

VIOLENCE AGAINST WOMEN AND GIRLS IN THE SOUTH MEDITERRANEAN REGION REGIONAL CIVIL SOCIETY OBSERVATORY FACT SHEET



LEGAL FRAMEWORK ON VAWG

In the South Mediterranean region, there is little reliable information about the prevalence and trends in Violence Against Women and Girls (VAWG). However, some studies about the real situation of women illustrate the magnitude of the problem and show alarming figures on VAWG. Advancing women's rights and combating all forms of VAWG are priorities for Euro Mediterranean countries as stated in the 4th Union for the Mediterranean (UfM) Ministerial Declaration on "Strengthening the Role of Women in Society" (Cairo, 2017) and States are responsible for enacting and implementing laws and public policies to combat VAWG and ensure achieving gender equality.

In 2019, the Regional Civil Society Observatory (RCSO) on VAWG was established to follow up on the implementation of the 4th UfM Ministerial Declaration, particularly in the area of VAWG, Women, the Peace and Security Agenda (WPSA) and Preventing Violent Extremism (PVE). The

RCSO was established under a three-year (2019-2021) regional project "Combating Violence against Women in the Southern Mediterranean Region", funded by the EU and implemented by EuroMed Feminist Initiative (EFI) and a consortium of nine member organizations in Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine and Tunisia.

The RCSO has developed a Regional Index that provides a global documentation on laws, public policies and government services related to VAWG and WPSA that allows a diagnosis of the state of legislation and tools put in place to address VAWG in each of those South Mediterranean countries. It also provides policy makers with meaningful summary of complex data to support informed decisions and actions in the implementation of the 4th UfM Ministerial Declaration, in the area of combating all forms of VAWG, WPSA and PVE. The index contains 49 indicators for covering VAWG and 24 indicators for covering WPSA.

1

BREAKDOWN OF TREATIES AND CONVENTIONS THAT ADDRESS ALL FORMS OF VAWG IN THE SOUTHERN MEDITERRANEAN:

1 The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW):

Is an international treaty adopted in 1979 by the United Nations General Assembly. The Convention is structured in six parts with 30 articles in total:

- Part I (Articles 1-6) focuses on non-discrimination, gender stereotypes, and sex trafficking.
- Part II (Articles 7-9) outlines women's rights in the public sphere with an emphasis on political life, representation, and rights to nationality.
- Part III (Articles 10-14) describes the economic and social rights of women, mainly covering education, employment, and health. Part III also includes special protections for women living in rural areas and the problems they face.
- Part IV (Article 15-16) outlines women's right to equality in marriage and family life, along with the right to equality before the law.
- Part V (Articles 17-22) establishes the Committee on the Elimination of Discrimination Against Women as well as the state's parties' reporting procedure.
- Part VI (Articles 23-30) describes the effects of the Convention on other treaties, the commitment of the State's parties, and the administration of the Convention.

2 The Vienna Declaration and Program of Action (VDPA):

Is a human rights declaration adopted by consensus at the World Conference on Human Rights on 25 June 1993 in Vienna.

The VDPA draws attention to the importance of women's rights and the rights of the "girl-child" Part 1, paragraph 18, stating: "**The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights**". The VDPA also explicitly recognizes gender-based violence, sexual harassment, and exploitation.

3 The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention):

Is a human rights treaty of the Council of Europe on preventing and combating violence against women and domestic violence, which was opened for signature on 11 May 2011.

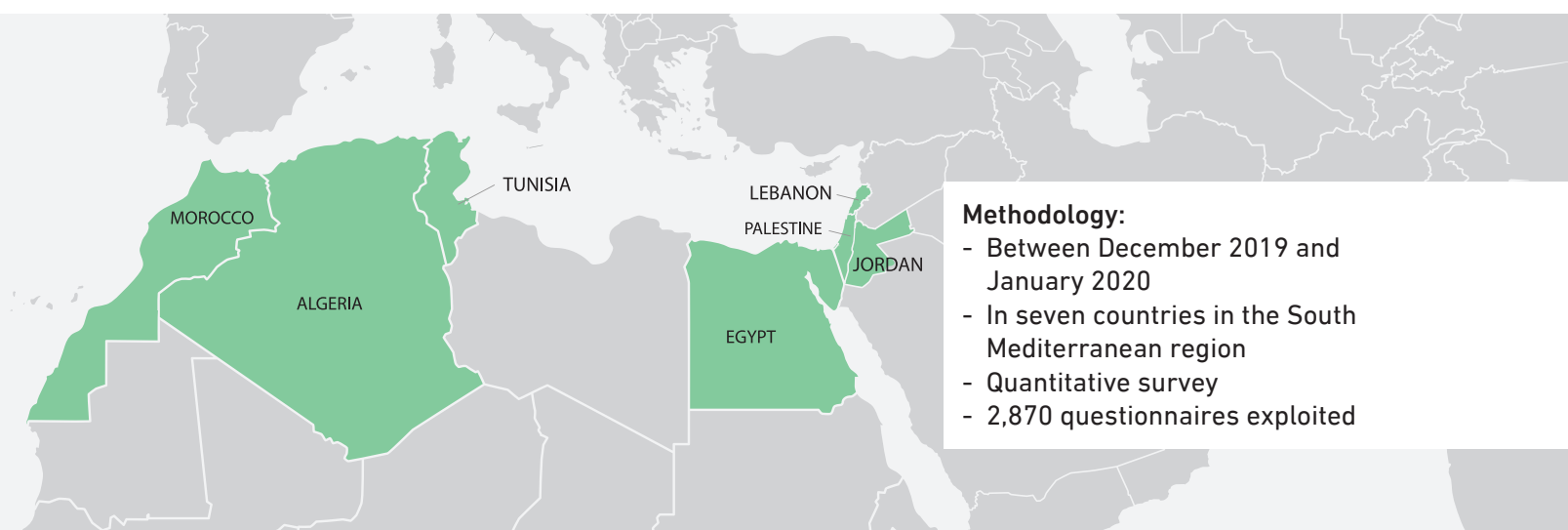
The convention aims to prevent abuse, provide victim protection, and to end with the impunity of perpetrators. It is considered as the first legally-binding instrument, which creates a comprehensive legal framework and approach to combat violence against women. **It characterizes violence against women as a violation of human rights and a form of discrimination.**

4 The Fourth UfM Ministerial Conference on Strengthening the Role of Women in Society (2017):

Ministers from the 43 Member countries of the Union for the Mediterranean (UfM) gathered on 27 November 2017 in Cairo at the 4th UfM Ministerial Conference on "**Strengthening the Role of Women in Society.**" The conference encouraged further efforts to consolidate and advance on the progress achieved. To that end, they adopted a Declaration with concrete and operational recommendations, actions, and measures focused on four priority areas: **raising women's participation in public life and decision-making, improving women's economic participation, combating all forms of violence against women and girls, and eliminating gender stereotypes.**

2

DISCRIMINATORY LAWS AND PERCEPTIONS OF WOMEN REGARDING LEGAL FRAMEWORKS ON VAWG





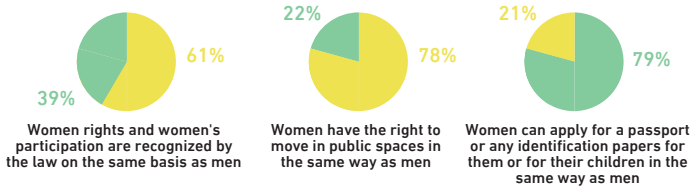
ALGERIA

- There is no specific law to combat VAWG.
- Marital rape is not criminalized by law.
- The Family Law does not ensure equal inheritance rights for women and men.
- The Family Law does not ensure equal rights for women and men in marriage and divorce.
- The Labour Law prohibits employing women for night work unless a special exception is granted.

Algeria has issued reservations to the following articles of CEDAW:

1. **Article 2**, which relates to policy measures about the elimination of discrimination against women.
2. **Article 15, paragraph 4**, which relates to the equal rights of women and men concerning movement and the freedom to choose their residence and domicile.
3. **Article 16**, which refers to equality between women and men in marriage and family relations.
4. **Article 29**, which refers to the administration of the convention and arbitration of CEDAW in the event of a dispute.

● YES
● NO



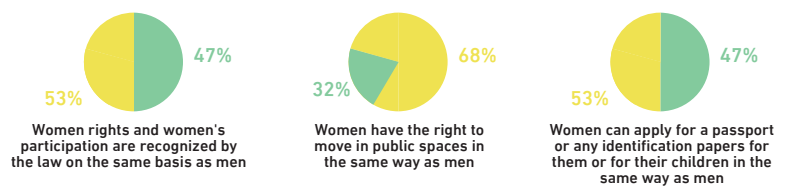
EGYPT

- There is no specific law to combat VAWG.
- Marital rape is not criminalized by the law.
- Neither the Personal Status Law, nor the family code ensure equal inheritance rights for women and men.
- The Personal Status Law does not ensure equal rights for women and men in marriage and divorce.
- The Labour Law does not ensure equal rights for women and men in work situations and puts more restrictions on the employment of women.

Egypt has issued reservations to the following articles of CEDAW:

1. **Article 2**, which relates to policy measures about the elimination of discrimination against women.
2. **Article 16**, which refers to equality between women and men in marriage and family relations.
3. **Article 29**, which refers to the administration of the convention and arbitration in the event of a dispute of CEDAW.

● YES
● NO



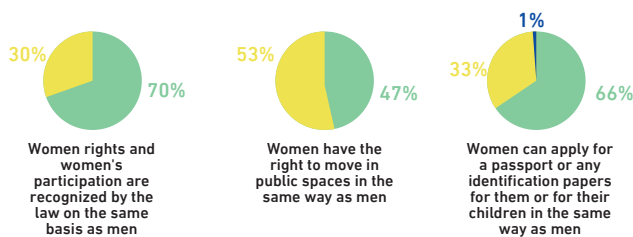
JORDAN

- There is no specific law to combat VAWG.
- Marital rape is not criminalized by the law.
- Under The Nationality Law No. 6 of 1954, Jordanian women married to non-Jordanian men cannot pass on their citizenship to their children.
- The Personal Status Law does not ensure equal rights for women and men in marriage and divorce.
- The Labour Law does not ensure equal pay for women and men. The Labour Law and its regulations impose legal restrictions on women's employment in some occupations considered arduous or where they may be subject to health or safety risks.

Jordan has issued reservations to the following articles of CEDAW:

1. **Article 9, paragraph 2**, which refers to granting men and women the right to pass on their nationality to their children.
2. **Article 16, paragraph 1 sections (c) (d) and (g)**. (c) Relates to the same rights and responsibilities during marriage and at its dissolution. (d) Refers to equal rights in offspring-related matters. (g) Relates to equal rights when choosing a family name, a profession, and an occupation.

● YES
● NO
● NO ANSWER



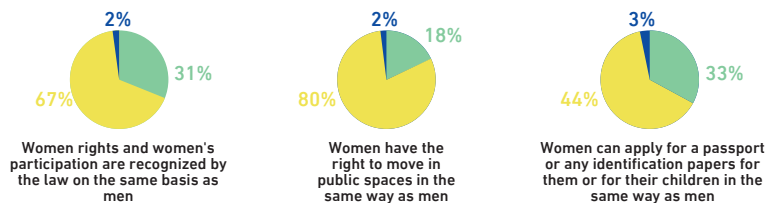
LEBANON

- There is no specific law to combat VAWG .
- Marital rape is not criminalized by the law.
- Under the Nationality Law, Lebanese women cannot pass on their citizenship to their children or to a foreign spouse, unlike Lebanese men.
- The Personal Status Law does not ensure equal rights for women and men in marriage and divorce.
- Early marriage is not prohibited by the law. The minimum age of marriage varies among religious denominations to the disadvantage of underage girls.
- The Labour Law and its regulations impose legal restrictions on women's employment in some occupations considered arduous or where they may be subject to health or safety risks.

Lebanon has issued reservations to the following articles of CEDAW:

1. **Article 9, paragraph 2**, which refers to granting women and men the right to pass on their nationality to their children.
2. **Article 16, paragraph 1 sections (c) (d) (f) and (g)**. Paragraph (c) relates to the same rights and responsibilities during marriage and at its dissolution. Section (d) refers to equal rights in offspring-related matters. Paragraph (f) details equal rights and responsibilities when it comes guardianship and trusteeship. Part (g) relates to equal rights when choosing a family name, a profession, and an occupation.
3. **Article 29**, which refers to the administration of the convention and arbitration of CEDAW in the event of a dispute.

● YES
● NO
● NO ANSWER



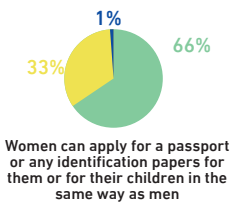
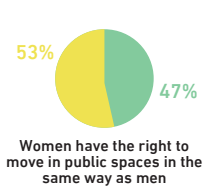
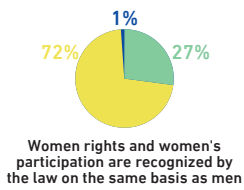
MOROCCO

- Marital rape is not criminalized by the law.
- The Family Code does not ensure equal rights for women and men in marriage and divorce.
- The Labour Law and its regulations imposes legal restrictions on women's employment in some occupations where they may be subject to health risks or are likely to see their morality undermined.

Morocco has issued reservations about the following articles of CEDAW:

1. **Article 2**, which relates to policy measures about the elimination of discrimination against women.
2. **Article 29**, which refers to the administration of the convention and arbitration of CEDAW in the event of a dispute.

- YES
- NO
- NO ANSWER

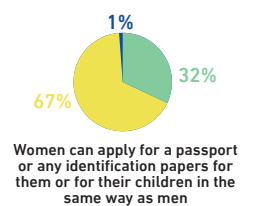
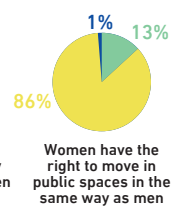
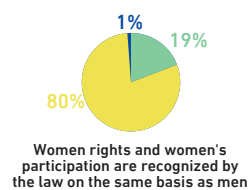


PALESTINE

- There is no specific law to combat violence against women.
- Marital rape is not criminalized by the law.
- The Personal Status Law does not ensure equal rights for women and men in marriage and divorce.
- The Labour Law and its regulations imposes legal restrictions on women's employment in some occupations that do not apply to men.

Palestine has not issued any reservation to CEDAW articles.

- YES
- NO
- NO ANSWER

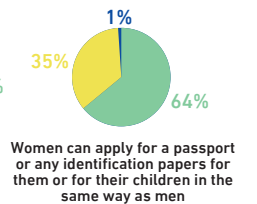
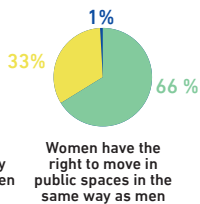
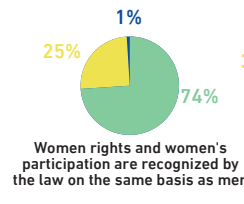


TUNISIA

- The Personal Status Code does not ensure equal rights for women and men in marriage and divorce.
- The Personal Status Code does not ensure equal rights for women and men in matters of inheritance.
- The Labour Law and its regulations imposes legal restrictions on women's employment in some occupations like night shifts, mining, and scrap metal work.

All articles of CEDAW have been ratified. However, the Tunisian government declared that it shall not take any organizational or legislative decisions in conformity with the requirements of this convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution.

- YES
- NO
- NO ANSWER



About the EuroMed Feminist Initiative EFI:

EuroMed Feminist Initiative is a policy network encompassing women's rights organization from both shores of the Mediterranean and advocates for **gender equality and women's rights as inseparable from democracy** building and citizenship, political solutions to all conflicts, and for the right of people to self-determination. EuroMed Feminist Initiative seeks to improve and promote women's rights as **universal human rights, the value of gender equality, and the use of non-violent means to solve conflicts**. Our criterion and position align with the international resolutions and conventions and regional instruments promoting the universality of women's rights and strengthening women's impact and voices in conflict resolution.

About the Regional Civil Society Observatory on VAWG:

The Regional Civil Society Observatory (RCSO) is an independent civil society mechanism that follows up on measures and actions to combat VAWG, in particular the implementation of the **Ministerial Declaration of the 4th UfM Ministerial Conference on women's rights (November 27th 2017, Cairo)** in the area of combatting all forms of **VAWG, Women, Peace and Security Agenda (WPSA)** and **Preventing Violent Extremism (PVE)**.

The RCSO is hosted by the **EuroMed Feminist Initiative (EFI)** in Amman, Jordan. It aims to develop regional tools to follow up on the implementation of the **4th UfM Ministerial Declaration**. These include evaluating and highlighting gaps between international women's rights mechanisms and national legislations, providing evidence-based recommendations to policymakers aiming to improve the efficiency of policies and measures in this field and preparing guidelines for **developing WPSA, and support the adoption and implementation of further instruments on UNSCR 1325**.

Copyright © 2020 by EuroMed Feminist Initiative EFI



This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of EFI and do not necessarily reflect the views of the European Union

Regional Civil Society Observatory (RCSO) is hosted by EuroMed Feminist Initiative

EFI Regional Office- Amman, Jordan

Lana Commercial Complex - Building No. 5,

Abdullah Ben Rawahah Street

Al Rabiye

Tel: +9626265521782

Fax: +9626226554956

Email: ife@efi-euromed.org

www.efi-rcso.org

www.Ostik.org

www.efi-ife.org