

## The Arab Bed Spring? Sexual rights in troubled times across the Middle East and North Africa

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**Abstract:** *In recent decades, attitudes in many parts of the Arab region have hardened towards non-conforming sexualities and gender roles, a shift fuelled in part by a rise in Islamic conservatism and exploited by authoritarian regimes. While political cultures have proved slow to change in the wake of the 'Arab Spring', a growing freedom of expression, and increasing activity by civil society, is opening space for discreet challenges to sexual taboos in a number of countries, part of wider debates over human rights and personal liberties in the emerging political and social order.* © 2015 Reproductive Health Matters. Published by Elsevier BV. All rights reserved.

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In the Arab region, movement on sexual rights generally follows Newton's Third Law: for every action, there is an equal and opposite reaction. A case in point is Morocco. In May 2015, King Muhammad VI, Head of State and the country's highest religious authority, authorised a new law on abortion. The existing legislation was, on paper, highly restrictive, allowing terminations only in the case of risk to a woman's life or health, and then only with permission of her husband or local medical officials. The upshot was a thriving business in illegal abortions: upwards of 600 a day,<sup>1</sup> whose complications were estimated to account for almost 5% of maternal deaths.<sup>2</sup>

With the rise of Morocco's Islamist party – the *Parti de la Justice et du Développement* (PJD) – to the head of government in 2011, its hard line on abortion also meant a sharp rise in the prosecution and sentencing of doctors conducting such illegal procedures. After several months of national consultation, led by the Ministers of Justice, Religious Affairs and the National Council on Human Rights, the new law was approved, widening the legal grounds for abortion to include rape and incest, as well as fetal abnormalities.<sup>3</sup> While far short of the liberalization that public health experts and women's rights activists had hoped, the new law is nonetheless a step forward.

That same month, Moroccan filmmaker Nabil Ayouch found himself on the back foot. His latest film, *Zin Li Fik* (*Much Loved*), tells the story of

female sex workers in Marrakech, and spares little detail about their business. Such experiences are reflected in a number of studies on sex work in the country, including a four-city investigation of the lives of more than a thousand female sex workers, and their risk of HIV, conducted by a leading Moroccan NGO and cited by the Moroccan Ministry of Health.<sup>4</sup> But cold facts in print are one thing; hot scenes on screen quite another. *Much Loved* was banned by the Moroccan government long before its scheduled release in the country; Facebook death threats aside, Ayouch and his leading lady have also been accused of undermining the "Kingdom's image", and summoned on charges of pornography, public indecency and inciting debauchery.<sup>5</sup>

Four years ago, the high hopes of the Arab uprisings were writ large, quite literally, in the graffiti wallpapering Cairo, Tunis and cities across the region. Since then, the grand political aspirations which fed the Arab Spring have either frosted over, as in Egypt, or burnt up in the conflagration now consuming Libya, Yemen, Syria and Iraq. Sex has shown itself a powerful tool in the hands of the region's newly minted authoritarian regimes, be it sexual exploitation of women under ISIS's reign of terror,<sup>6</sup> or the state-sanctioned sexual abuse of political opponents in Egypt.<sup>7</sup>

The Arab world is vast and varied – 370 million people, 22 states, three major religions and dozens of ethnic groups – with as much diversity within

borders as there is across them. Yet running right across it is a hard and fast rule: the only publicly-accepted sexuality is strict heteronormativity, its cornerstone family-endorsed, religiously-sanctioned, state-registered marriage. Anything outside this context is *haram* (forbidden), *illit adab* (impolite), *'ayb* and *hchouma* (shameful) – a seemingly endless lexicon of reproach. It is a social citadel, like those impregnable fortresses which once braced the land, from Marrakech to Baghdad, resisting any assault, any challenge to sexual norms. Outside the citadel lies a vast terrain of taboo – premarital sex, homosexuality, unwed motherhood, abortion – and a culture of censorship and silence, preached by religion, buttressed by law and enforced by social convention.<sup>8</sup>

Public opinion would appear to uphold this sexual status quo. In a recent Pew Research Center survey, more than 80% of those polled across the Arab region rejected homosexuality and premarital sex as “morally unacceptable”.<sup>9</sup> This pattern is in stark contrast to much of Western Europe, Australasia and North America, where less than two-fifths of those surveyed considered such practices untenable.<sup>9</sup> Yet on questions of democracy and its importance to their own lives, their publics were far more closely aligned, even with popular disenchantment in the aftermath of the Arab Spring.<sup>10</sup> It remains true, as academics Norris and Inglehart observed in 2002, that the gulf separating Middle East and West “involves Eros far more than Demos”.<sup>11</sup>

These conflicts play out in international fora, notably at the United Nations, with battle lines clearly drawn over sexual rights. Since the 1994 International Conference on Population and Development in Cairo, civil society and governments around the world have struggled to enshrine sexual rights in international agreements, in the face of strong resistance from Arab states, collected under the umbrella of the Organization of Islamic Cooperation (OIC).<sup>12</sup> More recently, further alliances have formed with member states of the African Union, as well as Russia and its allies, to oppose recognition of rights on the basis of sexual orientation and gender identity, and to enshrine the legitimacy of “traditional values” and conservative definitions of the family.<sup>13</sup>

The rise of Islamic conservatism in the Arab region since the 1970s has significantly hardened and politicized attitudes towards gender roles and sexuality, for both men and women, in many quarters. While gains have been made in a number of

countries on some aspects of sexual rights, particularly as they relate to marriage (for example, 2008 amendments to Egypt’s Child Law), these have been introduced in the absence of wider political, economic and social reforms recognizing and respecting fundamental human rights. Where laws have been reformed, as in the example of Morocco above, change is often small or piecemeal, as governments try to minimize the ammunition on offer to even more conservative forces in society. For example, Lebanon’s recent introduction of anti-domestic violence laws fails to explicitly recognize marital rape as a crime, much to the dismay of human rights activists, since the concept of rape within marriage is disputed by key Islamic authorities in the country.<sup>14</sup>

Progressive laws are hard to enforce in the face of societal opposition, which can include the judiciary. Female genital mutilation, for example, is slowly declining in Egypt, with two-thirds of 15-17 year old girls now circumcised, down by almost a quarter since 2008.<sup>15</sup> But it took more than six years, and several acquittals, before an Egyptian court finally passed sentence under the country’s law criminalizing the practice. On the other hand, as recent events clearly demonstrate, punitive regulations and heavy-handed enforcement are all too common and all too often directed at women, whether it is official discrimination against students in Algeria for the length of their skirts, or the rape by police and subsequent detention of a Tunisian woman for going on a date with her fiancé, or the conviction of a Norwegian woman in the UAE for extramarital sex when she complained to police of having been raped. The calls for justice, freedom and dignity – as well as equality, autonomy, integrity and privacy – which mobilized millions during the Arab Spring are, as yet, unanswered, in and out of the bedroom.

### *Sex and the single Arab*

This is a particularly pressing problem for those beyond the citadel, chief among them unmarried youth. While they are on the sharp end of sexual regulation, a growing sense of freedom of expression means they are increasingly pushing back, and moving forward.

In contrast to many Western societies, matrimony remains the most desirable estate for the vast majority of people across the Arab region. Marriage is the gateway to adulthood – without it, it is difficult to move out of the parental home

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