



United Nations Entity for Gender Equality  
and the Empowerment of Women

*UN WOMEN For Arab States & The Committee on Elimination of  
Discrimination Against Women (CEDAW Committee)  
Regional Consultation for the  
Proposed General Recommendation on  
Women Human Rights in Situations of Conflict and Post Conflict contexts*

**AMMAN, JANUARY 2013**

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**Arab States Region State of Art**

*“While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex. Parties to conflict often rape women with impunity, sometimes using systematic rape as a tactic of war and terrorism. The impact of violence against women and violation of the human rights of women in such situations is experienced by women of all ages, who suffer displacement, loss of home and property, loss or involuntary disappearance of close relatives, poverty and family separation and disintegration, and who are victims of acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape, sexual abuse and forced pregnancy in situations of armed conflict, especially as a result of policies of ethnic cleansing and other new and emerging forms of violence.”*

-Beijing Platform for Action, Paragraph 135

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## *List of acronyms*

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<b>ASR</b>	Arab States Region
<b>CBOs</b>	Community-Based-Organizations
<b>CEDAW</b>	Convention for the Elimination of Discrimination Against Women
<b>DDR</b>	Disarmament, Demobilization, Reintegration
<b>FBOs</b>	Faith-Based-Organizations
<b>FGM/FGC</b>	Female Genital Mutilation/ Female Genital Cutting
<b>GCC</b>	Gulf Cooperation Council of the Arab States
<b>GBV</b>	Gender-Based Violence
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome.
<b>ILO</b>	International Labor Office
<b>KAS</b>	Kingdom of Saudi Arabia
<b>KRG</b>	Kurdistan
<b>MENA</b>	Middle East and North Africa
<b>MDG</b>	Millennium Development Goals
<b>NGO</b>	Non-Governmental Organization
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>oPt</b>	Occupied Palestinian Territory
<b>PhD</b>	Doctor in Philosophy
<b>SCAF</b>	Supreme Council of Armed Forces (Egypt)
<b>SCOs</b>	Civil Society Organization
<b>SGBV</b>	Sexual Gender-Based Violence
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations Higher Commission for Refugees
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNFPA</b>	United Nations Population Fund
<b>UN GAR</b>	United Nations General Assembly Resolution
<b>UN SCR</b>	United Nations Security Council Resolution
<b>UN SG</b>	United Nations Secretary General
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>VAW</b>	Violence against Women
<b>WHO</b>	World Health Organization
<b>WPS</b>	Women, Peace and Security

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## Preamble

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*This report has been prepared in the context of the Regional Consultation with the civil society organizations for the Proposed General Recommendation on Women Human Rights in Situations of Conflict and Post Conflict contexts organized by the Regional Office of Arab States of UN WOMEN & The Committee on Elimination of Discrimination Against Women/CEDAW Committee.*

*The preparation consisted in 1) inviting 68 CSOs to contribute with a written submission to be proposed to the CEDAW Committee and attend the regional consultation meeting to be organized in Amman, Jordan, end of January 2013; 2) undertake a situation analysis related to the situation of Arab women in conflict and post conflict contexts and prepare a background paper is prepared to serve as supportive information for the Regional Consultation for the Proposed General Recommendation on Women Human Rights in Situations of Conflict and Post Conflict contexts; held the regional consultation meeting on 27-28 January in Amman by the UN WOMEN Regional Office for Arab States & the Committee on Elimination of Discrimination Against Women /CEDAW Committee.*

*The 2-day meeting allowed the 50 participants from national (Algeria, Bahrain, Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Palestine, Sudan and Yemen) and regional (CAWTAR) and international (Global Network of Women Peace builders, the International Alliance of Women and Chair of the NGO/CSW/NY) civil organizations, UN agencies (UN Women from HQs, regional and country offices, OHCHR, the CEDAW Committee , UNFPA, FAO...) and international organizations (OXFAM) to review the whole situation (working groups and plenary discussions), discuss and agreed on main issues and problems as well as gaps and challenges.*

*With the support of the CEDAW Committee members the participants defined the role of State and non-State actors and main elements to be integrated in the CEDAW general recommendation.*

***This report is a result of the work conducted for the situation analysis and during the regional consultation thanks to the efforts of all participants. It includes consolidated conclusions and recommendations agreed by consensus build among all presents with no reservation.***

## 1. The overall context

### 1.1. Socio-demographic data

The Middle East and North Africa/MENA extends from Morocco in the West to Bahrain in the East, and includes parts of Africa, Asia, the Atlantic Ocean and the Indian Ocean, the Mediterranean Sea and the Red Sea, in addition to the Persian/Arabian Gulf. Its component and distribution<sup>1</sup> is different according to various international organizations and institutions including within the UN System. However Arab (states) region refers to the 22 countries that are members of the League of Arab States/LAS.

The concerned geographical area can be subdivided in three sub regions: the Gulf Cooperation Council (GCC) countries (e.g. United Arab Emirates, Oman, Qatar, Bahrain, Kuwait...), the most economically developed countries of the region; the more diversified Economies (from the Middle East/Machrek, Egypt, Jordan, Lebanon, OPT, Syria, ... to North Africa/Maghreb, Algeria, Morocco, Tunisia, Libya...) and the least developed economies (e.g. Djibouti, Somalia, Sudan, Yemen ...).

In 2007, the total population of was estimated to be 432 million people classifying the region as one of the least populated regions but in the second position as regard to its rapid population growth rates after the Sub-Saharan Africa region. Since 1950 the population has multiplied by four and is expected to reach 700 million by 2050 which will exceed the population of the whole of Europe in that year. This continued growth contributes to the complexity of the region's ability to adapt to social change and economic pressures, and sometimes painful political transformations.

The population growth is 1.8% per year with an average fertility rate of about 3, 46. Infant mortality rate per 1,000 live births is 34.57 and average female adult literacy is 71.16%. Average GNI per capita<sup>2</sup> in the Arab countries is \$3,594 per year.

Beyond their specific and diverse characteristics, the Arab countries have in common several cultural, historical and geographical aspects. All of them are traditional/patriarchal societies where more or less women have suffered - and continue - from legal, economic, socio-cultural and political discrimination that hinder their citizenship and enjoyment of their human rights as equal as men. This has an impact on the development of all societies as demonstrated by yearly published gender gaps and sex-disaggregated indicators. In addition to that development processes differ significantly from sub-region to sub-region and country to country and within the same country. For example in education, female literacy rate is 44 % in Morocco and 45% in Yemen, but 82% in Libya and 89% in Jordan; the female labor force

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<sup>1</sup> Sometimes Iran and Pakistan are considered as to be countries of the MENA region.

<sup>2</sup> Gross national income (GNI) per capita: Aggregate income of an economy generated by its production and its ownership of factors of production, less the incomes paid for the use of factors of production owned by the rest of the world, converted to international dollars using purchasing power parity (PPP) rates, divided by midyear population.(Human Development Repôrt-2011(UNDP).

participation rate varies between 39% in Algeria and 16.6% in oPt<sup>3</sup>; while the maternal mortality rate varies between 1000 in Somalia and 18.1 in Gulf countries; In Yemen in 2011 only the 45% of adult women are educated in comparison with 80 % of men.

## 1.2. Political and judiciary systems

Republics, Sultanate, Emirates, Monarchies, Federation, Multi-Confessional, Tribal, Islamic... are the various political systems in the Arab Region with also various judiciary organizations and various contexts: peace, occupation, armed and non-armed conflict, so-called “Arab spring” and revolutions in progress as well as and post conflict and transition situations...

## 2. Current regional context

### 2.1. Political and security climate

Many countries such Algeria, Lebanon, Iraq, Morocco, Tunisia, Sudan, Egypt, Palestine, Yemen, Bahrain, Libya, Somalia... have faced, and/or still are experiencing colonialism, occupation, social and political crises and instability, civil war, terrorism and, insecurity in addition to the very recent and social uprisings claiming change. Other countries in the region are undergoing a profound transformation.

At the beginning of 2011, a wave of uprisings that swept across the Arab region – the so called “Arab spring” - touched Tunisia, Egypt, Libya, Bahrain, Yemen and Syria, where popular movements asked for radical reforms claiming dignity and democracy and requiring more participation, inclusion and accountability, extension of social and individual freedoms as well as economic empowerment to boost Human Development.

The so-called “Arab Spring” launched an era of sweeping political changes in the countries of the Middle East and North Africa, which has historically been the least free region in the world. After the long period of colonial occupation in its different forms, the fall of longtime leaders and the people's rising demands for a stronger voice in their own governance have brought new opportunities for reform and democratic transition in countries otherwise marked by severe abuses of almost all fundamental political rights and civil liberties.<sup>4</sup>

The events prevailing in some of the Arab countries have however had an impact on other countries of the region - those who have not experienced crises at all or have had limited popular movements, such as Morocco, Oman, Djibouti and some of the Gulf states – pushing authorities in power to conceive reforms in order to satisfy, within limits, citizens' expectations.

The question is to know how the concerned Arab countries will “change” after the recent riots but also which kind of changes will occur. Facing popular and especially civil society pressure to be more open and inclusive, transition governments are considering reforms to deepen democracy but not always since in some of them democracy, women empowerment and gender equality as well as human rights are even endangered. More than that the

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<sup>3</sup> See footnote .2

<sup>4</sup> Freedom House Report for the MENA region: 2011

question is to which extent these reforms are still able or intend to present an opportunity to enhance women's economic, social and political inclusion? At this time, the outlook remains uncertain.

Actually given the great differences between countries, an anticipation of the results of the current transition and reforms in the covered Arab countries is difficult. Egypt and Tunisia are more advanced in the transition process as regard to elections, the formation of new governments and the transition reforms in progress: the drafting of the new constitution is even questioned in Tunisia when for Egypt no need for more questioning related to the voted Constitution and its impact on women human rights, principle of freedoms and equality.

The monarchies in Jordan and Morocco are undertaking political reforms aiming to strengthen the government's powers. Libya established a new government after legislative elections and is drafting a new constitution and in Yemen there is a new government with ongoing political and legal reforms. In Syria, the political situation is not yet clear not to say complex and ambiguous.

## 2.2. Women, Peace and Security

In this context, since Arab women are living through historical transformations that could bring forth social changes, is it possible to expect that their new situation will be aligned with the vision that envisages *"a world where societies are free of gender-based discrimination, where women and men have equal opportunities, where comprehensive development of women and girls is ensured so that they can contribute to be active agents of change, where gender equality and women's empowerment are achieved and where women's rights are upheld in all efforts to further development, human rights, peace and security"*<sup>5</sup>?

It is now clear that the rapid transformation that seemed so close at the start of the "Arab Spring" is in fact likely to be a process of gradual change that will take months, if not years with great challenges not to say clear dangers. Women's rights activists have to act in this complicate framework.

Nobody could deny that women's advancement increased, in the past two decades, at both governmental and civil society levels and many legal, judiciary and policy reforms and achievements related to gender, human rights and development are undergoing even though with different degrees of transformation<sup>6</sup> but with "political Islamism" gaining more and more power, especially in Tunisia, Egypt, Libya and Morocco with various more or less successful attempts in other countries (e.g. Syria, Jordan and Gulf countries...), the Arab women's movements are concerned that efforts to advance women's rights may be halted and even reversed.

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<sup>5</sup> [www.unwomen.org/.../06/UNwomen\\_AnnualReport\\_2010-2011\\_en.pdf](http://www.unwomen.org/.../06/UNwomen_AnnualReport_2010-2011_en.pdf)

<sup>6</sup> Tara Vishwanath: Poverty Reduction and Economic Management Department, Middle east and North Africa Region (MNSPR)/The World Bank

To clearly contribute to the peace and security including their own security women should be more involved in the societal and state dynamics starting from peace. The constitutionalization of women political participation in Algeria allowed more than 30% of them to join not only the parliament but also the local constituencies which ranked Algeria as the first country in the Arab States region and among the 26 in the world that reached the 30% targeted by the Beijing Platform of Action. Unfortunately the number of women in the newly established government after the elections is not consistent with the constitution and election law percentage (from 20 to 50%) but at least they will be involved in policy making i and legislation reforms.

This is the only way that will allow Arab women to contribute to peace and security through actively participating in the reform process to address the inequalities they are facing in their societies. The only possibility they currently have is timid protests and social networks endangered by new harmful practices and forms of violence during demonstrations and sittings...

Armed conflict and its aftermath provide a specific context for sexual violence where rape is used as a tactic of warfare. Some of the concerned countries that are in conflict and post-conflict situation (e.g. Iraq, Lebanon, Libya, oPt, Somalia, Sudan<sup>7</sup>, Syria<sup>8</sup>) denounce conflict-related GBV, even if cases of conflict-related sexual violence remain largely unreported owing to several factors, such as social stigma, fear of reprisals, insecurity, a lack of available response services and the perceived futility of reporting as a result of weak administration of justice, apathy and political pressure.

In some other countries (Tunisia, Egypt and Syria) situations of civil and political unrest or instability - including pre- and post-electoral violence - have been denounced by reports suggesting that sexual violence is used to serve political ends and to target opponents. There is also growing reporting that some Syrian refugees arriving in Jordan, Lebanon and Turkey are opting to marry off their daughters at a young age believing that marital status offers a form of protection and insurance.<sup>9</sup> Apparently the same phenomenon exists also in Libya as well the existence of dedicated offices devoted to organize marriages between Libyan and young women refugees from Syria, has been reported.

In Egypt, due to the increasing forms and intensity of harassment and violence against women in the streets but also during demonstrations, civil society organizations and human rights activists are creating different forms of protection movements and networks as well as

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<sup>7</sup> UN statistics (2000) about 1.8 million southern Sudanese women were forced by the prolonged strife to desert their villages and townships and flock to refugees in the north as displaced citizens.

<sup>8</sup> A Gender-based Violence Rapid Assessment, Syrian Refugee Populations, Lebanon, ABAAD Resource Center, August 2012

<sup>9</sup> So far 10 official marriages have been documented at Camp Zaatari between Syria and Jordan, in the framework of a sociologic research conducted by a Syrian researcher ( Info published on <http://al-akhbar.com>). Rights workers tracking the issue in Syria and Turkey have started to hear a flood of second and third-hand reports of rape flooding from the thousands of refugees who have fled besieged Idlib and Aleppo for border camps (Info published on <http://www.awid.org/Library/Rights-groups-detail-rape-in-Syria-s-civil-war> ). Women Under Siege, a Women's Media Center initiative on sexualized violence in conflict has been reporting more than 80 sexual assault on Syrian refugees from Idlib and Aleppo. These include rape at checkpoints manned by Assad soldiers, and in detention. They believe the cases to be many more, but go underreporting from victims of sexual abuse because of their fear of retaliation.

and information sharing channels<sup>10</sup> to combat the sexual harassment and assault against girls and women and prosecute the perpetrators, individuals or groups appearing under different names and forms in all concerned countries.

The Arab region has been subject to major transformations due to protests against governments and political systems; popular uprisings have deposed country presidents and removed systems. While the so-called Arab spring has raised countless hopes in spite of sacrifices, reality does not respond to youth ambitions and women's expectations, who contributed equally to the revolution along with men and youth.

From the beginning the situation negatively impacted on the Arab society stability and security as a whole and is still affecting it including economically<sup>11</sup>... however it is obvious and as reported by national and international CSOs that women in all stages of their life and whatever is the context, are more exposed to the political, economic and social consequences till their exploitation as war weapon because of their vulnerability and lack of protection but also to challenge/provoke « dignity and honor of men». They are also used as sexual-economic commodity to meet the needs of their family inside or outside their native country... Women's human rights and life not to say survival are under threat, as are security and stability conditions due to the emergence of conservative movements and extremist armed small groups and militias.<sup>12</sup>

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<sup>10</sup> Just for instance [Op Anti-Sexual Harassment/Assault](#) [قوة ضد التحرش/الاعتداء الجنسي الجماعي](#)

<sup>11</sup> Particularly in countries for where for instance tourism is the main income and resource such Egypt and Tunisia which according to some sources just announced financial bankruptcy

<sup>12</sup> In Egypt, Syria, Libya, Tunisia such as "Prevention of Vice and Promotion of Virtue", "Shabihe (ghost)", Salafist groups, armed and non-armed with a large variation from a country to another and within the same country in their method but all with the same scale of violence and rejection particularly as regard to women through life cycle, El baltaghya, pro or Non-governmental armed militias, the so-called "protection of revolution" groups even if they did not participate to the revolution...

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## *Development and Human Rights Context*

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### **1. Gender and Development achievements**

At the occasion of Beijing+15 and the CEDAW+30, countries in the region evaluated their contributions and progress of the status of women and gender and human rights related issues assessing health and reproductive health, access to education and technology, women's political participation, reduction of the poverty feminization and, economic security as well as VAW/GBV in peace, conflict situations and beyond...

Achievements in eliminating several types of discrimination and advancing the agenda of gender parity and equality as well as the empowerment of women in accordance with the international treaty obligations of States particularly the most important for women among them i.e. CEDAW were recognized by all.

However it was also stressed that further efforts are still needed because gender-based-discrimination in the Arab States region is institutionalized in laws, regulations and policies. It sharply invades women's private and public life and dominates them making their human rights vulnerable to violation in periods of peace and/or conflict situations. Because of that because the women's issues and rights are not considered a priority by the state regardless of the number of women victims among the citizens or the impact of war on woman, as a mother, wife and a daughter or just a citizen among others ..

Almost five years later, the analysis of the situation clearly points out to the paradox that exists in the Arab countries while, for the most part, these countries have made progress in reducing gender gaps in terms of education and health outcomes, these investments have not yet been translated into higher rates of female participation in economic and political life. Women continue to be disadvantaged and underrepresented in the decision-making positions. The interest on women's political empowerment at local levels or within political parties is even more limited and the focus is more on gender parity at the macro-level (e.g. the number of women in Arab Parliaments), but less on capacity building of both male and female Parliament members to contribute to gender sensitive development policies and strategies.

As indicated in the MDGs Report regarding the Arab countries,<sup>13</sup> even in 2015, this region will still be far removed from any comprehensive gender equality. While it is true that improved educational opportunities for girls are translating out into declining illiteracy rates among women, the latter's chances to find gainful employment have nevertheless shown a downward trend. Available data, lacking in accuracy but highly indicative, reveals fluctuating progress in the indicators of women's empowerment and of gender equality.

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<sup>13</sup> "The third Arab report on the millennium development goals 2010 and the impact of the global economic crises", United Nations, New York, 2010

As a matter of fact, despite some achievements main findings from different national and international sources on women situation in the Arab States Region could be summarized as follows:

- Women's rights and capabilities are in effect economically, socially and politically disempowering,
- Poverty affects women even more deeply and enduringly than it does men with impact on education, health, economic access, participation and decision making...and human rights' enjoyment as a whole,
- Conflicts and wars directly or indirectly impact women status; public and private participation and life. They are also used as weapon of war attacked, terrorized, kidnapped, assaulted and abused including rape, bodily assaulted and killed...because they are female. ... National governmental data as well as information related to their role in and consequences of conflict and post conflict situations are almost non-existent,
- Analysis also clearly demonstrates to which extent the gains are at risk and endangered.

As stated in the 2010 UNDP human development report,<sup>14</sup> during the last decades, *"countries in the Arab region have recorded the fastest progress in human development in the world"*. For example, the Middle East and North Africa (MENA) region recorded an annual 1.5% of increase in female literacy rates in the period between 1985 and 2011, only slightly slower than that of the East Asia and Pacific region but faster than other regions. The female enrollment rates, according to the report, have also improved in the Arab region. Most of the countries with the exceptions of Djibouti and Yemen, have indeed similar, if not higher, female enrollment rates compared to males in 2011.

Despite of this, the Global Gender Gap Report of 2011<sup>15</sup>, states that *"with 59% of the gender gap closed, the Middle East and North Africa region occupies last place on overall average score compared with the other five regions of the world. The Middle East and North Africa lags behind the other regions on the economic participation and opportunity and the political empowerment sub-indexes. It is in 5<sup>th</sup> position on educational attainment (ahead of sub-Saharan Africa) and 4<sup>th</sup> position on health and survival (ahead of both sub-Saharan Africa and Asia and the Pacific)."*<sup>16</sup>

The countries concerned by the range, indeed, from 103<sup>rd</sup> (United Arab Emirates) to 135<sup>th</sup> position (Yemen) in the ranking of the Global Gender Gap Report, that measure - through different indicators - gender gaps in 135 countries of the world. Djibouti, Iraq, Libya, oPt, Somalia and Sudan are not listed at all. In 2012, the ranking of Arab countries<sup>17</sup> are almost the same with some decline for some of them starting from the first Arab country (United Arab Emirates from 103<sup>rd</sup> to 107<sup>th</sup>).

Due to the situation Tunisia is absent from this report in 2011 and 2012 as it is also absent from the ranking on the Global Competitiveness (2012-2013), released, 5 September 2012

<sup>14</sup> "UNDP Human Development Report", 2010

<sup>15</sup> "The Global Gender Gap Report 2011", World economic Forum, Geneva, Switzerland

<sup>16</sup> [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_MainChapter\\_2011.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_MainChapter_2011.pdf)

<sup>17</sup> Gender Gap rankings by income group, "The Global Gender Gap Report 2012", World economic Forum, Geneva,

by the World Economic Forum in Davos. It was ranked, 40th of 142 countries in the previous ranking (2011-2012). The authors of the Davos Global Competitiveness (2012-2013) report indicated that they decided "*not to communicate the results of this year due to a significant structural change in the data, which made comparisons with the past year difficult*", saying "*hopefully Tunisia will be again included in the future in the rankings.*"<sup>18</sup> "

The biggest challenge currently experienced by the region is that the so-called Arab Spring does not mutate into "winter storm" or "hurricane with the highest degree of the scale" as regard to Democracy and Peace and for women.

## 2. Main areas of interests for the CEDAW General recommendation

### 2.1. Gender-Based-Violence/Violence against Women at all stages of their life in Conflict and post conflict situations

*"Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instill fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."*-Beijing Platform, Paragraph 117

#### 2.1.1. Addressing GBV in the Arab States Region

Based on their commitment to implement different international standards (conventions, internal conferences PoAs...) including the Beijing Platform, significant actions have been undertaken by countries that declared a commitment to fight VAW/GBV. Violence against women in form has been on the rise in the many countries but this increase does not necessary reflect new cases but is a result of heightened awareness and more involvement by governmental bodies, press, research institutions, NGOs and other stakeholders in identifying, reporting, and ending violence against women thanks to the efforts of the civil society and women human rights activists. In most of the countries to only quote Algeria, Morocco, Tunisia, Lebanon, Iraq, Jordan etc..., the Governments released - through the years - ministerial declarations stating government's will to tackle GBV issues or pledging that it will endeavor to address legal reforms or to adopt plans to combat violence against women. These explicit commitments have been in some cases fully or partly fulfilled, and they however attest increasing engagement by the States to respond to their obligations, as duty bearers with respect to GBV.

The combined efforts and the pressure of the civil society, parliaments, religious leaders, and media helped in reinforcing existing integrated projects that address GBV from a wide perspective (psychological counseling, legal assistance, integrated Health & Reproductive

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<sup>18</sup> <http://www.businessnews.com.tn/Classement-de-Davos,-pas-de-place-pour-la-Tunisie.520.33236.3>

Health services...). Such initiatives address VAW in the family (e.g. domestic violence<sup>19</sup>, harmful practices including FGM/FGC<sup>20</sup>); VAW in the community (e.g. rape, sexual harassment, trafficking); VAW condoned by the state<sup>21</sup> (e.g. VAW in detention and custodial violence<sup>22</sup>, VAW in situations of armed conflict<sup>23</sup> included perpetrated by armed groups or pardoned by State<sup>24</sup> with a variation of degrees and “styles”).

Algeria, Morocco, Iraq, oPt and Tunisia adopted a participatory approach in designing their national strategies to fight and/or prevent GBV and have been able to build consensus among different stakeholders (including police, justice bodies, health providers, decision makers, media religious leaders, research institutes and survivors of violence) who are increasingly getting involved or committed. Sudan adopted its “National Action Plan on Combating Violence against Women (2012-2016)” and a “Strategy to Combat Female Genital Mutilation in a Generation”<sup>25</sup> has also been designed. The Djibouti “National Strategy for the Eradication of Excision and Infibulations”, has seen a social mobilization, supported by all layers of society, all religious tendencies and traditional leaders against FGM. In Egypt the “National Plan of Action against Trafficking (2011-2013)” aims to prevent human trafficking; protect society and assist the victims of trafficking; ensure serious and effective punishment of traffickers. Other countries were in the process of formulating and implementing such strategies (Lebanon, Saudi Arabia and Yemen). In Saudi Arabia it is worth to note the Prime Ministerial Decree no. 366 (3/12/1429 AH) in 2008 with a number of measures to address the problem of domestic violence including drafting of a comprehensive national strategy for dealing with the problem of domestic violence at all levels, determining the necessary budget for this purpose and submitting it with proper statutory measures. Ministry of Social Affairs’ work is ongoing in relation to the preparation of this strategy.

Yemen through its Women National Committee<sup>26</sup> is currently taking part in the preparation of an Arab Strategy for the Protection of Women against Violence for 2011-2020. The strategy is based on Arab agreements, instruments and Constitutions. The strategy's themes include prevention, security, protection, participation, legislation, legal measures, studies, research, data, partnership, coordination, monitoring and evaluation. Is it a true policy or just politics?

<sup>19</sup> Morocco, Algeria, Tunisia, Jordan, Lebanon.

<sup>20</sup> Female genital cutting (FGC, also known as female genital mutilation or female circumcision) threatens the sexual and reproductive health of millions of girls in sub-Saharan Africa and the Middle East.

<sup>21</sup> Pact of Civil Concord in Algeria: the amnesty granted to the armed groups in the context of the “civil concord” without any arraignment is considered as a State (perpetrated or forgiven) GBV form according to the international framework.

<sup>22</sup> Yemen and other countries

<sup>23</sup> Iraq, Lebanon, OPT, Sudan, Libya, Egypt, Syria, Tunisia...

<sup>24</sup> Algeria

<sup>25</sup> To counter this phenomenon, an integrated strategy was developed to eradicate female genital mutilation (2008 - 2017) led by the National Council for Child Welfare in partnership with The National Council of population, the Ministries of Health, Education, Information, General Secretariat of the National Council for Strategic Planning, in addition to voluntary organizations and groups

<sup>26</sup> Women Machinery

*According to official reports, there are 8 girl child deaths per day in Yemen because of early marriage and early pregnancy and birth in the absence of the necessary health requirements for marriage. Yemen is ranked 13<sup>th</sup> among the 20 countries classified as the worst as regard to the marriage of minors. A report issued by the Center for Gender Studies and Research at the University of Sana'a that about 52% of Yemeni girls were married under the age of fifteen years during the last two years, compared with 7% of males. Girl child marriage represents 65% of all marriages, including 70% in rural areas. In many cases the age of the married child does not exceed eight or ten years.*

However despite of the recognition of this phenomenon as a human right violation and a main development issue and various legal, policy and programmatic initiatives, many challenges remain to ensure security and protection of women surviving to violence:

- Although a large number of countries are clearly indicating commitment to combating VAW, persistence of certain cultural and institutional practices detrimental to women, the proportion of rape and harmful practices and other forms of violence against women though life cycle appears to be on the increase and this is not only because the issue is no more taboo or data are to a certain level more available.
- Certain practices within the society indicate persistence of obvious inequalities and violence against women through all stages of their life cycle and at times when they are most fragile (e.g. girl child, adolescent, or elder woman) or vulnerable (e.g. to only quote single women, widows, heads of household and women living with HIV-AIDs as well as in armed conflicts and post conflict situations),

*An employee of the Ministry of Awqaf and Islamic Affairs in Morocco was arrested on January 19, 2013. She had created a sensation within the Rabat Court of Appeal following the acquittal of H.A. a parliamentarian she accused of the charge of rape causing pregnancy. Before the expiration of 24 hours only, after Acquittal of the Parliamentarian , who is also mayor of a city, Police forces arrested the complainant and placed her under custody for submission to the investigating judge.*

- Yet, some laws, policies, programmes and services are reinforcing the various forms of gender-based-discrimination and violence not to say institutionalizing them such as penal codes (rape, so-called honor crimes)

*Amina Al Filali's suicide in March 2012 drew attention to Article 475 of Morocco's penal code, which allows rapists to escape prison by marrying their underage victims. In 2011 Amina al-Filali's parents filed charges against their daughter's rapist, a man 10 years older than her but it was only recently that a judge in the northern city of Tangier decided that instead of punishing him, the two must be married. The court's decision to forcibly marry Amina to her rapist was supposed to "resolve" the damage of sexual violation against her, but it led to more suffering in the unwelcoming home of her rapist/husband's family.*

All countries, excluded Sudan and Somalia, have ratified CEDAW and the concluding comments of the CEDAW committee about GBV following the presentation of the reports are almost the same.

They stress the link between VAW/GBV, weakness of women economic and political participation. They call the members' states to consolidate efforts to address issues of VAW/GBV in the legal, institutional and services fields taking into account for some countries the CEDAW Committee formulated specific recommendations and urge the states to:

- Enact legislation on VAW/GBV including the existing proposed drafts,
- Amend the legislations to combat all the forms of VAW/GBV,
- implement educational and awareness raising measures to reinforce the intervention of the actors, the police, the judiciary, health care providers, social workers, community leaders to contribute to the elimination of VAW/GBV,
- Establish a sufficient number of accessible shelters for female's victims of violence in both urban and rural areas,
- Ensure that "assassination of women in the name of honor" ("honor crimes") are treated as seriously as other violent crimes in regard to investigation and prosecution, and,
- Put in place effective prevention efforts...

Many are the international stakeholders (UNFPA, WHO, ILO, the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), United Nations Development Program (UNDP)...) as well as bi-lateral cooperation such as EU, Spain, Norway, Canada, Italy...supporting GBV/VAW initiatives in Arab Countries, through partnership/s with governments and civil society organizations.

UN Women, WHO, UNFPA, OHCHR... undertook initiatives to develop model approaches in addressing VAW/GBV focusing on prevention and response to all types of violence - including FGM/FGC, early marriage and sexual violence, especially in conflict and post-conflict settings and supporting countries addressing UN resolutions on GBV in conflict and post-conflict situations and humanitarian actions such as in Algeria<sup>27</sup>, Morocco, Tunisia, Sudan, Somalia, Yemen, Bahrain Lebanon, oPt, Sudan, Djibouti, Egypt, Somalia. In recent years, the UN Special Rapporteur on Violence against Women has undertaken official missions (e.g. to only quote Algeria in 2007 or Tunisia in 2012), produced assessment reports, and supported women's organizations struggle for more egalitarian legislation and justice as a response to the success of the campaigns implemented by women's organizations to combat GBV and challenge impunity in cases of GBV (especially in harmful practices). Human-rights organizations such as Amnesty International, the International Federation of Human Rights and the Centre for Justice and International Law result also pretty active in GBV related initiatives in the Arab countries specially those concerned by current changes and transition period.

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<sup>27</sup> UN Women (ex: UNIFEM) UNFPA and UNICEF supported UN women workers who were collectively raped in Hassi Messaoud in Algeria in 2001,

### 2.1.2 GBV in conflict and post conflict situations

Due to the lack of policies and actions addressing in a concrete way to reduce impact of armed conflicts on women, very few concerned countries in the Arab region are reporting on the two international resolutions related to GBV in conflict and post-conflict situations (Resolutions 1325 and 1820). The rare measures and/or interventions differ among the countries because of each context but in fact they have all the same purpose.

So far oPt, Iraq, Sudan, Lebanon, Somalia and Libya are the countries which officially adopted specific plans of action/initiatives addressing GBV in conflict and post-conflict situations aiming to implement the UN Resolution 1325 but did not amend laws on this specific matter and only in Sudan, a specific focus is made on GBV in conflict and post-conflict situation in legislative reform in consistency with the two UNSCRs. Tunisia asked, in 2011, the Centre for the Democratic Control of Armed Forces,<sup>28</sup> for support in drafting a UNSCR 1325 national action plan.<sup>29</sup>

Other examples are:

- The international committee for fair and permanent peace between Palestinians and Israelis was established and OPT aimed to promote Security Council Resolution 1325, through workshops and meetings.
- Jordan formed the national committee for the activation of the same resolution.
- Many measures were taken in Algeria, starting from the nineties and the next decade, without referring specifically to the UNSCRs, to protect women and girls against terrorism acts (in addition to their assassination, they were kidnapped and used sexual violence as a weapon) but also to ensure some of their rights and claims (for instance, the Ministry of Health issued a decree allowing abortion for women raped by terrorists).
- Yemen has fought the phenomenon of carrying arms in main cities, destroyed all private stocks of and provided an integrated residential agglomeration for refugees from Somalia next to Aden. Moreover, shelters for battered refugees were established in Sana'a, supervised by a civil society organization, in addition to camps for internal displaced persons in the wake of the conflict in *Saada*, while providing all necessary services.
- Following the war waged by Israel against Lebanon in July 2006, the National Commission of Lebanese Women launched the program on Women Empowerment Peaceful Action for Security and Stability (WEPASS) in 20 villages and small towns, in which women's commissions and municipal councils coordinate to define and implement the reconstruction priorities. Furthermore, the National Commission implemented the program on supporting women in southern Lebanon in regions exposed to Israeli aggression.

<sup>28</sup> DCAF is an international foundation established in 2000 on the initiative of the Swiss Confederation, as the 'Geneva Centre for the Democratic Control of Armed Forces'. DCAF contributes to enhancing security sector governance (SSG) through security sector reform (SSR).

<sup>29</sup> In September 2011 in occasion of the national workshop on "Women, peace and security" the Tunisian Minister of women, family and elderly people's affairs, asked support in drafting the UN security 1325 National Action Plan

- In Syria<sup>30</sup>, aids, shelters and services were provided to dozens of thousands of Lebanese refugees, as well as for more than a million Iraqi refugees, including free educational and health services. Scholarships have being granted to dozens of female students from the occupied Golan to resume their education in Syrian universities and actions have been taken to provide them with shelter and income, in addition to providing necessary services and main utilities in camps.
- In Egypt, the Suzanne Mubarak Women’s International Peace Movement was established to promote the culture of peace and security as well as to adopt measures aimed at limiting the effects resulting from armed conflicts and ensuring women’s participation in decision-making related to preventing conflicts, and therefore activate the Security Council resolution 1325 on the ground.

Due to occupation and many other forms of conflicts, in the region including after the end of the conflict, women are facing, experiencing and subject to various forms of violence to only quote some of them:

- Reduction of vital space and denial of freedom of movement with consequences varying from privation of right to education, right to work and right to health till the right to life with women delivering at check points (Palestine),
- Imprisonment by the army of occupation or national army and sequestration by armed or non-armed (Palestine, Iraq, Syria, Libya, Algeria) ,
- Threats of violence in its different forms and types till killings attempts and until death,
- Economic deprivation and violence,
- Displacement inside and outside the country (Iraq, Syria, Palestine, Libya),
- among the most intense forms of sexual harassment and assault as well as physical violence (Egypt),
- Violence in its most severe forms of sexual assault to sexual exploitation of minors, forced marriage of girl child, sexual slavery<sup>31</sup> in the name of supporting the Revolutionary fighters (Syria), trafficking and forced prostitution (Syria and Iraq)...

### 2.1.3. What the “Arab Spring” has in store?

The crucial question as stressed by Isobel Coleman in December 20, 2011 in one of her articles *“Is the Arab Spring Bad for Women? Overthrowing male dominance could be harder than overthrowing a dictator”*. Since that date many events could help in responding to her question. As a matter of fact, during the post-revolution, a shadow of doubt may hang over their heads now. The question is what will this democratic revolution offer them in terms of social liberties and human rights? Arab women are embattled on multiple fronts<sup>32</sup> and Women of the so-called Arab Spring are still fighting for liberation not to say for their survival.

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<sup>30</sup> Before its own conflict

<sup>31</sup> A “fatwa” has been proclaimed to legitimize sex with them as s a support to “Jihad”

<sup>32</sup> paramilitary groups, tyrannical regimes and extremist religious groups

New ways and practices are identified and more and more reported including by Medias thanks to the vigilance of NGOs but how to call them *GBV vs. political violence in a Transitional period?* Nobody knows how evaluate its "richness" in terms of forms , types and intensity but also its motivations prompting Arab women to ask men of their region "why do you hate us?"

It could be considered that the recent changes in the Arab region opened a sort of Pandora's box and many examples could be quoted which are more than examples but true risks for women at all steps of their life:

New preachers are crossing the concerned countries conveying "the good words" the almost generalized "da'wa"<sup>33</sup> campaign conveying the "good words" of the polygamy because of the "missing men" or the poor unmarried spinsters and for marriage of girl child to protect our children"<sup>34</sup> as among others one of the best HIV-AIDs prevention ways but hiding dark drawings and for of FGM even where they were never ever practiced (e.g. Morocco, Tunisia) and considered by an elected woman in Egypt as the symbol of faith...

"Protection marriage" deepens the tragedy of Syrian refugees (particularly minors from them). A controversy is evolving about the phenomenon of the exploitation of the living poor humanitarian conditions of Syrian refugees particularly through the marriage of women and girls in Iraq, Jordan, Lebanon<sup>35</sup>, Turkey and other countries based on the fatwas issued by some of the clergy, under title of protecting them and keeping them from delinquency or rape or even meeting the economic needs of their families. Besides their consequences (forced pregnancy and maybe abortion, STDs and depression...) how these forced and very short period girl child marriages could be called? Sexual exploitation of minors and forced marriages, trafficking, prostitution, rape, violation of reproductive rights (abortion or an unwanted pregnancy)?

In their kindergarten, Tunisian very young girls (4-5 years old) are imprisoned in a veil that comes from nowhere and rewarded in a special ceremony by old men who pretend to be doctors of the faith - also from nowhere and certainly not from Tunisia- crossing the country from a city to another and a village to another, in the absence of their mother and their father... "Good Girls" (to be veiled) and very soon good spouses since this new democracy is also claiming that child marriage (starting from 10 years old) is also a child right. In other contexts and regions they would have been arrested for child abuse and sexual touching not to say pedophilia.

Since the outbreak of the revolution, Egyptian women protesters were forced to undergo the virginity tests in military detention and following that many act of violence are reported in all concerned countries from verbal to sexual violence. On the 3<sup>rd</sup> of September 2012, the

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<sup>33</sup> Religious advocacy

<sup>34</sup> Child marriage already occurs in parts of the Middle East, including rural Syria and [Yemen](#).

<sup>35</sup> ABAAD Resource Center: "A New Resource: "Syrian Women & Girls: Fleeing Death, Facing On going Threats And Humiliation" A Gender-based Violence Rapid Assessment, Syrian Refugee Populations, International Rescue Committee (IRC), ABAAD Lebanon, August 2012

young women (PHD student) and her fiancé were in their car when they were approached by three policemen. Two of them raped the girl while the third held the handcuffed fiancé<sup>36</sup>; he took his turn when he came back<sup>37</sup>. The spokesman for the Interior Ministry said the couple was found by police in a «immoral position," while adding that this did not justify not rape that followed. The woman and her fiancé were summoned by a magistrate to face the two policemen, both found guilty of rape and jailed and were allowed also to accuse her of "indecent" and "assault,". The Ministry of Interior spokesperson declared that the woman and her boyfriend were apprehended by three policemen on September 3, when they were found in an "immoral position."

During the 2013 January protests in Egypt, a woman was sexually assaulted with a bladed weapon on Friday night, leaving cuts on her genitals, in central Cairo, in the midst of what was purportedly a revolutionary demonstration. *"She was one among at least 19 women sexually assaulted in and around Tahrir Square on Friday night<sup>38</sup> according to accounts collated by Operation Anti-Sexual Harassment, an activist group. Several women were stripped, and raped, publicly, as men pushed their fingers inside them. There were other attacks involving bladed weapons. Six women required medical attention. No doubt there were more assaults, uncounted<sup>39</sup>".*

During the same protests and period, S.A. a young Egyptian filmmaker was documenting the police abuse from a balcony in a nearby street to the Ministry of Interior when police invaded the apartment, arrested her and her female friends, held them overnight in a police station and now facing false charges!

*"All that I knew was that there were hundreds of hands stripping me of my clothes and brutally violating my body. There is no way out, for everyone is saying that they are protecting and saving me, but all I felt from the circles close to me, sticking to my body, was the finger-rape of my body, from the front and back; someone was even trying to kiss me... I was completely naked, pushed by the mass surrounding me to an alley close to Hardee's restaurant ... I am in the middle of this tightly knit circle. Every time I tried to scream, to defend myself, to call on a savior, they increased their violence," she wrote<sup>40</sup>.*

Last year (2012) violence very recently used in Egypt and Syria to serve political ends and to target opponents has been already reported by the UN Secretary-General and by many other reports and studies at national, regional and international levels. *Arab women are embattled on multiple fronts and Women of Arab Spring are still fighting for liberation not to say for their survival including legal survival as citizens and human beings.*

With or without support of international organizations, a number of associations has been created to protect these girls from those who want to exploit their innocence and poverty

<sup>36</sup> The couple did not have enough money to pay the cops to be released and the bridegroom was taken away by one of the three cops to withdraw a higher amount, the price of their freedom while the other two went about their dirty work.

<sup>37</sup> Versions vary according to sources (e.g. media, NGOs or government)

<sup>38</sup> January 25<sup>th</sup>, second year commemoration of the Egyptian revolution,

<sup>39</sup> Tom Dale, Egypt Independent's news editor, published in the The uprising of women in the Arab world

<sup>40</sup> One brave survivor of such an attack last November published her story on the website of the [Nazra](#) feminist group.

relatives, including one titled “refugees not captives”, and this acted responsibly, but the greatest responsibility lies with the concerned Arab governments where Syrian refugees came to find security and protection (e.g. Algeria, Iraq, Jordan, Lebanon and Turkey) but also other countries that are encouraging this practice (e.g. some of the GCC and Libya), because they are binding by laws and international agreements to protect refugees from exposure to sexual abuses and extortion, as they are also obliged to provide them with a decent living.

Since the Islamists' rise to power after the revolution last year, Tunisian feminist groups have accused the police and other religious and paramilitary groups of regularly harassing women, by challenging them over their clothing, or when they go out at night unaccompanied by family members. Then they acted out to be more explicit.

When Tunisian woman raped by police was accused of indecency by her executioners. The NGOs, which include the Tunisian Association of Democratic Women and the Tunisian League of Human Rights, slammed what they described as a procedure that "transforms the victim into the accused" (...) after the young woman was accused of indecency by the two policemen jailed for raping her, amid criticism of the Islamist-led government for rolling back women's rights. It "is designed to frighten and to force her and her fiancé to waive their rights," they added. They also questioned "the seriousness of the government's commitment to applying the national strategy to combat violence against women" of which operationalization was just launched. "Rape as a means of repression is still practiced in Tunisia," a coalition of leftwing opposition parties said separately, calling for a law to protect "Tunisian men and women against all forms of physical, moral and sexual violence."

To only quote few other examples in Egypt, *Operation Anti-Sexual Harassment*<sup>41</sup> is one of several initiatives which have formed on that basis, and is supported by several established organizations, including the Egyptian Initiative for Personal Rights. The members of the network, male and female, individuals and organizations<sup>42</sup>, are very active, playing a variety of roles from surveillance and protection and providing services that include medical, legal and emotional support, as well as publicity. This to be called “force” aims primarily to confront incidents of collective sexual harassment / abuse against women in the various squares during the sit-ins, demonstrations and confrontations, that happen in the vicinity of Tahrir Square, in Cairo and others. The group tries to protect and/or save girls and women who are exposed to such incidents, as well as make the experience less painful through a vigilant oversight and control of the field.

On Friday 25, during the night around 100 activists were involved in a variety of roles. “At times, the cat and mouse clashes between masked groups of young men and the police can feel somewhat staged, directionless and formulaic. As much as they are an expression of real and legitimate anger, they are often also expressions of teenage machismo, even silliness.

<sup>41</sup> [Operation Anti-Sexual Harassment](#) is collecting testimonies of those who have survived or witnessed sexual assault, and welcomes volunteers. Email them on [opantish@gmail.com](mailto:opantish@gmail.com); <https://www.facebook.com/opantish>

<sup>42</sup> The Egyptian Initiative for Personal Rights, Harassmap, Nazra for Feminist Studies  
Al Masry al Hor, Shoft taharosh (I saw harassment), initiative by the Fouada Watch  
The Bussy Project, Nefssy Initiative against sexual harassment, Baheyya ya Masr and the Nadeem Center

*The interventions of Operation Anti-Sexual Harassment have none of these qualities. They are visceral, principled, and uncompromised. They require real bravery. They stand in sharp contrast to the practical acquiescence of the major political forces, who like to claim credit for Tahrir's energy, celebrate its martyrs, and ignore its dark side*<sup>43</sup>. It is fair to report that many men were also collectively sexually assaulted and raped when they intervened to save women and girls particular in Egypt<sup>44</sup>.

Another way to fight is allowed as many others through social networks. A Facebook page called [the uprising of women in the Arab world](#)<sup>45</sup> is a place for testimonies, denunciation and solidarity campaigns which has largely crossed the borders of the Arab Region.

#### 2.1.4. What women are doing?

Women have never acted as mere spectators to history but far too often revolutionary change has showed them aside, improving conditions for men, and leaving them — even those who fought in the revolutions — abandoned by the wayside to only quote the example of the Algerian women role in the armed revolution for independence of their country or even during the nineties.

In many ways, 2011 has been the Year of the Arab Women. Women have taken leading roles in many of the democratic uprisings in the Middle East, spearheading calls for democracy in Egypt, Tunisia, and elsewhere. Libya, Syria, Yemen and Bahrain have also seen unprecedented protests. From the earliest days of upheaval that started in Tunisia in December 2010, women have been on the front lines of protest, leading public demonstrations, blogging passionately, covering the unrest as journalists, launching social media campaigns, smuggling munitions, and caring for the wounded.

All this has been much written about and need not be repeated but what concerns us here is the role of women in these revolutionary changes taking place in the Arab world. In the concerned countries women have played a very significant role — from Tunisia to Yemen. The role of women in political mobilization<sup>46</sup> was so crucial that it was being expected that the 2011 Nobel for peace<sup>47</sup> would have been given to women nominees from Arab countries such as Tunisia, Egypt and Yemen<sup>48</sup>...

However it is certain that the context of conflict always exacerbates the situation of women and girls and endangers them and even success could not push away the indignities of misogyny particularly in this region. This is the reason why women wanted to show to a patriarchal society that a revolution really is going down - and that democracy and fighting for dignity and human rights won't be happening without them. They had from the

<sup>43</sup> Tom Dale, *Egypt Independent's* news editor, published in "[The uprising of women in the Arab world](#)" FB page

<sup>44</sup> Various on live testimonies in TV programmes (e.g. France and Germany)

<sup>45</sup> [The uprising of women in the Arab world](#) انتفاضة المرأة في العالم العربي

<sup>46</sup> The demonstrations in Tunis Avenue Habib Bourguiba or the Tahrir Square mobilization was due mainly to a young girl's appeals on Facebook.

<sup>47</sup> Tawakkul Karman of Yemen played a crucial role in the protection of human rights and political mobilization in her country, though there still remains a political stalemate in Yemen.

<sup>48</sup> Asghar Ali Engineer, Arab spring & women, Opinion From the Newspaper, November 4, 2011

beginning to impose themselves and combat not only as citizens but also as women/female, fighting for democracy for their land and integrity of their body: as a matter of fact, it is more than difficult to establish the borders between the two combats whatever is the culture or historical context. The female body, virgin and fertilizable, shackled, covered and concealed, is the object of all manner of prohibitions and obsessions. It is both coveted as the symbol of family honor and stigmatized as a source of temptation and discord.<sup>49</sup>

Egyptian women protesters were forced to undergo the virginity tests in military detention. This practice was denounced by a woman named Samira Ibrahim as a deliberate effort by the army to humiliate women protesters. She took the Egyptian military to court and won when the administrative tribunal in Cairo ruled that the tests were illegal. In another humiliating act, a veiled female protester was dragged down the street in Egypt, beaten and stomped on by security forces, which tore off her clothes, exposing a blue bra underneath.

Observed violence in its different forms reflected a determination to curtail women's civil and political rights. *"Arab Spring: how women are using their bodies to create a revolution"*: Stripping off their clothes was an act specifically aimed at humiliating them as well as suppressing their freedom to assemble, to protest, to move through public space at all. The fact that these women were veiled added a symbolic message of intimidation from the powers that be: *from now on, no woman would be spared harassment*.

To challenge this very obsession, women in several Arab countries are bent on overturning the established order by putting the issue of their bodies at the heart of public debate. They want to show a patriarchal society that a revolution really is going down - and that it won't be happening without them. The **BLUE BRA**<sup>50</sup> is now used as a symbol by protesters and by the Arab Women uprising campaign<sup>51</sup> in all countries in their demonstrations and through social networks with solidarity from many countries, men and women, throughout the world.

### 2.1.5. What the CSOs/NGOs are saying?

During the regional consultation organized by the Arab States Regional office of the UN WOMEN end of January 2013, the present women activists and NGOs representatives reviewed and discussed the findings of the GBV/VAW situation analysis. Some specific aspects were also assessed from a human right and CEDAW perspective. Their conclusions and consensus could be summarized as follows:

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<sup>49</sup> - The word in Arabic is fitna, by Nadia Aissaoui and Ziad Majed (Original text in French translated by Eric Rosencrantz, Mediapart.fr), 8 September 2012

<sup>50</sup> At one demonstration in Beirut women prominently displayed a blue bra on a protest banner In reference to the veiled Egyptian woman.

<sup>51</sup> See "[The uprising of women in the Arab world](#)"; is the title of the Facebook page where the campaign was launched on October 1<sup>st</sup> to highlight "discrimination" against women in the Arab world. is a social media phenomenon that started as a Facebook page and grew into a blog, and additional profiles on other social networks such as Twitter. On their Facebook page, which has over 90,000 fans so far, the young group of cyber-activists who run the initiative describe themselves as "**Together for fearless, free and independent women in the Arab world.**" (see also [Facebook Campaign for Arab Women's Rights Goes Global | Femina](#))

► **Right to security (army, police and other security forces<sup>52</sup>)**

In all Arab countries, the State is required to ensure security and safety of all citizens however what could be noted however that the relationship with the army and more particularly the police is bad, especially for women who are afraid of not being able to declare the domestic violence or even a rape during a conflict they are facing and deposit a complaint against it because of the violence they could face in the police station. The influential factors overall causes were related to:

- Traditions and customs and more particularly the culture of tolerance and acceptance by the society of the violence against women due to also of the prevailing patriarchal culture,
- The absence of appropriate infrastructure in police stations in peace, conflict and post conflict situations,
- Weak presence in decision making positions
- Weak presence to total absence of police women in police stations and other security forces,
- Non resort of women to the Law because of the traditions and weak economic and internal resources...

► **Right to protection (law and shelter)**

The CSOs raised the scarcity of shelters for women surviving to violence with limited coverage of all regions of the country, the stigma of the community to the shelters mainly managed by NGOs in almost all countries and the non-involvement of the State in the supervision and management of shelters to guarantee adequate protection.

According to the CSOs if the absence of laws allows the police to intervene in some countries there are laws that could aggravate the case such as those that prohibit police interference within the family and "the sanctity of the home". They also deplored, in almost all Arab countries, the lack of laws that prohibit and criminalize violence against women and violence in all its forms and absence of legal protection for women after exposure to violence. More than that in some countries penal code drops punishment against perpetrators of rape if he accepts to marry his victim who has no choice face to the pressure of her own family and the defiance of her husband's family and violence of her "forced" husband. In many cases the only the only way left to them is suicide and the case of Amina from Morocco is not unique.

Some laws were quoted as good practices to be duplicated such as for instance the FGM law in Egypt and the Domestic violence in Kurdistan-Iraq as an example of law addressing different forms of violence. On June 2011 Kurdistan Iraq's parliament passed the Family Violence Bill, which includes several provisions criminalizing FGM/FGC, as well as forced and child marriages, verbal, physical, and psychological abuse of girls and women<sup>53</sup>.

<sup>52</sup> Such as gendarmerie in French speaking countries

<sup>53</sup> "Iraq: Information on how the current situation in Iraq - the breakdown of law and order, societal changes, growing Islamization - since the international invasion has affected the lives of women regarding economic, social freedoms et al." Refugee Documentation Centre, April 2010, available at: <http://www.unhcr.org/refworld/docid/4be27185d.html>

In addition to their ignorance of the international resolutions and agreements, the political leaders and decision makers in the region do not endorse/enforce the international resolutions related to conflict and post conflict situations (i.e. UN SCR1889 and 1325) which criminalize rape during the conflict and or consider it as a war crime.

► **Right to adequate services**

Despite some experiences quoted as good practices in Morocco and Iraq quoted mainly by the representatives of these countries, the assessment made obvious the lack of adequate multi-disciplinary services such as health and reproductive health services, legal assistance and psychological counseling, economic empowerment for survivors of violence. This situation does not allow building a referral system putting together all service providers Ministry of Interior, Justice, social affairs, health and civil society organizations.

For the discussing CSOs, if the weakness of services provision in the different concerned sectors is due to the relatively recent experience of the Arab governments it is essential also to recognize that their political will is not enough solid to recognize the gender-based-violence as a priority and to invest required efforts and resources to address it and not only in conflict and post conflict situations.

► **Right to reparation/compensation**

For many reasons, some related to gender distribution of roles and labor and others justified inadequately by the inheritance system a large proportion of the compensation reserved for men are reserved for men. From amnesty in Lebanon to reconciliation in in Algeria women are not considered or even recognized as victims of the related conflict, civil war in war case and terrorism in the other.

► **Punishment of perpetrators (individuals & groups)...**

In reference to the above causes and because the States are neither implementing international resolutions that criminalize sexual and gender-based-violence nor recognizing women as victims, the perpetrators are not punished . More than that, perpetrators of SGBV enjoy full Impunity. They are even forgiven through the mechanisms established for reconciliation and even benefit from and financial and other kinds of support to ensure their social and economic reintegration.

## 2.2. Access to Justice and accountability Mechanisms in Conflict and post Conflict situations

### 2.2.1. The national legal system/s

With respect to national legislative framework it has to be pointed out that the Arab States region is much diversified, with different cultures influencing and shaping the legal/social/economic and political contexts. In some of the concerned countries, the legal system is based solely on Islamic *Shari'a*<sup>54</sup> law (i.e. KAS, Oman, Sudan, Yemen,), while in most of the countries the legal system is hybrid combining a version of French, British or

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<sup>54</sup> see footnote 26

Italian<sup>55</sup> legal codes with *Shari'a* as a main reference and various religious doctrines and groups. Palestinian citizens' life is managed by Egyptian legal framework in Ghazi and the Jordanian one in West Bank and by Israeli legislation in Jerusalem and other parts of the country.

Almost all constitutions in the concerned countries<sup>56</sup> provide a regulatory framework for public authorities and the basic for rights of individuals and groups. The constitution upholds the principle of equal treatment of all citizens with some variations as regard to the principle of non-discrimination and prohibition of different forms of discrimination (race, religion...) but only some of them referring clearly to the prohibition of sex-discrimination.

More efforts have been made to reinforce constitutional equality between citizens –men and women- while legislative reforms have been conducted to ensure equal participation of women and men both in the public and private life (constitution, nationality, family and election specific codes and laws. Other laws (education, labor, health ...) are also based on the principle of equality between all citizens who are equal before the law with equal opportunities and right to personal freedom, education, health, welfare and work in public offices and many other rights and duties including political and economic participation with right to capital to get credit, right to enjoy inheritance and right to property ... However equality between men and women is not obvious except clearly stated or at least subject misinterpretation due to the gender-blind language itself<sup>57</sup>.

As a matter of fact while most countries have made significant progress in securing and improving the legal status and rights of women through law reform and policy formulation, there is still a big gap between what is contained in the law, its enforcement and/or various policies and what happens in practice, in addition to the existing contradiction between Constitution and positive laws related to public life from one part and the family and other laws (e.g. penal) from another part. In addition to that contradictions are noted within the national legislation system and between the national laws and the international commitments of the State parties covered by this exercise with no exception, including for the countries that ratified CEDAW with no reservation.

Whatever are the situations these countries, societies and women are facing (peace, occupation, conflict, post conflict or so-called revolution and transition periods). If the context changes, from a place to another or even in the same place, it impacts on an exacerbated way women and girls who are always paying the price.

The situation related to the legal framework and access to justice could be synthesized as follows:

***i. Legislation encouraging discrimination and violence***

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<sup>55</sup> Depending on the former colonialist occupation

<sup>56</sup> Noting that some countries have no constitutions, and the Islamic Law is enforced differently in different countries according to their own interpretation

<sup>57</sup> The feminine and the masculine exist in the Arabic grammar and vocabulary languages

The Arab personal status codes that cover both Muslims and non-Muslims appear as an example of legalized gender discrimination and encouraging domestic violence and other forms of institutional GBV forms i.e. violation of human rights such as right to education, right to work, freedom of movement with impact on right to health, right to participation and free choice with forced marriage as a consequence to only quote these few examples... in some countries including among those recognized as relatively advanced for equality such as Algeria and Tunisia<sup>58</sup>, the penal codes could be also quoted particularly some of their articles which allow mitigating circumstances to the murderers of women and girls in the name of the so-called honor or forcing girls to marry their rapist.

Discriminating cultural believes and practices sometimes institutionalized hinder women to use the existing progressive laws to assert their legal status and defend their human rights but values and cultural norms are sometimes used as an alibi.<sup>59</sup>

**ii. Weak legislation and non-access to justice due to the weakness of judiciary system**

In reference to the rules of law that should ensure enforcement of equal legal positions, combat/punish discrimination and violence, provide security and protection of women in general and GBV survivors in particular, challenges persist in the effective adoption and/or enforcement of the existing legal arsenal due to the weakness of the justice delivery systems recognized by the countries themselves<sup>60</sup> as regard to their limited number and non-nearness which negatively affect citizens and women's access to justice.

Among others these obstacles are also related to administrative delays and inadequate funding which are blocking the process of adoption of proposed texts and/or implementation of developed programs. For this reason, so far, most work to address human and legal rights including GBV cases is centered on the legal response - in order to help the justice system to become more accessible - the revision of laws regarding discrimination and GBV in general and for specific forms of violence against women: such as rape, FGM/FGC, sexual harassment; education on women's legal rights and legal procedures; and legal aid, counseling and representation for women are considered to be part of this reform process.

**iii. Absence of legislation,**

Although legal protection against rape, FGM/FGC and sexual harassment is newly available, there is no specific law addressing a more comprehensive GBV framework, types and forms or against domestic violence and abuse which is more and more diluted in the concept of family violence not to mention wife beating and marital rape, except and to a certain extent in Kurdistan-Iraq thanks to the comprehensive law adopted in 2011.

**iv. Ignorance of women as claim holders to become duty bearers of their own rights**

Many gaps remain in the legal area and there is still a need for strong efforts and progress to be done on the implementation of existing women legal rights particularly in relation with

<sup>58</sup> In Morocco the penal code has been amended after the suicide of Amina

<sup>59</sup> Benhadid F. "Situation of women and girls in the MENA region: Country Profile: The Republic of Iraq", UNICEF, 2010

<sup>60</sup> Faiza Benhadid: CEDAW +30 and/or Beijing +15 reporting

GBV articles & laws, due to lack of awareness of rights and fear of shame that prevents survivors from reporting their cases to the authorities, weak implementation, undervaluing, lack and/or insufficient dissemination of existing legal arsenal and its outreach to women and society, access to fundamental rights in general, and among women in particular, is restricted.

**v. *The labile political climate with a transition period bearing all hazards***

Lack of will from decision makers especially in the current context where the presence of extremist/fundamentalist movements are growing, reduces the room for maneuver of political leaders in Arab countries, who wish to introduce legislative reforms towards more gender equality.

More and more human rights of women and their survival is put at the heart of political negotiations and in the balance of compromises or they are used as a weapon not only of war but also of forced change through the newly developed ways of pressure on them and political violence forms. Veil, girl child marriage, voice... are used to create among women and girls as well as their families a sort of climate of terror and crush them so they change their way of dressing, their way of moving in complete freedom in society, to speak out and way of expressing their interest... to reduce them to silence forever.

**2.2.2. The legal State's obligation**

State's obligation to adhere to a standard of due diligence when addressing the issue of human rights, discrimination and violence against women, is more and more formally recognized in the Arab States region thanks also to the UN assistance and reform. This standard consists of four equally important obligations: prevention, investigation (obligation to properly and effectively investigate crimes involving violation of human rights and violence against women),<sup>61</sup> prosecution (obligation to fairly and effectively prosecute those who commit these crimes)<sup>62</sup> and compensation.

With respect of the first obligation (prevention), there is a general statement - emerging from reports, assessments and workshops - about the weakness of preventive measures for human rights of women and girls in general and GBV in its different forms including institutional violence, in particular, in both peace and conflict/post conflict contexts.

The action of civil society in the field of prevention is still predominant and governmental attention is fairly recent (i.e. awareness campaigns conducted in some of the concerned

<sup>61</sup> According to the Council of Europe's Convention, Parties shall ensure that investigations into violence against women are effective and "carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings." (Council of Europe's Convention on Preventing and Combating Violence Against Women and domestic 4, at Chapter VI, art. 49, 2011).

<sup>62</sup> One of the criteria in determining whether a State complied with its obligation of due diligence is the number of cases prosecuted involving violence against women and the types of judgments handed down in these cases (*Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women: Violence against women in the family, supra* note 5, 25). The Council of Europe's Convention has the same requirement for prosecution as it does for investigation; Parties shall ensure effective prosecution "without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings." (Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence, *supra* note 4, Chapter VI, art. 49, 2011)

countries such as Morocco, Jordan, etc...). It is worth to note that almost all countries<sup>63</sup> organized and implement activities during the 16-day international campaign starting the 25 November, International GBV day and ending on the 10<sup>th</sup> of December, the International Human Rights Day. This campaign is more and more used by governments to announce new measures and/or reforms (e.g. Removal of CEDAW reservations by the king Mohamed VI, adoption of GBV strategy by federal government of Iraq and the regional government of Kurdistan/ KRG...).

In November 2012 a special thought was reserved for Arab women displaced and refugees in the camps throughout the region (Palestinian, Iraqi, Syrian, Libyan, Somali, Sudanese) as well as those facing in their daily life violence (Tunisia, Egypt, Syria, Palestine, Libya...) and threats for their life and for their belonging thanks to the political context in the region (occupation, civil wars instability and insecurity since 2010) .

In addition to that many States implemented concrete actions to respond to the second (investigation) and third (prosecution) obligations of due diligence and as part of law reforms or the establishment of GBV dedicated national mechanisms - is the training of staff dealing with cases of violence against women. Such actions aim to avoid risks of *“underreporting, further minimization and invisibility of these crimes, and the reinforcement of the continuum of violence affecting women.”*<sup>64</sup> In certain countries, indeed, it has been highlighted that the State *“had failed to fulfill its due diligence obligations in large part due to the gender stereotyping and misconceptions present in the court’s decision.”*<sup>65</sup>

Similar forms of discrimination can be found also in hospitals, police stations and other public services aimed to assist victims/survivors of violence. Therefore, in order to enhance the capacity of law enforcement officers to deal with violence against women and effectively implement the laws, training programs have been carried out for police, prosecutors, judges, lawyers and security forces in many countries. A range of training materials have been developed, and protocols and guidelines have been issued, including on investigation, prosecution and legal proceedings as well as cooperation between different authorities.

In Morocco, for instance, specialized police and prosecution units, with trained staff within those units, have been established. Specific units have been settled also in hospitals and tribunals in order to properly investigate perpetrators and to facilitate access to justice for survivors. In Algeria, the police institution has mainstreamed GBV as part of the security obligations with establishment of units, investments on women recruitment at all levels of the hierarchy and specialized capacity building and training including gender and human rights.

The fourth obligation of a State regarding violence against women is to provide compensation, even if State agents are not directly responsible for the violence. The Special

<sup>63</sup> Sudan implemented the 16-day campaign for the first time in 2012 but still does not ratify CEDAW

<sup>64</sup> Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, *supra* note 6, 63.

<sup>65</sup> *Case of the Amina young girl who was forced to marry her rapist in Morocco; she ended up committing suicide or the one in Tunisia who was accused of indecent assault and provocation*

Rapporteur has stated that, “*in the context of norms recently established by the international community, a State that does not act against crimes of violence against women is as guilty as the perpetrators.*”<sup>66</sup> Algeria can be mentioned as an example: women survivors of sexual violence during the terrorism period, started in 1991, (the “black decade/*décennie noire*”) have not been recognized as victims of terrorism and therefore not included in governmental compensation for victims of terrorism. Tunisia is currently facing cases of gender discrimination in the payment of compensation to victims of the popular riots occurred starting from December 2010. The Governor of Sidi Bouzid, with arbitrary decision, applied the rule of women inheriting half of the amount compared to men, in a case of compensation to heir/heirress of a martyr.<sup>67</sup>

### 2.2.3. National and international instruments and access to justice

Adherence to relevant international instruments continues to increase. Legal, policy and institutional frameworks have been strengthened however even if some national laws have been amended toward better gender equality realization, many challenges remain concerning matters of marriage, divorce, child custody, right to inheritance, granting nationality to children and different forms of gender based violence.

Existing, old and new, laws are often ineffectively enforced and/or not well understood by authorities. Prosecution rates continue to be low. As a result women are also disadvantaged in the administration of justice due to the informal (mainly social) barriers that hinder their access to justice.

Throughout the region, the prevailing patriarchal attitudes, prejudice, and traditional leanings of male judges, lawyers, and court officials - as well as the lack of an independent judiciary that is capable of upholding basic rights despite political or societal pressure - threaten to undermine legal protections.

Unless effective complaint mechanisms are in place and the appropriate court personnel are trained to apply justice in a gender-blind manner, new more equitable laws will not achieve the desired effect. Moreover, unless the judicial system of each country becomes more independent, rigorous, and professional, women of high social standing will continue to have better access to justice than poor women and domestic workers.<sup>68</sup>

Legally, there is no authority guaranteeing the enjoyment of human & legal rights of women as well as *enforcement of the prohibition of discrimination violence against women* through life cycle. In many cases, legal solutions prioritize the male interest and/or the social pressure.<sup>69</sup> The inadequacies of enforcement and the limitations in multi sectoral

<sup>66</sup> Special Rapporteur on Violence Against Women, its Causes and Consequences, *Alternative Approaches and Ways and Means within the United Nations for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms*, ¶ 72, U.N. Doc. E/CN.4/1995/42 (Nov. 22, 1994) (prepared by Radhika Coomaraswamy).

<sup>67</sup> Sana Ben Achour : L'inégalité face au « martyr ». Quand l'épouse et la fille comptent pour moitié », September 2011

<sup>68</sup> “Women’s rights in the Middle East and north Africa overview. Essay “ Gulf Edition, pag.8

<sup>69</sup> In many cases, women “victims” of GBV<sup>69</sup>, are put in jail “to protect”<sup>69</sup> them from Honor killing. At other times and places<sup>69</sup>, when women finished to accomplish their prison sentence (however serious their offence

coordination, comprehensive data collection and monitoring mechanisms in addition to the limited involvement of boys and men need to be addressed in addition to the budget constraints. The risks related to the so-called Arab Spring that are undermining progress and gains in many countries of the region and endangering rights of women at each stage of their life.

In conclusion, as observed and reported the access to justice of women in peacetime could be summarized in the following:

- No policies and no legislation that protect women human rights during conflict and post conflict situations,
- Interests and rights of women are not taken into consideration in peace negotiations or agreements of national reconciliation,
- Enforcement of the law valid in peace time on crimes committed in situations of conflict, particularly when it concerns women (e.g. sexual violence)
- No or weak access to justice and no enjoyment of their right to litigation for many reasons: not recognized as a victim, lack of resources to cover costs, lack of courage to speak out and claim their right due to the pressure of family and community,
- No accountability of perpetrators of crimes against women (violence in its many forms, including sexual violence or even murder) during peace negotiations or in agreements related to reconciliation,
- No accountability of the concerned duty bearers in charge of protection of women and girls,
- Discrimination between men and women, whatever is the abuse with institutionalized inequality in compensation system and benefits
- Non-compliance or implementation of international resolutions related to women rights in both peace and conflict situations (e.g. CEDAW, UNSCR, UNGAR ...).

#### 2.2.4. The CSOs contribution

Based on their experience in the field and building their discussions on the Bahrain, Morocco, Palestine and Yemen current contexts and other past experiences and practices in the region, the group of CSOs debated a number of issues related to enjoyment of women of their human rights through access to justice. Their review of the related different aspects confirmed the findings of the above situation and assessment and analysis particularly the limited access of women to justice in general and in conflict and post conflict situations in particular impacting on their rights to dignity and personal security as well as benefit from justice services and adequate remedy. Their conclusions that could be summarized as follows:

- ▶ **Protection of human rights in peace support operations: transitional justice and reconciliation**

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may be) they must be picked up by someone (a man/legal guardian) at the going out if not, they will stay there for all their life without any crime or judgment.

The right to participate in public affairs, including peace negotiations and other peace processes such as Transitional Justice, negotiation for reconciliation and/or Post-conflict elections is far from being realized for Arab women including because of a number of gaps in transitional justice design and operationalization as well as reconciliation (e.g. Algeria).

For instance, many main principles and issues are missed and/or deliberately ignored even if they represent the foundation of the transitional justice to only quote: commission for the Truth, special courts and judgments, reparation, apologies...Both process and content not take into consideration problems that women faced. Awareness on these issues is very limited and it is obvious that the transitional justice is always blind when it concerns punishment of perpetrators of crimes against women not to say total impunity.

*The CSOs insist on the necessity to consider that the Palestinian case is a special issue: it is a country under occupation with various consequences on the population as whole but also on women who are unable to access to justice because of the occupation and related measures from one side and because of the weakness and contradictions among laws in the context of the Palestinian Authority.*

*The absence of the authority and power of the Palestinian Authority in terms of controlling over all Palestinian areas, because of the occupation, undermining their ability to improve services and capabilities in the development of mechanisms for the protection of citizens in general and women in particular.*

*If the Palestinian Authority has endorsed the CEDAW as a referral framework for policy making and legislative reforms without being entitled for ratification, the CSOs also ask how the occupation Authority i.e. Israel could be the duty bearer and the rapporteur for the application of CEDAW to Palestinian women? How Israel could at the same time violates their human rights and reports on their realization and protection?*

► **Women presence in judiciary including at high level positions ...**

The role of women is already limited in public affairs participation and more at the different stages of the conflict. Women's representation remains almost symbolic. In addition to that during the transition and transformation periods, discussions are focusing mainly on partisan issues and not on the common interest and future of the country and even less or not at all on women and gender concerns.

Among causes were also noted the lack of involvement of women, in Arab countries, with knowledge and experience in women's human rights in the country in general and reconciliation and transitional justice and the various stages and processes of the conflict and post conflict, the absence of information sources on the topics related to conflict and post conflict impact and issues which could serve the transitional justice in addition to the lack of gender sensitivity and expertise at the time of drafting and discussing the Constitution and various laws.

Women are not actively participating in the rebuilding of institutions or their participation is/was very weak or not really influential (e.g. Egypt and Tunisia assembly) because they are in minority particularly in drafting the new constitutions

As a matter of fact for women enjoying right to participate in the rebuilding post-conflict context is considered by the CSOs as gain not only for integration of women human rights in the Constitution but also for democracy and human rights during the transition and justice at that time and for the future.

In addition to the quoted countries working in Constitution or already having voted a new one, the CSOs observed that despite the context of Bahrain no amendment or reform seems to be planned currently when in Yemen the initiation of the “National dialogue” and the number of women who will be involved in were interpreted as signs of their future representation in the drafting commission of the new Constitution. Libyan women's next challenge is securing a foothold in the committee of 60 that will draft a constitution. It is unclear whether this group will be appointed or elected.

### **2.3. Women participation in conflict prevention, peace building process and conflict transformation**

#### **2.3.1. Public Representation**

In most countries of the region<sup>70</sup>, Constitutions provide for equality between citizens in general referring to a number of criteria such race, religion, ethnicity... and for some of them between men and women explicitly prohibiting sex-based-discrimination.

More efforts have been made to reinforce constitutional equality between citizens –men and women-, while legislative reforms have been conducted to ensure equal political participation both in the constitution and in specific election codes. Some Arab countries recognized that equal rights between men and women in the decision making process will create balance in the social structure, necessary for democracy and social peace.

To achieve this goal, these countries modified their constitutions such as Algeria which added a new article in the constitution stressing women’s political participation, explicitly added the parity principles in the constitution as is the case in Morocco, or adopted a legal text in the elections code as in Tunisia before the last elections (the parity principle) and Morocco (distribution of rates between national and local lists to give women more chance), or took positive measures to reinforce women’s political rights in politics and extend women’s presence in elected bodies (Jordan, Iraq ...).

Tunisia adopted a legal text stating gender parity in the elections code before the last elections run in October 2011 and women's representation in Libya was bolstered by a "zipper system" that required parties to alternate between male and female candidates not only within their lists but also across the top of their lists.

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<sup>70</sup> Noting that some countries (GCC) have no constitutions and that the Islamic Law is also enforced differently in different countries according to their own interpretation.

According to the Inter Parliamentary Union data, in 2011 Arab countries count an average 9.5% of women in Parliaments. This is the lowest percentage in the world, compared to 18.7% of sub-Saharan Africa, 22% of both Americas and 42.1% of Nordic Countries.<sup>71</sup>

The most notable changes in the last decade occurred in Algeria, Bahrain, Djibouti, Jordan, Iraq, Morocco, Tunisia and Libya, mainly as a result of direct appointments and the introduction of laws introducing women's *quota*<sup>72</sup> thanks to the societal and political claims of women activists and civil society organizations. Some Arab countries recognized that equal rights between men and women in the decision making process will create balance in the social structure, necessary for democracy and social peace.

Quotas, when implemented with sufficient resources and political will, have made a difference as in Morocco, Tunisia, Libya and Algeria. Other measures that have been influential in increasing the proportion of seats held by women include targeted capacity building training, financing campaign and positive media attention.

However despite the recognized (even timid) progress - realized thanks to the positive measures introduced to boost women's political participation - the most recent elections in the area, showed the fragility of the acquired rights.

- Yemen actually saw a decrease in female representation in the Parliament (1.05% in 2011),
- In Tunisia<sup>73</sup>, in last October 2011 elections, 59 women (27.18%)<sup>74</sup> have been elected among 217 members of the Constituent Assembly,
- In Morocco, after the elections of November 2011, 67 female members (17%) out of 395 became members of the parliament.,
- In Egypt, where parliamentary election have been held in January 2012, women have won only 8 seats (after a quota system was dropped), representing less than 2% of Egypt's Parliament (composed by 498 members plus 10 appointed by the Supreme Council of Armed Forces (SCAF)<sup>75</sup>,
- Women candidates to February 2012 election in Kuwait have not being able to secure one seat and no woman appears in the new Government,
- The Algeria success story which was welcomed throughout the world stands out for the high percentage (31%) of women (145 out of 462 seats) elected in the National Assembly (in May 2012) ranking the country among the 30 first countries in the world as regard to women political participation and the 1<sup>st</sup> in the Arab States Region.
- In Libya, elections of July 2012 have seen women win 33 seats out of 200 in the General National Congress. Elections gave women around 17% Starting Point. Female candidates were just shy of half--545 of 1,206 candidates--of those vying for seats reserved for

<sup>71</sup> Data from the Inter-Parliamentary Union ([www.ipu.org](http://www.ipu.org))

<sup>72</sup> Quotas are generally intended as temporary and special measures in the sense that, once the underlying cultural roadblocks to women( or minority)parliamentary presence can be cleared, so too can the quotas.

<sup>73</sup> [www.isie.tn](http://www.isie.tn)

<sup>74</sup> Heir majority is from the ruler Islamic party (Ennahda)

<sup>75</sup> the military government that has been governing Egypt since Mubarak's fall

parties. Only 85 women out of 2,501 contenders took the risk to run as individual candidates.

- On 23 January 2013 parliamentary elections were held in Jordan. 16 women won seats and entered the 150-seated parliament<sup>76</sup>. 15 of them won a seat thanks to the state-set quota for women and the other woman became MP by defeating male candidates.

Despite of that a range of other obstacles still persists: cultural values discouraging the education or economic participation and resources of women, the disadvantages associated with electoral systems and the generally high expense required for running an election campaign together with resistances within political parties themselves but also the social and political conservative not to say fundamentalist trends.

These are the reasons why the women place and role in national-level decision-making is still the lower in the world and remains limited in spite of the introduction of above-quoted measures taken by some countries, in peace context with direct negative impact on conflict prevention, conflict or post conflict situations.

### 2.3.2. Public Participation

Political participation is not only the number of seats occupied by women in the parliament. In many countries, women participate actively in public life and are represented in most professions, including justice, police and military, and at very high levels, with access to the officer and superior officer ranks, even managing to win in this world of men their stars of General of Army.

Unfortunately and despite the increase of the number of women in Arab parliaments and local constituencies, their presence in government is still below women's aspirations and does not reflect a strong will of decision makers to eliminate discrimination at the political and executive level, from one hand. On the other hand, most departments assigned to women are not very different from the traditional distribution of roles.

In "the Gender Gap Report" political empowerment includes mainly measures to fill the gap between men and women in political decision-making at the highest levels. This concept is captured through the ratio of women to men in minister-level positions and the ratio of women to men in parliamentary positions. In addition, it includes the ratio of women to men in terms of years in executive office (prime minister or president) in the last 50 years.

For the concerned countries, the general idea is that the ratio of women in the governments has never been stable or in evolution. For instance and for the first time in Morocco, 7 women joined the October 2007 Government, including 5 full title-Ministers. However, in

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<sup>76</sup> The Christian and Bedouin have 9 state-set seats. There are 3 seats reserved for Circassian and Chechen communities have also state-set quota.

the current government only one woman Minister<sup>77</sup> (in charge of women affairs within the portfolio of solidarity, women, family and social development) out of 30 ministers)

The same trend is registered in Lebanon where the number of women in the government varied between 0 and 3. In Tunisia only 3 women are ministers<sup>78</sup> out of 30 in new Government.

Only 3 women<sup>79</sup> out of 34 Ministers are members of the very recently formed Algerian government, noting that women mandate is no more clearly stated in the government portfolio and was integrated also in the national solidarity portfolio at the time Algerian society is clearly expressing its trust on women participation in public sphere not only through parliament elections but also local elections which allowed women to represent more than 30% of the elected candidates.

This analysis of women participation in the political realm and, more in general, of the current political situation in the Arab countries, highlights that despite some advancements, the very limited presence of women in political decision-making positions is the reality and that the risk for women's human rights and societal visibility is very realistic.

The progress, observed up to 2010, induced a *climax* of hope to reach more balanced and equitable societies. Sadly starting from 2011, everything is called into question, unblocking concepts, categories and acquired rights. The rise of extremist positions, conveying gender discriminations, can significantly hinder the advancement of women and many are the challenges to be undertaken.

It has to be highlighted as well that the impact of conflicts in the region has led to further deterioration of women's socio-economic status relative to men; it reflected in rising trends of violence against women including political violence.

In fact, although Arab women in their own diversity and the diversity of their countries had always worked to achieve their desire to full partnership in the path of her own country, from the fight for independence to the building of development and democracy, they still face serious obstruction with several aspects and at many levels, including weak and/or ambiguous political in addition to the socio-economic and legal negative barriers and now the new political trends...

Although the role of women was and is still clear and essential in the Arab revolutions, from the revolutions for independence to the revolutions for democracy, there is no guarantee that activists, men and women, working on women's human rights will be able to convert their long-term participation into economic, political and social benefits.

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<sup>77</sup> Member of the ruler Islamic party (Justice & development

<sup>78</sup> Ministre de la Femme et de la Famille, Ministre de l'Environnement et Secrétaire d'Etat de l'Habitat

<sup>79</sup>, Ministre de la Solidarité nationale et de la Famille, Ministre de la Culture, Secrétaire d'Etat auprès du ministre de l'Aménagement du territoire, de l'Environnement et de la Ville, chargée de l'Environnement

In fact, in some countries, there is reason for concern because women are at very high risk to see the erosion of their rights and no one knows what who would happen even in the very near future!!!

### 2.3.3. The CSOs position/s

Analyzing the current situation, the discussing CSOs raised a number of issues and paradoxes between the legal texts, practices and the reality where women are evolving. Some gaps that jeopardize directly and/or indirectly the realization of the human rights of women have been identified:

► **Right to participate in public affairs, including in peace negotiations and other peace processes:**

Due to the current context and climate in the Arab States region, if Egypt already voted its Constitution, others states (e.g. Tunisia, Libya, Yemen) are currently undergoing a preparation of a new constitution. States presented initiatives in the context of transitional justice (Bahrain, Lebanon). In all experiences including in countries not counted as being conflict or post)-conflict situations, the representation of women in the bodies in charge of drafting the constitution is more than limited as it is limited in countries that have experienced transitional justice (Morocco) or those preparing Transitional Justice Act (Tunisia and Libya). In Yemen expectations to involve more women in the process of preparing a special law to transitional justice are very high.

Transitional justice, post-conflict elections and reconciliation require a number of initiatives and measures which have to be taken particularly as regard to the context in almost all Arab States:

- In most constitutions the international conventions ratified by the concerned State Parties do not transcend international conventions over domestic law,
- There is no clear reference or text rejecting sex-based-discrimination,
- Some texts emphasize/reinforce inequality,
- Most constitutions available provisions refer to Islamic law giving space to variety of (mis-) interpretations,
- In almost all Arab countries the Constitution does not approach the issue of protection of population and individuals during ,
- More than this, when State/Law of emergency is declared, this is the occasion to disrupt the constitution allowing thereby violation of the rights set forth.

► **Rights in the context of post-conflict recovery**

The CSOs deplored the absence of accurate information that could allow the assessment of women enjoying their rights in the context of post-conflict recovery and considered that it is not really applicable to the current situation of the region including in some countries that are supposed to be at this stage (e.g. Iraq).

According to them, the causes are due to the generally limited experiences, immature and current attempts do not take the gender and women's rights issues seriously in all contexts.

They also agreed that presence of extremist groups limit women's access to justice, security and protection, complex procedures push women to just give up because they do not have the strength to meet the challenge in addition to their ignorance of their own rights (both legal and human rights). Other obstacles are related to poor infrastructure, weak local Development and the absence of protection mechanisms for workers and foreign workers, but also for women displaced and refugees aggravated by social norms and stigma.

► **Freedom to organize: freedom of association, freedom of expression:**

For all CSOs/NGOs the attempt to reduce the space of expression and movement and the tendency to crack down on the freedom of non-governmental organizations are obvious in all countries with a variation from a country to another.

They do recognize also that various parties are taking initiatives to amend association related legislation to particularly strengthen the freedom of expression of the NGOs. The existing laws and drafts are being reviewed to discuss how the law should be in the future to be proposed to the concerned ministries (e.g. Interior, Social Affairs, Women machineries...) for revision and adoption. It is worth to note during the drafting or debate that the freedom of association and freedom of expression of the civil society are also challenged as other liberties.

## **2.4. Economic Participation and women economic opportunities in Post-Conflict situations**

### **2.4.1. Legal and Institutional framework**

As in all areas of concern, countries systematically refer to the principle of equality in economic rights and for some of them it is clearly stated in the constitution and for almost all of them in labor laws as a guarantee for equal access to employment opportunities and social protection benefits as well as access to and control of resources including right to property and inheritance with however some exceptions (Labor Law in Lebanon) and in practice (the majority of countries particularly a s regard to the right to inheritance).

Some countries have adopted specific acts and policies to enhance women access to economic opportunities. Significant progress has been realized in women's education and in the area of social and economic empowerment of women. Achievements are registered in improving the legal, social and economic status of women and the standards of life of their family and society.

### **2.4.2. The reality**

Despite the very encouraging legal framework and measures, women still face many obstacles in the access to employment and income and challenges still exist remaining in more equitable access to utilization and control of all resources with special concern for the unemployment of the access of educated women to employment. In all areas, there are great intra-regional disparities also in terms of women's participation in the economy and the extent to which this participation has increased / decreased.

It is worth to note that women are the first group facing consequences in case of any type of crisis, conflict or post conflict situations: They are refugees, exiled and displaced assuming the burden of absent men or families... yet there are available statistics which could demonstrate that the situation of women in such situation is just exacerbated comparatively to “peace period”.

Indeed because of insufficient job opportunities for both men and women, there is a belief that encouraging women to be in the labor market will lead inevitably to more unemployment for men, who are traditionally considered to be the bread-winners of the family. In post conflict situations, employing men is also considered as the priority.

The average labor-force participation rate of women in these countries is lower than the respective rate in other regions of the world, and it is far below the level that would be expected in view of the literacy rates, life expectancy, and fertility rates of women in the region. The level of unemployment in the ASR, estimated, in 2010, 10.3%, is the highest regional rate in the world. The rate of youth unemployment is nearly four times higher than adults. The rate of economic growth (5.1% in 2011) remains below pre-crisis trends, and the regional employment-to-population ratio stood at 45.4% in 2010, meaning that fewer than one out of two persons of working age actually work. This is due to the fact that only around one out of five women in the region works. The large gap between male and female employment ratios which is also obvious in other labor market indicators reflects the strong cultural, social and economic gender divisions.<sup>80</sup>

According to the available data<sup>81</sup>, the average percentage of female participation in all Gulf countries is 19.2% which means one fifth of total labor force are female. However it varies from one country to another where the highest is in Qatar (29%) and the lowest in Oman (6%). In addition to that, women are concentrated in government jobs which represent more of job security and higher income. They are primarily employed in education, health care, and civil service jobs. They are also active in investment, business and agriculture where the average of women participation in these fields is 25% of the labor force. However, with the enlargement of private sector and with more chance for employment in that sector, status of women is being changed in that sector in sense of improvement. In Saudi Arabia, the kingdom's labor ministry is encouraging more private sector jobs for women.

### 2.4.3. Access to and control of resources

Women are not impeded from owning or managing land or other real property. By religious law and social custom, women have the right to own property (land and otherwise) and are entitled to financial support from their husbands or male relatives even if they have their own resources and incomes.

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<sup>80</sup> “Global employment trends 2011, The challenge of a jobs recovery”, ILO-Geneva, 2011

<sup>81</sup> The Status of women in the Arab Gulf Countries By Dr. Nourah Al-Yousef, Associate Professor of Economics/ King Saud University An Economic Consultant to the General Secretary of the GCC Secretariat.

Concerning right to inheritance, women have the right to inherit according to sharia distribution rules<sup>82</sup> which is itself based on the gender construction and distribution of roles; however women's rights are violated in almost all Muslim countries.

In countries where religious minorities are allowed to implement their own laws in personal status matters, inheritance rights may vary per denomination. Usually women face pressure from family and sometimes the threat or blackmail especially by male members for the woman withdraws their advantage of their rights howsoever (real estate, money... but especially land which should not be parceled out to foreign persons namely husband and children of the woman of the family). It has been reported that sometimes girls have to sign a paper in that sense so their family will agree to marry them.

If change of women roles can be imposed by conflict (e.g. from the 2<sup>nd</sup> World War to Algeria Revolution for independence...) the role that women should play or are expected to play in post conflict or post recovery situation is largely situated in the roles they played before and during the conflict particularly in patriarchal society as the Arab societies.

Their economic tasks and opportunities will not change and will continue to be modeled on the previous ones despite their will to improve their status and dynamics of their life in post conflict situations based on the painful experience they just faced and lessons learnt they benefited from.

It is very evident, that women can do well in post conflict reconstruction equally as men, but it is important to know that women still have problems being themselves part of the reconstruction particularly as regard to what they have suffered during the conflict from deprivation of freedom to economic deprivation to violence in all its forms.

In conclusion, conflicts and wars directly or indirectly affect status and situation of women, their participation and their life. Occupation, war and political instability and changes that are essentially based on the patriarchal structure and/or the emergence of extremist movements... exacerbate the economic difficulties, particularly women's unemployment and poverty.

In late 2010, early 2011, in many of these countries, the claim for democracy and the process of democratic transition were coupled with the political unrest that dramatically impacted on the economic development and social stability from one part, and on the gains and rights of women, from another part.

#### 2.4.4. The CSOs assessment

Defining the characteristics of the current situation, the CSOs insisted on some of them such as destruction of the economic structure (cost of living - the loss of resources), feminization of poverty which is progressing due to economic and political crisis, unemployment, violence in general and violence against women, stalled projects and poor political representation of women

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<sup>82</sup> Noting at least 25 ways that can allow women to inherit more than men

Among causes and influential factors are quoted the high proportion of widows - with disabilities, the absence of the breadwinner (man) , lack of resources, increase of expenses, Stopped or limited production, lawlessness (the looting of economic projects and savings), non-enforcement of laws, absence of amendment and reform and non-operationalization of laws concerning women.

Based on the good practices in the region the discussants stressed the importance of cooperation and interdependence in the spirit of mutual support, the emergence of organizations interested in providing grants and assistance particularly after the new dynamics in the region and the emergence of a new civil society, the self-reliance and innovation of the CSOs. They did recognize however the necessity to organize these initiatives and doing that to pay attention to all segments of the society.

► **Right to participate in policy making and equitable distribution of resources**

Despite the progress made women are not enough represented in decision and policy making bodies (Parliament, the Shura Council, the government, the Constitution-drafting committees, reconstruction institutions...) and therefore not enough participating in the policy development process in the policy development process to ensure economic strategies that ensure gender equal opportunities and results and meet the needs of most vulnerable women groups (widows, women with disabilities, women household heads, refugees and returnees etc.)

In addition to that, no legislation exists in the Arab region to ensure economic protection and rights (e.g. Labor law) in post-conflict stages.

► **Right to resources and control over (property, inheritance, credit, services, education and training)**

Equitable distribution of resources is not guaranteed by the Constitutions and when rights are states they are not enforced with any possible appeal due to the absence of the rule of law. In addition to ignoring their own rights when they are aware women do not have the capacity to claim them particularly when they relate to inheritance and property.

In many cases, in peace time and more than that in conflict and post conflict situation, women are the only breadwinners but it is considered by the family, the society and the State as an extension of their reproductive role.

► **Equal access to employment**

The Arab women faces unemployment in peace context and despite absence of data their situation is aggravated in post conflict situations because they are not considered as job seek even by statistics institutions or unemployment agencies because of gender distribution of labor.

Their strategic needs and rights in labor market are not taken into consideration in development policies and plans or in any sector (industry, agriculture, technology...) even if they are qualified due to the institutional discriminatory practices reinforced by societal stereotypes.

► **Right to credit**

Accessing to credit that can change the life of women through creation of business and enterprise and not only small income generating activity requires in itself resources to be able to have sponsor, to present guarantee or even be authorized by the husband as it is the case in some of concerned countries. The main challenges are related to the difficulty of women to access to resources including education and training and control over. They are economically disempowered despite some success stories that could be assessed through women entrepreneurs' organizations or Chambers of Commerce.

► **Right to economic compensation...**

Women are not always recognized as victims of conflict ( civil war, terrorism, occupation<sup>83</sup>) and more when it is related to economic compensation due to gender distribution of roles (they are not the breadwinner) and therefore they are not listed as a priority or as right-holder as any other citizen. On the other side, the weak capacity of women affected economically, to argue the issues before the courts, was also noted.

There is no policy to compensate women in the country or returnees from the country of asylum and none of the discussants was able to quote institutions or measures such as economic compensation bodies, special fund or public insurances, framework of coordination between concerned institutions/ministries, public sector and/or private sector...

The absence of accountability mechanisms were also noted for the governments and institutions in charge of the compensation but also insisted on the necessity to also make accountable the occupying country (Israel) particularly when property and other resources are systematically destroyed and when the used strategies (check points, closing of borders and of the cities...) are another way to destroy the economic opportunities.

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<sup>83</sup> In Algeria women who participated to the armed revolution for the independence of the country benefited from the status of veteran "moujahidate" and received relate compensation as a pension, credit, exemption from taxes...but not during the last two decades where thousand of them were killed, raped, kidnapped in addition to the loss of their economic resources

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## *Conclusions and recommendations*

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### **1. Main conclusions**

Since the adoption of the UN Charter, the international community and States demonstrated their commitment to promoting gender equality (article 1) the time progressing women's equal participation in economic, social and political life is more and more appearing in the landscape of the world, regions and countries and recognised as an essential component of the progress towards sustainable development, democracy and realisation of human rights as well as security and peace. Based on the situation analysis in the concerned countries and on additional secondary sources including regional and international assessments and reports, it is possible to recognize that till 2011 the overall situation of women in all countries had improved in the areas of basic education, school enrolment and health as well as public participation and private life.

At this stage, the CSOs participating to the regional consultation reviewed the regional main issues and problems that need to be highlighted in the CEDAW General Recommendation/GR to be able to identify gaps and challenges and stated the level of responsibility and accountability of State and Non-State actors in order to transform the recommendations into a tangible reality of the life of women and girls during conflict and post conflict situations.

They also proposed a number of components and elements to be stressed in the GR (comparatively to the existing international resolutions and standards). It is worth to note that in some cases these components seem to be the main recommendations in themselves:

- Constitutionalization of non-discrimination on the basis of sex, gender equality and clear commitment to supremacy of international law over national legislation as well as institutionalization of affirmative action to reinforce women's participation in public life,
- Equal and effective participation of women in various stages of conflict and post-conflict,
- Compliance with the UNSCR 1325 and other related international resolutions and standards,
- The representation of the most vulnerable groups particularly displaced women and refugees,
- Application of the principles of transitional justice in all its components
- Set up of accountability mechanisms for States , groups and individuals,
- Provision of technical and financial support,
- Gender responsive planning and budgeting...

## 1.1. Gender-Based-Violence/Violence against Women at all stages of their life in Conflict and post conflict situations

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 with increasing knowledge on the phenomenon (GBV households surveys in many countries: Algeria, Egypt, Morocco, Occupied Palestinian territory, Tunisia...), national strategies and plans of action to prevent, fight and address GBV/VAW (e.g. Algeria, Morocco, Occupied Palestinian territory, Tunisia, Iraq...), provision of multisectoral services... the major obstacles remain the lack of appropriate legislation and the partial enforcement of existing legislation (i.e. only one comprehensive endorsed Law in Kurdistan-Iraq) and lack of resources to adequately operationalize these actions.

However while progress has been made in almost all Arab States—in devising standards, protocols and guidelines—and in putting gender considerations including related to discrimination as form of violence (e.g. in application of the CEDAW GR 19) in national plans, policies and strategies no progress has been made as regard to mainstreaming gender and women concerns in humanitarian and security policies, and building capacity of professionals in place during conflict and post conflict situations.

Human trafficking and prostitution, sexual slavery and girl child forced marriage, sexual harassment, abuse, rape and torture are becoming a cause for concern in the region where countries may be “home”, “destination” or “transition” country including in conflict and post conflict situations.

In addition to that, the denial, stigma and shame attached to gender-based violence particularly sexual violence, the severe shortage of financial and human resources to address this issue, the continuing impunity, which fosters sexual abuse, torture and violence, the deteriorating security situations and absence of the rule of law, and the widespread proliferation of arms particularly among armed religious groups after the so-called “Arab spring’s revolutions” are more and more endangering not only stability of the countries as a whole but also women’s future not to say survival including for their self-choices and behaviors.

If the issue of gender-based violence, including in its described new forms, is not condemned and addressed in an effective manner, failures in the critical areas of security and humanitarian protection will increase in the years to come and will be considered in the region as norms or as a result of women and girls provocation(e.g. Tunisia).

### 1.1.1. Gaps and challenges

- Absence of preventive and protective and deterrent laws during and after conflicts,
- Absence of measures to protect the displaced women and girls in the camps and in the places where they are welcomed,
- Discrimination and marginalization against women in decision making and participation in conflicts resolution and peace building,

- Lack of security and stability aggravated by the terrible way security forces deal with women and girls,
- Limited availability of services provided by qualified and specialized staff to address gender-based-violence during conflict,
- Absence of documenting system of GBV cases particularly when it relates to rape and human trafficking despite the presence of law,
- Lack of financial resources.

### 1.1.2. State and non-state accountability: framework and mechanisms

The State is required to provide the legal and policy framework as well as programmes consistent with international conventions and resolutions and support for civil society.

The civil society organizations should play their role through pressure on the decision makers at the level of the State, provide services to GB survivors, raise awareness and oversight the government.

## 1.2. Access to Justice and accountability Mechanisms in Conflict and post Conflict situations

In all countries there are multiple and mutually contradictory sources of legislation: national Constitutions and Basic Law, national legislation and 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.

However it has to be recognized that gender equality gains in the private sphere are also being gradually enhanced by amendments to the Family law (e.g. Algeria, Morocco, Egypt, Jordan...), Labor law (e.g. Algeria, Morocco, Jordan...), and Nationality law (e.g. Algeria, Morocco, Egypt, Iraq, Jordan, United Arab Emirates...) but there is still discrimination in the "letter of the law" and its application not to say that family laws are in most cases and in many of their articles an official legalization of gender-based-discrimination.

Gaps and contradictions between the Personal Status/family codes and the Constitutions and/or the national legislations remain a major handicap in achieving women's full citizenship and gender equality and to the removal of CEDAW reservations with some exceptions (e.g. Algeria, Morocco and Tunisia).

In addition due to poor judiciary system, lack of resources and other sociocultural obstacles it is important to note that access of women to justice is very poor in peace situation and almost absent in conflict and post conflict situations reinforced by the total absence of rule of law and accountability mechanisms.

### 1.2.1. Gaps and challenges

- Misogynist culture and community blaming women whatever are the circumstances,
- Reliance on religious texts as a main reference for both legislation and constitution,

- rule of informal justice mechanisms (tribe and clan),
- Absence of physical and legal protection of woman witness,
- Non enforcement and absence of the rule of law,
- Emergency laws during periods of conflict,
- Absence of legal institutions to protect the law (police - justice - prosecution) in addition to the spread of financial and administrative corruption,
- Absence/exclusion of women in negotiations and reconciliation mechanism and constituent committees for the drafting of the constitution,
- Continuation of the occupation and the military application of the laws on the citizens,
- Extremist groups and spread of arms and insecurity,
- Lack of awareness of women's legal rights and disabled legal proceedings for access to justice,
- Absence of centers or sensitive services that can be accessed by women.

### 1.2.2. State and non-state accountability: framework and mechanisms

The State should guarantee women fair representation in negotiations and conflict resolution machineries as well as formulating transitional related mechanisms, ensure consistency of constitutions and laws with international conventions and the non-utilization of emergency laws as an excuse or an instrument to violate citizen's rights particularly women's rights.

The State should also rehabilitate the security apparatus in line with international law and respect for women's rights and privacy. Women should be also protected by the State as victim and witness. It will have to reform and activate the law enforcement institutions according to international resolutions and standards to ensure the independence of the judiciary and in response to the principles of human rights and sensitivity to women's issues in particular (women policewomen) .A strategy and its plans of action should be implemented to ensure full collection of information what is known as «irregular military groups” and integrate when possible.

The non-State Actors particularly CSOs/NGOs, in addition to the State and other parties, should monitor, document and publish the human right violations of women including through involvement and participation in the Commissions for the Truth. They should also require from and ensure that international bodies will provide protection and prevention as well as emergency and relief. They should raise awareness and implement legal literacy programs to empower women and ensure free legal assistance when need be.

### 1.3. Women participation in conflict prevention, peace building process and conflict transformation

Most countries took important steps to bring national legislation into line with commitments to international conventions and especially to CEDAW. Some countries (e.g. Algeria, Morocco) also report amendments to their Constitution or adopted gender parity and

quotas in election codes (e.g. Tunisia, Jordan...) to reflect stronger commitment to implementing gender equality as an integral element of the process of democracy. 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 that also contributed to increase their presence in the national and local elected bodies (e.g. Algeria, Libya, Morocco; Jordan...). In early 2013 for the first time of their history 30 women enter in the Consultative Council<sup>84</sup> in Kingdom of Saudi Arabia.

Arab women are not a homogeneous group and the extent to which they can access their rights is also affected by age, ethnicity, tribe, socio-economic status, civil status, religion or even sect in multi-confessional societies (e.g. rural and urban, migrant workers, refugees, displaced...) and whether they are affected by ongoing conflict in their country or “sacrificed” for a post conflict reconciliation purpose (e.g. Algeria).

As in any other region or country in the world, women and girls in the multicultural and diverse Arab States region are likely to suffer the most during times of conflict and post conflict situations. The vital role they have to play in preventing conflict, building peace and reconstructing their communities is often overlooked. However, their active political and economic participation offers a real opportunity to construct lasting peace, reduce poverty and enhance development if appropriate measures are taken and needed support provided.

### 1.3.1. Gaps and challenges

- Absence of fair legislation for women's participation,
- Non-institutionalization of women contribution in discussion of laws and negotiations,
- Non-prioritization of women’s participation that is not placed on the table during the discussion of laws,
- Erroneous understanding of religion with regard to women's participation in decision-making positions.

### 1.3.2. State and non-state accountability: framework and mechanisms

The States should endorse International humanitarian law and the Geneva Conventions, and international conventions related to women such as CEDAW and Security Council resolutions.

The set-up of individual criminal accountability is required as well as innovation of ways to prove individual responsibility. The complete application of transitional justice should be efficient with all its components (fact-finding and investigation, court judgment, apology, reparation...). The State should develop and implement plans for disarmament and organization of arms, rehabilitation and reintegration as well as national plans on the basis of Security Council resolution.

The civil society organizations should be involved and committed in the creation and composition of the committees and ensure their gender-sensitiveness.

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<sup>84</sup> Majleess Eshoura

## 1.4. Women economic opportunities in Post-Conflict situations

Progress is also observed concerning women's economic participation and access to the labor market. Although a lot has been done in the area of social and economic empowerment of women, and achievements have been registered in improving the social and economic status of women and the standards of life of their family and society, challenges still exist.

They remain in more equitable access to utilization and control of all resources from education/information and economic to time and decision making due to their interlinkages and inter-dependence and that call for further actions more particularly in fragile situations and/or in already vulnerable places, groups and regions.

Political instability, continuing effects of the economic crisis resulting among others in the feminization of poverty aggravated by the political crisis in many countries due to the "revolution dynamic", concentration of women in the informal, rural and subsistence sectors, non-availability of financial mechanisms, limits of organizational capacity, weak capacity of civil society in projects and enterprise's management, low participation in socio-professional structures; insufficient lines of credit and financial institutions of micro finance, difficulties in mobilizing savings and in increasing and improving resource distribution, poverty and women's economic weakness in mobilizing resources for a real start of planned activities and finally limited investment in agricultural production and diversification thereof involving women as a target group to enhance food security at household levels.

In fact, the absolutely desperate conditions in which thousands of victims of conflict situations find themselves, the number and diversity of their needs, present an immediate emergency, and a long-term challenge, which must fully engage all levels of affected societies as well as the regional and international community. Unfortunately mainstreaming women economic concerns and rights in the Arab States region is not at all operationalized to be able to create for them economic opportunities particularly in post conflict situations.

### 1.4.1. Gaps and challenges

- Political instability affecting women human rights including economic resources and property, threatening of their projects and capacity to reimburse their credit without any compensation,
- Absence of legal protection of women in post conflict situation (constitution or other laws) which impacts on economic opportunities of women, in addition to the absence of policies for the empowerment of women in post-conflict situations,
- Lack of freedom of movement between different regions, with impact on marketing and distribution and sale of goods,
- Loss of land and/or lack of its control over because of foreign occupation,
- Programmes linking disarmament or reconciliation operations to economic opportunities and therefore men are usually the beneficiaries (the Disarmament Commission),

- Threat of a variety of armed and non-armed, religious and non-religious groups<sup>85</sup> harassing women and endangering them in public sphere that could stop women from access to economic opportunities,
- Compulsion / direction of women for prostitution or hazardous occupations during the conflict and thus be at risk after the conflict (Iraqi and Syrian refugees),
- Child economic and sexual exploitation labor (girls) in times of conflict,
- Focus on humanitarian support and not sustainable development,
- Lack of studies and statistics on the status of women in times of conflict,
- Lack of coordination between the organizations working in the empowerment of women in post conflict situations with few NGOs working in conflict areas...

#### 1.4.2. State and non-state accountability: framework and mechanisms

The State should be accountable and non-State actor particularly civil society organizations should monitor the implementation of policies, legislation and programmes with relevant transparent mechanisms.

The State should develop measures to protect women at risk of violence during the conflict and post conflict such as trafficking, prostitution, sexual slavery for the armed groups including girl child (forced marriage) and establish control and accountability mechanisms for institutions that exploit the vulnerability of women in time of peace, conflict and post-conflict. The State should also ensure economic program for women equitable with men in the reconstruction phase.

The non-State actors (political parties - trade - associations - independent institutions) should develop programmes and projects and mobilize related resources to meet the needs and requirements of women during and after conflict (Awareness - Training - Rehabilitation). They should also orient their work not only to relief but also sustainable interventions.

## 2. Key recommendations

The following recommendations and priority actions to be taken by the State and stressed in the GR are the result of the situation analysis and the consultation conducted with the CSOs of the region. The discussions allowed building a consensus among all presents who also insisted on the necessity to pay special attention to the specific context of women in rural and urban communities, IDP and refugee camps, and those forced into captivity by armed/paramilitary groups or by official army and government, giving to the concept of conflict a larger meaning than armed due to the diversity of conflicts and dangers the region is passing through with an evident impact on women and girls.

### 2.1. Gender-Based-Violence/Violence against Women at all stages of their life in Conflict and post conflict situations

- Reduce gender-based-violence in its all forms till its eradication taking into account the leverage of progress from a country to another, consolidate the ongoing initiatives and

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<sup>85</sup> (Shabiha /baltaghya)

programmes and initiate new ones in all areas of interventions such as policy making and implementing of programmes, enacting and enforcing of laws, creating or strengthening specialized and diversified services in addition to increase efforts in sensitization and community mobilization,

- Establish and implement new strategies and programmes to prevent gender-based violence, including public awareness campaigns and develop and provide gender-sensitive programmes of diversified services and support for GBV victims/survivors i.e. legal assistance and witness protection programmes in addition to awareness training on human rights and the rights of women and children to all other staff,
- Increased political will is needed to ensure that women and girls receive real protection from gender based violence particularly sexual violence and abuse in their homes, communities, squares and cities, in refugees and internally displaced persons' camps (e.g. Jordan, Iraq, Lebanon, Syria...) including committed by security forces (e.g. Tunisia, Egypt...) and to bring the perpetrators of gender-based violence to justice,
- Recognize sexual violence and rape as war crimes and ensure there is no impunity for perpetrators during the conflict with appropriate measures for compensation and reintegration of victims/survivors,
- Take all necessary measures and steps to ensure that gender-based-violence and more particularly sexual violence are recorded and that evidence is gathered and preserved.
- Identify, recognize and condemn the systematic practice of sexual abuse and rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war,
- Take steps to assure that full assistance is provided to the survivors of such abuse for their physical, mental, legal, psychological help and social support for their rehabilitation and reintegration (e.g. compensation, economic reinsertion...),
- Ensure implementation of the minimum initial service package for reproductive health services, considered by all to be the basic standard of care in emergency situations and provide survivors of sexual violence urgently with quality reproductive health services to address the violence they have endured and potential consequences<sup>86</sup>.
- Put in place mechanisms to ensure that victims of sexual violence get the services they need and receive immediate food, shelter, water, and basic health and sanitation to stop infectious disease,

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<sup>86</sup> The package includes training, advocacy and management materials, supplies and medicines to provide safe motherhood and clean delivery; family planning services; post-rape treatment, counseling and emergency contraception; treatment of sexually transmitted infections; HIV prevention, including female and male condoms, blood safety supplies, and post-exposure drugs to prevent HIV infection as a result of rape.

- Provide medical supplies, collaborate with partners to make refugee settlements safer for women, and train doctors, nurses and counsellors to first prevent and treat the effects of sexual violence,
- Help communities to organize women's groups to support victims of sexual violence, as well as their families to also serve as entry points for treating victims who are hesitant to seek help at hospitals or clinics due to cultural taboos surrounding sexual violence that prevent many victims from seeking help including from doctors or nurses, as they are often worried about lack of confidentiality,
- Implement sensitization programmes aimed at the public and community leaders on the importance of not stigmatizing victims of sexual violence and take action to empower women and girls to enable them to seek help and adequate support,
- Provide effective and adapted training programmes for health personnel on how to care for survivors to sexual violence in peace, conflict, post conflict and humanitarian situations, and ensure that local organizations and women's groups are actively involved in each step of the way and supported for that purpose,
- Protect and assist women and girls and provide emergency assistance to meet the urgent need of reproductive health care and family planning services, with adequate quality of care in the more long-term perspective of rebuilding their lives in the aftermath of conflict,
- Provide financial and material support to women's NGOs to provide medical, psychological and legal assistance and to open new, or improve existing, shelters for survivors of gender-based violence, particularly during conflict and post conflict contexts and in emergency situations.
- Build capacity of police, security, peacekeeping and humanitarian personnel be trained to recognize and respond to gender-based violence. More women are needed in these efforts, including local women.
- Develop and fully implement codes of conduct and disciplinary procedures for all categories of personnel to prevent sexual exploitation and violence of women and girls in the context of peacekeeping operations and humanitarian activities and enhance monitoring mechanisms and investigate and prosecute effectively cases of alleged misconduct
- Require from the Arab countries not to prosecute civilian women in military courts
- Condemn and punish any sexual misconduct by all categories of national security forces and UN Peacekeeping missions, Support governments and civil society to mainstream international resolutions 1325 and 1820 and 1889 in national legislation, policies and programs,

→ States and international donor community should provide financial and technical support to the process and institutionalization of the related legal reforms, policies and programmes.

## **2.2. Access to Justice and accountability Mechanisms in Conflict and post Conflict situations**

→ Ensure that constitutionalization of non sex-based-discrimination and gender equality and parity is mainstreamed in transitional justice framework and the process legal reforms,

→ Continue the ongoing reforms to eliminate discrimination and close the legal gaps in national legislation in private and public sphere including to materialize political rights of women through adoption of quota systems as many countries in the region,

→ Harmonize the national system with ratified international treaties and enforce national and international legislation particularly the Convention on the Elimination of All Forms of Discrimination against Women and implement a large-scale popularization of the said agreement, its Optional Protocol and related general recommendations as well as UNSCRs and GARs related to women, peace and security,

→ Put in place institutional accountability system and mechanisms to guarantee effective and continuous enforcement of legislation and implementation of policies, programmes and strategies, for both governmental and non-governmental which would monitor the enforcement of law,

→ Reinforce institutions and mechanisms to promote access to justice for human rights violations in general and for political and sexual violence targeting women and girls in particular,

→ Make additional efforts to popularize and extend democracy at institutional, societal and family levels in terms of access to justice, democratization of everyday life, dialogue and equitable use and distribution of time and burden as the sharing of responsibilities between men and women, in private and public life, peace context and conflict situations,

→ Sensitize and advocate for the respect and fully implementation of international humanitarian and human rights law applicable to protection of women and children and ensure conformity of national legislation, procedures and action with international norms,

→ Increase awareness of women's human rights issues and related capacity and skills by judges, lawyers, magistrates and others involved in applying the law particularly in conflict and post conflict situations,

→ Mainstreaming Gender Equality, Equity and Empowerment of Women/GEEEW and human rights principles into university curricula as well as police and judiciary institutes,

- Establish penalties and sanctions for non-compliance or reward for full compliance,
- States and international donor community should provide financial and technical support to the process and institutionalization of legal reforms, policies and programmes to ensure access to justice and legal protection for all particularly women and girls during conflict and post conflict situations.

### **2.3. Women participation in conflict prevention, peace building process and conflict transformation**

Sustained and high-level political at the level of the League of Arab States and its States Members will to promote gender equality is seen as a sine qua non of success in the region which have made good progress in the areas under discussion and who still recognize that much more needs to be done particularly in conflict and post conflict situations. In this context, it is recommended what follows:

- Put in place mechanisms that ensure gender parity so women in positions of power can stop these abuses of power including in setting legal reforms in general or in the context of transitional justice and discussion of fundamental laws such as Constitution and/or elections codes including in post conflict situations,
- Take the legal and regulations arrangements to ensure better representation of women in legislative and executive functions and if affirmative action in favor of women is not possible, ensure at least the effective implementation of the principle of “equal competencies, equal opportunities” and guarantee that to equal opportunities will correspond equal results,
- Increase the number of women in decision-making and negotiating positions to concretely contribute to reconciliation, peace and security and humanitarian response that remain male-dominated arenas to ensure greater progress in addressing the sensitive and urgent crisis of sexual violence unless more women are put,
- Strengthen the role of women as agents of peace, in line with relevant United Nations resolutions (SC and AG) and fully involve them in all stages of peace and other decision-making processes in their country and region if concerned, and/or in other regions and countries,
- Involve more women in peacekeeping missions in the region and outside to prevent gender-based violence and its consequences (sexual violence and abuse, forced marriage, forced pregnancy and abortion and HIV...) so they can protect themselves and the wider community from GBV in its different forms and types,
- Involve refugee and displaced women and women’s organizations in the design, management, implementation and evaluation of humanitarian assistance and Protection programmes,

- Promote and support the full participation of women in consultative and decision-making forums for the design of post-conflict reconstruction and governance frameworks, including constitutional, electoral, judicial, legislative and security sector reforms,
- Implement specific actions aimed at reinforcing women and their capacity including training in leadership, negotiation and conflict management and resolution skills and/or financial support as well as affirmative action measures and establishment of principles of gender equality in the exercise of public power,
- Put in place programmes and initiatives that will allow returnee women to be better integrated in the peace building and socio-economic rehabilitation processes,
- Build capacity of all categories and levels of personnel involved<sup>87</sup> in peacemaking and peace building efforts, post-conflict reconstruction and rehabilitation. Systematic training<sup>88</sup> to be provided will be adapted, harmonized and expanded and available for use in pre-deployment and in-mission training with special focus on gender, diversity and sociocultural issues,
- Strengthen networking and community mobilization in addition to FBOs, CBOs, CSOs and Medias and encourage all parties to provide support to contribute to protection and empowerment of women and support consolidation of peace process through promotion of the equal and full participation of women and improvement of their human security,
- Build on the existing CSOs initiatives aiming to reinforce them from one part and to help them to focus on the conflict and post conflict situations from the other part with special support to women and girls refugees in the hosting countries;
- International Community and State Members should make accountable Israel on the situation of Palestinian women and the violation of human rights,
- States and international donor community should provide financial and technical support to the process and institutionalization of the related legal reforms, policies and programmes.

#### **2.4. Women economic opportunities in Post-Conflict situations**

- Conduct required research to assess and monitor the economic status of women in places of conflict and post-conflict,
- Ensure availability of data to support evidence based interventions on women economic opportunities particularly those affected by conflict (e.g. displaced, refugees, widows...) and in post conflict situations,

<sup>87</sup> UN peacekeeping forces, national Army and other Security forces.

<sup>88</sup> gender issues, Human Rights in general and of women in particular; the range of generic and specialized gender and women's rights training materials and resources, Reproductive Health/reproductive Rights including HIV/AIDS and gender-based- and sexual violence,

- Ensure that public spending will be equitably reallocated in favor of programmes and projects aimed at empowering women,
- Enact Law and design policy with related enforcement and implementation mechanisms on security and protection as well as economic and financial measures as major social protection tools and protection from economic privation and violence,
- Ensure participation of women in economic decision-making bodies, including in the context of reconstruction and rehabilitation,
- Ensure geographical equitable distribution between areas of conflict and non-conflict that have been affected by the conflict, either directly or indirectly, for assistance during and after the conflict and integrate conflict-affected areas for economic empowerment of women after conflict,
- Engage women's living in societies emerging from conflict as equal partners in interventions such as access to, and management of resources including land and inherited properties,
- Mainstream gender concerns in post-conflict reconstruction programmes (including DDR) with involvement of women from design to implementation and evaluation to ensure that their both practical and strategic needs are taken into consideration and their economic, social and cultural rights are realized,
- Develop targeted interventions focused on the specific constraints facing women and girls, including widows, female-heads of households, refugees and IDPs, in post-conflict situations, such as lack of land and property rights and access to and control over economic resources and technology,
- Take necessary measures for equal opportunity in access of women and girls to education and training particularly the most vulnerable (migrant, refugees; displaced, returnees, SGBV survivors...) to contribute to their economic and social autonomy including through employment for which education and training are further needed for women and in societies emerging from conflict where employers, who hire men because of economic pressure, often discriminate against women,
- Promote the formation of rural women's associations, development groups and/or cooperatives which will enable them to access credit to support their socio-economic advancement and empower them at all levels including rural settings,
- States and international donor community should provide financial and technical support to the process and institutionalization of the related legal reforms, policies and programmes.

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