



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

**GENDER EQUALITY IN THE EURO-MEDITERRANEAN REGION:  
FROM PLAN OF ACTION TO ACTION?**



**SHADOW REPORT ON THE IMPLEMENTATION  
OF THE ISTANBUL PLAN OF ACTION**

**October 2009**



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<sup>1</sup> Ministerial Conclusions on “Strengthening the Role of Women in Society”, see Annex 2.

Copenhagen - October 2009

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5 PCHR just published a report on the Gender-Specific Impact and Consequences of Operation Cast Lead, see: [http://www.pchrgaza.org/files/Reports/English/pdf\\_spec/through-women%27s%20eyes.pdf](http://www.pchrgaza.org/files/Reports/English/pdf_spec/through-women%27s%20eyes.pdf)





## II. EXECUTIVE SUMMARY

Published by the Euro-Mediterranean Human Rights Network in anticipation of the Euro-Mediterranean Ministerial Conference to review the Ministerial Conclusions to Strengthen the Role of Women in Society (commonly referred to as the Istanbul Plan of Action, IPA), which is to take place on 11-12 November 2009, this Shadow Report seeks to examine the implementation of the IPA, to identify the main challenges to its implementation, and to make recommendations as to how it can advance gender equality and women's rights in the Euro-Mediterranean region. The Shadow Report analyses developments with respect to gender equality and women's rights from 2006 to 2008 in the following key areas:<sup>6</sup>

- Commitment to international conventions, especially CEDAW<sup>7</sup>
- Discrimination in national laws and legislation
- Public participation of women in civil and political life
- Violence against women, including migrant women<sup>8</sup>

Analysis focuses on the Mashrek countries (Palestine, Jordan, Syria, Lebanon and Egypt), the Maghreb (Morocco, Tunisia and Algeria), as well as Turkey and Europe (using the examples of France, Sweden and Poland).

### ■ THE MAIN FINDINGS OF THE SHADOW REPORT REGARDING THE IMPLEMENTATION OF THE IPA INCLUDE:

**Concerning commitments to international conventions and especially CEDAW:** The report highlights that many Mediterranean countries' commitments to CEDAW are almost meaningless when it comes to promoting gender equality as a principle. This is due to these countries' reservations to the convention, especially to article 2.<sup>9</sup> At the same time, weak political will

6 Identified on the basis of previous EMHRN reports, such as "The Integration of Women's Rights from the MENA into the Euro-Mediterranean Partnership" and "Change is Possible and Necessary" (see: <http://gender.euromedrights.org>), as well as discussions within the EMHRN Working Group on Gender and Women's Rights.

7 The Convention on the Elimination of all Forms of Discrimination Against Women

8 On the basis of the findings of the EMHRN report on "Violence against Migrant and Refugee Women in the Euro-Mediterranean Region"; see: <http://www.euromedrights.net/usr/00000026/00000027/00000028/000000156/00002889.pdf>

9 Many countries (including Morocco, Tunisia, Algeria, Jordan, Egypt and Syria) entered reservation to article 2, which reads: «States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.»



prevents the lifting of reservations and the activation through law and application of ratified articles of the CEDAW. Governments are reluctant to promote gender equality as they fear this will offend local cultural and religious sensitivities.<sup>10</sup> Despite this, countries such as Morocco, Jordan, Algeria, Egypt and Turkey have withdrawn some of their reservations to CEDAW following campaigns by civil society or due to political developments.

In Europe, CEDAW is inadequately applied, and states fail to ensure equal pay for equal work, equal participation in public life and equal representation in decision-making positions, or to adequately combat gender-based violence in spite of some positive examples. Furthermore, in the whole region, reform towards eliminating discrimination against women and patriarchal values in laws and society were weakened and slowed by the global economic crisis and the influence and instrumentalisation of conservative forces which promote and disseminate gender discriminatory values into social and political spheres.

**Concerning discrimination in national laws and legislation:** The report confirms that discrimination against women in law (be it personal status laws, penal codes, nationality, or other laws) is widespread in the southern and eastern Mediterranean countries and reinforced by discriminatory practices. While a few positive steps have been taken and there have been amendments to penal and national laws and other legislation, some of these efforts were most likely motivated by political considerations<sup>11</sup> and not by a commitment to fighting discrimination against women or achieving gender equality per se.

**Concerning women's participation in public, civil and political life:** Even though the increasing role of women's movements in associational life and in addressing all forms of discrimination against women is a positive sign, women are still very much underrepresented in political life and in public decision-making bodies, not at least because of the non-institutionalisation of

<sup>10</sup> Many Mediterranean countries entered reservations to article 16, which reads: «States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations." Personal status laws subordinate women to the guardianship of male family members and allow husbands, fathers or brothers to prevent their wives, daughters or sisters from working, moving freely, receiving an education and participating in public political and civil life.

<sup>11</sup> Such as Turkey's efforts to comply with the EU's accession criteria



positive discrimination measures such as quotas.<sup>12</sup>

The report notes that women's rights organisations in the South and East Mediterranean increasingly find themselves under pressure due to a general political climate that restricts freedom of expression and association (through laws related to these freedoms), and due to conservative trends and interpretations of women's roles in society that impose limits on their work and activities in the public, civil and political sphere.<sup>13</sup> At the same time, and in spite of laws and directives on the national and European level, invisible obstacles, the so-called 'glass ceiling' continues to exist in Europe which often prevents women from reaching decision-making positions.

**Concerning violence against women, including migrant women, in the family and community:**

Gender-based violence in all its forms and manifestations is widespread in the entire Euro-Mediterranean region. Violence within the family is not adequately addressed by the law and, to a certain degree, is even socially acceptable in southern and eastern Mediterranean countries. However, both regional and national campaigns, many of which are carried out by civil society organisations, highlight this problem and call upon states to enact laws to protect women from domestic violence.<sup>14</sup> Levels of violence against women registered in Europe remain high – and have even increased in some instances.<sup>15</sup>

Moreover, in all of the countries under examination, migrant and refugee women – and particularly those who are undocumented and thus fear to approach the authorities for help – are especially vulnerable to gender-based violence.<sup>16</sup>

**Generally, concerning the promotion of gender equality and women's rights and dialogue with civil society within the IPA:**

The Shadow Report reveals a wide lack of knowledge about the IPA both among governmental and non-governmental actors in the countries concerned, as well as the absence of policies and laws aimed at enhancing gender equality and women's rights which refer explicitly to the IPA. The "Progress report,"<sup>17</sup> which governments were to submit one year after the adoption of the IPA, failed to raise awareness about IPA neither encouraged public debate about progress of gender equality. In most cases it was not even published – nor were meetings or consultations held with women's rights organisations.

12 As of 2007, the percentage of female members of parliament was 2% in Lebanon, 5.5% in Jordan, 9.1% in Turkey and 35% in the European Parliament.

13 For more details, please read the "Discussion Paper on Gender and Freedom of Association in the South and East Mediterranean, pages 79-87 of the EMHRN report on "Freedom of Association in the Euro Med Region 2008," available at <http://www.emhrn.net/usr/00000026/00000027/00000028/00002654.pdf>.

14 A law for protection from domestic violence was endorsed by the Jordanian parliament in January 2008. Additionally, the Jordanian labour law was amended to allow the labour minister to decide to close any organisation if it has been proven that any of its representatives have sexually assaulted or attacked an employee.

15 This is also due to the fact that more and more women dare to admit that they are being battered and file complaints.

16 For more information, see the EMHRN report on "Violence against Migrant and Refugee Women," pages 88-91 on main conclusions; cf. above (footnote 4).

17 This took the form of a questionnaire which was sent out to all partners, and may thus not really qualify as an actual "progress report." It constituted the basis for the Implementation Review prepared by the European Commission to evaluate the progress of the IPA.

The report argues that, while the IPA could indeed constitute a regional tool for the promotion of gender equality and the protection of women's rights, since it is unique in that it has been negotiated by all participating countries, it remains mainly declaratory and its present and potential effectiveness is seriously hampered by the lack of any concrete provisions and binding measures.

Moreover, although huge differences have been noticed in the advancement of women's rights and gender equality from one country to another, and more especially between European countries and Southern and Eastern ones, the report finds that there has been a decline in women's rights at the global level and identifies several challenges and obstacles to achieving gender equality.

## ■ ■ MAIN FINDINGS OF THE REPORT WITH REGARD TO CHALLENGES TO ACHIEVING GENDER EQUALITY IN THE REGION:

**The predominance of patriarchal structures:** The predominance of patriarchal structures (including the unequal distribution of duties within the family and household, society's general tolerance of discrimination and violence against women, the pressure on women to perform socially accepted roles, as well as discriminatory laws or practices) has reinforced the stagnation or regression of gender equality and women's rights, especially within the context of the current economic crisis, which increases the economical burden on women, levels of gender violence within the family and in many cases bring women back home.

**The predominance of male-dominated concepts of tribe and clan over modern concepts of state and citizenship:** Progress in gender equality and the advancement of women's rights is linked to the development of modern and civil states and the predominance of the concept of citizenship over patriarchal concepts of tribe and clan. While in many of the countries of the South and East Mediterranean, social structures and male-dominated tribes and clans prevail, in detriment of human rights in general and of women's rights in particular. Patriarchal trends are also being reinforced in European countries, as the economical crisis force single, divorced, separated or widow women back home, under family structures.

**The predominance of religious conservative social and political powers:** The prevalence of a theocratic discourse in some countries, as well as the raise of religious conservative social and political powers is another major obstacle to more gender sensitive legislation.<sup>18</sup> In some European countries, forced marriage and repudiation still exist due to a limited interest by the public authorities to repress them. Under the cover of cultural relativism the feeling prevails that the communities in which these violations of the rights of women (usually young women under 18) occur are foreign (or exogenous) to the host society and will remain so even though the concerned persons and their children in most cases have acquired the nationality of the host country.

<sup>18</sup> In 2006-2008, the Egyptian government's discussions about personal status law were mostly secret to avoid confrontations with conservative Islamic forces. Related studies and draft laws are not made public, nor are they discussed with other stakeholders, such as women's rights organisations.





Political and security concerns over women's rights: Governments have alleged the volatile political and security situation in the southern and eastern Mediterranean to explain why they postponed the adoption and implementation of effective measures to promote gender equality and defend women's rights. Their argument is that other issues are more relevant, or that women's issues are so sensitive that addressing them would only lead to instability. While European countries prioritise security concerns over support for real democratic reform, they enabled their southern and eastern partners to maintain this position.<sup>19</sup> In Europe, meanwhile, even if women's rights are being tackled by governments thanks to social demands, they are very rarely put on very top of the political agenda.

The IPA and its integration into national, regional and international frameworks for gender equality and women's rights: The report reflects on how the IPA can be integrated into already existing national, regional and international frameworks and mechanisms for promoting gender equality and women's rights. In this, it stresses the need to integrate the IPA with other frameworks such as CEDAW and other UN mechanisms and with regional mechanisms such as the European Neighbourhood Policy and its action plans with the countries in the region, the EU policies on gender equality (Roadmap for Equality, etc.) and the Union for the Mediterranean. The IPA principles must also be enshrined in national action plans. This is the only way to allow the IPA to become an effective and common tool for promoting gender equality and women's rights in the region.

The report also sets out to answer the question of how to translate the IPA into a time-bound plan with specific follow-up and implementation mechanisms, while taking into consideration the political and cultural differences of the participating countries.

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<sup>19</sup> For some examples, see the chapter on the impact of counter-terrorism policies on freedom of association in the Euro-Mediterranean region in the EMHRN's 2008 report on Freedom of Association in the Euro-Mediterranean Region (pp. 67-76).







# III. RECOMMENDATIONS

Each area of research in this report contains specific recommendations and possible measures for achieving gender equality.

## ■ ON COMMITMENT TO CEDAW

- All states must fulfil their obligations to CEDAW and undertake all necessary measures to that end.
- Withdrawal of all reservations to CEDAW, and ratification of the Optional Protocol to the Convention.
- Harmonisation of national laws with CEDAW and the relevant international conventions ratified by the countries, as well as harmonisation between the laws and constitutions.
- Enforcement of the Convention for the purpose of litigation before national courts, and the creation of independent institutional structures specialised in monitoring respect for and application of the Convention with power to investigate complaints relating to the rights prescribed in the Convention.
- Dissemination of the Convention so as to encourage positive public opinion, as well as incorporation of CEDAW into school curricula.
- Introduction of parliamentary committees specialised in the field of human rights, and particularly women's human rights, and tasked with revising discriminatory laws and bringing them into compliance with the provisions of the Convention.
- Inclusion of a section on Palestinian women under occupation in the annual report of the United Nations' Committee on Women's Rights, as was the case until 1990.
- The taking of effective measures to eliminate all forms of discrimination against refugees and migrants which hinder efforts to integrate them in their new societies.

## ■ ■ ON THE RIGHTS OF WOMEN IN NATIONAL LEGISLATION

- Recognise gender equality in the constitutions of countries that have not yet done so. Explicitly recognise the supremacy of international human rights law.
- Purge all national laws and legislation – particularly family laws, criminal laws and nationality laws – of all forms of discrimination against women, and take actions to ensure the enforcement of these laws.

- Employ educational and media channels and all available means of influence to promote adherence to the law and consolidate the values of equality and citizenship rights in society.
- Europe must include all European women, including migrant women and those living overseas, under national laws without exception. Discrimination among women of the same country must not be tolerated.
- Strengthen the independence and role of the Constitutional courts as regards the scrutiny of laws that discriminate against women. Reinforcing the independence and the role of these courts would allow for discriminatory laws to be brought to court which would lead to greater public mobilisation and foster debate around these issues.
- Use a strategy of litigation regarding laws that involve discrimination and public rights, as this may eventually change the system. Litigation is also useful to encourage a community-wide discussion on the issue of discrimination, as was the case in Morocco.
- Transform temporary laws issued by governments into permanent laws by achieving their endorsement by the House of Representatives (e.g. in the case of Jordan).

## ■ ■ ■ ON THE PUBLIC PARTICIPATION OF WOMEN IN CIVIL AND POLITICAL LIFE

- Institutionalise the positive measures set forth in CEDAW to eliminate all forms of discrimination against women by devising, monitoring and evaluating strategies with time-defined targets, as well as by temporarily adopting positive discrimination in order to ensure women's access to all decision-making positions, at all levels and in all domains.
- Reform all relevant legislation and ensure representation of women in all fields and at all levels, including in senior positions in elected and non-elected bodies.
- Encourage political parties to increase the percentage of women on their electoral lists and to include more women in their leadership bodies.
- Guarantee civil liberties such as freedom of association, assembly and expression, so as to allow civil society organisations to carry out their legitimate role as advocates for gender equality.
- Break the glass ceiling and promote non-stereotyped images of women and their roles in society.
- Adopt gender-sensitive policies and budgets to increase women's economic participation, particularly in countries undergoing structural economic transformations.



- Ensure that there is no discrimination in citizenship rights between migrant and non-migrant women
- Integrate gender equality in the internal cultures and the practices of civil society organisations and trade unions in Europe and other partner countries.
- Ensure that gender equality and women's rights issues are high on the political agenda of governments.

## ■ ■ ■ ■ ON COMBATING VIOLENCE AGAINST WOMEN, INCLUDING MIGRANT WOMEN

- Recognise that violence against women is a violation of the fundamental rights of individuals, and reject any justification for violence perpetrated against women in the name of tradition or culture.
- Impose sanctions and the principle of no impunity for violence against women, wherever it occurs, whether within the family, in society, during armed conflicts, wars or in occupied territories (Palestine, Iraq, Lebanon and the Syrian Golan Heights, etc.), or during migration.
- Enforce the state's responsibility to protect women from violence and to provide counselling and rehabilitation. Upgrade national legislation and enforce existing laws, ensuring their effective implementation.
- Utilise media and educational channels to encourage society to reject any form of violence against women and to counteract social and cultural norms that have led to its toleration.
- Conduct surveys and build a database to document the extent and forms of violence against women in order to propose appropriate mechanisms not only to address the issue, but also to prevent it from occurring. Special attention should be paid to migrant and refugee women.
- Ratify all international conventions on migrant workers and International Labour Law, as well as the Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

## ■ ■ ■ ■ ON THE ISTANBUL PLAN OF ACTION

The fundamental question will be how to translate the Istanbul Plan of Action, which is more a declaration of intention, into action enhancing gender equality and women's rights in the Euro-Mediterranean region. The following recommendations suggest ways to do this.

- Promote and raise awareness of the IPA as a tool to support gender equality and promote women's rights. Stress the fact that it is a product of joint efforts by all of the participating countries, which is built on cooperation and solidarity with the goal of achieving common benefits, and thus not something "foreign" to the Mediterranean Partners.
- Open discussions on the important obstacles women face in achieving equality across the Euro-Mediterranean region and encourage cooperation towards common goals. This may contribute to the development of solidarity mechanisms among civil society organisations and lead to the creation of common procedures and special strategies addressing these problems.

- Create effective and credible mechanisms, supported by concrete work plans with procedures and specific indicators at the regional and national levels, that closely and continuously monitor the situation of women to identify the gaps between declared rights (e.g., in CEDAW or the Declaration on Combating Violence Against Women) and the rights guaranteed or established by national laws, as well as their actual application.
- Recognise and support civil society organisations and their independence and freedom to act as effective partners in promoting the IPA and the follow-up on its implementation, and ensure their participation in the Euro-Med Ministerial Conference and take their recommendations into consideration.
- Establish an independent follow-up mechanism and evaluation indicators in order to make the IPA operational and follow up on the progress made in all Euro-Mediterranean policies on the strengthening of gender equality.

This may be achieved through the establishment of practical procedures such as:

- a. The preparation of an action plan for the regional and national levels that is “clear, explicit and goal-specific” in the short, medium and long terms, includes implementation indicators, and provides the necessary financial resources;
- b. The establishment of an ad hoc committee to follow up and monitor the implementation of the Istanbul decisions and to conduct periodic and systematic evaluations, ensuring participation of relevant civil society organisations;
- c. The development of mechanisms to ensure consistency and linkages between the IPA, the UFM framework, the European Neighbourhood Policy and other bilateral frameworks concerning gender mainstreaming and the advancement of women’s rights;
- d. The involvement of non-governmental organisations in the Euro-Mediterranean Ministerial Conference that will be held in 2009, the organisation of consultations, and the establishment in all countries of observatories that include representatives from civil society organisations and will monitor the implementation of the Istanbul decisions and prepare an annual report on the results that have been achieved;
- e. Encouraging the European Parliament and the Euro-Mediterranean Parliamentary Assembly to be involved in the follow-up process on the implementation of the decisions of the Istanbul conference.
- f. Placing gender equality and women’s rights high on the agenda of the EMP and the UFM and among their priorities. This includes ensuring that the outcomes of the Euro-Med conference in Marrakesh are included in the conclusions of the Euro-Med Ministerial Meeting of Foreign Ministers in Istanbul in November 2009, and that gender is mainstreamed into conclusions of all Euro-Med Ministerial Meetings.



## IV. METHODOLOGICAL FRAMEWORK AND OBJECTIVES

In its recommendations to the Euro-Med Ministerial Conference on Strengthening the Role of Women in Society, which took place in Istanbul on 14-15 November 2006, the EMHRN stressed the need to monitor the implementation of the Ministerial Conclusions (referred to as the Istanbul Plan of Action – IPA).

Members of the EMHRN Working Group on Gender and Women’s Rights (the “Gender WG”)<sup>20</sup> suggested conducting such monitoring in the form of a report – and the group discussed and agreed on Terms of References (ToR) for such a document.

They agreed to focus on the following five key areas: commitment to international conventions, especially CEDAW; the rights of women in national legislation; public participation of women in civil and political life; violence against women; and migrant and refugee women.<sup>21</sup> Indicators in the form of questions were also developed for each area. It was then decided that information would be gathered for five background reports which would outline developments in the period from 2006 to 2008. The reports would be on the countries of the Mashrek<sup>22</sup> (Syria, Lebanon, Jordan and Palestine) and Maghreb (Morocco, Tunisia and Algeria), and on Egypt and Turkey. The last report, on Europe, would have slightly different ToR and would focus on general trends in Europe<sup>23</sup> using examples from Poland, France and Sweden.<sup>24</sup> The present report is directly based on these background reports, which will be made available on the EMHRN website in autumn 2009.

Well-known women’s rights activists from the Euro-Med region<sup>25</sup> were identified as researchers and the team started working in April 2008, when the outline of the report was presented at the

20 For information on the members and work of the EMHRN Working Group on Gender and Women’s Rights, please see <http://gender.euromedrights.org>.

21 It was later decided to integrate women and migration under the heading of violence against women.

22 The working group planned to also include Israel and to look at its obligations in relation to the Palestinian minority in Israel, and its responsibilities toward all of its citizens, but eventually was unable to do so due to a lack of time and resources.

23 A specific orientation note was developed and agreed upon in addition to the ToR, identifying women’s participation in political life, professional equality (access to responsibilities and wages) and domestic violence as the main focus area of the European report.

24 Poland and Sweden were chosen for being the least and most advanced, respectively, with regard to gender equality, and France was included as it holds the co-presidency of the Union for the Mediterranean (July 2008-July 2009).

25 Amina Lemrini, Morocco; Nawal Yezigi, Syria; Amal Abdel Hadi, Egypt; Ceren Isat, Turkey; and Lilian Halls-French, France

Gender WG meeting in Cairo. At this time the first 'progress report' on the implementation of the IPA had been published, which reconfirmed the need for a shadow report. The researchers worked throughout 2008 to finalise the background reports and met in Beirut in March 2009 to discuss and agree on the structure of a final shadow report based on the findings of the background reports.

Preliminary findings were presented and discussed with the members of the Gender Working Group and representatives of civil society organisations at meetings in Brussels in October 2008, Madrid and Barcelona in December 2008, Beirut and Amman in March 2009, Stockholm in May 2009, Alexandria in June 2009, and Rabat in July 2009. Moreover, prominent women's rights organisations in the Euro-Mediterranean region were consulted on the findings of the Shadow Report throughout the summer of 2009.

The researchers relied both on desk studies and on interviews for the report. The desk studies consisted of reports and documents by governments, NGOs and international bodies. For the interviews, questionnaires were specifically designed for three main target groups: relevant governmental bodies, women's rights NGOs, and European Commission delegations. In addition, forums (especially the Euro-Med Civil Forum in Marseille in November 2008) and other regional and international meetings were used to obtain information and verify the data of the report. These meetings also constituted an opportunity to raise awareness of the IPA. The present report comprises the main findings of the background reports.

## ■ REPORT OBJECTIVES:

- Evaluating the implementation of the Istanbul Plan of Action (IPA) by identifying its achievements, impediments and related challenges.
- Providing data to raise awareness of the IPA and to formulate recommendations as one of the tools to be used by EMHRN and human rights and women's organisations in the region as they continue to lobby the European Union and the relevant governments.
- Monitoring initiatives, activities and events related to the implementation of the IPA at the national and regional levels in order to strengthen coordination mechanisms and consolidate efforts towards achieving gender equality.

The report will be presented to the EU institutions in Brussels and to the civil society, media and authorities of EMP countries, and will be discussed at the conference on "Gender Equality in the Euro-Mediterranean Region: From Plan of Action to Action?" to be held in Istanbul on 24-25 October 2009.



## V. INTRODUCTION AND BACKGROUND

This chapter is divided into two parts. The first part uses a historical perspective to examine women's rights and gender equality within the Euro-Mediterranean Partnership, while the second part outlines the political context and the resulting obstacles and challenges to gender equality.

### ■ WOMEN'S RIGHTS AND GENDER EQUALITY IN THE EURO-MEDITERRANEAN PARTNERSHIP

On the tenth anniversary of the Euro-Mediterranean Summit in Barcelona in 2005, the Partners agreed to adopt "measures to achieve gender equality and prevent all forms of discrimination and ensure the protection of the rights of women." A Five-Year Plan was adopted that included the convening of a conference on women's rights in 2006.

The conference, held in Istanbul in November 2006 under the title of "Strengthening the Role of Women in Society," was a milestone in the history of women's rights within the EMP. Eleven years after the Barcelona Declaration, a regional mechanism for the promotion and protection of women's rights and gender equality was set up for the first time by the 35 representatives of the members of the EU and its Mediterranean Partners.

The Ministerial Conclusions for Strengthening the Role of Women in Society, commonly referred to as the Istanbul Plan of Action,<sup>26</sup> are a five-year-plan, to be implemented from 2006 to 2010, which includes a yearly "reporting mechanism" and foresees a follow-up Euro-Mediterranean Ministerial Meeting which is to take place in Marrakesh in November 2009 and will review the plan's implementation.

The IPA raised high hopes among civil society organisations about the possibilities this new mechanism would create for improving the situation of women in the partnership countries.

Until then, progress in promoting gender equality and women's rights initiatives within the Euro-Mediterranean Partnership had been slow and marred by challenges. Women, and especially

<sup>26</sup> Ministerial Conclusions on Strengthening the Role of Women in Society; see: [http://gender.euromedrights.org/index.php/istanbul\\_action\\_plan/background\\_documents/3029.html](http://gender.euromedrights.org/index.php/istanbul_action_plan/background_documents/3029.html).



women from the MENA region, were absent when the Partnership was established; the Barcelona Declaration only refers to women's rights in relation to women's role in economic development, and no specific mention of women's rights is made in the Association Agreements. Instead, there is a tendency to regard women's rights as a cultural and religious matter and to treat the issue as a domestic problem. Women's rights and gender mainstreaming are consequently neglected in the political dialogue between the EMP partners and within the EMP bodies.<sup>27</sup>

To be sure, some limited initiatives did take place, especially under the Belgian Presidency of the EU in 2001, which stressed the "necessity of all three baskets of the EMP to develop an approach formulated along the lines of gender and equality." It was also then that the first Euro-Med regional programme on Enhancing the Role of Women in Economic Life was presented. In 2002, the European Parliament also adopted a report on women's rights and gender discrimination in the MENA region – and asked the European Commission to carry out a gender evaluation of the different programmes initiated within the Partnership. However, these initiatives were unfortunately not sustained.

Within the framework of the European Neighbourhood Policy, meanwhile, the action plans with different countries of the region contain a certain commitment to women's rights. However, these are bilateral plans between the EU and individual countries, and there has been no concerted effort to integrate commitments made under other instruments (such a CEDAW) into the action plans. The action plans are not legally binding, and their content and implementation depend on the readiness of the individual country to abide by them.

On the multilateral level, the Union for the Mediterranean (UFM) succeeded the Barcelona Process in July 2008. While the UFM reaffirmed its commitment to all Ministerial Conclusions and called for the establishment of a committee on political participation and social rights within the framework of the IPA, no mention was made of implementation and follow-up mechanisms. Relations on the multilateral level temporarily froze as a result of the Israeli war on Gaza, but resumed in June 2009.

<sup>27</sup> See the EMHRN report on "The Integration of Women's Rights from the Middle East and North Africa into the Euro-Mediterranean Partnership" (2002) at <http://www.euromedrights.net/pages/91>.



## ■ ■ THE POLITICAL CONTEXT AND THE MAIN OBSTACLES AND CHALLENGES TO GENDER EQUALITY

Promotion of women's rights is indivisible from human rights, democracy and development. It is thus necessary to look at the political context of the Euro-Mediterranean region in order to understand obstacles and challenges to gender equality.

Despite certain shortcomings in democracy in Europe, a distinction must be made between a Europe where most citizens enjoy basic freedoms and the southern and eastern Mediterranean, where, differences between individual countries notwithstanding, the human rights record is generally poor. In the latter countries, judiciaries are not independent and parliaments have little, if any, legislative power. Emergency laws are still in force in a number of countries, and many laws and regulations exist to severely restrict freedom of expression, assembly and association and the free movement of citizens. In such a restrictive climate, organisations find it difficult to perform their legitimate role and to advocate for women's rights; they often do so at a high risk to themselves and their families.

The timid reform process that emerged a few years ago, often referred to as the "Arab spring," seems to be faltering – not the least because of a lack of will and commitment by the Arab leaders and decreased pressure from the US and the EU for the respect of human rights in the region. Human rights defenders, women's rights advocates and others working to promote more democratic societies and respect for gender equality feel left alone.

While religious conservative forces oppose any changes of the role of women in society and in the family, political leaders all too often exploit this argument to avoid abiding to their commitments to gender equality and women's rights.

The precarious political and security situation in many countries of the region – as well as the continued Israeli occupation of Palestine and the war in Iraq – has also given governments a pretext to postpone the implementation of women's rights commitments. This is done with the tacit approval of the US and the European countries, for whom stability and security also seem to take precedence over concerns about women's rights.

Moreover, the countries of the southern and eastern Mediterranean are not able to provide the same opportunities and services to their citizens as the well-functioning, modern states of the EU. Rapid demographic growth, high unemployment rates, corrupt and/or inefficient bureaucracies, and regimes that lack legitimacy are the reality in many countries of the region. Under such circumstances, people resort to primordial clan, tribal or community identities and structures. These are often very conservative with regard to the role of women and do not support a concept of citizenship and individual rights, let alone women's rights.

Finally, European and Mediterranean women face a common challenge: male-dominated, patriarchal societies. In the southern and eastern Mediterranean this is most apparent in laws (especially personal status laws and penal codes) which discriminate against women by subjecting them to male guardianship and therefore essentially deprive them of all rights. In Europe, patriarchal attitudes mainly are evident in the lacking implementation of laws and policies on issues related to gender equality, such as equal pay for equal work and the breaking of the invisible obstacles – the so-called glass ceiling- that continues to obstruct women's access to decision-making positions in the economical, social and political spheres.



# VI. GENDER EQUALITY AND WOMEN'S RIGHTS IN THE EURO-MEDITERRANEAN REGION – MAIN FINDINGS

## A. COMMITMENT TO INTERNATIONAL CONVENTIONS, ESPECIALLY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

«... Enable the full and effective implementation and translation into legislative and policy reform of UN conventions related to human rights of women to which they are party, in particular the 'Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)' and its Optional Protocol...»

From the «Ministerial Conclusions on Strengthening the Role of Women in Society,» Istanbul 2006.

### EURO-MEDITERRANEAN PARTNERSHIP COUNTRIES' COMMITMENT TO CEDAW

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) celebrates its 30th anniversary this year. It is often seen as a “bill of women’s rights,” and it is the most important international convention with regard to women’s rights.

The Euro-Med Partner countries’ commitment to CEDAW has to be examined on two different levels. The first level relates to the convention itself: ratification, reservations, publication in the Official Gazette, and integration into national legislation. The second level relates to the implementation of the convention: the harmonisation of national legislation with the convention and the extent to which CEDAW is in fact implemented, i.e. the extent to which women actually enjoy the human rights enshrined in the convention.

All Euro-Mediterranean states have ratified CEDAW, even though their dates of ratification have varied widely (cf. Annex 1). However, the biggest difference between Europe and the southern and eastern Mediterranean countries is the reservations that the Arab states have expressed about CEDAW.

They have entered reservations mostly to Articles 2, 9, 15 and 16,<sup>28</sup> all of which address the

<sup>28</sup> For the wording of these articles, see the CEDAW convention at: <http://www.un.org/womenwatch/>



essence of de facto equality. The Arab states' refusal to recognise the principle of equality, often by resorting to "cultural and religious explanations," goes against the spirit and letter of the convention. In Europe, only France expressed a minor reservation to article 16-1 (g), which concerns the right to choose the name for a child. However, there are still obstacles to the enforcement and full integration of the provisions of the Convention into European societies, which impedes women's full participation in public life at all levels.

With regard to the integration of CEDAW into national legislation, the Arab states have so far not even integrated articles they had no objections to, such as article 1,<sup>29</sup> while in Europe many rights are guaranteed by national legislation that has been harmonised with CEDAW but are either not enforced in practice or have increasingly been weakened.

The same gap between Europe and the countries of the southern and eastern Mediterranean can be observed with respect to the implementation of CEDAW. While the southern and eastern Mediterranean countries still generally lack a commitment to CEDAW, European states have insufficiently implemented the convention in practice. Despite the arsenal of laws at the disposal of the EU – such as the Treaty of Rome (1957), the Treaty of Amsterdam (1997), the Charter of Fundamental Rights (2000) and the European Roadmap to Achieve Equality between Men and Women (2006-2010)<sup>30</sup> – professional equality remains an elusive goal in all of Europe. At the same time, a "glass ceiling" continues to restrict equality in political participation and manifests itself in a reluctance, or sometimes resistance, to implement measures taken to address this issue, including at the level of the institutions of the European Union.

### DEVELOPMENTS IN RELATION TO CEDAW IN 2006-2008

The following table provides an overview of the developments that took place in each country

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daw/cedaw/text/econvention.htm#article2.

29 Article 1: "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

30 [http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/equality\\_between\\_men\\_and\\_women/c10404\\_en.htm](http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/c10404_en.htm)

between 2006 and 2008.

Table on countries with positive developments in their commitment to CEDAW

Country	Description of the development	Context
<b>Morocco</b>	In March 2006 (ahead of the Istanbul Conference) the Ministry of Justice declared the partial withdrawal of reservations, replacement of some reservations with interpretative declarations, and the ratification of the Optional Protocol without submitting the necessary documents to the United Nations. The Moroccan king also issued a declaration on 10 December 2008 to "withdraw the reservations of the Kingdom of Morocco on the International Convention on the Elimination of all Forms of Discrimination against Women."	Civil society activism and Morocco's nomination to the Human Rights Council. The national and regional campaign for the withdrawal of reservations, and the 60th anniversary of the Universal Declaration of Human Rights. The Declaration was cited in a royal letter to the Advisory Council on Human Rights on the occasion.
<b>Tunisia</b>	Ratification of the Optional Protocol to the Convention in June 2008.	Recommendations of the Human Rights Council (Universal Periodic Review), initiatives from independent associations, and the state's focus on its performance in the international arena.
<b>Algeria</b>	"Expressing the intention" to review Article 2 of the Convention in 2008.	Discussion of Algeria's country report before the Human Rights Council within the framework of the Universal Periodic Review.
<b>Jordan</b>	Publication of the Convention in the Official Gazette and announcement of the withdrawal of the reservation to paragraph 4 of Article 15 in March 2009. <sup>1</sup>	Activism of Jordanian non-governmental organisations and lobbying efforts, including the submission of a shadow report to the CEDAW Committee in June 2007, which discussed the government's third and fourth reports of 2005.
<b>Egypt</b>	Announcement in February 2008 of the intention to withdraw the reservation to Article 9-2, regarding the right of Egyptian wives of foreign nationals to pass on their nationality to their children.	Process of changing the Egyptian Nationality Law in 2004, following a campaign led by Egyptian non-governmental organisations.
<b>Palestine</b>	"Ratification" <sup>2</sup> of CEDAW on 8 March 2009. A presidential decree was issued, ratifying the Convention without any reservations.	Activism of Palestinian non-governmental organisations, particularly women's organisations, and lobbying efforts for the "signing" of the Convention.
<b>Turkey</b>	Withdrawal of the reservation to Article 9 in 2008.	Activism by women's NGOs and EU accession negotiations led to the amendment of articles of the Turkish Nationality Law which were not in accordance with CEDAW and had been the reason for the reservation.
<b>France</b>	Withdrawal of the reservation to paragraph 14-2-E in 2008.	

The overall progress is generally attributed to the activism of women's and human rights organisations, and to civil society in general. With regard to the Convention as such, the regional campaign "Equality without Reservation," launched in Rabat in June 2006, has played a prominent role in raising awareness on CEDAW and in lobbying governments within contexts that were mostly non-supportive.

Another factor contributing to progress have been the opportunities offered by occasions such as the submission of periodic reports to the CEDAW Committee or governments' reports as part of the Universal Periodic Review, as well as the EMP and ENP meetings with the countries in the region. These occasions could be exploited by NGOs to hold governments responsible for their failure to live up to their international and regional human rights commitments, and to issue "country account summaries."

## KEY OBSTACLES AND CHALLENGES TO THE IMPLEMENTATION OF CEDAW

### In the Southern and Eastern Mediterranean Countries

The many reservations expressed by most Arab countries to important articles of the Convention, which have rendered the Convention ineffective.

Weak or nonexistent political will to introduce change towards achieving equality, often under the pretext of the "cultural and religious specificities and distinctiveness of Arab societies," which makes it difficult to achieve progress with regard to the withdrawal of reservations to CEDAW or to enforce the ratified articles in law and practice.<sup>31</sup>

The growing influence of hard-line religious conservative thought in society as well as the attitude of governments which use this religious influence as a pretext prevent any possible reform in the area of women's rights on the one hand, and consolidate patriarchal values in social practices on the other.

### In Europe

Insufficient procedures and mechanisms to enforce laws based on equality, including sanctions against those who do not apply the law, and lack of political will to set up such procedures.<sup>32</sup> The lack of adoption of the definition of discrimination contained in Article 1 of the Convention, both in the area of violence against women and in some legislation (e.g., sexual harassment and legislation on professional matters).

The prevailing patriarchal culture that perpetuates violence against women and contributes to the fragility of women's status, especially in crisis situations.

The increasing influence of conservative religious forces in society and political sphere have blocked the adoption of progressive laws and policies, and even provoked backwards evolutions, mainly concerning sexual and reproductive rights.

<sup>31</sup> For more information and examples, see the background report on the Mashrek.

<sup>32</sup> See the background report on Europe for examples.





## B. THE RIGHTS OF WOMEN IN NATIONAL LEGISLATION

“...translation into legislative and policy reform of UN conventions related to human rights of women to which they (Euro-Mediterranean partners) are party.”

From the “Ministerial Conclusions on Strengthening the Role of Women in Society,” Istanbul, 2006.

Harmonisation of national legislation<sup>33</sup> with international conventions is one of the most important mechanisms to ensure the enforcement of human rights, including the human rights of women.

### THE GENERAL SITUATION BEFORE THE ISTANBUL CONFERENCE AND THE PROGRESS MADE BETWEEN 2006 AND 2008

Before the Istanbul Conference was held, progress with regard to changes in legislation discriminating against women varied in the countries of the region. In general, progress involved amendments to articles in family laws, criminal laws, nationality laws, laws governing associations, and in some labour laws.<sup>34</sup> In the period from 2006 to 2008, there was growing activism by women’s and advocacy movements demanding action to address all forms of discrimination against women in national legislation. Enforcement of national strategies on women and the support of women’s rights advocates, especially women’s NGOs, along with the necessary political will at senior levels, were generally seen as the main reasons for these developments. It seems, however, that these changes were independent of the IPA framework. The following section outlines the main developments in the different countries of the region.

**Morocco:** Legislation underwent significant developments between 2000 and the Istanbul Conference, including amendments to the Labour Law, the Criminal Code and the Personal Status Code. Despite these positive steps, a wide gap still exists between the laws and the mechanism to enforce the amendments. Furthermore, the Moroccan Constitution still lacks an explicit clause granting equal civil rights to men and women.

The progress made after the Istanbul Conference involved the initiation of a draft law to regulate the situation of domestic workers (in preparation), and a discussion and draft law to amend the Criminal Code to make it comply with the provisions of the conventions on the rights of women and the instruments of the International Labour Organisation (ILO). In 2007, the Nationality Law was amended following years of advocacy by women’s and human rights organisations – however, it still discriminates against women, as a mother can only pass on her nationality to her children if the father is a Muslim. Morocco also announced the withdrawal of its reservation to Article 9, paragraph 2 of CEDAW.<sup>35</sup> The IPA was not referred to during any of these developments.

33 The process generally involves identifying the gap between national legislations that are in force and the requirements of any given ratified convention and introducing the necessary amendments to reduce that gap and to harmonise legislation with the philosophy and requirements of international law.

34 For more information on these changes, see the EMHRN report on “Achieving Gender Equality: Change is Possible and Necessary,” available online at <http://www.emhrn.net/pages/339>.

35 Article 9, 2: “States Parties shall grant women equal rights with men with respect to the nationality of their children.”



**Algeria:** As in the case of Morocco, Algerian legislation witnessed significant developments between 2000 and the 2006 Istanbul Conference, with amendments to the Labour Law, the Criminal Law, the Personal Status Code and the Nationality Act.<sup>36</sup> However, despite the continued official affirmation that “non-discrimination is a constitutional principle,” and that “any legal text containing a discriminatory measure is subject to the review of the Constitutional Council,”<sup>37</sup> the Constitution does not contain a definition of discrimination in accordance with CEDAW. In practice, discrimination remains present in several laws, including the Family Law and Criminal Law. During the Human Rights Council’s discussion of Algeria’s report as part of the Universal Periodic Review, the Algerian government rejected a recommendation calling for a new revision of the Family Law.

The main development in the past three years was the amendment of Article 31 of the Constitution in November 2008, which now stipulates that “the State shall promote the political rights of women by expanding their representation in elected assemblies, and an organic law shall define the enforcement of this Article.”

**Tunisia:** Since 1959, Tunisia has explicitly recognised the supremacy of international conventions over national laws in its Constitution. Article 5 of the Constitution highlights “human rights in their universality, indivisibility and interdependence,” and recognises the principle of equal rights and duties before the law. Nonetheless, this article does not explicitly provide for equality between men and women, while discrimination remains present in several laws, including the Personal Status Code (e.g., in relation to inheritance). In addition, the Criminal Law does not criminalise sexual harassment or marital rape, and there is no law on combating domestic violence. Moreover, the Nationality Law states that the consent of the father is a condition to pass on nationality. Although the law does not tackle Tunisian women’s marriage to non-Muslims, a ministerial communiqué by the prime minister barred the issuance of marriage contracts between Tunisian Muslim women and non-Muslims.

The main development that took place between 2006 and 2008 was a presidential decision issued in January 2007, which enabled female public servants with children to work half of their hours for two-thirds of their pay. Despite the fact that this measure was put forward as a positive achievement in favour of women, women’s associations believe it implicitly encourages women to return home.

**Egypt:** Article 40 of the Egyptian Constitution stipulates that there is no discrimination between citizens due to sex and that all citizens are equal before the law. Nonetheless, many discriminatory clauses without constitutional grounds remain present in Egyptian laws, such as in the Penal Code, the Labour Law of 2003, the Nationality Law, and the personal status laws for Muslims and Copts. Despite several attempts for reform, including the introduction of a new marriage contract, the Family Court Law and the Family Fund Law, these laws have fallen short

<sup>36</sup> The Nationality Act enabled Algerian women to pass on their nationality to their children, and a foreign spouse to acquire the Algerian nationality upon meeting certain conditions.

<sup>37</sup> See Algeria’s country report within the framework of the Universal Periodic Review.



of achieving equality and lack implementation mechanisms.

Some progress has been achieved over the past three years, including the standardisation of the age of marriage for both sexes (18 years) and the raising of the age for a mother's custody of male children to 15 years, upon completion of which the child is given the choice to stay with his mother or move under the custody of his father as stipulated in the Children's Act. Moreover, a new article was introduced to the Penal Code criminalising so-called female circumcision. In December 2006, the government adopted the Family Justice Project (the Ministry of Justice in cooperation with the National Council for Motherhood and Childhood).<sup>38</sup> In addition, amendments to the Personal Status Law are being drafted.

In March 2008, the Supreme Administrative Court also passed a ruling obliging the head of the Coptic Orthodox Church to issue marriage permits to Coptic citizens who have obtained a divorce ruling from a court and wish to remarry, counteracting efforts by the Egyptian Church to further restrict the rights of Copts in this field.

**Syria:** The Syrian Constitution provides for equal rights for all citizens before the law, but does not contain an explicit reference to equality based on sex. Syrian laws guarantee women's rights to education, employment in government institutions and all economic sectors, and to exercise social and political activities without discrimination. Exceptions to this are certain articles in the Labour Law and the Agricultural Relations Law regarding the non-remuneration of women for their household work, in addition to the discrimination found in the Nationality Law and the Penal Code.

Discrimination against women is primarily contained in the eight Personal Status Laws governing all sects and denominations, which share the same view on familial relations. Men are considered the heads of their families and act as the legal guardians of their spouses and female relatives.

Between 2006 and 2008, Syria achieved progress in amending the Personal Status Laws governing Catholic denominations. The 2006 amendments, passed on 30 June by the People's Assembly, aimed to eliminate discrimination between men and women with regard to marriage, separation, inheritance, guardianship and custody of children. However, they did not touch upon the impossibility of divorce or women's right to abortion.

The past three years witnessed the development of several plans, such as the tenth Five-Year Plan and a draft law on protection of women against violence, as well as a number of strategies for improving the situation of women. The government's plans, devised to amend legislations relating to the legal status of women within family and society, have thus far remained at the draft stage and are being deliberated without the involvement of women's associations.

Despite the efforts of some governmental institutions and civil society campaigns (including websites) to change or amend discriminatory laws such as the Personal Status Law, the Nationality Law and the Penal Code, no changes in these laws have been achieved.

<sup>38</sup> A five-year project sponsored by USAID.

**Lebanon:** The Civil Code guarantees women the right to own commercial businesses and grants their testimony before the courts equal weight to that of men. However, the rights of women in the private sphere remain subject to the laws pertaining to the 19 religious sects in Lebanon, each of which has its own canonical law discriminating against women. Women's associations have worked relentlessly for years to introduce reforms in this area, submitting a draft non-compulsory civil law for marriage that covers all Lebanese citizens, to no avail. The voluntary law faced stiff resistance from all religious institutions and members of the Chamber of Deputies, preventing its presentation before the assembly. Discrimination against women remains present in most of the laws governing public life, particularly in the Personal Status Law, the Nationality Law and the Penal Code, as well as in certain articles of the Labour Law and the Social Security Law.

Despite pressure from the Lebanese women's movement, no amendments were introduced to legislation on women's rights between 2006 and 2008. Moreover, the commitments of the Lebanese government, whether as part of its responses to the CEDAW Committee or in the implementation review of the IPA 2006-2007, did not transform into comprehensive policies aimed at eliminating discrimination against women in all relevant law provisions. Discrimination therefore remains present in procedural laws and their enforcement mechanisms, as well as in the ordinances. These have not been significantly amended by any party with the exception of the Greek Orthodox Church, which raised the age for custody of children to 14 for girls and 15 for boys.

**Jordan:** Between 2000 and the Istanbul Conference, Jordan introduced important legislative amendments and endorsed amendments to existing laws by means of other laws, most of which are temporary as they have not yet been approved by the Lower House. Amendments, including articles on the rights of women, were made to six articles in the Personal Status Law and the Penal Code, as well as to the Elections Law, Passport Law, Compulsory Service Law and the Social Security Law. Nonetheless, male guardianship over female members of the family remains the foundation of the Jordanian Personal Status Law for Muslim and Christian communities alike. Moreover, the Penal Code, the Nationality Law and the Labour Law contain provisions that discriminate against women.

The period 2006 – 2008 witnessed several positive developments with regard to changing discriminatory laws. The Jordanian government introduced amendments as well as new laws and regulations concerning the rights of women, including the Anti-Human Trafficking Law and the Ombudsman Law, and granted women a 20% quota in the Municipal Law and a six-seat quota under the Elections Law. Jordan withdrew reservation to paragraph 4 of Article 15 of CEDAW<sup>39</sup> (in 2009), and set up a committee consisting of the Chief Justice, the Commissioner for Human Rights and the Secretary-General of the National Commission for Women to study Article 16.<sup>40</sup> A law on protection from domestic violence was endorsed and the Labour Law amended

39 Article 15, 4: "States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

40 Article 16 deals with equality in relation to marriage and family relations: "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations ...." See <http://www.un.org/womenwatch/daw/cedaw/text/econvention>.





to abolish a provision that excluded employers' household members and domestic workers from the law and to empower the Minister of Labour to close an employer's establishment if he beats or sexually assaults his employees.

**Palestine:** The enactment of independent Palestinian legislation started with the establishment of the Palestinian National Authority in 1994. Nevertheless, these laws have not regulated the lives of women in their households; the main stronghold for discrimination. Several attempts to enact a modern family law for all parts of Palestine (West Bank and Gaza) have been thwarted so as to accommodate traditional or religious laws based on conservative interpretations. At present, the West Bank applies Jordanian laws, while the Gaza Strip applies old Egyptian laws. This situation creates multiple legal references and is the basis for the lack of a single legal procedure regulating the rights of Palestinian women.

The Israeli occupation and its policies in the Occupied Palestinian Territories,<sup>41</sup> as well as the launching of large-scale military aggression on the Gaza Strip in late 2008 and early 2009, have caused widespread destruction of civilian life, especially in the Gaza Strip, and have pushed the poverty rate to over 60% and unemployment to 48% in both the West Bank and Gaza Strip. Survival and daily basic needs have taken precedence over the fight for legal changes. In addition to occupation, the ramifications of the internal conflict in Palestine have disrupted legislative life and shifted the priorities of civil society institutions in general. These institutions have become mainly focused on restoring internal Palestinian unity and ending bloodshed following the Hamas coup.<sup>42</sup>

Despite the aforementioned difficulties and challenges, in 1994 the Palestinian women's movement submitted numerous draft resolutions regarding the laws affecting the status of women in a specially devised document entitled the "Palestinian Women's Bill of Rights." From these resolutions, the Alimony Fund Law was endorsed in 2005, while the principle of positive discrimination in favour of women was adopted in the Central Council of the Palestine Liberation Organisation in 2003. The Palestinian women's movement relied upon this principle to launch a campaign to promote the participation of women in municipal and parliamentary elections.

Consequently, two laws on the election of local councils and the Legislative Council were endorsed, and a quota of not less than 20% women on electoral lists was approved. These developments are a step towards equality prescribed by Palestinian law and the declaration of independence in conformity with international laws and conventions.

In early 2009, the Palestinian National Committee submitted a draft Personal Status Law in the West Bank which is currently being discussed and reviewed by the government and the Palestinian president.

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htm#article16.

41 Such as expanding the size of settlements, expropriating land, controlling natural resources, and especially access to water, continuing the construction of the separation wall on Palestinian land, doubling the number of barriers, as well as the long-term closure of Gaza and banning the entry of humanitarian aid, etc.

42 Which, according to some observers, is also exacerbated by donor demands. See: <http://www.alternativenews.org/publications/econoccupation.html>.

**Turkey:** Developments in the field of gender equality generally did not take place in pursuit of equality per se, but rather as part of Turkey's accession process to the European Union. However, women's NGOs used this process as a powerful advocacy tool to eliminate discriminatory articles in basic laws. Between 2002 and 2004, Turkey amended most of its laws (the Constitution, Criminal Law, Civil Law and Labour Law) as a necessary step for initiating negotiations with the European Union. After the negotiations began, the reform movement slowed down.

Discrimination still mars most of the above-mentioned laws, as well as other relevant laws, such as the Family Protection Law, Population Planning Law, regulations on parental leave due to childbirth, and Regulation No. 25522 on the working conditions for pregnant women, nursing mothers, nursery schools and child care centres. Gaps are found both in the provisions of these laws and in their application mechanisms.

However, some positive steps did take place between 2006 and 2007. Turkey amended several laws towards eliminating discrimination. Most significantly, the Labour Law was amended to encourage employers to recruit women and youth.<sup>43</sup> Moreover, Turkey amended the Family Protection Law and developed mechanisms for its implementation. These steps constitute an important development in the context of protecting women against violence, although the scope of this law is limited to providing protection for legally married women. A "Committee for Equal Opportunities for Women and Men" was established in 2009. While this was an important step, it did not meet the demands of the women's movement, which had originally called for a "Committee for Equality between Women and Men." The name was changed during deliberations in parliament. In this regard, it is important to note that equal opportunities do not necessarily result in de facto equality.

Europe: The legal and political substance of the principles of gender equality and the elimination of discrimination and disparities between the two sexes were defined in the Treaty of Amsterdam of 2007 and the Charter of Fundamental Rights of 2000 signed by the European Council. Subsequently, many regulations have been adopted. However, despite improvements, there is still a long way to go before legal and genuine equality is realised. Women in the French Overseas Departments, for example, are occasionally subjected to customs that are contrary to the principle of equality established in the laws of the Republic. Moreover, a large number of migrant women in Europe remain subject to the personal status laws in force in their home countries, as stipulated by bilateral agreements<sup>44</sup>.

Years 2006-2009 have not witnessed any highly significant developments regarding the elimination of all forms of discrimination against women. Although European legislations play a vital role in improving the situation of women in the labour market, they have not solved the problem of unequal pay for equal work and unequal access to decision making positions;

<sup>43</sup> Although certain problematic aspects that must be amended still exist in this law. For more information, see the background report on Turkey.

<sup>44</sup> Such as the French-Algerian agreement of 1998. Resolution 1478, 2006 by the Parliamentary Assembly of the Council of Europe invites the EU member States to "renegotiate, reject or denounce the articles of the bilateral agreements which violates the fundamental principles of the rights of the human being. For more information, see the background report on Europe.



problems maintained by the influence of stereotypes of the roles of both men and women, and downplaying the importance of the professions assumed by women. The average salary difference between men and women in Europe ranges between 15 to 16% (20% in France)<sup>45</sup>. Even where the constitution or labour law guarantees “equal pay for equal work,” as in Poland, the reality contradicts the law. Migrant women face double discrimination in this regard, both as women and as migrants.<sup>46</sup>

## **KEY OBSTACLES AND CHALLENGES IN RELATION TO THE RIGHTS OF WOMEN IN NATIONAL LEGISLATION**

The fundamental weakness preventing the consolidation of equality in southern and eastern Mediterranean countries clearly lies in a body of laws and regulations that fall short of approaching equality as defined by human rights charters and international conventions, especially CEDAW. In the case of Europe and Turkey, the shortcoming lies in the insufficient application of laws that are based on equality and in the existence of gaps in other laws. Many steps remain to be taken in order to achieve the legal and legislative reforms necessary to integrate gender equality in the laws that are in force.

### **Challenges to Women’s Rights in National Legislation in Southern and Eastern Mediterranean Countries:**

- The salient feature of legislation in all southern and eastern Mediterranean countries is its ambivalence and constant swinging between equality and discrimination depending on the standards adopted by the legislature.<sup>47</sup>
- The constitutions lack a clear commitment to gender equality and do not adopt the definition of discrimination contained in article 1 of CEDAW.
- Most legislation does not contain any explicit reference to the position of international conventions in relation to national legislation, with the exception of Algeria, Lebanon and Tunisia.
- The deep-rooted concepts in society that are attributed to the sacred and manifest themselves in customs and traditions that hamper development (especially with regard to the Personal Status Codes).
- The dominance of a conservative religious climate which is hostile to women’s rights (whether in terms of Islamic or Christian movements or religious institutions) and adopts the most conservative religious views and interpretations.
- Weak political will of the state, leaving the rights of women open to political bargaining between the state and the most conservative religious forces.

45 A March 2009 press release by the European Commission stated that the gap in Europe was 17.4%, while the Commission on the Status of Women of the ETUC (Federation of European Trade Unions) estimates it to be 15-17%. In France, the “Observatoire des salaires ([www.observatoiredessalaires.fr](http://www.observatoiredessalaires.fr)) and the INSEE (National Institute of Statistics and Economic Studies, 2008 edition, on salaries in France) report a 20% difference between men and women’s salaries.

46 For more information, see the EMHRN report on “Economic and Social Rights of Migrants and Refugees in the Euro-Mediterranean Region – Access to Health Care and the Labour Market,” available online at <http://www.emhrn.net/usr/00000026/00000027/00000028/00000156/00002891.pdf>.

47 These standards are traditions, customs, Islamic Jurisprudence, comparative law and international conventions.

- The existence of several Personal Status Laws based on various sectarian and doctrinal references in the Mashrek countries and in Egypt.
- The unstable political situation in Lebanon is one of the factors delaying the amendments required by all governmental, legislative and executive stakeholders.
- Most of the amendments on personal status in Jordan remain temporary laws in order to avoid rejection in parliament. This is due to the power of tribal groups allied with religious groups in the Jordanian Parliament.
- The conflict in Palestine between the Hamas government and the Fatah Movement constitutes a big challenge to the settlement of the situation of women in legislation. This is further exacerbated by the geographical and political separation between the West Bank and the Gaza Strip, leading to differing laws governing the lives of women. Furthermore, women's rights are often seen as secondary to the national struggle – and daily concerns about meeting basic needs often hamper attempts to direct attention to the necessary legal reforms.

#### **Challenges to Women's Rights in National Legislation in Turkey:**

- The main obstacle to reform lies in insufficient political will with regard to gender equality, and in the fact that reforms are dependent on the negotiations of Turkey's accession to the European Union.

#### **Challenges to Women's Rights in National Legislation in Europe:**

- The persistence of patriarchal dominance, deeply entrenched stereotypes, unjust distribution of tasks among family members and at home, unwavering contradiction between the law and its application, and social tolerance of discrimination and violence against women.
- National legislations do not always apply to all European women overseas.
- Many immigrant women are subjected to the laws of their home countries in their private lives, meaning that not all women in Europe enjoy equal rights.





## C. PUBLIC PARTICIPATION OF WOMEN IN CIVIL AND POLITICAL LIFE

**“Euro-Mediterranean Ministers stress that equal participation of women and men in all spheres of life is a crucial element of democracy and confirm that only by the inclusion of all people and determined action will the region’s women be able to fulfill their ambitions and aspirations and, by extension, contribute towards the realization of the underlying objectives of the Barcelona Declaration.”**

**Preamble of the “Ministerial Conclusions on Strengthening the Role of Women in Society,” Istanbul, 2006.**

This chapter will look at the public participation of women in civil and political life in the Euro-Mediterranean region.

### SITUATION BEFORE THE ISTANBUL CONFERENCE AND PROGRESS BETWEEN 2006 AND 2008

Over the last decades, the southern and eastern Mediterranean countries have experienced broader governmental and non-governmental action towards greater involvement of women in public, political and economic life, as well as in decision-making.<sup>48</sup> This may be due to the fact that this is considered less sensitive than other issues related to women’s rights and not as important to the conservative religious institutions as matters related to women’s status in the family.

Civil laws in the Partnership countries are based on the principle of gender equality in civil and political rights. This includes election laws, where some provide for quotas to ensure the access of a specific number of women to legislative institutions at all levels. Consequently, and as a result of advocacy by women’s movements and a supportive political will, women’s participation has increased in public life and in legislative and judicial institutions, local councils, government and various administrative bodies, as well as in decision-making positions in the economic and educational sectors. In spite of this progress, however, available indicators point to limited change in women’s participation rates in the various aspects of the development process and in decision-making positions.

The past three years have witnessed an increase in the level of women’s participation in public life, yet none of them were linked to the IPA framework. Moreover, women’s movements in all the countries express their dissatisfaction with the level of progress achieved in terms of both quantity and quality. They believe that it does not correspond to the actual capacities of women and the role they play in the lives of their families, communities and countries, and that the path to de facto equality is still in its infancy.

<sup>48</sup> While some countries achieved relative progress, and others experienced quantitative decline in one field or another, a general upward trend can be distinguished.



**Morocco:** The percentage of women in parliament did not exceed 0.6% before the 2000 elections. In 2000, as a result of the efforts exerted by the women's movement, most political parties adopted the quota principle (10 to 20%) in the membership of their senior leadership but then failed to institutionalise this measure. The women's movement had to negotiate with the political parties in the 2002 parliamentary elections until they agreed on a code of honour in allocating the national list<sup>49</sup> for women, leading to an increase in the percentage of women in the Chamber of Representatives from 0.6% to 10%. During the 2007 legislative elections, the national list with the same political consensus between the political parties and the Ministry of the Interior was reintroduced. This led to an increase in women's participation in the government, with seven female ministers<sup>50</sup> (equivalent to 20.5% of all ministers). Ahead of the 2009 elections, a broad coalition called "movement for one-third of the seats ahead of equal sharing" was very active and the political parties discussed how to increase women's representation. Moreover, the Ministry of the Interior has recently unveiled measures to complement the Elections Law. These measures involve the creation of a "support fund to promote women's representation," but its organisational structure has yet to be clarified.

Eight female ambassadors were also appointed in 2008, which represented a substantial increase in the number of women ambassadors.

**Algeria:** Although the number of female candidates for the People's National Assembly increased eight-fold between 1997 and 2002, this achievement did not extend to the number of women who were actually elected between 2001-2004 and 2004-2007.<sup>51</sup>

Nonetheless, it should be noted that in April 2004 a woman representing a political party made history by entering the presidential race. The number of female ministers also fluctuated between three and five, while the percentage of women in senior administrative positions did not exceed 6%. Algeria has two political parties led by women. In the judicial system, the percentage of female personnel rose to 35%, with 17%<sup>52</sup> of the membership of the Supreme Council of Magistracy being women.

No significant progress has been achieved in women's representation in the legislative and executive authorities during the same period.

**Tunisia:** After the elections of 2004, women made up 22.7% of the Chamber of Deputies, 15.2% of the Chamber of Advisors, and 27.4% of members of local councils. However, despite this progress, only five women became mayors. Also in 2004, a woman was appointed governor for the first time in Tunisia's history. Women hold 12% of positions in government, 24% in diplomatic

49 The Elections Law provides for the national list as one mechanism for casting ballots. The list is composed of 30 members elected nationally. It does not dictate the sex of candidates but rather national voting as opposed to the district-based voting system through which 295 members are elected to Parliament.

50 Family and social affairs, health, energy and minerals, youth and sports, international cooperation and school education.

51 The National Economic and Social Council (Conseil National Economique et Social) in cooperation with UNDP, National report on human development, Algeria, 2007.

52 Evolution of the indicators for human development in Algeria through national statistics from the National Report on human development, Algeria, 2006.



missions, 20% in the Economic and Social Council,<sup>53</sup> 13% in the Supreme Judicial Council, and 25% in the Constitutional Council.

In spite of the growing official discourse on increasing the representation of women, no actual steps have so far been taken to introduce a quota system. Women constituted 32% of provincial council members in 2007 and 14% of the Supreme Council for Communication in 2008.<sup>54</sup>

**Syria:** Under Article 3 of the Syrian Election Law every Syrian Arab citizen, male or female, has the right to vote at the age of 18. Syrian women received the right to vote in 1949 and the right of nomination in 1953, but were only able to enter parliament (then the National Assembly) in 1958.<sup>55</sup> Since then, the percentage of female representatives has increased in the People's Assembly over successive terms (since 1973). It rose to 12.4% in the ninth legislative term (2007-2011), but decreased to 3.1% in local councils in the 2007 elections.

In 1976, a woman became minister for the first time, and there are currently three female ministers and three women holding senior leadership positions in political parties. The percentage of female diplomats has reached 14.66%, and the percentage of female judges in all courts except the Sharia Courts is 13.38%. In 2008, a female judge was the first woman to be appointed as Attorney General in a governorate, and another woman became editor-in-chief of an official newspaper.

Women in Syria participate in all trade unions and professional associations, as well as in the Farmers Federation, but their representation in decision-making positions remains symbolic. The tenth Five-Year Plan (2006-2010) includes a special chapter on empowering women and increasing their participation in decision-making positions to reach 30%; nonetheless, the progress made in this area remains far from this goal. The participation of women in the workforce has in fact decreased, and, for example, dropped from 19.8% to 17.3% between 2000 and 2004.<sup>56</sup>

**Lebanon:** Women participated in the Lebanese government for the first time in 2004, and a woman was appointed Minister of Education in the new cabinet in 2008. There are only three women in the 128-member National Assembly. Women make up 1% of all members of municipal councils.

Lebanon has adopted a 30% quota for women, but in nominations only. In the judiciary, women's participation is currently about 35%. Although they hold only a small percentage of seats, women are also represented in the State Council and the Supreme Judicial Council. However, their representation in leadership positions in trade unions and professional associations remains weak.

**Jordan:** The temporary Elections Law No. 34 of 2001 has facilitated procedures to ensure

<sup>53</sup> Women and politics (in French); see: <http://www.tunisie.com/femmes/politique.html>.

<sup>54</sup> <http://www.tunisie.com>

<sup>55</sup> "Towards Political Empowerment of Syrian Women," the Syrian Commission for Family Affairs (SCFA) in cooperation with the United Nations Development Fund for Women (UNIFEM).

<sup>56</sup> The tenth Five-Year Plan 2006.

higher participation of women in the elections.<sup>57</sup> However, the One Person One Vote Law<sup>58</sup> limited women's chances of winning elections. In the 2003 elections, six women won under the parliamentary quota system.<sup>59</sup> In the same year, five women candidates won in the municipal elections, constituting 0.9% of the 588 elected municipal council members. Additionally, 102 women were appointed to the municipal councils in accordance with the 10% quota. The percentage of women holding ministerial posts in 2004 was 3.8%; women also held 6.4% of first degree posts. In 2007, four ministerial portfolios were allocated to women in the Cabinet and six women were elected to the 110-seat parliament under the quota system. The government allocated 20% of municipal council seats for women in the municipal elections of 2007, and women took 218 seats or 25% of the total, a percentage even higher than that set by the quota system.<sup>60</sup> Furthermore, seven women were appointed to the 55-member Senate. For the first time ever, a woman was also appointed at the Ministry of the Interior with the rank of governor.

Female judges constituted 4% in 2003, and about 7.6% of diplomats were women, including two ambassadors. In early 2007, the government appointed the first female court president ever. Nonetheless, there are no female judges at the Court of Appeals, the Criminal Court or the Sharia Courts.

Out of 33 political parties only three have women among their leadership.<sup>61</sup> Despite the importance of the parliament's approval of the Political Parties Law in 2007, the law contains several prohibitions on the institutionalisation of political parties, the procedures for their foundation and government interference, which hinders women's participation in these parties. The government has restricted freedom of expression in the media and newspapers, and a new law on associations has been adopted that limits the freedom of associations.

The women's movement believes that the level of women's participation in all areas remains very low considering the potential of Jordanian women, and despite the general trend towards increasing representation, women continue not to be represented in the ranks of the intermediate administrative leadership.

**Palestine:** Seventeen of 71 female candidates won seats in the legislative elections held on 25 January 2006, increasing women's representation in the Legislative Council from 5.6% to 13%. The previous Council had only included five women. The application of the mixed-system law was credited for this increase.<sup>62</sup> Women make up 7.5% of the members in the Palestinian

57 By reducing the voting age and replacing the family book with the ID card as the official document needed to cast a ballot.

58 The One Person One Vote Law dictates that a voter may vote for only one candidate, in which case voters tend to vote for male candidates from their families. After changes in the law, this principle is now also applied in the local council elections.

59 Under temporary Law No. 11 of 2003, six seats were added to the 104-seat parliament and were allocated to women.

60 And at least one woman was appointed to every municipal council to which no women were elected through the quota system.

61 The government of Jordan's Combined Third and Fourth Periodic Reports of 2005 to the CEDAW Committee.

62 The law dictates that at least one woman be nominated among the first three names that appear on an electoral list. One woman has to be among the subsequent four names, and then one woman among every five names that follow.



National Council, while the Central Council has five female members out of a total of 124. The Executive Committee has no female members. In a clear example of discrimination against women, the Local Councils Law requires women applying for candidacy to submit a clearance certificate certifying that her relatives do not have any outstanding obligations to the Council.<sup>63</sup>

The percentage of women's representation in political parties and organisations' leadership ranks ranges from 0% to 19%. In the local councils elected in 2005 through a law that allocates 20% of seats to women, the percentage of female members was 19%, or 530 women: 296 won through competition and 234 through the quota.

As for women's participation in the judiciary, until January 2005 the percentage of female judges was 9.2%. Since 2006, however, the split between the Gaza Strip and the West Bank has had negative effects on the situation of women. Some steps taken by the Hamas government may be considered as a gradual process of imposing Islamic Sharia, which is, however, denied by the government.<sup>64</sup>

In the West Bank, some positive laws pertaining to women's political participation have been introduced, whereas Personal Status Laws are still being reviewed.<sup>65</sup>

**Egypt:** The number of women in parliament in Egypt, specifically in legislative bodies, rapidly increased from 1979 to 1986, due to the introduction of reserved seat quotas through Law No. 188. This law set 30 out of 360 seats in parliament aside for women, but was repealed in 1986, deemed unconstitutional on the bases that it is discriminatory which greatly affected the percentage of women in the legislature. Women's participation in parliament declined to 3.9% in 1987, compared to 9% in 1979 and 8.5% in 1984, and further dropped to 1.8% after the 2005 elections. In 2007, the Egyptian government made a number of amendments to the constitution which may positively affect women's participation in politics. The amendment to Article 62, for example, calls for the allocation of a minimum quota for women within the two parliamentary chambers, and even within the local councils, in order to encourage women's political participation. In June 2009, an amendment to the election law was adopted by the parliament allocating extra 64 seats to women guaranteeing that 11 % of members of parliament will be women.<sup>66</sup>

The percentage of women holding ministerial positions dropped to 3% in 2008 from 4.3% in 2007, while the percentage of women holding the post of deputy minister rose to 16.7% in 2008 from 15.4% in the previous year.

The percentage of women in senior administrative positions decreased to 12.8% in 2008 from

<sup>63</sup> Report entitled "Six Years After the First Arab Women's Summit: Achievements and Challenges," the Ministry of Women's Affairs, Palestine, July 2006.

<sup>64</sup> Such as forcing female lawyers to wear traditional robes and veils; see: <http://www.pchrgaza.org/files/PressR/English/2009/93-2009.html>.

<sup>65</sup> For more information, see for example, [www.wclac.org](http://www.wclac.org).

<sup>66</sup> For more information, see <http://www.iknowpolitics.org/en/node/9079> and (specifically on the constitutional amendments and their effect on women's participation) <http://www.eg.ird.fr/documents/Presse/Constitution.pdf>.

15.3% in 2007, and the percentage of women assuming the post of director-general decreased from 16.3% in 2007 to 15% in 2008.<sup>67</sup>

**Turkey:** Until 2006, women's representation had not exceeded 4.4% in parliament and 2.3% in municipal councils. As for their participation in political parties, women made up 8.3% of members in the Central Executive Committee of the Justice and Development Party (AKP), the ruling party. Women had their highest rate of representation (25%) in the Central Executive Committee of the Democratic Society Party (DTP), an opposition party.

As for government positions, there were no female deputy ministers or provincial governors. Women constituted 0.89% of provincial assistant governors and 2% of district governors. They did not hold any economic decision-making positions.

In the last elections in July 2007, women's representation in parliament increased to 9.1% of the total number of MPs. It is worth noting that during these elections a non-governmental women's organisation called KA-DER launched a campaign titled "Do I have to be a man to be in Parliament?" Moreover, the AKP decided that one of its electoral campaign goals would be to have at least one woman from every city become a member of parliament. This marked the first time that a political party had expressed any concern about the weak political representation of women in Turkey.<sup>68</sup> Nonetheless, the AKP did not succeed, as only 30 women from among its ranks became MPs. This clearly showed that binding temporary measures like gender quotas were needed, rather than soft measures.

The female minister in charge of women and family affairs was joined by a female minister of national education after a change in the cabinet in May 2009.

**Europe:** Despite definite progress, there is still a long way ahead before legal and genuine equality is achieved. The percentage of working women in Europe is less than that of men (55% for women and 70% for men). In addition, women constitute 80% of the working poor and more than 80% of part-time workers. The reduction in public investment in the sectors of education, childhood and health and the low wage policy aggravate the situation by pushing many women to return home.

There are also disparities in all countries with regard to women's access to decision-making positions at all levels and in all domains. Moreover, the average salary difference between men and women in Europe today ranges between 15 and 16% (20% in France).

With regard to participation in political life, men make up 67% of Commissioners in the European Commission, 69% of members in the European Parliament, and 77% of members of the European Economic and Social Committee. In the 27 member states, there is one female prime minister. Seventy-five percent of ministers (excluding ministers without portfolios) in these countries are

<sup>67</sup> Al-Ahram daily newspaper, 26 November 2008.

<sup>68</sup> In Turkey, the weak representation of women is often attributed to women's lack of capabilities (educational background, political skills, etc.) instead of to the structural inequalities that prevent them from developing or using their capabilities.



men, while women make up only 15% of ministers responsible for economic and financial affairs and 43% of ministers for social and cultural affairs.

Only four women preside over parliamentary assemblies in the 27 member states, while 76% of members of national parliaments are men. Sweden is a pioneer among European countries in terms of women's participation in political life with 47% of MPs being women.

Progress achieved to date includes the adoption of:

- the Lisbon Strategy (2000-2010), which aims at having 60% of women in the workforce;
- the Roadmap on Equality between Men and Women (2006-2010), which introduces mandatory procedures in relation to equal pay for equal work and support for women in decision-making positions;
- Resolution No. 1486 (March 2006) on the establishment of mechanisms to ensure the participation of women in decision-making positions; and
- the European Pact for Gender Equality adopted by the European Council in March 2006, which aims to integrate the principle of gender equality into all public activities.

#### **GENERAL OBSTACLES AND CHALLENGES TO PUBLIC PARTICIPATION OF WOMEN IN CIVIL AND POLITICAL LIFE**

Women in all Euro-Mediterranean countries face obstacles and challenges in participating in public life on an equal footing with men. Obstructive laws are still in place in the countries of the southern and eastern Mediterranean (excluding Turkey and, to a certain extent, Tunisia), while obstacles at the level of implementation also prevent genuine equality in Europe.

- The glass ceiling remains a barrier, denying women access to politically influential positions in all fields, and laws and policies to address this issue are not adequately applied.
- Positive discrimination policies have not been institutionalised and remain weak.
- The marginalisation of women's issues and their exclusion from governments' priorities<sup>69</sup> greatly impact the situation of women and their participation in public life, particularly in the economic sphere.
- Discriminatory laws (especially personal status laws and penal codes) impede women's contribution to public life.
- The ongoing Israeli occupation poses a big challenge to social progress in Palestine and to the advancement and equality of Palestinian women, especially with regard to human and social rights. In addition, the internal Palestinian conflict has created new challenges to women's public participation in political and civil life (especially in Gaza).

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<sup>69</sup> Due to unstable political situations, economic transformations, etc.

## D. VIOLENCE AGAINST WOMEN, INCLUDING MIGRANT AND REFUGEE WOMEN

“... the Euro-Mediterranean partners will work towards taking measures that:

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...”

From the “Ministerial Conclusions on Strengthening the Role of Women in Society,” Istanbul, 2006.

Violence against women occurs in a wide variety of different contexts, such as within the family, in the work place, or in state institutions. Similarly, there is a wide variety of agents of violence, including the state.

Violence against women takes multiple forms, including physical assault, rape or sexual violence, which in the most extreme cases deprive women of their lives (sometimes in the name of protecting the family honour). Religious and patriarchal justifications permitting the disciplining of women and the social tolerance of such acts remain prevalent. There are also psychological, legal and economic forms of violence. Protection and redress mechanisms for female survivors of violence remain inadequate.

Migrant and refugee women in all Euro-Mediterranean Partnership countries are subject to the same types of violence as non-migrant women. However, their status as migrants and refugees may in some cases increase their vulnerability to certain forms of violence, and may limit the forms of protection and redress to which they have access. Moreover, migrant and refugee women may be more vulnerable to violence than migrant and refugee men because of gendered inequalities within the migratory process and in both their countries of origin and their new host countries. Migrant and refugee women may thus find themselves in a situation where they are “doubly” vulnerable to violence – as migrants/refugees and as women.<sup>70</sup>

As a result of intensive campaigning by women’s movements in all of the Partnership countries, several governments took measures to protect women and to create legal and social mechanisms to curb and eliminate violence against them. Nonetheless, the situation remains alarming.

<sup>70</sup> EMHRN report on “Violence against Migrant and Refugee Women”; see <http://www.euromedrights.net/pages/572/page/language/1>.



## SITUATION BEFORE THE ISTANBUL CONFERENCE AND PROGRESS BETWEEN 2006 AND 2008:

**Morocco:** The first national campaign against violence and the drafting of a national strategy to combat violence against women (including a plan for its implementation) were launched by the government commission on family affairs in 1998.<sup>71</sup> In the same year, the General Directorate for National Security established a “coordination centre on gender,” while the Ministry of Health created units to listen to and counsel female victims of violence in major university hospitals in Rabat and Casablanca. The reforms of the Criminal Law and Family Code made public policies more responsive to the subject of violence. Nonetheless, these measures, though important, occurred within the context of a male culture that considers spousal and domestic violence a private matter. The main aspects of the progress achieved after 2006 include:

Adoption of a programme to combat violence which incorporates several governmental sectors and civil society associations within the framework of the United Nations Development Assistance Fund (UNDAF).<sup>72</sup> Annual campaigns to combat violence against women, and a draft law to protect women from violence as part of the reform of the Criminal Law.

The Directorate of Statistics at the High Commissioner for Planning is preparing to conduct national research on the prevalence of violence against women in coordination with the Ministry of Social Development, Family and Solidarity.

In addition to Anaruz Network, which comprises about 40 centres at the national level, the Women’s Observatory, consisting of 10 associations, was founded in 2007 as a mechanism to monitor and combat violence against women. Associations and networks that are active in this field issue annual reports<sup>73</sup> and evaluate their efforts in quantitatively and qualitatively following up on female victims of violence.

**Algeria:** Violence against women in Algeria needs to be viewed both within the general context of the unequal relations between men and women in a male-dominated culture, and in the particular context of conflict situations. Murder, rape, illegal confinement and forced marriages were the fate of thousands of Algerian women and young girls during the conflict between armed groups and the state in the 1990s.<sup>74</sup>

Progress made since 2006 includes the Ministry of Family and Women’s Affairs’ adoption of the 2007-2011 National Strategy to Combat Violence Against Women. This strategy aims to develop regulations and special means to eliminate violence against women, to raise awareness and rehabilitate female survivors of violence, to complete revisions of legislation to ensure greater

71 Currently the Ministry of Social Development, Family and Solidarity.

72 Plan cadre des Nations Unies pour l’Aide au Développement.

73 In addition to Anaruz, reports coordinated by the Democratic Association of Moroccan Women; see the reports issued by the Democratic League for Women’s Rights, FAMA Center of the Moroccan Association for Women’s Rights and Aid Centers of the Women’s Action Union, in addition to the new Women’s Observatory consisting of 10 associations.

74 See <http://www.fidh.org/VIOLENCES-CONTRE-LES-FEMMES-L-ETAT>. Women were also claimed as spoils of war and forced to perform domestic tasks and provide sexual services to isolated armed groups who took advantage of the climate of impunity that accompanied the conflict.



equality between men and women, and to propose laws that criminalise all forms of violence.<sup>75</sup> Algeria also announced that a law would soon be issued to allow persons other than the battered women themselves to file complaints regarding incidents of violence.

**Tunisia:** In recent years, Tunisia has witnessed some progress in combating violence against women, although the prevailing discourse addresses domestic violence more comprehensively than violence against women in general. Spousal violence is the most common form of violence against women in Tunisia. The justice system normally is relatively lenient towards offenders, often citing the need to «protect families from disintegration.»<sup>76</sup> In 2006, the National Office for Family Planning adopted a project to combat violence against women in partnership with various ministries and associations.

In June 2007, the National Office of the Family and Population published three studies on violence against women in Tunisia.<sup>77</sup> In July, a national committee with the participation of civil society<sup>78</sup> was announced and was given the mandate to develop a plan of action to combat violence against women. At the same time, a project entitled “gender mainstreaming and combating violence against women in Tunisia” (2007-2011) was signed in partnership with United Nations agencies. National research on this issue is to start in 2009,<sup>79</sup> and a free hotline will be established to serve victims. Non-governmental organisations continue to upgrade their services and issued a guide on sexual harassment in 2007-2008.

**Eastern Mediterranean Countries:** Violence against women continues in all its forms and manifestations, but consists mainly of arbitrary use of male authority within the family and of domestic violence of various kinds, including so-called honour crimes. Wives are fearful of filing complaints about domestic violence. In cases of rape, sexual abuse and attempted murder, the offender can avoid punishment by marrying the victim. In addition, many women and girls drop charges against perpetrators to avoid causing a scandal. Marital rape has not been addressed in any government documents. Moreover, a set of laws (including, in particular, personal status laws and penal codes) not only uphold the right to use violence against women, but also legitimise it. In Egypt, for example, the law grants men the right to beat their wives under the so-called right to discipline. Marital rape is covered by men’s right to take pleasure in their wives, as outlined in clear provisions in all of the Personal Status Laws, which define marriage as “a contract between a man and a woman who is lawfully eligible to be his wife.” A murder can be excused if it was committed to preserve or restore the family honour.

Migrants and refugees suffer from many violations of their rights and are subjected to various kinds of difficulties and harassment:

75 During the first half of 2008, the judicial police registered 5,000 female victims of violence, which almost equaled the number registered for the entire year in 2001.

76 “Femmes battues : La sévérité de la loi, la clémence du juge ,” 25 novembre 2008 ; <http://www.gnet.tn/temps-fort/femmes-battues>.

77 L’Office National de la famille et de la Population, “La violence fondée sur le genre en Tunisie : état des lieux ,” Dorra Mahfoudh Draoui, Sarra Ben Zineb and Khedija El Madani, June 2007.

78 Including ATFD (after protest).

79 “Femmes battues: La sévérité de la loi, la clémence du juge ,” 25 November 2008 ; <http://www.gnet.tn/temps-fort/femmes-battues>.



"They are at risk of unlawful deportation, ill treatment and exploitation, and may face great difficulties in claiming their most basic rights, such as healthcare, education, housing and work. Several different factors limit migrants' and refugees' access to their rights: Lack of political will, absence of appropriate laws for the provision of formal legal protections, administrative barriers, budgetary and material restrictions, restrictions on civil society organizations, and the general human rights situation."<sup>80</sup>

### **Egypt**

The National Council for Women addresses violence against women through the Ombudsman's Office and its branches in most of Egypt's governorates. The Council has also established free hotlines for women to file complaints. Egypt regularly trains law enforcement personnel to deal with cases of violence against women<sup>81</sup> and has established seven safe houses for battered women (a number that is nonetheless still too low).

Moreover, the National Council for Childhood and Motherhood has played a prominent role in criminalising female circumcision / female genital mutilation in the Children's Act. For the first time, several governmental and non-governmental institutions took part in a "16 Days of Activism against Violence against Women" campaign. In addition, the Central Agency for Public Mobilisation and Statistics published statistics regarding violence against women for the first time ever.

### **Syria**

The Syrian Commission for Family Affairs has drafted a national plan to combat violence against women in Syria, which includes strategies for prevention, awareness raising, protection, support, treatment and reintegration services. The plan also includes a mechanism for evaluation and follow-up. The tenth Five-Year Plan, meanwhile, has a special chapter on empowering women that refers to combating violence against women and to women's access to justice. A national meeting on honour crimes was held in Damascus in mid-October 2008 and issued recommendations that participating institutions should incorporate into legislation. Moreover, a law to counter trafficking in persons is currently being prepared.

Since 2006, women's organisations have been increasingly active in organising events to demand changes to legislation that justifies violence against women and the preparation of a draft law for the protection of women. These organisations are currently considering possible advocacy strategies with respect to this law. Two shelters for female victims of violence were opened in Damascus (by the Sisters of the Good Shepherd and the Association for Women's Role in Development), and websites<sup>82</sup> continue their campaigns against honour crimes and for the amendment of the Penal Code.

80 EMHRN report on "Asylum and Migration in the Mashrek"; see: <http://www.euromedrights.net/pages/573/page/language/1>.

81 Draft of the National Council for Women's combined sixth and seventh reports to the CEDAW Committee, 2008.

82 Websites such as [www.nesasy.org](http://www.nesasy.org) and [www.thara-sy.com](http://www.thara-sy.com).

Despite the efforts of women's civil society organisations and relevant governmental institutions, however, there continues to be a complete lack of legislation and special measures to protect women against violence.

### Lebanon

The Ministry of Social Affairs and civil society organisations have started to collaborate in providing special programmes on domestic violence and training on how to assist female victims of violence for women counsellors and aid workers at developmental services centres at the Ministry.

In 2008, the organisation KAFA Enough Violence and Exploitation prepared a draft law for the protection of women from domestic violence, and it is now working to gain the support of the public and of decision makers. The number of counselling centres for battered women has increased, as has the number of female social aid workers who have the necessary skills to counsel and listen to battered women. The number of associations providing shelter to battered women has also increased.

### Jordan

The National Centre for Human Rights inaugurated a hotline in 2007, and a public prosecutor was appointed to receive complaints and allegations of violations.

In 2008, Jordan passed the Law on Protection from Domestic Violence. However, regulations governing its application have not yet been issued, nor have the committees whose creation is stipulated by the law been formed. This effectively prevents the enforcement of the law. The Family Reconciliation Centre of the Ministry of Social Development was also established to receive female victims of all forms of violence. In addition, the Jordanian National Commission for Women has founded an ombudsman's office to receive complaints and forward them to the appropriate authorities for follow-up.

### Palestine

Every detail of Palestinian civil life has been subjected to various forms of Israeli political violence (armed aggression, blockade, assassinations and arrests). During the recent Israeli aggression on Gaza, for example, 1,365 Palestinians were killed and around 5,000 were wounded. Of those killed and wounded 35% were women and children.<sup>83</sup> In addition, Palestinian women and children were most severely affected by the devastating economic, social and humanitarian consequences of the Israeli aggression on the West Bank in April 2002.<sup>84</sup>

The economic and humanitarian crises have consolidated women's economic subordination and marginalised or even suppressed their roles. Political violence is therefore no less dangerous for women than other forms of violence.<sup>85</sup>

<sup>83</sup> Palestinian Center for Human Rights, Gaza: [www.pchr.org](http://www.pchr.org).

<sup>84</sup> About 24,000 homes were damaged in the recent Israeli aggression on Gaza, of which 4,000 were completely destroyed, leaving about 85,000 citizens homeless. Since 2000, around 750 women have been arrested, of whom 75, including minors and mothers, remain prisoners in Israeli occupation jails.

<sup>85</sup> For statistical information on violence in Palestine, see <http://www.pcbs.gov.ps/DesktopDefault.aspx?tabID=4114&lang=en>.



In addition to the violence perpetrated by the occupation and internal strife, Palestinian women, like women in the rest of the Partnership countries, suffer from various forms of social and domestic violence, including honour killings. A higher national committee comprising representatives from the relevant ministries, the Civil Forum against Violence against Women, as well as academics and others, was formed to develop a national strategy to protect women from violence. In December 2007, a national conference was held to discuss this strategy (which has not yet been introduced).

### Turkey

Turkish women are primarily subjected to physical and sexual violence, including so-called honour crimes or killings in the name of custom. News reports indicate that 54 women have been killed in the name of honour over four years. This situation persists in spite of laws to deter these crimes and in spite of Turkey's Civil Law, which is based on the principle of equality, and the fact that Turkey does not have legal provisions condoning violence.<sup>86</sup>

Between 2006 and 2008, the Directorate General for the Status of Women implemented the Combating Domestic Violence Project. The project was implemented in six cities and included various programmes, and a committee that comprised representatives of government institutions, ministries, university research centres and civil society institutions was established to monitor violence against women. The women's shelter project, meanwhile, was started with the aim of establishing shelters for battered women in eight cities by March 2010. In addition, the Family Protection Law was amended to include all family members, including those living apart.

### Europe

As in Turkey, there is no legal basis for violence against women in Europe. Nonetheless, studies have shown that nearly a quarter of women living in Europe have been subject to physical violence at least once in their adult lives. The number of victims of forced marriages is on the rise, as are sexual mutilation and honour crimes. Moreover, migrant women are especially vulnerable and do not have full citizenship rights. Violence against migrant women is often overlooked as a consequence of efforts to respect cultural diversity. According to an UNFPA report,

"undocumented female migrants confront huge risks while attempting to reach their destination. This includes sexual harassment and violence by border guards or fellow migrants; being coerced to provide sexual favours in exchange for safe passage for themselves or fellow migrants; or engaging in sex for survival or protection from violence when they are stranded in transit and without livelihood alternative."<sup>87</sup>

Although they have means that are unavailable in some other Mediterranean countries, EU member states do not always provide adequate protection or redress for migrant and refugee women who are victims of violence.

<sup>86</sup> Turkey's country report on the implementation of the IPA.

<sup>87</sup> UNFPA (2006), "State of World population. A Passage to Hope: Women and International Migration," New York, UNFPA.

The main developments with regard to violence against women in Europe include Resolution No. 1512, which was adopted in 2006. Following the Resolution, the Council of Europe launched a campaign titled “Parliaments United in Combating Domestic Violence against Women” and developed a proper legislative framework in accordance with international conventions that was aimed at punishing aggressors, assisting and protecting victims, and ensuring the effective implementation of the adopted provisions.

### KEY OBSTACLES AND CHALLENGES IN RELATION TO VIOLENCE AGAINST WOMEN

Disparities between Europe and Turkey on the one hand, and southern and eastern Mediterranean countries on the other, must be taken into account when considering the following obstacles and challenges:

- Legal shortcomings are evident in a number of discriminatory laws that allow for violence against women, especially in Arab countries. Such shortcomings may amount to protecting perpetrators of violence against women.
- A patriarchal mentality legitimises violence against women and compels some women to surrender to this violence.
- Public policies fail to combat violence against women due to a false desire to respect cultural diversity.
- There is a lack of data on violence against women, its various forms and manifestations.
- There is only poor coordination between governments and women’s organisations, particularly in Turkey and Arab countries, which hampers their efforts to combat violence and provide training and services.
- There is a lack of shelters and services for battered women – especially in rural areas. Moreover, battered women do not trust existing shelter systems as the concept of shelters is still largely unfamiliar to women in the southern and eastern Mediterranean.
- The Israeli occupation of Palestine is one of the most important factors leading to political and social violence. However, the PA also has a responsibility to provide legislation to protect women from violence.
- There is a lack of political will to firmly counter the reasons for violence against women. This is due to claims that such violence is not a widespread phenomenon and that it is linked to religious and cultural traditions.
- Migrant women face additional sources of economic, social and political insecurity in both their countries of origin and their new host countries and due to gendered inequalities within the migratory process. They are thus “doubly” vulnerable to violence – as migrants/refugees and as women.



GENDER EQUALITY IN THE EURO-MEDITERRANEAN REGION: FROM PLAN OF ACTION TO ACTION?  
SHADOW REPORT ON THE IMPLEMENTATION OF THE ISTANBUL PLAN OF ACTION







# ANNEX 1:

## TABLE ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Country	Ratification	Reservations	Pub*	Constitutional Status	Discussion of Last Report
<b>Morocco</b>	1993	2-9-15-16-29	2001	Does not have supremacy over the Constitution	Third and fourth periodic reports were presented in one combined report which was discussed in 2008
<b>Algeria</b>	1996	2-9-15-16-29		According to the Constitution and international commitments, CEDAW takes precedence over national laws.	January 2005
<b>Tunisia</b>	1985	2-9, 15, 16, 29		Article 5 of the Tunisian Constitution ensures the and interdependence of human rights – fluctuation in practice (Association Bulletin)	Third and fourth periodic reports were presented in one combined report that was discussed in 2002
<b>Syria</b>	March 2003	9-2, 15, 16-2, 29-1		No explicit provision in the Constitution. According to Article 25 of the Civil Law, international conventions take precedence over national laws.	June 2007
<b>Lebanon</b>	1996	9, 16, the first Paragraph of Article 29	1996	The Constitution grants international conventions supremacy over national laws	2008
<b>Jordan</b>	1992	9-2, 15-4, 16	2007	Lower status than the Constitution but takes precedence over national laws	Fourth and fifth governmental reports were discussed in August 2007



Official next Report	Shadow Report	Main Concerns of the CEDAW Committee	Protocol	Developments between 2006 and 2008
Fifth and sixth periodic reports will be presented in one combined report which will be discussed on 21/07/2014	ADFM, 2008		Declared accession in March 2006	Announced the withdrawal of some reservations and accession to the Protocol, but the instruments for withdrawing the reservations had not yet been established with the Secretary General of the United Nations. Discrimination still persists.
Third and fourth periodic reports to be presented in one combined report which to be discussed on 21/06/2009	Collectif 95 Maghreb-Egalité	Lack of implementation of last report's recommendations – economic and social rights – violence – institutional mechanisms – discriminatory laws	No	In early November 2004, the Algerian ambassador to the United Nations announced in a speech before the General Assembly that "reforming the family law will make it possible in the short term to consider withdrawing the reservations to CEDAW". This announcement was also made upon the submission of the preliminary report - Collectif 95 report
	Last report 2002 FIDH, la LTDH et l'ATDF	Lack of a definition of discrimination in the Constitution – lack of statistics on violence – trafficking in women – decision making positions – employment – single mothers	Declaration of intent to accede to the Protocol on March 17. Declaration of accession through a law in June 2008.	The Tunisian Association of Democratic Women (ATFD) reported that the Minister of Justice had promised to form a committee to study the reservations (Association Bulletin 2)
Second and third periodic reports are to be presented in one combined report in 2012	NGOs' report coordinated by the Syrian Women's League	Welcomed Syria's plan to withdraw the reservations to Articles 2, 15-4, 16-1, 16-2. Development mechanisms – stereotypes – lifting restrictions on civil society organizations	Not ratified	No change with regards to withdrawing the reservations. There were rather indications that the government backtracked on its promises to withdraw the reservations to Articles 2, 15-4, 16-1, 16-2. No changes were made to relevant laws.
2014	Yes	Reservations – mechanisms to protect women from violence – harmonizing national laws with the Convention – the Nationality Law – the situation of Palestinian women	Not ratified	Reservations continue to exist No amendments were introduced to relevant laws.
Sixth periodic report is due in July 2009	Shadow report by Jordanian NGOs in 2007	The need to withdraw the reservations to CEDAW – combating violence against women – protection from domestic violence	Not ratified	Publication of the Convention in the Official Gazette without presentation before Parliament in order to accelerate its constitutional procedures Withdrawal of the reservation to the fourth paragraph of Article 15 in March 2009





Country	Ratification	Reservations	Pub*	Constitutional Status	Discussion of Last Report
<b>Egypt</b>	1981	2, 9-2, 16, 29	1981	Article 151 of the Constitution states: The President of Republic shall conclude treaties and communicate them to the People's Assembly, accompanied with a suitable clarification. They shall have the force of law after their conclusion, ratification and publication according to the established procedure.	The third and fourth periodic reports were presented in one combined report in addition to the fifth periodic report .They were discussed in 2001
<b>Palesfine</b>	Not eligible			Palestine is not eligible to ratify international conventions because it remains an observer member in the United Nations.	
<b>Turkey</b>	1985	Declaration on Article 9 and a reservation on Article 29. The declaration regarding Article 9 was withdrawn	1986	The Constitution grants international conventions on human rights supremacy over national laws.	January 2005

Official next Report	Shadow Report	Main Concerns of the CEDAW Committee	Protocol	Developments between 2006 and 2008
The Sixth and Seventh periodic reports will be presented in one combined Report which was supposed to be discussed in the session of June 2009	In 1998, the Coalition of Egyptian NGOs submitted the first shadow report to the CEDAW Committee. More than 30 NGOs took part in drafting the report, which was endorsed by 120 other organizations.		Not ratified on the pretext that the Convention harms national sovereignty	The government decided to approach the CEDAW Committee to withdraw the reservation to Article 9-2 regarding mothers passing their nationality to their children from foreign spouses.
				On March 8, 2009, the Palestinian president announced the ratification of CEDAW without any reservations.
The next report was due by the end of 2008	A group of women's NGOs prepared and submitted two shadow reports to the CEDAW Committee on the Combined Third and Fourth Periodic Reports prepared by Turkey	Turkish legislation does not contain a definition of discrimination against women in compliance with Article 1 of the Convention Certain provisions in the Penal Code and the Civil Law Virginity testing –killings in the pretext of following the customs and traditions – criminalizing consensual sexual relationships among youth aged between 15 and 18 years –joint ownership of properties acquired in the absence of legal arrangements does not apply retroactively – the persistence of violence against women, including domestic violence – deep-rooted traditional stereotypes and patriarchal culture –serious under-representation in all areas of political and public life – high illiteracy rates among women	Ratified in 2002	The only change was the withdrawal of the declaration on Article 9 of CEDAW.



Country	Ratification	Reservations	Pub*	Constitutional Status	Discussion of Last Report
<b>France</b>	December 1983	Article 16-1-g (the right to choose the name of the child)			The last report is dated to the 40th Session in 2008
<b>Poland</b>	July 1980	Ratified without reservations			4th and 5th periodic reports were presented in one combined report in addition to the sixth periodic report. Discussed at session 37th in 2007
<b>Sweden</b>	March 1980	Ratified without reservations			sixth and seventh periodic reports were presented in one combined report which was discussed at session 40th in 2008

Official next Report	Shadow Report	Main Concerns of the CEDAW Committee	Protocol	Developments between 2006 and 2008
The next report is due in 2013	The alternative report prepared by the French Coordination of the European Women's Lobby	Providing information on the application of the Convention to all French Overseas Departments and Territories. Encouraging women subjected to sexual harassment to file complaints - encouraging media outlets to promote change in the roles assigned to men and women - taking effective measures to eliminate all forms of discrimination against foreigners - solving the problem of salary disparities between men and women. Eliminating all forms of trafficking and sexual exploitation of women - changing legislation toward further compliance with the Convention on changes of surnames		Withdrew the reservation to Article 14-2-h of CEDAW in 2008 (rights of women in rural areas). Maintained the reservations to Articles 16-1-h and 29-1.
Seventh and eighth periodic reports will be presented in one combined report which will be discussed in 2010		Abolishing the post of "equality between men and women" at the Ministry of Labor. Violence and unequal access to the labour market, health care and the right to reproduce.		A three-year national program to address domestic violence was developed in September 2006 - amendments were introduced to the Criminal Code, Labor Law and Family Law to fill the gaps in the field of women's rights - in 2008, an amendment was introduced to the decree of 2005 on mandatory separation of perpetrators of violence from their victims.
Eighth and ninth periodic reports will be presented in one combined report which will be discussed in September 2014	Alternative report 2007. (CEDAW Network and the Swedish Women's Lobby)	CEDAW is not applied in national laws. Violence, stereotyping, desecration of the public sphere, access to health care, positions of responsibility and private companies		Several measures were adopted to apply the principle of equality stipulated in CEDAW. Equality between the two sexes is among the three top priorities of international developmental cooperation that Sweden defined in 2008. Measures will be reinforced in four fields: economic emancipation of women, health, sexual and reproduction-related rights, women's participation in political life and women's security especially in terms of addressing sexual violence.



# ANNEX 2:

## MINISTERIAL CONCLUSIONS ON “STRENGTHENING THE ROLE OF WOMEN IN SOCIETY” (2006)

See: [http://ec.europa.eu/external\\_relations/euromed/women/docs/conclusions\\_1106.pdf](http://ec.europa.eu/external_relations/euromed/women/docs/conclusions_1106.pdf)

**1.** The partners at the Euro-Mediterranean Ministerial Conference on “Strengthening the Role of Women in Society”, held on 14-15 November 2006 in Istanbul under the auspices of Finland’s EU Presidency, based on their shared international, regional and national commitments<sup>84</sup>, agreed to work within the following common framework of action to strengthen women’s role in political, civil, social, economic and cultural spheres, as well as to fight against discrimination.

**2.** The Conference was held in accordance with the Barcelona Declaration of 1995 and the Five Year Work Programme agreed upon during the 10th Anniversary Euro-Mediterranean Summit in Barcelona 2005. It was then stated that partners would adopt «measures to achieve gender equality, preventing all forms of discrimination and ensuring the protection of the rights of women», while taking stock of the Rabat Preparatory Conference that was held on 14-16 June 2006.

**3.** Euro-Mediterranean Ministers stress that equal participation of women and men in all spheres of life is a crucial element of democracy and confirm that only by the inclusion of all people and determined action will the region’s women be able to fulfil their ambitions and aspirations and, by extension, contribute towards the realisation of the underlying objectives of the Barcelona Declaration: the attainment of a common area of peace, stability and shared prosperity in the

Mediterranean region. This goal, based inter alia on democracy, respect for human rights and sustainable development, can only be achieved by guaranteeing all women full enjoyment of rights.

**4.** The Euro-Mediterranean partners will include women’s political, civil, social, economic and cultural rights in their dialogues including in the framework of the Association Agreements, the European Neighbourhood Policy action plans and in the EU programs and projects.

**5.** In this framework, the Ministers recognise that a strengthened dialogue and cooperation between governmental and non-governmental actors across the Euro-Mediterranean region is necessary. This will include the promotion of dialogue between Parliamentarians within the Euro-Mediterranean Parliamentary Assembly, as well as with civil society organizations, women’s associations, youth, trade unions, business and professional associations, in accordance with national legislation as appropriate and cooperation between national, regional and local administrations.

**6.** All Euro-Mediterranean partners commit themselves to mobilise financial resources to support the implementation of this Framework of Action. In addition to national funding, the European Union will provide

<sup>84</sup> Those include inter alia: The Treaty establishing the European Community (1957); The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979; The Programme of Action of the United Nations International Conference on Population & Development in Cairo (1994); The Beijing Declaration and Platform for Action (1995); The Cairo Declaration issued by the First Arab Women’s Summit (2000); The Millennium Declaration and the Millennium Development Goals (2000); UNSCR 1325 (2000) on women, peace and security; The Arab Women’s Organisation Plan of action (2001); The Tunis Declaration adopted at the 2004 Summit of the Arab League; The Alger Declaration adopted at the 2005 Summit of the Arab League; The outcome of the twenty-third special session of the United Nations General Assembly and the Declaration of the Commission on the Status of Women at its 49th session (March 2005, Beijing +10); The Khartoum Declaration adopted at the 2006 Summit of the Arab League; The European Consensus on Development (2006); The National Constitutions of the partner countries which recognise the principle of non discrimination against women.



adequate resources for its implementation at national and regional levels through technical and financial assistance provided through the European

Neighbourhood Partnership Instrument (ENPI), bilateral contributions from EU Member States, FEMIP and other relevant financial instruments.

**7.** Recognising that the International Covenants on Human Rights include the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights, the Euro-Mediterranean partners will embrace this holistic approach based on the following interdependent and interlinked priorities:

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

**8.** The Euro-Mediterranean partners, according to the shared internationally agreed commitments, will pursue the objective of strengthening the role of women through mainstreaming of full enjoyment of human rights by women and needs into all plans, projects and other relevant activities of the Euro Mediterranean Partnership and supporting specific measures in favour of women.

**9.** Euro-Mediterranean Ministers call on the Euro-Mediterranean Ministerial Conference in Tampere (Barcelona VIII) to welcome these commitments and to agree on regularly review of progress.

The Euro-Mediterranean Ministers agreed upon the following Framework of Action:

### WOMEN'S POLITICAL AND CIVIL RIGHTS

**10.** In accordance with the spirit and the letter of the Barcelona Declaration and the Five-Year Work Program, the Euro-Mediterranean partners will work towards taking measures that:

- a** - Enable the full and effective implementation and translation into legislative and policy reform of UN conventions related to human rights of women to which they are party, in particular the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol.
- b** - Provide equal access for women and men to justice at all levels.
- c** - 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.
- d** - Enhance women's full and equal participation in conflict prevention, crisis management and peace-building, inter alia through implementing United Nations resolutions including Security Council Resolution 1325 on Women, Peace and Security.
- e** - Develop a better knowledge of women in conflict areas and increase protection and





awareness of women and their rights in any war, foreign occupation or violent conflict; alleviate the negative effects of armed conflicts on the status of women in the region, promote their legal rights and prevent incitement and recruitment for terrorist acts.

**f** - Ensure that law enforcement authorities are aware of and implement human rights of women. Promote exchange of views and experiences on issues related to the fight against discrimination against women.

**g** - Foster the role of civil society organizations, particularly women's organizations, in accordance with national legislation as appropriate, as well as Parliaments and local authorities, in the defense and promotion of women's rights. Contribute to strengthening the capacity of and networking among civil society organizations active in the protection and the promotion of full enjoyment of all human rights by women.

**h** - Promote women's active participation in political decision-making positions in the executive and judicial powers at all levels, inter alia through enhancing women's full and equal participation in elections (as candidates and voters), including through temporary special measures at both national and local levels. Contribute to the building up of gender capacity in public administration.

**i** - Promote public education on human rights and civic responsibilities.

**j** - Ensure that adequate policies, legislation and infrastructure to combat all forms of violence against women are in place.

**k** - Pursue the establishment of national Ombudsman Offices or other institutional mechanisms as a means to fight against discrimination.

**l** - Promote awareness-raising campaigns and

training on the full enjoyment of all human rights by women.

## **WOMEN'S SOCIAL AND ECONOMIC RIGHTS AND SUSTAINABLE DEVELOPMENT**

**11.** To work towards achieving an increase and improvement in women's employment, stronger social inclusion, a reduction of disparities between rural and urban women and a better knowledge of women's contribution to the overall economy, the Euro-Mediterranean partners will undertake measures that.

**a** - Create equal opportunities and remove obstacles for women to work or to be recruited/employed or to stay employed.

**b** - Ensure equal treatment and promote the rights of women, in particular of vulnerable women, in social security systems.

**c** - Ensure that men and women benefit equally from adequate health services.

**d** - Promote family friendly policies, aiming at reconciliation between professional and family life, in particular affordable care services for children, elderly and other dependents and ensure a professional environment that is suited to women in terms of transport and safety and non-discrimination at the workplace.

**e** - Promote and strengthen national capacities to regularly collect and analyze gender disaggregated data, including on the informal sector and on the impact of macro-economic reforms on women and men.

**f** - Strengthen knowledge of the impact of macro-economic policies on women's and men's employment and develop research focused on gender to enable the elaboration of efficient strategies aiming at strengthening the role of women in the economy.



**g** - Pursue the establishment of gender responsive budget initiatives and ensure more effective anti-poverty strategies at both national and local levels.

**h** - Promote women's representation and participation in economic decision-making positions, in particular in employers' association, workers' unions and other socio-economic structures.

**i** - Promote women's entrepreneurship by improving inter-alia women's access to land, finance, markets, information, training and networking and encourage financial institutions to tailor products to women's needs, in particular by providing micro-credit.

**j** - Ensure empowerment of women including through greater access to education at all levels and to vocational and technical training. In this regard:

- With the objective of halving female illiteracy by 2010, launch literacy campaigns targeting especially rural and poor women and provide more incentives to encourage women to demand literacy;
- Put in place incentives for families, especially in rural and poor areas, for sending girls to school;
- Promote specific vocational and technical training courses for women in diversified job sectors;
- Ensure an increased number of women trainers (including at decision-making levels) and take into account the full enjoyment of all human rights by women in the training of trainers;
- Promote post-training support through appropriate linkages between relevant partners such as training institutions and governmental employment agencies and, in case of self employed women, micro finance institutions and business support services;
- Promote modules to improve economic and financial management skills for women entrepreneurs, women's cooperatives, grass-

roots associations, etc.;

- Ensure women's participation in the newly established scholarships scheme for university students from Euro-Mediterranean partner countries and in the mobility grants for Higher Education staff;
- Ensure greater access to life-long learning to provide women with skills responsive to the rapidly changing labor market;
- Provide guiding programs to help women return to the labor market after an absence or to direct them to new sectors.

**k** - Develop a better knowledge and increase research of women in migration (causes, processes, enjoyment of their full human rights and impact on women in countries of origin and in the host countries) and mainstream a gender approach in studies and statistics related to migration. Increase protection and integration of migrant women and ensure the effective enjoyment of their human rights.

**l** - Raise awareness of migrant women on their rights and duties in the host country and improve their role as actors of development in the host country and the country of origin.

## WOMEN'S RIGHTS IN THE CULTURAL SPHERE AND THE ROLE OF COMMUNICATIONS AND THE MASS MEDIA

**12.** The Euro-Mediterranean partners will work towards taking measures that:

**a** - Promote equality and fight against discrimination between girls and boys in education and culture so as to convey a positive and non stereotyped image of girls and women, and where appropriate identify new pedagogical materials. Train teachers at all levels on equality values and non-discrimination and involve parents in activities applying gender-sensitive educational methods;

**b** - Support women's effective access to ICT science and technology, activities aiming at



providing women with computer literacy, training and education in ICT science and technology;

**c** - Promote a balanced and non stereotyped portrayal of women and men in the media;

**d** - Combat gender-based violence in all its manifestations, including through research, awareness raising campaigns involving men and boys, education, media campaigns, toll free and emergency numbers, institutional networks, exchange of experiences, views and good practices in the Euro-Mediterranean region;

**e** - Enhance women's participation in cultural exchanges and intercultural dialogue;

**f** - Promote research on gender equality in mass media products and institutions to reduce negative gender stereotyping. Support media regulatory bodies to monitor gender issues as part of their mandates;

**g** - Promote training of media professionals on the full enjoyment of all human rights by women and increase the number of women professional in the media sector. Support the promotion of women to leading positions in media. Develop the capacity of national women's institutions and NGOs on engaging with media;

**h** - Combat stereotypical representation of women in artistic products, increase the number of women in art professions and ensure a greater recognition of their contribution to art and culture through history and in present times;

**i** - Encourage civil society organizations, particularly women's organizations, in accordance with national legislation as appropriate, to advocate for and carry out programmes aiming to promote the full enjoyment of all human rights by women and gender equality.

## REVIEW MECHANISM

**13.** The Euro-Mediterranean partners commit to work towards the objectives contained in this document over the next five years. In this respect they invite the Euromed Committee to convene, at least once a year, a Euromed ad hoc meeting at expert senior officials level to review the implementation of the present measures contained in these conclusions and to inform the annual Euromed Foreign Affairs Ministers Conference. A follow-up Euromed Ministerial Conference to discuss issues related to the full enjoyment of all human rights by women and the progress made in the implementation of these measures will take place in 2009.





EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK  
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