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Peace and Conflict

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Topic: Promoting women's rights and equality in the Maghreb region

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Introduction

All human beings are entitled to the same rights by virtue of their humanity, however, still today all over the world, women and girls are repeatedly denied their human rights on the basis of gender and sex discrimination. This is especially prevalent in the Maghreb region of Africa, also known as Northern Africa. Even though countries in the Maghreb region have signed and ratified legal conventions that protect the rights of women, they remain trapped in legal battles and continue to be discriminated against because of their gender.

This issue is especially prevalent in Morocco, Algeria, and Tunisia, where the rights of women continue to be violated repeatedly despite the considerable progress that has been made since each state became independent. Much of the discrimination in this region is justified using tradition and religion, which is culturally given more importance than women's rights. In Morocco and Algeria, there are high illiteracy rates among Maghrebi women, many of them drop out of secondary school, and only a small percentage of them join the labour market due to the discrimination that they face in the workplace. Algeria in particular ranks fourth among the countries with the lowest female labour participation rate. Furthermore, in Tunisia, where women's rights have arguably developed the most in the Maghreb region, women continue to be dependent on men.

Definition of Key Terms

Human Rights

Human rights are the innate privileges to which people are entitled by virtue of being human, without discrimination. Human rights are universal and inherent to all human beings and are not dependent on aspects of identity such as nationality, location, age, gender, faith, colour, religion, or language. Human rights are interdependent, as the successful protection of one right guarantees the successful protection of another and denying a human right creates a barrier to the protection of another. All human rights are indivisible and of equal importance as well as inalienable and cannot be taken away.

Women's Rights

Women's rights are the rights and entitlements claimed by women and girls worldwide. Women are entitled to all the rights outlined in the Universal Declaration of Human Rights due to the simple virtue of their humanity, however, due to cultural, religious, social norms, traditions, prejudices, expectations, and stereotypes, basic human rights are often neglected.

Maghreb

(Arabic: "West") Region of North Africa bordering the Mediterranean Sea and the Atlantic Ocean. The Maghreb region includes the nations of Mauritania, Morocco, Algeria, Tunisia, and Libya. The region was united as a single political entity during the Arab rule in the eighth century. The Arab Maghreb Union was set up in 1989 to promote cooperation and integration between the Arab states of Northern Africa, however social, political and economic unrest in the region has hindered economic and social progress in the area.

Equality

Equality according to the Convention on the Elimination of All Forms of Discrimination against Women, is the concept that all human beings, regardless of sex, are free to develop

their abilities, pursue their professional careers and make choices without the limitations set by stereotypes, rigid gender goals, and prejudices.

Discrimination

Discrimination according to the Merriam-Webster Dictionary is a prejudiced or prejudicial outlook, action, or treatment. The Committee on Economic, Social, and Cultural Rights classifies two types of discrimination as direct and indirect. Direct discrimination occurs when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or women that cannot be justified objectively. Indirect discrimination occurs when a law, policy, or programme does not appear to be discriminatory, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men concerning the enjoyment of a particular opportunity or benefit due to pre-existing inequalities.

Universalism

The idea that rights should be universally applicable to all people and countries and should not vary according to local cultural or religious beliefs. The concept of universality is one of the four aspects of human rights outlined in the Universal Declaration of Human Rights. The World Conference in Vienna specified that women's human rights are included in universal human rights and have consistently reaffirmed this.

Background Information

Women in the Maghreb have faced a considerable amount of issues concerning reaching equality between men and women, and as a result, issues such as reproductive health and systems continue to be a prevalent issue for these women, as their reproductive systems are often still controlled by their family, domestic legislation, and/or religious heads where most of the aforementioned positions are held by men.

However, in recent years, women in the Maghreb region have been able to secure more rights, this is particularly true in the political sphere where women have increased representation and gain greater access that women have had to education. This is particularly evident in Tunisia, where most of the reforms happened during the 1950s, and many of the benefits of the reforms are visible today.

Despite these changes that have been happening, women still have a long way to go in the Maghreb region to enjoy their human rights. Women continue to have legislative, cultural, and religious obstacles to go through in order to finally reach equality. These include unequal access to an inheritance between men and women, rape categorised as public decency, and marital rape not categorised as a crime.

Major Countries and Organisations Involved

Morocco

The legal status of women in Morocco is governed by Mudawana, or Personal Status Code, which is based on Islamic Sharia law. This text deems them as legally inferior to men. This is evident in their laws, for instance, it is more difficult for a woman in Morocco to gain a divorce than a man, they cannot have abortions, and Muslim women are legally prohibited from marrying a non-Muslim man, whereas the opposite is not true. The Mudawana states that women must obey their husbands and that husbands have a right to control their wives. Despite these clear violations in human rights, Morocco signed and ratified the Convention on Civil and Political Rights in 1977, which establishes equality between both men and women and provides the equality of rights and responsibilities of spouses.

Algeria

Equal legal rights for men and women have been recognised in Algeria since its independence from France and established the Algerian Constitution of 1966 stating "All citizens are equal before the law without discrimination based on birth, race, sex, opinion or any personal or social circumstance". Algeria also ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1996. However, Algeria adopted The Family Code, which specifies the laws relating to familial relations, in 1984, creating a setback in women's rights. The Family Code puts the woman under her husband's guardianship, maintains women's inferiority, and affirms women's legal minority. Women are under the control of their fathers, uncles or brothers, and then when they marry, their husbands. Women do not have the right to agree to marriage on their own, but the marriage has to be pre-approved by a father, brother, or uncle. Men can easily divorce and repudiate their wives and are able to have multiple wives at a time, however, it is very difficult for Algerian women to obtain a divorce.

Tunisia

Tunisia underwent radical structural changes since it became independent from France in 1956, and women's rights improved drastically as a result. For instance, polygamy and repudiation are forbidden in Tunisia. Soon after Tunisia gained independence, The Code of Personal Status came into effect in the nation. It guarantees equal rights between men and women and removes practically all legal inequalities between both genders. Laws and regulations on equal spousal treatment, equal opportunities, and equal contribution to the workforce and the economy have been enforced and implemented into Tunisian legislation and society. Despite this, women still have a long way to go to achieve equal rights as men. Legally, women are not granted the same inheritance as their male counterparts, as women are only allowed to inherit half of what a male would inherit, as this is enshrined in the Quran. Women are also greatly subject to domestic abuse and negligence in legal courts.

Europe

North Africa is very close to Europe, thus there is a large immigrant community, some of which are facing considerable issues integrating due to the vastly different social and religious norms that dictate the treatment of women in both regions. Due to bilateral treaties between Maghreb nations and Europe, the Family Codes implemented in states such as Morocco and Algeria, apply in European states as well. As a result, Maghrebi women living in Europe suffer from unequal treatment as well. Fortunately in Algeria, there has been some process regarding this rule as female members of the Algerian parliament work with migrant women living in Europe to improve their situation and help integrate them into their host country.

United Nations Human Rights Council (UNHRC)

The United Nations Human Rights Council is a UN body made up of 47 states whose mission is to protect and promote human rights. The Council investigates violations of

human rights by United Nations member states and addresses pressing human rights issues, such as those of women's rights and equality between men and women.

UN Women

United Nations Women (UN Women) is a UN organisation that delivers policies and standards that uphold women's human rights and ensure that every woman and girl lives up to her full potential. UN Women tackles issues such as women's leadership and political participation, economic empowerment, ending violence against women, peace and security for all women, humanitarian action, governance and national planning, women and girls with disabilities, and sustainable development to help women grow and achieve equality.

Commission on the Status of Women (CSW)

The Commission on the Status of Women is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. The Commission promotes women's rights, documents the reality of women's lives, and creates new standards on gender equality and the empowerment of women.

Timeline of Events

Date	Description of event
1966	Algerian Constitution establishes legal equality between men and women
1977	Morocco signs and ratifies Convention on Civil and Political Rights (ICCPR)
1977	Opposition left-wing party comes into power in Morocco
18 December 1978	The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the General Assembly
1998	Changes proposed by the new left-wing government in Morocco to create legal changes in order to support the rights of women
1984	Algeria adopts the Family Code, which places women under the control of their husbands and as legally minor
December 2010 to December 2012	Arab Spring: a series of anti-government protests happening in the Arab world due to social, political, and economic unrest. Women were on the frontlines of these

protests much to the government's surprise.

Relevant UN Treaties and Resolutions

Universal Declaration of Human Rights (1948)

The UDHR has been widely recognized and accepted as a foundational document on human rights. It has become the cornerstone of international human rights law and has influenced the development of subsequent human rights treaties and national legislation. The importance of this document for women's rights is that it recognises the universality of human rights, thus referring to both men and women as equal.

Convention on the Elimination of All Forms of Discrimination against Women (1976)

The Convention on the Elimination of All Forms of Discrimination against Women is an international legal instrument that requires countries to eliminate discrimination against women and girls in all areas and promotes women's and girl's equal rights. The convention included more than thirty years' worth of work by the United Nations Commission on the Status of Women on the exploration of the situation women have been in and the promotion of their equal rights. This convention has been a crucial instrument in highlighting the parts of the world in which women do not have the same rights as men because of gender and sex discrimination.

Vienna Declaration and Programme of Action (1993)

The Vienna Declaration and Programme of Action was a result of the World Conference on Human Rights held in Vienna in June 1993. This Declaration discusses mostly the obligation of states to fulfil their responsibilities regarding human rights, emphasises international cooperation, and affirms the universality of human rights. As well as takes into account specific and pressing human rights issues such as the rights of women, minorities, migrant workers, indigenous peoples, children, and disabled persons.

Beijing Declaration and Platform of Action (1995)

The Beijing Declaration and Platform of Action is, according to UN Women, “the most visionary agenda for the empowerment of women and girls, everywhere”. The Beijing Declaration and Platform for Action was adopted by 189 governments to take strategic, bold action in 12 critical areas of concern: poverty, education and training, health, violence, armed conflict, economy, power and decision-making, institutional mechanisms, human rights, media, environment, and the girl child.

Previous Attempts to Solve the Issue

Special Committee to Change Family Code in Morocco and “Khouta”

A left-wing opposition party came into power in Morocco in 1997 and made a considerable effort to create development of women’s rights in their state. This effort consisted of a revision of the Family Code, otherwise known as the Mudawana and as a result banned polygamy and repudiation, and raised the legal marriage age from 15 to 18. However, due to negative reactions from high-profile conservative government members, the government abandoned the project. As a result, a special committee was set up to help make changes to some of the laws and an action plan, “Khouta”, was set up in order to tackle the issue of women’s rights in Morocco. This action plan included the following themes:

- Schooling and combating illiteracy in rural areas
- Reproductive health
- Combating poverty and stepping up the role of women as an economic factor
- Improving women’s legal and political status

However, despite all of the plans made by the Moroccan governments, no large scale developments have taken place in order to improve the rights of women and the Committee on Equal Opportunities for Men and Women of the European Commission revealed that most Moroccan women “had serious doubts about the effectiveness of the committee’s work and believed that only strong action, in the form of a statutory instrument, for example, could bring about an improvement in the situation”.

Possible Solutions

Revise bilateral agreements

The Committee on Equal Opportunities for Men and Women of the European Commission stated in a draft resolution discussing the situation of women in the Maghreb that one potential solution, in order to offer refuge for the women in these states, for member states of the European Union to revise the bilateral treaties they have with Maghreb states to guarantee the principles that are included in the European Convention on Human Rights. The bilateral agreements between European Union member states and Maghreb states affirm the idea that the legislation on women in states such as Morocco and Algeria, legislation such as the Muduwana or the Family Code, is still applicable in European states. The Committee calls on member states to revise these agreements in order to provide and promote the equal rights of women in the Maghreb region and as a result allow them to integrate more effectively into European societies as migrants without the legislative restriction imposed on them.

Amend the family code

The Committee on Equal Opportunities for Men and Women of the European Commission also calls on Maghreb countries to amend the family codes that establish unequal laws in

each respective society in the Maghreb in order to establish real equality between men and women. By amending the family codes, women would be granted their legal status and would thus conform with the conventions and treaties that have been signed and ratified by Morocco, Algeria, and Tunisia.

Ban repudiation and polygamy

Polygamy is the practice or custom of having one or more wives or husbands at the same time. This is a particularly common practice among men in the Arab world, due to the fact that in the Quran it is stated that men are allowed to have more than one wife given he can economically support each of his wives. This practice can be particularly harmful to women, as it reinforces cultural and religious stereotypes and standards for women in these countries and could lead to repudiation. Repudiation is a formal or informal action in which a husband leaves his wife without any consent from the wife. By doing so, the husband has no obligation to pay his wife any money, which often leads to women and children living on the streets and turning to begging, prostitution, and crime to survive. According to the Committee on Equal Opportunities for Men and Women, in order to fully achieve equal rights between men and women, both of these practices must be banned in order to support women and remove prejudiced familial laws.

Allow women to get the same inheritance as men

This solution is particularly important in Tunisia, and has in fact been promoted and suggested by Tunisian women, where women are relatively close to equality. Since human rights are so interdependent, granting this right to women would create a domino effect. Since this right is particularly difficult to achieve because of its religious implications and relations to the Quran, which were stated earlier in the report. By granting women this right it would help promote the rights of women throughout the Maghreb region.

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