

Regional Situation Analysis

Women's Human Rights and Gender Equality in the Southern Mediterranean



*Enhancing Equality between Men and Women
in the Euromed region (2008-2011)
Programme financed by the European Union*



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*"This report has been drafted by independent experts.
It does not necessarily reflect the views of the European Union."*

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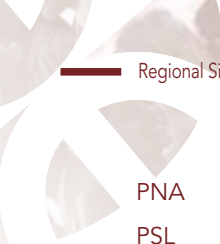
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List of Acronyms

AASW	Authority for the Advancement of the Status of Women (Israel)
ADPDF	Association de défense et de promotion des droits des femmes / Association for the Defence and Promotion the Rights of Women (Algeria)
AITDF	Association indépendante pour le triomphe des droits des femmes / Independent Association for the Triumph of Women's Rights (Algeria)
ATFD	Association tunisienne des femmes démocrates / Tunisian Association of Women Democrats
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CREDIF	Le Centre de Recherche, d'Etudes, de Documentation et d'Information sur la Femme / The Centre for Research, Studies, Documentation and Information on Women (Tunisia)
CRC	UN Convention on the Rights of the Child
CRASC	Centre national de recherche en anthropologie sociale et culturelle / National Centre for Research in Social and Cultural Anthropology (Algeria)
DZ	Algeria
EGEP	Euromed regional programme for Enhancing Equality between Men and Women in the Euromed Region
EEOC	Equal Employment Opportunities Commission (Israel)
ENPI	European Neighbourhood and Partnership Instrument
Euromed	Euro-Mediterranean Partnership
EC	European Commission
EU	European Union
FGM	Female Genital Mutilation
FP	Family Planning
GBV	Gender Based Violence
GDI	Gender Development Index
GEM	Gender Empowerment Measure

GDP	Gross Domestic Product
GRB	Gender Responsive Budgeting
HDI	Human Development Index
UNDPHDR	United Nations Human Development Report
ICESCR	International Covenant on Economic Social and Cultural Rights
ICPD	International Conference on Population and Development
IEC	Information, Education and Communication
IL	Israel
ILO	International Labour Organization
ITL	Industry, Trade and Labour Ministry (Israel)
JNCW	Jordanian National Commission for Women's Affairs
JO	Jordan
LB	Lebanon
MA	Morocco
MAFFEPA	Ministère des Affaires de la Femme, de la Famille, de l'Enfance et des Personnes âgées / Ministry of Women, the Family, Childhood and the Elderly (Tunisia)
MDCFCF	Ministère délégué chargé de la famille et de la condition féminine / Ministry Responsible for Families and the Condition of Women (Algeria)
MDG	Millennium Development Goals
MDS	Mouvement des démocrates socialistes / Social-Democratic Movement (Tunisia)
NGO	Non-governmental organization
NPA	National Plan of Action
NWMs	National Women's Machineries
OPT	Occupied Palestinian Territory
PANPIF	National Action Plan for the Integration of Women (Algeria)
PCBS	Palestine Central Bureau of Statistics
PDP	Parti Démocratique pour le Progrès / Democratic Party for Progress (Tunisia)
PLC	Palestinian Legislative Council
PMO	Prime Minister's Office



PNA	Palestinian National Authority
PSL	Syrian Personal Status Law
PUP	Parti de l'Union Populaire / Party of Popular Union (Tunisia)
RWEL	Euromed regional programme for the Role of Women in Economic Life
SCFA	Syrian Commission for Family Affairs
SY	Syria
TN	Tunisia
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNSCR	UN Security Council Resolution
VAW	Violence Against Women
WBF	Women's Budget Forum
WID	Women in Development

1. Executive Summary

The European Union has a long commitment to promoting gender equality in the Euromed region. According to a series of joint commitments (Barcelona Declaration, Istanbul 2006 and Marrakesh 2009 Ministerial Conclusions), women's rights and gender equality are also fundamental objectives for the partner countries in the Euro-Mediterranean area.

With the view of supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, the programme "Enhancing Equality between Men and Women in the Euromed Region (EGEP)", financed by the European Commission, conducted National Situation Analyses in eight partner countries: Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia. The process has included the drafting by a national independent expert of a Situation Analysis Report and the presentation, debating and validation of the findings of the Situation Analysis Report during a national multi-stakeholder validation workshop.

The country situation analyses focus on:

- the legal framework for women's rights and gender equality, including the status of international conventions and platforms of action (Beijing, etc.) at the national levels;
- policies, mechanisms and strategies (including public budgets) to enhance gender equality and women's rights;
- women's role and participation in decision-making at all levels in both private and public spheres;
- gender-based violence;
- CEDAW and Istanbul Conclusions Implementation.

Based on the analysis and findings, a series of national priorities have been identified. The regional report does not provide any additional data or analysis at the country level. It compiles the national situation analysis reports in order to give a regional overview of the situation of women's rights and gender equality. Based on this compilation, a series of **priorities** emerge at the regional level.

These are:

- **Legislation and legal reform** which includes removal of CEDAW reservations and reform of all aspects of national legislation to bring it into line with national commitments;
- Concerted actions against **GBV** including in legislation, establishing institutions, plans and strategies, and work to change public perceptions and train the judiciary and other service-deliverers to deal with domestic violence;

- Strengthening of **women's participation in public life** and their access to decision-making.

Other priorities mentioned by countries relate to the need to strengthening NWMs and related structures and ensuring that they are properly staffed and resourced to drive the work forward in collaboration with a wide range of government and civil society partners.

The analysis and regional compilation further highlights that:

- Equal treatment is embedded in the Constitutions but it is not reflected in legislation: women are not treated as full citizens.
- The principle of indivisibility of Human Rights is not applied and therefore there is a persistence of discriminations.
- Women still suffer notable constraints on the exercise of rights as full citizens with respect to headship of the household, age at marriage and guardianship, polygamy, divorce and custody of children, rights to work, inheritance, and freedom of movement indicated *inter alia* by the right to application for a passport.
- All country reports reflect that women are not a homogeneous group and the extent to which they can access the rights they are entitled to is affected by age, ethnicity, socio-economic status, civil status (e.g. migrant workers) and ongoing conflict in their country.
- Human trafficking and prostitution is becoming a cause for concern in the region where countries may be 'destination' or 'transition' countries.
- Legislation derives from different sources: international, religious, tribal and which are often inconsistent.
- Seven of the eight countries have ratified CEDAW, with reservations. In addition the President of the Palestinian Authority, Mahmoud Abbas, has symbolically signed CEDAW without reservations on International Women's Day 2009. Only one out of the eight countries, Tunisia, has ratified the Optional Protocol to CEDAW. Several countries have taken actions to remove reservations against certain articles although legal reforms may have gone ahead despite the existence of reservations.

Most reserved CEDAW articles are:

- Article 2 (Policy measures to be undertaken to eliminate discrimination)
- Articles 15(4) (Equality before the law)
- Article 16 (All aspects of marriage and family law)
- Article 29 (Regulation in case of dispute)
- Each of the eight countries has taken important steps to bring national legislation into line with commitments to international conventions and especially to CEDAW. Some

countries also report amendments to their Constitution to reflect a stronger commitment to implementing gender equality as an integral element of the process of democracy.

- Although countries report high level participation in the Istanbul Ministerial Conference of 2006 and in subsequent fora, the picture of implementation of the Ministerial Conclusions on the ground is somewhat more mixed. Overall, all countries reported little awareness of the Conclusions and their potential role in supporting gender equality and women's rights.
- All countries have established National Women's Machineries (NWMs) though the form and function differs from country to country. All countries in the region have established successive national plans of action for gender equality.
- In terms of political participation of women there are gradual gains in all countries though this is still a very slow process.
- All of the eight Mediterranean countries have taken steps to address gender-based violence through establishing national plans and strategies, although in many countries NGOs and civil society have been the first to take the initiative in addressing gender-based violence (GBV). Increasingly governments are responding both in terms of recognizing female victim's rights to a judicial response, witness protection and amendments to the penal code. However, Personal Status Codes in many countries still regard women as the property of the male head of the household, and Penal Codes may privilege men by allowing extenuating circumstances to male perpetrators who consider themselves dishonoured or even disobeyed by the actions of their wives or female relatives.

Based on the findings and priorities, a series of **future perspectives** for common work can be made in 10 different areas.

1. Overall Legislative Framework

- Bring national legislation into line with commitments to international Conventions on gender equality by removal of reservations and amendments to the law;
- Involve liberal religious leaders in (re) interpretation of discriminatory provisions in the law;
- Development of a unified and non-discriminatory Personal Status Code for all communities living in the same country.

2. CEDAW and its Optional Protocol

- Clear acknowledgment of commitment to the principles of CEDAW as taking precedence over national law where these are in conflict or contradiction;
- Progressive removal of all reservations of legislation brought into line;
- Ratification of the CEDAW Optional Protocol by all countries.

3. Women as Legal Minors

- Respect of women's equality of legal personality in the laws themselves and their application;
- Recognition that a better gender equality is also beneficial to men.

4. Personal Status Codes

- Need to continue the reform work and to reinforce it by giving a higher profile and sufficient funding;
- Promote the principal of indivisibility of human rights and their importance for both sexes by greater awareness-raising actions.

5. Application and enforcement

- Set up or develop institutional mechanisms both governmental and non-governmental which would monitor the enforcement of law;
- Establish penalties and sanctions for non-compliance or reward for full compliance;
- Increase awareness of women's human rights issues by judges, lawyers, magistrates and others involved in applying the law;
- Mainstreaming of gender equality principles into university courses and other types of training for law students and others.

6. Civil and Political Rights and access to decision-making

- At the level of the political parties themselves, engender lists during elections to ensure that women continue to increase in numbers in all branches of national and local government;
- Propose advice, mentoring and training to women in political life.

7. Gender-based Violence

- Reinforce the consensus in some countries on a clear and complete definition of gender-based violence as a manifestation of power imbalance and which would therefore embrace sexual harassment at work, conjugal violence, and other forms of gender-based violence such as 'honour killing' and female genital mutilation (FGM);
- Criminalisation of all forms of gender-based violence;

- Need to address in a coordinated and multi-sectoral way by governments and civil society as it involves actions in legislation, awareness-creation, research, training, social protection;
- Expand the work in the southern Mediterranean countries to involve boys and men in discussions and programmes to address on practices as FGM and honour killing.

8. Political participation and women in decision-making

- Increasing capacity of and networking among elected women at national, Arab and international level;
- Lobbying and awareness/motivation-building campaigns;
- Institutionalise measures of positive discrimination (which requires a revision of the Constitution);
- Enlarge the quota for women on the national list;
- Introduce a quota in local elections;
- Introduce financial sanctions/incitements to ensure the election of women;
- Measures to reconcile professional and family life.

9. Institutional arrangements for implementation of women's rights and gender equality

- Need to ensure by the Governments that their NWMs are of a sufficiently high level, have a clear mandate and are adequately staffed and resourced so that they can coordinate gender equality actions across sectors and at all levels;
- Adoption of an inclusive approach by the NWMs through collaboration with all other sectors, with civil society groups by engaging with the general public and by good collaboration with the media.

10. The value added by the Istanbul Process

- Need to develop the modalities or channels of cooperation between the different leading global actors – the European Commission (EC), the UN and bi-laterals as well as civil society to avoid duplication and to allow complementarities and for better articulation of different frameworks (CEDAW/MDGs /Istanbul etc);
- Strengthen the visibility and role of the Istanbul Ministerial Conclusions as a framework to support the promotion women's rights in the region.

2. Background

The European Union has a long commitment to promoting gender equality in the Euromed Region. The Barcelona Declaration (1995) which established the Euro-Mediterranean Partnership translates the EU global policy commitments on gender equality to the Mediterranean Region in recognizing that women's equal participation in economic, social and political life is an essential component of the progress of democracy and respect for human rights.

At the Euro-Mediterranean Ministerial Conference on "Strengthening the Role of Women in Society", held on 14-15 November 2006 in Istanbul, the partners agreed to work within a common framework of action. The Conference was held in accordance with the Barcelona Declaration of 1995 and the Five Year Work Programme agreed upon during the 10th Anniversary Euro-Mediterranean Summit in Barcelona 2005. It was then stated that partners would adopt "measures to achieve gender equality, preventing all forms of discrimination and ensuring the protection of the rights of women".

The Euro-Mediterranean Ministers stressed that equal participation of women and men in all spheres of life is a crucial principle of democracy and confirmed that only by the inclusion of all people and through determined actions will the region's women be able to fulfil their ambitions and aspirations and, by extension, contribute towards the realisation of the underlying objectives of the Barcelona Declaration, namely, the attainment of a common area of peace, stability and shared prosperity in the Mediterranean region.

In line with this broader goal, the Istanbul Conference issued Ministerial Conclusions to strengthen:

- Women's political and civil rights
- Women's social and economic rights
- Women's rights in the cultural sphere and the role of communications and the mass media.

The regional programme "Enhancing Equality between Men and Women in the Euromed Region (EGEP)" has been developed within the framework of the Istanbul Ministerial Conclusions, is of three years duration (May 2008-May 2011), and is funded through the European Neighbourhood and Partnership Instrument (ENPI). The programme is implemented in nine partner countries of the Southern Mediterranean: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia.

The **overall objective** of the programme is to support current dynamics and to strengthen the capacity of qualified actors in order to promote equality between men and women and to provide follow-up for the Istanbul Ministerial conclusions.

The programme has three **specific purposes**, namely:

- Support and reinforce current dynamics that favour both de jure and de facto gender equality and that provide support to the promotion of women's rights in the region;
- Improve understanding and knowledge of the various forms of violence against women;
- Ensure that the Istanbul ministerial conclusions on "Strengthening the role of women in society" are being followed up.

3. Methodology for compiling the Regional Situation Analysis

With the view of supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, **National Situation Analyses** have been conducted in the eight partner countries¹. The process has been twofold: the drafting by a national expert of a Situation Analysis Report and the presentation, debating and validation of the findings of the Situation Analysis Report during a national multi-stakeholder validation workshop.

The overall objective of the national reports is to improve in the awareness of ongoing reforms: legislation, strategies, social and political dynamics and mechanisms in the countries covered by the programme through participatory diagnostics (progress, constraints and perspectives). In this sense, the analysis provides a comprehensive overview and a baseline of the situation of women's human rights and gender equality in the eight concerned countries.

The eight independent experts were tasked to compile country situation analyses focusing on:

- the legal framework for women's rights and gender equality, including the status of international conventions and platforms of action (Beijing, etc.) at the national levels;
- policies, mechanisms and strategies (including public budgets) to enhance gender equality and women's rights;
- women's role and participation in decision-making at all levels in both private and public spheres;
- Gender-based Violence (GBV) and Violence against Women (VAW);
- CEDAW and Istanbul Conclusions Implementation.

The main findings intend to highlight national efforts, advances, opportunities as well as limits, challenges, obstacles and potential risks through assessing legal, institutional and policy frameworks in the light of political, social, economic, cultural and religious trends. Based on the analysis and findings, a series of **national priorities** have been identified and submitted to debate and validation with the main stakeholders in the country, including state actors, civil society, media and donors. The priorities identified are coupled to a series of future perspectives for future actions in advancing women's human rights with particular emphasis on legal frameworks, women's participation and combating gender-based violence.

The **methodology** adopted to carry out the situation analysis is based on the conduction of rapid assessment interviews with stakeholders (primary resources) and on a desk review

¹ Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia

of reference documents (secondary sources). The analysis of the findings of both the review and the rapid assessment is embedded in the frameworks of the CEDAW and the Istanbul Ministerial Conclusions.

The situation analysis does not intend to produce new data but rather to compile existing information to allow State actors, civil society organisations and other regional and international partners to ensure consistency and reinforce synergies of efforts and interventions.

The national situation analysis findings and priorities, as validated by the participants of the national workshops (a total of 240 persons), are the basis for the present **Regional Situation Analysis report**. This report is based on a review of the eight country situation analyses and it attempts to provide a synthesis of that data. The preliminary results and a draft summary of the report were presented and debated at the regional roundtable held in Brussels, Belgium, between the 15th and the 17th of March 2010, gathering 82 representatives of National Women's Machineries, government and non-government actors, and the national experts from the Euromed partner countries and representatives and experts from European Member States and from the European Commission. The **Regional Roundtable** aimed at presenting the aggregated findings at the regional level in order to debate, consolidate, deepen and validate the regional priorities and to develop a planning base for programme activities related to capacity-building in 2010-2011 by involving all key stakeholders (government, non-governmental organizations (NGOs), academia, media, donors and civil society).

The regional report does not provide any additional data or analysis at the country level, it compiles the national situation analysis reports in order to give a regional overview of the situation of women's rights and gender equality in the following areas:

- Legal framework on women's rights and gender equality: international conventions and national legislation;
- Policies, mechanisms and strategies to enhance gender equality and women's rights;
- Women's role and status in the public and political spheres;
- Gender-based Violence;
- Implementation of CEDAW and of the Istanbul Ministerial Conclusions.

Based on this compilation, a series of future perspectives were formulated at the regional level. The regional report concludes with a section of closing analysis and perspectives for future action. The analysis and perspectives section proposes actions which in some instances go beyond the information and analysis available in the country reports. These constitute items for further discussion by national and regional stakeholders and by the international community. These were discussed and debated during the regional roundtable and are left open for future actions and next steps.

4. Summary of Socio-Economic Development in the Region

The countries of the programme fall into the middle or high category of socio-economic development as is reflected in their **Human Development Index (HDI)** ranking. The HDI measures the social and economic development of a country through indicators for life expectancy, adult literacy and educational attainment and Gross Domestic Product (GDP) per capita. A hundred and eighty-two countries are included in the global ranking. The HDI ranking of the programme countries is presented below.

Table 1: Human Development Index (HDI)

Country	HDI Rank	Life expectancy at birth	Adult literacy rate (% aged 15 and above)	Combined gross enrolment ration in education (%)	GDP per capita (PPP)	Life expectancy index	Education index	GDP index	GDP per capita rank minus HDI rank
Algeria	104	72.2	75.4	73.6	7,740	0.787	0.748	0.726	-16
Israel	27	80.7	97.1	89.9	26,315	0.928	0.947	0.930	7
Jordan	96	72.4	91.1	78.7	4,901	0.790	0.870	0.650	11
Lebanon	83	71.9	89.6	78.0	10,109	0.781	0.857	0.770	-7
Morocco	130	71.0	55.6	61.0	4,108	0.767	0.574	0.620	-12
OPT	110	73.3	93.8	78.3	-	0.806	0.886	0.519	-
Syria	107	74.1	83.1	65.7	4,511	0.818	0.773	0.636	5
Tunisia	98	73.8	77.7	76.2	7,520	0.813	0.772	0.721	-8

(Source: United Nations Development Programme Human Development Report, 2009)

However there are in all countries in the region still significant gender gaps in a number of spheres, as is reflected in their **Gender Development Index (GDI)** ranking and the Gender Empowerment Measure (GEM). The GDI (Table 2) contains the same measurement indicators as does the HDI but is adjusted for gender inequality in terms of “basic capability differences”

or “differences in achievement levels between men and women”. The GDI ranking for the programme countries is presented below.

The situation of women in all countries has improved greatly with respect to increased literacy and equal opportunities for educational enrolment and completion, although there is still discrimination in terms of streaming girls out of technical and vocational subjects in some countries and gender gaps at tertiary levels of education.

Similarly there have been improvements in health status and health care as evidenced by decline in infant and maternal mortality across the region.

Women’s economic participation has also increased despite some obstacles remaining to full participation.

Table 2: Gender Development Index (GDI)

Country	GDI Rank	Life expectancy at birth		Adult literacy rate (% aged 15 and above)		Combined gross enrolment ration in education (%)		Estimated earned income (PPP US\$)		HDI rank minus GDI rank
		Female	Male	Female	Male	Female	Male	Female	Male	
Algeria	88	73.6	70.8	66.4	84.3	74.5	72.8	4,081	11,331	-1
Israel	26	82.7	78.5	88.7	95.0	92.1	87.8	20,599	32,148	-1
Jordan	87	74.3	70.7	87.0	95.2	79.9	77.5	1,543	8,065	-8
Lebanon	71	74.1	69.8	86.0	93.4	80.3	75.7	4,062	16,404	-2
Morocco	111	73.3	68.8	43.2	68.7	55.1	64.0	1,603	6,694	-1
OPT	-	74.9	71.7	90.3	97.2	80.8	75.9	-	-	-
Syria	98	76.0	72.2	76.5	89.7	63.9	67.5	1,512	7,452	-8
Tunisia	84	76.0	71.8	69.0	86.4	78.9	73.6	3,249	11,731	-3

(Source: United Nations Development Programme Human Development Report, 2009)

The **Gender Empowerment Measure (GEM)** (Table 3) measures the progress of women’s representation and decision-making capabilities in the political and economic spheres by assessing numbers of women in parliament, as female legislators and senior officials and managers; as professional and technical workers. The GEM also reflects the ratio of esti-

mated female to male earned income. The GEM ranking for the programme countries is presented below.

As the data shows women continue to make some gains in participating in public life and in decision-making positions at national and local government levels thanks in part to the introduction of quotas at various levels, as well as gradually changing public perceptions concerning appropriate gender roles.

Table 3: Gender Empowerment Measure (GEM)

Country	GEM rank	Seats in parliament held by women (% of total)	Female legislators, senior officials and managers (% of total)	Female professional and technical workers (% of total)	Ratio of estimated female to male earned income	Year women received right to:		Year a woman became Presiding Officer of parliament or of one of its houses for the first time	Women in ministerial positions (% of total)
						vote	Stand for election		
Algeria	105	6	5	35	0.36	1962	1962	-	11
Israel	23	18	30	52	0.64	1948	1948	2006	12
Jordan	-	8	-	-	0.19	1974	1974	-	15
Lebanon	-	5	-	-	0.25	1952	1952	-	5
Morocco	104	6	12	35	0.24	1959	1963	-	19
OPT	-	-	10	34	-	-	-	-	-
Syria	-	12	-	40	0.20	1949,1953	1953	-	6
Tunisia	-	20	-	-	0.28	1959	1959	-	7

(Source: United Nations Development Programme Human Development Report 2009)

Overall, gender equality gains in the private sphere are being gradually enhanced by amendments to the law but there are still discriminations *de jure* and *de facto*.

There is increasing recognition of that Gender-based Violence (GBV) or Violence against Women (VAW) in various forms constitutes a serious problem in all countries, and a variety of actions have been undertaken by State and civil society which are presented in this report.

5. The overall Legal Framework and its implications for Gender Equality and Women's Empowerment in the region

The legislation in all countries with respect to gender equality as other issues is derived from a number of different sources – national Constitutions and Basic Law, national legislation, commitment to international Conventions, and religious codes and traditions. There is very often inconsistency between these sources.

One implication of this multiplicity of sources for legislation is that the gains in women's human rights and gender equality may ebb and flow according to the balance between the different sources of legislation in the wider political arena.

Several of the country reports reflect the fact that although their Constitutions stipulate that all citizens will be treated equally that condition is not reflected in national legislation and reports are replete with references to situations whereby women are not treated as full citizens in the letter of the law or its application.

In the **OPT**, the principle of equality reflected in the Basic Law amended in 2005 is not enshrined in the earlier Personal Status Law of 1976 or the Penal Code passed in 1960, and is only progressively being reflected in amendments to the law.

The Constitution of **Syria** contains a number of provisions that discriminate positively for women though this positive discrimination is not yet reflected consistently in personal status laws and in the penal code though amendments are ongoing.

The Personal Status Codes which determine a woman's role and status in her family are based in all countries on religious law which in different aspects is discriminatory against women. This also means that women of different confessional groups in the same country have different legal rights.

In **Israel** personal status matters are covered by religious courts and therefore differ for Jewish, Muslim and Christian (Catholic and Greek Orthodox) women. All discriminate against women in case of divorce and other aspects.

In **Lebanon** also marriage and family affairs are regulated by the seventeen different religious communities. All women can be said to be discriminated against under family law whatever their religious persuasion though to different degrees.

The **Syrian** Personal Status Law of 1953 and its amendments of 1975 applies to all Syrians except regarding rules on certain issues related to Christians where each sect has its own rules regarding engagement, marriage, alimony, divorce and custody. All other aspects of the family – kinship, adoption, custody, legal incompetence and inheritance- are covered by the Syrian Personal Status Law (PSL).

Some countries (Israel, Tunisia) however report partial secularization of some family matters. **Tunisian** legislation is recognized to be the most progressive in this regard, whilst in **Israel** family matters such as property, inheritance, and child maintenance fall under a secular regime but not yet marriage and divorce.

Human rights are indivisible and therefore discrimination in one sphere will impact upon other spheres of activity. If women are regarded as legal minors in some aspects of their personal status they will automatically be undermined in their attempts to participate on the broader public stage political, economic or social.

All country reports reflect that, unsurprisingly, women are not a homogeneous group and the extent to which they can access the rights they do have is also affected by age, ethnicity, socio-economic status, civil status (e.g. migrant workers) and ongoing conflict in their country. Human trafficking and prostitution is also becoming a cause for concern in the region where countries may be 'destination' or 'transition' countries.

5.1. Women's Role and Status in the Private and Domestic Sphere

Women still suffer some notable constraints on the exercise of rights as full citizens with respect to headship of the household; age at marriage and guardianship; polygamy, divorce and custody of children, rights to work, inheritance, and freedom of movement indicated *inter alia* by the right to application for a passport.

The Table below (table 4) summarizes the key elements of the **Family Law** and its implications for women's full citizenship in the Mediterranean partner countries with respect to marriage, divorce, inheritance, rights after divorce, child custody, guardianship, and the age of marriage.

Table 4: Family Law in Mediterranean partner countries

Partner Country	Sunni School of Law	Marriage	Divorce	Inheritance	Rights After Divorce	Child Custody	Guardianship	Age of Marriage
Algeria	Maliki	<ul style="list-style-type: none"> - Consensual contract between a man and a woman - Limitations to polygamy - Presence of tutor needed - Muslim women may not marry non-Muslims 	<ul style="list-style-type: none"> - <i>Talaq</i>² only if authorized by a court - Wife may seek judicial divorce on several grounds as well as material compensation for damage 	Surviving spouse inherits part of estate	In certain situations, woman is entitled to compensation	<ul style="list-style-type: none"> - Goes preferably to the mother - Wife may not lose custody because of her work 	Walī ³ cannot force marriage upon ward	19 (males and females)
Israel	Jewish Religious Law ⁴ (with progressive secularisation in matters such as property, inheritance, child custody, guardianship)	<ul style="list-style-type: none"> - Restrictions on the types of couples allowed to marry - Polygamy prohibited 	Consent of both spouses	Surviving spouse inherits part of estate	If the woman keeps custody, husband must provide child support.	The preference is towards the mother while the child is young and then after a certain age the decision is made according to the best interests of the child	According to the best interests of the child	17 (for both sexes)

Partner Country	Sunni School of Law	Marriage	Divorce	Inheritance	Rights After Divorce	Child Custody	Guardianship	Age of Marriage
Jordan	Hanafi	Polygamy permissible with classical restrictions (husband must treat all wives fairly)	Wife may seek divorce on several grounds	Surviving spouse inherits part of estate	In certain situations (e.g. when <i>talaq</i> is arbitrary), woman is entitled to support and compensation	Both husband and wife are entitled to custody of children	Wali has powers relating to first marriage, but not divorce	18 (males) 16 (females)
Lebanon	Hanafi	Polygamy permissible with classical restrictions	- <i>Talaq</i> is allowed under certain conditions - Wife may seek divorce on several grounds	Classical provisions related to division of <i>mulk</i> property		Varies from Sunnis to Shia (ends at 2-7 for boys and 7-9 for girls)	Women under age may marry with court's authorization even with Wali's refusal	- 18 (males) - 17 (females) - Wali may allow marriage at 17 (males) and 9 (females)
Morocco	Maliki	- Polygamy permitted - Wives must be notified	- <i>Talaq</i> is allowed under certain conditions - Wife may seek divorce on several grounds (such as absence)		In certain situations (e.g. when <i>talaq</i> is arbitrary), woman is entitled to maintenance and compensation	Mother has custody until puberty (male) and marriage (females)	- Wali may not impose marriage on ward - Under-aged women may marry with court's permission even with Wali's refusal	- 18 (males and females) - Marriage under age may be authorized by court even if Wali disagrees

Partner Country	Sunni School of Law	Marriage	Divorce	Inheritance	Rights After Divorce	Child Custody	Guardianship	Age of Marriage
OPT	Hanafi		Husband may ask for divorce without justification; wife can only file for divorce in very limited instances			Mother has custody until 10 (boys) and 15 (girls) but custody can be extended by a judge		
Syria	Hanafi Majority		- Talaq is allowed under certain conditions - Wife may seek divorce on several grounds (long absence)	Surviving spouse inherits part of estate	Husband must pay maintenance for certain period after talaq, judicial divorce or annulment	Mother may keep custody of children until they reach the age of 9 (boys) and 11 (girls)	Guardian must assent to marriage of females under 16	18 (males) 17 (females)
Tunisia	Maliki	Polygamy prohibited	- Extra-judicial divorce is not valid - Both spouses may file for divorce on several grounds	Surviving spouse inherits part of estate	When divorce is not by agreement, injured party may seek compensation	Judge may award custody to the mother or the father on the basis of the interest of the child	Guardian may authorize marriage before nubile age	20 (males) 17 (females)

Source: Women as Full Participants in the Euro-Mediterranean Community of Democratic States – A EuroMeSCo Report, 2006, pages 57-58

² Islamic form of divorce where the husband may divorce his wife unilaterally by an oral declaration made three times

³ Guardian

⁴ Jewish women are ruled by Jewish religious law, Muslim women are ruled by the Hanafi School of Law, Catholic, Greek orthodox and Bedouin communities are ruled by different laws each. Polygamy is permitted under Hanafi Law and tolerated in Bedouin communities.

5.1.1. Headship of the household

The fact that in many countries the male is the legal head of the household is regarded by many experts and activists as the core discriminatory issue in terms of personal status, providing the rationale for polygamy, unequal rights to divorce, guardianship, custody, inheritance and other discriminations. This situation lies at the root of unequal treatment in other codes and militates against the full implementation of women's rights. It affects women's bodily integrity, freedom of movement, right to work but also undermines men's ability to inherit a deceased wife's pension.

Headship of the household where it remains in male hands also means that the man is obliged to support through his earnings the socio-economic unit formed by his wife and children. The wife on the other hand has no legal obligation to use her financial means (dowry, inheritance, wage and salary) to support the family. In this sense men can also be said to be discriminated against, and these instances of discrimination against males are important tools in the ongoing advocacy for gender equality which needs to be shown to be in the interests of everyone.

Several countries have taken actions to modify this patriarchal principle.

Revisions to the Family Code in **Algeria** have limited the clause on the wife's obeying her husband, and **Morocco's** Family Code holds spouses jointly responsible for decision-making in the family. Also in Morocco, the father and the mother have equal rights to register the birth of a child.

In **Tunisia**, the Family Code has been modified to require 'equal cooperation from both spouses in managing family affairs' and equal responsibility for supporting the household. The stipulation that women must 'obey' their husbands was removed.

Whilst studies in several countries show that the patriarchal stereotype persists even when not supported by laws, the **Algeria** Country Situation Analysis also notes that the de facto decision-making capacity of women at household level increases significantly with age. According to a survey initiated by the Ministry Responsible for the Family and the Condition of Women (MDCFCF) and the National Centre for Research in Social and Cultural Anthropology (CRASC) in 2005, 13,755 women were asked about their domestic decision making practices. More than fifty-five percent of those questioned took decisions together with their spouse, thirty-eight percent reported that decision making was shared between spouse and family and seven percent of the women said they took decisions alone. In 64 percent of the cases, employed women took decisions together with their spouse or were consulted in the decision making process, while eleven percent decided for themselves. However, the older women get, the more say they have in domestic decision making (16-25: 2.27 percent, 66 and over: 21.4 percent).

5.1.2. Age at marriage and guardianship

Until recently the legal marriage age in several countries was below eighteen years of age to which point under the UN Convention on the Rights of the Child (CRC) an individual is still a child. In some countries girls have been legally allowed to marry at a younger age than have boys.

Personal Status Law in **OPT** still permits marriage at 14.5 years for girls and 15.5 years for males but this contravenes Basic Law as well as international commitments and is being addressed.

The age at marriage has been raised for both sexes to eighteen years of age in Jordan, Morocco and Tunisia. In **Algeria** the age at marriage is nineteen for both sexes although the median age at marriage is 29.3 for women and 33.0 for men. In **Syria**, the legal age for marriage is eighteen and seventeen for boys and girls respectively but with scope for judicial discretion so that boys of fifteen and girls of thirteen may be allowed to marry. In **Israel** the legal age of seventeen years has been established for both sexes though the actual median marriage age is increasing across all religious groups and exceeds the minimum age at marriage.

The increase in median age at marriage appears evident across the region where other socio-economic factors, such as the increased education and employment of women, and perhaps also civil conflict, has affected marriage age.

In terms of the issue of guardianship there has been progress across the region in allowing women to represent themselves and make their own choices in marriage. In **Algeria** and **Morocco** for example the consent of both spouses is a condition of marriage. Elsewhere, as in **Jordan**, women still need to be represented by a male relative as tutor or guardian.

In **OPT** marriage must be witnessed by two Muslim men and or one male and two females. A woman's father or brother or a judge (qadi) has to agree to her marriage.

In **Syria** whilst there have been a number of amendments to the Personal Status Code many clauses discriminate against women. For example, Muslim women are not allowed to marry non-Muslims though this does not apply to Muslim men.

5.1.3. Polygamy

The right of the male head of the household under Shari'a law to take four wives is being progressively eroded throughout the region although **Tunisia** is the only Arab country to have banned polygamy outright (1956).

Israel prohibits polygamy under Section 176 of the Penal Law with a penalty of five years imprisonment; nevertheless it is still practiced in Bedouin communities.

In other countries amendments are being progressively introduced to make it more difficult for men to take more than one wife. He may have to provide proof of economic means, or the women in question need to be informed and consenting.

Algeria allows polygamy with consent of both women involved and the verification by the President of the Tribunal that the husband will treat wives equally and has the means to support them. In **OPT** and **Syria** a man may still take four wives.

Syrian legislators however have tried to restrict polygamy, yet they have refused to eliminate it altogether, and it is still practiced to a certain extent. Article 17 of the Penal Law stipulates that judges are entitled to refuse permission to married men to take a second wife unless they have legitimate justifications and are able to afford her expenses. The factors that should be taken into account, according to the legislation, include: the legitimate justifications of a woman's sickness, inability to conduct martial affairs, and sterility. Thus, the decision of whether a man is permitted to take a second wife is left solely to the judge.

5.1.4. Divorce and custody of children

In all countries the right to divorce discriminates clearly against women although in most countries attempts to reform a situation whereby a man can divorce at will and even without the knowledge of the wife are underway.

In **Israel**, personal status matters are governed mainly by the religious courts. According to Jewish religious law, both spouses must consent to a divorce before the religious courts can legally cancel the marriage. As a result, some men refuse to grant their wife a divorce unless the woman agrees to forgo her fair share of property. The Division of Property between Spouses Law 5733-1973 was amended in 2008 to allow for the division of property in either a Family Civil Court or Rabbinical Court before divorce proceedings. The amendment seeks to protect women in Israel from blackmail by their husbands during divorce proceedings.

According to Sharia (Islamic) law, while both men and women are able to file for divorce, the court decides whether or not to grant it based on recommendations from mediators selected by both parties. The court also decides whether the woman receives the Mohair (the pre-determined amount of money given to the wife following a divorce) based on the reason for divorce, as well as her behaviour leading up to the divorce. It is generally easier for the husband to divorce his wife than for the wife to divorce her husband; this imbalance is manifested in many ways.

Regarding Catholic and Greek Orthodox women, only the Greek Orthodox religion allows for divorce; however, the conditions that would permit a divorce are very stringent. For example, a Greek Orthodox woman can only divorce if she is subject to life-threatening domestic violence.

In **Morocco** the 2004 Amendment of the Law has established the principle of divorce by mutual consent.

In **Jordan** efforts are underway to amend legislation which allows unilateral divorce by the man. Currently an interim arrangement may be in place (*khul* or *khula*) whereby divorce may be granted if the woman forfeits the return of the dowry and her rights to alimony.

In **Jordan** a woman less than forty years of age who leaves her husband but does not return to her 'guardian' also forfeits the right to alimony.

Tunisia's family code allows divorce by mutual consent or at the initiation of one of the spouses, though it is still possible for the husband's unilateral demand for divorce to be respected by the courts.

Custody of children after divorce is still a contested area in many countries though in several countries the age until which children can stay with their mother is being raised. Algeria, Jordan, Morocco and Tunisia have raised the age of children remaining with their mothers until fifteen years after which the children may choose with which parent to stay, though a woman may lose custody if she remarries.

5.1.5. Nationality

A very controversial area concerns the equal rights of women to retain her nationality in the case of marriage to a foreigner, and to pass that nationality to her foreign spouse and to their children. In all countries of the region a woman has the right to retain her nationality if she marries a non-national but the ability to give her nationality to her husband or to her children is more problematic.

The Nationality Law has been amended in **Algeria** (2005) and **Morocco** (2007) to allow women to pass their nationality to their spouse or their children on equal footing with men.

In **Jordan** however a woman cannot grant Jordanian nationality to her children if she is married to a non-Jordanian husband.

5.1.6. Freedom of movement

There have been some changes with respect to women's right to freedom of movement usually signalled by her right to obtain a passport. In **Lebanon** women have had the right to apply for a passport as individuals since the 1970s, whilst this right has been acquired more recently in **Jordan** where women above eighteen years of age now have the right to apply for a passport without the consent of their guardian.

In **Morocco** women may now obtain a passport without the husband's consent.

5.1.7. Dowry

The existence of the dowry as part of the marriage contract in a number of countries (Algeria, Jordan, Morocco and Syria and Tunisia) reflects the traditional belief that women's primary role is reproductive and that they are dependant on the productive capacity of men. The management of the dowry and its treatment in case that the wife takes up employment without the husband's consent, or in case of divorce varies from country to country.

In several countries the spouses may introduce in the marriage contract clauses relative to the management of individual or joint property as mentioned in the Tunisia report. The husband has no administrative power over his wife's goods. This regulation is based on Muslim customary law which overlooks the matrimonial bond with regard to goods owned by the traditional family, with the aim of safeguarding them from being appropriated by a husband unrelated to his wife's family.

Also in **Tunisia** in keeping with the spirit of Muslim law, the Code, in article 11, allows for the future spouses to insert into the marriage contract any clause or condition pertaining to people or goods. In the event that the condition is not respected or the clause implemented, the marriage can be dissolved by divorce. With respect to goods, this article gives the two spouses the ability to choose a regime other than one which entails separation of the goods and to manage their goods according to the communal regime concerning disposal of assets.

5.1.8. Inheritance

Discrimination between the sexes remains strong in the area of inheritance. **Lebanon** reports that the Civil Code of Succession (1959) which recognizes equal rights to inheritance between the sexes has only been accepted by the Christian community. However, spiritual leaders within the Muslim community contested the civil inheritance code and when it came into power; they demanded that it exclude Muslim citizens. This was done, and the code was thus called: the civil inheritance code for non-Muslims.

In **Tunisia** also matters of inheritance are still governed by religious principles with the Personal Status Code maintaining male privilege in the division of inheritance by sex is in accordance with Muslim law, which entitles men to double the shares of women. Even though the justifications for this inequality have disappeared because of women's access to the labour market and their widespread participation in the financial upkeep of their households, several amendments in the code insist women submit to the needs of their family in the event that they acquire assets.

5.1.9. Sexual and reproductive rights

Women's rights to take decisions with respect to their reproductive and sexual health are in several countries of the region only beginning to be widely discussed. However there are some exceptions which will help to advance the issue in other countries which have not yet engaged in this debate.

In **Algeria** for example contraception is legally available as is abortion for health reasons if conducted by qualified doctor.

Israel allows abortion if woman is under seventeen or over forty, if pregnancy is a result of rape, incest or adultery; or if the foetus is malformed or poses a danger to women's life.

Morocco has conducted for several years a successful Family Planning (FP) programme replacing traditional contraception with modern technology.

In the **OPT** a Non-Governmental Organization (NGO) named Coalition for Abortion was established in 2006 to combat unsafe abortion.

Although **Syria** has adopted a population policy which includes family planning, the law penalizes sale or promotion or purchase of contraceptives. Nevertheless the population growth rate and the fertility rate have both dropped. Abortion for other than proven medical reasons is forbidden.

In **Tunisia** abortion has been available since 1965 for women in the first trimester of pregnancy who have more than five children.

5.2. Women's Role and Status in the Public and Political sphere

The Constitutions or equivalent documents such as Basic Law (OPT) in all countries guarantee equality to all citizens though as is discussed above under paragraph 4, particularly in the private sphere the realization of gender equality is still imperfect in terms both of the actual legislation and its implementation.

In terms of political participation of women there are gradual gains in all countries though this is still a very slow process. Again there is a time lag between the granting of rights and their realization, as well as very slow access to decision-making positions in the executive, legislature and judiciary as well as in the private sector and the labour market.

The following paragraphs provide some detail on the gradual realization by women in the region of their political rights and access to decision-making positions.

Table 5: Women's Political Participation

Country	Year women received right to:		First year woman elected (E) or appointed (A) to parliament	Women in government at ministerial level (% of total)	Seats in parliament held by women (% of total)		
	Vote	Stand for election			Lower or single house		Upper house or senate
					1990	2007	
Algeria	1962	1962	1962 (A)	10.5	2.4	7.2	3.1
Israel	1948	1948	-	8.0		14.2	
Jordan	1974	1974	1989 (A)	10.7	0.0	5.5	12.7
Lebanon	1952	1952	1991 (A)	6.9	0.0	4.7	-
Morocco	1963	1963	1993 (E)	5.9	0.0	10.8	1.1
OPT	-	-	-	-	-	-	-

(Source: United Nations Development Programme Human Development Report 2009)

5.2.1. Participation in elections as voters and candidates

Although women in countries of the region gained the right to vote at the time of or shortly after Independence (see Table 5) the exercise of that right as an individual has come more slowly.

In **Jordan** for example although female suffrage and the right to stand for parliament dates from 1974 it was not until the Elections Law No.34 of 2001 that the family book was replaced by the Identification (ID) card as the official document needed to cast a ballot thus allowing women a vote independent of the family unit. The right to vote in municipal elections in Jordan dates to 1982.

In **OPT**, women over 18 years of age can vote and can stand for elections at national and local levels.

Tunisian women over 20 years of age gained the right to vote and stand for elections in 1959.

5.2.2. Women in political decision-making positions at national and local levels

Women's access to Parliamentary seats and to cabinet positions has been very gradual.

In **Algeria**, for example women Parliamentarians represent 7.7 percent for the period 2007-2011 a slight increase on the 6.9 percent for the previous period (2002-2007). There are still very few women in local government although there is also a positive trend in numbers. Algeria has established a Commission of magistrates and academics to draft a law concerning participation of women in politics and decision-making with a quota of thirty percent for female Parliamentarians.

Israel reports a dearth of women in the political system with only twenty-two out of one hundred-and-twenty members of the current 18th Knesset being female. However women are better represented in sixth highest ranks in government ministries with fifty-four percent in Prime Minister's Office (PMO), fifty-nine percent in the Ministry of Industry, Trade and Labour (ITL), seventy percent in the Justice Ministry and fifty-three percent in the Public Security Ministry.

In 2007, six mayors out of two hundred and fifty- three heading Jewish local authorities were women, with 13.2 percent of all elected local officials being women. Within Arab local authorities 0.5 percent of publicly elected local officials were women.

In **Jordan** in 2003 through an amendment to the Election Law six seats were added to the one hundred and four-seat Lower House and were allocated to women. In the same year

five women candidates were successful in municipal elections constituting 0.9 percent of the five hundred and eighty-eight elected municipal council members. An additional one hundred and two women were appointed to municipal councils in accordance with the ten percent quota. The percentage of women holding ministerial posts in Jordan in 2004 was 3.8 percent. In 2007 there were four women ministers and six women were elected to the one hundred and ten-seat Parliament. In the same year twenty percent of municipal council seats were reserved for women and women actually took twenty-five percent of the total.

Lebanon reports a decline in female Parliamentarians to the current number of four out of one hundred and twenty-eight. In the field of participation in decision-making, a slight change is noticeable because one woman has been in government since autumn 2004. In Parliament, there were six women in 2005, but only four in 2009.

Morocco adopted proportional representation in 2002 and thirty seats were reserved for women in Parliament. There are now thirty-five women in parliament and seven women ministers were appointed in 2007.

In the **OPT** the percent of female members of the Palestinian Legislative Council (PLC) has risen from 5.6 percent in 1997 to 12.9 percent in 2006 which places OPT fourth amongst Arab countries in terms of female representation in Parliament. The percent of female ambassadors is up to 5.4 percent compared with 2.1 percent in 1992. At the level of local authorities women occupy two hundred and thirty-one seats out of a total of 1,322; eighty-two of those seats are occupied as a result of the quota system. The Election Law promotes the election of women to local municipality councils. The law provides that there must be a minimum of twenty percent of women elected to the local municipalities. The same law confirmed that women have to be represented in the elections lists; on all lists a woman should be at number three and then every fourth should be a woman and then every fifth.

Syrian women received the right to vote in 1949 and the right of nomination in 1953 but were only able to enter the National Assembly in 1958. Of the current Parliament 12.4 percent are female for the 2007-2011 legislative term. There are currently three female ministers and three women holding senior leadership positions in political parties.

Tunisia has seen progressively increasing numbers of women in Parliament reaching 22.7 percent in Lower House and 15.2 percent in the Upper House. Female membership of Municipal councils reached 26 percent in 2005.

Few of the country reports reflect on women's current role in political parties. However, **OPT** reports that in general there is an increase in numbers of women in leftist parties compared to the situation in right-wing party Fatah. For example in the Fida party women form thirty percent of the Executive Office and nineteen percent of the Central Committee. By contrast

in the Fatah party women form twenty percent of the General Assembly and five percent of the Central Committee.

Tunisia also provides some information about the increasing role of women in party politics as follows. The country is witnessing the dynamization of this participation in the following ways: promoting women's access to decision making positions in their parties resulting in one woman at the head of a political party (Democratic Party for Progress-PDP); four women in political office in the Green Party for Progress; three women in political office in the Social-Democratic Movement-MDS; one woman in political office in the Party of Popular Union-PUP, and integration of women into the electoral lists of some opposition parties.

5.2.3. Women in the judiciary

The numbers of women in the judiciary varies very much from country to country.

In **Algeria** the first female judge was appointed in 1963 and they now number some thirty-eight percent of the total.

In **Israel** the percentage of women judges has increased slightly to 49.8 percent. The current President of the Supreme Court is a woman.

In **Jordan** there are nineteen judges comprising some three percent of the total with the first female appointment being made in 1996.

In **Morocco** women have a significant presence in the judiciary with nearly four hundred female judges.

In the **OPT** in 2006 the percent of female judges had increased from 3.1 percent to seven percent in the West Bank and in Gaza had decreased from 5.6 percent to 4.2 percent. In 2009 the first two female judges were appointed in the Shari'a Courts These appointments came about as a result of pressure and demands from the Palestinian women's movement and organizations.

Tunisia reported in 2007 that twenty-nine percent of magistrates and thirty-one percent of lawyers were female.

5.2.4. Women in corporate and private sector

Algeria reports that very few women (approximately 12.11 percent) participate in private sector enterprises with only six percent of women as employers. Micro-enterprises include fourteen percent of women.

In **Israel** the Corporations Law 5759-1999 states that if all members of the Board of Directors of a public corporation are of the same gender, the next appointment of an outside director must be someone of the opposite gender. In 2007, data revealed that sixteen out of seven hundred and fifty-four public corporations still had all male board of directors and did not adhere to this law. Thus, Government Resolution No. 1362 was passed in 2007 requiring government ministers to appoint women to director positions in government corporations until an equal representation of men and women has been achieved. This target was to be achieved within two years of the passage of the resolution. This resolution resulted in a significant increase in women directors' representation in government corporations to forty-three percent in August 2009.

Women are able to serve in eighty-eight percent of all military positions and comprise in 2008 thirty-four percent of soldiers in compulsory service and 41.7 percent of compulsory service officers. Among women officers four percent are colonels and above.

Tunisia has a large number of women's professional organizations and unions although many of them have yet to find their public voice.

6. Gender-based Violence in southern Mediterranean countries

There has been growing recognition of the problem of GBV at international, regional and national levels as witnessed for example through the CEDAW Recommendation on Violence Against Women (1992), the UN Declaration on the Elimination of Violence Against Women (1993) and the European Parliament Resolution (2009) on the elimination of violence against women. Most of the countries in the region have established National Strategies to Combat GBV/VAW of varying degrees of comprehensiveness.

In Mediterranean countries as elsewhere in the world violence against women takes many forms (verbal, psychological and physical assault, rape, sexual violence and mutilation, and trafficking) and can take place in many different locations in the home, the street, the workplace, in prison, in refugee camps, in the war zone) at the hands of various perpetrators known or unknown to the victim.

As gender-based violence is an extreme manifestation of the power imbalance between men and women. To the extent that gender inequality exists so women are vulnerable to gender-based violence, with women of the most vulnerable groups – poor, rural, ethnic minority, immigrant, refugee being even more at risk.

Gender imbalance of power makes women and girls more vulnerable to random (e.g. by strangers in the street) as well as sociologically predictable violence (e.g. violence perpetrated against women suspected of dishonouring their family by their male relatives). Furthermore, the position of a woman as a legal minor who needs a male guarantor and protection undermines women in many ways when seeking legal redress.

Personal Status Codes in many countries still regard women as the property of the male head of the household, and penal codes may privilege men by allowing extenuating circumstances to male perpetrators who consider themselves dishonoured or even disobeyed by the actions of their wives or female relatives.

In the partner countries of the programme there is increasing recognition of the growing incidence of sexual harassment and violence in the workplace as more women move into employment outside the home.

Gender-based Violence is a complex problem requiring a coordinated, cross-sectoral and multi-faceted response in terms of recognition and identification of the phenomenon; studies and surveys to determine attitudes towards the GBV and the incidence of different types of

violence; provision of shelters for victims and witness protection; public awareness-raising and information programmes, and legislative reform to criminalize violence and to ensure legal redress for the victims as well as protection for witnesses.

In several countries NGOs and civil society organizations have been the first to recognize and address the problem with awareness campaigns, shelters, hotlines, counselling and legal advice and aid.

Increasingly governments are responding both in terms of recognizing female victim's rights to a judicial response, witness protection and amendments to the penal code.

6.1. Domestic violence

Domestic Violence is probably the most common form of violence against women and considered to be considerably under-reported.

In **Algeria** half the women in a National Survey (2006) said that they had been subject to some form of violence with family and spousal violence being the most important categories.

Studies in **Jordan** suggest that up to seventy percent of women are subject to some form of domestic violence.

Similar figures appeared from studies in **OPT** where a study conducted by the Palestine Central Bureau of Statistics (PCBS) in 2005 found that 61.7 percent of women were exposed to psychological violence, 23.3 percent were exposed to physical violence and 10.9 percent were exposed to sexual violence at the hands of their husbands.

In **Tunisia** although there is no specific law on domestic violence it is grounds for divorce by either party.

However many respondents to surveys in all countries, both men and women, consider violence an acceptable response to perceived lack of obedience, poor mothering, or denial of sexual access, though responses tend to vary according to age and urban/rural location of the respondent.

6.2. Honour killing

The phenomenon known as “honour killing” whereby a woman is killed by her male relative(s) if she is alleged to have dishonoured the family is mentioned in the country Situation Analyses of Jordan, OPT and Israel.

OPT reports thirty-two cases of honour killing between 2004-2006; fifty-eight cases in 2007, and eighteen in 2008.

In **Israel** within the Arab population in Israel proper, the number of reported killings in the name of “family honour” has continuously decreased. There were seven reported in 2005, six in 2006, one in 2007 and one in 2008.⁵ However Assiwar, a Feminist Organization, estimates that the actual number is much higher; many women, whose deaths are suspicious, yet labelled death by suicide or accident, have probably been murdered in the name of “family honour.”

6.3. Sexual harassment and violence in the workplace

This form of violence against women is receiving increasing recognition as a problem to be addressed as more women enter the labour market.

Jordan has introduced legal penalties for employers who permit or perpetrate violence in the workplace.

Lebanon also reports actions to address violence against domestic workers many of them (illegal) immigrants and of Asian or sub-Saharan origin.

6.4. Trafficking in women

Trafficking in women (and children) is discussed in the reports of Israel and Syria, though other sources suggest that this is a problem elsewhere (e.g. Jordan). Countries may be categorized as being countries of destination, transit or sourcing.

⁵ 5th Periodic Report Concerning the Implementation of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Ministry of Justice and Ministry of Foreign Affairs. State of Israel. 2009.

In **Israel** trafficking in women has since decreased due to government action. In 2006, a new Parliamentary Committee of Inquiry on the Trafficking in Women was created. The police conducted a wave of raids on brothels in Tel Aviv, prosecutions of traffickers increased and courts began to increasingly award damages to the victims of trafficking paid by the traffickers themselves. As a result of these efforts, the police reported that the number of trafficking victims in 2008 had decreased from several thousand to several hundred. Having said this, many women's rights organizations suspect that current police estimates are under-estimated.

6.5. Violence against women as a result of civil conflict and migration

Gender-based violence in the context of conflict is mentioned in the country situation analyses of Algeria, Israel, OPT, and Lebanon.

In **Lebanon** many actions have been undertaken within the framework of United Nations Security Council Resolutions (UNSCR) 1325 and 1820/2008 (on Women, Peace and Security) to support women affected by war. These actions have been coordinated by the Ministry of Social Affairs and the National Commission for Lebanese Women (NCLW).

Several actions have been initiated during recent years, on the part of NGOs as well as the NCLW and the Ministry of Social Affairs aiming to support women living in the areas directly affected by the 2006 war. These actions usually rely on Security Council Resolution 1325/2000 and on Resolution 1820/2008, as well as the CEDAW. These actions centre on the fact that women are often targets of all forms of violence in a war zone or armed conflicts or even in a post-conflict situation.

Table 6: CEDAW Ratifications/Reporting/ Reservations and Shadow Reports

Country	Date of Ratification	Reservations	Reports	Shadow Report	Optional Protocol	Recent Developments
Algeria	22/05/1996	2, 9 (2), 15(4), 16, 29(1)	Official Report 21/06/2009	Collectif 95 Maghreb Egalité (date not specified)	No	'Expressing the intention to review' Article 2 of the Convention in 2008.
Israel	1991	7(b), 16, 29(1,2)				
Jordan	01/07/1992	9(2), 15(4), 16(1c)(1d) (1g),	Fourth and fifth governmental reports of 2005	June 2007	Not ratified	- Publication of Convention in the Official Gazette without presentation before Parliament in order to accelerate its constitutional procedures. - Withdrawal of the reservation to the fourth paragraph of article 15 in March 2009. - Activism of Jordanian NGOs and lobbying efforts, including the submission of a shadow report to the CEDAW committee in June 2007, which discussed the government's third and fourth reports of 2005.
Lebanon	21/04/1997	9(2), 16(1c) (1d)(1f), 29(1,2)	Scheduled for 2012	Yes (date not specified)	Not ratified	- Reservations continue to exist. - No amendments were introduced to relevant laws.

Country	Date of Ratification	Reservations	Reports	Shadow Report	Optional Protocol	Recent Developments
Morocco	21/06/1993	2, 9(2), 15(4), 16, 29(1)	Scheduled for 21/07/2014	ADFM, 2008	Declared accession in March 2006	<ul style="list-style-type: none"> - Civil society activism and Morocco's nomination to the Human Rights Council. - The national and regional campaign for the withdrawal of reservations, and the 60th anniversary of the Universal Declaration of Human Rights. The Declaration was cited in a royal letter to the Advisory Council on Human Rights on the occasion. - In March 2006, the Ministry of Justice declared the partial withdrawal of reservations, replacement of some reservations with interpretative declarations, and the ratification of the Optional Protocol without submitting the necessary documents to the UN. - The Moroccan King also issued a declaration on December 10th to 'withdraw the reservations of the Kingdom of Morocco on the CEDAW.'
OPT	08/03/2009 ⁶	No Reservations				<ul style="list-style-type: none"> - Activism of Palestinian non-governmental organizations, particularly women's organizations, and lobbying efforts for the 'signing' of the Convention. - On March 8th, 2009, the President of the Palestinian Authority announced the ratification of CEDAW without any reservations.
Syria	28/03/2003	2, 9(2), 15(4), 16(1c) (1d)(1f), 16(2), 29(1)	June 2007	NGOs report coordinated by the Syrian Women's League	Not ratified	<ul style="list-style-type: none"> - No change with regards to withdrawing the reservations. - Rather, there were indications that the government backtracked on its promises to withdraw the reservations to Articles 2, 15-4, 16-1, 16-2. - No changes were made to relevant laws.

Country	Date of Ratification	Reservations	Reports	Shadow Report	Optional Protocol	Recent Developments
Tunisia	20/09/1985	9 (2), 15 (4), 16(1c)(1d) (1f)(g)(1h), 29 (1)		Last report in 2002 carried out by the FIDH, the LTDH and the ATFD.	- Declaration to accede to the protocol on March 17th - Declaration of accession through a law in June 2008	- The Tunisian Association of Democratic Women (ATFD) reported that the Minister of Justice had promised to form a committee to study the reservations. - Ratification of the Optional Protocol to the Convention in June 2008.

Source: Euromed programme: *Role of Women in Economic Life - Assessment of National Women's Machineryes in 10 Mediterranean Partner Countries, 2007*

⁶ Since Palestine is not a recognised state, it can not ratify or sign up to international conventions. The Palestinian Authority has declared its commitment to CEDAW and its willingness to integrate it into law.

Appendix to Table 6: CEDAW articles subject to reservations

The CEDAW articles to which Mediterranean countries have made reservations are summarized below:

Article 2: Policy measures to be undertaken to eliminate discrimination

Article 7(b): Political and public life: To participate in formulation of government policy and implementation thereof and hold public office and perform public functions at all levels of government

Article 9(1): Nationality: States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband

Article 9(2): Nationality: States Parties shall grant women equal rights with men with respect to nationality of their children

Article 15(4): Equality before the law: States Parties shall accord to men and women the same rights with regard to the law relating to movement of persons and freedom to choose residence and domicile

Article 16: Marriage and family law

Article 16(1c): Same rights and responsibilities during marriage and at its dissolution

Article 16(1d): Same rights and responsibilities as parents, irrespective of marital status, in matters relating to children; in all cases interests of children paramount

Article 16(1f): Same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases interests of children paramount

Article 16(1g): Same personal rights as husband and wife, including rights to choose family name, profession and occupation

Article 16(1h): Same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for valuable consideration

Article 16(2): Betrothal and marriage of child shall have no legal effect; all necessary action, including legislation, taken to specify minimum marriage age and make marriage registration in official registry compulsory

Article 29(1): Details of CEDAW: regulation in case of dispute between two or more State Parties concerning interpretation of CEDAW

7. International Conventions, Treaties and National Legislation

The international convention most often cited as providing a framework for action both legislative and programmatic is the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW). The other most influential convention providing a complementary framework is the UN Convention on the Rights of the Child (CRC).

Other international conventions and treaties ratified by the southern Mediterranean countries are the Universal Declaration of Human Rights (1948), the International Covenant on Economic Social and Cultural Rights (ICESCR) (1976), the International Covenant on Civil and Political Rights (ICCPR)(1976) and a number of International Labour Organization (ILO) Conventions including C100 (Equal Remuneration), C103 (Maternity Protection) C111 (Non-Discrimination in Employment and Occupation) and C156 (Rights of Workers with Family Responsibilities).

The UN Security Council Resolution UNSCR 1325 on Women, Peace and Security also provides an important framework for implementing programmes for women and security in some countries.

7.1. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

7.1.1. Ratification and reservations

Seven of the eight countries have ratified CEDAW. In addition the President of the Palestinian Authority, Mahmoud Abbas, has symbolically signed CEDAW without reservations on International Women's Day 2009.

Only three countries, **Algeria**, **Lebanon** and **Syria** clearly accord supremacy to international law over national law which gives their citizens the right to invoke international over national law.

Only one out of the eight countries, **Tunisia**, has ratified the Optional Protocol to CEDAW.

The pattern of reservations recorded by the ratifying countries is not identical but the most reserved articles are Article 2 (Policy measures to be undertaken to eliminate discrimination), and Articles 15(4) (Equality before the law: States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and freedom to choose residence and domicile); Article 16 (All aspects of marriage and family law) and Article 29 (Regulation in case of dispute between two or more States Parties concerning interpretation of CEDAW). For details, see Table 6 and Appendix above.

7.1.2. Specific actions to remove reservations

Several countries have taken actions to remove reservations against certain articles although as noted by **Algeria** and others, legal reform may have gone ahead despite the existence of reservations. Algeria's ratification of CEDAW is accompanied by reservations which, for the most part, have little reason to remain on the books in view of the reforms undertaken since 2005 on the family code, the penal code and nationality code. Reservation to article 9.2 has been lifted to align with the new Nationality Code.

Jordan lifted reservation to Article 15 paragraph 4 (Freedom of Movement) and set up a Committee consisting of the Chief Justice, the Commissioner for Human Rights and the Secretary General of the Jordanian National Council for Women to study Article 16 (Marriage and Family Affairs).

The King of **Morocco** declared that CEDAW reservations would be lifted at 60th anniversary of Universal Declaration of Human Rights namely 10th December, 2008.

7.1.3. CEDAW reporting and dissemination on CEDAW Committee comments

Although in principle reporting on CEDAW should be an inclusive national process, and the CEDAW Committee comments should be widely distributed there is a large degree of variation between countries as to how these procedures are treated.

In **Algeria** CEDAW reports are not made public. Some NGOs participated in drafting of the official report and others produced a 'shadow' report.

Israel reports dissemination of CEDAW and periodic reports in Hebrew, Arabic and English on Ministry of Justice Website.

OPT reports some initiatives taken by the Palestinian Authority to promote awareness among the public of the rights in CEDAW and the CRC, implemented by Palestinian women's com-

mittees. There are two radio programs, broadcast weekly on Radio for Palestine that discuss issues related to women, their situation, problems, achievements, obstacles and challenges. One of these is produced by the Committee of Rural Woman and is called *Ded al Samt* (Against the silence). The other is produced by the Technical Women Affairs Committee and is called *Ali Sawtak* (Raise your voice).

In addition, the Ministry of Women's Affairs and the Ministry of Social Affairs conduct training on CEDAW, the CRC and on other human rights topics.

In **Syria** the government held regional workshops and dialogues and the NGOs prepared shadow report 2007.

7.2. Bringing national legislation into line

Each of the eight countries has taken important steps to bring national legislation into line with commitments to international conventions and especially to CEDAW. Some countries (Algeria, Morocco) also report amendments to their Constitution to reflect a stronger commitment to implementing gender equality as an integral element of the process of democracy.

In several countries the progressive amendment of laws seems to be proceeding in a somewhat piecemeal and uneven fashion. In November 2007, however, Israel has passed the Law on the Implications of Gender in Legislation 5767-2007. This law is a key gender mainstreaming tool which stipulates that all bills that come through the Knesset must be analyzed in terms of gender before they are passed recognizing that most policies affect men and women differently because of the different positions, roles and types of access to power that men and women have in society.

7.2.1. Amendments to Personal Status Code/Family Code

As already reported under paragraph 4.1 all States Parties have undertaken actions to bring legislation on aspects of women's personal status which are still largely based on religious law into line with commitments to international human rights conventions and in particular the UN/CEDAW and the UN/CRC.

In **Algeria** for example in 2005 the Family Code of 1984 was amended. Some of the important changes relate to the establishment of the legal age of marriage for both sexes at nineteen years of age; the requirement that polygamy would be subject to agreement between all parties and the capacity of the husband to support and treat equally both/all wives; and the

elimination of marriage by proxy. The consent of both parties is required for a marriage to take place.

Israel in the past decade has seen a partial secularization within the judicial sphere, of some family matters such as property issues, inheritance, child maintenance, adoption, guardianship, and domestic violence. Jurisdiction over these matters is now shared between the Family Matters Court and the Religious Court. Previously the Religious Courts had exclusive jurisdiction. The hope is expressed that this trend will continue and expand to matters of marriage and divorce, such that all people are afforded the choice of secular proceedings.

Jordan amended the Personal Status Code in 2001 raising the age at marriage for both parties to eighteen years old.

The **Moroccan** Personal Status Code (1957-1993) became Family Code in 2004 eliminating many discriminatory aspects of the previous legislation.

The adoption of the new family code by the Parliament, in complete logical synergy with the Personal Statute of 1957 and its entry into effect in February 2004, has been accompanied by numerous measures at the national and international level, aiming to raising awareness of the new statutes of the code, the sensitization of different groups in Moroccan society, the training of judges and clerks, the annual evaluation of the application of the new sections pertaining to the family, created primarily through Royal tribunals and the publication of materials (guides, flyers, annual reports, statistics) on the matter by the Justice Ministry.

In **OPT**, ten NGOs established the Personal Status Coalition to work towards modification of legislation on marriage age, custody, guardianship, and alimony.

In **Syria** a new Personal Status Code was completed in June 2009 after two years work by a Committee formed by the Prime Minister but has been severely criticized by activists as well as government organizations as representing a step backwards.

In **Tunisia** the Personal Status Code of 1956, abolished polygamy, instituted civil marriage and judicial proceedings for divorce. A Family Planning programme was also established at this time.

7.2.2. Amendments to the Labour Law

The report from **Algeria** stipulates that in terms of employment men and women are guaranteed equality under the constitution as follows: "Article 55 of the Constitution stipulates that all citizens have the right to work. The right to protection, security and hygiene at work, is guaranteed by the law".

Furthermore in Algeria other new pieces of legislation relative to civil service employment guarantee non-discrimination between the sexes.

Israel strengthened law on pregnancy and maternity protections through twelve amendments to the Employment of Women Law inter alia extending maternity leave from twelve to fourteen weeks. With respect to women in the workplace, the state established the Equal Employment Opportunities Commission (EEOC) to monitor labour law compliance; allocated increased funding to subsidize child care centres to allow more women with small children to re-enter the workforce; hosted awareness and educational programs about proper workplace practices; launched a website with information about women's issues; offered training and professional guidance courses to women; and held seminars for teachers on how to encourage girls to excel in mathematics and exact sciences.

Jordan amended the Labour Code in 2002 to include many workers previously not protected, a category which includes many women who work as agricultural or domestic workers or in family enterprises. Clauses offering protection against dismissal during pregnancy or maternity leave have been included in the Labour Law. Jordan's Civil Service Code also respects Equal Opportunities Principles.

In **Morocco** new labour legislation introduced in 2003 enshrines the principle of non-discrimination in the labour law for the first time as concerns employment, salary, promotion and all other aspects of equal opportunities. The law also criminalizes sexual harassment in the workplace, and forbids employment of boys and girls before the age of fifteen.

Many countries including Morocco and Tunisia strengthened protection of pregnancy, maternity and breast-feeding, and introduced or enhanced measures to improve work-life balance for working mothers.

7.2.3. Amendments to Nationality Law

The Nationality Law has been amended in **Algeria** (2005) and **Morocco** (2007) to allow women to pass their nationality to their spouse or their children on equal footing with men.

7.2.4. Amendments to Penal Code

Algeria with amendments to the Penal Code (Article 341) (2005-2006) has criminalized sexual harassment and grants the victim judicial recourse though obstacles still remain to implementation of this in terms of providing proof, given that witnesses are not protected.

In **Israel** in 2007, Amendment 4 was added to the Limitation Law 5718-1958 which extends the statute of limitations on civil suits concerning the sexual assault or abuse of minors. The amendment relates to a "civil suit concerning sexual assault of a minor, or child abuse by a family member or a person responsible for the child, as well as the sexual assault of a person between the ages of 18 and 21, while exploiting relations of dependence, authority, trust or treatment, or if the sexual assault was committed by a family member". According to the law, the statute of limitations will not begin until the victim reaches the age of twenty-eight. The Prevention of Violence in the Family Law was amended in 2008 to prohibit a court of law from rejecting a request for a protection order in connection with a domestic violence suit or a restraining order in a harassment suit until the petitioner is allowed to make her case in court.

The **Jordanian** Penal Code has been strengthened with respect to penalties for rape and sexual violence though the relationship between victim and perpetrator may present a mitigating circumstance. Article 340 of the Penal Code which granted lesser penalties for murder of women who are considered to have dishonoured the family by their male relatives has now been amended to extend the same extenuating circumstances to women perpetrators.

The **Moroccan** Penal Code has been amended to criminalize sexual harassment introducing new concepts of aggravating circumstances as follows: concerning prosecution of sexual harassment based on abuse of authority; the introduction of a new aggravating circumstance of rape: when the victim is pregnant; harsher sentencing if the victim of the act of procuring/pimping is pregnant or when the perpetrator is the spouse of the victim.

In the **OPT** Article 340 of the Jordanian Penal Code remains in force in its old form with respect to granting lesser penalties for men who commit murder in the name of family honour. The Ministry of Women's Affairs and coalitions of civil society actors are drafting proposals to amend the Code to eliminate discriminations and increase punishment for physical, psychological violence and rape.

In **Syria** the Penal Code Article 548 (and 192, 242) which allowed lesser penalties for so-called honour crimes committed by male relatives was amended in July 2009 to remove honour as an extenuating circumstance. However the perpetrator of rape can be acquitted if he marries his victim.

In **Tunisia** no specific legislation on Violence against Women (VAW) exists including legislation against domestic and conjugal violence. However the Penal Code dealing with treatment of violence gives harsher penalties when the aggressor is a descendant or spouse of the victim, doubling the prison term and the fines allotted. Despite the criminalization of sexual violence since 2004 the fact that it is not regarded as an abuse of power and authority means inter alia that it is not integrated into the Labour Law, or in the Code of Conduct for the civil service.

7.2.5. Legislation on Sexual Harassment in the workplace

Jordan introduced an amendment to Labour Law 2998 which empowers the Minister of Labour to close establishments where an employer physically or sexually assaults a worker or permits such actions against workers.

8. Gender Equality Structures, Policies and Strategies

8.1. National Women's Machineries (NWMs) and other institutions⁷

All countries have established National Women's Machineries (NWMs) though the form and function differs from country to country. Almost all of the NWMs in their present form have evolved from earlier institutions according to changing country context and the degree of priority being accorded to women's affairs and gender issues at any given time. In most countries there is a key central institution charged with such activities as coordinating reporting on the CEDAW and Millennium Development Goal 3 on Gender Equality, and Women's Empowerment, but in all countries a plethora of organizations, committees, councils, NGOs and civil society organizations has grown up to respond to the interests of different groups of women.

The NWMs vary also in their legal status and in the way they are headed. In **Jordan** for example the Jordan National Commission for Women (JNCW) was established in 1992 by Cabinet Decree and consists of both government and NGO members and is chaired by Her Royal Highness Princess Basma. In **Lebanon** the NWM is a semi-governmental body presided over by the First Lady.

In Algeria, Tunisia and Morocco ministries have been established to coordinate activities relating to gender and women's affairs.

NWMs vary very much in their outreach e.g. in terms of having antennae in other ministries or in provinces and municipalities outside the capital.

In **Tunisia** the function of the Ministry of Women, the Family and the Elderly (MAFFEPA, Ministère des Affaires de la Femme, de la Famille, de l'Enfance et des Personnes âgées) in its present form was established in 2002 to coordinate gender equality actions through government institutions. Its function is also decentralized through the formation of seven districts. MAFFEPA is assisted by a consultative entity the National Council for Women, Families and the Elderly (CNFFPA, Conseil National de la Femme, de la Famille et des Personnes âgées) and the research entity the Centre for Research, Studies, Documentation and Information on the Women (CREDI, Le Centre de Recherche, d'Etudes, de Documentation et d'Information

⁷ Information in this section should be supplemented with reference to the "Assessment of National Women's Machineries in 10 Mediterranean Partner Countries" by the Euromed Programme the Role of Women in Economic Life (RWEL)

sur la Femme). There are gender focal points in the cabinet of each ministry coordinated by MAFPEPA and women's units in the Democratic Constitutional Party (Rassemblement Constitutionnel Démocratique) throughout the country. An Observatory for the Tunisian Family has also been created in 2006 to monitor the changes in the traditional Tunisian family through the collection and analysis of quantitative and qualitative data.

NWMs differ to the extent to which they are directly involved in managing programmes and projects (training, research) or whether they have a broader advocacy and awareness-creation function as seems to be the case for the Authority for the Advancement of the Status of Women (AASW) in **Israel**.

NWMs differ in terms of the extent of their cooperation with civil society groups.

Algeria and **Morocco** report extensive collaboration with civil society groups and organizations which is less evident in some other countries. In **Jordan** the JNCW as stated earlier consists of both government and NGO members.

8.2. National Plans of Action (NPAs) for women's empowerment and gender equality

All countries in the region have established successive national plans of action for gender equality usually dating back to the time of the Beijing Conference in 1995. Most NPAs also now reflect commitments to the UN Convention on the Rights of the Child (CRC), (1990) the International Conference on Population and Development ICPD (1994), and the Millennium Development Goals (2000).

Some countries include women's empowerment in strategic planning for the family whilst have separate plans for children.

Algeria created its National Action Plan for the Integration of Women (PANPIF) for the period 2009-2012 with an allocated budget of 102.900.000, 00 dinars.

Jordan's National Strategy for Jordanian Women addresses gender equality issues across all sectors as well as in legislation. The Jordanian National Strategy for the Family (2005) was launched by National Council for Family Affairs (2001).

In most countries the provisions of this national strategy for women's empowerment and gender equality have also been mainstreamed into the overall national and sectoral development plans.

In **Israel**, the Knesset Committee for the Promotion of the Status of Women is the committee responsible for advancing women's issues within the legislature.

The Adva Centre, an independent research centre, as part of the National Budget Analysis Program analyzes the budget in terms of how it affects women. The most recent version of its annual budget report, "The National Budget and Budget Arrangements Law for Fiscal Years 2009 and 2010", analyzes the gender implications of changes to the revenue stream (income and corporate tax structures) and the expenditure stream (allocations to the Ministries of Health, Education, Industry Trade and Labour, Welfare and Social Services). The project also includes a training dimension where Knesset, local officials and civil society organizations are taught how to collect data on women's local needs, understand budgets and analyze budgets from a gender perspective.

Jordan has established the National Strategy for Jordanian Women and the National Strategy for the Family (2005).

In 2006 **Morocco** adopted the National Strategy for equity and equality between the sexes by mainstreaming gender in development policies and programmes. Within the framework of this strategy important actions have been taken with respect to gender budgeting by the Ministry of Finance. Steps have also been taken to involve the religious authorities through collaboration with the Ministry for Islamic Affairs.

In the **OPT**, the Governmental Coordinating Committee and General Union of Palestinian Women devised a strategic Plan after the Beijing Conference in 1995. In 1997 the first National Strategic Plan for Palestinian Women was established by the Palestinian National Authority (PNA).

The adoption of the 'Document of the Rights of Palestinian Women' by the President of the Palestinian Authority was regarded as an important milestone. This document was prepared by the Ministry of Women's Affairs, women's institutions and organizations, and the General Union for Palestinian Women. The document proposes changes to women's human rights in terms of political rights, social and economic rights and her rights in the personal status law. The document requests that the demands are taken into consideration when the laws are made or amended.

In **Syria** for the first time, the current 10th Five Year Plan dedicated a special chapter to women's issues and as detailed in the preface gender related issues are not the interest of a certain ministry or a certain sector; rather they are mainstreamed in all sectors

Tunisia 8th Development Plan (1992-96) mainstreamed gender for the first time. This was continued in subsequent Plans. All electoral programmes for the Presidency include an important component dedicated to women.

8.3. Actions to address gender-based violence

All of the eight Mediterranean countries have taken steps to address gender-based violence through establishing national plans and strategies, although in many countries NGOs and civil society have been the first to take the initiative in addressing gender-based violence (GBV).

Algeria conducted a national survey on violence against women in 2006 and a national strategy was launched in the following year (2007) directly involving fifteen ministries in recognition of its cross-sectoral nature. Civil society associations are also very active in this field particularly the Association for the Defence and Promotion the Rights of Women (ADPDF), the Independent Association for the Triumph of Women's Rights (AITDF), and the Collectif Maghreb-Egalité. A national Information, Education and Communication (IEC) strategy was established and implemented through all media for the general public.

Amongst other things the survey found that over half the women surveyed say they have suffered violence, be it verbal, psychological or physical: 7.423 out of a total of 13.755, i.e. 53,96 percent. This is a sign that progress has been made in society, since women no longer accept or submit to violence as 'natural' or insurmountable as they did in the very recent past.

The survey also found the 25-49 age group of women were the most vulnerable to all forms of violence, possibly because with maturity women become less accepting of patriarchal authority. However overall it was found that two out of three women thought that a man was justified in beating his wife if she went out without his permission, neglected the children, argued with him, refused sexual relations, or burnt the food. In 2007, the government launched the National Strategy on Violence against Women.

A major concern for **Israel** as a primarily destination country is trafficking in women from Eastern Europe and Asia. A Parliamentary Committee of Inquiry established on Trafficking on Women (2006) which had shown some good results. The state allocated additional funding to the Ministry of Education for the treatment of sexual assault victims and for the rehabilitation and treatment of women and girls engaged in prostitution; closed down fifty brothels in 2008 and arrested seventy-eight suspects of trafficking in women; provided free legal services to the victims of trafficking in women and slavery; funded new rape crisis centres and opened two new counselling centres to treat the victims of domestic violence; and funded and hosted awareness and educational programs on trafficking in women and sexual harassment.

Jordan has established a National Framework for Protection against Violence and an Ombudsman Office and hotline have been set up in the Jordanian National Commission for Women's Affairs (JNCW).

In **Morocco**, the National Strategy to Combat Violence against Women (2002) resulted in many studies and campaigns for awareness-raising and programmes across all sectors and all ministries with collaboration of many NGOs. The work of the NGOs has been as a matter of priority to create shelters for the victims of violence.

A great deal of work has been done to change public opinion with respect to violence against women, and also to raise the awareness of judges, policemen, family physicians and others as to the appropriate treatment of the phenomenon of VAW.

In the **OPT**, the Ministry of Women's Affairs launches an annual programme on the occasion of the international day for eliminating violence against women. A Coalition for Combating Violence against Women was formed in 2002 and a National Committee for Combating Violence was formed in 2008. The committee is formed from governmental organizations, non governmental organizations and the General Union for Palestinian Women. The aim of this committee is to gather and unify all efforts to combat violence against women. Shelters for victims of domestic violence have been established by Ministry of Social Affairs and Women's Centre for Legal Aid and Counselling (2006).

The Forum for Combating Violence against Women was established in 2000 on the initiative of a group of NGOs. Draft legislation on domestic violence is currently being discussed.

In **Syria**, the Tenth Five Year Plan (2006-2010) identifies VAW as a main challenge to be addressed. VAW is also a feature of Syria's successive Millennium Development Goals (MDG) reports. The General Women's Union carried out a study on GBV (2000) with the United Nations Population Fund (UNFPA) and cooperated with the Syrian Commission for Family Affairs (SCFA), the Central Bureau of Statistics and the United Nations Development Fund for Women (UNIFEM) (2005) on a second larger study of 1,891 families in urban and rural areas. Studies showed very high prevalence of violence including psychological, physical and sexual abuse and deprivation of economic rights. As a result of this study the Association for Women's Role in Development has established a shelter and Syrian Family Planning Association expanded health and counselling services. A National Plan on VAW is under preparation since 2006, as is a law on human trafficking.

In **Tunisia**, a National Strategy against violence in the family and in society which includes a component of gender-based violence was put in place by the Ministry of Women, the Family, Childhood and the Aged (MAFFEPA) along with NGOs.

8.4. National efforts to implement the Istanbul Ministerial Conclusions and Framework of Action

The Istanbul Ministerial Conclusions (2006) on “Strengthening the role of women in society” represent a common commitment of the Euro-Mediterranean partners to undertake measures to promote gender equality and women’s rights. Still, although countries report high level participation in the Istanbul Ministerial Conference of 2006 and in subsequent fora, the picture of implementation of the Ministerial Conclusions on the ground is somewhat more mixed.

Overall, all countries reported little awareness of the Conclusions and their potential role in supporting gender equality and women’s rights.

Algeria reports that the Istanbul Conclusions are almost absent as a reference when actions are undertaken in favour of gender equality and women’s rights. According to the Algerian report, institutional actors have a little more awareness than civil society actors but overall there is very little knowledge of the Istanbul Conclusion and the process.

Israel can see the potential ‘value added’ of the Istanbul process but also notes that this potential has yet to be realized.

Lebanon reports high level participation at Istanbul Conference of (2006) but no diffusion of information in the country and mentions the need for better articulation of different frameworks (CEDAW/MDGs /Istanbul etc).

OPT reports no implementation to date and little awareness.

The **Syrian** report credits as a response to the Istanbul Plan of Action (2006) work on enhancing women’s rights, and changing gender stereotyping in education media. The Syrian Commission for Family Affairs (SCFA) prepared three studies on CEDAW Articles 2, 9,5,16 and requested the Cabinet to lift reservations (2006). The report also states however that in general the Istanbul process is not well known.

Tunisia also raised the lack of awareness and understanding about the Istanbul Conclusions and the process and about the country’s role and responsibility in the process, except for a restricted group of government actors.

9. Priorities for future action

Based on the situation analysis in the partner countries and on additional secondary sources, it is possible to conclude that the overall situation of women in all countries has improved in the areas of basic education, school enrolment and health. Progress is also observed concerning women's economic participation and access to the labour market. Women continue to penetrate decision-making positions at national and local government levels thanks largely to the introduction of quotas, party lists and other special measures at various levels.

Gender equality gains in the private sphere are being gradually enhanced by amendments to the Family law, Personal Status law, Labour law, and Nationality law but there are still discriminations in the 'letter of the law' and its application. However the equality gaps between the Personal Status codes and the Constitutions or the national legislations remain a major handicap in achieving women's full citizenship and gender equality and to the removal of CEDAW reservations.

There is increasing recognition of the various forms of Violence against Women and a variety of actions have been undertaken in most countries by both State and civil society. A major obstacle is the lack of appropriate legislation and the partial enforcement of existing legislation.

All country reports reflect that women are not a homogeneous group and the extent to which they can access their rights is also affected by age, ethnicity, socio-economic status, civil status (e.g. migrant workers) and whether they are affected by ongoing conflict in their country. Human trafficking and prostitution is becoming a cause for concern in the region where countries may be 'destination' or 'transition' countries.

The country reports indicate a large number of priority actions going forward. However the overwhelming priority is in the area of legislation and **legal reform** which includes removal of CEDAW reservations and reform of all aspects of national legislation to bring it into line with national commitments. A second clear priority that emerges from the reports is in the area of concerted actions against **GBV** or **VAW**. Actions are required across the board in legislation, establishing institutions, plans and strategies, and work to change public perceptions and train the judiciary and other service-delivers to deal with domestic violence. The strengthening of **women's participation in public life** and their access to decision-making is also still an area where there remains much work to be done. It was raised by several countries as a central priority for future action through a series of measures including institutional measures and quotas as well as training and capacity building.

Other priorities mentioned by countries relate to the need to strengthening NWMs and related structures and ensuring that they are properly staffed and resourced to drive the work forward in collaboration with a wide range of government and civil society partners. The need to establish a clearer process for the implementation, dissemination and follow-up of the Istanbul and Marrakesh Ministerial Conclusions was also mentioned by several countries.

While country-specific priorities are detailed in each of the national situation analysis reports, the objective of the present regional report and of its validation by national partners during the regional roundtable that took place in Brussels in March 2010 is to point out a set of common priorities for future action at the regional level. The added value of joint learning and sharing experiences calls for regional capacity building and enhanced dialogue on:

- Legal frameworks and reform for protecting and promoting women's human rights and gender equality;
- Measures and strategies for combating gender-based violence;
- Measures and strategies for enhancing women's participation in public life, with an emphasis on political participation.

10. Perspectives for future action

This closing section is based on the national country Situation Analyses and on the debates with Mediterranean partners and other stakeholders that took place during the regional roundtable in Brussels (15-17 March 2010) where the country reports were presented⁸. Based on the analysis and findings, this section suggests a series of directions to move forward. Possible actions to enhance women's human rights and gender equality in the region are grouped around 10 different areas that highlight the main findings on which the perspectives for future action in each of these areas are based.

10.1. Overall Legislative Framework

In all countries there are multiple and mutually contradictory sources of legislation: national Constitutions and Basic Law, national legislation, commitment to international Conventions, religious laws and traditions.

This multiplicity of sources for legislation implies that the gains in women's human rights and gender equality may ebb and flow according to the balance between the different sources of legislation in the wider political arena.

Perspectives for future action:

- *Bring national legislation into line with commitments to international Conventions on gender equality by removal of reservations, and amendments to the law*
- *Involve liberal religious leaders in (re) interpretation of discriminatory provisions in the law*
- *Development of a unified and non-discriminatory Personal Status Code for all communities living in the same country*

⁸ Except Syria

10.2. CEDAW and its Optional Protocol

Seven of the eight countries have ratified CEDAW. In addition the President of the Palestinian Authority has symbolically signed CEDAW without reservations on International Women's Day 2009. Overall CEDAW has been ratified with a number of reservations.

Whilst the incidence of reservations recorded by the ratifying countries is not identical the most reserved articles across the region are Article 2 (Policy measures to be undertaken to eliminate discrimination), and Articles 15(4) (Equality before the law: States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and freedom to choose residence and domicile), Article 16 (All aspects of marriage and family law) and Article 29 (Regulation in case of dispute between two or more States Parties concerning interpretation of CEDAW).

Perspectives for future action:

- *Clear acknowledgment of commitment to the principles of CEDAW as taking precedence over national law where these are in conflict or contradiction*
- *Progressive removal of all reservations of legislation brought into line*
- *Ratification of the CEDAW Optional Protocol by all countries*

10.3. Women as Legal Minors

Despite the fact that Constitutions stipulate that all citizens will be treated equally that condition is not reflected in national legislation and women in several aspects are not treated as full citizens in the letter of the law and/or in its application.

This demonstrates that the concept of gender equality is not truly embedded in the legislation and that traditional patriarchal principles still prevail.

Perspectives for future action:

- *Respect of women's equality of legal personality in the laws themselves and their application*
- *Recognition that a better gender equality is also beneficial to men*

10.4. Personal Status Codes

As is well recognized human rights are indivisible and therefore discrimination in one sphere will impact upon other spheres of activity. If women are regarded as legal minors in some aspects of their personal status, they will also be undermined in their attempts to participate on the broader public stage. The Personal Status Codes are based in all eight countries on religious law. In different aspects this code is discriminatory against women. All States Parties have undertaken actions across the board to bring aspects of women's personal status into line with commitments to international human rights conventions and by making amendments to Personal Status Codes, Penal Codes, Labour Law, Nationality Law and to proposing legislation on sexual harassment and other types of gender-based violence. However many discriminatory provisions remain.

Perspectives for future action:

- *Need to continue the reform work and to reinforce it by giving a higher profile and sufficient funding*
- *Promote the principal of indivisibility of human rights and their importance for both sexes by greater awareness-raising actions*

10.5. Application and enforcement

Even when legislation has been amended to remove discriminatory provisions the application of certain laws may be discriminatory for a number of reasons: judges may continue to be lenient towards petitions for marriage for under-age girls, or turn a blind eye towards a husband who divorces his wife without her knowledge or consent.

There are few institutional mechanisms or sanctions for enforcing the application of amended legislation, which is in place.

Perspectives for future action:

- *Set up or develop institutional mechanisms both governmental and non-governmental which would monitor the enforcement of law*
- *Establish penalties and sanctions for non-compliance or reward for full compliance*

- *Increase awareness of women's human rights issues by judges, lawyers, magistrates and others involved in applying the law*
- *Mainstreaming of gender equality principles into university courses and other types of training for law students and others*

10.6. Civil and Political Rights and access to decision-making

The Constitutions or equivalent documents in all countries guarantee equality to all citizens. However, notably in the private sphere the realization of gender equality is still imperfect in terms both of the actual legislation and its implementation.

In terms of political participation of women there is a slow access to decision-making positions in the executive, legislature and judiciary as well as in the private sector and the labour market.

Perspectives for future action:

- *At the level of the political parties themselves, engender lists during elections to ensure that women continue to increase in numbers in all branches of national and local government*
- *Propose advice, mentoring and training to women in political life*

10.7. Gender-based violence

In the southern Mediterranean region as elsewhere in the world violence against women takes many forms (verbal, psychological and physical assault, rape, sexual violence and mutilation) and can take place in many different locations in the home, the street, the workplace, in prison, in refugee camps, in the war zone) and at the hands of various perpetrators known or unknown to the victim.

All of the eight Southern Mediterranean countries have taken steps to address gender-based violence through establishing national plans and strategies, although in many countries NGOs and civil society have been the first to take the initiative in addressing GBV. There is still little legislation to address these issues.

Perspectives for future action:

- Reinforce the consensus in some countries on a clear and complete definition of gender-based violence as a manifestation of power imbalance and which would therefore embrace sexual harassment at work, conjugal violence, and other forms of gender-based violence such as 'honour killing' and female genital mutilation (FGM)
- Criminalisation of all forms of gender-based violence
- Need to address in a coordinated and multi-sectoral way by governments and civil society as it involves actions in legislation, awareness-creation, research, training, social protection
- Expand the work in the southern Mediterranean countries to involve boys and men in discussions and programmes to address on practices as FGM and honour killing

10.8. Sustained and high level political will

Sustained and high-level political will to promote gender equality is seen as a sine qua non of success in those countries which have made good progress in the areas under discussion and who still recognize that much more needs to be done.

Perspectives for future action:

- Recognition and encouraging of the many positive manifestations of high level political will in the region by all external multi-lateral and bilateral actors involved in promotion of gender equality
- Engendering EU national indicative programmes for the Partner countries and inclusion of the NWM into mechanisms like Twinning

10.9. Institutional arrangements for implementation of women's rights and gender equality

All countries have established National Women's Machineries (NWMs) though the form and function may differ from country to country.

Perspectives for future action:

- *Need to ensure by the Governments that their NWMs are of a sufficiently high level, have a clear mandate and are adequately staffed and resourced so that they can coordinate gender equality actions across sectors and at all levels*
- *Adoption of an inclusive approach by the NWMs through collaboration with all other sectors, civil society and the media*

10.10. The value added by the Istanbul Process

Countries report high-level participation in the Istanbul Ministerial Conference of 2006 and in subsequent fora, though the picture of implementation of the Ministerial Conclusions on the ground is somewhat more mixed.

Istanbul provides a very comprehensive framework for action and it is 'home-grown' and specific to the region rather than being part of a global movement. In this sense it has the potential to become a much more precise and detailed framework for action and implementation, and funding than other processes.

Perspectives for future action:

- *Need to develop the modalities or channels of cooperation between the different leading global actors – the European Commission (EC), the UN and bi-laterals as well as civil society to avoid duplication and to allow complementarity and for better articulation of different frameworks (CEDAW/MDGs /Istanbul etc)*
- *Strengthen the visibility and role of the Istanbul Ministerial Conclusions as a framework to support the promotion of women's rights in the region.*



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