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POLICY BRIEF

Towards Comprehensive Law for Combating VAWG in the South Mediterranean

Regional Civil
Society Observatory on VAWG (RSCO)



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بتمويل من الإتحاد الأوروبي

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Regional Civil
Society Observatory on VAWG (RSCO)

Regional Civil Society Observatory (RSCO)
is hosted by EuroMed Feminist Initiative EFI
Regional Office
Amman-Jordan
Lana Commercial Complex - Building No. 5
Abdullah Ben Rawahah Street
Al Rabiyyeh, Amman, Jordan

Tel: +9626265521782
Fax: +9626226554956

Email: ife@efi-euromed.org
Regional Civil Society Observatory: www.efi-rcso.org
EuroMed Feminist Initiative: www.efi-ife.org
Regional Campaign: www.Ostik.org

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Summary

This brief sheds light on areas of combating violence against women and girls (VAWG) and focuses on legal reform needed to prevent and combat it. The analysis for the situation of VAWG provided in this brief is based on the explorative study¹ conducted by the Regional Civil Society Observatory (RCSO) in 2020 and the regional index on VAWG.² The brief summarises the study and its findings pertaining to legislation.

The brief is intended to provide recommendations to governments to improve the laws based on informed decisions and to Civil Society Organisations (CSOs) to advocate and contribute to the change.

To combat VAWG, the brief recommends reforming the legal framework by removing discriminatory articles and adopting a specific and comprehensive law on VAWG in which all forms of violence are mentioned as defined in United Nations legal and policy instruments and are comprehensively criminalised.

Such law should also ensure prevention, protection, remedies for survivors of VAWG, prosecution of perpetrators and provide for collaboration between concerned parties as well as information gathering. Adopting a specific and comprehensive law is instrumental for the fight against VAWG; it provides legal means for women and girls against all the forms of violence they may face and also guides the reform of the entire legal framework.

1- The study can be found at: <https://www.efi-rcso.org/sites/default/files/2021-07/Regional%20study-English.pdf>

2- The regional index can be found at: <https://www.efi-rcso.org/publications/reports/regional-index-combating-violence-against-women-and-girls-vawg>

Why adopting specific and comprehensive law on VAWG is important?

Due to the complex and widespread character of VAWG, international and regional studies and reports on combating VAWG recommend the adoption of specific and comprehensive legislation. While it is important to criminalise VAWG in penal codes, combating VAWG cannot be limited to applying a solely criminal approach. There should be a comprehensive approach that is built on tackling all aspects and dimensions of VAWG with no discrepancies between legal provisions. This can be achieved through adopting a specific and comprehensive law on combating VAWG.

A comprehensive law includes a definition on VAWG based on international legal and policy instruments, criminalises all forms of VAWG, integrates issues of prevention and protection, stipulates the provision of support services for the victim (health, economic, social, psychological, legal), as well as adequate penalties for perpetrators and availability of remedies for the victims. Such law also grants special protection to women under circumstances that could increase their vulnerability as victims: their age (young or old), a disability or illness, an asylum or immigration situation, whether legal or illegal, a detention or imprisonment, or a state of war.³

Furthermore, to be effective, the law must be consistently enforced and monitored, with adequate resources allocated. All working in this field (officials and service providers) must have the skills and capacity to apply a victim-based approach, and exert concerted effort that includes spreading of information, raising awareness, education and public mobilisation. Such law must also mandate research and studies needed to support policy development. In brief, a comprehensive legislation should be multidisciplinary, explicitly mentioning and criminalising all forms of VAWG and encompassing issues of prevention, protection, victim support (health, economic, social, psychological), as well as ensuring adequate penalty of perpetrators.⁴

Criminalisation of all forms of VAWG starts with including a comprehensive definition of VAWG that comprises all its forms.

The United Nations General Assembly adopted a Declaration on Eliminating Violence against Women in which violence against women is defined as '*Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life*'.

Declaration on the Elimination of Violence against Women,
Proclaimed by General Assembly resolution 48/104 of 20 December 1993

Except for Tunisia and Morocco, other countries in south Mediterranean region do not have specific and comprehensive law on eliminating VAWG. Different forms of VAWG are criminalised sporadically under penal codes, family laws and personal status laws. This means that there is no comprehensive approach for addressing VAWG that encompasses all dimensions and forms of VAWG.

3- Handbook on Legislation on Violence against Women, UN Department of Economic and Social Affairs, Division for the Advancement of Women, 2010

4- ABC for Gender Sensitive Legislation, EuroMed Feminist Initiative, 2020 to be found at: <http://www.efi-ife.org>

Governmental commitments to eliminate VAWG through UfM Ministerial Declaration 2017

All the south Mediterranean countries have affirmed their commitment to women's rights in the Union for Mediterranean (UfM) Ministerial Declaration on Strengthening the role of women in society (Cairo, November 2017).⁵ The UfM Ministerial process on Strengthening the Role of Women in Society, with adopted Ministerial Action Plans and Declarations from Istanbul 2006 to Cairo 2017 have reinforced the commitment of the governments to promote and strengthen women's rights and gender equality as an essential foundation for socio-economic development. The latest UfM Ministerial Declaration on Strengthening the Role of Women in Society presents a Roadmap for Action to achieve this objective.

Ministers committed to enhance governmental efforts towards:

- Increasing women's participation in public life, decision making, and economic activity.
- Combating all forms of VAWG.
- Challenging harmful cultural & social norms and eliminating gender stereotypes, particularly in education and the media.
- Implementing agreed actions and strengthening cooperation.

Furthermore, they agreed to establish a follow-up mechanism to monitor progress on agreed indicators, evaluate the gender gap and improve policies towards enforcement of women's rights on the ground.

Legal discriminatory elements that cause VAWG

VAWG and discrimination against women often sustained by discriminatory laws which lead to impunity for perpetrators and the absence of legal protection mechanisms for women victims. This is being aggravated in South Mediterranean countries by on-going political constraints, armed conflicts, and the continued impact of the financial crisis.

Important efforts have been made in these countries in recent years to adopt national legislation, strategies and policies to address and prevent VAWG.

The third action of the UfM Ministerial Declaration is focused on combating all forms of violence against women and girls. The ministers promoted the adoption of a holistic approach that includes prevention, protection, prohibition, response and public awareness.

The Declaration underlines that the State should *"develop and adopt comprehensive laws that criminalise all forms of violence against women and girls, provide protection and stimulate prevention as well as access to appropriate remedies for victims and survivors, including in consultation with women's rights Civil Society Organisations."*

Ministers also agreed that the State should ensure *"that there are adequate services in relation to protection, prevention and response guaranteeing the necessary articulation between them as well as supporting the creation of facilities and rehabilitation programs for women victims including service provision and compensation"*.

Many countries have developed legislation and policy mechanisms to combat VAWG, notably female genital mutilations (FGM), early marriage and abolishment of provisions that acquit the perpetrator of sexual assault if he marries the victim. For example, Egypt adopted a National Action Plan for Combating VAWG (2015-2020). Algeria has a National Action Plan on Combating Violence against Women. Jordan, Lebanon, and Palestine have National Action Plans for the Implementation of UNSCR 1325 on Women, Peace and Security, which include actions on combating VAWG.

5- The Declaration can be found at: <https://ufmsecretariat.org/wp-content/uploads/2017/11/FINAL-ADOPTED-Declaration-on-Strengthening-Women-in-Society.pdf>

In spite of these positive developments, many laws still include discriminatory articles and there is general lack of implementation of legal positive changes that have been made. The regional study on VAWG (RCSO, 2020) confirmed that all the seven studied countries still have discriminatory laws and articles that need to be amended, and there is still a gap between legislation and implementation.

Combating VAWG in South Mediterranean remains an urgent challenge due to a number of factors such as: lack of a comprehensive legal framework, insufficiency of easily accessible services for victims, absence of explicit mention and criminalisation of marital rape, the persistence of justification of crimes in the name of “honour”, and still existing discriminative laws in the family codes, personal status codes, nationality laws, penal codes and labor laws. This is perpetuated by the wide social acceptance of VAWG, and widespread gender stereotypes that continue to put the blame on the victim.

Legal discrimination in public and private sphere

VAWG whether committed in public or in private space, and under any circumstances, is reprehensible and shall be condemned. International covenants and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) cover the rights of women in both public and private spheres.

Discriminatory legal provisions and legal loopholes, as well as deficiencies of national laws are direct factors impacting on VAWG both in private as well as public spaces. Legislations in the South Mediterranean countries do not clearly and comprehensively criminalise all forms of VAWG. In this regard, the subject of violence in the domestic sphere remains socially and politically sensitive in all countries of the region with no explicit criminalisation of marital rape.

The legal deficiencies combined with the lack of social awareness seem to lead to a certain social tolerance towards violent acts or to a high prevalence and incidence of violent acts against women (physical, sexual, psychological). This can be seen in the regional study on VAWG that shows that one in five women (19%) have stated that their husbands, spouses or a family member have uttered death threats against them during the last 12 months. The study also reveals that 39% of respondents say that they had been insulted in public at least once in the last 12 months.

Figure 1: Respondent's husband / spouse or family members have uttered a death threat against them at least once in the last 12 months, by country

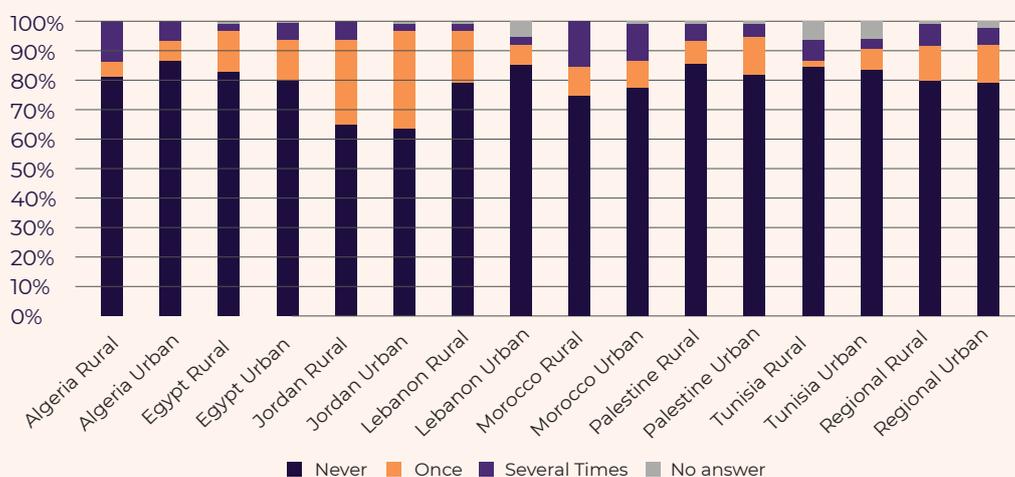
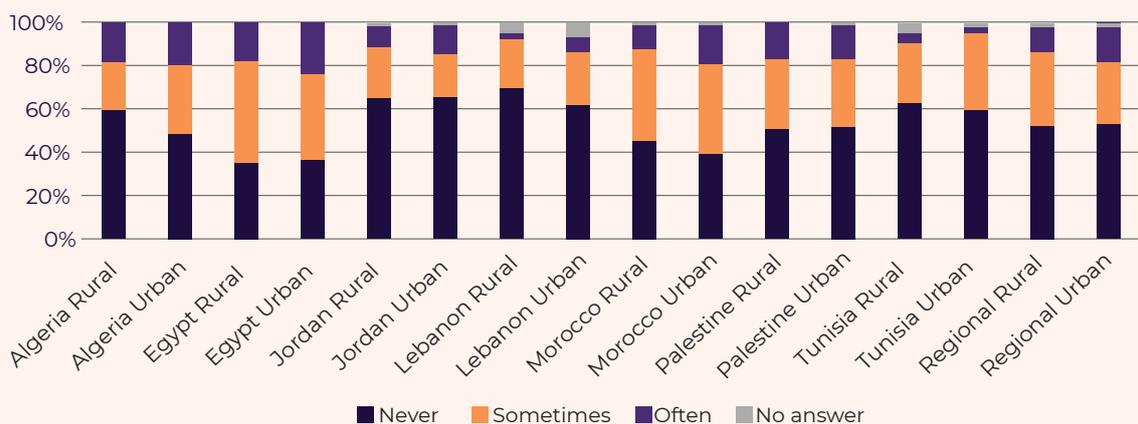


Figure 2: Respondent has been insulted by husband/spouse or family members at least once in the last 12 months, by country



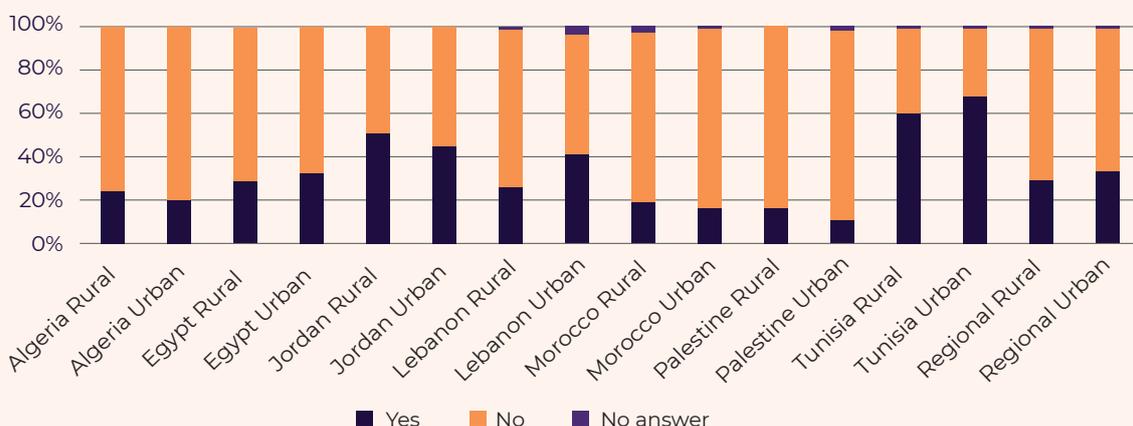
◆ Instances of VAWG in public space

◇ Discrimination against women’s mobility

Only 33% think that women have the same rights as men with regard to moving in the public space, even though all the countries under the survey, except Algeria and Morocco, have signed and ratified article 15 of CEDAW, related to the rights of women to movement and the freedom to choose their residence and

domicile. However, most of the countries have not harmonised their national laws to give women the right to choose residency, travel and acquire their own passports without the consent of a male guardian.

Figure 3: Women have the same right of movement in public space as men, by country



◇ Discrimination against women’s nationality right

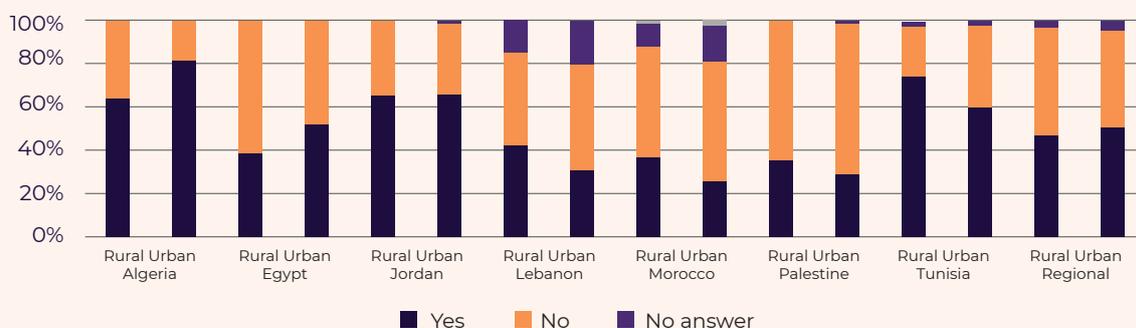
Article 9 of CEDAW prohibits discrimination between women and men regarding nationality. The CEDAW Committee recommended reforms of nationality laws to enable women to pass on their nationality to their children and to their foreign spouse, on an equal basis with men.

The regional study (RCSO, 2020) revealed that around half of sampled women (49%) think they cannot apply for a passport or any identification papers, for themselves or their children, in the same way as men. In some countries like Jordan and Lebanon, women cannot pass on nationality to their children if they are married to foreigners.

Women married to foreigners in Algeria, Morocco, and Tunisia, can pass on their nationality to their children in the same way as men. Even though in these countries women can pass on their nationality to their children, it seems that women are either still

unaware of this right or that there are no implementation mechanisms in place. Only in Algeria, 78.5% of respondents have reported that they can apply for the identification papers in the same way as men.

Figure 4: Women can apply for a passport or any identification papers for her or her children in the same way as men



◆ Instances of VAWG in private space

◇ Marital rape

The Regional Index on VAWG (RCSO, 2020) revealed that all studied countries criminalise rape with severe penalties, typically imprisonment for periods ranging from five to twenty years or more. However, marital rape is not criminalised explicitly, even if better addressed in the specific law on elimination of VAWG in Tunisia and Morocco. The law on eliminating violence against women in Tunisia offers women legal protection from marital rape, as it defines sexual violence as any act or attempt to obtain a sexual act

by coercion regardless of the relationship to the victim, meaning that marital rape could be included, but is not explicitly mentioned and criminalised. In Morocco, the law on combating violence against women does not address rape, whilst the penal code under article 486 refers to rape as “a man forcing sexual intercourse on a woman without her consent”. By not excluding them, or making an exception to them, the law can also apply to married women.

◇ Crimes in the name of “honour”

Lebanon, Palestine, and Tunisia do not show leniency in penalties for so-called “honour crimes”. In the other countries, penal codes provide benefits from mitigating circumstances to a person who kills or injures his or her spouse if he or she was caught in a sexual act out of marriage.

In Jordan, the law gives the right to benefit from a reduced sentence for both the wife and the husband; however for the wife only, it is provided if her husband is caught in the sexual act in the marital home.

Regarding sexual act out of marriage, the penal codes in all countries studied in the regional index (RCSO, 2020) have provisions that consider extramarital sex between consenting adults (“adultery”) a criminal offence. Research shows that maintaining “adultery” a criminal offence is directed mostly against women and girls and the penalty almost always discriminates against women both in law and practice, even when penal code definitions appear gender neutral and prohibit adultery by both men and women.⁶

6- Adultery as a Criminal Offence Violates Women’s Human Rights, United Nation, Human Rights, Working Group on the issue of discrimination against women in law and in practice, retrieved from: <https://www.ohchr.org/Documents/Issues/Women/WG/AdulteryasaCriminalOffenceViolatesWomenHR.pdf>

◇ Discrimination in women's legal rights in the domain of marriage and divorce

There are different forms of discriminations against women embedded in the legislation pertaining to marriage and family. Legislations in all studied countries do not ensure equal rights between women and men in marriage and divorce. Polygamy is allowed in all studied countries except Tunisia. In Algeria and Morocco, polygamy is allowed with the wife's approval.

In terms of guardianship, children remain in the custody of fathers and the woman is usually an inferior legal subject. Except in Tunisia, in all the studied countries, men have a right to divorce by repudiation without resorting to the court while women have access to limited types of divorce that can only be obtained from a court. When it comes to inheritance, in all studied countries, the laws based on Sharia rules maintain that women's share of an inheritance is less than that of men's.

Even if laws set the age of marriage for men and women at 18 years or 19 years in all studied countries, in "exceptional circumstances", the judge may approve a marriage for those under the age of 18. For example, in Algeria, the family law sets the age of marriage for men and women at 19 years, and in Egypt, the child law of 2008 sets the minimum age of marriage at 18 years for women and men. However, in Algeria and Egypt, the judge may approve the marriage of a minor under the ages of 18 and 19 years under the clause of "exceptional circumstances". In Lebanon, the penal code does not prohibit early marriage. The minimum age of marriage here varies among religious denominations and disadvantages girls. Although most religious groups set the minimum age as 18 for boys, all religious groups allow girls under the age of 18 to marry.

Reforming the legal framework on VAWG

Governments have specific human rights obligations under CEDAW and other human rights treaties to protect girls and women from all forms of VAWG and discrimination. The Beijing Declaration and Platform for Action calls on governments to address violence against women, and states "the long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed". Harmonising legislation with international standards, notably CEDAW, UNSCR 1325 on women, peace and security and the subsequent resolutions, and Beijing Platform for Action has been seen as a pre-condition for the elimination of all forms of VAWG.

In order to reform the national laws, all forms of VAWG must be explicitly mentioned and criminalised and all dimensions that are related to addressing VAWG should be adopted by the law, including: prevention, protection, provision of support services for the victim (health, economic, social, psychological, legal), as well as adequate penalties for perpetrators. The Regional Index exemplifies why the adoption of a specific and comprehensive law to address VAWG is needed. A specific and comprehensive law on VAWG allows to provide a clear definition of VAWG, based on UN standards, thus applying a comprehensive treatment, targeting all forms of VAWG, not fragmenting it in dispersed legal texts.

The framework for model comprehensive legislation on combating VAWG should:

- Contain a definition that includes all acts of violence according to the UN definition, as "*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*"
- Criminalise all forms of violence.
- Provide prevention measures and protection orders.
- Provide for support services for victims of VAWG (health, economic, social, psychological, legal)
- Ensure the penalisation of perpetrators.
- Provide for trainings of police, judicial officials as well as service providers.
- Provide for collaboration between relevant ministries, police, courts, social and health services.
- Ensure reporting and referral mechanisms for relevant ministries, police, social organisations, and health-care providers.
- Require information gathering and research to support policy development.
- Provide for monitoring and evaluation to oversee implementation of legislation, and report to the parliament on a regular basis.

Although VAWG is criminalised in all studied countries, only two States in the region have adopted specific and comprehensive laws: Morocco and Tunisia.

Other countries criminalise various acts of VAWG sporadically in several laws, mostly under the penal code, and with a narrow definition. Generally, penal code provisions do not criminalise all forms of VAWG,

and do not address prevention and protection aspects.

Examples of the criminalising of VAWG in the region include the penal code, the nationality laws, family laws and some other specific laws, as the anti-trafficking law in Egypt, the Jordanian law on electronic crimes and the law prohibiting sexual harassment in the workplace of 2020 in Lebanon.

Tunisia: 2017 law on eliminating violence against women

Law No 58 on eliminating violence against women of 2017 in Tunisia brought a specific definition for VAWG that encompasses any harm to women, whether physical, psychological, sexual, or economic. Moreover, it provides the legal framework for women victims to claim their rights and ensures maximum penalties to the perpetrators.

Under the law, the State is not merely responsible for penalising those who have carried out violence against women but is also responsible for the prevention of violence and for the protection of victims.

The law criminalises violence against women and increases penalties for various forms of violence when committed within the family. It also criminalises sexual harassment in public spaces, and the employment of children as domestic workers, and fines employers who intentionally discriminate against women in pay.

Moreover, the law removed the provisions of the Penal Code that exempt the rapist from punishment if he marries the victim. Furthermore, it stipulates the creation of the National Observatory for the Prevention of Violence Against Women, responsible for monitoring the effectiveness and efficiency of the law's implementation.

Morocco: 2018 law on combating violence against women

Law No 103-13 on combating violence against women of 2018 in Morocco brought in specific definition for VAWG to mean "any act based on gender discrimination that entails physical, psychological, sexual, or economic harm to a woman". The law includes the four dimensions pertaining to the elimination of violence against women: prevention, protection, prosecution, and support.

The law criminalises some forms of domestic violence, establishes prevention measures, and provides new protections for survivors. It also increases penalties for some forms of violence in the penal code when committed within the family, and establishes new crimes including forced marriage, squandering money or property to circumvent payment of maintenance or other dues arising from a divorce, expelling or preventing a spouse from returning home, and sexual harassment in public spaces as well as cyber harassment.

◇ Criminalisation of all forms of VAWG

Criminalisation of all forms of VAWG starts with including comprehensive definition of VAWG that comprises all its forms. The law on combating violence against women in Morocco defines violence against women as “any act based on gender discrimination that entails physical, psychological, sexual, or economic harm to a woman.” However, the law does not provide a definition of domestic violence and marital rape is not included in the definition of sexual violence.

The law on eliminating violence against women in Tunisia defines violence against women as “every

physical, moral, sexual, or economic harm inflicted on women based on gender discrimination that causes physical, psychological, sexual, or economic harm, pain, or damage to women, and also includes the threat to bring about such harm, pressure, or denial of rights and freedoms, whether in public or private life.” It also includes the threat of attack, pressure or deprivation of rights and freedoms, whether in public or private life. Marital rape is not included in the definition of sexual violence. In Algeria, the family law was amended in 2019, thus enabling a wife to file a complaint against her husband in case of domestic violence.

Legislation should criminalise all forms of VAWG in both public and private spaces, including but not limited to:

- Physical, psychological, verbal, violence.
- Sexual violence, including sexual assault and sexual harassment, rape and marital rape.
- Early marriage, forced marriage, polygamy.
- Harmful practices such as: female genital mutilation, female infanticide, prenatal sex-selection, virginity testing, HIV/AIDS cleansing, “honour” crimes, acid attacks, crimes committed in relation to bride-price and dowry, maltreatment of widows, forced pregnancy, and trying women for sorcery/witchcraft; femicide/feminicide.⁷
- Economic violence, such as limiting access to funds and credit, unequal remuneration for equal work, excluding from financial decision making, controlling access to employment, discriminatory laws on inheritance, property rights.
- Sexual exploitation.

◇ Prevention

Legislation pertaining to combating VAWG tends to focus only on criminalisation and thus does not address the root causes of VAWG. Prevention is equally important and also needs to be included in the legal framework in order to set up adequate mechanisms and institutions and scale up efforts. Preventive activities and measures should mainly deal with education, media, and social awareness. All preventive activities should convey the message of zero tolerance for violence against women and emphasise societal condemnation of discriminatory attitudes.⁸

Education is an important sector and teaching staff have a great responsibility in this area. Only in Tunisia, the law on eliminating violence against women

includes provisions requiring the Ministry of Education, Higher Education and Vocational Training to take all necessary measures to prevent and combat VAWG in educational institutions.⁹

All countries carry out awareness raising campaigns, mostly linked to the 16 days global campaign to eliminate violence against women. No legislation in any of these countries states that awareness raising activities should be conducted or provides funds, except for Tunisia in which the law on eliminating violence against women states that Ministry of Education, Ministry of Health and Ministry of Religious Affairs should conduct awareness raising programs on combating VAWG and discrimination against women.

◇ Protection and provision of services

Comprehensive legislation on combating VAWG should state on establishing services to assist and protect women victims of violence and their children. These services include for example shelters, complaint phone hotlines, counselling centres, health care and rape crisis centres.

Lessons learned from working with VAWG showed that psychological assistance to women victims is especially important when they are unwilling or unable to leave the family home and move to the shelters intended for them. Free hotlines are the most appropriate tools for providing this type of support, especially since they do not require the victim to move and can be available at any time. In all studied countries, the State offers counselling and psychological assistance services to victims of violence, often in shelters for victims of violence. In Algeria, Egypt, Jordan, and Tunisia, there are also free hotlines for psychological assistance.

Nonetheless, there is still insufficiency of public services for women victims of VAWG. The qualitative analysis of the study showed that government services need continued improvement and development. There are shelters and psychological support centres for women victims in all studied countries, but they are limited in number and capacity. Moreover, the legal frameworks in most of the South Mediterranean countries fail to address the establishment and funding of shelters and other protection mechanisms. The number of shelters in Arab States does not exceed 50.¹⁰

8- In May 2019, The Regional Campaign for Zero Tolerance for Violence Against Women and Girls (VAWG) was launched by EFI, funded by the EU. The official website of the campaign is at: <http://www.ostik.org/campaign-overview/>

9- To access Manual for Teachers on Gender Equality in Education, please see: <http://www.efi-ife.org/ar/دليل-المعلمين-حول-المساواة-بين-الجنسين-في-التعليم>

10- Shelters for Women Survivors of Violence: Availability and Accessibility in the Arab Region, Economic and Social Commission for Western Asia, p 5.

The table below shows the number of shelters in each country:

Table No. 1: Shelters in the studied countries in 2020, according to the regional index of VAWG.

Country	Number of shelters	Supervising ministry	Existence of police directorate or unit, specifically dedicated to domestic violence
Algeria	2	Ministry of National Solidarity, Family and Women's Affairs	No
Egypt	9	Ministry of Social Solidarity	Combating Violence Crimes against Women Unit affiliated to the Ministry of Interior
Jordan	3	Ministry of Social Development	Family Protection Directorate
Lebanon	-	-	-
Morocco	10	Ministry of Solidarity, Social Development, Equality and Family	132 police units set up to support women victims of all forms of violence
Palestine	2	Ministry of Social Development	Family and Juvenile Protection Unit
Tunisia	6	Ministry of Women, Family, Childhood, and Elderly	No

Shelters in Lebanon are provided by Non-Governmental Organisations, and some have partnership with the Ministry of Social Affairs. There is no official figure of the total number of shelters in the country, and some organisations claim to have shelters, but there are neither regulations governing this nor is there monitoring from the State.¹¹

◇ Penalising perpetrators

The UfM Ministerial Declaration states under the third action of “Combating all Forms of Violence Against Women and Girls” on the need of “enforcing legal and policy framework and to investigate, prosecute and punish the perpetrators of violence against women and girls, end impunity”. Legislation should ensure that perpetrators of VAWG are penalised, and the sentences should be consistent with the gravity of the violence.

Going beyond protecting the physical and mental health of women victims of VAWG, legislation should also protect the employment rights of survivors and prohibit employers from discriminating against them. No country has legal provisions that protect the employment rights of women.

According to the results of the in-depth interviews' analysis of the regional study, most of the cases of VAWG are solved amicably, and in many cases the penalty is not commensurate with the crime.

Legislation should explicitly prohibit mediation in all cases of VAWG and should remove provisions which contemplate reduced penalties for perpetrators in cases of so-called “honour” crimes or in case the rapist marries the victim, the woman whom he raped.

¹¹- Shelters for Women Survivors of Violence; Availability and Accessibility in the Arab Region, Economic and Social Commission for Western Asia,

◇ National coordination

Coordination mechanisms among governmental institutions and civil society are essential to address VAWG as it is a complex and prevalent phenomenon. The UfM Ministerial Declaration recommended to “engage women’s rights CSOs as partners in developing national gender equality policies: from the discussions on gender equality policies to their implementation and monitoring, recognising them as interlocutors.”

Articles 11 and 12 of the law on combating violence against women in Morocco stipulate the establishment of a national committee tasked with ensuring coordination and communication amongst different governmental sectors and between the regional committees and civil society. Article 12 of the law on eliminating violence against women in Tunisia mentions that the Ministry in charge of women ensures the coordination between all parties involved in combating VAWG as stated in the law as well as the coordination with civil society.

◇ Training to responsible parties and spreading information of the governmental services

Training of police and judicial officers as well as training other service providers is essential in providing systematic knowledge about VAWG for first responders. This is especially important for police officers who are often the first people to deal directly with victims of VAWG. But a high proportion of respondents in the regional study states that legal aid (60%) and the police (57%) are the most difficult

services to access. To that end, more extensive and specialised trainings on simplification of work processes is required and training programmes should be fully embedded in institutions.

Furthermore, governments should exert more efforts to spread information about the services provided by the government to victims including the police, courts as well as social services.

◇ Monitoring and evaluation

Governments in most of South Mediterranean countries usually neglect the monitoring and evaluation aspect and focus more on funding opportunities. A vital reference to consider is the CEDAW, as CSOs use CEDAW in most countries to monitor the government and submit shadow reports

based on its criteria. It is important to enhance and systematise coordination and partnership between governments and CSOs to monitor the implementation of policies that combat VAWG, as recommended in the UfM Ministerial Declaration.

POLICY RECOMMENDATIONS

- Adopt in legislation a broad definition of all forms of VAWG in accordance with human rights and international policy instruments.
- Enact a specific and comprehensive law on combating VAWG that recognises, defines, and criminalises all forms of violence against women, protects and assists women victims and their children, and penalises perpetrators. Such law should ensure coordination between governmental institutions and civil society, reporting and referral mechanisms, training and awareness, monitoring and evaluation, as well as information gathering on VAWG.
- Cancel the discriminatory legal provisions pertaining to family and marriage to ensure gender equality in inheritance, entering marriage, right to divorce, and right to custody of children. More specifically, these laws include: family law in Algeria, personal status laws in Egypt, Jordan, Palestine, and Lebanon, family code in Morocco and personal status code in Tunisia. Articles that allow polygamy must be removed. Women and men should have the guardianship of their children and the right to divorce on an equal basis.
- Criminalise explicitly marital rape as serious and frequent form of domestic violence.
- Set 18 years old as legal age of marriage without including “exceptional circumstances” to approve a marriage for those under this limit.
- Abolish the articles that include reduced penalty for so-called “honour” crimes, which are: in Algeria article 237 of the penal code; in Egypt articles 17 and 60 of the penal code; in Jordan article 340 of the penal code, in Morocco article 418 of the penal code.
- Criminalise all forms of VAWG in the public space including sexual harassment at the workplace, and restrictions on women’s mobility.
- Reform the nationality laws to enable women to pass on nationality to their children or spouse on equal basis with men.

This policy brief is based on a regional study on VAWG in the South Mediterranean conducted by the Regional Civil Society Observatory (RCSO) on VAWG between December 2019 and November 2020. The study involved collecting and analysing primary data in seven countries, Algeria, Egypt, Jordan, Lebanon, Palestine, Morocco and Tunisia, by applying combined qualitative and quantitative approaches. Following the study findings, in 2019 the RCSO launched a process to establish the first edition of the Regional Index on VAWG.

Regional Civil Society Observatory (RCSO) on VAWG

The Regional Civil Society Observatory (RCSO) on VAWG was established as a civil society mechanism to follow up on VAWG in the region and support the implementation of the UfM Ministerial Declaration (2017, Cairo). The RCSO is hosted by EuroMed Feminist Initiative (EFI) in Amman and is funded by the European Union (EU).