

Research Report
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Forum: Human Rights Commission

Issue: Dealing with the abuse of women rights in MENA (Middle Eastern and North African) States

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Introduction

Since December 2010, the Middle Eastern and North African (MENA) states have been subjected to a series of demonstrations and protests, some which led to revolutions. These uprisings, known as the Arab Spring, have brought about more awareness and concern for the struggle of liberty. This struggle, however, is not just about overthrowing dictators; it is also about one's personal freedom, and the abuse of women rights is definitely an issue that is linked to the right of freedom that needs to be overcome.

Improvement in women's rights has been gradual but slow for the MENA countries. Freedomhouse, an organization that analyses women rights in the MENA area, has established a rating system where 1 is the lowest and 5 the highest degree of freedom given to women. Through surveys and field research they have been able to determine that on average, ratings do not go above 3.0, and that women rights have only worsened in 3 places (Iraq, Yemen, Palestine), mostly due to security issues.

The results were organized into five main categories: Non-discrimination and Access to Justice, Autonomy, Security and Freedom of the Person, Economic Rights and Equal Opportunity, Political Rights and Civic Voice, and Social and Cultural Rights. These categories summarize the different aspects of equality (See appendix III).

Giving women the same opportunities as men would not only mean salvation for the millions of women whose rights are at stake, but also greatly ameliorate literacy and educational rates, amongst other aspects. The recent Arab Uprisings are a great opportunity to make this goal a reality. The abuse of women rights is a serious issue that cannot be overlooked any longer.

Definition of Key Terms

Women's Rights

Women's rights is a term that refers to the freedom possessed by women and girls of all ages, which may be suppressed or ignored by laws, religions or traditions in certain societies. Women's rights are sometimes separated from the broader version, human rights, because they are often different than the liberties possessed by men and boys, for reasons such as cultures with histories or traditions that are biased against the utilization of rights by women.

Millennium Development Goals

The Millennium Development Goals (MDGs) are eight goals set out by the UN that should be reached by 2015. They are as follows: (1) Eradicate extreme hunger and poverty, (2) Achieve universal primary education, (3) Promote gender equality and empower women, (4) Reduce child mortality, (5) Improve maternal health, (6) Combat HIV/AIDS, malaria and other diseases, (7) Ensure environmental sustainability, and (8) Develop a global partnership for development.¹

The millennium goals were originally a declaration made by 189 nations in 2000 to free people from extreme poverty and multiple deprivations.

Middle East

The Middle East is an area that unites Europe, Asia and Africa. It is comprised of Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Sudan, Syria, Tunisia, Turkey, United Arab Emirates (UAE), and Yemen. However, there is not a precise definition of what the Middle East is; it is not an exact geographical location like North America, nor is it a political or economical alliance like the European Union. Much debate still exists on the topic.

Northern Africa

North Africa is located between the Suez Canal by the Red Sea in the east and the coast of Morocco in the west. It is the extreme north of Africa and is comprised of Algeria, Egypt, Libya, Morocco, Sudan, Tunisia, and Western Sahara, as defined by the UN. Northern Africa is not the same as North Africa, a region that has never been completely defined but is often referred to as the four countries Morocco, Algeria, Tunisia and Libya.

¹ <http://www.undp.org/content/undp/en/home/mdgoverview.html>

General Overview

While most MENA countries have taken immense leaps towards full modernization, the unequal status of women remains a virtually untouched issue. There are still a great amount of obstacles that women face in their everyday lives that make it impossible for them to obtain equal rights. Below are the key issues that hamper the achievement of equal rights for all in MENA countries.

Culture

The MENA region is a formidable accumulation of culturally rich countries. While these cultures are essential to the identity and welfare of this area and its components, it is also one of the main obstacles in achieving gender equality. Religion and tradition are particularly difficult to combine with equality. In Jordan, an act to increase punishments for 'honour crimes' was strongly opposed to by extremely conservative parliamentarians and locals. They are convinced of the fact that tradition and religion gives them the right to punish or even murder female family members for acts that they are convinced are immoral. Deeply rooted social customs, coupled with biased and conservative interpretations of the Islamic law, Shari'a, continue to confine women to a lesser position.

Gender-based Violence

Gender-based violence is perhaps one of the most serious obstacles in women's everyday lives in MENA countries. While physical abuse is usually prohibited, only two countries (Jordan and Tunisia) in the whole region protect against domestic violence, and no countries prohibit spousal rape. This, combined with a lack of government accountability and a lack of official protection of individual rights inside the home, creates an environment in which women are generally helpless in the case that domestic violence does occur.

Furthermore, very little research has been done on the nature and extent of domestic abuse in the Middle East. However, it is speculated that domestic abuse is widespread and that its existence is normally covered up and held within the family. Women are also reluctant to talk about their situation, as it could damage their reputation or their family's honour. This causes very few women to report domestic abuse to the police. When they do choose to request police protection, most women encounter officers who believe the matter to be private, and who encourage reconciliation rather than legal action. This makes it very difficult for abused women to find a safe haven or to escape from their situations.

The most extreme form of domestic violence is honour killing, an ancient tradition in which a female relative is murdered by a family member for behaviour that is seen as damaging to the family's honour, such as extramarital sex. While honour killings are usually brutal and morally unjust in our eyes, the perpetrators of honour killings serve a very minimal prison sentence due to judicial discretion and laws that prescribe leniency for murders committed in 'the heat of passion'. While a minority of countries

has implemented larger penalties to deal with such crimes, honour killings are on the rise in other countries, such as Palestine and Iraq.

Equality before the Law

Although all countries in the MENA region (beside Saudi Arabia) have clauses in their constitutions that guarantee the equality of all citizens², the fact remains that women are still denied equality before the law. Throughout the region, women face legal forms of discrimination that are systematic and present in almost all aspects of their life. For example, in most countries in the MENA region, women do not have the same citizenship and nationality rights as do men. This has numerous consequences for the choice of a marriage partner. While a man can marry a foreign woman with the assumption that his spouse can become a citizen and receive the associated benefits³, a woman cannot pass on her citizenship to her spouse or her children if she marries a foreign man.

Along with the lack of citizenship rights, women can be legally denied employment, and are discriminated against in labour benefits and pension laws. Women inequality is also very prominent in personal status codes, which put women in a lower position than their husbands and require them to legally obey them. Another example of law inequality is seen in the family codes of most Middle Eastern countries, where a husband is allowed to divorce his wife at any time for any reason, but a wife must have meet very specific conditions or return all the estate that she brought to the marriage in a practice called *khula*.

While improvements in the law are being made, like the amendment of Algeria's personal status code in 2005 to prohibit proxy marriages (marriages in which either the bride or the groom is not present), legal changes need to be made and properly implemented in order for equality to be present in the law.

Mentality

Even if judicial systems were to become very rigorous and all the necessary laws were implemented, the mentality of government authorities and local citizens would still prevent equality from being upheld. Ultimately, it is not the change in judicial system, but change in attitudes, prejudices, and traditionalism of male citizens that would bring the abuse of women's rights to a halt.

2 <http://www.freedomhouse.org/sites/default/files/270.pdf>

3 <http://www.freedomhouse.org/sites/default/files/270.pdf>

Major Parties Involved and Their Views

Saudi Arabia

While all the countries within the MENA region are parties of this issue and have unique views, Saudi Arabia is by far the least developed in terms of women's rights. Saudi Arabia has only just allowed women to vote, and lags significantly behind in the degree of freedom Arabic women have. If Saudi Arabia were to significantly improve national women's rights laws, it would set an example for other countries while also being a large advancement in dealing with the abuse of women's rights.

UN Women

UN Women is the United Nations Entity for Gender Equality and the Empowerment of Women. The UN General Assembly created it in July 2010, and it works primarily on gender equality and the empowerment of women. The third millennium goal is therefore of great importance to this organization. The creation of this organization was done as part of the UN reform agenda, bringing together four previously distinct parts of the UN that worked exclusively on gender equality and the empowerment of women. These are: the Division for the Advancement of Women (DAW), the International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of the Special Advisor on Gender Issues and Advancement of Women (OSAGI), and the United Nations Development Fund for Women (UNIFEM).

Womenwatch

Womenwatch, like UN Women, is a UN affiliated organization and the central gateway to information and resources on the promotion of gender equality and the empowerment of women throughout the United Nations. Any surveys, statistics, charts, etc. will be stored and analyzed by this organization.

Tunisia

While still having a long road ahead of them in terms of women's rights, Tunisian women do enjoy the highest degree of freedom in the MENA district. Perhaps other countries could turn to Tunisia for advice on how to improve their own situations, or analyze their judicial system in order to improve their own.

Timeline of Events

Date	Description of event
1934	Women in Turkey earn full voting rights, making it the first Middle Eastern country to allow women to vote
May 15 th , 1948	Israeli women earn voting rights, making Israel the first of the MENA countries to allow women to vote
December 10 th , 1948	Universal Declaration of human rights is adopted by the UN
November 4 th , 1950	European Convention on the Protection of Human Rights and Freedoms.
1995	World Conference on Women declares "Women's rights are human rights"
April 2008	Morocco nationality law was amended to allow women to pass on citizenship
2008	Jordan enacts the Family Protection Law to combat gender-based violence
2009	Honour killings are reportedly on the rise in the Middle East
December 18 th , 2010	Arab Spring uprisings

UN involvement, Relevant Resolutions, Treaties and Events

The UN is greatly involved in women's rights and combating the abuse of women's rights, especially in MENA countries. The UN has a branch specifically for the empowerment of women, UN Women, which also includes a fund, UNIFEM. Promoting gender equality and empowering women is also the third of eight millennium goals. Below are some important UN-related events that were/will be significant to dealing with the abuse of women's rights:

- Universal Declaration of Human Rights, December 10th 1948
- United Nations Security Council Resolution, October 30th 2000 (1325)
- United Nations Commission on the Status of Women (next commission: 3-4th March 2013)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Possible Solutions

The abuse of women's rights has many different aspects, and can therefore be approached in a variety of different ways. One manner to tackle this issue is through education, especially the more thorough education of women. If more women were to be educated and went to university, women's rights would have a much larger voice, therefore being able to accomplish much more and attract attention from governments and organizations. Education would also have an overall benefit for the

people: it would greatly increase the labour force and thus the economy. Education would also bring down the birth ratio, since it has been proven that education is in direct correlation with the amount of children women have.

Implementing new laws to combat domestic violence or rewriting current ones so that they do not tolerate gender-based violence would also be a viable option. Creating safe havens for women to go to in case of abuse would also definitely improve the situation, as protection from domestic abuse and its consequences remains minimal. Do keep in mind however that a great number of laws that would improve the condition of women are already in place but are not reinforced by authorities due to patriarchal attitudes and biased opinions. When considering this, one could come to believe that the best way to combat the abuse of women's rights is to change the mentality of authorities and citizens. This is not an easy task, however, as media or education can only go so far to change the opinion of the public.

Previous attempts to solve this issue include stricter and new laws. This has not been completely efficient, however, as the attitudes of the people has remained the same. Women's rights organizations have also done a great deal of lobbying in the hopes of improving the situations of women's rights in legal systems.

In conclusion, dealing with the abuse of women's rights is a complex issue. However, gender-based violence is still a huge problem that needs to be dealt with one way or another, women need to be granted equality before the law, and the mentality of the people is what lies in the midst of it all.

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The most useful links have been put in bold.

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Appendices

- I. Freedomhouse's report on Obstacles and Opportunities towards Women's Rights in the Middle East and North Africa:

<http://old.freedomhouse.org/template.cfm?page=384&key=4&parent=1&report=56>

- II. Freedomhouse's 2010 Report on Women's Rights in the Middle East and North Africa:

<http://www.freedomhouse.org/report/women039s-rights-middle-east-and-north-africa/womens-rights-middle-east-and-north-africa-2010>

- III. Freedomhouse's rating of countries according to their survey

<http://www.freedomhouse.org/sites/default/files/269.pdf>

