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Identifying the Legislative Gaps that Need to Be Filled for the Application of Security Council Resolution 1325 (2000) on Women, Peace and Security in Selected Arab States

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**IDENTIFYING THE LEGISLATIVE GAPS THAT NEED TO BE FILLED
FOR THE APPLICATION OF SECURITY COUNCIL RESOLUTION
1325 (2000) ON WOMEN AND SECURITY AND PEACE
IN SELECTED ARAB STATES**



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Acknowledgements

The present study was prepared by the Centre for Women of the Economic and Social Commission for Western Asia (ESCWA) within the framework of a United Nations development project aimed at building the capacities of Arab institutions, parliaments and other bodies concerned with implementing Security Council resolution 1325 (2000) on women, peace and security. The project is being implemented in collaboration with the Economic Commission for Africa and the Inter-Parliamentary Union. Mr. Fateh Azam, a regional consultant for the ESCWA Centre for Women, prepared the study, which was reviewed at an expert group meeting comprising experts and representatives of national mechanisms for women in countries covered by the project. They discussed the preliminary version of the study to enrich it and approve its contents. The study was prepared in 2014, and some of the web links included in the references may unfortunately be no longer operational.

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Executive summary

To ensure full implementation of Security Council resolution 1325 (2000), the Economic and Social Commission for Western Asia (ESCWA), in partnership with the Office for North Africa of the Economic Commission for Africa and the Inter-Parliamentary Union, has prepared the present regional study that examines the legislative and policy requirements for the application of Security Council resolution 1325 (2000) on women, peace and security in seven Arab countries, namely Egypt, Iraq, Lebanon, Libya, Palestine, Tunisia and Yemen. This study is part of a project under the United Nations Development Account, aimed at building the capacities of parliamentarians to implement the resolution from a legislative perspective. The project also involves developing training guidelines in preparation for four training workshops on the following themes of the resolution: prevention, participation, protection, and relief and post-conflict situations. In addition, an electronic forum will be established for parliamentarians, administrators and national mechanisms concerned with women, through which participants can share their expertise and exchange knowledge and best practices following the implementation of the project.

This study shows that most of the selected countries have already established institutions and mechanisms for the advancement of women or human rights in general, but there are discrepancies in application, especially in readiness to modify legal and institutional systems to advance women and achieve full equality, and address the prevailing patriarchal culture and long-standing customs and traditions. The study concludes that there is a pressing need to revise legislation to ensure the effective implementation of the resolution. There is also a need to develop training and awareness programmes on gender issues, which are a key form of prevention, in particular for members of legislative assemblies. Despite some improvements in recent years, Arab countries still report the lowest levels of women's participation in elected legislative bodies and at all levels of decision-making in executive bodies. This study shows that quota systems and laws guaranteeing the participation of women in elections ensure greater representation for women in elected bodies. Traditional culture, however, impacts their appointment to decision-making positions. Many countries are failing to provide women with adequate protection from violence and human trafficking in conflict and post-conflict situations, and there are no attempts to ensure their participation in relief operations.

This study concludes with a set of recommendations on the responsibility of States to apply the resolution. Most of the recommendations focus on the important role of parliamentarians in their capacity as legislators and scrutinizers of executive authorities, and as representatives of the communities and sectors that elected them. The recommendations include ratifying international conventions signed by States, ensuring that their provisions are implemented in national legislation and executive and administrative procedures, and earmarking budgets necessary for their implementation. This study underlines the importance of undertaking a number of field studies to ascertain the situation of women and girls during armed conflict and to fill the knowledge gap among officials, so as to protect women and girls in armed conflict and post-conflict situations.

Introduction

A. Overview of Arab countries following the uprisings

In late 2010 and early 2011, a series of popular uprisings swept across half the Arab region, where freedoms, standards of living and equality are among the lowest in the world. The Economist's 2010 democracy index shows the ranking of the seven countries covered in this study with respect to democracy and political participation.¹ The uprisings resulted in regime change and/or armed conflict, which have claimed hundreds of thousands of victims, mostly civilians, including many women and children. The consequences of these revolts are ongoing in most of the countries concerned, in particular those that have not reached a political settlement.

Several countries covered by this study have witnessed uprisings, namely Egypt, Libya, Tunisia and Yemen. Popular pressure and peaceful demonstrations ousted leaders in Egypt and Tunisia; whereas, in Libya, armed revolt toppled the former regime. Nevertheless, these countries still suffer from a lack of stability. Tunisia, for instance, is now grappling with various political and community forces, and is endeavouring to create a general consensus on a democratic State that meets the needs of all and upholds social and gender equality. In Egypt, following the overthrow of President Hosni Mubarak, the Muslim Brotherhood won the first elections, but they were rapidly ousted because of their practices. Consequently, Egyptians discussed two new constitutions in two years. Since then, Egyptian women have continued to suffer from the consequences of insecurity and the spread of sexual harassment and attacks in public places.

In Libya, militia members, with various Islamic, secular, tribal and clan allegiances, are refusing to disarm. However, a healthy opposition to such violence has manifested itself through an active civil society, including women's organizations demanding equality. Some women activists and supporters of human and women's rights have been targeted or arrested for defending democratic values and justice. The country is currently in the grip of an ongoing struggle between those demanding the establishment of a democratic political system, on the one hand, and the militias, on the other, which are pushing for the establishment of an Islamic State based solely on Shari'a law. In addition, Libyan tribes and clans are demanding a share of power proportional to their populations. The country descended into armed conflict following the 2014 elections, undermining the authority of the central Government and its ability to ensure peace and security. Consequently, another Libyan parliament has recently been formed that is not internationally recognized.

In Iraq, social divisions remain sharp because of the absence of a Government that represents all political and sectarian groups. The violence has continued unabated since 2003, and has been exacerbated by the rise of Islamic State and its brutal practices, which severely violate human rights. Women and girls disproportionately suffer from these acts of aggression; statistics point to a sharp rise in the prevalence of rape, forced marriage and slavery.²

Palestine has also suffered from internal divisions between the Palestinian National Authority in the West Bank and Hamas in Gaza since 2007. The latest Israeli war against Gaza in the summer of 2014 claimed the lives of nearly 2,200 Palestinians, 1,660 of whom (75.7 per cent) were civilians, including children (31 per cent) and women (18 per cent).³ This was the third war in six years; it is yet another episode in the ongoing series of violence resulting from the Israeli occupation of Palestine and the failure of all peace efforts, which have continued for over three decades in a bid to find a peaceful, just and lasting solution.

¹ Economist Intelligence Unit, 2010, pp. 13-14.

² Office of the United Nations High Commissioner for Human Rights and the United Nations Assistance Mission in Iraq (UNAMI) Human Rights Office, 2014, pp. 10-16.

³ Palestinian Centre for Human Rights, 2014.

Yemen has witnessed large-scale demonstrations, in which women participated in an unprecedented manner, and which led to the resignation of President Ali Abdullah Saleh. However, the country has since descended into armed conflict, with contending political forces struggling for power.

The Lebanese civil war, which claimed the lives of over 100,000 citizens, ended in 1990. The country is currently suffering from a presidential vacuum, making it difficult to reach any form of consensus, especially with regard to women's rights and the protection of women, owing to diverse points of view.

The violent war in the Syrian Arab Republic (Syria)⁴ has cast its dark shadow over neighbouring countries. Over four million refugees have fled the conflict, 50 per cent of whom are currently residing in Lebanon (this number is close to one half of the Lebanese population).

Box 1. Democracy index, 2010

1. Most democratic
86. Lebanon
93. Palestine
111. Iraq
138. Egypt
144. Tunisia
146. Yemen
158. Libya
167. Least democratic

B. Background to the study

In response to these new grave challenges in the region, the ESCWA Centre for Women has decided to monitor the consequences of conflict on women by communicating with member States to ensure full implementation of Security Council resolution 1325 (2000). ESCWA has obtained financial support from the United Nations Development Account for a project entitled "Institutional and capacity-building for Arab parliaments and other stakeholders for the implementation of Security Council resolution 1325 (2000) on women, peace and security". Work on this project began in mid-2013, in partnership with the Office for North Africa of the Economic Commission for Africa and the Inter-Parliamentary Union; it is expected to be completed by the end of 2015.

The project complements the activities of the ESCWA Centre for Women, aimed at assisting member States in adopting national plans for the implementation of the resolution. The project will be executed in the following five stages, with particular focus on legislative bodies, by building the capacities of parliamentarians through training programmes and helping them establish a broad and sustainable knowledge network:

- (a) Prepare a regional study to examine the legislative and policy gaps and requirements in seven Arab countries, based on two expert meetings: the first will discuss the broad outlines of the study and the main themes to be addressed, and the second will examine the preliminary draft to verify information and analyse its conclusions and recommendations;

⁴ This study does not include Syria, since it was not affected by armed conflict during the first stage of this project.

(b) Hold a consultative meeting with regional and international parliamentarians and experts on parliamentary matters to ensure that the project's activities take into account the needs of target categories;

(c) Develop integrated training guidelines, followed by four training workshops geared to the four themes of the resolution, namely prevention, participation, protection, and relief and post-conflict situations; these guidelines and workshops are aimed at building the capacity of parliamentarians, administrative officials of legislative bodies and members of national mechanisms concerned with women, so as to set policies and enact the necessary legislation to implement the resolution;

(d) Establish an electronic forum for parliamentarians and administrators through the International Knowledge Network of Women in Politics⁵ to ensure the sustainability and development of required knowledge and the existence of a permanent forum for cooperation and exchange of information and national, regional and international expertise;

(e) Hold a virtual evaluation workshop in which participants contribute their expertise to offer assistance and transfer knowledge following completion of the project.

C. Aim and methodology of the study

This regional study completes the first stage of the project. The two above-mentioned expert meetings were held in Beirut. The first was convened in December 2013, and covered the current situation in participating countries and requirements for the application of the resolution, in addition to a preliminary discussion of the defects and gaps in policies and legislation and the main direction of the study. The preliminary draft was prepared on that basis and presented at the second expert meeting, held on 25 and 26 June 2014, where it was discussed in detail and recommendations and comments were made thereon before finalization. The final version was then presented for revision by participants in the project and participants in the two expert meetings.

This study covers seven Arab countries, namely Egypt, Iraq, Lebanon, Libya, Palestine, Tunisia and Yemen, because they were witnessing uprisings, armed conflict or social unrest at the time of writing. This study is aimed at ascertaining the implementation of Security Council resolution 1325 (2000) in these countries, determining policy and legislative requirements, and putting forward recommendations to help these countries make progress in this field.

This regional study is based on a number of relevant references and sources published by ESCWA, other United Nations agencies, the Inter-Parliamentary Union and non-governmental organizations. It is also based on reports and information provided by State representatives and experts participating in the two above-mentioned expert meetings. It underlines the lack of information concerning the situation of women and girls in armed conflict and post-conflict situations, pinpoints the various violations to which they are subjected, and investigates whether these countries have taken sufficient steps to protect women. Lastly, the study makes some recommendations on how to rapidly remedy the situation.

This regional study begins by presenting the historical background that prompted the international community to adopt Security Council resolution 1325 (2000). There is widespread conviction that efforts to protect women from violence in general can only succeed if based on a comprehensive vision of women's role in society and gender equality. Such protection requires a large measure of prevention, a change in the stereotypical roles of women and men, and recognition of what women can offer when they are free from these stereotypical roles. This requires effective participation by women in all stages of decision-making, especially in the field of negotiations and peacekeeping and in post-conflict situations.

⁵ An interactive network of women in politics who share experiences, resources and advice, and collaborate on issues of interest.

This study then examines the implementation of the resolution in the seven selected countries, on the basis of its main themes (prevention, participation, protection, and relief and post-conflict situations), by reviewing national institutional structures for the advancement of women, and examining national plans to combat violence against women and national legislation aimed at implementing resolution 1325 (2000), in addition to current laws and measures taken by countries to protect women and promote their equality and effective participation.

This regional study has encountered several obstacles in obtaining information on the situation of women with respect to the implementation of the resolution, in particular in cases of conflict where precise information is not available to identify gaps in policies and legislation. This problem points to the importance of undertaking further studies and research to gather precise information on each of the resolution's themes.

I. HISTORICAL AND LEGAL CONTEXT OF RESOLUTION 1325 (2000)

A. Violence, women and resolution 1325 (2000)

Security Council resolution 1325 (2000) denounces violence against women as a social plague and global phenomenon from which no country is free. This violence results from a societal vision that considers women as weak, places them in an inferior position, does not recognize them as equal to men and denies them their human rights. This vision is enshrined in the laws of numerous countries, which discriminate against women in all fields, and in the culture of societies, which reinforces the stereotypical roles of women as mothers, wives or daughters, rather than recognizing them as human beings with their own identities and autonomy, and considering them as equal partners to men. The phenomenon of violence against women is exacerbated in times of armed conflict, when social cohesion is threatened or collapses entirely. Numerous studies and statistics show that women and children are those who suffer most from the consequences of wars, and constitute 70 per cent of the victims of direct violence in armed conflict. Similarly, nearly 80 per cent of refugees and forcibly displaced persons are women and children.⁶

The international community has endeavoured to address the phenomenon of discrimination and violence against women since the foundation of the United Nations in 1945, whose Charter enjoins member States to work “in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”.⁷ Over time, international legal systems have been developed in an attempt to curtail the barbarity of human beings against their fellow human beings, whether male or female. Humanitarian international law consists mainly of the four 1949 Geneva conventions, which all countries must observe. The most important is the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which contains a number of articles concerning the needs of women.⁸ International human rights law also upholds women’s rights, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁹ as does international refugee law, consisting of the 1951 Convention relating to the Status of Refugees.¹⁰

The United Nations has adopted numerous resolutions and declarations stressing the need for national legislation to protect women from violence and take necessary steps to implement those resolutions and declarations.¹¹ While most of these declarations are based on the principles of equality and non-discrimination, they view women as victims who need protection and assistance, rather than as active and capable individuals with rights. In contrast, the 1993 Declaration on the Elimination of Violence against Women states that the protection of women should be based on a comprehensive vision of the culture of a community, which requires wide-ranging commitment by States through legal, administrative, financial and educational procedures. After reaffirming the right of women to enjoy all human rights on an equal footing with men, the Declaration concludes that “States should not invoke any custom, tradition or religious consideration to avoid their obligations” to eliminate violence, and should take all necessary measures to that end, including preventive

⁶ Arab Women Organization and others, 2012.

⁷ Article 1.3 of the 1945 Charter of the United Nations; see also articles 55 and 56.

⁸ 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, *Treaty Series*, vol. 792, No. 973.

⁹ 1979 Convention on the Elimination of All Forms of Discrimination against Women, *Treaty Series*, vol. 1249, No. 20378.

¹⁰ 1951 Convention Relating to the Status of Refugees, *Treaty Series*, vol. 189, No. 2545; and 1967 Protocol relating to the Status of Refugees, *Treaty Series*, vol. 606, No. 8791.

¹¹ See 1974 General Assembly resolution 3318 (XXIX) on the Declaration on the Protection of Women and Children in Emergency and Armed Conflict ; 1975 General Assembly resolution 3519 (XXX) on women’s participation in the strengthening of international peace and security and in the struggle against colonialism, racism, racial discrimination, foreign aggression and occupation and all forms of foreign domination; 1995 Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women; and 1999 Security Council resolution 1265 on the protection of civilians in armed conflict.

approaches, and all “measures of a legal, political, administrative and cultural nature,” and develop “national plans of action to promote the protection of women against any form of violence” and allocate adequate resources in government budgets and training programmes for law enforcement officers and public officials. The Declaration recommends adopting “all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women”, to promote research and compile statistics concerning domestic violence, and present comprehensive and integrated information in State reports to relevant United Nations bodies to ensure that they cooperating with women’s movements and non-governmental organizations, in addition to providing aid to women victims of violence, including care, treatment and counselling, so as “to promote their safety and physical and psychological rehabilitation”.¹²

B. Beijing Declaration and Platform for Action

The 1995 Beijing Declaration, adopted at the Fourth World Conference on Women, was similar to the 1993 Declaration, although it was longer and more detailed in its recommendations for the advancement of women in 12 critical areas of concern (box 2), rather than focusing only on protection from violence, the situation of women in armed conflicts and the role of women in decision-making. The Beijing Declaration upholds the view that the protection of women from violence in general, and in armed conflicts in particular, is closely linked to women’s social, political and economic situation in society. It directs its clearly-defined and detailed recommendations with respect to armed conflicts and the participation of women in decision-making, not only to Governments, but also to international and regional institutions. These recommendations include, among others, urging States to promote the participation of women in all forums and peace activities at all levels, particularly at the decision-making level (paras. 142 and 144), and to integrate a gender perspective in the resolution of armed or other conflicts (para. 142 (b)). It is important to note paragraph 145 (d) of the Declaration, which reaffirms that rape in the conduct of armed conflict constitutes a war crime and ... a crime against humanity, stresses the need to prevent those who commit such crimes from avoiding punishment and makes it necessary to investigate and punish all those responsible and bring the perpetrators to justice.

Box 2. Critical areas of concern

- Women and the environment
- Women in power and decision-making
- The girl child
- Women and the economy
- Women and poverty
- Violence against women
- Human rights of women
- Education and training of women
- Institutional mechanisms for the advancement of women
- Women and health
- Women and the media
- Women and armed conflict

¹² Declaration on the Elimination of Violence against Women.

C. Significance of resolution 1325 (2000)

Resolution 1325 (2000) constitutes a quantum leap in the manner in which the United Nations deals with the protection of women at the international, because it was adopted by the Security Council. Consequently, efforts to protect women have taken the shape of a binding international resolution, which goes beyond mere recommendations in declarations adopted by the General Assembly or international conferences.

Box 3. Chapter V of the Charter of the United Nations

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Table 1. Summary of resolution 1325 (2000) by theme

Theme	Duties: Member States	United Nations/Secretary-General
Participation	<p>Para. 1. Increased participation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.</p> <p>Para. 3. Provide female candidates to the Secretary-General for appointment as personal envoys.</p> <p>Para. 8. Take measures that support local women's peace initiatives... and that involve women in all of the implementation mechanisms of the peace agreements.</p>	<p>Para. 2. Implement the Secretary-General's plan of action... for an increase in the participation of women at decision-making levels in conflict resolution and peace processes.</p> <p>Para. 3. Appoint more women as special representatives and envoys to pursue good offices on his behalf.</p> <p>Para. 4. Expand the role and contribution of women in United Nations field-based operations, both military and civilian.</p> <p>Para. 6. The Secretary-General to provide to Member States training guidelines and materials... on the importance of involving women in all peace-keeping ... measures.</p> <p>Para. 15. The Security-Council to ensure that its missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups.</p>
Prevention	<p>Para. 6. Include training... materials on the protection... and the particular needs of women... and incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel.</p>	<p>Para. 6. The Secretary-General to provide to Member States training... materials on the protection, rights and the particular needs of women... and ensure that civilian personnel of peacekeeping operations receive similar training.</p>

Theme	Duties: Member States	United Nations/Secretary-General
	<p>Para. 7. Increase... financial and technical support for gender-sensitive training efforts, including those undertaken by United Nations agencies.</p>	<p>Para. 14. The Security-Council to give consideration to the potential impact of measures adopted under Article 41 of the Charter of the United Nations on the civilian population, bearing in mind the special needs of women and girls.</p>
<p>Protection</p>	<p>Para. 8 (c). Take measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.</p> <p>Para. 9. Fully respect all aspects of international law applicable to the rights and protection of women and girls, especially as civilians, in particular... the provisions of the Rome Statute of the International Criminal Court (War Crimes).</p> <p>Para. 10. Take... measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse... in situations of armed conflict.</p> <p>Para. 11. Emphasize the responsibility of... States... to prosecute those responsible for... crimes against humanity and war crimes, including those relating to sexual and other violence against women and girls... and exclude these crimes from amnesty provisions and legislation relating to immunity from punishment.</p>	<p>Para. 6. The Secretary-General to provide to Member States training... materials on the protection and the rights of women.</p>
<p>Rescue, relief and post-conflict situations</p>	<p>Para. 8 (a). Respect the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.</p> <p>Para. 12. Respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design.</p> <p>Para. 13. In the planning for disarmament, demobilization and reintegration, to consider the different needs of female and male combatants.</p>	<p>Para. 8 (a). Respect the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.</p>
<p>General recommendations</p>		<p>Para. 5. The Security-Council to incorporate a gender perspective, and also urge the Secretary-General to ensure that ... field operations include a gender component.</p> <p>Para. 16. Invite the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution.</p>

However, it is important to note that the binding nature of a resolution under Chapter V of the Charter of the United Nations is weaker than that of Chapters VI and VII, both of which authorize the Security Council to take punitive measures against States contravening international law, which may include, pursuant to Chapter VII, military intervention. Therefore, the obligation to implement resolution 1325 (2000) is an undertaking by States, by dint of their membership in the United Nations, to accept and carry out the decisions of the Security Council. Countries are called upon by one another to implement the resolution and ensure that its provisions are applied. The Secretary-General must present periodic reports to the Security Council on the achievements of States and the United Nations with regard to the implementation of the resolution.

By adopting the resolution, the international community gave force to the principles and guidelines contained in the Declaration on the Elimination of Violence against Women and the Beijing Declaration, and requested countries to implement them politically and legally. Member States must apply its provisions by developing relevant legislation and policies, adopting administrative and social measures conducive to implementing it, establishing educational and cultural programmes, and cooperating with international organizations to eliminate violence against women.

Resolution 1325 (2000) provides for the protection of women from violence and harm within a comprehensive vision consisting of the following main themes: participation, prevention, protection, and relief and post-conflict situations. These themes are interwoven in most paragraphs of the resolution, which contains recommendations addressed to member States, the United Nations and all its agencies, and field operations represented by the Secretary-General.

The resolution reiterates the principles and guidelines set out in previous declarations and resolutions with respect to the need to protect women in conflicts, and stresses the responsibility of countries to prosecute those responsible for crimes against humanity, and war crimes, including sexual violence, and to exclude such crimes from amnesty provisions so as to eliminate immunity from punishment (para. 11), and underlines the necessity to devote attention to the particular needs of women within the framework of providing humanitarian aid and assistance (paras. 8 (a) and 12).

Similarly to the Beijing Declaration, the resolution stresses the importance of strengthening women's participation in all aspects of decision-making, including in peacekeeping forces and post-conflict operations (paras. 1, 3 and 8 (b)). Measures for the effective protection of women from violence must go beyond considering them as a vulnerable category or victims, and view them instead as effective participants. The resolution also emphasizes the importance of mainstreaming the gender perspective and respecting gender issues in all peacekeeping and subsequent operations (para. 5). It calls for specialized training to that end and for respect for the particular needs of women and children in conflict situations and their human rights (paras. 6 and 7). It therefore complements international instruments, declarations and resolutions that stipulate the duty to strive for full equality between men and women in all fields.¹³

The Security Council subsequently adopted resolution 1820 (2008), which supplemented resolution 1325 (2000), whose provisions are mostly directed at parties in conflict, United Nations agencies and the Secretary-General of the United Nations. The resolution stresses, in more determined and clearer language, the requirement for the protection of women from sexual violence and its prevention during armed conflict, and recommends increasing the participation of women in peacekeeping and police forces.¹⁴ The Security Council has reiterated most of these recommendations in numerous subsequent resolutions.¹⁵

¹³ The text of Security Council resolution 1325 (2000) is contained in annex I to the present report.

¹⁴ United Nations Security Council resolution 1820 (2008) on women and peace and security.

¹⁵ Resolutions 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on women and peace and security.

D. [Committee on the Elimination of Discrimination against Women and general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations](#)

All Arab countries, except Somalia and the Sudan, have acceded to CEDAW, as has Palestine, which submitted a request to join the United Nations in April 2014. The Convention became binding for them in May 2014. The States parties to the Convention submit periodic reports to the Committee on the Elimination of Discrimination against Women (CEDAW Committee), established pursuant to the Convention, which discusses the reports and issues recommendations and observations that State parties must apply in good faith.¹⁶

The CEDAW Committee adopted its general recommendation No. 30 in November 2013, which outlines the effective protection available to women in cases of armed conflict and pre- and post-conflict prevention means. This recommendation clearly summarizes the principles of the international legal system and its binding provisions for States in this context. It brings together the principles contained in resolution 1325 (2000) and all previous and subsequent declarations and resolutions in a single document, so as to explain international law to help countries assume their legal responsibilities to apply CEDAW in situations of conflict.

General recommendation No. 30 stresses the importance of effective participation by women in decision-making (para. 47), prevention (paras. 30-34), protection in conflict and post-conflict situations (paras. 35-39), and in cases where people are subject to displacement (paras. 54-57). It also highlights situations where women and girls have been subjected to human trafficking in conflict situations (paras. 40-42) and other considerations not dealt with in resolution 1325 (2000).¹⁷

E. [Responsibilities of States in the application of resolution 1325 \(2000\)](#)

The international community has concluded that there is a need for comprehensive measures to protect women in national law, and to include these measures in international conventions that define the rights of women in times of peace and armed conflict. The international community has stressed the importance of establishing official institutions with sufficient budgets, and the need to intensify efforts to educate and build awareness about women's rights, equality and non-discrimination.

In this context, under resolution 1325 (2000) and subsequent resolutions and declarations on the status of women and the prevention of violence against them and general recommendation No. 30, States must adopt and implement the following policies and measures, which are all applicable to the themes under consideration:

(a) Draw up national plans and effective policies to ensure full equality between men and women and eliminate violence against women under all circumstances, including in conflict and post-conflict situations, and allocate necessary resources for their implementation and enforcement (prevention);

(b) Endeavour to increase the participation of women at all levels of decision-making, especially in situations of armed conflict and peacebuilding, and support women's initiatives on peacebuilding and peacekeeping issues (prevention);

(c) Devise training programmes, especially for the armed forces and police personnel, to raise awareness of gender issues and allocate necessary resources thereto (prevention);

¹⁶ Convention on the Elimination of All Forms of Discrimination against Women, articles 17-22. It should be noted that practically all Arab countries have ratified the Convention with reservations concerning some of its articles, in particular those relating to personal status issues and the right to grant nationality; they argue that these issues should be governed by Shari'a law.

¹⁷ See annex II of the present report for selected recommendations from general recommendation No. 30 of the CEDAW Committee.

(d) Enact laws to criminalize and eliminate violence against women, punish perpetrators and guarantee the right of women to achieve justice and full equality with men in all fields (prevention and protection);

(e) Accede to relevant international conventions and observe all international laws, in particular those that criminalize violence against women, including the prosecution of perpetrators of sexual violence (prevention and protection);

(f) Ensure the needs of women and girls in situations of conflict, displacement, rehabilitation and reintegration into society, and adopt transitional justice measures in post-conflict phases (post-conflict prevention).

The remaining chapters of this study will review and assess the situation of women in the seven countries under consideration, to ascertain the extent to which these countries apply these provisions. It is important to note that the main themes set out in resolution 1325 (2000) overlap, as do the measures adopted for each theme. For instance, legislation plays both a preventive and protective role, and participation is also a factor in prevention.

II. APPLICATION OF RESOLUTION 1325 (2000) IN THE FIELD OF PREVENTION

Resolution 1325 (2000) calls for the adoption of plans and national policies and strategies with long-term objectives that ensure women's safety and equality in all areas of life. The planning and execution of these plans and strategies must involve women and must entail legislation, daily protection programmes, training programmes and awareness-raising, so as to change the prevailing patterns of behaviour that consider women second-class citizens. This chapter asks to what extent political will demonstrates its effectiveness in preventing violence against women in general, and to what extent is it translatable into effective policies and measures with practical results.

A. National mechanisms for the prevention of violence against women

The political will for the advancement of women is best reflected by State institutions established for that purpose, entrusted with coordinating policies on women through several means, such as elaborating or proposing draft laws and presenting administrative and executive plans and measures for the practical application of such policies. The Beijing Declaration and Platform for Action calls upon States to establish such institutions at the highest possible level in Government, under the responsibility of a cabinet minister and supported by sufficient resources in terms of budget and professional capacity, with the capacity to influence government policies.¹⁸

The seven countries under consideration appear keen to create such institutional frameworks and mechanisms. As shown in table 2, each of the seven countries has established at least one body; many have established two such bodies entrusted with the advancement of women. However, these bodies vary with regard to their level and competence and their ability to influence policymaking. Two States have established ministries of women's affairs, in accordance with the Beijing Declaration, namely Iraq and Palestine. In Tunisia, there is a Secretary of State for Women's Affairs in the Ministry of Youth, Sports, Women and the Family. In Libya, the Ministry of Labour and Social Matters has established a Women's Department. In Lebanon, the above-mentioned tasks are entrusted to the National Commission for Lebanese Women. Egypt has established the National Council for Women. In Yemen, the Women's National Committee was established in 1996 and restructured in 2000 under the broader Supreme Council for Women's Affairs, which operates as an executive body.¹⁹ However, despite all those efforts, these bodies are not represented at the ministerial level, as required, and their role is essentially consultative; they do not have decision-making powers within Government.

Nevertheless, Iraq, Tunisia and Yemen have ministries concerned with human rights in general. Although the advancement of women is not these ministries' main priority, women's rights are within the scope of their work. The Ministry of Human Rights in Yemen was established in 2003 and has been headed successively by three women ministers. Their tasks consist mainly of providing advice and comments on draft laws from a human rights perspective, receiving complaints, offering training and raising awareness on human rights issues in general.²⁰

Currently in Libya, there is no ministry of women's affairs or supreme body concerned with women's issues. However, women's departments have been established within both the Ministry of Labour and Social Affairs and the Ministry of Culture. In addition, efforts are being exerted to establish a national mechanism for women's rights with support from the United Nations Support Mission in Libya, including a project for the establishment of a supreme council for women, recently submitted to the Council of Ministers and to

¹⁸ United Nations, 1966, para. 201.

¹⁹ اليمن، رئاسة الوزراء، 2000.

²⁰ See Al-Zwaini, 2012, pp. 17-18.

civil society organizations promoting women's equality and rights.²¹ A number of decisions have been adopted by the National Committee for the Development of the Judiciary, established pursuant to decision No. 90 by the President of the Supreme Council for the Judiciary, dated 26 May 2012, containing recommendations for strengthening gender equality through greater access to justice, ending flagrant legal discrimination against women and ensuring that the justice system responds to gender considerations.²²

Table 2. Official bodies for women's issues

Country	Ministry/Council/Supreme body for women	Ministry/National body for human rights	Parliamentary committees on women or human rights
Egypt	National Council for Women	National Council for Human Rights	--
Iraq	Ministry of State for Women's Affairs	Ministry of Human Rights and Supreme Commission for Human Rights	Committee on Women, the Family and the Child
Lebanon	National Commission for Lebanese Women	--	Committee on Women and Children; Committee on Human Rights
Libya	Women's Department in the Ministry of Labour and Social Affairs	--	Committee on Women and Children
Palestine	Ministry of Women's Affairs	Independent Commission for Human Rights	--
Tunisia	Secretary of State for Women and Family within the Ministry of Youth, Sport, Women and the Family	Transitional Ministry of Human Rights and Justice	--
Yemen	Supreme Council for Women's Affairs, Women's National Committee	Ministry of Human Rights	Committee on Human Rights

Table 2 also sets out national human rights institutions in Egypt, Iraq and Palestine that are not directly concerned with women's issues, but work to reinforce and uphold human rights in general. They are State institutions, rather than bodies independent of political and executive authorities, and work in accordance with international criteria governing such institutions.²³ In addition to these mechanisms, there are various departments and offices working on women's issues within ministries and institutions, or gender units whose tasks include, among other things, the recruitment of women specialized in gender issues.

A 2013 ESCWA study²⁴ showed that national bodies and committees concerned with the advancement of women encountered difficulties in performing their tasks and influencing decisions in favour of women. Their main challenges include weak political will to bring about substantive changes, low public awareness of gender issues and weak conviction about women's rights among officials in executive bodies, exacerbated by weak institutional accountability with respect to the application of government policy on gender issues, limited expertise and knowledge and the scarcity of resources allocated to these mechanisms.

²¹ الوفد الليبي المشارك في اجتماع الخبراء في الإسكوا، 2014.

²² هيئة دعم مشاركة المرأة بليبيا، 2013.

²³ General Assembly resolution 48/134 on national institutions for the promotion and protection of human rights (Paris Principles).

²⁴ ESCWA, 2013a, p. 2.

B. National policies and plans for the advancement of women and the prevention of violence against them

There are various types of prevention efforts, including policies for the advancement of women in general, and those more specifically directed at protecting women from violence, such as strategies to combat violence against women. Prevention plans generally overlap with protection measures, because violence prevention efforts include legislation and measures that come under protection.

Palestinian efforts in this field are intensive, although the country only officially acceded to CEDAW in April 2014, after announcing in 2009 that it was going to apply the Convention regardless. Accordingly, the National Committee to Combat Violence against Women, the National Committee for Gender-Responsive Budgeting, the National Committee for Women's Employment, and the National Participatory Gender Audit Team were formed.²⁵ Nine ministries are represented in the National Committee to Combat Violence against Women, including the Ministry of Women's Affairs and the Ministry of Social Affairs, in addition to judges, the Governorates' Unit in the Cabinet of the President, the General Union of Palestinian Women, and the Forum of Palestinian Non-Governmental Organizations against Violence against Women, which have broad government and civil participation at most levels.²⁶ The Committee's tasks include making legislative proposals and amendments, drawing up comprehensive strategies and plans, carrying out studies and research, and establishing and disseminating a database on violence against women.

Since its foundation, the Committee has put in place a number of policies, laws and administrative measures, including the development of a national discourse on violence. It has adopted a number of plans and strategies, the most important of which is the National Strategy to Combat Violence against Women 2011-2019, which contains seven themes that go beyond protection so as to prevent violence against women.²⁷

Box 4. Palestine: themes of the National Strategy to Combat Violence against Women 2011-2019

- Promote protection and empowerment mechanisms for women whose rights are being violated by the Israeli occupation;
- Promote a legal framework and institutional mechanisms to protect women from violence;
- Improve social protection and social support offered to women victims of violence;
- Improve health services for dealing with cases of violence against women;
- Change community perceptions on violence against women by promoting violence prevention as part of the strategic direction of institutions working on the protection of women's rights;
- Improve the system of legal protection, defence and jurisdiction for the benefit of women victims of violence;
- Improve the system of monitoring, evaluation and follow-up of the National Strategy to Combat Violence against Women.

Political will in Iraq is also quite strong. A number of ministries have drawn up operational plans on the situation of women through various programmes, in coordination with civil society organizations. In March 2013, the Council of Ministers approved the National Strategy for Combating Violence against Women in Iraq 2013-2017,²⁸ which includes the following themes: reforming the legal framework to make it

²⁵ فلسطين، وزارة شؤون المرأة الفلسطينية، 2013.

²⁶ قرار مجلس الوزراء رقم (06/59/12/م.و.س.ف) الذي صدر في 9 حزيران/يونيو 2008.

²⁷ Palestine, Ministry of Women's Affairs, National Committee to Combat violence against Women, n.d., p. 8.

²⁸ First report of the Secretary-General pursuant to paragraph 6 of Security Council resolution 2110, S/2013/661, para. 36.

sensitive to gender issues and human rights; facilitating access to justice for victims of violence; developing the technical and institutional capacities of the judiciary; providing protection and security geared to the Iraqi environment; enhancing the quality of services, including developing technical capacities, providing legal advice, shelters and psychological support; and changing behaviours and systems that encourage discrimination and violence against women.²⁹ A draft law on combating domestic violence is still awaiting the approval of the Legislative Council.³⁰ On 1 April 2014, the Iraqi Council of Ministers approved the Strategy for the Advancement of Women. The Ministry for Women's Affairs is active at a number of levels in defending Iraqi women's rights, including encouraging the appointment of women to leadership positions, ensuring that they assume ministerial portfolios, carrying out the recommendations of the Committee to Eliminate Discrimination against Women, helping rural women to obtain agricultural loans, working on a standardized civil law that guarantees women's rights, and pursuing activities aimed at strengthening the equality of Iraqi women and their position in society.³¹

Lebanon has established the National Commission for Lebanese Women, pursuant to Law No. 720 of 1998, which comes under the Office of the Prime Minister. Its tasks include providing advice to the Lebanese Government on policies and legislation, and strengthening the participation of women in coordination with various ministries and civil society organizations.³² In 2011, the National Strategy for Women in Lebanon 2011-2021 was adopted, which contains a number of objectives guided by Security Council resolutions 1325 and 1820.³³ The Lebanese Parliament's Human Rights Committee adopted the National Plan for Human Rights 2013-2019, published in December 2012, which includes a number of reforms and measures to strengthen women's rights and gender equality in Lebanon. The plan is still awaiting approval and adoption by Parliament.³⁴

Box 5. Lebanon: main features of the National Strategy for Women in Lebanon 2011-2019

- Achieving citizenship to its fullest potential on the basis of full and unconditional equality between women and men in rights and duties;
- Promoting the participation of women in the economic sector;
- Achieving full and unconditional equality between men and women in all fields and sectors and in decision-making positions;
- Combating all forms of violence affecting girls and women in all areas;
- Eradicating stereotyping of women in local culture and media;
- Protecting girls and women in situations of emergency, armed conflict, war and natural disaster;
- Introducing gender mainstreaming in all fields.

In Egypt, there are no comprehensive national plans for the advancement of women in any field. However, some attempts have been made to rectify this situation by amending existing laws or adopting new laws, such as the law on *khul'* (Islamic divorce at the request of the wife, who must then pay compensation) (2000), the law on nationality (2004), the law prohibiting female circumcision (2008) and the law criminalizing sexual harassment (2014), among others. These measures reflect the willingness of Egyptian

²⁹ العراق، وزارة الدولة لشؤون المرأة، 2013، جدول (3)، الصفحات 72-80.

³⁰ الزبيدي، 2012.

³¹ موقع وزارة الدولة لشؤون المرأة، العراق.

³² ESCWA and the Hariri Foundation (2014). Lebanon Gender Profile, p. 21 .

³³ الهيئة الوطنية لشؤون المرأة اللبنانية، 2010.

³⁴ ESCWA and the Hariri Foundation (2014). Lebanon Gender Profile, p. 20.

legislators to address women's issues, although with limited aspirations; they do not necessarily reflect a vision for achieving gender equality in the long term. The establishment of the National Council for Women in 2000 may reflect the intention of the State to adopt a comprehensive policy, but successive Governments have not shown any official commitment to applying the recommendations of the Council related to the requirements of equality, including the provisions of resolution 1325 (2000).

In Yemen, there is no plan to combat violence or to advance women in general, despite the fact that the Women's National Committee and the Supreme Council for Women have been proposing policies, strategies, plans and programmes on women's issues³⁵ since 2000. Following an agreement with the Gulf Cooperation Council (GCC), Yemen has made new commitments on the role of women in Yemeni society. The Comprehensive National Dialogue Conference, held with support from the United Nations mission in Yemen, adopted decisions calling for women's representation of 30 per cent in all delegations to the Conference. Women's participation reached 26 per cent in the technical preparatory committee of the Conference.³⁶

C. National plans for the application of resolution 1325 (2000)

In 2012, the Secretariat of the League of Arab States, in cooperation with the Arab Women Organization and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), prepared a study on a strategy that would provide a solid basis for decision-makers and experts to develop programmes and plans geared to achieving security for Arab women within the framework of resolution 1325 (2000).³⁷ The study sets out the following three separate phases: security and stability, emergencies and armed conflicts, and post-conflict. The strategy focuses on creating a gender-sensitive social environment that ensures the empowerment and participation of women at all levels and protects women in law and practice. It also stresses the importance of raising awareness and providing training on gender issues, justice and peace, in accordance with the resolution.³⁸

In a number of countries, projects are under preparation to implement the resolution, but it is not yet clear whether they are in response to the above-mentioned strategy or to independent national initiatives. Iraq is the only country to succeed in adopting an implementation plan for the resolution, where committees have been formed to draw up a joint national plan of action, in cooperation with international and civil society organizations;³⁹ the plan of action was launched on 6 February 2014, covering the period 2014-2018.⁴⁰

The Iraqi national plan to implement the resolution recognizes that women in Iraq have poor participation in decision-making, especially at the executive level, although women's representation in legislative bodies has reached 25 per cent.⁴¹ The plan relies on a number of pillars in line with the themes and provisions of the resolution.⁴²

Pillar 5 of the plan includes a list of laws that must be amended or enacted to carry out the plan.⁴³ The annexes of the plan contain tables that define the responsibilities of the bodies entrusted with the execution

³⁵ موقع اللجنة الوطنية للمرأة، اليمن.

³⁶ الوفد اليمني المشارك في اجتماع الخبراء في الإسكوا، 2013.

³⁷ Arab Women Organization and others, 2012, p. 5.

³⁸ Ibid., pp. 81-7.

³⁹ Letter from the Iraqi Embassy, 17 December 2013, *op. cit.*

⁴⁰ Second report of the Secretary-General submitted pursuant to paragraph 6 of Security Council resolution 2110, S/2014/190, para. 26.

⁴¹ العراق، 2014، صفحة 6.

⁴² Ibid., pp. 16-19 and 21-30.

⁴³ Ibid., pp. 14-15.

of the plan in Iraq and Iraqi Kurdistan, in addition to the financial requirements for the annual implementation of the plan over the period 2014-2018.

In Egypt, on 2 March 2013, the National Council for Women adopted a strategy to implement the resolution, covering all its themes and provisions. However, the strategy cannot be considered as a working plan for the State, because it has not yet been officially adopted by the Government or judicial bodies. The National Council for Women has put forward a set of objectives that focus on legal aspects, beginning with the Constitution, and has proposed some operational mechanisms for protection, including holding training programmes for popular and political leaders and non-governmental organizations to raise awareness of the need to combat violence against women, with special focus on educational curriculums at all levels; ensuring that women are not negatively portrayed in information and entertainment programmes, including television shows; and modifying patterns that consider violence against women and violations of human rights within the family as normal behaviour.⁴⁴ The success of the Egyptian plan will depend on the influence of the National Council for Women over various bodies, in view of the absence of legal or procedural commitments.

Table 3. Main features of the Iraqi plan to apply resolution 1325 (2000)

1. Participation	Create mechanisms to ensure equitable proportional representation and full participation of women in all State authorities; decision-making positions; reconciliation committees; peace and conflict-resolution negotiations; and assemblies for the achievement of civil peace.
2. Protection and prevention	Integrate women's rights in justice and security systems, protect women from gender-based violence and provide shelters and rehabilitation programmes.
3. Promotion of the resolution	Increase awareness on gender issues in all policies and measures aimed at preventing and resolving conflicts, and build the capacities of women by means of a rights-based approach.
4. Social and economic empowerment	Ensure that women and men enjoy equal access to resources and opportunities.
5. Legislation and law enforcement	Adopt legislation that respects basic global human rights for all men and women, and end to impunity for perpetrators of crimes.
6. Resource mobilization, allocation and assessment	Establish national and international funds, allocate the needed budget for the national action plan and prepare transparent and results-based reports.

Palestine has pursued its efforts to provide prevention and protection to Palestinian women by establishing the Supreme National Committee for the Application of Security Council Resolution 1325 (2000) on 27 January 2012. This Committee is similar to the Committee to Eliminate Violence in that it involves various Palestinian ministries, institutions and civil society organizations. The Committee was tasked with formulating a national strategic plan for the application of resolution 1325 (2000). It began by developing a methodology based on wide-ranging consultations involving numerous meetings and a review of all conventions, resolutions, declarations and literature related to the topic, in addition to statistics and surveys on women and violence, among other things. In May 2014, the first draft was submitted to the Ministry of Women's Affairs, which included the strategic planning methodology, themes based on Palestinian realities, objectives and implementation means of the strategy for the period 2014-2016, in addition to a monitoring and assessment plan.⁴⁵

⁴⁴ مصر، المجلس القومي للمرأة، 2013، الصفحات 5-11.

⁴⁵ فلسطين، وزارة شؤون المرأة الفلسطينية، 2014.

Following the uprisings, work began in Tunisia to draw up a plan for the application of resolution 1325 (2000). A number of technical meetings were held with relevant ministries, under the supervision of the Secretary of State for Women and Family Affairs, to pave the way for the establishment of a joint committee to draft the outlines of a plan in line with the Arab strategy to apply resolution 1325 (2000).⁴⁶ In Lebanon, there is no specific project to devise a similar plan, but various efforts have been made in line with some of the requirements of the resolution, such as adopting the National Human Rights Plan, holding public lectures and workshops on the resolution, enacting the Law against Violence in 2013, and launching awareness-raising campaigns to influence opposition to the concepts of gender mainstreaming in the country.⁴⁷

D. Early warning systems for conflict detection and prevention

There is growing interest in gender-sensitive early warning systems, including attempts to establish necessary indicators. However, these concepts and indicators are being developed at the international level, and there is still no consensus on them, apart from attempts to compile various experiences that have led to a varied set of indicators aimed at providing special protection for women in cases of conflict. Among such efforts, a study was undertaken by UN Women in 2012, which brought together various experiences from Africa to derive the following indicators.⁴⁸

(a) Indicators related to the general context and characteristics of a country, including statistics on women and girls, their role and the social perception of them;

(b) Indicators related to human rights and security, including violence against women, such as the spread of sexual and domestic violence, the effectiveness of law and the judiciary, and the existence of shelters and hot-line services for women victims of violence;

(c) Indicators on political and institutional factors, including the role of women in public and political life and their participation rates in leadership positions, and the awareness of the security sector of gender issues;

(d) Economic indicators, including the participation of women in the economy and labour markets, and their exposure to what is known as the parallel war economy, such as human trafficking and prostitution;

(e) Indicators on social factors, including the level of education in a country, the education of males compared with females, social status and its stability, and the role of civil society organizations, in particular those concerned with women.

Continuous monitoring of these indicators requires close cooperation among State institutions, ministries, statistical agencies and civil society organizations, to observe any changes in these indicators that might give early warning of conflict or unrest.

This study has not found any notable efforts in the seven countries concerned to adopt early warning systems. However, free hot-line services for women victims of violence are available in some of those countries. These services are extremely important for helping victims of violence and for protecting them from repeated violence, but they offer assistance following attacks, and are therefore not considered early warning systems. It is clear from an ESCWA questionnaire that the effectiveness of these services varies among Arab countries. Hot-line services are not available in numerous rural and remote areas, and many of them do not operate around the clock.⁴⁹

⁴⁶ الوفد التونسي المشارك في اجتماع الخبراء في الإسكوا، 2014.

⁴⁷ الوفد اللبناني المشارك في اجتماع الخبراء في الإسكوا، 2014.

⁴⁸ UN Women, 2012, pp. 6-8.

⁴⁹ الإسكوا، 2013، الصفحة 48.

Attention should be drawn to the importance of statistics on the situation of women and cases of violence against women in various fields, which provide decision-makers with the necessary information to take preventative measures. National statistical offices in many of the countries under consideration gather and analyse information and make recommendations that, if applied, could play an important role in the prevention of violence against women, including during armed conflict.⁵⁰ However, statistics in many countries still do not reflect reality because of numerous obstacles that prevent complaints from being lodged and which limit public discussions on the problems faced by women victims of discrimination, harassment, violence and domestic violence. Among such obstacles are fear of scandal in the absence of guarantees of confidentiality to protect women's privacy and family lives, as well as other social pressures, such as institutional gaps that make women feel that there is no interest in their problems at the official level and even among those entrusted with enforcing the law, such as police officers, security officers, public prosecutors and judges.⁵¹

E. Training on gender issues and raising awareness of resolution 1325 (2000)

Another study undertaken by ESCWA⁵² on combating violence against women concluded that a number of countries ran awareness-raising and capacity-building programmes, many in cooperation with non-governmental organizations, but these were insufficient. There is a scarcity of government rehabilitation programmes targeting perpetrators of violence against women, and confusion between the concept of awareness-raising in general and the concepts of defence and assistance, including mobilizing decision-makers to change women's situation, especially by changing laws and behaviours that discriminate against women. Most programmes are not aimed at building the capacities of law-enforcement officials or judges in the long term, and are rarely implemented with a view to carrying out a long-term strategy aimed at changing the behaviour of officials in dealing with women victims of violence or instances of domestic violence.⁵³

In Lebanon, according to statistics as at August 2013, 39 officials on gender issues have been appointed in numerous State ministries, the Council of Ministers, the Parliament and other official bodies, such as the Council for Reconstruction and Development, the Social Security Fund and Civil Defence. These men and women are responsible for strengthening gender equality and empowering women in government offices, but their effectiveness is affected by weak State commitment; they work without clear guidelines and the necessary budgets to perform their tasks.⁵⁴ In general, responsibility for organizing training courses on gender is entrusted to the National Commission for Lebanese Women, in cooperation with international organizations; a number of such courses have been held for ministry staff.⁵⁵

The National Council for Women in Egypt has created 29 "equal opportunity" units in ministries, aimed at supporting the role of women and enhancing their representation in decision-making positions. The National Council provides awareness-raising programmes on gender and related issues for planning authorities in a number of ministries.⁵⁶ The Ministry of State for Women's Issues in Iraq has begun establishing gender units in State institutions to achieve equal opportunities and implement gender-sensitive budgeting programmes.⁵⁷

⁵⁰ فلسطين، الجهاز المركزي للإحصاء الفلسطيني، 2012.

⁵¹ UNSMIL and others, 2014.

⁵² ESCWA, 2013b, p. 48.

⁵³ ESCWA and UN Women, 2013, p. 3.

⁵⁴ ESCWA and the Hariri Foundation (2014). Lebanon Gender Profile, p. 21.

⁵⁵ ESCWA, 2013a, pp. 19-20.

⁵⁶ Ibid., p. 31.

⁵⁷ Letter from the Iraqi Embassy, 17 December 2013, *op. cit.*

Similarly, in Yemen, training programmes have been held for male and female staff on women's issues within ministries and government institutions, and for a number of official bodies, such as statistics, information and planning institutions and women's rights organizations. These efforts have covered gender mainstreaming in a number of important documents, such as the guidelines for the preparation of a five-year plan in Yemen. However, assessment of these training and awareness-raising courses suggests that their outcomes at the decision-making levels remain weak.⁵⁸

In Tunisia, various courses have been held in numerous fields, including on gender, women stereotypes, violence against women and human rights. Many of these courses have focused on rural areas and rural women. A national symposium was held on 6 March 2014 on the Constitution of the Second Republic and consolidating women's rights therein.⁵⁹

⁵⁸ ESCWA, 2013a, p. 21.

⁵⁹ الوفد التونسي المشارك في اجتماع الخبراء في الإسكوا، 2014.

III. RESOLUTION 1325 (2000) IN THE FIELD OF PARTICIPATION

A. Women's participation at all levels of political decision-making

The participation of women in decision-making is still the subject of debate, and even conflict, in Arab political and civil circles. Women's participation rates in the Arab region are among the lowest in the world, even though there has been some progress in certain fields, such as the participation of women in the armed forces and police. In Iraq, for instance, around 7,000 women are working in the Ministry of the Interior, and nearly 400 women are in the army.⁶⁰ Lebanon has also witnessed a similar development, with the number of women in the Lebanese Army attaining 1,000 at various grades, most of them engaged in supportive tasks, such as medical care, body cavity searches and administrative and logistical tasks,⁶¹ 900 women are enrolled in the internal security forces.⁶²

Overall, the proportion of elected women in parliaments in the Arab region is 15.9 per cent in countries that have a single chamber. In countries with two chambers, a lower and an upper house, the proportion drops to only 7.7 per cent, the lowest proportion worldwide, taking into account that members are appointed rather than elected in some countries. There is a large gap between the Arab region and the closest region to it, namely Asia, where 14.3 per cent of the members of the upper chamber are women. Table 4 shows women's participation rates in the parliaments of the seven countries under consideration.⁶³

Table 4. Proportion of women in Arab selected parliaments

Country	Election	Number of members	Number of women	Proportion	Policy
Tunisia	2014	217	68	31.3%	Law, no quota
Iraq	2014	328	83	31%	25% quota
Libya	2014	188	30	16%	Law, no quota
Palestine	2006	132	17	12.9%	Law, no quota
Lebanon	2009	128	4	3.1%	None
Egypt	2011	508	10	2%	None
Yemen	2003	301	1	0.3%	None

In Tunisia, article 16 of decree No. 35 of 10 May 2011 requires parity between men and women in lists of candidates for the National Constituent Assembly, and that men and women should alternate vertically and horizontally on those lists. This has greatly contributed to the proportion of women in the Assembly, reaching 26.27 per cent.⁶⁴ That law remained in force in the second round of elections of the first Assembly elected following the transitional period, in which there was competition among 1,500 electoral lists and 15,652 candidates, 47 per cent of whom were women. Consequently, women's representation in the Council of People's Deputies (Parliament) in the November 2014 elections rose to 31 per cent, following the election of 68 women deputies from a total of 217, the highest proportion in the Arab region.⁶⁵ There are 763 women working in the Tunisian judiciary from a total of 1,951 (39.1 per cent). It is expected that this number will rise in coming years to 58 per cent as the proportion of women enrolled in the Judicial Institute rises.⁶⁶ Chapter V of the new Fundamental Law of 2013 requires the presence of women judges in the temporary

⁶⁰ Letter from the Iraqi Embassy, 17 December 2013, *op. cit.*

⁶¹ موقع صيداويّات، 2014.

⁶² الوفد اللبناني المشارك في اجتماع الخبراء في الإسكوا، 2014.

⁶³ Statistics up to February 2015. Available from www.ipu.org/wmn-e/classif.htm.

⁶⁴ See details of the quota project at www.quotaproject.org/uid/countryview.cfm?CountryCode=TN#additional.

⁶⁵ See www.ipu.org/parline-e/rports/2392_E.htm.

⁶⁶ الوفد التونسي المشارك في اجتماع الخبراء في الإسكوا، 2014.

body for supervision of the judiciary, which helped boost women's presence there in 2013 to approximately 45 per cent.⁶⁷

In Libya, a parity and alternation scheme was adopted for the elections, thus increasing women's representation. Law No. 4 of 2012 on elections for the General National Congress introduced a mixed system combining direct election of 120 members with the election of 80 other members from party lists based on women's participation vertically and horizontally. Consequently, 33 women entered the General National Congress, equal to 16.5 per cent. However, elections to the municipal assemblies did not achieve comparable success, given that they were not subject to the proportional scheme. Nevertheless, the proportion of women filling leadership posts in a number of political parties is as high as 30 per cent in some cases.⁶⁸ It should be noted that 45 per cent of candidates were women in party lists, as specified by article 15 of the law; however, women candidates outside party lists were no more than 3.4 per cent of the total.⁶⁹

Egypt saw a sharp fall in women's representation in the People's Assembly (Parliament) from 13 per cent before the January 2011 uprisings to 2 per cent following the 2011 elections.⁷⁰ Egyptian Law No. 149 of 2009 imposed a quota of 64 seats for women, but the election law of September 2011 annulled that share. The new Constitution has failed to reinstate the quota system for women in elections to the People's Assembly. The Constitutional Preparatory Committee ascribed this result to a desire not to prejudice the "democratic foundations" of the State, and abolished other quotas for workers and farmers. However, the Constitution sets quotas for women, young people, workers and farmers in local assemblies under specific legal frameworks.⁷¹

These developments represent a setback for Egyptian women following the uprisings, especially in view of the progress achieved over the past decade in strengthening the participation of women in various fields. Nevertheless, Egypt may yet see some progress in this regard as a result of the new elections law adopted in 2014, which sets a total of 567 seats in the People's Assembly, of which 420 are to be elected by free competition without any kind of quotas or women's representation. A further 120 deputies are to be elected by means of closed lists, for which the law provides for quotas for various categories, including 7 women from lists consisting of 15 male and female candidates in each of two governorates (a total of 14 women), and 21 women from lists containing 45 candidates from each of two other governorates (42 women). Consequently, 56 women will gain access to the People's Assembly - 10 per cent of the total number of deputies, a proportion lower than that being urged by women (20-30 per cent). The Egyptian President has a right to appoint 27 deputies (5 per cent) of either gender to the People's Assembly, which may raise the number slightly.⁷²

With regard to the Egyptian judiciary, the first female judge was appointed to the Supreme Constitutional Court in 2003, then 31 female judges were appointed for the first time to the civil courts. In 2010, 25 female judges were appointed to administrative courts, but the Council of State attempted to block these appointments. The Constitutional Court ruled in favour of their appointment on the basis of gender equality.⁷³ The Council of State in Egypt has a long history of opposing the participation of women: the General Assembly of the Council of State refused the appointment of women law school graduates to the Council in 2009 and 2013, although article 11 of the new Egyptian Constitution guarantees the right of

⁶⁷ تونس، وزارة شؤون المرأة والأسرة، 2013.

⁶⁸ See details of the quota project, available from www.quotaproject.org/uid/countryview.cfm?CountryCode=TN#additional.

⁶⁹ See details of this item of the quota project, available from www.quotaproject.org/uid/countryview.cfm?CountryCode=LY#cvview_subnational.

⁷⁰ ESCWA, 2011, pp. 26-7.

⁷¹ الشاذلي، 2014.

⁷² الوفد المصري المشارك في اجتماع الخبراء في الإسكوا، 2014.

⁷³ Moustafa, 2012, p. 28.

women to be appointed to judicial authorities and bodies, including the Council of State. This refusal remains in force.⁷⁴

In Libya, resolution No. 30 of 2013 was adopted by the General National Congress, which led to the formation of a committee consisting of three women from 18 members, entrusted with preparing a draft law for the election of the Constituent Body for the Drafting of the Constitution. Law No. 17 (2013) was adopted for that purpose. However, pursuant to that law, only 7 of 60 seats were allocated to women (10 per cent). Statistics for 2012 show that there were 1,163 women working in Libyan judicial bodies (24 per cent of employees) compared to 3,640 men. There are 130 female judges, 12.2 per cent of the total number. In addition, the proportion of women lawyers is 37.3 per cent, which suggests that women's opportunities to be appointed to judicial posts weaken if their responsibilities include decision-making, which in turn possibly suggests that the obstacles preventing women's access to leadership positions may be traced to those who take appointment decisions.⁷⁵ There are two female ministers in the current Libyan Government, and four female deputy ministers, but there is no woman accredited ambassador. Conservative social forces have been gathering strength since the uprisings: statistics show that there were 8,000 female police and customs officers under Qaddafi, most of whom were removed from their posts after the uprisings. An appeal is currently pending before the courts claiming the unconstitutionality of appointing women to judicial and other public posts.⁷⁶

Iraq is the only country that sets a specific quota for women's representation: Iraqi law guarantees women 25 per cent of seats in the Chamber of Deputies (Parliament). However, there is still a debate on whether women won by direct vote, without relying on this quota, because their participation in the Chamber of Deputies is counted as being part of the quota. The quota thus appears to constitute a ceiling for women's participation rather than a starting point from which to strengthen women's presence in representative assemblies. The Ministry of Women's Affairs is endeavouring to rectify this situation.⁷⁷ It should be noted that women in Iraqi Kurdistan have a 30 per cent representation rate in the Kurdish Parliament and a relatively strong presence in all Kurdish government institutions.⁷⁸

There is no electoral quota system for women in Lebanon, despite various efforts. There was a proposal for a 30 per cent quota for women, in accordance with the Beijing Platform for Action, but the Lebanese Chamber of Deputies (Parliament) rejected it in 2008. In 2010, the Minister of the Interior proposed a 20 per cent quota for women in local assembly elections; the Council of Ministers agreed, but the Chamber of Deputies rejected it.⁷⁹ It should be noted that, of the total number of candidates in the local elections in 2004, the proportion of women did not exceed 2.02 per cent. In the 2010 elections, successful women candidates made up 4.7 per cent of the total number of people elected. Although this proportion is more than double that achieved by women in the 2004 elections, it is still very low.⁸⁰ These results may indicate the weak commitment of leaders of the various political parties in Lebanon to gender issues and their lack of interest in including women in their electoral lists. Things are different with respect to the judiciary, however, where women judges constitute 45 per cent of the total number of judges, and they occupy high-level posts at various levels.⁸¹

⁷⁴ الشاذلي، 2014أ.

⁷⁵ هيئة دعم مشاركة المرأة بليبيا، 2013.

⁷⁶ الوفد الليبي المشارك في اجتماع الخبراء في الإسكوا، 2014.

⁷⁷ العراق، وزارة الدولة لشؤون المرأة، 2014.

⁷⁸ Letter from the Iraqi Embassy, 17 December 2013, *op. cit.*

⁷⁹ ESCWA and the Hariri Foundation (2014). Lebanon Gender Profile, p. 26.

⁸⁰ See the website of the National Commission for Lebanese Women.

⁸¹ الوفد اللبناني المشارك في اجتماع الخبراء في الإسكوا، 2014.

With regard to other Lebanese indicators, such as willingness to appoint women to leadership positions, data point to a lack of commitment. In 2013, only four women were appointed as deputy ministers in all Lebanese government organizations and departments.⁸² Political decision-makers in Lebanon do not effectively represent their communities, since a 2011 opinion poll showed that more than 67 per cent of women and 65 per cent of men supported the use of quotas in Lebanese elections to encourage women's participation in political decision-making. Half of those who opposed quotas saw them as a violation of the right to gender equality, whereas the other half (18 per cent) believed that women had no role in politics.⁸³

The 2005 law on general elections in Palestine applies a mixed system to departments and party lists. For party lists, the law requires that there be a woman among the first three names, and another among every subsequent five names.⁸⁴ Consequently, in the 2006 elections, 17 women became members of the Palestinian National Council, or 25.7 per cent of the six competing lists. However, the proportion dropped to 12.9 per cent in the Council as a whole because no woman was elected in departments not subject to that restriction.⁸⁵ The General Federation of Palestinian Women, under the Palestine Liberation Organization, succeeded in bringing in a 20 per cent quota for women in the Council, and efforts are currently underway to raise it to 30 per cent.⁸⁶ In the 2012 local elections, Palestinian woman won approximately 22 per cent of the total number of seats, i.e. 1,060 of 5,040 seats. Of those, only 71 women won through the list system; the others won by direct election. Women account for around 12 per cent of judges and 15 per cent of lawyers, a lower proportion than in the other countries. Although 40 per cent of the labour force in the public sector are women, high-level posts remain relatively inaccessible to them. Only six women are deputy ministers and five are assistant deputy ministers. There are currently only four women ambassadors of a total of 92 accredited ambassadors (4.3 per cent), which is lower than the 2008 number (5.4 per cent).⁸⁷

Even with a system that sets a specific quota for women's participation, administrative and executive procedures sometimes impede women's access to such posts. In Tunisia, for instance, although women now account for over 30 per cent of parliament members and despite consensus on gender equality in the Constitution, only three women of a total of 41 ministers were appointed to ministerial posts.⁸⁸ In Yemen, only one woman was elected to the Chamber of Deputies, and three women were appointed as ministers in the transitional government following the GCC agreement.⁸⁹ The Inter-Parliamentary Union (IPU) has indicated that the proportion of women working as ministers, assistant ministers and prime ministers in the Arab region reached 8.21 per cent in early 2014.⁹⁰

B. Women's participation in peace negotiations

Women's participation in peace negotiations is low across the world. An international report on 24 separate negotiations showed that women's participation did not exceed 7.6 per cent, and that only 2.5 per cent of those appointed as intermediaries were women.⁹¹ This may be attributed to a lack of programmatic, political or operational commitment to strengthening such participation; the matter is left to

⁸² ESCWA and the Hariri Foundation (2014). Lebanon Gender Profile, p. 25.

⁸³ International Foundation for Electoral Systems (IFES) and Institute for Women's Policy Research (IWPR), 2011, p. 4.

⁸⁴ See www.pal-plc.org/ar_page.aspx?id=w2GChUa140859444aw2GChU.

⁸⁵ See www.pal-plc.org/ar_page.aspx?id=2MDmWha150376974a2MDmWh.

⁸⁶ الوفاء الفلسطيني المشارك في اجتماع الخبراء في الإسكوا، 2014.

⁸⁷ فلسطين، الجهاز المركزي للإحصاء الفلسطيني، 2013.

⁸⁸ Women's International League for Peace and Freedom (WILPF), 2015, p. 24.

⁸⁹ See Adra, 2014.

⁹⁰ IPU and UN Women, 2014.

⁹¹ See Kvinna till Kvinna Foundation, 2012.

chance and to women who impose their presence through their political abilities at the national and international levels.

In Palestine, where peace negotiations have now been under way for over 20 years, only a few women have participated in the various Palestinian delegations. Despite the formation of a Women's Affairs Team during the negotiations that began with the Madrid negotiations and ended with the Oslo accords in 1993, the Team did not negotiate directly; it was formed as an ancillary to the negotiation process, similarly to the other specialized technical teams of the Palestinian negotiating team, aimed at supporting Palestinian negotiators rather than involving women in negotiations. Its membership was restricted to Palestinian political parties that supported peace negotiations at the time. The Palestinian Women's Affairs Team was eventually transformed into a non-governmental organization following subsequent political changes.⁹²

C. Women's participation in United Nations peacekeeping missions

Resolution 1325 (2000) calls upon States and the United Nations Secretary-General to increase the participation of women at all decision-making levels in peace negotiations and United Nations peacekeeping missions. States should appoint women to national, regional and international institutions and mechanisms working in conflict prevention and resolution. The Secretary-General is required to appoint women to leading positions, emphasize their contribution to all United Nations operations, whether military or civilian, and provide training materials to member States to encourage the involvement and protection of women in all peacekeeping operations in consultation with women's and international groups.

The United Nations Department of Peacekeeping Operations has defined a number of mechanisms for the implementation of these decisions, including drafting an action plan for the implementation of resolution 1325 (2000), recruiting women consultants, establishing units to strengthen the concept of gender in one tenth of its missions around the world, and increasing the number of women staff members at various levels. However, these efforts, as recognized by the United Nations, remain unsatisfactory. The number of women participating in peace negotiations and other activities has not increased sufficiently, with rates of no more than 10 per cent.⁹³ It should be noted, however, that the Secretary-General has made great efforts to increase appointments of women as his representatives to lead United Nations peacekeeping missions: he now has eight women representatives from a total of 40 envoys, all appointed between mid-2013 and mid-2014, apart from one, who was appointed in 2010 and another in 2012.⁹⁴

There are four peacekeeping missions in the countries covered by this study, and women's participation in them remains weak. In the United Nations Assistance Mission in Iraq, there are 16 women of a total of 274 staff (5.9 per cent), all of whom are military personnel. In the United Nations Truce Supervision Organization for Palestine/Israel, the proportion of women is 3.1 per cent. In the United Nations Interim Force in Lebanon, one of the largest missions after the Sudan mission, the proportion of women is 3.9 per cent, three-quarters of whom are military recruits (3 per cent). It should be noted that the proportion of women soldiers in peacekeeping missions does not exceed 10 per cent at the highest. Countries still hesitate to put forward women or authorize them to volunteer for these missions.

As part of their work to assist countries, these missions have set up special units to disseminate the concept of gender. In the Iraq mission, these units work together with UN Women, the Office of the High Commissioner for Human Rights and other organizations, as well as with the Iraqi Government and civil society organizations, to strengthen gender equality and empower women, especially at the political level.

⁹² جمعية المرأة الفلسطينية العاملة للتنمية، 2011، الصفحتان 45 و46.

⁹³ United Nations, 2010, pp. 9-11.

⁹⁴ Secretary-General of the United Nations: Special and personal representatives; envoys and advisers of the Secretary-General. Available from www.un.org/sg/srsg/other.shtml.

Their activities include training courses, especially for parliamentarians, and the establishment of a network for resolution 1325 (2000) aimed at addressing the political crisis in the country.

D. Women's participation in transitional justice procedures

Women's participation in transitional justice procedures is generally weak or absent in the Arab region, although numerous debates and training courses have been held, including in Egypt, Iraq, Libya and Yemen. In Iraq, the National Reconciliation Committee of the Prime Minister's Office has established an office for women. Among its achievements, according to the report from Iraq to the CEDAW Committee, are holding courses to encourage women's participation and spread the spirit of national reconciliation, building a culture of peace and holding literacy courses for women.⁹⁵ In Egypt, numerous dialogues, debates and seminars have been held on transitional justice. The Ministry of Transitional Justice and National Reconciliation was established, and has been working since 2013 on an action plan to achieve reconciliation, but its documents have not mentioned involving women in these dialogues or their future role in transitional justice in Egypt.

In Yemen, although there was only one woman among the signatories to the GCC agreement that inaugurated the transitional period in Yemen, women actively participated, accounting for 27 per cent of all attendees at the National Dialogue Conference.⁹⁶ The working groups that helped draft the resolutions of the National Dialogue Conference developed joint recommendations in a number of fields directly connected to resolution 1325 (2000) and its themes, which can be summarized as follows:

(a) Ensure full equality between men and women in the text of the new constitution, with the State undertaking to eliminate all forms of discrimination against women, establish an independent national body concerned with women to contribute to drafting public policies and supervise their application and assessment;

(b) Ensure the participation of women in all legislative, executive and judicial authorities, local assemblies, and military and security apparatus, and ensure that they make up no less than 30 per cent of the total number of members of those bodies, and this includes equal rights to standing for election and equal participation in voting;

(c) Protect women from physical and moral violence, including early marriage, female circumcision, sexual harassment, human trafficking, forced labour, slavery and all forms of exploitation, and criminalize all such forms of aggression and transgression;

(d) Respect the special needs of women, including their rights relating to marriage, reproductive health and maternity leave;

(e) Provide special care and rehabilitation to women prisoners and victims of armed conflict, and offer the necessary care to them in conflict areas.⁹⁷

⁹⁵ العراق، رئاسة مجلس الوزراء، 2014، الصفحتان 1 و2.

⁹⁶ See Adra, 2014.

⁹⁷ مكتب مساعد الأمين العام للأمم المتحدة ومبعوثه الخاص باليمن، ملتقى النساء والشباب، 2014.

IV. APPLICATION OF RESOLUTION 1325 (2000) IN THE FIELD OF PROTECTION

A. National legal frameworks and protection of women's rights

Some of the countries under consideration are going through sensitive transitions that will determine their future courses. A key step will be to review the constitutions that govern life in society. This has taken place in practically all the countries under consideration. For instance, Egypt has had three different constitutions in two years. There is a new constitution in Tunisia and a draft constitution in Libya. The Iraqi Constitution and the Palestinian Fundamental Law are both relatively new. The Lebanese Constitution is the only one that is longstanding.

In addition to their own national guidelines, countries are also governed by international conventions that they have ratified, which are supposed to become part of the national legal fabric. In addition to the conventions already mentioned, such as CEDAW, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are also based on the principles of equality and non-discrimination. In the Convention on the Rights of the Child, there are numerous articles directly related to the protection of male and female minors from economic or sexual exploitation, including human trafficking, both in times of peace and during armed conflict. The Convention observes the principle of “the best interests of the child” in many of its provisions.⁹⁸ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that torture is committed “for any reason based on discrimination of any kind”; “no exceptional circumstances whatsoever, whether a state of war or ... instability, ... may be invoked as a justification of torture”. It also prohibits returning a person to another State “where there are substantial grounds for believing that he would be in danger of being subjected to torture”, especially States that show a “consistent pattern of gross, flagrant or mass violations of human rights”.⁹⁹

The seven countries under consideration are all signatories to the conventions mentioned above, and thus have a responsibility to ensure that their national legislation is in line with their international commitments.

1. *Laws on violence and domestic violence*

A number of countries have taken important steps to develop legal protection for women from domestic or family violence, in response to campaigns by civil society organizations. While such measures constitute tangible progress, they nevertheless remain timid steps and have not yet resulted in the full and effective protection of women from violence.

On 1 April 2014, the Lebanese Chamber of Deputies approved the Law on Protection of Women and Other Members of the Family from Family Violence, following numerous campaigns by civil society organizations critical of incidents that had shaken public opinion; the President of the Republic signed the law on 7 May 2014.¹⁰⁰ Despite public support for the law, it nevertheless aroused numerous reservations among women's and legal associations, which protested against the amendments made by the Chamber of Deputies. Article 13 of the law assigns competence to the Judge of Urgent Matters, but activists are requesting that violence complaints be lodged directly with the Public Prosecutor in the neighbourhood in question, for reasons related to time and cost. Article 22 of the law provides for abrogation of all rules that

⁹⁸ Convention on the Rights of the Child. See articles 9 and 18-20 on the best interests of the child, article 22 on humanitarian assistance, article 29 on directing education to strengthen gender equality, and articles 32-38 on protection from all forms of exploitation and during armed conflict and forbidding trafficking of children.

⁹⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. See articles 1-3.

¹⁰⁰ The President of Lebanon signed it as Law No. 293, published in the Official Gazette on 15 April 2014.

contravene the new law, with the exception of personal status laws governing marriage, divorce, child custody and inheritance, many aspects of which discriminate against women. Women's and legal associations have urged a return to the original text of the draft law to ensure compliance with international standards.¹⁰¹ Despite these criticisms, this law began providing protection to women within a few weeks of its implementation. It was applied in a judicial decision to arrest a man who had been violent to his wife in late May 2014. The judicial decision included placing restrictions on the actions of the man in the future, and asking a woman social worker to pay regular visits. That was followed by a number of similar decisions.¹⁰²

Women in Tunisia enjoy a relatively high level of protection because of Law No. 73 of 2004, which has added three articles to the Criminal Code prohibiting attacks against "good morals" and sexual harassment, and new prison sentences for perpetrators of sexual harassment against women or children. The law defines the concept of sexual harassment and increases the punishment for moral or physical sexual harassment of women and minors. As is now the case in Lebanon, wives in Tunisia may request protection against husbands who treat them violently by contacting the security forces immediately or by taking immediate legal action in the courts.¹⁰³

The Egyptian Penal Code contains various crimes whose perpetrators are punished with various penalties, according to the gravity of the crime. However, the application of the law is occasionally weak, as a result of the ambiguous nature of some provisions, which make its application contradictory in some cases. The word "harassment" is not legally defined, and may refer to four different prohibitions: assailing a female in public, in word or in deed; dishonouring her dignity, which includes touching any part of her body; indecent acts in public or private; and rape. Since the uprisings, Egyptian law has been undergoing constant transformation on issues of harassment and assault against women. The most recent decisions include the establishment of a police force specialized in issues of violence against women.¹⁰⁴ However, numerous observers raise the problem of personal social bias among officials in applying the law. Some judges and prosecuting attorneys rely on the general principle introduced by the Court of Cassation that protection of the family is above the application of the law, and use their discretionary authority to shelve the inquiry or to mitigate the punishment because of their social views.

The National Council for Women of Egypt has drawn up a draft law for the protection of women from violence containing definitions of various crimes. The draft law elaborates many aspects of protection, including providing legal assistance, facilitating the deposition of testimonies, helping victims, establishing a fund for the victims of domestic violence and victim rehabilitation.¹⁰⁵ The draft law to protect women from domestic violence has been finalized after five years of work; it is supported by 90 non-governmental associations. Article 6 defines the crime of domestic violence as any act committed on the basis of gender that leads, or is likely to lead, to physical, psychological or sexual harm or suffering by a woman, including a threat to commit such acts and compulsion or deprivation of freedom by a family member. The draft law includes the establishment of a committee to receive reports of violence, in coordination with the Ministry of the Interior and the Ministry of Social Solidarity, half of whose members shall be women.¹⁰⁶

In Iraq, the Parliament of Iraqi Kurdistan enacted Law No. 8 of 2011 to combat domestic violence. The law criminalizes 13 instances of aggression against or exploitation of women within the framework of the family. It was supported by the establishment of special tribunals for domestic violence, which began operating in December 2013. A special women's police force was also established to deal with such

¹⁰¹ داود، 2014.

¹⁰² علّوه، 2014.

¹⁰³ تونس، 2004.

¹⁰⁴ الوفد المصريّ المشارك في اجتماع الخبراء في الإسكوا، 2014.

¹⁰⁵ مصر، المجلس القومي للمرأة، 2013ب.

¹⁰⁶ El-Nadim Center for Rehabilitation of Victims of Violence, 2012.

issues.¹⁰⁷ Discriminatory practices are protected in Penal Code No. 111 (1969), particularly in article 41 that allows the husband to “discipline” his wife. This act is considered a "right " even if it may lead to spousal abuse and cause the wife harm, whether emotionally or physically, and no consideration is given for the social position of the women in the family or community, or in the workplace. A draft law on protection from domestic violence has reached the Iraqi Council of Ministers,¹⁰⁸ but the family protection law remains in the Chamber of Deputies.¹⁰⁹

In Palestine and Yemen, legal protection of women remains weak in practice, even though there have been some attempts to rectify the situation. There is no legislation on domestic violence in Yemen. Instead, laws relating to general violence and aggression are applied, without taking into consideration the special circumstances and needs of women victims of violence. Efforts are being exerted by the Ministry of Human Rights and the Women’s National Committee to draft a law criminalizing violence against women.¹¹⁰

In Libya, there are also no laws criminalizing domestic violence, apart from Law No. 10 of 1984, which indicates that it is not permissible for men to interfere with their wives or their right to spend their own money. However, there are no effective implementation mechanisms, so the law has no impact in practice.¹¹¹

2. *Rape*

Article 267 of the Penal Code in Egypt criminalizes rape, and prescribes prison with temporary hard labour for perpetrators of this crime. The punishment is increased to life imprisonment if the offender is someone known and trusted by the victim,¹¹² but the penalty is decreased substantially in cases where the crime does not reach the level of rape. There is a draft to amend these rules by increasing the penalties for whoever interferes with someone else, irrespective of gender, to protect victims from any form of interference or sexual harassment. In May 2014, the Egyptian Council of Ministers agreed to this law, amending the provisions of Law No. 58 of 1937, but the new law has been criticised as insufficient, lacking effective implementation mechanisms and requiring comprehensive training for all involved, including judges and police officers. A report by the United Nations indicated that no one came to the rescue of 40 per cent of the women included in the survey when they were harassed or assaulted in public places. In nearly 20 per cent of cases, the security forces did not intervene to protect the victim; instead, police officers mocked and harassed assaulted women.¹¹³

In Egypt and most Arab countries, women victims of rape and other sexual crimes are subject to numerous social pressures. Very often these crimes are not reported because of the investigation procedures, which lack gender sensitivity. Therefore, under the pretext of violation of the right to privacy, many rape cases are shelved, relying on the victim’s ignorance of the law. The victim is sometimes forced to marry her attacker in the Public Prosecutor’s office, although article 291 of the Penal Code No. 85 of 1937 was abolished in 1999.¹¹⁴ Iraqi law inflicts a penalty of temporary or life imprisonment on anyone who has intercourse with a woman against her will, but article 398 of the Penal Code exempts the offender from

¹⁰⁷ الشاذلي، 2014 ب 107.

¹⁰⁸ العراق، وزارة الدولة لشؤون المرأة، 2013، الصفحة 38.

¹⁰⁹ First report of the Secretary-General pursuant to paragraph 6 of resolution 2110, S/2013/661, para. 36.

¹¹⁰ Woman Minister of Human Rights stresses importance of having a law which criminalizes violence against women, Saba Net, 21 May 2014 (in Arabic). Available from www.sabanews.net/ar/news354223.htm.

¹¹¹ ليبيا، وزارة العدل، 1984.

¹¹² Egyptian Law No. 58 of 1937.

¹¹³ UN Women and the Demographic Center, Study on Ways and Methods to Eliminate Sexual Harassment in Egypt p. 14.

¹¹⁴ مراد، 2013. See also 2013، المجلس القومي للمرأة، 2013 ب 114.

punishment if he marries his victim. A new draft law is being considered in Iraq concerning women victims of rape or violence.

In Lebanon, article 522 of the Penal Code exempts rapists from punishment if they marry their victims. Article 503 considers that rape can only be committed against a non-spouse, and thus the law openly authorizes the use of force or rape against women within the institution of marriage. Women's organizations in Lebanon are waging a campaign to amend article 503 to criminalize marital rape, but they are encountering opposition from religious and confessional authorities in the country.¹¹⁵

The penalty for rape in Tunisia runs from 10 years to life imprisonment, and sometimes to execution, pursuant to article 227 of the Criminal Code. In Palestine, the penalty runs to 14 years imprisonment, in accordance with articles 152 and 155 of the old Palestinian Penal Code No. 74 of 1936. In Yemen, article 269 criminalizes rape with a penalty running from 7 years to 15 years if the victim is a minor.

In Libya, article 407 of the Penal Code prescribes a penalty of up to 10 years for a rapist, but article 424 exempts him if he marries the victim. Libyan law does not penalize marital rape. There is a draft law to redress the situation of victims of rape and violence, which has not yet been adopted by the National Committee for Victims of Violence and Rape during the Revolution and Under the Previous Regime. The law includes the provision of a monthly stipend and physical and psychological health care to victims and their children, in addition to training opportunities and rehabilitation, priority in appointment to State institutions, and assistance with legal and juridical monitoring, among other advantages.¹¹⁶

3. *So-called honour crimes*

In Egypt, judges often use their discretionary powers to mitigate the penalty in cases of "honour crimes," despite the fact that there are no articles in the Penal Code defining such crimes. Article 337 of the Penal Code commutes the penalty for murder for men who kill their wives following a discovery of adultery.¹¹⁷ In Iraq, article 409 of the Penal Code provides detention of no more than three years for someone who surprises his wife while committing adultery and kills her. Numerous women activists are urging the abolition of this article on the grounds of its unconstitutionality.¹¹⁸ Yemeni laws in this regard are in line with the idea of killing to preserve one's dignity and honour, and even encourage committing murder and domestic violence in general: article 232 of the Yemeni Penal Code prescribes a penalty of no more than one year imprisonment for whoever kills his wife if found "betraying" him.

Lebanon and Palestine have taken the important step of protecting women from "honour crimes" by abolishing the articles mitigating penalties for such attacks. On 4 August 2011, the Lebanese Chamber of Deputies abolished article 562 of the Penal Code, which reduced the penalty for killing one's wife on the grounds of "honour",¹¹⁹ following an animated debate that began 12 years previously when the article had been amended in 1999 to reduce the penalty, rather than excuse the crime completely, as had previously been the case. Similarly, article 98 of the Palestinian Penal Code currently in force grants judges the authority to commute the penalty if there are a number of mitigating circumstances. In a recent interview, the Palestinian Minister of Justice stressed that judges' culture should be enhanced in the field of discretionary authority and the concept of honour.

¹¹⁵ مراد، 2013.

¹¹⁶ See www.aladel.gov.ly/main/uploads/sections/410_%E3%D4%D1%E6%DA_%DE%C7%E4%E6%E4.pdf.

¹¹⁷ مصر، المجلس القومي للمرأة، 2013ب.

¹¹⁸ See ديبس، 2012.

¹¹⁹ بيضون، 2011.

However, the treatment of women within the personal status law varies depending on which portion of the Palestinian territories a woman lives in. The code is derived from Egyptian and Jordanian law, but has not necessarily been up dated in tandem with the laws of those countries. Article 340 of the Jordanian penal code, applicable to residents of the West Bank, and article 17 of the Egyptian penal code, applicable to residents of Gaza, both allow for reduced sentences for honor killings.

In Libya, article 375 punishes killing or harming with a view to preserving honour and dignity. It should be noted that, in Tunisian law, there is no concept of defending one's honour as justification for committing any crime, and hence no exemption from punishment or mitigation for such crimes.

4. *Female circumcision*

Female circumcision is not practised in Lebanon, Libya, Palestine, Tunisia and Iraq, except in Iraqi Kurdistan where it is practised by 8 per cent of the population. There is therefore no law prohibiting this harmful practice in these countries.

The practice is most popular in Egypt and Yemen. It is somewhat prevalent in the coastal areas of Yemen, at around 19 per cent, and there is no particular law prohibiting it, although a decree was issued on 9 January 2001 preventing female circumcision in all health-care centres. However, this did not stop the undertaking of such practices in secret.¹²⁰ Similarly, in Egypt, the Minister of Health issued Decree No. 271 in 2007, completely prohibiting all doctors and nurses from carrying out female circumcision operations. This was strengthened in articles 241 and 242 of the Penal Code, with specific penalties for contraveners. It should be noted that statistics on this subject are still subject to debate, with some statistics suggesting that female circumcision was practised by 80-90 per cent of the population in 2008,¹²¹ when the law prohibiting the practice was enacted, whereas other statistics claim that the proportion is no higher than 45 per cent as a result of increased awareness of the dangers and effects of female circumcision.

5. *Human trafficking*

The Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children) gives a broad definition of the crime of human trafficking, which includes all forms of exploitation and coercion of persons in a position of vulnerability or need, including sexual and economic exploitation.¹²² The exploitation of female refugees and vulnerable women is on the rise in the region following armed conflicts in Iraq, Libya and Yemen, among others, and the arrival of large numbers of refugees, especially those fleeing the war in Syria.

A number of laws have been adopted in Lebanon to combat human trafficking. The Chamber of Deputies approved Law No. 164 on 24 August 2011 punishing human trafficking, which has been added to the Lebanese Penal Code.¹²³ Similarly, in Egypt, by decision of the Prime Minister in 2007, the National Coordinating Committee for Combating and Preventing Trafficking in Persons was established to develop a national plan and prepare an annual report on national efforts in this field.¹²⁴ Law No. 64 to combat human trafficking was adopted in 2010.¹²⁵

¹²⁰ See Al-Zwaini, 2012.

¹²¹ See United Nations Children's Fund (UNICEF), 2014.

¹²² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), General Assembly resolution 55/45, 15 November 2000.

¹²³ 2012، شافى.

¹²⁴ مصر، المجلس القومي للمرأة، 2013ب.

¹²⁵ ESCWA, 2013b.

The Iraqi Penal Code addresses aspects of this issue in articles 392 and 399, aimed at combating prostitution. The Iraqi Chamber of Deputies adopted a law on human trafficking in 2012, which defines human trafficking according to the same international criteria that include coercion and deception, and which increase the punishment if the accused is of the same origin as the victim. Article 2 of the law established the Central Committee to Combat Human Trafficking, with branches in various regions and governorates, to ensure the application of the law. Article 3 of the law has entrusted this Committee with a number of tasks, including developing the necessary plans and projects to combat the phenomenon, submitting recommendations, preparing reports, including an annual report, assisting and rehabilitating the victims of trafficking, and undertaking awareness-raising and education campaigns on human trafficking.¹²⁶

There are similar draft laws in Libya, Tunisia and Yemen. In Yemen, the female Minister of Human Rights called on the Chamber of Deputies on 5 February 2014 to approve the draft law to combat human trafficking, which had been submitted to the Government and transmitted to the Chamber of Deputies for approval in September 2013. Until such time as the new law is adopted, recourse is had to article 248 of the Penal Code, which provides for the 10-year imprisonment of anyone who buys, sells, gives or trades in human beings, and anyone who smuggles human beings with a view to exploiting them. In addition, article 161 of the Law on the Rights of the Child criminalizes child prostitution.¹²⁷ Since 2013, there has been a draft law in Libya on combating human trafficking that has not yet been approved; it gives the crime of human trafficking a broad, wide-ranging definition and sets prison sentences and fines for anyone who commits the crime.¹²⁸ In Palestine, the debate on the need to combat human trafficking only began in 2013,¹²⁹ but there are some articles on the issue in the Penal Code, the Labour Law and the Law on Children.¹³⁰

The Tunisian Penal Code provides various penalties, such as article 105 on forced service, begging in articles 171 *et seq.*, mistreatment of children in article 201, prostitution in article 232, kidnapping in article 237, constitution of a “group of perverts” in article 131, rape in article 227, and detention in article 250. However, none of these laws have succeeded in eliminating the phenomenon, given that there is no legislation that actually criminalizes trafficking in persons. A draft national law on trafficking in persons is under preparation, which includes the international definition of trafficking in persons, decriminalization of misdemeanours committed by victims, and procedures guaranteeing greater protection to children in particular, and physical and legal protection to victims and witnesses.¹³¹

6. *Early marriage*

Early marriage imposed on girls must be considered as a form of violence; it is practised on a wide scale in the region in general, despite the marriage age set by law. However, in most of the countries under consideration, girls may be married at a younger age than that prescribed by law, subject to judicial authorization or parental consent. There are broad discrepancies between the outlook and concepts of the community with regard to protection of the family, customs and traditions, and observance of the rights of girls regarding their lives and bodies.¹³²

¹²⁶ Iraqi Law No. 28 of 2012 on Combating Trafficking in Persons, which entered into force on 23 April 2012. See www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=94253&p_country=IRQ&p_count=232.

¹²⁷ See International Labour Organization (ILO), 2014. See also 2014, المصدر أونلاين،

¹²⁸ ليبيا، وزارة العدل، 2013أ

¹²⁹ Sawa, 2013.

¹³⁰ فلسطين، وزارة العدل، مركز المعلومات العدلية، غير مؤرخ

¹³¹ تونس/وزير العدل-تونس-تسعى-لمجابهة-ظاهرة-الا-www.tunisien.tn

¹³² See ESCWA, 2011, p. 19.

In Lebanon, the law provides a minimum age for marriage, but the matter is left to the personal status laws of the various confessions. Yemeni laws do not set a minimum age for girls' marriage, but they do prohibit sexual intercourse with young girls. In Palestine, the law setting the age for girls' marriage at 18 continues to be ignored, owing to a large number of interpretations of Islamic *shari'a*, which are derived from Jordanian interpretations in the West Bank and from Egyptian interpretations in the Gaza Strip.¹³³

In Egypt, Law No. 126 of 2008 raised the age of marriage for girls and boys to 18. However, monitoring of the application of the law is weak; it can be easily circumvented by administrative procedures that make it possible to use an "estimation of age" certificate issued by a government health administration, which can be easily forged. Customary (*'urfī*) marriage is recognized by Egyptian law, but there are no clear rules for certifying the marriage, which complicates divorce.

B. Protection of women in conflict situations

National legislation and international legal frameworks

All the countries under consideration are parties to the four Geneva conventions, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which includes a number of articles relating to the protection of women during armed conflict that highlight the need to ensure special protection for women and children within the overall responsibilities to protect civilians, and to give them "preferential treatment" over other civilians (articles 38 (e) and 80). For instance, article 14 provides for the establishment of hospitals and safety zones for civilians, including "expectant mothers", who "shall be the object of particular protection and respect" (article 16), and the provision of additional food to expectant and nursing mothers (article 89). The Convention also provides that "women shall be confined in separate quarters and shall be under the direct supervision of women" (articles 76, 85 and 124), that "a woman internee shall not be searched except by a woman" (article 97), and that "interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life" (article 82). The Convention also stresses the need to release "children, pregnant women and mothers with infants" (article 132). Article 27 provides that "women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault".

The International Committee of the Red Cross, entrusted with ensuring that the conventions are applied, has cooperated with Arab countries in adopting certain measures, including the establishment of national committees for the application of international humanitarian law. Egypt, Libya, Tunisia and Yemen have already done so. These committees are supposed to make suggestions to give effect to the four Geneva conventions and their additional protocols, amend national legislation to bring it in line with them, and raise awareness of international humanitarian law.¹³⁴ In 2005, Iraq established the Supreme Criminal Court, modelled on the International Criminal Court, to investigate international crimes, including war crimes, crimes against humanity and genocide.¹³⁵ However, there is no information on the work and achievements of these committees, or whether they have taken into consideration issues of protection of women and girls within their awareness-building programmes and other activities. Lebanon and Palestine have not taken any specific steps to establish bodies for the application of international humanitarian law or awareness-building thereon.

What complicates matters with regard to ensuring protection in conflict situations is that a number of countries, including Iraq, Lebanon, Libya, Palestine and Yemen, do not have full control over all their territory. These States are subject to security threats from armed groups. Under such circumstances, the State

¹³³ Ibid.

¹³⁴ See International Committee of the Red Cross (ICRC), 1999, 2000, 2005 and 2006.

¹³⁵ Ibid.

is incapable of controlling firearms and protecting its citizens, especially women. Conditions can deteriorate into internal armed conflict and attempts by armed groups to gain control over whole regions and impose a different regime by force, as is the case in Iraq, Libya and Yemen.

Iraq is a prime example of the dangers to which women are exposed in situations of armed conflict. In addition to the damages suffered by communities, including violence and indiscriminate bombing, women and children remain victims of additional violations, such as sexual abuse and trafficking of persons. Many of the violations can even be classified as war crimes and crimes against humanity. A report by OHCHR and the Human Rights Office of the United Nations Assistance Mission for Iraq noted that hundreds of women had been subjected to rape and forced marriage by combatants, and sold off in slave markets by Islamic State, following its invasion of numerous Iraqi regions, especially those inhabited by religious and ethnic minorities. Those armed militias have killed women holding higher academic degrees in a clear bid to ensure that women are merely the property of men, who can do with them as they wish.¹³⁶

Reports by some human rights organizations have noted cases of systematic rape during the war in Libya, especially by the forces of the previous regime. Victims have been killed by their own families on the grounds of “honour.”¹³⁷ The media has also reported shocking cases of stoning to death of women accused of adultery in some conflict areas, especially in Syria.

¹³⁶ See OHCHR and the UNAMI Human Rights Office, 2014, pp. 10-16.

¹³⁷ See Physicians for Human Rights, 2011, pp. 14-16.

V. APPLICATION OF RESOLUTION 1325 (2000) IN RELIEF AND POST-CONFLICT SITUATIONS

Statistics from late 2013 show that there were some 2,630,700 refugees in the MENA region officially registered with the Office of the United Nations High Commissioner for Refugees (UNHCR). However, taking into account those not registered with UNHCR, the number may be twice that. Data also suggest that there may be over 6 million internally displaced persons in Syria alone.¹³⁸ These figures do not include Palestinian refugees, of whom there were 5,428,712 registered with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) at the beginning of 2014;¹³⁹ in other words, the total number of refugees in the Arab region totals at least 16 million, most of whom are women and children.

Only three countries out of the seven under consideration in this study are parties to the 1951 Convention relating to the Status of Refugees, namely Tunisia (since 1957), Yemen (since 1980) and Egypt (since 1981).¹⁴⁰ However, this does not necessarily mean that these countries are performing their duties in accordance with the requirements of the Convention, given that they, like countries that have not ratified the Convention, have entrusted refugee care within their territories to UNHCR. None of the countries under consideration, whether party to the Convention or not, have devised a system for dealing with requests for forced refugee status, apart from individual political refugee cases.¹⁴¹

Data are very scarce on women who have participated in relief and reconstruction operations. This study has not observed any policies or measures adopted by the seven countries to strengthen such participation or to perform their other responsibilities in accordance with resolution 1325 (2000) in relief and rescue operations. The reason for this may be that countries entrust this responsibility to UNHCR, and do not assume any of the burden of meeting the special needs of women and girls when returning them to their home countries (as required by para. 8 of the resolution), or when designing refugee camps (para. 12).

In addition, countries allocate very little from their own budgets for this purpose, and rely on international and regional aid to provide assistance to women. Therefore, refugees, both men and women, enjoy very few of their human rights and humanitarian needs. Women refugees shoulder an additional burden. For instance, UNHCR information suggests that more than 145,000 Syrian refugee families (25 per cent) in Egypt, Iraq, Jordan and Lebanon are supported by women.¹⁴²

It has come to light that Syrian refugee girls in Jordan and Lebanon are being exploited by forcibly marrying them in exchange for support, which their poor families sorely need. This practice is often justified by some hard-line religious individuals and groups as constituting protection for women, but may result in the exploitation of girls below the age of 14.¹⁴³ This phenomenon exists in most conflict-affected countries and in countries hosting refugees, especially Egypt, Jordan, Lebanon and Turkey.

Lebanon has a narrow definition of political refugees, which does not include those fleeing conflict. The decision on granting political refugee status is entrusted to a committee of security experts chaired by the Minister of the Interior. The positive aspect of this law is that political refugees may not be deported to a State in which they fear for their liberty.¹⁴⁴ By virtue of its geographical position, Lebanon remains a place of

¹³⁸ UNHCR, 2014a.

¹³⁹ UNRWA, 2014.

¹⁴⁰ No Arab country has ratified the Convention since 1981.

¹⁴¹ Sanderson, 2013, p. 783.

¹⁴² See <http://donate.unhcr.org/ar/Syria>.

¹⁴³ See 2014, رضا. See also McLeod, 2013.

¹⁴⁴ لبنان، وزارة العدل، 1962، المادة 26.

refuge, as exemplified by the great numbers of Syrian and Palestinian refugees from Syria who have sought refuge there since 2011. However, Lebanon has not authorized building refugee camps for Syrian refugees, although it does allow relief organizations to operate within its territory. The Lebanese State clarified its policy with regard to Syrian refugees in May 2014, when a ministerial committee suggested building camps for them, but only on Syrian territory or in disputed border areas. The Council of Ministers agreed to the suggestion in September 2014, but this decision has not yet been implemented.¹⁴⁵ Lebanon has denied numerous Syrian refugees entrance, especially Palestinian/Syrian refugees, including women and children. Tunisia has welcomed many Libyan refugees, but there is hardly any documented information on this matter.

The continued armed conflict in Libya has had a direct impact on relief and humanitarian assistance operations. The United Nations mission has transferred its operations from Libya to Tunisia owing to the security situation, and numerous humanitarian relief organizations withdrew following an escalation in armed violence in the summer of 2013.¹⁴⁶

Transitional justice laws

One of the first steps of the transitional Government in Libya was to promulgate Law No. 17 of 2012 on the introduction of transitional justice rules and the establishment of the Fact-Finding and Reconciliation Commission. However, Law No. 35 of 2012 on an amnesty for some crimes committed during the armed conflict was soon enacted.¹⁴⁷ Law No. 17 promotes reconciliation, since it links amnesty to the will of victims and a declaration of repentance. On 22 September 2013, the General National Congress issued Law No. 29 of 2013 on transitional justice, article 32 of which repealed Law No. 17 and its Commission, replacing it with a similarly-named Fact-Finding and Reconciliation Commission entrusted with examining all crimes committed since 1 September 1969 until the uprisings. However, there is no mention in Libyan law of transitional justice for women, and no role is foreseen for women in the formation of the Commission or its Administrative Board, composed of a President and eight members.

The Tunisian National Constituent Assembly approved, on 24 December 2013, Fundamental Law No. 53 on the introduction and organization of transitional justice. The law on transitional justice in Tunisia is different from its Libyan counterpart in that it contains articles dealing openly with women's issues. It stipulates in article 4 the need to take into account, when endeavouring to establish the truth, the specific impact of violations on adults, women, children, disabled persons, individuals with special needs and the sick and vulnerable. The Tunisian law uses a gender-sensitive language when it speaks of successive generations of Tunisian women and men (article 5). It criminalizes rape as a grave violation of human rights, relying on international human rights standards (article 8). This concern for women is highlighted again in article 11 on reparations, including the need to take into account the conditions of elderly persons, women, children, disabled persons, individuals with special needs, the sick and vulnerable groups in reparations and rehabilitation and reintegration processes.

The Tunisian law on transitional justice indicates that the Truth and Dignity Commission established pursuant to article 16 shall consist of 15 members, with neither sex comprising less than one-third of membership (article 19); an important precedent in the region, since it paves the way for a majority of either sex, and forestalls possible accusations of positive discrimination in favour of either women or men. Lastly, the law includes an article on non-discrimination in the oath to be taken by members of the Commission (article 27).¹⁴⁸

¹⁴⁵ See www.imlebanon.org/2014/09/12/council-of-ministers-approves-on-setting-up-camps/.

¹⁴⁶ الشبكة العربية للأمن الإنساني، 2014.

¹⁴⁷ هيئة دعم مشاركة المرأة بليبيا، 2013.

¹⁴⁸ تونس، 2013.

Box 6. Article 27 of Tunisian Law No. 53 (2013)

Before taking office, the President and members of the Commission shall swear the following oath:

I swear, in the name of God Almighty, to perform my functions in a neutral, sincere, loyal, honest and honourable manner, without discrimination on the basis of sex, colour, language, religion, opinion, affiliation or region, and I undertake not to reveal any professional secrets, and to respect the dignity of the victims and the objectives for which this Commission has been established.

In Yemen, a draft law was prepared on transitional justice and national reconciliation following an initiative by the Minister of State for Legal Affairs, with the support of the Minister of Human Rights. However, at the time of writing, the draft law had not yet been adopted by the Chamber of Deputies. The objectives of the draft law are similar to most other draft laws on the issue, focusing on human rights violations in general. However, it makes no mention of the conditions and special needs of women victims of violence except for the need to devote particular attention to issues affecting marginalized social categories, including women and children (article 7). The draft law does mention the participation of women in general in the Justice and National Reconciliation Commission established pursuant to article 6, which is to consist of nine persons, men or women, without specifying any proportions. However, in article 14 on establishing a national commission for human rights to work in accordance with the Paris Principles, it is stated that women's participation in that entity shall be no less than 20 per cent.¹⁴⁹

In Egypt and Lebanon, there is no law on transitional justice, despite the fact that there have been numerous debates on the need to adopt such laws. In Lebanon, although it is now about 25 years since the end of the civil war, the families of missing persons, estimated at some 17,000, are urging the adoption of a law giving them the right to ascertain the fate of their relatives. The Government has made some attempts to respond to those demands by establishing a committee in 2000 to investigate the fate of missing persons, and formed another committee in 2001 to receive relatives' complaints, but these attempts have not had useful results. Efforts are ongoing to convince the Lebanese Government to take action on these issues.¹⁵⁰

Lastly, in Iraq, debates are continuing on the law to eradicate the Baath Party, established during the American administration in 2005.¹⁵¹ Demands, efforts and attempts are being made to adopt a law on transitional justice, but they have thus far not been successful as a result of the deteriorating security situation.¹⁵²

¹⁴⁹ اليمن السعيد، 2013.

¹⁵⁰ المفكرة القانونية، 2014.

¹⁵¹ Iraq, Supreme National Commission for Accountability and Justice, 2008.

¹⁵² Mamouri, 2014.

VI. ROLE OF PARLIAMENTARIANS IN SUPPORTING THE APPLICATION OF RESOLUTION 1325 (2000)

Parliaments are among the most important and vital State institutions for resolving cultural and social challenges hampering progress in the field of gender equality. For parliamentarians to perform this role, they must have broad knowledge of gender issues and the conditions and roles of women in society, in addition to the commitments of the State under international law and binding conventions. Attainment of this knowledge requires considerable capacity-building on their part.

In 2012, IPU adopted a plan of action to make parliaments more observant of and responsive to gender issues. The project is also aimed at supporting the efforts of parliaments to become gender-sensitive State institutions. The plan of action calls for the establishment of structures and mechanisms for mainstreaming gender in parliaments, including parliamentary committees for gender equality tasked with reviewing government legislation, policies and budgets from that perspective.¹⁵³ Among the seven countries under consideration, committees for gender equality have been established in only two countries, namely Iraq and Lebanon.

In most Arab countries, there is limited political will to do what is necessary to carry out the legal duties required by international instruments. Therefore, the first step should be overcoming the numerous ingrained customs and traditions that place women below men in society. This may occasionally necessitate renouncing communal values upheld by religious beliefs that reject changing the status of women in society.

The following sets out how parliamentarians, both men and women, can contribute in practice to the application of resolution 1325 (2000):

(a) Playing a pioneering role by elaborating national plans to apply the resolution through comprehensive national dialogue between all social groups where women's participation is equal to that of men, and ensuring that such plans cover all the provisions of the resolution, such as prevention, protection, participation and observance of the special needs of women in armed conflict; recourse may be had to the proposals of the above-mentioned IPU plan of action as a general framework to draw up such plans and strengthen the work of parliaments in the field of strengthening women's rights and achieving gender equality;

(b) Enacting such plans as legislation so they become binding for executive organs and all State institutions;

(c) Enacting by-laws aimed at implementing national plans to apply the resolution in its entirety at all levels;

(d) Reviewing all legislation and amending it with a view to repealing all legal texts that discriminate against women, to ensure compliance with the provisions of national plans for the application of the resolution; it is also necessary to review legislation that mitigates "honour crimes" and rape, among other crimes;

(e) Monitoring and assessing the application of resolution 1325 (2000) at the national level by devising the necessary mechanisms to periodically review the plans and programmes, and monitoring the progress achieved in accordance with indicators, including timetables for the application of the various stages of the plan;

¹⁵³ See IPU, 2012.

(f) Monitoring the performance of executive bodies in the application of the agreed laws and policies, in particular the role of the independent judiciary in applying the laws, especially with regard to violence against women and girls, and urging Governments to train judges and raise awareness of the resolution and the requirements for its implementation;

(g) Holding awareness-raising training courses and programmes on the resolution within parliaments and all other relevant State institutions, and also devise a programme and mechanism for follow-up and communication with civil society in applying the resolution;

(h) Allocating the necessary funding for such courses and all other efforts, programmes and measures aimed at applying resolution 1325 (2000).

Lessons learned from country experiences

Parliaments in numerous countries have adopted national plans for the implementation of resolution 1325 (2000). Assessment reports and studies of these experiments point to a number of gaps and defects in the application of these plans, which may be summarized in the following points:¹⁵⁴

(a) Ensuring that the national plan is not merely a reiteration of principles, but rather is supported by implementation programmes with clear, measurable objectives whose impact may also be measured in the future; that may include, for instance, a specific proportion of women's representation, a specific number of beneficiaries of awareness-building programmes on the resolution, and enacting laws and taking specific implementation measures;

(b) Allocating necessary funds to support implementation programmes and measures;

(c) Devising a clear mechanism to implement plans, monitor their progress and assess their success, including the establishment of a coordinating body consisting of ministries, official entities and civil society institutions to monitor and organize the progress of work; it may also be necessary to establish more than one mechanism or body;

(d) Devoting particular attention to the culture of parliamentarians, since they reflect the culture of the community as a whole; in view of the leading role played by them at the local level, there is a need to raise awareness within parliaments of the concept of gender, and to ensure mechanisms and budgets that respect gender principles and requirements;

(e) Urging Governments to adopt indicators to assess the performance of the plans and those carrying it out, including by introducing accurate statistics that respect the concept of gender, and clarifying the current situation of women with respect to all themes of the resolution to compare them with progress achieved in implementing the plans;

(f) Cooperating closely with civil society, in particular with women's organizations that have accumulated broad practical knowledge, drawing on such expertise in devising national plans to apply the resolution and designing programmes for its implementation and subsequent assessment;

(g) Communicating regularly with the community on parliamentary efforts to implement the resolution, exchanging experiences with parliaments in Arab and non-Arab countries and carrying out continuous assessments of efforts to apply the resolution.

¹⁵⁴ See European Peacebuilding Liaison Office (2013), UNSCR 1325 IN EUROPE 20 case studies of implementation and Helsinki Committee for Human Rights in Serbia (2012), Annual Report on Human Rights: Serbia in 2011 pp. 212-216.

VII. CONCLUSIONS

This regional study has encountered numerous difficulties in obtaining information on the situation of women with respect to the application of resolution 1325 (2000) in terms of prevention, protection, participation and relief, especially in cases of conflict, where there is no detailed or accurate information on women and their situation that may help determine gaps in policies and legislation. This problem points to the importance of undertaking further studies and research to obtain precise information on each theme of the resolution.

The primary conclusions take us back to the first question raised at the beginning of this study, namely whether the selected countries had the political will to review the situation and role of women in society; their full equality with men in all areas of life, including their participation in positions of political decision-making; and the efforts and initiatives women can offer by participating in negotiations for conflict resolution. There are some signs of such political will in the shape of institutions and mechanisms for dealing with women's rights and human rights in general. However, the strength of this will varies between countries with regard to developing and amending legal and institutional systems for the advancement of women, strengthening their role in the community, achieving full equality, combating all forms of violence against women and drawing up plans and projects to that end. Even when political will exists, these plans are not always applied in practice because of patriarchal culture and ingrained customs and traditions that are difficult to change. It is therefore not sufficient to establish national mechanisms, including women's ministries, human rights ministries and supreme councils, which work in isolation from all other aspects of governance. Rather, their work needs to be included in a system for the adoption of policies, the development of draft laws aimed at mainstreaming women's issues and equality, and in the work of executive bodies and ministries. Sufficient resources must be allocated to those mechanisms to enable them to carry out their commitments with respect to applying resolution 1325 (2000), and hence to achieving gender equality in all areas of life.

The dominant culture in the Arab region is still far from accepting that women should have an equal role, especially among decision-makers at all levels, including political and judicial authorities and law enforcement officials. There has not been sufficient space in this study to cover the role of the media in reproducing and strengthening the stereotypical roles of women, as well as the role of school curriculums and cultural and artistic organizations in cementing negative concepts of women in public culture. This points to the importance of holding awareness-raising and training programmes on gender equality to dismantle stereotypes and review the societal roles of women and men in accordance with legal concepts based on the principles of human rights and international criteria contained in conventions ratified by countries.

With regard to the application of resolution 1325 (2000) and all its requirements and themes, this study has concluded the following.

A. Prevention

Each of the seven selected countries has established one or more bodies (a maximum of three) to assume the responsibilities of advancing the status of women in general. These bodies have come up with various measures, including the establishment of ministries for women's affairs (Iraq and Palestine), a women's department in a ministry (Libya and Tunisia), or supreme councils or commissions for women (Egypt, Lebanon and Yemen). In some cases, women's affairs are connected with the broader framework of human rights, as in the case of countries that have established a ministry of human rights (Iraq, Tunisia and Yemen), or a national human rights institution (Egypt, Iraq and Palestine). The study did not find any assessment reports on the work of these bodies to ascertain their achievements in advancing women and the implementation of the resolution. It is important to fill this gap to learn lessons, strengthen the work of these bodies and enable them to make greater contributions to the progress of women in society.

National plans have been adopted to combat violence against women in Iraq, Lebanon and Palestine. Lebanon has run a campaign to combat violence as part of a comprehensive national plan on the advancement of women, and recently adopted a law thereon. Iraq remains the only State to adopt a national plan to implement resolution 1325 (2000). A draft plan to apply the resolution is being prepared in Palestine, where a national committee has been formed to achieve this objective. In Egypt, the National Council for Women has submitted a plan for that purpose, but is still awaiting adoption by the People's Assembly. The Secretariat of the League of Arab States, in cooperation with UN Women, has prepared a study on a regional strategy for the application of resolution 1325 (2000), but the decisions adopted by the League of Arab States are still awaiting implementation by member States. There is a need to begin work on similar national plans in Libya, Tunisia and Yemen.

Training programmes on gender issues remain one of the most important forms of prevention. Efforts are being made by officials, United Nations agencies and civil society organizations. Very often, there is cooperation among all these parties in capacity-building and awareness-raising programmes, necessary to boost and strengthen capacities among members of legislative bodies and enable them to address the numerous gaps in existing laws, which do not sufficiently prevent violence against women and girls in times of peace and armed conflict; in some cases, laws even condone such violence.

In Lebanon and Yemen, men and women officials for gender issues have been appointed to a number of ministries with a view to enhancing their performance in achieving equality and progress for women. In Palestine, such officials are present in all ministries and government agencies; the National Council for Women in Egypt also engages in such efforts. Further awareness-raising courses are necessary to change the prevailing culture. However, it does not appear from this study that sufficient efforts are being exerted to that end, to allocating the financial resources or to ensuring that public budgets are gender-sensitive.

B. Participation

Compared with international averages, the level of women's participation in elected legislative bodies in Arab countries is among the lowest overall, and the same holds true for all levels of decision-making at the executive level, despite the improvement noted in that field with respect to political participation over the last 10 years.¹⁵⁵ In countries that have introduced quotas or constitutional, electoral and regulatory laws aimed at ensuring women's participation, the proportion of women in legislative bodies reaches 28 per cent (Tunisia). That proportion drops sharply in countries that have not yet adopted such rules, such as Lebanon (3.1 per cent) and Yemen, (0.3 per cent). Egypt demonstrates most clearly the role of such quotas and rules: following the repeal of the electoral law on quotas during the transitional period in 2011, women's representation fell from 13 per cent to only 2 per cent. These statistics clearly point to the importance of having such laws and quotas to ensure the participation of women in legislative elections. Women's participation in other fields, such as in decision-making position, also remains low, including representation at the level of minister or deputy minister. Even in countries that have adopted quota systems to raise women's participation in elections, executive decision-makers are not all convinced of the importance of women's participation, and this constitutes an obstacle to their effective participation. In Tunisia, for instance, despite the fact that equal participation is enshrined in the new constitution, only three women ministers have been appointed out of a total of 41 in the new Government.

This suggests that obstacles impeding women's access to decision-making positions are cultural rather than political, and are rooted in ingrained concepts and ideologies among decision-makers. This points to the need to address this matter from the perspectives of culture, awareness-raising and legislation to urge officials to take a firm decision to appoint women at all levels of decision-making, so as to change ideas about gender and stereotypical roles in society in the long term.

¹⁵⁵ Presentation by the Inter-Parliamentary Union at the meeting of experts at ESCWA, 17-18 December 2013.

With regard to women's participation in peacekeeping forces, the United Nations recognizes their role and the needed steps to ensure broader participation by women in its operations, especially in peacekeeping and peacebuilding missions. The proportion of women in negotiation and peacekeeping missions is less than 10 per cent overall, partially because countries do not authorize sufficient numbers of women for such missions, especially in the armed forces. Even so, many United Nations missions have gender units, which help to organize training courses for officials at the national level on issues related to women's rights, gender and equality.

C. Protection

Only few laws directly address issues of violence against women in the seven selected countries. Penal codes vary among countries, but most penal codes share a number of sensitive points, most importantly the interpretation of legal texts: the judge has broad leeway to use his discretionary power in assessing cases of violence. The result depends on the level of judges' knowledge about women's rights issues, their involvement in them and their observance of the concepts of gender. The greatest problem is with cases of domestic violence, in which many judges give priority to family unity and social cohesion at the expense of the protection of the rights of women and girls and the preservation of their bodies.

However, the greatest problems lie in the penal codes in force, the most important of which are articles concerning mitigating circumstances that make it possible to reduce the penalty for persons who commit violence against women for reasons of "honour". Similarly, rape is not a crime if the rapist marries his victim. What is tragic about these articles is that they do not consider the woman to be an independent entity, but merely a "family appendage". This highlights a yawning gap between domestic laws and principles on the one hand, and States' legal commitments pursuant to resolution 1325 (2000), CEDAW and all human rights instruments and conventions on the other hand.

There are some good examples of what articles in penal codes can achieve, such as in Tunisia, where the law defines violence and sexual harassment, sets strict penalties for such crimes, and grants wives who have been victims of violence the right to demand protection. Some countries have adopted measures to deal with other forms of violence against women, such as female genital mutilation practised mainly in Egypt and Yemen, where laws have been enacted to prevent and criminalize it. The same applies to human trafficking, a crime which many of the countries under consideration are attempting to eliminate. However, the measures adopted have not yet succeeded in the elimination of such crimes, especially in cases of conflict and the resulting refugee crises.

Work is ongoing on a number of draft laws to combat violence against women and domestic violence in a number of countries. The Lebanese Chamber of Deputies recently agreed on a law to combat violence against women, but it is criticized as insufficient by some, especially given that it does not recognize conjugal rape as a punishable crime. Iraqi Kurdistan has enacted a law to combat violence against women, entailing the establishment of a special tribunal and a specialized police force in that field. The Iraqi Council of Ministers is still debating such legislation and has not yet adopted a family protection law.

This study has shown that countries are not doing enough to protect women during armed conflict and in post-conflict situations, especially women refugees. Even if countries have established committees to apply international humanitarian law, these committees have not translated their work into concrete changes with regard to protection. What makes matters worse is that many of the countries under consideration do not have full control of all their territory, and the emergence of armed groups that impose hardline *takfirī* (fundamentalist branding of moderate Muslims as infidels) interpretations that seek to return women to the dark ages, and that commit numerous violations, including rape and human trafficking, as in Iraq. Women therefore find themselves in an extremely difficult position, stuck between armed *takfirī* groups and the

security-minded State that upholds a rigid patriarchal community, which grants women no opportunities for equal participation.¹⁵⁶

D. Relief and post-conflict situations

This study has not revealed any clear policies in the seven countries that reflect their commitment to respecting the needs of women in post-conflict situations through relief operations or humanitarian assistance. Usually, States entrust these responsibilities to relevant international authorities, such as UNHCR and other international relief agencies. Moreover, this study could not identify measures taken by these countries to ensure women's participation in relief and humanitarian assistance operations.

This is surprising, especially given that there are approximately 16 million refugees and displaced persons in the Arab region. It may be assumed that the overwhelming majority of them are in the seven countries under consideration. This may be attributed to one of two things: either the countries are doing nothing at all, and this creates a tremendous gap between needs on the ground and countries' commitments to their responsibilities under international law, or that the actions taken by countries to meet their commitments have not been reported and officially registered; both possibilities suggest a great failure.

Matters are slightly different with respect to transitional justice: there is a wide-ranging debate in the countries under consideration on the importance of transitional justice in general. Numerous seminars and panel discussions have been held to discuss problems in applying transitional justice in the countries that have experienced uprisings and armed conflict. In many cases, the debate focuses on preventing impunity from punishment for officials of former regimes, while general amnesty laws are adopted for crimes committed in a context of revolution or liberation, as was the case in Yemen, where a law was adopted to protect the former President and his colleagues as one of the conditions for him to relinquish power.

What is common to all these projects, debates and laws is the low level of interest in the situation of women in transitional periods and post-conflict situations. The only exception is Tunisia, which has taken important steps to adopt a law on transitional justice; numerous articles of the Tunisian law are openly and directly concerned with Tunisian women, their protection, their access to justice and their participation in transitional justice.

¹⁵⁶ Women's International League for Peace and Freedom (WILPF), 2015.

VII. RECOMMENDATIONS

A. General recommendations

1. Review the work of national bodies and mechanisms working to advance women and strengthen equality, including ministries, committees, supreme councils and institutions for human rights, in order to assess the effectiveness of their programmes and the outcomes of their efforts in influencing national policies and legislation for the protection of women, advancement of their role and the achievement of equality in society;
2. Increase financial allocations to ministries, committees and supreme councils for women and national human rights institutions to build their capacity to influence the work of the other government ministries and undertake the necessary research and studies;
3. Complete work in all countries on elaborating national plans to apply resolution 1325 and establish a national mechanism to monitor the application of the resolution in the countries that have adopted or are endeavouring to elaborate a national plan for the application of the resolution,.
4. Review the implementation of plans aimed at advancing women and combating violence against women in general, to include the provisions of resolution 1325, assess efforts in that field and gauge their impact;
5. Review the commitments of countries, in accordance with CEDAW, apply all the provisions of General Recommendation No. 30 adopted by the CEDAW Committee, which functions as a roadmap for the application of resolution 1325;
6. Add information on the application of resolution 1325 to periodic reports by countries that have ratified CEDAW to the CEDAW Committee and to bodies monitoring the decisions contained in the Beijing Declaration and Platform for Action;
7. Coordinate the efforts of national mechanisms, bodies and institutions for women, human rights and international humanitarian law, to unite them towards achieving concrete progress in the application of resolution 1325;
8. Establish a mechanism to monitor work on applying and assessing resolution 1325, being guided therein by the African Gender and Development Index (AGDI) of the Economic Commission for Africa;
9. Seek to obtain detailed statistics covering all aspects of resolution 1325, including its four themes, and review the statistics system as a whole of central statistical agencies to bring them into line with gender requirements;
10. Undertake further field research to ascertain facts concerning the situation of women during armed conflicts and protection measures for women, and ensure that countries assume their responsibilities with regard to the subjects mentioned in this study (see the suggested list of studies below).

B. Prevention

1. Redouble efforts to hold more effective training programmes and projects on gender issues and women's rights for parliamentarians and administrative and political officials at all levels, in addition to law enforcement officials at the civilian and military levels. These programmes should be continuous and periodic, and supported by necessary financial and human resources;

2. Hold awareness-building and capacity-building courses for parliamentarians on international law, especially human rights law, international humanitarian law and the law of refugees, in addition to awareness-building on binding conventions for States relating to the rights and protection of women, children and girls;
3. Cooperate with civil society institutions to intensify awareness-building and training programmes in order to change the prevailing culture and ideas on gender among all categories of society, and design specialized courses on gender for judges, lawyers and public prosecutors and other officials of the legal system, and interpret and apply them in accordance with national decisions, declarations, plans and international standards contained in conventions ratified by the State;
4. Hold periodic workshops for journalists on gender issues and raise topics relating to gender equality in the law and community culture, and on women's rights and protection of women and other topics in resolution 1325, with a view to contributing to a cumulative change of the community culture on the role of women, women's rights and the protection of women;
5. Enhance the work of national committees for the application of international humanitarian law and establish such committees in countries which have not yet done so, with a view to ensuring awareness-raising and the legal prevention of violations in cases of armed conflict;
6. Reflect seriously on the importance of criminalizing hardliner *takfīrī* (fundamentalist branding of moderate Muslims as infidels) *fatwās* (formal Islamic legal opinions) against women, which constitute a violation of women's rights to complete equality;
7. Establish early warning mechanisms for cases of violence against women at the national and regional levels in order to seek out and warn of the dangers of conflict and violence before they occur.
8. Review the criteria of central statistical bureaux and their work to include detailed gender-sensitive statistics and data, and strengthen the work of those bureaux in the direction of using such statistics for early warning purposes;
9. Include detailed information on the efforts to apply resolution 1325 in country reports to the CEDAW Committee, in accordance with general recommendation No. 30 (2013), and include the question of the application of resolution 1325 in the agenda of Arab ministerial meetings of the League of Arab States.

C. Participation

1. Review and/or enact legislation and laws to ensure the participation of women in decision-making at all national and local legislative levels in countries which have not yet done so or have not yet completed their work in that regard, either by setting quotas for women (as in **Iraq**) or by making it obligatory for electoral lists to include women's participation vertically and horizontally at all levels (as in **Libya, Palestine and Tunisia**);
2. Take a clear decision to appoint greater number of women to high-level political and administrative posts at the levels of ambassador, minister, deputy minister and envoy, and ensure that women participate in peace negotiations and peace-building bodies in application of the requirements of resolution 1325, introduce a system of quotas or required proportions in application thereof, and set specific objectives and indicators for the numbers of women appointed to such posts;
3. Work purposefully and effectively to appoint women to leadership positions in the national armed forces, including the army and police force, and propose them for United Nations peacekeeping missions;

4. Encourage the participation of women in peace missions, national armed forces and police forces by adopting a system of higher salaries and accelerated promotions; this may include incentives for men to accept the participation of their wives;
5. Ensure that peace negotiations and agreements are gender-compliant both in the discussions and the texts of the agreements.

D. Protection

1. Ensure effective application of Security Council resolution 1325 at the national level in order to protect women's rights in case of conflict, by means of legislative reform, and first of all by undertaking detailed legal studies in each country to determine which laws need to be reformed;
2. Rapidly amend penal codes in order to raise the level of protection of women against violence, honour crimes, female circumcision and domestic violence, and in particular repeal any other provisions which view such crimes and violence against women differently from any other crime;
3. Review laws which impair the economic and social rights of refugees and draft articles for the provision of the necessary protection to women refugees;
4. Review the mechanisms for the implementation of the laws in force to combat human trafficking, especially in countries receiving large numbers of women refugees, and hasten to adopt draft laws which have not yet been adopted;
5. Apply the provisions of resolution 1325 and the Fourth Geneva Convention in military legislation and penal codes, in particular, those relating to respect for the special needs of women, including article 27 on protection of women and girls against violence and assault;
6. Review and enact general amnesty decrees and transitional justice laws with a view to preventing immunity from punishment for perpetrators of war crimes and crimes against humanity, especially with regard rape;
7. Review laws on nationality in favour of the equal right of women to transmit their own nationality to their families;
8. Establish databases and detailed statistics of violations of women's rights in Arab countries, including constitutional and legislative violations;
9. Link resolution 1325 to the application of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).

E. Relief and post-conflict situations

1. Ensure that countries which have not yet done so accede to the Convention and Protocol relating to the Status of Refugees (Geneva, 1951) and to the Organization of African Unity (OAU) convention on the same subject (OAU Convention governing the Specific Aspects of Refugee Problems in Africa – Addis Ababa, 1969) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention – entered into force in 2012);
2. Harmonize national legislation with these conventions so that countries may provide the necessary protection to refugees, including observance of the principle of no forcible *refoulement*, provide the

necessary protection to women refugees and respect their particular conditions and needs, and devise legal and political mechanisms for the provision of protection of and assistance to refugees;

3. Ensure rapid access for humanitarian assistance to refugees and civilians trapped in conflict zones, eliminate obstacles thereto, and provide safe corridors;
4. Cooperate with international agencies in adopting rapid measures which ensure that the special needs of refugees, displaced persons and under-age girls are met in order to protect them from economic and sexual exploitation as a result of their vulnerable situation;
5. Take legislative and administrative measures to meet the needs of returnees to their places of origin, taking into account the needs of women and girls, including their participation in peace agreements and major economic policies;
6. Fairly include forcibly displaced persons in all civilian registration systems and basic official statistics, given that most current registration systems do not include refugees and displaced persons who are far from their places of residence (for instance systems for the issuance of official birth certificates for the children of displaced persons and systems for the registration of refugees' marriages). This shortcoming exposes refugees and displaced persons to the risk of arrest and detention and aggravates the problem of statelessness;
7. Amend national laws to include the human rights of refugees and displaced persons, guarantee access to justice and eliminate obstacles to their access to national legal systems;
8. Continue to discuss appropriate transitional justice systems for each country, adopt laws and legislation which take into account the needs of women in transitional justice procedures, and restore consideration and respect for the legal and personal status of women;
9. Ensure observance of the gender perspective in the terms of reference of peacekeeping and political missions, and expand the scope of work of gender units in order to enable peacekeeping missions to apply resolution 1325 at the local level.

F. Monitoring and assessment

1. Coordinate, by means of the League of Arab States, the application of the Arab Strategy for Women Peace and Security to establish a permanent monitoring observatory and issue an annual report on the application of resolution 1235 in the Arab countries;
2. Establish a database of Arab legislation on women and women's rights, especially those relating to resolution 1325;
3. Strengthen Arab cooperation for the application of resolution 1325 and establish a regional network for the exchange of experience and expertise.

Suggested list of studies

1. Undertake a detailed legal study of each country on the extent of its commitment to CEDAW and all international human rights and humanitarian law conventions ratified by the country, especially with regard to harmonizing national legislation and the implementation measures adopted to apply such international commitments;
2. Undertake a series of research projects and studies aimed at filling the knowledge gap among parliamentarians and officials of executive authorities and security forces on international humanitarian law,

the law of refugees and human rights law, especially with regard to the protection of women during armed conflicts and the treatment and protection of women refugees from violence, human trafficking and sexual exploitation;

3. Carry out rapid field studies during armed conflicts on the situation of women, in particular under-age girls, investigate the violations they are subject to, and discuss ways of protecting them from economic and sexual exploitation, early marriage, and human trafficking, and ensure their access to the required protection and relief, in addition to noting the degree to which their special needs are respected in conflict and refugee situations, pursuant to the law of refugees and international humanitarian law.

Annex I

Security Council resolution 1325 (2000)

Adopted by the Security Council at its 4213th meeting, on 31 October 2000

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President, and *recalling also* the statement of its President to the press on the occasion of the United Nations Day for Women's Rights and International Peace (International Women's Day) of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and *recognizing* the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and *stressing* the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard *noting* the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. *Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. *Encourages* the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. *Urges* the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard *calls on* Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. *Further urges* the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. *Expresses* its willingness to incorporate a gender perspective into peacekeeping operations, and *urges* the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. *Requests* the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, *invites* Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and *further requests* the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. *Urges* Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies;
8. *Calls on* all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:
 - (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;
 - (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
 - (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
9. *Calls upon* all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
10. *Calls on* all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. *Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard *stresses* the need to exclude these crimes, where feasible from amnesty provisions;
12. *Calls upon* all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolutions 1208 (1998) of 19 November 1998 and 1296 (2000) of 19 April 2000;
13. *Encourages* all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
14. *Reaffirms* its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
15. *Expresses* its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
16. *Invites* the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and *further invites* him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
17. *Requests* the Secretary-General, where appropriate, to include in his reporting to the Security Council progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;
18. *Decides* to remain actively seized of the matter.

Annex II

Selected recommendations from General recommendation No. 30 of the Committee on the Elimination of Discrimination against Women (CEDAW Committee)

General responsibilities

28. The Committee recommends that States parties:
- (a) Ensure that national action plans and strategies to implement Security Council resolution 1325 (2000) and subsequent resolutions are compliant with the Convention, and that adequate budgets are allocated for their implementation;
 - (b) Ensure that the implementation of Security Council commitments reflects a model of substantive equality and takes into account the impact of conflict and post-conflict contexts on all rights enshrined in the Convention, in addition to those violations concerning conflict-related gender-based violence, including sexual violence;
 - (c) Cooperate with all United Nations networks, departments, agencies, funds and programmes in relation to the full spectrum of conflict processes, including conflict prevention, conflict, conflict resolution and post -conflict reconstruction to give effect to the provisions of the Convention;
 - (d) Enhance collaboration with civil society and non-governmental organizations working on the implementation of the Security Council agenda on women, peace and security.

Preventing the outbreak of conflicts (prevention)

33. The Committee recommends that States parties:
- (a) Reinforce and support women's formal and informal conflict prevention efforts;
 - (b) Ensure women's equal participation in national, regional and international organizations, as well as in informal, local or community -based processes charged with preventive diplomacy;
 - (c) Establish early warning systems and adopt gender-specific security measures to prevent the escalation of gender-based violence and other violations of women's rights;
 - (d) Include gender-related indicators and benchmarks in the early warning system's result management framework;
 - (e) Address the gendered impact of international transfers of arms, especially small and illicit arms including through the ratification and implementation of the Arms Trade Treaty (2013).

Conflict and post-conflict contexts

38. The Committee recommends that States parties:
- (a) Prohibit all forms of gender-based violence by State and non-State actors including through legislation, policies and protocols;
 - (b) Prevent, investigate and punish all forms of gender-based violence, in particular sexual violence perpetrated by State and non-State actors; and implement a policy of zero tolerance;
 - (c) Ensure women's and girls' access to justice; adopt gender-sensitive investigative procedures to address sexual and gender-based violence; conduct gender-sensitive training and adopt codes of conduct and protocols for the police, the military, including peacekeepers; build the capacity of the judiciary, including in the context of transitional justice mechanisms to ensure their independence, impartiality and integrity;

- (d) Collect and standardized data collection methods on the incidence and prevalence of gender-based violence, in particular sexual violence in different settings and against different categories of women;
- (e) Allocate adequate resources and adopt effective measures to ensure that victims of gender-based violence, in particular sexual violence have access to comprehensive medical treatment, mental health care and psychosocial support;
- (f) Develop and disseminate standard operating procedures and referral pathways to link security actors with service providers on gender -based violence, including one-stop shops offering medical, legal and psychosocial services for sexual violence survivors, multipurpose community centres that link immediate assistance to economic and social empowerment and reintegration, and mobile clinics;
- (g) Invest in technical expertise and allocate resources to address the distinct needs of women and girls subject to violence, including the impact of sexual violence on their reproductive health.
- (h) Ensure that national responses include specific interventions linking and aligning the prevention and response to gender-based violence and HIV.

Participation

46. The Committee recommends that States parties:

- (a) Ensure that legislative, executive, administrative and other regulatory instruments do not restrict women's participation in the prevention, management and resolution of conflicts;
- (b) Ensure women's equal representation at all decision-making levels in national institutions and mechanisms, including in the armed forces, police , justice institutions and the transitional justice mechanisms (judicial and non-judicial) dealing with crimes committed during the conflict;
- (c) Ensure that women and civil society organizations focused on women's issues and representatives of civil society are included equally in all peace negotiations and post-conflict rebuilding and reconstruction efforts;
- (d) Provide leadership training to women in order to ensure their effective participation in the post-conflict political processes.

47. The Committee recommends to third-party States participating in conflict-resolution processes, either individually or as members of international organizations, to:

- (a) Include women in negotiation and mediation activities as delegates, including at senior levels;
- (b) Provide technical assistance on conflict-resolution processes to countries emerging from conflict so as to promote women's effective participation.

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