



الإتفاقية الدولية للقضاء على كافة أشكال التمييز ضد المرأة

الفجوة
بين التصديق
والتنفيذ في البلاد
العربية

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الإتفاقية الدولية للقضاء على كافة أشكال التمييز ضد المرأة الفجوة بين التصديق والتنفيذ في البلاد العربية
Convention on the Elimination of all forms of Discrimination against Women The gap between Ratification and Implementation in Arab Countries



CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The gap between
Ratification and
Implementation
in Arab
Countries

Editor: Dr. Fatma Khafagy



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forms of Discrimination against Women**

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Dedication

This study is dedicated to the soul of Dr. Afaf Marei, the human being, the feminist and human rights activist and the God Mother of the Egyptian Association for Community Participation Enhancement. May your soul rest in peace; our dearest and beloved comrade.

EACPE Family

February 2017

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PREFACE

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Preface

The Egyptian Association for Community Participation Enhancement (EACPE) Interest in women`s issues in Egypt dates back to its inception in 2004. The Women`s Program, established by Dr. Afaf Marei, late director of EACPE, (God bless her soul) is one of the main programs of EACPE since its inception and till now. EACPE is a member of the Egyptian NGOs CEDAW Coalition, and had been the coordinator of the Coalition 20092014. Furthermore, EACPE is a member of the “Egyptian Child`s Rights Coalition”, the NGOs Coalition on Combating Violence against Women (Karama/ Egypt), the “Women`s Rights Network”, and a founding member of the “Feminist Euro-Mediterranean Initiative”.

In continuation of Dr. Afaf`s efforts in this field, EACPE in cooperation with Plan International Foundation – Egypt, agreed to conduct and publish a Regional Analytical Research Study that includes 16 Arab countries (Egypt, Libya, Morocco, Tunisia, Iraq, Syria, Jordan, Palestine , Algeria, Kuwait, Mauritania, Lebanon, Yemen, Saudi-Arabia, Bahrain and Sudan). The Study investigates how the Arab countries dealt with the CEDAW Convention since its adoption till the present time. The study aims to:

- First, review what has been achieved in each individual country, and

- Second, provide a comparative analysis of the situation in the countries being studied, to identify the political, economic, social and cultural factors behind the variations between different Arab countries in implementing CEDAW and translating it into a legislative reality, and actual practice.
- Third, Provide conclusions and recommendations to the national and international civil society and governments relevant to Arab women`s issues.

In this regard, EACPE convened a regional meeting in Cairo, 17-19 November 2016, on “Convention on the Elimination of all forms of Discrimination against women (CEDAW): Reflections on the legislative reality, challenges for implementation and priorities of the current moment”. Representatives of Institutions, organizations and feminists figures from 16 Arab countries participated in the meeting.

Over two days the participants discussed the importance of implementation and activation of CEDAW in the Arab countries which ratified the convention, all Arab countries except for Sudan and Somalia, are obliged to implement its articles. The participants also saw that CEDAW activation would enhance gender equality in the Arab region and protect women`s rights in a historical era in the region characterized by conflicts, occupation, terrorism, factional and religious extremism; all of which negatively impact on Arab women.

The participants concluded that the approach to the study should depart from traditional research methodologies to active participatory methods involving all parties. The meeting also discussed the possibility of forming an Arab group for the activation of the CEDAW convention by participants from Arab countries in the meeting.

It is worth noting that this study is considered one of the important studies addressing the progress in implementing the CEDAW convention in 11 Arab countries, comparing the different levels of implementations and the challenges currently facing Arab women.

EACPE agreed with Dr. Fatema Khafagy -Board member of the “Alliance of Arab Women ”, founder and member of the

Arab Women Network for Parity and Equality, Head of women's program, UNICEF 1984-2000-, president of UNIFEM Regional office, 1997; founder and chair of the Ombudsman Office in the Egyptian National Council of Women (2001-2014-2012 & 2005-). Dr. Khafagy worked also as a gender expert in many national and regional projects with the European Union and other international organizations and donors. The study will be presented during the 61st session of the UN Committee on the Status of Women (CSW), March 2017. Dr. Khafagy, representatives of EACPE and Plan International will present the study results at the international level.

Representatives of feminist and other associations concerned with women's issues provided national studies on the subject. Some of them provided EACPE with their latest shadow reports to the CEDAW Committee. The contributions included 13 Arab countries (Egypt, Libya, Morocco, Tunisia, Iraq, Syria, Sudan, Jordan, Algeria, Palestine, Lebanon, Yemen and Saudi Arabia).

The other 3 participants from Mauritania, Kuwait and Bahrain were not able to attend the regional meeting, but it is decided that they should participate in the second regional meeting. The Main researcher, Dr. Khafagy edited the regional study on the basis of the national reports, state reports to the CEDAW Committee and other relevant specialized studies. National reports are included as annexes at the end of the study. EACPE will convene another regional meeting and invite a wider number of participants from the region to first, assess the experience, particularly participation in CSW meeting in New York, secondly, to discuss and study the possibility of formulating a vision and a strategic three-year regional action plan with regards to women's rights in general and the CEDAW convention in particular.

The summary of the study was translated into English by Dr. Amal Abdel Hadi, a founding member of New Woman Foundation, Egypt. Her organization also coordinates the Coalition for Equality without reservation.

INTRODUCTION

INTRODUCTION

Introduction

The Arab region had witnessed many political changes since 2011. It began with the Tunisian revolution, followed by a number of revolutions and uprisings in other Arab countries; Egypt, Libya, Syria, Yemen, Bahrain, and finally Sudan. All Arab countries suffered clashes and armed conflicts, where the USA and some European countries played a central role to increase its arms exports, expand its control over the Arab oil, undermine the Arab region and reorganize it to safeguard its interests and the interests of Israel which continue its occupation to Ghaza and West Bank since 50 years.

Women in the Arab world were, and still are, impacted by all these changes. They have participated in the revolutions and uprisings side by side with men, and the whole world acknowledged the strong role they played in the change process. However, the successive national governments' worries and lack of political will, with respect to women's participation in the public sphere, lead to official tendencies that tries to limit any new gains for women on the basis of equality and citizenship rights. To the contrary we monitored many trials to marginalize women and freeze their chances to practice their human rights

in both the private and public spheres. Some women's and feminist movements worry about backlash and retreat with regards to the rights women gained because of their previous struggles.

The Arab Spring was expected to open a window of hope for democratic change and unprecedented reform for women. But this requires different policies and more progressive legislations to enable women to overcome obstacles based on prevailing gender discrimination. Such goal entails concerted efforts to induce change in policies, legislations, procedures and cultural discourses to enhance equality and purify law totally of discrimination against women, to guarantee women's economic, social and political participation and to enable them to benefit from any chances to improve their situation and enable them to reach decision making positions.

Most Arab countries witness the emergence of new trends and forms of conflict as well as growth of the old existing types of conflicts in the Arab countries over decades. There are differences in the levels, fields, intensity, length of conflicts and the main players in them. Such developments and changes had led to an environment that is very different from the situation in the 20th century. The Arab region currently includes more than 17 million refugees who fled their original countries because of severe conflicts. These include 10 millions who lost their homes in Sudan, Iraq, Somalia, Lebanon, Syria and Yemen; in addition to 7.5 million Palestinians who were forced to leave their homeland because of the Israeli occupation.

Armed conflict detrimentally impacts women as they lack resources to protect themselves compared to men. Thus women and their children comprise the majority of the refugees and homeless. Women also are exposed to the worst forms of violence including rape, trafficking, enslaving and exacerbation of early

marriage. Women also suffer from lack of basic or compensatory services in areas of armed conflict, while the aggressors are not punished or kept accountable

The current use of Security Council's resolution 1325 regarding security, protection and participation of women -before, during and after conflict- in the current status fail to solve many problems. It deals with women and children as victims. It seems that the only way it acknowledges to ward off the malice of conflicts and fights is to call for providing victims with some services. Though the resolution is also concerned with trying to bring women to negotiation tables, yet it lacks the power to call upon the international community to carry its responsibility to end existing armed conflicts in the Arab region, which should include efforts to stop exporting arms to the conflicting countries and ending the Israeli occupation lasting for more than 50 years now.

The "Arab Human Development Report" dedicated to youth issues (2016) states that although the Arab world comprise only 5% of the world population, yet, since 2014 , it represented 45% of terrorism all over the world, 68% of deaths resulting from terrorism, 47% of internally displaced and 58% of refugees. All this resulted in economic problems e.g. unprecedented unemployment particularly among youth. Nearly half of young Arab women failed to find work opportunities compared to the international standard 16%.

We expected that Arab women who participated in the revolutions will gain some rights that they did not enjoy before, e.g. increasing their numbers in decision making posts and gaining more rights in the private sphere, particularly the family laws which violate their rights and dignity. Unfortunately, it was the opposite; and women's situation got worse in many countries. Violence escalated to include gang rape, kidnaping

and selling women as slaves, and executing them for suspecting their involvement in guerrilla operations as we saw in Palestine and other Arab countries that witnessed revolutions by the end of 2015. Ironically, women were detained in Saudi Arabia, December 2014, for just demanding to drive cars.

Most Arab countries, because of such changes, underwent a deteriorating economic situation and growing poverty particularly among poor classes. Women endured deteriorating social, educational and health services. The number of female headed households and women carried the burden of providing for food, education, housing, clothing and treatment for their children as shown in the social and economic indicators reported in most Arab countries.

In addition, extremist and conservative religious political movements increased. These movements adopt a male chauvinist vision denigrating women, and work, under the banner of religion, to spread traditional conservative thought to enable men only to hold all powers and exclude women from different fields; reducing women to mere physical bodies controlled by men for their pleasure and domination in the name of protecting the so-called «family honor».

It is in such context of mistrust in the present and future, insecurity, disappointment due to lack of justice and increasing discrimination among different classes and groups; we find some women join ISIS and join the profession of war and terrorism.

On the positive side, the majority of Arab countries ratified the international conventions on human rights, namely the CEDAW convention, which provide an opportunity to use it nationally and regionally to enhance women`s access to equal rights stipulated by convention. This requires governments` commitment to implement the convention and monitor such implementation in the way which guarantees realizing its articles.

That being said, this regional research study seeks to provide basis and recommendations to activate the use of CEDAW can in the Arab countries so that women can enjoy the rights which are currently partial, and in many cases violated.

The Study also seeks to promote women`s rights and to enable them to protect these rights with other democratic and progressive movements as it is a national and developmental entitlement. It thus contributes to strengthening their roles and empowering them to raise their voices and participate in shaping the communities that realize justice, equality and dignity for them, through eliminating all obstacles depriving them of equal participation in all walks of life. The study includes a critical vision targeting the United Nations and the CEDAW committee in order to make the convention more strong, and make governments more abiding by its implementation in accordance with its objectives.

CHAPTER 1

CHAPTER 1

Arab Countries and the Convention on Elimination of all forms of Discrimination against Women

All Arab countries except for Sudan and Somalia, ratified the International Convention on Elimination of all forms of Discrimination against Women (CEDAW). Egypt, Yemen, Tunisia, and Iraq were among the early countries that ratified CEDAW after the date of the entry into force of the convention (1981, 1984, 1985, and 1986). Only three countries, Libya, Tunisia and Morocco, ratified the CEDAW Optional Protocol.

Sudan and Somalia refused to join the convention. Sudan argued that CEDAW is against Islamic Shariaa. Despite the efforts of different women`s groups, human rights civil society organizations and researchers and academics, and despite the fact that Sudan encompasses multiple religions, ethnicities and cultures. The rest of the Arab countries included in this report had made reservations to some articles of the convention, particularly articles 2 and 16. However, the past years witnessed positive progress; some Arab countries withdrew their reservations on some articles, particularly articles 9 (on nationality), article 15 (on rights to housing and mobility), article 7 (on political rights) and on some paragraphs in article 16. Furthermore, Tunisia and Morocco withdraw all its reservations.

In 1993 Morocco's ratification of the convention (211993/6/) had been one step within its path for building a modern democratic country where rights and law prevails. This path was continued in 2011 by withdrawing reservations on articles 9 and 16, ratifying the CEDAW Optional Protocol in 2015, and consequently revised some national laws. Libya ratified the convention 1989 and CEDAW became implementable as a national law judges has to abide by, and any stakeholder can use its provisions in their litigation before the courts as part of the national legislation.

Lebanon ratified CEDAW in 1996. Its reservation on Article 9 - 2 is still effective. Efforts of civil society and women's organizations failed to take it to the Parliament, despite the fact that a number of Arab countries like Egypt, Morocco and Iraq, had already withdrew their reservations on article 9.

Iraq ratified the convention in 1986 and made reservations on some articles. Iraq provided 6 reports to the committee.

As a result of all women voices calling for ratification and domestication of CEDAW, the state of Palestine accessed CEDAW in 2009. After being acknowledged in 2012 as an observer non-member state, Palestine ratified CEDAW in 2014. The Palestinian state had already finished drafting its initial report and provided it for national consultation in February 2016.

Algeria ratified all international treaties on human rights. Its ratification of CEDAW in June 1996 was accompanied by reservations on articles 2, 9, 16, 4-15, 2- and 29. Reservations on Article 2 and 9- were withdrawn in 2005. At the time of ratification, Algeria was going through hard-time as terrorist activities were on the rise, the so called "the black decade". Such situation made it hard for the government to fully approve convention without reservations on the articles that

were impossible to implement within such internal harsh circumstances.

Yemen ratified CEDAW in 1984, and during that period provided 8 reports, the last combined reports (7th and 8th) was reviewed by the committee in March 2015). It is worth noting that South Yemen was one of the first Arab countries to ratify CEDAW. After the unity, North Yemen succeeded automatically to all the conventions ratified by South Yemen. Syria ratified CEDAW in 2003 and had reservations on some articles (2, 9, 15, 16 and 29). The initial report of the Syrian government was discussed in 2005 and in 2012 the combined 2nd and 3rd report were discussed.

Egypt ratified CEDAW in 1981 with reservations on 4 articles (2, 9-b, 16, 29), however, Egypt withdraw its reservation on article 9 later. Saudi Arabia ratified the convention 2000, stating that it will be committed to the convention except for what contradicts with Islamic Shariaa. This expression is both vague and imprecise.

It is noted that many of the Arab countries do not provide their periodic reports regularly, and many of them tend to combine two, and sometimes three, reports as shown by the following table.

Country	Date of Ratification	Number and dates of reports	Year of last report
Algeria	1996	First report Second report Two combined reports	1998 2003 2012
Iraq	1986	First report Two combined reports Three combined reports	1990 1998 2014

Country	Date of Ratification	Number and dates of reports	Year of last report	
Morocco	1993	First report Second report Two combined reports	1994 2000 2006	2006 The report to be presented March 2017 in CSW was prepared with participation of rights and Women's organizations
Yemen	1984	First report Second report Third report Fourth report Fifth report Sixth report	1984 1989 1992 2000 2002 2007	2008
Tunisia	1985	First report Two combined reports Two combined reports	1995 2002 2008	2008
Palestine	2014			2016 Not provided yet to the CEDAW Committee
Lebanon	1997	Three combined reports One report Two combined reports	2004 2008 2014	2014
Libya	1989	First report Second report 3rd, 4th, 5th, and 6th combined reports	1991 2002 ¹ 2008	2009

1- Not discussed with the CEDAW Committee

Country	Date of Ratification	Number and dates of reports	Year of last report
Egypt	1981	First report Second report Third report 4th and 5th combined 6th and 7th combined	1983 1986 1996 2000 2010
Syria	2003	First report Second report Third report	2005 2007 2014
Saudi Arabia	2000	Combined first and second reports	2007 2008 ¹

The table shows that many Arab countries do delay providing their reports for many year; Morocco (10 years), Libya, Tunisia and Yemen (8 years), and Egypt (6 years). The majority of Arab countries also tend to provide combined reports. This denotes on the one hand, that governments do not take the convention seriously and on the other hand that the CEDAW Committee does not pressure governments when they are behind their reporting schedules and request them to regularly provide their reports. The result is weakening a serious implementation of the convention.

The concluding observations of the CEDAW Committee on Arab countries reports involve a vast number of concluding observations; however, we will only address concluding observations which are common on all reports. In addition to urging states to withdraw their reservations particularly on articles 2 & 16, there is emphasis on the following important issues:

- The necessity of raising awareness on and wide dissemination of the convention, so that all citizens are aware of their rights included in it.

¹- Was provided 2007 and discussed 2008

- Fighting and putting an end to stereotyping of women demeaning them and hindering gender equality
- The importance of defining discrimination in the national constitutions and laws
- The importance of increasing women`s political participation
- Guaranteeing women`s ownership and inheritance rights
- Equal rights in marriage
- Prohibition of underage marriage of young women
- Availing data and information on gender based violence against women including trafficking on women
- Availing data on migrant, displaced and refugee women, and providing information on women`s role in conflict resolution
- Integrating gender equality in polices and legislations

It is noted that the concluding observations of the CEDAW Committee to governments are usually delayed for two years.

It is worth noting that many of the Arab countries respond, in most cases, to the committee`s Concluding Observations. This in itself reflects governments` interest in providing a positive image at the international level regarding achieving women`s rights in their countries.

National Associations in Arab countries always present shadow reports to the CEDAW committee. Many of them strive for sending their representatives to the pre-sessions before their countries` reports are discussed, and to the sessions where their countries` reports are discussed by the CEDAW committee, whenever they manage to secure financial resource.

In addition to Arab Governments reluctance in providing their periodic reports, and combining reports to avoid providing them in due dates, the governmental authorities ignore dissemination of the convention and raising public awareness about it. However, National Associations carry out this task within the limits of their

financial resources and the funding they can raise.

The CEDAW committee does not practice any pressure over governments to provide their periodic reports in scheduled timing. This could be, in part, related to the small number of committee members. They suffer from the huge number of reports they have to thoroughly review; impacting negatively the Committee's work (delays in sending Concluding Observations on respective States' reports, and weakness in monitoring the implementation of the convention).

There is a pressing need for maximizing benefits of the CEDAW Convention through commitments of both parties: the governments and UN represented in the CEDAW Committee, to take necessary actions and measures to provide technical and financial competences and resources to ensure commitments to and abiding by the convention.

This report will discuss 6 important areas addressed by the CEDAW convention in its articles or recommendations. They can be also considered as priority issue addressed by the Committee's Concluding Observations on national reports. Furthermore, these issues resemble challenges which Arabic countries still need to address and face up to it, in order to realize gender equality, and guarantee and protect Arab women's rights in the light of current political, economic, and social changes in the region.

The six areas are:

1. Women in decision making positions
2. Women and family laws
3. Gender based violence
4. Women and armed conflicts
5. Arab girl child
6. Rural and Bedouin women

POINT 1

Women in decision making positions in the Arab Region

Though most of the Arab countries implement provisions related to women's right to vote, yet they do not encourage women to participate in framing governmental policies except in a very limited way. This is clear in the low percentage of decision making positions occupied by women.

a) Arab women in Executive power:

The number of women in Ministerial posts is very low in all Arab countries, or even lacking e.g. Saudi Arabia. The percentage of women in such position fluctuates between successive governments with no specific reason to explain such fluctuation. No studies were conducted to investigate this. Usually, women hold traditional Ministries, with rare exceptions where women were allocated Ministries of finance or Public Planning. However, Arab women were never assigned sovereign ministries as Ministry of Interior or Foreign Affairs or Justice or Defense. In many cases women are assigned state ministries with no ministerial portfolios. This reflects the hegemonic patriarchal system dominating the Arab countries and controlling the degree to which women are allowed to hold public posts within decision making power circles. Contrary to that, women in some Muslim countries in other regions, were

able to reach the highest posts e.g. prime minister and head of state.

b) Arab women in legislative power:

Although Arab women's political participation is increasing, including their representation in the Parliaments, yet this is not happening speedily enough to catch with other regions. Arab Women are marginalized in most of the political parties, and few of them occupy senior positions in their parties. Parliamentary representation of Arab women increased from 2.6% in 2000 to almost 12.7% and 17.5% in 2013 and 2016 respectively.

Different types of women's quota were applied in many Arab countries leading to significant increase of women's numbers in Parliaments. The percentage of women's participation exceeded 30% in Tunisia and Algeria where women's quota was applied, compared to trivial percentages in countries which do not apply Quota system.

c) Arab women in Judicial power:

Women were allocated judiciary positions for more than 50 years in some Arab countries. The first woman judge was appointed in the sharia court in Iraq and Morocco in 1959 and 1961 respectively. The percentage of women judges is currently 30% in Morocco which apply a quota system for women membership in the Highest Judicial Council. Women Judges represent 32% and 28% of all judges in Algeria and Tunisia respectively. The percentage increases to 50.60% in Lebanon, and decreases in Sudan, Syria, Palestine and Iraq its lowest figure in Egypt 0.06 %. Some Arab countries like Saudi Arabia do not have women judges at all.

It is worth mentioning that in some Arab countries, women judges work is limited to some courts only; courts of first instance, family courts and juvenile Courts.

POINT 2

Women and family laws in Arab countries

All Arab countries which ratified CEDAW, had made reservations to Article 16. Except for Morocco and Tunisia who withdrew all reservations to the convention, all Arab countries are far from achieving gender equality with regards to the rights enlisted in Article 16; i.e. same rights to enter to marriage, same rights and responsibilities during marriage and at its dissolution, and same rights and responsibilities with regards to guardianship, and trusteeship of children, and same rights for ownership, acquisition, management, administration and disposition of property.

Family laws or personal status codes play a very serious and important role in determining social relations in the Arab countries. It is the law that is most connected to the daily lives of citizens, and has the greatest impact on the family, the basic unit of society. Family law controls family affairs and the relations between its members; defining their rights and responsibilities. It also controls issues of marriage, divorce child custody, and all matters arising from divorce including financial matters. On another vein, family law exposes women`s status in the social hierarchy and impacts their human rights implemented in the Arab countries` legislations.

All regimes in Arab countries, throughout all historical eras, resisted the process of secularization of laws. Successive governments were very cautious in their attempts to reform existing family laws, to avoid confrontations with religiosity prevailing in society, or the hegemony of the patriarchal system, or the male ideology entrenched in the official institutions in the Arab countries and hampering the process of modernization in society.

The three Magharabian countries, Tunisia, Algeria and Morocco, are the most successful Arab countries in reforming family laws. Many reasons lie behind their position, some of which are related to either enlightened political will, e.g. Tunisia under the rule of President Habib Bourguiba, or as in the case of Morocco, to the presence of community based women's movement endorsed by the current king. The family code in each of the three countries has been one of the areas of conflict between traditional values and modernization values after long years of colonization, exposing the deep gap between the modern West and the Traditional Orient. Each of the three countries had its way to accommodate for both modernity and tradition. However, each of the three countries was keen to present its family code as a form of religious *ijtihad* (independent reasoning). In Tunisia, the personal status code came as the utmost liberated code in the Islamic countries; departing from the ties of tradition. Some people see it as departing from some Islamic rules, e.g. allowing adoption and prohibiting polygamy.

Moroccan Family Code

“Mudawant Al Ausrah”

The code used Article 16 of the CEDAW convention to provide women with a wider Gender Equality and protection of their human rights within marriage and at its dissolution,

(cont.)

and make the family responsibilities shared by both the wife and husband. The code raised the minimum age of marriage from 15 to 18 years, changed regulations for marriage and divorce, limited polygamy and established family courts to that the new rights will be enforced.

The issuing of the Mudawanh part of a wider wave of reforms within Morocco, which comprised reform of labor law to include punishment for sexual harassment (2004), reform of Penal code to criminalize domestic violence, nationality law (2007) to provide women and men equal rights to pass their nationality to their children, and reform of elections law to increase women's political participation through introducing "the national list" stipulating 30 Parliamentary seats for women (2002)

POINT 3

Gender Based Violence

In 1992 the CEDAW Committee adopted the General Recommendation 19 on violence against women. Women in All Arab countries have suffered of different forms of gender based violence that went unspoken of for long years. Recently, many Arab countries became interested in fighting all types of GBV, which mainly shows in encouraging women to speak out, yet few of these countries enacted strategies and laws to prevent violence. Many countries are trying to avail data on violence, yet, statistics are insufficient. Furthermore most of the Arab Countries lack services to protect women victims of violence.

Traditional cultural practices in Arab families include domestic violence, female genital mutilation, early and forced marriage and denying women control over fertility and reproduction. Since the beginning of Arab revolutions, women`s rights, security and stabilization became threatened due to the emergence of conservative movements and extremist groups, and women were exposed to other forms of violence practiced to restrict their political participation in the public sphere.

Violence was used also to terrorize women and girls and enforce them to wear specific attires and limit their mobility. Domestic

violence is widespread in all Arab countries. Cultural factors and family codes restricts women's ability to resist domestic violence, where the family, community and state institutions (religious, police, judiciary) pressure women to endure such violence.

Violence deprives women from their human rights to health, education and political participation. It has many health consequences including enforced pregnancies, unsafe abortions and the many physical and psychological traumas that victims suffer for life. In many cases violence survivors live under the pressure of stigma and constant fear.

Many Arab countries are experiencing new phenomena e.g. spread of commercial sex because of expanding unemployment, deteriorating economic situation and spreading of armed conflicts. Commercial sex is enhanced by the emergence of groups of dealers who promote it; and this kind of violence also leads to the so called "honor" crimes.

Lebanon, Jordan and Algeria succeeded in issuing laws to stop domestic violence, some other Arab countries reformed their penal codes to criminalize specific forms of violence facing women and girls.

Lebanon

The Lebanese feminist NGOs struggled for many years to stop dealing with domestic violence as a private matter. The culmination of their struggle was a bill presented to the cabinet, amended and then sent to the House of Representatives.

(cont.)

The national coalition of NGOs launched successive lobbying campaigns. The media and training of security forces had positive impact. The coalition stood up for challenges and confrontations by the forces opposing the law, but finally the law was issued as “law for protection of women and all family members against domestic violence”

There were many amendments to the original text, yet issuing the law represented recognition of the State – for the first time- that the problem exists, and that action is necessary to stop it and to punish the perpetrators; thus breaking the official silence regarding women`s sufferings for decades.

The promulgation of this law is one of the most important achievements of the women`s movement in Lebanon.

POINT 4

Women and Conflict Situations

General Recommendation 30 of the CEDAW committee addresses the issue of protecting women during and after conflicts.

Many Arab countries faced, and are still facing- e.g. Algeria, Lebanon, Iraq, Sudan, Palestine, Libya and Yemen; forms of occupation, social and political crisis, unrest or civil wars, terrorism and lack of security. Others witnessed social and political uprisings demanding change e.g. Egypt, Tunisia, Morocco (Syria and Bahrain) Generally speaking, the majority of countries in the region, are witnessing a profound transformation, impacting women`s safety, mobility and ability to participate in public life. As for the national dialogues to resolve conflicts, women participate in very few numbers and sometime not at all.

In Iraq, as a result of continued conflicts, there is one million widowed females. In Sudan, Iraq, Lebanon, Syria and Yemen there are 10 million internally displaced persons in addition to 7.5 million Palestinian refugees, 4.6 millions of them live in camps in the neighboring countries. The armed conflict leads to increased sexual violence, where rape is used as war tactic. Many of these rapes are not reported because of the social

stigma, lack of security, fear of retaliation, absence of services to respond to the complaints and the belief that it is pointlessness to complaining as a result of the administration of justice deficiencies, indifference and political pressure.

Most Arab penal codes do not include specific articles to protect women victims of armed conflicts or safeguard their rights. There is also lack of specific measures and institutions to guarantee law and order during conflict, and women are exposed regularly to physical and psychological threats. Spread of crimes, severe conflicts and the plethora of arms create an insecure environment where many women feel unsafe to move around or the freedom to be in public spaces. Many women endure violations of their personal freedom, inability to work and move safely to visit relatives.

Unavailability of adequate services for refugees and displaced women and children would lead in the future to generations that are uneducated, suffer malnutrition, ill health and serious diseases. The impact of fanaticism and religious extremism in many Arab countries extends to include erratic attacks of fundamentalists on women and girls threatening their freedoms, lives and human rights gains. Some governments tolerate and condone such groups and employ them as their ideological advocacy wings.

There are some reports pointing to the increased rates of trafficking in women and girls seeking asylum, and exposing the violence they suffer in their original countries, transit areas and countries of destination.

POINT 5

Arab Girl Child

The CEDAW Convention article 16-para 2 stipulate that “betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official registry compulsory.

Regrettably, most Arab countries do not apply this paragraph. Frequently, there are violations to the legally specified minimum age for marriage, some countries do not even specify minimum age for marriage. There are still some forms of marriage which are not officially registered and consequently many women`s and children`s rights are lost.

It is worth mentioning that Arab countries were interested in closing the discrimination gaps between girls and boys particularly in the fields of health and education. Arab countries ratified the International Convention on the Rights of Child and introduced relevant legislation, e.g. child laws, and new concepts and strategies. However, issues of relevance to the girl child still constitute a challenge, because of the prevailing social structure and holding to outdated norms and traditions. These practices include female genital mutilation, enforced early marriage, gender based discrimination clearly shown in rape and the so called “honor” crimes and incest.

Statistics show the continuation of FGM, for example, one out of ten women who had gone female genital mutilation worldwide (200 million) lives in Egypt, where the largest number of circumcised women live, 27.2 million woman.

In Sudan there is high percentage (65%) of female genital mutilation despite all efforts by official institutions and specified organizations. The religious and jurisprudential debate is still heated on the legitimacy of such practice.

Yemen has a lower percentage, where only 20% of females undergo female genital mutilation, mainly where illiteracy and low health awareness prevail. The practice is perpetuated under the cover of preserving girls` chastity and curbing sexual desire. In addition, many believe that it has a religious foundation and also to preserve traditions.

Female genital mutilation is also practiced in the Ghaza Strip and in some areas occupied by ISIS in Syria and Iraq.

The rates of early marriage are still high in some Arab countries, Iraq, Morocco, Egypt, Syria, Yemen, Sudan and among Palestinians living in Gaza and West Bank. Poverty is one of the leading causes for early marriage. Some families trade girls for money, and hence forced marriages became a common form of human trafficking, particularly in poor communities. Some Syrian refugees in Jordan, Lebanon and Turkey resort to early marriage as a means to obtain protection and security. The same phenomenon exists also in Libya, where designated offices organize marriages of Libyans to young Syrian women refugees.

Saudi Arabia is trying, as possible, to fight minor marriages, but they were not able yet to issue an abiding law. All schools segregate sexes throughout all the educational levels, except for the King Abdullah University of Science and Technology (KAUST). The segregation continues in the work places apart from rare cases.

POINT 6

Arab Rural and Bedouin Women

Article 14 of the CEDAW Convention demands that state parties take into account the particular problems faced by rural women and the significant roles which rural women play.

For Arab countries, it is usually urban women who gain attention, while rural women are kept invisible despite of the crucial role they play particularly in guaranteeing animal and food security. This reinforced the isolation of agricultural women and their exclusion from decision making circles, and consequently from development projects and agricultural reform.

Illiteracy rate among rural women in most Arab countries goes up to 60% or even more. Rural women lack the basic resources and capabilities particularly land ownership, credit and loans, shortage of training workshops and guiding information.

Women in rural communities represent half of human resources and more than half of the agricultural labor power, and thus, they have an active role in family and community development, and are an essential axis for sustainable development of the Arab family. Unfortunately, Arab policies do not reflect this reality.

Palestine

The Palestinian center for communication and development policies established the rural women's project in marginalized villages in Palestine suffering from settlements and separation wall. The wall separated them from their agricultural lands and consequently they lost their jobs. The project addresses unemployment in these regions through building the capacity of women living in those villages, and provides them with small grants to encourage them to run small projects to generate income for them and their families. The project aims at establishing the first commercial business incubator in Palestine, to offer consultancies to young women on how to establish small projects. The project provide women small grants to establish and manage income generating small projects and women participate by providing 20% of the grant value. The center monitor the beneficiaries' projects, and provide them with needed consultations and market their products. The center also provides additional resources for women who want to expand their projects

Other issues relevant to rural and Bedouin women include inheritance and coerced marriage. Many women are denied access to their Inheritance. Coerced marriage is another issue impacting women's lives, where a young woman can't marry but her cousin, even if he is married, unless he approves or she pays a sum of money. The Saudi law prohibits this practice, yet it continues to exist.

CHAPTER 2

CHAPTER 2

Conclusions and Recommendations

All Arab countries except for Sudan and Somalia, ratified the International Convention on Elimination of all forms of Discrimination against Women (CEDAW). The overwhelming majority of these countries made reservations to the convention. Although some of these countries have withdrawn their reservations on some articles; reservations on articles 2 and 16 remain, particularly at the implementation level, as an indication of the incompatibility between what the convention stipulates on one hand and the practices of Arab countries on the other hand.

Furthermore, the capacities of implementation and monitoring of the convention in the Arab countries are weak. Governments frequently do not bear its responsibility in providing their periodic reports in due time, and they usually provide combined reports. On the other side, the CEDAW committee itself does not try to urge these governments abide by sending reports in due time, or putting a limit to combining reports by requesting that no more than two reports to be combined together. This shortcoming of the committee is due to the fact that the committee itself is overwhelmed with an enormous number

of reports to be reviewed and commented on. The number of committee members needs to be increased, and it could also use gender experts in different regions to help the committee in reviewing and sending comments to the committee.

Arab women suffer from weak participation in the important decision making positions, particularly in the executive power, a matter which limit their impact on governmental policies, and on fair and gender sensitive distribution of state resources. It also results in absence of addressing women`s rights and anti-discrimination issues in governments` plans and policies.

Most Arab countries implement substantive equality between men and women, leading to increased percentages of women`s representation in Arab Parliaments because of employing women`s quota system.

Scrutinizing women`s participation in political life is of utmost importance, because the mere percentage of seats or positions they occupy, do not reveal their full participation or the power they practice. Despite the limited progress achieved in increasing women`s voices and their political participation, there still many obstacles and hindrances preventing equality and participation at all levels of decision making. This goes back to the prevailing stereotypes, assumptions that politics is a men`s domain, discriminative practices, threats and harassments targeting women if they get involved in political life. Moreover, limited financial resources and additional family burdens shouldered by women along play negatively to limit their political participation and decision making.

Arab women participation in the judicial system varies; exceeding 50% in Lebanon while less than 1% in Egypt. In most case, there are no specific national legislation behind their limited numbers.

All Arab countries, except for Tunisia and Morocco, have reservation on article 16 of the CEDAW convention encompassing all issues of marriage and family relations. They are all far away from achieving equality stipulated by article 16.

Tunisia, Morocco and Algeria, are the only Arab countries that introduced substantive reforms to their family laws to ensure some rights for women. The rest of countries use Shariaa as justification for its inaction, which is unacceptable, because what really prevents reforming laws is the prevailing male mentality

General Recommendation 19 of the CEDAW committee demands state parties to include in their reports data and statistics on violence against women, available services for violence victims and legislations and measures enacted by the states to protect women from violence.

Women and girls suffer from domestic violence, female genital mutilation and early marriage. Domestic violence reflects inability of communication and denigrates women`s dignity. What encourages domestic violence is covering for it and making it invisible because of the social norms still controlling the Arab society.

In some countries female genital mutilation, early marriage, incest, “honor” crimes, practices depriving women from fertility and reproductive control and male preference are wide spread. Women also suffer from violence in the public sphere like sexual harassment in streets and demonstrations, schools and work place, and rape. The statistics on different forms of violence are severely deficient, except for data provided on female genital mutilation by Egypt and Sudan.

CEDAW`s General Recommendation 30 addresses protection of women`s rights during and after conflicts. Because of wars, conflicts and occupation sexual violence is on the increase, where

rape is used as a tactic of war. Frequently, cases of sexual violence are not reported. The majority of the Arab penal codes do not include provisions to protect women victims of armed conflicts, or securing their rights during conflicts. Many of the measures and institutions to secure law and order during conflicts are also lacking. Furthermore, the international community has no active role in demanding limitation of manufacturing of arms and its exportation to countries in conflict, a matter that escalates conflicts in Arab countries.

Article 16, para 2 of the CEDAW Convention stipulates that “the betrothal and marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official registry compulsory”.

Unfortunately, most of the Arab countries do not abide by this paragraph; some countries do not specify a minimum age for marriage, those who specify frequently do not apply because of economic and social reasons. Furthermore, in some countries forms of customary marriages still exist which end in young women losing their rights, particularly if the marriage is dissolute.

While none of the Arab countries made reservations on Article 14 of the CEDAW Convention calling upon State parties to “take into account the particular problems faced by rural women and the significant roles” they play; yet a huge gap exists between urban and rural women with respect to their access to educational and health services and training and work opportunities.

Recommendations

1. Arab governments on the one hand and the CEDAW Committee on the other hand should commit to take necessary measures to activate the implementation of the convention as previously mentioned.
2. Informing all citizens, men and women, of the CEDAW convention articles and general recommendations. Governments should widely publicize the convention and the CEDAW committee can contribute by providing up to date information worldwide. Governments should also publicize the CEDAW Committee's concluding observations on their periodic reports.
3. Arab governments should take necessary steps to enact women's quota with regards to ministerial and judicial positions to address the low percentages of women in decision making positions
4. Conducting studies and research on women's performance in different Parliaments and the extent of their success in changing the authoritarian patriarchal system, and their attempts in controlling such authority. Designing indicators to measure women's performance draws attention to this issue and ensure that positive action succeeds. These measures would not be necessary if gender equality exist, till this happen and quotas are not necessary women have to actively participate to get their quota in representation.
5. Implementing the principle of citizenship so that one civil code applies to all citizens without discrimination regarding their personal affairs in accordance with requirements of modern life in democratic countries. Until this happen, minimum age of marriage should be specified and implemented in all Arab countries.

6. Providing periodic statistics and data on all forms of violence against Arab women, and providing necessary legal and health services and shelters for women victims of violence.
7. Providing needed services and protecting human rights of women and children in conflict areas in Arab countries and including women on a 50% basis in any negotiations concerning the ending of conflicts and occupation. The CEDAW Committee should call for an end to arms export to Arab countries suffering from conflicts
8. Work towards achieving equality between all groups of women in both rural, bedouin and urban settings; through increasing resources and investments in rural and bedouin areas, and enabling women to have income and get education, health care and social care in the least served areas.



REFERENCES

1. Beijing +20 Action Platform, Arab Region Shadow Report. Egyptian Women Union. 2015 (Arabic)
2. Dark side of Yemen, Discrimination and violence against women and girls. Amnesty International. 2009 (Arabic)
3. Egyptian Health and Demographic Survey. 2014 (Arabic)
4. Challenges Facing Arab Women - Equality. Women Studies Center (Arabic)
5. Women in Parliament in 2015 – Inter Parliamentary Union
6. Report on the application of CEDAW in the Arab World. 2009- Association Democratique des femmes du Maroc
7. Population Reference Bureau - Reforming family laws to promote progress in the Middle East and North Africa by: Valentine Moghadam and Faizaneh Roudi-Fahimi
8. The James Baker Institute for Public Policies. The Arab Awakening and Gender. By: Marwa Shalaby. 2013
9. Beirut Call for Action: Prioritizing Women, Peace and Security on the Arab Agenda. UN ESCWA.

10. Personal Status Laws in Selected Arab Jurisdictions.
Library of Congress.
11. Islamic Family Law. Harvard Law School Library.
12. Committee on the Elimination of all Forms of
Discrimination against Women - Sessions.