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## Women's rights and prospects for Euro-Mediterranean co-operation

### Report<sup>1</sup>

Committee on Equality and Non-Discrimination

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### Summary

Three years after the uprisings which started the "Arab Spring", the picture is a mixed one: the status of women and its evolution vary considerably from one country to another, just like the general political landscape. Tunisia and Morocco, following different approaches, are managing to gradually improve and consolidate what they have achieved. Libya on the verge of civil war and Egypt struggling to regain stability have not yet given women's rights the commitment they demand. In Algeria, against a largely unchanging political context, progress regarding the status of women is still insufficient. In all these countries, advances are possible and desirable, through the implementation of the principle of equality provided for in the respective constitutions.

So far, Morocco and Tunisia have been prime interlocutors of the Council of Europe. These fruitful relations should continue in the future. These two countries have the opportunity to play an exemplary modernising role in the region and in the community of countries with a Muslim majority. They demonstrate that it is possible to move towards gender equality without abandoning their cultural and religious roots.

Co-operation between the Council of Europe and the countries of the region, particularly with the tools of interparliamentary co-operation and the "South Programme", should be strengthened and the improvement of the status of women should be integrated into programmes across all sectors.

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1. Reference to committee: [Doc. 13218](#), Reference 3976 of 28 June 2013.

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## A. Draft resolution<sup>2</sup>

1. Three years after the uprisings which started the “Arab Spring”, women’s status on the southern shore of the Mediterranean has a mixed record. It is moreover widely diversified between the various countries: on the one hand, Morocco and Tunisia, by creating or consolidating democratic institutions, have achieved significant progress in this area; on the other, Egypt, struggling to restore stability, and Libya, on the brink of civil war, are no further ahead. Algeria’s progress is insufficient.
2. Gender equality is an indicator of a country’s degree of democratisation and of its resolve and capacity for the inclusion of all citizens without discrimination of any kind. Likewise, breaches of women’s rights often act as an alarm bell, revealing threats to the rights and freedoms of everyone.
3. Morocco and Tunisia have hitherto been prime interlocutors of the Council of Europe, and it is desirable that these productive relations be perpetuated in the future. At the same time, these countries can play an exemplary modernising role in international forums such as the Organisation of Islamic Cooperation by proving that it is possible to advance towards gender equality without renouncing one’s traditional cultural and religious roots.
4. The Parliamentary Assembly welcomes the enshrinement of the gender equality principle in the new constitutions adopted by Egypt and Tunisia in 2014. The effective realisation of this principle will call for a sustained effort on the part of these countries’ governments and legislators during the years ahead.
5. An alert and watchful stance regarding the situation of women in the countries of the region remains necessary, since where human rights are concerned regressions are always possible and the political and institutional frameworks are particularly unstable in some of these countries.
6. Civil society, including women’s organisations, has played a crucial part in the processes of democratic transition or consolidation, and should be supported by the national institutions and the agents of international co-operation.
7. In general, media also have an important part to play in modernising society and supporting gender equality; even more so in societies where illiteracy remains widespread (oral tradition). They have a potent influence on attitudes and should exercise it to instil the principle of equality and eradicate gender stereotypes.
8. In the light of these considerations, the Assembly reiterates the recommendations directed at the countries of the region both collectively and individually in [Resolution 1873 \(2012\)](#) “Equality between women and men: a condition for the success of the Arab Spring”. Furthermore, it calls on the countries of the region to:
  - 8.1. apply the principle of equality enshrined in their constitutions coherently and in depth, including through specific policies and programmes;
  - 8.2. make sure that the law on the family and inheritances is in keeping with the principle of equality, particularly as regards the head of family’s role, parental authority, divorce, custody of children and inheritance;
  - 8.3. combat violence against women by means of a legal framework founded on prevention of violence, protection of victims and punishment of perpetrators, which addresses all forms of violence against women in the ambit of criminal law, including domestic violence, female genital mutilation, neglect of daughters, so-called “honour” crimes and sexual violence; this legislation should be coherently implemented and regularly evaluated;
  - 8.4. eliminate all barriers impeding women’s effective access to justice and guarantee their access to and participation in the mechanisms of transitional justice;
  - 8.5. support civil society, including women’s organisations, and involve it in preparing and implementing laws and policies likely to have an impact on the status of women;
  - 8.6. promote the full participation of women and of women’s organisations in public and political life, in particular by introducing into the electoral legislation provisions aimed at promoting the representation of elected women in public bodies. Within these bodies and, as appropriate, political parties, information and training activities should be organised to improve the capabilities of all elected representatives without distinction as to gender;

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2. Draft resolution adopted by the committee on 8 September 2014.

- 8.7. promote women's representation in the judicial system and the legal professions as well as the police force;
  - 8.8. involve the media in promoting equality, both by combating gender stereotyping and by increased representation of women on the staff of the various information agencies, particularly radio and television;
  - 8.9. guarantee equal access to education at all levels without gender-based discrimination and intensify the fight against illiteracy, including that of adults and especially women;
  - 8.10. intensify co-operation with the Council of Europe, in particular by acceding to the relevant conventions and enlarged partial agreements, notably the European Commission for Democracy through Law (Venice Commission), if they have not already done so;
  - 8.11. consider accession to the Council of Europe Convention on Action against Trafficking in Human Beings (ETS No. 197) and to the Convention on Preventing and Combating Violence against Women and Domestic Violence (ETS No. 210, "Istanbul Convention");
  - 8.12. strengthen interparliamentary co-operation with the Council of Europe by using available tools such as the partner for democracy status, and through co-operation under the "Strengthening democratic reform in the southern Neighbourhood" programme ("South Programme");
  - 8.13. strengthen co-operation within the region in order to exchange good practices for improving the status of women;
9. Furthermore, the Assembly calls on Morocco to:
- 9.1. guarantee that the Family Code is uniformly implemented in the various courts of the country, in particular through activities for the information and training of magistrates and by facilitating access to justice for women who are disadvantaged and live in rural areas;
  - 9.2. ensure the implementation of the Government Plan for Equality ICRAM (Concerted Initiative for Enhancing the Attainments of Moroccan Women) adopted in June 2013 on the basis of a partnership agreement with the European Union;
  - 9.3. combat the phenomenon of underage marriages;
  - 9.4. eradicate the phenomenon of illegal employment of minors, particularly in a domestic setting, by enforcing the current labour legislation;
  - 9.5. complete the legislative process in hand so as to introduce adequate legislation on violence against women;
10. The Assembly calls on Tunisia to:
- 10.1. reform the electoral legislation in order to guarantee the effectiveness of the provisions in favour of women's representation;
  - 10.2. complete the process of creating legislation on violence against women and trafficking in human beings and guarantee its implementation and evaluation;
11. The Assembly calls on Algeria:
- 11.1. reform the Family Code in a truly gender-balanced perspective by eliminating the provisions that discriminate against women, notably in respect of legal capacity to marry, parental authority and conditions for seeking divorce;
  - 11.2. reform Law No. 12-06 on associations, or apply it in such a way that it does not curb freedom of assembly and association.
12. The Assembly calls on Libya to guarantee the implementation of the decree enacting a law to recognise women victims of rape during the 2014 revolution as "war victims", adopted on 19 February 2014, by allocating sufficient human and financial resources.
13. The Assembly calls on Egypt to:
- 13.1. promote women's participation in public life and their political representation, specifically by means of adequate electoral legislation;

13.2. combat violence against women in all forms, including psychological and sexual harassment and female genital mutilation.

## **B. Draft recommendation<sup>3</sup>**

1. Referring to its Resolution ... (2014) on women's rights and prospects for Euro-Mediterranean co-operation, the Parliamentary Assembly notes that in the countries on the southern shore of the Mediterranean, equality between men and women is developing unevenly, alongside democratic transition, with significant advances in certain countries and a situation of instability hampering progress in others.
2. The Assembly commends the efforts of the Council of Europe to strengthen co-operation with the countries of the region and contribute to these processes through interparliamentary co-operation, including by way of the partner for democracy status.
3. The Assembly reiterates the importance which it attaches to the activities of the European Commission for Democracy through Law (Venice Commission), particularly in the light of the role which it played in the framing of the Tunisian Constitution. It encourages the Committee of Ministers to promote the Venice Commission's actions in the region, both in its member States (Morocco, Tunisia) and outside them.
4. The Assembly encourages the Committee of Ministers to promote the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (ETS No. 210, "Istanbul Convention"), which came into force on 1 August 2014, vis-à-vis the southern neighbourhood countries, both through training activities on the content of the convention and by promoting the accession of these countries.
5. The Assembly considers that co-operation by the Council of Europe with the southern Mediterranean countries should continue assigning a major role to the "gender equality" component also in the interparliamentary context.

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3. Draft recommendation adopted by the committee on 8 September 2014.

## C. Explanatory memorandum by Ms Saïdi, rapporteure

### 1. Origin and aim of the report

*On 25 June 2014, Salwa Bugaighis, lawyer, human rights activist and leading figure in the protests against Colonel Gaddafi, was assassinated. A former member of the Libyan National Transitional Council, which she left after a few months in protest at the almost complete lack of women in that body, she was one of the founding members of the Libyan Women's Platform for Peace. She was well known for her opposition to the armed militias and radical Islamists. She had just returned to Libya to exercise her right to vote (against the advice of those close to her on account of the death threats she had received). On her return home from the polling station, she was attacked by a group of masked men who stabbed her and shot her twelve times.*

*Salwa Bugaighis was not the only courageous woman in this troubled region, nor the only one to have given her life for the cause of democracy. However, her sacrifice is particularly painful because, through her independent and consistent stances, she made a significant contribution to establishing a new country. To commemorate this woman's commitment and out of solidarity with all those, both men and women, who continue her fight, I would like to dedicate this report to the memory of Salwa Bugaighis.*

1. Parliamentary Assembly [Resolution 1873 \(2012\)](#) «Equality between women and men: a condition for the success of the Arab Spring» proposed, for the countries in the region, a number of measures and reforms to be initiated in order to improve the status of women and eliminate all forms of discrimination against them. Some of these suggestions were addressed to all countries in the region, others to specific countries. They related in particular to the political representation of women and their participation in public life, family law, combating violence against women, the image of women in the media, gender stereotypes, and co-operation with civil society.

2. In drafting a new report, two years later, I intend to take stock of the situation in the wake of various key developments in the political and institutional life of the countries in the region. This report will look at the direction taken regarding respect for human rights and the status of women. At the same time, I shall seek to identify the measures to be taken to improve this status.

3. I would like to reiterate that formulating recommendations does not mean exporting or imposing the principles and standards upheld in Europe. The substance of [Resolution 1873 \(2012\)](#) reflected the aspirations of the women in the region, as conveyed by their political representatives and civil society. When drafting my 2012 report, I was able to talk to numerous representatives from these quarters and was able to see that we shared the same aims, based on international human rights standards. The widespread involvement of women in the early stages of the Arab Spring undoubtedly helped raise awareness of the role they can play in society at all levels.

4. In this connection, I would like to quote the words of the Algerian sociologist and political scientist, Ferial Lalami: "As soon as women's associations put forward a demand for equality, they are accused of manipulating or flatly imitating western feminist movements. This criticism has a strategic aim: to discredit the movement. However, such calls for changes in the status of women have their roots in Arab society itself. It has not been imported. Each women's association will take specific local forms, fitting in with the social and political conditions of the country."<sup>4</sup>

5. Bearing in mind the Council of Europe's co-operation activities, in 2012 the Assembly also addressed the Committee of Ministers in order to help define the general focus of this programme and to strengthen the components relating to gender equality and to improving the status of women, making sure that they were made top priorities. It is intended that this report will also be relevant in this context. It seeks to provide useful guidance for the Committee of Ministers in assessing the co-operation activities in the region and identifying priorities for the future of the programme.

### 2. A diverse situation

6. The whole southern shore of the Mediterranean has, to a greater or lesser extent, been affected by what is generally termed the "Arab Spring". This term is not entirely accurate given that several so-called Arab countries are ethnically very diverse, with in particular a large Amazigh population. A few years later, this very

4. [www.tv5.org/cms/chaine-francophone/Terriennes/Dossiers/p-24970-Le-combat-des-Algeriennes-pour-un-nouveau-code-de-la-famille-entre-feminisme-et-syndicalisme.htm](http://www.tv5.org/cms/chaine-francophone/Terriennes/Dossiers/p-24970-Le-combat-des-Algeriennes-pour-un-nouveau-code-de-la-famille-entre-feminisme-et-syndicalisme.htm).

image of a “Spring” has proved to be deceptive, for in several countries this season which was so full of initiatives and hope has not produced the desired results. Nonetheless, the term “Arab Spring” has become firmly established in the media and will probably remain so in the collective memory.

7. Despite common features, such as the grass-roots origins of the protesters, the involvement of young people and women and use of social networks on the Internet, the movements are very diverse. The impact has been very uneven in the various countries in question, since the context, from the outset, was very different. In Egypt, Libya and Tunisia, autocratic regimes have fallen. In Morocco, the protests have given strong impetus to a process of democratic reform initiated a long time ago. In Algeria, the impact has been much more limited than elsewhere.

8. The situation is also very diverse with regard to women’s rights. The legal framework, which in Tunisia was historically more advanced thanks to the choices made post-independence, has developed positively in Morocco too over the course of the last decade. In Egypt, under the first post-Mubarak government, the status of women has deteriorated.

9. In this report, I shall first of all look at the situation in Morocco and Tunisia, referred to in [Resolution 1873 \(2012\)](#) as examples to be followed. These two countries have entered into a close relationship with the Council of Europe. Both members of the Venice Commission, they have acceded to a number of Council of Europe conventions and are partners in the co-operation activities carried out under its neighbourhood policy. Morocco is also a member of the European Centre for Global Interdependence and Solidarity (North-South Centre) and its parliament requested and was granted partner for democracy status with the Parliamentary Assembly. The Council of Europe has opened programme offices in Rabat and Tunis. Despite having followed very different paths, both countries have adopted advanced standards in the field of women’s rights.

10. Next, I shall outline the situation of women in Libya and Egypt, where the process of democratic transition is proving particularly difficult. In Libya, the structures of the State are still too weak and violence between the various factions continues. In Egypt, the post-Mubarak era has seen upheaval following the fall of the first post-revolutionary government headed by the Muslim Brotherhood, which was overthrown by the army in the wake of mass protests.

11. Lastly, I shall analyse the status of women in Algeria, a country in which the wind of change has had only limited effects but in which there have been some positive signs, such as an improvement in the political representation of women. While I am fully aware of the political issues which hamper relations between Algeria and other countries in the region, I sincerely hope that it will strengthen its co-operation with both its neighbours and Europe.

### **3. Tunisia following the adoption of the new constitution**

12. Tunisia can be seen as a country in which the revolution has been a success: following the fall of the regime in power, Tunisia was able to build democratic institutions. The adoption of a new constitution on 26 January 2014 marked a major step in Tunisia’s recent history.<sup>5</sup> Three years after the first mass demonstrations and the suspension, in March 2011, of the former constitution, a process has been completed. The overwhelming majority obtained in the final vote in the National Constituent Assembly (200 votes in favour, 12 against and 4 abstentions) demonstrates the strength of the agreement between the Islamists of Ennahda, having a relative majority with 89 seats out of 217, and the other political forces.

13. The National Constituent Assembly asked the European Commission for Democracy through Law (the Venice Commission), to issue an opinion on the draft constitution. The Venice Commission examined the provisions, article by article, in order to verify whether the draft complied with the fundamental texts of international law regarding democratic functioning, civil liberties and the rule of law. Its aim was also to identify any shortcomings and, where necessary, make recommendations to rectify these. The Venice Commission’s opinion,<sup>6</sup> published on 17 October 2013, praised the “outstanding work accomplished by the Tunisian National Constituent Assembly” and the clear reference to “fundamental rights”, welcoming the fact that the draft constitution, firstly, was based “on the universal principles of democracy and human rights” and created, for the first time in the history of Tunisia, “an independent Constitutional Court”.

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5. Libertés, droits des femmes: les avancées de la Constitution tunisienne, *Le Monde*, 27 January 2014, Hélène Sallon: [http://abonnes.lemonde.fr/tunisie/article/2014/01/27/des-avancees-majeures-dans-la-constitution-tunisienne\\_4354973\\_1466522.html](http://abonnes.lemonde.fr/tunisie/article/2014/01/27/des-avancees-majeures-dans-la-constitution-tunisienne_4354973_1466522.html).

6. Observations on the final draft constitution of the Republic of Tunisia, [Opinion 733/2013](#), CDL-AD(2013)033.



14. At the same time, the Venice Commission noted some inconsistency between certain articles, for example with regard to the balance and functioning of powers and the provisions concerning the profession of one's faith. Following the publication of the opinion, the work of the National Constituent Assembly continued for several months up to the promulgation of the Constitution. I would like to emphasise that the request for an opinion submitted by President Ben Jaafar afforded an opportunity for fruitful co-operation between the new Tunisia and the Council of Europe, and constituted a positive response to the recommendations contained in Assembly [Resolution 1873 \(2012\)](#).

15. The adoption of a new Tunisian Constitution represents the fulfilment of the democratic aspirations of the demonstrators in 2010 and 2011. At the same time, a new process began. Following the dismantling of the former State and the creation of democratic institutions, it is essential to implement the democratic principles set out in the new constitution.

### ***3.1. The principle of gender equality in the new constitution: the challenge of implementation***

16. In the course of the work of the Tunisian National Constituent Assembly, the debate over the principle of "complementarity" between women and men had given rise to serious concerns. The text approved by the National Constituent Assembly's Committee on Rights and Freedoms in August 2012 provided that "the State shall ensure the protection of women and their achievements in accordance with the principle of complementarity with men within the family and as the associates of men in the development of the homeland". This provision sought to eliminate the principle of gender equality and expressed "a total rejection of the human rights of women", striking a blow to their dignity and citizenship. This was condemned by the Tunisian section of Amnesty International and by the Tunisian Association of Democratic Women.

17. In its final version, Article 21 establishes the principle of equality between women and men. The text approved in plenary session on 6 January 2014, by an overwhelming majority of 159 votes out of 169 votes cast, stipulates that "[a]ll citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination ...".

18. Those with whom I spoke during my fact-finding visit to Tunisia on 16 June 2014 confirmed this feeling of satisfaction, and indeed relief, at what had been accomplished with the adoption of the new constitution. At the same time, as Ms Samira Merai, member of parliament for the Afek Tounes party so rightly said, "the threat is ever present": in the field of human rights, nothing is settled once and for all, in Tunisia as elsewhere. There is still a danger that what Tunisia has achieved with regard to women's rights could once again be put into question.

19. Article 46 lays down obligations for the Tunisian State to implement the principle of equality: "The State commits to protect women's long-standing rights and shall work to strengthen and develop those rights. The State guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The State works to attain parity between women and men in elected assemblies. The State takes all necessary measures in order to eradicate violence against women." This wording is fairly comprehensive and, in my view, positive. The challenge for the years ahead resides in the practical implementation of these commitments.

### ***3.2. Political participation by women: the principle of parity and alternation on voting lists***

20. On 11 April 2011, the High Authority responsible for preparing the 24 July election of the Tunisian Constituent Assembly decided to formally establish parity on voting lists. The International Federation for Human Rights (FIDH) commented favourably on this decision, describing Tunisia as a country in the forefront "regarding women's participation in political life". This vote, carried by a substantial majority, provided that all lists must be gender balanced and show men and women candidates alternately.

21. Five months later, when the lists were submitted, women represented only 5% of the candidates heading a list. The fragmentation of the political forces brought about a proliferation of lists, which greatly weakened the impact of the principle of alternation. Only 49 women (out of 217 Assembly members) had the opportunity of participating in the drafting of the new constitution and consolidating their gains. It is essential to prevent such undesired effects of the electoral legislation by drafting laws promoting both horizontal and vertical parity.

22. Tunisian women, young ones included, can and wish to participate in political life. However, lack of opportunities for acquiring experience, and the absence of real dialogue in the forums that exist prevent many women from participating more actively in political life. In this context, cyber-activism has offered women a new

platform for engaging in political dialogue and freely expressing their political opinions. According to the findings of the Centre for Arab Women's Training and Research (CAWTAR) which has been providing documentation on the participation of Tunisian women in politics since 2011, it is easier for a woman in Tunisia to manage a blog or a website in complete independence than to participate in the activities of a political movement. Despite this cyber-activism, politics has a tendency to reproduce the traditional forms of discrimination: women's access to the institutions continues to be more difficult.<sup>7</sup> In addition, as those with whom I spoke in Tunisia pointed out, so far there has been a lack of training for elected representatives in equality issues.

### **3.3. Violence against women**

23. As indicated above, the Tunisian State authorities have undertaken to implement the necessary measures to eradicate violence against women. I wholeheartedly welcome the formalisation of this ambitious undertaking in the text of the constitution. Gender-related violence is widespread and underestimated in virtually all countries, and Tunisia is no exception. A very full report on violence against women was published in December 2010, on the eve of the demonstrations that triggered the Arab Spring. According to the report, 47.6% of women aged 18 to 64 say that they have suffered at least one form of violence (physical or psychological) during their lives.

24. In order to implement Article 46 of the constitution, it will be necessary to commit resources for updating and amplifying knowledge of the problem, to establish an adequate legislative framework, and to adopt appropriate policies on this issue.

25. The launch by the Ministry for Women and Family Affairs in December 2013 of an enlarged consultation process with representatives of the various government departments and civil society with a view to drawing up a draft framework law to combat violence against women, which is due to be tabled on 25 November 2014, is a step in the right direction. This demonstrates the political will not only to tackle the problem but also to do so inclusively, in co-operation with civil society, which is bound to make the action more effective.

26. Ms Neila Chaabane, State Secretary for Women and Family Affairs, whom I was able to meet in Tunis, told me that in June 2014 this draft framework law was still being drawn up and was at a very advanced stage, and that the draft law on combating human trafficking had been finalised. Unfortunately, it was not certain that these two draft laws would be debated before the end of the Assembly's term (the elections will be held in October 2014).

27. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (ETS No. 210, "Istanbul Convention"), which entered into force on 1 August 2014, is a major reference text in this field, even beyond the borders of Europe. The Tunisian authorities could bring their legislation closer into line with the provisions of the convention and draw on this instrument in framing integrated policies. In due course they should, I feel, consider the possibility of acceding to the Convention.

28. However, Ms Chaabane said that Tunisia's accession to the Istanbul Convention was not currently on the agenda. The priority of the country's authorities was to have an appropriate range of legal instruments in the field of combating violence against women, without that necessarily falling within the context of its international obligations.

29. This seems to me to be a reasonable approach, provided that the fight against violence is pursued proactively, in proportion to the seriousness of the problem. Tunisia is, quite rightly, proud of its democratic progress and wishes to follow its own path in developing legislation and policies on gender equality. However, this should not rule out, in the medium term, the gradual alignment with international standards, which would be helpful not only in the field of violence against women, but also in respect of other human rights violations. With regard to trafficking in human beings, for example, the harmonisation of legal norms – in order to ensure consistency in what constitutes an offence – is as important as co-operation between police forces.

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7. International Development Research Centre (IDRC), Political participation in Tunisia, IDRC Bulletin: [www.idrc.ca/EN/Resources/Publications/Pages/ArticleDetails.aspx?PublicationID=1182](http://www.idrc.ca/EN/Resources/Publications/Pages/ArticleDetails.aspx?PublicationID=1182).

### 3.4. *Withdrawal of reservations to the CEDAW: relaunching legislative reforms*

30. Among the recommendations specifically made to Tunisia in [Resolution 1873 \(2012\)](#) was the withdrawal of the general declaration concerning the interpretation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), under which the Tunisian Government declared “that it shall not take any organisational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of Chapter I of the Tunisian Constitution”. In the aftermath of adopting a new Constitution, the Tunisian authorities should reconsider this declaration, which weakens the scope of the obligations accepted under the convention.

31. However, although the general declaration remains in place, on 24 April 2014, the United Nations confirmed receipt of notification of the withdrawal of the specific reservations made by the Tunisian Government in 1985 upon ratification of the CEDAW on 16 August 2011. The Council of Ministers of the transitional government adopted the draft legislative decree on the withdrawal of the specific reservations. The reservations related in particular to equality of spouses during marriage and upon its dissolution, parental authority, the wife’s right to confer her surname or nationality on her children and the right of choice of residence. In the past, these reservations had the direct effect of halting the reforms designed to improve women’s legal status and implement the principle of equality.<sup>8</sup> Today, the formalisation of the lifting of the reservations should facilitate the implementation of the principles enshrined in the constitution: I cannot but enthusiastically welcome this encouraging development.

### 3.5. *Women and the media in Tunisia*

32. Tunisian women do not have sufficient visibility in the media. This aspect of life in Tunisia, revealed in various studies,<sup>9</sup> was mentioned several times during my talks in Tunisia. The media, and in particular television, continue to convey an image of women reflecting old gender stereotypes. In addition, women involved in politics are only very rarely represented in the media, which constitutes a further obstacle to their public activity.

## 4. Morocco: gender equality in the legislation and its implementation

33. This year marks the tenth anniversary of the adoption of the “*Moudawana*”, the Family Code which was hailed at the time of its adoption as a major advance for women’s rights in Morocco. Ten years later, and despite the considerable progress made, more still needs to be done to improve implementation of this text.

34. A discrepancy remains between the seminal principles of Moroccan family law and the relevant practice, including that of the courts. The example of underage marriages illustrates this situation. Article 19 of the current Family Code stipulates that matrimonial capacity is acquired at 18 years of age for young people of both sexes (in the former code, the stipulated age was 16 years for girls). However, Article 20 grants family courts power to authorise the marriage of persons under that age. According to data released by the Ministry of Justice, the number of underage marriages doubled between 2004 and 2011, increasing from some 18 000 to 39 000.<sup>10</sup> These marriages sometimes involve girls aged 13 to 15. This practice conforms to the letter, but certainly not the spirit, of the law: it is a form of discrimination and is detrimental to the personal development of the girls concerned. The Moroccan authorities should place strict limits on the possibility of approving underage marriage and in no circumstances allow it under the age of 16.

35. A general problem with the Family Code is that it is not applied uniformly. In rural areas, particularly the more remote, women and children are more vulnerable to discrimination and violations of their rights. Furthermore, they have more difficulties in their access to justice. In the last few years, activities to raise women’s awareness and inform them of the protection afforded by law have been organised. At the same time there should be training for members of the judiciary, especially those applying family law, in order to harmonise practices in the country. Raising the awareness of citizens and specifically women, and providing training for judges are crucial for widening women’s access to justice.

8. [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en&clang=_en).

9. Amongst others, the UNESCO report “Femmes et médias au Maghreb”, a guide for civil society for improving the situation of women in the Maghreb (only in French).

10. [www.yabiladi.com/articles/details/22991/2004-2014-apres-reforme-moudawana-mariage.html](http://www.yabiladi.com/articles/details/22991/2004-2014-apres-reforme-moudawana-mariage.html).

36. An improvement to the country's legal system may occur in the near future thanks, amongst other things, to co-operation with the Council of Europe. In May 2013, Morocco obtained from the Committee of Ministers of the Council of Europe observer status with the European Commission for the Effectiveness of Justice (CEPEJ). The CEPEJ had been collaborating closely with the Moroccan authorities since 2012 under a Council of Europe co-operation programme with Morocco and Tunisia, with the support of the European Union. It is a programme to strengthen the independence and effectiveness of both countries' judicial systems. The access of women to justice and the implementation of the Family Code could benefit from the impact of these co-operation activities.

37. The 2011 Moroccan Constitution represented a major step forward from the standpoint of the principle of gender equality in the country: according to Article 19, "[m]en and women equally enjoy the rights and freedoms of a civil, political, economic, social, cultural and environmental character set forth in this Title and in the other provisions of the Constitution, as well as in the international conventions and covenants duly ratified by Morocco, in accordance with the provisions of the Constitution, the constants and the laws of the Kingdom. The State works for the realisation of parity between men and women. An authority for parity and combating of all forms of discrimination is created to that effect".

38. This authority, which will concern itself primarily with equality between women and men, will be crucial in applying this principle enshrined in the Constitution. It had appeared that this authority was almost ready to be set up, following the finalisation in October 2013 of a draft law to this effect. The text was prepared by a multidisciplinary committee which examined the memorandums submitted by civil society and worked in consultation with several State departments and the Council of Europe (Venice Commission, secretariat of the Human Dignity and Equality Division). It was a positive response to the demands of the Parliamentary Assembly and yet another signal from the Moroccan authorities of their readiness for co-operation with the Council of Europe.<sup>11</sup> However, during my visit to Morocco, I noted that there has been no further progress made since then.

39. There is no recent news even concerning the reservations made by Morocco when it ratified the Convention on the Elimination of all Forms of Discrimination against Women. The reservation made to Article 29.1 on the obligation to submit to arbitration any dispute concerning the interpretation or application of the convention, and the declaration relating to Article 2, still stand. This declaration states that the Moroccan Government is ready to apply the provisions of this article provided that they do not conflict with Islamic law.

40. The inclusion in the government plan for equality ICRAM (the Concerted Initiative for the Strengthening of the Achievements of Moroccan Women), which I shall discuss below, of the words "Morocco's commitment to enforce the provisions of international conventions, particularly the CEDAW, as ratified by Morocco" clearly indicates that Morocco does not wish to lift the general reservation.

41. I hope that in the near future Morocco will come even closer to the CEDAW standards by renouncing every reservation and this declaration. It would also be expedient to sign and ratify the optional Protocol to the CEDAW, recognising the competence of the Committee on the Elimination of Discrimination against Women to receive complaints from individuals or groups, as recommended by [Resolution 1873 \(2012\)](#).

42. The ICARAM Plan, referred to above, is a major contribution to securing gender equality. Adopted in June 2013 on the basis of a partnership agreement between Morocco and the European Union for its financing, this programme has eight focal points. These include upgrading the education and training system on the basis of equity and equality, the social and economic empowerment of women, and achieving equal opportunities between men and women on the job market.

43. Adopting a realistic starting point (the government recognises that the lessons learned from the past decade confirm that gender disparities continue to exist) this plan is based on a cross-sectoral approach, making gender equality a goal to be pursued by all ministries, under the co-ordination of the Ministry of Solidarity, Women, Family Affairs and Social Development.

44. During my visit to Morocco, I was able to meet Ms Bassima Hakkaoui, Minister for Solidarity, Women, Family Affairs and Social Development, to take stock of changes in the status of women in Morocco. Ms Hakkaoui felt that there was a continuous improvement in this status, a positive change of attitudes and greater visibility of gender equality issues. She expressed her commitment to regular consultation with civil society. I believe that significant progress has been achieved, but that the inequalities that persist require an

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11. [www.lematin.ma/journal/egalite-des-sexes\\_le-projet-de-loi-portant-sur-l-autorite-pour-la-parite-bientot-dans-le-circuit-legislatif/189648.html](http://www.lematin.ma/journal/egalite-des-sexes_le-projet-de-loi-portant-sur-l-autorite-pour-la-parite-bientot-dans-le-circuit-legislatif/189648.html).

ongoing effort by the authorities. In addition, the outreach to organisations representing women's rights is a very important aspect. It should apply to all these organisations whose extremely important role in the progress achieved in recent years must be acknowledged.

45. The ICRAM plan expresses the Moroccan Government's commitment to moving towards gender equality. This is a goal requiring considerable and determined efforts. However, on 17 June, the day I met Ms Hakkaoui, the Prime Minister said in parliament that today Moroccan women were neglecting their age-old role of wife and mother in order to find a position in society. He added that women had a more important role to play in the home than in a company or administrative authority. I find these words to be in manifest contradiction to the plan adopted by the government, and it is essential to go beyond this contradiction in order to ensure that the plan receives all the support it needs.

46. At the same time, this plan demonstrates the major role that international co-operation can play. The financial support of the European Union, with a contribution amounting to some 45 million euros, represents a significant lever to strengthen action on this front.

#### **4.1. Women's participation in public and political life**

47. Women's political representation in parliament has improved significantly of late. This is due primarily to the electoral legislation in force: a quota system allocates 60 seats to the lists reserved for women, while leaving other female candidates the possibility of standing for election on the general lists. The outcome of this system at the last elections was to raise to 67 the number of women among the 395 members of the Chamber of Representatives, almost double the number in the previous legislature.

48. The Parliamentary Assembly has always been in favour of electoral quotas reserved for women. This is a necessary measure to put an end to situations of inequality that are firmly rooted in certain countries. It should be a measure with a limited time-frame. In Morocco, this measure has led to some very positive results. In future it is desirable that the number of women elected on the general lists increases. I wish to emphasise that all political players can, and should, contribute to this change: political parties in particular have an important role to play. It is a matter of reflecting in political life the changes that have long since occurred in Moroccan society, where women occupy an important and more and more visible place.

49. At local government level, the law enacted in 2011 also provides for quotas: at least one third of the seats in regional councils, which are elected directly, must be reserved for women. For elections in the municipalities and districts, the law adopts the system of additional electoral constituencies reserved for women.<sup>12</sup> Despite its recent enactment, this legislation will be comprehensively reformed in the near future.<sup>13</sup> The next municipal elections will be held in 2015. Before then, "no fewer than 10 laws, 5 of them institutional acts" are to be drafted, as the Minister of the Interior, Mohamed Hassad, announced. I hope that the new statutes will put into effect the principle of parity enshrined in the Moroccan Constitution, consolidating and enhancing the attainments of the earlier electoral legislation.

50. Women's increasingly significant participation at all levels of Moroccan political life should be reflected in the composition of the government. Two women currently sit in the executive as ministers, and four are junior ministers. I hope that future governments will witness more meaningful participation by women, as has already been the case in the past, or ideally a gender-balanced composition. This would significantly exemplify the application of the principle of equality as proclaimed in Article 19 of the Moroccan Constitution.

#### **4.2. Violence against women**

51. There has been progress in efforts to combat violence against women. A few months ago, for example, we welcomed the approval of an amendment to Article 475 of the Moroccan Criminal Code. Henceforth it will no longer be possible for the culprit of an abduction or rape of a minor to escape conviction by marrying his victim. Once again, this was a measure called for by the Assembly in [Resolution 1873 \(2012\)](#) and strongly advocated by Moroccan civil society. In 2012, the suicide of Amina Filali, a girl who preferred death to married life with her rapist, aroused protests from defenders of women's rights.

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12. [www.quotaproject.org/en/uid/countryview.cfm?CountryCode=MA](http://www.quotaproject.org/en/uid/countryview.cfm?CountryCode=MA).

13. [www.aujourd'hui.ma/une/actualite/elections-communales-la-majorite-gouvernementale-devra-patientser-jusqu-en-2015-105811](http://www.aujourd'hui.ma/une/actualite/elections-communales-la-majorite-gouvernementale-devra-patientser-jusqu-en-2015-105811).

52. This reform has confirmed the determination of the Moroccan authorities to act to improve the status of women. They should assert themselves more in that respect, particularly by adopting legislation and coherent, systematic policies on prevention of violence against women, based on the protection of victims and on the recognition of their rights.

53. In November 2013, the Minister for Solidarity, Women, Family Affairs and Social Development, Ms Hakkaoui, presented a bill on violence against women. This seeks to criminalise all violations of women's physical integrity, harassment, forced marriage and the misuse of family financial resources. The bill has been criticised by civil society because of a number of inconsistencies (it also includes provisions on violence against children) and because civil society movements and associations were not consulted. Therefore, and without the hoped-for political backing, no progress with examining it has been made in recent months.

54. What I have written about Tunisia also holds true for Morocco: I hope that the country's legislation will gradually come into line with the standards of the Istanbul Convention and that the authorities will consider requesting accession to this instrument. The Parliamentary Assembly and the Council of Europe as a whole are ready to co-operate on this.

#### **4.3. The representation of women in the Moroccan media**

55. There is still insufficient representation of women in the Moroccan media, and all too often it is based on stereotypes. In 2012, the High Authority for Audiovisual Communication (HACA) conducted a study on this issue and recommended a change to the Audiovisual Act in order to combat any violation of the dignity of women in the media and, at the same time, to strengthen the presence of women. In July 2014, the Minister for Communication, Mustapha El Khalfi, in reply to a parliamentary question, expressed regret at the current situation. The involvement of women in media programmes in the fourth quarter of 2013 was less than 10% of airtime.

56. The media need to be brought into line with the social reality of the country, or indeed be ahead of it. Legislation should be reformed, as recommended by HACA, but the various stakeholders in the communication world can play a key role on their own initiative. For example, in March 2014, the second national Moroccan channel, 2M, adopted a "Charter to enhance the image of women". The channel has undertaken to promote the role of women as economic, social and political agents, to combat stereotypes and diversify its programming, taking into account the changes in the status of women.

### **5. Algeria between isolation and progress**

57. In 2013, Algeria was ranked 124th out of 136 countries by the World Economic Forum in its annual report on the gender gap. This report was drawn up, amongst other things, on the basis of statistical criteria such as female labour force participation and economic prospects, education, political responsibilities, health and life expectancy.<sup>14</sup>

58. In Algeria, the protests did not achieve such major results as in other countries in the region and the measures adopted by the authorities were a mixture of clampdowns, limited political openness and social assistance, as if the only aim was to restore order rather than make genuine progress. In April 2014, following the re-election of President Bouteflika with an overwhelming majority, Mr Amar Saadani, Secretary General of the National Liberation Front (FLN) – the party that has dominated the political scene since independence – said that the FLN was opposed to any form of transition and that "anyone who wished to import the Arab Spring into Algeria [did] not know Algeria very well".<sup>15</sup>

59. Algeria is continuing along its chosen path in relative isolation, responding to internal dynamics rather than major international political currents. The political activism of women has been eroded by the years of violence and terrorism that had engulfed the country. However, civil society has seen an upsurge of activity in recent years – reflecting the key role it has played in the region – and women's NGOs are no exception. These organisations have exerted increasing pressure on the Algerian authorities to legislate on, amongst other things, violence against women and to reform the Family Code. In addition, they have established co-operation

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14. Annual Gender Gap Report, World Economic Forum: [www.weforum.org/reports/global-gender-gap-report-2013](http://www.weforum.org/reports/global-gender-gap-report-2013).

15. [www.lemonde.fr/afrique/article/2014/04/21/amar-saadani-patron-du-fln-celui-qui-veut-importer-le-printemps-arabe-ne-connaît-pas-l-algerie\\_4404533\\_3212.html](http://www.lemonde.fr/afrique/article/2014/04/21/amar-saadani-patron-du-fln-celui-qui-veut-importer-le-printemps-arabe-ne-connaît-pas-l-algerie_4404533_3212.html).

with their counterparts in neighbouring countries, taking part for example in the Tunis Social Forum in 2013. This marks a departure, which must be supported and encouraged, from the tendency towards the isolation of one part of the social and political forces in the country.

### **5.1. Public and political life, an increase in the participation of women**

60. In 2008, the reform of the Algerian Constitution introduced the first major signs of change with the introduction of Article 31*bis*.<sup>16</sup> Under this article, “[t]he State shall work for the promotion of political rights of women by increasing their chances of access to representation in elected assemblies”. In January 2012, the implementing arrangements for this article were laid down by an institutional act<sup>17</sup> introducing quotas. In the course of numerous debates which preceded its passing, it was amended to such an extent that its substance was somewhat diluted, but nonetheless there has, as a result, been a significant increase in the number of elected women.

61. For example, women's representation rose from 7.7% to 32% in the People's National Assembly, from 6.6% to 29.7% in the People's Assemblies of the wilayas (provinces), and from 9% to 16.5% in the municipal people's assemblies. None of these women have become president of the assembly to which they have been elected. With regard to the executive branch, there are nine women in the 33 ministerial posts in the Algerian Government, seven of whom were appointed on 7 May 2014. Women judges comprise 45% of the judiciary – a high rate which has not recently changed significantly. Algeria's efforts to move towards parity at the institutional level should not be ignored.

### **5.2. Participation of women in economic life**

62. In a report published by the National Statistics Office in 2013,<sup>18</sup> women accounted for only 17.6% of the total working population: a very low rate which has increased very little in recent years. At the same time, the figures published by this institute show that it is more difficult for women to enter the private sector. Nonetheless, it is interesting to note that many women continue with their studies and the higher their level of education, the narrower the gap in the hiring rate compared with men.

63. The influence of traditions remains a significant obstacle to the participation of women in economic life: while the main reason for not seeking work given by men (in 39.8% of cases) is the belief that they will not find any, 53.7% of women (compared with 1.2% of men) state that it is for family reasons that they opt not to work.

64. Current labour legislation and policies do not offer women appropriate protection. Law No. 11 of 1990 admittedly introduced the principle of equal pay for workers without any discrimination, but gender equality in the employment sector is not merely a question of remuneration. It also encompasses access, career prospects and many other aspects.

### **5.3. Violence against women**

65. In the fight to combat violence against women, in 2007 Algeria launched a national strategy, but the results have so far fallen short of what is required. Considerable improvements also need to be made to the legislation. The current law is based on a very partial approach and penalises only physical attacks. In January 2012, the group of NGOs “Stop the violence! Rights for women now” managed to obtain the 40 signatures of members of parliament necessary for a private member's bill, but the latter has never been tabled for debate in plenary session.<sup>19</sup> This is an example of the upsurge in NGO activity, exerting pressure on parliament to come up with a modern law, criminalising all the types of violence of which women are the victims.

66. The attitude of the different people concerned vis-à-vis this phenomenon is a problem: in 2008, a survey by the National Statistics Office showed that 68% of Algerian women accepted violence from their husbands. Judges also seem little prepared for dealing with cases of violence, including rape.<sup>20</sup> It was based on this

16. Algerian Constitution: [http://jurist.org/documents/constitutions/Algeria\\_2008.php](http://jurist.org/documents/constitutions/Algeria_2008.php).

17. Institutional Act No. 12-03 du 18 Safar 1433 corresponding to 12 January 2012 establishing the arrangements for increasing women's chances of access to representation in elected assemblies: [www.joradp.dz/JO2000/2012/001/FP39.pdf](http://www.joradp.dz/JO2000/2012/001/FP39.pdf).

18. Report by the National Statistics Office: Work, employment and unemployment in the 4th quarter of 2013: [www.ons.dz/IMG/pdf/Donnees\\_Stat\\_Emploi\\_2013.pdf](http://www.ons.dz/IMG/pdf/Donnees_Stat_Emploi_2013.pdf).

19. Algérie 360°, Violences faites aux femmes, pour une loi plus répressive, 25 November 2013, [www.algerie360.com/algerie/violences-faites-aux-femmes-pour-une-loi-plus-repressive/](http://www.algerie360.com/algerie/violences-faites-aux-femmes-pour-une-loi-plus-repressive/).

finding that a communication plan<sup>21</sup> was initiated as an integral part of the national strategy to combat violence against women,<sup>22</sup> which became operational in November 2013 with the setting up of a national committee. Its main task is to train the media in how to raise awareness of this problem among various target audiences.

#### **5.4. The Family Code: the need for reform**

67. The Algerian Family Code was reformed in 2005.<sup>23</sup> Numerous changes were introduced, often with considerable symbolic force: for example, abolition of the woman's duty of obedience to her husband, and the formal declaration of equality between spouses in the family. However, inequalities remain in a fair number of provisions. For example, women must be assisted by a guardian in order to marry. Polygamy is legal – this is the case in most countries in the region, with Tunisia being the only one to have proscribed it, but it is nonetheless a clear violation of equality between women and men. Parental authority is recognised to women only in the event of divorce. Furthermore, the conditions for seeking a divorce are much stricter for women than for men.

68. Despite the innovations introduced in 2005, the Family Code is in need of radical new reforms. The challenge here goes far beyond the relations governed by private law. As the sociologist Feriel Lalami, whom I have already quoted, says, “the trade unions and the progressive parties have seized upon the question of the Family Code. For example, the associations striving to combat violence against women since the early 2000s cite this Code as the main source of violence”.<sup>24</sup>

69. Reform of the Family Code in a genuinely egalitarian way is absolutely essential. I believe we must support the efforts of civil society to this end and, at the same time involve, in particular through interparliamentary co-operation, the national authorities that are in a position to carry out such reform.

### **6. Libya: women's rights against the background of rebuilding the country**

70. “Tunisia is struggling alone to keep the hopes of democracy alive. Egypt has fallen back into a military dictatorship which is crushing any attempts at opposition. And Libya is engulfed in destructive chaos.” That is how the newspaper *Le Monde* summed up the situation in these countries of North Africa in an editorial on 13 January 2014, three years after the start of the Arab Spring uprisings. At the conference in Rabat on 16 and 17 June, Shahrazad Magrabi, representative of the Libyan Women's Forum, gave a very clear description of the difficulties experienced by women in her country. Flagrant inequalities, political pressure and patriarchal mindsets persist, exacerbated by the context of a State in collapse. Her call for help was explicit and must be heeded. I hope, through this report, to help ensure that it is heard.

71. Following the collapse of Colonel Gaddafi's dictatorial regime, calm has never been fully restored in Libya. To have an idea of the chaos in the country, one need only think of the 260 successive demonstrations against the government and parliament that took place in 2013, or the proclamation of an autonomous Cyrenaican government by Ibrahim Jadhran, a militia leader.

72. Demonstrations and, what is more alarming, outbreaks of violence, have never ceased. These included the kidnapping of the Prime Minister in a hotel in the heart of Tripoli in October 2013 (he was released a few days later), the attack by armed men on a military checkpoint 50 km from Benghazi and the assassination of Fethallah Al Gaziri (new head of military intelligence) at the end of December, quite apart from the escape of 1 200 inmates from Benghazi prison on 28 July, at the end of a week in which the town was rocked by a series

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20. Article published in *Liberté Algérie*, *Violences sexuelles faites aux femmes: Plaidoyer pour la mise en place d'un cadre juridique adapté*, 11 June 2014: [www.liberte-algerie.com/actualite/plaidoyer-pour-la-mise-en-place-d-un-cadre-juridique-adapte-violences-sexuelles-faites-aux-femmes-223032](http://www.liberte-algerie.com/actualite/plaidoyer-pour-la-mise-en-place-d-un-cadre-juridique-adapte-violences-sexuelles-faites-aux-femmes-223032).

21. Article published in *Le Temps d'Algérie*, *Lutte contre la violence à l'égard des femmes: la stratégie médiatique se met en place*, 8 January 2014: [www.aps.dz/societe/991-lutte-contre-la-violence-%C3%A0-l-%C3%A9gard-des-femmes-la-strat%C3%A9gie-m%C3%A9diatique-se-met-en-place](http://www.aps.dz/societe/991-lutte-contre-la-violence-%C3%A0-l-%C3%A9gard-des-femmes-la-strat%C3%A9gie-m%C3%A9diatique-se-met-en-place).

22. National report of Algeria Beijing +20 UN Women: [www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National\\_reviews/Algeria\\_review\\_Beijing20.pdf](http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National_reviews/Algeria_review_Beijing20.pdf).

23. Algerian Family Code: [www.joradp.dz/TRV/FFam.pdf](http://www.joradp.dz/TRV/FFam.pdf).

24. [www.tv5.org/cms/chaine-francophone/Terriennes/Dossiers/p-24970-Le-combat-des-Algeriennes-pour-un-nouveau-code-de-la-famille-entre-feminisme-et-syndicalisme.htm](http://www.tv5.org/cms/chaine-francophone/Terriennes/Dossiers/p-24970-Le-combat-des-Algeriennes-pour-un-nouveau-code-de-la-famille-entre-feminisme-et-syndicalisme.htm).



of political assassinations. In January 2014, armed men burst into parliament demanding the resignation of the Prime Minister, while the Deputy Industry Minister, Hassan Al-Droui, was assassinated in Sirte and five employees of the Egyptian embassy were kidnapped.

73. Building democratic institutions is proving difficult in a country where Muammar Gaddafi had neither built a State, nor entirely dismantled the previous tribal system. It is a deeply divided country, where the rivalries between parties, which are based on armed militias, are so great that stabilisation seems a far-off prospect.<sup>25</sup> The divisions are also geographical, as there are clear differences between the three main regions, Tripoli, Cyrenaica and Fezzan. There is also an Amazigh (Berber) minority which has its own specific demands.

74. In spite of these difficulties, Libya is seeking to move forward and establish new institutional arrangements based on the rule of law. The first democratic elections in the country's history were held in July 2012. The National Forces Alliance, which is regarded as largely secular, won the elections with 39 of the 80 seats, as against 17 for the Muslim Brotherhood. The country went to the polls again in February 2014 to elect the Constituent Assembly. Two months later, the Assembly elected its President, the liberal, Ali Tarhouni, former exile and former Minister for Finance and Oil in the National Transitional Council. Although also known as the Council of 60 for the number of members it should have had, the Constituent Assembly actually has 47 members: in some constituencies, voting did not take place because of continuing violence and of boycotts (the Amazigh minority did not take part despite two seats being reserved for it).

75. In a further sign of the country's instability, the Assembly sits in Bayda, a thousand kilometres from the capital. This is not only for symbolic reasons (the first Libyan Constitution was drawn up in the town in 1951) but above all because it is safer. The national parliament in Tripoli has often come under attack.

76. Against such a troubled background, the difficulty in promoting women's rights is obvious and there is always a risk of backsliding. In February 2013, for instance, the Libyan Supreme Court partially overturned the ban on men marrying several women. That is a big step backwards, given that polygamy was strictly prohibited under Gaddafi.

### **6.1. Political representation of women**

77. A 2013 poll by the International Foundation for Electoral Systems showed that a high percentage of Libyan women are interested in the political situation in their country (77%). Two thirds of them (66%) said they had taken part in the 2012 elections, while the corresponding figure among men was 88%. There is therefore a significant disparity between the two groups, which more information and awareness raising for women would help to overcome.

78. Of the 200 members of the General National Congress, 33 (17%) are women. The 2012 electoral law introduced a hybrid system: 120 seats are based on the majority (first-past-the-post) system and 80 on a proportional representation system, with lists on which male and female candidates must alternate. That is a completely new development for Libya. These arrangements had a positive impact, leading to the election of a number of women to the Congress. However, as the report by the European Union election assessment team noted, the impact of the male–female alternation on the lists was limited by the fragmentation of parties, as, in some cases, only the head of the list, usually a man, was elected.

79. At municipal level, the law provides for three types of lists, including one for women only. However, it does not introduce quotas or other measures for ensuring that a minimum percentage of women are represented in municipal councils. In my view, while there is a clear will to promote the political representation of women at all levels, this should now be put into practice through consistent legislation. The Council of Europe, in particular through the Venice Commission, would be one of the most appropriate bodies for supporting a process of that kind. I hope that co-operation can be established between the Council of Europe and Libya, as is the case with neighbouring Tunisia and other countries in the region.

80. In the election to the Constituent Assembly, where political parties were not officially represented, and all candidatures were individual, only 73 of the 692 registered candidates were women.

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25. *La libre Belgique*: [www.lalibre.be/actu/international/egypte-tunisie-libye-les-berceaux-du-printemps-arabe-au-bord-du-gouffre-51f734e73570ebbf8e025ebe](http://www.lalibre.be/actu/international/egypte-tunisie-libye-les-berceaux-du-printemps-arabe-au-bord-du-gouffre-51f734e73570ebbf8e025ebe).

## **6.2. Women's participation in economic life**

81. Traditionally, and even under the Gaddafi regime in spite of its apparent openness to gender issues, Libyan women in work were stigmatised and their employment was seen as a sign of neediness or of the absence of a man capable of meeting family needs. The 2011 revolution had an impact on attitudes, as women played new and leading roles, including supporting the uprising financially (in particular by collecting funds and selling jewellery to help meet the cost of the struggle against the regime). The current situation is very fluid, as the country is in the process of rebuilding its economy following the destruction caused by the civil war. It is vital that the authorities support women's participation in economic life in Libya. Given that their level of education is the same as for men (according to UNESCO data, in Libya, as in some other Arab countries, there are more female than male science graduates), they should be able to make a contribution in all productive sectors and at all levels.

## **6.3. Violence against women: rape as a weapon of war**

82. Libyan legislation on violence against women is currently seriously inadequate. The country's authorities should address this issue without delay because the only existing provisions, set out in the 1984 law on marriage and divorce, are outdated and ineffective. Firstly, violence is deemed "a crime against the honour and the family of the woman", rather than against the woman as an individual. Rapists can absolve themselves of guilt merely by making statements that the victims consented. That explains the limited number of victims who report the offence: the social stigma associated with rape is compounded by a total lack of protection for victims.

83. More attention has focused on a very serious problem that emerged in Libya during the 2011 revolution in particular. This involved systematic rape perpetrated by forces of the Gaddafi regime as a means of suppressing the revolt, in particular in the town of Misrata in the west of the country. Sexual violence was practised widely by Gaddafi and his entourage throughout his rule, as the press reported after his downfall. In 2011, however, it spread in an unprecedented manner.

84. I can only welcome the passing by the Libyan Government on 19 February 2014 of a legislative decree recognising women victims of rape during the 2011 revolution as "war victims". In providing the victims with medical, financial and legal assistance, the measure seeks, above all, to protect these women and compensate for the harm they suffered. At the same time, the decree should make it possible to determine the number of cases of rape and gain a better insight into the extent of the problem, which has never been properly assessed. It is an innovative law which goes in the right direction: I would add my voice to those of people such as Souhayr Belhassen, Honorary President of the International Federation for Human Rights (FIDH), who say that other countries should follow this example. It is essential that the Libyan National General Council takes ownership of this text and that it passes the decree together with an implementing decree. This would also be an opportunity to improve its wording since, as Céline Bardet, an international lawyer who helped draft the text, explains, it does not give a precise definition of rape. Furthermore, at present, there is no financial projection to ensure implementation of the decree.

## **7. Egypt**

85. In the past few years, Egypt has seen as much upheaval as Libya. The 2011 revolution in the country led to the fall of Hosni Mubarak's authoritarian regime. In May 2012, Mohamed Morsi, the candidate of the Muslim Brotherhood, was elected president. In December, the Egyptian people approved a new constitution by a large majority in a referendum. However, mass protests developed against the regime, as Egyptians were increasingly disappointed by the deteriorating economic situation and concerned about the gradual Islamisation of the State. In 2013, President Morsi was overthrown by the army, which suspended the new constitution in July. The chaos continued: a month later, the demonstrations by the overthrown president's supporters were violently crushed. Five hundred demonstrators were killed by the armed forces on 14 August 2013, and 50 died two days later.<sup>26</sup>

86. In December 2013, a new draft constitution was presented. Based on the text suspended a few months previously, the 2013 draft was more modern and secular. Although Article 2 providing that Sharia was the "main source of legislation" was retained, religiously based political parties were banned, as under the Mubarak

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26. "Egypte: une situation chaotique, une démocratisation impossible?", *Le Nouvel Observateur*, 16 August 2014: <http://leplus.nouvelobs.com/contribution/921814-egypte-une-situation-chaotique-une-democratisation-impossible.html>.

regime. The text is much more modern than the previous one in terms of civil liberties. Freedom of belief is recognised as an absolute principle. Gender equality is reasserted, whereas the previous constitution made no provision for it. Moreover, for the first time in the country's legislation, the text refers to international human rights conventions.<sup>27</sup> The January 2014 referendum approved the new constitution with a vote of 98.1%. The next stage in the stabilisation of the country was a new presidential election in May 2014. Abdel Fattah El-Sissi, former Army Chief and Minister of Defence, won the election with an overwhelming majority of around 94% of the vote.

### **7.1. The situation of Egyptian women between the past and the near future**

87. During the 2000s, the Mubarak regime introduced several reforms to improve the situation of women. The Nationality Act, under which both parents could pass on Egyptian nationality without discrimination, and the establishment of a family affairs court to speed up the administration of justice in matters of personal status were steps in the right direction. The establishment of the National Council for Women (and a National Council for Motherhood and Childhood) were also signs of political will for modernisation, even though, as in other authoritarian regimes in the region, the sincerity of the authorities' intentions could easily be questioned.

88. Today, the challenge for the defenders of women's rights in Egypt is to defend these advances, which have been seriously undermined since Mubarak's downfall, and reinforce them on the basis of democratic processes. That is no easy task: according to a poll of 336 gender experts at global level by Thomson Reuters, published in November 2013, Egypt is the country in the Arab world where the situation of women is the most difficult. This ranking is a direct result of widespread violence and sexual harassment and the still high rates of female genital mutilation in the country, as well as discriminatory legislation and the scourge of human trafficking.<sup>28</sup>

### **7.2. Participation and political representation of women**

89. In Egypt, as in the other Arab Spring countries, women played a key part in the initial phase, but have seen the scope for their participation in politics gradually reduced. The representation of women in Egyptian institutions has been extremely limited to date. There were three women in the first post-revolutionary government, which comprised 34 ministers. The bicameral parliament elected in 2011-2012 and dissolved in July 2013 had 508 members, only 10 of whom were women: the corresponding proportion of approximately 2% was one of the lowest worldwide. Women made up only 7% of the committee which drafted the first post-revolutionary constitution. That figure rose to 10% in the group of experts who amended the text in 2013.

90. If a genuinely democratic Egypt is to be established, women's representation must necessarily be increased. After the fall of an authoritarian regime and the opening up of new spaces for freedom and participation for citizens, accepting a situation where only part of the population can exercise its political rights in full would be illogical. The developments in Egypt since 2011 confirm that gender equality is an essential prerequisite for the success of the Arab Spring: in this country which is so unequal in gender terms, the establishment of a stable and democratic State seems a distant prospect for the time being.

### **7.3. Participation in economic life**

91. Egypt is ranked 125th in terms of gender equality in the 136 countries taken into consideration by the World Economic Forum. As far as women's participation in the economy is concerned, the situation is not only very difficult but is gradually deteriorating. The most recent statistics show a decline in women's rate of participation in the labour market, which is now below 20%, one of the lowest figures worldwide. Among 18 to 29-year-olds, women have a participation rate of 19% as opposed to 50% for men. The very high inactivity rate is a result both of the conditions on the labour market and also of cultural norms and, to some extent, women's own choices. This state of affairs is harmful not only to women but also to the economy as a whole, as it limits the possibility of using human capital and ultimately reduces overall growth. It is also hard for women to obtain loans for running their own businesses.

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27. "En Egypte le projet de constitution maintient de larges pouvoirs à l'Armée", *Le Monde*, 2 December 2013; [www.lemonde.fr/afrique/article/2013/12/02/en-egypte-le-projet-de-constitution-maintient-de-larges-pouvoirs-a-l-armee\\_3523600\\_3212.html](http://www.lemonde.fr/afrique/article/2013/12/02/en-egypte-le-projet-de-constitution-maintient-de-larges-pouvoirs-a-l-armee_3523600_3212.html).

28. [www.trust.org/spotlight/poll-womens-rights-in-the-arab-world/](http://www.trust.org/spotlight/poll-womens-rights-in-the-arab-world/).

#### **7.4. Violence against women**

92. The fight against violence against women is a real emergency in Egypt. Domestic violence, which is substantially under-reported for sociocultural reasons, goes hand-in-hand with sexual harassment, which is very widespread, even in public places, and affects 91% of women according to sources quoted by Thomson Reuters. A study conducted in 2013 by the government showed that over 99.3% of the Egyptian women and girls surveyed claimed to have suffered some form of sexual harassment during their lives. 82.6% did not feel safe at home, while as many as 86.5% did not feel safe in public transport.

93. The impunity of the perpetrators is a constant feature of this violence. According to a report published in April 2014 by a group of human rights organisations co-ordinated by the FIDH, 250 cases of rape were reported between 2011 and the end of 2013 in Cairo, often in or around the iconic Tahrir Square. The report indicates that none of the cases has been brought to court to date.<sup>29</sup> The message is just as clear as it is unacceptable: in Egypt, rapists usually go unpunished.

94. Female genital mutilation is another widespread problem in Egypt. According to data published by the Forward organisation, 97% of Egyptian women are believed to be victims of this practice.<sup>30</sup> A law of 1995 introduced a general prohibition and the most senior religious authorities have on several occasions explained that these mutilations are the subject of an absolute prohibition, but this has not been enough to eradicate this practice: the figures are getting lower but are still very high.

95. The new Egyptian President, Abdel Fattah El-Sisi, is showing increasing sensitivity to the problem of violence against women, including in public places. Following numerous cases of mass sexual violence in Tahrir Square during the celebrations of his election, President El-Sisi visited one of the victims in a Cairo hospital, apologised to Egyptian women for the inadequate action of the State in this matter and undertook to strengthen the efforts to combat violence against women. This commitment was reiterated in July 2014 by Prime Minister Mahlab, and the Interior Minister, Mohamed Ibrahim, has announced the setting up of a department specialising in combating violence against women, in co-operation with the human rights department in his own Ministry.<sup>31</sup> I cannot but welcome these positive signs, indicative of a political commitment to deal with the problem.

96. The establishment of a consistent legislative framework to prevent and punish all forms of violence against women so as to protect victims and put an end to perpetrators going unpunished is an absolute priority which the Egyptian authorities should tackle without hesitation. Although ambitious, the standards set out in the Council of Europe's Istanbul Convention could be a key benchmark for Egyptian lawmakers and policy makers.

#### **8. International co-operation and the Council of Europe's neighbourhood policy**

97. The events in Tunisia and other countries of the region from 2011 onwards have raised fundamental questions about respect for human rights, the rule of law and democracy, which lie at the heart of the Council of Europe's role. In response to the interest expressed by several countries in our southern neighbourhood, closer co-operation in these areas took practical shape with the launch, in January 2012, of the programme entitled "Strengthening democratic reform in the southern Neighbourhood" (South Programme), financed by the European Union to the tune of €4.8 million.

98. As Ms Gabriella Battaini Dragoni, Deputy Secretary General of the Council of Europe, explained in a recent exchange of views with our committee on 2 June 2014 in Paris, action plans have been drawn up for Morocco, Tunisia and Jordan, in consultation with the authorities of those countries. With regard to gender equality, the action plans cover four major topics: participation in political processes, violence against women, the image of women in the media and access to justice. There is permanent co-operation with all relevant stakeholders on these issues, including the central and local authorities and civil society, in particular thanks to the presence of Council of Europe offices in Morocco and Tunisia.

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29. [www.dailystar.com.lb/News/Middle-East/2014/Apr-16/253537-sexual-violence-against-egypt-women-goes-unpunished-report.ashx#axzz31VQbLyZz](http://www.dailystar.com.lb/News/Middle-East/2014/Apr-16/253537-sexual-violence-against-egypt-women-goes-unpunished-report.ashx#axzz31VQbLyZz).

30. [www.theguardian.com/news/datablog/2013/jun/24/female-genital-mutilation-prevalence-uk](http://www.theguardian.com/news/datablog/2013/jun/24/female-genital-mutilation-prevalence-uk).

31. <http://english.ahram.org.eg/NewsContent/1/0/104090/Egypt/0/New-police-department-for-crimes-of-violence-again.aspx>.

99. Not only the “South Programme” but all the activities which the Council of Europe carries out with the countries in its southern neighbourhood, including interparliamentary co-operation, in particular through the partnership for democracy, should also be part of this approach. International co-operation, in its various forms (whether development co-operation through technical support to the public authorities, financial support to civil society, or interparliamentary co-operation) is a key aspect of relations between States. These activities can undoubtedly now consolidate the relations of friendship between the two shores of the Mediterranean. At the end of the day, they can contribute to the success of the democratic transition in the countries of our southern neighbourhood, including in terms of women’s rights. The ultimate goal is to create more just societies, based on gender equality.

## 9. Conclusions

100. Three years after the uprisings which started the Arab Spring and two years after my previous report, the picture is a mixed one. It is difficult to identify a single trend in the region regarding the status of women and the situation varies considerably from one country to another. On the one hand, Tunisia and Morocco, following different approaches, are managing step by step to improve and consolidate what they have achieved. On the other, Libya on the verge of civil war and Egypt struggling to regain stability have not yet given women’s rights the commitment they demand. In Algeria, against an almost rigid political context, there has clearly been insufficient progress regarding the status of women.

101. Equality between women and men must also be viewed as a precondition for the success of democratic transitions in the region. No democracy can claim to be complete if half of the population is the victim of unjustified limitations of its rights. This is particularly true in the countries of the region, where women have played a key role in the uprisings which started the processes of democratic transition.

102. Gender equality is an indicator of the degree of democratisation, and of the will and ability of a country to include all its citizens without discrimination. Similarly, violations of women’s rights are an alarm bell revealing that the rights and freedoms of all are under threat. The most conservative governments on women’s rights among those established in the wake of the revolutions, such as the first post-Mubarak government in Egypt, have lost the support of the citizens and have not held up against the people’s protests.

103. The attentive and vigilant attitude to the situation of women’s rights in the countries of the region which the Assembly advocated two years ago is still necessary, since in the field of human rights backward steps are always possible and the political and institutional context is particularly unstable in some of these countries.

104. So far, Morocco and Tunisia have been the Council of Europe’s priority speaking partners. Ideally, these fruitful relations should continue in the future. With regard to Morocco, the partner for democracy status has proved a valuable tool in facilitating exchanges and mutual understanding, including in the field of women’s rights.

105. Morocco and Tunisia have the opportunity to play an exemplary modernising role in the region and in the community of countries with a Muslim majority. They demonstrate that it is possible to move towards gender equality without abandoning one’s traditional cultural and religious roots. This is all the more necessary in the current context, characterised by instability and the influence of other external forces with fundamentalist tendencies.

106. Civil society can greatly help improve the status of women and the democratic context in general. It has done so in various processes of democratic transition and can continue to do so, provided it has the necessary human and financial resources and its activities are not hampered by the public authorities. The international players, including the Council of Europe and its member States, should lend their support to this dimension.

107. The media also have a key role to play in modernising society and supporting gender equality. They have a powerful influence on attitudes and should exert this influence in order to eradicate gender stereotypes, by reflecting the contribution made by women in all spheres of life in their country.

108. The Council of Europe and the other international, particularly European, players must strengthen their co-operation activities with all countries on the southern shore of the Mediterranean. It is imperative that improvement of the status of women is incorporated in a cross-sectoral way into all programmes. These activities, including at interparliamentary level, will help strengthen the relations of friendship and mutual knowledge and recognition between the two shores of the Mediterranean and contribute to the success of the reforms in the countries of our southern neighbourhood, with the aim of creating a society that is more just, more democratic and more respectful of human rights.