



PALESTINIAN WOMEN AND THE POLITICAL PROCESS: AN INSIGHT INTO THE WEST BANK

PALESTINE

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This diagnosis acknowledges women's effective role in Palestinian politics and examines the factors that hinder their representation in decision-making authorities. It suggests ideas to enhance the position of women in politics such as removing the social and cultural obstacles and amending the laws that clearly harm their rights.



Palestinian women's active participation in the national struggle still needs to be translated into more presence in the political sphere and the labour market.
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- Advancing in the common fight for equal rights of women and men to participate in political, economic, civil and social life;
- Eradicating all forms of violence and discrimination against women and girls;
- Encouraging a change in attitude and behaviour for gender equality.

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Field diagnosis: Palestinian women and the political process: an insight into the West Bank

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Local clusters of gender equality actors[©] mobilized since 2016



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|--|---|--|
| A Region of Marrakech - Safi (Morocco) | D South of Giza District (Egypt) | G Mount Lebanon Governorate (Lebanon) |
| B Wilaya of Oran (Algeria) | E Southern part of the West Bank (Palestine) | F Governorate of Irbid (Jordan) |
| C Governorates of Monastir and Sousse (Tunisia) | | |

The Euro-Mediterranean Women's Foundation sets up local clusters of gender equality actors coordinated by associations every year, in the following countries: Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine and Tunisia (1 per country).

Each local cluster of gender equality actors[©] chooses a target territory that can be a region or a province or a metropolitan area of a large city. Subsequently, the local cluster's members define a topic of interest related to gender equality that they consider a priority in this target territory.

Each local cluster is made up of 5 actors working in favour of gender equality in the target territory: associations; research or education institutions; local or regional authorities or ministerial departments in charge of advocating for women's rights; media and enterprises and trade unions. Their mission is to mobilize the gender equality actors through data collection, consultations and exchange of experiences. Thus, they analyse the situation related to the target topic and they follow-up the effectiveness of public policies in this area with a collective and participatory approach.

This bottom-up approach leads to produce a diagnosis of the situation that highlights the main obstacles to achieve gender equality, and to design a collaborative and replicable field project to address those obstacles. A first call for proposals was launched and local clusters were set in Oran (Algeria), Giza (Egypt), Irbid (Jordan), Mount Lebanon (Lebanon), Marrakech - Safi (Morocco), West Bank (Palestine), Monastir and Sousse (Tunisia). These local clusters focus on two main issues: women's participation in political life and combating violence against women. This document presents the diagnosis with regard to West Bank.

A. INTRODUCTION

Discrimination against Palestinian women exists in a wide variety of laws governing their daily lives. This is due to the succession of different periods of rule over Palestine in different historical periods. The laws in Palestine have multiple sources, including Egyptian and Jordanian law, British Mandate law, Israeli law and Sharia laws.

As a result of a plural legal system of religious and secular laws, issues of polygamy, child custody and guardianship continue to hinder women's rights within the family. Early marriage is still a big problem in Palestine. Based on the data of the Palestinian Central Bureau of Statistics in 2012, more than half of 15-year-old women are married, and about 36% of married women were married before the age of 18. Moreover, 5% of the latter were married before the age of 15.

In terms of education, illiteracy among women has almost been eliminated and women have achieved better secondary school diploma results than men in various secondary disciplines. In university education, the proportion of women's enrolment at universities reached 50% of the total. There were also 149 women graduates for every 100 male graduates in the year 2011/2012.

However, women's labour force participation remains weak despite the significant educational gains women have achieved as women students in secondary and higher education. The fact that women's educational progress has not been translated into gains in the labour market reflects the loss of a great economic potential of Palestinian society. There is more unemployment among women who received 13 years or more of education. According to the Palestinian Central Bureau of Statistics, the percentage of households headed by women has increased, reaching approximately 9.6% during the year 2012, and the reason is often the absence of the husband or the father because of martyrdom or imprisonment. These families are often poorer than the male-headed households, reaching 22.5% in the West Bank versus 29.7% in the Gaza Strip. The majority of women who are responsible for their families do not have enough professional experience, and do not find suitable job opportunities, increasing unemployment and poverty among them and thus dependence on aid and donations from government and private programmes.

In the Palestinian case, the suffering of women under the occupation adds another layer of oppression that essentially has an impact on women's daily lives, well-being and security, as

well as their engagement and participation in the public and private spheres. Palestinian women, in particular prisoners, are subject to systematic violations of basic rights committed by the Israeli occupation and settlers, as guaranteed by international conventions and customs.¹ Thus, more than 65 years of on-going occupation, family laws, poverty and unemployment are factors that continue to restrict women's movement and choices.

B. DIAGNOSIS OF PALESTINIAN WOMEN AND THE POLITICAL PROCESS: AN INSIGHT INTO THE WEST BANK

There is a big gap between legislation and the reality of women in political participation and decision-making processes. Given the fact that Palestinian women have been active in the struggle for liberation since the catastrophe in 1948, and before, the current situation of women in no way represents their sacrifices and involvement in the national struggle against the Israeli occupation. This necessitated an examination of the factors that hinder women's full engagement in political activism and decision-making processes in order to suggest recommendations and priorities that enhance the position of women in politics.

Women's Centre for Legal Aid and Counselling (WCLAC)

The diagnosis was elaborated by WCLAC, a not-for-profit and non-governmental organisation that seeks to develop a democratic Palestinian society based on the principles of gender equality and social justice. By adopting a feminist vision based on equality and social justice, WCLAC plays a prominent role in addressing gender-based violence in the Palestinian society in both the public and private spheres. WCLAC aims to address the causes and consequences of GBV within the Palestinian community as well as the gender-specific effects of the increasing militarisation associated with the Israeli occupation. To this end, WCLAC acts not only to reverse historical negligence, negative cultural legacies and discriminatory social attitudes towards Palestinian women, but also, to address the needs of women victimised by Israel's violent actions in the occupied Palestinian Territories.

Throughout more than 20 years of political and economic turmoil, WCLAC has remained constant in its endeavour to support women, inform legislation, advise policy and deliver services

¹ UN WOMEN. *Women's Political Participation and Decision-Making-Palestine*. Available at: www2.unwomen.org/~media/field%20office%20palestine/attachments/publications/2013/fact%20sheet%20political%20participation_en.pdf?v=1&d=20150410T112254 (Last accessed: 7 July 2016).

while maintaining flexibility to counter new challenges in an unpredictable environment. WCLAC has undertaken considerable work at the grassroots level believing that capacity building is the fundamental basis for the progression of women's rights.

1. Objectives of the Diagnosis

The overall objective of the diagnosis is to address challenges and constraints that impede women's political participation in respect to social, legal and political factors. Other objectives include:

- Determine priority issues and women's needs to engage actively in politics;
- Engage different parties in the analysis of women's political participation in Palestine;
- Highlight specific areas in relation to constraints and recommendations on women's political participation;
- Document violations against women in respect to political participation;
- Address the reality of women under occupation and the impact it has on women's overall well-being and engagement in politics.

2. Methodological Framework of the Diagnosis

The main method of the diagnosis included establishing committees in the north and south regions of West Bank. The committees' main goal was to identify challenges and obstacles that hinder women to play effective roles in their communities. The committees included members of the local communities, journalists, council members, civil society groups and representatives of political parties (160 persons in total). The committees conducted several meetings where discussions took place in relation to challenges facing women as well as recommendations for advocacy initiatives to achieve gender equality.

C. FINDINGS OF THE DIAGNOSIS

1. Palestinian Women's Struggle through History

The first documented political activism of Palestinian women was a protest in Afula against the construction of the first settlement in 1893. In fact, Palestinian women have extensively and efficiently participated with men since the beginning of the Palestinian struggle in different roles, including assistance in the 1930s revolution. A good example was the role played by the sisters of Qassam (the leader of the 1930 revolution). Through this period, women had supplied rebels with weapons and explored sites and operations of intelligence related to the security and safety of the rebels (their husbands, brothers and sons).

Moreover, women actively participated in political life in Palestine through the role played by the feminist movement and the women's armed faction in the forties (Daisy) led by a purely feminist organisation under the leadership of two sisters: Mouhiba and Arbia Khursheed. They set up this audacious group to protect children after witnessing the death of a Palestinian child in the hands of his mother by a bullet fired by a British soldier. This faction was later joined by the Gazan militants such as Yusra Barbari, then Adla Ftairy, Yusra Toukan and Fatma Abu ElHuda. Moreover, the faction was the starting point of the Earth Organisation led by Najla Elasmr and Juliet Zaccha. The organisation's activity was centralised in Jaffa, especially at times of clashes between the people of Jaffa and the settlers of "Tel Aviv", as the activists either reinforced the armed resistance or raised funds.

However, women's participation in the national struggle was devalued because of the prevailing masculine mentality that represents it as a women's duty to assist male family members; thus, their roles were seen as substitutes for men. Many women actually did not see an essential value in their role ("I didn't do anything... I was just helping"). Women pursued their struggle in silence, especially after the 1948 catastrophe. As some social scholars noted, women's struggle involved facilitating family life while men became socially isolated with a compelling feeling of defeat. In fact, in refugee camps women were the first ones responsible for the lives of most of the family. In this spirit, they established the Arab Women's Union in Jerusalem and Nablus between 1948 and 1967.

In 1965, and with the effective feminist activism and the foundation of the Palestine Liberation Organization (PLO), the General Union of Palestinian women was set up, a feminist organisation that was aimed at offering assistance to Palestinian women wherever they were. Until the end of 1967, about 68 women's associations had engaged in charitable work and relief for women, away from political work. In 1978, after a decision by the Palestinian factions, feminist frameworks were established, which participated in the training and revolutionary struggle against the occupation.

Furthermore, the military role of Palestinian women revealed itself in the Lebanon war of 1982, with a broader participation of volunteers in the Palestinian revolution. While widening the role of struggle, women paid the price dearly with all the challenges related to social roles imposed on them by society. There are also many dilemmas facing our militant women because of the occupier's mentality and way of dealing with the Palestinian women, whether militants or ordinary prisoners in Israeli jails. In fact, the proportion of female detainees in the first years of the Intifada



Members of the local communities and political parties, journalists, council members and civil society groups have discussed women's political and social rights and their place in the future of Palestine. ©WCLAC

had increased because of the effectiveness of their role in the political and militant organisation on the ground.

However, the continuation of this leading role in the Arab region has not been reflected in actual participation in decision-making positions at the political level because, in the variable or paradoxical mindset of decision-makers, women's participation was just a support for men in their struggle. This vision takes on diverse expressions or falls into certain paradoxes depending on the orientation of decision-makers.

Women have battled for many years hand in hand with men and they progressively took an important role in raising the awareness of all Palestinians about the liberation issue. Roles have changed day after day and women have become more active in opening Palestinian minds to the issues of freedom. This role gradually developed as freedom from social and religious restrictions grew, in addition to the need for the presence of women as an influential agent in the political movement as a whole.

Nonetheless, this struggle that took on the national public issues to "help men in the liberation process" was at the expense of social issues related to women's everyday affairs, which severely hit the societal taboos and in the first place the ideological conflict on the religious role of women.

Moreover, in order to elaborate on this issue in detail, an analysis of the current situation of women in the political process could shed light on the main obstacles and difficulties facing women's participation in the political sphere.

Recently, Palestinian women have been directly targeted by Israeli political activists, who have said, for example, that women and mothers should be punished for acts committed by their sons and male family members. Within these heinous declarations, we find a range of abusive remarks specifically targeted at women. For example, Professor Mordechai Kedar, a lecturer at Bar-Ilan University, said in a radio interview that "the only thing that may terrify Hamas members is to know that their sisters and their mothers would be raped in detention." In a direct attack on Palestinian women, member of the Knesset, Eliot Shakid - a woman! - calls for Palestinian mothers to be killed so as not to give birth to more "snakes". This attack and this heinous vision of Palestinian women take us back years in terms of human values and conduct. In fact, Palestinian women are strivers and this is imposed on them by their social reality, the reality of a brutal occupation that targets children and the elderly. This social reality frames and limits their lives.

2. Women's Political Participation

As mentioned above, women's active political participation in the national struggle was not reflected at the level of their presence or representation in the political sphere. Political parties' visions of women's political participation differ according to their personal and ideological views, which are sometimes expressed explicitly in the decision-making approach that still views women as inferior to men.

There has been a long debate about women's representation in political parties through a fixed quota ensuring women's access to senior positions. Some Palestinian parties calculated quotas ranging from 20% to 30% in the regional and central party committees but limited the post of General Secretary to men, with a Palestinian exception of electing Mrs. Zahira Kamal, General Secretary of the Palestinian Democratic Union Party (Fida). Moreover, there has been a lot of work in special campaigns by women's organisations related to increasing women's representation in all political decision-making centres to a minimum of 30%. This was approved, in principle, with the signing of 13 parties and a faction in accordance with this percentage, which is in line with the long struggles waged by Palestinian women.

As to women's quotas in the Legislative Council, the mixed system of elections, which combines constituencies and lists, weakened the representation of women and their reflection on the

Legislative Council in the last election (2006), where the quota was approved on the lists but not applied in constituencies; and this quota is the outcome of such a long movement. In fact, in the first elections for the Palestinian Legislative Council there was no special quota for women, and only five women won out of a total number of 88 council members. Yet there are now 17 women in the currently blocked Legislative Council.

Women also participate by 7.5% in the Palestinian National Council (PNC), which is the highest body in the PLO, with 56 women out of 744 members, and in the Central Council, with five women out of 124 members, whereas in the Executive Committee, the number of women is zero. Furthermore, women's representation in the Palestinian government differs according to the orientations of the Prime Minister, who chooses his own team. As a result, women's participation in the successive Palestinian governments ranged from five women ministers in the government of Fayyad to two. Women are usually given ministerial portfolios in line with the social roles planned for them as they often take the Ministry of Education, Social Affairs, Women's Affairs, Tourism, or Culture with men holding a full monopoly on sovereign ministries.

Women also got a quota in the local council elections of 20% of the members of the Commission or the local council.

Participation in public life	% of women	% of men
Members of the Legislative Council 2010	13.2	86.8
Judges 2010	11.3	88.7
Members of the student councils in the Palestinian universities 2010	24.3	75.7

3. Social and Cultural Obstacles

There are specific elements of the national culture that only women have helped protect and preserve, such as the Palestinian cultural heritage in terms of traditional Palestinian dress, tales and folk songs and Palestinian food. As indicated by the statistics, there are about 4,100 workers in the cultural institutions, including 1,870 women and 2,230 men, which means that women's participation in the cultural sector is about 46%. This rate is very high compared with the global level of feminisation in the labour market, which does not exceed 17.4% in 2012.

4. Representation of Women in the Media

Women journalists do not exceed 36% of the total number of journalists, bearing in mind that estimates indicate that approximately 55% of journalism students in Palestine are women. The importance of women's participation in the press and media lies in the significant role that the media play in influencing social culture and changing men's and women's stereotyped roles in society. We should also note the active role of female Palestinian journalists efficiently covering events in Palestine and various Arab countries. Moreover, the first specialised women's radio station (FM Women) was established in Palestine in 2010, the only women's radio out of around 45 radio and television stations, and only one woman occupies the position of editor-in-chief.

5. Legislation and Laws

a. The Penal Code and the laws on violence

Generally speaking, legislation in Palestine encourages women to participate in political activities. For example, Article 4 of the Legislative Elections Law (2005) stipulates that there should be representation of women in electoral lists. Article 17 of the Palestinian Law on Local Council Elections states that women should hold no less than 20% of the seats in local councils. However, at the government level, the representation of women in the cabinet did not reach more than 2-3 for the last decade. Moreover, although a low number of women have recently been chairs/heads of political parties, their representation in party leadership remains low.²

The Palestinian Authority has made some efforts since the election of the Legislative Council to enact laws that unite the Palestinian territories. These include:

- the Palestinian Criminal Procedure Code (regulating the procedures for arrest and trial, investigations and witnesses in criminal cases);
- the Code of Civil Procedure (governing court proceedings and hearing testimonies in commercial and real estate civil disputes);
- labour law, local councils, and so on.

However, unfortunately laws pertaining to women and related to their everyday lives remained without any amendments or legislative reforms, such as the Penal Code and the Personal Status Law (family law). Amendments were limited to resolutions by presidential decrees. This is why the laws pertaining to women are still scattered and ambiguous, in addition to the clear statement

² Ibid.

that the Islamic Sharia is one of the sources of legislation and is the only source of family legislation. Indeed, family courts are Islamic and follow the Ministry of Waqf and Religious Affairs, although each community has its own courts depending on religious faith. For example, the Penal Code, relating to family crimes in the West Bank (excluding Jerusalem, where Israeli laws are applied to the population), is a Jordanian law dating from 1960, and in the Gaza Strip it is the 1936 Mandatory Penal Code No. 74.

These laws include horrific provisions concerning the rights of women. For instance, mitigating factors or exemption of punishment in the case of killing with the justification of honour. This mainly targets women and is due to patriarchal male thinking dominant in our society, benefiting only men in killing of their relatives or their wives.

On 16 May 2011, President Abu Mazen quashed these excuses by nullifying Article 340 of Penal Code No. 16 of 1960, in force in the northern provinces, and Penal Code No. 74 of 1936, in force in the Gaza Strip. He also issued another decree amending Article 98 of the Jordanian Penal Code in the West Bank, related to killing in a fit of rage (extreme anger). This usually concerns the killing of women on the pretext of anger about their implication in sexual relations outside the framework of the family (which often does not go beyond a suspicion about the existence of such a relationship).

Furthermore, the Domestic Violence Law is deficient. In fact, there are no special legal provisions for dealing with the specificity of violence within the family or special clauses relating to dealing with these kinds of crimes or to protecting women from violence. The initiatives by the Ministry of Social Affairs and feminist centres are women's sole protector in such situations as a number of protective homes for women were set up. We must also briefly hint at the inadequacy of the law in cases of sexual violence and how they are tackled and proven. The issue of sexual harassment, for instance, remains undefined in addition to the narrow definition of rape, which only describes the process of sexual intercourse itself (a clear definition related to the process of penetration of the male organ into the female organ) and also whatever other actions are deemed indecent assault (a lesser crime than rape). Above all, the lack of recognition of the issue of marital rape as the latter is defined in law as "sexual intercourse with a woman other than his wife without her consent..." and so on.

b. Personal Status Law

Family laws include an infinite number of prejudices against women's rights, starting with tutelage on women in marriage. This means a woman cannot decide to marry on her own if it is the first

time, even if she is over 60 years old. In contrast, if she is divorced or widowed she has the right to marry even at the age of 18. The violations of women's rights are inherent to the family system, since firstly the husband has the legal right to marry four women. Besides, he is given the absolute right to end the marriage whereas women are restricted to one of seven reasons difficult to verify if they want to divorce or give up all financial rights in exchange for a divorce, provided the husband approves. As for custody, it stays with the mother until the age of puberty (not fixed for all). While boys can choose who to live with, custody of girls shifts directly to the father.

The dilemma facing Palestinian women is that they are deprived of their inheritance rights because of a masculine perspective giving men the right of total control over family resources and exclusive ownership of family property. All this stems from a social standpoint based on an imbalance of power and control in relationships between men and women from the same family; and, unfortunately, the number of those who deprive women of their right to the heritage is huge, whether on the paternal or maternal side. This deprivation process results from many factors and has a number of negative effects at different levels: social, human rights and economic.

It also gave birth to the idea of creating a special department to divide the property to ensure women's access to their inheritance rights and overcome all social barriers hindering this access. This special department operates under the Ministry of Justice and is in charge of distributing inheritance among the heirs according to what is stipulated in the inheritance inventory, whether issued by the religious or the ecclesiastical courts. In other words, it divides the property without any interference from the heirs, so that women are kept away from direct confrontation with family members who try to deny them their rights, or procrastinate in order to rob them of their rights.

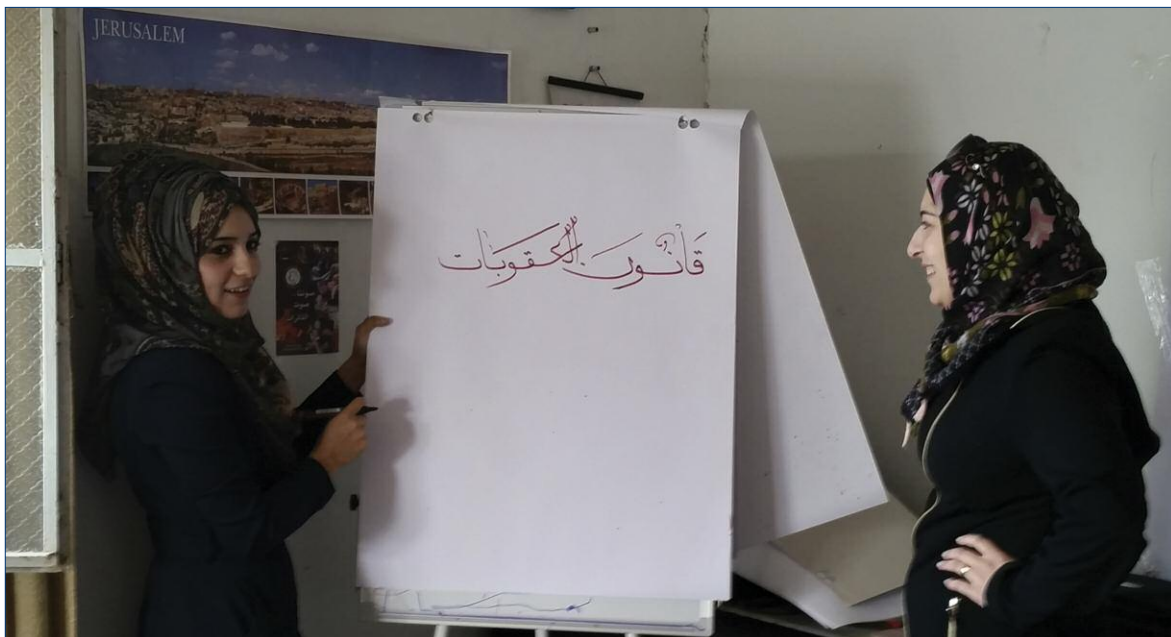
It is also worthwhile noting that some articles of the law favouring men have been adopted from other theologians with categorical refusal of any interpretations favourable to women. Therefore, the problem is absolutely a doctrinal, religious and masculine one of confining women's energies and engaging them in complex legal disputes and struggles to get their minimum basic rights, far removed from the desired equality we seek in public or private life.

As to family issues among Christian citizens, they follow the church's special provisions for individuals and do not fall within the framework of common law, as if family matters have nothing to do with the state. Besides, in case of disagreement over inheritance, Islamic courts are consulted to solve the issue in the same legal framework and legitimate divisions for Muslims.

Even the special issues concerning the Samaritan sect (the Jews of Palestine), are tackled in the same way.

6. Recommendations

- Increase the representation of women in political parties and decision-making authorities;
- Build the capacity of women to participate effectively in politics;
- Acknowledge the role of women in politics and their effective role in the Palestinian struggle;
- Document violations and discrimination of women's rights and monitor the implementation of international mechanisms.
- Conduct a comprehensive analysis of legislation to address discriminatory practices and laws against women.



Women's social status in Palestine cannot improve unless the laws are amended and special measures are taken to protect women against domestic violence, early marriage and heritage deprivation.
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Euro-Mediterranean Women's Foundation
Fondation des Femmes de l'Euro-Méditerranée

According to its mandate, the **Euro-Mediterranean Women's Foundation (EMWF)** analyses women's local realities and public policies through consultations and dialogues at a grass-roots level. Concretely, the Foundation sets up **local clusters of gender equality actors**® every year, in the following countries: Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine and Tunisia (1 per country).

Each local cluster of gender equality actors© is coordinated by an association as the Foundation recognises that civil society is the real motor of change in our societies to improve women's conditions.

The local clusters' approach is an innovative and participatory process, which supports networking and sharing of good practices in favour of gender equality at a decentralized level and promotes the emergence of projects rooted in the territory.

The Foundation systematizes the results obtained through the local clusters and transfers them to the policy-makers in the Region's countries and at the Euro-Mediterranean level. All the information related to the local clusters' results is available on the Foundation's website (www.euromedwomen.foundation) and widely disseminated across the Region among key stakeholders, policy-makers and international organisations.

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