LEGAL FRAMEWORK ON VAWG

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

In 2019, the Regional Civil Society Observatory (RCSO) on VAWG was established to follow up on the implementation of the 4th UfM Ministerial Declaration, particularly in the area of VAWG, Women, the Peace and Security Agenda (WPSA) and Preventing Violent Extremism (PVE). The RCSO was established under a three-year (2019-2021) regional project “Combating Violence against Women in the Southern Mediterranean Region”, funded by the EU and implemented by EuroMed Feminist Initiative (EFI) and a consortium of nine member organizations in Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine and Tunisia.

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

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW):
Is an international treaty adopted in 1979 by the United Nations General Assembly. The Convention is structured in six parts with 30 articles in total:

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

The Vienna Declaration and Program of Action (VDPA):

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

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention):
Is a human rights treaty of the Council of Europe on preventing and combating violence against women and domestic violence, which was opened for signature on 11 May 2011.

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

The Fourth UfM Ministerial Conference on Strengthening the Role of Women in Society (2017):
Ministers from the 43 Member countries of the Union for the Mediterranean (UfM) gathered on 27 November 2017 in Cairo at the 4th UfM Ministerial Conference on “Strengthening the Role of Women in Society.” The conference encouraged further efforts to consolidate and advance on the progress achieved.

DISCRIMINATORY LAWS AND PERCEPTIONS OF WOMEN REGARDING LEGAL FRAMEWORKS ON VAWG

Methodology:
- Between December 2019 and January 2020
- In seven countries in the South Mediterranean region
- Quantitative survey
- 2,870 questionnaires exploited
**Algeria**

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

**Algeria has issued reservations to the following articles of CEDAW:**

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

**Egypt**

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

**Egypt has issued reservations to the following articles of CEDAW:**

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

**Jordan**

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

**Jordan has issued reservations to the following articles of CEDAW:**

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

**Lebanon**

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

**Lebanon has issued reservations to the following articles of CEDAW:**

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

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

Morocco has issued reservations about the following articles of CEDAW:
1. Article 2, which relates to policy measures about the elimination of discrimination against women.
2. Article 29, which refers to the administration of the convention and arbitration of CEDAW in the event of a dispute.

Palestine

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

Palestine has not issued any reservation to CEDAW articles.