



**Women as Full Participants
in the Euro-Mediterranean Community of
Democratic States**

A EuroMeSCo Report

APRIL 2006

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Summary

This report was prepared at the behest of the European Commission as a contribution to the Euro-Mediterranean Ministerial meeting on Gender Equality. The core perspective of this Report is that the right of women is a fundamental aspect of the project to create an integrated Euro-Mediterranean region based on democracy, the rule of law and the protection of fundamental human rights as outlined in the Barcelona Declaration and reaffirmed in 2005. The Report outlines the major priorities for the Euro-Mediterranean Partnership (EMP) as regards the rights of women and the participation of women in political reform processes, and makes recommendations on how to ensure that the rights of women become central features of Euro-Mediterranean cooperation, so that women can become full participants in the project of transforming the Partnership into what the EuroMeSCo *Barcelona Plus Report* called a Euro-Mediterranean Community of Democratic States (CDS).

The Report recognises the profound changes that have taken place in the Euro-Mediterranean area over the last few years, the central importance of ongoing processes of political, social and economic reform in the region, and the growing role of women's rights movements in that context. However, it notes that the rights of women have been in effect absent from the EMP and European Neighbourhood Policy (ENP) initiatives over the past ten years. The decision to organise a Euro-Mediterranean ministerial conference on the rights of women constitutes an opportunity to redress this omission, and to put the rights of women at the forefront of the Barcelona Process.

“The rights of women have been in effect absent from the EMP and ENP initiatives over the past ten years”

Contents and Organisation

The report is divided into six parts. The first section examines the rights of women as fundamental human rights, as well as the relationship between the rights of women and their political participation on the one hand, and the issues of cultural relativism on the other; the second section examines the legal status of women and the issue of the rights of women in the judiciary and jurisprudence, and the issues of violence against women and trafficking of women, as key aspects of a future cross-Mediterranean gender policy; the third section looks at various women's movement and the position of Islamist political forces with regard to the rights of women in the region; the fourth section focuses on the participation of women in politics and their presence in political institutions, and the relationship between the fulfilment of women's rights, political reform processes and democratisation; the fifth section examines the rights of women in the EMP, particularly in the light of the new goals established at the 2005 Barcelona Summit and in the context of the ENP; the sixth and final section makes a series of recommendations about how to work towards the full incorporation of women's rights and women in the EMP.

A Note on Terminology

Two notes on terminology: first, there is a long-standing debate on whether the rights of women should be referred to as "women's rights" (which in the eyes of some simply "ghetto-ises" women further and reinforces the image of women as passively vulnerable beings needing "protection") or as "gender equality" (an expression that many deem to eliminate the ambiguity of the first formula, and also to widen the scope of anti-discrimination activities). Without taking a position in the debate, the terms gender equality and women's rights are used interchangeably in this Report, primarily as a literary device to avoid a reiteration of a single term. The attitude underlying the interchangeable use of *both terms* is sympathetic to the view that women should not be treated as passive recipients of male-dominated state largesse and patronage, but rather that they are equally capable and autonomous beings who are active participants in the forging of their own destinies.

Second, there is widespread confusion regarding the use of the terms "Islamist" and "Islamic." In this report, the term "Islamist" is used to refer to all political parties, groups and movements that are based on references to Islam, and what is normally referred to in the literature as "Islamic feminism" is referred to here as Islamist women's organisations (although there is obviously a difference between women who are members of Islamist movements and parties, those who are "Islamist women" but are

not, and those who are members of both the “Islamic feminist” movement and broader Islamists political groupings).

Main Findings

Recognising Indivisibility and Interdependence

Although the partner states of the EMP have at least theoretically or nominally recognised the indivisibility and interdependence of civil, political, social and economic rights at the international multilateral level, most notably in the context of the 1993 United Nations (UN) Conference on Human Rights in Vienna, they have yet to act according to this integrated view. To date, they have adopted a one-dimensional focus on the role of women in economic development processes, reflecting the view that predominated over a decade, namely that the first aim of the Partnership was development, which would then create the conditions for stability and, in the long run, perhaps even democracy.

As pointed out in the EuroMeSCo *Barcelona Plus* Report, however, this sequential and linear perspective was mistaken: because of the indivisibility and interdependence of social and economic rights on the one hand, and civil and political rights on the other, economic development policies cannot come to full fruition without parallel policies to ensure political participation and justice. As the EMP experience has demonstrated such policies are currently not inclusive, either in terms of democracy or of full respect for the rights of women. Some examples suffice to illustrate the point: discriminatory inheritance laws (civil rights) have a serious impact on the ability of women to participate in economic life (economic rights); women being registered as voters on the Family Card under the name of their husband or father (civil rights) limits their effective ability to enjoy their legal right to vote as autonomous individuals (political rights); and restrictions on the mobility of women (civil rights) has an impact on their access to health and reproductive care and education (social rights).

“EMP states have adopted a one-dimensional focus on the role of women in economic development processes”

The EMP states have thus failed to recognise that the full realisation of socio-economic rights is not separable from the achievement of civil and political rights and that the pursuit of a framework for the realisation of all fundamental human rights calls for policies that recognise the indivisibility and interdependence of rights. Further, they have failed to recognise that women’s rights must be addressed as an integral part of both political *and* socio-economic transformation. Piecemeal perspectives and a non-holistic view of the various aspects of the rights of women – civil, political,

social and economic – the Partnership cannot properly promote the rights of women and their full participation in processes of political reform and transformation. In other words, only a commitment to pluralism and participatory democracy can ultimately ensure full respect for the right of women.

This Report emphasises that the challenge of recognising interdependence and indivisibility of human rights and of the rights of women in particular, is equally relevant in the northern and southern partner states: while the north has largely overcome the barriers posed by legal discrimination, *de facto* gender equality is still far from being achieved and while levels of discrimination and exclusion are not as aggravated as in the south, they are still also very much a part of the experience of women in Europe.

“...only a commitment to pluralism and participatory democracy can ultimately ensure full respect for the rights of women”

Affirming the need for Equality and Difference

The EMP partner states must address the rights of women in a two-dimensional way. On the one hand, they should be seen as an integral part of the wider gamut of fundamental human rights, and as part of the broader struggle for *equality* and non-discrimination that are central normative values to which all UN member states are committed. On the other hand, they should be seen as rights that are specific to the needs of women and are therefore part of the broader movement to ensure that *difference* is taken into account in the context of the progress towards the establishment of pluralistic democratic statehood.

The claim of difference, however, cannot be used as a justification for inequality or for a form of two-tiered citizenship: as human beings, women are entitled to the same rights as men, to equal *de facto* treatment in all spheres of social life; and because they are women, they require additional rights provisions – maternity and reproductive health rights for instance – to ensure that such equality is possible. In this context, the mismatch between public political or labour rights on the one hand, and private or family-related rights on the other, must be overcome.

The claim of difference also stems from a different historical experience from that of men, from the longevity of structurally embedded gender discrimination, which has resulted in making women especially vulnerable to specific forms of gender violence. The scourges of trafficking in women, for example, and other forms of violence that target women are problems both in the north and south.

Indeed, in the case of trafficking, gender violence is a cross-border problem that partner states must address.

Rejecting Cultural Relativism

While originally conceived by some as an alternative to ethnocentricity and to combat western cultural dominance and context-insensitivity, cultural or normative relativism has become a conservative force. In the south, it is used to justify laws and practises that violate fundamental rights, and in the north it has become a means to turn a blind eye to discrimination not only against women in the south but also against women in the European Union (EU), particularly women living in migrant communities. Cultural relativism has blinded a number of policy-makers to the fact that certain values are indeed universal, as evidenced in the fact that most northern and southern women's groups, including Islamist women's organisations or feminists, mobilise around the core values and norms inscribed in the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Static, a-historical and context-insensitive culturalist views are of no assistance in understanding the dynamics of political and socio-economic developments or the immense variability of *de jure* and *de facto* realities on the ground across the region. Just as culturalist views about the inadaptability of Iberian countries to democratic government proved wrong in the 1970s, similar interpretations of the prevailing culture in the south will prove erroneous. Culture is a permeable, changeable and flexible entity, the present configuration of which cannot be "essentialised" in the sense that it is immutable. Any policy that fails to understand this will not only limit the potential of civil society activism north and south, but also the capacity of government and civil societies north and south to combat extremism of all stripes.

"...cultural relativism has blinded a number of policy-makers to the fact that certain values are indeed universal"

Patriarchy and Embedded Socio-Cultural Discrimination

EMP partner states must recognise that the legal status of women is only a part of a wider socio-cultural structure of discrimination that works to varying degrees and in different ways both in the north and south. Moreover, it is important that the partner states recognise that this structure is primarily a consequence of the predominance of patriarchal values that imposes itself to both the legal and religious and political spheres, and part of a broader, historically and culturally constructed structure of

discrimination. This is the case in the south, and also in the southern European countries. This suggests the need to focus energies on education policies that highlight the need for the active participation of women in society and in political life, and to the need for policies that can contribute to change the attitudes of key actors, notably political parties, government institutions, judiciaries and police and military forces.

“the status of women is [...] a function of the predominance of patriarchal values that imposes itself to both the legal and religious and political spheres, and part of a broader, historically and culturally constructed structure of discrimination”

Recognising *de Jure* and *de Facto* Variability

The legal and *de facto* experiences of women in the Euro-Mediterranean area are characterised as much by commonality as they are by an immense variability. Women rights and participation differ *between* northern and southern partner states, but they differ also *within* the north and the south. Any policies to address gender equality and the participation of women in society and politics must take this into account. Context-insensitivity and classic north-south dichotomies do not provide an adequate policy-making perspective.

“Women rights and participation differ *between* northern and southern partner states, but they differ also *within* the north and the south”

The paradoxical role of the islamist movement

When examining the *de facto* rights of women and their political participation it is crucial to distinguish between Islam on the one hand, and Islamism or political Islam on the other, as well as taking into account the *diversity* of Islamism and its various interpretations about the rights of women, in much the same way that one must distinguish between the attitudes towards women among the various existing conservative political currents in Europe. More specifically, it is important to understand the different positions of different groups with regard to the public political rights of women, and their private rights, particularly within the context of the family. In fact, most movements are an important force in the defence of the political rights of women and their participation in the public space. Some of them,

however, espouse conservative views, particularly with regard to women's private and family rights in accordance with a conservative interpretation of *shari'a*.

This duality or paradox is being actively debated within the various societies where such movements are relevant. To move from political reform and liberalisation toward full participatory democracy that includes women as full social and political actors, it is necessary to involve islamist political parties and women rights organisations in the process of reform in order to design policies that successfully encourage political reform and gender rights. At the same time is necessary to fight against the conservative patriarchal views of some Islamist groups.

Summary of Main Recommendations

A **Women's Rights Council** should be established by the Euro-Mediterranean Ministerial Meeting on Women in November 2006. This will propose the mainstreaming of rights-promotion policies which are to be adopted in the legal, political, educational and socio-economic realms by 2008. It should further make periodic assessments of non-governmental thematic cooperation. Euro-Mediterranean ministers should establish relevant benchmarks and time-frames for the achievement of women's rights-specific and defined goals, and monitor progress in accordance with the recently adopted governance facility and the Action Plans that need to be amended accordingly. At the same time the EMP should, amongst other initiatives, create **a Euro-Med gender-disaggregated knowledge base** strengthening national capacities to collect gender disaggregated or gender specific data; agree on a ***scheduled commitment to the CEDAW and UN Human Rights Conventions with stronger regional and national monitoring mechanisms***; promote ***judicial and law enforcement dialogue and cooperation***; and establish a ***Woman of the Year Prize*** to be awarded annually to the Southern or Northern organisation or individual deemed to have made the greatest contribution to promoting the rights of women.

I. Women's Rights as Fundamental Rights

Women have rights as human beings, and as gender specific beings. In other words, they have a right to have all the fundamental human rights laid out in all the major human rights conventions that apply de facto to men; and they also have a right to special rights due to their being women. Put in another way, they have a right to *equality*, but they also have rights based on *difference*. In fact, the rights of women are two sides of the same coin: they are an integral part of the fundamental human rights of all human beings, and they are about safeguarding the specific needs of women. This has been recognised in international human rights law, and through the focus on gender mainstreaming (GM) by the UN as well as the EU. Although it is widely recognised in theory that women have rights as human beings and as women, there is a major challenge to the notion of universal women's rights that reflects the wider debate about the universality of human rights. If one examines some basic data on the situation of women today, it is clear that despite the achievements of the past century, women still suffer very disproportionately from the burdens of poverty and discrimination.

“Women have have a right to *equality*, but they also have rights based on *difference*”

Legal Status

As a rule, women's legal status in the northern partner states of the EMP complies with international human rights law. However, the legal status of women in many southern partner states remains exceptionally discriminatory when compared with other regions in the world. Although women have nearly universally recognised public rights, their private or social rights are very limited as a result of family laws or personal status codes (PSL) that confer upon women the status of dependent and minor with respect to marriage, divorce, child custody, the right of work, travel and inheritance, as they subordinate women to male guardianship or authority. Male heads of family can demand obedience within marriage in exchange for providing for the family, dissolve marriages, and they act as the primary intermediary between women and the state. Women are still seen predominantly in their role as reproducers and men as providers, and the protection of family continues to take precedence over the protection of individual rights. Marriage is seen more as a mechanism for reproduction, the reinforcement of family ties, the preservation of (male) property through inheritance, and a conservatively defined preservation of the “interests of the community” than as a way to fulfil individual

desires. Indeed, in some cases law legalises and institutionalises gender violence in the context of marriage and family life. Invariably, husbands cannot be accused of legally raping or physically abusing their wives since they retain a right over their wives' bodies upon marriage, and "light beating" when the wife is "disobedient". Hence, some state signatories of the CEDAW do not apply the latter fully.

Particularly relevant in cross-Partnership terms, are the issues of marriage, nationality, parental authority, and freedom of movement. Generally, southern women cannot pass on their nationalities to their children if their husbands are foreigners, although foreign wives may obtain the nationality of their southern husbands. In many countries women are not allowed to travel alone without the consent of the male guardian, and married women often cannot travel abroad with their minor children without their husband's approval or accompaniment. Thus, many foreign women residing in these countries are deprived of full freedom of movement; and southern women living in the northern countries may be submitted to these rules informally and equally deprived of their right to freedom of movement. Mixed marriages face many problems: in Lebanon, for instance, Muslims and Christians cannot inherit from each other. Ensuring that women in mixed marriages between citizens of the north and south do not face discrimination, including the question of parental authority, must be a priority of the EMP partner states, particularly as increasing ties between the two regions and the process of establishing a Euro-Mediterranean Community of Democratic States will naturally lead to an increase in the incidence of mixed marriages .

There have been various legal reforms, and there has been a steady albeit very slow process of absorption and participation in the international, multilateral norm-building process. However, for the most part legal reforms have been limited where the private and family status of women is concerned, uneven from country to country, selective in their impact on women (tending to benefit mostly elite and urban women), and uneven in their application by judiciaries given a tendency towards a patriarchal jurisprudential approach in the southern partner countries.

Some Southern state governments have argued that gender equality is a concept forced on the region by the West, which is unsuited to local traditions or values. So, while government institutions have been created to promote gender equality, such as high councils for women or for women and the family, and the Arab Women's Organisation (AWO) (established in 2002 to coordinate the activities of all the national institutions), the argument that change must come from within (which is otherwise correct), has been used to justify the undermining and the violation of the rights of women.

The northern countries also face legal challenges, particularly where the rights to full participation in employment opportunities are concerned, given often limited maternity provisions for women, and the lack of paternity leave provisions for men. And even when legal discrimination is no longer an issue, *de facto* discrimination remains in place, as apparent in wage differentials between men and women in most northern countries. However, it is in the south that the legal problems are most acute. The fact that discriminatory laws still exist is a sign of underlying social, economic and political discrimination, as well as patriarchal domination, the latter of which can only be fully overcome through the rule of law. (See Table 2 for more details on PSL and family law).

“The fact that discriminatory laws still exist is a sign of underlying social, economic and political discrimination and patriarchal domination”

Socio-Economic Status and Education

Although the focus of this Report is on political rights and participation, it should be noted that in the light of the interdependence and indivisibility of rights, the lack of progress in female employment and labour conditions will affect the capacity of women to attain gender equality in the civil and political spheres. The socio-economic status of women has improved in the southern countries, and female economic activity in the formal sector has increased over the past decade. Yet, women's unemployment, levels of non-wage work, participation in precarious informal labour and in jobs with low advancement potential, and limitations on access to social welfare, are much higher than for men. The Arab southern Mediterranean countries have made significant progress in closing the gender gap in education (primary and secondary enrolment for girls has increased substantially, the gender gap has been eliminated in the higher-income countries, and in some instances there are more girls in secondary-and tertiary-level education than boys) and in lowering fertility rates. But unlike other regions where this has happened, these improvements have not translated into a significant improvement of the situation of women on the labour market. Further, although a sexual division of labour exists in *all* the partner countries of the EMP, it is particularly resilient in the Arab south.

“...in the light of the interdependence and indivisibility of rights, the lack of progress in female employment and labour conditions will affect the capacity of women to attain gender equality in the civil and political spheres”

Further, despite undoubted advances, women still suffer from educational discrimination: secondary school completion rates are still much lower for girls than for boys, and women account for a third to two-thirds of adult illiterates, with significant differences between men and women. Economic wealth and high education standards are not a *prerequisite* for political participation, but poverty, social exclusion and illiteracy are clearly impediments to full political participation. It should be noted, moreover, that while there is a growing gap between an increasingly autonomous and self-sufficient class of women with a high level of education, and a mass of impoverished women who lack the most basic literacy tools. This suggests that any policy to promote political participation through education involves a differentiated rather than a one-size fits all education and information technology policy. In fact, a policy that targets educated women and addresses the specific challenges they face when attempting to exercise political power, and another that targets poor, illiterate women and meets their specific needs (see Tables 6 and 7 in the annex for more details).

“Education is not a prerequisite for political participation at the most basic level, but is clearly one of the key obstacles to the full participation of women”

Political Representation and Participation

As a rule, – albeit with failings in the south – the Constitutions of the partner countries guarantee equal political rights for both sexes in principle. Steps have been taken to redress this imbalance with parliamentary affirmative action or quota systems (as in Jordan and Morocco and in most northern countries), although such actions do not alone resolve the problem of discrimination. Indeed, women’s participation and representation remains very low both in the private and public spheres north and south. It is low in the northern partner states (an average of 16.8 percent for both the lower and upper legislative chambers in the countries of the Organisation for Economic Cooperation and Development (OECD)) with the exception of the Nordic countries (with a 40 percent average for both chambers, according to the Inter-Parliamentary Union, IPU); and is particularly low (among the lowest in the world) in the southern partner states with an average of 6 percent (although the number of countries with female parliamentarians increased from 3 in 1987 to 11 in 2003). Although there are women in the rank-and-file and even in the leadership cadres of political parties in some countries (such as Algeria, Morocco and Tunisia), in no country have they reached a “critical mass.” In Egypt, to give one example, in 2004, only 2.4 percent of the Parliament, 6 percent of the Shura Council, and 1.2 percent of elected members of local councils was female. It is worth noting that there is not much of a

difference between some northern and southern states: the percentage of women in parliament in Morocco is 10.8 percent, compared with 11.5 percent in Italy and 12.2 percent in France; and Tunisia has 22.8 percent, in 36th place worldwide, well ahead of various EU states.

As regards the executive, the trend is positive and various policies have been adopted to promote greater representation and participation of women. There are now women in government at ministerial levels in Algeria, Egypt, Jordan, Libya, Morocco, Syria and Tunisia, as well as in various northern countries. However, representation in cabinet positions remains minimal both north and south. In the EU, although women make up 52 percent of the population, only in Sweden do they take up 50 percent of government posts (the EU average in 2001 was 24.8 percent). Further, appointments are mostly to social or cultural affairs and hardly ever any of the core ministries, particularly in the south. Finally, although some parties in some countries (Algeria, Israel, Morocco and Tunisia, and various northern countries) have instituted quotas to ensure the participation of women as electoral candidates, women experience significantly greater difficulties in participating in elections and the number of female representatives in established political parties is generally quite low ([see Table 1 in the annex for more details](#)).

In contrast with the north, the debate about the merits of positive discrimination and quotas or other instruments to promote higher levels of representation and participation by women in the various state institutions and political parties has yet to reach a critical mass in the south. However, it is clear that with the exception of the Nordic countries, partner states north and south suffer from severe failings in gender equality in this sphere. This, then, is a truly cross-Mediterranean policy area, and the debate on how to encourage greater levels of female participation in political life and institutions should not be dealt with from the classic north-south perspective.

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Stereotyping and Patriarchal Bias

The issue of the right of women and Islam has become a topic of particular interest for Europeans, as witnessed by the various debates in the media on the subject. Generally, the focus is in the most extreme cases on incompatibility, and the underlying view that all Islamic societies are essentially the same. In fact, these stereotypes of sorts are not related to Islam as such but to prevailing patriarchal “

values". Thus, while the impression is that the experiences of Muslim and Arab women is familiar, there is a "veil of ignorance" that blinds Europeans to the diversity and changing situation of women in the very different countries of the region. Undoubtedly – and as was overwhelmingly the case in Europe in the past and still is to a much lesser degree today – these societies are shaped by a very powerful patriarchal model. In the majority of southern states, a key instrument of patriarchy has been the law, notably personal status or family laws, which to a greater or lesser degree depending on the country, ensures male authority over women.

The rights of women are limited by pervasive, historically constructed cultural attitudes and practices. Law and *de facto* discrimination is a product of pervasive gender stereotyping that is found to varying degrees in the whole Euro-Mediterranean area. Thus, even when women do reach positions of power, they are often unable to exercise that power fully given the limitations imposed by informal, patriarchal networks of influence that discriminate against women and exclude them from *de facto* sites of power. It should be noted that this reality may be more aggravated in the south, but it is also true for the northern countries, particularly in the southern states of the EU, as a result of specific, historically constituted patterns of male domination.

But social changes resulting from socio-economic transformation, the emergence of women in the public sphere and feminist activism, are challenging the patriarchal order and gradually altering traditional relations between men and women. Europeans must therefore abandon stereotyped, static and religion-based views, and take into account the significant processes of social change that are reshaping these patriarchal societies. Only this can produce a clearer understanding of the reality of women in the southern partner states.

"...there is a "veil of ignorance" that blinds Europeans to the diversity and changing situation of women [...]; social changes resulting from socio-economic transformation, the emergence of women in the public sphere and feminist activism, are challenging the patriarchal order and gradually altering traditional relations between men and women"

The Claims of Cultural Relativism

The rights of women have become a central feature of the debate about the compatibility between Islam and democracy or universal human rights, and of how to reconcile current interpretations of

Shari'a with human rights standards for women and non-Muslims. The greatest challenge to the claim of universality of rights has come from the cultural relativists, and those that have made political use of their arguments. The relativist position is essentially that moral values – including those that posit the universality of rights – are culturally and historically grounded, and human rights are a Western construct and not transferable from one culture to another without violating the cultural identity or integrity of non-Western countries.

This is reflected in a position, variously known as *Orientalist* or *Culturalist*, which posits that Islam is intrinsically inimical to democracy, human rights and the rights of women in particular. This essentialist and a-historical and context-insensitive analysis is mirrored in the diagnoses made by Southern culturalists who also view secularism as a Western or Christian value that is alien to Islamic societies. The relativist debate has also become particularly pertinent in light of the rise of political Islam, or of the Islamic revival.

Clearly, such views cannot account for the social, political, economic, legal and normative variability within and among the countries of the Southern Mediterranean, or for the fact that such societies are not static but have changed, and continue to change. Nor can they explain the fact that many of the elements they define as Islamic are in fact present in non-Islamic societies (they cannot claim exclusive domain over patriarchy and discrimination). Further, as Islamist women's organisations or feminists and other reformists have noted, it is not Islam *per se* that is incompatible with women's rights, but the selective and abusive interpretation of core texts and laws by patriarchal authorities. The stronger relativist position fails to take into account that culture is neither monolithic nor static, and that some of the fiercest critics of repressive Islamic laws are Muslims.

One of the most pernicious effects of this perspective has been to silence criticism of oppression and to blind many people in Northern partner states to the diversity of situations in the south, to the strength and diversity of women's movements, and to disregard the fact that the values of liberty and equality, are important values for women and men in these societies as well. For instance, one of the reasons given for the lack of initiative by the EMP to address the rights of women has been the argument that the issue is a cultural or religious one and therefore an "internal affair." This position is in contradiction with the values of the Barcelona Declaration but also with the Beijing Platform of Action (1995), the Millennium Development Goals (MDG), the 2001 European Consensus (in which one of the five key principles of the development policy is the rights of women), the 2001 Programme of Action for the Mainstreaming of Gender Equality in development cooperation, the 2006 Communication on A

European Vision on Gender Equality in Development Cooperation, and the highly ambitious March 2006 Commission Roadmap for Equality between Men and Women: 2006-2010, which also includes a commitment to promoting greater gender equality in external and development policies.

Further, it is a position that negates the fact that, as various polls indicate, for a great part of southern women and men, their values and beliefs are similar to those held by Europeans, Latin American and American men and women. The ongoing confrontations about how “Islamic value’s affect the rights of women and their political participation among both women rights organisations and those opposed to an expansion of the rights of women, and the diversity of responses to the contents of the Beijing Platform of Action, shows that this is a social and cultural tradition that is undergoing change and transformation rather than a static reality.

This is as true for the southern states as it is in the north. In both there are two contradictory tendencies at play: on the one hand, there has been a firm embedment of the rights of women in discourse and policy; on the other hand, there has been a backlash, with the growing force of relativist arguments against universal women’s rights.

“One of the most pernicious effects of [the culturalist view] has been to silence criticism of oppression and to blind many people in Northern partner states to the diversity of situations in the south, to the strength and diversity of women's movements, and to disregard the fact that the values of liberty and equality are important for women and men in southern societies as well”

II. Law, Judiciaries and the Rights of Women

Legal Rights: Duality and Paradox

Women suffer from pronounced legal discrimination in southern Mediterranean countries. One of the most pressing problems for the fulfilment of women's rights, particularly as a result of the application, to a greater or lesser extent, of personal status laws (PSL), and subordination to traditional Islamic jurisprudence (*fiqh*). In the case of Egypt for example, there is the added problem of the practise of female genital mutilation (FGM). The Penal Code makes no provisions to prohibit the practice, but it does prohibit "wounding" and "intentional infliction of harm leading to death", and various doctors and midwives have been prosecuted for the practice – albeit only in cases leading to death. There is also a ministerial decree prohibiting FGM, and in 1997, the Court of Cassation upheld a government ban on the practice.

“Women suffer from pronounced legal discrimination in the southern Mediterranean countries”

This relationship with tradition has resulted in a notable contradiction between the private and public rights of women or in a paradoxical legal status for women. On the one hand, over the last decade in particular, southern Mediterranean countries have made more or less wide-ranging legal reforms on the status of women. Family law is undergoing change, as exemplified by the attempt by the Council of Arab Ministers of Justice to adopt a unified Arab Family Law (the Kuwait Document) to ensure the rights of men and women within the family. Further, states have participated in the development of international human rights and women's rights law, initially with caution and mostly as observers, but latterly more pro-actively, and they have signed and ratified a majority of the human rights instruments. The Third International Conference on Women's Rights in Nairobi signalled the shift to a more interventionist and participatory position, and governments and civil society organisations participated actively in the 1995 Fourth International Conference on Women in Beijing, organising various mixed national committees to prepare comprehensive reports on the status of women in each country (later integrated into a single regional document), and trying to coordinate national efforts to participate in the Conference. The ratification of the CEDAW and the need for state parties to submit regular reports has led various countries to revise discriminatory laws (see Table 3 for details of ratification, and Table 4 for details about reservations to CEDAW).

Morocco provides a particularly encouraging example of reform. Over the past ten years, it has undertaken various political reforms, in which reforms in the domain of women's rights have been recognised as an important part of that process. Changes in labour, family and penal law were implemented in 2003, largely as a result of the activism of women's groups in the 1980s. This civil society movement generated a debate about women in Moroccan society and paved the way for the political debate that engendered legal reform. New provisions recognise the principle of equality between men and women, allow women greater marriage and divorce rights, and criminalise sexual harassment and conjugal violence. Although these are undoubtedly important measures, they will remain weaker conduits for change without social and economic change, and a shift in dominant patriarchal views and practises. Further, in Morocco, as elsewhere in the Euro-Mediterranean area, civil society must be given a greater stake in the reform process and governments must show greater political will to deepen legal reforms with substantive social, economic and political policies.

The duality of status is clearer in the case of Egypt: on the one hand, there have been changes, as witnessed by Ashgan Albukhari nominating herself for the presidency and stressing the right of women to assume leadership of states, government institutions and ministries; Egyptian women now have custody over their children until the latter are 15 years old, and women have assumed leadership at the local level, with some women assuming the role of *Umda* in some villages. On the other hand, however, PSL in Egypt still discriminate against women particularly as regards their divorce rights, and despite the reforms made to divorce laws in 2004, the *khula* laws do not provide equality of rights for men and women when divorcing. Women can only initiate a "no fault" divorce which requires them to relinquish all claims of alimony, making female-initiated divorce an impossible option for most women.

In this context, the application of international law invariably comes into conflict with unreformed family law provisions. Further, the jurisprudential absorption of international human rights law remains uneven, not only because of the differing attitudes of judges but also as a result of varying degrees of incorporation of international law into domestic legislation due to differing constitutional provisions on the matter. What is more, reforms have often been very superficial and failed to produce a real change in women's role in society (with notable exceptions, such as the *moudawana* in Morocco). Indeed, in some instances they have even resulted in a reinforcement of a conservative approach towards the rights of women. Finally, it should be noted that there is a gap between law and practise, as written codes and rules are often not applied. This suggests that a key effort should be made to educate

women about their rights and how to resort to the courts to ensure that existing codes and laws are complied with.

This dual and discriminatory legal status fails to reflect social trends. Women have gained power and increased their range of activities as civil societies have become more active and autonomous, and female populations have become more educated, gained increasing economic autonomy, become more political aware and forged ties with transnational women's activist networks. But their paradoxical legal status blocks the development of their role in society.

It is important to note that many social practices are not Islamic *per se*, and although they may be championed by some Islamist movements, they are based on traditional customs and rituals and they are also practised by non-Muslims. Indeed, women's rights defenders are often more hostile towards traditional practises or customary law rulings than they are towards Islamic law *per se*. Some secular laws are also patriarchal and discriminatory. Nationality codes, for instance, violate international nationality law norms, as children of women married to foreigners cannot adopt their mother's nationality (and are therefore not eligible for welfare benefits), nor can foreign husbands gain their wives' nationality. In some countries, women must have the permission of their husbands to obtain a passport or to travel outside the country. And welfare codes invariably establish men as the conduit for the reception of benefits, ensuring that women remain dependent in this sphere as well. However, the fact remains that PSL and family law constitute the most aggravated form of legal discrimination.

It is equally important to note that these laws and their application varies widely from country to country, depending on the dominant school of jurisprudence (*madhahib*), the degree to which *shari'a* has been modernised and perhaps most importantly, the degree to which traditional legal practises have been "penetrated" by more modern, secular ones. In some instances, public rights are guaranteed but private rights are governed by *shari'a* based PSL (as in Egypt), in others family laws are quite progressive (as in Tunisia, where the Family Law is unusually progressive, banning polygamy, extra-judicial divorce and enshrining equal rights within the family, and more recently in Morocco following a 2004 reform). This variability is reflected in the variety of constitutional arrangements: some constitutions conjoin state and religion, some separate one domain from the other, and other intermediary constitutional arrangements declare Islam the "official" or "state" religion, but also enshrine the values of pluralism. The place of *shari'a* in constitutional law continues to be a source of political conflict, and women's groups have come into conflict with Islamists over the issue, sometimes resorting to the courts to strike down discriminatory articles.

Finally, it is important to recognise that progress in the rights of women does not mean being opposed to Islamism *tout court*. If modernisation and equality are not legitimated by reference to political Islam, it will be hard to gain support for reform from a crucial number of social groups. That is why Islamists must be included in the *debate* about the rights of women, and why the latter issue must be presented as a fundamental element of democratic reform.

Courts, Jurisprudence and Feminisation

Women face discrimination within the formal court system, given the nature of the laws applied and because of the patriarchal jurisprudential traditions. Women are the group that most regularly resort to the courts to resolve family or private status issues. They do so because while men are often permitted to end marriage by repudiation and without justification, extra-judicial means to terminate marriage are not equally available to or favourable for women. However, while court intervention is often the only avenue for the settlement of disputes, court rulings are often very onerous for women (for instance, in many countries women lose all their maintenance and child support rights if they go to a divorce court). Overwhelmingly, courts do not take the issue of spousal abuse seriously. Penal codes usually prioritise the physical and moral honour of men over that of women. Extenuating circumstances are attributed to cases of spousal abuse, including murder, of allegedly adulterous wives. In several countries, crimes of honour are treated with great laxity by the courts. Women are often not permitted to bring independent legal action against abusive husbands without prior court authorisation.

Many legal conflicts are settled extra-judicially through traditional authorities and bodies. One of the reasons why this happens is that access to the state system is limited by corruption, huge backlogs, complex and tortuous bureaucratic requirements, prolonged hearings and the uneven implementation of verdicts, the cost of legal representation (there is no formal pro-bono representation) and by widespread illiteracy. Women are also discriminated against in the context of extra-judicial settlements.

Women in the Judiciary

One positive, albeit slow moving, trend is the incorporation of women into the legal profession. Female judges constitute less than 15 percent of all judges in the Arab world. Although the situation varies greatly, with Algeria and Morocco at one end of the spectrum with 50 percent female judges, and Egypt with no women in the lower court system and only allowing women judges after 2003 (when the first woman was appointed to the Supreme Constitutional Court). The figure for Tunisia is 22.5 percent, for

Syria 11 percent, for Lebanon 5 percent, and in Jordan it is 14 percent. Again, in jurisprudence, diversity predominates, depending on the socio-historical context and the nature of political struggles underway in each country. The key problems in the relationship between women and the judiciary is the existence of discriminatory laws *and* the male-oriented bias of court jurisprudence, although more research is necessary to understand how courts rule in different countries and in different conflict arenas (see Table 1 for more details).

“If modernisation and equality are not legitimated by reference to political islam, it will be hard to gain the support for reform from a crucial number of social groups”

Violence Against Women and Law Enforcement

Gender-based violence (GBV) has been called "the most pervasive yet least recognized human rights abuse in the world," and includes human rights violations such as the sexual abuse of children, rape, domestic violence, sexual assault and harassment, trafficking of women and girls and harmful traditional practises like FMG, usually resulting in psychological harm, often physical damage, and sometimes even death. The most common form of GBV is domestic violence. As noted by the UN Children's Fund (UNICEF) in 2000, in the first attempt at a global report on the issue "no country or region is exempt from domestic abuse." It is only very recently that domestic violence has begun to be considered a crime, and the perpetuation of gender-based violence is still largely sustained by a culture of shame, silence and denial.

New research undertaken from the 1990s onwards has begun to reveal the endemic nature of GBV. It is estimated that as many as one in three women has been beaten, coerced into sex, or abused in another way, usually by someone she knows, world wide. According to the World Health Organisation (WHO), which carried out the broadest and most substantive global report on gender violence in 2005, a pre-1999 35-country study estimated that 10-69 percent of women reported being physically abused by an intimate partner at least once in their lives, 10-47 percent reported they had experienced sexual assault by an intimate partner in their lifetime, 10-27 percent of women and girls reported having been sexually abused, either as children or adults, and between 7 and 48 percent of girls and young women aged 10-24 years reported their first sexual encounter as having been coerced. Indeed, it is calculated that worldwide, domestic violence is the major cause of death and invalidity (ahead of cancer, road accidents and war) for women between the ages 16 and 44.

“Gender based violence has been called "the most pervasive yet least recognized human rights abuse in the world"

In the EU, between 20-50 percent of women of all classes and ages are victims of domestic violence, at least 1 in 5 women experiences violence by her intimate male partner or is subjected to sexual assault at some stage in her life. Indeed, 95 percent of all acts of violence against women in the EU occur within the home, 98 percent of the assailants are male, and 50 percent are married men or living in a *de facto* marriage or as a couple. Death is sometimes the result of gender violence: in France, 6 women die every month as a result of domestic violence; in the UK, 2 women die every week as a result of attacks by their partners or former partners; and in Finland, an average of 27 women is killed every year for that reason. Immigrant women from the southern Mediterranean in the EU are vulnerable in an additional and very specific way. There are reports of an increasing number of women being abducted to their “home countries” to be “re-educated by their local families, or forced into arranged marriages, often because their male family members feel they have become too westernized or emancipated, or because they initiated a relationship with a non-Muslim man.

“Immigrant women from the southern Mediterranean in the EU are vulnerable in an additional and very specific way”

There are no statistics about gender violence in the Southern Mediterranean countries, but it must be assumed that violence is as endemic as it is in the EU. Most of the southern countries do not have legislation on violence against women – indeed, such legislation does not exist in all the northern countries either and is only beginning to be tackled – and attitudes to gender violence are extremely conservative. Law enforcement officials invariably fail to respond to complaints of domestic violence adequately. Like judges, they continue to perceive domestic violence against women as a private matter, and often as deserved by the woman concerned. Violence against women is also aggravated by the continued practise of honour killing.

“Violence against women is also aggravated by the continued practise of honour killing”

Some countries have begun to take a more proactive stance on the issue. Morocco is a good example in this regard. In 2005, the government launched the first toll-free number to provide legal advice and

support for women and girl victims of violence. That year, the State Secretariat for the Family, Children and the Disabled organised the first Mediterranean Forum on Violence against Women in Rabat. The result of that meeting was the Rabat Declaration on Violence against Women and Young Girls-GBV, which proposed the establishment of a Mediterranean network on Gender Based Violence to exchange information on good practices, and launched a strategic Plan of Action on GBV. More recently, in March 2006, the Ministry of Social Development, Family, and Solidarity, announced the creation of a national observatory for fighting violence against women.

One key measure that has proved successful elsewhere is the institution of women's police stations. In Brazil, for instance, more than 300 women's police stations have opened since the mid-1980s, and at least 10 countries in Latin America and Asia (including India, Iran, and Afghanistan) have adopted a similar system to ensure that charges of domestic violence, threats, sexual assault, child abuse and other crimes that are historically grossly underreported are registered and investigated. In other countries measures have been adopted to reform police procedures to deal with gender crimes, such as separate rooms at police stations or victim support units with specialised staff. Again, Morocco has led the way, with the Directory of the Judicial Police establishing a "gender focal point" and a new entity to combat family or spousal violence headed by a police superintendent, and units for victims of gender violence have been established in two hospitals, with registers to record the crimes. The development of safe-houses for abused women is another essential complementary measure. Egypt has been a pioneer in this regard, opening the first NGO-run centre in Cairo in February 2006, however, grave violations continue, as witnessed by events in the El Areesh and Sarandow villages in the Damanhour area.

"Some countries have begun to take a more proactive stance on the issue of gender-based violence. Morocco and Egypt are developing good practice in this regard"

Gender-based violence affects the Euro-Mediterranean area as a whole, and EMP member states should address it as a shared problem that can be tackled not by a classic north-south perspective but with a cross-regional thematic focus.

Trafficking in Women

Another key key problem for countries on both sides of the Mediterranean is trafficking in women. The movement of people and migration across the Mediterranean basin has a long history and has been

called the Rio Grande of Europe. With the enlargement of the Union, the increasing use of North Africa as a transit zone for global migrations, and the tendency for increased illegal migration into the EU as a result of both rising flows and stronger restrictions on legalisation, the movement of people, and trafficking along with it, has become a more complex (and growing) problem. It is hard to estimate the number of women who are trafficked, but in 2005 the Geneva Centre for the Democratic Control of Armed Forces estimated that 700,000 to two million women and children are trafficked every year globally, usually becoming forced prostitutes, sexual slaves, or bonded labourers, and it is estimated that selling women into forced prostitution has become one of the fastest-growing criminal activities in the global economy. A 2005 report issued by the Financial Action Task Force (FATF) of the OECD estimated that US\$ 10 billion per year is generated by the facilitation of human trafficking and illegal migration together.

The Johns Hopkins University Protection project, which offers country information on trafficking on all Euro-Mediterranean countries, shows that the latter are all either transit and/or source countries for the trafficking of women and children to the northern partner states. Although they are not the main source of trafficked women to the EU, the southern partner states in the Mashrek and Maghreb are source and transit countries, along with Egypt, Turkey and Jordan. Despite the gravity of the problem, many EMP states have yet to sign and ratify the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons that supplements the Convention on Transnational Organised Crime. Further, many countries have not even legislated on the matter (only Israel, Turkey and Egypt have done so). Although this issue has been the subject of debate within the 5+5 group, which issued a Declaration in 2002, the Tunis Declaration on Migration in the Western Mediterranean, acknowledging the problem and calling for cooperation to prevent and combat “irregular migration,” including trafficking, the EMP states have yet to adopt a specific policy to address this issue.

III. Women and Political Islam

The emergence of Islamism is associated with the rise of a new political generation that is part of the post-colonial process of modernisation, reacting to a state-building modernisation that was never legitimated on the basis of culture and identity, and a process of socio-economic modernisation that has produced very uneven results (in terms of class and the rural-urban divide), driven as it was by nationalist rather than efficiency or productivity related criteria. Political Islam militancy is the carrier of a new experience of religion that partially conflicts with the traditional order. The social behaviour resulting from the affirmation of a politicised Islam shows that it involves three interdependent modern social dynamics: autonomy *vis-à-vis* the state and traditional religious authorities; the individualisation of social actors (as opposed to communitarianism and clientilism); and the broadening of women's access to the public sphere.

“...state-building modernisation was never legitimated on the basis of culture and identity”

Women are developing a new relationship with Islam through Islamist movements, and opening cracks in the existing patriarchal order. In so doing, they are contributing to altering their traditional status. They adhere to such movements as “individuals” and not through paternal affiliation, so that new patterns of behaviour are emerging that differ from those typical of traditional communities (where women's sole identity is mediated by males, as the “daughter of,” “wife of,” “sister of,” or “mother of” a dominant male). Women's participation has become a common element in all political Islam groups. Indeed, they are more numerous and politically more prominent than in the (more “western”) traditional political parties, as demonstrated by their visibility in electoral campaigns and as candidates.

This participation cannot be seen as the result of male “manipulation of women” as the latter are actively appropriating the benefits of modernisation, particularly in the urban and university context, to broaden their political and social roles. Islamist women are overwhelmingly young, urban (given accelerated urbanisation, which has fragmented traditional communities that once structured relations between men and women, and created an opportunity for a new generation to debilitate the authority of their elders and of patriarchal groups), and educated (they have used learning and intellectual autonomy to reinterpret their role according to an “authentic Islam” that often differs substantially from

that of traditional religious authorities). Thus, contrary to the superficial view of a submissive, veiled Muslim woman, women's experiences are diverse and full of symbols that must be decoded to allow a full picture of reality. An example of this is the difference between the wearers of the traditional veil (*haïk*) and the modern version of the veil (*hiyâb*). Voluntary *hiyâb* wearers reject the traditional *haïk* because they see the latter as a symbol of ignorance, superstition, seclusion and everything that they have freed themselves from by virtue of education.

Islamist Women's Organisations

Islamist women's organisations have become an important force in the South. There is now a debate about the ability of any kind of Islamist political movement, including that of Islamist women's organisations, to evolve democratically and espouse truly modern cultural attitudes. The debate within the feminist movement about the compatibility between feminism and Islam highlights some of the difficulties that plague the wider debate. One view is that it is not possible to be a Koran-based feminist (a contradiction in terms), and that by arguing for women's rights on the basis of religious texts, Islamist women's organisations or feminists are only strengthening and legitimating the chains that tie them. The opposite view is that this is the only viable and locally-rooted way to challenge the status quo. An intermediate view is that while political Islamist feminism is a legitimate form of struggle for the rights of women in a particularly difficult context, it has limitations.

It is important to note that while Islamist women's organisations or feminists constitute a progressive political force, they are only so when compared with their counterparts of an older, more submissive generation. Indeed, Islamist women's groups is subject to the same duality and paradoxes as Islamism more generally. Although it advocates the rights of women (progressive), it is caught in the difficulties inherent in arguing its position through a theological debate about the true nature of Islam; and by accepting that religion may govern public life (even if on terms different to those currently espoused by traditional religious authorities) they open the door to inimical views on the role of women in society.

However, while there are obviously differences between Islamist women's organisations and their secular counterparts (particularly where sexual emancipation is concerned), there are elements of consensus as far as the public rights of women are concerned. It is worth considering that Islamist movements are affected by the fact that these women enter the public sphere, as it broadens the frontiers of women's public presence. The more Islamist women's organisations develop individual life

strategies, the more they question prohibitions on their public presence and the more they redefine relations between men and women. Islamist women's organisations do provide a solution to the problems of how to "frame" the struggle for and discourse of women's rights: they cannot be accused of "foreignness". Further, their frame of reference may be the Koran, but their discourse is not religious but based rather on the international language of human rights. Whatever their limitations, Islamist women's organisations are now an undeniable part of the growing movement for gender equality in the south, and part of the wider transnational effort of women's groups to combat the negative effects of patriarchy and of intolerant religious groups on gender equality, not just in the Muslim world but also in Europe and beyond. They are part of the emergence of a population of politically aware women with access to education, employment and mobility, encouraged by the global human rights revolution, and have played a critical role in the development of civil society and legal and political change in the region.

"Islamist women's organisations are now an undeniable part of the growing movement for gender equality in the South...; there are obviously differences between Islamist women's organisations and their secular counterparts (particularly where sexual emancipation is concerned) but there are elements of consensus as far as the public rights of women are concerned"

Just as peaceful political Islamist movements that accept pluralism and democracy are crucial interlocutors in any attempt to promote political change in the region, so are Islamist women's organisations or feminists and their secular counterparts vital in the debate about gender rights. In order to advance women's rights in the southern partner states, secular women's groups as well as governments should strive to understand the diversity of political Islam groups and their varying points of view. An ideological, political debate including these groups is absolutely necessary for a real progress to be attained in the realm of women's rights. And the countries of the north must also make an effort not to exclude groups that have broad support from the population.

It is also important to distinguish conservative Islamist groups from more progressive ones, and also to understand to what degree such groups or movements support women's rights. Many Islamist parties support the public rights of women, but refuse to accept a broadening of their private or family rights, while others are resistant to all kinds of rights. It is equally central to understand the nature of the commitment of such groups to the rights of women. Many often make instrumental use of the rights of

women as way to gain greater popular support. This is doubly significant: on the one hand, it suggests that, contrary to what is affirmed by conservatives and radicals, ordinary citizens are often attracted to political platforms based on an expansion of rights, and repelled by those that focus on rights-restriction. This is what leads otherwise patriarchal and conservative forces to make instrumental use of the rights of women.

On the other hand, instrumentality can be deepened into a more substantive commitment given the structure of incentives. Euro-Mediterranean governments, civil societies and women's groups alike can create positive incentive structures that encourage nominally committed groups to adopt positive steps to promote the rights of women. In so doing, they can qualitatively alter not only the political context in a more favourable direction, but even, perhaps, alter the qualitative nature of that commitment.

“...it is important to distinguish conservative Islamist groups from more progressive ones, and also to understand to what degree such groups or movements support women's rights”

One of the greatest challenges posed by Islamist movements is that they force policy-makers to understand a basic paradox, and in so doing, they oblige governments and civil societies alike to adopt a delicate nuanced approach towards this phenomenon, or to engage in a fine balancing act between outright condemnation and overly sympathetic views based on a form of cultural relativism. More specifically, Islamist movements are the bearers of a paradox: on the one hand, they are the carriers of a message of change and reform given their opposition to the authoritarian status quo; on the other hand, however, the ideological and programatic content of these movements is often conservative where the issue of women's rights is concerned.

A second element to consider is the internally paradoxical quality of political Islamism: on the one hand, most movements are open to competitive elections, pragmatic (they do not aim to impose their values globally, but only on their limited constituencies), and they tend to accept the legitimacy of state legality; on the other hand, however, they espouse undeniably conservative ideologies, not least where gender equality and the rights of women are concerned. One of the manifestations of this duality is the fact that while most such groups or movements support the public civil and political rights of women (such as their right to vote or to participate in political life more generally), they are adamantly conservative where the private or family rights are concerned.

It is worth recalling at this point that, while both the observations above are made in general terms, as is reiterated throughout this Report, one of the keys to understanding political Islamism is to recognise that there is no single understanding of what is an immensely varied socio-political phenomenon.

A third point is that both the paradoxes outlined above, their meaning and their implications for political alignments and options – one external (*vis-à-vis* other actors) the other internal (part of the nature of these movements or groups) –, are being actively debated within the various societies where such movements are relevant or active. Part of that debate takes place among secular and Islamist women's organisations or feminists, and is about the degree to which any Islamist movement is capable of being a progressive force in the light of its conservatism where the private rights of women, among other issues, are concerned. This debate is part of the kind of broad pluralistic debate that is desirable in any democratic society, so it must be addressed within the same spirit. This does not mean losing critical faculties or abandoning all attempts to oppose programmatic or ideological goals that are inimical to democracy or human rights. Rather, it means adopting a nuanced understanding of how these movements, groups or parties operate according to varying internal and external paradoxes and contradictions, and forging policy strategies that are flexible, case-sensitive, attuned to changing realities on the ground, and imminently pragmatic.

IV. Political Reform, Democracy and the Role of Women

Women's Rights, Political Reform and Democracy

Several states of the region have made advances in the area of public law rights, recognising the political rights of women with new constitutions and law that enshrine the right to participate in politics and public affairs on an equal footing, training to enable women to exercise such rights, quota systems and, in some instances, positive discrimination mechanisms in national assemblies. As a result of state and non-state efforts, women are participating in elections in growing numbers, gaining positions of power in government and in legislative assemblies; they have acceded to posts as municipal councillors, members of the judiciary and of diplomatic corps; they have become high-level advisors and permanent delegates or heads of mission at the UN; they have begun to occupy posts as cabinet ministers and directors of government departments and agencies, to serve as presiding magistrates and deputy public prosecutors, as university presidents and deans, and chair boards of bank directors; they have begun to sit in national policy development committees, occupy senior posts in political parties and trade unions, serve on all kinds of legal and legislative committees.

While the participation and representation of women is undoubtedly increasing, they are still marginalised in decision-making centres and many obstacles remain. There is a lack of effective commitment on the part of decision-makers to closing the gender gap in political life and decision-making, which is tied partly with the difficulties or unwillingness to undertake wider democratisation measures. The slow progress with gender equality is also a product of a wider resistance by some governments over relinquishing their hold on power by undertaking serious liberalisation measures, as witnessed by the gap between official rhetoric in support of equality and equal opportunity and practical action. Elections are often unfair, and women who reach positions of power or attempt to participate more actively in politics are often stigmatised, and women candidates are often harassed or subjected to violence. Thus, women often do not participate because politics is not a safe and secure activity. The negative image of women as having weak organisational capabilities and communication skills, their alleged lack of knowledge and understanding of political rights and responsibilities, the lack of official personal identification (social identification cards and voting cards) all limit women's effective participation. In Egypt, for instance, many women do not possess identification cards, so they are not

“legal entities” and therefore cannot vote (or benefit from government services including poverty reduction programmes, health care, insurance, and even legal employment).

There is also the fundamental problem of a historically constructed socio-cultural environment that discriminates against women and stereotypes gender roles. The patriarchal structure of political and social life is pervasive and political, social, economic and legal realms of life are largely controlled through informal and personalised networks, ultimately controlled by men. Thus, while women may attain positions of power, they are often circumscribed in their capacity to act. The mere existence of constitutional guarantees ensuring the rights of women does not necessarily translate into women realizing their full civic, legal, and political rights.

“While the participation and representation of [Euro-Mediterranean] women is undoubtedly increasing, they are still marginalised in decision-making centres and many obstacles remain”

All too often there is legal progress without any substantive measures that ensure the broad implementation of rights. And it is often or invariably the case that new political rights are not accompanied by substantive socio-economic measures that allow all women to benefit from the legal avenues opened up for participation and representation. When this is the case, the *de facto* enjoyment of new rights is restricted to a limited number of women, usually middle class urban women, to the exclusion of the majority of poorer women as well as those living in a non-urban environment.

The needs of different women vary, and without a multifaceted approach to the rights of women this is not taken into account. Poor women may be more concerned with gaining better access to maintenance and child support, while better-off women may be more concerned with expanding the grounds for divorce and increasing their autonomy vis-à-vis various forms of male guardianship to increase their moral autonomy and physical mobility.

Many states adopt such measures without fully taking on board the importance of encouraging the participation of women in the process of political and socio-economic transformation. This also has the effect of making women passive recipients of change, rather than active participants in shaping their own political destinies, and as such perpetuates patriarchal and paternalistic models and modes of political and social life. Indeed, the same governments have often been opportunistic regarding women's participation. They reward women's groups for political support and happily take advantage of

the services provided by women's non-governmental organisations (NGOs), but they equally legally limit the activities of NGOs, are quite willing to repress groups and to adopt punitive measures when such groups call for wider democratisation initiatives, and often deliberately co-opt civil society activity by establishing government-controlled institutions that are then presented as independent and autonomous organisations.

In this context, it must be remembered that there can be no full democracy where the rights of half of the population are not equal in legal, political and socio-economic terms. Equal status of all citizens is a defining feature of democratic life, as is the principle of non-discrimination. However, granting women their rights cannot be equated with the existence of democracy. Democracy is about equality and non-discrimination for all persons, in legal and substantive terms.

“there can be no full democracy where the rights of half of the population are not equal in legal, political and socio-economic terms”

The Role of Women's Organisations

There are a growing number of women's organisations in the south, and they are beginning to constitute what can be called a women's rights movement. These organisations include secular and Islamist women's organisations, development NGOs, including reproductive health organisations, professional associations and state-sponsored women's institutions. They work in a variety of ways and with a variety of other state and non-state as well as national and international actors and institutions. There are four major issues that women's organisations have focused on: the reform of family law, the criminalisation of domestic violence and other gender-violence such as honour crimes, nationality rights (for children through their mothers), and greater access to employment and participation in political decision-making. All the women's organisation advocate that current reservations to the CEDAW should be removed and appeal to international human rights standards to critique national laws.

Some of the most active organisations are the feminist ones, although women's professional associations are also important players, focusing on women's employment, labour rights, and women-owned businesses. There are an increasing number of local businesswomen's associations in countries like Egypt, Jordan, Lebanon, Syria and Tunisia, involved in various activities, such as the production of goods, services and trade, and there have been some transnational initiatives at this

level, such as the Arab International Women's Forum (AIWF), the first non-profit organisation linking Arab business and professional women in the 22 Arab countries and their international counterparts, which was established in London in 2001.

The growing activism of civil society in the Arab world is apparent when one looks at the number of NGOs operating in the region: In 1995, the Arab NGOs numbered 175,000, and by 2003 there were 225,000, and in Egypt, Jordan, and Morocco the number of such organisations has nearly doubled. While most of these NGOs work on development issues, many also focus on the rights of women and some of them are exclusively dedicated to the issue. Indeed, a growing number are turning to the issue of women's economic, political and legal empowerment. Such organisations are helping to raise the political, economic and social profile of women and women's rights issues across the region, challenging patriarchal states, as well as political parties and movements to extend women rights in accordance with their national and international commitments.

These civil society organisations work at various levels, encouraging women to participate primarily at the local community level, thus building organisational and problem-solving capacities and raising the public visibility of women. Although the development of links between the local and informal and the national and formal levels is still incipient, these organisations are also becoming more regionally integrated, as international and regional contacts and umbrella organisations have helped women from different countries to become more aware of the problems of their counterparts elsewhere in the region. Organisations such as *Le Collectif 95 Maghreb Égalité*, *the Court of Arab Women*, *the Maghreb-Mashrek Network for Information and Training on Gender*, and the Egyptian Centre for Women's Rights (founded in 1996, nominated one of the World Bank's World's 10 Best Development Projects, and coordinating various local, regional and international partners, including over 800 Egyptian community organizations and NGOs, and activists in 16 Arab and 5 East African countries), are just some examples of regional networks, involved in campaigns against gender violence, and to promote the political participation of women as well as providing counselling services of different kinds. Another, semi-official rather than non-governmental organisation is AWO, which has been institutionalised as a special organ within the Arab League, and coordinates women's issues in the region.

“[Women's] organisations are helping to raise the political, economic and social profile of women and women's rights issues across the region, challenging patriarchal states

, as well as political parties and movements to extend rights in accordance with their national and international commitments”

One of the prime motors of women's rights and of the women's movement has been the development of international human rights law as it pertains to women, and the growth of a global women's movement and transnational networks of activists working on the rights of women. Although originally linked to national liberation movements, the women's rights movement is now essentially linked to the international or transnational human rights and democracy promoting movements. The ability to resort to international points of reference has been a key to gain national legitimacy and support and even governmental cooperation, and ties between growing national movements and international institutions, events and networks have been crucial to strengthen the movement. This suggests the importance of adopting a multi-level approach towards the promotion of women's rights: some advances can be achieved within the context of the EMP, and others will have to be part of the broader international effort to ensure equal rights for women.

One of the most complex challenges facing the women's movement is to determine the nature of the relationship they should have with state authorities, since the state is simultaneously a defender of women's rights *and* a perpetrator of discrimination. On the one hand, since women depend on the state as a historical "moderniser" of gender relations and as the increasingly powerful arbiter of women's rights and the family, this suggests that critical cooperation is the best political strategy to adopt. On the other hand, the state is also the "enemy" of the women's movement because it perpetuates traditional gender inequalities and is therefore responsible for the second-class status of women and for perpetuating discrimination.

Thus, in Egypt, for instance, the appointment of a single female judge for four years was presented as a victory for women, but 73 male lawyers were sworn in as General Prosecutors in 2005, which signifies the maintenance of discrimination against women in appointed positions, especially in the context of very low participation in the 2005 parliamentary elections. In Jordan, while Suhair Almu'ayta was appointed governor and six seats in parliament are reserved for female candidates, legislation still gives male family members the right to commit crimes against female family members to defend their "honour."

External and internal pressures have had a profound effect on the processes of change and modernization, including on the rights of women. The governments in the region have had no recourse but seem to proceed in the right direction, and such pressures have also spurred the region's

intellectuals into action. In March 2004, for example, a number of civil society activists and thinkers from across the political spectrum organized a conference held at the Alexandria Library entitled 'Issues of Reform in the Arab World.' The resulting report placed a higher priority on the need for women's involvement in the public sphere than it did on transfer of power procedures and the separation of powers within the state.

It should also be noted that women's organisations face a series of serious obstacles, given limitations on freedom of expression, restrictive laws covering NGOs, and lack of funding. Thus, the large number of NGOs in Egypt and the Arab region also belies the true strength of women's organizations. Apart from their serious weakness of technical and financial capacities, only an extremely limited number of these NGOs are actually advocating for women's rights. The bulk of organizations are small community associations that dispense benefits to their local communities and have a very limited ability to plan or carry out projects, let alone engage in advocacy.

The issue of women's rights is often co-opted by state sponsored "women's organisations" or ministries that often monopolise but also limit the scope of action. This suggests that open opposition may be the best political strategy. In effect, both types of strategies have been deployed, and ultimately, gender rights activists must engage in a delicate balancing act that exploits opportunities to reinforce the progressive and weaken the regressive role of the state.

"One of the prime motors of women's rights and of the women's movement has been the development of international human rights law as it pertains to women, and the growth of a global women's movement and transnational networks of activists working on the rights of women"

Immigrant Women

As noted in the EuroMeSCo *Barcelona Plus* Report, migrants or immigrant communities are one of the forgotten elements of the Euro-Mediterranean relationship. These communities have enormous potential to contribute to strengthening the civil society ties between north and south, and to economic development in the south given the growing significance of immigrant remittances. Further, such communities are currently at the heart of the "culture" debates raging in the EU. Immigrant women are double penalised, since they are ignored as migrant actors, and further because they are women.

The pernicious effects of relativism in Europe are particularly obvious when talking about the rights of women in migrant communities. Courts in Europe have been known to excuse gender violence on the basis of cultural relativism. In 1997, for instance, a German court reduced the sentence of a father who had burned an 18-year-old woman for refusing to marry a man chosen for her, on the grounds that he was practicing his culture and religion. This double standard where the application of fundamental rights is concerned runs contrary to the founding values of the EU. Such attitudes also fail to recognise the changes taking place in the attitudes of Muslim women in Europe.

“Immigrant women are double penalised, since they are ignored as migrant actors, and further because they are women”

The status of immigrant women networks must also be recognised as an important element of political reform. Indeed, immigrant women are often subjected to more conservative social pressures than their counterparts in the south. By allowing women’s groups from the south to participate more effectively in the EMP dialogue and by affording such groups opportunities to work with immigrant communities in Europe, they can contribute significantly to the rights of women in the northern partner states.

V. Women's Rights in the EMP and ENP

The promotion of human rights is a central element of the Barcelona Declaration. As noted in the EuroMeSCo *Barcelona Plus* Report, democratic inclusion is a central element of the potential *acquis* of the Barcelona Process. Although the Euro-Mediterranean Summit of 2005 did not made substantive progress, the high-level women's conference held on the sidelines of the summit meeting, attended by government and NGO representatives, which assessed progress in gender equality within the EMP since 1995, as well as the establishment of the governance facility, both show that there is awareness of and scope for progress. Further, the commitment made to political reform and the consolidation of rule of law and democracy are to be welcomed, although it remains to be seen whether gender equality becomes a clear and present element in future initiatives.

The Barcelona Declaration

The Barcelona Declaration does not address specifically the promotion of women's rights. It contains merely three references to women's rights and even these are extremely vague and superficial: within the framework of the second basket, the signatories simply "recognise the key role of women in development" and pledge "to promote their active participation in economic and social life and in the creation of employment." As regards the third basket, they call on all southern partners to pay particular attention to the role of women in the regular dialogue with the EU on educational policies. The third basket also notes that the EMP must contribute to an improvement of the living and working conditions and greater levels of employment, "in particular of women and the neediest strata of the population."

In short, there are no references to the legal and political rights of women, to GM, to specific issues that affect women, such as gender violence, and there is no reference to how progress should be measured. These are highly declaratory statements that leave it up to governments to address the issue and to take up (or not) proactive reform measures. Since the Declaration is not legally binding and because of the vagueness of the abovementioned stipulations, it has been very difficult to organise initiatives and work toward the practical implementation of measures to address even these vague goals.

An analysis of the association agreements in force with all countries except Syria, shows that women's rights are only addressed superficially. All the accords have normative statements about the role of women in economic and social development. Only the agreements with Egypt and Jordan explicitly refer to the need for women to gain increased access to higher education and training, and only the Lebanese agreement (Article 65-2) refers to equal treatment of the sexes. The reasons for this difference is unclear when women in the Southern Mediterranean partner countries face such similar legal and political restrictions. Article 2 of all the agreements explicitly states that "relations between the parties, as well as all the provisions of the agreements, shall be based on respect of democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, which guides their internal and international policy and constitutes an essential element of the agreement," but compliance with Article 2 has not been discussed in depth at any bilateral association council meetings.

The European Parliament (EP) called for a profound reform of the human rights and democracy clause in a Resolution of February 2005 (the Agnoletto Report). It argued for a newly drafted "model clause" to be included in all agreements, which takes principles like the EU duty to implement gender equality policies into account; it stated that it would not accept new agreements without a clause, and called for enforcement through a "warning mechanism" and the option of temporarily suspending agreements, and an enhanced EP monitoring role. If the Commission and Council follow up on this initiative, serious and systematic violations of women's rights may become more prominent, and give the EMP an instrument to enforce those rights.

The first regional programme to promote the role of women in economic life was adopted at the November 2001 Euro-Mediterranean ministerial meeting, but it only came into effect as late as 2004, and its effects were meagre. Although there are funds allocated within the framework of MEDA I and II and of the European Initiative for Democracy and Human Rights (EIDHR), the little funding there is has focused solely on social and economic issues, and there has never been a regional MEDA programme to promote women's rights specifically. Also important in this context are the Anna Lindh-Foundation based in Alexandria, the first common institution jointly established and financed by all 35 members of the Partnership, which was set up after the EMP Valencia meeting to promote a dialogue "between cultures and civilisations", and addresses the issue of the empowerment of women as well, and the Regional Forum on the Role of Women in Economic Development: The Equality Dimension between Men and Women in the EMP of 2001, which was attended by governments and NGOs.

“The first regional programme to promote the role of women in economic life was adopted at the November 2001 Euro-Mediterranean ministerial meeting, but it only came into effect as late as 2004, and its effects were meagre”

The Parliamentary Dimension

Southern women lack institutional support despite the growing involvement of the EU in the Mediterranean area. The EP, however, has long placed gender rights at the top of its political agenda. In 1997, the annually attributed EP Sakharov Prize was awarded to Salima Ghezali, a woman's rights and pro-democracy activist in Algeria. More substantially, the 2002 Resolution on the promotion of women's rights and equal opportunities in the Mediterranean countries (the Kratsa-Tsagaropoulou Report) is the only one covering the issue to date. Undoubtedly, this is a key resolution as it reflects the know-how that the EU has gained in the field of equal opportunities and proposes ways to use that *acquis* in cooperation policies with Mediterranean partners. The Resolution called for a coherent legal framework, clear targets and effective action, a strong monitoring mechanism, and raising the visibility of the problems faced by women.

The Euro-Mediterranean Parliamentary Assembly (EMPA) – inaugurated in 2004- has created a permanent parliamentary committee on women's rights (2006) and despite initial resistance women's rights has become a central topic of debate. The EMPA has proved to be a forum of democratic learning and dialogue: while southern parliamentarians are adapting to a different method of deliberation and to a new way of making politics, their northern counterparts have been learning to deal with a new kind of political discourse and political culture. The EMPA has been surprisingly successful at reaching common positions on particularly divisive political issues. The “parliamentarisation” of the EMP can help to improve the status of the rights of women in the Partnership.

“The “parliamentarisation” of the EMP can help to improve the status of the rights of women in the Partnership”

The European Neighbourhood Policy

The ENP adopted in mid-2003, claims to offer Southern Mediterranean partners “everything-but-membership” in exchange for successful reforms in all the areas listed in the bilateral Action Plans, but contributes little to the rights of women. Indeed, it can be said that gender equality in the southern

Mediterranean was relegated to the background. Although all the Plans refer to human rights (and thereby implicitly to women's rights), only those concluded with Jordan, Palestine, Morocco and Tunisia refer to the issue, and then in only very broad terms. Thus, the Plan for Morocco refers to the need to "promote the role of women in social and economic progress" (Article 71), refers to the protection of pregnant women in the workplace, and to combating discrimination and violence against women, which is also a part of the Tunisian Plan. The Jordanian Action Plan foresees the implementation "of a plan to increase the proportion of women in the labour force and in the political decision-making process." The Palestinian Plan is the least developed: the word "women" appears only once in the entire document in the section on human rights, and only as part of the standard phrase on the need to "promote women's rights and ensure equal treatment and opportunities for women". All ENP documents practically ignore the issue, including the latest progress report of the European Commission.

The Five Year Work Programme: New Scope for Action

The Five-Year Work Programme on the EMP adopted in November 2005 signals a definite improvement. It states that the partners will adopt measures to "achieve gender equality, preventing all forms of discrimination and ensuring the protection of the rights of women", and calls for a significant increase in the percentage of women in employment in all partner countries, an expansion and improvement in education opportunities for girls and women, for political pluralism and participation, particularly for women and youth, through the active promotion of a fair and competitive political environment, including fair and free elections, and for an increase in the participation of women in decision-making in political, social, cultural and economic positions. This constitutes an important symbolic step and, moreover, the objectives are clear, relatively well-defined and prone to evaluation.

However, the Work Programme has no "road map" or timetable about when and to what extent partner governments should implement these goals. Further, the Work Programme is not politically binding and on the basis of past experience this is unlikely to induce much change. In this context, the ministerial meeting should address the issue of how to ensure that clear objectives are also accompanied by clear benchmarks and evaluation mechanisms.

VI. Recommendations: (En) Gendering the EMP

A Gendered Paradigm

The EMP has failed to frame relations between states in the light of two key realities: first, it has failed to recognise that women are not merely subsidiary actors but rather central actors in processes of political transformation, and second, that Islamism, as an immensely varied phenomenon, cannot be either seen as a single, undifferentiated phenomenon and merely repressed or sidelined from processes of political change.

Women as Central Actors in Political Transformation

The EMP must frame its policies and initiatives according to the view that women, as representing half of the population of the Euro-Mediterranean area, are central actors in any process of political and socio-economic change.

A New Methodological Approach

Gendering the EMP

In compliance with the Beijing Platform of Action (1995), the MDG, the 2001 European Consensus, the 2001 Programme of Action for the Mainstreaming of Gender Equality in development cooperation, the 2006 Communication on A European Vision on Gender Equality in Development Cooperation, and the March 2006 Commission Roadmap for Equality between Men and Women: 2006-2010, the rights of women must be *mainstreamed* into all EMP official policies, and governments should be encouraged to adopt a similar position and cease to treat the rights of women as an isolated issue

Cross-National Solidarity

The promotion of the rights and participation of women cannot be seen from a classic north-south cooperation perspective, and must be treated more as *a Euro-Mediterranean challenge*. Patriarchy and discrimination are a reality in the north as well, and there are cross-cutting issues of concern for women north and south, most notably the problems of relativism, gender violence, and the rights of women in immigrant communities and as members of migrant populations.

From the Bottom Up

Another important step is to focus as much on bottom-up as on top-down reform. This means making a real commitment to the empowerment of civil society, particularly women's rights groups. It also means taking Islamist women's movements on board, and supporting a dialogue between different currents of the women's rights movement.

Specific Initiatives

Governments must take full advantage of the governance facility included in the Five Year Work Programme determined at the Barcelona Summit, to make the rights of women a priority in the Action Plans. This means providing adequate means to finance actions, and the establishment of a system of benchmarking with clear evaluation and monitoring criteria for periodic evaluations. In order to make this a reality, the following measures are recommended:

The creation of a Euro-Med gender-disaggregated knowledge base

While there is much statistical data on the situation of women in the EU, the same is not the case for the southern Mediterranean partners, despite the very valuable work undertaken by the UN/ESCWA in strengthening national capacities to collect gender disaggregated or gender specific data. Moreover, in part as a result of the way that the UN is organised, and in part because of the tendency to treat all the Northern African and Middle Eastern countries as an undifferentiated universe of Muslim or Arab countries, the statistical data available is not disaggregated in a way that accounts for the specific reality of the southern Mediterranean countries. Further, much research is necessary to understand the specific context in which southern Mediterranean immigrant women live in the EU.

The establishment of a Women's Rights Council (WRC)

This body should be established by the Euro-Med Ministerial Meeting on Women in November 2006, propose mainstreaming and rights promotion policies to be adopted in the legal, political, educational and socio-economic realms by 2008, and establish benchmarks and time frames for the achievement of established goals, and monitor progress with Euro-Mediterranean governmental action. It should further make periodic assessments of non-governmental thematic cooperation. It should be composed in equal

parts of northern and southern countries, and its members should be women appointed for their known expertise on the rights of women, and women's rights activists, and representatives of NGOs.

Law and Jurisprudence

A Scheduled Commitment to the CEDAW and UN Human Rights Conventions with Stronger Regional and National Monitoring Mechanisms

This would oblige a phasing out of all southern and northern reservations to the Convention on the Rights of Women. Furthermore, it would promote the ratification of its Optional Protocol, which provides for State recognition of the competence of the Committee on the Elimination of Discrimination against Women that monitors compliance with the Convention and receives and considers complaints from individuals or groups within its jurisdiction. Finally, it would ensure the scheduled signature and ratification of all relevant human rights instruments, including the Treaty of the International Criminal Court (ICC). In order for this work to be done, regional and national monitoring instruments should be strengthened, particularly within national parliaments, as is indeed now being discussed by the IPU.

Judicial and Jurisprudential Dialogue and Cooperation

The aims would be, first, to promote a debate between judges from the north and south about the harmonisation of legislation on marriage, divorce, and nationality rights; second, to promote the training of judges in gender and women's rights issues; and third, to promote specific legal literacy courses for women to ensure that women know how to ensure that legally existing rights are actually enforced.

Law Enforcement Dialogue and Cooperation

To promote training of police officers in human rights and gender-sensitive policing, with possible exchange programmes for joint training.

Social and Economic Measures

Women Entrepreneurs

A programme of micro-credits to promote women entrepreneurs and women's cooperatives, particularly in sectors geared toward export generation.

The Euro-Mediterranean Literacy Campaign

A campaign to eliminate illiteracy among women by the year 2015, the MDG year for eliminating gender disparities in primary and secondary education, and universal primary schooling for all boys and girls. This would consist of measures to ensure the latter two goals (for school age children) and a special adult woman literacy campaign targeting post-school age women.

Education, Culture and Communication

(En) Gendering Media Programmes

An instrument to monitor the portrayal of Muslim women in the north and northern women in the south, with a special focus on the issue of cultural relativism.

Gendered university exchange programmes

A programme to permit the fully funded exchange of young women graduates studying government administration, foreign relations and diplomacy, sciences and engineering.

Human Rights Training Courses

This programme would aim to ensure that women are made aware of existing laws that protect their rights and the gaps in their legal rights.

Woman of the Year Prize

To be awarded annually to the southern or northern organisation or individual deemed to have made the greatest contribution to promoting the rights of women, with a particular emphasis on actions and initiatives that demonstrate the compatibility between the advancement of women's rights and religious belief, and with special attention to the contribution of immigrant women. The prize should consist of a sizeable monetary award and in the appointment of the winning individual (or organisation) to the WRC in an advisory capacity for the period of a year.

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Arab Regional Resource Centre on Violence Against Women

<http://www.amanjordan.org/>

Euro-Mediterranean Human Rights Network

<http://www.euromedrights.net/>

Gender and Citizenship Initiative of the UNDP Program on Governance in the Arab Region

<http://gender.pogar.org/>

On Islamic Family Law

<http://www.law.emory.edu/IFL/index2.html>

<http://www.middleeastwomen.org> (Iranian feminists in exile)

Sisterhood is Global

<http://www.sigi.org/sigi.htm>

Women's Court: The Permanent Arab Court To Resist Violence Against Women

<http://www.arabwomencourt.org/>

Women Living Under Muslim Laws

<http://www.wluml.org/english/index.shtml>

The World Bank

www.worldbank.org

Acronyms

AIWF	Arab International Women's Forum
AWO	Arab Women's Organisation
CEDAW	Convention on the Elimination of Discrimination against Women
CDS	Euro-Mediterranean Community of Democratic States
ECSWA	Economic and Social Commission for Western Asia
EMP	Euro-Mediterranean Partnership
EMPA	Euro-Mediterranean Parliamentary Assembly
ENP	European Neighbourhood Policy
EP	European Parliament
EU	European Union
GDP	Gross Domestic Product
FATF	Financial Action Task Force
FMG	Female Genital Mutilation
GBV	Gender-based Violence
GEM	Gender Empowerment Measure
GM	Gender Mainstreaming
ICC	International Criminal Court
ILO	International Labour Organisation
IPU	Inter-Parliamentary Union

MEDA	Mediterranean Development Assistance
MDG	Millennium Development Goals
NGO	Non-governmental Organisation
OECD	Organisation for Economic Cooperation and Development
PSL	Personal Status Law
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
WB	World Bank
WHO	World Health Organisation
WRC	Women's Rights Council

Arabic Terms

<i>dhimmi</i>	non-Muslim (Egypt)
<i>fiqh</i>	Islamic jurisprudence
<i>haïk</i>	outer garment consisting of a large piece of white clothe worn by women in nothern Africa
<i>hiyâb</i>	veil
<i>khula</i>	divorce or dissolution of a marriage contract on the wife's initiative, the latter of which has to include the offer of a monetary exchange or anything of value
<i>madhahib</i>	schools of jurisprudence
<i>moudawana</i>	family code (Morocco)
<i>mulk</i>	goods
<i>shari'a</i>	Islamic law
<i>wali</i>	guardian
<i>zina'</i>	adultery

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ANNEXES

Table 1 – Gender Equality: Political Representation Across the EMP

REPRESENTATION							INSTITUTIONS & POLICIES	
Partner States	GEM rank a	Members of Parliament (% of total)	Female legislators, senior officials and managers (% of total)	Female Judges (% of total)	Armed Forces (% of total)	Police (% of total)	Women's Rights Ministry	GM / Positive Discrimination
EU MEMBERS								
Belgium	6	35.7	31	..	..	..	Yes	..
Czech Rep.	34	15.7	26	62	12.6	..	..	..
Denmark	2	36.9	26	..	14	..	Yes	..
Germany	9	31.3	36	..	..	..	Yes	..
Estonia	35	18.8	35	63	..	..	No	..
Greece	36	14	26	..	..	10	No	..
Spain	15	30.5	30	64	8.85	..	..	Yes
France	..	13.9	..	..	..	..	Yes	..
Ireland	16	14.2	29	20	..	14	..	..
Italy	37	10.4	21	..	..	..	Yes	..
Cyprus	39	16.1	18	26	..	12	..	..
Latvia	28	21	40	..	..	..	..	..
Lithuania	26	22	39	38	..	..	..	..
Luxembourg	..	23.3	..	53	..	5	..	..
Hungary	44	9.1	34	..	..	..	..	..
Malta	58	9.2	18	..	..	..	..	Yes
Netherlands	8	34.2	26	..	..	..	..	Yes
Austria	13	32.2	27	..	..	..	..	..
Poland	27	20.7	34	64	..	..	c	..
Portugal	21	20	32	37	6.6	..	..	Yes
Slovenia	30	12.2	33	67	..	..	..	..
Slovakia	33	16.7	35	52	..	..	..	..
Finland	5	37.5	28	..	..	..	..	Yes
Sweden	3	45.3	30	..	..	..	Yes	Yes
UK b	18	17.9	33	11	8.3	..	Yes	Yes
EMP SOUTHERN PARTNERS								
Algeria	..	5.3	..	..	..	..	Yes	..
Egypt	77	4.3	9	..	..	..	No	..
Israel	24	15	29	48.3	16	21	d	Yes
Jordan	..	7.9	..	3	..	..	No	..
Lebanon	..	2.3	..	29.2	..	..	No	..
Morocco	..	11.9	..	..	..	..	No	..
PA	..	..	12	..	..	..	No	..
Syria	..	12	..	12	..	..	No	Yes
Tunisia	..	22.8	..	23.07	..	..	Yes	Yes
Turkey	76	4.4	6	..	..	..	..	Yes
OBSERVER STATUS								
Lybia	..	..	..	..	..	..	No	..

a GEM, Gender Empowerment Measure (UNDP).

b Percentage of Circuit Court Judges as of 1/03/06. Judiciary of England and Wales, <http://www.judiciary.gov.uk>

c Existence of a government plenipotentiary for women issues.

d Existence of an authority on women's issues.

Sources:

Columns 2-3: UNDP, Human Development Report. 2005.

Columns 4-8: Unless otherwise stated, UN CEDAW country reports, various dates between 1995 and 2004.

Table 2 – Family Law in the South Mediterranean

FAMILY LAW PROVISIONS								
Partner States	Sunni School of Law	Marriage	Divorce	Inheritance	Rights After Divorce	Child Custody	Guardianship	Age of Marriage
EMP SOUTHERN PARTNERS								
Algeria	Maliki	Consensual contract between a man and a woman; Limitations to polygamy; Presence of tutor needed; Muslim women may not marry non-Muslims	<i>Talaq</i> only if authorized by a court Wife may seek judicial divorce on several grounds as well as material compensation for damage	Surviving spouse inherits part of estate	In certain situations, woman is entitled to compensation	Goes preferably to the mother; Wife may not lose custody because of her work	<i>Wali</i> cannot force marriage upon ward	19 (males and females)
Egypt	Hanafi	Polygamy permissible with notification of existing and intended wives	Wife may seek judicial divorce on several grounds but must relinquish claims to alimony	Surviving spouse inherits part of estate	Varying, according to divorce with or without repudiation; if the woman keeps custody, husband must provide child support	Divorced women have right to custody for children up to 12 (girls) and 10 (boys); may be extended by judge	<i>Wali</i> may refuse marriage in some cases (but judge may authorise even if <i>wali</i> refuses)	18 (males) - 16 (females)
Israel	Hanafi	Polygamy permissible	<i>Talaq</i> valid under certain circumstances Judicial divorce may be sought by wife on several grounds	Surviving spouse inherits part of estate	In certain situations, woman is entitled to maintenance and compensation	Woman is preferred when child is under 6 years old. Judge awards custody on the basis of the ward's interest	<i>Wali</i> may authorize marriage of women under the age of 17	17 for males and females
Jordan	Hanafi	Polygamy permissible with classical restrictions (husband must treat all wives fairly)	Wife may seek judicial divorce on several grounds	Surviving spouse inherits part of estate	In certain situations (e.g., when <i>talaq</i> is arbitrary), woman is entitled to support and compensation	Both husband and wife are entitled to custody of children	<i>Wali</i> has powers relating to first marriage, but not divorce	18 (males) - 16 (females)
Lebanon	Hanafi	Polygamy permissible with classical restrictions	<i>Talaq</i> is allowed under certain conditions The wife may seek judicial divorce on several grounds	Classical provisions related to division of <i>mulk</i>		Varies from Sunnis to Shia (ends at 2-7 for boys and 7-9 for girls)	Women under age may marry with court's authorization even with <i>wali</i> 's refusal	18 (males) - 17 (females) <i>Wali</i> may allow marriage at 17 (males) and 9 (females)

FAMILY LAW PROVISIONS								
Partner States	Sunni School of Law	Marriage	Divorce	Inheritance	Rights After Divorce	Child Custody	Guardianship	Age of Marriage
EMP SOUTHERN PARTNERS								
Morocco	Maliki	Polygamy permitted Wives must be notified	<i>Talaq</i> is allowed under certain conditions Wife may seek judicial divorce on several grounds (long absence etc.)		In certain situations (e.g., when <i>talaq</i> is arbitrary), woman is entitled to maintenance and compensation	Mother has custody until puberty (male) and marriage (females)	<i>Wali</i> may not impose marriage on ward Under-aged woman may marry with court's authorization even with <i>wali</i> 's refusal	18 (males and females) Marriage under age may be authorized by a court even if <i>wali</i> disagrees
PA	Hanafi		Husband may ask for divorce without justification; wife can only file for divorce in very limited circumstances			Mother has custody until 10 (boys) and 15 (girls) but custody can be extended by a judge		
Syria	Hanafi majority		<i>Talaq</i> is allowed under certain conditions The wife may seek judicial divorce on several grounds (long absence, etc.)	Surviving spouse inherits part of the estate	Husband must pay maintenance for certain period after <i>talaq</i> , judicial divorce or annulment	Mother may keep custody of children until they reach the age of 9 (boys) and 11 (girls)	Guardian must assent to marriage of females under 16	18 (males), 17 (females)
Tunisia	Maliki	Polygamy prohibited	Extra-judicial divorce is not valid Both spouses may file for divorce on several grounds	Surviving spouse inherits part of the estate	When divorce is not by agreement, injured spouse may seek compensation	Judge may award custody to the mother or the father on the basis of the interest of the child	Guardian may authorize marriage before nubile age	20 (males) – 17 (females)
Turkey	Hanafi	Religious marriage valid only after civil marriage	Legal separation and divorce may be ordered by court under certain circumstances	No distinction based on sex on amount of inheritance due	Each party may apply for material recompense	By both parents, but last call is with father. If parents divorce, parents may claim custody equally		20 (males) - 17 (females)
OBSERVER STATUS								
Libya	Maliki	With judicial consent (numerous reasons) or wife's consent	Divorce must be allowed by decree of appropriate court		Compensation may be awarded in case husband is responsible for divorce		<i>Wali</i> may not force marriage; ward may marry with judge's consent even if <i>wali</i> disagrees	20; may occur earlier with <i>wali</i> 's permission

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Table 3 – Main human and social rights conventions and instruments

MAIN UNITED NATIONS CONVENTIONS ^a							MAIN ILO CONVENTIONS ^b	
Partner States	ICCPR	ICESCR	CAT	CRC	CEDAW	Rome Statute of the ICC	C100	C111
EU MEMBERS								
Belgium	10-12-1968	21-04-1983	25-06-1999	16-12-1991	07-10-1985	28-06-2000	23-05-1952	22-03-1977
Czech Rep.	22-02-1993	22-02-1993	22-02-1993	22-02-1993	22-02-1993	–	01-01-1993	01-01-1993
Denmark	06-01-1972	06-01-1972	27-05-1987	19-07-1991	21-04-1983	21-06-2001	22-06-1960	22-06-1960
Germany	17-12-1973	17-12-1973	01-10-1990	06-03-1992	07-10-1985	11-12-2000	08-06-1956	15-06-1961
Estonia	21-10-1991	21-10-1991	21-10-1991	21-10-1991	21-10-1991	30-01-2002	10-05-1996	17-08-2005
Greece	05-05-1997	16-05-1985	06-10-1988	11-05-1993	07-06-1983	15-05-2002	06-06-1975	07-05-1984
Spain	27-04-1977	27-04-1977	21-10-1987	06-12-1990	01-05-1984	24-10-2002	06-11-1967	06-11-1967
France	04-11-1980	04-11-1980	18-02-1986	07-08-1990	14-Dez-83	09-06-2000	10-03-1953	28-05-1981
Ireland	08-12-1989	08-12-1989	11-04-2002	28-09-1992	23-12-1985	11-04-2002	18-12-1974	22-04-1999
Italy	15-09-1978	15-09-1978	12-01-1989	05-09-1991	01-06-1985	26-07-1999	08-06-1956	12-08-1963
Cyprus	02-04-1969	02-04-1969	18-07-1991	07-02-1991	23-07-1985	07-03-2002	19-11-1987	02-02-1968
Latvia	14-04-1992	14-04-1992	14-04-1992	14-04-1992	14-04-1992	28-06-2002	27-01-1992	27-01-1992
Lithuania	20-11-1991	20-12-1991	01-02-1996	31-01-1992	18-01-1994	12-05-2003	26-09-1994	26-09-1994
Luxembourg	18-08-1993	18-08-1983	29-09-1987	07-03-1994	02-02-1989	08-09-2000	23-08-1967	21-03-2001
Hungary	17-01-1974	17-01-1974	15-04-1987	07-10-1991	22-12-1980	30-11-2001	08-06-1956	20-06-1961
Malta	13-09-1990	13-09-1990	13-09-1990	30-09-1990	08-03-1991	29-11-2002	09-06-1988	01-07-1968
Netherlands	11-12-1978	11-12-1978	21-12-1988	06-02-1995	23-07-1991	17-07-2001	16-06-1971	15-03-1973
Austria	10-09-1978	10-09-1978	29-07-1987	06-08-1992	31-03-1982	28-12-2000	29-10-1953	10-01-1973
Poland	18-03-1977	18-03-1977	26-07-1989	07-06-1991	30-07-1980	12-11-2001	25-10-1954	30-05-1961
Portugal	15-06-1978	31-07-1978	09-02-1989	21-09-1990	30-07-1980	05-02-2002	20-02-1967	19-11-1959
Slovenia	06-07-1992	06-07-1992	16-07-1993	06-07-1992	06-07-1992	31-12-2001	29-05-1992	29-05-1992
Slovakia	28-05-1993	21-03-1993	28-05-1993	28-05-1993	28-05-1993	11-04-2002	01-01-1993	01-01-1993
Finland	19-08-1975	19-08-1975	30-08-1989	20-06-1991	04-09-1986	29-12-2000	14-01-1963	23-04-1970
Sweden	06-12-1971	06-12-1971	08-01-1986	21-06-1990	02-07-1980	28-01-2001	20-06-1962	20-06-1962
UK	20-05-1976	20-05-1976	08-12-1988	12-12-1991	04-07-1986	04-10-2001	15-06-1971	08-06-1999
EMP SOUTHERN PARTNERS								
Algeria	10-09-1989	12-09-1989	12-09-1989	16-04-1993	22-05-1996	–	19-06-1962	–
Egypt	14-01-1982	14-01-1982	25-06-1986	06-07-1990	18-09-1981	–	27-06-1960	–
Israel	03-10-1991	03-10-1991	03-10-1991	03-10-1991	10-03-1991	–	09-06-1965	–
Jordan	28-05-1975	21-05-1975	13-11-1991	24-05-1991	07-01-1992	11-04-2002	29/02/66	–
Lebanon	03-11-1972	03-11-1972	05-10-2000	14-05-1991	21-04-1997	–	01-06-1977	–
Morocco	03-05-1979	03-05-1979	21-06-1993	21-06-1993	21-06-1993	–	11-05-1979	–
PA	–	–	–	–	–	–	–	–
Syria	21-04-1969	21-04-1969	19-08-2004	15-07-1993	25-09-2002	–	07-06-1957	–
Tunisia	18-03-1969	18-03-1969	23-09-1988	30-01-1992	20-09-1985	–	11-10-1968	–
Turkey	23-09-1973	23-09-2003	02-08-1988	04-04-1995	20-12-1985	–	19-07-1967	–
OBSERVER STATUS								
Libya	15-05-1970	15-05-1970	16-05-1989	15-04-1993	–	–	20-06-1962	–

a ICCPR: International Covenant on Civil and Political Rights; ICESCR: International Covenant on Social, Economic and Cultural Rights; CAT: Convention against Torture; CRC: Convention on the Rights of the Child;

CEDAW: Convention on the Elimination of Discrimination against Women.

b C100, Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value

(Adopted: 1951; entered into force: 1953); C111 Convention concerning Discrimination in Respect of Employment.

Sources:

Columns 1-5: Office of the United Nations High Commissioner for Human Rights, 2006.

Column 6: International Criminal Court, 2006.

Columns 7 and 8: International Labour Organisation, 2006.

Table 4. Reservations to the Convention on the Elimination of Discrimination Against Women

RESERVATIONS TO THE CEDAW														
	Preamble	Art. 1	Art. 2	Art. 4	Art. 5	Art. 7	Art. 9	Art.11	Art. 13	Art. 14	Art. 15	Art. 16	Art. 29	Total
EU MEMBERS														
Belgium	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Czech Rep.	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Denmark	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Germany	§ 11	–	–	–	–	–	–	–	–	–	–	–	–	1
Estonia	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Greece	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Spain	–	–	–	–	–	–	–	–	–	–	–	–	–	–
France	–	–	–	–	5 b	–	9	–	–	14/2 c,h	–	16/1 g	29/1	5
Ireland	–	–	–	–	–	–	–	11/1	13 a	–	–	16/1 d, f	–	3
Italy	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Cyprus	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Latvia	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Lithuania	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Luxemburg	–	–	–	–	–	7	–	–	–	–	–	16/1 g	–	2
Hungary	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Malta	–	–	–	–	–	–	–	11/1	13	–	15	16	–	4
Netherlands	§§ 10, 11	–	–	–	–	–	–	–	–	–	–	–	–	1
Austria	–	–	–	–	–	–	–	11	–	–	–	–	–	1
Poland	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Portugal	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Slovenia	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Slovakia	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Finland	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Sweden	–	–	–	–	–	–	–	–	–	–	–	–	–	–
UK	–	1	–	4/1	–	–	9	11	–	–	15/3	16/1 f	–	4
EMP SOUTHERN PARTNERS														
Algeria	–	–	2	–	–	–	9/2	–	–	–	15/4	16	29/1	5
Egypt	–	–	2	–	–	–	9/2	–	–	–	–	16	29/1	4
Israel	–	–	–	–	–	7 b	–	–	–	–	–	16	29/1	3
Jordan	–	–	–	–	–	–	9/2	–	–	–	15/4	16/1 c, d, g	–	3
Lebanon	–	–	–	–	–	–	9/2	–	–	–	–	16/1 c, d, g	29/1	3
Morocco	–	–	2	–	–	–	9/2	–	–	–	15/4	16	29/1	5
PA	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Syria	–	–	2	–	–	–	9/2	–	–	–	15/4	16/1 c, d, f, g 16/3	29/1	4
Tunisia	–	–	–	–	–	–	9/2	–	–	–	15/4	16/1 c, d, f, g, h	29/1	4
Turkey	–	–	–	–	–	–	9/1	–	–	–	–	–	29/1	2
OBSERVER STATUS														
Libya	–	–	2	–	–	–	–	–	–	–	–	16/1 c, d	–	2

Source:
United Nations High-Commissioner for Human Rights, 2006.

Table 5. Status of Ratification of the Protocol to Prevent Trafficking in Persons, especially Women and Children

STATUS OF RATIFICATIONS AND RESERVATIONS TO THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN supplementing the United Nations Convention Against Transnational Organised Crime			
Partner States	Signature	Ratification, Acceptance, Approval, Accession	Reservations (to Article 15/2)
EU MEMBERS			
Belgium	12 December 2000	11 August 2004	–
Czech Rep.	10 December 2000		
Denmark	12 December 2000	30 September 2003	–
Germany	12 December 2000		
Estonia	20 September 2002	12 May 2004	–
Greece	13 December 2000		
Spain	13 December 2000	1 March 2002	–
France	12 December 2000	29 October 2002	–
Ireland	13 December 2000		
Italy	12 December 2000		
Cyprus	12 December 2000	6 August 2003	–
Latvia	10 December 2002	25 May 2004	–
Lithuania	25 April 2002	23 June 2003	Yes
Luxembourg	13 December 2000		
Hungary	14 December 2000		
Malta	14 December 2000	24 September 2003	–
Netherlands	12 December 2000	27 July 2005	–
Austria	12 December 2000	15 September 2005	–
Poland	4 October 2001	26 September 2003	–
Portugal	12 December 2000	10 May 2004	–
Slovakia	15 November 2001	21 September 2004	–
Slovenia	15 November 2001	21 May 2004	–
Finland	12 December 2000		
Sweden	12 December 2000	1 July 2004	–
UK	14 December 2000	9 February 2006	–
EMP SOUTHERN PARTNERS			
Algeria	6 June 2001	21 August 2002	Yes
Egypt	1 May 2002	5 March 2004	–
Israel	14 November 2001		
Jordan			–
Lebanon	9 December 2002	5 October 2005	–
Morocco			
PA			
Syria	13 December 2000	–	–
Tunisia	13 December 2000	14 July 2003	Yes
Turkey	13 December 2000	25 March 2003	–
OBSERVER STATUS			
Libya	13 November 2001	24 September 2004	–

Article 15/2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

Source:

United Nations, 2006.

Table 6. Gender inequality in economic activity

HDI rank	Population below national poverty line 1990-2002 a	Estimated earned income, 2003 b			Employment, 1995-2002c							
					Agriculture		Industry		Services			
		Women	Men	Women	Men	Women	Men	Women	Men			
	%	PPP US\$	PPP US\$	% of female labour force	%	% of female labour force	%	% of female labour force	%			
High Human Development												
4 Luxembourg	..	34,890	89,883	d	..	..	..	..	..	..		
6 Sweden	..	21,842	31,722		1	3	11	36	88	61		
8 Ireland	..	22,125	53,549		2	11	14	39	83	50		
9 Belgium	..	19,951	37,019		1	3	10	36	82	58		
12 Netherlands	..	20,512	38,389		2	4	9	31	86	64		
13 Finland	..	23,211	32,250		4	7	14	40	82	53		
14 Denmark	..	26,587	36,430		2	5	14	36	85	59		
15 UK	..	20,790	33,713		1	2	11	36	88	62		
16 France	..	20,642	35,123		1	2	13	34	86	64		
17 Austria	..	15,878	45,174		6	5	14	43	80	52		
18 Italy	..	17,176	37,670		5	6	20	39	75	55		
20 Germany	..	19,534	36,258		2	3	18	44	80	52		
21 Spain	..	13,854	31,322		5	8	15	42	81	51		
23 Israel	..	14,159	25,969		1	3	12	34	86	62		
24 Greece	..	12,531	27,591		18	15	12	30	70	56		
26 Slovenia	..	14,751	23,779		10	10	29	46	61	43		
27 Portugal	..	12,853	23,829		14	12	23	44	63	44		
29 Cyprus	..	11,864	25,260		4	5	13	31	83	58		
31 Czech Rep.	..	12,843	20,051		3	6	28	50	68	44		
32 Malta	..	9,893	25,525		1	3	21	36	78	61		
35 Hungary	..	11,287	18,183		4	9	26	42	71	49		
36 Poland	..	8,769	14,147		19	19	18	40	63	40		
38 Estonia	..	10,745	16,75		4	10	23	42	73	48		
39 Lithuania	..	9,595	14,064		12	20	21	34	67	45		
42 Slovakia	..	10681	16,463		4	8	26	48	71	44		
48 Latvia	..	8,050	12,886		12	18	16	35	72	47		
Medium Human Development												
58 Libya	..	..	..		..	..	..	..	..	..		
81 Lebanon	..	2,430	7,789		..	..	..	..	..	..		
89 Tunisia	7.6	3,840	10,420		..	..	..	..	..	..		
90 Jordan	11.7	2,004	6,491		..	..	..	..	..	..		
94 Turkey	..	4,276	9,286		56	24	15	28	29	48		
102 PA	..	..	..		26	9	11	32	62	58		
103 Algeria	12.2	2,896	9,244		..	..	..	..	..	..		
106 Syria	..	1,584	5,534		..	..	..	..	..	..		
119 Egypt	16.7	1,614	6,203		39	27	7	25	54	48		
124 Morocco	19	2,299	5,699		6	6	40	32	54	63		

As a result of limitations in the data, comparisons of labour statistics over time and across countries should be made with caution. For detailed notes on the data, see ILO (2002). Estimates and Projections of the Economically Active Population 1950-2010, 4th ed., rev. 2. Databases. Geneva, ILO (2003). Key Indicators of the Labour Market, third edition [<http://kilm.ilo.org/kilm/>], accessed March 2005 and ILO (2005) Laboursta Database. [<http://laborsta.ilo.org>]. Accessed March 2005. The percentage shares of employment by economic activity may not sum to 100 because of rounding or the omission of activities not classified.

- a. Data refer to the most recent year available during the period specified.
- b. Because of the lack of gender-disaggregated income data, female and male earned income are crudely estimated on the basis of data on the ratio of the female non-agricultural wage to the male non-agricultural wage, the female and male shares of the economically active population, the total female and male population and GDP per capita (PPP US\$) (see the technical note above). Estimates are based on data for the most recent year available during 1991-2003, unless otherwise specified.
- c. Data refer to the most recent year available during the period specified.
- d. For purposes of calculating the GDI, a value of \$40,000 (PPP US\$) was applied.

Compiled from UNDP website on 1 April 2006, which lists the following specific sources:

Column 1: World Bank. 2005. World Development Indicators 2005. CD-ROM. Washington, DC.

Columns 2 and 3: unless otherwise noted, calculated on the basis of data on GDP per capita (PPP US\$) and population from World Bank. 2005. World Development Indicators 2005. CD-ROM. Washington, DC.; data on wages from ILO (International Labour Organization). 2005. Laboursta Database. [<http://laborsta.ilo.org>]. March 2005.; data on the economically active population from ILO (International Labour Organization). 2002. Estimates and Projections of the Economically Active Population 1950-2010, 4th ed., rev. 2. Database. Geneva.

Columns 4-9: ILO (International Labour Organization). 2003. Key Indicators of the Labour Market, Third edition . [<http://kilm.ilo.org/kilm/>]. Accessed March 2005. Geneva

Table 7. Gender inequality: literacy and enrolment

HDI Rank	Adult literacy rate			Net primary enrolment			Net secondary enrolment			Female adult literacy rate		
	% ages 15 and above			%			%			% ages 15 and above	as % of male rate	
	1990 a	2003		1990/91 b	2002/03 b,c	1990/91 b,d	2002/03 b,c,d					
High Human Development												
4 Luxembourg	..	..		81	90	..	80			..		..
6 Sweden	..	..		100	100	85	100			..		..
8 Ireland	..	..		90	96	80	83			..		..
9 Belgium	..	..		96	100	87	97			..		..
12 Netherlands	..	..		95	99	84	89			..		..
13 Finland	..	..		98	100	93	95			..		..
14 Denmark	..	..		98	100	87	96			..		..
15 UK	..	..		98	100	81	95			..		..
16 France	..	..		100	99	..	94			..		..
17 Austria	..	..		88	90	..	89			..		..
18 Italy	97.7	..		100	100	..	91			..		..
20 Germany	..	..		84	83	..	88			..		..
21 Spain	96.3	..		100	100	..	96			..		..
23 Israel	91.4	96.9		92	99	..	89			95.6		..
24 Greece	94.9	91.0		95	99	83	86			88.3		94
26 Slovenia	99.6	99.7 f		100	93	..	93			99.6 g		100 g
27 Portugal	87.2	..		100	100	..	85			..		..
29 Cyprus	94.3	96.8		87	96	69	93			95.1		96
31 Czech Rep.	..	..		87	87	..	91			..		..
32 Malta	88.4	87.9		97	96	78	87			89.2		103
35 Hungary	99.1	99.3		91	91	75	94			99.3		100
36 Poland	99.6	..		97	98	76	83			..		..
38 Estonia	99.8	99.8		99	95	..	88			99.8		100
39 Lithuania	99.3	99.6		..	91	..	94			99.6		100
42 Slovakia	..	99.6		..	86	..	88			99.6		100
48 Latvia	99.8	99.7		92	86	..	88			99.7		100
Medium Human Development												
58 Libya	68.1	81.7 f		96	..	..	..			70.7 g		77 g
81 Lebanon	80.3	..		78	91	..	..			..		..
89 Tunisia	59.1	74.3		94	97	..	65			65.3		78
90 Jordan	81.5	89.9		94	92	..	80			84.7		89
94 Turkey	77.9	88.3		89	86	42	..			81.1		85
102 PA	..	91.9		..	91	..	84			87.4		91
103 Algeria	52.9	69.8		93	95	54	67 h			60.1		76
106 Syria	64.8	82.9		92	98	43	43			74.2		82
119 Egypt	47.1	55.6 i		84	91 h	..	81 j,h			43.6 k		65 k
124 Morocco	38.7	50.7 f		57	90	..	36 h			38.3 g		61 g

a. Data for 1990 refer to estimates produced by UNESCO Division of Statistics based on data prior to 1990; data for 2003 refer to national literacy estimates from censuses or surveys conducted between 2000 and 2004, unless otherwise noted. Due to differences in methodology and timeliness of underlying data, comparisons across countries and over time should be made with caution. For more details see http://www.uis.unesco.org/ev.php?ID=4930_201&ID2=DO_TOPIC.

b. The net enrolment ratio is the ratio of enrolled children of the official age for the education level indicated to the total population of that age. Net enrolment ratios exceeding 100% reflect discrepancies between these two data sets.

c. Data refer to the most recent year available during the period specified.

d. For purposes of calculating the GDI, a value of \$40,000 (PPP US\$) was applied.

- e. Data refer to national literacy estimates from censuses or surveys conducted between 2000 and 2004, unless otherwise noted. Due to differences in methodology and timeliness of underlying data, comparisons across countries and over time should be made with caution. For more details see http://www.uis.unesco.org/ev.php?ID=4930_201&ID2=DO_TOPIC.
- f. Estimate produced by UNESCO Institute for Statistics in July 2002.
- g. Estimate produced by UNESCO Institute for Statistics in July 2002.
- h. Preliminary UNESCO Institute for Statistics estimate, subject to further revision.
- i. Data refer to a year between 1995 and 1999.
- j. Data refer to the 2001/02 school year.
- k. Data refer to a year between 1995 and 1999.

Compiled from UNDP website on 1 April 2006, which lists the following specific sources:

Column 1: UNESCO Institute for Statistics (United Nations Educational, Scientific and Cultural Organization). 2003. Correspondence on adult and youth literacy rates. April. Montreal.

Columns 2, 7 and 8: UNESCO Institute for Statistics (United Nations Educational, Scientific and Cultural Organization). 2005. Correspondence on adult and youth literacy rates. April. Montreal.

Columns 3, 4, 5 and 6: UNESCO Institute for Statistics (United Nations Educational, Scientific and Cultural Organization) 2005. Correspondence on gross and net enrolment ratios and children reaching grade 5. April. Montreal.