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#Breaking_The_Mold

Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: **Palestine**

The Role of Civil Society in Influencing to Enhance Women's Political Participation

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INTRODUCTION

"Gender discrimination is most evidently manifested in the field of civil and political rights, and it is often an explicit and clear distinction that reflects the position of human societies towards women, which includes sex discrimination and lack of recognition of their eligibility as a reason for denying their political and civil rights" (Khader, 1998).

When **Al-Haq Organization (1995)** reviewed some laws and regulations (Jordanian ones in the West Bank and Egyptian in the Gaza Strip), which had been in effect until 1967, it was found that they contain discrimination in favor of men and not women. For instance, in the Gaza Strip, the right to vote, run for and be appointed to the Legislative Council was restricted to men only. The same case applies to municipal councils and chambers of commerce. In the West Bank, women were prevented from participating in nominating and voting to the Jordanian Parliament No. 14 of 1960. The Municipalities Law of 1950 also prohibited them from running and voting. It was only in 1975 that women gained the right to run and be elected in municipal councils, in accordance with Israeli Military Decision No. 627, and for the first time, they participated in the municipal elections in 1976.

Despite the involvement of Palestinian women and the increase in their participation in political organizations since the early years of the occupation, it is evident that women reaching the top of the pyramid in political organizations are very few. At best, women constituted no more than 5% of all political leaders (Al-Haq, 1995, p. 76).

Throughout the national struggle, starting in the 1920s, Palestinian women were a crucial part and backer of the military, political and social struggle. Women constituted a basic force in the occupied land in 1967 and played an important role in the clashes and confrontations against the occupation, and became more prominent during the mass uprising in 1987. However, does the percentage of women's presence in political decision-making positions, whether in the parties, the liberation organization and its various bodies, correspond with the fact of its strong presence in the field of confrontation against the occupation? This question arose more clearly after establishing the Palestinian National Authority, especially after the Legislative Council elections in 1996 when women won only five of the 88 seats (Khreisheh, 2018).

The human rights document relied on several foundations, foremost among the Palestinian Declaration of Independence, and the Palestinian Basic Law, which is considered the "interim Constitution" for the State of Palestine. Article 9 of it stipulates that "Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, color, religion, political views or disability," which formed the legal basis that tackles equality for women in Palestinian society (General Union of Palestinian Women, 2012).

The Palestinian Declaration of Independence declared by the Palestinian National Council in 1988 established the legal and national basis for the principle of equality for the Palestinians, stating that "The State of Palestine shall be for Palestinians, wherever they may be therein to develop their national and cultural identity and therein to enjoy full equality of rights. Their religious and political beliefs and human dignity shall therein be safeguarded under a democratic parliamentary system based

on freedom of opinion and the freedom to form parties, on the heed of the majority for minority rights and the respect of minorities for majority decisions, social justice and equality, and non-discrimination in civil rights on the grounds of race, religion or color or as between men and women, under a Constitution ensuring the rule of law and an independent judiciary and based on true fidelity to the old spiritual and cultural heritage of Palestine concerning mutual tolerance, coexistence and magnanimity among religions" (**State of Palestine, 2017**).

In the field of political participation, the human rights document for Palestinian women included an emphasis on women's rights, including "Firstly, political rights: 1- Women have the right to run and be elected in all general elections without any discrimination, whether in the presidential, legislative, municipal or trade union elections and in all bodies that their members are elected by universal ballot.

2- Women have the right to participate and vote in all public referendums in the country and the right to hold various public positions in the state..." (**General Union of Palestinian Women, 2012, pp. 21-23**).

POSITIVE DISCRIMINATION FOR WOMEN: "QUOTAS"

The human rights document's main axes constituted the strategies of feminist action in the political, social and economic fields and all fields related to the different rights of women, leading to the achievement of full gender equality. On the political level, and due to the occurring reality during that period, it was impossible to talk for once about achieving complete equality in political participation, and tactics were required to reach the strategic goal; hence, the idea of positive discrimination, i.e., "women's quota", emerged (**Khreisheh, 2018**), indicating that until a change is achieved in the nature of roles and duties to become more equal and just, many necessary measures must be adopted directly to enable women to participate effectively in political life, the most important of which is the adoption of the principle of the quota in the upcoming elections in a compatible manner to the international charters and Beijing conference's resolutions (i.e., 30%) (**Center for Women's Affairs - Gaza, 2006, p. 48**).

The elections for the Palestinian Legislative Council in 1996 took place based on Elections Law No. 13 of 1995 and its amendments, which stipulated gender equality in candidacy and election, but adopted the majority system (districts), and divided the country into 16 electoral constituencies in which every voter exercises his



right freely, directly, secretly for individual candidates; the one who has the largest number of votes in that constituency wins (**Al-Waqi'a Palestinian Newspaper, 1995**). This law allocated a specific number of seats in the Legislative Council, according to many considerations, the most important of which is the ratio of the district's population to the total number of the population and the allocation of a "quota" of seats for Christians in districts that include their congregations and a seat for the Samaritan community that resides in Nablus.

This electoral system contributed to weakening the percentage of women nominations and electing a greater number of them, as 5 women won the membership of the 88-member assembly, which constitutes only 6% of its total membership (**Khreisheh, 2018**).

This percentage withdrew to many decision-making centers in various fields, and it decreased as we rose to the top in the pyramid or the administrative structure of political bodies and various decision-making centers such as the Executive Committee of the Palestine Liberation Organization, the National and Central Councils, political parties, trade unions and labor and professional unions, the Palestinian government and their affiliated bodies, ministries and institutions. Hence, thinking and working began on the idea of positive discrimination, or "quota" (**Kittaneh / Nazzal, 2019**).

Although the Election Law provides for gender equality in candidacy and election, the low percentage of women winning in the membership of the Legislative Council is due to the prevailing social culture in society based on the idea of the social division of roles between men and women, whereby women assume roles and tasks related to their sexual characteristics which focused on pregnancy, childbearing and the accompanying domestic work. However, men carry out external duties and tasks, including the political and leadership role in the decision-making position in public life. Although the Law attempted to break these stereotypes prevailing in the local culture and changed them, the prevailing culture prevented the law from achieving its goals of giving women equal opportunities to compete for decision-making positions.



In fact, the development that the world witnessed in the last half of the twentieth century in the field of women's rights remained incapable of achieving equality and overcoming the effects of centuries of organized discrimination in various fields. Therefore, the United Nations approved the principle of "positive discrimination" as a temporary measure to lift the injustice and eliminate discrimination in a shorter time. This is a method used by most of the countries in which women have been able to participate in various decision-making positions and assume public positions (**Khader, 1998, p. 81**).

"Women's quota" is one of the mechanisms that states sought to use as one of the public policies to enhance the participation of women in the decision-making process and manage general societal affairs in its political, economic, social and cultural aspects, and to break the pattern prevailing in the culture of societies in general concerning women's role in society and their inability to contribute in managing the public life of society, which was a mechanism affirmed by the Fourth International Conference on Women that was held in Beijing in 1995, and considered it a phased solution to the issue of weak participation of women in the political and decision-making process (**The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (Miftah), 2017**).

The idea of a "women's quota" is based on allocating a certain percentage or number of electoral seats in the elections of a specific body to ensure that women are represented in it when elected, to compensate for the long-term deprivation of women from participating in the general political and social life of society. This is a temporary measure that aims mainly to reach women to decision-making centers, allowing them and the community to test the idea of women's participation in public life (**Khreisheh, 2018**).

METHODS AND TOOLS USED BY CIVIL SOCIETY

- Conducting studies and research in terms of the results of the 1996 elections on the percentage of women's participation in decision-making positions in various societal bodies such as the National and Central Councils, the Executive Committee of the Palestine Liberation Organization, the Palestinian government and its affiliated bodies and institutions. This led to a result that showed a large and wide gap between female and male representation that tends to favor male dominance. Studies also showed that the gap widens more as we ascend to the top of the functional and administrative hierarchy decision-making centers.
- Forming a special committee called the "National Quota Committee", which includes many civil society institutions, with the task of spreading and promoting awareness among society groups concerning the existing gap and discrimination against women in decision-making positions. The committee worked with the institutions represented in it to organize and unify the effort to influence the Legislative Council, which had the competence to enact legislation, and/or amend the existing ones to approve "women's quota" in the electoral laws and regulations (**Khreisheh, 2018**).
- Organizing advocacy and influence campaigns to amend regulations and legislation, particularly the electoral system, includes establishing the idea of a "women's quota". **Jafal (2018)** pointed out civil society seeking to enhance women's political participation by amending regulations and laws to ensure this, including the election laws and their inclusion in "women's quota", which has been implemented in many countries and has succeeded in promoting women's participation and their access to positions in the making the decision. Since 1998, civil society in general, and in full partnership with the General Union of Palestinian Women, has started a wide range of activities to implement changes to the electoral system, including the passage of a "quota" for women.

- Advocacy campaigns included activities to send notes, memoranda, petitions, letters, holding meetings, discussion panels and conferences, and organizing visits, protests and demonstrations to influence decision-makers, especially the Palestinian Legislative Council, which has the right to enact and/or amend legislation (**Khreisheh, 2018**).
- Forming coalitions and alliances among the various parties of civil society to increase the influence on decision-makers, as the National Committee for Monitoring Elections was formed, and its work includes monitoring the electoral system for general and local elections and ensuring that it achieves equality, equal opportunities and the rights of women and youth to access decision-making centers at different levels (**Jaffal, 2018**).

ACHIEVED RESULTS

The first achieved results were amendments to the electoral system for local councils, the first of which was in 2004 with the amendment of Law No. 5 of 1996 related to local councils' election. The amendment, which was the first one to the Law, included allocating two seats for women in local councils, and the first and second-round elections were held for these councils on its basis. While preparing for the third phase of these elections, other amendments were introduced to the Law in August 2005 to become Law No. 10 of 2005, most notably the amendment of "women's quota" to include guaranteeing three seats for women in local councils of more than 13 members (**The Independent Commission for Human Rights - Board of Grievances, 2005**).

On June 18, 2005, the Palestinian Legislative Council approved the General Elections Law that organizes the presidential and legislative elections. It included the abolition of Law No. 13 of 1995 regarding elections, such as increasing the number of seats in the Legislative Council from 88 to 132 seats, in addition to adopting the mixed electoral system in which seats are distributed equally between the majority system (districts) and the proportional representation system (lists), within a minimum representation of women on electoral lists (**Central Elections Commission, 2006**).

As a result of the approval of the proportional representation and "quota" systems, 738 women reached the membership of local councils, which include almost 3505 members, or 21% of the total membership, in the 338 local bodies in which the elections for the electoral cycle (2012-2013) were held. While the percentage of women in local councils did not exceed 1.4% in 2000, it increased to 20% of the number of local council members in the 2012-2013 electoral cycle, due mainly to the amendment of the electoral system and the introduction of the idea of a "women's quota" in it (**The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (Miftah), 2017**).

As for the legislative elections, 17 women out of 132 members of the Legislative Council that was elected in 2006 won the legislative elections, which raises the percentage of women who won to 12%, i.e., double the percentage in the 1996 elections, and this increase is due to "women's quota" in which the electoral system was amended to include. The 2006 elections were held according to the new Law No. 9 of 2005 (**Central Elections Commission, 2006**).

CONCLUSION AND LESSONS

The feminist movement and civil society were able to break the barrier of women's participation in political life, as some women entered political life through national parties, frameworks and struggle against the occupation and in order to build an independent Palestinian society. Women's role developed, and they occupied leadership positions in the authorities and institutions. In 2009, there were 5 female ministers in the Palestinian government out of 22 ministers in the government, and the participation of women increased in some positions and professions that were limited to males, such as the judiciary and security services. In 2010, a woman was also appointed to a governor position for the first time since the Palestinian National Authority's establishment. The same case applies to the head of the Palestinian Central Bureau of Statistics, and women have assumed several positions in the judiciary (**Women Center for Legal and Social Aid, 2013**)

Women have managed to overcome one of the most significant societal barriers and obstacles to women's participation in political life and to break the intensity of opposition to this participation in traditional culture. Civil society was also able to break another barrier in the same direction, which is the barrier of laws and regulations that legalized preventing women from participating in political life, and then breaking the cycle of allocating a "quota" for women in electoral systems (The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (Miftah), 2017).

Women were able to enter political life at the national and local levels, as society relatively experienced this participation and the women themselves did in this field. Nevertheless, the main lesson is women's access to decision-making positions as a first step, followed by many steps, obstacles, and challenges that impose themselves due to community culture's influence. Therefore, if civil society was able to achieve and stabilize "women's quota", then there is still a long way to go in order to complete the implementation of strategies in this area, namely:

- Passing "women's quota" in electoral laws and regulations contributed to an increase in the number of women in decision-making positions. However, there is still a need to raise the "quota" to reach parity and equal access to decision-making positions (Kittana / Nazzal, 2019).
- Despite the progress in the systems and laws related to equality, women's political life participation is still much less than achieving full equality. Therefore, civil society must develop strategies to continue the struggle for the qualification of women leaders at the national and local levels and in all areas for active participation and to provide them with all means of support for the success of their role, and overcoming obstacles to their effective participation (**Khreisheh, 2018**).



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BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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