

Violence against Women in the context of Political Transformations and Economic Crisis in the Euro-Mediterranean Region:

Trends and Recommendations towards Equality and Justice

Monia Ben Jemia, Laëtitia Sedou and Marsha Scott

With contributions by Magali Thill, Susana Pavlou, Françoise Brié and Lina Alqurah



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RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

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Table of Contents

List of Acronyms	4
Executive Summary	5
Foreword	6
1. Introduction	7
2. Methodology	9
3. Recommendations	10
4. International Framework on Violence against Women	14
4.1 Violence Against Women and International Human Rights Standards	14
The CEDAW Convention and Optional Protocol	14
The Palermo Protocol	15
The Rome Statute	15
4.2 Violence against women and International policy instruments	16
The Universal Periodic Review	16
UN Declaration on Violence against Women and Beijing Declaration	17
UN general Assembly resolutions	17
UNSC resolutions on women, peace and security	18
Government Initiatives at the international level	18
5. Key Patterns of Violence Against Women in the Euro-Mediterranean Region (2011-early 2014)	19
5.1 Violence Against Women in Transition Countries	19
Syria	22
Libya	23
Egypt	24
Tunisia	25
5.2 Violence Against Women Linked to the Economic Crisis in Europe	26
Spain	26
Cyprus	28
France	29
6. Regional instruments to fight violence against women in the Euro-Mediterranean region	32
6.1 European and Euro-Mediterranean Instruments	32
The Council of Europe (CoE)	32
EU policies to combat violence against women within the EU	35
Combating violence against women in the framework of EU external action	37
6.2 Combating violence against women with Arab regional strategies	49
Bibliography	51
List of Appendix	56

List of Acronyms

ATFD: Association Tunisienne des Femmes Démocrates (Tunisian Women's Association for Democracy)
CEDAW: Convention on Elimination of all Forms of Discriminations against Women
CoE: Council of Europe
CSOs: Civil society organisations
DEVCO: EU Directorate-General Development and Cooperation-Europaid
EC: European Commission
ECHO: EU Humanitarian Aid and Civil Protection Department
EIDHR: European Instrument for Democracy and Human Rights
ENP: European Neighbourhood Policy
ENPI: European Neighbourhood and Partnership Instrument
EU: European Union
EUD: European Union Delegation
EU HRCS: EU Human Rights Country Strategies
EU MS: European Union Member States
EWL: European Women's Lobby
FIDH: Fédération Internationale des Droits de l'Homme (International Federation of Human Rights)
FNSF: National Federation for Solidarity with Women (France)
ICC: International Criminal Court
MENA: Middle East and North Africa
MIGS: Mediterranean Institute of Gender Studies
PACE: Parliamentary Assembly of the Council of Europe
SMP: South Mediterranean Partners
TFUE: Treaty on the Functioning of the European Union
TEU: Treaty on European Union
UfM: Union for the Mediterranean
UN: United Nations
UNCSW: UN Commission on the Status of Women
UNSC: United Nations Security Council
UPR: Universal Periodic Review

Executive Summary

Violence against women, as well as women's vulnerability to violence, has increased dramatically in the Euro-Mediterranean region from 2011 to early 2014.

In South and East Mediterranean countries, currently facing diverse challenges ranging from armed conflicts to political transitions, violence against women - including sexual violence - is often used as a weapon of war or as a mean to intimidate, stigmatise and exclude them from political transition processes. In Syria and Libya in particular, crimes of sexual violence have been documented by the UN and, in Libya, international proceedings have been launched against those responsible at the political level. In Egypt and Tunisia, sexual violence, especially sexual harassment, is widespread, affecting as many as 99.3% of women in Egypt in 2012 according to NGOs and the UN. In this context of increased violence, perpetrators rarely face prosecution. Impunity is partly due to the security and political vacuum left by the transitions, but also to stigmatisation of women victims of violence which discourages women from bringing cases to court. Furthermore, weak legal frameworks for combating violence against women and holding perpetrators accountable (many countries have no specific laws for combating violence against women, while criminal and personal status codes discriminate against them) and the lack of political will to act strongly in this regard also contribute to impunity. The multiplicity of authorities, in the Occupied Palestinian Territory, also contributes to impunity.

In Europe, the impact of the 2008 economic crisis has increased women's vulnerability to violence. In France, more women than men now live below the poverty line (4.7 million women versus 3.9 million men), and this growing poverty and lack of economic independence prevents women from fleeing violent situations. Furthermore, austerity measures taken in response to the crisis throughout Europe have hit women harder, as they often include cuts in the public sector (the public sector is the biggest employer of women) or in services (such as shelters, hotlines and national women's machineries). These measures are sometimes coupled with patriarchal and discriminatory policies inspired by conservative ideologies, which further undermine women's rights, such as the recent adoption in Spain of a draft law restricting the right to have an abortion.

Violence against women is recognized as a human rights violation and States have committed themselves to preventing and combating all forms of violence against women, and to end impunity for perpetrators. They have done so, in particular, through international instruments addressing gender-based violence such as: the CEDAW, the Rome Statute, the Palermo Protocol, UNSCR 1325, UN 1993 Declaration, Beijing Declaration and Platform for Action. At the regional level, there are also several instruments at the disposal of governments and civil society organisations which should be used to prevent and combat violence against women. These include: the Council of Europe Convention and programmes; the EU policies and programmes to combat violence against women both internally and externally; and the League of Arab States' strategies.

While this report finds an increase in violence against women in the Euro-Mediterranean region, it also seeks to outline the key instruments available, particularly at the regional level, to prevent and combat such violence, and to end impunity for perpetrators. Moreover, this report offers an assessment, albeit not exhaustive, of the actions of the European Union, the Council of Europe and Arab countries in relation to combating violence against women in the South and East Mediterranean countries.

In view of this, the report develops recommendations addressed to the key stakeholders on combating violence against women, namely South and East Mediterranean governments, Council of Europe, European Union, Union for the Mediterranean, and League of Arab States.

Foreword

The Euro-Mediterranean Human Rights Network (EMHRN) works to promote and protect human rights in the Euro-Mediterranean region. It believes that gender equality and women's rights are indivisible from human rights. From the outset, the EMHRN had women's rights as one of its key thematic foci, while over the years developing a gender mainstreaming approach throughout its activities.

The EMHRN has gathered representatives from the most important women's rights organizations in the Euro-Mediterranean region in a Working Group on Gender Equality and Women's Rights (WGGEWR)¹, which over the years has met regularly to discuss the developments and challenges to the promotion of gender equality and women's rights, as well as to develop joint advocacy and solidarity actions.

Within this framework, the WGGEWR met in Cairo in December 2012. It discussed the worrying developments in relation to increased violence against women in transition countries (despite hopes and calls for gender equality and respect for women's rights in the wake of the Arab Spring), as well as in Europe in relation to the economic crisis.

The Group agreed to focus on ending the impunity for violence against women, as well as the need to develop tools in this regard. It recommended that a report be prepared which would serve as an advocacy tool for civil society organizations in the region combating violence against women and seeking to end impunity on one hand and, through recommendations to various stakeholders, enhance a multi-agency response on the other.

It was decided that the report would first look at the main trends in relation to violence against women in transitional countries (with case studies from Egypt, Tunisia, Libya and Syria), as well as in Europe (with case studies from Spain, France and Cyprus). The report would then outline the framework for combating violence against women at international, regional and national levels. Finally, it would make recommendations on how to combat violence and end impunity.

It was agreed that the findings of the report should feed into a discussion on how to end impunity for violence against women in the Euro-Mediterranean region at a conference gathering about one hundred representatives of civil society from the region in Amman on 11-12 November 2013. Recommendations from the Conference are integrated into this report, which also benefits from the EMHRN report on violence against women in Syria, published in November 2013.

Three researchers were recruited to write the report. Monia ben Jemia, a professor of law and a long standing women's rights activist from the Tunisian Association of Democratic Women ; Laëtitia Sédou, European Union and Human Rights consultant, and Marsha Scott, expert and researcher on violence against women in Europe. An Advisory Committee formed from members of the Group was set up to assist this process, and the Group also provided feedback on the draft report.

The EMHRN wishes to thank all the persons who contributed to making the publication of this report possible. Special thanks must be given to the women's rights activists and researchers – women and men – in the Euro-Mediterranean region who persist in the struggle to end violence against women.

¹ Member Organizations of the Working Group on Gender Equality and Women's Rights are: The Association for Cooperation in the South (ACSUR)-LAS SEGOVIAS (Spain); Adalah- The Legal Center for Arab Minority Rights in Israel (Israel); Andalus Institute for Tolerance and Non Violence Studies (Egypt); Tunisian Association of Democratic Women- ATFD (Tunisia); Democratic Association of Moroccan Women -ADFM (Morocco); The Moroccan Association of Human Rights -AMDH (Morocco); Collective 95-Maghreb Equality (regional); Cairo Institute for Human Rights Studies- CIHRS (regional); National Federation for Solidarity with Women (France); Human Rights Centre at University of Essex (UK); Woman to Woman Foundation-KTK (Sweden); the Danish Centre for Information on Gender, Equality and Diversity-KVINFO (Denmark); Human Rights League-LDH (France); Mediterranean Academy of Diplomatic Studies (Malta); Mediterranean Institute of Gender Studies-MIGS (Cyprus); New Woman Foundation (Egypt); Sisterhood is Global/Jordan SIGI (Jordan); and Women Centre for Legal Aid and Counselling-WCLAC (Palestine)

1. Introduction

"Violence against women is both a cause and a consequence of unequal power relations between women and men. Rape, domestic violence, stalking, forced marriage, female genital mutilation, sexual harassment, forced abortion, and forced sterilisation are manifestations of male domination over women. It is violence directed against women because they are women and must be considered as structural violence because it is an integral part of a social system which manifests itself in an imbalance of power with accordingly unequal opportunities for women and men. The lower socio-economic status of women in society, patriarchal attitudes and customary practices aimed at controlling women's sexuality help to perpetuate violence against women. Widespread impunity and significant disparities in state responses to such violence leave many women unprotected and without recourse to justice."

Introduction to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)²

"In light of this complex scenario brought about by the changes in the Arab world, the fundamental question that arises is how these changes will continue to affect women's status. If we believe that patriarchy and the subordination of women are the result of hierarchies produced by the authoritarianism imposed in the region for centuries, we can at least expect that the dynamic of male-female relations will gradually change with the advent of an order where respect for fundamental freedoms prevails. Contrary to authoritarianism, democracy makes room for questioning the status quo and struggling against injustice. The obstacles to such changes are still many, of course. Archaic mindsets and customs as well as conservatism are still extremely strong and could interrupt the process of change at any time, again imposing the age-old logic of hierarchies."

Randa Achmawi, Egyptian Journalist and Commentator³

These powerful statements express the critical relationship between violence against women and the global problem of women's oppression. Gendered violence is an instrument that both sustains and perpetuates patriarchy in our countries and communities, and this violence represents the most egregious, ongoing violation of human rights in our time.

The scale of the problem is enormous⁴:

- The most common form of violence experienced by women globally is physical violence inflicted by a male partner or ex-partner. On average, at least 1 in 3 women is beaten, coerced into sex or otherwise abused by an intimate partner in the course of her lifetime;
- A recent study from the World Health Organisation suggests that rape and domestic violence are a major risk for women aged 15-44;
- Several global surveys suggest that more than half of all women who die from homicide are killed by their current or former husbands or partners;

² See http://www.coe.int/t/dghl/standardsetting/convention-violence/thematic_factsheets/Equality_EN.pdf

³ See http://www.iemed.org/observatori-en/arees-danalisi/arxiu-adjunts/anuari/med.2012/Achmawi_en.pdf

⁴ See <http://www.un.org/en/women/endviolence/pdf/VAW.pdf>

- Violence against women during or after conflicts, commonly used as a weapon of war, has been reported in every international or local war zone.⁵

In every country, women and girls experience discrimination and exclusion in nearly every facet of their lives, and violence is just one of the tools that underpins that discrimination. The costs to individuals, to our families and communities, and to our nations and the world are incalculable. The waste of talent and intelligence from more than half the world's population is equally incalculable, especially in this time of economic crisis.

The last 40 years have seen an emerging global consensus amongst policymakers, civil society actors, and academics at national and international levels that **violence against women is a human rights violation**. The fight against impunity is now a priority in international and regional instruments.

1.1. Violence Against Women: Definition

This report uses the definition of violence against women set out in the 1993 *United Nations Declaration on the Elimination of Violence against Women* [see box 1], which includes the forms of **physical, sexual and psychological violence occurring in the family, within the general community and in/by the State – including economic violence**, as highlighted by the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*.⁶

Box 1: Declaration of the United Nations on the Elimination of Violence against Women (Articles 1 and 2)

The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to, the following:

- A. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- B. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- C. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs

Violence against women is, as highlighted in General Recommendation No. 19 of the Committee of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), **directed against a woman “because she is a woman or that affects women disproportionately”**. As such, it is gender-based violence, a manifestation, as is stated in the 1995 Beijing Platform for Action of “historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women’s full advancement”.

⁵ See Nobel Women’s initiative “War on women: Time for action to end sexual violence in conflict.” May 2011, <http://nobelwomensinitiative.org/wp-content/uploads/2013/09/war-on-women-web.pdf>

⁶ See <http://www.coe.int/t/dghl/standardsetting/convention-violence/convention/Convention%2010%20English.pdf>

2. Methodology

The first part of the report briefly outlines the international framework on violence against women. Information provided in this part comes from international official documents, with input from experts in the areas of the International Criminal Court (ICC), trafficking in persons, and UNSC 1325.

The second part of the report is a study of key patterns of violence against women in the Euro-Mediterranean region. This study takes stock of the recent years (2011-early 2014), which have witnessed a significant upsurge of violence against women in a context of conflict and political transition (illustrated by case studies on Libya, Egypt, Syria and Tunisia), as well as of the symptomatic increase in women's vulnerability given the economic crisis in European Union member states (illustrated by case studies on Spain, Cyprus and France).

This part includes case studies highlighting key patterns of violence against women in specific transition countries. Accounting for the fact that these countries are facing different challenges, the sections devoted to the South Mediterranean countries tend to focus on the upsurge of sexual violence during the transition processes, as well as the weak participation of women in political transition processes. The sections devoted to European Union countries explore the consequences of the economic crisis on women's vulnerability.

These case studies were written by researchers with contributions from EMHRN member organizations, in consultation with the EMHRN Working Group on Gender Equality and Women's Rights and under the supervision of an Advisory Committee. The information provided in these case studies is based on data collected from a review of academic and unpublished studies and a review of surveys conducted by national and international NGOs, as well as United Nations bodies.

Finally, the third part of report outlines the regional instruments set up by the Council of Europe, the European Union and Arab countries to combat violence against women and promote gender equality. Some representative case-studies are analysed. The information provided in this section comes from diversified sources (websites, other NGOs' documents, official EU and CoE documents, official statements, etc.). Face-to face and phone interviews with Council of Europe and European Union officers engaged in combating violence against women in the South Mediterranean countries were also carried out. This section does not pretend to be exhaustive, but rather aims to give a short and precise overview, based on the information that is publicly available or that could be gathered during interviews, of the instruments currently available to combat violence against women.

3. Recommendations

We urge States, governments in the northern, southern and eastern Mediterranean, and provisory governments, as well as transitional bodies in the southern and eastern Mediterranean:

Firstly: to sign and implement relevant international instruments, if were not actually signed nor ratified

- To sign and ratify the Palermo Protocol of 2000 and integrate its provisions into national legislations;⁷
- To sign and ratify the Rome Statute of the International Criminal Court (ICC) and integrate its provisions into national legislation, introducing the concept of war crime and crime against humanity in domestic laws, including in penal codes;
- To sign and ratify the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) without any reservations (for the non-CoE members, once it has entered into force) ;
- To fully enforce the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), notably by lifting all reservations pertaining to this convention, and introduce necessary amendments to national legislations including penal codes, personal status law to be in accordance with (CEDAW);
- To address women's rights and gender equality, including prevention and elimination of violence against women, as priority human rights issues in their national reports for the Universal Periodic Review (UPR), in coordination with the recommendations made by the NGOs, and to fully implement the previous UPR recommendations on women's rights and violence against women.

Secondly: Ending impunity

- To reject and put an end to any kind of impunity to perpetrators of violence against women, and urgently develop/amend and implement specific national legislation to combat gender based violence, especially domestic violence and sexual violence.

Thirdly: Guarantee Gender equality and prevention of gender-based discrimination and violence

- To integrate gender equality at all levels of the education system and a gender sensitive language in all curricula; and allocate budgets targeted specifically to combating violence against women;

⁷ Supplementary Protocol of the United Nation Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

- To guarantee gender equality, non-discrimination on grounds of sex and protection of women from gender-based violence (in constitutions and by law), as stipulated in Article 2 of the Universal Declaration of Human Rights, in Article 26 of the International Covenant on Civil and Political Rights and in other UN conventions.

To achieve this, in particular:

A. Development of National Legislations

- To review national legislation including penal codes and personal status laws to ensure the criminalization of all forms of violence against women mentioned in the Istanbul Convention, especially domestic violence and emphasizing that it is a breach of public order. Prostitution should be mentioned as violence against women, and national legislation should be harmonized according to the Palermo Protocol of 2000.

B. Development of judicial, security and transitional justice systems

- To set up functioning gender-sensitive judicial systems, including, but not limited to, civil and penal systems, to which women have full access. This requires training for judicial personnel on combating violence against women;
- To set up gender-sensitive state security systems. This includes training for law enforcement personnel on combating violence against women;
- To establish/activate gender sensitive transitional justice systems, where needed in countries of political transformations, including judicial prosecutions, truth commissions, reparation programs and reform of governmental institutions, as well as end impunity thus bringing justice to victims/ survivors and achieving justice.

C. Guarantee support services for victims/ survivors

- To ensure adequate and effective protection mechanisms for women victims of violence such as shelters and psycho-social support services, including economic assistance for reintegration into society;
- To adopt, notably in European countries, measures to counteract the unequal effect of the austerity measures, such as ensuring that budgetary cuts do not affect women disproportionately and that shelter provision and other services for victims of violence are not reduced or cut.

Fourthly: Economic and political empowerment of women to reduce violence against them

- To guarantee equal participation and representation of women and men in the legislative, judicial and executive bodies of government, including in security services, as well as in decision-making positions, by adopting gender parity measures or minimum quotas, empowerment programs, granting financial support, as well as implementing gender mainstreaming of all policies and projects;
- Reinforce and ensure the economic independence of women by adopting public policies and programmes that guarantee women's equal access to the job market and to economic initiatives, such as equal pay for equal work, and protection of their right to dispose freely of own resources and enjoying health insurance and social security.

To implement these recommendations we urge:

Arab Women's Organisation (AWO) and the League of Arab States

- AWO to review its 2013 regional strategy, Protection of Arab women: Peace and security, to encompass Arab countries in transition, displaced women and women refugees as a result of transitions and conflicts and other women, noting that the States are responsible for the protection of all women on their soil, being Arab or non-Arabs, citizens or non-citizens;

- The League of Arab States to adopt the AWO Arab strategy to combat violence against women (2011-2020) and to take serious steps to urge Arab countries to establish and activate national strategies and action plans to combat violence against women.

Council of Europe (CoE)

- To support establishing/ strengthening constitutions in countries of transition that consolidate equality between women and men, prohibit gender based discrimination, ensure protection of women from gender based violence and establish parity measures;
- To support the establishment of gender sensitive electoral legislation, systems and procedures and gender sensitive transitional justice systems in these countries;
- To maintain, strengthen and increase their financial contribution to the South Programme beyond 2014, and include a strong focus on gender equality and the fight against gender-based violence to support South Mediterranean countries in adopting and implementing adequate laws combating violence against women.

UfM Member States

- To support the creation of a rehabilitation program for victims of violence, in particular of sexual violence, including service provision and compensation;
- To adopt a specific action plan for the implementation of the commitments on violence against women taken in the September 2013 Paris Declaration, with concrete measures, objectives and benchmarks, including concrete commitments and actions to combat gender-based violence;
- To strengthen the regional coordination on monitoring the evolution of legislations related to combating violence against women.

European Union (EU) and European member states

To contribute to combating violence against women in Europe, we urge:

- The EU to sign and ratify the CoE Istanbul Convention as soon as possible, in particular if no plans exist to adopt a legally-binding text at the EU level as a framework for addressing violence against women within the EU;
- All member states to sign and ratify the Council of Europe Istanbul Convention as soon as possible;
- The EU to declare a European year on combating and preventing violence against women in the Euro-Mediterranean region;
- The European Commission (EC) to increase its budget allocated to women's rights, including the right to be free from violence, in the Daphne programme for 2014 and beyond;
- The EU to consider the signature and the ratification of the Istanbul Convention a benchmark and reference tool for any initiative at the EU level, including in its relations with South Mediterranean countries.

To contribute to combating violence against women in the south and east Mediterranean countries, we urge the EU to:

- Implement the EU guidelines on violence against women and girls and combating all forms of discrimination against them and the Gender equality Strategy 2010-2015 in Europe and the Mediterranean countries. Make direct reference to them in the next EU package about the European Neighbourhood Policy (ENP), including the ENP progress reports;
- Include a clear and straightforward transversal commitment to support equality between men and women and to combat all forms of discrimination, including gender-based violence in the next EC package about the ENP;
- Include in the ENP Regional Reports and Country Progress Reports systematic and detailed assessment of the situation of gender-based violence in the country, and include clear recommendations and commitments to address it;
- Continue strengthening the technical expertise of its staff, both at headquarters and EU Delegations level, about gender issues and gender-based violence in particular, as recommended also in the EC Reports on the Implementation of the EU Plan of Action on Gender Equality;
- Include in the New ENP actions plans and their matrix objectives and indicators regarding the fight against gender-based violence;
- Address systematically violence against women in political dialogues at all levels and sub-committees' meetings with South Mediterranean countries, including in countries in transition;
- Increase its support to specific projects on violence against women, and to strengthen local CSOs capacities to advocate for gender equality and women's rights, in particular protection from violence, and to bring support to women victims of violence;
- Condition clearly the bilateral programmes with national authorities, and budget support where it exists, on progress measured against clear benchmarks on combating gender-based violence, in particular regarding adequate legislative frameworks and fighting impunity (access to justice and support to victims);
- Mainstream gender in regional programmes such as the EUROMED Police III and the EUROMED Justice III and include components on how to deal with gender-based violence cases, as proper access to justice for the victims and adequate support from states agents are crucial elements to fight impunity of perpetrators.

4. International Framework on Violence Against Women

Since the adoption of the *Convention for the Elimination of All Forms of Discrimination against Women* (CEDAW) in 1979, the international community considers violence against women as a **violation of women's human rights**, and holds states accountable for preventing and combating violence against women.⁸ Violence against women is now addressed in an international comprehensive legal and policy framework.

The international community also considers violence against women committed in a situation of conflict as **grave breach of humanitarian law**, and has elaborated a specific framework on this issue.

4.1. Violence Against Women and International Human Rights Standards

The CEDAW Convention and Optional Protocol

The CEDAW Convention constitutes the main comprehensive instrument, recalling the universal and indivisible nature of human rights and protecting women from all forms of discrimination, including violence.⁹ It establishes clear commitments and obligations for States parties to prevent and eliminate violence against women, including the prohibition against invoking customs, traditions or religious considerations as a means of avoiding their obligations.¹⁰ Like the other UN Human Rights treaties, **the CEDAW is legally binding** under international law.

The CEDAW Convention also provides for a Committee of Experts (the CEDAW Committee) to monitor state parties' implementation of the Convention. In 1992, the CEDAW Committee took a step further by adopting **General Recommendation n°19** on Violence against women which states clearly that violence against women falls under the definition of discrimination against women. The Committee further clarified that full implementation of the Convention requires states to apply "due diligence" standards (i.e. states have an obligation to prevent human rights abuses by non-state actors).

This Convention was strengthened through its **Optional Protocol, adopted in 2000**, which provides the CEDAW Committee with two enforcement mechanisms: 1) the ability to consider complaints from individuals and 2) the ability to investigate allegations of grave or systematic violations of the Convention once all available domestic channels have been exhausted.¹¹

⁸ <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

⁹ See articles 1 and 2 of the 1993 *United Nations Declaration on the Elimination of Violence against Women*, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

¹⁰ At its 57th session in March 2013, the UN Commission on the Status of Women referred to this declaration and urged States to refrain from invoking any custom, tradition or religious consideration in order to avoid their obligations. See conclusion n°14 on the *Elimination and Prevention of all Forms of Violence against Women and Girls*, http://www.un.org/ga/search/view_doc.asp?symbol=E/2013/27

¹¹ With the adoption of this protocol, the CEDAW Committee developed jurisprudence on violence against women. In its first case (A.T vs. Hungary N° 2/2003), the Committee established as a fact that the state party failed in its duty to provide the author with effective protection.

All of the states under review in this report have ratified the CEDAW Convention. However, the four Southern Mediterranean countries in transition (Egypt, Libya, Tunisia and Syria) have expressed reservations to this instrument [see table below], in particular to articles 2, 9, 15 and 16 pertaining to political measures, nationality, equality before the law, equality in marriage and parental rights.¹² All of these reservations have been made using different excuses which weakened the Convention and which contradict with the purpose and content of the Convention.¹³ Moreover, out of the four Southern Mediterranean countries under study, only Libya and Tunisia have ratified the additional protocol, which enables women to lodge complaints. Nearly all Arab States have ratified the CEDAW with reservations on the articles mentioned above, and have not ratified the additional protocol.

	Egypt	Libya	Tunisia	Syria	Spain	Cyprus	France
Ratification of CEDAW (1979)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ratification of the additional protocol (2000)	No	Yes	Yes	No	Yes	Yes	Yes
Reservations to the CEDAW (January 2014)	2 16 29	2 16 (c,d) General reservation in 1995	9 §2 15 §2 16 §1.(c,d,f,g,h) 29§1*	2 9 §2 15 §4 16 §1 (c,d,f,g) 16 §2 29§1			14 16 §1 (g) 29**
Declarations to the CEDAW (January 2014)			General declaration				Preamble 5(b)

* Lifted but not communicated to the UN. ** These reservations are currently being removed.

The Palermo Protocol

Adopted in 2000, the Palermo Protocol recognizes trafficking as a form of violence against women. It defines trafficking in persons, including women, to be not only by force, coercion, abduction, fraud, deception and abuse of power, but also by abuse of a victim's vulnerability (art.3a).¹⁴ It also requires State parties to implement or strengthen legislative or other measures to make trafficking in persons a criminal offence (art.5), to discourage the demand that fosters all forms of exploitation of women (art.9) and to offer victims the possibility of obtaining compensation for damages suffered (art.6). **All states under review have ratified the Palermo Protocol** and are thus committed to investigating and prosecuting trafficking in women.¹⁵

The Rome Statute

The Rome Statute of the International Criminal Court (ICC) establishes gender-based violence as a crime under international criminal law.¹⁶ Adopted in 1998, it considers that acts of sexual violence, including **rape, sexual slavery, enforced prostitution, forced pregnancy, persecution or any other form of sexual violence perpetrated in the same circumstances as rape**, can constitute war crimes, crimes against humanity and, in some instances, crime of genocide [see box 2]. Under the principle of complementarity established by the Statute, State parties have primary responsibility for bringing those responsible for genocide, crimes against humanity and war crimes to justice.¹⁷ Therefore, there must be an absence of national mechanisms designed to prosecute alleged crimes in order to put cases to the ICC. Spain (2000), Cyprus (2002), France (2004) and Tunisia (2011) have ratified the Rome Statute establishing the International Criminal Court (ICC). Although Egypt, Libya and Syria have not ratified the Rome Statute, they may be obligated to cooperate with ICC, when a case is referred to it by the UNSC, as is currently the case with Libya.

¹² The reservations can be viewed at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en&clang=en

¹³ Article 28 of the Convention states that reservations incompatible with the object and purpose of the Convention are not permitted. In its Statement on reservations, the CEDAW Committee confirmed the impermissibility of reservations on articles 2 and 16.

¹⁴ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en

¹⁵ See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en

¹⁶ Adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. See http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

¹⁷ Article 17 (a) states that "the case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution".

The effectiveness of the Court's first 10 years is now under review, but according to some feminist scholars the Court - by recognizing gendered violence as a crime, allowing for representation of women and gender experts in its processes and providing redistribution through victims' redress and reparations - provides critical symbolic value for women who have few avenues for securing justice.¹⁸

Box 2: Under the Rome Statute, acts of sexual violence mentioned above may constitute:

- » War crimes if they are committed in the context of an armed conflict between two identifiable parties, whether State or non-State. Moreover, they are considered as weapons or tactics of warfare if they deliberately target civilians and are used to fulfil military or political purposes;
- » Crimes against humanity if they are part « either of a government policy or a wide practice of atrocities tolerated or condoned by a government, de facto authority or organized armed group ». As such, sexual violence can constitute a crime against Humanity even in the absence of any armed conflict;
- » Acts of torture if committed at the instigation of a public official or otherwise attributable to the State;
- » Elements of the crime of genocide if committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

To date, sixteen prosecutions on charges for gender-based crimes have been sought by the Prosecutor of the ICC. There is currently one case arising out of the situation in Libya, named *The Prosecutor v. Saif al-Islam Gaddafi and Abdullah al-Senussi*. At the moment, none of the two have been charged with gender-based crimes. However, the Office of the Prosecutor has confirmed that the investigations into allegations of rape and other forms of sexual violence are ongoing.¹⁹

4.2. Violence against women and International policy instruments

The international legal framework addressing violence against women has been complemented by the development of policy instruments that provide guidance for states wishing to strengthen their domestic legal framework for preventing and combating all forms of violence against women. These include declarations and resolutions adopted by UN bodies, as well as documents from UN conferences and summit meetings.

The Universal Periodic Review

The **Universal Periodic Review (UPR)**, a Human Rights Council-led process, involves a **review of the fulfillment of human rights obligations by state**, including women rights; this is achieved through a cooperative mechanism based on information provided by the state, information contained in the reports of independent UN human rights expert groups (like the CEDAW Committee) and information from other stakeholders, including non-governmental organizations.²⁰ Out of the four case studies from the Southern Mediterranean, only Tunisia has gone through the UPR process since the start of its political transition in March 2012.²¹ The CEDAW Committee recommended the inclusion of a clause on the equality between

¹⁸ See L. Chappell, R. Grey, & E. Waller, "The Gender Justice Shadow of Complementarity: Lessons from the International Criminal Court's Preliminary Examinations in Guinea and Colombia," *International Journal of Transitional Justice*, September 2013

¹⁹ For more information about prosecution of sexual violence on charges of war crimes, crimes against humanity and genocide by the ICC, please refer to <http://www.iccwomen.org/documents/Gender-Report-Card-on-the-ICC-2012.pdf>

²⁰ The UPR was created through the UN General Assembly on 15 March 2006 by resolution 60/251

²¹ <http://www.upr-info.org/-Tunisia,48-.html>

men and women and non-discrimination (as defined by the CEDAW) into the new constitution.²² Egypt will go through this process in 2014, Libya in 2015 and Syria in 2016, but the UPR recommendations for Egypt and Libya (2010), and for Syria (2011) already mentioned the withdrawal of all reservations to the CEDAW Convention.²³

Out of the three European countries under study, Cyprus has gone through the process in early February 2014. Spain will go through it in 2015 and France in 2017 or 2018.

UN Declaration on Violence against Women and Beijing Declaration

The two most significant declarations on violence against women are the 1993 *UN Declaration on Violence against Women* and the 1995 Beijing Declaration and Platform for Action.

The 1993 UN Declaration, adopted by the UN General Assembly, calls on UN member States to pursue a policy of eliminating violence against women, including due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the States or by private persons.

Similarly, the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995, calls on governments to take appropriate measures to address all forms of violence against women, such as strengthening existing legislation with a view to providing better protection for women and girls and to punishing perpetrators, through both criminal and civil measures.²⁴

The follow-up to the Beijing Platform for Action is provided by **the UN Commission on the Status of Women (UNCSW)**. On the occasion of its fifty-seventh session (March 2013), the UNCSW strongly condemned violence against women and adopted conclusions on “the elimination and prevention of all forms of violence against women and girls”.²⁵ The conclusions reaffirm, *inter alia*, that all states must exercise due diligence to prevent, investigate prosecute and punish perpetrators, and must provide victims and survivors with protection and access to appropriate avenues for redress. Furthermore, they urge states to refrain from invoking any customs, traditions or religious considerations to avoid their international obligations.²⁶ Finally, the conclusions express concern about the implementation gaps in addressing the scourge of violence against women, including insufficient gender-sensitive policies and inadequate implementation of legal and policy frameworks.²⁷ In order to rectify this situation, the conclusions provide a number of recommendations to strengthen the implementation of the legal and policy framework, as well as to ensure the accountability of perpetrators.²⁸

UN general Assembly resolutions

Although not binding, resolutions adopted by the UN General Assembly in recent years address all forms of violence against women, including domestic violence, trafficking in women and girls, customary practices and crimes of “honour”.

They systematically urge states to intensify their efforts to eliminate all forms of violence against women, notably by strengthening their legal framework.²⁹ Following resolution 61/143 of 2006, resolution **63/155 of 2008** urges states to adopt “a more systematic, comprehensive, multisectoral and sustained approach,” such as by setting up comprehensive, integrated **national strategies and action plans to prevent, investigate, prosecute and punish the perpetrators of violence, and provide protection to the victims.**³⁰

²² In January 2014, Tunisia’s constitutional assembly voted to guarantee equality between women and men in its draft Constitution. See Article 20 of the new Constitution (2014) which states that “all male and female citizens have the same rights and duties. They are equal before the law without discrimination”.

²³ See <http://www.upr-info.org/>

²⁴ See actions to be taken 130.(b) p. 55 <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

²⁵ See agreed conclusions of the Commission on the Status of Women, fifty-seventh session, 4-15 March 2013, [http://www.un.org/womenwatch/daw/csw/csw57/CSW57_Agreed_Conclusions_\(CSW_report_excerpt\).pdf](http://www.un.org/womenwatch/daw/csw/csw57/CSW57_Agreed_Conclusions_(CSW_report_excerpt).pdf)

²⁶ See items 16 and 14, respectively, of the previously cited agreed conclusions of the CSW.

²⁷ See item 32 of the previously cited agreed conclusions of the CSW.

²⁸ See section A of the previously cited agreed conclusions of the CSW: “Strengthening implementation of legal and policy frameworks and accountability”.

²⁹ See, in particular: A/RES/55/38 of 4 December 2000; A/RES/57/181 of 18 December 2002; A/RES/59/167 of 2004; A/RES/61/143, of 19 December 2006; A/RES/62/133, of 18 December 2007; A/RES/63/155, of 18 December 2008; A/RES/64/137, of 18 December 2009; A/RES/67/144, of 20 December 2012.

³⁰ See UN General Assembly resolution 63/1655, particularly article 16, on the “Intensification of efforts to eliminate all forms of violence against women”, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/480/09/PDF/N0848009.pdf?OpenElement>

UNSC resolutions on women, peace and security

The general breakdown of the rule of law and security in conflict situations, often exacerbated by economic and social crises, usually leads to an increase of violence against women. Since the critical UNSC resolution 1325 of 2000, violence against women in “situations of concern,” i.e. situations of instability which can lead to conflict, conflict situations, post-conflict situations or political instability, is addressed by UNSC resolutions on “women, peace and security” [resolutions 1325, 1820, 1888, 1889, 1960, 2106, 2122 – see appendix I]. These resolutions first stress the importance of women’s equal and full participation in the prevention and resolution of conflicts, and urge all actors to a conflict to incorporate a gender perspective in all areas of peace-building. UN Security Council Presidency Declarations thus call on member states to implement resolution 1325, in particular through the development of **National Actions Plans (NAPs)** or other national level strategies.³¹ Furthermore, the UNSC resolutions acknowledge sexual violence in conflict as a tactic of war, and highlight the fact, especially since resolution 1820 of 2008, that sexual violence in conflict constitutes a war crime.³² On this basis, a mechanism to monitor sexual violence has been set up: resolution 1960 of 2010. This includes an annual report by the UN Secretary General, the establishment of a Special Representative of the Secretary-General on Sexual Violence in Conflict, and an Expert Committee.³³

In June 2013, the UNSC adopted resolution **2106, which recognizes the centrality of ending impunity** for the prevention of sexual and gender-based violence in conflict and encourages states to strengthen accountability efforts. Later that year, in October 2013, the UNSC passed **resolution 2122**, which called upon member States to comply with their international obligations by investigating and prosecuting persons responsible for war crimes, genocide and crimes against humanity.³⁴

However, with the exception of Jordan and Iraq, none of the Eastern and Southern Mediterranean countries has developed a national action plan on UNSCR 1325.³⁵

Government Initiatives at the international level

In addition to the UN action to combat violence against women in conflict, some interesting government initiatives addressing violence against women at the international level exist. **The United Kingdom’s Preventing Sexual Violence in Conflict Initiative (PSVI)**, launched in May 2012, aims at ending impunity for perpetrators of violence against women in conflict through the creation, among other things, of Teams of Experts (ToE) deployed in areas of conflict.³⁶ This Initiative has been instrumental in bringing attention to the issue at the international level, as the G8 Declaration on Preventing Sexual Violence in Conflict illustrates.³⁷

³¹ See Security Council Presidency Declarations n° 2000/40 and n° 2005/52, http://www.wanep.org/wanep/files/pub/1325_guideline/1325_guideline_fr.pdf

³² The Security Council is therefore competent to deal with all kinds of sexual violence committed in ‘situations of concern’, i.e. situations of instability which can lead to conflict, post-conflict situations or situations of political instability. See [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1960\(2010\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1960(2010))

³³ See the latest report of the Secretary General on women, peace and security, 4 September 2013, http://www.securitycouncilreport.org/atf/cf/%7B65BECF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_525.pdf; see also http://www.peacewomen.org/peacewomen_and_the_un/un-implementation/un-gender-officesmandate/entity/74/office-of-the-srsg-on-sexual-violence-in-conflict

³⁴ See article 12 of UNSCR 2122, 18 October 2013, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2122\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2122(2013))

³⁵ In light of this, it should be mentioned that Iraq has recently launched a National Action Plan for UNSCR 1325 making it the second country in the Arab world to do so, and it is among the very few countries in the whole world to have developed a detailed budget for its implementation.

³⁶ Up to the present, the ToE have been deployed in Libya, on the borders of Syria, in Bosnia and Herzegovina, and in Mali. The Initiative also aims to develop the international Protocol on the Investigation and Documentation of Sexual Violence in conflict. See http://www.icc-cpi.int/en_menus/asp/complementarity/On-going%20Activities/Lists/Ongoing%20Activities/Attachments/3/Complementarity%20PSVI%20Example%20ICC.pdf

³⁷ See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_PSVI_Declaration_-_FINAL.pdf

5. Key Patterns of Violence Against Women in the Euro-Mediterranean Region (2011-early 2014)

This part aims at shedding light on violence against women through a regional perspective, by highlighting the key patterns of violence against women over the last three years, both in South and East Mediterranean countries, and in European countries. It will also discuss the responses of national authorities to this through studies from Syria, Libya, Egypt, Tunisia, Spain, Cyprus and France.

5.1. Violence Against Women in Transition Countries

Investigations and reports by international and national NGOs show that **sexual violence**, including rape, indecent assault and sexual harassment, **has largely increased** in South and East Mediterranean countries going through armed conflict or political transition. “A cost free weapon” that is commonly used as a tactic of warfare, sexual violence is or has been widely used as a weapon of war in armed conflicts, notably in Libya and Syria; it has also been used as a political weapon to exclude, stigmatise and intimidate women, and to prevent them from participating in the political transition processes, such as in Egypt and Tunisia.³⁸ This alarming increase of sexual violence has occurred amidst general **domestic violence**, which remains the most prevalent form of violence against women in the South and East Mediterranean countries. Moreover, crimes of “honour” are still practiced while perpetrators receive reduced sentences. Trafficking in women is also a source of concern, and most countries in the region have no specific legislation banning trafficking.³⁹ Migrant and refugee women are also vulnerable to various types of violence.⁴⁰

Acts of sexual violence have increased in the absence of civil or criminal proceedings against perpetrators, in a broader context of deteriorating security and political instability left by the transitions. However, **impunity** is not only caused by the transition processes, but rather stems from weak domestic laws and weak governmental commitments to preventing and combating all forms of violence against women, including sexual violence. **With the exceptions of Algeria, the Palestinian Authority, Morocco and Tunisia, no state within the Euro-Mediterranean region has adopted a national strategy to combat violence against women, as requested by the UN.**⁴¹ Moreover, penal codes remain inadequate with respect to combating violence against women. For example, in the overwhelming majority of South and East Mediter-

³⁸ See Statement of the UN Special Representative for Sexual Violence in Conflict, Zainab Bangura, at the 6984th Security Council Meeting. <http://www.un.org/News/Press/docs/2013/sc11043.doc.htm>

³⁹ This includes Libya and Syria. In Tunisia, a draft law has recently been prepared and in Egypt, the 2010 Law n°64 prohibits the trafficking of women.

⁴⁰ For more details about violence against migrant and refugee women in the Euro-Mediterranean region, see the EMHRN report ‘Violence against migrant and refugee women in the Euromed region’, Copenhagen, December 2008.

⁴¹ See UN General Assembly resolution 63/155, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/63/155&Lang=E

anean countries, criminal law still considers rape to be first and foremost an attack on public decency or a crime against a woman's honour and family, rather than being a crime against the person. Criminal law also distinguishes rape from indecent assault, and provides for lower penalties in cases of indecent assault.⁴² In some countries, a rapist can avoid prosecution by marrying the victim.⁴³ Whereas Tunisia, Algeria, Syria and other countries such as Jordan criminalize sexual harassment through explicit articles in the penal code, or specific law or using other terms such as indecent assault or indecent acts, Morocco has drafted recently a bill on combating violence against women, which criminalises sexual harassment.⁴⁴

Impunity for domestic violence is also widespread. Only Jordan has enacted a specific law against domestic violence.⁴⁵ Although Tunisia criminalises domestic violence in its criminal code and some other countries, such as Libya, have a legal provision stating that husbands should not cause their wives physical or mental harm, evidence of injury is usually required to prove assault.⁴⁶

The chapter will explore the prevalent forms of violence against women in South and East Mediterranean countries in transition over the last 3 years. It will draw on examples from Syria, Libya, Egypt and Tunisia.

Box 3: Sexual and reproductive health and rights

Violence against women is inextricably linked to sexual and reproductive health and rights.⁴⁷ However, sexual and reproductive health is, with few exceptions, largely excluded from South and East Mediterranean countries' health and development agendas, while harmful traditional practices, such as female genital mutilation, remain widespread.⁴⁸

Box 4: Gender-based discrimination

Violence against women is also related to gender inequalities, which remain widespread in South and East Mediterranean countries. Even though most constitutions in the region guarantee equal rights for all citizens, domestic laws, particularly personal status laws, contain discriminatory provisions with respect to marriage, divorce, custody of children and inheritance, thereby exacerbating gender inequalities and women's vulnerability to violence.⁴⁹ In spite of the many calls for reforms made by women's rights organisations, in nearly all South and East Mediterranean countries, domestic laws continue to condone and legitimise violence against women by preserving their inferior status through the concept of male guardianship of women.⁵⁰

⁴² Rape is defined only as penile penetration of the vagina.

⁴³ This includes Jordan, Libya, the Occupied Palestinian Territory, Syria and Tunisia (for girls between 13 and 20 years of age).

⁴⁴ In Tunisia however, in cases where there is no evidence of sexual harassment, the woman can be legally prosecuted (article 226 quarter subparagraph 3). In Syria, Articles 505 and 517 of the penal code outlaw sexual harassment, including in the workplace, but there are no special provisions for the offense in the labor law. In Egypt, sexual harassment is not criminalized but, judges can use articles 268, 278 and 279 of the penal code to prosecute cases of sexual harassment.

⁴⁵ Tunisia criminalises through its criminal code Spousal rape. However, it has not enacted a specific law on domestic violence. In contrast, in Egypt article 60 of the penal code excuses domestic violence if the acts were committed in "good faith".

⁴⁶ In Libya, article 17 of the 1984 law n°10 states that husbands should not cause physical or mental harm to their wives. In cases of bodily injuries, the penalty cannot exceed two years in prison.

⁴⁷ The International Conference on Population and Development (ICPD) held in Cairo in 1994 and its Programme of Action (Cairo Consensus) are the first international agreements addressing sexual and reproductive health and rights. The ICPD Programme of Action defines reproductive health as "a state of complete physical, mental and social well-being [...] in all matters related to the reproductive system and its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so" (paragraph 7.2).

⁴⁸ Contrary to the other countries under study, abortion is available on demand in Tunisia. However, it has become increasingly difficult to get an abortion in Tunisia, as several hospitals and doctors refuse to practice it on religious grounds. Furthermore, despite a decree that bans FGM in the public health services, the latest figures (2008) suggest that 91% of the women have been subject to FGM in Egypt. See: http://www.unicef.org/media/files/FGCM_Lo_res.pdf

⁴⁹ See articles 20 and 45 of the new Tunisian Constitution (January 2014), the preamble of the new Egyptian Constitution (January 2014) and article 25.3 of the Syrian Constitution for provisions guaranteeing equal rights for all citizens. For more details on the gender-based discrimination that persist in the legislation of Southern and Eastern Mediterranean countries, please refer to the 2002 EMHRN report 'The integration of Women's Rights from the MENA into the Euro-Mediterranean Partnership'.

⁵⁰ This implies that women exist under the legal guardianship of their husbands, fathers or other male family or tribal members, and that their civil rights are placed under control of these guardians. While personal status laws are seen as deriving from Shari'a, it is interesting to note that Christian family laws (e.g. in Lebanon and Syria) contain many of the same limitations on women's rights.

Box 5: Women's participation to political life and women's civil rights

Although women have played and are still playing a critical role in the transition processes, they have been marginalized from key decision-making positions. In Syria, women's participation to the political negotiations of the transition process is very weak, as only two women are part of the Political Committee of the National Coalition of Syrian Revolution and Opposition Forces.⁵¹ In Egypt, women have been largely underrepresented in all constituent bodies since 2011, as well as in all transitional governments.⁵² In Libya, the 60-member committee charged with drafting a new constitution elected in February 2014 includes only six women, although women's NGOs gathered under the network "The Voice of Libyan Women" were campaigning for a 35 % women quota.⁵³ In Tunisia, the 2011 electoral law of the National Constituent Assembly provided for equal representation of men and women. However, the measure was undermined by the fact that very few women were at the top of party lists. Ultimately, 49 women were elected, representing only 22.5% of the 217 members of parliament.

This exclusion has been generally accompanied by a rise in fundamentalist views. In Libya, Grand Mufti Sheikh Sadiq Ghariani, issued a fatwa in March 2013 in which he denounced the conclusions of the 57th session of the Commission on the Status of Women (UNCSW) on ending discrimination and violence against women. The newly-elected National Transition Council (NTC) followed his lead and also rejected the conclusions of the CSW for "moral and religious reasons".⁵⁴ Earlier that year, the NTC had already announced that polygamy without the consent of the first wife would be restored. Furthermore, a new fatwa was issued by the Grand Mufti in October 2013, stating that all female teachers must veil their faces when instructing males who have reached puberty.⁵⁵ In Tunisia, the current government, led by the Ennahdha party, refuses to communicate its lifting of specific reservations to the CEDAW to the UN, although has been published in the Official Gazette.⁵⁶ Some Ennahdha deputies even submitted a bill in February 2014 to abrogate the lifting of the specific reservations to the CEDAW. Furthermore, a smear campaign against CEDAW was mounted. Demonstrations led by Islamic party supporters on 8 March 2013, under the slogan "Against the CEDAW" argued that "the CEDAW is a crime against our Arab and Muslim identity".⁵⁷ Defamation campaigns and calls to kill women activists, in particular through social networks, were also launched in Tunisia and in Egypt.⁵⁸

SYRIA

Violence against women during the Syrian conflict

In the context of the current armed conflict in Syria, violence against women has dramatically increased.⁵⁹ Women have been exposed to arbitrary detention, enforced disappearances, torture, sexual violence and summary executions among other acts of violence. These crimes have been perpetrated first and foremost by the Syrian security apparatus and gov-

⁵¹ Of 112 members, only 8 women are part of the general body of the National coalition of Syrian Revolution and Opposition Forces.

⁵² The first post-revolution House of Representatives had 100 members, only 6 of whom were women. Dissolved in April 2012, it was replaced by a second House of Representatives formed in June 2012. This second Constituent Assembly had 100 members, only 7 of whom were women as for the 50 member constitution committee nominated in September 2013, only five were women. In the government appointed by Mohammed Morsi in August 2012, only 2 of 35 positions were held by women, and in the government appointed on 16 July 2013, women held only 3 out of 34 ministerial portfolios.

⁵³ See <http://www.opendemocracy.net/rhiannon-smith/women-left-behind-as-libyas-constitution-drafting-moves-forwards> and <http://www.vlwlbya.org/en/about/fullprojectsummary/>

⁵⁴ See <http://www.un.org/News/fr-press/docs/2013/FEM1952.doc.htm> (in French).

⁵⁵ See <http://www.voanews.com/content/libya-grand-mufti-wants-to-veil-female-teachers/1770012.html>

⁵⁶ In 2011, the newly-elected Tunisian government lifted the specific reservations to the CEDAW. See table on reservations to the CEDAW.

⁵⁷ <http://www.kapitalis.com/societe/15896-egalite-homme-femme-les-mensonges-d-ennahdha-sur-la-cedaw-denonces-par-l-adli.html>; <http://fr.allafrica.com/stories/201305030596.html> (in French).

⁵⁸ For instance, several websites were created to defame ATFD. See <http://www.facebook.com/people/Atfd-Femmes-D%C3%A9mocrates/100001829522426#!/con-treATFD>; for videos see <http://www.youtube.com/watch?v=QeQmU0P2rj4&feature=related>; for Egypt, see the FIDH report *Women and the Arab Spring, taking their place?* March 2012, <http://www.europarl.europa.eu/document/activities/cont/201206/20120608ATT46510/20120608ATT46510EN.pdf>

⁵⁹ In July 2012 the ICRC qualified the situation in Syria as an "internal conflict," thereby asserting that the principles of International Humanitarian Law apply. For an in-depth analysis of violence against women taking place in Syria, see the November 2013 EMHRN report, *Violence against women: Bleeding wound in the Syrian conflict*, <http://www.euromedrights.org/eng/wp-content/uploads/2013/11/Doc-report-VAW-Syria.pdf>, as well as the Joint NGO statement, *Grave and ongoing violations of women's rights in the context of the conflict in Syria*, 10 May 2013, http://www.euromedrights.org/eng/wp-content/uploads/2013/06/NGO-WI_Womens-rights_HRC23_EN.pdf

ernment-controlled militia (Shabbiha); however, violations against women have also been committed by opposition armed groups. In addition, Syrian women have been severely affected by the arrest, disappearance and killing of male relatives, especially when they have been forced to assume sole responsibility for providing for their families

Crimes of sexual violence

Reports by the UN and NGOs in Syria show an alarming increase of sexual violence, including rape, sexual assault and sexual harassment. Moreover, there has been an upsurge of forced and early marriages, prostitution, crimes of “honour” and repudiation, particularly among internally-displaced persons and refugee communities in neighbouring countries (both inside and outside of official refugee camps). Figures on sexual violence in Syria have been very difficult to obtain due to the strong social stigma attached to being a victim. Nonetheless, tens of cases of sexual violence and rape have been documented by human rights groups.⁶⁰

Sexual violence is being perpetrated mainly by Syrian security forces and the Shabbiha as a form of torture to coerce confessions in official and non-official detention centres; it is also used during house searches, following arrests at checkpoints, during abductions and for prisoner exchanges.⁶¹

Female opposition and human rights activists have been a primary target, especially during mass arrests in regions known to be opposition strongholds. Drawing on the conclusions from the independent International Commission of Inquiry on the Syrian Arab Republic,⁶² the UN Secretary General’s report stated that government soldiers and Shabbiha “entered homes and raped women and girls in front of male family members; they sometimes killed the victims afterwards and forced men at gunpoint to rape their wives and daughters”.⁶³ Used as a deliberate tactic of warfare, sexual violence committed by governmental forces is thus prosecutable as a **crime against humanity**.⁶⁴ Rape and sexual assault have also been committed by anti-government armed groups.⁶⁵ Under international law, when such acts are committed during an armed conflict, they can constitute **war crimes**.

Stigmatisation and lack of protection services

Women who have been raped or sexually assaulted suffer the further hardship of being socially stigmatised. Fear of rejection by their families and/or fear of “honor” killings cause many women to remain silent. In addition, sexual violence against women has severe repercussions.⁶⁶ However, protection services are almost non-existent, and when they are available, victims are often prevented from accessing these services by their own families in order to avoid stigmatisation.⁶⁷ In these circumstances, it is very “difficult to identify the survivors”.⁶⁸

Forced and early marriages, sexual exploitation

Due to stigmatisation following sexual violence, women are often coerced into marrying a male family member to “restore” family honour.⁶⁹ Another cause for concern is the case of customary marriage (“urfi marriage”), which has spread, particularly in areas under the control of armed opposition groups. Most of these marriages are not legally registered, as it is impossible to access state courts for various reasons, including bombardments, armed clashes and fear of arrests, etc.

⁶⁰ The Women Media Center runs the project “Women under Siege,” which publishes a mapping of reported cases of sexual abuses. See <https://womenundersiege-syria.crowdmap.com/>

⁶¹ See the 5th report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 4 June 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-23-58_en.pdf; see also the 6th report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 16 August 2013, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A_HRC_24_46_en.DOC

⁶² See the 3rd and the 4th report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 15 August 2012 and 5 February 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-22-59_en.pdf and http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf

⁶³ See UN Secretary-General report on sexual violence in conflict, 14 March 2013; direct citation is from Item 86 of the report, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149

⁶⁴ According to Syrian traditions and customs, women often continue to be seen as the embodiment of community honor. As a result, the abuse of their physical integrity has been used as a deliberate tactic of psychological warfare to defeat the other party. This has made women prime targets in the ongoing conflict. For more details, please refer to the previously cited EMHRN report, *Violence against women: Bleeding wound in the Syrian conflict*, <http://www.euromedrights.org/eng/wp-content/uploads/2013/11/Doc-report-VAW-Syria.pdf>. Crimes of sexual violence committed out in Homs in February and March 2012, and in Al-Haff in June 2012 as well as those committed in detention centres in Hamah and Dara’a in March and May 2012, have been considered to be potential crimes against humanity. See the previously cited 3rd Report of the Independent International Commission of Inquiry on Syria, 15 August 2012, § 102, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf

⁶⁵ In its 5th report, the International Commission of Inquiry on the Syrian Arab Republic stated: “During the assault in Yarmouk, the war crime of sexual violence was committed. Based on limited information, it was not possible to reach a finding in relation to the other Accounts”. See the previously cited 5th report of International Commission of Inquiry on the Syrian Arab Republic, 4 June 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-23-58_en.pdf

⁶⁶ See the previously cited Joint NGO statement *Grave and ongoing violations of women’s rights in the context of the conflict in Syria*, 10 May 2013, http://www.euromedrights.org/eng/wp-content/uploads/2013/06/NGO-WI_Womens-rights_HRC23_EN.pdf

⁶⁷ See the FIDH report *Violence against women in Syria: Breaking the silence*, http://fidh.org/IMG/pdf/syria_sexual_violence-web.pdf

⁶⁸ See the previously cited Secretary-General report on sexual violence in conflict, 14 March 2013, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149

⁶⁹ See the previously cited FIDH report, *Violence against women in Syria: Breaking the silence*, http://fidh.org/IMG/pdf/syria_sexual_violence-web.pdf. See the previously cited UN Secretary-General report on Sexual violence in conflict, 14 March 2013, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149

Customary marriage has serious consequences for women, especially the absence of legal proof of marriage rights (e.g. dowry, housing and clothing); which makes women vulnerable to domestic and sexual violence, while also making it easier for men to divorce them for any reasons with no repercussions. In addition to this, several testimonies confirm cases of forced prostitutions in Syria, including in an attempt to avoid the arrest of family members.⁷⁰

Syrian refugees

As of January 2014, there are an estimated 2.4 million refugees from Syria residing in Iraq, Jordan, Lebanon, Turkey and Egypt.⁷¹ Syrian refugee women are sometimes coerced by their family to marry in order to alleviate the economic burden they face in exile.⁷² This situation is particularly worrisome in Jordan, where “wedding markets” have been established in some refugee camps.⁷³ Furthermore, in refugee camps in Jordan and Turkey there is an alarming increase in illiteracy among young girls, making them easy prey for marriage brokers, as they give their consent to marriage contracts that they are unable to read.

LIBYA

Violence against women during the Libyan conflict and in the post-conflict context

In the course of the Libyan conflict from February to October 2011, **sexual violence, including rape, was committed**.⁷⁴ Gaddafi's troops gang raped female family members in front of their male relatives, as well as in places of detention. Troops allegedly responded to the order: “Rape first and then kill”.⁷⁵ In response to this and to other serious human rights violations, the UNSC adopted resolution 1970, which led, inter alia, to the launching of international proceedings against Muammar Gaddafi, Saif el Islam Gaddafi and Abdullah Senoussi for serious crimes, murders and rape.⁷⁶

As in Syria, violence is rarely reported because of the lack of confidentiality, the risk of retaliation against victims, witnesses, social workers or journalists reporting on the issue, as well as the near-total absence of protection services for women victims of violence. However, the 2012 UN Secretary-General report on Sexual violence reported: “Women were reportedly abducted from their homes, from cars or from the streets and raped in places unknown to the victims, while men were raped in prisons and places of detention”.⁷⁷

Furthermore, women and girls who have been cast out by their families or are deemed to be at risk of engaging in “immoral behavior” can be held in state “social rehabilitation centres” (effectively prisons) indefinitely. These “rehabilitation centres” were not abolished after the revolution. Women have no right to appeal their internment, and are reportedly subject to intrusive medical and virginity examinations on admittance. During the conflict, FIDH and the ATFD interviewed tens of women from Libya who had sought temporary refuge in Tunisia. They reported that rape victims risked being killed by male family members to “wash away” family dishonour. They had also witnessed husbands of rape victims committing suicide.

Libyan government responses to the increase of violence against women

Since the end of the conflict in Libya in October 2011, the government has made few tangible commitments to address the problem of conflict-related sexual violence.⁷⁸ For instance, the government has not initiated any investigations into sexual violence committed during the conflict. In the absence of any action from national authorities, women protesters gathered in Tripoli's Martyrs Square on 14 February 2013 and chanted: “I rise because society should teach ‘don't rape instead of don't

⁷⁰ See the previously cited EMHRN report, *Violence against women: Bleeding wound in the Syrian conflict*, <http://www.euromedrights.org/eng/wp-content/uploads/2013/11/Doc-report-VAW-Syria.pdf>

⁷¹ See ECHO factsheets on Syria crisis, 16 January 2014 http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf These statistics do not take into account the refugees who are not registered by the UNHCR

⁷² See the previously cited UN Secretary-General report, 14 March 2013, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149; see also the previously cited 5th Report of the independent International Commission of Inquiry on the Syrian Arab Republic, 4 June 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-23-58_en.pdf

⁷³ In particular, this has occurred in the refugee camp of Zaatari. See Amnesty International (in French), <http://www.amnesty.fr/AI-en-action/Personnes-deracinees/Refugies-dans-le-monde/Actualites/Syrie-mariage-precoc-et-harcelement-des-refugiees-syriennes-en-Jordanie-9326>

⁷⁴ See the investigation by Annick Cojean, *The Prey, inside Gaddafi's Harem (Les proies, dans le harem de Khadafi)* Grasset: 2012; see also the UN Secretary-General report on Sexual violence in conflict, 13 January 2012, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2012/33; see also the previously cited UN Secretary-General report on Sexual violence in conflict, 14 March 2013, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149

⁷⁵ See the previously cited investigation *The Prey*, p.286. Testimonies of women victims of gang rape have also been collected in refugee camps in Tunisia. <http://www.icc-cpi.int/NR/rdonlyres/081A9013-B03D-4859-9D61-5D0B0F2F5EFA/0/1970Eng.pdf>

⁷⁶ See item 36 of the UN Secretary-General report on Sexual violence in conflict, 13 January 2012, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2012/33

⁷⁷ See item 97 of the UN Secretary-General report on Sexual violence in conflict, 14 March 2013, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149

get raped”’. Three months later (June 2013), **a draft law recognising individuals raped during the conflict as victims of war crimes** was circulated by the Libyan Ministry of Justice. This bill has been approved by the Justice Commission and is now awaiting consideration by the General National Congress (GNC), but has yet to be placed on the parliamentary body’s agenda. The text provides for appropriate forms of reparation for victims of rape during the conflict. Under the draft law, victims would receive compensation and health care. They would also be granted training, education and employment opportunities, as well as access to housing. The bill further stipulates that the state should establish shelters for individuals rejected by their families and provide victims with legal support in bringing perpetrators to justice. Benefits would also be provided to victims’ families and to children born following rape. A committee would be tasked to determine the beneficiaries of the law. It will be interesting to see if this law will be adopted and subsequently actually implemented.

Since the end of the revolution, sexual harassment has been another source of concern, and there is currently no law to address it.⁷⁹ To tackle the critical problem of scant reliable statistics, activists launched a “Don’t Harrass Me” website to record incidents of sexual harassment.⁸⁰

EGYPT

Violence against women during the Egyptian political transition

During the 2011 protests that overthrew Hosni Mubarak, many **women became victims of sexual violence, including virginity tests ordered by Egyptian military forces**.⁸¹ Sexual violence has continued to escalate since Hosni Mubarak’s overthrow, including systematic harassment and gang rapes in Tahrir Square, encouraged by the ongoing impunity enjoyed by perpetrators.⁸² According to Egyptian organizations, the second anniversary of the revolution (January 2013) witnessed what they termed **sexual terrorism**, due to the systematic and seemingly planned manner in which sexual violence occurred.⁸³ In May 2013, the United Nations Entity for Gender Equality reported that **99.3% of Egyptian women have experienced some form of sexual harassment or violence**.⁸⁴ Nearly 50% of women felt that there had been an increase in harassment following the 2011 revolution.⁸⁵ According to Human Rights Watch, the three days preceding the demise of President Morsi on 3 July 2013 saw an epidemic of sexual violence, with at least 91 women sexually harassed or raped.⁸⁶

Egyptian government responses to the increase of violence against women

In response to the escalating violence against women, the Egyptian authorities not only failed to protect women from such attacks, but also failed to adequately investigate them and bring perpetrators to justice.⁸⁷ Nevertheless, in response to a request by the National Council for Women, in May 2013 the Egyptian government created a 10-person specialized police unit to deal with violence against women, with an emphasis on psychological support for survivors and with female police officers as contacts for victims.⁸⁸ Increasing the number of policewomen is a first step; however, there is also an urgent need to train the entirety of the police force on how to treat survivors of sexual violence appropriately. Indeed, according to the “Study on Ways and Methods to Eliminate Sexual Harassment in Egypt,” fear over how the police would respond to

⁷⁹ See <http://www.voanews.com/content/libya-women-report-increased-harassment/1781596.html>

⁸⁰ See <http://www.voanews.com/content/libya-women-report-increased-harassment/1781596.html>

⁸¹ Virginity testing constitutes a clear violation of women’s and girls’ right to privacy and bodily integrity, http://www.stopvaw.org/harmful_practices_virginity_tests. Egyptian military forces admitted to performing “virginity tests” on detained women, under the excuse of refuting claims that the women had been raped while in detention. See <http://www.amnesty.org/en/news/egypt-year-after-virginity-tests-women-victims-army-violence-still-look-for-justice-2012-03-09>

⁸² See the report by Amnesty International, *Gender-based violence around Tahrir Square*, February 2013, <http://www.amnesty.org/en/library/asset/MDE12/009/2013/en/4100936b-954c-4696-ab69-35b2790b7ccb/mde120092013en.pdf>; see also See Amnesty International “Acquittal of Egyptian military doctor fails women victims of “virginity tests,” 11 March 2012, <http://www.amnesty.org/en/for-media/press-releases/acquittal-egyptian-military-doctor-fails-women-victims-virginity-tests-2012>

⁸³ Nadeem, Nazra, New Women’s Foundation; see also <http://nwrcegypt.org/%d8%a8%d9%8a%d8%a7%d9%86-%d9%85%d8%ac%d9%85%d9%88%d8%b9%d8%a9-%d8%b9%d9%85%d9%84-%d9%82%d9%88%d8%a9-%d8%b6%d8%af-%d8%a7%d9%84%d8%aa%d8%ad%d8%b1%d8%b4-%d9%88%d8%a7%d9%84%d8%a7%d8%b9%d8%aa%d8%af/>

⁸⁴ See the “Study on Ways and Methods to Eliminate Sexual Harassment in Egypt”, http://www.dgvm.de/fileadmin/user_upload/DOKUMENTE/English_Documents/Sexual-Harassment-Study-Egypt-Final-EN.pdf

⁸⁵ Ibid.

⁸⁶ <http://www.hrw.org/news/2013/07/03/egypt-epidemic-sexual-violence>

⁸⁷ One of the main examples is the acquittal, on March 2012, of the only military officer charged in the “virginity tests” trial, which underscores the lack of any accountability for those responsible of sexual violence against women.

⁸⁸ See <http://www.al-monitor.com/pulse/originals/2013/11/sexual-violence-egypt-police-initiatives.html#>

reported abuse is among the main reasons why women do not report harassment.⁸⁹ **Despite some convictions, sexual harassment has not yet been criminalized in the Egyptian penal code.**⁹⁰

The new 2014 Constitution states that “the State commits to the protection of women against all forms of violence,” while the government announced new legislation to combat sexual harassment.⁹¹ It will be interesting to see how these commitments are translated into practice.

TUNISIA

Violence against women during the Tunisian political transition

Current national estimates show an increase in domestic violence against women in Tunisia, including sexual violence. According to statistical data provided by the Tunisian criminal police, 46 women were reportedly killed out of the 7861 women assaulted in the first ten months of 2013. For the same period in 2012, 34 women were killed out of 7372 women assaulted. Ninety percent of the assaults are committed in a family setting by a male partner.⁹² A further source of concern is trafficking in women. According to a recent study from the International Organization for Migration (IOM), Tunisia is a source, destination and transit country for women subjected to forced labor and sex trafficking.⁹³ Tunisian women are recruited for work in Lebanon and are forced into prostitution after arrival. Similarly, Tunisian women are found working in Jordanian nightclubs, where some are forced into prostitution. If confirmed, the alleged cases of “Jihad al Niqah” (“sexual jihad”) among Tunisian women going to Syria would constitute another serious concern.⁹⁴ Furthermore, the harassment of and death threats against women’s rights activists is very worrying.

Tunisian government responses to the increase of violence against women

As highlighted by the ATFD tribunal for women in late December 2013: “The official public authorities bear primary responsibility for the violations against women and the full responsibility for the failure to protect them and provide them with adequate support.”⁹⁵

However, the new Tunisian Constitution, voted upon in January 2014, may provide a glimmer of hope. It is one of the most advanced of all South and East Mediterranean countries in political transition, especially in terms of civil liberties. The Constitution ensures equality between women and men before the law and in regards to rights and obligations without discriminations, ensures gender equality in all elected bodies and commits the state to take all appropriate measures to eliminate violence against women.⁹⁶ Gender-based discrimination unfortunately remain in the family.

⁸⁹ http://www.dgvm.de/fileadmin/user_upload/DOKUMENTE/English_Documents/Sexual-Harassment-Study-Egypt-Final-EN.pdf

⁹⁰ In March 2011, amendments to the Penal Code made by the Supreme Council of the Armed Forces had already increased penalties for various forms of sexual harassment and assaults. For more details, see <http://www.amnesty.org/fr/library/asset/MDE12/013/2013/en/579010c2-d145-46b2-9e11-10ebad5dbb4f/mde120132013en.pdf>. The justice uses articles 268, 278, and 279 of the penal code to punish “indecent assault” against women.

⁹¹ The Egyptian authorities announced new legislation to combat sexual harassment in October 2012 and again in February 2013.

⁹² See <http://www.tuniscope.com/index.php/article/35362/actualites/societe/femmes-t-103810#UrCdzmG9KSP> (in French).

⁹³ See “Etude exploratoire sur la traite des personnes en Tunisie”, OIM, 2013, http://publications.iom.int/bookstore/free/Etude_sur_la_traite_des_personnes_en_Tunisie.pdf.pdf (in French); see also “Trafficking in Persons Report 2013: Country Narratives: Tunisia,” http://photos.state.gov/libraries/tunisia/231771/PDFs/trafficking%20in%20persons%20report%202013_001.pdf

⁹⁴ In September 2013, the Tunisian Minister of Home Affairs, Lotfi Ben Jeddou, said that cases of Jihad al Nikah existed in Tunisia. This was also confirmed in statement made by the former Mufti of the Republic of Tunisia, Sheikh Osman Batikh. However, in November 2013, the Tunisian Minister of Woman and Family Affairs, Siham Badi, said there was no official information or report about any case of what is known as “sexual Jihad”.

⁹⁵ See <http://femmesdemocrates.org/>

⁹⁶ See Articles 20 and 45 of the new Constitution.

5.2. Violence Against Women Linked to the Economic Crisis in Europe

The recent economic crisis and the national and regional responses to the recession have impacted women's exposure to and protection against violence. It is worth reiterating that violence against women existed prior to the latest financial and economic crisis; however, feminist economists and activists across Europe have convincingly shown the extent to which current economic policies in many countries have been regressive and gendered. The disproportionate impact of cuts on women and the reduction in already inadequate access to paid labour and public services have put more women at risk.

In October 2009, Oxfam and the European Women's Lobby (EWL) commissioned research on the impact of the current economic recession on women's poverty in the EU. The report documents "precarious working conditions; increasing discrimination in the labour market with a subsequent shift to informal work; rising levels of poverty; reduced access to services; and rising levels of domestic violence, accompanied by cuts in vital support services."⁹⁷

In November 2012, the EWL followed up this initial research with a report titled *The price of austerity – the impact on women's rights and gender equality in Europe*. Using data from EWL member organisations in thirteen countries, the study revealed that "austerity policies in Europe undermine women's rights, perpetuate existing gender inequalities and create new ones, and hamper the prospects of sustainable and equal economic progress in Europe. The recent cuts in public spending in EU Member States, sanctioned by the European Commission, have the most impact on those who have little voice in economic decision-making: women, children, and the elderly."⁹⁸ The EWL report confirmed reports from feminist economists across Europe,⁹⁹ and warned that cuts in the public sector are affecting women disproportionately: "69.2% of public sector workers in the EU are women. Women's share is the highest in health and social work (78.4%) and in education (71.5%). 38% of all employed women in the EU work in the public sector, ranging from 22.5% in Romania to 49.1% in Sweden."¹⁰⁰ Therefore, the recession and the ensuing austerity measures have had a particularly corrosive effect on grass-roots activity aimed at ending violence against women in some European countries.

Another source of concern is the spread of increasingly conservative views across Europe, which could seriously undermine women's rights; a prime example is the recent "anti-abortion law" adopted in Spain.¹⁰¹

The following are three case studies, from Spain, Cyprus and France illustrating these various trends.

SPAIN

In Spain, the 2008 economic and financial crisis has reversed the trend of reduction of gender inequalities. The crisis has deepened the gender gap with regard to salaries and part-time jobs; in the last two years, more women than men have lost their jobs. In 2010, the salary gap between men and women reached 29.1%, and 76% of part-time jobs were held by women.¹⁰² In 2011, 16.31% of women earned less than the annual minimum wage compared to only 6.8% of men.¹⁰³ Undeclared jobs increased among female workers in Spain, especially among migrant women, depriving them of social insurance and health services. Since economic dependence is one of the main reasons women neither ask for divorce nor report intimate partner violence, it is clear that job insecurity, unemployment and low income reduce the effectiveness of the Organic Act 1/2004 on Integrated Protection Measures against Gender Violence.¹⁰⁴ As NGOs stated in their remarks on the CEDAW Re-

⁹⁷ See Oxfam and European Women's Lobby, *An Invisible Crisis? Women's poverty and social exclusion in the European Union at a time of recession - A Gender Works paper*, March 2010, <http://policy-practice.oxfam.org.uk/publications/an-invisible-crisis-womens-poverty-and-social-exclusion-in-the-european-union-a-111957>

⁹⁸ See European Women's Lobby, *The price of austerity – the impact on women's rights and gender equality in Europe*, November 2012, <http://www.womenlobby.org/news/ewl-news/article/ewl-publishes-report-on-impact-of>

⁹⁹ See, for example, the Fawcett Society's research: <http://www.fawcettsociety.org.uk/budget-2013-helping-or-hurting-women/#sthash.otsR0oH7.dpuf>

¹⁰⁰ See the previously cited European Women's Lobby report *The price of austerity...*

¹⁰¹ See the EMHRN Press Release, 23 January 2014, <http://www.euromedrights.org/eng/2014/01/23/anti-abortion-law-in-spain-a-worrying-step-backwards-for-womens-rights/>

¹⁰² See "Crisis y Discriminación salarial de género, Comisiones Obreras", 2012, http://www.ccoo.es/comunes/recursos/1/pub85343_Crisis_y_discriminacion_salarial_de_genero.pdf (in Spanish)

¹⁰³ See <http://www.rtve.es/noticias/20130628/salario-medio-mujeres-23-ciento-inferior-hombres/700820.shtml> (in Spanish).

¹⁰⁴ See Organic Law 1/2004 on violence against women.

port presented by the Spanish government, the State has also failed in its legal obligations to provide protection to women victims of violence, including economic protection, shelter and effective protection for their children. As a result, 80% of women killed by their husband or male partner had never previously reported gender violence.

Instead of adopting special measures to counter growing gender inequalities and responding to the increasing vulnerability of women, the government has adopted two kinds of policies which directly and indirectly discriminate against women.

First, under measures imposed by the European Central Bank and the International Monetary Fund, the ruling right-wing government adopted austerity measures, thereby reducing its budget for social programs, dismantling public services (while promoting privatization of health and education) and reducing the number and salary of public employees. This reduced public expenditure in social services has transferred the entire burden of caring for children, the elderly and people with disabilities from the public welfare system to women.¹⁰⁵

Second, patriarchal and discriminatory policies inspired by a conservative ideology have undermined progressive legislation. For example, the government has withdrawn education on gender equality and LGBT people's rights from the school curriculum; has delayed the adoption of its Strategic Plan for Gender Equality for more than one and half year; remains in violation of article 17 of the Organic Law 3/2007 for the effective equality between men and women; and has adopted a draft law to replace the **Organic Law 2/2010 of Voluntary Termination of Pregnancy, in order to restrict the right to abortion, and this is against the will of the Spanish people.**¹⁰⁶ If adopted, women would again be compelled to undergo unsafe illegal abortion or travel abroad for those who can afford it.

Although the Spanish government reformed the penal code with EU rules regarding criminalisation of forced marriages and harassment, it also eliminates the aggravating circumstance of violence committed in front of minors. Moreover, the government adopted a bill to reform the Organic Law 1/2004 against gender-based violence, reintroducing mediation between the victim and the perpetrator.

A gender perspective has not been adopted as required, and no measures have been taken to counteract the discriminatory effects of austerity measures. On the contrary, the government has drastically reduced its public budget allocation for gender equality and prevention and elimination of violence against women. For instance, in 2013, the government reduced its budget for gender equality promotion and for the prevention and eradication of gender based violence by 24%, almost three times more than what it cut from other ministries' budgets (only 8.9%). Over the last two years the budget for equality promotion shrank by 39%, and the budget for violence against women was reduced by 27%.¹⁰⁷ As a result, gender equality and violence against women policies represent only 0.017% of total expenditure. Furthermore, when the State Department for Equality was eliminated in 2012, the Woman's Institute, the only body dedicated to the reduction of gender inequalities, was restructured in order for it to provide services to other vulnerable groups who had previously received services from the Department; this was done in order to dampen the Institute's political stand in favor of gender equality. Finally, public funding for women's and feminist organizations has dropped to a minimum, and the selection criteria in the Women Institute's call for proposal in 2013 were clearly chosen to exclude women's associations.¹⁰⁸

The Spanish government also removed article 28 of the Law of Local Administration in the legal reform approved in December 2013. This reform will lead to the closure of hundreds of municipal centres that address women's empowerment and gender-based violence in the country.¹⁰⁹

¹⁰⁵ See "Las asociaciones de mujeres ante el empleo, la violencia de género y la participación, XXII Taller de Política Feminista" (in Spanish), Fórum de Política Feminista, Madrid, 2012.

¹⁰⁶ See <http://www.nuevatribuna.es/articulo/sociedad/mas-de-40-organizaciones-denuncian-la-supresion-de-educacion-para-la-ciudadania/20130116123022086791.html> (in Spanish); the statement of the COMPI (Coordinadora de Organizaciones de Mujeres para la Participación y la Igualdad - Coordination group of women's associations for participation and equality), <http://coordinadoracompi.wordpress.com/2013/03/04/asociaciones-de-mujeres-piden-mas-politicas-de-igualdad-y-conciliacion/> (in Spanish); and the previously cited EMHRN Press Release, 23 January 2014, <http://www.euromedrights.org/eng/2014/01/23/anti-abortion-law-in-spain-a-worrying-step-backwards-for-womens-rights/>

¹⁰⁷ Ibid. See also the previously cited study "Las asociaciones de mujeres ante el empleo," p.67.

¹⁰⁸ Ibid.

¹⁰⁹ See: http://sociedad.elpais.com/sociedad/2011/12/15/actualidad/1323955647_707788.html (in Spanish).

In addition to these measures, women victims of trafficking for the purpose of sexual exploitation cannot be granted asylum in Spain, as this situation is not included in the Law of Asylum. Since 2013, migrant women whose residence permits have expired have also been barred from accessing basic health services.

Finally, several members of the government and Parliament have contributed to the normalization of gender inequality and the minimization of gender-based violence through sexist declarations, which suggest that, women bring forward false accusations and are not to be considered victims. Such statements only serve to reinforce gender stereotypes and women's subordination to men.¹¹⁰

CYPRUS

Unfortunately, it is not currently possible to identify or evaluate the gender impacts of austerity measures in Cyprus, as they are still in the very early stages of implementation and there is no documented information as to their effects. Nevertheless, it is possible to state that no gender perspective has been integrated into discussions of the crisis, and that gender mainstreaming has never been a guiding principle in political decision-making in Cyprus. This state of affairs is tied to the absence of women in decision-making (out of 56 members, there are only 7 women in the Cypriot Parliament), as well as a complete lack of consultation with women's groups and NGOs.

Although the impacts of the recession in Cyprus were delayed compared to other EU member states, their effects have been tangible, as evidenced by a dramatic increase in unemployment and a reduction in wages, which in turn have increased poverty and social exclusion among both women and men. However, the effects have been most dramatic on members of vulnerable groups who already faced multiple disadvantages. These include persons over the age of 65, young people aged 18-24, single parents (especially single mothers) and migrant third world countries nationals. Women have been particularly affected, reflecting the consequences of traditional gender roles in labour participation, educational choices and parenthood in particular.¹¹¹

Despite an acute rise in unemployment rates generally, there is still a 10% gender gap in labour market participation rates for women and men (62.3% women vs. 72.9% men). Furthermore, the employment rate among mothers aged 25-54 years is 74.5% as compared to 94% for fathers. Also indicative of gender inequalities in the labour market is the fact that 55.9% of women work part-time or on short-term contracts. The gender pay gap is also one of the highest in Europe at 21.3%.¹¹²

It is also important to mention that cuts and freezes in public sector wages have disproportionately affected women, as they make up the majority of public sector workers and are concentrated in the lower ranks of the civil service. Further adding to women's precarious economic situation are cuts in public benefits, such as benefits for single parents (88% of single parents in Cyprus are women). The cost of living has also increased dramatically with an increase in the VAT, in electricity and other energy costs, as well as in health care costs. In terms of health care, women's organisations report that women are now refraining from regular check-ups such as breast and cervical cancer screening, due to rising costs and lower income.¹¹³

Furthermore, the crisis has had detrimental effects on gender equality programmes and funding for women's NGOs in Cyprus. This has limited NGOs' scope for action, particularly in terms of providing support to vulnerable women such as the elderly, single parents, victims of violence, etc.; it has also limited women's participation in discussions regarding the economic crisis and responses to it.

Financing for gender equality and women's rights has been drastically reduced. For example, the annual budget of the National Machinery for Women's Rights (NMWR) of the Ministry of Justice and Public Order, which is the main policy unit for the implementation of gender equality policy, was decreased by half in 2010 and 2011. Consequently, the NMWR has not been

¹¹⁰ See <http://www.publico.es/espana/427431/gallardon-la-libertad-de-maternidad-hace-a-las-mujeres-autenticamente-mujeres>; see also http://www.eldiario.es/sociedad/datos-demuestran-Toni-Canto_0_104990017.html (in Spanish).

¹¹¹ See *The Impact of the Economic Crisis on the Situation of Women and Men and on Gender Equality Policies*, EGGSI group of experts in gender equality, social inclusion, healthcare and long-term care. External report commissioned by and presented to the European Commission Directorate-General Justice, 2011, http://ec.europa.eu/justice/gender-equality/files/documents/130410_crisis_report_en.pdf

¹¹² See Cyprus Statistical Service, *The Statistical Portrait of Women in Cyprus*, 2012, [http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/D95240D3A523C89B-C2257A9800307B94/\\$file/Potrait_of_Women_in_Cyprus-2012-151012.pdf?OpenElement](http://www.cystat.gov.cy/mof/cystat/statistics.nsf/All/D95240D3A523C89B-C2257A9800307B94/$file/Potrait_of_Women_in_Cyprus-2012-151012.pdf?OpenElement)

¹¹³ Cyprus does not have a public health care system.

able to increase its staff, despite regular calls from NGOs, gender equality experts and the CEDAW Committee (in its 2006 and 2013 Conclusions) for it to receive greater financial support. The NMWR has therefore been increasingly dependent on external expertise, and its scope for action has been severely limited. As the only funding body for NGOs and other organisations working on gender equality and women's rights in Cyprus, the lack of financial support for the NMWR has major consequences for women in the country.¹¹⁴ In 2013, annual grants of between 10-17,000 € given to women's organisations and NGOs were reduced by 30%, inevitably weakening the scope for action for women's rights groups.¹¹⁵

Furthermore, subsidies and grants to cover the operational expenses of community organisations and NGOs providing health care and other services have been reduced. For example, the annual grant by the Ministry of Health to the Cyprus Family Planning Association, the only NGO in Cyprus promoting sexual and reproductive health and rights, was drastically reduced in 2010. The cuts led to a reduction in staff (to only two members), as well as the closure of its clinical services. Thus, women's access to sexual and reproductive health services, already severely limited in Cyprus, has been negatively affected.¹¹⁶

To conclude, there is increasing evidence that fiscal measures to reduce public spending will inevitably affect future funding for gender equality programmes.

Cyprus has a comprehensive legislative framework to combat family violence, and has adopted a National Action Plan for the Prevention and Combating of Violence in the Family (2010-2013). However, one of the biggest challenges in combating violence against women in Cyprus is that the current legislative framework and policies are designed to combat 'family violence' only. This has been detrimental because the definition of violence in the family is gender neutral and does not recognize that women are the primary victims of such violence, and men the perpetrators. As all public services work within this framework, there is a complete lack of gender perspective in prevention and service provision. State services for the support and protection of victims of domestic violence are inadequate in responding to the victim's needs. This is mainly due to the lack of systematic training, as well as the high mobility among front line and service providers. Cyprus has one of the lowest conviction rates for domestic violence in Europe with High rates of victim attrition. According to a study by Veis¹¹⁷, 55% of the incidents reported to the Police do not lead to official criminal investigations. Furthermore, according to the same study, the majority of penalties imposed for domestic violence are fines (74%). There is clearly a 'justice gap' in Cyprus in relation to successfully prosecuting domestic violence against women. Cyprus lacks a rape crisis centre or specialised services for victims of rape and sexual assault. Cyprus has yet to sign the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, citing that ratification and implementation of the Convention would be too costly in the current economic climate. Women's organisations in Cyprus continue to lobby the government and the Parliament to sign and ratify the Convention.

FRANCE

While it is not possible to establish a direct causal link between the economic crisis and increase in violence against women in France, it is clear that the economic hard times have made women more vulnerable to violence.¹¹⁸ At the onset of the crisis, men were more affected by job cuts than women, however by 2009, female unemployment had again outstripped men's and the gap further widened in 2010.¹¹⁹ Women were also more prone to underemployment due to involuntary

¹¹⁴ See the Cyprus Shadow Report, Convention for the Elimination of All Forms of Discrimination against Women, 2013, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CYP/INT_CEDAW_NGO_CYP_13225_E.pdf

¹¹⁵ Information provided by the Mediterranean Institute of Gender Studies (MIGS), www.medinstgenderstudies.org

¹¹⁶ Information provided by the Cyprus Family Planning Association.

¹¹⁷ Veis Costas M (2010), *The criminal progression of domestic violence incidents: effects and issues raised. Analytical report*. Review of Cyprus and European Law, Issue 11, p. 102-126.

¹¹⁸ Baseline data from the National Observatory on Crime and Criminal Justice Responses. The most recent INSEE (national statistical office) figures, published on 22 November 2013, show that over the period 2010-2011, 1.2 million women aged 18 to 75 (or 5.5% of this age group) experienced physical or sexual violence. Furthermore, in 2012, 166 women were killed by their spouse, ex-spouse or partner – an average of 1 death every 2.5 days. Finally, 16% of women reported actual or attempted sexual coercion during their life, while 154,000 women were raped between 2010 and 2011.

¹¹⁹ The male unemployment rate (as defined by the ILO) stood at 6.9% in 2008, 8.9% in 2009, 9% in 2010, 8.8% in 2011 and 9.8% in 2012, while the female rate was 7.9% in 2008, 9.4% in 2009, 9.7% in 2010, 9.7% in 2011 and 10% in 2012. Women's unemployment has been consistently higher than men's in France across the entire workforce. See http://www.insee.fr/fr/themes/detail.asp?reg_id=0&ref_id=irsocmartra13&page=irweb/irsocmartra13/dd/irsocmartra13_paq3.htm

part-time jobs.¹²⁰ However, as the national survey on violence against women in France shows, unemployment for women or both partners aggravates the risk of violence.¹²¹

More women than men now live below the poverty line in France (4.7 million women vs. 3.9 million men in 2010) and 70% of the working poor are women.¹²² A study by the National Federation for Solidarity with Women (Fédération Nationale Solidarité Femmes FNSF) found that the women most at risk of grave and repeated violence are foreign women and women with incomes below € 800.

This growing burden of poverty resulting from the economic crisis has prevented women from fleeing violent situations, as they lack the resources, such as a liveable wage or housing, to do so; moreover, many have dependent children. As a result, women remain trapped for longer periods of time in violent relationships, while also being subject to multiple forms of violence (e.g. prostitution, higher risk of being killed by an intimate partner). Despite the November 2013 governmental announcement of an additional 1650 emergency refuge places for women victims of violence, shelter provision remains insufficient to address the increasing need.¹²³

Women pay the price of austerity policies

The French government's decision to adopt severe austerity measures to tackle the 2008 economic crisis has disproportionately affected women. The policy of non-replacement for every one in two retiring civil servants – which helped shed 150,000 government-funded jobs from 2008 to 2012 – mainly affected women, who make up over 60% of France's civil service.¹²⁴ Welfare budget cuts have also hit women particularly hard, as they usually bear most of the burden of care. As such, the mid-2011 announcement that the care package would be shelved as part of the deficit reduction plan disproportionately affected women, who account for two-thirds of caretakers for elderly relatives. Likewise, the introduction of pension reforms in 2010, which saw the establishment of longer contribution periods, will hinder the reduction of gender inequalities in retirement pensions.¹²⁵

Budgetary austerity measures, multiplication of call for proposals and burden of European rules are sources of concern for the associations. Given the scale and the challenges of violence against women, missions and services should be considered as a public concern. Improved outreach and communications campaigns have increased the number of woman self-referring to support groups, but support and shelter provision for women victims of violence need to be perpetuated, especially at the local level. Funding for specialized women's support groups has been cut, forcing some organizations to close down.¹²⁶

Positive policy action to combat violence against women

Since the 1990s, legal advances to combat violence against women in France have been moving forward. Following the July 2010 Act, which addressed prevention, victim protection and punishment of abusers, the Ministry for Women's Rights, established in 2012, launched a new Equality Bill. This Bill is the first single piece of legislation that takes a cross-cutting approach to gender inequalities, such as ensuring equality in the workplace, protecting women's right to voluntary termination of pregnancy (VTOP) and combating violence against women.¹²⁷

¹²⁰ Of the 1.5 million people underemployed in France in 2011, 76% were women and most of these women were in involuntary part-time jobs, http://www.lecese.fr/sites/default/files/pdf/Etudes/2013/2013_09_femmes_precarite.pdf

¹²¹ See the National Survey on Violence against Women in France (ENVEFF) and the Homicide Survey.

¹²² An employed person earning less than 964 € a month is defined as being working poor in France, http://www.lecese.fr/sites/default/files/pdf/Etudes/2013/2013_09_femmes_precarite.pdf

¹²³ This announcement was made during the presentation of the government's three-year plan on violence against women 2013-2016 http://www.liberation.fr/societe/2013/11/22/le-gouvernement-lance-un-plan-contre-les-violences-aux-femmes_961232. A hundred-odd specialized providers offer about 3000 refuge places to women victims of violence, which falls far short of the needs. According to the Ministry for Women's Rights, 400,000 women have experienced domestic violence in the space of two years. See: http://www.lemonde.fr/societe/article/2013/11/25/le-plan-de-lutte-contre-les-violences-faites-aux-femmes-est-il-assez-ambitieux_3520064_3224.html. Also, women victims of violence do not benefit sufficiently from secured and specialized services and are often referred to general hostels. See: <http://www.senat.fr/rap/a13-162-9/a13-162-95.html#toc81>

¹²⁴ In 2011, women accounted for 61.2% of French civil service jobs. See: http://www.insee.fr/fr/themes/document.asp?reg_id=0&ref_id=ip1460

¹²⁵ In 2008, women earned, on average, half of what men earned in retirement. See the French Senate's report on women's pension, <http://www.senat.fr/rap/r13-090/r13-0900.html>

¹²⁶ In 2014, € 2.18 million have been allocated to national associations involved in promoting rights and in preventing and tackling violence against women, while € 720,000 will go to funding local groups. See: <http://www.senat.fr/rap/a13-162-9/a13-162-90.html#toc12> (in French).

¹²⁷ The Framework Act of 9 July 2010, "on violence specifically against women, partner violence and its impact on children," introduced the victim protection order, along with other measures. For information on the Equality Act, see: <http://www.theguardian.com/world/2014/jan/20/french-mps-equality-law>

A number of entities have been created or revamped, like the Inter-ministerial Task Force for the protection of women victims of violence and the fight against trafficking in human beings (MIPROF) and the National Equality Council's committee on violence.¹²⁸ France is also due to ratify the Istanbul Convention in 2014. Unlike Spain, which plans to restrict pregnancy terminations, in 2013, France established a governmental website to provide more information on VTOP, and in January 2014, Parliament voted to relax abortion legislation.¹²⁹ The services currently available, however, do not at present afford timely, local access to voluntary terminations.¹³⁰ This is due to the reduced health spending, the concentration of hospitals, and the closure of maternity and centres performing VTOP. This trend is in contradiction with the progresses made by the Ministry for Women's Rights.

The three-year action plan on violence against women (2013-2016) will, among other things, extend the national "3919 helpline" to include all forms of violence, make it available seven days a week and double its budget to € 66 million.¹³¹

Finally, in 2013, France's national gender equality budget rose following significant cuts in 2011: from € 28 million in 2010, it fell to € 21 million and € 20 million in 2011 and 2012, respectively; however, in 2013, it rose to € 24.3 million. But, only part of this budget increase has been allocated to tackle the issue of violence against women. Given the estimated € 2.5 billion annual economic cost of violence in France, such a meagre allocation to combating the problem is worrisome.¹³²

Compared to these steep economic costs of violence, even the laudable efforts made fall short of what is needed.

Finally, the recent resurgence of sexist and religious fundamentalist groups, as well as reactionary public statements pose a considerable threat to the gains made by women with respect to equality policies.¹³³ For instance, in November 2013, a number of public figures sparked controversy in France by signing a "manifesto" denouncing the government bill aimed at tackling prostitution.¹³⁴ Also, a series of actions by fathers' rights groups on parenthood, and violent public protests by hard-line Catholic groups' against the right to voluntary termination of pregnancy (VTOP)(in reference to the situation in Spain), and even protests against gender education in school, have seriously undermined women's rights in France.¹³⁵

¹²⁸ See http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/60_recommandations_projet_de_loi_pour_l_egalite_entre_les_femmes_et_les_hommes-2.pdf (in French).

¹²⁹ See <http://www.france24.com/en/20140122-france-lawmakers-vote-relax-abortion-legislation/>

¹³⁰ See http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/rapport_ivg_volet2_v10.pdf (in French).

¹³¹ Introduced on 22 November 2013 http://femmes.gouv.fr/wp-content/uploads/2013/11/4e-planVFF_22112013.pdf (in French).

¹³² See <http://www.senat.fr/rap/a13-162-9/a13-162-90.html#toc12> (in French) and http://fulltext.bdsp.ehesp.fr/Sfsp/SantePublique/2010/4/405_416.pdf (in French).

¹³³ One such sexist group is the "masculist movement," which is often represented by so-called "fathers' rights" groups, who use parenthood to promote an anti-gender equality agenda. An example of a fundamentalist group is the Civitas Association, which came to public prominence during the protests against legalizing gay marriage (the "Manif pour tous" demonstration).

¹³⁴ The "Manifeste des 343 salauds" ("Manifesto of the 343 SOB's") published under the eloquent title "Touche pas à ma pute!" ("Hands off my ho!"), http://www.liberation.fr/societe/2013/10/29/343-saluds-clament-leur-droit-a-leur-pute_943288 (in French)

¹³⁵ For more information on fathers' rights groups, especially regarding the proposed shared residency "by default" on applications by one parent, see: <http://www.20minutes.fr/societe/1168579-20130605-grue-jaune-collectif-associations-heterogenes-defense-peres>; <http://www.change.org/fr/p%C3%A9titions/as-sembleenat-stop-%C3%A0-la-r%C3%A9sidence-altern%C3%A9e-par-d%C3%A9faut>; <http://www.haut-conseil-egalite.gouv.fr/violences-de-genre/actualites-69/article/la-residence-alternee-par-defaut> (in French). For information on protests by Catholic organisations against VTOP, see: <http://www.ldh-france.org/section/paris20/2013/05/10/petition-contre-les-integristes-et-pour-le-droit-a-l-ivg/> (in French) and <http://www.thelocal.fr/20140120/thousands-protests-as-france-set-to-debate-abortion-bi>

6. Regional instruments to fight violence against women in the Euro-Mediterranean region

6.1. European and Euro-Mediterranean Instruments

The European and Euro-Mediterranean framework refers to those policy and programming tools available at a European level to address gender-based violence, both through the Council of Europe and through the European Union. Approaches, legal frameworks and tools to address gender-based violence are numerous and diversified. Moreover, they are very differently implemented within and outside Europe, as well as at regional, national and local levels within the EU. The responses from these two regional bodies, while different, remain complementary.¹³⁶

The Council of Europe (CoE)

The Istanbul Convention

Since the 1990s, the Council of Europe (CoE) [see box 6] has undertaken a series of initiatives to promote the protection of women against violence culminating with the adoption of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, also known as the **Istanbul Convention**, by the Committee of Ministers in May 2011 in Istanbul.¹³⁷ This Convention constitutes the first legally-binding instrument in Europe that protects women from all acts of violence. Furthermore, it is innovative and ambitious in terms of its scope and content, especially because it creates an international mechanism to monitor implementation at domestic level. By signing the Istanbul Convention, governments are obligated to change their laws, to introduce practical measures to protect women and to allocate resources to effectively prevent and combat violence against women, including domestic violence.¹³⁸ The Istanbul Convention codifies established standards and legal developments at international level, in particular the case law developed by the Committee of the *International Convention on the Elimination of All forms of Discrimination against Women (CEDAW)*.

¹³⁶ See appendix II for a short description of these two regional bodies, as well as the EMHRN advocacy toolkit for the EU.

¹³⁷ In 1993, the 3rd European Ministerial Conference on Equality between Women and Men was held under the theme "Strategies for the Elimination of Violence against Women in Society: The Media and other Means; See Recommendation to member states on the protection of women against violence," [rec\(2002\)5](#), Adopted by the Committee of Ministers on 30 April 2002 at the 794th meeting of the Ministers' Deputies; PACE resolutions 1247, 1327, 1582, 1654, 1691, 1723, 1777, see bibliography for detailed list. For the full-text of the Convention, see: <http://www.conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?CL=ENG&NT=210>

¹³⁸ CoE factsheet 'Overview of the Istanbul Convention' http://www.coe.int/t/dghl/standardsetting/convention-violence/thematic_factsheets/Overview_VAW_EN.pdf

Box 6: The Council of Europe

The Council of Europe is the leading regional human rights organisation. It includes 47 member states (including Turkey), 28 of which are also members of the European Union. All CoE member states have signed the European Convention on Human Rights, and are thus under the scrutiny of the European Court of Human Rights. The decision-making body of the CoE is the Committee of Ministers, which brings together the Ministers of Foreign Affairs of each member state.

Moreover the Convention can be signed and ratified by all States regardless of their membership in the CoE, however, this will be possible only once the Convention has entered into force, and upon decision of the Committee of Ministers that will examine non CoE country requests. Crucially, this means that the Istanbul Convention can be influential outside of Europe, and that non-CoE countries that have ratified it will also have access to the assistance and monitoring tools of the Convention when they implement it domestically. Morocco and Tunisia have already expressed a strong interest in signing the Istanbul Convention.

Despite its ambitions, or maybe because of them, the Istanbul Convention has yet to enter into force, since it needs to be ratified by a minimum of ten states. As of January 2014, only eight states have done so (including Turkey), of which only three are also EU member states (Austria, Italy and Portugal).¹³⁹ 17 other member States have signed the Convention since 2011, but none has ratified it. Nevertheless, the Istanbul Convention is already being used by the CoE as a benchmark and reference for standards in its cooperation with other countries in the South Mediterranean.

CoE cooperation with the Mediterranean region: The South Programme

Relationships between the CoE and the South Mediterranean region started many years ago. Morocco and the Palestinian Authority enjoy a “Partner for democracy” status with the Parliamentary Assembly of the CoE (PACE) [see box 7], and many CoE conventions are open for ratifications by non-member states.¹⁴⁰ For instance, Tunisia and Morocco are party to six CoE Conventions (e.g. on cultural, sports and environment issues) and Morocco has signed three other ones. Israel has also ratified ten CoE conventions and signed an additional one in 2011.¹⁴¹

Box 7: Parliamentary Assembly of the CoE (PACE)

The PACE is the Council of Europe’s deliberative body, composed of 318 representatives (and an equal of substitutes) appointed by the 47 member states’ national parliaments.

Following the Arab Spring, the CoE started a more structured cooperation with the Mediterranean region through a South Programme partially financed by the EU.¹⁴² This 3-year programme (2012-2014) aims to support democratic and political reforms in Southern Mediterranean countries, and focuses on four specific objectives that draw upon relevant Council of Europe standards, mechanisms and instruments: 1) the promotion of democratic values; 2) the promotion of good governance in the region (through increased prevention of corruption and money laundering) ; 3) the efficiency and

independence of the judiciary; and 4) the strengthening and protection of human rights, in particular through the prevention and control of trafficking in persons.¹⁴³ In practice, the specific areas of co-operation with countries in the Southern neighbourhood are decided upon in accordance with the specific needs expressed by each country. For Morocco and Tunisia, for instance, where CoE offices were opened, gender equality and combating violence against women are part of the main cooperation priorities for 2012-2014.

¹³⁹ These countries are Albania, Austria, Bosnia and Herzegovina, Italy, Monaco, Portugal, Serbia and Turkey.

¹⁴⁰ Resolution 1680 (2009) of the PACE, art.11 states that “the Assembly resolves to establish a new status for institutional co-operation with parliaments of non-member states in neighbouring regions wishing to benefit from the Assembly’s experience in democracy building and to participate in the political debate on common challenges which transcend European boundaries.”

¹⁴¹ For further information please see the CoE website: <http://www.conventions.coe.int/treaty/Commun/ChercheNonMembres.asp?CM=14&CL=ENG>

¹⁴² The European Union is providing €4.8 million in support of this programme called, “Strengthening democratic reform in the southern Neighbourhood.”

¹⁴³ See CoE webpage <http://south-programme-eu.coe.int/>

For Tunisia, the main objective is to work collaboratively to bring Tunisian legislation in line with relevant international standards, in particular the CoE Istanbul Convention. The main expected results are: to raise greater awareness of violence against women among Tunisian officials and law enforcement personnel; to strengthen the capacities of the professionals concerned; to better harmonize the legislation with the CoE Convention on preventing and combating violence against women; and to strengthen institutional capacities, specifically an action plan to support the national strategy for the prevention of violence, as well as the collection of relevant statistics.¹⁴⁴ This has opened the door to greater informal cooperation, as when Tunisia submitted its strategy to combat violence against women to the CoE for advice.

In Morocco, the main objective is also to raise greater awareness of the CoE Istanbul Convention among key players of the government, the parliament and civil society (under possible accession of Morocco to this Convention) as well as among civil servants and members of law enforcement agencies in charge of implementing the law, and to contribute to the provision of high quality services to women victims of violence, including through the multi-purpose centres for women in difficulty.¹⁴⁵ Morocco has also expressed its willingness to adopt specific legislation to tackle violence against women.

Complementing these efforts, both Tunisia and Morocco also participate in the work of the PACE, including its Commission on Equality and non-discrimination.

In Jordan the process is still at an early trust-building phase. However, medium-term actions have been proposed regarding women's empowerment and rights, notably regarding the promotion of their participation in political life and their protection from violence. To this end, cooperation will initially aim to raise awareness about international instruments to prevent and combat violence against women, notably the CoE Istanbul Convention. Subsequently, cooperation will focus on providing capacity building to concerned professionals and supporting the empowerment of victims of violence.¹⁴⁶

Box 08: European Commission for Democracy through Law (Venice Commission)

The Venice Commission is the Council of Europe's advisory body on constitutional matters and it provides legal advice primarily to its Member States. Membership in the Venice Commission is also open to non-European countries. The commission currently includes 59 members: the 47 CoE member states, in addition to 12 other countries, including Algeria, Israel, Morocco and Tunisia. It is made up of university professors of public and international law, supreme and constitutional court judges, members of national parliaments and a number of civil servants. They are designated by respective member states for four year terms, but act in their individual capacity.¹⁴⁸

Cooperation has also been established with Egypt and Libya on issues other than gender, and Algeria has recently showed interest. The CoE is holding regular regional conferences to which all regional states are invited and informed about possible future avenues for cooperation, including around the Istanbul Convention and gender issues.

Finally, the CoE is holding regular regional conferences where all states of the region are invited and informed about this possible cooperation, including around the Istanbul Convention and gender issues.¹⁴⁷

Together with the Istanbul Convention's norms and principles, as well as possible access to the Venice Commission [see box 8], this South Programme thus represents a strong tool to support South Mediterranean countries in their transition processes, particularly at this critical juncture when many of these countries are drafting new constitutions and laws that attempt to genuinely promote gender equality and women's rights, and protect them from violence.

¹⁴⁴ Neighbourhood Co-operation Priorities for Tunisia 2012-2014, p.5-6, available at <http://south-programme-eu.coe.int/Source/NCP/TunisieEN.pdf>

¹⁴⁵ Neighbourhood Co-operation Priorities for Morocco 2012-2014, p.5-6, available at <http://south-programme-eu.coe.int/Source/NCP/MarocEN.pdf>

¹⁴⁶ Neighbourhood Co-operation Priorities for Jordan 2012-2014, p.4 & 10, available at <http://south-programme-eu.coe.int/Source/NCP/JordanieEN.pdf>

¹⁴⁷ For example a regional conference on violence against women was held in September 2013 in Rabat, and one is foreseen in Tunisia about human trafficking.

¹⁴⁸ http://www.venice.coe.int/WebForms/pages/?p=01_Presentation

Box 09: European Union (EU)

The European Union is a political and economic partnership currently made up of 28 member states that have delegated some of their sovereignty so that decisions on specific matters of joint interest can be made at the European level. Areas of joint interest range from agriculture to trade and the environment, justice and citizen's rights and, of course, foreign and defence policy.

The legal and policy framework to combat gender-based violence in the EU

To date, the EU [see box 9] has no legal text or binding instrument specifically devoted to combating violence against women. Women's rights in the EU legal framework are mainly addressed through the non-discrimination principle. The *Treaty on European Union* (TUE) states the principle of equality between men and women and the non-discrimination principle (art.2). The binding *Charter of Fundamental Rights of the European Union* guarantees the right to dignity (Title I) and to equality (Title II); it also contains specific measures concerning the right to physical and mental integrity, and it prohibits any form of discrimination based on sex. Moreover, although not legally binding, declaration 19 and article 8 of the *Treaty on the Functioning of the European Union* (TFEU) underscores the political will of member states to fight against all forms of domestic violence.

Box 10: Council of the European Union (EU Council)

The Council of the European Union is the EU institution that represents the governments of individual EU member countries. Also informally known as the EU Council, this is where national ministers from each EU country meet to adopt laws and coordinate policies, including foreign policy. At Council meetings, each country sends its relevant minister for the policy field being discussed. Different thematic council meetings take place almost every month.

Further political commitments addressing gender-based violence more explicitly have been made by the EU, including in: the *Women's Charter*, adopted by the European Commission (EC) in March 2010; the *EU Strategy for Equality between Men and Women (2010-2015)* and its Actions for implementation, adopted by the EC in September 2010; and the *European Pact for Gender Equality (2011-2020)*, adopted by the EU Council [see box 10] in March 2011.¹⁴⁹

The main commitments of these different EU documents are:

- To work towards the eradication of gender-based violence, including female genital mutilation, by all means necessary, including criminal law within the limits of EU powers;
- To adopt a comprehensive EU-wide strategy on combating violence against women;
- To implement a Europe-wide awareness-raising campaign on violence against women by 2011;¹⁵⁰

¹⁴⁹ For more information on the *Women's Charter*, see: <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=726&furtherNews=yes>. *Strategy for equality between men and women, 2010-2015*, EC Communication COM(2010)491, 21 Sept 2010. *New European Pact for equality between women and men for the period 2011-2020*, Brussels, 7 March 2011, annexed to Council conclusions (7166/11).

¹⁵⁰ Staff Working Document SEC(2010)1079/2, accompanying COM(2010)491. However, to date, the campaign has not been implemented yet.

- To combat violence against women in the EU's external action, including in political dialogues and individual cases, to use its development policies to promote gender equality and women's empowerment and to protect women in times of conflict and post-conflict.¹⁵¹

Last but not least, the European Parliament (EP) has adopted numerous reports' recommendations and resolutions with respect to combating violence against women, be it through its Annual Human Rights Reports or more specific ones. The EP had already raised concerns about violence against women in a 1986 resolution. More recently, it has called several times for an EU global directive and other specific initiatives through resolutions passed in 2009, 2011 and again in 2013.¹⁵² The EP is currently preparing a Legislative Initiative Report, "Combating Violence against women", which calls on the EC to present an EU-wide Strategy and an Action Plan to combat violence against women, to promote national ratifications and to launch a procedure for EU accession to the Istanbul Convention on violence against women.¹⁵³ It further urges the EC to establish an EU Year to End Violence against Women as soon as possible, and finally asks the European Council to activate the passerelle clause by adopting a unanimous decision identifying gender-based violence (including FGM) as an area of crime listed in Article 83(1) of the *Treaty on the Functioning of the European Union*.¹⁵⁴

Box 11: European Council

The European Council is one of the main EU institutions, and sets the EU's overall political direction, though it has no powers to pass laws. Led by its President and comprised of the 28 national heads of state or government and the President of the Commission, it meets for a few days at a time at least every six months.

Complementing these initiatives is the *Stockholm Programme* (2010-2014), adopted by the European Council [see box 11] in December in 2009 in order to establish "an open and secure Europe serving and protecting citizens".¹⁵⁵ It aims, *inter alia*, to strengthen procedural rights and provide more efficient help for victims of crime. In particular, it highlights the fact that women victims of violence represent a vulnerable group in need of greater protection, including legal protection.¹⁵⁶ The implementing Action Plan adopted by the EC in May 2010 also states that "all policy instruments available will be deployed to provide a robust European response to violence against women and children, including domestic

violence and female genital mutilation," and plans for "communication on a strategy to combat violence against women, domestic violence and female genital mutilation, to be followed up by an EU action plan".¹⁵⁷

In practice, the EU Strategy for Equality and the Stockholm Programme have "merged" with regards to taking action in combating violence against women, and the main advancements in terms of legal instruments are related to the Stockholm programme. Indeed, in May 2011, the EC adopted a package of proposals aimed at strengthening the rights of victims of crime, which also benefited women victims of violence and stalking. This was achieved through the establishment of minimum standards with respect to victim rights, support and protection, and by ensuring that protective measures taken in one member state are automatically recognised in another member state, so that victims do not forgo protection if they move or travel. Finally, these proposals adopt a gender-based approach to trafficking in human beings, thus recognising that women and men are trafficked into different situations and that they require gender-specific assistance and support.¹⁵⁸

Though there have been advancements in the above-mentioned areas of concern, the EC has nevertheless decided to "repeal" its commitment to adopt a comprehensive EU-wide strategy to combat violence against women, arguing that "the Commission focuses on concrete actions to combat violence in areas *where there is a clear legal basis for action in the Lisbon*

¹⁵¹ COM(2010) 491 final, op.cit. p.9

¹⁵² European Parliament resolution of 26 November 2009 on the elimination of violence against women (P7_TA(2009)0098); European Parliament resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (P7_TA(2011)0127); European Parliament resolution of 6 February 2013 on the 57th session on UN CSW: Elimination and prevention of all forms of violence against women and girls (P7_TA(2013)0045).

¹⁵³ A legislative report is a report by which the EP asks the EC to take a specific legislative initiative. This draft report was written by MEP Antonia Parvanova, with recommendations to the Commission on combating Violence against Women (2013/20045INL), and adopted by the EP Committee FEMM on 31.10.2013. The draft report will now have to be adopted at a plenary session of the EP.

¹⁵⁴ See also the EWL press release of 28/11/2013, <http://www.womenlobby.org/news/european-international-news/article/a-new-study-estimates-the-economic?lang=en> The Passerelle clause allows derogation from the legislative procedures initially provided by the Treaties of the European Union. The activation of the Passerelle clause would give a clear legal basis for the EU to act against gender based violence.

¹⁵⁵ The Stockholm Programme, an open and secure Europe serving and protecting citizens (2010/c 115/01), OJ of 4.5.2010, C115, p.1

¹⁵⁶ Ibid, point 2.2.3, p.10

¹⁵⁷ EC Communication, "Delivering an area of freedom, security and justice for Europe's citizens, Action Plan Implementing the Stockholm Programme, COM(2010) 171 final, 20.04.2010, p.3 and 13.

¹⁵⁸ For more information on the May 2011 proposals, see: Directive 2012/29/EU. For more information on the protection of the right to travel, see the regulation on the mutual recognition of civil law protection measures complementing Directive 2011/99/UE on the European Protection Order applicable in criminal matters. For more information on trafficking, see directive 2011/36/EU on preventing and combating trafficking in human beings.

Treaty” (emphasis added).¹⁵⁹ The EC’s inability to adopt an EU-wide strategy to combat violence against women since 2010, despite repeated calls from the EP, the EU Council and various NGOs, highlights the need for a clear legal basis and common legislation to deal with widespread abuses against women and girls within Europe’s borders.¹⁶⁰ This would greatly contribute to more uniform protection for women, while guaranteeing legal clarity on the issue across EU member states.¹⁶¹

The Daphne Programme to combat gender-based violence in the EU

The major concrete instrument of the EU action to combat violence against women within the EU is a specific funding programme. The Daphne Programme was launched in 1997 and has since led to the investment of close to € 200 million. Although it was created to fund measures contributing to “the protection of children, young people and women against all forms of violence,” in practice the programme has allocated about half of its funds to support projects run by NGOs, associations or local authorities in EU member states or candidate countries that tackle violence against women.¹⁶² According to experts, the Daphne Programme provides activists with the requisite credibility and political leverage in their own countries to address violence against women, and it has also been a tool for them to connect to regional and transnational networks.¹⁶³ The Daphne III programme (2007-2013) builds on the achievements of the programme’s initial phases, and its global 5-year budget is approximately € 117 million Euros. In 2014 and beyond, the Daphne programme will no longer exist independently; rather, it will be incorporated into the wider “fundamental rights and citizenship programme.” The EP has expressed concerns about this move, specifically addressing the fact that tackling violence against children and women is not explicitly spelled out as one of the key objectives of the “fundamental rights and citizenship programme.”¹⁶⁴ The fear, therefore, is that without a clear objective, the funding to address violence against women will be significantly reduced. NGOs, for their part, have also expressed concern for the future of the Daphne programme in the current context of economic crisis, which has already negatively impacted women’s rights and which requires an increase rather than a decrease in the budgets of programmes addressing gender issues.¹⁶⁵

Combating violence against women in the framework of EU external action

The general legal and political framework

The legal basis of the EU’s external action in human rights matters is provided by various Treaties.¹⁶⁶ In addition, the Charter of Fundamental Rights of the EU also provides a critical framework for the EU’s external actions in human rights.

The various treaty articles discussed above refer to the necessity of the strict observance and development of international law. As such, the EU has also committed itself to respecting and promoting women’s rights, including combating discrimination and any forms of ill-treatments, in its external action. This legal commitment has been regularly supported by legally non-binding “political commitments,” one of which is the Human Rights Guidelines [see Box 12]. An exhaustive list of such commitments is beyond the scope of this report, however, key commitments that refer explicitly to the fight against gender violence are outlined below:

- » **Published in 2008, the *EU Guidelines on Violence against Women and combating all Forms of Discrimination against Them* states that the fight against violence is a priority action for the EU, including in its external policy.**¹⁶⁷

¹⁵⁹ 2013 mid-term review of the Equality Strategy, Staff working document SWD(2013)339 final, 16.09.2013, p.45. As for the Europe-wide awareness-raising campaign on gender-based violence, it was still “on track” as of 2013.

¹⁶⁰ As stated by the EU Council in its Conclusions of 8 March 2010 and 6 December 2012.

¹⁶¹ See the EWL press release of 21/09/2011, <http://www.womenlobby.org/Press-room/Press-releases/article/eu-must-put-an-end-to-hypocrisy?lang=fr>

¹⁶² Celeste, MONTOYA; “International Initiative and Domestic Reforms: European Union Efforts to Combat Violence against Women,” *Politics & Gender*, 2009, p. 341.

¹⁶³ Amy ELMAN; “Gender Violence” in *The Oxford Handbook of gender and Politics*, (dir) Georgina Walen, Karen Celis, Johanna Kantola and S. Laurel Weldon, New York: Oxford University Press, 2013; Celeste MONTOYA; *From Global to Grassroots: The European Union, Transnational Advocacy, and Combating Violence against Women*, Oxford University Press, 2013

¹⁶⁴ European Parliament resolution of 2 February 2012 on the Daphne programme: achievements and future prospects, P7_TA(2012)0027.

¹⁶⁵ EWL PRESS RELEASE: “EU must put an end to ‘hypocrisy’ and go from talk to effective action to end violence against women and girls in internal and external policies, say MEPs and NGOs,” Brussels, 21 September 2011.

¹⁶⁶ In particular by: the *Treaty of the European Union* (TEU article 2, outlining EU values, article 3, outlining EU objectives in its relations with the wider world, article 6 referring to the *Charter of Fundamental Rights of the EU* and article 21 outlining the principles inspiring the EU’s external action); the *Treaty on the Functioning of the European Union* (TFEU Article 205) which sets the general provisions on the Union’s external action and determines that the EU’s international actions are to be guided by the principles laid down in Article 21 of the TEU. For more information see, EP factsheet: http://www.europarl.europa.eu/aboutparliament/en/displayFtu.html?ftuid=FTU_6.4.1.html

¹⁶⁷ <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>

Based on the objectives of various UN instruments, these guidelines establish a set of operational objectives and intervention tools [see appendix IV]. As with the approach used internally at the EU-level, the fight against gender-based violence is subsumed under the general goal of promoting gender equality and fighting against discrimination. However, the Guidelines also call for specific coordinated strategies at all levels, and addresses the impunity of perpetrators and access to justice. They also prioritise women's rights within EU human rights policy vis-à-vis non-EU countries, and mentions the possibility of demarches for dealing with individual cases of extreme gravity. Last but not least, the Guidelines also aim to facilitate the implementation of a maximum number of concrete projects in favour of women and girls, using funds from the European Instrument for Democracy and Human Rights (EIDHR) or any other relevant funding instrument of the European Union or member states. Concrete implementation at the country level is to be defined through specific local strategies.

Box 12: EU Human Rights Guidelines

The EU Human Rights Guidelines are pragmatic instruments to assist EU Delegations and member state embassies to better implement the EU Human Rights policy. Although they are not legally binding, the fact that they have been adopted at a ministerial level is a strong political signal that they are priorities for the EU. EU actors implement these guidelines through specific actions such as demarches and statements, as well as by supporting projects and civil society. There are currently 10 Guidelines on issues ranging from International Humanitarian Law to human rights defenders, torture and children's rights.

- » The EU Action Plan on Gender Equality and Women's Empowerment in Development (2010-2015) put forward by the EC and adopted in June 2010 by the EU Council in its Conclusions on the Millenium Development Goals, has as one of its nine key objectives to "strengthen EU support to partner countries in combating gender-based violence and all forms of discriminations against women and girls". It also outlines the indicators to be used in this regard, as well as concrete actions to be taken by 2015.¹⁶⁸
- » On 25 June 2012, the European Council adopted a Strategic Framework on Human Rights and Democracy, accompanied by an 'Action Plan' to implement this Framework.¹⁶⁹ This Framework seeks to improve the effectiveness and consistency of EU human rights policy over the next 10 years by, inter alia, adopting a more tailored approach¹⁷⁰ with bilateral partners and making more effective use of EU external policy instruments, including the European Neighbourhood Policy (ENP). Among the foreseen concrete steps to be taken from now to 31 December 2014, three are specifically addressing violence against women: "(b) to support relevant initiatives against harmful traditional practices, in particular female genital mutilation, (c) to promote the prevention of early and forced marriages affecting children, [...] and (e) to support initiatives, including of civil society, against gender based violence and femicide".¹⁷¹

The European Parliament has also recently adopted numerous resolutions addressing the issue of violence against women. For instance, the EP adopted a resolution on 7 April 2011 on the use of sexual violence in conflicts in North Africa and the Middle East.¹⁷² It also adopted specific resolutions on **Libya** and **Egypt** condemning sexual assaults in the two countries.¹⁷³ More recently, the EP adopted a resolution on 12 March 2013 addressing the situation of women in North Africa; this resolution focused on the reforms needed to achieve equality between men and women, in particular by making this a priority

¹⁶⁸ For more information on the Action Plan, see http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/genaff/115157.pdf. EU Council Conclusions of the 3023rd foreign affairs Council meeting, 14.06.2010, p.16.

¹⁶⁹ Council of the European Union, EU Strategic Framework on Human Rights and Democracy, 11855/12, 25 June 2012.

¹⁷⁰ e.g. differentiated approaches adapted to the situation of each country

¹⁷¹ Ibid, p.16. The 2 other actions are: "(a) to conduct a targeted campaign on political and economic participation of women with special focus on countries in transition"; and "(d) to implement the nine specific objectives of the EU plan of action for gender equality and women's empowerment in development 2010-15."

¹⁷² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P7-RC-2011-0244+0+DOC+XML+V0//EN>

¹⁷³ For Libya, see <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0095+0+DOC+XML+V0//EN>; for Egypt, see <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0064+0+DOC+XML+V0//EN>

in ENP Action Plans, and encouraging the EC to increase its financial assistance in favour of women in the region through civil society organisations, especially women associations.¹⁷⁴

Although not perfect, this general framework does give the EU sufficient concrete entry points and tools to address seriously the issue of violence against women in its external policies and, in particular, in its regional and bilateral policies. The following section will discuss how this general framework is translated in EU relationships with the South Mediterranean, both at regional and country levels, with an emphasis on our four case-studies (Egypt, Tunisia, Libya and Syria).

The Euro-Mediterranean Framework: The Union for the Mediterranean (UfM)

The UfM framework addressing violence against women: The Istanbul-Marrakech-Paris Process

The Istanbul-Marrakesh-Paris Process was developed in the framework of the Euro-Mediterranean Partnership (since 2010 the Union for the Mediterranean) [see box 13]. Ministers from partner countries met in 2006 at the Euro-Mediterranean Ministerial Conference on Strengthening the Role of Women in Society. At this conference, they adopted the Istanbul **Framework of Action**, committing their respective countries to the promotion of gender equality and women's rights, and specifically to "combat all forms of violence against women, guarantee women protection and redress in case of violation of their rights; protect the fundamental rights of women victims of all forms of violence, especially domestic violence, trafficking in human beings, harmful traditional practices and violence against migrant women."¹⁷⁵

Box 13:

The Union for the Mediterranean (UfM, formerly the Euro-Mediterranean Partnership (EUROMED)/Barcelona Process) is a regional and multilateral cooperation initiative between 43 partner countries (28 EU member states and 15 Southern Mediterranean, African and Middle Eastern countries, in addition to the European Commission and the League of the Arab States).¹⁷⁶

In 2009 in Marrakesh, participants at the Second Euro-Mediterranean Conference on Strengthening the Role of Women in Society reiterated and strengthened their commitments to the promotion of de jure and de facto equality between men and women by referring directly to international norms.¹⁷⁷ In addition, some more specific objectives were included regarding gender-based violence: Euromed ministers renewed their commitment to eradicate all forms of violence against women and girls, including in situations of conflict and of human trafficking, to offer protection and support to victims and to prosecute perpetrators, in particular by adopting and implementing adequate legislative and policy measures.¹⁷⁸

Unfortunately, the subsequent Conclusions adopted in Paris in September 2013 at the Third Ministerial Conference did not adequately address the pressing needs of women in the current tumultuous regional context. NGOs have in fact criticised the 2013 final declaration as being a step back compared to the 2009 Conclusions; in particular, the 2013 Conclusions do not clearly reiterate the commitment to the de jure and de facto equality between men and women, the pre-eminence of international conventions over national legislations and the concrete obligations of all parties in addressing violence against women.¹⁷⁹ Despite these limitations, the 2013 Conclusions do identify the fight against all forms of violence and discrimination targeting women and girls as one of three main priorities. Moreover, it includes a detailed list of possible actions and measures to be taken by partner countries, including awareness-raising; prevention; legislative measures, such as the proper prosecution of perpetrators; adequate protection and support to victims; strengthening CSOs; and supporting women's economic empowerment.

¹⁷⁴ http://www.eeas.europa.eu/top_stories/2011/250511_en.htm

¹⁷⁵ Ministerial Conclusions on Strengthening the Role of Women in Society, Istanbul, 15 November 2006, p.3.

¹⁷⁶ Albania, Algeria, , Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, BiH, Morocco, Palestine, Tunisia, Syria, Turkey

¹⁷⁷ See <http://www.euromedrights.org/eng/2009/07/17/womens-rights-in-the-euro-mediterranean-region-must-be-made-a-priority/>

¹⁷⁸ Conclusions of the Second Ministerial Conference, Marrakesh, 11 and 12 November 2009, p. 4 and 5.

¹⁷⁹ See the PFNG and EMHRN press release, "Marche arrière sur les droits des femmes" (in French), Paris, 12 September 2013

Implementation of the Istanbul-Marrakech-Paris Process

Despite commitments taken in 2009 to adopt and implement national action plans and to develop gender budgeting the major and most problematic shortfall of this process lies at the implementation level.¹⁸⁰ Specifically, the Istanbul-Marrakech Process does not have a proper follow-up mechanism, thus greatly hindering efforts at effective implementation. The only established review mechanism is the senior officials/experts meetings that were scheduled to take place annually since 2007. In reality, however, there were only two meetings between 2007 and 2009, and no meeting has taken place since the 2009 Marrakech Conclusions, despite a reiterated commitment that “senior officials/experts meetings shall convene at least once a year to share views on national trends and policy developments, identify and exchange best practices.”¹⁸¹

Therefore for the moment, this process and its associated declarations are merely major reference instruments in the Euro-Mediterranean framework that still require implementation. According to the interviews conducted for this study, a meeting of the experts/senior officials group should take place in the second half of 2014.

In terms of projects, violence against women has not been a priority for the current reporting period, and the three projects of regional scope that have been identified by the UfM and financed by the EU focus mainly on the socio-economic empowerment of women, awareness-raising and networking. In its most recent 2013 progress report, the UfM Secretariat mentioned having received and appraised at least one project focusing on the prevention of violence among secondary school children.¹⁸² Moreover, the UfM Secretariat recently launched an open-ended call for proposals, for which civil society organizations and all other interested stakeholders, including national, regional and local authorities, are invited to submit projects in line with the Paris Ministerial Conference's three main priorities, which include “combating all forms of violence and discrimination against women and girls.”¹⁸³ The main concern with respect to this call for proposals is that the source of funding remains unclear.

Finally, the EU and the UfM should ensure greater coherence and coordination between UfM initiatives, ENP action plans and country-level human rights strategies.

The European Neighbourhood Policy (ENP) with the Southern Mediterranean Partners

The framework addressing violence against women within the ENP

Launched in 2004, the European Neighbourhood Policy (ENP) provides a framework for strengthened bilateral ties between the EU and ten ‘Southern Mediterranean Partners’ (SMPs) in the fields of political and economic cooperation, access to the EU internal market and support from EU programmes and agencies.¹⁸⁴ In return, partner states are committed to gradually bringing their legislation in line with the *acquis communautaire*¹⁸⁵, including respect for human rights.

The ENP was renewed in 2011 by two major EC Communications: 1) the joint Communication of 8 March 2011, “A partnership for democracy and shared prosperity with the Southern Mediterranean,” which outlined the EU’s response to the Arab Spring, and 2) the joint Communication of 25 May 2011, “A New Response to a Changing Neighbourhood,” which launched the renewed European Neighbourhood Policy.¹⁸⁶ Those two Communications responded to the challenges presented by rapidly changing domestic contexts in countries directly affected by the Arab Spring and in the region more broadly. They aimed to clarify and strengthen EU support for democracy and for the various political transition processes unfolding in many South Mediterranean countries.

With respect to women’s rights and gender equality, these two Communications recognize that: “Women have played an important role in the changes in the region and [that] gender aspects will play an important role in future EU support.”¹⁸⁷

¹⁸⁰ Conclusions of the Second Ministerial Conference, op.cit., p.4.

¹⁸¹ Ibid, p.7.

¹⁸² Secretariat of the Union for the Mediterranean, Progress Report on women empowerment and gender equality, 10.06.2013, p.3-4.

¹⁸³ <http://ufmsecretariat.org/union-for-the-mediterranean-third-ministerial-conference-on-strengthening-the-role-of-women-in-society/>

¹⁸⁴ Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority and Tunisia. Although geographically eligible, Libya and Syria are not fully part of the ENP yet. Six Eastern European countries complete the ENP through the “Eastern Partnership”.

¹⁸⁵ The *acquis communautaire* is the accumulated legislation, legal acts, and court decisions which constitute the body of European Union law.

¹⁸⁶ EC & HR/VP Joint Communication, “A partnership for democracy and shared prosperity with the Southern Mediterranean”, 03.08.2011, COM 2011(200) final. EC & HR/VP Joint Communication, “A new response to a changing neighbourhood”, 25.05.2011, COM 2011(303) final.

¹⁸⁷ COM (2011)200 final, op.cit. p.6

They also reaffirm that in order to “support progress towards deep democracy, the commitment to human rights and fundamental freedom is essential and should underpin the partnership, including a strong commitment to promoting gender equality [and] fighting against all forms of discrimination.”¹⁸⁸ Despite the fact that this general commitment neither directly address specific issues such as combating violence against women nor determine concrete steps or measures to be taken by states, it should be considered as a positive first step towards a progressively greater inclusion of a gender perspective within the ENP. Moreover, following an advocacy campaign from the EMHRN and other NGOs, the 1st December 2011 Council conclusions acknowledged the important role of women in the Arab Spring and stated “that women’s rights, gender equality and women’s participation in the political process are essential components of a democratic society and important for inclusive economic development”.¹⁸⁹ Furthermore this commitment was explicitly reiterated by High Representative, Catherine Ashton, and Commissioner, Stefan Füle, in a February 2012 joint letter to all EU Foreign Ministers.

Box 14: “ENP packages”

Since 2011, the EC adopts a set of papers on the ENP on a yearly basis, commonly referred to as the “ENP package”. This package usually has three components: 1) a Communication that clarifies the ENP regional framework; 2) a Regional Report that provides an overview of the previous year’s regional implementation of the ENP and that identifies main areas for future action; and 3) country progress reports (see below).

In May 2012, the EC adopted another Communication, “Delivering on a new European Neighbourhood Policy,” which assessed the implementation of this new approach, as well as a “Report on activities in 2011 and roadmap for future action” (the report of the ENP package) [see box 14].¹⁹⁰ Unfortunately, these documents did not effectively respond to the challenges arising from the regional situation, and in particular with respect to anticipated progress on the prioritisation of women’s rights. The Communication only reaffirmed that: “Building sustainable democracy also means ensuring gender equality and increasing the participation of women in political and economic life, “and that “[t]he EU will continue to step up its efforts to support women’s rights across the region, [and] ensure that gender equality is mainstreamed into all relevant cooperation activities.”¹⁹¹ It did not,

however, state that gender equality was a clear key element and priority. Moreover, these elements are not at all included in the roadmap for future action, in which there is absolutely no mention of any gender dimension in either the objectives for building sustainable democracy or in the expected achievements for 2013.

The March 2013 ENP package is not doing better. On the contrary, the Joint Communication, “Working towards a Stronger Partnership” is a clear setback compared to the 2012 Communication; it neither reiterates the general commitment to support women’s rights and to mainstream gender equality nor does it mention gender issues under the ‘Policy Coherence’ and ‘Challenges Ahead’ sections.¹⁹² It refers only to “cultural and social discrimination against women” and to the fact “that the transition process and constitutional reform [should] not hinder progress on, or undermine the equality of women before the law and in society.”¹⁹³ The only positive element can be found in the 2012 regional report, which mentions the setting of benchmarks for democratic transition in the Southern Mediterranean in the area of women’s rights.¹⁹⁴ Aside from this one comment, there is no mention anywhere in the report, including in the ‘Way Ahead’ sections, of any political objective or commitment in the field of women’s rights, gender equality or gender-based violence.

In conclusion, the revised ENP framework is not satisfactory in terms of promoting gender equality and women’s rights, despite the initial commitments taken in 2011 and again in February 2012. Unfortunately, these commitments were not fulfilled and expanded upon in either 2012 or 2013. While it is certainly true that gender mainstreaming and combating violence against women are already enshrined in EU external policies through other EU instruments specifically dedicated to these issues, direct references to these texts and explicit commitments to apply them appropriately within the ENP context would provide a solid basis for effective implementation, while also contributing to greater coherence in EU external policies.

¹⁸⁸ COM (2011)303 final, op.cit., p.5

¹⁸⁹ EU response to the developments in the Southern Neighbourhood – Council conclusions, 01.12.2011, 17967/11, p.4.

¹⁹⁰ EC & HR/VP Joint Communication, “Delivering on a new European Neighbourhood Policy,” 15.05.2012, JOIN(2012) 14 final; and Joint Staff Working Document, “Partnership for Democracy and Shared Prosperity: Report on activities in 2011 and roadmap for future action,” 15.05.2012, SWD(2012) 121 final.

¹⁹¹ EC & HR/VP Joint Communication, JOIN(2012) 14 final, op.cit, p.7 and 17.

¹⁹² EC & HR/VP Joint Communication “European Neighbourhood Policy: Working towards a Stronger Partnership”, 20.03.2013, JOIN(2013) 4 final

¹⁹³ Ibid, p.8.

¹⁹⁴ EC & HR/VP Joint Staff Working Document, “Implementation of the ENP in 2012 Regional Report,” 20.03.2012, SWD(2013) 86 final, p.6.

Implementation at policy level

The ENP is the most advanced EU regional policy and it therefore has immense potential to contribute to effective implementation of EU human rights policy with non-EU countries. In fact, the ENP has already been mentioned as an important channel for tailored-made approaches of greater impact at the local level in the EU Strategic Framework and Action Plan on Human Rights.¹⁹⁵ The following section therefore assesses to which extent the ENP is actually fulfilling its potential to reach EU objectives in the field of combating violence against women. Although some regional programmes do exist, the concrete implementation of the ENP occurs at the country level.

Box15: ENP Actions Plans

Central to the current revised ENP are the bilateral Action Plans (and their matrix for implementation) jointly agreed upon by the EU and each South Mediterranean Partners (SMP). These Action Plans clearly set out partner country's agenda for political and economic reforms, with short and medium terms priorities of 3 to 5 years. They reflect the country's needs and capacities, as well as its interests and those of the EU.

The seven existing ENP Action Plans [see box 15] all include women's rights and gender equality in their key priority actions.¹⁹⁶ They also all refer to violence against women as an issue of concern. However, the level of detail and specificity differs greatly from one country to the other. The main shortcoming in most of the ENP Action Plans lies precisely in this absence of specific objectives, benchmarks and indicators when it comes to defining more precisely each country's priorities.

The Action Plan put forward by Jordan is the most detailed with respect to the specific problems to be addressed and the objectives to be reached. There is no indication that the situation in Jordan is worse or better than anywhere else in the region, yet its Action Plan does not limit itself to

legislative issues (as do many of the others); rather it goes beyond the question of legislation to address concrete issues, such as women's access to courts and the availability of shelters.¹⁹⁷ Another example of good practice is Morocco. Despite largely focusing on the adoption of specific legislation to deter violence against women, its Action Plan nevertheless also contains precise timelines and indicators. Although a good legal framework is a crucial element in protecting women against violence, especially with respect to fighting against the impunity of perpetrators, the only way to ensure the effectiveness of such legislation is through the implementation of key supporting measures, such as: the provision of training on gender issues for members of the judiciary and policy, the opening of help-lines and shelters, etc.

Box 16: Country Progress Reports

Every year, ENP Progress Reports are drafted for each country in order to assess progress made towards meeting Action Plan objectives and to enable the clarification of the revised ENP's approach. The Progress Reports are first drafted by local EU delegations, and then revised and finalised at EU headquarters in Brussels. For countries without Action Plan, the EU drafts short ENP Memos.

In terms of assessing the implementation of the Action Plans, most ENP progress reports [see box 16] are rather weak in highlighting remaining gender-related challenges. Where such challenges are mentioned, they often lack clear objectives and suggestions for how the country can move forward.¹⁹⁸ In the 2011 Progress Reports for **Egypt**, **Tunisia** and Israel, there is no mention of gender-based violence at all at the policy level. Similarly, in the Memos¹⁹⁹ for **Syria**, **Libya** and Algeria gender-based violence is omitted. Out of 10 countries, then, six do not raise the issue of gender-based violence. There was some improvement in 2012, when "only" one Progress Report (**Egypt**) and two Memos (Algeria and **Syria**) did

¹⁹⁵ EU HR Strategic Framework and Action Plan, op.cit. p.22

¹⁹⁶ The EU and Algeria have not agreed yet on an Action Plan. Libya and Syria are not fully part of the ENP, although they can benefit from financial support under the ENP financial instrument (see below); however, they have not signed any Association agreement with the EU and thus have no ENP Action Plan.

¹⁹⁷ EU-Jordan Action Plan, http://www.eeas.europa.eu/enp/pdf/pdf/action_plans/2013_jordan_action_plan_en.pdf

¹⁹⁸ All ENP progress reports are available on the EU website: http://www.eeas.europa.eu/enp/documents/progress-reports/index_en.htm

¹⁹⁹ As mentioned previously, the ENP Memos are drafted by the EU as an alternative to Progress Report for ENP countries that have not agreed on an ENP Action plan with the EU. Out of the South Mediterranean countries, this is the case for Algeria, Libya and Syria.

not refer to gender-based violence at the very least as a policy issue.

Despite this improvement, the lack of attention to gender-based violence remains highly problematic, especially because country reports are the full responsibility of the EU (i.e. they are not subject to bilateral agreement as in the case of the Action Plans). These reports are intended to be the main tool for the implementation of the the more for more approach, in order to encourage South Mediterranean countries to strengthen their efforts for democratic reform and human rights promotion. Another key issue is the coherence between the ENP and EU Human Rights Policy, which is translated at the country level through the Human Rights Country Strategies (HRCS) [see box 17]. According to interviews conducted for this report, in countries where both documents exist, local strategies for the implementation of the EU Guidelines on violence against women are integrated into the wider HRCS. This means that women's rights and gender-based violence should be integrated in all HRCS, although this does not necessarily mean that concrete objectives and benchmarks will be defined as this depends of the identified needs and priorities at country level. This is in particular the case for **Egypt** and **Tunisia**, but not for **Libya** and **Syria**. Although there has been undeniable progress in terms of mainstreaming gender issues in other ENP policy fields, at the daily operational level, it is clear that EU human rights officers are mainly aware of and concerned with the HRCS but less with the ENP action plans, and vice versa for those responsible for the ENP, particularly within EU delegations. Separation between different sectors remains and highlights the importance of directly integrating women's rights in the ENP action plan priorities, not only in the HRCS, if the ENP is to be an effective supporting tool for the promotion of women's rights, as demonstrated in the case of Jordan.

Box 17: Local Human Rights Country Strategies (HRCS)

Human Rights Country Strategies guide the local implementation of various EU HR Guidelines in EU bilateral relations with non-EU countries. Priorities and concrete actions are adapted to local contexts and needs. They are defined and adopted at a country level by EU embassies; however, they also have to be adopted at a higher political level in Brussels, a process which takes time. These strategies are subject to yearly review and are not publicly disclosed.

Box 18: EU Annual Reports on Human Rights and Democracy

The EU Annual Reports on Human Rights provide an assessment of the actions taken to implement the EU Human Rights Action Plan priorities, and in particular the different EU Human Rights Guidelines, including the one on violence against women. They also review EU actions for the promotion of democracy and human rights in non-EU countries.

Another concern regarding coherence between the ENP and EU human rights policy is that the EU Annual Human Rights Reports [see box 18] are in most cases failing in properly addressing women's rights as part of the challenges. In the 2011 report, only five out of 10 countries referred to women's rights, only three (Jordan, Morocco and Algeria) referred explicitly to gender quality and only two (**Egypt** and Jordan) specifically mentioned gender-based violence.²⁰⁰ The 2012 report shows some improvement, with six countries mentioning women's rights and three (**Egypt**, Morocco, Algeria) referring to gender equality and gender-based violence (**Egypt**, Syria, Algeria).²⁰¹ This slow improvement is troublesome, and may reflect a continuing absence of coherence and coordination between different EU external policies. One of the most striking cases is Lebanon, where the ENP Progress Reports are rather detailed regarding women's rights, including gender-based violence, whereas the 2012 Human Rights Annual Report hardly mentioned the issue. Another example is Syria (see case-study below).

²⁰⁰ http://www.eeas.europa.eu/human_rights/docs/2011_hr_report_en.pdf

²⁰¹ http://www.eeas.europa.eu/human_rights/docs/hr_report_country_2012_en.pdf

EGYPT

The ENP Action Plan for Egypt is not satisfactory when it comes to addressing gender-based violence. Besides a general commitment to support Egypt in the fight against discrimination and gender-based violence (with female genital mutilation as a key priority), no clear objectives or indicators are defined.²⁰²

EMHRN members are also not satisfied with the 2011 and 2012 ENP Progress Reports, as these fail to properly reflect realities on the ground. Where they do refer to violence against women and girls, and underline the absence of an adequate legal system to protect them, the reports remain extremely cautious when mentioning the key issue of sexual violence, including gang rape and mob harassment used against women human rights defenders and political activists. In fact, severe and unprecedented sexual violence against women protestors took place amidst a climate of impunity, with no public condemnation from the EU or reference to this development in the Progress Reports. NGOs also consider that the report's focus on female genital mutilation is too narrow, and that other critical aspects of gender-based violence should also be addressed, including sexual harassment.²⁰³ Moreover, the suggestions for moving forward fall far short of addressing the women's urgent needs; recommendations remain extremely general and weak, and do not refer at all to gender-based violence.

According to interviews, for the past four years Egypt has been promising the EU that it will adopt a law on violence against women. An initial draft was issued in 2011, but was strongly criticised, in particular because of increasing crimes punished by capital punishment. The process was halted despite EU demands and offers of assistance. A new draft was finally presented in 2013; in its preparation, Egypt asked for EU expertise, which was provided by Spanish experts on behalf of the EU. Nevertheless, the law was never finalised. Despite this setback, the Human Rights Country Strategy for Egypt was adopted both at local and higher political levels. In the Strategy, women's rights are a key priorities and violence against women is designated as a specific point to be raised with Egyptian authorities.

TUNISIA

The period of instability brought about by the Tunisian revolution has drastically changed the relationship between the EU and Tunisia. The 2011 and 2012 ENP Progress Reports remain cautious when referring to women's rights. They raise the issue of the general declaration to the CEDAW, which could limit the primacy of international law, as well as CSOs' concerns regarding the possible undermining of women's status and violence against women (particularly domestic violence). The special measures, adopted in September 2011 and in March 2012, in order to support the transition process both include references to equality between men and women as a cross-cutting issue, but without defining specific objectives or expected results.

The 2013 Action Plan goes one step further by including gender equality as one of the main aims and key elements of the new ENP, and by defining several specific objectives in this regard, including the need to strengthen the legal framework to deter all forms of discrimination, and to better protect women against all forms of violence, including domestic violence.²⁰⁴ It also mentions the provision of support for victims of human trafficking, especially women and children. This addresses the concerns expressed by CSOs in a consultation on 5 November 2012, where they had raised the issue of strengthening support for gender issues.

The Human Rights Country Strategy for Tunisia has been adopted at the local level and is waiting for adoption at the EU headquarters level. Women's rights are a priority and violence against women is a specific point, although it was not possible to determine what specific actions will be taken to address it. THE EMHRN was informed that the government had shown its roadmap for drafting the framework law on violence against women to the EU delegation and the CoE. This means that the EU now has an entry point to provide Tunisia with support, be it at the drafting stage or at the crucial moment when the law will be submitted to the Tunisian Assembly.

²⁰² EU-Egypt Action Plan, p. 7, http://ec.europa.eu/world/enp/pdf/action_plans/egypt_enp_ap_final_en.pdf

²⁰³ See the previously cited study, http://www.dgyn.de/fileadmin/user_upload/DOKUMENTE/English_Documents/Sexual-Harassment-Study-Egypt-Final-EN.pdf

²⁰⁴ 2013-2017 EU-Tunisia Action Plan, p.13

LIBYA

As Libya is not part of the ENP, there are no Action Plans or Progress Reports available.²⁰⁵ EU analysis of the situation in Libya with respect to women's gender rights and equality is therefore presented in EU Human Rights Annual Reports, as well as in ENP Package Memos. In these documents, references to women's rights are extremely vague and even more so with respect to gender-based violence. Only the 2012 Memo refers to the fact that "despite an increase of women political participation in Libya during 2012 [...] discrimination and violence against them remains a challenge." Moreover, the 2012 EU Human Rights Annual Report, published in October 2013, does not refer to the deliberate use of sexual violence as a weapon of war in Libya, despite available credible sources.²⁰⁶ While it is true that sexual violence and rape are taboo subjects in Libya, Libyan women themselves have stood up publicly to denounce this situation. In response to this direct demand for recognition of and reparations for women victims of sexual violence in the conflict, the Justice Minister prepared a law that would address the issue. Unfortunately, this law has yet to be passed, and the General National Congress (GNC) has ended in February 2014. Consequently, the EU should do its utmost to recognise such local initiatives by clearly stating its support for them in the new ENP Package Memo and by providing concrete assistance, such as legal expertise, for the advancement of such law.

EU political action in Libya is based on ad-hoc visits and dialogues, during which EU officials meet with women activists and politicians. According to interviews, the EU could easily raise the issue of women's rights with their Libyan counterparts, who are receptive and aware that the treatment of women has deteriorated. However, the problem is that the Libyan state is very weak and currently has no power to implement policies or even to control the situation on the ground. At the same time, interlocutors stated that although the issue of human rights was raised during the Libyan Prime Minister 2013 visit, the discussion did not specifically tackled women's rights. Moreover, the EU Foreign Affairs Council Conclusions of November 2013, the first ones for more than a year, refer to the inclusion of women in the political process, but do not address human rights violations against them.²⁰⁷ It is clear from these Conclusions that the main political priorities for the EU are security and migration; women's rights are clearly not at the forefront in the political transition process. At present, it seems that EU missions in Libya are providing "protection reports" rather than full human rights reports, with a focus on detention centres and migrants (including women). This should also change in order for the reports to be more comprehensive; the reports should specifically include an in-depth assessment of the situation of women, in particular with regard to gender-based violence, now that the EU delegations are finalising the Human Rights country strategy for Libya..

SYRIA²⁰⁸

The 2011 and 2012 ENP Package Memos regarding Syria never refer to women. The EU Annual Human Rights Reports are also weak: the 2011 report never refers to women, while the 2012 report refers only to the EU call for protective measures for women and girl victims of gender-based violence, and to EU humanitarian aid in favour of children and women (victims of gender-based violence).

The Council Conclusions are also rather weak when it comes to defending women's rights in the Syrian context. Though there has been almost systematic use of the word "inclusiveness", in particular when referring to the National Coalition and future of Syria, the EU has never made clear what it meant by the term. It was only in March 2012, fully one year after the conflict began, that the EU started to explicitly include women when referring to equal rights for all citizens in a future peaceful Syria (in contrast, the issue of minorities and other grounds for potential discrimination, like beliefs or affiliations, had been mentioned several times in previous Conclusions). Fortunately, interviews conducted for this report indicate that the EU pushed for stronger representation of women in the Syrian delegations to the Geneva II Peace Conference. Regarding acknowledgment of specific violations of women's rights, in particular gender-based violence, only the Council Conclusions of 10 October 2012 make a clear reference to women and girls subjected to gender-based violence and call for special protective measures. While the EMHRN acknowledges the difficulty in gathering reliable information from inside

²⁰⁵ At the moment, Libya and the EU are not linked by contractual relations and there is no Association Agreement in force. Libya has not adhered to the Barcelona acquis and does not take part in the ENP even if it is a member. It only has observer status in the Barcelona process and the UfM. As the transition progresses, the EU will seek to intensify its political relationship with Libya through financial and technical cooperation. An EU Delegation in Libya was opened in November 2011.

²⁰⁶ EU Annual Report on Human Rights and Democracy in the World in 2012 (Country Reports), 15144/13, 21/10/13, p.61-64.

²⁰⁷ Council conclusions on Libya, Foreign Affairs Council meeting, Brussels, 18 November 2013.

²⁰⁸ Syria is a signatory to the 1995 Barcelona Declaration and a member of the UfM. Syria is also a member of the ENP, but does not benefit from all its instruments and incentives, pending entry into force of an Association Agreement. Negotiations on an Association Agreement were stalled in May 2011, and bilateral cooperation programmes under the ENP have been suspended.

Syria, especially pertaining to violence and sexual abuses against women, the EMHRN still considers that the EU has been excessively cautious and that it could have made use of the presence of ECHO offices in the field that were well aware of the situation of women, for instance, in refugee camps.²⁰⁹ More worrying is the fact that the 2013 EC communication “Towards a comprehensive EU approach to the Syrian crisis”²¹⁰ does not refer at all to gender equality or women’s rights, let alone violence against women, when dealing with key issues such as the political settlement or transitional justice and accountability. General references to inclusiveness and vulnerable groups in need of specific protection are far from being satisfactory and sufficient to defend gender equality and to promote the rights and active participation of half the population. Given the major challenges facing women’s rights in Syria, and the repeated EU’s commitments to adopt gender mainstreaming approach and to promote gender equality and women’s rights including combating violence against women, EU should explicitly and boldly address violations of women’s rights and gender equality in its action towards Syria.

To conclude, the importance given to the issue of violence against women and the various responses to it in EU bilateral relations with South Mediterranean countries differ markedly from one country to another. This issue is still not systematically considered a priority; rather, whether it is addressed or not depends on a variety of factors, such as the national interest at the level of the government and/or civil society, the ease in tackling the issue in a specific local political context and the prioritisation of the issue by the EU delegation itself. Sadly, the actual occurrence and severity of violence against women is not the main criteria.

The implementation at programming level

The main ongoing regional cooperation programme related to women is the 2012-2016 “Spring forward for women,” implemented by UN Women and funded by the EU under the European Neighbourhood and Partnership Instrument (ENPI) (€ 7 million out of € 8.2 million).²¹¹ This programme covers Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Occupied Palestinian Territory, Tunisia and potentially Syria, if EU cooperation with Syria resumes. This programme supports initiatives by national and regional institutions, as well as civil society organisations, which aim to ensure women’s active engagement in decision-making, to empower them economically and to share experiences across the region on women’s political and economic rights. According to interlocutors, both at regional and country levels, the decision to have a specific focus on violence against women depends on the needs expressed by CSOs at regional/local level, in particular during identification missions.

Other regional programmes, such as EUROMED Justice III and EUROMED Police III, are additional potential tools to tackle gender-based violence through programmes that deal with other issues, such as fighting human trafficking or improving access to justice. Nevertheless, according to publicly available information, violence against women is not currently identified as a specific topic of concern.²¹²

Women’s rights are also addressed through thematic instruments such as the Investing in People Instrument, the Non-State Actors/Local Authorities Instrument (NSA/LA) and the European Initiative for Democracy and Human Rights (EIDHR). Under the Investing in People Instrument for 2011-2013, the funding available for specific actions in the area of gender equality is mostly targeted at ENPI countries, but the focus is mainly on women’s economic and social empowerment and political participation, as well as on women’s rights in general. Unfortunately, it does not directly address the issue of violence against women.²¹³

Therefore, among the current EU-financed (ENPI or thematic) regional projects, only one includes a component on violence against women and concerns Algeria, Jordan, Lebanon, Morocco and the Occupied Palestinian Territory. At the country level, the situation is somewhat better, thanks to thematic financial instruments, and, in particular, to the European Instrument for Democracy and Human rights, which is the only instrument for which the EU does not need to consult local government on the selection of projects. With the notable exception of Morocco, there are ongoing projects supporting CSOs who are dealing with the issue of gender-based violence in all ENP countries (excluding Syria and Libya, see below): one in Israel, the Occupied Palestinian Territory and Tunisia; two in Algeria, Jordan and Lebanon; and three in Egypt.

²⁰⁹ See the previously cited EMHRN report, *Violence against women: Bleeding wound in the Syrian conflict*, November 2013. <http://www.euromedrights.org/eng/wp-content/uploads/2013/11/Doc-report-VAW-Syria.pdf>

²¹⁰ 24.6.2013, JOIN(2013) 22 final

²¹¹ http://www.enpi-info.eu/mainmed.php?id=475&id_type=10

²¹² <http://www.euromed-justice.eu/home>; <http://www.euromed-police3.eu/>

²¹³ *Investing in People, Mid-term Review of Strategy Paper for Thematic Programme (2007-2013)*, p.17, 25 and 29.

In Morocco, the EU is providing the government with financial support for the National Plan on Gender Equality. The Plan focuses mainly on modernising the penal code, and financial support is conditional on progress achieved and assessed according to a series of benchmarks, which were reviewed by EU experts. Despite the fact that the law on violence against women has been criticized by local and international NGOs, the EU considered that Morocco has made some positive steps, and therefore decided to further encourage the government by disbursing the first tranche of this financial support (about 10-15% of the total).

EU bilateral cooperation is usually based on programming documents such as the Country Strategy Papers (covering 2007 to 2013) and National Indicative Programmes (NIP, covering 2010-2013). In only three ENP countries did these documents explicitly refer to violence against women for the period 2010-2013: Egypt (with a focus on female genital mutilation), Lebanon and Morocco. However, the events of the Arab Spring have greatly complicated and challenged most EU cooperation, particularly in our four case studies.

EGYPT

With respect to cooperation on the ground, the EU continued to support many projects and actions for women's rights, including for the elimination of gender-based violence, with a specific focus on female genital mutilation. However, following a very critical report by the European Court of Auditors, which qualified EU support for governance in Egypt as "well-intentioned but ineffective," thereby confirming the EC's own internal assessment, the EC decided to halt financial support to the Egyptian authorities.²¹⁴ In parallel, additional funds have been allocated to CSOs and UN agencies, in particular to UN Women, which is implementing major projects on women with EU financial support in Egypt.²¹⁵

Currently, the EU delegation is financing nine CSO projects on gender, for a total amount of € 3.3 million. Four of these projects either fully or partially address the issue of violence against women by raising awareness and countering stereotypes, as well as by providing legal support for victims.

TUNISIA

The Tunisian revolution brought considerable change in the cooperation field by enabling the EU to directly support CSOs. The first projects were ad-hoc agreements, and from the beginning the issue of women's participation was addressed. In interviews, the EU delegation referred to a 2010 study from the National Office for the Family (Office National de la Famille) that was quite worrying regarding violence against women and which pushed the EU to tackle the issue. In 2011, the EU selected two projects specifically focusing on gender issues, with some components relating to gender-based violence. The first project in the North-West provided small grants to support women in "difficult situation," which could include victims of violence. The second project collected and published reliable information on violence against men and women during the revolution.²¹⁶ In line with the new Action Plan, point 4 of the 2013 programming document (Cadre unique d'appui) aims to consolidate women's role and to promote equality, and has as one of its two main expected results a decrease in gender-based violence and discrimination. In the local 2013 EIDHR call, women's rights were one of the main priorities, with possible specific activities to combat gender-based violence.

The EU also provides financial support for a "recovery" programme in Tunisia (Programme d'Appui à la Relance, PAR). As part of this programme, there was joint EU-government agreement on the inclusion of two benchmarks that condition the disbursement of funds. The first benchmark is the creation of regional delegations from the Women and Family Ministry, while the second is the adoption of a legal framework to fight all forms of violence against women. In January 2014, the EU delegation also launched an identification mission to set up a support programme for equality. The mission is scheduled to end in April-May 2014 and should include a component on gender-based violence, depending on feedback and recommen-

²¹⁴ For information on the report, see press release ECA/13/18, 18.06.13, Luxembourg, "EU Support for Governance in Egypt – 'Well-intentioned but ineffective,' say EU Auditors," http://europa.eu/rapid/press-release_ECA-13-18_en.htm

²¹⁵ Two examples of such a projects are: 1) The Citizens' Initiative, which aims to provide two million Egyptian women with an ID card as the first step to enjoying basic rights; and 2) the Safe Cities Free of Violence against Women and Girls, aiming at reducing violence against women, especially in urban areas.

²¹⁶ The first project in the North-West is run by the Spanish Foundation, CIDEAL, and the Tunisian Women's NGO, AFTURD. The second project was run by UN Women from March 2011 to March 2012.

dations received from CSOs. The EUD also foresees a gender envelope under the NSA-LA budget line (although amounts are not yet known) with bilateral programming agreed upon with the government.

LIBYA²¹⁷

In February 2011, all aid cooperation with Libya was temporarily suspended, although the EU immediately provided humanitarian assistance. Since June 2011, activities to support the emerging civil society have been underway through various EU funding instruments, including the ENPI, the NSA/LA and the EIDHR. The EC has also adopted the “Special Measure for Libya” for 2011 and 2012. In all these programmes, gender equality was considered an important cross-cutting issue, but no specific support for the promotion of women’s rights or combating gender-based violence was foreseen. In November 2013, the EU announced new ENPI funds for Libya, including a programme for the “Protection of vulnerable people in Libya” (€ 5 million) that will target detainees, as well as other “vulnerable and at-risk groups, including the economically and socially disadvantaged.” Although not explicitly stated, this programme does include women as a “vulnerable groups”. Direct references to sexual violence and rape, in particular, are taboo in the country, which may explain why the EU did not explicitly make reference to either. However, it could at least have explicitly listed women among the different groups targeted.

With respect to civil society projects, of approximately 20 completed and ongoing projects listed by the Directorate-General Development and cooperation (DEVCO) since 2011, only two specifically target women: 1) the “Won for Libya” project, co-implemented by the Women Organizations’ Network and the European Centre for Electoral Support (ECES), and which seeks to reinforce the participation of women and youth in the country’s reconstruction; and 2) the “Dustoor” project, which supports women’s organisations in addressing the issue of the constitutional status of women in Libya. Several other projects do also promote the concrete participation of women, such as the “Libyablog project”, which has strong participation from women bloggers. Moreover, in general, the gender dimension is an important selection criteria for projects. For instance, a project run by the World Organisation against Torture (OMCT) and the International Rehabilitation Council for Victims of Torture (IRCT) on advocacy and support for victims of torture may be beneficial to women victims of severe violence.

SYRIA²¹⁸

Since 2011, the ENPI has been used to address the consequences of the Syrian crisis through a series of special measures. These measures address the medium-term needs of the population (education, vocational training, psycho-social support, support to livelihoods, etc.) both in Syria and in the neighbouring countries hosting Syrian refugees, and they complement humanitarian aid channelled through ECHO. Most of the associated activities are implemented by UN agencies and a limited number of NGOs. For instance, in 2011, special measures financed a project for the protection of vulnerable Palestinian refugees in Syria, which was implemented mainly through the UNRWA, with some activities carried out by partner CBOs (in particular, by women’s support organisations). This project included participatory awareness raising activities on human rights (including on domestic and gender-based violence), as well as psycho-social support and referral services (including for victims of gender-based violence).

Under both the 2011 and 2012 measures, specific projects targeted children and youth (Palestinian and Syrian youth in Syria and in refugee camps, as well as youth in host communities in Lebanon and Jordan). However, they did not mention specific attention or activities for girls and young women, despite the fact that they face severe and specific problems, such as low school attendance and a high number of early and forced marriages to “protect” them in the refugee camps.

Last but not least, in December 2012, the EC announced the second special measure for Syrian refugees, which has as one of its goals the provision of “skills training and grants to start small businesses for women victims or those at risk of gender based violence” in Lebanon. With respect to the situation in Jordan, it states that “young people and women will be offered

²¹⁷ Although not an active part of the ENP, Libya is geographically eligible for regional and country funding under the ENP Instrument (ENPI). In addition, Libya benefits from a variety of other budget lines, especially the thematic lines such as support to non-state actors/local authorities and the European Instrument for Democracy and HR

²¹⁸ Due to ongoing violence in Syria, the EU suspended all cooperation with the Syrian government in 2011. The EU continued to deliver assistance to the Syrian population, notably refugees, students, human rights defenders and members of civil society.

learning opportunities to provide them with better chances of future economic and social integration or reintegration”.²¹⁹ The press release announcing the April 2013 decision to allocate additional financial support for the refugee crisis in Lebanon does not specifically refer to women, but only to vulnerable groups in general.

It is clear that the main cooperation focus with the South Mediterranean region and countries is on women's participation in political, economic, social and educational life and that proportionally, projects directly addressing the issue of violence against women are still an exception. While the EMHRN recognises that addressing such critical development issues contributes to fighting the root-causes of gender-based violence in the long run, it is nevertheless crucial to adequately respond to the situation that women in the region are currently facing if such long-term goals are to be effectively achieved. In this regard, specific projects on violence against women are an absolute necessity, and addressing issues of protection, rehabilitation and perpetrators prosecution are critical first steps toward meaningfully changing the situation of women in the region. Finally, cooperation projects will have a greater impact and make a stronger difference to women only if they are part of a wider and coherent EU strategy, and if relevant actions, including at higher political levels, are taken in order to improve the general framework affecting women's rights.

General conclusion on the European Neighbourhood Policy

From this general overview, it is clear that the ENP is still far from fully delivering on the issue of women's rights and on the fight against gender-based violence. It could contribute much more to the implementation of EU human rights policies in general, and to the EU Guidelines on violence against Women in particular. While women's rights are not ignored, they are seen as only one aspect of the broader concern for the protection of vulnerable groups. As such, the issue of women's rights is tackled mainly through cooperation and humanitarian aid. Despite EU commitments stemming from UNSCR 1325 and subsequent resolutions addressing women in conflicts and in peace, the EU has only recently started to seriously consider, at the highest political level, the fact that gender equality and women's participation in the solution to any crisis is, in fact, a key element of success, and not a secondary step or side-effect that will happen “by itself” through democratisation.

6.2. Combating violence against women with Arab regional strategies

The Arab Women's Organization (AWO) included combating violence against women in its action plan for 2008-2012 and has dedicated specific activities to achieve this goal, varying from awareness raising and capacity building activities to research, legal studies and training.²²⁰

The AWO has established a ten year **Arab strategy to combat violence against women (2011-2020)**, with the slogan “The right of the Arab woman to a life free of violence.”²²¹ The strategy is dedicated to assisting Arab countries in setting up national plans to combat violence against women.²²² It is based on two approaches: a prevention-protection approach and a multilateral institutions approach. It aims, in particular, to raise awareness of gender policies, to combat violence against women, to consolidate protection programs for women and girls victims of violence and to coordinate and consolidate cooperation among relevant stakeholders.²²³ A well-elaborated executive work plan for implementing this strategy has been developed.²²⁴

This Arab strategy addresses the following key issues:

²¹⁹ Press Release, “Increasing support for Syrian refugees in neighbouring countries,” EC - IP/12/1426 20/12/2012.

²²⁰ The AWO is an intergovernmental organization attached to the League of Arab States. See <http://english.arabwomenorg.com/Default.aspx>

²²¹ For the full text of the strategy see http://www.womenjo/admin/document/VAW_871340463.pdf (in Arabic)

²²² Ibid, p.17.

²²³ Ibid, p. 18.

²²⁴ Ibid, p. 30-38.

1. Raising awareness to encourage positive change in societal behaviors and in relation to gender-based violence as well as to disseminate a culture of equality at an Arab level;
2. Strengthening social institutions' capacity to protect women from gender-based violence at an Arab level;
3. Enhancing women's participation at all levels of decision-making and the establishment of national policies in Arab countries;
4. Enacting and Developing Arab legal legislation, laws and procedures compatible with Arab and international conventions related to human rights and, specifically, to the struggle against violence targeting women.

For each of these issues, the plan defines strategic measures, suggests possible actions to be taken by Arab countries, outlines existing gaps and challenges and provides performance indicators.

Based on this strategy, Arab countries are invited to draw up their executive plans to combat violence against women. These plans should clarify the assignment of responsibility, the budget and the timeline for implementation.

While this strategy does indeed represent an important step, **its actual implementation has left much to be desired.**²²⁵ Unfortunately, this strategy has neither been adopted by the League of Arab States nor sent to League members for domestic implementation.²²⁶

On 12 May 2013, the AWO and the League of Arab States, in cooperation with UN Women, issued the **regional strategy, "Protection of Arab women: Peace and security."**²²⁷ This strategy reflects on consequences of conflicts and wars on women and for their rights in several Arab countries, namely in: Lebanon (due to internal armed conflicts and Israeli attacks in the South and Biqua') Iraq (due to sectarian and religiously-based armed conflicts), Somalia (due to an armed separatist movement and insurgencies), Sudan (due to the civil war in the South); and the Occupied Palestinian Territory and the Golan Heights. It concluded with the need to establish national and Arab strategies to address violations of women's rights in these areas and to eliminate the negative impacts of conflicts and war on women.

Drafted during and after the revolutions, transitions and democratic transformations that swept through many Arab countries, it is curious that this new strategy did not address the dramatic changes impacting millions of Arab citizens in Tunisia, Egypt, Yemen, Libya, Bahrain and Syria.²²⁸ The revolutions and transitions had severe consequences for women and their rights, as manifested through women's exclusion and marginalization, as well as through the loss of hard won achievements and an increasingly difficult context in which to exercise their rights. Thousands of women were subjected to severe types of domestic, economic, political and social violence, in addition to sexual violence that was qualified as a war crime and as a crime against humanity. The exclusion of these countries resulted in a strategy that addressed Arab women's protection and security in an extremely limited manner. The strategy, for instance, does not address issues of transitional justice at all. Violations of women's rights to safety and security in transitions should have been a main concern addressed by this regional strategy.

Additionally, and no less importantly, this strategy failed to address the situation of refugee women and non-Arab women living in Arab countries.

Given the current difficult situation characterized by a worrisome increase in violence against women and in violations of women's rights to peace and security in the Arab region, we urge the AWO to review its regional strategy for protection, encompassing the different groups of women²²⁹ and including all countries in transition. We call upon the League of Arab States to adopt the AWO regional strategy on combating violence against women, as well as to take serious steps to urge Arab countries to establish and activate national strategies and action plans to combat violence against women.

²²⁵ So far, no information about implementation was found on the internet and, unfortunately, the EMHRN received no answers to questions addressed to the AWO in January 2014.

²²⁶ This is based on information received from a Gender Working Group member who took part in consultations around this strategy.

²²⁷ See the publication, "Regional strategy. Protection of Arab women: Peace and security," published by UN women, the General Secretariat of the League of Arab States, and the Arab Women Organization, in 2012: <http://www.arabwomenorg.org/Content/Publications/strpeceng.pdf>

²²⁸ The strategy covers women in Occupied Golan Heights only.

²²⁹ Based on due diligence standard, which provides for the responsibility of Arab countries for the protection of all women on their territories, Arab or non-Arabs, citizens or non-citizens.

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List of Appendix

Appendix I: UNSCR on women, security and peace

Appendix II: European Union / Council of Europe: Do not get confused

Appendix III: Union for the Mediterranean / European Neighborhood Policy: Do not get confused

Appendix IV: EU Guidelines on Violence against Women and Girls and Combating all Forms of Discrimination against Them

Appendix I:

UNSCR on women, security and peace

S/RES/ 2122 (2013)

This resolution, adopted on 18 October 2013, recognizes the need for consistent implementation of resolution 1325 (2000) in the UNSC's own work and states that the UNSC intends to focus more attention on women's leadership and participation in conflict resolution and peace-building. This will be achieved, in part, by monitoring progress in implementation, and addressing challenges stemming from the absence of reliable information and analysis on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution.

To access the full text of the resolution, please refer to: <http://www.peacewomen.org/assets/file/sgres2122.pdf>

S/RES/2106 (2013)

This resolution draws attention to the importance of a comprehensive approach to transitional justice in armed conflict and post-conflict situations, encompassing the full range of judicial and non-judicial measures, as appropriate.

To access the full text of the resolution, please refer to: [http://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomen_SRES2106\(2013\)\(english\).pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomen_SRES2106(2013)(english).pdf)

S/RES/1960 (2010)

This resolution calls upon parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence, including: the issuance of clear orders through chains of command prohibiting sexual violence, and the prohibition of sexual violence in Codes of Conduct, military field manuals or equivalent. It further calls upon those parties to make and implement specific commitments on the timely investigation of alleged abuses in order to hold perpetrators accountable.

To access the full text of the resolution, please refer to: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES%201960.pdf>

S/RES/1889 (2009)

This resolution reiterates the call for all parties in armed conflicts to fully respect international law applicable to the rights and protection of women and girls; in particular, it emphasises the need for member states to effectively implement Resolution 1325. The resolution also calls upon the Secretary-General to develop a strategy to increase the number of women appointed to good offices and to take measures to increase women's participation in UN political, peace-building and peacekeeping mission.

To access the full text of the resolution, please refer to: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/542/55/PDF/N0954255.pdf?OpenElement>

S/RES/1888 (2009)

This resolution complements resolution 1820 and reaffirms that sexual violence can exacerbate situations of armed conflict. It asks the Secretary-General to rapidly deploy a team of experts in situations of particular concern regarding sexual violence. The Resolution further calls for the appointment of a special representative to lead efforts to end conflict-related sexual violence against women and children, and to include information about the prevalence of sexual violence in a report by UN peacekeeping missions to the Security Council. Also, the resolution urges states to undertake comprehensive legal and judicial reforms in conformity with international law without delay, with a view to bringing perpetrators of sexual violence in conflicts to justice, and to ensuring that survivors have access to justice.

To access the full text of the resolution, please refer to: [http://www.un.org/womenwatch/daw/vaw/securitycouncil/S-RES-1888-\(2009\)-English.pdf](http://www.un.org/womenwatch/daw/vaw/securitycouncil/S-RES-1888-(2009)-English.pdf)

S/RES/1820 (2008)

This resolution states that sexual violence can exacerbate situations of armed conflict, noting that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide. The resolution calls on member states to comply with their obligations to prosecute the perpetrators of sexual violence, to ensure that all victims of sexual violence have equal protection under the law and equal access to justice and to end impunity for sexual violence. It urges states to support the development and strengthening of national institutions' capacities in this regard, particularly the judicial and health systems.

To access the full text of the resolution, please refer to: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf>

S/RES/1325 (2000)

This resolution calls for an increased number of women at decision-making levels in national, regional and international institutions involved in preventing, managing and resolving conflicts. The resolution also urges states to adopt a gender perspective when negotiating and implementing peace agreements with respect to such issues as: the special needs of women and girls during repatriation and resettlement; rehabilitation, reintegration and post-conflict reconstruction; the provision of support to local women's peace initiatives; and indigenous processes of conflict resolution. It further calls upon states to include women in all peace agreement implementation mechanisms, and to ensure the protection of and respect for the human rights of women and girls, particularly in the constitution, electoral system, the criminal system and judiciary.

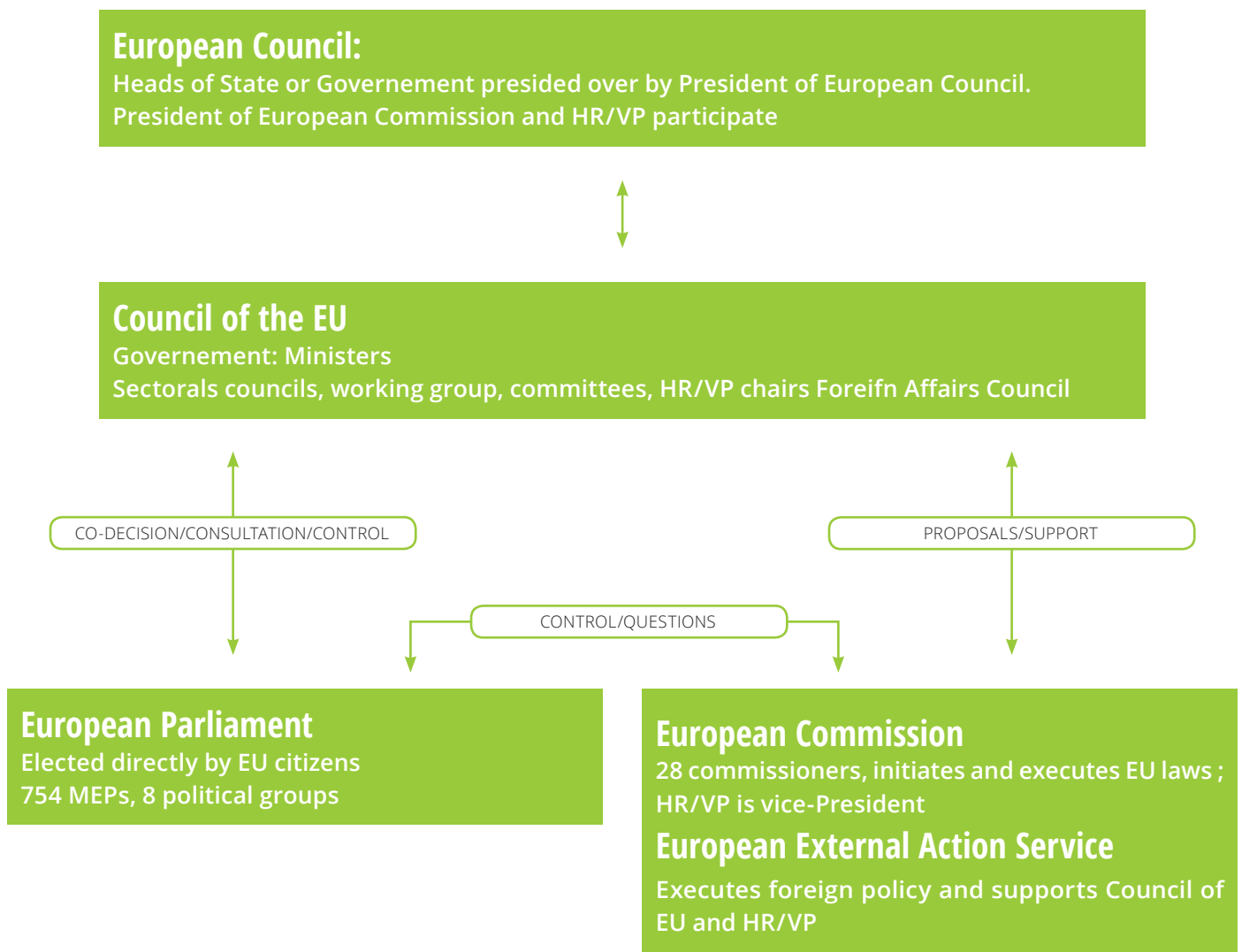
To access the full text of the resolution, please refer to: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

Appendix II: European Union/ Council of Europe: do not get confused

Council of Europe: based in Strasbourg 47 Member States



European Union: 28 Member States



Appendix III:

Union for the Mediterranean/European Neighbourhood Policy: do not get confused

Euro-Mediterranean Partnership (EMP) Union for the Mediterranean	European Neighborhood Policy
A multilateral partnership	A bilateral EU foreign policy
EU and 16 Mediterranean countries*	10 Mediterranean and 6 Eastern (non-Mediterranean) neighbouring countries**
Launched in 1995: Barcelona Declaration	Launched in 2003
Multilateral Ministerial Conferences (gathering all the partners)	ENP bilateral ministerial meetings (EU/one Mediterranean country)
Bilateral legally-binding Association Agreements and Institutions	Bilateral non-binding Actions Plans

* Albania, Algeria, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, Palestinian Authority, Syria (self-suspended on 22 June 2011) Tunisia, and Turkey. Libya is an observer state. The league of Arab States is also a member.

** Algeria, Morocco, Egypt, Israel, Jordan, Lebanon, Libya, the Palestinian Authority, Syria, Tunisia, Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine.

Appendix IV:

EU Guidelines on Violence against Women and combating all Forms of Discrimination against Them

According to the EU, the adoption of Guidelines on **violence against women and girls and combating all forms of discrimination against them** “is a mark of the EU’s clear political will to treat the subject of women’s rights as a priority and to take long-term action in that field”. The EU also states that these Guidelines “provide guidance for conducting political dialogue and for taking action, where appropriate, in individual cases of women’s rights violations” The objectives of these Guidelines are to

- Promote gender equality and combat discrimination against women
- Collect data on violence against women and develop indicators
- Devise effective, co-ordinated strategies
- Combat the impunity of perpetrators of violence against women and access to justice for victims.

In these Guidelines, the EU states that it will encourage partner countries to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and withdraw reservations to articles in the CEDAW. In order to achieve these objectives, the EU says it will:

- Study, assess and report on the situation (forms of violence against women, discriminatory laws and practices, etc.)
- Raise the issue with authorities, raise the subject in specific human rights dialogues and in other EU policy dialogues
- maintain dialogue and regular consultations with women HRDs and women’s organisations, monitor legal proceedings, support female HRDs at risk, take specific measures on individual cases
- prioritise funding for activities to combat violence against women and girls

Embassies of EU Member States, EU Delegations and the EEAS should all play an active role. EU Missions should assess and report on the situation, raise the issue with local authorities, maintain contact with women HRDs, support women HRDs at risk, monitor legal proceedings and take other specific measures.

To access the full text, please refer to: <http://www.consilium.europa.eu/uedocs/cmsUpload/16173cor.en08.pdf>



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RESEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية – المتوسطية لحقوق الإنسان

Violence against Women in the context of Political Transformations and Economic Crisis in the Euro-Mediterranean Region:

Trends and Recommendations towards Equality and Justice

[...] All human rights are universal, indivisible and interdependent and interrelated and that the international community must be treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and stresses that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.

[...] all States have the obligation, at all levels, to use all appropriate means of a legislative, political, economic, social and administrative nature in order to promote and protect all human rights and fundamental freedoms of women and girls and end impunity, and to provide protection as well as access to appropriate remedies for victims and survivors.

Item 15 and 16 of the Agreed conclusions on elimination and prevention of all forms of violence against women and girls, 57th session of the United Nations Commission on the Status of Women, March 2013.

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