varied functions and effective co-ordination, exchange, and dialogue, on all legal and social issues. They should abandon conventional and outmoded formations, and adopt vital, functional, active, and dynamic methods, to transmit the right message that are able to reflect and address interests and concerns of society in general and women in particular.

On the Arab regional level, a new form of Arab Model Parliament could be established in line with the new reality. This would serve as a form of collective expression and lobbying, and a democratic platform for the shared discussion of political, economic, legal, intellectual issues. Its goal would be to win over public opinion and to confront the fundamentalist tsunami that seeks to turn the clock





Palestinian Model Parliament:

Towards Legislation Based on Palestinian Identity, Progressive Ideals, and Just Content

back in Arab societies. This parliament could form the platform to express and promote the goals of the Arab revolutions and address the needs and demands of marginalised groups, in order to unify visions and policies, to broaden the base of support to confront any party opposing democratic and human rights principles, and to protect the gains that have been achieved.

The future challenge is serious and complicated, especially as the forces of political Islam are buoyed by their electoral successes, and their popular and formal legitimacy. It requires broad coalitions of democratic forces and civil-society organisations that respect the principles of human rights and pluralism, as well as the equal participation of women and social justice. A formation of this magnitude is not the responsibility of women's organisations alone, but an obligation and priority for all political and social forces that believe in these values and are working to promote them. People should speak up loudly against anyone who violates public and personal freedoms in Arab countries. All must admit that women's participation in every arena of life is an indisputable right. Women constitute a major sector of any society, and it is well known that sustainable development cannot be achieved without their meaningful public participation.

The foundational principle of this kind of coalition, or any other civil-society coalition, must be the separation of religion and state, so that political parties cannot use religion as the basis for institutionalising inequalities in a nation. This is essential if we are to build a modern state with a secular political system based on political rationalism, the separation of powers, the rotation of power, respect for human rights and the rule of law. The separation of religion and politics is crucial in order to end the exploitation of religion to achieve political ends.

To achieve a secular state, all national efforts must be directed towards sustainable development, true democratic processes, including women's right to equality, and away from all forms of oppression and discrimination. Although not perfect societies, economic and social progress in Islamic countries like Turkey and Malaysia have not been hindered. Is there not enough evidence that democratic and economic development can be achieved with the separation between religion and state?

Epilogue

Palestinian Model Parliament: An Idea ahead of Its Time

**Maha Abu-Dayyeh, Sama Fayez Aweidah, Taghreed Ibrahim
Duaibes, Soraida Abed Hussein, Zahira Kamal, Randa Siniora**

The signing of the Oslo Accords and the creation of the PNA left many Palestinians breathless with excitement, despite notable opposition to both. We, the organisers of the “Palestinian Model Parliament: Women and Legislation” absolutely believed in the possibility of democratic change. And perhaps we were steeped in a kind of political innocence. In 1994, the world seemed new; 20 years on, we have a different story to tell.

The Political Landscape

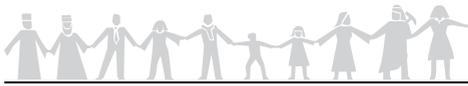
It is 20 years since Oslo and 16 years since the events of the PMP detailed in this book. People’s hopes for the establishment of a sovereign Palestinian state—determining and controlling its own borders and future, accountable to its people, and able to protect us—have been shattered by the increasingly violent Israeli occupation and the systematic destruction of the Palestinian homeland: people, land, property, culture, and sources of water. Although the Oslo Accords declared the West Bank and Gaza as one—“Occupied Palestinian Territories” (sic)¹⁹⁵—Israel has successfully and increasingly enforced divisions through laws and physical separation barriers, with devastating consequences for Palestinian people.

Instead of being a sovereign state, Palestine exists under near total control by Israel, which is supported by the United States. Palestinian people are now forced to live in communities isolated from each other, separated by an intricate and daunting web of walls, barriers and military check points, and surrounded by Jewish-only residential, industrial, and farming colonies established on land confiscated from Palestinian people with the “approval and direct or indirect support of the Israeli government” (OCHA, 2007). Settlers have freer and safer access across the region than Palestinian people.

Settlers travel on over 300 miles of modern motorways, bridges, and ‘bypass roads’ (roads that bypass Palestinian towns and

195. Palestinian people consider Palestine to be one united land; hence we refer to it as the Occupied Palestinian Territory.





villages) that connect settlements and Israeli cities and towns, while, by contrast, Palestinians are confined to poor quality roads and a checkered system of 461 checkpoints and roadblocks.¹⁹⁶

In the West Bank, the installation of settler colonies, “settlements,” continues unabated even though this is in violation of international law. Inside Gaza, which Noam Chomsky described as “the world’s largest open-air prison,”¹⁹⁷ nearly two million inhabitants suffer inhumane conditions on a daily basis. They lack food, water, shelter, electricity, and medical supplies, and are the targets of numerous Israeli military attacks (“Operation Cast Lead 2008-09”; “Operation Pillar of Defense 2011”; Operation Protective Edge 2014”) that have killed thousands of children, women, and men and left many maimed, homeless, and barely surviving in grinding poverty.

Although they occupy Palestine illegally according to international law, Israeli colonialists are legitimised and protected by the Israeli army and legal system, as evidenced by the government-sanctioned policy of systematic confiscation of land through demolition of Palestinian homes and farmland to clear the way for Jewish-only facilities. Moreover, Palestinian people are intimidated and threatened so that they submit to the occupation by tactics such as frequent night raids on their homes and the alarming rate of arrests of children. The fine-tuning of this colonisation project is done by non-state actors, settlers for example, who have proven to be one of the most dangerous elements in the system of occupation because they—men, women, and children—often practice daily intimidation—through acts of physical violence, destruction of property, and control of water supplies—against nearby Palestinian residents, notably in cities like Khalil (Hebron). The Israeli army and security forces protect these settlers, who are never held fully accountable for their actions.¹⁹⁸

In short, the Israeli apartheid style occupation, most dramatically signified by the 8-metre high concrete Wall in the West Bank and the imposed physical separation between the West Bank and Gaza, has deepened divisions among Palestinian people, separating family

196. Israeli Settlements and Settler Only Roads in the West Bank. Retrieved from Ireland Palestine Alliance at http://www.sadaka.ie/About_Palestine/West_Bank/Settlements.html.

197. Noam Chomsky, “My Visit to Gaza: The World’s Largest open Air Prison,” Truthout, November 9, 2012. Retrieved from <http://truth-out.org/opinion/item/12635-noam-chomsky-my-visit-to-gaza-the-worlds-largest-open-air-prison>.

198. For more detailed information, see <http://www.btselem.org>

from family and freedom-seekers from freedom-seekers. Thus, the national aspiration for Palestinian unity has been severely thwarted.

Freedom and Development

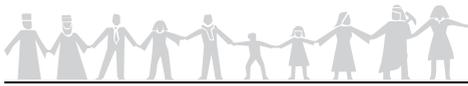
The fact that the UN and its 135 member countries now officially recognise Palestine as an independent state has had no notable positive effect on the people of Palestine. On the contrary, the lack of international accountability and sanctions against Israeli war crimes, atrocities and violations of international laws and conventions have led to a loss of faith and confidence in international institutions and mechanisms. Living under such extreme conditions, Palestinian people have resorted to coping strategies that are more inwardly focused than political, as they try to ensure their family's and their own personal security and protection. The systematic destruction of Palestinian life, lack of effective mechanisms for resolving the conflict, and the absence of a coherent and inspiring political vision for a new state have driven some segments of Palestinian society to social and political extremism, all of which have negative impacts on women.

Living under such conditions of perpetual conflict and facing systematic threats to personal and collective security, women and human rights organizations must utilise creative strategies to ensure the healthy survival of the local community through sustainable development—economic, social, political, and ecological—and continue the protracted struggle for freedom from Israeli occupation and for what internationally renowned development scholar Amartya Sen terms “substantial freedom.” According to Sen, substantial freedom “enhanc[es] the lives we lead and the freedoms we enjoy...expanding the freedoms we have reason to value,” so all people will live “richer and more unfettered” lives and become “fuller social persons, exercising our own volitions [capacities for deliberate choice] and interacting with—and influencing—the world in which we live.”¹⁹⁹ From Sen’s perspective, positive freedom is “intrinsically important as the preeminent objective of development.”²⁰⁰ In the case of Palestinian people, the foremost positive freedoms are genuine security and fulfillment of all basic material needs, as well as human dignity. For Palestinian women and girls living in a conservative patriarchal culture and society, positive freedoms include opportunities to develop fully as capable, empowered human

199. Amartya Sen, *Development as Freedom*. New York: Random House, 1999, pp. 14-15.

200. *Ibid.*, p. 37





beings, and to participate meaningfully in civic life.

It is for sustainable development and positive freedoms that women, particularly women's rights and feminist activists, must stay engaged in the public sphere. This includes working closely with various governmental institutions despite their obvious limitations, with civil-society actors like human-rights activists and community workers, and with development oriented organisations.

Often, people experiencing hopelessness, fear, and deprivation move towards conservatism and even extremism—wanting a dramatic return to an idealised past (“In the old days...”)—and accepting those who appear as leaders to provide immediate relief and solutions to problems. Typically, such leaders are charismatic with a conventional authoritarian leadership style.

During such times, which we are living through now, our crucial task is to generate hope for what is possible and to imagine alternatives to existing conditions and the inadequate modes of alleviating current suffering. We do this by engaging all sectors of society in community-based activities, modeling creative and inspiring leadership, and especially focusing on young women and men to ensure continuity of the resistance to colonisation and oppression, as well as ongoing visions of a democratic Palestine. These activities must incorporate all areas that make up the foundation of a democratic society: economic, social, cultural, and political spheres, deeply embedded in women's and human rights values and principles.

Although we call for the establishment of a secular Palestinian state, we agree that secularism and Shari'a can co-exist. As An-Naim, a scholar of Islam, has cogently argued:

For Muslims, Shari'a should be known and experienced as a source of liberation and self-realization, not a heavy burden of oppressive restriction and harsh punishment. No action or omission is valid from a Shari'a perspective unless it is completely voluntary, and there is no religious merit in coercive compliance.²⁰¹

We apply this principle to all faiths and religious doctrines.

Palestinian Women Leading the Way

201. An-Naim, *Islam and the Secular State*, p. 290

Women leaders, especially those who consider themselves feminist, should be at the forefront of modeling democratic, inclusive, and transparent leadership practices and principles as we create and recreate women's movements. We must ensure that our vision is maintained and enlarged especially when conditions worsen, to inspire confidence and hope. We must also be accountable to those we claim to represent—all freedom-loving Palestinian women and men. Principles of democracy and democratic leadership and mechanisms of accountability must be established during the struggle for freedom and for a secular state. Then they can be more easily implemented afterwards to prevent the concentration of power and benefits of liberation among the upper classes and newly constituted power elites. Regime change is not equivalent to, nor necessarily leads to democracy, equity, and justice for all, as has been shown by the events of the Arab Spring and other revolutions.

Here we offer the notion of “generative engagement,” a framework for a relational practice necessary to realise our dreams for a truly democratic and just society. Generative engagement is a process whereby all actors in the struggle work to promote openness and transparency in all their dealings; respect human dignity, diversity, and the rights of all people; and, most important, support the specific aspirations of all communities consistent with the principle of self-determination, while maintaining the ultimate goal of the liberation of both Palestine and Palestinian women.

Generative engagement also includes linking analyses, actions, and relationships at the local and national levels to those at regional and international levels. This will help to counteract the isolation imposed on Palestinian people by the Israeli occupation as well as by a kind of parochialism and exceptionalism—our conditions of oppression and our suffering are different from all others’—that we who are under siege sometimes succumb to. Staying connected to women's-rights activism and actors, and rights-based women's organisations in the rest of the world will lessen our isolation and engage us in global struggles for women's emancipation.

In our many decades of feminist activism we have come to know and understand that creating change is not a linear process, moving from point A to point B. Rather it is a developmental process whereby individuals and institutions engage dialectically with each other



and with historical and material conditions, through which new possibilities—both progressive and reactionary—emerge. Thus, the idea of regime change, or in the case of Palestine the establishment of a new state that will lead to a democratic and just society, misses the point that the change from old to new requires not only changes in political structures and power arrangements but, more fundamentally, the transformation of ideology, culture, values, and consciousness, which undergird them. This understanding leaves us with the following questions:

- Given the history of Israeli military occupation and Palestinian militarisation, what will it take for a free Palestine to become a demilitarised nation state?
- How can we build a secular state that will give full recognition and voice to religiously faithful citizens?
- How can we create a truly egalitarian nation-state? Is this compatible with patriarchy?
- Can there be a Palestinian nationalism that is not inherently patriarchal?
- What would constitute “substantial freedom” for all children, women, and men of Palestine?

As mentioned earlier, during times of extreme hardship, people often look for and rely on charismatic leaders who promise a great deal. Through our combined years of activism and our experiences of the PMP, we have come to realise that looking outside ourselves will not lead to the liberation of the nation or of Palestinian women. We can—and must—take on the challenges that face us. As the late African-American poet and activist June Jordan stated in “Poem for South African Women,”²⁰² a tribute to the women struggling against apartheid,

We are the ones we have been waiting for....

202. This poem was first read at the UN on 9 August 1978 to commemorate the 40,000 women and children who laid their bodies on the line in the capital of South Africa, Pretoria, on the same date in 1956, to protest “dompass,” the internal passport system. First published in June Jordan, *Passion: New Poems 1977-1980*, Beacon Press, 1980. Available at <http://www.junejordan.net/poem-for-south-african-women.html>

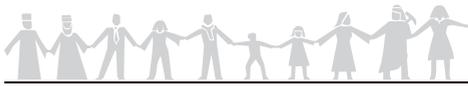
About the Authors



Maha Abu-Dayyeh was one of the Founders and has been General Director of the Women's Centre for Legal Aid and Counselling since its establishment. She was a member of the high level advisory group for the global study on 15 years of implementation of UNSCR 1325. Ms. Abu-Dayyeh was the former Director and later chair of the Jerusalem Legal Aid Centre, the first organization to provide legal assistance to Palestinians in Israeli jails and prisons. She served on the Board of Directors of Equality Now, an international women's human rights organization, where she had previously served as President. She was a commissioner at the Independent Commission for Human Rights in Occupied Palestine. She was also a member of the global advisory committee of "Stop Rape in Conflict" campaign. Ms. Abu-Dayyeh served on the boards of various human rights, peace, and women's rights organizations and was the recipient of the 2002 Ms. Magazine Woman of the Year award. She passed away in January 2015.



Sama Fayeze Aweidah is the General Director of the Women's Studies Centre, a Palestinian NGO based in East Jerusalem. She is one of the founders of the Palestinian Federation of Women's Action Committees, a grassroots organization established in 1989. Ms. Aweidah was elected three times as the general coordinator of AISHA–The Arab Women's Forum, a network of Arab women's feminist organizations from eight countries established in 1994 and has served on the steering committee of Palestinian NGO's Network (PNGO). Ms. Aweidah is a prolific writer who has published books about daily life in Palestine, children's books, and magazine and newspaper articles. She also is researcher, facilitator, and gender consultant to local and regional organizations.



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Taghreed Ibrahim Duaibes is currently Project Manager of Special Project for Women's Economic Development at Maan. Ms. Duaibes has a long history of working on issues and rights of Palestinian women and supporters to strengthen women's position and role at all levels of society. She has worked for many centres, women's associations, local institutions, and non-governmental organizations in the West Bank. Most notably, Ms. Duaibes worked as a Lobbying Coordinator for Palestinian Model Parliament: Women and Legislation in Ramallah. She studied English at Palestinian universities.



Soraida Abed Hussein, born and raised in Colombia, moved with her family back to Palestine at the age of 15. Ms. Hussein received her LLM degree in Law and Development from the University of Warwick, UK, in 1996. She is the General Director of the Women's Affairs Technical Committee (WATAC). Prior to that she headed the Research and Documentation Unit at the WCLAC. She is a treasurer on the Board of Al-Kamanjati Institute for Music, and members of the general assembly at the Women's and Family Affairs Center in Nablus. Ms. Hussein is a human rights activist and regional trainer on development of leadership skills, gender, and violence against women. She was chosen in 2004 as the main character for a film produced by the Canadian Film Board, "Soraida: A Woman from Palestine". Ms. Hussein was also one of the founders of WCLAC.



Zahira Kamal is the General Secretary of the Palestinian of the Palestinian Democratic Union party (FIDA) and member of the National Council of the Palestine Liberation Organization (PNC). She was the first Minister of Women's Affairs in the Palestinian National Authority. She is one of the founders and Board member of the Women's Centre for Legal Aid and Counselling, the International

Women's Commission for a Just and Sustainable Palestinian Israeli Peace, and the Women's Studies Centre. Ms. Kamal was also one of the founders of WATC and its Chairperson for 10 years, established the Palestinian Women's Research and Documentation Center, was a founding member of the Palestinian Federation of Women's Action Committee, and was one of the three women who participated in the early-1990s in the Israeli/Palestinian peace negotiations. She has written articles and studies on women's empowerment, the Israeli-Palestinian conflict, and the role of women in society. She was under town arrest during the years 1980-1987.



Reema Nazzal is a member of the secretariat of the General Union of Palestinian Women (GUPW), and member of the Palestinian National Council. She earned a bachelor's degree in Accounting from Damascus University, and worked for the Governorate of Nablus in multiple capacities including as Director of Women's Department. She was arrested by the Israeli occupation forces in 1969 and later was deported, returned to Palestine in 1996. Ms. Nazzal is the widow of former Secretary of the Democratic Front for

the Liberation of Palestine, Khaled Nazzal, who was assassinated in Greece in 1986 by Israeli Mossad agents. Ms. Nazzal is a writer and journalist and writes a weekly column for Al-Ayyam newspaper. She is a member of the Palestinian National Coalition of UNSCR 1325.



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Randa Siniora is a Palestinian human rights and women's rights defender with professional experience in international human rights and humanitarian law nearly 30 years. Since 2007, she has been the Senior Executive Director of the Independent Commission for Human Rights in Palestine and previously was the General Director of Al-Haq/Law in the Service of Man, one of the most prominent NGOs in Palestine with a consultative status with UN ECOSOC. She was the Head of the Advocacy and Networking Unit at the Women's Centre for Legal Aid and Counselling. Ms. Siniora's primary experience has been in networking and advocacy work with civil society organizations, especially human rights and women's rights organizations. She has an extensive record of engaging with the UN human rights mechanisms through their agencies and governments nationally, regionally, and internationally. She has served on the boards of the International Service for Human Rights and the Palestinian Counseling Center. Currently, Ms. Siniora is the President of the Board of Defense for Children/Palestine Section and a member of the Cairo Institute for Human Rights Studies. In her personal capacity, she also is an elected member of the sub-committee on Accreditation of the International Coordinating Committee of National Institutions of the Asia-Pacific Forum of National Human Rights Institutions.

Appendix 1

Palestinian Model Parliament Members of the Preparatory Committees

Central Preparatory Committee

1. Al-Haq, West Bank
2. Centre for Culture and Free Thought Forum, Gaza
3. Dalah Salameh, Palestine Legislative Council
4. General Union of Palestinian Women, Gaza
5. Gaza Centre for Mental Health
6. I'timad Muhanna, feminist trainer and consultant
7. Law Centre, Birzeit University, West Bank
8. Palestine Centre for Human Rights, Gaza
9. Salwa Sayegh, judge
10. Women's Studies Department, Birzeit University, West Bank
11. Women's Affairs Technical Committee, West Bank and Gaza
12. Women's Health Centre, Al-Bureij Refugee Camp, Gaza
13. Women's Centre for Legal Aid and Counselling, West Bank
14. Women's Affairs Centre, Gaza
15. Zahira Kamal, Ministry of Planning

Preparatory Committee for the North

1. Asmaa Kharroub, Ministry of Local Government
2. Auhood Ya'eesh, Arab Women Union Society
3. Dalal Abu-Baker, Association of Women Committees for Social Work
4. Ghadeer Masri, Women's Affairs Technical Committees
5. Ghassan Masri, Ministry of Youth & Sport
6. Latifa Shami, Federation of Women's Action Committees
7. Lawahez Abdulhadi, General Union of Palestinian Women



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8. Lina Hamarsheh, Dar Al Yateem Al- Arabi Society
9. Lina Abdul Hadi, Nablus Governorate
10. Mahmoud Farahna, Palestinian National Council
11. Malak Al-Kilani, Nablus Society for Women's Action
12. Roukaya Nazzal, Al Murabitat Charitable Society, Qalqilya
13. Rana Masri, Mother Guidance and Child Care Society
14. Rima Nazzal, Palestinian National Council
15. Samar Hawwash, Palestinian Working Woman Society for Development
16. Suheir Abu-Taqa, Director at Ministry of Social Affairs
17. Subhia Ghanem, Patient's Friends Society
18. Tamam Haj-Ali, Anabta Women's Association
19. Tamam Qinnawy, Federation of Women's Action Committees
20. Zuhair Aldbai, Imam and khatib in Palestine wakf

Preparatory Committee for the South

1. Amal Jubeh, Women's Centre for Legal Aid and Counselling
2. Antoinette Krnfeish, Arab Society for Rehabilitation
3. Basma Battat, Federation of Women's Action Committees
4. Fahmi Shaheen, Palestinian People's Party
5. Hanna Rishmawi, Palestinian Medical Relief Society
6. Hisham Sharabati, Palestinian Youth Union
7. Hiyam Qa'aqur, Women's Centre for Legal Aid and Counselling
8. Ismail Abu Hashhash, Democratic Front for the Liberation of Palestine
9. I'tidal Muammar, Ministry of Education
10. Khamis Abu Aldabaat, Palestine General Federation of Trade Unions
11. Leila Qawasmi, Department of Women's Affairs in the General Federation of Trade Unions
12. Mariam Hdeib, Association of Women Committees for Social Work
13. Nawal Abu-Dayyeh, Women's Affairs Technical Committees
14. Odette Rizek, Committee of Working Women's Society, Beit Jala

-
15. Reda Estefan, Palestinian Family Planning and Protection Society
 16. Rana Tubeileh, Palestinian Agricultural Relief Committees
 17. Salwa Bannoura, Women's Centre for Legal Aid and Counselling
 18. Samar Al-Ja'abari, Palestinian Agricultural Relief Committees
 19. Samira Rawashdeh, Women's Centre for Legal Aid and Counselling
 20. Wejdan Azza, Committee of Working Women's Society, Bethlehem

Preparatory Committee for the Center

1. Amna Rimawi, Palestine General Federation of Trade Union
2. Aida Al-Issawi, Federation of Women's Action Committees
3. Aida Qadi, Association of Women Committees for Social Work
4. Abeer Maraghi, Ministry of Planning And International Cooperation
5. Fayza Abu al-Hija, General Secretariat of General Union of Palestinian Women
6. Iman Assaf, Ministry of Labour
7. Issam Bakr, Palestinian Working Woman Society for Development
8. Jamal Younis, Curriculum Development Center
9. Khairiya Qambar, Association of Women Committees for Social Work
10. Louay Zeid, Ministry of Youth & Sport
11. Mahmoud Ziyadeh, General Federation of Trade Unions
12. Maha Al-Tamimi, Ministry of Culture
13. Nancy Quays, Ministry of Information
14. Nabila Al-Asali, Palestinian Women Committee
15. Najah Issa, Housewife
16. Najwa Qtato, Birzeit
17. Nidaa Abu Awwad, Ministry of Labour
18. Paulette Metri, Ministry of Local Government
19. Rasmi Abdul-Ghani, Center for Defence of Liberties and Civil Rights (Hurriyat)
20. Randa Rifai, United Nations Relief and Works Agency (UNRWA)
21. Rima Wazani, Ministry of Information
22. Sami Shannan, Teacher Creativity Center
23. Salwa Mohammed, Ministry of Youth & Sport
24. Yacoub Odeh, Palestinian Center for Human Rights





Appendix 2

Palestinian Model Parliament Theme Song Lyrics

Ala Dal'ouna
Widad Barghouti

Ala Dal'ouna Ala Dal'ouna,
We listened to you, so listen to us.

We played together when we were children,
And together we followed the path of struggle.
We sacrificed our precious blood
and lit up the darkness with the light of our eyes.

I want you to listen to me, my brother.
Just as my father begot you, so he begot me.
Our story is the story of humanity.
Eve delivered us and Adam is our father.

You are the son of nine months,
And so am I.
The spring was created for both of us,
We go to it every Thursday and Friday,
And are never thirsty.

Since I was a child, I have suffered.
I wanted freedom and wanted to learn,
And go up to the top of the ladder with you,
And fulfill my potential to the utmost.

My elder sister's upbringing was also suppressed.
And our female neighbor wanted to become a doctor,

But was overburdened by marriage
And children when she was so young, and
Suffered abuse and a life of humiliation.

And my kindhearted grandmother, in the middle of the harvest,
Received a wound to the heart
When my grandfather divorced her and married another,
With no law to protect her.

Oh my sister, by God, it is a disaster for me to become
A replicated image of my grandmother.
I do not agree, you do not agree, and no one should be subjugated.
It is my right to learn an honorable profession,

And to chose the one who will share my children and my bread.
It is my right to assume any job and women's rights should be
protected.

The rights of women and childhood should be guaranteed by law.
Isn't it a shame that they are still in a sealed box, while the 20th century
has flown away!!!!





Appendix 3

Palestinian Model Parliament Campaign Slogans

- Do not walk in front of me; I may not follow you
- Do not walk behind me; I may not wait for you
- Walk beside me and be my ally
- Together to intensify feminist efforts wasted for years
- For eliminate legal illiteracy and to refutation and purification of all discriminatory laws in the community
- For warmer family and closer and more sense of justice for the community
- Palestinian Model Parliament establishes the foundations of a equal civil society
- Palestinian Model Parliament ensures the most beautiful life
- Our goal is not exclusion of men, but the involvement of women
- Knowledge of your rights equals Consciousness of your responsibilities
- Right behind what is lost are demands
- Know your rights and demand it
- Palestinian Model Parliament toward legislation:

Its Identity is Palestinian

Its concept is renewal

Its content is fair

Appendix 4

Public Statement of Support for the Palestinian Model Parliament

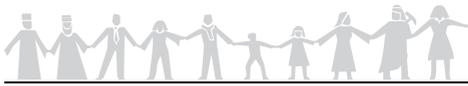
From the Political Parties

In recent months Palestinian society has witnessed an important episode in the on-going debate concerning inheritance law in Palestine – its current and its sought-after form. Whilst we value open dialogue and debate on all political, economic and legal issues as a step towards achieving that which serves our people in building [a state] and achieving independence, we are surprised by and disapprove of the campaign of distortion and defamation surrounding this dialogue - whether through public statements, or the libel discharged by religious institutions against the Palestinian women's movement and its demands.

In accordance with our belief in the unity of the Palestinian people and the need to clarify the rationale behind our demands, we would like to highlight the following facts:-

1. That demands calling for the unification and modification of all the laws currently applied in the West Bank and the Gaza Strip have become a necessity for the nation; to ensure the political unity of our people, and to bring about the election of the first Legislative Council entrusted with the enactment of sovereign Palestinian laws and legislation in the Palestinian homeland.
2. That any individual or group has the right to submit legal proposals to the Legislative Council; that this practice contributes to the involvement of civil society organisations as well as political and religious bodies in the legislative process; that the Legislative Council is authorized to accept or reject any such suggestions with due recourse to the procedures.
3. That there is a difference between criticism of an opinion, criticism of a person or body holding an opinion, and the lies, misrepresentation, distortion and slander propounded against Palestinian women's organisations and their just demands.
4. That religion, the nation and the law is for the enjoyment of all members of society - not just a select few, that we consider with great caution anyone who claims to represent religion while at the same time accusing others of working for the devil; that the practice of subjecting others to slander and 'back-stabbing' reflects a clear infringement of the ethics of dialogue; that this is a dangerous precedent, and that the deliberate incitement to





sedition and a war of words on the Palestinian street benefits no one but the enemy.

5. That the people expressed their concern for social issues and democratic freedoms in the [Palestinian] Declaration of Independence in Algeria in 1988; that this came out of a parliamentary system based on respect for the freedom of opinion, to form parties, respect and for the majority to uphold for the rights of the minority, for social justice, equality, and that all Palestinians have an equal claim to rights regardless of race, religion, color, or between women and men...). This same aspiration is reflected in the Basic Law, the Palestinian 'constitution', as stated in Article (9): All Palestinians are equal under the law and judiciary, without discrimination because of race, sex, color, religion, political views, or disability.

This confirms that the demands of the women's movement, including the Model Parliament did not go beyond the will of the people expressed in the Declaration of Independence and the draft Basic Law. Rather, what was put forward builds upon the will of our people to build a national, democratic Palestinian society that believes in justice and equality for all.

The liberation and construction stage requires the utmost effort and initiative from each and every citizen eager to embrace our present and our future, and the scientific and objective discussion of critical social issues – away from intolerance and a factional war of words – is a necessary requirement for the success of this stage.

Wishing for greater cohesion and unity

On the path forward

Sincerely,

The undersigned:

Fateh Movement

Popular Front for the Liberation of Palestine

Democratic Front for the Liberation of Palestine

Palestinian People's Party

FIDA Party

Popular Struggle Front

Palestinian Arab Front

Palestinian Liberation Front

Palestinian Liberation Front-Joint Command

People's Committees in the State of Palestine

Palestinian Model Parliament: Women and Legislation

10/6/1998

Appendix 5

Statement Issued by the Palestinian Model Parliament - Gaza

April 25 – 26, 1998

The Palestinian Model Parliament: Women and Legislation in the Gaza Strip held sessions on April 25 - 26, 1998 to discuss the Personal Status Laws. This followed the sessions held by the Model Parliament in the West Bank, on March 28 – 29, 1998, to discuss the political and civil rights of women, the rights of women at work and in education and health, and criminal law.

These sessions were the culmination of popular campaigns by the Model Parliament in various regions of the homeland and interactions with different social sectors and groups through public meetings, workshops, and preparatory sessions.

The work of the Central Model Parliament in the Gaza Strip included discussion and analysis of Personal Status Laws. The proposals and amendments resulting from these discussions aimed to consolidate and amend these laws in a manner consistent with the spirit of equality found in Islamic Sharia law, and also declared in the highest legal text of the Palestinian people, the Declaration of Independence, which describes the basic requirements for the development of society on principles of justice.

The public discussions on various aspects of the Personal Status Laws concluded with identifying the need for amendments and consolidation of the law. This was apparent from analysis of the existing inherited texts of the laws, which are strongly biased against women.

The laws that require amendment violate several abiding rights of women and discriminate between women and men. Thus, these laws prevent women from attaining their rights and obstruct them from performing their duties in the process of building and development.

Various sectors of society supported female equality and enhancing conditions for women. The popular campaign led by the Model Parliament in the Gaza Strip resulted in the signing of a document calling for equality between the sexes before the law and respect for women's rights, with guarantees that these rights will not be violated. The document has been signed so far by 15,000 signatories.

The conclusion of the Central Model Parliament sessions and the resulting recommendations must not become the final phase. The campaign must be pursued at popular, political, and legislative levels to achieve the aspired goals. This demands forms of social activism to take the popular campaign to its final goal, which is to consolidate and





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amend Personal Status Laws to create a society comprising justice, equality, and the rule of law.

We, in the Palestinian Model Parliament, extend our gratitude and appreciation to all those who have participated in our popular campaign and who supported us with all forms of support and encouragement, including the executive, legislative, and judicial authorities, political groups, national institutions, and individuals.

We appeal to those who disagreed with our point of view and vision to engage in greater dialogue within a context of mutual respect, without claims that they possess absolute truth and justification. We also call on those who raised doubts about our work and goals to cease launching accusations and come to the table of dialogue; the homeland belongs to all of us and religion also belongs to all. No one person should claim to be the guardian of the homeland or of religion.

The conclusions reached by the Central Model Parliament sessions in the Gaza Strip and the West Bank constitute a modest step towards greater progress in building our independent Palestinian state with Al-Quds Al-Shareef²⁰³ as its capital. The goal is also to establish a civilized society based on the rule of the law, an effective legislative authority, and guaranteed principles of equality and justice.

Let us move forward towards the path of progress and civilization.

Palestinian Model Parliament: Women and Legislation

The Preparatory Committee

The General Union of Palestinian Women

Gaza Program for Mental Health – Women’s Empowerment Program

Birzeit University – Law Center

Birzeit University – Women’s Studies Department

Women’s Affairs Team

Women’s Affairs Center – Gaza

Women’s Health Center – Al-Bureij

Institute for Culture and Free Thought

Palestinian Center for Human Rights

Women’s Centre for Legal Aid and Counselling

Al-Haq Organization

l’timad Muhanna – Activist and Trainer

Dalal Salameh – Member of the Palestinian Legislative Council

Salwa Al-Sayegh – Judge

Zahira Kamal – Women’s Development Department, Ministry of Planning and International Cooperation

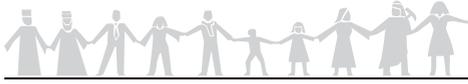
Appendix 6
Public Statement
Legislation that Guarantees the Equality and Human Rights
of Palestinian Women

We, the undersigned, proceed from our belief that the law is a dynamic and constantly transforming tool, and that the legislative process involves a far-reaching community process. Further, the concerted efforts of all members of the community are required in order to build foundations for a Palestinian society which is based on democracy, political and intellectual pluralism, and respect for the rule of law and human rights, guaranteeing that the full range of rights and freedoms are safeguarded for all members of society, on the basis of equality and non-discrimination in all its forms.

Based on the Universal Declaration of Human Rights and international treaties and conventions to which the Palestinian Authority is bound, and according to the Palestinian Women's Document and the Declaration of the State of Palestine, the State of Palestine has approved the principle of social justice and equality in the application of all public rights, in addition to non-discrimination on the basis of race, religion, sex, color or disability under a constitution which safeguards the rule of law and an independent judiciary based on complete respect for the spiritual and civilizational heritage of Palestine.

Moreover, Palestine recognises the universality of human rights and their interdependence, and sees political, civil, economic, social and cultural rights as one indivisible unit. Since women's rights are an integral part of human rights, we demand that women may claim their right in the current legislative process by participating in the enactment of laws, drafting legislation which protects her dignity and humanity, and which ensure her social progress and improve the quality of her life.

What is more, Palestinian women have a distinct history as partners with men in the national struggle in its various forms; she led groups of freedom fighters, and shouldered the burden of arrest, deportation and martyrdom, in addition to all the consequences of the exceptional circumstances that were imposed on the Palestinian people. Thus Palestinian women have the right to enjoy her universal



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freedoms and to live dignified lives, protected by laws guaranteeing them justice and equality.

Based on the above we, the signatories, demand the following:

1. Approval of the human right to life, as stated in the Palestinian Basic Law.
2. Adoption of international treaties and conventions to inform the foundation of local laws and legislation.
3. The enactment of democratic laws and legislation, dynamic enough to account for societal development, achieve equality, and ensure non-discrimination between the sexes and equal opportunities.
4. The enactment of a legislative text binding punitive measures in the event of discrimination based on sex.
5. The enactment of a legislative text binding punitive measures in the event of any form of family violence (physical, psychological, or sexual), so as to ensure the protection of the family and the individual.

The above demands express a commitment to the rule of law, which derives its strength from the legislation of the Palestinian people through the elected Legislative Council, and likewise came in response to our concerted belief in building an independent Palestinian State with East Jerusalem as its capital. We look forward to establishing sovereign laws in a democratic Palestinian society, of which the family constitutes the primary building block. This requires the unification of all community efforts for a dignified life for all.

Appendix 7

Letter to Palestinian Legislative Council from the Palestinian Model Parliament Preparatory Committee

To the Honorable Members of the Palestinian Legislative Council

From the Palestinian People

Greetings from the Homeland,

We, the undersigned, believe that the law has become a tool for change and construction; a modern democratic state is one that adheres to the rule of the law. Palestinian women have been in the forefront of the struggle for development and change; Palestinian women have willingly postponed their social struggle on the basis that the occupation²⁰⁴ has no right to enact laws that govern the reality and future of the Palestinian people. Women have also taken into consideration the developments witnessed in Palestinian society based on our national standards, primarily the Declaration of Independence that emphasizes the rights of women, the principle of equality between men and women, and envisions a leading role for Palestinian women in national and democratic development and progress.

The Declaration of Independence stipulates:

“The State of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in their collective national and cultural identity, and to pursue in it complete equality of rights. In it will be safeguarded their political and religious beliefs and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and non-discrimination in public rights of men or women on grounds of race, religion, color or sex.”

Since legislation by the Palestinian people is a form of sovereignty following the election of the first Palestinian Legislative Council, we call for the creation of a legal Palestinian system that moves beyond the current outdated legislation, in particular the Family Rights Law of 1954 applied in the Gaza Strip and the Jordanian Personal Status Law of 1976 applied in the West Bank.

We believe that this requires that the Legislative Council and its specialized committees guarantee the participation of women in

204. OCCUPATION OF PALESTINE BY ISRAEL





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the relevant committees when discussing the Personal Status Law and also in discussions on legislative issues relevant to women. There should be work to enact laws that protect and preserve the dignity and humanity of women, and prevent discriminatory laws or obstruction to women's social, political, and legal participation as a party with full rights and duties. Punitive measures should be enacted to prevent the violation of women's rights and prevent any acts against the dignity of women in the context of the family, at the workplace or in the broader social context.

Please find attached the names of the people who signed this document.

The Preparatory Committee

The General Union of Palestinian Women

Gaza Program for Mental Health – Women's Empowerment Program

Birzeit University – Law Center

Birzeit University – Women's Studies Department

Women's Affairs Team

Women's Affairs Center – Gaza

Women's Health Center – Al-Bureij

Institute for Culture and Free Thought

Palestinian Center for Human Rights

Women's Centre for Legal Aid and Counselling

Al-Haq

I'timad Muhanna – Activist and Trainer

Dalal Salameh – Member of the Palestinian Legislative Council

Salwa Al-Sayegh – Judge

Zahira Kamal – Women's Development Department, Ministry of Planning and International Cooperation

Appendix 8

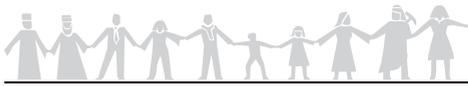
Palestinian Model Parliament: Women and Legislation Ramallah, March 28-29, 1998 Draft of the Final Declaration

We are women and men who have had the opportunity to participate in the culmination of a free Palestinian democratic project, the Palestinian Model Parliament, with many different groups of people for more than a year and a half. Over the course of two days (March 28-29, 1998), we have discussed a comprehensive review of the prevailing laws that include gender-based inequality and discrimination against women. We have examined the notes and discussions of the PMP Preparatory Committees in various locations, as well as the discussions carried out by the regional parliaments, to make these recommendations more harmonious. They will be sent to the elected Palestinian Legislative Council in the form of principles relating to legislation on economic conditions; social, educational, and health issues; criminal law; and personal status legislation. We ask the PLC to take these recommendations into account when drafting and enacting laws that will govern and organise our lives.

Our findings stem from our belief in women's status as human beings; the justice of religious laws, which emphasise that God created people equal; and the Declaration of Independence of the State of Palestine. This Declaration proclaims:

The state of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in it their collective national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and non-discrimination in public rights of men or women, on grounds of race, religion, color or sex, under the aegis of a constitution which ensures the rule of law and an independent judiciary.

In addition, we declare our commitment to international conventions that endorse human rights in general and women's rights in particular, most notably the United Nations Convention to Eliminate All Forms of Discrimination Against Women, and the Declaration on



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the Elimination of Violence against Women. We seek the adherence of our young state to these international conventions and standards.

Also, we note that malicious rumors have abounded concerning the PMP in attempts to distort our positions and our vision. We see this as a reaction by some groups and political parties who are not used to exercising democracy or respecting different opinions, due to long years of oppression and lack of freedom of speech caused by the Israeli occupation. However, we emphasise our view that public interest and justice will prevail in the end. All honest men and women who believe in humanity will join us. Palestinians who have bravely resisted the Israeli occupation because they believe in their right to exist will not hesitate today to continue their struggles to safeguard their dignity and humanity, and their right to freedom of speech and respect for their opinion in the same way they respect the opinions of others. Given the fact that half of Palestinian people are women, any genuine development process cannot exclude women but must emphasise the importance of their participation, aware that this participation will not happen without providing equal opportunities, indeed full equality, for women.

From this platform, as we conclude our first Model Parliament, we appeal to all categories of our people to join us in creating a democratic society whose members enjoy equality and justice, and whose people live decent lives, held together by the Palestinian family. We also appeal to decision-makers in the Palestinian legislative, executive, and judicial branches of government to take into account our recommendations that aim to build a cohesive society with free and voluntary participation of all its members. We seek the application of these principles as part of building the bright future we all struggle for. Different groups of people have suffered for this future, and many men and women martyrs have died for it.

Our struggle for democracy continues.

We say "Yes" to freedom of expression and "No" to intellectual repression.

Our slogan remains: Equality is the way for development and progress.