



WOMEN'S STATUS: GENDER ISSUES AND LEGAL RIGHTS

WOMEN IN THE ARAB REGION:

The major changes in issues and trends affecting gender equality and women's empowerment are well in tune with the international context where Arab countries have endorsed CEDAW, the ICPD Plan of Action, the Beijing Platform of Action, the Millennium Declaration MDGs and other international conventions and treaties.

By ascribing to the international frameworks and principles, the majority of Arab governments have recognized the urgent need to address gender inequality and women's rights as an indisputable contributor to sustainable human development. Nonetheless, gender disparities in social, economic and political rights and entitlements remain significant in the Arab Region.

Globalization, structural adjustment and reform, economic crisis, increase in poverty, and emergence of extremist movements have had a unique impact on the Region. Women in some countries have started to enjoy previously illegal or inactive rights while others continue to advocate for the amendment, abolition, formulation, and/or activation of policies and laws that will facilitate the attainment of their rights.

Although Arab women have long worked to fulfill the goal and desire of full partnership in the developmental process in their countries, they are still seriously hindered by a variety of obstacles. Among these are negative social barriers that have restricted their

participation as active agents of change, limited economic resources, scarcity of strategic planning for women's participation at large, and a cultural heritage that keeps most women out of the public domain and directs their energies to traditional roles.

In traditional Arab societies, women have long suffered from socio-cultural factors constraining their ability to go beyond a certain stage in development and role in society. Be it employment, legal status or simply within the family unit. Society and the family, bear direct impact on fertility and on their social, economic, and cultural participation. Illiterate and educated women equally suffer from the absence and/or weak implementation of the relevant laws, conventions and programmes that influence their legal and socio-economic status. Initiatives addressing women issues and needs have had little success because they directed their focus to women's reproductive role and duties, and paid little attention to women's non-reproductive needs and capabilities. Associating women's rights and status with motherhood, child rearing, and household duties further marginalizes them and creates a serious impediment to significant and sustainable solutions to women's issues.

LEGAL AND SOCIETAL REALITY: GENDER EQUITY, EQUALITY AND EMPOWERMENT OF WOMEN⁶

Achievements and Opportunities

Available data, lacking in accuracy but highly indicative, reveals fluctuating progress in the indicators of women's empowerment and gender equality.

Institutional Support and National Policies and programmes

Gender and women related institutional support in Arab countries is summarized in the following:

- a) Legal frameworks, even though some contradictions exist within national legislation, and between national and international ratified conventions,
- b) The endorsement of International conferences PoAs (Cairo, Beijing, Vienna),
- c) The establishment of Women National Machineries (WNM/WNC) with varying status; governmental, semi-governmental or non governmental (Commission/Committee/Council), in addition to appointing Gender Focal Points (GFPs) at the level of national institutions and ministries,
- d) Ministries in charge of women affairs in some countries (Tunisia, Algeria, Djibouti and Morocco till the last elections), other related portfolios such as social affairs, planning, agriculture, and affiliated women directorates.
- e) In the context of implementing the Beijing Platform, National strategies (Algeria; Djibouti; Egypt; Jordan; Morocco; Sultanate of Oman; OPT, Qatar, United Arab Emirates, Syria, Yemen, Lebanon) that aim at the advancement of woman, the improvement of her status, her integration and empowerment

in the development process have been designed.

f) In addition to the above quoted strategies, many Arab countries are working on formulating a comprehensive approach to gender analysis and mainstreaming as it relates to policy formulation, strategic planning, and monitoring and evaluation. Some countries are now thinking in terms of Gender strategies (Algeria, Yemen, Syria); while others have conducted Gender diagnosis and gender audits of National Social and Economic Plans. Assessment of and implementing Gender budgets also started (Jordan, Egypt, Morocco, Yemen). More recently, gender mainstreaming methodology and tools are being used in the design of national development plans in some countries, while other countries are re-examining their development plans, including their budgets, from the Gender And Development perspectives and objectives. (Morocco and Syria as well as Yemen for PRSP).

National Legal Framework

In most⁷ Arab countries, constitutions provides for equality between men and women, and prohibit all forms of discrimination (sex, race, religion...). Other laws (education, labour, health, election...etc.) are also based on the principle of equality between all citizens: equal opportunities, the right to health, welfare, education, property, capital, the right to credit on property that is owned, and the right to work for all citizens. Women participate actively in public life and are represented in most professions, including justice and military. Women are not impeded from owning or managing land or other real property. By religious law and social custom, women have the right to own

⁶ GEEEW

⁷ A number of Arab countries has no constitution (positive law) and are governed by Islamic Law (Shari'a)

property (land and otherwise) and are entitled to financial support from their husbands or male relatives even if they have their own resources and incomes, and throughout illness.

Previously taboo issues related to women's individual and citizenship rights were tackled by lobby groups and decision makers. This has resulted in the reform of some aspects of the Family Law in some countries; Egypt (Khol'), Morocco (Moudawana, penal and civil codes), and Jordan (Honour Crimes, citizenship, family law and Khol') are examples of countries where the issues are being discussed at the policy level. In 2001, Algerian President Bouteflika initiated reforms and policies that encourage women to participate in all aspects of development, and ensure gender equality especially in the Family Law; As a result, a national debate has been organised by the minister on family and Women affairs to reform the Family Law, and the civil and penal code. Citizenship rights of women are currently under consideration. In Yemen, president Ali Abdullah Saleh, has ordered the annulment of the husbands house law which forces Women to live with their husbands despite their will (Bait Ta'a). Introduced by the cabinet and endorsed by the parliament. The law was annulled on the basis that it contradicts the principle of Human Rights and Islamic Shari'a. "Islam guided married Muslims to either live in harmony or to break off their relation in case they failed.

International legal framework

Due to the pressure of women groups, human rights activists and civil society, and the endorsement of Arab States of international Conventions (CRC and CEDAW⁸) and Plans of and Platforms for Action (Cairo, Beijing and

Vienna...), most of the Arab countries expressed different levels of commitment to Gender Equity, equality and empowerment of women.

18 Arab States out of 22 members of the Arab League have signed and/or ratified the Convention on the Elimination of All Forms of Discrimination Against Women. Saudi Arabia signed the Convention in 2000, while Syria, Bahrain and the United Arab Emirates signed in 2002. The United Arab Emirates made reservations, declaring that the unique definition of Arab and Islamic women rights should be defended "against" some articles of CEDAW. Bahrain, on the other hand, recognized the convention as a national law obliging all branches of government to abide by its clauses.

Constraints/obstacles

Despite the legislative recognition of women's rights, traditional attitudes and practices continue to undermine women, and discrimination persists in private and public life; polygamy, obedience to the spouse, lack of decision making concerning self and children, and archaic family laws that contradict international conventions on issues ranging from females' minimum marriage age to inheritance rights are some of these socio-cultural and legal practices, and keeps them from attaining family or civil rights formally provided them. While positive legislation and Shari'a provide women with the right to own and dispose of property independently, women often are obstructed from practicing such rights because of various legal, cultural and societal barriers. In the mostly patriarchal Arab societies, for example, a woman who inherits property may be pressured by male relatives to relinquish her interest and rights, sighting the preservation of

⁸ 18 Arab States from 22 members of the Arab League have signed/ratified the CEDAW.

family wealth as a pretext. According to the prevalent culture, women come to build and enrich other families⁹, in terms of reproduction and production, and in that sense, individuals (including sometimes women themselves) consider that patrimony of the family should not leave the family, represented by its male members.

In conclusion, governments have sought to overcome traditional discriminatory attitudes toward women, and encourage women's education, employment, and political participation. However, they have not yet changed personal/family status and laws that discriminate against women or take the necessary actions to enforce the existing egalitarian laws (positive and/or interpretation of Shari'a/Fiqh). From the view point of the international legal framework, countries that signed/ratified CEDAW with reservations, but hesitated to reform discriminatory policies and create mechanisms of implementation and monitoring are practically similar to those that did not sign at all. Absent or vague political will in most Arab States is best exemplified by:

1. Only two countries ratified CEDAW without reservations (Djibouti, Comoros),
2. Some of the Arab states entered reservations on article 29 of the Convention.
3. The majority of Arab countries expressed reservations on the main articles, including "elimination of Discrimination...and Equality..."¹⁰ (more specifically: Chapter 1: the 6 first articles that concern Gender equality as a basic women human right; Other Chapters: from articles 8 to 16, which

concern the CEDAW, programme of action in the economic, social, political, civil and cultural areas).

Education including access to and control of IT

The cost of schooling, the tradition of early marriage, geographical distance and norms prioritizing the family and preferring males over females in livelihood opportunities and resources continue to constrain girls and women's access to education. Nonetheless, modernization, public investment in education, and even political reform have contributed to women's improved access to educational opportunities in the past twenty years. Regional statistics on Girls' enrollment in primary and secondary education is close to par with female education in more developed regions, but some individual countries still have comparatively low female primary and secondary enrollment¹¹. Female and male literacy rates in the region indicate that basic literacy is still a struggle for both men and women.

With regards to access to IT, gender gaps are evident in most Arab countries. Taking North African Arab countries as an example, and even though there are no reliable gender disaggregated data on Internet use, women's current participation in IT is presumed to be low. Internet use is growing in the region, but currently, few users exist.

Throughout the region, socio-cultural and religious norms played a strong role in restricting women's access to IT as students, users, and job seekers¹². Despite the academic achievements of women, the predominantly male pool of professors and teachers in IT-re-

⁹ البيت عمارة دار الجيران

¹⁰This makes the ratification null and void

¹¹ e.g Egypt

¹² More than this a recent "fatwa" published in a website prohibits access of women to Internet without presence of a legal guardian/mahram (a man).

lated subjects has been a deterrent to many women's pursuing IT related education¹³.

As users, women may be uncomfortable frequenting internet/cyber cafés with predominantly male users or seeking help from male staff. Moreover, male dominance over the IT sector, is a visible barrier to women's participation in the IT job market.

Based on these challenges, girls and women in the Region are likely to gain access to information technologies if they are educated in the proper environment and the necessary IT infrastructure is established. Parallel to an empowering environment is the need to raise awareness among women and families on the opportunities for women in the IT job market. This would motivate women to pursue IT training.

International organizations and the IT Multi national companies have been active in addressing this issue, and initiatives such as the partnership between Cisco Learning Institute's (CLI) and UNIFEM Arab States office in Amman have succeeded in implementing gender-sensitive IT training programs in Jordan ,Morocco, and Lebanon.

THE ROLE AND IMPACT OF NGOS/ CIVIL SOCIETY

NGOs and civil society networks in the Arab region have played an important role in creating an empowering climate for women. This as a positive step toward the full recognition of women's rights, and addressing the inconsistencies between the various Acts and Laws covering the private and public spheres.

As a result of the lobbying efforts of civil society organizations and women groups, and advocacy and pressure exerted by individuals, and decision makers in many Arab countries, including the solemnly patriarchal Gulf countries, now seriously consider many sensitive issues.

Of current deliberation is the right of women to pass their citizenship to their children.

Laws that prohibit women from passing citizenship to their children conflict with most Arab constitutions which guarantee equal rights; they also stand in violation of women and children's fundamental rights (CEDAW and CR Conventions). These laws have created serious social and economic problems



¹³ For example, female students in an undergraduate university may be uncomfortable with male instructors in their engineering and computer science classes, because they have been accustomed to female instructors throughout their primary and secondary education.

and obstacles for women and their families; expatriated husbands face difficulty finding work due to the complexities of residency permits, and children are prohibited from enrolling in public schools. The breakthrough on the issue of Citizenship was the announcement by Jordan's Queen Rania ALAbdullah at the Arab Women Summit held in Amman, of a government proposal to amend the Citizenship and Passport Laws, giving Jordanian women the right to pass nationality to their children and to travel without consent of their husbands.¹⁴ Breaking the silence on this sensitive issue led to wide spread regional debate in some countries, while others adopted and endorsed the amendment and allowed women to pass their nationality to their children under conditions (e.g. Egypt, Tunisia).

NGOs and national women machineries, with support of UN agencies¹⁵ and other international organisations, played an important role in bringing this issue to decision makers and succeeded in creating high profile champions. The issue of passing citizenship and addressing the reservations and conditions made by some countries to abolish the prohibiting laws and adopt the necessary amendments is an important part of the current and future role of Arab NGOs.

GENDER-BASED-VIOLENCE (GBV)

Achievements and opportunities

Violence against women has been on the rise in Arab Countries; This increase

does not necessarily reflect new cases of violence but is a result of heightened awareness and more involvement by governmental bodies, press, research institutions, NGOs and other stakeholders in identifying, reporting, and ending violence against women.

It is worth mentioning that the issue of Violence-Against-Women is now being openly addressed not only by the NGOs and media but also by concerned governmental bodies. If there is no clear or specific directive with regard to the development of legal and administrative mechanisms to ensure effective justice for survivors of gender-based-violence, governments are trying to deal with this phenomenon through international, national or local initiatives, and sometimes by applying specific programmes and/or Projects by supporting NGOs.

In many Arab countries, there is heightened awareness on the necessity to fight GBV. Different stakeholders have collaborated in designing and implementing different programmes to fight GBV at the level of individuals, families, community, and state. United Nations Organizations such as UNFPA, and UNIFEM, as well as other international organizations have partnered with civil society organizations, NGOs, Governments, parliaments, religious leaders, and media to address GBV from different perspectives including Reproductive Health/Rights and Legal aspects. The resulting initiatives address VAW in the family (e.g. domestic violence¹⁶, harmful practices, FGM/FGC¹⁷); VAW in the community (e.g. rape, sexual

¹⁴Unfortunately not endorsed yet by both new parliament and government in Jordan (2003) as it is the case also for the proposed amendments for the family law (Khol') and penal code (Honor crimes)

¹⁵e.g. In addition to the evidence-based advocacy and policy dialogue, UNIFEM made strong efforts with collaboration of CST-UNFPA on designing a training manual on Women Human rights/CEDAW for advocates, lawyers and to build national capacities on reporting to the commission when the newly established (2004) Syrian Commission For Family affairs is investing its efforts to advocate for canceling the reservations

¹⁶Morocco, Algeria,

¹⁷Female genital cutting (FGC, also known as female genital mutilation or female circumcision) threatens the sexual and reproductive health of millions of girls in sub-Saharan Africa and the Middle East.