

Webinar for Arab Parliamentarians on Human Rights and GBV Legal and Policy Frameworks in the Arab Region

On 27 December 2021, the Asian Population and Development Association (APDA) and the Forum of Arab Parliamentarians on Population and Development (FAPPD) held a webinar on legal and policy frameworks relating to human rights and gender-based violence (GBV) in the Arab region.

The meeting was attended by more than 30 participants among whom current and former members of parliaments, representatives of the national committees, UNFPA and academia. Parliamentarians from Algeria, Bahrain, Djibouti, Japan, Jordan, Lebanon, Mauritania, Morocco, Sudan, and Tunisia attended the webinar.

The webinar was moderated by Dr. Mohammad Al-Smadi, Regional Coordinator of FAPPD.

Introduction

Dr. Mohammad Al-Smadi, Regional Coordinator for FAPPD, welcomed all participants. He said the webinar would look into the politics and policy framework of human rights and gender issues. He noted that COVID-19 had created additional social and human rights challenges.

Dr. Al-Smadi noted that Parliamentarians needed to find ways to address these challenges and find ways to recover from the pandemic.

Opening addresses

Hon. Dr. Rida Shibili, MP Jordan

Hon. Dr. Shibili opened the session and noted that people living in Arab countries needed to find ways to access economic opportunities because COVID-19 had impacted the region's economy. There were many challenges, and as parliamentarians, they needed to build political and democratic systems that enforce social equality and maintain human rights. Parliamentarians should ask themselves whether they could bring about political and economic justice that impacts society.

Dr. Luay Shabaneh, Regional Director, UNFPA Arab States Regional Office

Dr. Shabaneh said it was necessary to address GBV's political and social impacts. He noted that all people were born with the same rights, and as international organizations and societies, it was necessary to enforce laws that upheld these rights. While he acknowledged that all countries had different religious and social/cultural conventions, it was essential to address human rights issues.

He said while GBV was a global problem affecting rich and poor countries, developed countries, and third world countries, it was crucial to address this issue because, in the Arab countries, one in five girls are affected by violence

Case Studies

Case study: Djibouti, Presentation by **Mr. Silah-Eddine Abdoul Samad**, Consultant

Mr. Samad said Djibouti was a tiny Arab country in the Horn of Africa, and it is also a member of the African Union and the United Nations. The country's total population is 976,107, with 53% men and 47% women.

Most (72%) are young people. There were also 32,000 refugees and migrants living there, and in 2021, 9,351 more migrants moved into the country. Life expectancy is 52 years. In November 2021, COVID-19, 245,000 people were tested for COVID-19, 13,000 tested positive. The country also had 13,200 recoveries and 186 deaths.

Djibouti is a low-income country where 21.1% of the population lives in extreme poverty. It also had a low proportion of doctors and nurses of 1.25 per 1,000 in 2015.

Maternal mortality was decreasing, in 2012, it was 383 per 100,000, and in 2015 it was 185 per 100,000.

The child mortality rate was also high, with 248 deaths per 1,000 live births. There is low penetration of family planning services with only 10% uptake in 2015, which increased to 18% in 2018, but since 2019 it has decreased to 8%.

Mr. Samad said the country had not reached gender parity in education. The lack of equality is also reflected in literacy levels for adults is 63% for men and 43% for women.

The employment level is 36% for men and 11% for women, and levels of unemployment are 23% for men and 38% for women. These statistics reflect the situation for ages 15 to 59 years. However, for people aged between 15 and 24, unemployment is 84% for men and 88% for women.

Mr. Samad also presented a slide on reported physical and sexual violence, psychological and emotional abuse, and rape. The total increased from 215 in 2015 to 246 in 2018.

Most girls still undergo female genital mutilation (FGM), although the rate has dropped from 98.1% in 2002 to 70% in 2019. They also took a poll of women to assess their opinion on FGM. In 2002, 49.3% of women said it should continue; this decreased to 38.2% in 2019. In 2002, 42%, and in 2019, 46.1% of women believed the practice should stop.

Djibouti has a vision for 2035. The vision was developed in 2015 and aligned to the SDGs with development commitments. However, there were implementation issues. A lack of knowledge and skills in implementing this programme has hampered its efficacy.

Djibouti has a National Coalition for Gender, which ends in 2022. The coalition was not fully budgeted, and as a result, it did not achieve its aims, according to an assessment of its efficiency.

There is also an Association of Women Parliamentarians.

Case study: Sudan, Presentation by **Dr. Samia Nihar**, Consultant

Dr. Nihar said the study was mainly based on secondary sources with a few interviews. She explained the legal framework in which laws and policies were developed. It was required that laws should not contradict the Constitution. Policies are submitted to Cabinet, ratified by Parliament, and finally sent to the ministries for execution.

She went through the complexities of Sudanese history since 1956, when the country achieved independence. The first Constitution stated that all citizens had equal rights and no discrimination regardless of religion.

From 1958 to 1964, the military governed the country, and the Command Council implemented Islamic law (Sharia), also known as the September laws. There was a deterioration in women's rights during this time, and GBV was structural.

In 1998, a new Constitution was adopted – it was considered a very progressive constitution; however, there was a civil war between Sudan and South Sudan, and implementation was complex.

In 2018, the Constitution set clear parameters for non-discrimination against women and declared that women should occupy 40% of Parliament's seats.

However, the Constitution and the laws often contradict each other, and law reform was needed to bring

the legal framework in line with the Constitution.

There is a high incidence of child marriage, sexual violence, and female genital mutilation.

The country now has many programmes to address GBV, including the National Human Rights Commission.

The country still has insecurity and refugees and camps for internally displaced people.

Case study: Syria, Presentation by **Dr. Rana Kharouf**, Consultant

Dr. Kharouf said that the war in Syria had impacted the core of the society – the family. GBV increased because of the conflict, and in 2016, a judge announced that the incidence of GBV had increased threefold since the start of the war.

Today, the Constitution of the Syrian Arab Republic upholds equality between citizens and places it as a backbone of Syrian society. But as a consequence of the war, there has been a limit to its application. The COVID-19 pandemic amplified the GBV crisis. The pandemic also led to the downgrading of citizens' lifestyles. The society and economy were already fragile because of sanctions and the destruction of the infrastructure during the 10-year conflict.

Women now suffer from a psychological crisis because they are now breadwinners. Unemployment led to youth forced migration, and the war led to many mortalities.

Dr. Kharouf said her research showed a need to reform the laws affecting women to align with the Constitution.

Syria has signed the international conventions for human rights – including equality and non-discrimination against citizens, protecting child rights, and migrant workers' rights. Syria is also a signatory to the anti-torture conventions and other international and Geneva agreements.

Sexual assault is criminalized, and the Syrian Arab Republic has ratified conventions associated with ending GBV.

It is necessary to improve the legislative authority to ratify the international conventions. Syria was in the process of preparing a report to highlight measures the country has taken to end discrimination against women and stop GBV.

It was essential to improve the discriminatory legislation in post-crisis Syria including addressing the low penalties for honor crimes which had increased fourfold during the crises. For example, men who witness adultery and kill their spouses are not charged with murder and only receive four or five years in prison.

Women are criminalized if there is 'information' that they committed adultery. With men, this needs to be proven.

The penalty for rape is a minimum of two years.

Other issues include child/early marriage and discriminatory labor and social security taxations. It was essential to protect women's rights to a pension.

In terms of political representation, there were 25 women members in the People's Assembly, but this decreased to 11%. For the first time earlier this year, a woman ran for the Presidency.

There is no special ministry for the protection of women's rights. There is also a difference between rural and urban women, with women exposed to tougher forms of discrimination in rural areas.

Discussion and Q&A

Ms. Mariam Ahmed Aicha, Chair of the AMPF, Mauritania, said she was a former minister for women's affairs and had worked on various national strategies to improve women's rights, justice, and an end to GBV.

There was a need to look for inclusive justice, to activate laws, and make governments and civil society accountable. There was anger, displacement, rape, and many other problems in countries with conflicts.

There is also the phenomenon of the spread and use of drugs.

Now we need to find solutions, Ms. Aicha said.

Women, youth issues, violence are found globally but are exacerbated in emerging countries and countries that suffer instability. She noted that the voices calling for women's rights were muted, probably due to COVID-19.

She suggested that UNFPA, APDA, and FAPPD continue discussions and even set up a commission to look into these issues, including the impact of religion and tradition, the culture of violence against women, forced and early marriage, and inheritance laws. These efforts would highlight issues and find solutions based on justice, equality, non-racialism, non-discrimination, education, and respect.

Hon. Hassan Omar, MP Djibouti, congratulated the organizers and said the forum allowed delegates to share experiences to find solutions.

Hon. Omar asked Dr. Nihar how the Sudanese deal with GBV at a cultural level. He noted that if the mindset did not evolve, the practices would continue. He also asked if Sudan was ready to eradicate FGM and what support there was for victims of GBV.

He also asked what Syria had done to eradicate the traditional practice of FGM. He wanted to know if early marriage was still happening in Syria like most developing countries.

Dr. Samar Haddad from Lebanon noted that there was no doubt that the violence spread after the pandemic. While legislation and international conventions were a mechanism to address the issues, the laws needed an accountability system.

She gave an example from Lebanon. While rape is a crime punishable by law, the rapist is often set free when he agrees to marry the victim. Dr. Haddad noted that this was the biggest crime.

Hon. Faraj Touria, MP Morocco, noted that a study showed the high economic cost of violence against women. She also said she believed that FGM was women's violence against women and questioned how women could continue with this practice. There was an urgent need to raise awareness.

Hon. Dr. Mohammed Touil, MP Morocco, noted that the issues were complex with political, social, economic, and historical dimensions. They should be addressed with an intersectional approach. Arab countries have signed international agreements and developed laws against GBV, but these were ignored. It was time to revive good values in society. It was ironic that there were 81 women Parliamentarians in Morocco, but women still suffered.

Ds. Nihar said rape and violations against women all have negative impacts, but the practices occur despite the law. FGM is a challenge, and these practices remain for various reasons. The political will to resolve the problems was essential. FGM was criminalized, and perpetrators could receive a five-year sentence.

Early child marriage is also outlawed. The law was amended, and the girl has to be 18, but the guardian needs to be consulted until the girl is 21.

Dr. Kharouf asked why the guardian was needed. If the girl disagrees, then the contract should not go ahead,

she said. Syria still sees many young girls getting married, so there are challenges. There are laws to protect girls, but there was a big difference between justice and the law. Syria also has a law that governs violations via the internet.

Hon. Dr. Touil from Morocco asked a follow-up question about monitoring mechanisms to check whether the laws are applied.

Dr. Kharouf replied there were challenges in applying the laws. While there were development plans, social construction plans, and mechanisms to collect data on the implementation of the legal framework, these often did not work because there was no respect for human rights.

She suggested a way forward was to have a ministry to protect women.

Hon. Zoubir Abdalli, MP Algeria, noted wars and COVID-19 exacerbated violations. However, there were efforts in place to resolve the issues.

The moderator **Dr. Al-Smadi** thanked the participants and noted that while there were cultural and other differences between the three countries, their problems were similar. There were different reasons for the violence against women in all three countries. It was necessary to ensure a mechanism to implement the laws in all countries.

Closing remarks

Dr. Kusumoto Osamu, Executive Director/Secretary General of APDA

Dr. Osamu said APDA was very happy to work with parliamentarians, national committees and UNFPA.

He said that the topic under discussion – human rights – was a complex topic to tackle. The response to how to define human rights often ends up in a tautology: human rights are human rights.

Parliamentarians need to find a common foundation for human rights. If we value our own lives, we should value the lives of others – and should not allow a violation of human rights because of differences in gender, position, or age.

It is necessary to have more productive and concrete discussions asserting the importance of human lives and defining the conditions to protect human lives. The Parliamentarians' role is to develop laws.

Dr. Osamu Suggested that this dialogue continues in the Arab parliamentarians' meeting in 2022.

Dr. Mohammad Al-Smadi, Regional coordinator of FAPPD.

Dr. Al-Smadi thanked parliamentarians for their rich insights and explained that there would be another meeting in Egypt in 2022 to take the discussion forward.