

# Implementing CEDAW in North Africa and the Middle East

*Roadblocks and Victories*

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## **Introduction/Executive Summary**

*The Middle East and North Africa (MENA) is a unique and dynamic region as it relates to implementing CEDAW. As a highly diverse and multi-cultural area, women in MENA have faced barriers to achieving equality in some areas and have progressed in others. Perhaps a striking characteristic of the region is its heavy intermixing between religion and governance. Despite the region's social, political and economic diversity, CEDAW has enabled MENA countries to work towards common goals in achieving the empowerment of women within their societies. While many MENA countries have ratified CEDAW, there still remain barriers to achieving gender equity. This paper addresses MENA countries and their progress in achieving the goals of CEDAW by discussing the status of women in various MENA countries as they relate to family life, nationality, inheritance, domestic violence, rape, education, women in the media and the workforce. All are topics central to the region's main difficulties in achieving gender equality. In pursuing reform to implement CEDAW, it is hoped that states will view their efforts to achieving gender equality as equivalent to their efforts for progression and empowerment of their country. This report covers the main trends found in MENA in contradiction with the implementation of CEDAW and the prospects for change and development within the scope and context of regional culture, politics, economics and religion.*

## Sharia: Political Islam

It is impossible to understand the policy decisions, cultural practices, or reservations with regard to implementing CEDAW in the Middle East and North Africa (MENA) without first understanding the important role that political Islam, or *Sharia*, plays in the region. *Sharia* can easily be defined as the law of Islam, or political Islam, and in order to comprehend the contemporary context that *Sharia* provides in terms of women's or human rights, it is first necessary to achieve at least minimal knowledge of the *Qur'an*, the Muslim holy text, and the history of Mohammed, the prophet of Islam (De Seife 1).

The Middle East and North Africa are defined cohesively as a region namely because of the Arab and Muslim identities that define the majority of the people living in the stretch of land between Morocco and Iran. Islam began in the 7<sup>th</sup> century C.E., spread by the prophet Mohammed out of what is now Saudi Arabia. Mohammed's prophetic message quickly expanded outward as far east as modern-day Morocco and Spain and as far north and west as what are today Turkey and India. The religion that the prophet Mohammed heralded was not said to be a new religion of a new God, but rather a return to the *straight path*, or the *Sharia*, of monotheistic faith from which the people of Arabia had strayed (Esposito 78).

The rules and guidelines relayed by the prophet Mohammed during his lifetime, which were written in the *Qur'an*, are thought to have come directly from God. Today, when it comes to guidance, Muslims look, in addition to the words of God as dictated by the prophet, to the *Sunna* and the *Hadith*, or the actions and traditions of the prophet. From these three sources, the *Qur'an*, the *Sunna* and the *Hadith*, scholars have ascertained and continue to ascertain God's will as it applies to every aspect of life (Esposito 12).

What makes MENA so difficult to assess, even with the context of *Sharia*, is that a wide range of interpretations have and continue to come about. In theory, the door to the era when

jurists were allowed to interpret original sources themselves, a practice known as *ijtihad*, has effectively been closed since the late 10<sup>th</sup> century C.E. (De Seife 39). Therefore, theoretically, the interpretations of the sayings, deeds and words of the prophet Mohammed should be the same in Morocco as they are in Saudi Arabia. This, however, is far from true.

It is important to point out that there is much contention surrounding the debate over whether interpretations of religious texts have led to inequality for women because of the long-standing patriarchal history in Arab culture, or if there is simply an inherent inequality in the religion itself. Nonetheless, many interpretations exist. In fact, just within Sunni Islam, the dominant form of Islam in MENA, there are four major schools of law practiced: the *Hanafi*, mostly practiced in the Arab Middle East, the *Hanbali*, practiced in Saudi Arabia, *Maliki*, most dominant in North Africa and the *Shafii* school, practiced in southern Arabia. Shii Islam differs slightly from Sunni Islam in that the *Imam* and certain religious scholars are granted supreme right as religious interpreters to this day (Esposito 85).

The *Sharia*, inasmuch as it is applied to penal codes and constitutional law in MENA, varies greatly from location to location. However, one thing remains constant, reform or change in the realm of *Sharia* is incredibly difficult to achieve, especially in a time when there is a widespread notion of an Islamic revival, urging Muslims to return to the fundamental tenants of Islam (Esposito 116). The often intractable nature of political Islam sheds light on the regional trends in MENA, illuminating the reason behind, for example, the reservations to CEDAW shared by all States Parties of the region. For instance, every single States Party in MENA holds reservations to Articles 9 and 16, stating reasons regarding *Sharia* or the *Qur'an* as justification (CEDAW Reservations). Clearly, while there are differences in interpretation within political Islam, its power in the region is undeniable, and an understanding of *Sharia* is essential to both understanding the obstacles the region faces with implementing CEDAW and appreciating progress made.

# **Regional Trends and Challenges**

## **The Role of Family Code in the Private Sphere**

*This section analyzes the stumbling blocks that remain in MENA in achieving gender equality as women have yet to attain a status equal to their male counterparts in relation to marriage, divorce, child custody, nationality and inheritance; all basic human rights recognized by and central to CEDAW.*

### **Marriage and Family Life**

Out of all the articles in CEDAW, countries in MENA have a commonality in expressing reservations in relation to Article 16: *Marriage and Family Life*. Women's role within their family is a strong influence on virtually all aspects of life, including a woman's economic independence, level of education, 'personal security,' role within society and access to resources (Middle East Review of International Affairs).

In MENA, the family is considered the "basic unit of social organization and socio-economic activities" (UNESCO 29). Women are particularly important to a family's honor and are viewed as the foundation of their family as they are expected to raise children and provide care for the household. As in many other areas of the world, the family is typically characterized by a "patriarchal form" with men as prime decision makers in various family matters including finances, distribution of resources and way of life.

However, as more women become educated and the modernization process continues, "The unity of the family is being increasingly challenged by socio-economic institutions; young men and women are starting to move away for their professions" and this has seemed to create greater "democratization of the household given socio-economic competition and the increasing employment of women" (Fernea 33-34).

Despite these changes, there remain barriers to achieving gender equality in the family

sphere. The inequality that has been created within the social context in which women in MENA live, coupled with Sharia, has contributed to a position of vulnerability within the private sphere.

## **Marriage**

Considered a basic building block of society, marriage plays an important role within Muslim countries. In a society that places taboos on sex and a heavy importance on virginity, women in MENA have historically and generally married at a young age compared to other parts of the world. However, this has changed over time through the advances in status of women due to higher education and their role as economic contributors to the household. Additionally, there seems to be a link between education and older marriage age among women. In Egypt, those who had not received an education married at age 18; those who received a secondary education or higher married at 23. Turkey's Demographic and Health Survey shows that on average, 22% of women between the ages of 15-19 who had no education were pregnant compared to the 2% among women of the same age group who received a secondary education or higher (Population Reference Bureau).

Many governments have changed the personal family code by raising the minimum age of marriage for women, such as Tunisia and Morocco. Instances of forced marriages contradict CEDAW in Article 16 whereby women have "the same right to freely choose a spouse and to enter into marriage only with their free and full consent" (CEDAW Art. 16). Undue pressure from family members in matters of marriage is therefore a significant curb on a woman's ability to choose freely. Moreover, a woman's marital contract or decision to marry may only become valid by obtaining permission from male family members based on Sharia, whereas men are not subject to the same obligation. This can be seen in Iran or Saudi Arabia, where women must obtain a written permission from her father to marry (Kamguian).

Viewed as a way of linking families together, marriage is a shared event where families are heavily involved. According to Islamic law, a woman's right to choose her spouse is

protected, although parents or other male members or older women of her family are not always responsive to her wishes. Many women have been forced into arranged marriages, placing them in a vulnerable situation of fear and dependency (Fernea 38). This limits female decision making, curbing her ability to freely choose the course of her personal life which intensifies her vulnerability within the household.

According to Sharia, men and women are considered equal in terms of spirituality, but are considered unequal in terms of their physical and psychological differences. As such, it is interpreted by many that “men are the maintainers of women” and this is perhaps a cause of women’s “second class” or inferior social status, especially within the context of Islamic law. Moreover, movements for equal rights in the Middle East express frustrations with the dominance of males within the legal system in relation to jurists and family courts. This has been a significant structural barrier for the advancement of women’s status and the narrowing of the gender gap (Hosseini 5).

CEDAW Article 16 addresses the notion of equal rights and responsibilities between parents in matters relating to their children. A general trend in MENA is that the bulk, if not entire burden of child rearing and child care is on women. The successful upbringing of children is linked to their mothers’ role within their lives. This uneven balance between married couples stems a woman’s ability to navigate between the public and private spheres.

According to Asma Barlas, the public sphere is “the domain of freedom, politics, and culture associating it with men. The private sphere is described in terms of a lack: as the domain of necessity, not freedom; of nature, not culture; of the family, not politics/state, and while the private sphere is associated with women, it also is the arena in which males reign supreme as ‘kings of the castle’ and ‘heads of households’” (Barlas 171).

## **Divorce Rights and Custody of Children**

The most blatant contradiction to CEDAW in relation to women's rights within the context of marriage is its dissolution through divorce or separation. Women face overwhelming obstacles in the process of divorce. Islamic law favors men in matters of obtaining a divorce, child custody, and ownership of wealth. A man is allowed to "marry up to four wives and divorce as he pleases," by merely saying '*Talaq*' (or *divorce*) three times without any formal legal processes (Kamaguan). Conversely, a woman who wants to obtain a divorce must take the case to court and provide a legitimate reason to divorce her husband. According to Human Rights Watch, "wives' access to divorce is often extremely limited, and they frequently confront near insurmountable legal and financial obstacles" (Human Rights Watch).

There have been reforms made to legal systems throughout MENA although the gap in reaching gender equality in this regard is still wide. One example of reform is Egypt's recent legislation that simplified women's ability to divorce called *Khol Divorce*. However, the caveat is that women must "give up all the money, property and gifts she had received and relinquish her right to an alimony" (Arafy 17).

This puts women in a vulnerable social and economic state as women who are not educated or have not been involved within the public sphere are compelled to acquiesce "to the needs of men who in turn offer financial support and protection; even violence is endured to preserve the family" (UN News). A woman's willingness to stay in such a situation is tied to her perceived role as carrier of her family's honor. As a result, a woman is less likely to file a claim against her husband (as protected by most governments) to preserve family honor and relations despite her vulnerable position. This is exacerbated by members of her own family who urge her to remain within the marital contract to maintain honor. This intensifies the inferior status of women within family circles and undermines women's abilities to reach the status of her male counterparts in matters central to private life.

A woman must also face the fear of losing child custody to her husband's family. Under Sharia, a woman has rights to keep "physical custody of her male children until the age of nine, and female children until age seven" (State Department). In Saudi Arabia, the father maintains legal custody of the children and can determine where they can live and travel. Women who do not live in Saudi Arabia seeking permission to visit their children must obtain permission by the father by filing a "Statement of No Objection" with the Saudi Ministry of the Interior ( US State Department).

Child custody varies across both the Arab and non-Arab world in MENA, depending on particular governments and their interpretation of Sharia. Generally, men have greater leverage over obtaining custody of their children, especially as it relates to nationality as well as the economic power of the father. Women who are economically unable to provide for their children are often not granted custody. Situations in which women were heavily dependent on their husbands for financial and personal security face obstacles during their divorce in proving the ability to care for their children, sustaining women's inferiority in family relations and powerlessness in keeping their children.

The modernization process caused by the globalization of ideas communicated through different media outlets has caused a shift and change in women's roles and status in the Middle East and North Africa. As more women progressively become more integrated within the economy by means of education as well as the changing dynamics of the family that enable her to progress, the status of women in MENA has improved over the years.

This can be seen through reforms and new legislation initiated by CEDAW parties such as Morocco which revised its personal code by raising the minimum age for marriage to 18, requiring a judge's authorization for polygamy, equal rights in divorce and community, and has permitted mothers to ask for child custody. The *Khol Divorce* granted by the Egyptian Government is a step forward despite the caveats associated with this right in women having to

relinquish their claim on any wealth in exchange for the dissolution of the marriage. This has been welcomed by many feminists as a starting point in narrowing the gender gap in Egypt (Arafy, Janet 23-24).

While women in MENA have faced challenges to achieving equity within the context of marriage and divorce, globalization has caused changes, though slowly, within the family structure. Women are becoming more educated, are more socially and actively involved, and have increasingly made inroads in finding employment. Changes within the legal system, as can be noted through the aforementioned examples of Tunisia, Morocco and Egypt serve as a first step towards granting women greater autonomy in their personal lives. The strengthening in women's roles within the family structure has altered their roles within society, pushing for change against more traditional norms, enabling advancement and progress.

### **Inheritance**

Although never specifically referred to in CEDAW, the equitable administration and control over economic wealth attained through inheritance is recognized under Article 13, "States Parties shall take all appropriate measures to... ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to family benefits" (CEDAW Art. 13). Additionally, Article 16 establishes "The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property" (CEDAW Art. 16). The region-wide reservation to Article 16 of the CEDAW convention underscores the regional commonality of inequitable rights to inheritance.

Across the board, inheritance laws derived from the major schools of Islam cite verse 4:11 of the Qur'an, in establishing the economic rights of each family member to inheritance. Women, in all capacities, are bequeathed half as much as men. Sons are allotted twice that of a daughter (Syed 87). Similarly, a widow can inherit only one-fourth her husband's wealth (and one-eighth if the couple had no children), while a widower may inherit half a wife's wealth (one-

fourth without children) (Naseef 179). Kuwait and Saudi Arabia are just two of many examples of Muslim states that deny women equal inheritance to men (Afary 109).

The impacts of these laws not only present a regional pattern that contradicts the implementation of CEDAW, but generate societal impacts and patterns that include the continual economic dependence of women on men, and the unequal economic footing of women in the formal economy and public sphere (Naffa). In the case of mixed marriage in all nations, except Tunisia, a widow who is not of the Muslim faith (i.e. Christian) has no legal right to any inheritance, even though a mixed marriage between a Muslim man and non-Muslim woman is sanctioned under Islam (Ltaief 341).

Historically, Islamic jurists and scholars have given two main justifications for the inequalities in inheritance laws. The first is that within the family men are burdened with all financial responsibility, while women are not required to generate any income because women are seen as caretakers and mothers in their primary roles within the family (Syed 87). Therefore, men have the necessity for a greater inheritance. This justification is also influenced by the social and religious ideal that women are to be looked after by a man, regardless of whether or not she can economically support herself. The second justification argues that her dowry, which she is legally entitled to, supplements a woman's inheritance. The reduction in female inheritance serves then to equalize men and women's ability to accumulate wealth (Syed 87).

As with the other issues brought to light concerning family law, the major roadblock in revising the legal texts and social dialogue regarding inheritance is the inability to question religious texts and laws, or revise them to fit a modern context (Ltaief 340). To do this is still tantamount to heresy. This dogma, to be sure, is changing, but progress, specifically in relation to inheritance and family law, is slow and up against tremendous opposition (Ltaief 342).

The Personal Status Codes in many Arab and Muslim nations have been amended over the years. An example of this is Tunisia's Code of Personal Status enacted in 1956, which gave

women unprecedented rights including the ability to contribute economically to the family and prohibited polygamy. It did however leave the Islamic inheritance laws unchanged. This has been the case throughout the Middle East and North Africa (Afary 119).

These legal roadblocks have now become the battleground for feminist grassroots organizations such as Collectif Egalite´ 2000, a feminist network dedicated to advancing the status of women in the nations that make up the Maghreb; the Muslim states of northern Africa. The group, Collectif Egalite´ 2000, created a new text of the family code in preparation for the 1995 Beijing Conference (the group was at that time known as Collectif Egalite Eaglet 95) which called for one hundred recommended legal amendments or measures to ensure gender equality; measure 88 specifically identifies equal inheritance between the sexes as necessary. The view of leading Tunisian legal scholar Sana Ben Achour, presents the optimistic and determined view of women’s rights groups throughout the region. “Nowadays women work, participate in the economy – enriching both themselves and the nation –; therefore there are no longer any reasons – either subjective or objective – to justify discrimination of this nature” (Afary 118).

### **Nationality**

In sweeping unity, a large majority of North African and the Middle Eastern countries have found reason to declare reservations against Article 9 of CEDAW stating that “States Parties shall grant women equal rights with men to acquire, change or retain their nationality...States Parties shall grant women equal rights with men with respect to the nationality of their children” (CEDAW Art. 9). The inability of women in this region to pass on their nationality includes both the inherent symbolic oppression of women as second-class citizens, and the real impacts of legitimizing the social and cultural patriarchy by effectively disowning women of their national identity (Women’s Learning Partnership).

In many Muslim nations, lineage is passed through the husband and father, based off religious text, and nationality is thus an extension of this same patriarchy (Human Rights

Watch). Until recently, almost all states denied women the right to pass on nationality to children of foreign-born spouses. A perfect example of this is Jordan where women cannot pass on nationality to children or spouses, forcing foreign husbands to leave and return to the country every three months. This leaves the Jordanian mother in a vulnerable situation, acting as a single mother in a family based society, and increasing her economic instability because the husband must leave his job each time (Naffa 6). The Jordanian government has deflected the issue of institutionalized discrimination and violence against women by stating that Jordanian society is “patriarchal in nature and women play a secondary role compared to men in family and society” (Naffa 6). This allows the government to attribute the causes of discrimination solely to Jordanian culture. However, thanks to international non-governmental organizations and regional feminist groups’ efforts to mobilize, this trend has been reversed in several countries.

The social impacts of non-citizenship are many, including the absence of right to representation, a basic building block for democratic nations. Children without citizenship are treated as foreigners, facing discrimination when attempting to apply to university and attaining eligibility for employment by states. Access to social welfare programs, such as free primary and secondary education may be limited or denied (Women’s Learning Partnership).

There have been many recent gains for women’s rights concerning nationality laws in MENA. Most impressively, Algerian nationality law has been changed to allow women to pass on nationality to their children and foreign-born spouses (Afary 123). 2004 brought about changes in the nationality codes of Morocco and Egypt. The Moroccan Nationality code was amended to allow women to pass on nationality to children; the shift has been attributed to the culmination of highly active women’s rights movements and the progressive political views of the King of Morocco. However the code does not accomplish full equality; it maintains that wives of Moroccan men may acquire citizenship through marriage, whereas husbands of Moroccan women may not (Assoc. Démoc. des Femmes du Maroc). This continues to put the

families at risk for financial instability and discrimination. Egyptian mothers are also now legally able to extend citizenship to their children when married to a foreigner (Sterrett).

These changes have come about for several reasons; the first major underlying reason is the increase in women's education and research has created new channels for women's movements and feminist discourse. The creation of feminist and women's rights organizations locally has allowed the work of international NGOs to gain momentum and increase regional awareness, support and advocacy for issues including citizenship rights. These reasons have been directly attributed to the success of the campaign in Egypt (Women's Learning Partnership). INGOs including Women's Learning Partnership pooled resources and efforts with NGOs, university lead research groups, and governmental advocates for women to create an effective regional movement (Women's Learning Partnership).

Overall, the continuing challenge in implementing CEDAW lies within the rigid interpretation of Islamic law and Family Code, compounded by historical Arab patriarchy, and the absence of separation of church and state throughout MENA. The legal interpretations and social dynamics of family law have a direct impact on the degree of violence against women throughout the region; the two areas of focus within this report are inextricable. Therefore, all major campaigns by women's rights networks, NGOs, and institutions for legal recognitions within family law hope to effect positive change in the area of violence against women.

## **Violence Against Women**

*“A life free from violence is a basic human right” states Amnesty International. While many human rights abuses receive attention due to their occurrence in the public domain, violence against women is often perpetrated in the private sector or domestic sphere. This section explores the various ways women in the Middle East and North Africa experience oppression in the private sphere including domestic violence, rape and honor killings.*

## **Domestic Violence**

Violence against women is a complicated reality in MENA. Institutionalized Political Islam and varying interpretations of Sharia heavily influence public perception and the invisibility of domestic violence. Particularly in this region, domestic violence is often not prioritized as a national concern. There are several aspects that influence this pervasive ideology including religion, culture, political and social norms (Hajjar 4).

Given the difficulty of separating religion, politics and culture in MENA, it is challenging, when it comes to domestic violence, to understand separate influences for this behavior (Hajjar 10). For instance, there are verses in the Qur'an that have been and can be interpreted to support the idea that violence or abuse in the domestic sphere is acceptable. One such verse, IV: 34, states:

Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; as for the women who show rebellion, you shall first enlighten them, then desert them in beds, and you may beat them as a last resort. Once they obey you, do not seek a way against them; surely Allah is High, Great (Douki 168).

Interpretations of this verse include that men are superior to women, are responsible to ensure their obedience, and men have permission to use violence against women to enforce obedience. For example, in Algeria, women's groups have expressed concern over the state government adhering to "religious fundamentalist pressure." Specifically, the groups were concerned with the government enacting a family code in 1984 in opposition to the women's community, which violates women's fundamental rights (Mujeres en Red – Algeria 1999). In regards to Algeria's implementation of CEDAW, women's groups urge the government to "withdraw its reservations to the Convention which legitimize and perpetuate inequality—especially in family life—for women and violate the object and purpose of the Convention" (Mujeres en Red – Algeria 1999).

Article 16 in CEDAW pertains to women's rights in the domestic sphere, stating: "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations..." (CEDAW Art. 16). In particular, they focus on domestic affairs in section C: "The same rights and responsibilities during marriage and at its dissolution" (CEDAW Art. 16). Although Article 16 does not specifically address domestic violence, adherence to eliminate discrimination in the domestic sphere would include all forms of violence against women.

The United Nations defines different aspects of violence against women in the Declaration on the Elimination of Violence against Women which specifically addresses violence in the domestic realm in Article two:

Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation (UN Declaration).

There are several social and cultural factors that influence the aforementioned examples of domestic violence in the MENA region. These factors are constructs within the family that affect women over the course of their lives from dynamics within their paternal family, and again later in their husband's household. Within the paternal family, women are expected to be subordinate to their brothers whom often exercise discipline to retain their authority. Later, if a young woman disagrees with her family's choice in choosing a marriage partner, she faces violence and physical confinement. Once a woman has left her family to be married, she is vulnerable to additional violence by her husband (Amnesty 11). It is important to note the varieties of abuse that can occur in the domestic realm are not only limited to physical abuse. The World Health Organization defines partner violence not only as physical but also psychological abuse in addition to all forms of controlling behavior (World Health Organization).

Social and cultural factors attributing to domestic violence are first and foremost due to the intrinsic importance of family throughout these countries (Almosaed 74). Women are responsible for placing their family in a position of respect. For this reason, women are less likely to report any instances of domestic violence. Furthermore, if they do report the abuse, their family will most likely dissuade them from taking political action (Douki 168). Women may also be encouraged to stay in the marriage and resolve any conflict for the sake of their children and to uphold the honor of their paternal family (Hajjar 330).

While there may be laws that denounce domestic violence, they are rarely implemented. The courts may begin to process a charge against an abusive husband only to later drop the charges (Douki 168). An example of the inconsistencies in assistance available to mistreated women is a domestic abuse case in Bahrain. The case involved a woman who was repeatedly physically and emotionally abused by her husband. When she sought to obtain a divorce, she received death threats from him. The abuse continued until she called the police at which point she was hospitalized for ten days. The police photographed her injuries, but the photos were later missing from her police file. The police told her they would prosecute her husband but no legal action was ever brought against him. She finally obtained a divorce in 2004 at the expense of the custody of her children and she had difficulty obtaining housing from the personal status court (Amnesty 12-13).

In MENA, the participation of non-governmental organizations and the implementation of legislature better ensure women's protection in the domestic sphere. One NGO in Lebanon directly addressing issues surrounding domestic violence within the country is The Lebanese Council to Resist Violence Against Women (LECORVAW). LECORVAW is comprised of professional Lebanese women striving to eradicate violence against women through a variety of avenues. Their mission statement is "to break the silence on this taboo issue and promote women's human rights through legal reforms, advocacy, and services for victims, research, and

public education” (LECORVAW). They are the only NGO in Lebanon solely committed to this purpose. Significantly, their definition of violence includes financial abuse, explained as depriving a woman of an income, negatively affecting independence (LECORVAW).

In terms of change within legislature, Saudi Arabia’s Department of Social Protection is creating a toll-free hot line in 2008 that will record abuses and forward them to a regional protection committee for ‘urgent action.’ In the past, social protection committees only noted abuse when the victims appeared at hospitals and police stations (CEDAW – Saudi Arabia Report 2008). It remains to be seen how effective these changes will be.

Domestic violence in MENA is influenced by a variety of factors. Factors ranging from religion to social norms add to the complexity behind public awareness and implementation of legal recourse in regards to women’s oppression. While there have been many changes by women’s activist groups to alleviate the pressures of domestic violence, women still face barriers in achieving equality in the domestic sphere. Effective change must integrate all aspects of society; from reforms in the legal system to cultural factors in the private sector.

## **Rape**

Violence against women in MENA varies depending on family status, gender relations and, most importantly, the community's view of women within society. One of the most detrimental forms of physical violence towards women is rape. Perhaps the most detrimental form of rape is its presence within the domestic sphere. This may stem from the fact that in some interpretations of Islam, the husband has complete control over his wife's movements and actions.

In MENA, rape cases rarely go to court because the government and social environment do not provide a conducive atmosphere for women to testify and speak against their husbands. For example, in Jordan, the Human Forum for Women’s Rights reported a discrepancy in the official estimates of crimes of physical and sexual violence and the actual number of these

crimes. Non-reporting was found to be possibly as high as 92.5% (Faqir). In fact, the result of taking such a case to court can often end with the woman being charged for adultery and infidelity. For example, in 2007 a Saudi Arabian woman was gang raped 14 times by seven men. When she took the case to court, she received six months in prison along with 200 lashes after being convicted of adultery. The seven men received prison sentences ranging from one to five years (Human Rights Watch). This case is one of many where women are considered agents of rape as opposed to victims. According to the Human Rights Watch, "Spousal rape has not been criminalized; husbands have an absolute right to their wives' bodies at all times" (Human Rights Watch). This has contributed to the inadequate prosecution of rape cases throughout MENA. Although NGOs do not address the issue of rape specifically due to the culturally sensitive context, women's movements regionally and internationally hope to affect positive change in this arena by advancing women's rights in other areas of the public and private spheres. Rape and honor killings are not explicitly addressed in the convention; yet their prevalence undermines the principals of CEDAW and any attempt to attain full equality among women.

### **Honor Killings**

Another form of violence that is present in MENA is the act of honor killing. According to the Human Rights Watch, the term "honor killing" is defined as;

Acts of violence, usually murder, committed by male family members against female family members, who are held to have brought dishonor upon the family. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of sexual assault, seeking a divorce — even from an abusive husband — or (allegedly) committing adultery. The mere perception that a woman has behaved in a way that "dishonors" her family is sufficient to trigger an attack on her life (Human Rights Watch).

The name and honor of a family is sacred and "female violators of the honor code face a different fate [than men]; punishment in some form is inescapable. Once the violation is made public, the male members of the family must take immediate action" (Faqir 69). Recently, the

United Nations Population Fund (UNFPA) estimated that upwards of 5,000 women and girls are murdered each year in honor killings by members of their families (Amnesty International).

In 2000, a Jordanian female was stabbed 12 times for having extramarital sexual relations with a Roman Catholic man. As a result, her father and older brothers felt the need to restore the family name (BBC News). The BBC news reports that roughly 24 women are killed a year in Jordan for dishonoring their family and therefore are brutally killed by stabbing, drowning, shooting, or stoning (BBC News).

According to Jordan's most recent report, many female activists are demanding prison terms of at least five years for such heinous acts of violence. The impact has been a decrease of violence towards women and a significant emphasis on protecting women from abusive crimes (CEDAW – Jordan Report 2006).

In MENA, there are numerous non-governmental organizations that are raising awareness to local governments and the United Nations about this ongoing issue. One organization in particular that has specifically concentrated its focus on ending women's violence in MENA is the Center for Egyptian Women Legal Assistance (CEWLA). CEWLA is based out of Cairo, Egypt and its main objective is to assist women who are trying to free themselves from an abusive relationship. Their aid ranges from legal, medical, and supportive efforts, while also helping women to regain their confidence and start making a better life for themselves. This NGO has had dramatic effects by establishing numerous women's centers throughout MENA.

Fortunately, the presence of CEDAW in MENA has opened the door for dialogue and grassroots movements that work to combat issues such as rape and violence against women. For example, Amnesty International's the Stop Violence Against Women Campaign has extended into countries of MENA, such as Saudi Arabia, with the mission of "calling on governments and armed groups to end impunity for violence against women during times of conflict and post-conflict... and demanding that governments abolish discriminatory laws and practices that

perpetrate violence against women in the family and in the community” (Amnesty International). Ideally, CEDAW will continue to encourage this kind of dialogue and change.

## **Women in the Public Sphere**

*Unlike the issues of family law and violence against women, the role of women in the public sphere is critical in that the indicators are in plain sight of the rest of the world. Doing little more than following world news, one can ascertain an idea of the extent to which females receive an education, serve in regional governments or participate in the market economy in the Middle East and North Africa. However, it is important that the optimistic newspaper headlines and success stories of women in MENA do not cloud the reality of the gender inequalities that still exist. At the same time, it is equally as important that the emotional images of oppressed women do not subtract from the significant efforts being made to improve the status of women in the public sphere. While many obstacles still remain with regards to eliminating gender inequality, particularly in the realms of education, women in the workforce and women in the media, many gains have indeed been made. Thanks in large part to help from non-governmental organizations and state-implemented policy reform, the role of women in the public sphere in MENA has and continues to improve.*

### **Education**

CEDAW stipulates in Article 10 that state parties must ensure women equal rights with regards to educational opportunities in all capacities, ranging from primary to higher education (CEDAW Art. 10). While none of the state parties in the Middle East and North Africa cite reservations with regards to Article 10, there are still many inequalities between men and women that exist in the sphere of education, particularly when it comes to literacy rates and sexual or reproductive health education. In addition to these issues, women in the MENA region have a high tendency to dropout of secondary education in order to get married at a young age.

The role of women in the education system in MENA is changing dramatically as more and more newspaper headlines capture the various success stories of Muslim and Arab women breaking the mold and succeeding academically. However, despite the hopeful tone of the media, when it comes to education, women in MENA still have a long way to go. As much of the MENA region remains deeply connected to traditional society and religion, many families feel it is inappropriate to send girls to school. Because of this, many females, even when allowed to attend primary or secondary education, are pressured to drop out early in order to get married and start a family (Faisal). Additionally, many families don't have the financial means to educate their female children, and thus, in overall numbers, female enrollment in schools is far lower than that of males (Faisal).

In every country of MENA, with the exception of the United Arab Emirates, the percentage of people over the age of 15 who are able to read and write is higher in male populations than it is among females (Cent. Intel. Agency: World Factbook).

COUNTRY	LITERACY RATES (female/male)
Algeria	60%/80%
Egypt	59%/83%
Jordan	85%/95%
Kuwait	91%/94%
Libya	72%/92%
Lebanon	82%/93%
Morocco	40%/66%
Oman	74%/87%
Saudi Arabia	70%/85%
Syria	74%/87%
Tunisia	65%/83%
Turkey	80%/95%
United Arab Emirates	82%/76%
Adapted from CIA World Factbook	

Even though Article 10 stipulates that women must be given equal educational opportunities “in educational establishments of all categories in rural as well as in urban areas” (CEDAW Art. 10a), common responses from state parties regarding their challenges with female literacy have had to do with difficulties in making education

accessible to women who live in rural areas. Also, many States Parties maintain that female education conflicts with the cultural or religious values of families. In addition, for many

families in MENA, there is a widespread lack of financial resources (in which case the resources are focused on educating male children), and the issue of women who are pressured into marriage at a young age (CEDAW Country Reports).

Another source of concern with regards to education in the region is the lack of education about family planning. CEDAW stipulates that women must be given “access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning” (CEDAW Art. 10). However, mostly because of religious and cultural tensions and expectations, family planning and reproductive health are seen as taboo subjects outside the realm of marriage. Issues such as pre-marital sex and the morality of abortion and infanticide are particularly flammable in MENA. In fact, of all the States Parties of the Middle East and North Africa, only Algeria, Tunisia, Jordan and Morocco have any sort of reproductive health element in their national school curricula (Population Reference Bureau).

Thanks in large part to international attention, increased help from non-governmental organizations and compulsory state-run education, literacy rates and female enrollment in all levels of education have been rising over the past few decades throughout region. However, this improvement is slower for women in rural areas. Most countries in MENA have taken advantage of literacy programs set forth by NGOs, which have been successful in most cases. One example of this kind of success can be seen in Lebanon. With help from over 10 non-governmental organizations working specifically with combating illiteracy and improving education, “Education was one of the main fields which have witnessed an accumulation of success stories in Lebanon” (IWRAW-AP – Jordan 2007). According to shadow reports compiled by several NGOs working in this arena, the gender gap has been narrowed in Lebanon in the realm of literacy, enrollment and drop out rates (IWRAW-AP – Jordan 2007). Similar successes in the realm of family-planning education have been realized in Yemen, as significant efforts are being

made by UNESCO in the “development of peer education & life skills framework with the Ministry of Education, with topics related to gender, reproductive health and STI/HIV prevention” (UN Activities & Publications for the Advancement of Arab Women). However, in some instances this is not as successful as expected, as is the case in Morocco. In Morocco, despite efforts from NGOs such as UNICEF, literacy rates, especially in rural areas, have been stagnant if not dropping. This has been blamed in part on cultural values and societal norms, which dictate that it is not as important for girls to be educated, especially if the choice is between educating a male child or female child (IWRAW-AP - Morocco 2008).

Some countries in MENA have been combating educational injustices by updating infrastructure so literacy centers and public schools are built closer to the homes of women who live in rural areas. Saudi Arabia, which claimed distance of schools from girls in isolated areas as a roadblock to implementing Article 10 of CEDAW, has taken significant steps to this effect by “making tangible efforts to expand the scope of the school network, particularly in rural areas, with the aim of locating schools as close as possible to areas of family concentration” (CEDAW – Saudi Arabia Report 2008). This, among other steps, has significantly increased the enrollment of Saudi females in all levels of education. However, in accordance with *Sharia*, all education remains separated by gender (CEDAW – Saudi Arabia Report 2008). This opens the door to question whether or not girls are receiving education of equal quality to their male peers. However, as is the case with most of the region, very few institutional tools exist to gauge this.

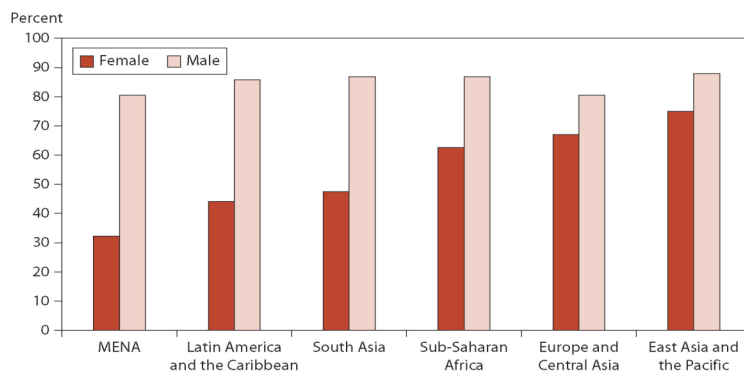
### **Women in the Work Force**

In recent decades, women throughout the Middle East and North Africa have made considerable gains, particularly in the areas of health and education. However, women remain less economically and politically empowered than women in other regions of the world. CEDAW stipulates: States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment, prevent discrimination against women on the grounds

of marriage or maternity and to ensure their effective right to work, and maintain relevant and up to date legislation (CEDAW Art. 12).

Despite MENA’s efforts to implement CEDAW within governmental policies and culture, the economic activity rate of women remain lower than that of women in other developing countries (Chamlou 4). While various studies have been undertaken in MENA to understand the impacts changing policies may have on women’s employment options, it is worth noting that female participation rates range considerably. Women in Tunisia, Morocco and Turkey have relatively high participation rates, while Palestinian and Iraqi women have some of the lowest rates of participation regionally (World Bank). Throughout MENA, no country has a female participation rate greater than 50 percent (World Bank).

**Male and Female Participation in the Labor Force in World Regions, 2000 or Latest Year Available**



Source: ILO 1996; United Nations 2002.

Thus, the majority of MENA women reside outside the formal employment sector and remain a substantial untapped economic resource for MENA countries.

Political barriers have hindered female economic progress and has slowed integration throughout MENA. Regional governments have made significant efforts to increase employment and implement CEDAW. For example, the Tunisian Government worked to reform their labor codes and provide work benefits such as maternity leave. The government also implemented vocational training programs to recruit more female workers and equip them with marketable skills such as an information technology education (CEDAW - Tunisia Report 2000). Although Tunisia slightly increased the employment of professional women, females still represented fewer than 25 percent of the labor

force (CEDAW - Tunisia 27<sup>th</sup> Session). National governments, like that of Algeria, have also worked to provide support services for working women such as child-care centers.

Similar policy changes and support systems have been implemented throughout the MENA region. Governments have also established quotas in order to boost female presence in political parties and increase the number of women candidates in accordance to Article 7 of CEDAW (CEDAW Q&A Sessions). Article 7 stipulates States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure governmental and non-governmental participation to women, as well as the right to vote (CEDAW Art. 7). The Moroccan government was able to increase the number of women candidates to 35, twelve times its previous level (Moghadam 32). However, these successes pale in comparison to women in the rest of the developing world.

Although discrimination against women has decreased in recent decades within the political sphere, female employment rates have remained stagnant and actually decreased in some countries (Chamlou 7). Thus, one must conclude that cultural and social forces have a stronger influence on the participation of women in the work force than governmental policy. The power of Islam and family law remain intricately connected to economic and social progress, especially for women. Social influences have made economic progress very slow and have often come at a high social price for the women involved. In many countries in the region, women's right to vote, to acquire an identity card or passport, to marry, to work, or to travel is granted only with the consent of a spouse or other male family members (Women's Rights). Consequently, the patriarchal nature of Muslim culture prevents complete implementation of CEDAW throughout the MENA region.

Despite religious and cultural influence, many women have found professional work within the public sphere. Trends show that women employed in MENA countries tend to be concentrated in communal, social, and public service occupations. Male occupations typically

concentrate on business and sales. These gender divisions represent an extension of family dynamic and the private sphere. Female stereotyping within the work force has been prevalent in the region, where women find jobs as nurses and teachers (Moghadam 17). Of course, there are numerous variations within the region. Nursing has been considered an appropriate occupation among women in Egypt and Turkey, but not in the Islamic Republic of Iran. Working women tend to be unmarried in Jordan and Syria, but in Egypt a high proportion of working women are married. Class, income, and marital status influence a woman's employment options tremendously (Moghadam 17). Surprisingly, women's share of labor force is generally lower in high-income Arab countries (Bahrain, Kuwait, Saudi Arabia) ranging between 13%-23% (Chamlou 44). One must question the cultural institutions that emphasize these societal norms within the region. Although Islamic law plays the primary role of creating cultural standards within the Middle East and North Africa, modern media institutions are also responsible for maintaining gender inequality throughout MENA society (Chamlou 8).

### **Women and the Media**

Women's positions within media power structures and media representation of women are persistent concerns in every society, because negative stereotyping and lack of female input both reflect and reinforce wider gender inequalities (Sakr 4). Article 5 of CEDAW instructs States Parties to modify the social and cultural patterns of conduct of men and women, with a goal of achieving the elimination of prejudices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (CEDAW Art. 5). In today's changing cultural landscape, media industries play a pivotal role in organizing the images and discourse through which people make sense of the world (Sakr 4). Governmental policy falls short of adjusting cultural medians. Media outlets hold great potential to aid the equality of women's rights and negotiate changes of gendered spheres or hinder the implementation of CEDAW even further.

The Global Media Monitoring Project conducted a study on February 1, 2000 and found that women were a central focus in 10 per cent of new stories on that day (Sakr 15). In many of these stories they were victims, weight-watchers, or beauty queens. In Turkey, the proportion of stories focusing on women was 3 per cent, none of which contained a female author or interviewee (Sakr 15). This can explain why some view the media as the front line in the battle for women's rights and this illuminates the further need for media-interaction studies. MENA statistics on "employment, airtime and column inches are necessary because quantitative evidence of marginalization indicates that the diversity of women's experience is being obscured" (Sakr 16). A big part in empowering women lies in ensuring that they have the means to express their own opinions through the media (Sakr 17). Thus, ending discrimination includes ending the invisible discrimination of women in the media.

Ruling elites of Arab countries have monopolized the media for decades and hindered the social and economic progress of women extensively. The rise of satellite television altered cross-border communications and freed public debate from censored material (Sakr 31). Suddenly, differing opinions and objectives ranging from governmental policy to women's rights were available to the public. MENA governments, like that of Saudi Arabia, moved quickly to become a member of CEDAW and authenticate their "gender consciousness." The growing influence of the media throughout the region has shaped cultural norms in addition to governmental policy within the international economy. It is no coincidence that CEDAW membership opens up foreign investment opportunities and attracts international businesses as well (Sakr 35). Although media influence has hindered the social and economic development of women in past decades, globalization has expanded opportunities for women's rights and possibilities of women and the media today.

## Conclusion

*Great diversity among females across the socioeconomic spectrum exists in the Middle East and North Africa. There are women in MENA who possess a high education, work within professional capacities, are economic contributors to the household, are socially active within society, are independent and realize their rights within the scope of their nationality and culture. There are also women on the other end of the spectrum in situations that are opposite to those aforementioned, including women who are economically dependent on male family members, have little or no education, lack resources, and access is confined to the private sphere. Still, many more women in MENA fall somewhere in between these two points on the continuum. As with many societies, the status of women in MENA is the culmination of cultural norms and traditional practices, including Arab patriarchy and religious interpretation of Sharia, that have developed over millennia. The gender inequality that has evolved within the social context in MENA has contributed to what many term as a “second class” status. However, the trends presented throughout this report are overwhelmingly to the positive. It is in this context that the concluding statements of this report will be used to identify and touch upon overarching influences on CEDAW within the Middle East and North Africa.*

*Globalization and Modernization have profoundly affected the extent to which CEDAW, and CEDAW’s values, have been saturated and implemented throughout MENA, as well as the entire globe. As modernization continues through “urbanization, industrialization, socio-cultural changes, literacy and communication,” changes in women’s roles and status are constantly occurring (UNESCO 15). More women work, hold positions in public office, pursue education, and become more involved in different outlets that have made them more active and enhanced their role in civil society.*

*As discussed earlier in Women in the Public Sphere and The Role of Family Code and*

*the Private Sphere, increasing amounts of discourse at every level of society, communal, national, regional, and international, has favorably impacted the momentum of women's rights movements. The advances made in information technology and communications, the vast numbers of communities on the world-wide-web, and the global trade of products and values have exponentially supplemented and complemented CEDAW's ability to affect change in a region where static religious law has been politically institutionalized to the, arguably, detrimental affect of women's rights.*

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