

harassment, trafficking); and VAW condoned by the state¹⁸ (e.g. VAW in detention and custodial violence¹⁹, VAW in situations of armed conflict²⁰.)

Recent interventions include conducting base-line research and assessment as a precursor to planning and implementing GBV/VAW initiatives (Algeria, Lebanon, Morocco, Syria, Egypt, Jordan, Djibouti, Sudan). In Morocco, Yemen, Syria, and Algeria, national strategies to fight and/or prevent Gender-Based-Violence (GBV) have been designed. Stakeholders, including Police, Justice bodies, Health providers, Decision makers, media and Religious leaders, are increasingly getting involved or committed. Initiatives at regional²¹ and national levels to strengthen the legislative and policy framework to prevent, eliminate and prosecute VAW/GBV are setting the stage for systemizing the interventions. After Beijing and Beijing +5, the majority of Arab countries, including some Gulf Countries (Sultanate of Oman, Qatar, UAE) have designed, endorsed and implemented National Strategies for Women that address VAW, amongst other issues. There are also countries that have endorsed and institutionalised specific strategies tackling GBV and have engaged its operationalization such as Morocco, while others are in the process of formulating and implementing such strategies (Algeria, Djibouti and Syria). Others states are still working at the project level or are in the process of integrating support services

for GBV such as psychological and legal assistance (Algeria, OPT, Morocco, Algeria, Egypt)

Djibouti is a country that has achieved commendable progress in the fight to eliminate gender-based violence. Of particular importance is the endorsement by the Parliament of two main documents:

- a) The Women National strategy which stated clearly GEEEW²² principles and eliminating all forms of discrimination and violence against women through life cycle and,
- b) The first Family Law²³ in the country; the law was designed on the basis of equality and abides by international standards, treaties and conventions.

Another important development in the Arab region is the reform of the Moudawana in Morocco.²⁴

Constraints and obstacles

Persistence of female genital mutilation (FGM): Despite the legal initiatives at the international and local levels, and some remarkable successes in fighting this phenomenon, FGM continues to be practiced in many Arab countries.

Worldwide, FGM is practiced in about 28 countries, seven of which are in the Arab region²⁵. In Somalia, An estimated 98% of Somali women have undergone FGM (Pharaonic/infibulation being the most common type), a practice that contributes to the risk of mortality and morbidity for women and

¹⁸Pact of Civil Concord in Algeria: the amnesty granted to the armed groups in the context of the "civil concord" without any arraignment is considered as a State (perpetrated or forgiven) GBV form according to the international framework.

¹⁹Yemen and other countries

²⁰Iraq, OPT, Sudan, Somalia

²¹Gender Regional Initiative (Algeria, Morocco, OPT); FAAPPD Gender and Legislation Project that includes Gender based violence and Reproductive Health and Rights of Adolescents (Jordan, Morocco, Tunisia, Sudan, Sultanate of Oman)

²²Gender equality, Equity & Empowerment of Women

²³For the first time, in the history of Djibouti and maybe all the region a man has been condemned to jail for assault and battery against his wife (new family code)

²⁴raised hereunder as a best practice.

²⁵Concerning the Arab Region: Djibouti, Egypt, Sudan and Somalia in addition to reported cases in regions of some countries as Oman, Morocco and Yemen

girls throughout their reproductive lives.

Studies done in 1995 found 97 per cent of married women in Egypt aged 15 to 49 had been circumcised;. In 1999, the prevalence of FGM in Sudan was around 90 percent indicating no change for over a decade. Most procedures are done by non-medical personnel—including traditional birth attendants, midwives, and “old women”—using unsterilized blades or string, increasing chances of infection. Post-operative or emergency treatments are generally not readily available. Moreover, infertility resulting from infibulations may be associated with higher rates of divorce. Men’s attitudes, particularly about controlling female sexuality, are an important factor in the perpetuation of FGC.

In the countries where FGM persists, there is a strong need for clearer governmental commitment especially in the context of legal amendments and enforcement of existing laws (e.g. Female Genital cutting/FGC/FGM, crimes of honor) and CEDAW reservations as well as implementing related strategies and programmes.

Honour Crimes: Official statistics in Jordan indicate that 20 women are annually murdered in the name of honour. Despite the revision of the penal code and article 340 which grants leniency to the murderer, crimes continue to be committed. In most cases, the real motive behind the crime is either male aspirations for larger portions of inheritance, dilapidated perceptions of principle of honour, or other reasons that fail to meet the “legal” definition of honour crimes. The phenomenon has similar foundations in countries like Syria, Lebanon, and Saudi Arabia.

Early marriage, sexual and labour exploitation: The issue of kidnapping and/or exploiting women and girls needs to be addressed in some coun-

tries (45 cases of missing young girls reported in Yemen in the first quarter of the year).

Early marriage is a persistent practice in many countries, and flourishes amongst the less educated and the poor (in Yemen, 25 % of marriages concern young girls aged between 11 and 15 years old, and 70% of them in rural area). Sexual harassment is problematic in Algeria, Egypt, Jordan, Morocco, and Tunisia, while sexual exploitation of women and children has been identified in Morocco, Iraq and Tunisia).

Conflict and terrorism: Gender based violence in conflict areas is exemplified by the isolation, persecution and moral torture of women prisoners in Israeli jails. In Iraq, recent prison abuse scandals have shocked the Arab world, and raised the alarm on the status of women prisoners in war zones. Moreover, there have been reports of torture, rape, and murder of women and girls in Darfur in the South of Sudan.

Women have also been victims of ideological and ethnic terrorism in Algeria and Iraq.

Male child preference: In many Arab countries, the girl child is still regarded as an undesirable liability. Subversive discrimination starts with preference to the boy child; the girl is subjected to cultural and nutritional forms of discrimination within the family and society and is offered less opportunities to thrive as a human and as a social player. At varying levels, girls are less likely to attend school and less likely to have equal access to food and health care. They are more likely to be subject to intensive labor, and to suffer sexual exploitation and abuse. Traditional practices undermine girls’ and women’s rights; denial of education, early and forced marriage, domestic violence, crimes committed in the name of honor, dowry, and female

genital mutilation. Other than this, substantial evidence shows that the further women continue with their education, the less likely they are to marry young, and have unwanted pregnancy.

The legal environment: In most Arab countries, there is no legal authority enforcing measures to prohibition and punish violence against women through life cycle. In many cases, legal solutions prioritize the male interest and the social pressure:

- In many cases, women victims of GBV²⁶, are put in jail for “protection”²⁷ from Honor killing,
- In many countries²⁸, women must be signed out and escorted by a male guardian upon release from incarceration. Regardless of the reason behind their incarceration, they will not be released until a male guardian agrees to be present, and stays in detention without being charged or indicted.

Gender-based violence and terrorism, and improper response by the legal environment account for unique suffering of Algerian women:

- On the legislative level, the state has not recognized rape and all related sexual assault and violence as a forms of terrorism, even though the ministry of health has issued a decree authorizing abortion in case of pregnancy resulting from a rape committed by terrorists, and the government has endorsed national campaigns denouncing terrorism related GBV. Contradictions and inconsistencies continue to deny Algerian women the status of victims of terrorism; thus they are not legible to protection, social/family reinsertion and protection²⁹ and/or be liable for

compensation or even psychological reparation,

- In an effort to calm years of bloodshed, the government decreed the “civil concord”, which grants amnesty without arraignment to the armed groups. Though partially succeeding in curbing civil conflict, the amnesty constitutes a case of State GBV³⁰.

Women victims suffered a set back when a court case and an attempt³¹ by an NGO to sue for damages for Women GBV survivors of Hassi Messaoud events³² (July 2001) did not pass in the legal system. Women were pressurized into withdrawing their action, and eventually succumbed.

To date, not a single Arab state has signed the UN declaration on the termination of violence against Women. In addition, clear and specific directives for developing legal and administrative mechanisms to ensure effective justice for GBV survivors are urgently needed on the national and regional level.

THE ROLE AND IMPACT OF NGOS



NGOs have actively organized advocacy campaigns addressing different aspects of gender-based violence, including Female Genital Mutilation, Sexual

²⁶ In case of sexual assault as a rape, incest.

²⁷ Jordan

²⁸ Such as Yemen

²⁹ these forms of violence and damages have to be recognized officially such as to be repaired by the victims themselves and accepted by others (family and society) as a crime and not as woman guilt

³⁰ Refer to the international definitions of GBV

³¹ With support of UNFPA

³² Various types of aggressions, assault and battery, rape, buggery with bar of metal-collectively carried out

Harassment³³; and Honor killing. In Jordan, civil society advocacy succeeded in introducing amendments to article 340 of the Penal Code³⁴ in December 2001; the amended version stipulates that “honor killings” are no longer considered minor crimes with extenuating circumstances (carrying a prison sentence of 3 to 12 months) as previously exercised.

Under the new amendment, honor killings are treated as murder cases that can carry the death penalty as specified by penal law for homicides³⁵. Additionally, the amendment established gender equality in case of adultery, and granted women the right to take their spouse to court in cases of violation of marital bond.

Measures³⁶ have been taken in the field of education and media to raise awareness on VAW/GBV as a human rights violation, and to modify practices that discriminate against women through the life cycle, in many Arab countries, NGOs:

- Conducted research on sexual harassment in schools and in the work place, and designed guidelines for young women to identify and deal with sexual harassment;
- Successfully integrated Education to Equality in curricula (Morocco and Algeria).
- Worked with media on GEEEW and GBV issues.

For many reasons, the involvement of health professionals in fighting GBV is modest. NGO continue to play an important role in implementing interventions to eliminate GBV, and provide support to GBV survivors and their chil-

dren. Their operations are being professionalized and institutionalized, and there is a strong drive to mainstream gender in Reproductive Health and Services, and to deal with Gender-Based Violence and HIV-AIDS from a Human Rights framework³⁷:

- NGOs (Family planning associations, Women NGOs) took the lead in building the capacity of Reproductive Health service providers and health programme managers on methods of reporting and responding to Gender based violence and violence against women. Training target groups included physicians, nurses, midwives, and support staff.
- In some countries, and sometimes with the support of governments, NGOs ventured to raise the awareness and capacity of officials and professional concerned with VAW/GBV. These included judges, lawyers, police, forensic practitioners, and other providers
- Though much more is needed, NGOs have been providing institutional support services. These include shelters for victims of gender based violence that have been established in countries like Algeria, Egypt, Jordan, and Morocco.), and legal and psychological counseling services (Algeria, Morocco, OPT, Egypt, Sudan...etc.).

These initiatives are the result of individual efforts from players in civil society, and much more needs to be done to provide the minimal needed support for victims of violence. Introducing institutional support to public policies and strategies remains a vital prerequisite to sufficient treatment of current deficiency in support and protection of the victims.

³³propositions for integrating this issue in legislation and in progress amendments have been made in Morocco and Algeria under the initiative of Women NGOs in Morocco and Women Commission of the Syndicate of workers (Algeria)

³⁴“Extenuating circumstances” legally justified the killing of women to protect the “honor” of men, family or community in the majority of cases without any evidence on their guilt.

³⁵for the first time of the history of Jordan, a perpetrator of crime in name of honor has been sentenced to 15 years of imprisonment in the end of 2002.

³⁶As a matter of fact, measures should be taken to eradicate attacks against women in many regions of Algeria and other countries because they are women who work or go out and “endanger” the society

³⁷UNFPA and UNIFEM initiative and projects.

THE MOROCCO EXPERIENCE: A BEST PRACTICE CASE

The experience of Morocco deserves to be underlined as a best practice and a good learning process for policy and advocacy in the context of GEEEW including GBV. It started by a public debate on the need for improving the status of women that succeeded in putting women's agenda as sine-qua-non to any debate related to democracy and development.

1958 – 2003: MOBILIZATION FOR CHANGE

Since its birth in 1958, the Moroccan woman movement has been a pioneer and innovator. The movement has implemented novel concepts and methodologies in mobilization and development, and succeeded in changing the Family Law. Amongst these concepts and methodologies:

- Adopting a strategy of pragmatism and internal transformation.

- Coordination and advocacy at the national level: This included creating a network of support for the “Printemps de l'égalité” (Spring of Equality) plan of action, and sit-ins in front of courts.
- Challenging the political class with the motto “No democracy without democratisation of family”.
- Awareness raising and advocacy directed at 15 political parties, all of which expressed support for the movement.
- Revising the family law and presenting of a memorandum sighting amendments.
- Lobbying and building coalitions with parliamentarians and senators.

1999-2004: ACHIEVEMENTS

- The adoption of gender mainstreaming in the planning process, conducting gender budgeting³⁸, and more recently, endorsing gender audit,
- The reinforcement of the gender institutionalisation process through appointing gender focal points in minis-



³⁸with support of UNIFEM and UNFPA

tries (Prime Minister issued decree to appoint gender focal points at the grade of general director);

- The adoption of the quota system in the elections that resulted in access of 35 women to the parliament.
- Upon the directives of King Mohamed VI, the government has been exerting efforts to promote gender equality; most important of which was operationalising the national strategy on GBV.

In October 2004, the Family Law amendments were ratified, and contradictions between the family law and the constitution, other active laws, and international ratified conventions and treaties, were addressed; for the first time in Morocco, the Family Law started considering women as full citizens who do not owe obedience to males and do not require a male guardian, a minimal marriage age was set, and in cases of divorce, women were given equal rights to the custody of children while girls were given the right to choose the parent they want to live with (it was the right of boy only in the previous law). Moreover, the law granted women equal responsibility for family, and polygamy – though not outlawed – was placed under severe restrictions that make it almost impossible to occur. Amendments were also made on inheritance whereby the grandchildren from the daughter were granted the right to inherit their grand father.

