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**Economic and Social Commission for Western Asia (ESCWA)**

## **Policy Brief**

# **Institutional Mechanisms for Gender Accountability in the Arab Region**



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## Introduction

In 2016, the Committee on Women of the Economic and Social Commission for Western Asia (ESCWA)<sup>1</sup> adopted the “Muscat Declaration: Towards the Achievement of Gender Justice in the Arab Region” at its seventh session. The Declaration is a framework for the elimination of gender-based discrimination, requiring good governance through effective accountability mechanisms to realize gender justice.<sup>2</sup> The Declaration emphasizes that gender justice is both a formal process and a substantive outcome. The successful realization of gender justice relies on two elements: accountability and equality. The formal process of seeking gender justice focuses mainly on accountability, while the ultimate substantive outcome is achieving gender equality.<sup>3</sup> Arab countries utilize different forms of accountability systems to reduce gender-based discrimination and assist in the realization of sustained development.

The present policy brief discusses States parties’ obligations to protect, protect and fulfil the human rights of women. It examines the various forms of institutional mechanisms and how they address accountability and gender discrimination in Arab countries. It considers how some institutions in the Arab region are working towards ensuring that those violating women’s rights are held accountable. It also reviews obstacles facing these institutions, and the various forms of collaboration and coordination used to ensure their effectiveness. The present policy brief argues that the limited or weak accountability of institutions in the Arab region hinders the achievement of gender justice. Slow progress on gender justice is reflected in low women’s participation rates in the labour market and in civic and political affairs, and in the widespread legal discrimination women face that further curtails their rights and potential.

### I. STATE OBLIGATIONS TO RESPECT, PROTECT AND FULFIL

Under international human rights law, States parties are obligated to respect, protect and fulfil the human rights of girls and women, regardless of whether abuses are committed by State or non-State actors, and in the public or private spheres. The obligation to respect means that States must refrain from taking actions that curtail women’s enjoyment of their rights, and must not pass legislation or adopt policies that undermine women’s access to their rights, such as their right to run for election. The obligation to protect requires States to take direct or indirect action to prevent discrimination from third parties. For example, States should adopt laws and policies ensuring that women’s right to enjoy the highest attainable health standard is not violated by the private sector or by the family. States should also hold to account and impose sanctions on individuals and entities that violate women’s rights. The obligation to fulfil entails the implementation of appropriate measures to guarantee that human rights are enjoyed by all, including the removal of discriminatory provisions in national laws to ensure consistency with international human rights standards, and the provision of quality services and access to education, health and decision-making.

International human rights law protects women from all forms of discrimination. The International Bill of Rights, comprising the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, prohibits discrimination based on sex and sets out State obligations to eliminate such discrimination. Other human rights treaties address issues of equality and non-discrimination. The Convention on the Rights of the Child, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Convention on the Rights of Persons with Disabilities also prohibit discrimination based on sex; however, the

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<sup>1</sup> ESCWA member States are: Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, and Yemen.

<sup>2</sup> [www.unescwa.org/news/escwa-committee-women-convenes-its-7th-session-oman-adopts-muscat-declaration-achieving-gender](http://www.unescwa.org/news/escwa-committee-women-convenes-its-7th-session-oman-adopts-muscat-declaration-achieving-gender).

<sup>3</sup> Gender equality is defined as “equal rights and responsibilities and opportunities of women, men, girls and boys”. It also means that the interests, needs and priorities of women and men are equally taken into consideration. See [www.un.org/womenwatch/osagi/conceptsanddefinitions.htm](http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm).

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) specifically addresses women's rights.<sup>4</sup>

CEDAW specifies distinct ways in which States can eliminate discrimination against women, including adopting legislation that prohibits discrimination, ensuring that women's rights are legally protected, and refraining from directly carrying out discriminatory practices. In article 2(b) of the Convention, States parties are called upon "to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women". Furthermore, article 2(c) requests States "to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination".<sup>5</sup>

Key legal frameworks on women's rights also exist at the regional level, including those developed by the League of Arab States and the African Union. Article 3 of the Arab Charter on Human Rights states that men and women are equal in rights and obligations. However, the Charter also notes that these rights are respected "within the framework of the positive discrimination established in favour of women by the Islamic Shariah, other divine laws and by applicable laws and legal instruments".<sup>6</sup> While this is a significant recognition of equality between men and women, it maintains a set of barriers that could undermine women's equality.

The African Charter on Human and People's Rights (Banjul Charter) prohibits discrimination based on sex, and asserts State obligations to eliminate discrimination. The Charter's Protocol on the Rights of Women in Africa (Maputo Protocol) provides that States parties shall combat all forms of discrimination against women through constitutional and legislative instruments, support local, national and regional initiatives to eradicate all forms of discrimination, and modify the social and cultural attitudes of women and men.<sup>7</sup>

Arab member States that have ratified or acceded to any human rights treaties have legal obligations to ensure that the rights prescribed are implemented through appropriate measures. Gender accountability institutions must be established across government structures to support States in their obligation to respect, protect and fulfil women's rights.

## II. ACCOUNTABILITY INSTITUTIONS

National constitutions and legislation are among key accountability mechanisms for upholding the principles of gender justice at the process level. Introducing reforms to the legal framework by amending constitutional provisions shapes the relationship between citizens and the State, and allows citizens to hold authorities accountable. Similarly, lifting discriminatory provisions in nationality, criminal and personal status codes, and introducing laws that protect women's rights are essential accountability tools. Such reform measures require strong national institutions to ensure the operationalization and enforcement of accountability tools. Accountability institutions are also crucial to measuring progress in implementing those measures and mechanisms. The present section discusses these institutions, and their effectiveness in holding Governments accountable on gender justice.

In her report presented to the Human Rights Council at its twenty-sixth session, the Special Rapporteur on the independence of judges and lawyers provides an operational definition of accountability mechanisms rooted in the rule of law: "Accountability mechanisms are established by law to enhance the transparency,

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<sup>4</sup> [www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf](http://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf).

<sup>5</sup> The Sudan is the only ESCWA member State that has not ratified CEDAW.

<sup>6</sup> <http://hrlibrary.umn.edu/instree/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655>.

<sup>7</sup> Egypt, Mauritania, the Sudan and Tunisia have signed and ratified the Banjul Charter. Mauritania is the only country that has signed and ratified the Maputo Protocol; Sudan has signed but not ratified the Protocol.

fairness, integrity and predictability of public and private institutions and entities”.<sup>8</sup> Although criminal prosecution and civil lawsuits are the most used mechanisms to hold individuals accountable for their involvement in human rights violations, non-judicial systems such as national human rights institutions play key roles in ensuring government accountability to international human rights obligations, and in advancing institutional reforms within government structures.

Arab countries have a range of accountability institutions for gender justice, including women’s national machineries, parliamentary committees, ombudsman offices and national human rights institutions.

#### A. JUDICIAL SYSTEM

Judicial systems are key to addressing discrimination issues and to ensuring respect for international and national laws. Administrative disputes involving individuals and government actors are resolved and addressed within administrative courts, which play a vital role in tackling inequalities and gender based discrimination. In the Arab region, basing court rulings on international law is not systematic, and related evidence from national courts is limited. However, recent years have seen increased documentation of court rulings based on equality and non-discrimination, highlighting the judiciary’s crucial role in holding rights violators to account and redressing grievances. For example, in Bahrain, the administrative court overruled a decision by the Directorate for Nationality, Passports and Residency Affairs of the Ministry of Interior to not renew the residency permit of a divorcee with guardianship rights over her children. The court found that as legal guardian over her Bahraini children, the woman had the right to remain in the country and perform her duties and responsibilities towards her children.

Although the judicial system plays an important role as an accountability mechanism, gender-sensitive judiciary still requires further work and development. This is particularly relevant in adhering to international human rights norms and ensuring equal representation in the judicial system. Jurisprudence on equality and non-discrimination must also be properly documented.

#### B. NATIONAL WOMEN’S MACHINERIES

In 1995, the Beijing Platform for Action recommended that States establish national machineries to support accountability on gender equality. According to the Platform, gender machineries should perform “catalytic work providing policy advice to other ministries and departments to mainstream gender equality issues in their policies and programmes”.<sup>9</sup> They are the main national institutional bodies responsible for monitoring progress in women’s affairs, particularly legislation and its compatibility with international agreements. They also monitor compliance with CEDAW and the Platform for Action to bolster accountability on gender equality, requiring data collection and analysis to identify developments and challenges, and to hold respective ministries accountable.

Studies on national machineries show that effective women’s machineries are often decentralized and work horizontally across government institutions and line ministries, and vertically through government structures.<sup>10</sup> Ideally, national machineries should be located at the highest level of Government where pertinent decisions are made, to better influence other institutions and increase access to resources.

National women’s machineries’ effectiveness, regardless of their structures, is dependent on several contextual factors, including a country’s wealth, economic structure and political stability. Their efficiency

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<sup>8</sup> A/HRC/26/32, p. 5.

<sup>9</sup> [www.un.org/womenwatch/daw/TechnicalCooperation/GLOBAL\\_SYNTHESIS\\_REPORT\\_Dec%202010.pdf](http://www.un.org/womenwatch/daw/TechnicalCooperation/GLOBAL_SYNTHESIS_REPORT_Dec%202010.pdf).

<sup>10</sup> United Nations Division for the Advancement of Women, *The Role of National Mechanisms in Promoting Gender Equality and The Empowerment of Women: Achievements, Gaps and Challenges for the Future*, 2005.

also depends on internal features, such as institutional location, number of trained staff, sufficient resources, oversight of government decisions, and relationships with women's civil society groups.<sup>11</sup>

In the Arab region, national women's machineries take various forms, with a mandate to advise on policies and legislative amendments. Lebanon<sup>12</sup> and Palestine are the only countries in the region with a ministry dealing solely in gender affairs. Algeria, Morocco and Tunisia have established ministries with combined portfolios, meaning that gender equality is linked to other social issues, mainly social development; for example, the Ministry of Social Development, Family and Solidarity of Morocco. Bahrain, Egypt, Iraq, Jordan, Kuwait and Yemen have institutions or units linked to the central Government.<sup>13</sup>

Examining Arab national women's machineries reveals that many are set up in a way that emphasizes the traditional areas of family and children and other social welfare activities. They also experience frequent reorganization and restructuring, which affects their performance. Many do not have strong mandates, and play an advisory rather than accountability role. In many cases, national women's machineries still focus on implementing service delivery projects, rather than performing a catalytic role at the national level to mainstream gender across the various ministries.<sup>14</sup>

The Committee on the Elimination of Discrimination against Women, the UN body tasked with monitoring the implementation of CEDAW, has concluded that weak institutional capacity, limited authority and status of national women's machineries, and inadequate financial and human resources hinder monitoring State adherence to obligations under CEDAW and international norms, and impede efforts to mainstream gender in institutions, policies and programmes in the Arab region. It is therefore imperative to address the challenges faced by national women's machineries as highlighted by the Committee, to ensure that they can effectively hold States accountable.

### C. OMBUDSMAN OFFICES

Ombudsman offices are oversight institutions that are independent of the Government. They receive and investigate complaints brought by persons who believe that a government institution has wronged them. An Ombudsman institution "promotes and protects individual rights, encourages efficient public administration, provides a cost-effective dispute mechanism, bridges the gap between the Government and the public, promotes cooperation instead of litigation, and allows for increased citizen access to dispute resolution".<sup>15</sup> General Assembly resolution 63/169 emphasizes the significant role that Ombudsman institutions play in society. It especially underlines the importance of their autonomy and independence, and encourages cooperation between such institutions to coordinate actions and exchange lessons learned to strengthen their mandate.<sup>16</sup>

Several countries in the Arab region, including, Bahrain, Egypt, Jordan, Morocco, Palestine and Tunisia, have Ombudsman offices. The Ombudsman in Jordan considers complaints from individuals related to any practice or procedure. It has been successful in promoting citizen's access to information.<sup>17</sup> In Morocco, *Al-Waseet* receives and investigates complaints brought by citizens, and makes recommendations to the

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<sup>11</sup> Ibid.

<sup>12</sup> In November 2016, a new cabinet was formed in Lebanon and the first Minister of State for Women's Affairs was appointed.

<sup>13</sup> [www.oecd.org/mena/governance/women-in-public-life-mena-brochure.pdf](http://www.oecd.org/mena/governance/women-in-public-life-mena-brochure.pdf).

<sup>14</sup> Division for the Advancement of Women, Strengthening national mechanisms for gender equality and the empowerment of women: A global synthesis study, 2010.

<sup>15</sup> Fatma Khafagy, National Women Machineries, 2010, pp. 39-40.

<sup>16</sup> [www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI\\_en.pdf](http://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf).

<sup>17</sup> <https://openknowledge.worldbank.org/bitstream/handle/10986/21288/937040BRI0Box30UBLIC000Knote00QN137.pdf;sequence=1>.

relevant agency which is obligated to examine and remedy the situation. The office submits an annual report to the King, which is later published in the official gazette.<sup>18</sup>

Egypt is the only Arab country with an Ombudsman institution solely dedicated to gender equality, established in 2002 by the Government as a subdivision of the National Council of Women to ensure that a complaints process was available for gender discrimination. Unlike other Ombudsman offices, it does not have an investigative mandate. Nonetheless, the office's creation and location in the National Council for Women means that it is not independent of the Government, which impedes its accountability role.<sup>19</sup> In addition, the role of the Egyptian Ombudsman office is limited by the few cases it covers. For example, over the period 2006-2007, it received 215 complaints only, which is a small number compared with the large percentage of women in Egypt who experience violence.<sup>20</sup>

Despite the important role played by Ombudsman offices, efforts are curtailed in many instances because of government interference, rampant corruption, lack of transparency and poor legislation enforcement. The Jordanian Ombudsman law of 2008 protects the Ombudsman office from any political interference. However, the Ombudsman is appointed and may be removed by the Prime Minister at any time, suggesting that the office is not free of any political influence or interference and is likely to submit to political pressure. The national ombudsman is not authorized to issue penalties and is required to defer such matters to court.<sup>21</sup> The Ombudsman may only issue a report and recommendations, further impeding its capacity as an accountability mechanism. The Ombudsman in Morocco allows the public to access information, but it still lacks authority in initiating investigations and imposing penalties on offenders.<sup>22</sup> In Bahrain, the Ombudsman office is an independent secretariat within the Ministry of Interior, established to ensure compliance with existing Bahraini standards and laws. The office informs the Ministry of complaints, but does not have the authority to take further action.

#### D. PARLIAMENTARY COMMITTEES

Parliamentary committees play several significant roles. They ensure that gender-discriminatory laws are reformed to meet international legal standards, and evaluate the implementation of enacted laws. They also raise awareness of CEDAW, monitor government implementation of CEDAW, and work towards removing reservations to CEDAW. Parliamentary committees also ensure that CEDAW periodic reports are placed on the parliamentary agenda for discussion, before submission to the United Nations.<sup>23</sup> Most importantly, parliamentary committees play a key role in providing oversight to ensure accountability on gender equality, by reporting to the highest level of Government. Some committees use gender mainstreaming as a strategy to place gender issues at the centre of policy decisions, institutional structures and resource allocation.<sup>24</sup> Other committees use tools, such as summoning government officials or holding public hearings, to engage with constituents on specific subjects.<sup>25</sup>

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<sup>18</sup> [www.databank.com.lb/docs/Access%20to%20Information%20in%20the%20Middle%20East%20and%20North%20Africa%20Region%20-%202013%20-%20world%20bank.pdf](http://www.databank.com.lb/docs/Access%20to%20Information%20in%20the%20Middle%20East%20and%20North%20Africa%20Region%20-%202013%20-%20world%20bank.pdf).

<sup>19</sup> Fatma Khafagy, *National Women Machineryes*, 2010.

<sup>20</sup> The percentage of lifetime physical and/or sexual intimate partner violence in Egypt is estimated at 26 per cent. See <http://evaw-global-database.unwomen.org/en/countries/africa/egypt?typeofmeasure=2adb4f35f599429e8138b117fd26ae56>.

<sup>21</sup> [www.globalintegrity.org/research/reports/global-integrity-report/global-integrity-report-2011/gir-scorecard-2011-jordan/](http://www.globalintegrity.org/research/reports/global-integrity-report/global-integrity-report-2011/gir-scorecard-2011-jordan/).

<sup>22</sup> [www.globalintegrity.org/research/morocco/2010/](http://www.globalintegrity.org/research/morocco/2010/).

<sup>23</sup> [www.ipu.org/PDF/publications/wmn\\_seminar06\\_en.pdf](http://www.ipu.org/PDF/publications/wmn_seminar06_en.pdf).

<sup>24</sup> [www.ipu.org/PDF/publications/oversight08-e.pdf](http://www.ipu.org/PDF/publications/oversight08-e.pdf).

<sup>25</sup> [http://www.ipu.org/PDF/publications/wmn\\_seminar06\\_en.pdf](http://www.ipu.org/PDF/publications/wmn_seminar06_en.pdf) [www.ipu.org/PDF/publications/wmn\\_seminar06\\_en.pdf](http://www.ipu.org/PDF/publications/wmn_seminar06_en.pdf), pp. 1-2.

Several Arab countries have established parliamentary committees dedicated to women's issues, including Bahrain, Kuwait, Lebanon and Yemen. The Bahraini joint committee, formed by the Supreme Council for Women and the two chambers of parliament, is responsible for gender mainstreaming in national policies and for creating gender-sensitive budgets. The Lebanese parliamentary committee on women and children reviews laws and budgets, and monitors the country's gender equality compliance with international standards. The Kuwaiti parliamentary committee on women's affairs conducts gender impact assessments, proposes legislation, and evaluates laws once they have been enacted.<sup>26</sup>

Most parliamentary committees in the Arab region deal with general gender equality issues, such as gender mainstreaming, family relations, social norms, and reconciling professional and private life.<sup>27</sup> Little information is available on how far these committees hold Governments accountable on gender equality. Parliamentary committees in Bahrain, Lebanon and Yemen ensure accountability enforcement by reviewing all draft legislation through a gender lens. However, the effectiveness of this review and the success of drafting laws from a gender perspective require further analysis. The role of parliamentary committees as accountability bodies is also influenced by the number of female members represented in them, and by their ability to highlight gender-sensitive issues and women's needs. For example, only four of the 128 members of the Lebanese parliament are women; the parliamentary committee dealing with women's affairs has 12 members: ten men and two women.<sup>28</sup> Parliamentary committees are also affected by the process used to select their members, and by whether they are chosen based on merit, nominated or elected.

#### E. NATIONAL HUMAN RIGHTS INSTITUTIONS

National human rights institutions uphold accountability, since they ensure that a State's international human rights obligations are applied at the national level. The United Nations has developed the Paris Principles as the minimum conditions that national human rights institutions should meet to effectively protect and promote human rights.

The Paris Principles also set out requirements for national human rights institutions' accreditation from the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions. National human rights institutions are accredited based on the following: a mandate ensuring that the institution is independent, has a diverse representation of members, and has adequate powers; and its functions include promoting education and a culture of human rights, advising legislative amendments and investigating alleged human rights violations. When investigating human rights violations, national human rights institutions receive complaints from individuals and seek to redress grievances, which is central to holding perpetrators accountable.<sup>29</sup>

Numerous countries in the Arab region have set up national human rights institutions, including Bahrain, Egypt, Iraq, Jordan, Morocco, Oman, Palestine, Qatar, Saudi Arabia, the Sudan and Tunisia; Kuwait and Lebanon have recently passed laws on their establishment. In Bahrain, Jordan, Qatar and Tunisia, members of national human rights institutions are appointed by presidential or royal decree. In Egypt, the upper house of parliament appoints members to the National Council for Human Rights. In Morocco, the Consultative Council for Human Rights, a 44-member council, is partly appointed by the King. The remaining members are selected from a list of organizations, including human rights groups, workers unions, political parties and academics. A 15-member committee, comprising members of the Iraqi parliament, ministries, high judicial council and civil society organizations, appoints members to the Iraqi High Commission for Human Rights.<sup>30</sup>

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<sup>26</sup> OECD and CAWTAR, *Women in public life: Law and Policy in the Middle East and North Africa*, 2014, p. 82.

<sup>27</sup> *Ibid.*, p. 81.

<sup>28</sup> [www.ipu.org/parline-e/reports/instance/2\\_251.htm](http://www.ipu.org/parline-e/reports/instance/2_251.htm).

<sup>29</sup> [www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI\\_en.pdf](http://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf).

<sup>30</sup> [www.ihchr.iq/upload/upfile/ar/1ihr1.pdf](http://www.ihchr.iq/upload/upfile/ar/1ihr1.pdf), articles 7 and 8 (available in Arabic).

The majority of national human rights institutions in the region depend on State funding and external donor funding.<sup>31</sup> A key role of national human rights institutions is bridging divides between Government and society, and ensuring government accountability to international human rights standards. National human rights institutions are often unclear on the distinction between their functions: they critique their Government for violations, but also defend government actions when criticized by international organizations. Some have argued that this is the result of their State dependency, which obscures their responsibility to ensure government accountability in promoting and protecting human rights.

National human rights institutions in the region primarily offer consultations on national strategies to increase due diligence on human rights policies. Legislation also allows them to receive complaints about human rights abuses – an accountability mechanism and powerful tool to redress human rights violations. However, notwithstanding the A status that some national human rights institutions in the region hold, the limited tools at their disposal to oblige government officials to cooperate can further hinder their effectiveness as accountability institutions. Furthermore, in the Arab region, national human rights institutions' engagement with gender equality issues remains weak and unsystematic.

### **III. COORDINATION AND COLLABORATION AMONG GENDER ACCOUNTABILITY INSTITUTIONS**

As discussed in the previous section, many Arab countries have established accountability institutions, including national women's machineries, parliamentary committees, national human rights institutions and Ombudsman offices. Global research and trends show that there are several factors impacting the effectiveness of those institutions, such as strong political will and commitment to ending gender discrimination at all levels, and endorsing effective laws and policies. Coordination and collaboration among different institutions is key to guaranteeing a common vision, and minimizing unnecessary duplication of efforts.

The fact that coordination is often weak among the different institutions is reflected in CEDAW observations for Arab countries. For example the Committee on the Elimination of Discrimination against Women recommended that Bahrain should improve collaboration with accountability mechanisms, such as the Ombudsman and national human rights institutions.<sup>32</sup> Similarly, the Committee said that well-coordinated efforts between institutions was a necessary component for effectiveness in Lebanon.<sup>33</sup>

Data availability and accountability are interlinked, given that they measure the realization of human rights. Availability of accessible and reliable data and information allows citizens and institutions to monitor progress, identify gaps and hold Governments accountable. This requires disaggregated data in all socioeconomic fields, by sex, age and income.<sup>34</sup> Arab countries lack reliable and complete data in many areas related to women, such as violence against women, women's access to justice, and representation of women in municipalities, thus posing a serious obstacle to exercising gender accountability in the region.

The Arab region is characterized by high levels of corruption, significantly limiting confidence in and transparency of accountability institutions. Transparency International's 2016 global survey on corruption<sup>35</sup> found that one in three people in the region had paid bribes to access basic services, including courts and the police. Around 68 per cent of respondents noted that their Governments were not doing enough to fight corruption; however, the majority of people would not report corruption because they feared reprisals, while others felt that officials were also corrupt and would do little to rectify the situation.

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<sup>31</sup> [www.nihr.org.bh/EN/About/NIHRBHFFinalLaw](http://www.nihr.org.bh/EN/About/NIHRBHFFinalLaw), article 20.

<sup>32</sup> CEDAW concluding observations on Bahrain, 2014.

<sup>33</sup> CEDAW concluding observations on Lebanon, 2015.

<sup>34</sup> [www.savethechildren.org.uk/sites/default/files/images/New\\_Accountability\\_Paradigm.pdf](http://www.savethechildren.org.uk/sites/default/files/images/New_Accountability_Paradigm.pdf).

<sup>35</sup> [www.transparency.org/whatwedo/publication/people\\_and\\_corruption\\_mena\\_survey\\_2016](http://www.transparency.org/whatwedo/publication/people_and_corruption_mena_survey_2016).

Lack of coordination and cooperation between accountability institutions, limited data and high levels of corruption in the region severely impede the effectiveness of accountability institutions in improving the status of women in the region.

#### IV. GENDER EQUALITY IN THE ARAB REGION

Over the past few decades, women's education has witnessed significant progress. According to the World Bank, the female literacy rate rose from 41 per cent in 1990 to 69 per cent in 2010.<sup>36</sup> Nonetheless, women's participation in the labour force has increased only slightly, from 21 per cent in 1990 to 24 per cent in 2014.<sup>37</sup> These figures illustrate that women's educational gains have not sufficiently translated into higher participation rates in the labour market.

Globally, women's political representation is generally low. The Arab region's representation is 18.9 per cent, behind Asia at 19.7 per cent but above the Pacific region at 15 per cent.<sup>38</sup> In the Arab region, women enjoy representation rates in parliament of 20 per cent or above in Algeria, Iraq, Mauritania, Morocco, Saudi Arabia, the Sudan, Tunisia and the United Arab Emirates.<sup>39</sup> Some countries have established different types of quota systems to boost women's representation, while others rely on rulers to appoint women to the legislature. These temporary measures are important in the region, as they allow women to enter political life and gain sufficient experience at the national level. Their representation at the subnational and local levels is equally critical.

Women in the region are legally discriminated against in nationality laws, penal codes, labour laws and personal status laws. In some countries, penal codes maintain discriminatory provisions and articles. For example, some still exonerate rapists if they marry their victims, and allow lenient sentences for perpetrators of so-called honour killings. Personal status laws allow for marriages under the legal age of 18 in some countries, and set different standards for men and women with regards to guardianship and child custody. Notwithstanding rigorous efforts by various stakeholders, many countries do not penalize domestic violence or sexual harassment, and no country in the region criminalizes marital rape. Some Arab countries have made efforts to reform legislation, but social and cultural constraints and misinterpretations of religion are serious barriers to transforming societies, enforcing the rule of law and respecting human rights.

Occupation and conflict in the region, namely in Iraq, Palestine, Libya, the Sudan, the Syrian Arab Republic and Yemen, have had devastating consequences for whole populations causing widespread displacement, collapse of the rule of law, and increased violence. Girls and women face severe levels of violence, including sexual violence, sexual slavery, forced marriage, and trafficking in persons. Accountability mechanisms are fundamentally important in times of peace and of war. Institutions working on gender accountability are also of particular importance during times of conflict and transitional justice. These institutions enable men and women who experience violations to make informed decisions, and have access to services and justice. The CEDAW Committee requests States parties to reject rollbacks on women's rights, prevent all forms of gender-based violence, and ensure effective accountability mechanisms.

A key factor contributing to the deteriorating situation for Arab women is the absence of strong and effective accountability institutions that can hold Governments accountable for inequality and discrimination. Closing the gender gap in the Arab region requires effective accountability institutions capable of monitoring, investigating and holding persons or entities to account independently from the Government.

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<sup>36</sup> The adult literacy rate refers to females who are 15 years or older. The figure was selected for the Arab region, which includes the Comoros and Mauritania. See: <http://data.worldbank.org/indicator/SE.ADT.LITR.FE.ZS>.

<sup>37</sup> <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>.

<sup>38</sup> [www.ipu.org/wmn-e/world.htm](http://www.ipu.org/wmn-e/world.htm).

<sup>39</sup> <http://www.ipu.org/wmn-e/arc/classif010117.htm>.

## V. CONCLUSIONS AND RECOMMENDATIONS

The present policy brief shows that women's full potential and capacity remain unutilized in the region, and that the Arab countries face many obstacles to achieving gender equality – a pre-condition for promoting human development and attaining gender justice. Goal 5 on gender equality of the Sustainable Development Goals (SDGs) requires countries to promote gender equality and empower women by alleviating discriminatory practices, and increasing women's representation in decision-making at all levels. The SDGs also require countries to tackle poverty, improve health and education, and decrease child mortality rates.<sup>40</sup>

Amending legal codes and adopting new laws to protect women from discriminatory practices is necessary, but it will not lead to significant improvements on the ground if laws are not properly implemented and women are unable to seek redress. Accountability institutions, including the judiciary, national women's machineries, national human rights institutions, Ombudsman offices and parliamentary committees, are important mechanisms for advancing gender justice and gender equality. The overarching recommendations for these institutions include the following:

- Investigate corruption by government officials, courts and law enforcement to increase people's confidence in reporting abuse and seeking redress;
- Ensure that accountability institutions provide equal access to services for all and that information on a complaints mechanism is widely disseminated;
- Increase the effectiveness of accountability institutions to investigate complaints and seek redress for victims by establishing policies and procedures;
- Improve transparency among accountability institutions to foster trust, thus encouraging people to use available mechanisms to report abuses;
- Strengthen data collection efforts to ensure that data is properly collected and disaggregated by sex and age. Data collection methods should adhere to international and regional standards;
- Increase collaboration between institutions to collect data that could be utilized to evaluate the impact of accountability measures;
- Strengthen cooperation between accountability institutions and civil society organizations for better collaboration so as to address common issues to improve the status of women.

The judiciary in the Arab region requires more women judges and gender-sensitive training for judicial staff to reduce barriers to women's access to justice, and ensure that laws are implemented fairly for all. Provision of legal assistance to women is also key to establishing a gender sensitive environment within the judiciary. Existing initiatives in some Arab countries should be further developed, including a systematic approach to increase the number of women judges. For example, over 33 per cent of judges are women in Algeria, compared with 28 per cent in Tunisia, and 20 per cent in Morocco.<sup>41</sup>

The role of national women's machineries has been instrumental in advancing the situation of women in the region. It has positively contributed to raising awareness on existing gender discrimination. However, further work is needed to enhance the role of national women's machineries as accountability institutions. On the one hand, their mandate must specifically include accountability mechanisms on women's rights and gender equality. On the other, they should take a leading role in advancing legislation sensitive to gender

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<sup>40</sup> [www.un.org/sustainabledevelopment/gender-equality/](http://www.un.org/sustainabledevelopment/gender-equality/).

<sup>41</sup> [www.oecd.org/publications/women-in-public-life-9789264224636-en.htm](http://www.oecd.org/publications/women-in-public-life-9789264224636-en.htm); [http://wbl.worldbank.org/~/\\_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf](http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf).

equality, and ensure collaboration among various institutions. National women machineries and parliamentary committees should also institute gender mainstreaming and gender budgeting in all legislative and policy proposals.

A large number of Arab countries have established national human rights institutions, thus strengthening accountability mechanisms. Although some of those institutions have received an A status, their involvement in women's rights and gender issues requires further consolidation. It is necessary to ensure that established mechanisms receive and investigate complaints while taking gender considerations into account, and contribute to advancing the legal system and to holding perpetrators accountable.

Notwithstanding the important role of the Ombudsman offices in addressing human rights violations committed by State entities, further information is required to better evaluate how far women are able to utilize this mechanism.