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**“Women 2000: gender equality, development and peace for
the twenty-first century”**

Statement submitted by Amuta for NGO Responsibility, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Amuta for NGO Responsibility calls upon the Commission on the Status of Women and international non-governmental organizations to make the advancement of women's rights in the Middle East and North Africa, in particular in the Islamic Republic of Iran and the countries of the Arab League, a key priority for 2015. This campaign should centre on the repeal of discriminatory and destructive personal status laws and the elimination of polygamy, child marriage and genital mutilation.

The Arab Spring, in 2011, sparked optimism that there would be profound democratic change in the Middle East, a region dominated by autocratic and oppressive regimes. The lack of rights and fundamental freedoms for women was the most egregious manifestation of abusive Governments. It was hoped that the ousting of dictators in Egypt, Libya, Tunisia, and Yemen in 2011, and the mass demonstrations elsewhere, would bring about fundamental reforms, especially for women. Unfortunately, those changes did not materialize. The Council of Europe notes that there have been no major improvements in women's lives. Other experts have commented that women have experienced exclusion from the new Governments and have seen their position move from marginalization during repressive regimes to rejection with Islamist regimes.

Women's rights are essential for society as a whole. The World Bank emphasizes that women's equality is a core development objective in its own right. A researcher, Steven Fish, has found that countries that marginalize women have fewer anti-authoritarian voices in politics and more men who join fanatical religious and political brotherhoods; two factors that stifle democracy.

Nevertheless, women in the Middle East, aside from those in Israel, enjoy few rights. It has been suggested that nowhere in the Arab world do women enjoy equality with men, and they remain severely marginalized in Arab political systems. In the World Economic Forum Global Gender Gap Index for 2012, the Middle East and North Africa was ranked the lowest of all regions worldwide and included 6 of the 10 lowest-ranked countries. The highest-ranking country in the Middle East and North Africa (apart from Israel, which was ranked 56), was the United Arab Emirates, ranking 107 of 136. Personal status laws discriminate against women in matters of marriage, divorce, child custody and inheritance. Some countries have oppressive guardianship systems, which severely restrict women's freedom of movement, expression and ability to work. Repressive cultural practices such as child marriage, female genital mutilation, polygamy and so-called "honour crimes" are endemic. Coupled with unsatisfactory educational opportunities and extremely high rates of illiteracy, the laws and tribal customs create an environment where there is both de jure and de facto discrimination.

In many countries in the Middle East and North Africa, discrimination based on gender is not prohibited. Even in those countries where gender discrimination is ostensibly prohibited by law, however, pervasive legal and social inequality persists. This is due in large part to the incorporation of Sharia law into personal status laws and family codes. Women are viewed as minors and under the guardianship of their husbands and fathers. Violence perpetrated by family members is overlooked and rarely prosecuted. Laws generally discriminate against women in all matters relating to nationality, marriage, divorce and child custody. The presence and roles of women in public life and spaces are often strictly controlled.

Domestic violence

In all countries in the Middle East and North Africa, domestic violence is a serious problem. Most countries, including Bahrain, Egypt, Iran (Islamic Republic of), Jordan, Lebanon, Saudi Arabia, the State of Palestine and the Syrian Arab Republic, do not explicitly prohibit it. In Algeria, in order to file charges, a victim of abuse must be incapacitated for at least 15 days and present a doctor's note. In Iraq, a husband may legally punish his wife within certain limits prescribed by law or custom. Under the penal code of the United Arab Emirates, men are allowed to use violence against female and minor family members. Even in countries where some legal remedies are available to domestic violence victims, the law is mostly unenforced.

Throughout the region, with the exception of Israel and Tunisia, spousal rape is not criminalized. While the penal codes criminalize rape in Algeria, Bahrain, Iraq, Libya, Qatar, the State of Palestine and the United Arab Emirates, they do not specify whether spousal rape is prohibited under the law. In other countries, such as Egypt, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Morocco, Oman, Saudi Arabia, the Syrian Arab Republic and Yemen, spousal rape is not a crime. In Iraq, Lebanon and the Syrian Arab Republic, charges of rape are dropped and the conviction nullified if the rapist marries his victim. In Saudi Arabia, rape victims can themselves be criminally prosecuted.

So-called "honour killings" are pervasive in many countries in the Middle East and North Africa, including Egypt, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Kuwait and the State of Palestine. They include gruesome crimes such as beheading, immolation, forced self-immolation and torture, primarily committed against girls and women who are accused of behaving "immorally". Penal laws regarding such crimes weigh heavily in favour of the perpetrators and impose light criminal punishment.

Personal status laws and family codes

Sharia law is fully in place in Iran (Islamic Republic of), Iraq, Mauritania, Qatar, Saudi Arabia, the Sudan, the United Arab Emirates and Yemen. In other countries in the Middle East and North Africa, while Sharia law does not govern the entire legal system, it is applied in many areas of the law that regulate women's lives, in particular family codes and personal status laws. Those laws explicitly discriminate against women. Routinely, women do not enjoy the same rights and protection as men in matters of marriage, divorce, child custody and inheritance.

For example, in Iran (Islamic Republic of) and Saudi Arabia, women may marry only with the permission of their father or another male relative. In Bahrain, Lebanon, Qatar and Saudi Arabia, women are unable to transmit nationality to their children or spouse. Children in Jordan, Kuwait, Saudi Arabia and the Syrian Arab Republic may obtain citizenship only via their fathers. Women are forbidden from marrying non-Muslims and face conviction under apostasy laws (punishable by death in some countries), including in Egypt, Kuwait and Saudi Arabia. Polygamy is legal in Algeria, Bahrain, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the State of Palestine, the Sudan, the Syrian Arab Republic, the United Arab Emirates and Yemen, despite its documented detrimental impact on women and children.

Sex segregation and guardianship

Sex segregation and other intense control over women's lives are pervasive in the Islamic Republic of Iran and the Gulf States, as well as in Hamas-controlled Gaza. As one Iranian human rights activist noted in an article in *The Wall Street Journal* on 14 March 2012, "the law that is being enforced in Iran today does not consider women to be full human beings". The Saudi Arabian system of sex segregation governs both public and private institutions. Qatar and Saudi Arabia impose draconian "guardianship" systems on women, restricting their rights in relation to marriage, employment and travel.

The situation for women in Saudi Arabia is so dismal that many commentators and scholars have labelled the situation one of "gender apartheid" and have advocated expanding the crime of apartheid to include those systems of complete gender segregation. As noted by Ann Elizabeth Mayer, "many of the same patterns of oppression and domination that were recognized as underlying South African apartheid can be found ... in some Middle Eastern countries where women are completely excluded from roles in the political establishment".

Reservations to international human rights treaties

While many Arab and Muslim States have signed and ratified human rights treaties, most have declared reservations restricting implementation such that the provisions will not conflict with Sharia law. Other countries in the Middle East and North Africa express willingness to abide by the treaty to the extent that it does not conflict with national family codes, most of which are governed by Sharia and, as described above, discriminate against women. The reservations essentially nullify the core purpose of the treaties as they relate to women's rights and equality and raise doubt as to the State's commitment to protecting human rights.

In conclusion, United Nations frameworks and international non-governmental organizations have to date not done nearly enough to protect the rights of women in the Islamic Republic of Iran and the countries of the Arab League. They must act immediately to end this systematic discrimination in violation of all human rights norms, which amounts to crimes against humanity.

Sources and further information

A complete list of the sources used in the present statement and further information can be found at www.ngo-monitor.org/article/second_class_rights_how_amnesty_international_human_rights_watch_fail_women_in_the_middle_east.