



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



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website: www.euromedwomensrights.net

This booklet contains data that helps in monitoring the implementation of the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in nine countries of the south Mediterranean region.

"This publication has been produced with the assistance of the European Union. The contents of this publication is the sole responsibility of Women in Economic Life — a project funded by the European Union's EUROMED programme for the MEDA region. and can in no way be taken to reflect the views of the European Union."

CEDAW: Country Status Assessment

The adoption of the UN **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** by the General Assembly of the United Nations in 1979 is considered a culmination of decades of international efforts exerted to protect and promote the rights of all women. It resulted from initial efforts taken by the United Nations Commission on the Status of Women established in 1947.

The Convention constitutes the international bill of rights for women. Its preamble recalls that the elimination of discrimination against women and the promotion of equality between women and men are basic principles of the United Nations and constitute binding obligations under the Charter of the U.N. and other instruments. The preamble is followed by thirty operative articles that bind States which have ratified or acceded to it to certain specific obligations. The treaty allows for progressive rather than immediate implementation of many provisions, yet ratification demonstrates a positive commitment to the comprehensive prohibition and elimination of discrimination against women, 'without delay.'

Article 28 of the Convention permits ratification with reservations; however the CEDAW Committee has always considered the matter of reservations to be serious. It always urges governments to lift reservations when discussing their periodic reports.

The Optional Protocol of CEDAW contains two procedures: a communications procedure allowing individual women, or groups of women, to submit claims of violation of rights protected under the Convention to the Committee on the Elimination of Discrimination against Women. It also creates an inquiry procedure enabling the Committee to initiate inquiries into situation of grave systematic violations of women's rights.

The Committee on the Elimination of Discrimination against Women (CEDAW), which considers State parties' reports, is comprised of 23 experts nominated by State parties and are elected by secret ballot from a list of persons of "high moral standing and competence in the issues covered by the Convention". The experts serve four year terms and consideration is given to equitable geographical distribution and to the representation of different forms of civilization and the principal legal systems. They serve in their personal capacity as independent experts and not as delegates or representatives of their countries.

Until June 2006, 183 States have ratified or acceded to the Convention and 79 States parties have become party to the Optional Protocol.

Country: Algeria

Date of Ratification: 1996

Reservations:

Article 2: the government of Algeria is prepared to apply the provisions of this article on condition that they do not conflict with the provisions of the Algeria Family Code.

Article 9, Para 2: in view of its being incompatible with the provisions of the Algerian Nationality Code and the Algerian Family Code. The Algerian Nationality code allows a child to take the nationality of the mother only when: the father is either unknown or stateless. A child born in Algeria to an Algerian mother and a foreign father who was not born on Algerian territory may, under article 26 of the Algerian Nationality Code, acquire the nationality of the mother providing the Ministry of Justice does not object. Article 41 of the Algerian Family Code states that a child is affiliated to its father through legal marriage.

Article 15, Para 4: should not be interpreted in such a manner as to contradict the provisions of chapter 4 (art.37) of the Algerian Family Code.

Article 16: should not contradict the Algerian Family Code.

Article 29: Algeria holds that no such dispute can be submitted to arbitration or to the Court of International Justice except with the consent of all the parties to the dispute.

Optional Protocol: No accession

Last report submitted: 2nd periodic report in January 2005

Concluding comments of the committee:

Progress:

The Committee noted the progress that had been made towards de jure equality between men and women but expressed concern at the lack of substantive progress towards de facto equality.

Concerns:

The Committee expressed its regret that the State party has not taken adequate steps to implement the recommendations made by the Committee during its previous consideration of Algeria's report in 1999. It expressed its concern about the conditions of rural women and their access to health care, education, land, housing, economic well-being and on the prevalence of sexual violence. It also noted that women's national machinery is weak and that strengthening the machinery must be a priority of the government. The Committee



urged the Government to redress all gender discriminatory laws, and to provide more statistics on the situation of women in future reports.

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Shadow Report: Presented by Collectif 95 Maghreb-Egalite

Reservations:

Article 2: Egypt is willing to comply with the content of article 2, provided that such compliance does not run counter to the Islamic Sharia

Article 9: in order to prevent a child's acquisition of two nationalities where his parents are of different nationalities, since they may be prejudicial to his future.

Article 16: concerning the equality of men and women in all matters relating to marriage and family relations during the marriage and upon its dissolution, without prejudice to the Islamic Sharia's provisions. The provisions of the Sharia stipulate that the husband shall pay bridal money to the wife and she maintains her property and is not obliged to spend anything on her keep. The Sharia therefore restricts the wife's rights to divorce by making it contingent on a judge's ruling, whereas no such restriction is stipulated in the case of the husband.

Article 29, para 2. in order to avoid being bound by the system of arbitration in this field.



Optional Protocol: No accession

Last Report submitted: 3rd and combined 4th and 5th report in 2001

Concluding Comments:

Progress:

The Committee welcomes the establishment of the National Council for Women, and the legal reforms especially Law No.1 which gives women right to terminate marriage unilaterally (Khul). It takes note with appreciation of the important reduction of female illiteracy rates.



Concerns:

The committee notes the persistence of patriarchal attitudes and stereotypical behaviour with respect to the role of women and men in the family and society and the stereotypical portrayal of women in the media. It also expresses concern about addressing HIV/AIDS issues only as health issues, about persistent high rates of illiteracy among women especially in rural areas, the low participation of women in decision making levels especially the non appointment of women as judges, lack of information on the participation and conditions of women in the labour market, both in private and informal sectors and little information and data on the impact of privatization measures taken by the government. The Committee notes that there is no holistic approach to the prevention and elimination of violence against women, including domestic violence, marital rape and honour crimes, and that there is lack of information on rural women especially in the informal sector. Concerns were expressed about the young age of marriage and the practice of polygamy. It also urged Egypt to lift the reservations from CEDAW, to sign the Optional Protocol, and to ensure the wide dissemination of the concluding comments.



Shadow Report: Submitted by a group of 35 NGOs in 2000

Country: Israel

Date of Ratification: 1991

Reservations:

Article 7(b) concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel.

Article 16, to the extent that the laws on personal status which are binding to the various religious communities in Israel do not conform to the provisions of that article

Article 29, Para 2 on arbitration

Optional Protocol: No accession

Last Report submitted: Third periodic report in 2005

Concluding Comments:

Progress:

Committee commends the significant law reform undertaken aimed at the promotion of gender equality and elimination of discrimination against women including amendments to the Women's Equal Rights Law, the Employment of Women Law, the Prevention of Violence in the Family Law and the Civil Service Law and enactment of the Prevention of Sexual Harassment Law.



Concerns:

Committee urges the State party to reconsider its position and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories, to continue its efforts towards conflict resolution and involve all women concerned in all stages of the peace process. The committee recommends that the new Constitution includes definition of

discrimination as indicated in the Convention.

The Committee urges the State party to withdraw reservations and to strengthen the Authority for the Advancement of Women, to intensify its efforts to combat all forms of trafficking in women and girls, increase the representation of women including Israeli Arab women in elected and appointed bodies in all areas of public life. The committee calls on the State party to balance its security interests with the human rights of persons affected by such policies and facilitate family reunification of all citizens. It also calls for the reduction of the drop out rates of Israeli Arab girls and the increase of the number of Israeli Arab women in institutions of higher education, making sure that women access health care at checkpoints, enforce the prohibition of polygamy and adherence to the minimum age of marriage. The Committee urges the State party to ratify the Optional Protocol.

Shadow Report: Statements made to the Committee experts by the Working Group of Palestinian Women Citizens of Israel in 2005.

Country: Jordan

Date of Ratification: 1992

Reservations:

Article 9, Para 2

Article 15, Para 4 concerning a wife's residence with her husband

Article 16, Para (1) © relating to the rights arising upon the dissolution of marriage with regard to maintenance and compensation,

Article 16, Para (1) (d) and (g)

Optional Protocol: no accession

Last report submitted: Initial and 2nd periodic reports in 2000

Concluding Comments:

Progress:

The Committee appreciates that the National Charter (although not a legally binding document) expressly affirms the constitutional equality of women and men. It welcomes the work undertaken by the national machinery, (the National Commission for Women), to implement the Convention and its strong and cooperative links with NGOs. It welcomes the legislative reforms undertaken by the State party since ratification of the Convention, including the reform of labour law, and civil service regulations. It also notes with satisfaction the level of education girls and women have achieved and the increasing trend in women's participation in the labour force and the role of NGOs and the improvement in women's health situation and that violence against women is now acknowledged as a critical area of concern.

Concerns:

The Committee expresses its concern that cultural practices and strong stereotypical attitudes about the roles and responsibilities of women and men affecting all spheres of life still persist. It urges the government to increase awareness raising programmes, to incorporate equality on basis of sex in the Constitution and to publish the Convention in the Official Gazette. The Committee is concerned that the Jordanian nationality law prevents a Jordanian woman from passing on her nationality to her children if her husband is not Jordanian. It also notes that a woman's right to choose a family name, a profession or occupation, rights upon divorce and rights and responsibilities as a parent are not recognized in the Personal Status Code and that the Jordanian Law recognizes the practice of polygamy. It calls upon the Government to amend the Personal Status Code, and redress gender discrimination in the Penal Code and to make honour killing legally and socially unacceptable. The Committee expresses its concern about the prohibition of abortion, the low representation of women in elected and appointed office and the low participation of women in the paid labour force. It calls for the integration of rural women in development, the withdrawal of reservations and the ratification of the Optional Protocol.

Shadow Report:

None



Country: Lebanon

Date of Ratification: 1997

Reservations:

Article 9(2),

Article 16(1), © (d) (f) and (g) regarding the right to choose a family name.

Article 29, Para 2

Optional Protocol: No accession

Last report submitted: Initial and 2nd periodic report in July 2005

Concluding Comments:

Progress:

The committee appreciates the progress achieved in the area of women's education, particularly of higher education, the growth in women's representation in the judiciary and the increase in women's participation in the labour market.

Concerns:

The Committee urges the State party to include in the constitution provisions guaranteeing equality on basis of sex, to put in place a strategy including time bound targets, for a systematic review and revision of all legislation so as to achieve full compliance with the provisions of the Convention, to adopt a unified personal status code irrespective of women's religious affiliation, to strengthen the National women's machinery, to adopt a comprehensive approach to combat violence against women and girls, and to design and



implement comprehensive awareness raising programmes to foster a better understanding of and support for equality between women and men at all levels of society. It also calls upon the government to take measures to increase the representation of women in elected and appointed bodies in all areas of public life, to step up its efforts to eliminate occupational segregation and to ensure equal opportunities for women and men in the

labor market, provide rural women with health care information and services, to implement measures to protect women from the negative effects on their health of unsafe abortions, to design and implement comprehensive gender sensitive programmes and allocate sufficient funds to combat HIV/AIDS, and to put in place comprehensive data collection that covers all areas of the Convention including the situation of women migrant workers and violence against women. It also calls upon government to reduce illiteracy rates among rural women, to cooperate more effectively with non-governmental organizations in the implementation of the Convention, to ratify the Optional Protocol and to implement Beijing Platform of Action and the Millennium Development Goals.

Shadow Report: Presented by Sisters of the Good Shepherd in 2005

Country: Morocco

Date of Ratification: 1993

Reservations:

Article 2: Morocco is ready to apply the provisions of the article provided that: they are without prejudice to the constitutional requirement that regulate the rules of succession to the throne of the Kingdom of Morocco and they do not conflict with the provisions of the Islamic Shariah.

Article 15, Para 4 Morocco can only be bound by this paragraph, if it is not incompatible with articles 34 and 36 of the Moroccan Code of Personal Status.

Article 9, Para 2: The Moroccan nationality permits a child to bear the nationality of its mother only if born to an unknown father, if born anywhere or to a stateless father and when born in Morocco. A child born in Morocco of a Moroccan mother and a foreign father may acquire the nationality of its mother according to specific conditions.

Article 16: Islamic Sharia guarantees to each of the spouses rights and responsibilities within a framework of equilibrium in order to preserve the sacred bond of matrimony. The Islamic Sharia confers the right of divorce on a woman only by decision of a Sharia judge.

Article 29 The Government of Morocco is of the view that any dispute of this kind can only be referred to arbitration by agreement of all the parties to the dispute.



Optional Protocol: No accession

Last report submitted: 2nd periodic report in 2003

Concluding Comments:

Progress:

The Committee commended the publishing of CEDAW in the Official Gazette and also the pending bill allowing women to transfer nationality to their children. It also welcomed steps taken towards eliminating legislative inequalities regarding marriage, divorce and custody. It expressed its satisfaction to hear about draft revisions to the Criminal Code criminalizing violence against women. The Committee commended Morocco's program to eliminate women's illiteracy and also its effort to increase women's participation in political decision-making positions. It also welcomed the passing of new labour legislation and the ratification of the International Labour Organization (ILO) conventions.

Concerns:

The Committee expressed its concern at the number of reservations made to CEDAW and that a Secretariat of State rather than a Minister was handling women's issues. The Committee asked to see concrete efforts and results in Morocco's next report with regard to the elimination of discriminatory stereotypes of women and men and suggested education and training for journalists, judges, teachers and the police. The Committee urged the Government to raise the marriage age to 18 and to ensure equality in law with regard to single mothers. It advised that the national women's mechanisms be strengthened and advocacy measures in partnership with NGOs are in place.

Shadow report: presented and discussed by the Association Democratique des Femmes du Maroc (ADFM)

Country: Syria

Date of Ratification: 2003

Reservations:

Article 2, full content

Article 9, Para 2 concerning the grant of a woman's nationality to her children

Article 15, Para 4, concerning freedom of movement and of residence and domicile

Article 16, Para 1©, (d), (f) and (g) concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption

Article 16; Para 2, concerning the legal effect of the betrothal and the marriage of a child, in as much as this provision is incompatible with the provisions of the Islamic Sharia

Article 29, Para 1, concerning arbitration between States in the event of a dispute.

The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entail entry into any dealings with Israel in the context of the provisions of the Convention.

Optional Protocol: No accession

Last report submitted: Initial report of Syria will be discussed in the committee during 38th session on 14 May to 1 June 2007

Shadow Report: None



Country: Tunisia

Date of Ratification: 1985

Reservations:

General declaration: The Tunisian Government shall not take any organizational or legislative decision in conformity with the requirements of this convention if such a decision would conflict with the provisions of chapter 1 of the Tunisian Constitution.

Article 9, Para 2: it must not conflict with of chapter VI of the Tunisian Nationality Code.

Article 15, Para 4: In accordance with Vienna Convention on the Law of Treaties of 1969, the Tunisian Government emphasizes that the requirements of article 15, para 4, of CEDAW and particularly that part relating to the right of women to choose their residence and domicile, must not be interpreted in a manner which conflicts with the provisions of the Personal Status Code

Article 16, Para ©, (d) (f) (g) and (h)

Para's (g) and (h) of that article must not conflict with the provisions of the Personal Status Code concerning the granting of family names to children and the acquisition of property through inheritance.

Article 29, Para 1: such disputes should be submitted for arbitration or consideration by the International Court of Justice only with the consent of all parties to the dispute



Last report submitted: combined 3rd and fourth report in 2002

Concluding comments:

Progress:

The Committee commends the Government of Tunisia on its political will to implement CEDAW and to achieving gender equality as reflected in a range of laws, institutions, policies, plans and programs to eliminate discrimination against women. The Committee commends the State party on the early reform of its personal status code and also the reforms to the nationality law and the reconstitution of the Ministry for Women and Family as a full Ministry in 1999 and also the progress made in increasing and retention of girls in schools at all levels.

Concerns:

The Committee urges the State party to expedite the steps necessary to lift reservations. It expresses concerns about the rest of gender discriminatory legal provisions and that there is no definition of gender discrimination in the Constitution. It is also concerned about lack of systematic data collection on violence against women and trafficking in women and also about the low representation of women in high-level decision-making positions. It also referred to the low level of women's labour force participation and about lack of information on the condition of single women with children born out of wedlock.

Optional Protocol: No accession

Shadow report: Shadow report presented by Collectif 95 Maghreb -Egalité
Which covers Tunisia, Algeria and Morocco

Country: Turkey

Date of Ratification: 1985

Reservations:

Article 15, Para 2 and 4

Article 16, Para 1©, (d), (f) and (g),

Article 29, Para 1

Withdrawal of Reservations:

Turkey has withdrawn its reservation with regard to article 15, Para 2 and 4 and article 16, para 1©, (d), (f) and (g)

The reservation and declaration made with respect to article 29, Para 1 and article 9, Para 1 continue to apply

Optional Protocol: Ratified in 2002

Last Report submitted: combined 4th and 5th report in 2005



Concluding comments:

Progress:

The Committee commends withdrawal of reservations, the amendment of the constitution to guarantee gender equality and all legal reform to eliminate discrimination against women as well as the ratification of the Optional Protocol in 2002. It also commends the State party for its sponsorship of General Assembly Resolution in 2004 entitled: “Working towards the elimination of crimes against women

and girls committed in the name of honour”. It also notes with appreciation the increase in the compulsory basic education from five to eight years to increase the enrolment rate of girls.

Concerns:

The Committee is concerned that national legislation does not include a definition of gender discrimination and urges the government to continue redressing gender discriminatory-laws, combat violence against women, address the gender stereotyping by raising awareness, especially through the media, increase women’s participation in public life, the still high illiteracy rates among girls and discrimination against women at work. It calls on the State party to take measures to eliminate occupational segregation, and to allocate adequate resources to improve the status of women’s health.

Shadow Report: Submitted on Turkey’s 4th and 5th combined periodic report by Women for Women’s Human Rights and endorsed by the Women’s Platform on the Turkish Penal Code.