

DECEMBER 2013

SECOND CLASS RIGHTS

How Amnesty International and Human Rights Watch
Fail Women in the Middle East

Anne Herzberg, Author

Gerald M. Steinberg, Editor



NGO Monitor Monograph Series

NGO MONITOR

Making NGOs Accountable



Making NGOs Accountable

Second Class Rights

How Amnesty International & Human Rights Watch Fail Women in the Middle East

Anne Herzberg, Author
Gerald M. Steinberg, Editor

December 2013

The research and publication of this report
were made possible via a generous gift from
The Julis Family.

The author wishes to thank Yael Israel and Naftali Balanson
for their research and editing assistance.

© 2013 NGO Monitor. All rights reserved.

TABLE OF CONTENTS

| | |
|----|--|
| 4 | Executive Summary |
| 9 | Introduction |
| 11 | Section I: The Centrality of Women’s Rights |
| 11 | United Nations |
| 12 | International Human Rights Law |
| 15 | Section II: Women’s Rights in the Middle East and North Africa Region |
| 15 | The AHDR Reports |
| 16 | The Global Gender Gap Index & Freedom House Rankings |
| 17 | <i>De Jure</i> Discrimination |
| 18 | Domestic Violence |
| 19 | Personal Status Laws & Family Codes |
| 20 | Sex Segregation & Guardianship |
| 21 | Reservations to International Human Rights Treaties |
| 23 | Section III: “The Arab Spring” |
| 24 | Egypt |
| 27 | Libya |
| 28 | Yemen |
| 29 | Tunisia |
| 30 | Other MENA Countries |
| 32 | Section IV: The Campaigns of Amnesty International & Human Rights Watch |
| 35 | Amnesty International |
| 35 | Women’s Rights at Amnesty |
| 37 | Stop Violence Against Women Campaign |
| 38 | Gita Sahgal |
| 41 | Amnesty in the Middle East |

| | |
|----|---|
| 48 | Saudi Driving Campaign |
| 48 | UN Lobbying/CEDAW |
| 50 | Arab Spring |
| 55 | Human Rights Watch: Politics Over Priorities |
| 55 | Media Driven Agenda |
| 56 | Armed Conflict |
| 57 | U.S. Foreign Policy |
| 62 | HRW Reporting on Women in the MENA Region |
| 66 | Soft-peddling Abuses & Questionable Fundraising |
| 66 | Kuwait |
| 67 | Iran |
| 68 | Rape in Syria? |
| 70 | Saudi Arabia |
| 72 | Saudi Olympics Campaign |
| 74 | Endorsement of Gender Segregation? |
| 75 | Impact of Gulf Money on HRW's Agenda? |
| 78 | Libya |
| 81 | The Arab Spring |
| 83 | Ignoring History |
| 87 | Section V: Conclusions and Recommendations |
| 89 | Recommendations |
| 91 | Section VI: Appendix |
| 92 | Amnesty International Table |
| 94 | Human Rights Watch Table |

EXECUTIVE SUMMARY

The 2011 “Arab Spring” sparked optimism that there would be profound democratic change in the Middle East, a region dominated by autocratic and oppressive regimes. The lack of rights and fundamental freedom for women was the most egregious manifestation of these abusive governments. It was hoped that the ousting of dictators in Tunisia, Egypt, Yemen, and Libya in 2011, and the mass demonstrations elsewhere, would bring about fundamental reforms, especially for women. Unfortunately, these changes did not materialize.

Women’s rights are essential for society as a whole. Many scholars and research studies have demonstrated that women’s rights are “critical to economic development, active civil society and good governance.”¹ The World Bank emphasizes that women’s equality is a core development objective in its own right.² Researcher Steven Fish has found that countries that “marginalize women,” in contrast, have “fewer anti-authoritarian voices in politics and more men who join fanatical religious and political brotherhoods – two factors that stifle democracy.”³

Nevertheless, women in the Middle East enjoy few rights. According to the UN Arab Human Development Reports, “nowhere in the Arab world do women enjoy equality with men,”⁴ and they “remain severely marginalized in Arab political systems.”⁵ In the 2012 World Economic Forum’s Global Gender Gap Index, the Middle East and North Africa (MENA) ranked the lowest of all regions worldwide, and six of the ten lowest ranked countries were from the region.⁶ The highest ranking MENA country (apart from Israel, which ranked 56), is the United Arab Emirates, ranking 107 out of 136.⁷ Personal status laws discriminate against women in matters of marriage, divorce, child custody, and inheritance. Some countries have oppressive guardianship systems, which severely restrict women’s freedom of movement, expression, and ability to work. Repressive cultural practices such as child marriage, female genital mutilation, polygamy, and “honor” crimes are endemic. Coupled with unsatisfactory educational opportunities and extremely high rates of illiteracy, the laws and tribal customs create an environment where there is both entrenched *de jure* and *de facto* discrimination.

The “Arab Spring” revolutions, beginning in Tunisia in December 2010, were hailed as a new beginning for the MENA region. However, as noted by the Council of Europe, “There have been no major improvements in women’s lives.”⁸ Other experts have commented that “there is no guarantee that women’s rights activists will be able to turn their engagement into longer-term economic, social, and political

1 Isobel Coleman, “The Payoff from Women’s Rights,” *Foreign Affairs* 83 (2004) available at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/fora83&div=48&id=&page=>.

2 World Bank, *World Development Report: Gender Equality and Development*, Washington DC (2012) at 3 available at <http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1315936231894/Overview-English.pdf>.

3 Coleman, *supra* note 1.

4 United Nations Development Programme, *The Arab Human Development Report 2004: Towards Freedom in the Arab World*, United Nations Development Programme Regional Bureau for Arab States (2005) at 92 available at <http://www.arab-hdr.org/publications/other/ahdr/ahdr2004e.pdf>.

5 United Nations Development Programme, *Arab Human Development Report 2002: Creating Opportunities for Future Generations*, United Nations Development Programme Regional Bureau for Arab States (2002) at 9 available at <http://www.arab-hdr.org/publications/other/ahdr/ahdr2002e.pdf>.

6 Ricardo Hausmann, Laura D. Tyson, and Saadia Zahidi, *The Global Gender Gap Report 2012*, World Economic Forum (2012) at 17, “Figure 2: Regional performance on the Global Gender Gap Index 2012” and at 8-9 “Table 3a: The Global Gender Gap Index 2012 rankings: comparisons with 2011, 2010, 2009, 2008, 2007 and 2006” available at http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf.

7 *Id.*

8 European Union, Parliamentary Assembly, Resolution 1873, (2012) available at <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?>

gains,” and there is “concern that women will see their rights erode.”⁹ Many women have experienced exclusion from the new governments and have seen their position move “from marginalization during repressive regimes to rejection with Islamist regimes.”¹⁰

Given the importance of women’s rights and their contribution to the development of society, the promotion of liberal democracy, and the strengthening of other human rights, they should be a primary focus of the most prominent human rights NGOs, specifically Amnesty International and Human Rights Watch (HRW). And as noted above, given that women’s rights are the least protected within MENA countries, it would seem to follow that these organizations should direct significant resources and sustained campaigning toward promoting women’s rights within the MENA region.

As NGOs with huge budgets rivaling those of multinational corporations, and with tremendous influence among policy makers and in UN frameworks, Amnesty and HRW have a distinct advantage in championing women’s rights. Research and advocacy by these organizations can give women’s issues international prominence. Conversely, violations ignored by Amnesty and HRW may lead the media, academics, and policy makers to conclude that these problems are not serious enough to warrant attention.

Despite the advantages of being well-funded, highly organized, and powerful actors, campaigning on women’s rights in the MENA region leading up to the Arab Spring was not a priority for Amnesty and HRW. While these NGOs project an image of prioritizing women’s rights, both quantitative and qualitative analyses of their activities demonstrate that this is not, in fact, an accurate assessment. Amnesty’s and HRW’s campaigning was sporadic and impressionistic, without sustained advocacy, and not aimed at achieving concrete objectives.

Instead, these groups chose to focus on issues related to criminal detention, armed conflict, and counter-terrorism. Often, the NGO agenda appeared to be driven by media interest and prominent world events, or as a foil to U.S. policy.

Because of the core agenda drivers for these NGOs, there was relatively little campaigning on women’s issues in the MENA region from 1990 through 2011. There was no reporting at all for some MENA countries; in other instances, the minimal reporting soft-peddled abuses by repressive governments. As a result, these NGOs were ill-prepared to deal with the Arab Spring upheavals.

In the aftermath of the Arab Spring, sustained campaigning by these NGOs has been all the more important given the ascendancy of Islamist parties and the backlash against women throughout the region. There is a sense of urgency among women activists for the need to “create a strong body to lobby and advocate for rights”¹¹ in order to prevent further deterioration. This period of tremendous uncertainty, however, has not seen Amnesty and HRW step in to fill the vacuum. While coverage increased from pre-2011 levels, sustained advocacy specifically on women’s rights is still not the main focus for

9 Isobel Coleman, “Is the Arab Spring Bad for Women?” *Foreign Policy Magazine* (20 Dec. 2011) available at http://www.foreignpolicy.com/articles/2011/12/20/arab_spring_women.

10 Rola Dashti in Kendra Heideman and Mona Youssef, eds. *Reflections on Women in the Arab Spring*. Woodrow Wilson International Center for Scholars (2012) at 3 available at http://www.wilsoncenter.org/sites/default/files/International%20Women%27s%20Day%202012_4.pdf. See also Rabia el Morabet Belhaj and Anje Wiersinga. *Wishes, Demands, and Priorities of National and Regional Women’s Organisations in the MENA Region*. Rep. N.p.: International Alliance of Women (2013) available at http://www.coe.int/t/ngo/Source/IAW_arab_spring_report.pdf.

11 Lina Hundaileh in Heideman, *id.*, at 17.

Amnesty and HRW in the region, and campaigning remains intermittent due to the core issues that determine the NGOs' agendas.

Several case studies are highlighted in this report, including coverage by Amnesty and HRW of women's issues in the MENA region prior to 2011, the NGOs' approaches towards supposed human rights "reforms" for women, the rise of Islamist governments in the aftermath of the Arab Spring, and conflicts resulting from the dominant political agendas of these organizations. The record of Amnesty and HRW on women's rights suggests that both organizations need to undertake a serious overhaul of their methodologies, agenda setting, and driving ideologies in order to ensure that women's rights receive the prominence they deserve.

With regards to Amnesty, for example, external consultants hired by the NGO to evaluate its women's rights program found that "there is little evidence that Amnesty International was able to use its 'might' (name and reputation, resources, research and campaign work) to 'change the global conversation,'"¹² and further concluded that "Women's rights are not yet part of Amnesty International's DNA."¹³ The evaluators noted many problems, including that new campaigns "lack any explicit analysis of or commitment to women's rights, despite a commitment to gender being explicit in [Amnesty's strategic plan],"¹⁴ "Some staff do not see the need to learn about or work on women's rights; it is still seen as optional,"¹⁵ and "with the ending of [the Violence Against Women (VAW) program] the number of staff employed to work on VAW and women's rights has declined."¹⁶ The main recommendation in the evaluation was that "a clear plan for ensuring that Amnesty International takes women's rights seriously is needed urgently."¹⁷

For HRW, no case better illustrates the NGOs soft-peddling approach on women's issues in the MENA region than its activities relating to Saudi Arabia. HRW acknowledges that the situation for women in Saudi Arabia is untenable.¹⁸ Yet, despite this recognition, the organization has undertaken little substantive and sustained campaigning on the fundamental issues relating to women in the Kingdom. Instead, it has chosen to focus on relatively minor concerns that may garner media attention, but have had little to no impact on eliminating systemic abuse.

HRW's reporting on Saudi Arabia has also included analyses of whether its repressive guardianship system is required under Islamic law – a discussion that would be unthinkable, for instance, in HRW reports on gay rights and abortion in Catholic countries. Moreover, HRW's reporting on Saudi Arabia is hesitant and often lacks the language of demand, certainty, urgency, and immediacy, and offers praise for the most minor and illusory of rights reforms. In contrast to recommendations in reports on the U.S., Israel, and other countries, there is no call for external intervention by other nations and international institutions, no demand for the establishment of international investigations or fact-finding

12 Tina Wallace and Helen Baños Smith, "A Synthesis of the Learning from the Stop Violence Against Women Campaign 2004-10" Amnesty International (2010) at 15 *available at* <http://files.amnesty.org/archives/FINAL%20SVAW%20REVIEW%20SYNTHESIS%20act770082010en-2.pdf>.

13 *Id.* at 16.

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.* at 17.

18 Human Rights Watch, *World Report 2013: Saudi Arabia* (2013) *available at* <http://www.hrw.org/world-report/2013/country-chapters/saudi-arabia?>

inquiries, no call for the imposition of international sanctions and embargoes, and no demand for international prosecutions or other hard-hitting measures.

This approach has also been coupled with offensive statements by HRW's leadership such as Executive Director Ken Roth who has written "Of new #Saudi reforms for women—municipal voting, Olympics-- a greater work role, even if segregated, will matter most."¹⁹ (emphasis added) It is inconceivable that Roth would have made similar statements relating to African-Americans or other minority groups.

The most troubling aspect of HRW's soft approach is that it appears to coincide with a new strategy by the organization to intensify fundraising from Gulf elites. This financing plan raises numerous questions regarding the impact of such funding on HRW's priorities and agenda setting, as well as HRW's commitment to moral and ethical principles.

Amnesty's and HRW's skewed prioritization has had several negative consequences. For instance, within the politicized frameworks of the UN, repressive regimes often dominate the agendas and promote an immoral equivalence between the abusive policies of their governments and the policies of Western democracies. By their disproportionate coverage of armed conflict, counter-terror, and Western abuses, and their failure to engage in sustained campaigning on women's rights, Amnesty and HRW feed this dynamic. The lack of intensive campaigning allows these regimes to escape scrutiny and inoculates them from having to respond to their critics. It similarly supports excuses proffered by autocratic regimes that women's rights are simply a "democratic façade" or evidence of "western imperialism."²⁰ Moreover, Amnesty's and HRW's soft-peddling of abuses, excessive praising of even the most minor reforms, and support for specific regimes that have exhibited hostility to women's rights have served those authoritarian regimes that actively seek legitimacy and credibility.

In addition, by analyzing abuses under a rubric of Islamic law, by minimally addressing violations, and by failing to speak out against abuses for fear of being labeled "Islamophobic," these NGOs bolster attempts by MENA regimes to suppress criticism of violations under the guise of "respecting religion" and give these governments cover for attacks on free speech rights.

Another negative consequence is that the failure to strongly advocate on behalf of women by Amnesty and HRW can inflict incalculable damage on grassroots women's rights NGOs. Support from powerful, international NGOs is critical to the success of campaigns by smaller, more local groups that do not have access to influential networks or the ability to lobby globally. As noted in the 2005 UN Arab Human Development report, "it lies beyond the power and resources of the women's movements to affect such an entangled politico-social situation by themselves, which confirms that the fight for women's freedom is the fight of Arab societies as a whole."²¹

Downplaying abuses and magnifying reforms by Amnesty and HRW can undermine the work of local groups. Media and policy makers are more likely to ignore issues that do not appear on the reporting agenda of HRW and Amnesty. In other words, if Amnesty and HRW are not covering it, it must not be

¹⁹ Kenneth Roth, (@KenRoth), Twitter, September 11, 2012.

²⁰ United Nations Development Programme, *The Arab Human Development Report 2005, Towards the Rise of Women in the Arab World*, United Nations Development Programme Regional Bureau for Arab States (2006) at 22 available at <http://www.arab-hdr.org/publications/other/ahdr/ahdr2005e.pdf>.

²¹ *Id.* at 12.

a problem of significant importance. Yet, as noted by Ramos, *et al.*, “away from the media’s central zone of interest” is where the impact of Amnesty and HRW can be most effective.²²

Due to their power, influence, and resources, the agendas and priorities established by the larger international NGOs can marginalize the priorities and concerns of the local organizations, even though these actors are more aware of the most pressing issues and most affected by them. The approach employed by Amnesty and HRW can also place local activists in danger: if their real problems are minimized and ignored by the international community and media, there will be fewer oversight and monitoring mechanisms in place. Authoritarian regimes can also leverage the praise of the powerful NGOs that promote a narrative of reform to attack and harass those on the ground who disagree with that assessment.

It can also be argued that the failure of Amnesty and HRW to advocate for women’s rights in the Middle East as strongly as they have for issues facing the West is a form of racism. By failing to promote international human rights norms universally and equally in all countries in the world, Amnesty and HRW impart the message that authoritarian regimes and their supporters cannot handle and must be shielded from tough criticism; that women in the Middle East are not entitled to the same freedoms and political rights as women in the Western world; that they do not deserve the tough advocacy that benefit Western women; and that Middle East women must be subject to the strictures of fundamentalist cultures and authoritarian regimes that exploit religion to suppress women’s rights.

Finally, Amnesty and HRW also fail their donors, who expect that their money will be used to promote human rights universally in accordance with the organizations’ mandates. Donors are usually not aware that their money furthers narrow agendas that bolster the power of authoritarian regimes.

The current approach to women’s rights by Amnesty and HRW has immorally contributed to the politicizing of human rights and the ongoing dilution of their universality. By prioritizing women’s rights, these groups could play a greater role in promoting true reform for the MENA region, which might lead to the blooming of an actual Arab Spring.

22 Howard Ramos, James Ron, and Oskar N. T. Thoms, “Shaping the Northern Media’s Human Rights Coverage, 1986–2000,” *Journal of Peace Research*, vol. 44, no. 4 (2007) p 385-406, at 399 available at <http://www.jamesron.com/AcademicPubs/ShapingNorthernMediaHRCoverage.pdf>.

INTRODUCTION

The 2011 “Arab Spring” sparked optimism that there would be profound democratic change in the Middle East, a region dominated by autocratic and oppressive regimes. Year after year, the region ranked the lowest on scores related to political and human freedoms. The lack of rights and fundamental freedom for women in the region was the most egregious manifestation of these abusive governments. It was hoped that the ousting of dictators in Tunisia, Egypt, Yemen, and Libya in 2011, and the mass demonstrations elsewhere, would bring about fundamental reforms, especially for women. Unfortunately, these changes did not materialize.

Instead, as pointed out by Egyptian feminist activist Mona Eltahawy in an April 2012 *Foreign Policy* article, “Why do they hate us?” “when it comes to the status of women in the Middle East, it’s not better than you think. It’s much, much worse.”²³ Eltahawy strongly condemned the lack of international attention paid to the plight of women in the region in general, and in particular during the events of the “Arab Spring.” In the words of her impassioned plea, “until the rage shifts from the oppressors in our presidential palaces to the oppressors on our streets and in our homes, our revolution has not even begun.”²⁴

Women in the Middle East enjoy few rights. According to the UN Arab Human Development Reports, “nowhere in the Arab world do women enjoy equality with men,”²⁵ and they “remain severely marginalized in Arab political systems.”²⁶ Personal status laws discriminate against women in matters of marriage, divorce, child custody, and inheritance. Some countries have oppressive guardianship systems in place, which severely restrict women’s freedom of movement, expression, and ability to work. Repressive cultural practices such as child marriage, female genital mutilation, polygamy, and “honor” crimes are endemic. Coupled with unsatisfactory educational opportunities and extremely high rates of illiteracy, these laws and tribal customs create an environment where there is both entrenched *de jure* and *de facto* discrimination. The absence of freedom for women in the Middle East is one of the most acute human rights problems in the world today and one the most significant challenges for the region.

Given the importance of women’s rights and their contribution to the development of society, the promotion of liberal democracy, and the strengthening of other human rights, they should be a primary focus of the most prominent human rights NGOs, specifically Amnesty International and Human Rights Watch (HRW). And given that women’s rights are the least protected within the Middle East and North Africa (MENA) countries, it would seem to follow that these organizations should direct significant resources and sustained campaigning toward promoting women’s rights within the MENA region.²⁷

As NGOs with huge budgets rivaling those of multinational corporations and tremendous influence among policy makers and in international frameworks, Amnesty and HRW have a distinct advantage in championing women’s rights in the MENA region. Yet, this study will demonstrate that although these organizations claim that women’s rights is of the highest priority for their advocacy and in particular

23 Mona Eltahawy. “Why do They Hate Us?” *Foreign Policy*, (May 2012) available at http://www.foreignpolicy.com/articles/2012/04/23/why_do_they_hate_us?

24 *Id.*

25 AHDR 2004, *supra* note 5, at 92.

26 AHDR 2002, *supra* note 6, at 9.

27 The term “Middle East and North Africa Region” (MENA) as used throughout this monograph refers to the countries of Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the UAE, Yemen, and the Palestinian Authority (both Gaza and West Bank). Unless specifically noted, Israel is not included in this designation.

for the Middle East, in practice, these organizations have not directed sustained attention to women's rights in this area of the world.

The analysis will show that Amnesty's and HRW's coverage of women's rights was sporadic and impressionistic, instead of continual and focused. When these NGOs did address issues relating to women's rights, their actions were often driven by media interest or a nexus to the foreign policy of the United States, instead of focusing on where the abuses were most acute. Rarely did these groups pioneer campaigns to raise awareness on issues out of the media spotlight. As soon as international focus on a particular issue dissipated, so too did the attention of the NGOs.

The research also demonstrates that Amnesty and HRW officials' attitudes towards rights abuses against women in the Middle East is largely motivated by post-colonial ideology and a fear of being labeled "Western" or "Islamophobic." The failure to report and the "soft-peddling" of abuses also appears to be driven by a desire not to be seen as supporting the policies of the U.S. government.

Additionally, in discussing abuses against women, Amnesty and HRW often employ language that is much softer than that used to describe alleged violations committed by Western countries, reflecting a tendency by these groups to opine on politics, promote specific regimes, and justify religious strictures. In many cases, as will be described in the report, rather than documenting and condemning offenses, Amnesty and HRW gave praise and encouragement to abusive regimes. In several instances, these NGOs marketed a façade of regime reforms that were mostly illusory, as in Saudi Arabia, and even false, as in the case of Libya. In other examples, and in contrast to the approach towards Western or non-Muslim countries, these NGOs relied on Islamic precepts for their analyses, rather than the standards established by international human rights law. And in still other cases, these organizations actively promoted those who oppose true political and social freedom for women such as Amnesty's embrace of a Taliban supporter and HRW's stance towards the Muslim Brotherhood. In essence, these organizations have chosen a "kid-gloves" approach to promote change in dictatorial societies rather than engaging in hard-hitting advocacy, tough "naming and shaming," and application of universal, internationally-adopted human rights standards.

As will be shown in this report, HRW and Amnesty have allowed ideology and politics to prevail at the expense of true freedom for women. Doing so has compromised the role of these organizations as independent "non-governmental" actors that monitor and report on universal human rights. Had a different, more sustained, hardline approach been adopted or even just attempted by these organizations, perhaps women's rights would be far more advanced in the MENA region, and the Arab Spring would have truly led to positive change for women.

This monograph is divided into five sections. Section one will address international legal norms related to women's rights. Section two will examine the adherence to these norms in the MENA region. Section three will briefly summarize the events of the Arab Spring and the impact of the political upheavals on women's rights. Section four will analyze the approaches of Amnesty International and Human Rights Watch towards women's rights in the MENA region prior to, during, and after the Arab Spring. Section five will offer conclusions and recommendations.

SECTION I: THE CENTRALITY OF WOMEN'S RIGHTS

At the 1995 Fourth World Conference on Women in Beijing, then U.S. First Lady Hillary Clinton proclaimed, “human rights are women’s rights and women’s rights are human rights.”²⁸ The 1993 UN Vienna Declaration also affirms that “The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.”²⁹

Not only are rights for women fundamental in order to promote self-realization, but they are essential for society as a whole. Many scholars and research studies have demonstrated that women’s rights are “critical to economic development, active civil society and good governance.”³⁰ The World Bank emphasizes that women’s equality is a core development objective in its own right.³¹ Promotion of women’s rights has been found to be the best way to improve “health, nutrition, and education; stem the spread of HIV/AIDS; build robust and self-sustaining community organizations; and encourage grassroots democracy.”³² In contrast, researcher Steven Fish has found that countries that “marginalize women” have “fewer anti-authoritarian voices in politics and more men who join fanatical religious and political brotherhoods – two factors that stifle democracy.”³³

United Nations

Women’s rights have been a chief concern of the United Nations since its founding. Article 1(3) of the UN Charter specifies that one of the main purposes of the UN is to “achieve international co-operation...in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to...sex...”³⁴ The Declaration of Human Rights similarly includes gender neutral language, and the Commission on the Status of Women was one of the first UN bodies to be established.³⁵

Three of the UN’s eight Millennium Development Goals relate to women’s rights including promoting gender equality and women’s empowerment, reducing child mortality, and improving maternal health.³⁶ As explained in General Assembly resolution 65/1, “gender equality, the empowerment of women,

28 “First Lady Hillary Rodham Clinton Remarks for the United Nations Fourth World Conference on Women,” (September 5, 1995) available at <http://www.un.org/esa/gopher-data/conf/fwcw/conf/gov/950905175653.txt>.

29 UN General Assembly, *Vienna Declaration and Programme of Action*, (12 July 1993) A/CONF.157/23, at Part I: ¶18 available at: <http://www.refworld.org/docid/3ae6b39ec.html> and <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>.

30 Coleman, *supra* note 1.

31 World Bank, *World Development Report 2012 Overview: Gender Equality and Development*, Washington DC: (2012), at 3 available at <http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1315936231894/Overview-English.pdf>.

32 Coleman, *supra* note 1.

33 *Id.*

34 United Nations Charter, chapter 1, available at <http://www.un.org/en/documents/charter/chapter1.shtml>.

35 Founded 21 June 1946 by ECOSOC.

36 United Nations, “Millennium Development Goals,” Number 3 “promote gender equality and empower women;” Number 4 “Improve child mortality;” Number 5 “Improve maternal health” available at <http://www.un.org/millenniumgoals/>.

women's full enjoyment of all human rights...are essential to economic and social development."³⁷ In order to achieve these goals, UN member states are called upon to promote women's political participation and to eradicate discrimination.³⁸

The UN has also convened four international conferences on women's rights beginning in Mexico City in 1975. Subsequent conferences were held in Copenhagen (1980), Nairobi (1985), and Beijing (1995). These conferences were aimed at formulating action plans to eliminate discrimination and to promote women's full participation in society in both the political and social spheres.³⁹

In 1994, the Commission on Human Rights established the Special Rapporteur on violence against women to conduct fact-finding on its causes and consequences; its mandate was renewed in 2011. The Rapporteur produces country reports, based on site visits and annual reporting by each country.⁴⁰ To date in the MENA region, the Rapporteur has issued reports on the Palestinian Authority, Iran, Algeria (twice), Saudi Arabia, Jordan, and Somalia.

In 2010, the General Assembly created "UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women," merging four UN institutions⁴¹ dealing with women's rights in order to maximize resources and impact and to accelerate the promotion of gender equality.⁴² The three main goals of the new organization are ending discrimination against women and girls, promoting women's empowerment, and achieving equality between men and women.⁴³

Also in 2010, the UN Human Rights Council established the Working Group on Discrimination Against Women to implement best practices in eliminating discriminatory legislation and to recommend legislation that will promote women's equality. Part of the group's mandate includes conducting country visits and reporting on issues related to discrimination against women.⁴⁴ By the middle of 2013, the group had conducted visits to Morocco, Moldova, Tunisia and Iceland.⁴⁵

International Human Rights Law

Women's rights and gender equality are also enshrined in international human rights law instruments. The *travaux preparatoires* for the two main international human rights treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social,

37 United Nations, "Resolution adopted by the General Assembly: 65/1. Keeping the promise: united to achieve the Millennium Development Goals", A/Res/51/1,(2010) available at http://www.un.org/en/mdg/summit2010/pdf/outcome_documentN1051260.pdf.

38 *Id.* at pages 16-17 ¶72.

39 Due to pressure from the Arab League and the Organization of the Islamic Conference, many of these action plans did not go far enough to promote the intended goals or these initiatives were blocked all together. This is all the more reason why powerful international NGOs are needed to provide a check and to engage in strong advocacy, rather than promoting the status quo.

40 List of country visits and links to reports found online at Special Rapporteur on violence against women, its causes and consequences, Country Visits, available at <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/CountryVisits.aspx>.

41 The four bodies merged were the Division for the Advancement of Women, International Research and Training Institute for the Advancement of Women, Office of the Special Adviser on Gender Issues and Advancement of Women, and United Nations Development Fund for Women (UNIFEM).

42 United Nation. UN Women. New York (2011) available at <http://www.unwomen.org/about-us/about-un-women/>.

43 *Id.*

44 Human Rights Council, Fifteenth session, "Resolution adopted by the Human Rights Council 15/23, Elimination of discrimination against women" (8 October 2010) (A/HRC/RES/15/23) available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.RES.15.23_En.pdf.

45 Working Group on Discrimination Against Women, visits and reports available at <http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/CountryVisits.aspx>.

and Cultural Rights (ICESCR), made clear that “the same rights should be expressly recognized for men and women on an equal footing and suitable measures should be taken to ensure that women had the opportunity to exercise their rights.”⁴⁶ Moreover, these treaties mandate both *de facto* and *de jure* equality.⁴⁷

Specifically, article 2(1) of the ICCPR obligates States’ parties to “respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as...sex...”⁴⁸ Article 3 reiterates gender equality mandating that “the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”⁴⁹ Article 4(1) requires that any derogations from the provisions of the treaty resulting from public emergency may not involve discrimination on the basis of sex.⁵⁰ According to General Comment 19 of the Human Rights Committee (the body charged with overseeing compliance with the ICCPR), Article 23 prohibits discrimination on the basis of sex in relation to marriage, divorce, and child custody issues.⁵¹ Article 26 restates the principles of nondiscrimination, including on the grounds of gender:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁵²

Similarly, Article 2(2) of the ICESCR mandates that States’ parties “undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁵³ Under Article 3, treaty parties “undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”⁵⁴ Article 7(a)(i) (i) requires equal pay for equal work without distinction of any kind, and in particular mandates that women receive “guaranteed conditions of work not inferior to those enjoyed by men.”⁵⁵

46 United Nations Committee On Economic, Social And Cultural Rights, 34th session, “Substantive Issues Arising In the Implementation Of The International Covenant On Economic, Social And Cultural Rights, General comment No. 16 (2005) The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights)” at paragraph 2 *available at* <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/435/39/PDF/G0543539.pdf?OpenElement>.

47 *Id.* at ¶7.

48 International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. *available at* University of Minnesota: Human Rights Library <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

49 *Id.*

50 *Id.*

51 Office for the High Commissioner for Human Rights, “General Comment 19” (1990) [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/6f97648603f69bc12563ed004c3881?](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6f97648603f69bc12563ed004c3881?)

52 ICCPR, *supra* note 48.

53 International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force (Jan. 3, 1976) *available at* University of Minnesota: Human Rights Library <http://www1.umn.edu/humanrts/instree/b2esc.htm>.

54 *Id.*

55 *Id.*

Moreover, the *travaux préparatoires* for the ICESR explicitly state that articles 2 and 3 must be read in conjunction with every right guaranteed in the treaty.⁵⁶

The ICESCR repeatedly mentions the principle of equality because as emphasized in General Comment 20 of the ESCR Committee, “non-discrimination and equality are fundamental components of international human rights law.”⁵⁷ It further notes that in order to fulfill the requirements of the treaty, States must eliminate discrimination “both formally and substantively”⁵⁸ and they must adopt measures, including domestic laws, “to ensure that individuals and entities in the private sphere do not discriminate on prohibited grounds.”⁵⁹

In 1979, the General Assembly adopted the Convention on the Elimination of Discrimination Against Women (CEDAW), and it entered into force in 1981.⁶⁰ The treaty requires that States Parties take both legislative and executive action to eliminate discrimination of women, as well as take all “appropriate measures” to eliminate *de facto* discrimination including “modify[ing] or abolish[ing] existing laws, regulations, customs and practices which constitute discrimination against women.”⁶¹ Art. 5(a) further reiterates that States parties “shall take all appropriate measures...to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.” The treaty also calls for full political participation for women including suffrage and ability to hold public office, parity in education and employment, elimination of discrimination in issues relating to marriage, family, and children, and equal legal and civil capacity.⁶²

56 UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Art. 3 of the Covenant)*, (11 August 2005) E/C.12/2005/4, at ¶1 available at <http://www.refworld.org/docid/43f3067ae.html> [accessed 7 November 2013].

57 UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)* (2 July 2009) E/C.12/GC/20, ¶2 available at <http://www.refworld.org/docid/4a60961f2.html> [accessed 7 November 2013].

58 *Id.* at ¶2.

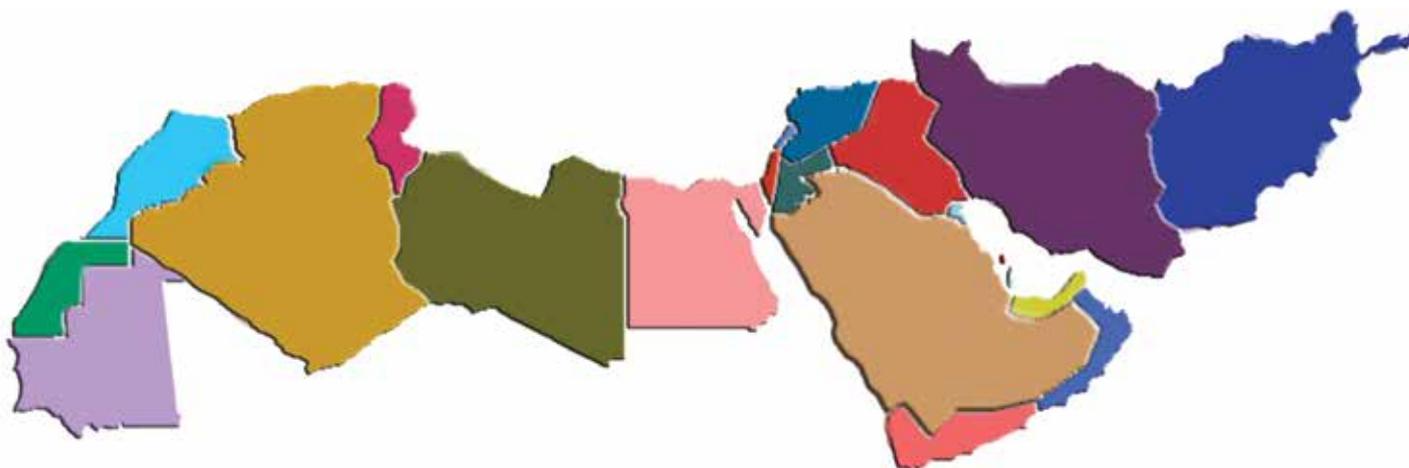
59 *Id.* at ¶11.

60 UN General Assembly, “Convention on the Elimination of All Forms of Discrimination Against Women,” (18 December 1979), United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> [accessed 7 November 2013] <http://www.un-documents.net/a34r180.htm>; <http://untreaty.un.org/cod/avl/ha/cedaw/cedaw.html>

61 *Id.* at 2(f).

62 *Id.* at Arts. 7-15

SECTION II: WOMEN’S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA REGION



The term “Middle East and North Africa Region” (MENA) as used throughout this monograph refers to the countries of Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the UAE, Yemen, and the Palestinian Authority (both Gaza and West Bank). Unless specifically noted, Israel is not included in this designation.

The AHDR Reports

Despite the importance of women’s rights to society and the codification of equality for women in international human rights law, in many parts of the world women’s rights and equality are neither recognized nor promoted to their full extent. This is particularly true among the countries of the MENA region. These states have consistently ranked the lowest in the world in terms of the protection and promotion of women’s rights. According to the UN Development Programme’s Arab Human Development Reports (AHDR), a series of reports prepared by a group of Arab scholars to address development and other economic and societal challenges of the 22 member states of the Arab League,⁶³

Despite variations from country to country, rights and freedoms enjoyed in the Arab world remain poor. Even disregarding foreign interventions, freedom in Arab countries are threatened by two kinds of power: that of undemocratic regimes and that of tradition and tribalism, sometimes under the cover of religion. These twin forces have combined to curtail freedoms and fundamental rights and have weakened the good citizen’s strength and ability to advance.⁶⁴

The impact of these forces on the rights and freedoms of women is even more acute. As stated by the AHDR, “women suffer from inequality with men and are vulnerable to discrimination both in law and in practice.”⁶⁵ In fact, the AHDR explicitly acknowledges that “nowhere in the Arab world do women

63 AHDR 2002, *supra* note 5. The countries of the Arab League are Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen, and the Palestinian Authority.

64 AHDR 2004, *supra* note 4, at 8-9.

65 *Id.* at 10.

enjoy equality with men”⁶⁶ and that “women remain severely marginalized in Arab political systems and broadly discriminated against in both law and custom.”⁶⁷

The first AHDR (2002) highlights three deeply rooted shortcomings that have posed serious obstacles to the full realization of human rights and women’s equality in MENA countries: “freedom, empowerment of women, and knowledge.”⁶⁸ For instance, after comparing data gathered from seven global regions, the Arab region ranked lowest in terms of freedom by a significant margin,⁶⁹ as well as the lowest for political participation.⁷⁰ Similarly, MENA ranked below average in every metric for governance institutions.⁷¹ The report stresses that in order to improve, Arab societies must provide for “the complete empowerment of Arab women, taking advantage of all opportunities to build their capabilities and to enable them to exercise those capabilities to the full.”⁷² Other areas of significant concern for the Arab region described in the AHDR series include literacy (more than half of Arab women are illiterate), education (the region has one of the world’s lowest rates for female education),⁷³ maternal mortality (at a rate double those “of the Caribbean and Latin America, and four times that of East Asia”),⁷⁴ and political representation (the lowest proportion of women representatives in parliaments).⁷⁵

The 2005 AHDR focused specifically on gender in the Arab World⁷⁶ and concludes that a primary reason for the lack of women’s equality in the MENA region is that “the prevailing masculine culture and values see women as dependents of men.”⁷⁷ It further notes that legal systems entrench these attitudes by “claiming to be acting in defence of obedience or ‘honour’” of women.⁷⁸ The report also points out that in several cases, “minimal reforms in women’s rights were used as a pretext to limit broader political reform such as freedom of speech and association.”⁷⁹

The Global Gender Gap Index & Freedom House Rankings

According to the Global Gender Gap Index compiled annually by the World Economic Forum, which measures gender-based disparities and tracks changes over time, the states in MENA consistently rank

66 *Id.* at 92.

67 AHDR 2002, *supra* note 5, at 9.

68 *Id.* at vii.

69 *Id.* at 27, Figure 2-4: “Average value of freedom scores, world regions, 1998-9.” The seven world regions are North America, Oceania, Europe, Latin America/Caribbean, South/East Asia, Sub-Saharan Africa, and Arab countries.

70 *Id.* at 108.

71 *Id.* at 110-11.

72 *Id.* at VII.

73 *Id.* at 3, 151-55.

74 *Id.* at 3.

75 *Id.*

76 AHDR 2005, *supra* note 20. The author would like to comment, however, that certain statements in the report calling Hamas “pluralistic” and the apparent endorsement of deliberate suicide bombing and rocket attacks on Israeli civilians at cafes, buses, malls, etc.. in violation of international law, are offensive to the extreme and are indicative of highly entrenched immoral attitudes within UN frameworks and in the Arab world. These dysfunctional beliefs and blatant distortions of international law are part and parcel of the same institutional culture that enables authoritarian and abusive regimes to maintain control of UN human rights frameworks and entrenches abuses of human rights, in particular, those of women.

77 *Id.* at 91.

78 *Id.*

79 *Id.* at 64.

at the bottom of the 136 countries surveyed.⁸⁰ The survey analyzes women's access to education, political participation, economic opportunity, and health. In 2012, MENA ranked the lowest of all regions worldwide,⁸¹ and the ten lowest ranked countries include Yemen (135), Syria (132), Saudi Arabia (131), Morocco (129), Iran (127), and Egypt (126).⁸² Saudi Arabia and Qatar were two of only three countries that ranked zero for women's political empowerment (Brunei was the third).⁸³ The highest ranking MENA country on the Global Gender Gap Index, the United Arab Emirates, is only ranked 107.⁸⁴

Similarly, Freedom House has consistently ranked the vast majority of MENA states as "not free." No country in this region was ranked "free." Only Egypt, Lebanon, Libya, Kuwait, Morocco, and Tunisia were ranked "partly free."⁸⁵ In terms of women's rights, Freedom House's 2010 report "Women's Rights in the Middle East and North Africa" starkly notes that

women throughout the Middle East continue to face systematic discrimination in both laws and social customs. Deeply entrenched societal norms, combined with conservative interpretations of Shari'a (Islamic law), continue to relegate women to a subordinate status. Women in the region are significantly underrepresented in senior positions in politics and the private sector, and in some countries they are completely absent from the judiciary. Perhaps most visibly, women face gender-based discrimination in personal-status laws, which regulate marriage, divorce, child guardianship, inheritance, and other aspects of family life. Laws in most of the region declare that the husband is the head of the family, give the husband power over his wife's right to work, and in some instances specifically require the wife to obey her husband. Gender based violence also remains a significant problem.⁸⁶

As noted by Isobel Coleman, an expert on women in the Middle East at the Council of Foreign Relations, these outcomes are a result of "conservative, patriarchal practices, often reinforced by religious values." And even though it is recognized that improvement of women's standing would positively impact the economy and other aspects of these societies, Coleman notes that supporting women's human rights are viewed as "subversive." Coleman concludes that those countries "that suppress women are likely to stagnate economically, fail to develop democratic institutions, and become more prone to extremism."⁸⁷

De Jure Discrimination

In many countries in the MENA region, discrimination based on gender is not prohibited.⁸⁸ But even

⁸⁰ Hausmann, *supra* note 6.

⁸¹ *Id.* at 17, Figure 2: Regional performance on the Global Gender Gap Index 2012.

⁸² Mali (128), Côte d'Ivoire (130), Chad (133) round out the bottom 10. See p. 25, *infra*, for a table showing rankings for all Middle East countries.

⁸³ Hausmann, *supra* note 6, at 16 "Table 5: Rankings by subindex, 2012."

⁸⁴ *Id.* at 18 "Table 6: Rankings by region, 2012".

⁸⁵ Freedom House, "Map of Freedom" (2013) available at <http://www.freedomhouse.org/sites/default/files/Map%20of%20Freedom%202013%2C%20final.pdf>.

⁸⁶ Sanja Kelly. "Hard-Won Progress and a Long Road Ahead: Women's Rights in the Middle East and North Africa." Women's Rights in the Middle East and North Africa: Progress Amid Resistance. ed. Sanja Kelly and Julia Breslin. New York: Rowman & Littlefield (2010) available at <http://www.freedomhouse.org/sites/default/files/270.pdf>. While this report, written prior to the "Arab Spring", mentions a few gains for women in the region, many of these advances were dialed back or even eliminated after 2011.

⁸⁷ Coleman, *supra* note 1.

⁸⁸ Bahrain, Jordan, Kuwait, Qatar, Saudi Arabia, UAE

in those countries where gender discrimination is ostensibly prohibited by law,⁸⁹ pervasive legal and social inequality persists. This is due in large part to the incorporation of Sharia law into personal status laws and family codes. Women are viewed as minors and under the guardianship of their husbands and fathers. Violence perpetrated by family members is overlooked and rarely prosecuted. Laws generally discriminate against women in all matters relating to nationality, marriage, divorce, and child custody. Women's presence and roles in public life and spaces are often strictly controlled.

Domestic Violence

In all MENA countries, domestic violence is a serious problem. Most countries, including Bahrain, Egypt, Iran, Palestinian Authority, Jordan, Lebanon, Saudi Arabia,⁹⁰ and Syria, do not explicitly prohibit it.⁹¹ In Algeria, in order for a victim of spousal abuse to file charges, she must be incapacitated for at least fifteen days and present a doctor's note.⁹² In Iraq, a husband may legally punish his wife "within certain limits prescribed by law or custom." Under the UAE's penal code, men are allowed to use violence against female and minor family members.⁹³ Even in countries where some legal remedies are available for domestic violence victims, the law is mostly unenforced.⁹⁴

Throughout the region, with the exception of Tunisia, spousal rape is not criminalized. While the penal codes criminalize rape in Algeria, Bahrain, Iraq, Libya, the Palestinian Authority, Qatar, and the UAE, they do not specify whether spousal rape is prohibited under the law.⁹⁵ In other countries, such as Egypt, Iran, Jordan, Kuwait, Lebanon, Morocco, Oman, Saudi Arabia,⁹⁶ Syria, and Yemen, spousal rape is not a crime.⁹⁷ In Iraq, Lebanon and Syria, charges of rape are dropped and the conviction nullified if the rapist marries his victim.⁹⁸ In Saudi Arabia, rape victims themselves can be criminally prosecuted.⁹⁹

Honor killings (murders perpetrated by relatives in order to ostensibly defend "family honor") are pervasive in many MENA countries including Egypt, Iraq, Jordan, Lebanon, and the Palestinian Authority.¹⁰⁰ These include gruesome crimes such as beheadings, burning alive, forced self-immolation, and torture, primarily committed against girls and women who are accused of behaving "immorally." Penal law regarding these crimes weigh heavily in favor of the perpetrators and impose light criminal punishment. In Kuwait, for instance, the maximum penalty for an honor killing is 3 years in jail. In Iran, women can

89 Algeria, Egypt, Iran (though its anti-discrimination provision is limited to be "in conformity with Islamic criteria"), Palestinian Authority, Lebanon, Libya, Morocco, Oman, Syria, Tunisia

90 On September 2, 2013, the Saudi parliament passed a law imposing minor criminal and financial penalties for domestic abuse. Whether the law in fact will be incorporated and implemented remains to be seen. See, e.g., Stephanie Ott, "Human rights campaigners welcome Saudi Arabia's law on domestic violence" (September 2, 2013) available at <http://www.cnn.com/2013/09/02/world/meast/saudi-arabia-domestic-violence/index.html>.

91 See various country reports at U.S. Department of State, "Country Reports on Human Rights Practices for 2012" available via <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

92 *Id.*

93 *Id.*

94 *Id.*

95 *Id.*

96 It is unclear if the new Saudi law will apply to spousal rape. Moreover, the penalties imposed by the law are minimal and difficult to enforce given Saudi Arabia's guardianship system for women.

97 *Id.*

98 *Id.*

99 *Id.*

100 2005 AHDR, *supra* note 20, at 116-17.

be sentenced to flogging and death by stoning for sexual or moral offenses such as adultery, prostitution, or bearing illegitimate children.¹⁰¹ Women are subject to the death penalty if they have sexual relations with a non-Muslim man.¹⁰²

Female Genital Mutilation (FGM) is also widely practiced with rates as high as 98% in Somalia, 93% in Djibouti, 91% in Egypt, 88% in the Sudan, and 23% in Yemen.¹⁰³

Personal Status Laws & Family Codes

Sharia law is fully in place in Iran, Iraq, Mauritania, Qatar, Saudi Arabia, Sudan, the UAE, and Yemen. In other MENA countries, while Sharia law does not govern the entire legal system, it is applied in many areas of the law that regulate women's lives, particularly family codes and personal status laws. Many of these laws are "derived from theological interpretations and judgments."¹⁰⁴

Even in Tunisia, which is viewed as the most progressive country on women's rights in the MENA region, Sharia law plays a significant role in regulating family matters and women's status. In addition, many legal reforms benefitting women have been accompanied by restrictions placed on women's activism, forcing women to advocate within channels established and monitored by the government.¹⁰⁵ Indeed some claim that these changes have been made solely to enhance the image of the country abroad.¹⁰⁶

Not only do most MENA countries mete out lenient punishment for honor killings and other forms of domestic violence, personal status laws are explicitly discriminatory against women. Routinely, women do not enjoy the same rights and protections as men in matters of marriage, divorce, child custody, and inheritance.

For example, in Iran and Saudi Arabia, women may only marry with the permission of their father or another male relative.¹⁰⁷ In Bahrain, Lebanon, Qatar, and Saudi Arabia, women are unable to transmit nationality to their children or spouse. Children in Jordan, Kuwait, Saudi Arabia, and Syria may only obtain citizenship via their fathers. Women are forbidden from marrying non-Muslims and face conviction on apostasy laws (punishable by death in some countries), including in Egypt, Kuwait, and Saudi Arabia. Polygamy is legal in Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Libya,

101 Yakin Ertürk, "Integration Of The Human Rights Of Women And A Gender Perspective: Violence Against Women, Report of the Special Rapporteur on violence against women, its causes and consequences," E/CN.4/2006/61/Add.3, 27 January 2006, at 13.

102 *Id.* at 15

103 UNICEF, "Female Genital Mutilation/Cutting – A Statistical Overview," July 13, 2013, at 2, available at http://www.unicef.org/media/files/FGCM_Lo_res.pdf

104 AHDR 2005, *supra* note 20, at 19.

105 *Id.* at 12.

106 *Id.*

107 Report of Special Rapporteur, *supra* note 101, at 15.

Mauritania, Morocco, Oman, Palestinian Authority, Qatar, Saudi Arabia, Somalia, Sudan, Syria, the UAE, and Yemen, despite its documented detrimental impact on women and children.¹⁰⁸

Child marriage is legally sanctioned in many countries. In Iran, girls as young as 13 can marry.¹⁰⁹ In Iraq, the age is 14, while in Jordan, Kuwait, and the Palestinian Authority it is 15. In Saudi Arabia, girls can marry after reaching puberty, with some leading religious figures claiming the age is 10. In Syria, 13 year old girls may marry with the permission of a court. In Yemen, there is no minimum age for marriage. More than 25% of girls are married before age 15, and many girls are married at age 8.¹¹⁰

Child custody laws favor men over women. In Iran, legal guardianship of children is granted to the father, and fathers automatically gain custody of their children older than 7 following a divorce.¹¹¹ In Bahrain, Saudi Arabia, and Yemen, the age is 7 for sons and 9 for girls. Men can prevent their children from leaving the country in Jordan, but women may not.¹¹²

In Egypt, Iran, Jordan, Morocco, Saudi Arabia, and Syria, women may only inherit half that of men, and in Iran women are also unable to inherit land.¹¹³ In Bahrain, Kuwait, and Lebanon, Sunni women may only inherit a portion of a husband's property in accordance with Sharia, while Shia women may inherit the full amount. The Palestinian Authority, Qatar, and the UAE also restrict women's inheritance.

Regarding legal proceedings, women's testimony is only worth half of a man's in Iran, Saudi Arabia, and Yemen. In most other MENA countries, women's testimony is not viewed as the equal of a man's relating to certain legal areas like family, property, and criminal law. In Iran, girls may be tried as an adult for criminal offenses as young as age 9, while for boys, the age is 15.¹¹⁴

Sex Segregation & Guardianship

Sex segregation and other intense control over women's lives are pervasive in Iran and the Gulf States, as well as in Hamas-controlled Gaza. As one Iranian human rights activist noted, "the law that is being enforced in Iran today does not consider women to be full human beings."¹¹⁵ Saudi Arabia's system of sex segregation governs both public and private institutions. Qatar and Saudi Arabia have a draconian "guardianship" systems imposed on women, which restricts the rights of women in relation to marriage, employment, and travel.

Freedom of movement for women is severely restricted. In Iran, a woman may not obtain a passport or travel abroad without the permission of a male guardian. Unaccompanied women may not stay in hotels without permission. In Qatar, male relatives may petition courts to prevent adult female relatives

108 Joumana Haddad, "Oh Lord, Won't You Buy Me a New Wife," NOW. (2013): available at <https://now.mmedia.me/lb/en/commentaryanalysis/oh-lord-wont-you-buy-me-a-new-wife>; Susan Vanessa M.G. Von Struensee, "The Contribution of Polygamy to Women's Oppression and Impoverishment: An Argument for its Prohibition" (July 23, 2004) available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=563282.

109 Report of Special Rapporteur, *supra* note 101, at 15.

110 UNICEF, "Early Marriage, A Harmful Traditional Practice," 2005, at 11, available at http://www.unicef.org/publications/files/Early_Marriage_12.lo.pdf

111 Report of Special Rapporteur, *supra* note 101, at 14.

112 US State Dept, "Jordan Country Specific Information," March 26, 2013, available at http://travel.state.gov/travel/cis_pa_tw/cis/cis_1149.html.

113 Report of Special Rapporteur, *supra* note 101, at 14-15.

114 *Id.* at 15.

115 Shirin Ebadi, "A Warning for Women of the Arab Spring," *Wall Street Journal* (2012) available at <http://online.wsj.com/article/SB10001424052970203370604577265840773370720.html>

from leaving the country. In Saudi Arabia, a male “guardian” must approve all travel. Women are forbidden from driving and are even subject to restrictions on riding bicycles or motorcycles.¹¹⁶

Restrictive dress codes are in place for women in Iran, Saudi Arabia, and the Palestinian Authority.¹¹⁷ Failure to comply with these codes can result in imprisonment and fines. Moreover, many of these regimes have created “religious police” that patrol the streets and harass those who do not conform to the regime’s version of Islam.¹¹⁸ In Gaza, women have been threatened with detention for appearing in public with unrelated men.¹¹⁹ In Iran, “there is virtually no facet of private life that is not regulated by its interpretation of Islamic law.”¹²⁰ As such, the government employs more than 70,000 women to police the morals of other women on the streets.¹²¹ In one horrific example in Saudi Arabia, *mutaween* (religious police) refused to allow schoolgirls out of a burning building because they were not wearing proper Islamic dress. They also blocked men who were trying to help the girls escape.¹²² Fifteen young girls died as a result.

The situation for women in Saudi Arabia is so dismal that many commentators and scholars have labeled the situation to be one of “gender apartheid” and have advocated for expanding the crime of apartheid to include these systems of complete gender segregation.¹²³ As noted by Ann Elizabeth Mayer, “many of the same patterns of oppression and domination that were recognized as underlying South African apartheid can be found...in some Middle Eastern countries where women are completely excluded from roles in the political establishment.”¹²⁴

Reservations to International Human Rights Treaties

While many Arab and Muslim states have signed and ratified the ICCPR, ICESCR, and CEDAW, most of these countries have declared reservations to these human rights treaties restricting implementation such that the provisions will not conflict with Sharia law.¹²⁵ For example, Egypt stated a general reservation on article 2 of CEDAW announcing that “The Arab Republic of Egypt is willing to comply with the

116 Al Jazeera, “Saudi Arabia eases ban on women riding bikes,” April 2, 2013, available at <http://www.aljazeera.com/news/middle-east/2013/04/2013428030514192.html>

117 See, e.g., Entekhab, “Photos: aggravation of dealing with dress” (Persian) available at <http://www.entekhab.ir/fa/news/128020/%D8%AA%D8%B5%D8%A7%D9%88%DB%8C%D8%B1-%D8%AA%D8%B4%D8%AF%DB%8C%D8%AF-%D8%A8%D8%B1%D8%AE%D9%88%D8%B1%D8%AF-%D8%A8%D8%A7-%D8%A8%D8%AF%D8%AD%D8%AC%D8%A7%D8%A8%D8%A7%D9%86>.

118 FRANCE 24, “The Morality Patrol Comes Knocking in Gaza.” *FRANCE 24* (30 Aug. 2009) available at <http://www.france24.com/en/20090821-morality-patrol-comes-knocking-gaza-week-middle-east>.

119 Duaa Hadid, “ Hamas Tries to Detain Woman Walking with Man.” *The Guardian* (8 July 2009) available at <http://www.guardian.co.uk/world/feedarticle/8597375?FORM=ZZNR8>.

120 Afshin Shahi, “Erotic Republic.” *Foreign Policy* (2013): n. pag. 29 May 2013 available at http://www.foreignpolicy.com/articles/2013/05/29/erotic_republic_Iran_sexual_revolution%20?page=0,1.

121 “Iran’s “Morality Police” Tighten Control on Women with the Rising Heat.” *Hurriyet Daily News*. (1 May 2012) available at <http://www.hurriyetdailynews.com/irans-morality-police-tighten-control-on-women-with-the-rising-heat-.aspx?pageID=238&nid=19672>; Wahied Wahdat-Hagh, “Iran’s Moral Police Combat the “Virus” of Western-Oriented Women.” *The Commentator* (27 June 2012) available at http://www.thecommentator.com/article/1355/iran_s_moral_police_combat_the_virus_of_western_oriented_women.

122 BBC, “Saudi Police ‘Stopped’ Fire Rescue,” (15 March. 2002) available at http://news.bbc.co.uk/2/hi/middle_east/1874471.stm; *The Telegraph*, “15 Schoolgirls Die As Religious Police Force Them Back Into Blaze,” (15 March 2002) available at <http://renew.com/general21/blz.htm>.

123 Ann Elizabeth Mayer (2000). “A Benign Apartheid: How Gender Apartheid Has Been Rationalized.” *UCLA Journal of International Law and Foreign Affairs* 237.

124 *Id.* at 245.

125 Oman, Qatar, Saudi Arabia, and the UAE have neither signed nor ratified the ICCPR and the ICESCR; Iran, Somalia, and Sudan have not ratified CEDAW.

content of this article, provided that such compliance does not run counter to the Islamic Sharia.”¹²⁶ Similarly, Saudi Arabia states that “In case of contradiction between any term of the Convention and the norms of islamic [sic] law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.”¹²⁷ Moreover, Saudi Arabia declared that it did not consider itself bound to Article 9(2) which requires state parties to “grant women equal rights with men with respect to the nationality of their children.”¹²⁸ Other MENA countries express willingness to abide by the treaty to the extent it does not conflict with domestic family codes, most of which are governed by Sharia, and as described above, discriminate against women. Algeria, for instance, comments that “The Government of the People’s Democratic Republic of Algeria declares that it is prepared to apply the provisions of this article on condition that they do not conflict with the provisions of the Algerian Family Code.”¹²⁹

These reservations essentially nullify the core purpose of these treaties as they relate to women’s rights and equality. As a result, many other countries have objected to these reservations. For example, Austria remarked that Saudi Arabia’s reservations to CEDAW “raises doubts as to the commitment of the Kingdom of Saudi Arabia to the Convention.”¹³⁰

126 Status of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), *available at* http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec.

127 *Id.* Libya, Malaysia, Mauritania, Morocco, Oman, Qatar, Syria, and the UAE have similar language.

128 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), New York, 18 December 1979, Article 9 (2), *available at* <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article9>. Jordan, Lebanon, Oman, Qatar, Syria, UAE and Kuwait also submitted reservations to this provision.

129 Declarations, Reservations and Objections to CEDAW, *supra* note 126. Tunisia and Pakistan have similar language.

130 *Id.* Canada, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Netherlands, UK, Poland, Sweden, Spain, Portugal, and the Czech Republic voiced similar objections to this reservation. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec.

SECTION III: THE “ARAB SPRING”

The “Arab Spring” revolutions, beginning in Tunisia in December 2010, were hailed as a new beginning for the MENA region. Dictatorships and authoritarian regimes were overthrown in Tunisia, Egypt, Libya, and Yemen. Mass protests demanding reform also took place in Bahrain, Morocco, Oman, and Jordan.¹³¹ Women were highly active and visible in the demonstrations.¹³² It was thought that the massive popular protests and the removal of long-standing dictators from power would usher in a new era of democracy and lead to the flourishing of human rights. In particular, it was hoped that these political changes would lead to reforms and an end to gender and religious discrimination. Many political pundits and human rights organizations were quick to adopt this theme.

As the revolutions swept through Egypt, Libya, and Syria, it quickly became apparent, however, that what the world was witnessing was not an “Arab Spring” but rather an “Arab Winter.” Islamist parties quickly took power in Egypt and Tunisia, and gained a significant presence in Libya’s new government. (In Syria, Islamist parties may take control if the Assad government falls.) These forces often engaged in abuses that rivaled those of the deposed regimes. Moshe Arens, one of the few political commentators who accurately gauged the significance of the revolts, predicted that “the Islamists are going to inherit the mantle of the dictators... Tunisia is coming under Islamic rule. And there is no reason to expect a different outcome in Egypt, Libya or Syria, when elections are held there... Observers may fool themselves into believing that the Islamic parties contesting the elections in the Arab countries are ‘mildly’ Islamic, or ‘moderate’ Islamists, but their leaders are neither mild nor moderate.”¹³³ Similarly, historian Niall Ferguson predicted that “The far more likely outcome—as in past revolutions—is that power will pass to the best organized, most radical, and most ruthless elements in the revolution, which in this case means Islamists like the Muslim Brotherhood.”¹³⁴

The impact on women has been especially grave, despite their significant role in the protests. In a May 2011 op-ed, *New York Times* columnist Thomas Friedman describes a sign held up by a Libyan protestor stating “I am a man,” remarking “If there is one sign that sums up the whole Arab uprising, it’s that one.”¹³⁵ Ironically, however, the sign that captivated Friedman is not a symbol of a new era of freedom and human rights, but rather represents the silencing of women’s voices, harassment of female activists, and the substantial rollback on reforms for women in the region.¹³⁶

As noted by the Council of Europe, “There have been no major improvements in women’s lives since the beginning of the Arab Spring.”¹³⁷ Coleman highlights that “there is no guarantee that women’s

131 PBS. “In Shadow of Libya, Protests Continue in Yemen, Oman, Bahrain.” PBS, 01 Mar. 2011. <http://www.pbs.org/newshour/rundown/2011/03/-yemen-protesters-are-hoping.html>.

132 Kendra Heideman and Mona Youssef, eds. *Reflections on Women in the Arab Spring*: Woodrow Wilson International Center for Scholars (2012) available at http://www.wilsoncenter.org/sites/default/files/International%20Women%27s%20Day%202012_4.pdf.

133 Moshe Arens. “Arab Spring Will Just Bring upon Islamist Dictatorships.” *Haaretz*, 22 Nov. 2011 available at <http://www.haaretz.com/print-edition/opinion/arab-spring-will-just-bring-upon-islamist-dictatorships-1.396976>.

134 Niall Ferguson, “Un-American Revolutions” 27 Feb. 2011 available at <http://www.thedailybeast.com/articles/2011/02/27/why-americans-should-fear-the-middle-east-and-north-africa-revolutions.html>.

135 Thomas Friedman, “‘I Am a Man’” Editorial. *New York Times* 14 May 2011 available at <http://www.nytimes.com/2011/05/15/opinion/15friedman.html>.

136 Rana F. Sweis, “Arab Spring Fails to Allay Women’s Anxieties.” *New York Times*. N.p., 7 Mar. 2012 available at http://www.nytimes.com/2012/03/08/world/middleeast/arab-spring-fails-to-allay-womens-anxieties.html?_r=2&.

137 European Union, Parliamentary Assembly, Resolution 1873, 2012 available at <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=18249&Language=EN%20>.

rights activists will be able to turn their engagement into longer-term economic, social, and political gains” and there is “concern that women will see their rights erode.”¹³⁸ Many women have experienced exclusion from the new governments and have seen their position move “from marginalization during repressive regimes to rejection with Islamists regimes.”¹³⁹

These bleak predictions are reflected in changes in the Global Gender Gap Index. In 2012, one year after the revolutions, most of the countries in the MENA region had dropped or remained near the very bottom of the Global Gender Gap Index, and showed little improvement in 2013.

Global Gender Gap Index Rankings (out of 135) for the MENA Region (2010-13)¹⁴⁰

| | 2013 SCORE | 2012 SCORE | 2011 SCORE | 2010 SCORE |
|--------------|------------|------------|------------|------------|
| Algeria | 124 | 120 | 121 | 119 |
| Bahrain | 112 | 111 | 110 | 110 |
| Egypt | 125 | 126 | 123 | 125 |
| Iran | 130 | 127 | 125 | 123 |
| Iraq | --- | --- | --- | --- |
| Jordan | 119 | 121 | 117 | 120 |
| Kuwait | 116 | 109 | 105 | 105 |
| Lebanon | 123 | 122 | 118 | 116 |
| Libya | --- | --- | --- | --- |
| Mauritania | 132 | 119 | 114 | 113 |
| Morocco | 129 | 129 | 129 | 127 |
| Oman | 122 | 125 | 127 | 122 |
| Qatar | 115 | 115 | 111 | 117 |
| Saudi Arabia | 127 | 131 | 131 | 129 |
| Syria | 133 | 132 | 124 | 124 |
| Tunisia | --- | --- | 108 | 107 |
| UAE | 109 | 107 | 103 | 103 |
| Yemen | 136 | 135 | 135 | 134 |

Egypt

For years, studies had shown that a significant proportion of Egyptian women, up to 70% according to some reports, were the victims of sexual harassment. Indeed, the demonstrations in Tahir Square against the Mubarak regime were marked by mass sexual harassment and assault on women, and these attacks have continued despite the change in power. Shocking examples included the gang assault on

138 Isobel Coleman, “Is the Arab Spring Bad for Women?” *Foreign Policy Magazine*. 20 Dec. 2011 available at http://www.foreignpolicy.com/articles/2011/12/20/arab_spring_women.

139 Rola Dashti in Kendra Heideman and Mona Youssef, eds. *Reflections on Women in the Arab Spring*. Rep. N.p.: Woodrow Wilson International Center for Scholars (2012) at 3 available at http://www.wilsoncenter.org/sites/default/files/International%20Women%27s%20Day%202012_4.pdf; See also Rabia el Morabet Belhaj and Anje Wiersinga. *Wishes, Demands, and Priorities of National and Regional Women's Organisations in the MENA Region*. Rep. N.p.: International Alliance of Women (2013) available at http://www.coe.int/t/ngo/Source/IAW_arab_spring_report.pdf.

140 2013 is out of 136 countries; 2011 and 2012 are out of 135 countries; 2010 is out of 134. Hausmann, Tyson, and Zahidi 2012, *supra* note 6; The Global Gender Gap Report. Rep. Geneva: World Economic Forum, 2013, available at <http://www.weforum.org/reports/global-gender-gap-report-2013>.

CBS reporter Lara Logan, whose clothes were ripped off while she was sexually assaulted and whipped with sticks and flagpoles by a mob of 200 men.¹⁴¹ The mob also chanted “Israeli” and “Jew” while attacking her.¹⁴² Other demonstrators were subject to similar harassment and afterwards administered “virginity tests” by the military.¹⁴³ A male investigative reporter for a popular TV show in Egypt dressed as a female to experience what it was like for women in the country and commented, “I, as a man, I can’t imagine living my life like that every single day.” He remarked that living as a woman in Egypt “is something he wouldn’t wish on anyone.”¹⁴⁴

Following the demonstrations and the overthrow of Mubarak, the situation for women further deteriorated. As stated by Moushira Khattab, a former Egyptian ambassador to Italy and South Africa, “One year later, Egyptian women find that the train of change has not only left them behind, but has in fact turned against them.”¹⁴⁵ Suzanne Mubarak was very active on women’s issues and instituted some level of reform in the country. As a result, however, many Egyptians viewed these reforms as tied to the old regime and therefore believed that they had to be dismantled.¹⁴⁶ A March 2011 demonstration to commemorate International Women’s Day was met with chants by radical Islamists telling women to “go home and feed their babies” and at a December 2011 protest one woman was kicked by Egyptian troops and dragged partially unclothed through the streets of Tahir Square.¹⁴⁷ Sexual harassment and assaults were also a prominent feature of the demonstrations surrounding the ouster of Mohammed Morsi in the summer of 2013.¹⁴⁸

Prior to new parliamentary elections, the Supreme Council of the Armed Forces (SCAF), which took power two days after Mubarak’s departure, proposed amendments to Egypt’s constitution, which were passed by referendum by 77% of the electorate on March 19, 2011, and came into force on March 30. There were no women appointed to the committee that drafted the document, which contained several provisions of concern for women. While it prohibited discrimination against citizens on the basis of race, origin, language, religion, creed, disability, and social status, it did not prohibit discrimination based on gender, sexual orientation, or gender identity. The SCAF also abolished the quota system established under the Mubarak government, which had mandated a minimal level of women’s

141 “They Ripped off My Clothes and Took Pictures on Their Cell Phones as They Groped and Beat Me’: Reporter Lara Logan Reveals Terrifying New Details of Sex Attack in Egypt.” *Daily Mail* Report (2011): n. pag. Mail Online. *Daily Mail UK*, 02 May 2011 available at <http://www.dailymail.co.uk/news/article-1382653/Lara-Logan-reveals-new-details-sex-assault-Egypt.html>.

142 “Stripped, Punched and Whipped with Flag Poles: Full Horror of Lara Logan’s Attack Emerges.” *Daily Mail* Report (2011): n. pag. Mail Online. *Daily Mail UK*, 21 Feb. 2011 available at <http://www.dailymail.co.uk/news/article-1358944/Lara-Logan-attack-Stripped-punched-whipped-flag-poles.html>.

143 Global Women’s Leadership Initiative, *Women in Democratic Transitions in the MENA Region*. (2013) available at http://www.wilson-center.org/sites/default/files/Women_in_democratic_transitions_in_the_MENA_region_compilation.pdf at 44.

144 “Male actor dresses as woman to experience sexual harassment” CNN. May 23, 2013. <https://www.youtube.com/watch?v=LvNZt1T5rAQ>.

145 Moushira Khattab in Heideman and Youssef, *supra* note 11 at 2.

146 Aliaa Dawood, “Backlash against ‘Suzanne Mubarak laws’ was inevitable” 08 Nov 2011 available at <http://www.alarabiya.net/views/2011/11/08/176045.html>; see also Nabila Ramdani, “Egyptian women: ‘They were doing better under Mubarak’” *The Guardian*, 4 June 2012 available at <http://www.guardian.co.uk/world/2012/jun/04/egyptian-women-better-under-mubarak>.

147 Najat Al-Saeid, “No Arab Spring without Women.” *Al Arabiya News* (2012) 25 Jan. 2012 available at <http://english.alarabiya.net/views/2012/01/25/190506.html>; see also *Women in Democratic Transitions in the MENA Region*. 2013, *supra* note 144.

148 Bel Trew, “Egypt’s sexual assault epidemic” *Al Jazeera*, 14 August 2013 available at <http://www.aljazeera.com/indepth/features/2013/08/201381494941573782.html>.

participation in the parliament.¹⁴⁹ During the constitutional process, proposals were put forth seeking to lower the legal age of marriage for girls to age 9, legalize FGM, and further limit women's custody rights.¹⁵⁰

In parliamentary elections held between November 2011 and January 2012, the Muslim Brotherhood and Salafist Al Nour party won more than 70% of the lower house's 498 seats.¹⁵¹ These same parties won more than 50% of the upper house's 270 seats in January and February 2012 elections.¹⁵² Women were elected to less than 10 seats down from 64 in the previous government.

In June 2012, Muslim Brotherhood candidate Mohamed Morsi was elected Egypt's president. Prior to his election, it was clear that he would not be a champion for women or minority rights. Before the campaign, for instance, he said that women and non-Muslims should be barred from running for president.¹⁵³

A committee was also formed around the time of the presidential election to draft a new constitution for Egypt. The committee was dominated by Islamist parties, and many liberal and secular representatives dropped out of the discussions due to concerns regarding the inclusiveness of the process.¹⁵⁴ The resulting document adopted in December 2012 erased equality provisions between men and women, and many aspects of the new law discriminated against women.¹⁵⁵ Iman Bibars, a prominent Egyptian social scientist who heads the Association for Development and Enhancement of Women in Egypt, expressed shock at the resulting "male gender constitution."¹⁵⁶ Specifically, it places "public morals above fundamental individual rights"¹⁵⁷ and "limits women's rights to those compatible with Islamic law."¹⁵⁸

The new regime in Egypt also took a hostile approach to international initiatives to protect and strengthen women's rights. In March 2013, the UN Commission on the Status of Women issued a declaration on "The elimination and prevention of all forms of violence against women and girls," calling on UN Member States to work to eliminate gender-based violence and human trafficking. It also called on States to "to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women."¹⁵⁹ The document further noted that "while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States regardless of their political, economic and cultural systems to promote and protect

149 Women in Democratic Transitions in the MENA Region. 2013, *supra* note 144.

150 Haleh Esfandiari "Is the Arab Awakening Marginalizing Women". Wilson Center Middle East Program, 2012 *available at* http://www.wilsoncenter.org/sites/default/files/Arab%20Awakening%20Marginalizing%20Women_0.pdf at 3.

151 Freedom House, "Egypt: Freedom in the World 2013" *available at* <http://www.freedomhouse.org/report/freedom-world/2013/egypt>.

152 *Id.*

153 Esfandiari, *supra* note 150, at 3.

154 Global Women's Leadership Initiative, *supra* note 143, at 30.

155 US State Department, "Egypt: Country Reports on Human Rights Practices for 2012" *available at* <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dlid=204357#wrapper>.

156 Sweis, *supra* note 136.

157 Global Women's Leadership Initiative, *supra* note 143 at 30.

158 US State Department Human Rights Reports, *supra* note 91.

159 United Nations Economic and Social Council, Commission on the Status of Women, "The elimination and prevention of all forms of violence against women and girls" 19 March 2013 *available at* http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2013/L.5 at ¶14.

all human rights and fundamental freedoms.”¹⁶⁰ It urged States to “refrain from using social justifications for denying women their freedom of movement, the right to own property and the right to equal protection of the law.”¹⁶¹

Nevertheless, the Brotherhood sharply criticized the declaration arguing that it “includes articles that contradict established principles of Islam, undermine Islamic ethics and destroy the family, the basic building block of society, according to the Egyptian Constitution.” In particular, the Muslim Brotherhood objected to the document’s “giving wives full rights to file legal complaints against husbands accusing them of rape or sexual harassment,” “replacing guardianship with partnership, and full sharing of roles within the family between men and women,” “full equality in marriage legislation such as: allowing Muslim women to marry non-Muslim men, and abolition of polygamy,” and “cancelling the need for a husband’s consent in matters like: travel, work, or use of contraception.”¹⁶²

In June 2013, events in Egypt took a further shocking turn when Morsi was ousted by the Egyptian military following mass protests.¹⁶³ He and other members of the Muslim Brotherhood were arrested.¹⁶⁴ On August 14, hundreds of Brotherhood members protesting the coup were killed by Egyptian police and military troops.¹⁶⁵ At the time of publication of this monograph, chaos continues to reign within Egypt. Although, the Muslim Brotherhood is no longer in charge of the government, conditions for women within the country remain highly perilous and are not expected to improve in the near future.¹⁶⁶ Some commentators even believe that the commander of Egypt’s armed forces, who assumed power, has a political agenda seeking to combine Islamism with militarism.¹⁶⁷

Libya

The situation in Libya is similarly precarious. The opposition groups in charge of negotiating transitional government did not include any women.¹⁶⁸ The National Transitional Council (NTC) failed to take measures to ensure equal rights and frustrated equal participation and representation for women in society. The draft constitutional charter adopted in August 2011 contains no provision for prohibiting discrimination against women; likewise, there are no measures in the electoral law adopted in January

160 *Id.* ¶15.

161 *Id.* page 10.

162 Ikhwanweb (The Muslim Brotherhood’s Official English web site) “Muslim Brotherhood Statement Denouncing UN Women Declaration for Violating Sharia Principles” 14 March 2013 available at <http://www.ikhwanweb.com/article.php?id=30731>.

163 Matt Bradley and Reem Abdellatif, “Egyptian Military Ousts President Morsi” *Wall Street Journal*, 4 July 2013 available at <http://online.wsj.com/article/SB10001424127887323899704578583191518313964.html>.

164 *Id.*

165 David D. Kirkpatrick, “Hundreds Die as Egyptian Forces Attack Islamist Protesters” *New York Times*, 14 August 2013 available at <http://www.nytimes.com/2013/08/15/world/middleeast/egypt.html?pagewanted=all&r=0>.

166 Freedom House, “Egypt Democracy Compass” August 2013 available at <http://www.freedomhouse.org/sites/default/files/Egypt%20Democracy%20Compass%20-%20August%202013.pdf>.

167 Robert Springborg, “Sisi’s Islamist Agenda for Egypt,” *Foreign Affairs*, 28 July 2013 available at <http://www.foreignaffairs.com/articles/139605/robert-springborg/sisi-islamist-agenda-for-egypt>.

168 Esfandiari, *supra* note 150, at 3.

2012 to ensure the representation of women in the new parliament. The 28-member cabinet appointed by the NTC includes only 2 women.¹⁶⁹

Although secularists largely prevailed in the July 2012 elections, it is feared that the new constitution will be based heavily on Sharia law and thereby exacerbate discrimination of women.¹⁷⁰ The drafting of the constitution has caused significant debate and controversy over whether and how to include women in the process.¹⁷¹ At a ceremony in October 2011, the NTC's leader, Mustafa Abdel Jalil, announced "that any laws that contradicted sharia would be annulled. He specifically mentioned that, going forward, polygamy would be legal."¹⁷² While he was forced to retract his remarks afterwards, it is still not certain that his proposals will not become law.

Other political figures have also made hostile remarks. In response to the March 2013 UN Women declaration, Libya's Grand Mufti issued a condemnation calling it "menacing" and claiming that it advocates "immorality and indecency in addition to rebelliousness against religion and clear objections to the laws contained in the Quran and Sunnah."¹⁷³ There is increasing concern that he is playing an influential role in the transitional process.¹⁷⁴ Moreover, a law passed in May 2013, banning Qaddafi-era officials from holding public office, may be a tool for strengthening the position of the Muslim Brotherhood.¹⁷⁵ The ascendancy of the Muslim Brotherhood in Libya, like Egypt, could have extremely detrimental consequences for women.

Yemen

In Yemen, women were active participants in the protests that led to the deposing of Ali Abdullah Saleh. Tawakkol Karman received the Nobel Peace Prize, recognizing her efforts. Nevertheless, the situation for women in Yemen remains as bleak as ever. No women were involved in negotiating the transitional government.¹⁷⁶ There is only one woman in the 301-member Parliament, and only three of the cabinet ministers are women.¹⁷⁷ Child marriage and female illiteracy remain rampant. There is no accountability for spousal rape and domestic violence. In a horrific incident in September 2013, an eight-year old

169 Rabia el Morabet Belhaj and Anje Wiersinga, M.D., "Wishes, Demands and Priorities of National and Regional Women's Organisations in the MENA Region" January 2013. International Alliance of Women available at http://www.coe.int/t/ngo/Source/LAW_arab_spring_report.pdf.

170 Alaa Murabit, "In Libya, Islam – and a Purple Hijab – Help Spurn Domestic Violence against Women." *The Christian Science Monitor*, 14 Mar. 2013 available at <http://www.csmonitor.com/Commentary/Opinion/2013/0314/In-Libya-Islam-and-a-purple-hijab-help-spurn-domestic-violence-against-women>.

171 Jamie Dettmer, "Constitution Delay Frustrates Libyans." *Voices of America*. 05 Feb. 2013 available at <http://www.voanews.com/content/constitution-delay-frustrates-libyans/1597427.html>.

172 Coleman, *supra* 138.

173 "Grand Mufti Condemns UN Report on Violence Against Women." *Libya Herald*. 11 Mar. 2013 available at <http://www.libyaherald.com/2013/03/11/grand-mufti-condemns-un-report-on-violence-against-women/>.

174 Mohamed Eljarh, "Libya's Politicians Get a Wake-Up Call." *Foreign Policy Magazine*, 15 Mar. 2013 available at http://transitions.foreignpolicy.com/posts/2013/03/15/libya_s_politicians_get_a_wake_up_call,

175 Mohamed Eljarh, "Isolation Law Harms Libya's Democratic Transition." *Foreign Policy Magazine*. 8 May 2013 available at http://transitions.foreignpolicy.com/posts/2013/05/08/isolation_law_harms_libya_s_democratic_transition.

176 Esfandiari, *supra* note 150, at 3.

177 Janine Di Giovanni, "After the Arab Spring, Yemen's Women Are Left Behind." *The Daily Beast*, 10 Dec. 2012 available at <http://www.thedailybeast.com/newsweek/2012/12/09/after-the-arab-spring-yemen-s-women-are-left-behind.html>.

girl bled to death on her wedding night after being forced to marry a 40 year-old man, highlighting the imperative of active engagement on women's rights concerns in the region.¹⁷⁸

Tunisia

Prior to the 2011 revolution, Tunisia was viewed as a model of women's rights in the Arab world.¹⁷⁹ (Although, this is relative. It should be noted that Tunisia still ranks near the bottom of the Global Gender Gap Index [108 out of 136 in 2011].) Unlike most of its neighbors, polygamy and child marriage were outlawed, and women did not need to obtain permission from a male relative prior to leaving the country. Most of these rights have been preserved since the overthrow of Ben Ali and there have been some positive developments such as the removal of some reservations to CEDAW, thereby strengthening the force of that treaty.¹⁸⁰ As noted by one commentator, however, although Tunisian women have not suffered to the same extent as Egyptian women, in an uncertain political environment they are working hard to "preserve their rights instead of winning new ones."¹⁸¹

There have also been some negative consequences for women. Islamist party Ennahada won the largest bloc of seats (89) in the October 2011 elections, due to a splitting of the vote among secular and liberal parties.¹⁸² Of the 49 women elected to the post-revolutionary parliament, 42 are members of Ennahada. The new government has fewer women ministers than under the Ben Ali regime.¹⁸³ Ennahada was also in charge of drafting a provisional constitution for the country, inserting provisions that increase its governmental power.¹⁸⁴ As a result, there is fear that the enshrining of women's equality in law will be erased when the new constitution is adopted.¹⁸⁵

Many women's rights activists worry that the Ennahada party will legalize polygamy.¹⁸⁶

In a May 2013 speech, Interim President Moncef Marzouki, from the Congress for the Republic party, largely considered a "secularist," appeared to disparage protection of human rights and promote the Qatari government, which is Ennahada's main financial backer and which seeks to export its brand of Islam to Tunisia.¹⁸⁷ He also said in an Al Jazeera interview that "Of course I would like for us to write in the constitution that equality between man and woman is total and complete, but you cannot write

178 Matt Blake, "Yemeni child bride, eight, dies of internal injuries on first night of forced marriage to groom five times her age" *Daily Mail* 9 Sept. 2013 available at <http://www.dailymail.co.uk/news/article-2415871/Yemeni-child-bride-8-dies-internal-injuries-night-forced-marriage-groom-40.html>.

179 AHDR 2005, *supra* note 20, at 12.

180 Heideman and Youssef, eds., *supra* note 11.

181 Al-Saeid, *supra* note 147.

182 Anna Mahjar-Barducci, "Understanding the 'Islamist Wave' in Tunisia," GLORIA Center, 27 Apr. 2012. available at <http://www.gloria-center.org/2012/04/understanding-the-%E2%80%9Cislamist-wave%E2%80%9D-in-tunisia/>.

183 Women in Democratic Transitions in the MENA Region. 2013, *supra* note 144.

184 Mahjar-Barducci, *supra* note 182.

185 Mirjam Gehrke, "Arab Spring Revolutions Don't Reach Women." Deutsche Welle, 25 Dec. 2012, available at <http://www.dw.de/arab-spring-revolutions-dont-reach-women/a-16403996>.

186 Katerina Nikolas, "Tunisian women protest, fear loss of liberty under radicals," November 5, 2011, available at <http://digitaljournal.com/article/313937#ixzz2mRVUpi8s>

187 Anna Mahjar-Barducci, "Tunisian Interim President Moncef Marzouki - 'The Invention of a President, the Illusion of a Democracy'" MEMRI, 10 May 2013, available at <http://www.memri.org/report/en/0/0/0/0/0/7177.htm>

this down in the constitution, because it would mean that Tunisian women would be able to marry Christians or Jews, and so forth. This would be a problem.”¹⁸⁸

In addition to potential legal changes affecting the status of women, attacks on female activists and attempts to control women in the public sphere have increased. Because the Ben Ali regime was largely perceived as supporting women’s rights, “hatred against the dictatorship is expressed through action against women.”¹⁸⁹ Female students and academics have been intimidated by Salafists at Tunisian universities.¹⁹⁰ This includes raids on dance and music performances, assaults for wearing “Western” dress, and attacks for socializing with men.¹⁹¹ Sexual harassment has risen and women are feeling increasing pressure to wear the hijab in public.¹⁹²

In one notorious case in March 2013, a Tunisian woman posted a topless photos of herself on Facebook with the words “my body belongs to me and is not the source of anyone’s honor” written on her chest. She was accused of “scandalizing” Tunisia and was forced into hiding by death threats.¹⁹³ A Salafist cleric and the leader of Tunisia’s Commission for the Promotion of Virtue and Prevention of Vice called for her to be “stoned to death.”¹⁹⁴ She feared being raped and beaten if caught by the police. Family members, outraged by the attack on their “honor,” kidnapped her and allegedly drugged her and administered “virginity tests.”¹⁹⁵ She is now planning on leaving Tunisia.¹⁹⁶

Other MENA Countries

Although many other countries in the MENA region did not experience regime change or mass protests, the upheavals in Egypt, Tunisia, Libya, and Yemen had significant influence on politics leading to significant consequences for women. In Morocco, Islamists won 26% of seats in parliamentary elections held in 2011.¹⁹⁷ Following demonstrations demanding reform, Jordan reevaluated its constitution. However, the word “gender” was removed from a proposed amendment in Article 6 of the Constitution, leaving uncertainty as to whether women would lose some of their protections.¹⁹⁸

Small advancements for women in Kuwait also appear to have been erased. In 2009, four women were

188 *Id.*

189 Aida Alami, “Women Face Fight to Keep Their Rights in Tunisia.” *New York Times*, 20 Feb. 2013 available at http://www.nytimes.com/2013/02/21/world/middleeast/women-face-fight-to-keep-their-rights-in-tunisia.html?_r=0.

190 Viola Gienger, “Tunisian Academic Leaders Cite Worrying Delays in Economic, Political Progress.” United States Institute of Peace, 25 Mar. 2013 available at <http://www.usip.org/publications/tunisian-academic-leaders-cite-worrying-delays-in-economic-political-progress>.

191 Reuters, “Tunisian Salafists Storm Female Student Hostel to Stop Dancing.” *Al Arabiya*, 18 Apr. 2013, available at <http://english.alarabiya.net/en/News/middle-east/2013/04/18/Tunisian-Salafists-storm-female-student-hostel-to-stop-dancing.html>.

192 Jamie Dettmer, “Tunisia’s Dark Turn.” *Newsweek/Daily Beast*, 17 Mar. 2013 available at <http://www.thedailybeast.com/articles/2013/03/17/tunisia-s-dark-turn.html>.

193 Associated Press in Tunis. “Tunisian Feminist Who Staged Topless Protest ‘Fears For Her Life’” *The Guardian*, 07 Apr. 2013 available at <http://www.guardian.co.uk/world/2013/apr/07/tunisian-feminist-fears-for-life>; “Video: Amina Tyler, Topless Tunisian Activist Escapes Her Family,” *Al Arabiya News Channel*, 16 Apr. 2013, available at <http://english.alarabiya.net/en/News/africa/2013/04/16/Amina-Tyler-Topless-Tunisian-activist-escapes-her-family-.html>.

194 Emily Greenhouse, “How to Provoke National Unrest with a Facebook Photo.” *The New Yorker* 8 Apr. 2013 available at <http://www.newyorker.com/online/blogs/elements/2013/04/amina-tyler-topless-photos-tunisia-activism.html>.

195 Carlo Davis, “Amina Tyler, Topless Tunisian FEMEN Activist, Escapes Family, Staying With Friends.” *The Huffington Post*, 16 Apr. 2013 available at http://www.huffingtonpost.com/2013/04/16/amina-tyler-escapes-family_n_3092916.html.

196 AP Tunis, *supra* note 193.

197 Esfandiari, *supra* note 150.

198 Sweis, *supra* note 136.

elected to Kuwait's parliament- a first for the Gulf region. This event generated hope that it was the beginning of greater freedoms for women. However, in February 2012, an Islamist-led opposition won parliamentary elections and all four women were voted out of office.¹⁹⁹ After gaining power, these parties are seeking to amend the constitution so that Sharia becomes the only source of law in the country.²⁰⁰ In July 2013, while two women were elected back into the parliament, the Islamist and conservative tribal bloc also gained several seats.²⁰¹

Bahrain experienced major protests in the winter of 2011, where a Sunni minority heads the government in a Shiite majority country. These demonstrations were quickly repressed, however, after intervention by Saudi Arabia, seeking to prevent the establishment of a Shiite government on its border.²⁰² Nevertheless, clashes have continued into 2013. Given the prominence of Islamist parties in the Bahraini opposition, it does not appear that the situation for women's rights will improve if the government gives these parties a greater political role or they eventually assume power.

In the Gulf, the situation for women remains as grim as ever. Similarly, the Iranian government was largely successful in repressing the protests following the 2009 presidential elections. As a result, gender segregation, the strict guardianship system, and other mass systematic violations of women's rights in these countries remain. Women in the Gulf also fear that the rise in discriminatory laws elsewhere in the region may lead to even further restrictions on their lives.²⁰³

As of publication of this report, Syria is still undergoing a devastating civil war that grew out of the Arab Spring demonstrations. This conflict has proved especially destructive for women due to the extreme humanitarian crisis and the use of rape as a weapon of war.²⁰⁴ Prospects for a better future should the Assad regime fall also appear dismal. While there are some secularist and democratic groups in the Syrian opposition, Islamist forces and Al Qaeda-affiliated organizations are on the ascendancy and likely to take power. In such a scenario, it is unlikely that there will be any improvement for women or the strengthening of their rights.

199 *Id.*

200 Fadi Al-Zein and Walid Sulayman. "Kuwait Parliament: Islamists Seek Sharia Amendment." Al Akhbar English. 9 Feb. 2012 *available at* <http://english.al-akhbar.com/node/4069>.

201 Hussain Al-Qatari, "Kuwait's conservative tribes make election gains," AP/Yahoo News, 28 July 2013, *available at* <http://news.yahoo.com/kuwaits-conservative-tribes-election-gains-072659070.html>.

202 Kelly McEvers. "Bahrain: The Revolution That Wasn't." NPR. 5 Jan. 2012, *available at* <http://www.npr.org/2012/01/05/144637499/bahrain-the-revolution-that-wasnt>.

203 Al-Saeid, *supra* note 147.

204 USAID, "Syria" 2013 *available at* <http://www.usaid.gov/crisis/syria>.

SECTION IV: THE CAMPAIGNS OF AMNESTY INTERNATIONAL & HUMAN RIGHTS WATCH

Given the importance of women's rights and their contribution to the development of society, the promotion of liberal democracy, and the strengthening of other human rights, they should be a primary focus of the most prominent human rights NGOs, specifically Amnesty International and Human Rights Watch (HRW). And as described in detail above, given that women's rights are the least protected within MENA countries, it would seem to follow that these organizations should direct significant resources and sustained campaigning toward promoting women's rights within the MENA region.

Moreover, due to heavy restrictions placed by MENA governments on free speech and freedom of association, as well as conservative social mores enforced by community structures, it is often difficult for local groups to organize and engage in effective lobbying for protection and promotion of women's rights.²⁰⁵ In contrast, as NGOs with huge budgets rivaling those of multinational corporations and tremendous influence among policy makers and in UN frameworks, Amnesty and HRW have a distinct advantage in championing women's rights in the MENA region. Research and advocacy by these organizations could give women's issues in MENA international prominence, including in fora such as the UN and other institutions.²⁰⁶ The backing of international NGOs can strengthen the work of local groups and the increased global attention may inoculate local human rights defenders from governmental persecution. Conversely, violations ignored by Amnesty and HRW may lead the media, academics, and policy makers to conclude that the problems are not serious enough to warrant attention. Lack of coverage can also make local groups more vulnerable to harassment by the authorities who are not under scrutiny by the international community. For these reasons, Amnesty and HRW can play a critical role for local campaigns and issues.

Despite the advantages afforded as powerful international NGOs, campaigning on women's rights in the MENA region leading up to the Arab Spring was not a priority for Amnesty and HRW. While these NGOs project an image of prioritizing women's rights, both quantitative and qualitative analyses of their activities between 1990 and 2011 demonstrate that this is not, in fact, an accurate assessment. Amnesty's and HRW's campaigning on women's rights in the MENA region was sporadic and impressionistic, not aimed at achieving concrete objectives and without sustained advocacy. Instead, these groups chose to focus on issues related to criminal detention, armed conflict, and counter-terrorism. Often, the NGO agenda appeared to be driven by media interest and prominent world events, or as a foil to US policy.

In the aftermath of the Arab Spring, sustained campaigning by these NGOs has been all the more important given the ascendancy of Islamist parties and the backlash against women throughout the MENA region. There is a sense of urgency among women activists in the region to "create a strong body to lobby and advocate for our rights"²⁰⁷ in order prevent further deterioration. This period of tremendous uncertainty, however, has not seen Amnesty and HRW step in to fill the vacuum. While coverage increased from pre-2011 levels, sustained advocacy specifically on women's rights is still not

205 AHDR, *supra* note 20 at 3.

206 *Id.* at 6.

207 Lina Hundaileh in Heideman Youssef, *supra* note 10 at 17.

the main focus for Amnesty and HRW in the region, and campaigning remains intermittent due to the core issues that determine the organizations' agendas.

A 2007 study conducted on the priorities of Amnesty and HRW by Howard Ramos, James Ron,²⁰⁸ and Oskar Thoms, published in the *Journal of Peace Research* supports these findings.²⁰⁹ For instance, they note the significant influence played by the media on priority setting for NGOs. This is because “many social movement scholars” believe that “the most influential activists are those capable of packaging their concerns in ways that appeal to the media.”²¹⁰ According to the study, human rights “watchdogs feel compelled to respond to media interest. Supply rises with demand; the more journalists who ask about a country, the more information watchdogs will supply.” This “feedback loop” creates “the virtuous (or vicious) cycles that drive public attention.” “Neglected countries” therefore are “simply too small, poor, or unnewsworthy to inspire much media interest. With few journalists urgently demanding information about Niger, it ma[kes] little sense to invest substantial reporting and advocacy resources there.” One senior Amnesty official summed up this attitude, “You can work all you like on Mauritania, but the press couldn't give a rat's ass.”²¹¹ As a result, media focus is a major driver of Amnesty's and HRW's research agenda. In another study, Ron and his colleagues analyzed “data on poverty, repression, and conflict to identify some of the worst places on earth.” They then correlated this data to NGO reporting and “found that few of these countries were covered much by either Amnesty or Human Rights Watch.”²¹² One astute commentator to a *Foreign Policy* article discussing Ron's research aptly described the negative ramifications of the NGO agenda-setting, “1. The poorer your people are, the more freedom you have to abuse them 2. The more you stifle the media, the more you can get away with abusing HR 3. The less tractable you appear, the less criticism you'll receive.”²¹³

Similarly, the ideological agenda of Amnesty and HRW, which prioritizes coverage of Western abuses and favors post-colonial perspectives, has caused these NGOs to bypass women's issues in the MENA region. Instead, Amnesty and HRW assigned higher priority to issues connected to U.S. foreign policy, armed conflict, and counter-terrorism. At times, Amnesty and HRW might decide to report on women's rights, but they will often choose to focus on relatively minor concerns that do not address systemic violations and abuses, and therefore these advocacy efforts have limited impact. As noted by women's rights advocate Meredith Tax, there is a “tendency of human rights organizations to put the rights of women and sexual and religious minorities into silos that do not affect their work on counter-terrorism, thus enabling them to claim universality while endorsing ideas and organizations of the Muslim Right.”²¹⁴

Because of the core agenda drivers for these NGOs, there was relatively little campaigning on women's issues in the MENA region from 1990 through 2011, as will be documented below. There was no reporting at all for some MENA countries; in other instances, the minimal reporting soft-peddled abuses

208 Ron is also a consultant to HRW and a “friend” of the NGO's Canada Committee. <http://www.polisci.umn.edu/people/profile.php?UID=jamesr>; <http://www.hrw.org/cities/toronto/committee>.

209 Howard Ramos, James Ron, and Oskar N. T. Thoms. “Shaping the Northern Media's Human Rights Coverage, 1986-2000.” *Journal of Peace Research* 44.4 (2007): 385-406, available at <http://www.jamesron.com/AcademicPubs/ShapingNorthernMediaHRCoverage.pdf>

210 *Id.* at 399.

211 *Id.* at 401.

212 James Ron and Howard Ramos. “Why Are the United States and Israel at the Top of Human Rights Hit Lists.” *Foreign Policy* 3 Nov. 2009 available at http://www.foreignpolicy.com/articles/2009/11/03/are_human_rights_groups_biased?page=0,1.

213 *Id.* Comment by “PAMPL” at 10:22 AM ET, November 4, 2009.

214 Meredith Tax, “Gitagate, Two Years After,” *Dissent*, June 27, 2012, available at <http://www.dissentmagazine.org/blog/gitagate-two-years-after>.

by repressive governments. As a result, these NGOs were ill-prepared to deal with the Arab Spring upheavals. While both Amnesty and HRW each increased reporting somewhat in the aftermath of the uprisings, the approach was often naïve and downplayed the reality for women in the region.

Several case studies for each organization will be highlighted, including coverage of women's issues in the MENA region prior to 2011, the NGOs' approaches towards supposed human rights "reforms" for women in the region, the rise of Islamist governments in the aftermath of the Arab Spring, and conflicts between and the dominant political agendas of these organizations. These case studies demonstrate that both NGOs display an inability to learn from historical events (in particular the 1979 Iranian revolution and the events in Algeria in the early 1990s) and apply it to present day circumstances. The record of Amnesty and HRW on women's rights suggests that both organizations need to undertake a serious overhaul of their methodologies, agenda setting, and driving ideologies in order to ensure that women's rights receive the prominence they deserve.

AMNESTY INTERNATIONAL

Amnesty International was founded in the 1960s to campaign on behalf of prisoners of conscience. The mandate of the organization expanded in the 1970s and 80s to promote an end to the death penalty and to monitor state compliance with international human rights law. In the 1990s, the agenda further widened to include armed conflict, international justice, and economic, social, and cultural rights.

The core campaigns for the organization are “Conflict in Syria,” “Arms control and human rights,” “Demand dignity” (poverty), “Security with human rights” (counter-terrorism), “Individuals at risk” (human rights defenders), “International justice,” “Abolish the death penalty,” and “Refugees and Migrants.”²¹⁵

Women’s Rights at Amnesty

Amnesty has stated that “violence against women is the greatest human rights scandal of our times”²¹⁶ and that “[a]dvocates for women’s human rights are essential to make rights a reality.”²¹⁷ The group has also announced, “we are fully convinced that raising awareness of women’s rights and promoting them through human rights education programs, as well as publicizing them to sectors of society and civil and government institutions, are the keys to overcoming these hurdles.”²¹⁸

Yet, as acknowledged in an audit commissioned by the NGO for a campaign it conducted on gender-based violence, the organization “was ‘late to the table’ in taking up women’s rights as core human rights.”²¹⁹ It further noted that Amnesty’s work on women’s issues “had been small-scale and not central to the organization’s approach.”²²⁰ Indeed, Amnesty’s work on women’s rights has often reflected an ambivalent approach, lacked focus, and led to inconsistent advocacy by the organization.

Amnesty’s financial reports for year-end 2011 (latest available) list the key objectives of the organization. The only item relating directly to women’s rights is “maternal health/mortality.”²²¹ Amnesty’s strategic plan for 2010-16, adopted at the NGO’s 2009 Annual General Meeting focuses on four core concepts: “Empowering People Living in Poverty,” “Defending unprotected people on the move,” “Defending

215 Amnesty International, “Campaigns” available at <http://amnesty.org/en/campaigns>; “Migrants and Refugees” does not appear on the Campaigns page but does appear on Amnesty’s homepage in the “Campaigns” sidebar. See www.amnesty.org.

216 Amnesty International. “The Wire.” *The Wire* 34 (21 Feb. 2004): available at <http://amnesty.org/en/library/asset/NWS21/002/2004/en/4ecdebb4-d618-11dd-bb24-1fb85fe8fa05/nws210022004en.html>.

217 Amnesty International, “Making Rights a Reality: The Duty of States to Address Violence Against Women” Amnesty International, 2004 Available at <http://www.amnesty.org/en/library/asset/ACT77/049/2004/en/5b1dc6a9-f7a7-11dd-8fd7-f57af21896e1/act770492004en.pdf> at 2.

218 Amnesty International, Seminar on “Towards Making Women’s Rights a Reality: The Case of Lebanon”, presented in Beirut, Lebanon, 24-26 November 1999 available at <http://amnesty.org/en/library/asset/MDE18/017/2000/en/547d3c4c-ff33-4a4c-85bf-e1a4f854356c/mde180172000en.pdf>.

219 Wallace and Baños Smith, *supra* note 12 at 5.

220 *Id.* at 5

221 Amnesty International Limited, “Report and Financial Statements for the Period 1 April 2011 to 31 December 2011” available at <http://files.amnesty.org/archives/ALL%20Report%20and%20Financial%20statements%20for%20the%20period%201%20April%202011%20to%2031%20December%202011.pdf>.

people from violence by state and non-state actors,” and “Protecting people’s freedom of expression and freedom from discrimination.”²²²

Some of these core goals touch on women’s rights. For instance, “signs” of success for the goal of “empowering people living in poverty” would be that “women rights-holders are active participants in the development, implementation and evaluation of national and international poverty reduction strategies,” and “AI’s research, partnerships and campaigning fully reflect the impacts of poverty on women’s human rights.” In its core goal to “defend people on the move” Amnesty seeks to ensure “access to special provisions and services for women and girls and recognition of gender and sexuality based discrimination as both a cause and a consequence of migration.” To “defend people from violence” in armed conflict, Amnesty seeks to “work for protection and empowerment of civilians during conflict, particularly of women and children” and aims to have “greater participation of women in conflict prevention and resolution and post-conflict reconstruction.” The group also claims objectives to “work for the elimination of persecution and discrimination based on race, ethnicity, religion, sexual orientation or gender”; “work for the elimination of gender and sexuality based violence and discrimination”; and “campaign for stronger state action to address discrimination and exclusion based on gender and sexuality, identity or beliefs, including by non-state actors.”²²³ Despite these lofty goals, as this analysis will show, it is unclear the extent to which Amnesty has devoted sufficient resources to achieving these objectives and whether the NGO has been successful in achieving them.

Amnesty’s International Secretariat appears to have established a Gender Unit in the mid-2000s, in advance of the launch of its Stop Violence Against Women campaign (SVAW). Little information, however, appears on Amnesty’s website or on other open source material regarding this department. The organization’s financials do not break down resources based on unit, making it difficult to assess the amount of funding provided to the department. It is unclear as to whether the country/regional sections of Amnesty are responsible for producing material related to women’s rights or if such activity is within the sole province of the Gender Unit. It is also unknown whether the department remains active following the departure of the head of the unit, Gita Sahgal, in the wake of the Moazzam Begg scandal in 2010 (discussed below).

The majority of information related to women’s issues appears on Amnesty’s website under the “Learn about human rights” page, which includes a link to “women’s rights.” Clicking on this link leads to an outdated page on “Women’s rights” that concentrates on activities related to International Women’s Day 2012. Suggested campaigns include writing a letter to Asma al-Assad, wife of Syrian President Bashar al-Assad, vaguely calling on her to “use her influence for Syrian human rights defenders”;²²⁴ a “solidarity photo” campaign in support of women drivers in Saudi Arabia; a letter writing campaign to the Yemen authorities to address women’s rights; and a postcard campaign for a female prisoner of conscience in Iran.

At the bottom of the women’s right page, the following link appears: “Want to know more? Read background information on the above issues.” This “background” link (also available on the left side of the “women’s rights” page) directs to a page that lists several issues: “Gender-based violence,” “Militarism,” “Colombia,” “Democratic Republic of Congo,” “Egypt,” “Indonesia,” “Japan,” and “Arms Trade Treaty.”

222 Amnesty International, “Amnesty International’s Integration Strategic Plan 2010 to 2016,” 29 April 2010. Adopted at the International Council Meeting (ICM) held in August 2009 available at http://www.amnesty.org/sites/impact.amnesty.org/files/POL%2050_002_2010%20Public%20ISP.pdf.

223 *Id.* Charts C1-C4.

224 Amnesty International. “Urge Syria’s First Lady to Use Her Influence for Women’s Rights!” 07 Mar. 2012 available at <http://www.amnesty.org/en/appeals-for-action/Urges-Syria-First-Lady-to-use-influence-for-womens-rights>.

No explanation is offered as to why these topics are highlighted or if these areas constitute the main focus of Amnesty campaigning on women's rights. A link to an "Activist Toolkit" leads to a page highlighting a series of general guides published in 2004 and 2005: "Making rights a reality: The duty of states to address violence against women," "Gender Awareness Workshops," "Campaigning to stop violence against women," "Violence against women in armed conflict," "Human rights education workshop for youth," "Human rights education workshop for journalists," and "Human rights education workshop for non-governmental organizations."²²⁵ The "women's rights" page also includes a link to a "16 Days" campaign from 2012 focusing on gender violence in the same countries as on the "Background" page.²²⁶

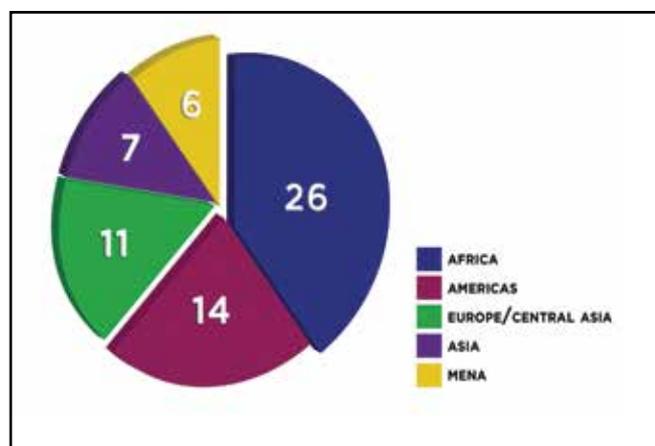
Stop Violence Against Women Campaign

In 2004, Amnesty adopted its first long-term global thematic campaign and its first campaign focusing on women's rights, "Stop Violence Against Women" (SVAW). The campaign lasted until 2010 and focused on economic, social and cultural rights rather than civil and political freedoms for women. There appeared to be internal opposition to adopting this campaign, however, in part because some in the organization "were ambivalent about women's rights meriting this level of attention."²²⁷

According to Gita Sahgal, who was hired in 2002 to head Amnesty's Gender Unit and to lead the SVAW campaign (and fired in 2010 for speaking out against Amnesty's collaboration with a Taliban supporter), "I had one colleague to service 400-500 people in the International Secretariat and all the women's rights activists across the world... Absurd! And no money. I was starved of money all the time!"²²⁸

Amnesty produced 64 publications during the campaign. By region, the number of documents issued was Africa (26), the Americas (14), Europe and Central Asia (11), Asia (7), and MENA (6).²²⁹

Amnesty's Stop Violence Against Women Campaign: Publications Issued by Region



²²⁵ Amnesty International, "Activist Toolkit," available at <http://amnesty.org/en/womens-rights/activist-toolkit>.

²²⁶ Amnesty International, "16 Days of Activism Against Gender Violence," available at <http://amnesty.org/en/womens-rights/16-days>.

²²⁷ Wallace and Baños Smith, *supra* note 12 at 6.

²²⁸ D.D. Guttenplan and Maria Margaronis, "Who Speaks for Human Rights?" *The Nation*. March 18, 2010 (online) available at <http://www.thenation.com/article/who-speaks-human-rights#>.

²²⁹ Wallace and Baños Smith, *supra* note 12 at 12.

At the conclusion of the SVAW campaign, Amnesty hired two external consultants to evaluate the impact of the program. In their evaluation, the consultants highlighted a troubling view towards women's rights in the organization and confirmed statements made by Sahgal. The consultants found that "the SVAW team lacked the authority to co-ordinate or manage the research and policy needed to underpin a coherent global campaign" and that "SVAW staff across the movement felt marginalized in many ways."²³⁰ They concluded that "it was difficult to understand and define what was to be achieved and what actually happened." In interviews conducted with staff evaluating the campaign, "there was no shared narrative around the SVAW work within teams, across functions, or across the movement," and there appeared to be "a fragmented way of working, lack of shared vision and shared sense of accountability were evident."²³¹

Moreover, "there appeared to be a lot of resistance to self-analysis, external criticism and to sharing work transparently; this contrasts sharply with the robust critique of governments and other agencies that Amnesty International is well known for."²³² Ultimately, the consultants concluded that "there is little evidence that Amnesty International was able to use its 'might' (name and reputation, resources, research and campaign work) to 'change the global conversation', make VAW unacceptable or ensure the State took responsibility for both state and non-state actor actions on VAW (due diligence)."

Going forward, the reviewers found that even after the SVAW campaign, "Women's rights are not yet part of Amnesty International's DNA." Disturbingly, they noted many problems, including that new campaigns "lack any explicit analysis of or commitment to women's rights, despite a commitment to gender being explicit in the [strategic plan];" "Some staff do not see the need to learn about or work on women's rights; it is still seen as optional," and "with the ending of SVAW the number of staff employed to work on VAW and women's rights has declined."²³³

The main recommendation in the evaluation was that "a clear plan for ensuring that Amnesty International takes women's rights seriously is needed urgently."²³⁴ The report also noted that "AI will need to avoid raising expectations of women's rights movement that AI will be able to cover all issues of women's rights," "a process for strategic priority setting needs to take place," and that there is a "wider problem of a lack of systematic project management methodologies." While the report noted that the BRIC countries (Brazil, Russia, India, and China) are a key priority for the NGO, countries in the MENA region were not mentioned.

Gita Sahgal

Gita Sahgal was hired as head of Amnesty's Gender Unit when the group began to develop its SVAW Campaign.²³⁵ As noted above, Sahgal remarked that Amnesty allocated very little money and staffing support to the department in order for it to carry out its objectives.²³⁶

During her tenure, Sahgal was not only frustrated by the lack of institutional support for work on women's

²³⁰ *Id.* at 7.

²³¹ *Id.* at 10.

²³² *Id.* at 20.

²³³ *Id.* at 15.

²³⁴ *Id.* At 17.

²³⁵ Gita Sahgal, "A Statement by Gita Sahgal on Leaving Amnesty International." *New York Times* Review of Books, 13 May 2010 available at <http://www.nybooks.com/articles/archives/2010/may/13/statement-gita-sahgal-leaving-amnesty-international/>.

²³⁶ Guttenplan and Margaronis, *supra* note 228.

rights, but began to become increasingly concerned by the NGO's partnership with Moazzam Begg, an alleged supporter of the Taliban. On February 7, 2010, the *Sunday Times* (UK) reported that Amnesty suspended Sahgal for publically criticizing the alliance.²³⁷

Begg, a UK national, went to Afghanistan in the 1990s and became inspired by the mujahedeen fighting against the Soviet Union. On his return to England, he opened a bookstore that distributed Al Qaeda publications and served as a meeting place for those interested in *jihād*. In 2001, he left England for Afghanistan due to his support for the Taliban. Begg was imprisoned in Guantanamo Bay following his arrest in Pakistan in 2002.²³⁸ He was released from prison in 2005 and went back to the UK where he founded the organization Cageprisoners, an NGO that campaigns on behalf of Guantanamo Bay prisoners and others detained in the "War on Terror."²³⁹ Despite his role as a visible Taliban supporter, Amnesty formed a partnership with Begg and Cageprisoners. The NGO justified the alliance on the basis that Begg was "compelling speaker" and because of Amnesty's commitment to "upholding the universality of human rights."²⁴⁰ Begg was a central figure at many Amnesty events, including presiding over the opening of Amnesty UK's 2005 Annual General Meeting.²⁴¹

Sahgal was deeply disturbed by Amnesty's promotion of Begg as a human rights defender, simply because he had been a victim of counter-terror policies. She began to voice objections to the partnership in 2008 and believed Amnesty was white-washing his record.²⁴² As a result, she wrote a memo to the Amnesty leadership, calling the partnership a "gross-error in judgment" that "damages Amnesty International's integrity and, more importantly, constitutes a threat to human rights."²⁴³ Sahgal gave an interview to the *Sunday Times* on February 7, 2010 about her concerns, and within a few hours of the article's publication, Amnesty suspended her.

Amnesty's actions were widely condemned, including by author Salman Rushdie who stated that Amnesty "has done its reputation incalculable damage" and that "it looks very much as if Amnesty's leadership is suffering from a kind of moral bankruptcy, and has lost the ability to distinguish right from wrong."²⁴⁴ He further commented that "Amnesty and Begg have revealed, by their statements and actions, that they deserve our contempt."²⁴⁵ Columnist Christopher Hitchens also criticized the NGO and called the "degeneration and politicization" of Amnesty "a moral crisis that has global implications."²⁴⁶ He urged Amnesty members to withhold their dues. An editorial in the *Wall Street Journal* noted that

237 Richard Kerbaj, "Amnesty International is 'damaged' by Taliban link" *The Sunday Times*, 07 Feb. 2010 available at http://www.thesundaytimes.co.uk/sto/news/world_news/article197042.ece.

238 Guttenplan and Margaronis, *supra* note 228.

239 Cageprisoners, "Cageprisoners : About Us" available at <http://www.cageprisoners.com/about-us>.

240 Amnesty International. "Human Rights Are for All: Response to Media Article," 7 Feb. 2010 available at http://www.amnesty.org.uk/news_details.asp?NewsID=18613.

241 Mindy Sawhney and Ravindran Daniel, "Amnesty International: Working with Others: an Independent Review." July 2010 available at http://www.amnesty.org/sites/impact.amnesty.org/files/Working_with_others.pdf.

242 Guttenplan and Margaronis, *supra* note 228.

243 Tax, *supra* note 214.

244 "Salman Rushdie's statement on Amnesty International," *The Sunday Times*, 21 February 2010, available at http://www.thesundaytimes.co.uk/sto/news/uk_news/article198308.ece.

245 *Id.*

246 Christopher Hitchens, "Suspension of Conscience." Editorial. *Slate*, 15 Feb. 2010 available at http://www.slate.com/articles/news_and_politics/fighting_words/2010/02/suspension_of_conscience.html.

“it’s a pity that a group that was born to give voice to the victims of oppression should now devote itself to sanitizing the oppressors.”²⁴⁷

Following her suspension, Sahgal’s supporters launched a “Global Petition to Amnesty International: Restoring the Integrity of Human Rights” (750,012 signatures). The petition reiterated that Sahgal “raised a fundamental point of principle which is ‘about the importance of the human rights movement maintaining an objective distance from groups and ideas that are committed to systematic discrimination.’”²⁴⁸ Amnesty’s interim Secretary General, Claudio Cordone, issued an official response on February 28, 2010.²⁴⁹ In the statement, Cordone defended Begg and Amnesty’s partnership, remarking that “*jihad* in self-defence” is not “antithetical to human rights.” Cordone failed to note that the concept of “defensive *jihad*” was first articulated in 1979 by a mentor to Osama Bin Laden and is found throughout Salafist texts.²⁵⁰ He also compared Amnesty’s partnership with Begg and his support for the Taliban to that of working with the Catholic Church on death penalty issues.

Cordone also attempted to blunt the criticism of Sahgal’s supporters by discussing Amnesty’s approach towards women’s rights. He stated that “I trust that I do not have to stress with you the importance that Amnesty International gives to women’s rights in general – our campaign to end violence against women actually developed at the same time as our campaign to close Guantánamo. We are committed to enhancing our gender analysis in all areas of our work.”²⁵¹ Yet, as the evaluation from the SVAW program and this monograph demonstrate, the importance of women’s rights and Amnesty’s commitment to them has not necessarily been reflected in Amnesty’s activities.

In a hard-hitting reply to Cordone, Sahgal admonished that “Unfortunately, [Amnesty’s] stance has laid waste to every achievement on women’s equality by Amnesty International in recent years and made a mockery of the universality of rights.”²⁵² She added that “adherence to violent *jihad*, even if such ideology indeed rejects the killing of some civilians, is an integral part of a political philosophy that promotes the destruction of human rights generally and contravenes Amnesty International’s specific policies relating to systematic violence and discrimination, particularly against women and minorities.” Amnesty announced Sahgal’s departure from the organization in April 2010.

In the wake of the scandal, Amnesty commissioned a review of the incident. The evaluators issued a report in July 2010, “Amnesty International, Working with Others: an Independent Review, Findings and Recommendations.”²⁵³ The report noted that the “due diligence undertaken on MB [Moazzam Begg] and/or Cageprisoners was inadequate for the purpose of collaboration that developed; limited fact checking was frequently repeated by staff on an event-by-event basis, and there appears to have

247 “Amnesty International and Jihad: Why Is a Human Rights Group Working with a Taliban Supporter.” Editorial. *The Wall Street Journal*, 14 Apr. 2010, available at http://online.wsj.com/article/SB10001424052702303720604575169414119507770.html?mod=googlenews_wsj

248 “Global Petition to Amnesty International: Restoring the Integrity of Human Rights” Repetitionr.com. available at <http://www.repetitionr.com/repetitions/global-petition-to-amnesty-international-restoring-the-integrity-of-human-rights/6c348e68-6c97-102d-8483-0030483394fa>.

249 Claudio Cordone, “Amnesty International’s Response to ‘the Global Petition to Amnesty International: Restoring the Integrity of Human Rights.’” Amnesty International, 28 Feb. 2010, available at <http://www.human-rights-for-all.org/IMG/pdf/Claudioletter-2.pdf>.

250 Christopher M. Blanchard, “Al Qaeda: Statements and Evolving Ideology.” Congressional Research Service Report for Congress, updated 20 June 2005, available at <http://www.history.navy.mil/library/online/al-queda%20evolve.htm>; Abdullah Azzam. *Defense of the Muslim Lands: The First Obligation after Iman*, available at <http://www.kalamullah.com/Books/defence.pdf>.

251 Cordone, *supra* note 249.

252 Sahgal, *supra* note 235.

253 Sawhney and Daniel, *supra* note 241.

been little building upon or transfer of institutional knowledge.”²⁵⁴ The evaluators also commented on several aspects regarding the approach to gender issues at Amnesty, including a conclusion that the Amnesty culture gave “insufficient weight to research topics which disproportionately affect women” and that “although AI has done some work, it has yet to make a full contribution to the topic of armed groups practices that impact on women such as restrictions of movement, and the denial of education and employment through direct or indirect violence.”²⁵⁵

Moreover, the reviewers found that prevailing ideologies in Amnesty’s cultures resulted in “The crowding out of dialogue on the ‘lenses’ through which AI constructs problems and evaluates success for example, investing time in reflecting on how AI chooses the issues to campaign on and how these choices may be being shaped by unexamined assumptions and values.”²⁵⁶ In particular, they concluded that Amnesty had “critical work” to do in “mainstreaming gender so that it becomes an embedded and organic part of the ‘lens’ through which the organisation views the world around it and the potential scope for its actions.”²⁵⁷ Although it appears that “in early 2009 the Policy Programme was given approval and funding for a project led by GS [Gita Sahgal] on the impact of fundamentalisms on women’s human rights” and Sahgal’s “Gender Unit was given additional resources to look at the impact of Taleban rule on the rights of women in the Pakistan/Afghanistan border regions,”²⁵⁸ it is unclear if this work was actually ever carried out.

In his response to the external review, it appeared that Cordone internalized few lessons from the Sahgal incident, raising questions as to whether the organization was prepared to make the institutional changes suggested by the evaluators, including integrating gender into the corporate culture. His comments on the evaluation mirrored his previously tone-deaf remarks about “*jihad* in self-defense.” Cordone stated that “in the case of Moazzam Begg, there is no question that our actions on his behalf while he was unlawfully detained were right and based on appropriate research” and that “we find no reasons in principle why we should not have worked with Moazzam Begg or Cageprisoners.”²⁵⁹

After her ouster, Sahgal went on to found the Center for Secular Space, which opposes fundamentalism and seeks to amplify secular voices. In February 2013, the group published a book *Double Bind: the Muslim Right, the Anglo-American Left, and Universal Human Rights*.²⁶⁰ Sahgal has also expressed extensive criticism of HRW’s soft-peddling of Islamist regimes (described below).

Amnesty in the Middle East

As confirmed by the external auditors of the SVAW campaign and by the Moazzam Begg affair, Amnesty’s campaigning towards women’s rights overall has reflected an ambivalence, lack of focus, and inconsistent advocacy by the organization. These failings are particularly evident in its campaigning on behalf of women in the Middle East. This lack of consistent reporting is due to many factors, including post-colonial ideology; its political stance relating to counter-terrorism policies; and a tendency to

254 *Id.* at 7.

255 *Id.* at 9.

256 *Id.* at 12.

257 *Id.* at 11.

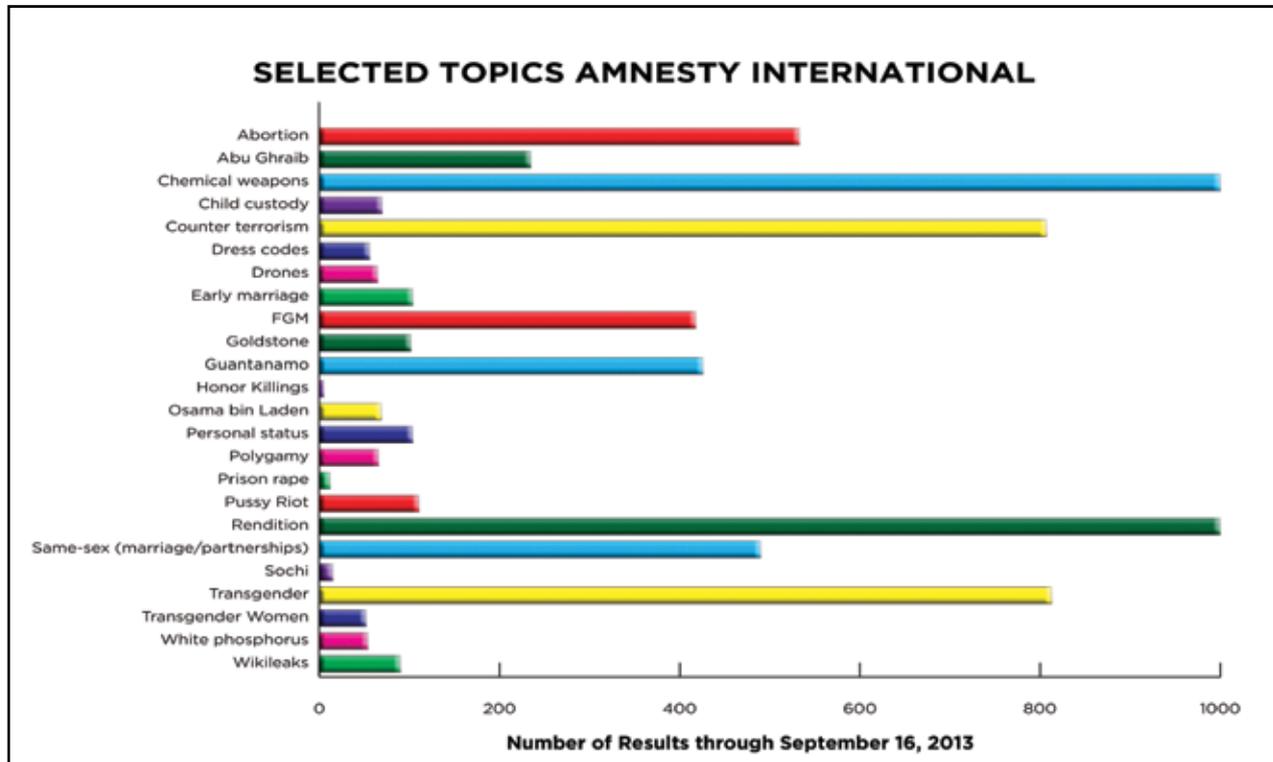
258 *Id.* at 8.

259 Amnesty International, “Working with Others - A Message from Amnesty International’s Claudio Cordone” available at <http://www.amnesty.org/en/node/17505>.

260 Meredith Tax, *Double Bind: The Muslim Right, the Anglo-American Left, and Universal Human Rights*. Centre for Secular Space (2013).

focus on single incidents of government abuse and cases of individual detentions, torture, or executions, rather than on systemic or structural issues causing human rights violations.

Inputting various terms into Amnesty's search engine demonstrates the relative priority of key issues for women compared to other topics:

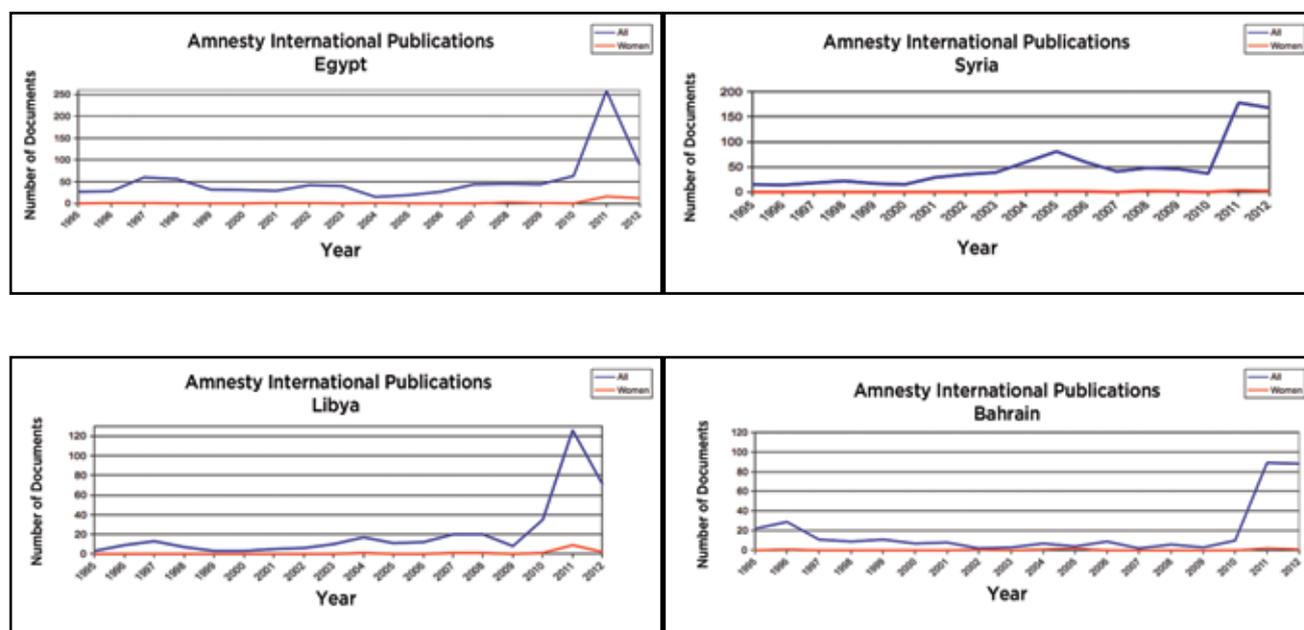


For example, the number of results for “Counterterrorism” (807), “Same-sex (marriage/partnerships)” (490), “Abu Ghraib” (235), “Pussy Riot” (111), the “Goldstone” Report (102), and “Wikileaks” (90) far exceeds results for “dress codes” (56), “polygamy” (66), and “child custody” (70). The issues of “early marriage” (104), and “personal status” laws (104) are also of low priority when compared to these other topics.

The following charts highlighted in the next section show the relative number of publications issued by Amnesty related to women's issues as compared to its overall reporting for MENA countries:

From 1990-2010, Amnesty published few documents addressing structural oppression of women in the MENA region. As noted, the MENA region received the least coverage (only six documents) in Amnesty's global SVAW campaign. Between 1995-2010 (as reflected in the country charts and in Appendix 1), Amnesty published approximately a dozen documents or fewer discussing gender discrimination related to personal status laws for every MENA country with the exception of Iran, Iraq, and Saudi Arabia in which cases the output was slightly higher. Many of these documents, however, did not contain substantive treatment of women's rights violations, but rather only a short mention of abuses within the context of much longer discussions of violations related to criminal justice, counter-terrorism, or free expression. In Iran and Saudi Arabia, Amnesty's publications were generally urgent actions for women sentenced to death or flogging, but did not involve detailed discussions of structural abuse. In Egypt, for instance, until the January 2011 protests in Tahrir Square, Amnesty issued only a few publications briefly addressing women's rights in Egypt. Similarly, the first documents significantly

focusing on women's rights in Libya were only issued in 2010.²⁶¹ Reports issued in 1991 and 1997 purporting to document gross human rights violations in the country did not discuss discriminatory laws or abuses against women.²⁶²



Amnesty briefly mentioned rape and torture of women in Syria in a 1991 document and a couple urgent actions in the mid-2000s, but did not address these issues again substantively until the civil war began in 2011. In fact, Amnesty had a nine-year absence from the country.²⁶³ When it did visit the country again in 2007 and resumed its reporting, it called on “the authorities to release all prisoners of conscience, to guarantee fair trials for all and to stop the practice of torture,” but did not specifically mention women’s rights as an issue of concern.²⁶⁴

Though discriminatory policies against women in Iraq mirror those of most other MENA countries, Amnesty’s coverage of the country, including women’s rights, largely focused on issues related to the U.S. war and counter-terror operations. For example, a short (8 pages) March 2009 report issued by the group, “Trapped by Violence: Women in Iraq,” importantly highlighted violence against women in the country.²⁶⁵ However, Amnesty chose to attribute the violence to the U.S.-initiated war and resulting sectarian conflict, ignoring long-standing laws and cultural practices that created a discriminatory and hostile environment for women. Moreover, the slight uptick in publications relating to women’s rights

261 Amnesty International, “‘Libya of Tomorrow’: What Hope for Human Rights?” 2010, available at <http://amnesty.org/en/library/asset/MDE19/007/2010/en/65e2d9ca-3b76-4ea8-968f-5d76e1591b9c/mde190072010en.pdf>.

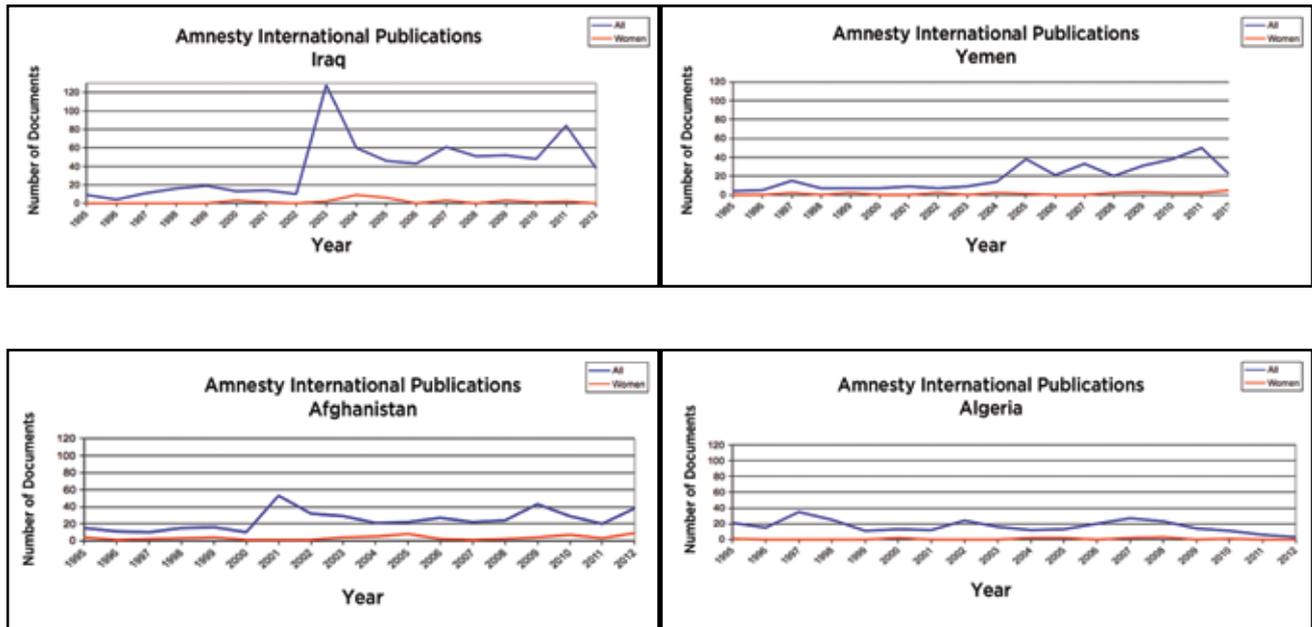
262 Amnesty International, “Summary of Amnesty International’s Concerns in Libya,” 19 Jan. 1991, available at <http://amnesty.org/en/library/asset/MDE19/001/1991/en/4dc47e13-ee50-11dd-9381-bdd29f83d3a8/mde190011991en.html>; Amnesty International, “Libya: Gross Human Rights Violations amid Secrecy and Isolation,” 19 Aug. 1997, available at <http://amnesty.org/en/library/asset/MDE19/008/1997/en/db259342-ea7c-11dd-b05d-65164b228191/mde190081997en.html>.

263 *Id.*

264 Amnesty International, “The Wire, March 2006,” 21 Feb. 2006, available at <http://amnesty.org/en/library/asset/NWS21/002/2006/en/26351fc6-d454-11dd-8743-d305bea2b2c7/nws210022006en.html>.

265 Amnesty International, “Trapped by Violence: Women in Iraq,” 2009 available at <http://www.amnesty.org/en/library/asset/MDE14/005/2009/en/e6cda898-fa16-4944-af74-f3efc0cf6a4d/mde140052009en.pdf>.

issues in the country issued in 2004 and 2005, suggest that they were driven by the U.S. military operation that began in 2003.



A similar pattern appears for Yemen. In a 2010 document reviewing progress on women's rights globally since the UN Beijing conference in 1995, there was a short passage noting that in Yemen there are "extreme restrictions on woman's freedom of movement, and forced marriage of women and girls by their male guardian (wali)."²⁶⁶ Yet, given that Amnesty acknowledges the plight of women in Yemen as dismal, they issued only one 8-page "campaign digest" on women's rights and a few urgent actions relating to flogging or death sentences imposed for adultery or related to domestic violence.²⁶⁷ Surprisingly, Amnesty did not take these incidents as an opportunity to comment on child marriage or spousal rape even though it appears these were likely issues in the cases. Instead, Amnesty's primary coverage on Yemen has centered on the issue of counter-terrorism and armed conflict.²⁶⁸

In Morocco, aside from a region-wide publication discussing reservations to the CEDAW convention, Amnesty did not focus on women's rights in the country until March 2013, when Amnesty issued two documents relating to a woman who killed herself a year earlier after being forced to marry her rapist.²⁶⁹ Amnesty's publications used the incident to comment on the Moroccan penal law that absolves rapists of liability if they subsequently marry their victims. Rather than reporting on this incident at the time it occurred (March 2012), however, the statements were issued more than a year after the woman's death. It appears Amnesty timed the statements to coincide with a January 2013 proposal by the Moroccan government to change the law. Although the discriminatory penal law was long standing, it is unclear why Amnesty had not commented on it previously, in particular at the time of the woman's death. The

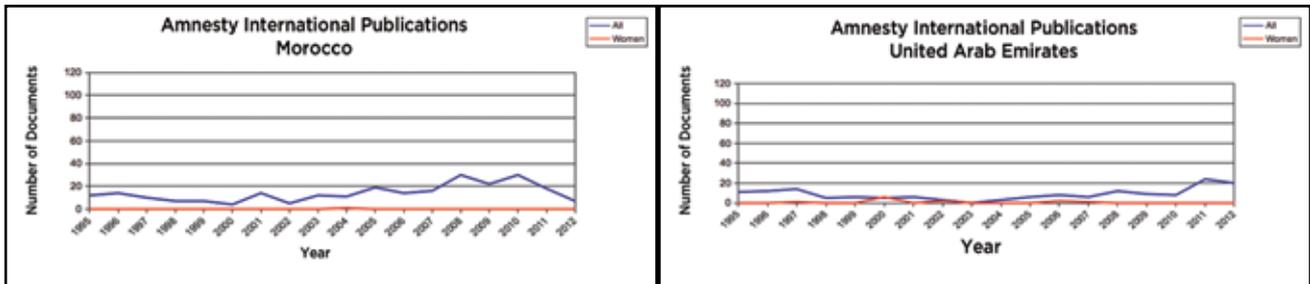
266 Amnesty International, "Beijing+15: Realizing Women's Rights," 2010, available at <http://amnesty.org/en/library/info/ACT77/005/2010/en>.

267 Amnesty International, "Yemen's Dark Side: Discrimination and Violence Against Women and Girls," 2009, available at <http://amnesty.org/en/library/asset/MDE31/014/2009/en/896fa17d-266c-45d6-a49f-818b36956750/mde310142009en.pdf>.

268 See eg. Amnesty International, "Yemen: Human Rights Violations Have No Justification," 31 Mar. 2002, available at <http://amnesty.org/en/library/asset/MDE31/003/2002/en/48051f1f-d819-11d1-9df8-936c90684588/mde310032002en.html> [add other docs]

269 Amnesty International. "Bias in Penal Code Puts Women and Girls in Danger in Morocco," 1 Mar. 2013, available at <http://www.amnesty.org/en/for-media/press-releases/bias-penal-code-puts-women-and-girls-danger-morocco-2013-03-01>; Amnesty International, "Morocco/Western Sahara: Comprehensive Reforms to End Violence against Women Long Overdue," 2013, available at <http://amnesty.org/en/library/asset/MDE29/001/2013/en/f868e056-17d7-421f-86fc-b27269d9681d/mde290012013en.pdf>.

failure to advocate on behalf of this issue earlier begs the question whether Amnesty would have addressed the law at all in the absence of the government proposal. Indeed, the law was not specifically mentioned in the section on Morocco in any of Amnesty's Annual Reports from 2007-12.²⁷⁰



Interestingly, the group did issue several urgent actions and a short statement relating to women arrested for committing adultery and sentenced to flogging in the UAE.²⁷¹ But this was an exception to its general coverage of issues relating to women in the Middle East and was probably driven more by the fact that the cases had a nexus to prisoner and detention issues. In Lebanon, Amnesty has issued only a handful of documents mentioning women's rights in the country.²⁷² In November 1999, Amnesty held a seminar in Beirut, "Making women's rights a reality," that was intended to raise awareness for women's issues and develop an action plan for improving rights protection.²⁷³ Given the few publications issued and lack of UN advocacy on women's issues in Lebanon subsequent to the conference, it does

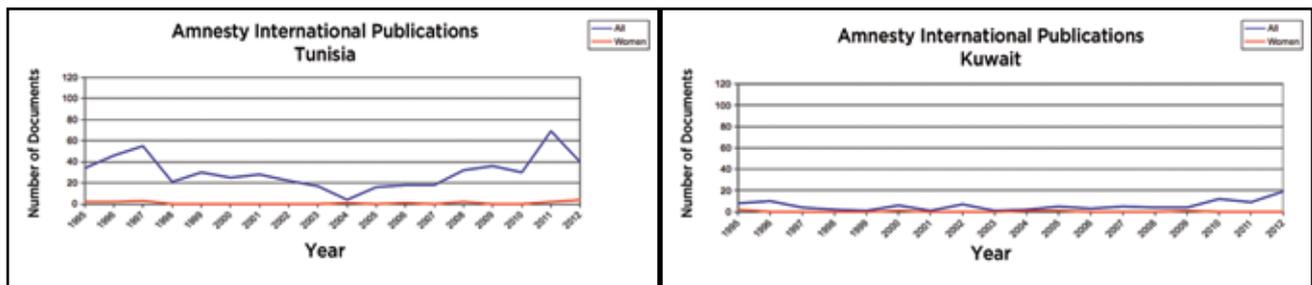
270 Annual Reports are available online from 2007.

271 Amnesty International, "United Arab Emirates: End Imprisonment for Consensual Sexual Relations," 4 June 2009, available at <http://amnesty.org/en/library/asset/MDE25/004/2009/en/40e0346f-998c-4da6-872e-8ac18d6b8ddd/mde250042009en.html>; "United Arab Emirates (UAE): Flogging: "R.A.", teenage girl," 28 June 2007, available at <http://amnesty.org/en/library/info/MDE25/002/2007/en>; "UAE: Further Information on Death by Stoning/ Flogging," Amnesty International, July 2006, available at <http://amnesty.org/en/library/info/MDE25/006/2006/en>; "Death by Stoning/ Flogging," June 2006, available at <http://amnesty.org/en/library/info/MDE25/005/2006/en>; "UAE: Flogging," Oct. 2005, available at <http://amnesty.org/en/library/info/MDE25/006/2005/en>; "United Arab Emirates: Flogging," Dec. 2004, available at <http://amnesty.org/en/library/info/MDE25/003/2004/en>; "UAE: Flogging," Nov. 2000, available at <http://amnesty.org/en/library/info/MDE25/005/2000/en>; "United Arab Emirates (UAE): Flogging," Sept. 2000, available at <http://amnesty.org/en/library/info/MDE25/004/2000/en>; "United Arab Emirates: Further information on death penalty by stoning: Karteen Karikender," 24 April 2000, available at <http://amnesty.org/en/library/info/MDE25/003/2000/en>; "UAE: Death Penalty by Stoning: Karteen Karikender," Feb. 2000, available at <http://amnesty.org/en/library/info/MDE25/001/2000/en>; "UAE: Death Penalty by Stoning: Karteen Karikender," March 2000, available at <http://amnesty.org/en/library/info/MDE25/002/2000/en>; "UAE: Imprisonment and Flogging for Marriage across Faiths: The Case of Elie Dib Ghaleb," Jan. 1997, available at <http://amnesty.org/en/library/info/MDE25/003/1997/en>; "UAE: Further Information on Imminent Flogging / Possible Prisoner of Conscience and New Concern: Prisoner of Conscience: Elie Dib Ghalib," Nov. 1996, available at <http://amnesty.org/en/library/info/MDE25/013/1996/en>; "United Arab Emirates (UAE): Imminent Flogging / Possible Prisoner of Conscience: Elie Dib Ghalib," Nov. 1996, available at <http://amnesty.org/en/library/info/MDE25/011/1996/en>.

272 See "Lebanon: Torture and Ill-treatment of Women in Pre-trial Detention: A Culture of Acquiescence," Aug. 2001, available at <http://amnesty.org/en/library/info/MDE18/009/2001/en>; "No Turning Back - Full Implementation of Women's Human Rights Now! 10 Year Review and Appraisal of the Beijing Declaration and Platform for Action," Feb. 2005, available at <http://amnesty.org/en/library/info/IOR41/002/2005/en>; "2006 Elections to the Human Rights Council: Background Information on Candidate Countries," 2006, available at <http://amnesty.org/en/library/asset/IOR41/006/2006/en/40fa06a5-d437-11dd-8743-d305bea2b2c7/ior410062006en.html>; "Lebanon: Give Women Their Right to Pass on Nationality to Their Children," Apr. 2010, available at <http://amnesty.org/en/library/info/MDE18/003/2010/en>; "Lebanon: A Human Rights Agenda for the Elections," 7 May 2009, available at <http://amnesty.org/en/library/asset/MDE18/003/2009/en/6f6b390d-e815-438e-a03c-f5998a44b85a/mde180032009en.html>.

273 Amnesty International, "Lebanon: Seminar on "Towards Making Womens Rights a Reality: The Case of Lebanon", Beirut - Lebanon, 24-26 November 1999," 1 Jan. 2000, available at <http://amnesty.org/en/library/info/MDE18/017/2000/en>.

not appear that the organization engaged in significant follow up to this event. In contrast, the group published more than 60 documents (mainly condemning Israel) on the 2006 Hezbollah-Israel war.



Amnesty provided no coverage on accusations of severe sexual harassment of female activists taking place in the Palestinian solidarity movement. In July 2010, *Ha'aretz* published a lengthy article authored by Avi Issacharoff, "Are the Palestinians silencing the attempted rape of U.S. peace activist?"²⁷⁴ The article described how an international female protestor was forced by solidarity activists and the Palestinian Authority to withdraw charges of attempted rape "to prevent her from making the story public" and to "avoid tainting the image of the popular protest."²⁷⁵

In February 2012, another activist published a scathing critique of solidarity posters that used rape imagery to protest Israeli settlements, remarking, "I'm talking about much more than the indefatigable question of whether it's acceptable for us to wear tank tops in Palestinian villages. There are the examples that make the news, like the director of a prominent left-wing organization being sued for sexual harassment, or the International Solidarity Movement (ISM) trying to cover up the sexual assault of one of their activists. But there are also the everyday examples that don't make the news, but that we all feel and experience."²⁷⁶ Issacharoff did a follow up story in March 2012 highlighting how women activists were called "slut" and subject to sexual harassment in the Palestinian villages.²⁷⁷ Other activists were asked to comply with dress codes at protests. Many of the women victims lamented that

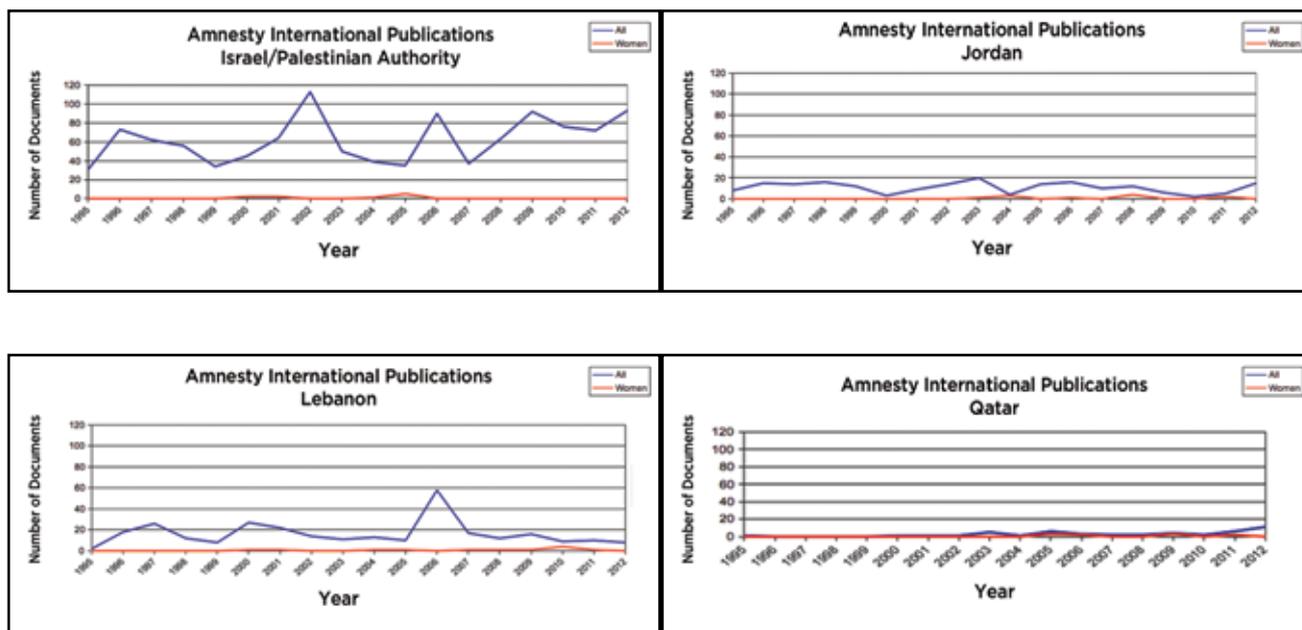
274 Avi Issacharoff, "MESS Report/ Are the Palestinians Silencing the Attempted Rape of U.S. Peace Activist?" *Haaretz*, 14 July 2010, available at <http://www.haaretz.com/blogs/2.244/mess-report-are-the-palestinians-silencing-the-attempted-rape-of-u-s-peace-activist-1.301905>.

275 *Id.*

276 Anonymous. "Misogynist Ad Campaign Exposes Hypocrisy within the Left," *+972 Magazine*, 11 Mar. 2012, available at <http://972mag.com/misogynist-ad-campaign-exposes-hypocrisy-within-the-left/37624/>.

277 Avi Issacharoff, "Israeli Leftist Activists: We Are Being Sexually Harassed in the West Bank." *Haaretz*, 17 Mar. 2012, available at <http://www.haaretz.com/news/national/israeli-leftist-activists-we-are-being-sexually-harassed-in-the-west-bank-1.419167>.

the human rights community was “belittling the significance of the harassments, all in the name of ‘the opposition to the occupation.’” Again, Amnesty remained silent.



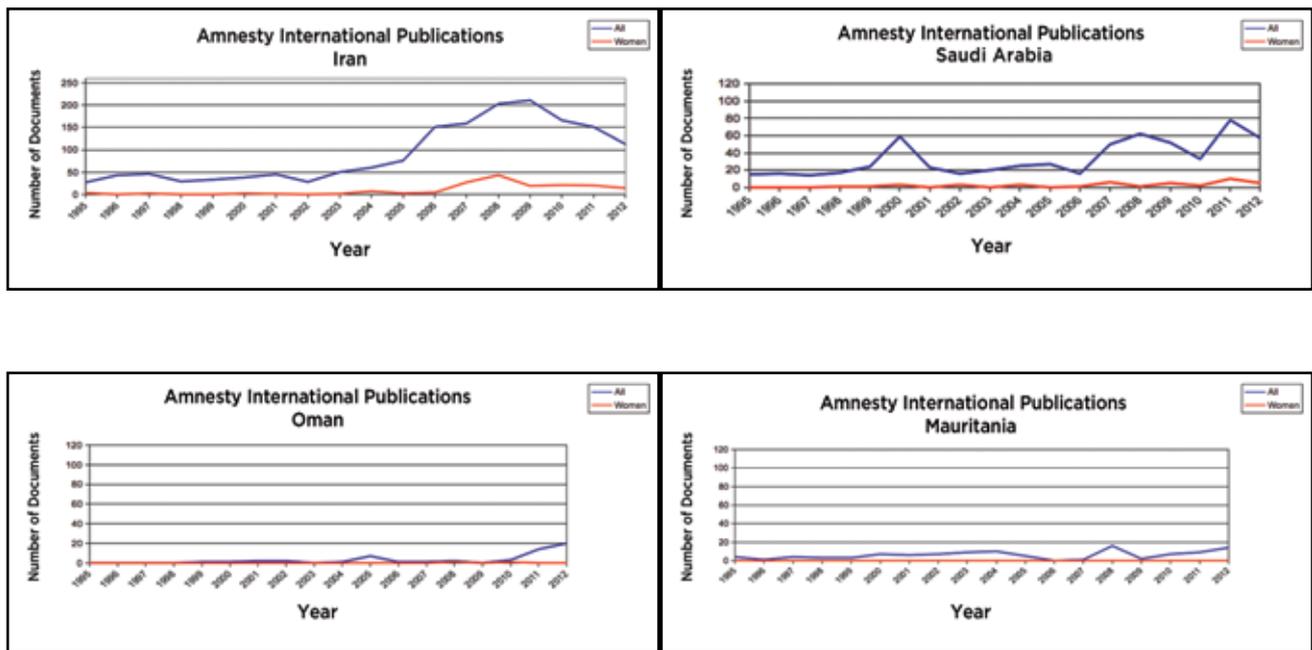
In Iran, Amnesty issued a few documents on women’s rights, but most of those statements centered on government harassment and detention of women’s rights activists rather than detailed scrutiny of the laws discriminating against women in the country or the repressive guardianship system. Based on slightly more activity between 2004 and 2006, it appeared that efforts were underway to make discrimination in Iran a higher priority. This small uptick, however, was not sustained and appeared to end in March 2007, following the publication of a statement by Amnesty Secretary General Irene Khan with Iranian rights activist Shirin Ebadi, calling for an end to discrimination against women in the country. The document acknowledged that “women face serious and widespread discrimination under the law, which excludes women from critical areas of political participation, treating women as if they were second-class citizens. It also noted that “[t]he women of Iran are entitled to equal status with men under the Iranian legal system. The time is long overdue to make this a reality.”²⁷⁸ Yet, going forward, this call was unaccompanied by a sustained campaign by Amnesty to bolster these objectives. As a result, the impact was minimal. In light of the 2009 protests in Iran, this international support by Amnesty would have been all the more essential.

Aside from a few token statements regarding women’s right to drive, from January 2011 through May 2013, Amnesty issued no publications addressing the guardianship system and gender segregation in Saudi Arabia. Other documents touched on abuses in the Kingdom but failed to discuss how they impacted the rights of women. For example, an April 10, 2013 document discussing increasing repression in Saudi Arabia highlighted restrictions on free expression and freedom of association but made no mention of restrictions on women’s rights.²⁷⁹ Amnesty’s section on Saudi Arabia in its 2013 Annual

278 Amnesty International, “International Women’s Day: Irene Khan and Shirin Ebadi call for end to discrimination against women in Iran”, 7 March 2007, available at <http://www.amnesty.org/en/library/info/MDE13/023/2007/en>.

279 Amnesty International, “Saudi Arabia: 2013 Promises to Be a Dark Year for Freedom of Expression and of Association,” 10 Apr. 2013, available at <http://amnesty.org/en/library/asset/MDE23/015/2013/en/0927befd-6d71-4044-99fb-f3d37c87d/mde230152013en.html>.

Report addresses women's rights in a short blurb, fifth after discussions on "repression of dissent," "counter-terror and security," "discrimination-Shia minority," and "torture and other ill treatment."



Saudi Driving Campaign

In March 2012, Amnesty initiated a solidarity campaign to support a woman's right to drive. This campaign was supposed to support an internet campaign launched by Saudi women in June 2011. The 2012 campaign consisted of a petition circulated by the organization, as well as national sections' events where women were photographed standing near cars or an Amnesty banner holding a sign saying "I support Saudi Arabian women to drive their way to freedom."²⁸⁰ These photos were turned into a composite image and included in a letter dated June 15, 2012 by Amnesty Secretary General Salil Shetty to Saudi King Abdullah urging him to allow women the right to drive.²⁸¹ There does not appear to have been any follow up publications to this campaign, nor does it appear that the group did intensive lobbying on the issue with policy makers in their home countries to exert pressure on the Saudis. Nor does it appear that the issue was raised by Amnesty during meetings of the UN Human Rights Council or other UN fora. As of publication of this report, Saudi women are still unable to drive in the Kingdom without fear of imprisonment.

UN Lobbying/CEDAW

One of the primary areas where Amnesty exerts its influence is within UN frameworks, particularly at the Human Rights Council, the Universal Periodic Review, and the human rights treaty bodies, including the committee that oversees State compliance with CEDAW. According to the NGO, "non-governmental organization advocacy and monitoring of national governments can stimulate a relationship with government officials and help them to recognize that integrating government objectives with

280 "International Women's Day Campaign," Flickr.com, contributed by European Amnesty International groups, 01 Feb. 2012, available at <http://www.flickr.com/groups/womens-day/pool/>.

281 Amnesty International, "We Support Saudi Arabian Women's Drive to Freedom," Salil Shetty's letter to King Abdullah of Saudi Arabia, 15 June 2012, available at <http://amnesty.org/en/library/asset/MDE23/015/2012/en/8ce807ff-b25b-4d99-986c-7b6593f08cbf/mde230152012en.pdf>.

CEDAW principles produces beneficial socio-economic principles.”²⁸² As discussed, CEDAW is one of the principal instruments governing States obligations relating to women’s rights and interacting with the CEDAW committee allows NGOs to influence which issues are placed on the agenda forcing states to respond.

One of the main ways this participation takes place in these frameworks is through the filing of “shadow reports” and oral statements. Nevertheless, Amnesty does not appear to have utilized this key advocacy method for campaigning on women’s rights in the Middle East. Through 2012, no Amnesty shadow reports appear for CEDAW meetings on Middle East countries in the UN archives, despite sessions examining the compliance of Algeria, Jordan, Kuwait, Oman, Tunisia, Egypt, UAE, Libya, Bahrain, Saudi Arabia, Yemen, and Lebanon. During this same time period, however, Amnesty did file reports for Canada, Switzerland, Fiji, Papua New Guinea, Russia, Burkina Faso, Uganda, Kenya, South Africa, Ethiopia, Nepal, Korea, Chad, Cote D’Ivoire, Zimbabwe, Indonesia, and Mexico.

In 2004, Amnesty published a survey of country reservations to CEDAW in the MENA region.²⁸³ There does not appear to have been any follow-up to this report despite the continuing existence of reservations in most countries discussed. It is also surprising that Amnesty did not advance these concerns by filing shadow reports with the CEDAW committee as mentioned above.

During the Universal Periodic Review process, which is aimed at examining all aspects of a country’s human rights record, Amnesty generally did mention women’s rights as part of a catalogue of issues in its shadow reports. Nevertheless, according to the UN’s archive of NGO shadow reports, in the first UPR cycle, ending in 2011, Amnesty did not address women’s rights in its statements on Bahrain, Egypt, Mauritania, and Morocco, and the organization did not file any reports for Kuwait, or Oman, despite the severe repression facing women in those countries. The only issue discussed in Amnesty’s report on Tunisia relating to women was a discussion about harassment of women wearing the hijab.²⁸⁴ In the second cycle which has yet to be completed, Amnesty did not file reports at all for Algeria and Morocco.

Amnesty, on occasion, has issued statements on the human rights records of countries up for or elected as members of the HRC and its predecessor, the Commission on Human Rights. These statements generally made only minimal reference to women’s rights despite the fact that several candidates have dismal records. For instance, in 2005, Mauritania was elected to the Commission. In conjunction, Amnesty issued recommendations that briefly called on the country to accede to human rights treaties and to remove reservations to CEDAW. No specific recommendations, including seeking the elimination of personal status laws, were issued.²⁸⁵ It is unclear if Amnesty campaigned to prevent Mauritania’s

282 Amnesty International, “Making Rights a Reality: The Duty of States to Address Violence against Women,” 2004, *available at* <http://www.amnesty.org/en/library/asset/ACT77/049/2004/en/5b1dc6a9-f7a7-11dd-8fd7-f57af21896e1/act770492004en.pdf> at 2.

283 Amnesty International, “Reservations to the Convention on the Elimination of All Forms of Discrimination against Women - Weakening the Protection of Women from Violence in the Middle East and North Africa Region,” 3 Nov. 2004 *available at* <http://amnesty.org/en/library/info/IOR51/009/2004/en>.

284 Amnesty International, “Tunisia: Submission to the UN Universal Periodic Review, First Session of the UPR Working Group, 7-11 April 2008,” November 2007, *available at* <http://amnesty.org/en/library/info/MDE30/011/2007/en>.

285 Amnesty International, “Mauritania: 2005 UN Commission on Human Rights: Recommendations to the Government of Mauritania on the Occasion of Its Election on the Bureau of the Commission on Human Rights,” 2005, *available at* <http://amnesty.org/en/library/asset/AFR38/005/2005/en/f72ee99c-d511-11dd-8a23-d58a49c0d652/afr380052005en.html>.

election in the first place, given the appalling situation for women in the country and the continued practice of slavery.

Arab Spring

While Amnesty increased its coverage of Middle East issues after the Arab Spring, its attention to the impact on women remained spotty; and like HRW's reporting (see below), it appears to have been largely driven by issues that garnered media attention. Amnesty's coverage reflected its post-colonial worldview and was marked by harsh language directed towards Western powers, while at the same time offering overly optimistic assessments of the reality for women in the MENA region.

Amnesty's overall assessment of the Arab upheavals largely consisted of an indictment of Western powers. For instance, in the introductory essay to the NGO's 2012 Annual Report, commenting on the events in the Middle East, Salil Shetty chastised Western governments for authorizing weapons transfers to Arab Spring countries prior to 2011 and remarked:

The question remains, can the very countries that are able to veto any Security Council resolution be trusted to pursue international peace and security when they also are the largest profiteers from the global arms trade? As long as their veto power is absolute and as long as there is no strong Arms Trade Treaty that could prevent them from selling arms to governments that violate human rights, their role as the guardians of peace and security seems doomed to failure.²⁸⁶

He continues,

The clear lines that politicians draw to try to distinguish good governments from bad governments have always been oversimplified. The uprisings in the Middle East and North Africa exposed the self-serving and hypocritical foreign policies of states' that claim to respect human rights. But in these same countries, domestic policies that led to the continuing economic crisis and a high tolerance for ever-growing inequalities exposed their failure to promote human rights at home as well.

His essay closes with the claim that "Protesters have thrown down the gauntlet demanding that governments show leadership by promoting human rights, justice, equality and dignity. The world has shown that leaders who don't meet these expectations will no longer be accepted." Yet, the events of the Arab Spring and the governments that assumed power in the aftermath clearly belie Shetty's assessments.

In another publication, "Year of Rebellion the State of Human Rights in the Middle East and North Africa," Amnesty continued to blame the West for the lack of freedoms in the MENA region. For instance, despite international intervention in Libya to protect civilians, the NGO claims that "No [powerful governments] took timely, effective and consistent action to protect the human rights and interests of the region's disenfranchised people."²⁸⁷ The group further stated that the "disjuncture between the words and deeds of powerful governments and institutions were exposed and undermined. It can

²⁸⁶ Salil Shetty, "Leading from the Streets" Annual Report 2012, *available at* <http://www.amnesty.org/en/annual-report/2012/foreword>.

²⁸⁷ Amnesty International, "Year of Rebellion: The State of Human Rights in the Middle East and North Africa," 2012, *available at* <http://amnesty.org/en/library/asset/MDE01/001/2012/en/e2985922-558f-486d-8e68-ef54a7d25222/mde010012012en.pdf>.

only be hoped that the year of rebellion signals an end to policies that put an illusory ‘stability’ and the uninterrupted passage of oil supplies before the human rights of half a billion people.”²⁸⁸

In the country sections of its 2012 Annual Report, Amnesty did not appear to follow a consistent methodology, and women’s rights received only minimal attention. No mention of women’s rights at all was made in the sections on Bahrain, Iraq, and Qatar. Women’s rights issues were only briefly mentioned in the sections on Algeria, Egypt, Iran, Kuwait, Lebanon, Libya, the Palestinian Authority, and the UAE. Discrimination was described as “severe” in Oman, Yemen, and Saudi Arabia, but without any specifics or detail provided regarding the violations, except for a short blurb regarding the right to drive in Saudi Arabia. Sections on Morocco and Syria minimally referred to so-called “reforms” in the law –specifically the elimination of Morocco’s reservations to CEDAW (though as yet there is no data showing as to whether this has had any practical impact on improving women’s lives) and the imposition of a two year “penalty” for perpetrators of rape in Syria, when previously, no penalties were imposed. In Tunisia, Amnesty commented on the repressive personal status laws, but again with few details. Although such laws exist in every MENA country, it is unknown why Amnesty singled out Tunisia. Similarly, Amnesty briefly referred to some practices in selected countries, such as polygamy (Libya), honor killings (Jordan, PA), and restrictive nationality laws (Lebanon), even though these policies are widely practiced throughout the region.

Amnesty did offer more coverage of harassment of women protestors and the forced “virginity tests” in Egypt during the protests in 2011 and 2012.²⁸⁹ ²⁹⁰ Yet, most of this criticism was directed towards Egypt’s military. Despite much information pointing towards Morsi’s views of women’s rights and human rights, when Morsi was elected President in June 2012, Amnesty ignored this record, taking an extremely naïve approach. Amnesty “called on Egypt’s new president to rise to the challenge of breaking the cycle of abuse perpetuated under Hosni Mubarak and the Supreme Council of the Armed Forces (SCAF).”²⁹¹ Shetty noted that he hoped “this stage of the transition might herald a turning of the corner.” Amnesty also incredulously claimed

the commitment of the Freedom and Justice Party (FJP), which Mohamed Morsi chaired until recently, to human rights remains unknown. The FJP were the only major party not to sign Amnesty International’s Human Rights Manifesto for Change ahead of parliamentary elections last year, giving no indication of which elements they could support. Mohamed

288 *Id.*

289 <http://www.amnesty.org/en/for-media/press-releases/egypt-human-rights-must-come-first-critical-moment-2011-02-10>
<http://amnesty.org/en/library/asset/MDE01/001/2011/en/1d1b94fb-ad55-4907-9e5a-224f224d90fa/mde010012011en.html>

290 Amnesty International, “Egypt: Human rights must come first at critical moment,” 10 February 2011, *available at* <http://www.amnesty.org/en/for-media/press-releases/egypt-human-rights-must-come-first-critical-moment-2011-02-10>; “Egypt’s new constitution limits fundamental freedoms and ignores the rights of women,” 30 November 2012, *available at* <http://www.amnesty.org/en/news/egypt-s-new-constitution-limits-fundamental-freedoms-and-ignores-rights-women-2012-11-30>; “Egypt’s new constitution limits fundamental freedoms and ignores the rights of women,” 30 November 2012, *available at* <http://www.amnesty.org/en/for-media/press-releases/egypt-s-new-constitution-limits-fundamental-freedoms-and-ignores-rights-wom>; “Egypt: Letter to the Ministry of Interior [Postcard],” 14 Nov. 2012 *available at* <http://amnesty.org/en/library/asset/MDE12/036/2012/en/d666f7f3-9a98-405c-8172-067ca6a75ced/mde120362012en.pdf>; Clare Fermont, “Fighting Back,” *The Wire* Nov/Dec 2012, *available at* <http://amnesty.org/en/library/asset/NWS21/006/2012/en/e6736e55-d411-41d0-8ad7-947000114d3d/nws210062012en.pdf>; “Brutality Unpunished and Unchecked: Egypt’s Military Kill and Torture Protesters with Impunity,” 2012, *available at* <http://amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>; “Agents of Repression: Egypt’s Police and the Case for Reform,” 2012, *available at* <http://amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>; “Egypt: A year after ‘virginity tests’, women victims of army violence still seek justice,” 9 March 2012, *available at* <http://www.amnesty.org/en/for-media/press-releases/egypt-year-after-virginity-tests-women-victims-army-violence-still-seek-jus>.

291 AI, “Egypt: New President must restore rule of law, govern for all,” 29 June 2012 *available at* <http://www.amnesty.org/en/for-media/press-releases/egypt-new-president-must-restore-rule-law-govern-all-citizens-2012-06-29>.

Morsi has, however, now formally resigned from his position from both the FJP and its parent organization, the Muslim Brotherhood. The President must now dispel any uncertainty about his commitment to uphold human rights in all circumstances, and for all Egyptians.²⁹²

In fact, prior to Mubarak's overthrow, Amnesty issued several statements supporting the Brotherhood. In a February 2010 statement, "End Stranglehold on Muslim Brotherhood," the NGO condemned the Egyptian government and called on it "to stop their [sic] crackdown on peaceful political dissent and uphold the rights to freedoms of expression, association and assembly" of Brotherhood members.²⁹³ It issued two similar statements in 2007.²⁹⁴ While it is important for Amnesty to speak out against political repression, these statements offered no context to the controversial role of the Brotherhood in Egyptian society and made no mention of the Brotherhood's highly offensive views on women, Copts, Jews, and other minorities. They also failed to offer cautionary notes demanding that the Muslim Brotherhood itself must respect rights relating to free expression, association, assembly, and religion. Moreover, throughout this same period, Amnesty failed to issue any statements on Egyptian laws and societal practices impacting women, including FGM and polygamy.

Amnesty's main report on the uprising in Libya did not address issues related to women's rights and stated explicitly that its report "does not include information on allegations of sexual violence against women during the Libyan conflict."²⁹⁵ Moreover, the group added that "the organization was not able to collect first-hand testimonies and other evidence to verify the claims, and is continuing its investigations." Yet, Amnesty did not explain why it could not collect the proper evidence, especially given that it had two researchers in Libya for more than a month.²⁹⁶ Moreover, as of publication of this paper, it has not issued any follow-up report. Amnesty issued a proposed "agenda for change" for the new Libyan government, which included a few bullet points on women's issues near the end of the list.²⁹⁷ However, it does not appear that Amnesty has promoted those recommendations by engaging in additional campaigning. Amnesty did issue a few statements about the rape victim Eman al-Obeidi, most likely because her case had an extremely high media profile.²⁹⁸

As in other countries, Amnesty's coverage of the uprisings in Bahrain has been silent on discrimination against women and other women's rights issues even though it has released dozens of documents related to government violations during the protests. Instead, the NGO has placed sole focus on restrictions related to free expression and detention issues. For instance, in a two-year update on the demonstrations,

²⁹² *Id.*

²⁹³ AI, "Egypt: End Stranglehold on Muslim Brotherhood," 8 Feb. 2010, *available at* <http://amnesty.org/en/library/asset/MDE12/007/2010/en/264f5149-eb32-4dce-bb33-1b932b127111/mde120072010en.html>.

²⁹⁴ AI, "Egypt: Continuing Crackdown on Muslim Brotherhood," 30 Aug. 2007, *available at* <http://amnesty.org/en/library/asset/MDE12/028/2007/en/30d4ef42-d36d-11dd-a329-2f46302a8cc6/mde120282007en.html>; "Egypt: Flawed Military Trials for Brotherhood Leaders - Human Rights Groups, Media Barred from Observing Trial," 4 June 2007, *available at* <http://amnesty.org/en/library/asset/MDE12/019/2007/en/0eff73e2-d38b-11dd-a329-2f46302a8cc6/mde120192007en.html>.

²⁹⁵ AI, "The Battle for Libya: Killings, Disappearances and Torture," 2011, *available at* <http://amnesty.org/en/library/asset/MDE19/025/2011/en/8f2e1c49-8f43-46d3-917d-383c17d36377/mde190252011en.pdf>.

²⁹⁶ AI, "Amnesty International Team from Libya Available for Interview," 1 June 2011, *available at* ; Note that women's issues were not highlighted in the areas of the researchers expertise.

²⁹⁷ AI, "Libya: Human Rights Agenda for Change," 13 Sept. 2011, *available at* <http://amnesty.org/en/library/asset/MDE19/028/2011/en/b306f1ee-22e0-413f-b7ad-a0e45e4c502c/mde190282011en.html>.

²⁹⁸ AI, "Qatar deportation of Eman al-Obeidi violates international law," 3 June 2011, *available at* <http://www.amnesty.org/en/news-and-updates/qatars-deportation-eman-al-obeidi-violates-international-law-2011-06-03>; "Libya: Further Information: Woman Detained after Rape Claims Is Released: Eman Al-Obaidi," 4 Apr. 2011, *available at* <http://amnesty.org/en/library/asset/MDE19/015/2011/en/bcda4c8c-8e7f-459a-9757-41bbf2e6e5fd/mde190152011en.html>.

“Freedom has a price: Two years after Bahrain’s uprising,” Amnesty remarked, “The true measure of change in Bahrain is whether people are still being jailed for expressing their views, and whether those responsible for human rights abuses have been held to account.”²⁹⁹ The group calls for the release of all prisoners of conscience, ending restrictions on freedom of expression and association, and bringing officials to justice for violations. Nothing related to women’s rights or systemic abuses against women is mentioned. In another document, issued in advance of Bahrain’s 2012 Universal Periodic Review at the UN Human Rights Council, Amnesty praised the government for engaging “very constructively” during the previous review in 2008 and for “making numerous voluntary commitments and by responding positively to recommendations to take measures to address discrimination against women and to limit restrictions on freedom of expression.” Amnesty offered no specific detail or condemnation, however, about how these 2008 commitments were ignored, except to blandly note that progress has been “very slow.”³⁰⁰

Amnesty’s reporting on the protests and regime change in Yemen has similarly focused on crackdowns on and arrests of protestors and Islamists, with comparatively little attention paid to the extreme discrimination facing women in the country. For example, Amnesty’s oral statement to the September 2012 session of the UNHRC on the state of human rights in Yemen did not mention women at all.³⁰¹ Instead, the group emphasized unlawful arrests and detention conditions, and immunity proposals for deposed leader Saleh and his associates. A report presenting a “Human rights agenda for change” in the country listed upholding the rights of women and girls as seventh out of eleven proposed items.³⁰²

In its assessment of the impact of regime change on women in Tunisia, Amnesty hailed as a “positive step” “the government’s decision in April to allow women to use pictures in which they are wearing a veil to be used on personal ID cards.”³⁰³ Amnesty concluded, in contrast to the many analysts that have expressed extreme concern over Tunisia’s future, that the “‘jasmine revolution’ is good grounds for hope that the period of transition will bring a better future for all Tunisians.”³⁰⁴

299 AI, “Bahrain: ‘Freedom has a Price’: Two Years after Bahrain’s Uprising,” 2013 *available at* <http://amnesty.org/en/library/asset/MDE11/005/2013/en/4d918fc6-f8e8-4feb-8540-3ebfcb46aa15/mde110052013en.pdf/>.

300 AI, “Bahrain must commit to accountability at Universal Periodic Review,” 16 May 2012, *available at* <http://amnesty.org/en/library/asset/MDE11/032/2012/en/8a4f8127-9cd4-400b-9ab1-0286ebbb23a0/mde110322012en.pdf>.

301 AI, “Yemen: Ensure accountability and remedy for human rights violations. Oral intervention at the 21st session of the UN Human Rights Council (10-28 September),” 26 September 2012, *available at* <http://amnesty.org/en/library/asset/MDE31/014/2012/en/0ef3a596-9d92-46a7-bbe3-fea155a21582/mde310142012en.pdf>.

302 AI, “Yemen: Human Rights Agenda for Change,” 2012, *available at* <http://amnesty.org/en/library/asset/MDE31/012/2012/en/85db44f3-b00f-4998-a363-4b5a61177b72/mde310122012en.pdf>.

303 Year of Rebellion, *supra* note 287 at 8.

304 *Id.*

HUMAN RIGHTS WATCH: POLITICS OVER PRIORITIES

Like Amnesty, HRW's output on women in the Middle East reflects an agenda motivated in large part by media interest, an overwhelming focus on armed conflict, and an ideology centered on post-colonial politics and oppositional stance to U.S. counter-terror and foreign policy. In addition, overt politicization by HRW Executive Director Kenneth Roth and the head of the Middle East & North Africa Division, Sarah Leah Whitson, has compromised the objectivity of the organization's reporting. These factors have led to an inconsistent commitment and prioritization to document human rights violations against women and to actively campaign for change in the Middle East.

HRW was founded as Helsinki Watch in 1978 by Random House CEO Robert Bernstein to raise international attention to the rights of dissidents living in the Soviet bloc. According to the NGO's first executive director, Aryeh Neier, in the early 1980s, the group believed its role was to influence the conduct of American foreign policy and to engage in "political combat" with Reagan administration officials.³⁰⁵ This activity led to the formation of Americas Watch. In particular, Americas Watch focused on violations of regimes in Central America aligned with the U.S. in the Cold War.³⁰⁶ Asia Watch and Africa Watch were formed in 1985 and 1989, respectively. Middle East Watch was the last committee to be formed in 1989. The global brand name of Human Rights Watch was adopted in 1987.³⁰⁷ The first area of concern for Middle East Watch was Iraq. Neier has discussed how campaigning related to Iraq "consumed more energy and resources of the Middle East division of HRW than any other country between the division's establishment...and the Arab revolutions of 2011."³⁰⁸

Women's rights was not an area of priority for the organization throughout the 1980s, and as acknowledged by Neier, it was not a central focus of the Middle East division.³⁰⁹ In 1989, the Women's Rights Project was established, meeting with controversy within the organization. Ken Roth has remarked, "I remember being jokingly admonished not to take on women's rights so as not to dilute the human rights 'stigma.' There were those who actively tried to discourage us from adopting a women's rights program."³¹⁰ The Ford Foundation, one of HRW's main donors, reduced its funding as a result of the creation of this section.³¹¹ Today, the project is known as the Women's Rights Division.³¹² The department is headed by Liesl Gerntholtz. There is a Deputy Director, a Global Advocate, and six researchers.³¹³ It is unclear how work is divided between the Women's Division and other departments in the

305 Neier, Aryeh, 2012, *The International Human Rights Movement: A History*, Princeton University Press, at 205; see also 230-31.

306 *Id.* at 208-09.

307 *Id.* at 215.

308 *Id.* at 219.

309 *Id.* at 228.

310 Carrie Booth Walling and Susan Waltz, eds. "Human Rights: From Practice to Policy - Proceedings of a Research Workshop" Gerald R. Ford School of Public Policy, University of Michigan, October 2010, available at http://deepblue.lib.umich.edu/bitstream/handle/2027.42/89426/PRACTICE_TO_POLICY.pdf?sequence=4.

311 Neier, *supra* note 305 at 228.

312 Women's Rights Division, available at <http://www.hrw.org/topic/womens-rights>; The description of the division's work states, "Despite great strides made by the international women's rights movement over many years, women and girls around the world are still married as children or trafficked into forced labor and sex slavery. They are refused access to education and political participation, and some are trapped in conflicts where rape is perpetrated as a weapon of war. Around the world, deaths related to pregnancy and childbirth are needlessly high, and women are prevented from making deeply personal choices in their private lives. Human Rights Watch is working toward the realization of women's empowerment and gender equality—protecting the rights and improving the lives of women and girls on the ground."

313 HRW, "Women's Rights Experts." available at <http://www.hrw.org/by-issue/experts/681>.

organization. It is unknown if primary responsibility for reporting on women's rights in the Middle East falls under the purview of the Women's Division or the MENA Division. It is also unknown to what extent the two departments collaborate. Neither HRW nor Ms. Gerntholtz responded to numerous requests made by the author to clarify this information.

According to HRW's 2012 financial reports, the organization's allocation for each of its divisions is as follows:

| DIVISION | 2012 ³¹⁴ | 2011 ³¹⁵ | 2010 ³¹⁶ |
|-------------------------|---------------------|---------------------|---------------------|
| Africa | 6,404,355 | 5,859,910 | 5,263,931 |
| Americas | 1,755, 871 | 1,331,448 | 1,204,866 |
| Asia | 5,433,146 | 4,629,535 | 3,824,840 |
| Europe and Central Asia | 4,282,969 | 4,123,959 | 3,729,262 |
| MENA | 3,867,015 | 3,104,643 | 2,487,143 |
| US | 2,367,775 | 1,105,571 | 855,543 |
| Children's Rights | 1,873,626 | 1,551,463 | 1,422,990 |
| Health and Human Rights | 2,077,916 | 1,962,015 | 1,497,380 |
| International Justice | 1,587,843 | 1,325,749 | 1,276,024 |
| Women's Rights | 2,533,126 | 2,083,890 | 2,069,850 |
| Other Programs | 13,477,056 | 11,384,854 | 9,589,236 |

HRW does not provide a detailed breakdown of resource allocation by country or the amount of funding earmarked for work on women's rights in the Middle East.

Media-Driven Agenda

The media is a primary driver of HRW's agenda. According to Neier, HRW's efforts to time the release of publications "to secure maximum public attention" is one of the distinguishing characteristics setting the NGO apart from other human rights organizations.³¹⁷ Amnesty officials have stated that they felt the organization was often in competition with HRW for media coverage.³¹⁸ In this environment, as noted by Ron and Ramos, HRW functions like a business, meaning there is little incentive for the NGO to spearhead issues: "It's easier to sell people what they already want than to try to create new demand, and businesses that do too much of the latter will quickly run into trouble."³¹⁹ As a result and as mentioned above, Ron and his colleagues have found that the countries suffering most from poverty, repression, and conflict are not covered proportionately by HRW.³²⁰

There are many examples of how this media-focused strategy is represented in HRW's reporting agenda. For instance, HRW issued more than twenty statements relating to Edward Snowden, the former-NSA

314 HRW, "Human Rights Watch, Inc. Financial Statements: Year Ended June 30, 2012," 2012, available at http://www.hrw.org/sites/default/files/related_material/financial-statements-2012.pdf.

315 HRW, "Human Rights Watch, Inc. Financial Statements: Year Ended June 30, 2011," 2011, available at http://www.hrw.org/sites/default/files/related_material/financial-statements-2011.pdf.

316 HRW, "Human Rights Watch, Inc. Financial Statements: Year Ended June 30, 2010," 2010, available at http://www.hrw.org/sites/default/files/related_material/Financial-Statements-2010.pdf

317 Neier, *supra* note 305 at 210.

318 Walling and Waltz, eds., *supra* note 310 at 25.

319 Ron and Ramos, *supra* note 212.

320 *Id.*

contractor who leaked classified documents to the press on U.S. surveillance programs, since his story garnered major media attention between mid-June and mid-September 2013 (3 months). In contrast, between 2002 and September 2013 (11 years), HRW issued only twenty-seven statements relating to Papua New Guinea – a country with significant human rights problems, but remote, small, and out of the media spotlight.

Similarly, HRW has launched a major PR campaign to highlight Russia's human rights record, capitalizing on media attention surrounding the 2014 Sochi Winter Olympics. This effort has included multimedia, dozens of statements, and pop-ups on HRW's website encouraging visitors to sign a petition.³²¹ HRW engaged in similar campaigns relating to Formula 1 in Bahrain and the 2012 London Olympics. Intense focus on these high profile events invariably means that abuses in countries out of the media spotlight go unreported. While this strategy garners HRW publicity, allowing it to claim to its donors that it is promoting change, there is little evidence that any of its media campaigns have had any substantive impact.

Armed Conflict

Reporting on armed conflict is another major factor influencing HRW's agenda. Like its sophisticated PR strategy, this focus is also a significant way in which HRW at its inception distinguished itself from Amnesty and other NGOs.³²² Emphasis on armed conflict and compliance with international humanitarian law/the laws of armed conflict was a means for the organization to draw attention to the human rights agenda of the U.S. government and to highlight the country's potential complicity in abuses by Cold War-allied governments.³²³ During the 1980s, the work of Amnesty and other human rights NGOs, as opposed to HRW, centered on state compliance with international human rights law. As respect for human rights was considerably more advanced in the U.S., there would be much less justification for HRW to spend its resources on monitoring U.S. compliance with related international law. Moreover, while the obligations of international human rights law do not fall upon non-state actors, the laws of armed conflict generally obligate all actors. Therefore, had HRW limited itself to reporting solely on violations of human rights law, it would not have had a legal foundation on which to base its comments on violations committed by U.S.-proxy paramilitaries and guerilla groups, and to challenge U.S. foreign policy. HRW thus assigned lower priority and attention to systematic violations of human rights law not connected to the armed conflicts of the Cold War. This choice continues to mark much of HRW's work, as addressed by Robert Bernstein, HRW's founder:

In my opinion, over the last few years, many in the human rights field have steadily retreated from upholding the Universal Declaration of Human Rights. Instead of focusing on insuring basic human rights for all citizens across the Arab world and in other closed societies, they have waded into the muddle of trying to become experts in the laws of warfare, deciding what constitutes a legitimate act of war and what does not, what should be considered a war crime and what should not. The result is that human rights organizations are trying to act like a referee at a sports event, calling war crimes of both sides. They come

321 See HRW "Multimedia" at <http://mm.hrw.org/>; see also HRW search for "Sochi" at http://www.hrw.org/search/apachesolr_search/sochi.

322 Neier, *supra* note 305.

323 *Id.*, at 206-11.

across like a group of litigator lawyers playing a game of “Gotcha!” mostly with the Israeli Defense Forces and occasionally with Hamas, Hezbollah, and from time to time, Iran.³²⁴

Ken Roth alluded to this choice as well in a September 2013 interview on Russia Today.³²⁵ Discussing the possibility of US military strikes in retaliation for Assad’s use of chemical weapons on Syrian civilians, he commented that he did not think dictatorships were the “worst possible scenario.” Rather, he stated that a situation where differing factions are controlling a country and “mass killing” is occurring is the worst case. Moreover, he noted that “no one was calling for military intervention over Assad when he was ruling over a unified country...He was a ruthless dictator but he wasn’t killing 5,000 civilians a month.” In other words, mass scale, systematic abuses of human rights of millions of people by a dictator or authoritarian regime (which may also include mass killing over a long period of time) is of lesser concern to HRW than deaths resulting from armed conflict or civil war.

Roth’s view is clearly reflected in the relative unimportance assigned by HRW to systematic abuses of women’s rights in the MENA region, which was relegated to secondary status compared to situations of armed conflict. HRW officials explicitly have acknowledged that when confronted with a choice between reporting on armed conflict or abuses of human rights law directed against women, they have pushed aside the work on women’s rights.

In a September 2011 talk to a women’s group in Toronto, Sarah Leah Whitson, director of HRW’s MENA division, admitted that the NGO did not direct enough resources towards women’s rights.³²⁶ Moreover, she revealed that in 2009, HRW’s MENA department was initially scheduled to concentrate on abuses of women in the region, but HRW abandoned this plan, choosing instead to direct its resources towards Israel and the Gaza War.³²⁷ This new campaign resulted in the publication of seven lengthy reports, six of which were directed at alleged violations committed by Israel. HRW issued more reports on the Gaza War than on any other issue or conflict. In addition, in 2009-10, the NGO released more than 40 statements promoting the UNHRC’s Goldstone Report – far surpassing HRW’s output on any other Mid-East issue, including the 2009 post-election protests in Iran.³²⁸ HRW’s abrupt change in focus depleted the resources of MENA’s budget, forcing them to seek funding from Saudi elites (discussed below) and left the organization ill-prepared to respond adequately to the events of the Arab Spring as they were unfolding.

U.S. Foreign Policy

A nexus to U.S. foreign policy will also determine the priority of a given issue on HRW’s agenda. Often, severe human rights situations are ignored by the organization if they are not somehow connected to the agenda and policies of the US government. More problematically, in some instances, HRW will not

324 Robert L. Bernstein, “Robert Bernstein’s Remarks Upon Receiving Dr. Bernard Heller Prize,” May 02, 2013, Hebrew Union Collge, NYC *available at* http://www.ngo-monitor.org/article/remarks_upon_receiving_dr_bernard_heller_prize.

325 Russia Today, “Bombing for peace: Syria strike better than nothing?” September 8, 2013, *available at* http://www.youtube.com/watch?v=ooRICVYWHyQ&feature=player_embedded&desktop_uri=%2Fwatch%3Ffeature%3Dplayer_embedded%26v%3DooRICVYWHyQ&nomobile=1

326 “VerityCurrents: Sarah Leah Whitson, Human Rights Watch, Sept 21 2011” *available at* <http://www.youtube.com/watch?v=9TaVV6NgiY>.

327 *Id.*

328 NGO Monitor, “Collection of Annual Reports on Human Rights Watch,” January 30, 2013 *available at* <http://www.ngo-monitor.org/article.php?id=2776#2009>.

devote attention to a human rights crisis (such as North Korea)³²⁹ so as not to appear aligned with policies or U.S. administrations the organization opposes.

HRW's reporting on Afghanistan is a prime example of this phenomenon. The Taliban seized power in Afghanistan in 1996, filling the power vacuum resulting from the political upheaval in the wake of the 1990 Soviet withdraw from the country. The group established an Islamist government and one of the most brutal and oppressive regimes encountered. Taliban rule was marked by control over every aspect of daily life by Islamist courts and religious police. One of the defining characteristics of its rule was the eradication of rights for women and girls. A UN rapporteur, who visited the country in 1999, remarked that "discrimination against women is officially sanctioned and pervades every aspect of the lives of women."³³⁰ She further noted that "they are subject to grave indignities in the areas of physical security and the rights to education, health, freedom of movement and freedom of association."³³¹

Under the Taliban, women and girls were forced to wear the burka, an extreme style of Islamic dress covering the entire body including the face. Women were forbidden from working, and girls were not permitted to attend school. They could not leave the home without a male relative. Following international pressure, by 1999 some girls aged 6-10 were allowed to attend religiously-run primary schools and some women, mostly needy widows, were allowed to work in limited circumstances in the health and social services sectors. Women were subject to segregation in health care, including woefully equipped "women's only" hospitals. Those who violated these strictures were subject to public beatings on the street: "Women who violate the Hudood Ordinance with regard to questions of morality, including adultery and fornication, are publicly lashed at the stadium in front of large crowds."³³² On some occasions, these spectacles involved execution. One particularly gruesome incident, clandestinely filmed and broadcast by CNN, showed the shooting of a mother of seven in front of 30,000 cheering spectators at the Kabul soccer stadium.³³³

Despite the horrific circumstances in the country, a review of HRW's Afghanistan archives on its website reveals that the NGO did not do any reporting on the plight of women at the hands of the Taliban. From 1996 through September 11, 2001, HRW issued only 18 total documents on the country. All of these related to fighting between Taliban and opposition forces. The only mentions of anti-women Taliban policies were four short sentences buried in the middle of a twelve-paragraph letter, dated December 15, 2000, to the UN Security Council and a few sentences in a thirteen-paragraph May 2001 letter to the

329 HRW has issued only six in-depth reports on North Korea, the last one in 2008 and that report was primarily directed at the Chinese authorities. The last report aimed at the North Korean government itself dates back to 2007. HRW's lack of coverage can be attributed to the fact that North Korea is a closed regime and HRW allocates much less resources towards criticism of such governments, as well as that it was branded part of an "axis of evil" by then U.S. President George Bush. See, e.g. Neier *supra* note 301 at 12; HRW, "Status of International Religious Freedom: An Analysis of the State Department's 2003 Annual Report," 11 Feb. 2004, *available at* <http://www.hrw.org/news/2004/02/09/status-international-religious-freedom-analysis-state-department-s-2003-annual-repor>. Like HRW's approach to Iran (see page 67), it appears that the NGO did not want to be seen as serving the agenda of the administration. See HRW, "A Matter of Survival: The North Korean Government's Control of Food and the Risk of Hunger," 4 May 2006, *available at* <http://www.hrw.org/node/11323/section/3>. ("U.S. rhetoric about North Korea forming part of an "axis of evil" and willful blindness among some in South Korea about the human rights situation in North Korea have contributed to a deep and unhelpful politicization of the discussion of human rights in the country.")

330 United Nations Economic and Social Council, "Integration Of The Human Rights Of Women and the Gender Perspective: Violence Against Women; Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1997/44. Addendum: Mission to Pakistan and Afghanistan (1-13 September 1999)" 13 March 2000, UN Document E/CN.4/2000/68/Add.4, at 5 *available at* <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G00/115/81/PDF/G0011581.pdf?OpenElementat>.

331 *Id.*

332 *Id.* at 7.

333 Janelle Brown, "The Taliban's Bravest Opponents." *Salon*, 2 Oct. 2001, *available at* <http://www.salon.com/2001/10/02/fatima/>.

UN High Commission of Human Rights.³³⁴ Surprisingly, in the December 2000 letter, Kenneth Roth admonished the Security Council: “because Afghanistan rarely appears on the Council’s agenda, it is particularly unfortunate that the present discussion is limited to the Taliban’s role in harboring Osama bin Laden and supporting foreign criminal activity, and does not directly address the grave abuses that continue to be perpetrated against the country’s own civilian population.”³³⁵ Yet, these failings could be equally applied directly to HRW’s coverage of Afghanistan; it was not until the U.S.-led invasion following 9/11 that HRW began closely following conditions in the country as illustrated in the chart below showing the number of HRW publications related to women in Afghanistan versus publications for the country overall.



Moreover, once the military operation began, a significant percentage of these documents related to U.S. conduct, rather than abuses committed by the Taliban or Al Qaeda fighters. The first in-depth report on women’s rights in Afghanistan was a short 27-page report, dated October 29, 2001, after the coalition bombing campaign began.

Ironically, a May 2013 op-ed discussing the anticipated/announced 2014 withdrawal by coalition forces published by HRW’s Afghanistan researcher lamented that “If women are indeed abandoned in a deteriorating climate for rights, it would be a betrayal of one of the key promises of the international community to the people of Afghanistan since 2001.”³³⁶ Once the U.S. military completes its pullout in 2014 and international attention drifts elsewhere, it remains to be seen whether HRW’s coverage will return to pre-9/11 levels or if Afghanistan will retain its centrality for the organization.

Campaigning against U.S. counter-terror policies has also been of highest priority for HRW since the 9/11 attacks. For instance, HRW has archived on its website more than 100 pages discussing counterterrorism, 50 pages on Guantanamo Bay, 15 pages on rendition, and 12 pages on Abu Ghraib. Moreover, the vast majority of documents listed under HRW’s Iraq page address conduct by U.S. forces. In contrast, HRW’s website lists only 2 pages for polygamy, 4 pages for child marriage, and 5 pages on FGM.

334 Rachael Reilly and Sidney Jones, “Letter to UN High Commissioner for Refugees, Ruud Lubbers,” 2 May 2001, available at <http://www.hrw.org/news/2001/04/30/letter-un-high-commissioner-refugees-ruud-lubbers>.

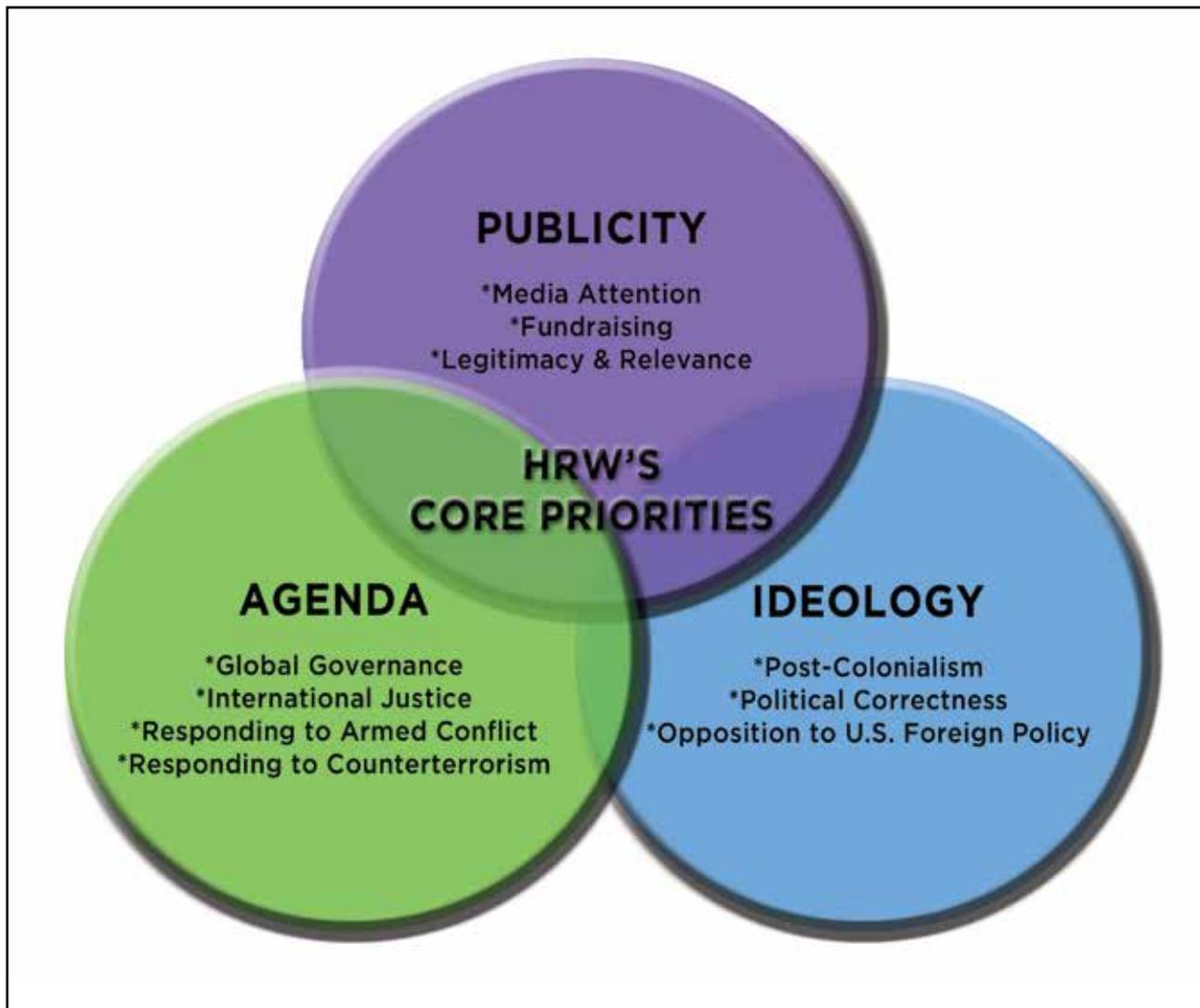
335 Kenneth Roth and Joanna Weschler, “Letter to UN Security Council,” Letter to H.E. Sergey V. Lavrov, 15 Dec. 2000, available at <http://www.hrw.org/news/2000/12/13/letter-un-security-council>.

336 Heather Barr, “‘Dark Future’ for Women’s Rights in Afghanistan,” *Public Service Europe*, 22 May 2013, available at <http://www.publicserviceeurope.com/article/3491/dark-future-for-womens-rights-in-afghanistan#ixzz2U0vU3YjE>.

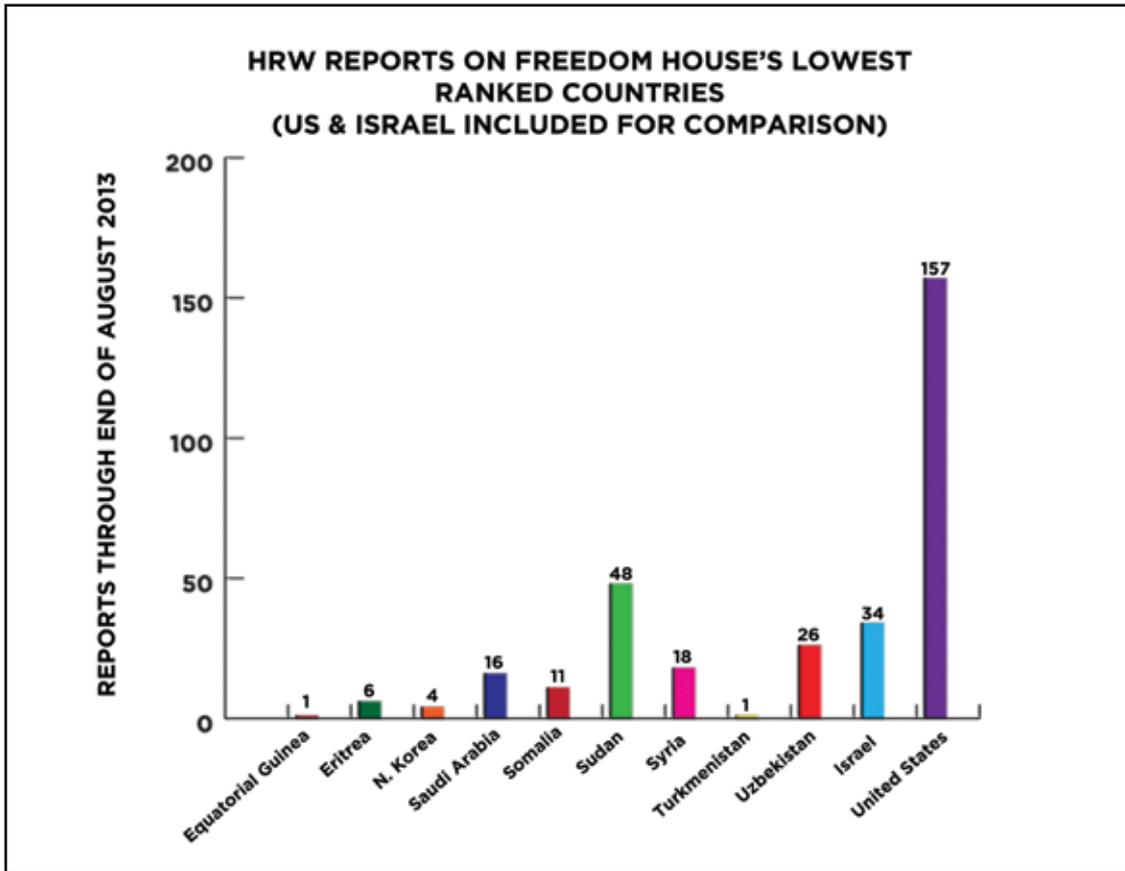
(See chart on page 73) Therefore, intense criticism of U.S. policies has trumped coverage of other more endemic issues in the MENA region.

The confluence of agenda drivers (media interest, armed conflict, and U.S. foreign policy), as opposed to where the most human rights protection is needed, largely determines whether HRW will report on an issue. The following Venn diagram illustrates these priorities. Where the priorities overlap, is where one will see the greatest amount of focus and publication output by HRW.

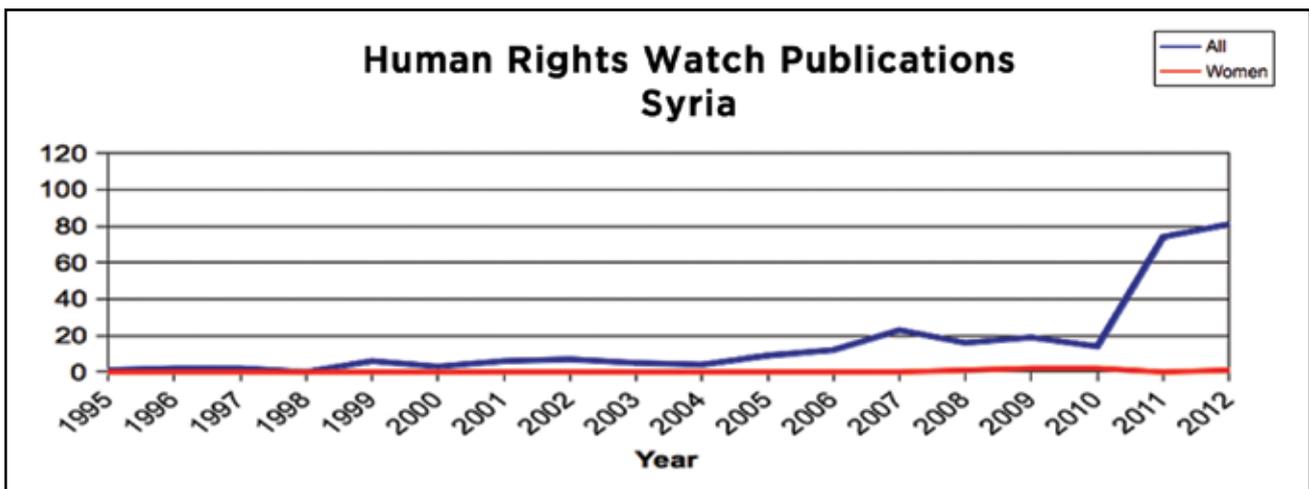
HRW's Core Priorities



This resource allocation is also reflected in HRW’s output of in-depth reports (classified as “reports” on its website). For example, the NGO has issued far more reports on the U.S. and Israel than on the most repressive countries globally (as ranked by Freedom House):



Less attention is paid towards these countries, because they do not fall within HRW’s criteria for reporting. Conversely, when circumstances change such that a topic falls more centrally within HRW’s parameters (i.e., Syria since the beginning of its civil war), a corresponding uptick in HRW attention occurs.



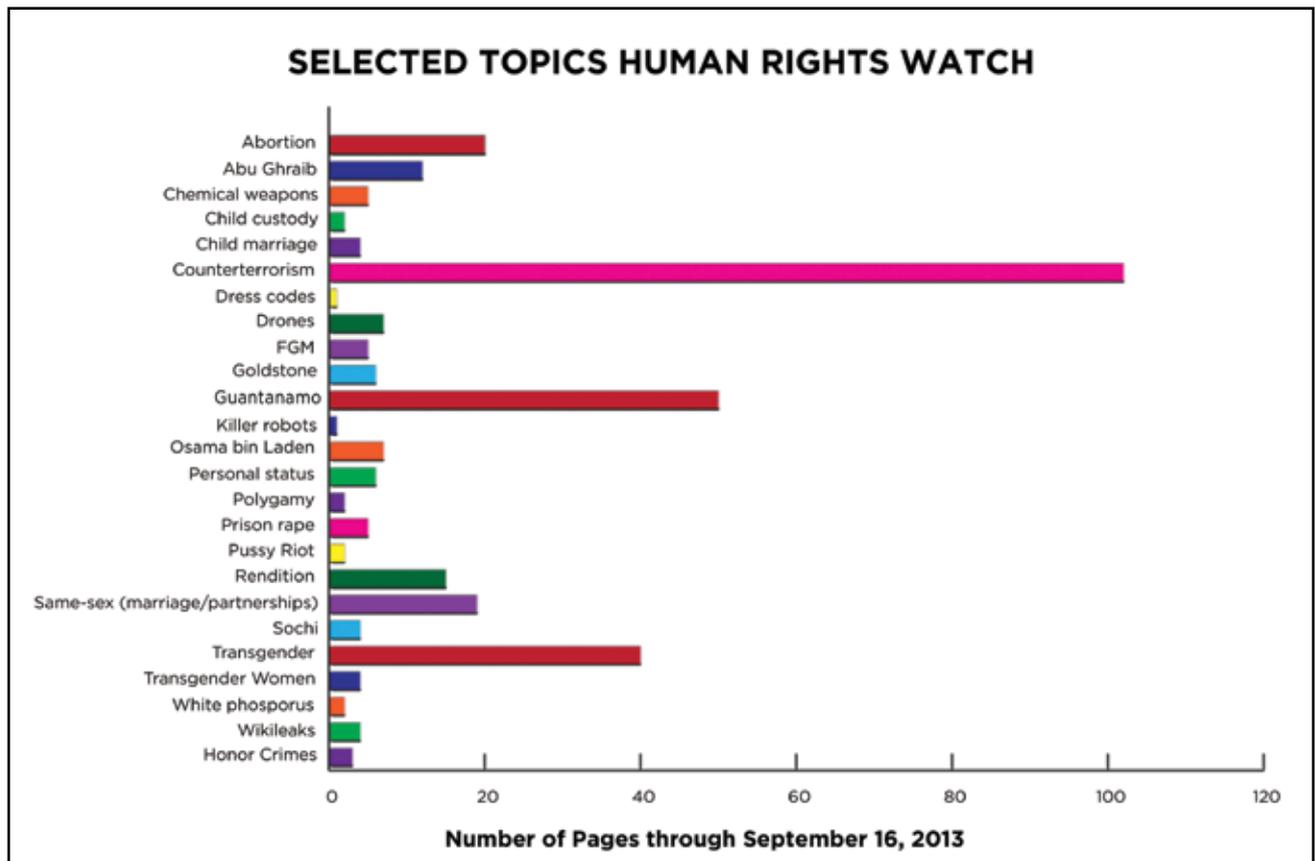
Similarly, because women’s rights issues in the MENA region generally do not often fall within this orbit, they are not a major priority for the organization.

HRW Reporting on Women in the MENA Region

Because the systematic violations of women’s rights in the MENA region are not usually encompassed by the factors driving HRW’s agenda, these abuses have been addressed inconsistently, and in some countries, HRW has provided no coverage at all.³³⁷ For instance, intense scrutiny of systematic gender segregation, child marriage, polygamy, forced genital mutilation, abusive personal status laws, and the denial of women’s political participation in the MENA region have often been eclipsed by HRW reporting on such topics as Wikileaks, the Goldstone Report, the Sochi Olympics, and abortion.

Notably, in a 2012 publication on Bangladesh, HRW described polygamy as a “key basis for discrimination” against women.³³⁸ Yet, when the term “polygamy” is inserted into HRW’s search engine, only 2 pages of results appear as opposed to 6 pages on the Goldstone Report, 7 pages on drones, 5 pages on prison rape, and 50 pages on Guantanamo Bay. These topics were also more numerous than child marriage, honor crimes, and dress codes, problems impacting more than one hundred million women and girls in the MENA region alone.

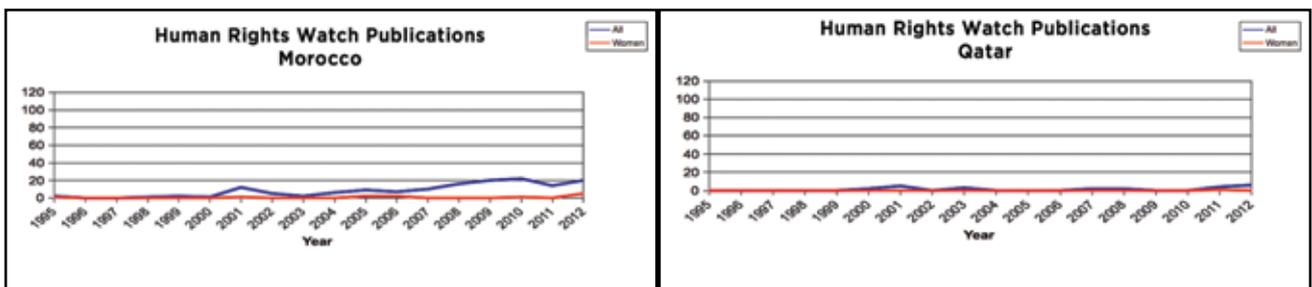
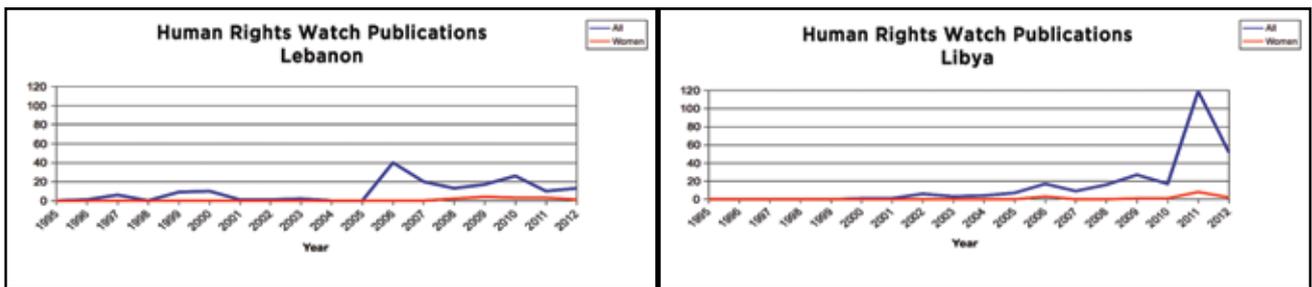
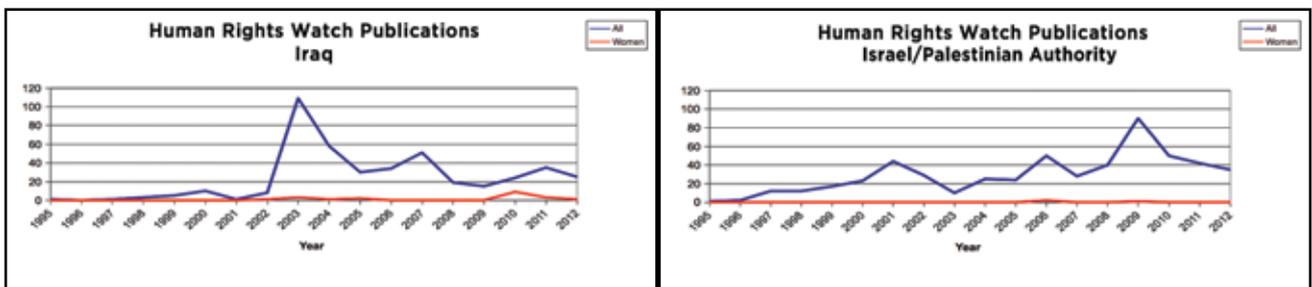
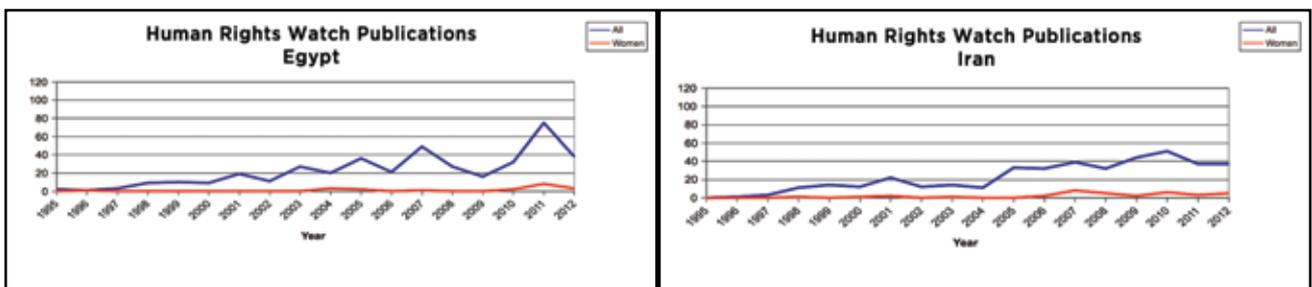
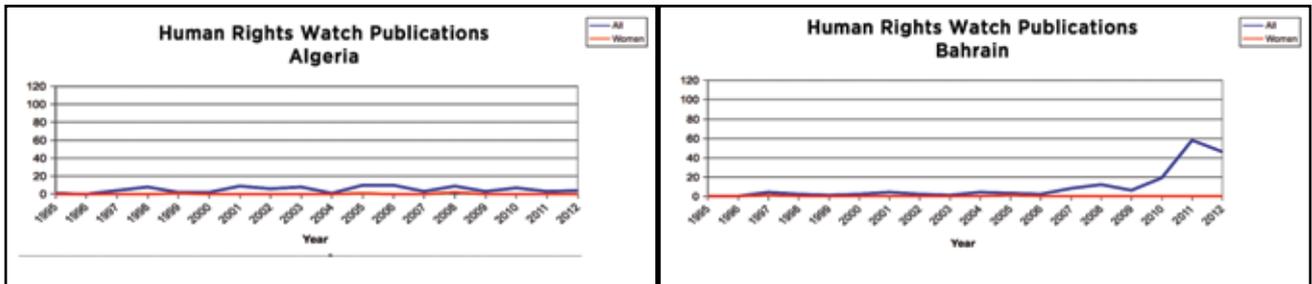
The following chart represents the number of pages of results in HRW’s search engine when entering the following terms:

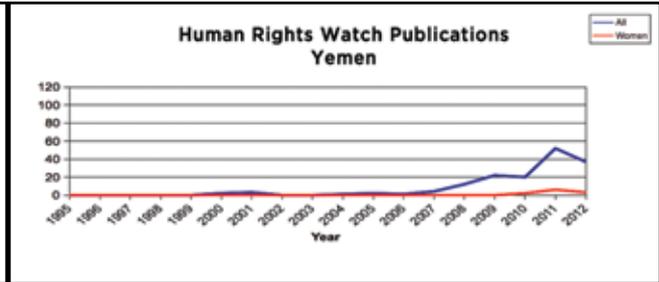
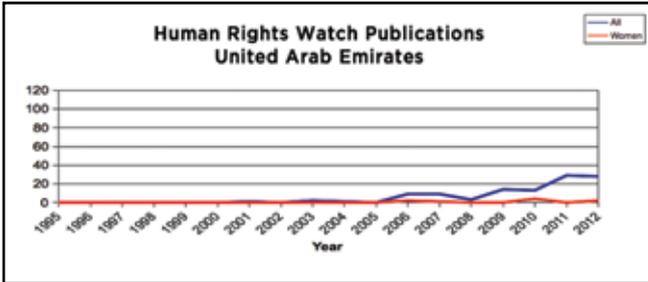
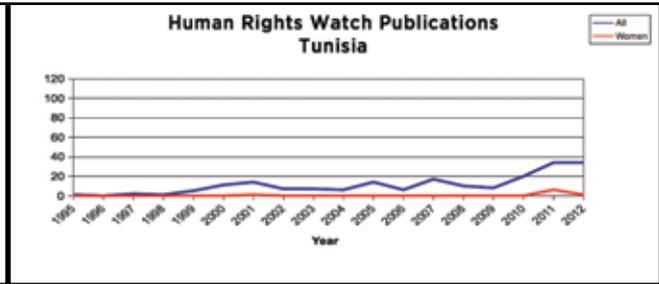
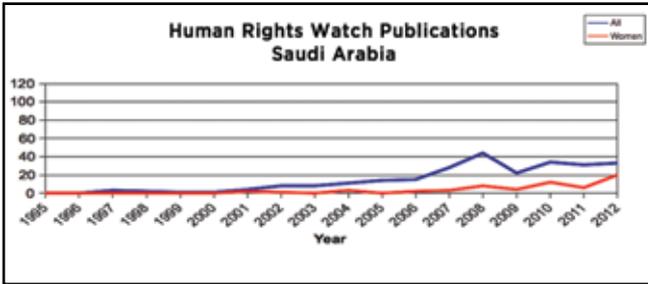


337 See also Gerald M. Steinberg, International NGOs, the Arab Upheaval, and Human Rights: Examining NGO Resource Allocation, 11 Nw. J. Int’l Hum. Rts.126 (2012) available at <http://scholarlycommons.law.northwestern.edu/njihr/vol11/iss1/5/>.

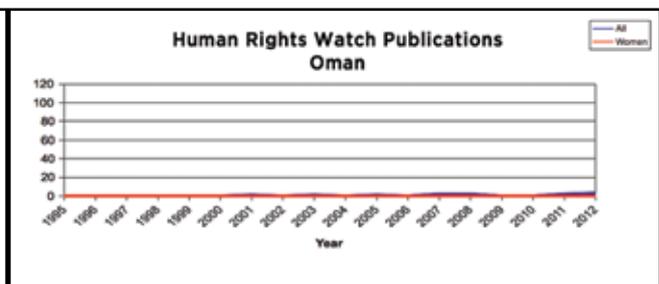
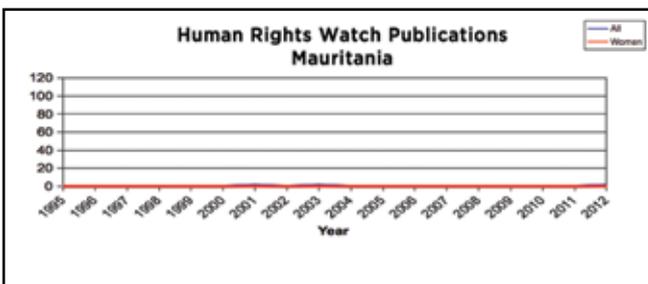
338 HRW, “Will I Get My Dues ... Before I Die?": Harm to Women from Bangladesh’s Discriminatory Laws on Marriage, Separation, and Divorce,” 17 September 2012, available at <http://www.hrw.org/node/109683/section/3>.

The following graphs, provide a breakdown of the number of publications that addressed women's issues in the MENA region out of total publications issued between 1995-2012, also show the relatively low priority of women's issues. (See also Appendix 1)





From 1995 through 1999, as reflected in the graphs,³³⁹ HRW only issued approximately ten documents touching on women’s rights for the entire region. From 1995-1998, there was only one piece issued in each year, and in 1999 there were four. During this same period, HRW issued no documents focusing on structural violations of women’s rights for Iraq, Lebanon, Libya, Mauritania, Morocco, Oman, Palestinian Authority, Qatar, Syria, Saudi Arabia, Tunisia, the UAE, or Yemen. Over these five years, HRW issued only one document each for Algeria, Bahrain, Egypt, Iran, Kuwait, and Morocco; and two each for Jordan. Until 2010, even though there had been few reforms in the region, HRW never issued more than eight documents focusing on women’s rights for a country with the exception of Iran in 2007 and Saudi Arabia in 2008, and for most of the MENA countries, coverage was either absent or minimal. For instance, HRW did not issue any documents relating to women’s rights in Yemen until 2010 and Qatar until 2011. While the organization issued one document on Algeria in 1999, it did not do so again until 2005. From 2000-2010, HRW issued only one document on Tunisia. Like Amnesty, HRW also ignored media reports regarding sexual harassment by Palestinian solidarity activists against female protesters.



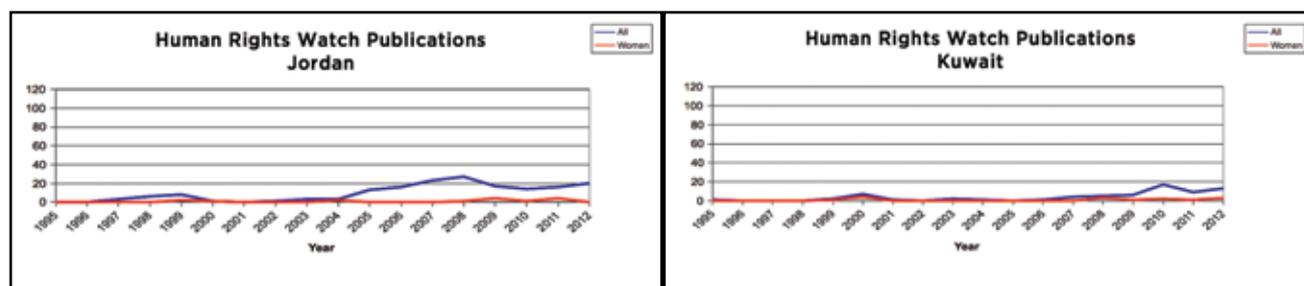
HRW has no country page for Mauritania, a nation where slavery is endemic and women are subjected to the same personal status laws that impinge on their rights in other MENA countries.³⁴⁰ Oman has never been the exclusive focus of a detailed report on any topic. Prior to 2011, HRW had not issued a

339 The detailed numerical breakdown is available at Appendix _

340 HRW, “Browse by country,” available at http://www.hrw.org/browse_by_country.

press release focusing exclusively on Qatar since 2003, and its first report on the country was not issued until June 2012.

In some countries, such as Jordan, the majority of HRW's focus on women dealt with labor laws and unjust practices against domestic and migrant workers (fourteen documents). In contrast, there were only seven statements issued on honor killings and very little attention directed towards the personal status laws that impact all women in the country.³⁴¹



In other countries, HRW appeared to focus on marginal issues related to gender. In Kuwait, for instance, the only in-depth report touching on women's issues dealt with "transgender women" (men dressed like or who identify as women). Between 2008 and September 2013, HRW issued three press releases, two op-eds, and one in-depth report on arrests by the Kuwaiti police against "transgender women" for cross-dressing. In fact, this appears to be the only sustained topic of campaigning for HRW touching on gender in Kuwait for more than a decade, and in reality, the issue of "transgender women" is, to a certain extent, about the rights of men.

In contrast, since 2000, HRW has not issued a single report that provides in-depth details of the systematic discrimination against Kuwaiti women. Women did not get the right to vote in the country until 2005. Yet, between 1999 and 2005, HRW issued only one short press release (1999) on the issue, one filing to the UN with an accompanying press release, and one report (2000) that focused on a list of general human rights issues in the country and briefly mentioned voting rights for women.³⁴² When the right to vote was finally obtained, HRW did not issue a press release or any other statement, nor did the NGO use that opportunity to call for full suffrage for women in other countries like neighboring Saudi Arabia.³⁴³

Undoubtedly, discrimination against the transgendered in Kuwait is worthy of comment and should be condemned. Its existence, however, surely does not outweigh in either scale or scope the daily injustices perpetrated against women subject to draconian Kuwaiti personal status laws such that it merits a higher priority on HRW's agenda.

HRW has repeatedly noted that compliance with CEDAW is a priority. For instance, the group has stated that CEDAW "improve[s] the status of women internationally and provide[s] an important mechanism for advancing women's rights at home."³⁴⁴ Yet, through 2012, no HRW shadow report appears in the

341 A few documents deal with honor killings including: HRW, "Jordan: Tribunals No Substitute for Reforms on 'Honor Killings,'" 9 September 2009, available at <http://www.hrw.org/news/2009/09/01/jordan-tribunals-no-substitute-reforms-honor-killings>; "Letter to Jordan's Minister of Justice on 'Honor' Crimes," 10 August 2009, <http://www.hrw.org/news/2009/08/10/letter-jordans-minister-justice-honor-crimes>.

342 HRW, "Documents on Kuwait," available at http://www.hrw.org/news-all/230?date_filter%5Bvalue%5D%5Byear%5D=.

343 *Id.*

344 HRW, "US: Ratify Women's Rights Treaty", 15 July 2010, available at <http://www.hrw.org/news/2010/07/15/us-ratify-women-s-rights-treaty>.

CEDAW archives for any country.³⁴⁵ The limited participation in the CEDAW framework and minimal campaigning for strengthening the women's rights treaty, stands in sharp contrast to HRW's extensive efforts to promote the International Criminal Court, where HRW has formed broad coalitions, has engaged in intensive lobbying, and has issued dozens of reports, statements and other publications.³⁴⁶

Similarly, HRW did not file shadow reports for Universal Periodic Review for Algeria (neither for the first nor the second cycles), Mauritania, Morocco (second cycle), Oman, Qatar, and Yemen. Several of the reports it did file for MENA countries did not include any discussion of women's rights (Bahrain, second cycle), Iran,³⁴⁷ Morocco (first cycle), Syria, Tunisia (first cycle), and the UAE (first cycle) -- which would have been an important opportunity to promote women's rights in those countries in a high profile setting.

Soft-peddling Abuses & Questionable Fundraising

In addition to sporadic coverage of women's issues in the Middle East, the reporting undertaken by HRW often soft-peddles abuses, while overly praising minimal reforms and presenting them in positive terms. This is in contrast to reporting done by the organization on Western countries. It appears this "kid gloves" approach is based on the theory that it is a more effective way to implement change. Yet, according to Aryeh Neier, HRW has not been "able to gain much traction in dealing with abusive governments through intergovernmental bodies, nor did it have much success in influencing them through other governments."³⁴⁸

Part of soft-peddling abuses against women in the MENA region involves HRW offering praise for even the most minor of positive developments, while failing to levy tough criticism for continued systematic violations against women – violations that would not be tolerated by HRW were they to occur in a Western country. As a result, HRW does not hold governments in the MENA region to the same level of accountability for violations as it does for Western countries. Practically, this selective approach dampens pressure on abusive regimes to implement real reform, such as the abolishment of personal status laws. Morally, HRW's double standards weaken the foundations of universal human rights.

Kuwait

Kuwait is one such example where HRW soft peddles abuses. In 2012, for instance, HRW issued a press statement praising as an "important victory" a Kuwaiti court decision canceling a ministerial bar on women from gaining entry level employment at the Justice Ministry.³⁴⁹ MENA Deputy Director Joe Stork commented, "This important ruling reaffirms the principles of equality between men and women that are guaranteed in Kuwait's constitution and international laws," despite the fact that women enjoy very little equality in Kuwait. While HRW included a line at the end of the statement calling for reform

345 *Id.* It should also be noted that many of the documents for the gulf region relating to women's rights are focused on abuses aimed at migrant domestic workers. Some of these documents may briefly touch on gender discrimination in the region resulting from personal status laws and family codes, but the vast majority of these publications address violations related to labor or citizenship rights. It is unclear that in the absence of this issue of abuse, which is a priority for the organization, if HRW would have addressed personal status laws or gender discrimination in any depth in these countries.

346 HRW's extensive focus on the ICC, as opposed to women's rights, is explained by its falling under the main criteria that drive HRW's research agenda (media attention, US foreign policy, and armed conflict).

347 HRW's shadow report for Iran includes a discussion regarding discrimination against homosexuals, yet has no discussion of the guardianship system or other discriminatory laws against women. See HRW, "UPR Submission: Iran," August 2009 available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/HRW_UPR_IRN-S07_2010_HumanRightWatch.pdf.

348 Neier, *supra* note 305 at 231.

349 HRW, "Kuwait: Court Victory for Women's Rights," 6 May 2012, available at <http://www.hrw.org/news/2012/05/06/kuwait-court-victory-women-s-rights>.

in the nationality laws in Kuwait, this statement was not followed up by additional statements or campaigns to bring about this change, nor does there appear to have been follow-up to ensure that the court decision was actually enforced.

In the statement, HRW also praised the country for the 2005 decision to allow for women's suffrage (though HRW did not comment on the event at the time) and on the election of four women to Parliament in May 2009 (all of whom lost their seats in the February 2012 election). But as described in the opening sections of this monograph, women's participation in the Kuwaiti parliament has been minimal at best and has not translated into the repeal of the repressive personal status laws. Moreover, as noted in the Arab Human Development reports, these events must be viewed with skepticism because "[s]uch appointments do not however reflect a general trend towards women's empowerment. Women in power are often selected from the ranks of the elite or appointed from the ruling party as window dressing for the ruling regimes."³⁵⁰

Similarly, HRW's 2013 World Report chapter on Kuwait includes three paragraphs on women's rights near the end of the section.³⁵¹ The first paragraph repeats the praise for the court regarding its decision on entry level jobs. The second paragraph praises a second decision requiring equal testing standards for both men and women in university. The entirety of the discussion regarding discriminatory laws against women in the country is reduced to three short sentences in the third paragraph, and no detail is provided.

Iran

HRW's coverage of LGBT issues in Iran also garnered significant criticism for downplaying abuses by the regime. Following the hanging in Iran of several teenagers believed to have been targeted for their sexual orientation, the head of HRW's LGBT department, Scott Long, urged caution and claimed that the executed boys were actually punished for offenses such as rape or child abuse. Long's response angered many activists in the gay community who asserted that Long was accepting official Iranian accounts of the case, rather than offering healthy skepticism of claims made by the repressive regime.³⁵² Long retorted that the activists were "imputing a Westernized 'gay' identity on these youths,"³⁵³ and accused them of "crying wolf" over Iranian repression of LGBTs.³⁵⁴ Long's comments recalled those made by Iranian President Ahmadinejad in his address to Columbia University in 2007 when he absurdly claimed, "In Iran, we don't have homosexuals like in your country. We don't have that in our country."³⁵⁵ It appeared that HRW and Long's stance was motivated by political ideology. According to one commentator, HRW chose to downplay Iranian abuses so as not to seem to be in alignment with the policies of the Bush administration: "HRW...warned that Western gay calls for change in Iran could

350 AHDR 2005, *supra* note 20 at 9.

351 HRW, "World Report 2013: Kuwait." *available at* <http://www.hrw.org/world-report/2013/country-chapters/kuwait?page=2>.

352 See e.g. Paul Schindler, "The Battle Over Iran." *Gay City News*, 20 July 2006, *available at* http://gaycitynews.com/gcn_529/thebattleoveriran.html; Paul Schindler, "Scott Long's Troubling Style of Advocacy." ZNet Recent Items. *Gay City News*, 8 Apr. 2008. Web. *available at* <http://www.zcommunications.org/scott-longs-troubling-style-of-advocacy-by-paul-schindler>.

353 Schindler 2006, *supra* note 352.

354 *Id.*

355 Mahmoud Ahmadinejad, "Full transcript of Ahmadinejad Speech at Columbia University," New York City, 24 Sept. 2007, *available at* <http://www.globalresearch.ca/full-transcript-of-ahmadinejad-speech-at-columbia-university/6889>.

well dovetail with Bush administration goals of whipping up an Iraq-style intervention frenzy aimed at Iran.”³⁵⁶

One of Long’s most outspoken critics was Peter Tatchell, an LGBT activist from the UK, who took issue with Long’s approach towards Iran. As a result of these criticisms, Long launched a personal campaign against Tatchell. The attacks culminated in a 2009 article authored by Long and published in *Contemporary Politics*.³⁵⁷ The article accused Tatchell of being “obsessed” by his “own inward looking agendas” and claimed he was “‘going after’ British Muslims and adopting a ‘bullying tone’ toward the Muslim community in Britain.”³⁵⁸ Tatchell considered the article to be false and defamatory.³⁵⁹

On June 30, 2010, HRW was forced to apologize for Long’s behavior, issuing a public statement saying that it “apologizes to Peter Tatchell for a number of inappropriate and disparaging comments made about him in recent years by Scott Long.”³⁶⁰ The response came after a long public naming and shaming campaign by the LGBT community demanding HRW take responsibility for Long’s controversial and offensive activities. HRW had been approached five years earlier by LGBT community members expressing their concerns about Long, but no action was taken. Long left HRW in August 2010, shortly after the mea culpa, citing recovery from a pulmonary embolism. In his resignation statement, Long appeared unapologetic for his work on Iran, noting, “I remember our efforts in Iran, where our accurate research dispelled misconceptions and deceptions about the state of sexual rights.”³⁶¹

Rape in Syria?

Another strange campaign adopted by HRW, echoing the Scott Long controversy on Iran, is the denial by the organization of the use of systematic rape in the Syrian conflict between the Assad regime and opposition rebels. On April 9, 2013, the head of HRW’s Women’s Rights Division published an op-ed in the *Huffington Post* stating that “in Syria, for example, there is little credible evidence to support claims that rape is widespread or systematic. Human Rights Watch has been documenting that conflict for two years and we’ve certainly found cases of rape against men and women. But we have found no evidence to support claims that sexual violence is happening on a massive scale.”³⁶² In a June 24, 2013 press release titled, “Syria: Detention and Abuse of Female Activists,” HRW again claimed, “The degree to which sexual violence is used in detention remains unclear, due to lack of access to detention facilities

356 Schindler 2006, *supra* note 352

357 Scott Long, “Unbearable Witness: How Western Activists (mis)recognize Sexuality in Iran.” *Contemporary Politics* 15.1 (2009): 119-36, available at [http://xa.yimg.com/kq/groups/5515418/1891615793/name/Unbearable%2Bwitness,%2Bhow%2BWestern%2Bactivists%2B\(mis\)recognize%2Bsexuality%2Bin%2BIran.pdf](http://xa.yimg.com/kq/groups/5515418/1891615793/name/Unbearable%2Bwitness,%2Bhow%2BWestern%2Bactivists%2B(mis)recognize%2Bsexuality%2Bin%2BIran.pdf)

358 *Id.*

359 See Peter Tatchell, “Scott Long’s Iran Essay Refuted.” Editorial, 27 Nov. 2012, available at <http://petertatchellfoundation.org/scott-longs-iran-essay-refuted> for a discussion of the claims in the article.

360 Kenneth Roth, “Human Rights Watch Letter of Apology to Peter Tatchell,” 30 June 2010, available at <http://petertatchellfoundation.org/copy-human-rights-watch-letter-apology-peter-tatchell>; Pink Wire, “Human Rights Watch Apologises to Peter Tatchell,” 16 July 2010 available at http://www.pinkwire.co.uk/article.php?section_id=2&category_id=1&article_id=833. Interestingly, the letter appears carefully crafted and phrased as if part of some sort of legal settlement. It is unknown if Tatchell threatened to or did sue HRW, Long, and Routledge for the *Contemporary Politics* article.

361 Scott Long, “Disgraced Human Rights Watch’s Queer Director Scott Long Quits after ‘Blinding Effusion of White Light’” Weblog post. Queerty, 23 Aug. 2010, available at <http://www.queerty.com/disgraced-human-rights-watches-queer-director-scott-long-quits-after-blinding-effusion-of-white-light-20100823/#ixzz2Wk3RFSx7>.

362 Liesl Gerntholtz, “It’s Not Just About Sexual Violence,” *The Huffington Post*, 09 Apr. 2013 available at http://www.huffingtonpost.com/liesl-gerntholtz/its-not-just-about-sexual_b_3045633.html.

by human rights monitors and the reticence of many victims to come forward for fear of stigma or reprisals.”³⁶³

Evidence gathered by other NGOs and the UN, however, contradicts HRW’s conclusions.³⁶⁴ In a study conducted by the NGO Women Under Siege, rape was reported by more than 85% of witnesses interviewed.³⁶⁵ Another NGO, the International Rescue Committee (IRC), claimed that the main reason refugees were fleeing Syria was out of a fear of rape.³⁶⁶ It stated, “Rape is a significant and disturbing feature of the Syrian civil war. In the course of three IRC assessments in Lebanon and Jordan, sexual violence was consistently identified by Syrian women, men and community leaders as a primary reason their families fled the country. The fear of rape is so significant that many families are marrying off their daughters to ‘protect’ them from rape. Others revert to early marriage if their daughters have been sexually assaulted to safeguard their honor.”³⁶⁷ Similarly, the UN Commission of Inquiry on Syria found that “sexual violence has been a persistent feature of the conflict.”³⁶⁸ Experts on sexual violence in armed conflict have also commented that women might be hesitant to report rape because of the negative stigma attached, particularly in a religiously conservative countries.³⁶⁹

It is unclear what purpose it serves HRW to take an overly cautious approach and to deny the existence of systematic rape in Syria, especially when faced with significant evidence to the contrary. It is particularly bizarre that the group is insisting on “accuracy” on this point, seemingly in order to bolster the credibility of the organization. It is all the more strange when that extreme skepticism and caution has certainly not been the modus operandi of HRW in other conflicts, such as the 1999 NATO campaign in Kosovo, Colombia, the Democratic Republic of Congo, the 2006 Lebanon War, and the 2008 Gaza War, where HRW did not hesitate to make exaggerated and, in some cases, false claims of violations and abuse even when the existing evidence had shown them to be manifestly wrong³⁷⁰. It is unknown

363 HRW, “Syria: Detention and Abuse of Female Activists,” 24 June 2013, available at <http://www.hrw.org/news/2013/06/24/syria-detention-and-abuse-female-activists>.

364 Amy Friedman, “Is the Syrian Regime Using Rape as a Tactic of War?” *Time Magazine*, 12 July 2012 available at <http://world.time.com/2012/07/12/is-the-syrian-regime-using-rape-as-a-tactic-of-war/>; Lauren Wolfe, “Syria Has a Massive Rape Crisis.” *The Atlantic*, 3 Apr. 2013. Web. available at <http://www.theatlantic.com/international/archive/2013/04/syria-has-a-massive-rape-crisis/274583/>; Soraya Chemaly, “Why Is the U.S. Media Ignoring Rape in Syria?” *Salon*, 9 Mar. 2013 available at http://www.salon.com/2013/03/09/why_is_the_u_s_media_ignoring_rape_in_syria/.

365 Lauren Wolfe, “Syria Has a Massive Rape Crisis,” Women Under Siege, 3 Apr. 2013 available at <http://www.womenundersiegeproject.org/blog/entry/syria-has-a-massive-rape-crisis>.

366 International Rescue Committee, “Syria: A Regional Crisis: The IRC Commission on Syrian Refugees,” 2013. available at <http://www.rescue.org/sites/default/files/resource-file/IRCReportMidEast20130114.pdf>.

367 *Id.* at 6-7.

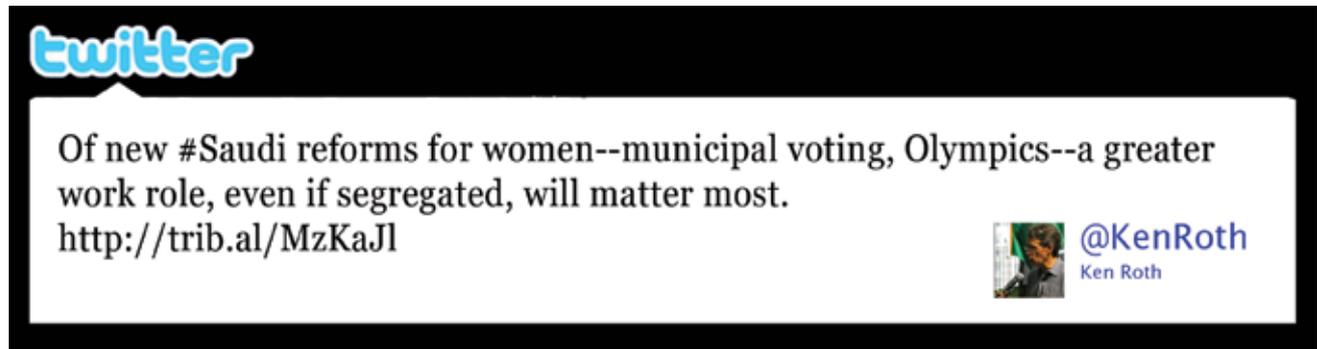
368 UN Human Rights Council, “Report of the Independent International Commission of Inquiry on the Syrian Arab Republic,” 2013, at ¶91 available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-23-58_en.pdf.

369 Hamida Ghafour, “Syrian women who fled to Jordan tell of horrific rapes back home,” *The Star*, Apr 06 2013, available at http://www.thestar.com/news/world/2013/04/06/syrian_women_who_fled_to_jordan_tell_of_horrific_rapes_back_home.html.

370 Gerald M. Steinberg, Anne Herzberg, & Jordan Berman, *Best Practices for Human Rights and Humanitarian NGO Fact-Finding* (Nijhoff 2012).

if, like in the Scott Long controversy, HRW's position reflects disputes and one-upsmanship with rival NGOs and activists, or if other factors are motivating HRW.

Saudi Arabia



Perhaps no case better illustrates HRW's "soft peddling" approach on women's issues in the Middle East than its activities relating to Saudi Arabia. HRW acknowledges that the situation for women in Saudi Arabia is untenable.³⁷¹ Yet, despite this recognition, the organization has undertaken little substantive and sustained campaigning on the core issues relating to women in the Kingdom. Instead, it has chosen to focus on relatively minor issues that may garner media attention, but have had little to no impact, as the group itself admits, on eliminating systemic abuse.

As discussed in Section II above, women in Saudi Arabia are repressed under a strict guardian system and legally imposed segregation in all areas of life. Women may not vote and are subject to an oppressive dress code. This system is similar in many respects to the racially discriminatory apartheid regime in South Africa. It represents one of the worst examples of human rights abuse in the world and meets the legal definition of crimes against humanity. Despite this reality, from 1991 through 2006, HRW did little to no campaigning on behalf of Saudi women to eliminate the guardianship system or to promote women's rights to vote in the country. The abuses suffered by Saudi women were neither a priority for the Women's Rights division nor the MENA division. HRW officials justified this lack of focus by claiming that they could not report on women's rights in Saudi Arabia to the degree they would have liked because of a lack of access to the country. This explanation is insufficient, however. The guardianship system, complete lack of political rights, and violations committed against women in the Kingdom were well-known. Yet, HRW chose not to prioritize or call attention to these abuses.

In late 2006, HRW was provided access to the country. Yet, reporting did not begin to increase until 2008, nearly two years later. Moreover, an analysis of these post-visit publications shows that abuses continued to be downplayed by the NGO and were judged by standards other than those proscribed under international law and universal human rights norms.

For instance, the first major report issued by HRW on the Saudi guardianship system, "Perpetual Minors," was not published until 2008 even though these discriminatory laws have been in place since the country's establishment. Strangely, the report's analysis opens with a debate on whether the

³⁷¹ HRW, "World Report 2013: Saudi Arabia." available at <http://www.hrw.org/world-report/2013/country-chapters/saudi-arabia?page=1>.

guardianship system is required under Islamic law. One would be hard-pressed to find a similar discussion by HRW regarding the justification of abusive practices by the law of other religions.

Indeed, when discussing gay rights and abortion, which are highly controversial and often outlawed in other religiously conservative countries, HRW does not include any discussion of canon law of the Catholic Church, which has obviously motivated government policies.³⁷²

In other cases, HRW engaged in bizarre correspondence with the Saudis, regarding the government's "witchcraft" and "sorcery" prosecutions. In one 2009 press release, for instance, HRW remarks that "In March 2008, Human Rights Watch asked a high-ranking official in the Ministry of Justice to clarify the definition of the crime of witchcraft in Saudi Arabia and the evidence necessary for a court to prove such a crime. The official confirmed that no legal definition exists and could not clarify what evidence has probative value in witchcraft trials."³⁷³

Moreover, HRW's reporting on Saudi Arabia lacks the language of demand, certainty, urgency and immediacy. "Perpetual Minors," for example, contains an absurd line that "Saudi Arabia's **reservations to critical articles in CEDAW** and its general reservation to the treaty **cast doubt on its commitment** to advance women's rights"³⁷⁴ (emphasis added). The guardianship system and other systematic abuses alone clearly demonstrate beyond any doubt that there is an utter lack of commitment to women's rights in the Kingdom. In contrast, in a report on Ireland's abortion policy, HRW demands Ireland "immediately ensure" access to abortion services and that the failure to ensure this access is "the most egregious violation of women's rights."³⁷⁵ Words like "immediate" and "egregious," even though the conduct at issue clearly rises to that level, are not found in the Saudi report. HRW also describes how "Perpetual Minors" represented "efforts to investigate human rights violations stemming from male guardianship and sex segregation," as if the existence of the system and segregation were not grave violations in and of themselves.³⁷⁶

Similarly, the 2010 report "Looser Rein, Uncertain Gain: A Human Rights Assessment of Five Years of King Abdullah's Reforms in Saudi Arabia" offers praise for the most minor and illusory of rights reforms and only mild criticism for the persistence of severe abuses. Despite the continued denial of women's suffrage and maintenance of the guardianship system, the opening paragraph of the report claimed that King Abdullah "loosened the reins stifling Saudi society" and that his rule was "one of a brief respite of fresh air." HRW also oddly states that "Saudis are freer than they were five years ago: Saudi women are less subject to rigid sex segregation in public places, citizens have greater latitude to criticize their government, and reform in the justice system may bring more transparency and fairness in judicial procedures." During this same time period, Freedom House gave Saudi Arabia the lowest rankings in both civil and political freedoms. These claims of "reform" also appear to contradict other passages in HRW's own report. The recommendations section is also watered down. HRW merely urges King Abdullah to undertake a short list of general measures without specific guidelines. In contrast to recommendations

372 See e.g. HRW, "A State of Isolation: Access to Abortion for Women in Ireland," 2010 available at <http://www.hrw.org/sites/default/files/reports/ireland0110webwcover.pdf>; "Nigeria: Obasanjo Must Withdraw Bill to Criminalize Gay Rights," 24 Mar. 2006. available at <http://www.hrw.org/news/2006/03/23/nigeria-obasanjo-must-withdraw-bill-criminalize-gay-rights>.

373 HRW, "Saudi Arabia: Witchcraft and Sorcery Cases on the Rise," 24 Nov. 2009, available at <http://www.hrw.org/news/2009/11/24/saudi-arabia-witchcraft-and-sorcery-cases-rise>.

374 HRW, "Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia," 2008 at 34 available at http://www.hrw.org/sites/default/files/reports/saudiArabia0408_1.pdf.

375 HRW, "A State of Isolation: Access to Abortion for Women in Ireland," 2010 at 16 available at <http://www.hrw.org/sites/default/files/reports/ireland0110webwcover.pdf>.

376 HRW, "Perpetual Minors," *supra* note 374 at 45.

in its reports on the U.S., Israel, and other countries, there is no call for external intervention by other nations and international institutions, no demand for the establishment of international investigations or fact-finding inquiries, no call for the imposition of international sanctions and embargoes, and no demand for international prosecutions or other hard-hitting measures.

In another soft-peddling example, on August 28, 2013, Ken Roth proclaimed on Twitter, “In major step #Saudi Arabia criminalizes domestic abuse.” Yet, an examination of the details reveals that the legislation (not yet implemented) only imposes a minimum one-month jail term and a maximum of only one year. Moreover, as noted by a Saudi human rights activist, even if the law goes into effect, under the strict guardianship system, women will not be able to file charges without the presence of a male guardian who may in fact, be her abuser.³⁷⁷ Responsible commentary on this new law, unlike Roth’s, would suggest that one should withhold value judgments, such as calling the step “major,” until there is empirical evidence demonstrating that the law is enforced and that, practically, women can actually obtain protection under it.

Mona Eltahawy, dryly sums up the soft-peddling approach used by HRW and others:

Saudi Arabia, where women still can’t vote or run in elections, yet it’s considered “progress” that a royal decree promised to enfranchise them for almost completely symbolic local elections in -- wait for it -- 2015. So bad is it for women in Saudi Arabia that those tiny paternalistic pats on their backs are greeted with delight as the monarch behind them, King Abdullah, is hailed as a “reformer.”³⁷⁸

Saudi Olympics Campaign

As mentioned, one way in which HRW tries to draw attention to human rights concerns is to focus on high profile media events like the Olympics. In 2012, HRW launched its only major and sustained campaign for women in Saudi Arabia, which was aimed at promoting women’s access to sport and allowing Saudi women to participate in the 2012 London Olympics. This type of campaigning, however, had little concrete impact and diverted HRW resources from focusing on less “media friendly” topics.

HRW’s Saudi and women’s sports campaign generated a tremendous amount of output by the organization, unseen on any other issue related to women’s rights in the Kingdom (or throughout the entire MENA region), far surpassing its coverage of the denial of women’s suffrage and the draconian guardianship system. From the beginning of 2012 through June 2013, HRW issued at least ten press releases, five op-eds, one 52-page report, an oral statement to the UN Human Rights Council, and a

³⁷⁷ Lisa Anderson, “Saudi Arabia passes historic domestic abuse legislation,” Thomson Reuters Foundation, 28 Aug 2013 *available at* <http://www.trust.org/item/20130828043037-kacqu>.

³⁷⁸ Eltahawy, *supra* note 23.

Q&A document.³⁷⁹ HRW justified the strategy of focusing on the issue of sport rather than other more pressing concerns on the basis that “ending discrimination in sports has the potential to widen cracks in the guardianship system and other discriminatory practices.”³⁸⁰ The campaign does not appear to have been initiated by HRW, nor did the organization offer explanations as to why it waited until 2012 to begin its campaign when the issue of allowing Saudi women to compete had been a major effort of the International Olympic Committee (IOC) dating back to 2008 and intensifying in 2010. Rather, HRW’s efforts were timed to piggyback on the increased media attention surrounding the 2012 London Olympics.³⁸¹

Nevertheless, despite the significant resource investment by HRW in this campaign, it produced few tangible results. Two Saudi women were allowed to compete at the London Olympics (a result of IOC and diplomatic pressure). One woman, Wojdan Ali Seraj Abdulrahim Shahrkhani, was permitted to compete in Judo only after she received an invitation by the International Olympic Committee. The second woman, Sarah Attar, a student from Pepperdine University, is a US-Saudi dual national who grew up in the United States.³⁸² After the decision was announced allowing the two women to compete, a senior HRW official, Minky Worden, described the move as “an important precedent that will create space for women to get rights, and it will be hard for Saudi hardliners to roll back.”³⁸³

Unlike the organization’s claims, however, the allowance of two women, one of whom is a U.S. citizen who grew up in the U.S., to compete under the Saudi flag has not led to major changes for women in the Kingdom. During the games, Shahrkhani was forced to comply with special rules set by the Saudi

379 Minky Worden, “On Olympic Anniversary, End Hurdles for Saudi Women,” May 10, 2013, *available at* <http://www.hrw.org/news/2013/05/10/olympic-anniversary-end-hurdles-saudi-women> originally published at <http://www.trust.org/item/20130510201018-tfzv5>; “Saudi Arabia: Let All Girls Play Sports,” May 8, 2013 *available at* <http://www.hrw.org/news/2013/05/07/saudi-arabia-let-all-girls-play-sports>; Minky Worden, “For Saudi Judo Player, a Quick Loss But a Barrier Broken,” August 3, 2012, *available at* <http://www.hrw.org/news/2012/08/03/saudi-judo-player-quick-loss-barrier-broken> originally published at <http://www.thedailybeast.com/articles/2012/08/03/for-saudi-judo-player-a-quick-loss-but-a-barrier-broken.html>; Christoph Wilcke, “Women and Girls in Saudi Sport,” August 1, 2012 *available at* <http://www.hrw.org/news/2012/08/01/women-and-girls-saudi-sport> originally published at <http://www.sportanddev.org/?4689/1/How-to-end-exclusion-of-women-and-girls-from-sport-in-Saudi-Arabia>; “Olympics: For Saudi Women, Only a Starting Line,” July 26, 2012 *available at* <http://www.hrw.org/news/2012/07/26/olympics-saudi-women-only-starting-line>; “Saudi Arabia: Female Athletes at Olympics will be ‘Breakthrough,’” July 12, 2012 *available at* <http://www.hrw.org/news/2012/07/12/saudi-arabia-female-athletes-olympics-will-be-breakthrough>; “Saudi Arabia: Reversal on Women Olympians,” July 11, 2012 *available at* <http://www.hrw.org/news/2012/07/11/saudi-arabia-reversal-women-olympians>; Minky Worden, “Saudi Arabia’s unacceptable failure to field female athletes for the Olympics,” July 10, 2012 *available at* <http://www.hrw.org/news/2012/07/10/saudi-arabias-unacceptable-failure-field-female-athletes-olympics> originally published in *The Guardian* at http://www.guardian.co.uk/commentisfree/2012/jul/10/saudi-arabia-failure-female-athletes-olympics?CMP=tw_t_gu; “Saudi Arabia Allows ‘Qualified’ Women to Compete in Olympics,” June 28, 2012 *available at* <http://www.hrw.org/news/2012/06/28/saudi-arabia-allows-qualified-women-compete-olympics>; “Saudi Arabia: An Olympic Advance for Women,” June 25, 2012 *available at* <http://www.hrw.org/news/2012/06/25/saudi-arabia-olympic-advance-women>; “IOC: Olympic Hurdles for Saudi Women Persist,” May 23, 2012 *available at* <http://www.hrw.org/news/2012/05/23/ioc-olympic-hurdles-saudi-women-persist>; “Saudi Arabia/IOC: Women’s Olympic Debut Only First Step,” March 23, 2012 *available at* <http://www.hrw.org/news/2012/03/22/saudi-arabiaioc-women-s-olympic-debut-only-first-step>; Christoph Wilcke, “Why a Token Saudi Female Athlete is not Enough,” March 21, 2012 *available at* <http://www.hrw.org/news/2012/03/21/why-token-saudi-female-athlete-not-enough> originally published in *Al Quds Al Arabi* (in Arabic) at <http://www.alqudsalarabi.info/index.asp?fname=today\21qpt479.htm&arc=data\2012\03\03-21\21qpt479.htm>; “Statement on sports and human rights at the UN Human Rights Council,” February 27, 2012 *available at* <http://www.hrw.org/news/2012/02/27/statement-sports-and-human-rights-un-human-rights-council>; “Questions and Answers on the Olympics, Women and Sports in Saudi Arabia,” February 15, 2012 *available at* <http://www.hrw.org/news/2012/02/15/questions-and-answers-olympics-women-and-sports-saudi-arabia>; “IOC/Saudi Arabia: End Ban on Women in Sport,” February 15, 2012 *available at* <http://www.hrw.org/news/2012/02/15/iocsaudi-arabia-end-ban-women-sport>.

380 HRW, “Questions and Answers on the Olympics, Women and Sports in Saudi Arabia,” February 15, 2012 *available at* <http://www.hrw.org/news/2012/02/15/questions-and-answers-olympics-women-and-sports-saudi-arabia>.

381 HRW claimed in a June 28, 2012 press release that its advocacy on the issue began in June 2011 (“Saudi Arabia Allows ‘Qualified’ Women to Compete in Olympics,” 28 June 2012, <http://www.hrw.org/news/2012/06/28/saudi-arabia-allows-qualified-women-compete-olympics>), however, the appears to be no document in the HRW archives regarding Olympic participation earlier than February 2012.

382 Mary Pilon, “Saudi Arabian Trailblazer, by Way of the United States.” *New York Times*, 13 July 2012 *available at* http://www.nytimes.com/2012/07/14/sports/olympics/sarah-attar-is-a-saudi-arabian-trailblazer-by-way-of-the-us.html?_r=0.

383 BBC, “London 2012 Olympics: Saudi Arabian Women to Compete,” 07 Dec. 2012 *available at* <http://www.bbc.co.uk/news/world-middle-east-18813543>.

government, including accompaniment by a male guardian and a prohibition on “mixing” with men.³⁸⁴ Both athletes were required to wear clothing that complied with Sharia law and were forced to walk behind the male Saudi delegates during the opening ceremonies.³⁸⁵ More importantly, there have been no significant reforms for women since the Olympics concluded. Women must still live under the guardianship system and with full gender segregation. If anything, the focus by HRW on a less significant aspect of women’s lives in Saudi Arabia provided the government with a PR victory based on a token narrow “reform,” which it could leverage to deflect attention from the continuing systematic abuse.

Ten days after the close of the Olympics, HRW Saudi Arabia researcher and the main point person on the sports campaign, Christoph Wilcke, penned an opinion piece on women in the Saudi workforce, lamenting that unlike the Olympics, “another battle over women’s rights has attracted little outside attention.”³⁸⁶ Wilcke apparently missed the irony of his own statement, since HRW was one of the primary actors directing intensive media focus towards the Olympics while paying scant attention to the workplace issues.

Furthermore, since the ending of the sporting event, HRW went back to its sporadic focus on women’s rights in the Kingdom. Out of 25 documents issued on Saudi Arabia after the Olympics, only six short statements focused on sex segregation and the guardianship system. Similarly, HRW continued its practice of promoting the façade of “reform” in the Kingdom, hailing the allowance of girls to participate in sports at private schools, subject to dress codes and segregation, as a “breakthrough” and “change” and calling the licensing of a single female legal trainee an “encouraging” reform.³⁸⁷ Notably, the Saudi government has not allowed HRW researchers back into the country since 2006 (with the exception of allowing HRW officials into the country to promote and fundraise for its campaigns against Israel – discussed in more detail below).³⁸⁸

Endorsement of Gender Segregation?

The worst example of HRW’s minimizing of Saudi abuses of women is reflected in HRW Executive Director Ken Roth’s apparent endorsement of gender segregation. In a tweet posted on September 11, 2012, Roth wrote:

“Of new #Saudi reforms for women--municipal voting, Olympics--a greater work role, **even if segregated**, will matter most.” (emphasis added)

As noted by legal scholar Ann Elizabeth Mayer, sentiments like those expressed by Roth reflect “a widespread predisposition to downgrade the significance of any gender discrimination” such that “defenses that would never excuse racial apartheid wind up being greeted as plausible rationalizations for gender

384 “Sportcheck: Taboo Over,” *New Straits Times*, 14 July 2012, available at <http://www.nst.com.my/sports/other/sportcheck-taboo-over-1.107154>.

385 “First Saudi Female Olympian Finishes Last,” Christian Broadcasting Network, 9 Aug. 2012, <http://www.cbn.com/cbnnews/world/2012/August/First-Saudi-Female-Olympian-Finishes-Last/>.

386 Wilcke, Christoph. “Workplace Battle Continues for Saudi Women,” 22 Aug. 2012, available at <http://www.hrw.org/news/2012/08/22/workplace-battle-continues-saudi-women>.

387 Minky Worden, “On Olympic Anniversary, End Hurdles for Saudi Women,” May 10, 2013, available at <http://www.hrw.org/news/2013/05/10/olympic-anniversary-end-hurdles-saudi-women> originally published at <http://www.trust.org/item/20130510201018-tfzv5>; “Saudi Arabia: Let All Girls Play Sports,” 8 May 2013, available at <http://www.hrw.org/news/2013/05/07/saudi-arabia-let-all-girls-play-sports>.

388 HRW, “Steps of the Devil:” Denial of Women’s and Girls’ Rights to Sport in Saudi Arabia, 2012. Print. available at <http://www.hrw.org/sites/default/files/reports/saudi0212webwcover.pdf>.

apartheid.”³⁸⁹ It is inconceivable that Roth would have made a similar statement relating to African-Americans or other minority groups. If one replaces the word “women” with any other ethnic group, one gets a clear sense of the truly offensive nature of Roth’s statement.

Roth’s blasé view of gender segregation in Saudi Arabia stands in sharp relief to repeated false, yet casually invoked accusations of apartheid and racial discrimination made by Roth and MENA director Whitson regarding West Bank Palestinians. Whitson has even gone so far as to single out U.S. Jews as being responsible for Israeli government policies in the territory.³⁹⁰ Whitson has never called out another U.S. ethnic minority group and blamed them for the policies of their home country, nor has she ever castigated any other minority group besides Jews for supposedly failing to demonstrate against such policies.

Roth’s tweet is not the only highly offensive comment made by an HRW official in relation to women. In a *Daily Beast* article discussing the decision by the U.S. government to intervene in Libya in March 2011, Tom Malinowski, HRW’s Washington, D.C. director, was quoted as saying that Samantha Power, Obama foreign policy advisor (later appointed UN Ambassador), “stands out” because “she’s hot.” He also referred to her as “the genocide chick” in a reference to her Pulitzer prize-winning book, *A Problem From Hell*.³⁹¹ It is doubtful that Malinowski would make similarly degrading statements about a male public figure.

Impact of Gulf Money on HRW’s Agenda?

“Saudi Arabia’s regional importance and the lucrative foreign contracts available there shouldn’t stop President Sarkozy from speaking out about its pervasive human rights abuses... Saudi Arabia represses dissidents, women and minorities, tortures prisoners, and mistreats migrant workers. France shouldn’t put business deals ahead of people’s human rights.”³⁹² – Sarah Leah Whitson (January 2008)

While HRW’s MENA division director issued a strong condemnation towards French President Sarkozy about pursuing business deals in Saudi Arabia, HRW is apparently not bound by similar constraints. The most troubling aspect of HRW’s soft approach to the MENA region, and Saudi Arabia in particular, is that it appears to coincide with a new strategy by the organization to intensify fundraising from Gulf elites. This financing plan raises numerous questions regarding the impact of such funding on HRW’s priorities and agenda setting, HRW’s commitment to moral and ethical principles, and whether HRW, itself, is putting “business deals ahead of people’s human rights.”

In May 2009, “senior members” of HRW, including Whitson and Hassan Elmasry,³⁹³ a member of the International Board of Directors and MENA’s Advisory Committee, visited Saudi Arabia³⁹⁴ to raise funds for the organization. HRW held a “welcoming dinner” where Whitson and Elmasry encour-

389 Mayer, *supra* note 123 at 240.

390 NGO Monitor, “HRW’s Whitson Exploits Race to Vilify Israel, Bait Jewish Community,” April 20, 2011, available at http://www.ngo-monitor.org/article/hrw_s_whitson_exploits_race_to_vilify_israel_bait_jewish_community.

391 Tara McKelvey, “Samantha Power’s Case for War on Libya.” *The Daily Beast*. 22 Mar. 2011 available at <http://www.thedailybeast.com/articles/2011/03/23/libya-war-samantha-power-and-the-case-for-liberal-interventionism.html?cid=hp:mainpromo8>.

392 HRW, “France/Saudi Arabia: Sarkozy Should Raise Human Rights Issues in Saudi Arabia,” 11 Jan. 2008 available at <http://www.hrw.org/news/2008/01/10/francesaudi-arabia-sarkozy-should-raise-human-rights-issues-saudi-arabia>.

393 Starting in October 2013, Elmasry will join Joel Motley as co-chair of the HRW board, “Human Rights Watch Names New Board Co-chairs,” April 22, 2013 available at <http://www.hrw.org/news/2013/04/22/human-rights-watch-names-new-board-co-chairs>.

394 NGO Monitor, “HRW Goes to Saudi Arabia to Demonize Israel and Raise Money,” May 27, 2009 available at http://www.ngo-monitor.org/article/hrw_goes_to_saudi_arabia_to_demonize_israel_and_raise_money.

aged “prominent members of Saudi society” to finance their work. The dinner was hosted by Emad bin Jameel Al-Hejailan, apparently connected to Al-Hejailan Consultants, a leading Saudi engineering firm that provides services to the government, including projects for Ministry of Water & Electricity, Ministry of Defense & Aviation, Ministry of Interior, the National Guard, Ministry of Health, Ministry of Transportation, Ministry of Higher Education, and the Saudi Fund for Development.³⁹⁵ Rather than focus on systematic abuses against women and other violations in the Saudi regime, including religious discrimination and the lack of political freedoms, Whitson and Elmasry cited HRW’s focus on Israel as the major reason for seeking the Saudi funding: “The group is facing a shortage of funds because of the global financial crisis and the work on Israel and Gaza, which depleted HRW’s budget for the region.” As a result, El Masry called on “businessmen in Saudi Arabia and the Arab world to support HRW by sending donations.”³⁹⁶

After NGO Monitor exposed the trip, George Mason University Professor David Bernstein issued a scathing commentary in a *Wall Street Journal* op-ed, noting that HRW officials “see nothing unseemly about raising funds among the elite of one of the most totalitarian nations on earth, with a pitch about how the money is needed to fight ‘pro-Israel forces,’ without the felt need to discuss any of the Saudis’ manifold human rights violations, and without apparent concern that becoming dependent on funds emanating from a brutal dictatorship leaves you vulnerable to that brutal dictatorship later cutting off the flow of funds, if you don’t ‘behave.’”³⁹⁷ Journalist Jeffrey Goldberg also commented that Whitson apparently “trafficked in a toxic stereotype about Jews in a country that bans most Jews from even crossing its borders, and whose religious leadership often propagates the crudest expressions of anti-Semitism . . . In much of the Arab world, ‘pro-Israel pressure group’ suggests a global conspiracy by Jews to dominate the world politically, culturally and economically.”³⁹⁸

Whitson responded to the exposure of the dinner with a highly defensive statement claiming that “we did indeed spend much of the time in serious discussion about Saudi violations, including its troubled justice system and the lack of women’s rights, as well as our work in the region, including Israel.”³⁹⁹ Yet, HRW refused to release video or a written transcript of Whitson’s presentation and remarks, making independent verification of her claims impossible. Moreover, Whitson’s created a strawman by complaining about the “misconception that efforts to raise support among Saudis are unseemly because, well, if they live in a totalitarian country, they must be bad people too.”⁴⁰⁰ She shrilly concluded, “Believe it or not, some Arabs believe in human rights too.” Whitson failed to grasp the main point of the criticism against her. In an authoritarian society like Saudi Arabia, it is impossible to separate regime elites – those who attended the dinner and would be donating money to HRW – from the government.⁴⁰¹

In correspondence with Goldberg, Ken Roth admitted that members of the Saudi government had

395 “Al-Hejailan Consultants - The Company,” available at <http://www.alhejailan-consultants.com/aboutus.asp>; <http://www.hejailan.com/home.php>.

396 Nasser Salti, “HRW lauded for work in Gaza,” 26 May 2009, Arab News <http://www.arabnews.com/node/324566>.

397 David Bernstein, “Human Rights Watch Goes to Saudi Arabia,” *The Wall Street Journal* 15 July 2009 available at <http://online.wsj.com/article/SB12452834380525561.html>.

398 Jeffrey Goldberg, “Fundraising Corruption at Human Rights Watch,” *The Atlantic*, 15 July 2009 available at <http://www.theatlantic.com/international/archive/2009/07/fundraising-corruption-at-human-rights-watch/21345/>.

399 *Id.*

400 *Id.*

401 Yusuf Sidani and John Thornberry, “The Current Arab Work Ethic: Antecedents, Implications, and Potential Remedies,” *Journal of Business Ethics*, 2010, 91 (1): 35-49 available at http://www.academia.edu/187669/The_Current_Arab_Work_Ethic_Antecedents_Implications_and_Potential_Remedies; Yusuf M. Sidani and Jon Thornberry, “Nepotism in the Arab World: An Institutional Theory Perspective,” *Business Ethics Quarterly* 2013, 23 (1), draft version available at http://www.pdcnet.org/pdfs/forthcoming/BEQ23-1_1.pdf.

attended the dinner, including a member of the regime's ruling Shura Council. The Shura Council is responsible for drafting laws and advising the King on policy,⁴⁰² but, Roth weakly claimed that he was "not sure whether you'd consider them government or not."⁴⁰³ Roth also reluctantly tried to defend Whitson's raising the specter of a Jewish conspiracy, stating that "It wasn't a pitch against the Israel lobby per se. Our standard spiel is to describe our work in the region. Telling the Israel story – part of that pitch – is in part telling about the lies and obfuscation that are inevitably thrown our way."⁴⁰⁴ He also claimed that "we don't seek or accept government money from any government, directly or indirectly. We never have." Yet, HRW has in fact accepted indirect government funds at times, including donations from Oxfam Novib, which in turn is largely funded by the Dutch government.⁴⁰⁵

In responding to criticism, HRW also never revealed whether Saudi women were allowed to attend the fundraising dinner, and if so, whether they able to do so without being accompanied by a male guardian. The NGO also did not disclose whether the dinner was sex segregated, and if attending women, including Whitson, were forced to comply with extreme Saudi female dress codes during the meeting.

HRW also appointed Salah Al-Heijelan, a prominent Saudi lawyer with apparent ties to the Saudi regime, to its Mideast Advisory Board. His firm, which is affiliated with the UK firm of Freshfields Bruckhaus Deringer, was involved in a controversy in 2009 when it sent out a recruitment notice deliberately seeking an "Anglo-Saxon" attorney to join the firm.⁴⁰⁶ The firm's notice explained that "By Anglo-Saxon we mean of Caucasian ethnicity as opposed to lawyers from the MENA or Asian Sub-Continent." Al-Heijelan and Freshfields were forced to apologize for the discriminatory ad. In his retraction, Al-Heijelan invoked his position with HRW in order to exonerate himself.⁴⁰⁷ Of course, women applying for the position would most likely be excluded, though that was not explicitly stated. As pointed out by a commentator in the *Guardian* (UK), the firm's "only female legal consultant is barred from obtaining a license to practise until [Saudi] law changes."⁴⁰⁸ It is notable that this one woman appears to be Al-Heijelan's daughter.⁴⁰⁹ It is unknown if Al-Heijelan has donated to HRW, but by being a member of the advisory board, he clearly has the ability to influence policy in the MENA department. It is inconceivable that HRW would have appointed to its board the member of an all-white law firm linked to the South African apartheid regime. Yet, apparently, intimate ties to a Saudi regime built on a foundation of systematic religious discrimination and gender segregation did not give the organization moral pause.

In addition to seeking Saudi funding, HRW has been soliciting donations in Lebanon and Kuwait. In December 2010, HRW launched its Beirut Committee and marked the event with a fundraising

402 "Majlis Ash-Shura - Historical Background." Kingdom of Saudi Arabia government *available at* <http://www.shura.gov.sa/wps/wcm/connect/ShuraEn/internet/Historical+BG/>.

403 Goldberg, *supra* note 398.

404 *Id.*

405 It is also difficult to verify HRW's claims because following concerns raised by NGO Monitor regarding indirect government and Saudi funding, the NGO removed donor information from its website.

406 Elie Mystal, "Freshfield's Affiliated Counsel in Saudi Arabia Makes a Recruitment Mistake." *Above the Law*, 16 June 2009, *available at* <http://abovethelaw.com/2009/06/freshfieldss-affiliated-counsel-in-saudi-arabia-makes-a-recruitment-mistake/>.

407 *Id.*

408 Laura Paddison, "Can Law Firms with Offices in Saudi Arabia Take Women's Rights Seriously?" *The Guardian*, 23 Oct. 2012, *available at* <http://www.guardian.co.uk/law/2012/oct/23/law-firms-saudi-arabia-womens-rights>

409 *Id.*

dinner.⁴¹⁰ In May 2013, HRW posted an advertisement seeking applicants “for the position of Kuwait Development and Outreach Consultant to facilitate events leading up to and including the Kuwait Annual Dinner.”⁴¹¹ The primary responsibility of the position is to bolster HRW’s fundraising efforts in Kuwait, including laying “the groundwork for a Kuwait base of financial support by soliciting major gifts and general support funds from donors in Kuwait”; “Research, identify, cultivate, service and solicit new prospects, existing donors and Kuwait Council at Large Members”; and “Propose a strategy to maintain current donors and develop their commitment to HRW and partner with the MENA Development Director to advance plans for strengthening HRW’s local presence and support networks in Kuwait.”

Following concerns raised in the aftermath of the Saudi funding controversy, HRW removed previously available donor information from its website. It is unknown therefore, how much money has been obtained and from whom. These new fundraising efforts raise significant questions regarding whether HRW is soliciting funds from those with close ties to oppressive regimes in the region and how this funding will impact its agenda setting and current work, particularly with regards to women’s rights. Is HRW reporting now tailored in order to attract other wealthy Gulf elites? Are these elites seeking to co-opt institutions like HRW in order to garner much desired credibility, and to maintain their political power and influence, as well as to preserve the abusive status quo?

Libya

As mentioned, MENA governments often announce “a host of reforms targeting freedom and good governance,” but typically, these reforms are simply a façade “to cover up the continuation of an oppressive status quo.”⁴¹² Rather than approach these announcements with skepticism and caution, HRW heralds such proclamations, giving much-desired credibility and PR to abusive regimes. Violations continue to occur, yet because of HRW’s endorsement, they become much harder to combat.

Libya serves as a primary example. In 2009, two years before the uprising and overthrow of the Qaddafi regime, Whitson authored an op-ed published in *Foreign Policy*, “Tripoli Spring.”⁴¹³ The article praised supposed human rights “reforms” taking place in the country and attributed these improvements to Muammar Qaddafi’s son Saif al-Islam. On December 12, 2009, HRW held a news conference in Libya, under the auspices of al-Islam and the Qaddafi Foundation. In a second op-ed, “Postcard from... Tripoli,”⁴¹⁴ published in *Foreign Policy in Focus* in February 2010, Whitson spun her trip and the event in an entirely positive light. An article in the *Times* (UK) noted, however that the press conference was cut short by government agents and ended in “pandemonium.”⁴¹⁵

Moreover, according to a Wikileaks cable about the press conference, Libyan authorities “detained at least five families of the 1996 Abu Salim prison riot on their way from Benghazi to the event and denied

410 HRW, “Lebanon: Human Rights Watch Launches First Middle East Committee in Beirut,” 6 Dec. 2010. *available at* <http://www.hrw.org/news/2010/12/06/lebanon-human-rights-watch-launches-first-middle-east-committee-beirut>.

411 HRW, “CONSULTANT, KUWAIT,” *available at* <http://www.hrw.org/employment/2013/05/09/consultant-kuwait>.

412 AHDR 2005, *supra* note 20 at 27.

413 Sarah Leah Whitson, “Tripoli Spring,” *Foreign Policy*. May 27, 2009 *available at* http://www.foreignpolicy.com/articles/2009/05/26/tripoli_spring.

414 Sarah Leah Whitson, “Postcard from... Tripoli,” *Foreign Policy in Focus*, February 11, 2010 *available at* <http://www.hrw.org/en/news/2010/02/11/postcard-fromtripoli>, originally published in http://fpif.org/postcard_fromtripoli/.

415 “Hardliners break up rights meeting as Gaddafi’s son tries to bring in reforms,” *Times*, December 14, 2009 *available at* <http://www.timesonline.co.uk/tol/news/world/africa/article6955289.ece>.

visas for *Washington Post* and *New York Times* journalists to attend.”⁴¹⁶ The cable also noted that HRW began the conference by praising the government, “citing improvements on freedom of expression and the increased willingness of some public officials to accept and act on criticism.” HRW emphasized, when criticized by an audience member, that it had been the first organization to condemn abuses by U.S. forces at Abu Ghraib prison. The document further described how many of the exchanges and debate in the audience “appeared to be a carefully scripted piece of theater.” U.S. officials stated that they believed participants were expected to adhere to a “script that exalted the work of Saif al-Islam but remained carefully within the ‘red lines’ that would cause significant offense.” Notably, the cable mentioned that this event “helped solidify Saif al-Islam’s reputation as a ‘reformer.” In addition, it was revealed that al-Islam facilitated visas and meetings for HRW in the country. Aside from promoting the reformer image, it is unknown if he promised a donation to HRW in exchange for this help.⁴¹⁷

In contrast to the reformer image pushed by Whitson and HRW, journalist Michael Totten countered that Saif al-Islam “is ideologically committed to preserving his father’s prison state system, and that he wants to export that system to as many countries as possible. Gullible diplomats and journalists may sincerely believe he’s a reformer, but a close look at his own statements proves that he’s lying when he passes himself off as moderate.”⁴¹⁸ Freedom House also contradicted Whitson’s and HRW’s praise of a supposed increase in free expression, remarking that the “regime hardened its monopoly on media outlets in mid-2009 with the nationalization of Al-Ghad media group, which was established in 2007 by al-Qadhafi’s son, Saif al-Islam.”⁴¹⁹ Even more upsetting was the case of Fathi Eljahmi, Libya’s most prominent dissident, who died in 2009 after five years of solitary confinement and torture. Eljahmi’s brother Mohamed issued a scathing critique of how HRW and Amnesty approached his brother’s case:

Both Amnesty International and Human Rights Watch hesitated to advocate publicly for Fathi’s case because they feared their case workers might lose access to Libyan visas... Perhaps because they still fear antagonizing Gaddafi, in their May 21 statement Human Rights Watch didn’t call for an independent investigation and stopped short of holding the Libyan regime responsible for Fathi’s death... Experience has shown me that country researchers in marquee human rights organizations are vulnerable to the regime’s manipulation. Sarah Leah Whitson is one of the Human Rights Watch researchers who last saw Fathi before he was rushed to Jordan. She wrote an article for *Foreign Policy* upon her return from Libya, where she described efforts by the Gaddafi Foundation for International Charities and Development, which is headed by the Libyan leader’s son, Saif al-Islam, as a ‘spring.’ The organization is actively menacing my brother’s family. Some family members continue

416 Wikileaks. “HRW Releases Report from Tripoli at Lively Meeting.” *The Telegraph*, 31 Jan. 2011 available at <http://www.telegraph.co.uk/news/wikileaks-files/libya-wikileaks/8294704/HRW-RELEASES-REPORT-FROM-TRIPOLI-AT-LIVELY-MEETING.html>.

417 These questions are not without foundation. According to news reports, Qaddafi spent millions on an extensive PR effort to bolster his image. These payments included hiring a Boston consulting group to organize paid trips to Libya for think tank analysts and former government officials. These trips, beginning in 2006, resulted in positive articles about the country and the Qaddafi regime in the Western press. See Dugald McConnell and Brian Todd, “Gadhafi paid millions to U.S. firms to polish his global image,” CNN, April 7, 2011 available at <http://edition.cnn.com/2011/WORLD/africa/04/06/libya.gadhafi.image/index.html> Similarly, the London School of Economics was engulfed in a scandal, when it was revealed that it had awarded a PhD to Saif al-Islam in exchange for a large donation to the school; see Graeme Paton “LSE to be criticised over £1.5m Libya donation,” *The Telegraph*, 27 Nov 2011 available at <http://www.telegraph.co.uk/education/universityeducation/8918975/LSE-to-be-criticised-over-1.5m-Libya-donation.html>.

418 Michael J. Totten, “Libya’s Son.” *Commentary Magazine*, 30 Jan. 2008 available at <http://www.commentarymagazine.com/2008/01/30/libya%E2%80%99s-son/>.

419 Freedom House, “Libya,” 2013, available at <http://freedomhouse.org/template.cfm?page=22&year=2010&country=7862>.

to endure interrogation, denial of citizenship papers and passports, round the clock surveillance and threats of rape and physical liquidation.⁴²⁰

As the uprising in Libya began to unfold with increasing brutality and with al-Islam appearing on state television and vowing to fight “until the last man, the last woman, the last bullet,”⁴²¹ HRW began to slowly walk back its claims of “reform.” Only on February 22, 2011, after the Qaddafi regime began to murder its own citizens, HRW’s Fred Abrahams referred to Saif al-Islam as “the so-called reformer son.”⁴²² Two days later, Whitson denounced al-Islam, “Saif Islam in fact abandoned his nascent reform agenda long before the past week’s demonstrations.” Yet, Whitson had never made this claim before nor did she apologize for her earlier central role in promoting him as a reformer.⁴²³

Shockingly, HRW criticized governments and organizations, including the London School of Economics (LSE), for their dealings al-Islam and the Qaddafi regime. In an October press release, HRW wrote that “western governments’ apparent eagerness to embrace Gaddafi for his support on counterterrorism, as well as lucrative business opportunities, tempered their criticism of his human rights record in recent years.”⁴²⁴ HRW’s Business and Human Rights Director Arvind Ganesan condemned the LSE for allowing “Abusive and corrupt officials or their families to launder their images in exchange for money,” and stated that “the London School of Economics did not act until Saif al-Islam’s father literally began to kill his own people.”⁴²⁵ This is despite the fact that David Held, Co-Director of LSE Global Governance, had partially attributed his view of Saif al-Islam as a reformer to Whitson’s *Foreign Policy* article declaring a “Tripoli Spring.”⁴²⁶

The Qaddafi regime was not the only repressive government courted by HRW and Whitson. In May 2010, Whitson traveled to Gaza and met with Hamas Minister of Justice Faraj al-Ghoul and other Hamas officials.⁴²⁷ The ostensible purpose of her visit was to request permission to visit detainees in Gaza’s central prison. Yet, according to Hamas, Whitson assured al-Ghoul that she was visiting Gaza “to listen to all parties directly so she will prepare more objective and impartial reports.”⁴²⁸ Whitson also

420 Mohamed Eljahmi, “Don’t Let My Brother’s Death Be In Vain.” *Forbes Magazine*, 16 June 2009 available at <http://www.forbes.com/2009/06/15/fathi-eljahmi-libya-opinions-contributors-human-rights.html>.

421 David D. Kirkpatrick and Mona El-Naggar, “Qaddafi’s Son Warns of Civil War as Libyan Protests Widen,” *New York Times*, February 20, 2011 available at http://www.nytimes.com/2011/02/21/world/africa/21libya.html?pagewanted=all&_r=0.

422 Fred Abrahams, “Hold Gadhafi Accountable for Atrocities” February 22, 2011. CNN available at <http://edition.cnn.com/2011/OPINION/02/22/abrahams.libya.gadhafi/> and on HRW website at <http://www.hrw.org/news/2011/02/22/hold-gadhafi-accountable-atrocities>

423 Whitson, Sarah Leah. “Libya: To Oust a Tyrant.” 24 Feb. 2011 *LA Times* available at <http://articles.latimes.com/2011/feb/24/opinion/la-oe-whitson-libya-20110224> and on HRW at <http://www.hrw.org/news/2011/02/24/libya-oust-tyrant>.

424 “Libya: New Era Needs Focus on Rights,” October 20, 2011 available at <http://www.hrw.org/news/2011/10/20/libya-new-era-needs-focus-rights>.

425 Arvind Ganesan, March 16, 2011. Higher Education’s Dirty Little Secret, *The Huffington Post* available at http://www.huffingtonpost.com/arvind-ganesan/higher-educations-dirty-l_b_836552.html and on HRW at <http://www.hrw.org/news/2011/03/16/higher-educations-dirty-little-secret>.

426 David Held. “Dealing with Saif Gaddafi: naivety, complicity or cautious engagement?” 16 March 2011 available at <http://www.opendemocracy.net/david-held/dealing-with-saif-gaddafi-naivety-complicity-or-cautious-engagement>.

427 HRW, “Letter to Hamas Minister of Interior,” May 24, 2010 available at <http://www.hrw.org/en/news/2010/05/24/letter-hamas-minister-interior>.

428 <http://www.tawtheeq.ps/en/home.php?>

promised the terrorist organization's officials that HRW's next report would tackle Israeli settlements and allege Israeli violations of international law.

In Lebanon at the end of November 2010, HRW staff and international committee members, including Whitson, gathered to discuss human rights reform in the country. Despite the continued repressive personal status laws for women and systematic discrimination against Palestinian refugees, Whitson praised "the Lebanese sophistication for human rights." In contrast, HRW Lebanon Director Nadim Houry characterized Lebanon as having a "failing formula," preventing human rights reform.⁴²⁹ Specifically, he condemned the "lack of effectual and accountable state institutions," the absence of political will to implement change, and the problems created by the country's political confessionalism.⁴³⁰ Just a few weeks after Whitson's remarks, Hezbollah brought down the Lebanese government in order to block a UN investigation that was likely to implicate Hezbollah in the death of former Prime Minister Rafik Hariri in 2005.⁴³¹ As a result, in January 2011, the terrorist organization took control of the government and its candidate became the new Prime Minister of Lebanon.⁴³²

The Arab Spring

Compared to its record from 1995-2010, HRW increased to some degree its reporting on women's issues during and after the Arab Spring. Notably, the NGO issued a report on women's rights in Libya in May 2013⁴³³ and has paid greater attention to child marriage in Yemen.⁴³⁴ However, the coverage has remained intermittent, and these statements remain a small percentage of total reporting in the MENA region (see Appendix 1). It is unclear to what extent HRW will maintain focus on any of these specific issues. Moreover, as the Arab Spring unfolded, HRW continued its pattern of soft-peddling abusive regimes, presenting a reformist façade to the developments, and engaged in apologetics for the Islamists as they began to seize power across the region. Most importantly, they downplayed and, in some cases, ignored the coming impact of the uprisings on women's rights.

For the introduction of HRW's 2012 World Report,⁴³⁵ Ken Roth penned a 6,500 word essay on the Arab Spring. Similar to Amnesty Secretary General Salil Shetty's essay in that NGO's annual report (see page 50), the article was largely an attack on Western foreign policy and its relationship with the Arab world, holding this policy responsible for the dismal state of human rights in the MENA region. Roth claimed for instance, that "until recently Western governments frequently acted as if the Arab people were to be feared, hemmed in, controlled. In other regions, democracy spread, but in the Middle East and North Africa, the West seemed content to back an array of Arab autocrats, so long as they in turn supported Western interests."⁴³⁶ These interests, identified by Roth as fear of the rise of another Iran, combating terrorism, regional stability and diffusion of conflict with Israel, oil, and stemming migration to

429 "Lost in confessionalism?" December 5, 2010 *available at* https://now.mmedia.me/lb/en/reportsfeatures/lost_in_confessionalism.

430 *Id.*

431 Amin Saikal, "Lebanon: Hezbollah's Political Triumph." *The Drum*, 28 Jan. 2011 *available at* <http://www.abc.net.au/unleashed/43298.html>.

432 Martin Chulov. "Hezbollah-backed Candidate Poised to Become Lebanon PM." *The Guardian*, 24 Jan. 2011 *available at* . <http://www.guardian.co.uk/world/2011/jan/24/hezbollah-backed-candidate-lebanon-pm>; Connolly, Kevin. "Hezbollah-backed Najib Mikati Appointed Lebanese PM." *BBC News*, 25 Jan. 2011. *available at* <http://www.bbc.co.uk/news/world-middle-east-12273178>.

433 HRW, "A Revolution for All: Women's Rights in the New Libya," 27 May 2013, *available at* <http://www.hrw.org/reports/2013/05/27/revolution-all>.

434 HRW, "Yemen: End Child Marriage," 11 September 2013, *available at* <http://www.hrw.org/news/2013/09/10/yemen-end-child-marriage>.

435 HRW, "World Report 2012" *available at* <http://www.hrw.org/sites/default/files/reports/wr2012.pdf>.

436 *Id.* at 1.

Europe, are scorned as if governments having and promoting interests are wrong and as if the issues highlighted are not matters of legitimate concern.

The most disturbing part of Roth's essay, however, was his views regarding political Islam. Like the HRW approach towards the treatment of women, Roth painted a wildly inaccurate picture of Islamist and Salafist movements, and downplayed the very real danger to democracy and human rights that these movements pose. For example, his sole mention of women in the long essay is to brush aside the impact of Islamist power on women's rights and other freedoms:

Many Islamic parties have indeed embraced disturbing positions that would subjugate the rights of women and restrict religious, personal, and political freedoms. But so have many of the autocratic regimes that the West props up. Moreover, Islamic movements are hardly monolithic or implacably opposed to rights. Yet rather than engage with them to demand respect for rights, Western governments have often treated them as untouchable.⁴³⁷

He then naively understates the role of Islamists in the Arab upheavals: "Ironically, none of the forces most feared by the West lay behind this last year's outburst of popular protest. Political Islam was little in evidence as a spark or sustaining force for the uprisings; it emerged mainly later."⁴³⁸ This view stands in stark contrast to the reality, particularly that the Islamist parties purposely maintained a low profile as part of their strategy to obtain power once the established regimes fell. His claims that the rise of the Ennhada party in Tunisia has been "promising" because of its "encouraging pledges about building a broad governing coalition and respecting the rights of all Tunisians" have not been borne out.⁴³⁹

Roth ends his essay recommending engagement with Islamists, presenting a pollyannish view of these parties:

the international community must also come to terms with political Islam when it represents a majority preference. . . Islamist parties generally did a good job of distinguishing themselves through social service programs from the corrupt and self-serving state, in part because Islamists enjoyed organizational advantages that long-repressed secular counterparts did not share, and in part because political Islam reflects the conservative and religious ethos of many people in the region. Ignoring that popularity would violate democratic principles . . . Embracing political Islam need not mean rejecting human rights, as illustrated by the wide gulf between the restrictive views of some Salafists and the more progressive interpretation of Islam that leaders such as Rashid Ghannouchi, head of Tunisia's Nahdha Party, espouse. It is important to nurture the rights-respecting elements of political Islam while standing firm against repression in its name. So long as freely elected governments respect basic rights, they merit presumptive international support, regardless of their political or religious complexion.⁴⁴⁰

Remarks made by other senior HRW officials appeared similarly out of touch. In the September 2011 presentation in Toronto (see page 57), Sarah Leah Whitson told her audience she was "shocked" by the uprisings and that nobody predicted them. She made this statement despite the fact that many journalists and political commentators had indeed predicted the uprisings. Her own deputy in the MENA department, Eric Goldstein, even wrote in January 2011 that activists in Tunisia had been telling him for

⁴³⁷ *Id.* at 4.

⁴³⁸ *Id.* at 6.

⁴³⁹ *Id.* at 10.

⁴⁴⁰ *Id.* at 13.

several years that revolt was imminent.⁴⁴¹ He and Whitson apparently chose to ignore these statements. During the same presentation, Whitson also claimed that that HRW had a presence in Tunisia, Libya, Egypt, and Yemen “for years.” Her failure to anticipate the political upheaval in the region therefore is all the more surprising.⁴⁴² Another strange claim, made by Whitson at the event, and echoing Roth’s remarks in his World Report introduction, was that “the one thing [the Arab Spring] isn’t about is Islam.” She made these comments even after the Muslim Brotherhood had gained control in Egypt and was poised to do the same in Tunisia and Libya. It is also notable that Whitson made no mention of women’s rights at all during her speech. It was only after she was asked during the Q&A about the impact of the uprisings on women, did Whitson admit that reporting on women’s issues were consistently pushed aside by HRW in favor of reporting on the 2009 Gaza War and other armed conflicts.

In fact, Whitson persisted in her motif of denying the negative impact of Islamists, even in 2012 after they had seized power in Egypt and the Maghreb, asserted their increasing influence in Syria’s civil war, and strengthened their influence in the Gulf, notably in Kuwait. She stated, “it shouldn’t matter if their elected leaders are Islamist or secular, in terms of protecting the rights of citizens . . . [t]he international community has for too longed [sic] impeded change in these countries by choosing the erstwhile alliance of ‘safe’ dictators. Our only role is to support the efforts of the people of North Africa in hopes they will succeed in the heroic task they have undertaken.”⁴⁴³

Similarly, in a video issued to coincide with the release of HRW’s 2012 World Report, HRW Deputy Program Director Tom Porteous called the Tahrir Square protests “the most exhilarating experience I’ve witnessed since the fall of the Berlin wall.” He further stated that in the Arab uprisings, “these people are clamoring for freedom, they are talking the language of human rights . . . these are human rights uprisings.” He also claimed that unlike others, HRW “understood the background to these uprisings.”⁴⁴⁴

Another senior HRW official, Minky Worden, claimed that “There is some reason to hope” that Islamist parties would now support women’s rights.⁴⁴⁵ It is entirely unclear on what basis Worden claimed that the Islamists taking power in the region would start to suddenly support women’s rights given a lack of any evidence in this regard. These statements were all the more bizarre because they were made in the context of her promoting an edited volume of essays released in 2012 that included pieces discussing the negative impact of Islamists on women’s rights.⁴⁴⁶

Ignoring History

HRW’s approach to the Arab Spring also reflected a profound lack of understanding surrounding the history and politics of the region and especially how it would affect women. Despite the organization’s claims of a new era of rights in the Middle East, events preceding the Arab Spring were a clear harbinger of how women might be treated once the old regimes were ousted and new governments assumed power. As noted by Michael Totten, “Yet even this grimmest of grim viewpoints [on the Arab Spring]

441 Eric Goldstein, “A Middle Class Revolution,” 19 July 2011, *available at* <http://www.hrw.org/news/2011/01/19/middle-class-revolution>.

442 The claims of presence in these countries is also difficult to square with HRW’s Global Challenge fundraising campaign which was instituted to increase presence in the Arab world specifically because the organization didn’t have a strong presence there.

443 James Schneider, “Experts Weekly: Jan14 One Year On.” Think Africa Press, 16 Jan. 2012, *available at* <http://thinkafricapress.com/tunisia/experts-weekly-jan14-one-year>.

444 “World Report 2012” *supra* note 428.

445 Minky Worden, “Arab Spring and Women’s Rights.” Interview by Jayshree Bajoria. Council on Foreign Relations, 8 Mar. 2012. *available at* <http://www.cfr.org/women/arab-spring-womens-rights/p27604>.

446 Minky Worden, ed. *The Unfinished Revolution: Voices from the Global Fight for Women’s Rights*, 2012. Seven Stories Press.

is more reality-based than that of the starry-eyed in the West who liken the current turmoil to Europe's anti-Communist revolutions in 1989. Cairo is not Warsaw, and Tripoli is not Prague."⁴⁴⁷

Iran, Algeria, Afghanistan, and Iraq all provide historical examples that HRW could have drawn upon to more realistically evaluate the impact of the Arab Spring from a human rights perspective and especially on the rights of women. In Iran and Afghanistan, extremist Islamic regimes came to power and immediately imposed a repressive system of laws on women with disastrous results. In Iraq, after the first Gulf War, the Ba'ath regime adopted a more Islamist stance to maintain control and placate Islamic critics who were gaining support.⁴⁴⁸ After the fall of Saddam Hussein, Islamists tried to assert their power, particularly regarding women's rights, seeking to repeal the already discriminatory personal status laws in favor of a stricter form of Sharia law.⁴⁴⁹ Legislative initiatives were coupled with increasing physical and psychological intimidation, exclusion, and discrimination, whereby women activists were assassinated or targeted for assassination and women were forced to adopt Islamic dress and drop out of university.⁴⁵⁰ There was also a concurrent rise in polygamy, child marriage, and honor killings.⁴⁵¹

Similarly, in Algeria, women were very active in the war with France that ultimately led to independence for the country and gained a modicum of rights after the conflict. The situation for women dramatically changed for the worse, however, beginning in the 1980s as a result of governmental compromises with Islamist parties and the resulting civil war with those factions during the 1990s. Family codes that mimicked the strictures of Sharia law were adopted, severely curtailing women's freedom.⁴⁵² The platform of the FIS Islamist party, which won the 1991 elections but was unable to assume power after the government cancelled the second round of elections in 1992 (leading to the war), called for sex segregation and limits on the ability of women to work. A 1994 fatwa issued by the FIS allowed for the killing of women and girls who were not wearing the hijab. During and following the civil war and reconciliation agreement, the government resumed its policy of appeasing Islamist parties so as not to antagonize them.

Referring to Iran, human rights activist Shirin Ebadi cautioned that "I hope that in the Arab countries where people have risen against dictatorships and overthrown them, they will reflect and learn from what happened to us." She likened the developments in Egypt to events after the 1979 revolution in Iran, noting, "Before the revolution, women's rights were recognized to some extent. But the revolution led to the enactment of numerous discriminatory laws against women." Ebadi begins her article, aptly titled "A Warning for Women of the Arab Spring," with a sharp caution, "I do not agree with the phrase 'Arab Spring'... Only when repressive governments are replaced by democracies can we consider the popular uprisings in the Middle East to be a meaningful 'spring'... when women in those countries are allowed

447 Michael J. Totten "Arab Spring or Islamist Winter?" *World Affairs* (2012): Jan.-Feb. 2012 *available at* <http://www.worldaffairsjournal.org/article/arab-spring-or-islamist-winter>.

448 Rend Al-Rahim, "Iraq: Frustrated Expectations" *Wilson Center Middle East Program*, 2012 at 18 *available at* http://www.wilsoncenter.org/sites/default/files/Arab%20Awakening%20Marginalizing%20Women_0.pdf.

449 See e.g., Joel Wing, "How Iraq's Religious Parties Attempted To Seize Power In The Post-Invasion Vacuum" 12 Feb. 2011, *available at* <http://www.ekurd.net/mismas/articles/misc2011/12/govt1874.htm>; *Wilson Center Middle East Program*, 2012 *available at* http://www.wilsoncenter.org/sites/default/files/Arab%20Awakening%20Marginalizing%20Women_0.pdf.

450 *Id.*

451 Al-Rahim, *supra* note 448 at 18.

452 Meredith Turshen, "Algerian Women in the Liberation Struggle and the Civil War: From Active Participants to Passive Victims?" *Social Research* 69.3 (2002): 889-911, *available at* <http://www.meredethturshen.com/www/pdf/SR%202002.pdf>.

to take part in civic life.”⁴⁵³ A version of Ebadi’s article was even published in Worden’s book, yet HRW did not absorb these lessons.

Instead of looking to these examples, Roth and HRW cited Turkey as the model for the MENA region because “despite its distinct history, it remains a powerful example of a country with a religiously conservative elected government that has not used Islam as a pretext to undermine basic rights.”⁴⁵⁴ Yet, this analogy is also highly flawed. As noted by Lebanese journalist Bissane El-Cheikh, “those who preach for the adoption of a Turkish model in the postrevolutionary Arab world tend to forget that Turkey is still a secular republic with a secular constitution, whereas Islamists are attempting to amend the constitutions according to the now defunct sultanate values.”⁴⁵⁵ Moreover, HRW overlooked the increasing efforts to “Islamicize” the country and the concurrent decrease in freedoms since Prime Minister Recep Tayyip Erdogan from the Islamist-aligned Justice and Development Party assumed power in 2002, including imprisoning journalists and blocking YouTube and other internet platforms.⁴⁵⁶ In June 2013, major protests erupted of citizens rejecting Erdogan’s policies throughout Turkey.⁴⁵⁷

The most hard-hitting critic of HRW’s and Roth’s Arab Spring views, however, was none other than Gita Sahgal, the ousted former head of Amnesty’s Gender Unit. In a February 9, 2012, letter addressed to Roth and published in the *New York Review of Books*, Sahgal’s Center for Secular Space and more than a dozen other women’s rights groups took Roth to task for his call to embrace the newly elected Muslim Brotherhood in Egypt and Tunisia.⁴⁵⁸ Pointedly, the group admonished “you are not a state; you are the head of an international human rights organization whose role is to report on human rights violations, an honorable and necessary task which your essay largely neglects.” They go on to note:

You, however, are so unconcerned with the rights of women, gays, and religious minorities that you mention them only once...Are we really going to set the bar that low? This is the voice of an apologist, not a senior human rights advocate.

They also take issue with his naive approach and his failure to learn the lessons of history,

It is simply not good enough to say we do not know what kind of Islamic law, if any, will result, when it is already clear that freedom of expression and freedom of religion—not to mention the choice not to veil—are under threat. And while it is true that the Muslim Brotherhood has not been in power for very long, we can get some idea of what to expect by looking at their track record...But, rather than examine the record of Muslim fundamentalists in the West, you keep demanding that Western governments “engage.”

453 Shirin Ebadi, “A Warning for Women of the Arab Spring.” *The Wall Street Journal*, 14 Mar. 2012 available at <http://online.wsj.com/article/SB10001424052970203370604577265840773370720.html>

454 Kenneth Roth, “Time to Abandon the Autocrats and Embrace Rights,” *World Report* 2011 available at <http://www.hrw.org/world-report-2012/time-abandon-autocrats-and-embrace-rights>

455 Heideman and Youssef, *supra* note 132.

456 Hillel Fradkin and Lewis Libby. “Erdogan’s Grand Vision: Rise and Decline.” *World Affairs* (2013) Mar.-Apr. 2013 available at <http://www.worldaffairsjournal.org/article/erdogan%E2%80%99s-grand-vision-rise-and-decline>.

457 Patrick Martin, “Turkey’s Protests Fuelled by Leader’s Quest to Restore Islam.” *The Globe and Mail*. 15 June 2013 available at <http://www.theglobeandmail.com/news/world/turkeys-protests-fuelled-by-leaders-quest-to-restore-islam/article12585932/>.

458 Kenneth Roth, “Women and Islam: A Debate with Human Rights Watch.” *New York Times Review of Books*, 23 Feb. 2012 available at <http://www.nybooks.com/blogs/nyrblog/2012/feb/23/women-islam-debate-human-rights-watch/>.

They further condemn efforts to whitewash Islamist regimes by referring to them as “moderate,” remarking that “This language is deployed to sanitize movements that may have substituted elections for bombs as a way of achieving power but still remain committed to systematic discrimination.”

In response, Roth, along with Whitson, Liesl Gertholtz (Director of the Women’s Rights Division), and Graeme Reid (Director of the LGBT Division), brushed aside concerns regarding the impact on women and other minorities that comes with the rise of Islamist parties because “a solid majority voted for socially conservative political parties in Egypt, and a solid plurality did so in Tunisia. The sole democratic option is to accept the results of those elections.” They also replied wrongly (as has been demonstrated in this paper) that “Human Rights Watch has a long history of standing up to governments founded on political Islam that discriminate against women, gays and lesbians, and religious minorities.” Reflecting a continuing lack of knowledge regarding the region, they again invoked the false analogy of Turkey and added, “we would not reject the possibility that a government guided by political Islam might be convinced to avoid such discrimination.”⁴⁵⁹

Missing the entire point of Sahgal’s letter, HRW accused the group of women’s rights NGOs of Islamophobia, “Promoting tolerance of women and gays by way of intolerance for Islam, an approach epitomized by Geert Wilders of the Dutch Freedom Party, does not seem a productive approach.” They also likened the role of religion in an Islamist regime to that of the role played by Christianity in the United Kingdom or Norway.

The response closes with a reiteration of HRW’s strategy of soft-peddling abuses and taking a positive approach towards Islamist regimes: “Brotherhood officials since winning the parliamentary elections have been proceeding cautiously and making some encouraging statements. Certainly we will criticize them strongly if they engage in abusive practices, but for now we are actively pressing them to transform those positive early signals into governing policies founded on respect for the rights of all.”

Catherine Fitzpatrick, an astute commentator on the controversy and former employee at HRW during the 1980s and 90s, noted the following:

“The chief problem of Human Rights Watch in this and other matters related to the Middle East is that it sees itself as the sole honest arbiter of what constitutes compliance with human rights. Yet it does so in a highly politicized manner, not recognizing the essential ‘political’ act of picking and choosing cases and priorities, and engaging with or rejecting this or that regime... human rights groups would do better to ‘go where the violations are’ instead of endlessly balancing the saddle bags.”

459 *Id.*

SECTION V: CONCLUSIONS & RECOMMENDATIONS:

The lack of civil, political, and social freedoms for women is one of, if not the most, significant human rights issue affecting the MENA region. Repressive and discriminatory personal status codes, the lack of education and rampant illiteracy, cultural practices including polygamy, child marriage, FGM, severe dress codes, and innumerable restrictions over women's lives have all contributed to making the MENA region the least hospitable to women, and have consequently, diminished the capacity of the region to develop.

Yet, despite this dismal situation, as this report has documented, the two largest and most powerful organizations claiming to uphold universal human rights, Amnesty International and Human Rights Watch, have failed the women of the MENA region. By prioritizing politics and ideology over human rights advocacy, attention of these organizations to the abuse of women has been sporadic, impressionistic, and weak, rather than sustained, comprehensive, and hard-hitting.

Amnesty and HRW instead devote far greater attention to issues that fall within the orbit of their primary agenda drivers, such as the media, post-colonial ideology, issues related to detention, U.S. foreign policy, and armed conflict. As a result, these NGOs assign less priority towards documenting abuses against women in the MENA region and campaigning for their end.

This skewed prioritization has had several negative consequences. For instance, within the politicized frameworks of the UN, repressive regimes often dominate the agendas and promote an immoral equivalence between the abusive policies of their governments and the policies of Western democracies. By their disproportionate coverage of armed conflict, counter-terror, and Western abuses, and their failure to engage in sustained campaigning on women's rights, Amnesty and HRW feed this dynamic. The lack of intensive campaigning allows these regimes to escape scrutiny and inoculates them from having to respond to their critics. It similarly supports excuses proffered by autocratic regimes that women's rights are simply a "democratic façade" or evidence of "western imperialism."⁴⁶⁰ Moreover, Amnesty's and HRW's soft-peddling of abuses, excessive praising of even the most minor reforms, and support for specific regimes that have exhibited hostility to women's rights have served those authoritarian regimes that actively seek legitimacy and credibility.

In addition, by analyzing abuses under a rubric of Islamic law, by minimally addressing violations, and by failing to speak out against abuses for fear of being labeled "Islamophobic," these NGOs bolster attempts by MENA regimes to suppress criticism of violations under the guise of "respecting religion" and give these governments cover for attacks on free speech rights.

Another negative consequence is that the failure to strongly advocate on behalf of women by Amnesty and HRW can inflict incalculable damage on grassroots women's rights NGOs. Support by powerful, international NGOs is critical to the success of campaigns by smaller, more local groups that do not have access to influential networks or the ability to lobby globally. As noted in the 2005 Arab Human Development report, "it lies beyond the power and resources of the women's movements to affect such an entangled politico-social situation by themselves, which confirms that the fight for women's freedom is the fight of Arab societies as a whole."⁴⁶¹

Downplaying abuses and magnifying reforms can also undermine the work of local groups. Media and policy makers might ignore issues that do not appear on the reporting agenda of HRW and Amnesty.

⁴⁶⁰ AHDR 2005, *supra* note 20 at 22.

⁴⁶¹ *Id.* at 12.

In other words, if Amnesty and HRW are not covering it, it must not be a problem of significant importance. Yet, as noted by Ron, “away from the media’s central zone of interest” is where the impact of Amnesty and HRW can be most effective.⁴⁶²

Due to their power, influence, and resources, the agendas and priorities established by the larger international NGOs can marginalize the priorities and concerns of the local organizations, even though these actors are more aware of the most pressing issues and most affected by them. The approach employed by Amnesty and HRW can also place local activists in danger: if their real problems are minimized and ignored by the international community and media, there will be fewer oversight and monitoring mechanisms in place. Authoritarian regimes can also leverage the praise of the powerful NGOs that promote a narrative of reform to attack and harass those on the ground who disagree with that assessment.

It can also be argued that the failure of Amnesty and HRW to advocate for women’s rights in the Middle East as strongly as they have for issues facing the West is a form of racism. By failing to promote international human rights norms universally and equally in all countries in the world, Amnesty and HRW impart the message that authoritarian regimes and their supporters cannot handle and must be shielded from tough criticism; that women in the Middle East are not entitled to the same freedoms and political rights as women in the Western world; that they do not deserve the tough advocacy that benefit Western women; and that Middle East women must be subject to the strictures of fundamentalist cultures and authoritarian regimes that use religion to suppress women’s rights.

Finally, Amnesty and HRW also fail their donors, who expect that their money will be used to promote human rights universally in accordance with the organizations’ mandates. Donors are not aware that their money furthers narrow agendas that bolster the power of authoritarian regimes.

The current approach to women’s rights by Amnesty and HRW has immorally contributed to the politicizing of human rights and the ongoing dilution of their universality. By prioritizing women’s rights, these groups could play a greater role in promoting true reform for the MENA region, which might lead to the blooming of an actual Arab Spring.

462 Ramos, Ron and Thoms, *supra* note 209 at 399.

RECOMMENDATIONS

NGO Monitor therefore calls on Amnesty International and Human Rights Watch to implement the following recommendations:

- Amnesty and HRW must truly prioritize women's rights issues, and not simply pay lip service to them.
- Amnesty and HRW must invest sufficient resources and staffing for reporting and advocacy on women's rights in the MENA region.
- Amnesty and HRW must not promote political regimes and movements that have showed no respect historically for women's rights.
- Amnesty and HRW should express healthy skepticism towards political reforms. They should not offer premature or disproportionate praise for these announcements until actual change has been concretely demonstrated.
- Amnesty and HRW must adopt the same hard-hitting approach towards MENA regimes as they do towards the U.S. and Israel.
- Elimination of personal status laws is a primary goal of local movements.⁴⁶³ Amnesty and HRW must devote sustained energy to support efforts to end these repressive and discriminatory laws.
- Amnesty and HRW must engage in the CEDAW process, including filing shadow reports for all MENA countries in advance of their reviews. The NGOs should extensively campaign for an end to reservations that effectively nullify the protections of the convention.
- Amnesty and HRW must keep the issue of women's rights in the MENA region at the top of the agenda of international institutions like the UN Human Rights Council. It should be stressed by the NGOs at every session including in written submissions, oral statements, and side events.
- Amnesty and HRW must evaluate violations based on international human rights standards, not religious law.

⁴⁶³ *Id.* at 131.

SECTION VI: APPENDIX 1

Data on Total Documents and Women's Rights Documents Issued by Amnesty International and Human Rights Watch for the MENA Region 1995-2012

Methodology: The following charts present two categories of data:

- 1) "All" – The total number of documents for each country as classified by Amnesty International and Human Rights Watch on their respective websites.
- 2) "Women" – Documents where the main focus of the publication is related to women's rights, or where a paragraph or section discusses women's rights issues. Documents that simply mention women's rights in passing are not included.

Raw data is available at www.ngo-monitor.org

| | AI | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|--------------|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| ALL | Afghanistan | 15 | 11 | 10 | 15 | 16 | 10 | 53 | 32 |
| WOMEN | | 4 | 1 | 2 | 3 | 4 | 1 | 1 | 1 |
| ALL | Algeria | 21 | 15 | 35 | 25 | 11 | 13 | 12 | 24 |
| WOMEN | | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| ALL | Bahrain | 22 | 29 | 11 | 9 | 11 | 7 | 8 | 2 |
| WOMEN | | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| ALL | Egypt | 27 | 28 | 60 | 56 | 32 | 31 | 29 | 42 |
| WOMEN | | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 1 |
| ALL | Iran | 27 | 43 | 46 | 29 | 33 | 38 | 45 | 28 |
| WOMEN | | 3 | 0 | 2 | 0 | 0 | 2 | 1 | 0 |
| ALL | Iraq | 9 | 4 | 11 | 16 | 19 | 13 | 14 | 10 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 0 |
| ALL | Israel/PA | 31 | 73 | 62 | 56 | 34 | 45 | 64 | 113 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 0 |
| ALL | Jordan | 8 | 15 | 14 | 16 | 12 | 3 | 9 | 14 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Kuwait | 8 | 10 | 4 | 2 | 1 | 6 | 1 | 7 |
| WOMEN | | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| ALL | Lebanon | 2 | 18 | 26 | 12 | 8 | 27 | 22 | 14 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| ALL | Libya | 3 | 9 | 13 | 7 | 3 | 3 | 5 | 6 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Mauritania | 4 | 1 | 4 | 3 | 3 | 7 | 6 | 7 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Morocco | 12 | 14 | 10 | 7 | 7 | 4 | 14 | 5 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Oman | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 2 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Qatar | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Saudi Arabia | 15 | 16 | 14 | 17 | 24 | 59 | 23 | 16 |
| WOMEN | | 0 | 0 | 0 | 1 | 1 | 3 | 0 | 3 |
| ALL | Syria | 15 | 14 | 18 | 22 | 17 | 15 | 29 | 35 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Tunisia | 34 | 46 | 55 | 21 | 30 | 25 | 28 | 22 |
| WOMEN | | 2 | 2 | 3 | 0 | 0 | 0 | 0 | 0 |
| ALL | UAE | 11 | 12 | 14 | 5 | 6 | 5 | 6 | 3 |
| WOMEN | | 0 | 0 | 1 | 0 | 0 | 6 | 0 | 2 |
| ALL | Yemen | 4 | 5 | 15 | 7 | 7 | 7 | 9 | 7 |
| WOMEN | | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 2 |

| 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | TOTAL |
|------|------|------|------|------|------|------|------|------|------|-------------|
| 29 | 21 | 22 | 27 | 22 | 24 | 43 | 29 | 20 | 38 | 437 |
| 4 | 5 | 8 | 2 | 1 | 2 | 4 | 7 | 3 | 9 | 62 |
| 16 | 12 | 13 | 20 | 27 | 23 | 14 | 11 | 6 | 3 | 301 |
| 0 | 2 | 2 | 0 | 2 | 3 | 0 | 1 | 0 | 0 | 13 |
| 3 | 7 | 4 | 9 | 2 | 6 | 3 | 10 | 89 | 88 | 320 |
| 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 8 |
| 40 | 15 | 19 | 27 | 44 | 45 | 44 | 63 | 258 | 89 | 949 |
| 0 | 1 | 0 | 0 | 0 | 2 | 1 | 0 | 16 | 12 | 36 |
| 50 | 60 | 76 | 151 | 159 | 203 | 211 | 166 | 151 | 113 | 1629 |
| 1 | 7 | 2 | 4 | 27 | 43 | 19 | 21 | 20 | 14 | 166 |
| 128 | 60 | 46 | 43 | 61 | 51 | 52 | 48 | 84 | 38 | 707 |
| 2 | 9 | 6 | 0 | 3 | 0 | 3 | 1 | 2 | 0 | 30 |
| 50 | 39 | 35 | 90 | 37 | 63 | 92 | 76 | 72 | 93 | 1125 |
| 0 | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| 20 | 4 | 14 | 16 | 10 | 12 | 6 | 2 | 5 | 15 | 195 |
| 1 | 3 | 0 | 1 | 0 | 4 | 0 | 0 | 2 | 0 | 11 |
| 1 | 2 | 5 | 3 | 5 | 4 | 4 | 12 | 9 | 19 | 103 |
| 0 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 6 |
| 11 | 13 | 10 | 58 | 17 | 12 | 16 | 9 | 10 | 8 | 293 |
| 0 | 1 | 1 | 0 | 1 | 1 | 1 | 4 | 1 | 0 | 12 |
| 10 | 17 | 11 | 12 | 20 | 20 | 8 | 35 | 126 | 71 | 379 |
| 0 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 9 | 2 | 15 |
| 9 | 10 | 5 | 0 | 1 | 16 | 2 | 7 | 9 | 14 | 108 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 12 | 11 | 19 | 14 | 16 | 30 | 22 | 30 | 18 | 7 | 252 |
| 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 0 | 1 | 7 | 1 | 1 | 2 | 0 | 3 | 14 | 20 | 55 |
| 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 2 |
| 5 | 1 | 6 | 3 | 2 | 2 | 4 | 2 | 6 | 11 | 46 |
| 0 | 0 | 3 | 2 | 0 | 0 | 3 | 0 | 2 | 0 | 10 |
| 20 | 25 | 27 | 16 | 50 | 62 | 52 | 33 | 78 | 57 | 604 |
| 0 | 3 | 0 | 1 | 6 | 1 | 5 | 2 | 10 | 5 | 41 |
| 39 | 60 | 81 | 59 | 41 | 48 | 46 | 37 | 178 | 168 | 922 |
| 0 | 1 | 1 | 1 | 0 | 2 | 1 | 0 | 3 | 2 | 11 |
| 17 | 4 | 16 | 18 | 18 | 32 | 36 | 30 | 69 | 40 | 541 |
| 0 | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 2 | 4 | 17 |
| 0 | 3 | 6 | 8 | 6 | 12 | 9 | 8 | 24 | 20 | 158 |
| 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 12 |
| 9 | 14 | 38 | 21 | 33 | 20 | 31 | 38 | 50 | 20 | 335 |
| 0 | 2 | 1 | 0 | 0 | 2 | 3 | 2 | 2 | 5 | 23 |

HUMAN RIGHTS WATCH

| | HRW | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|-------|-------------------------------|------|------|------|------|------|------|------|------|
| ALL | Afghanistan | 0 | 1 | 0 | 4 | 0 | 3 | 64 | 56 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 9 |
| ALL | Algeria | 1 | 0 | 4 | 8 | 2 | 2 | 9 | 6 |
| WOMEN | | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| ALL | Bahrain | 0 | 0 | 4 | 2 | 1 | 2 | 4 | 2 |
| WOMEN | | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| ALL | Egypt | 2 | 1 | 3 | 9 | 10 | 9 | 19 | 11 |
| WOMEN | | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Iran | 0 | 1 | 3 | 11 | 14 | 12 | 22 | 12 |
| WOMEN | | 0 | 0 | 0 | 1 | 0 | 1 | 2 | 0 |
| ALL | Iraq | 1 | 0 | 1 | 3 | 5 | 10 | 1 | 8 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| ALL | Israel/PA | 1 | 2 | 12 | 12 | 17 | 23 | 44 | 29 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Jordan | 0 | 0 | 3 | 6 | 8 | 1 | 0 | 1 |
| WOMEN | | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 |
| ALL | Kuwait | 1 | 0 | 0 | 0 | 2 | 7 | 1 | 0 |
| WOMEN | | 0 | 0 | 0 | 0 | 1 | 4 | 0 | 0 |
| ALL | Lebanon | 0 | 1 | 6 | 0 | 9 | 10 | 1 | 1 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Libya | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 6 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Mauritania | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Morocco/ Western Sahara | 2 | 0 | 0 | 1 | 2 | 1 | 12 | 5 |
| WOMEN | | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| ALL | Oman | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Qatar | 0 | 0 | 0 | 0 | 0 | 2 | 5 | 0 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Saudi Arabia | 0 | 0 | 3 | 2 | 1 | 1 | 4 | 8 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 |
| ALL | Syria | 1 | 2 | 2 | 0 | 6 | 3 | 6 | 7 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Tunisia | 1 | 0 | 2 | 1 | 5 | 11 | 14 | 7 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| ALL | UAE | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ALL | Yemen | 0 | 0 | 0 | 0 | 0 | 2 | 3 | 0 |
| WOMEN | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | TOTAL |
|------|------|------|------|------|------|------|------|------|------|-------|
| 26 | 35 | 22 | 22 | 23 | 14 | 29 | 25 | 14 | 38 | 376 |
| 6 | 2 | 4 | 4 | 0 | 1 | 10 | 6 | 4 | 13 | 63 |
| 8 | 1 | 10 | 10 | 3 | 9 | 3 | 7 | 3 | 4 | 90 |
| 0 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 4 |
| 1 | 4 | 3 | 2 | 8 | 12 | 6 | 19 | 58 | 46 | 174 |
| 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| 27 | 20 | 36 | 21 | 49 | 27 | 16 | 32 | 75 | 38 | 405 |
| 0 | 3 | 2 | 0 | 1 | 0 | 0 | 2 | 8 | 3 | 20 |
| 14 | 11 | 33 | 32 | 39 | 32 | 44 | 51 | 37 | 37 | 405 |
| 1 | 0 | 0 | 2 | 8 | 5 | 2 | 6 | 3 | 5 | 36 |
| 109 | 58 | 30 | 34 | 51 | 19 | 15 | 24 | 35 | 25 | 429 |
| 3 | 1 | 2 | 0 | 0 | 0 | 0 | 9 | 3 | 1 | 20 |
| 10 | 25 | 24 | 50 | 28 | 40 | 90 | 50 | 42 | 35 | 534 |
| 0 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 3 |
| 3 | 3 | 13 | 16 | 23 | 27 | 17 | 14 | 16 | 20 | 171 |
| 0 | 2 | 0 | 0 | 0 | 1 | 4 | 1 | 4 | 0 | 15 |
| 2 | 1 | 0 | 1 | 4 | 5 | 6 | 17 | 9 | 13 | 69 |
| 0 | 0 | 0 | 0 | 0 | 3 | 1 | 2 | 1 | 3 | 15 |
| 2 | 0 | 0 | 40 | 20 | 13 | 17 | 26 | 10 | 13 | 169 |
| 0 | 0 | 0 | 0 | 0 | 2 | 4 | 3 | 3 | 1 | 13 |
| 3 | 4 | 7 | 17 | 9 | 16 | 27 | 17 | 119 | 52 | 279 |
| 0 | 0 | 0 | 3 | 0 | 0 | 1 | 1 | 8 | 2 | 15 |
| 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2 | 6 | 9 | 7 | 10 | 16 | 20 | 22 | 14 | 20 | 149 |
| 0 | 0 | 2 | 2 | 0 | 0 | 0 | 1 | 0 | 5 | 12 |
| 1 | 0 | 1 | 0 | 2 | 2 | 0 | 0 | 2 | 3 | 12 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 4 | 6 | 24 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| 8 | 11 | 14 | 15 | 28 | 44 | 22 | 34 | 31 | 33 | 259 |
| 0 | 3 | 0 | 2 | 3 | 8 | 4 | 12 | 6 | 20 | 61 |
| 5 | 4 | 9 | 12 | 23 | 16 | 19 | 14 | 74 | 81 | 284 |
| 0 | 0 | 0 | 0 | 0 | 1 | 2 | 2 | 0 | 1 | 6 |
| 7 | 6 | 14 | 6 | 17 | 10 | 8 | 20 | 34 | 34 | 197 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 1 | 8 |
| 2 | 1 | 0 | 9 | 9 | 3 | 14 | 13 | 29 | 28 | 109 |
| 0 | 0 | 0 | 2 | 1 | 0 | 0 | 4 | 0 | 2 | 9 |
| 0 | 1 | 2 | 1 | 4 | 12 | 22 | 20 | 52 | 37 | 156 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 6 | 3 | 11 |

NGO Monitor Publications

NGO Malpractice: The Political Abuse of Medicine, Morality, and Science (September 2013)

Bad Investment: The Philanthropy of George Soros and the Arab-Israeli Conflict (May 2013)

Spanish Government Funding for NGOs: 2009–2011 (May 2013)

The Negative Impact of U.S. Government Funding for Mideast Political NGOs (May 2013)

The Goldstone Report "Reconsidered" A Critical Analysis (February 2012)

NGO Lawfare: Exploitation of Courts in the Arab-Israeli Conflict (September 2008, expanded 2nd edition, December 2010)

Europe's Hidden Hand (April 2008; revised 2nd edition, March 2009)

Experts or Ideologues? A Systematic Analysis of Human Rights Watch's Focus on Israel (September 2009)

INTERNATIONAL ADVISORY BOARD

| | |
|-----------------------|------------------------|
| Elliott Abrams | Hon. Fiamma Nirenstein |
| Amb. Yehuda Avner | Prof. Judea Pearl |
| Prof. Alan Dershowitz | Judge Abraham Sofaer |
| Hon. Alexander Downer | Prof. Elie Wiesel |
| Tom Gross | Dr. Einat Wilf |
| Col. Richard Kemp | Prof. Ruth Wisse |
| Douglas Murray | R. James Woolsey |

PRESIDENT:

Prof. Gerald Steinberg



Making NGOs Accountable

1 Ben-Maimon Blvd.
Jerusalem 92262 Israel
Phone: +972-2-566-1020
Fax: +972-77-511-7030
mail@ngo-monitor.org
www.ngo-monitor.org

NGO Monitor's mission is to provide information and analysis, promote accountability, and support discussion on the reports and activities of NGOs claiming to advance human rights and humanitarian agendas.

NGO Monitor is a project of the Amutah for NGO Responsibility (R.A. 580465508)
Organization in Special consultative status with the UN Economic and Social Council since 2013.
© 2013 NGO Monitor. All rights reserved.