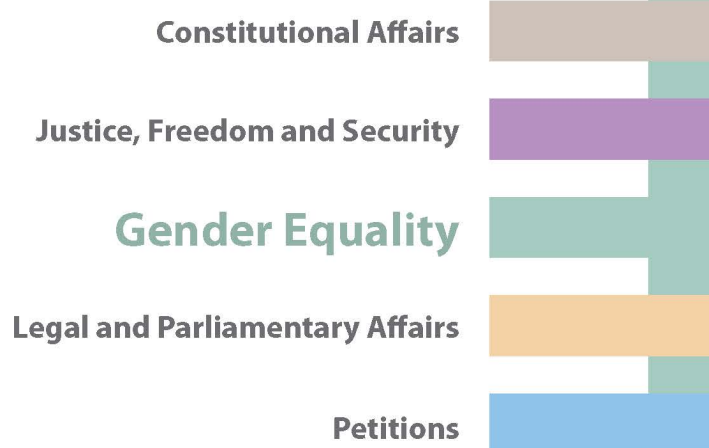


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# The Situation of Women in the Gulf States

STUDY FOR THE FEMM COMMITTEE







DIRECTORATE GENERAL FOR INTERNAL POLICIES  
POLICY DEPARTMENT C: CITIZENS' RIGHTS AND  
CONSTITUTIONAL AFFAIRS

WOMEN'S RIGHTS & GENDER EQUALITY

# The Situation of Women in the Gulf States

STUDY

## Abstract

Upon request by the FEMM Committee, this study examines the economic, political and socio-cultural changes which have affected the situation of women in the Gulf region over the last decades. Through an overall analysis and individual country reports, it notably sheds light on similarities and differences concerning women's emancipation in Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates. Gender discrimination is discussed both in law and in practice, focusing on women's political and economic empowerment, education, migration, family and health.

DOCUMENT REQUESTED BY THE  
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## LIST OF ABBREVIATIONS AND ACRONYMS

AYFCC Aisha Yateem Family Counselling Centre

CEDAW Convention on the Elimination of All Forms of Discrimination Against Women

CIA Central Intelligence Agency

DCI Development Co-operation Instrument

E3/EU+3 European Union, China, France, Germany, Russia, the United Kingdom and the United States

EEAS European External Action Service

EIDHR European Instrument for Democracy and Human Rights

EP European Parliament

ESCWA UN Economic and Social Commission for Western Asia

EU European Union

FGC Female genital cutting

FGM Female genital mutilation

GCC Gulf Cooperation Council

HEI Higher education institution

ICI Instrument for Cooperation with Industrialised Countries

ICPD International Conference on Population and Development

ILO International Labour Organisation

KRG Kurdistan Regional Government

LAS League of Arab States

LGBTI Lesbian, gay, bisexual, transgender and intersex

- MDGs** Millennium Development Goals
- NGO** Non-governmental organisation
- SECRET** Strengthening Research Collaborations in High-impact and Emerging Technologies between the GCC and the EU
- UAE** United Arab Emirates
- UK** United Kingdom
- UN** United Nations
- UNDP** United Nations Development Programme
- UNFPA** United Nations Population Fund
- UNHCR** United Nations High Commissioner for Refugees
- UNICEF** United Nations Children's Fund
- UNSCR** United Nations Security Council Resolution
- USA** United States of America
- VAW** Violence Against Women
- WHO** World Health Organisation

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## EXECUTIVE SUMMARY

Focusing on women's rights and gender equality in Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates, this study provides a socio-cultural, political and economic analysis of women's situation in the Gulf region. The first 6 chapters consist of a comprehensive overview of the most important women's rights issues in all of the eight Gulf States, including recommendations for the European Union as a whole and the European Parliament in particular to support women's rights and gender equality in these countries. This overall part is followed by a graphic overview of the most important findings of the study. In chapters 7 to 14, more specific and detailed data on the situation of women and their rights is presented per individual Gulf State. Throughout the study, the cultural and historical heterogeneity of the region has been taken into account.

In Chapter 1, a brief historical background is provided in order to highlight the recent political and economic transitions in the Gulf region which have been affecting various groups of women in different ways. This chapter indicates that due to social and political turbulence in the aftermath of the so-called Arab Spring, the Gulf States are gradually taking steps to reflect on the need for genuine socio-political changes, including improvement in women's rights.

Chapter 2 presents an overview of the main themes with respect to women's rights and their situation in the Gulf States. Religious and ethnic diversity and identity politics, the main gender equality issues such as political participation, economic independence, family formation, education and health issues, as well as the most recent situation regarding the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are the main topics examined in this chapter. In the last section, a discussion of the effects of the Arab Spring on women's position and movements in the Gulf region is provided. While the findings attest to a number of hopeful developments, the current situation of women's rights and sexual autonomy appears to be fragile.

The existing women's rights movements in the eight Gulf States and the political and socio-historical context in which they are operating is the topic of the third chapter. The highly diverse historical backgrounds of women's organisations in the region and the limited collaboration between different women's rights organisations both at the regional and international level are discussed in this chapter. Although the use of the social media is increasing, the margins of manoeuvre for women's organisations are limited and vary per country. A review of their work shows that violence against women is a common concern among various women's organisations, however, country specific issues are also addressed. This chapter illustrates that while well-organised independent women's rights movements seem absent in the Gulf region, the existing groups and activists have proven rather resilient in their endeavour to enhance women's emancipation in their own society.

Chapter 4 focuses on women's participation in political, legal and economic decision-making. Although women's share of high-level political and judicial positions in all of the eight Gulf States is still very low, improvements can be observed. In some of the Gulf States the appointment of women to influential positions might have a symbolic meaning rather than being an indication of substantial change. In these cases women with a connection to the ruler's family are far more likely to achieve such positions. Economically, women's participation in decision-making leaves much to be desired. This chapter shows that despite the growth in the number of highly educated women in the Gulf region, the



pervasiveness of conservative norms about gender prevent women from practicing professions at the level of their educational accomplishments.

The current role of the EU with respect to supporting women's rights and enhancing gender equality in the Gulf States is described in Chapter 5. Distinguishing between Iran and Iraq on the one hand and the Gulf Cooperation Council (GCC) countries on the other hand, the most relevant international commitments of the Gulf States are reviewed to explore common ground for dialogue and cooperation on women's rights. Additionally, several EU policies and instruments are examined that might be eligible for future use to improve women's rights and gender equality in this region. It is indicated that the majority of EU initiatives in the Gulf States that are assessed in this study either do not explicitly address the position of women, or their impact on women is not clear.

In Chapter 6, concluding remarks based on the previous chapters' findings are presented, followed by recommendations for the EU in line with its policy of enhancing women's rights in the Gulf region. The topics addressed in this respect include supporting the implementation of international commitments on women's rights, funding and budgeting programmes relevant for the improvement of women's situation, academic exchange and cooperation in international research on women's rights and gender issues, the promotion of labour force participation of women, incorporating women's rights in trade and visa agreements and supporting activists and NGOs active in the fields of women's rights. These recommendations include ideas from local NGOs and activists on how to improve women's position and enhance their rights, which are explained in the subsequent individual country reports (Chapter 7-14).

## 1. CONDITIONS OF WOMEN IN THE GULF: A HISTORICAL BACKGROUND

This report aims to provide the European Parliament with relevant information for its policy of supporting women's rights in the Gulf region. The data are based on internationally published material and national data compiled by gender experts with in-depth knowledge of the Gulf States covered by this study. Particular attention will be given women's political and economic participation in comparison with men. Cultural norms regarding femininity and masculinity<sup>1</sup> will be examined to see how such norms underlie discriminatory practices that affect women's living conditions.

The eight countries covered, i.e. Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE) are all on the borders of the Persian Gulf and are, therefore, defined as 'the Gulf States'. This study will reveal their heterogeneity. While there is no single lens through which the region may be viewed without erasing nuances in religion, class, ethnicity and the ongoing process of change, this report also provides a broad framework on current conditions affecting women and gender in the region.

### Historical overview

The common, overarching characteristic of the States covered by this study is their involvement in oil extraction, which has generated substantial wealth nationally and which brings crucial economic and political influence at a global level as well as new security concerns. At the national level, this wealth is concentrated among the elite and co-exists with poverty in the region. Other common cultural and religious features include adherence to Islam in its various forms, tribal, conservative and tradition-bound culture and society, and a shift from colonial status to 20th century independent nation state to 21st century globalisation. Two current issues are significant. The first is the tumultuous recent history of wars (international, regional, local/civil, by proxy and by attrition) and their militarising repercussions. The second is the absence of democratic practices (or, more aptly put, persistent control by conservative, authoritarian regimes governed by elites and/or elite families). These two factors have affected the developmental trajectory of the areas in question as well as women's lives and freedoms.<sup>2</sup>

The 25 years since the end of the Gulf War (1990–91) have been marked by increasing strife and international involvement, culminating in the uprisings of 2011 known as the Arab Spring. The United States' role in Iraq up to 2011, along with its alliances with various countries of the region, partly explains the 2011 backlash and political and social shifts in Gulf societies. Socio-cultural and religious differences have intensified and manifest themselves in sectarian and/or ethnic divides such as Shia vs. Sunni, tribal vs. urban, and Arab vs. Kurd.

In this study, 'The Gulf' refers to the core Gulf Cooperation Council (GCC) States and the two neighbouring States, Iran and Iraq. These last two have direct socio-political affinity and impact on the other Gulf States, despite some fundamental differences in historical trajectory and social, linguistic, ethnic and political developments. Iraq and Iran are the main sources of Shia theological authority (Marja al-Taqlid, which literally means 'an authority to be followed'), and they influence Shia minorities in the other Gulf States —

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<sup>1</sup> Rubin, 1984; Jansen, 1987; Vance, 1991; Connell, 2002

<sup>2</sup> Moghadam, 2013

predominantly in Bahrain, the eastern part of Saudi Arabia, and Kuwait — with links cemented through marriage, identification or other social and political alliances. Iran, a theocratic State since the Islamic Revolution of 1979, remains a landmark, differentiated from the others and aligned with the new ruling Shia structures in Iraq, which are supported by the USA. It is broadly viewed by Gulf nationals, particularly Shias, as a model of a modern theocracy in a sea of Sunnism that includes extremely violent versions. As recent events in Iraq have demonstrated, this extremism seems to threaten the whole region, including Iran and the entire Gulf.

Women in Iran and Iraq have suffered very serious setbacks to their rights and freedoms since the Shah and Saddam eras (pre-1979 and pre-2003, respectively), though in different ways. Sharia ('God's law') is the Islamic law and the guiding spirit of the Iranian Constitution, and, according to prevailing interpretations by ruling clerics, women and men are not equal. Gender-based discrimination is laid down by law, and various severe restrictions on women's public appearance and personal rights and freedoms, as well as access to individual development, are enforced.<sup>3</sup> Nevertheless, since Ayatollah Khomeini's death in 1989, the Shia Islamic State has shown itself to be adaptable and pragmatic,<sup>4</sup> and, despite obvious institutional and cultural gender discrimination, women's participation in and contributions to the public sphere have grown at a remarkable pace — for instance, in the fields of business and entrepreneurship.<sup>5, 6</sup>

Iraqi women have faced setbacks in personal and civil liberties as the result of wars, civil strife and US sanctions. Prior to these turbulent cycles, personal status laws provided women with security in family law (age of marriage, rights in divorce, etc.) and facilitated their access to education, employment and high-level positions, albeit from within a political agenda. However, since the 1990s and during the US occupation (2003–2011), Iraqi women from all strata — Sunni, Shia and ethnic Kurds — faced incredibly protracted, damaging, violent, unsettling and pauperising war conditions.<sup>7</sup> The current authoritarian, conservative government, which has a strong Shia majority, has moved, through a new Constitution, to reverse various legal rights women had been enjoying. Today, in a country fractured by civil war, rival factions, violence and chaos, which result in many deaths and produces widows and orphans with no support, the concern of women is not legislation, or even rights, as much as it is basic safety and survival.

The Gulf is pervaded by a patriarchal ethos and conservative religious social and cultural norms that underline the rights and privileges of men vis-à-vis women while limiting women's rights. Family and personal status laws are guided by the Islamic Sharia, which legitimises a broadly accepted definition of women's status as not entitled to equal basic rights and having less than full participation in all social and political spheres. Nevertheless, Sharia-based religion and/or ideology are not all-pervasive, and we should not paint all regions, social classes and Gulf societies with the same brush, as details in this report will reveal.

Saudi Arabia, however, which is hegemonic among the GCC members, is a self-proclaimed Islamic State, staunchly Sunni (unlike Shia Iran), culturally tribal and ultra-conservative. Sharia is the religious law controlling women's mobility and personal rights.

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<sup>3</sup> As prescribed by Sharia, women are prevented from freely divorcing their spouse, but men have the right to have up to four permanent wives and an unrestricted number of temporary wives. According to Sharia inheritance laws, women stand to inherit half of what their male counterparts do.

<sup>4</sup> There have recently been indications of a more flexible approach to women and their rights by the new government in Iran, though practical changes have yet to be seen. Retrieved from: [http://www.yourmiddleeast.com/features/rouhani-vs-the-ayatollahs\\_23334](http://www.yourmiddleeast.com/features/rouhani-vs-the-ayatollahs_23334)

<sup>5</sup> Sarfaraz & Nezameddin, 2011

<sup>6</sup> All of the websites consulted for this report were accessed between May and July 2014.

<sup>7</sup> Retrieved from: [http://www.who.int/features/2003/iraq/briefings/iraq\\_briefing\\_note/en/](http://www.who.int/features/2003/iraq/briefings/iraq_briefing_note/en/)

While it is a common feature in the region, its application in Saudi Arabia is considered the most intense, severe and absolute. The country is known for its numerous restrictions on women's liberties and for the lack of rights and opportunities available to them. While Saudi women, like those in most of the Gulf States, have achieved remarkable progress in the fields of education and health, only a few professions were deemed appropriate for them until recently.<sup>8</sup> The road to professional empowerment and fulfilment is arduous and slow.

The situation is not as restrictive in the other Gulf States, though the formal laws governing women are based on the main features of legislated Sharia. The interpretation and application of these laws differ — sometimes widely — between regions, socio-economic classes and ethnic groups. The history of political liberalisation experiences in each GCC State serves as a barometer for the condition of women and their achievements. Kuwait stands out as the most liberal in legislating rights and empowering women in the public sphere.<sup>9</sup> Bahrain has a similar history of more advanced female education and women's social and political involvement. But it has an environment shaped by population make-up and politicised sectarian strife that have prevented the smooth development of all women, both Sunni and Shia.<sup>10</sup> Qatar, the UAE and Oman have had less experience with participatory democracy and less politically energised environments. These States have, therefore, seen fewer opportunities for genuine emancipation of women. They are more recent arrivals on the scene of promoting women, though their public stance supports reform policies in that direction. For Qatar and the UAE, wealth plays a role in their promotion of women's rights. Women and their achievements are a symbol of the country's modernity and its efforts to take a more globalised role. Oman, with a more subtle and introverted public stance, remains less vocal and more conservative in promoting women's rights and equality.<sup>11</sup> However, in their public policies, all of the Gulf States project themselves as modern, and they use women to represent this modernity by promoting their education and social exposure. Gulf authorities view modernity as achievements in economy, technology and education, while popular socio-political involvement is seen as problematic.

The above applies to female citizens of the Gulf States. However, the legal rights, freedoms and well-being of female migrant workers (often domestic workers from Southeast Asia) are governed by the labour laws of each State. Their living conditions are often described by human rights organisations as slave-like, with severe restrictions on their personal freedoms and rights.<sup>12</sup> Whether these conditions are perceived as violations of human rights varies according to the degree of social and political consciousness among employers.

Current policies appear to be on a trajectory of very gradual reform as internal and external pressures on societies and governments mount. There are clear signs that the current effects of the Arab Spring and the resurgence of religious extremist terrorism have moved most of the Gulf States to reflect on the need for genuine socio-political changes, including improvement in women's rights. This process started with Saudi Arabia and was followed by the rest of the GCC countries.

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<sup>8</sup> Al-Rasheed, 2013

<sup>9</sup> Olimat, 2011; Olimat, 2012

<sup>10</sup> Seikaly, 2013. Both Kuwait and Bahrain have had a noticeable number of prominent women holding official posts as well as many rank and file women in government and private employment.

<sup>11</sup> Al-Azri, 2013

<sup>12</sup> Falconer, 2014

## 2. POLITICAL AND LEGAL FRAMEWORKS AND PRACTICES

This chapter provides an overview of current issues affecting women's position in the Gulf region. The first section deals with general characteristics and complexities of the eight Gulf States, while the paragraphs that follow focus on themes crucial to understanding the specifics of women's situation in this region.

### 2.1 Diversity and identity politics

The Middle East is anything but a uniform and homogenous region, particularly when it comes to the situation of women. Women find themselves in highly diverse socio-economic and cultural arrangements determined by class, ethnicity, religion, political affiliation, education and age. Those born into wealthy families with no financial need for employment face different issues to the ones that affect poor women. Some women align themselves with fundamentalist Islamist movements, while others reject religion as patriarchal. Women belonging to ethnic and religious minorities with poor political representation have different concerns from those in the political elite. Women are also drivers for social change, especially in the new millennium, instead of being mere victims. Some similarities in gender conception — notions of appropriate femininity and masculinity — can be found in the Middle East and particularly in the Gulf region (see the country reports). But various scholars emphasise the importance of moving from generalities to specificities in defining women's social, cultural, economic, legal and political position.<sup>13</sup>

To take this diversity as the defining framework of studies on women in the Gulf States would do more justice to the actual concerns of the women in question and helps avoid an ethnocentric Western perspective. The portrayal of the archetypal Middle Eastern woman as a victim of male oppression based on religion and culture is easily dismissed as Orientalist. Implicit and explicit echoes of Western ethnocentrism in efforts to improve women's position in these societies initiated by Western institutions enables Persian Gulf authorities to present such actions as extrinsic and offensive. The playing of the culture and religion cards by both sides will thus hinder any process that might lead to an improvement in women's position, including a solid foundation of women's human rights. Moreover, the best advocates for women in the Gulf societies are those women themselves, in all their diversity. Fruitful collaboration between all actors involved at local, regional and international levels requires an approach that centralises women's concerns from their perspective and is sensitive to changing circumstances in the region. In particular, collaboration at the regional level among women's groups engaged with women's rights issues could be valuable. At this level, women can exchange ideas about different ways to incorporate what they perceive as women's rights in their own socio-cultural and religious settings.

As revealed by the country reports in this study,<sup>14</sup> a shared anti-Western sentiment is also noticeable among a number of women's organisations and engaged individuals in the Gulf region. A complex set of geopolitical and historical configurations underlie this sentiment. What is important to consider here is that negative notions towards the West might intersect with how women's issues are perceived at the local and regional level. The

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<sup>13</sup> Moghadam, 2013; Jansen, 1996; Abu-Lughod, 1991; Ahmed, 1982

<sup>14</sup> See Chapter 7 and further of this study.

injustice experienced by individuals and organisations engaged with women's issues in the Gulf States is, for example, revealed by an emphasis on the role of the USA in uranium pollution in Iraq and its negative effect on women's reproductive health.<sup>15, 16</sup> Another example is the call to consider the harmful consequences of sanctions against Iran on women's economic position and their access to medicine and treatment.<sup>17</sup> In the other Gulf States (for example, the UAE), local actors voice concerns about a paternalistic approach associated with Western governments and institutions on issues related to women. At times, women's rights are presented as a Western value imposed on non-Western cultures.<sup>18</sup>

Socially and culturally, the Gulf region is changing rapidly. One of the paradoxes of Gulf States is that, while situated in a very specific geo-political context in the Middle Eastern region, they comprise a highly globalised part of the world because of their internationally oriented economies, the heterogeneity of their populations and the vast utilisation of social media. Many of the States acquired wealth during the 1960s and 1970s due to rising oil revenues, which enabled the establishment of States with free education, health and social services. But persistent (and differing) gender gaps in economic and political participation illustrate the different stages in transition within the region. The gradual enhancement of women's position is the 'product' of social and economic change as well as a factor that enforces the need for continuation of social development that pays dedicated attention to the position of women.<sup>19</sup>

The rapid social change in the Persian Gulf is simultaneously accompanied by reinventions of traditional culture to address contemporary issues. State policies are implemented to preserve cultural heritage through vast media resources, thereby creating an extension of public space. Although such articulations of sovereignty and nationalism can be understood as an appeal to the past and traditional culture, these are, in fact, efforts to construct new identities. At the regional level, intersecting with national politics, an increasing emphasis on religious (Sunni-versus-Shia) and ethnic characteristics (Kurdish, Baluch) has been observed, which attests to what the scholars call 'sectarian identity politics'. Rather than being the simple result of entrenched communal divisions, sectarian identities are contemporary phenomena that form part of current political developments. Sectarian identity politics are strategically implemented tools for holding rule.<sup>20</sup>

In some parts of the Gulf, such as Kuwait and Saudi Arabia, women have been actively contributing to Islamic identity politics by embracing Islamic dress and rigorous morality and traditional customs while pursuing education and careers.<sup>21</sup> In the past, only the elite were able to afford traditional clothes, but traditional dress has now become a marker of local identity among the growing middle class. These tendencies within Islamisation among women have been interpreted as a strategy of reconciliation of modernity and tradition. Adherence by men and women to strong Islamic faith and popular religious practices of praying and fasting are seen as compatible with technological and economic

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<sup>15</sup> See 9.2.2.10; 9.3.4; 9.9.2 and 9.10.

<sup>16</sup> The topic of depleted uranium weapons and their effects on human health and the environment in the context of Iraq has been the concern of the European Parliament in the resolutions of 22 May 2008 and 27 February 2014. Retrieved from:

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0233&language=EN&ring=B6-2008-0230> and <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0171+0+DOC+XML+V0//EN>

<sup>17</sup> See 8.2.2.4; 8.9.2 and 8.10.

<sup>18</sup> This issue will be further discussed in Chapter 6 concerning conclusions and recommendations.

<sup>19</sup> Al-Kazi, 2008a; Springborg, 2008

<sup>20</sup> Wehrey, 2013; Potter, 2009

<sup>21</sup> Ramazani, 1985

modernisation. At the same time, younger generations regard themselves as less religious than their parents.<sup>22</sup> In the aftermath of the 'Arab Spring', such expressions of identity became more common, especially on the internet and via social media. Bahrain provides very potent examples of such political identification among the youth, but also of its violent repression.

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<sup>22</sup> Ouis, 2002

## 2.2 Main gender equality issues

Keeping this complex picture of the region in mind, women's position in Gulf societies will be approached by making a distinction between political participation, employment and labour mobility, family formation, education and health, and sexual autonomy.<sup>23</sup> This delineation will avoid generalisations based on religion and culture, while providing a quick snapshot of women's situation in the Gulf region.

### 2.2.1. Political participation

Researchers have observed a trend of increased political involvement by both men and women in the politics in the region. In many countries, women's empowerment has improved over the last decade. Although the extent of this development varies by country, issues such as family law, migration, education and health have become topics of public debate. The growing presence of women in the political arena, though limited in some of the Gulf States, has led to an increasing public awareness of women's issues.<sup>24</sup> Iran was the first country to allow women to vote, in 1963, followed by Iraq in 1980, Oman in 1994, Bahrain in 2002, Qatar in 2003 and Kuwait in 2005. In Saudi Arabia, women are not allowed to vote, and in the UAE the rulers appoint a selected group of people to vote for the federal National Council.<sup>25</sup> As the following chapters will indicate, women are poorly represented at the level of political decision-making. Many of the high-level political appointments for women might be of a cosmetic nature.<sup>26</sup>

### 2.2.2. Economic participation

The process of globalisation in the Gulf region has resulted in an increase in women's economic participation. Between 1980 and 2000, women's participation in the labour force doubled in Saudi Arabia, Qatar, Kuwait and Bahrain; it nearly tripled in UAE and Oman. The labour force participation rate in Iran increased from 10.1 % in 1990 to 17.4 % in 2012 and in Iraq from 11.5 % to 15.5 %.<sup>27</sup> These statistics exclude domestic workers and women who use their male relatives' licences to work. The gender gap in the labour participation rate is widest in Iraq and smallest in Kuwait and Qatar. In the whole region, particularly in Iran, Bahrain and Kuwait, families have started to rely more on women's financial support. Women have thus gained more of a voice and respect in the family. Governmental efforts to reduce dependence on foreign labour in Arab Gulf States have provided poor, less-educated women with increased job opportunities. Officially, women and men are supposed to receive equal payment for the same job, but women's upward mobility is quite restricted and senior positions are mainly held by men. The cultural perception that women are more emotional than men and better suited to household responsibilities remains a serious obstacle for ambitious women looking for executive and management positions. Moreover, a trend of early retirement among

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<sup>23</sup> Moghadam, 2013

<sup>24</sup> Al-Kazi, 2008a

<sup>25</sup> IPU; Al-Kitbi, 2004

<sup>26</sup> In 4.1 more detailed information is provided on the issue of political participation of women at the decision-making level in the Gulf region.

<sup>27</sup> ILO, 2012



women after approximately 20 years of service prevents them from acquiring leading positions.<sup>28</sup>

The relationship between globalisation and the expansion of women's economic role in the Gulf States is mainly the result of **state-led reforms**. The **promotion of literacy and higher education** are two main factors contributing to this development. As in other parts of the world, the slightly growing, privatised, market-oriented economies in the Gulf region are expected to enhance women's economic labour participation, though the State is still the most hospitable sector for them, generous in terms of maternity and childcare services. As elsewhere, working in the **public sector** is associated with shorter hours and more safety, which is perceived as more suitable for women but limits their choice of profession. The increasing privatisation of the market, therefore, might be a possible obstacle to further enhancement of women's economic participation.<sup>29</sup>

**Table 1: Sex differences in labour force participation rate in the Gulf region (percentages; age 15–64)**

	Women	Men	Gender gap*
Bahrain	40.8	88.5	2.17
Iran	17.4	76.1	4.37
Iraq	15.5	72.2	4.66
Kuwait	44.7	84.6	1.89
Oman	30.1	83.6	2.78
Qatar	51.8	96	1.85
Saudi Arabia	19.1	77.3	4.05
United Arab Emirates	46.8	91.2	1.95

**Note:** Labour force participation rate includes employed and unemployed labour force

\* Calculated as: Participation rate of men divided by the participation rate of women.

**Source:** ILO (2012) Key indicators of the labour market database

<sup>28</sup> Kelly, 2009; Al-Kazi, 2008a

<sup>29</sup> Pousney & Doumato, 2003

**Table 2: Female unemployment and employment in the Gulf region (percentages; age 15+)<sup>30</sup>**

	Employed	Unemployed	Non-labour force
Bahrain	32	7	61
Iran	13	3	84
Iraq	11	3	85
Kuwait	43	1	57
Oman	24	4	71
Qatar	49	2	49
Saudi Arabia	14	4	82
United Arab Emirates	41	5	53

**Note:** According to the ILO, 'unemployed' refers to those who are without paid work and are available for and seeking paid work. 'Non-labour force' refers to those who are without paid work, yet are not available for or seeking paid work. Source: <http://laborsta.ilo.org/applv8/data/iloce.pdf/>

**Source:** ILO (2012) Key indicators of the labour market database

### 2.2.3. Family formation

Increasing interest in higher education among women, and financial costs surrounding marriage, have resulted in **delaying marriage** in the whole Gulf region. At the moment, the average age of marriage is mid-20s (Figure 1). This has led some countries to promote marriage at a younger age through financial allowances. Especially low-income male nationals are given loans if they marry native women in Kuwait and the UAE. Related to relatively late marriage, the choice of partner is increasingly a matter of mutual romantic consideration; **prearranged (cousin) marriages have lost their social and cultural popularity**. On the other hand, 'love marriages' are seen as more vulnerable and susceptible to divorce by part of the society.<sup>31, 32</sup> Some interpret the increasing divorce rate as a sign of women's emancipation, but others are more critical and call for the continuation of arranged marriages. However, within the context of arranged marriages, brides sometimes successfully claim space to 'bargain with patriarchy'<sup>33</sup> by setting conditions such as the right to education, employment and ownership of property after marriage.<sup>34</sup>

Prolonged adolescence related to delayed marriage has been causing a rearrangement of gender relations and parental dependency in Middle Eastern societies. Generally, adulthood is associated with marriage due to the **socio-cultural significance of marriage** in this part of the world. Girls become women once they are married, whether this happens at the age of 16 or 60. This means that unmarried women and men in their 20s face **'moral**

<sup>30</sup> All figures have been rounded up to whole units.

<sup>31</sup> Jansen, 2005

<sup>32</sup> For more country specific data on divorce, see Section 2 of each country report.

<sup>33</sup> Kandiyoti, 1988

<sup>34</sup> Singerman, 2007; el-Haddad, 2003; Ouis, 2002

surveillance' by their families and, notably, by state security services. This does not prevent the more affluent youngsters from (internet) dating and participation in other social activities. However, difficulties between parents and their adult children cannot be avoided, as any suggestion of premarital sexuality is frowned upon. Moreover, delayed marriage is in most cases equated with delayed economic independence among young, highly educated people. After all, it is after marriage that people are seen as self-sustaining adults.<sup>35</sup>

In past decades, the functions of the family have changed remarkably due to rural–urban migration after the discovery of oil and the subsequent integration of Gulf economies into global capitalism. Moving from small traditional communities to more individualistic urban settings has meant a greater reliance on public services, birth control, socialisation beyond kinship relations (especially via education and modern means of communication) and a greater emphasis on 'enjoying life'. Nevertheless, the extended family remains large, and the birth rate is still quite high, which complicates straightforward conclusions about the changing functions of the family in the entire Gulf region. What does seem indisputable is the enormous dependence on foreign carers for children within families, regardless of whether both parents are employed outside the home. Despite these changes, a persistence of traditional family values has been observed, which would limit self-determination among women. Though highly educated and economically independent, many women still have to deal with a restrictive set of traditional ideals about women's conduct.<sup>36</sup>

The most common form of marriage in the Gulf region is the permanent *Nikah* marriage, for which the consent of the woman or girl's guardian as well as the woman's agreement is required. Culturally, this is the most accepted form of marriage. Other forms such as the temporary marriage *Muta* and *Misyar* (travelling) are also practised, albeit to a far lesser extent. Women have fewer rights in these latter two arrangements in terms of custody and inheritance. Moreover, in some cases such marriages are perceived as legitimised sex work, which reflects their negative socio-cultural connotation.<sup>37</sup>

Generally, men can request divorce unilaterally, while women have limited grounds upon which they can file for divorce. Underage girls need their guardian's approval to do so. Women can circumvent justification or restrictions to apply for a divorce by using the *khul* version, according to which they will have to give up any financial rights stipulated in the marriage contract, notably the dowry.<sup>38</sup>

Marriageable age varies in the Gulf region. The minimum legally approved age of marriage in Iraq, Oman, Qatar and the UAE is 18. In Iraq, upon parental consent, women may marry at the age of 15. In Iran the minimum age of marriage is 13; however, guardian's permission is required at this age. In case of marriage for women below 13 years of age, except for the guardian's permission also the court's permission is needed. In Saudi Arabia, marriage under the age of 18 is only allowed upon judicial approval of a father's request. While 'arranged marriage' is only legally prohibited in Oman, all of the eight countries prohibit 'forced marriage'. Furthermore, legally polygyny is not prohibited in any of the eight Gulf countries.

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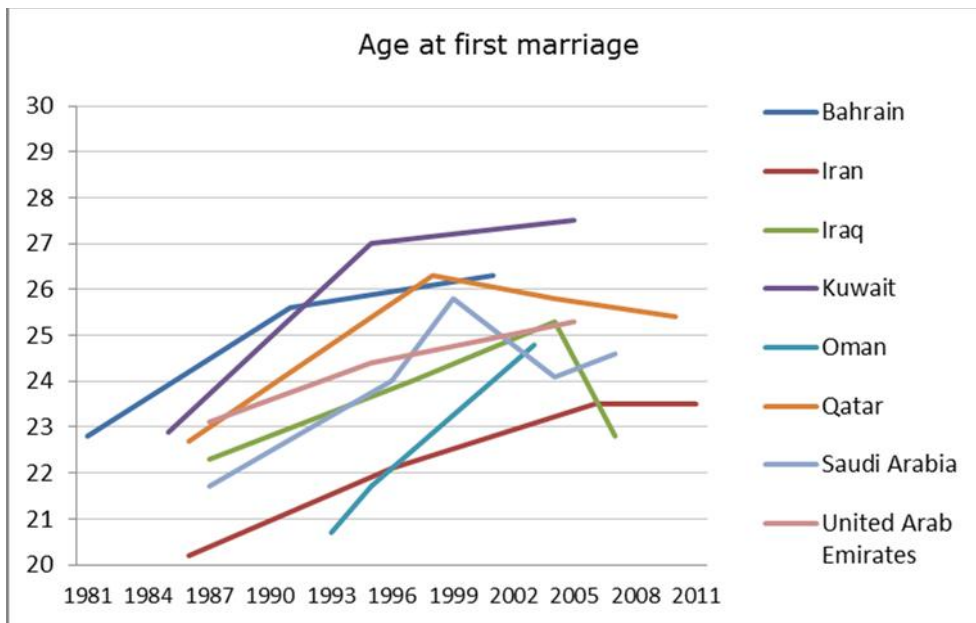
<sup>35</sup> Singerman, 2007

<sup>36</sup> Moghadam, 2004; el-Haddad, 2003

<sup>37</sup> For more specific and detailed information, please see the country reports, Sections 2.1.1.

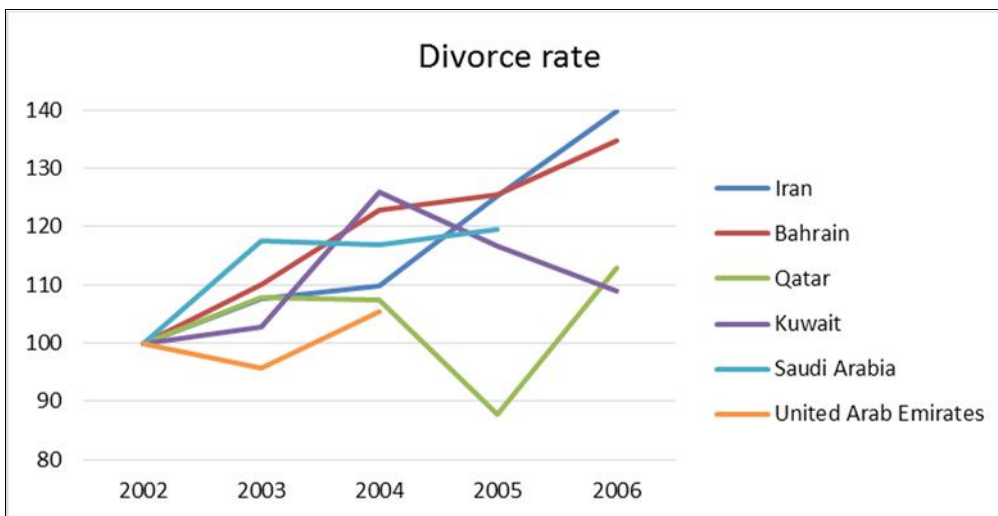
<sup>38</sup> For more specific and detailed information, please see the country reports, Sections 2.1.2.

Figure 1: Age at first marriage in the Gulf region



Source: United Nations, Department of Economic and Social Affairs, Population Division, World Marriage Data

Figure 2: Divorce rate in the Gulf region



Note: No figures were available for Iraq or Oman, and, for some countries, recent figures were lacking. Divorce index (base 2002 = 100). Index calculation: Atria, Institute on Gender Equality and Women's History  
 Source: UN Demographic Yearbook 2006

<http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table25.pdf>

Legally and socially, as the country reports in this study will illustrate, women are more restricted in initiating divorce than men. However, they increasingly stipulate their right to divorce in their marriage contract. The country reports also point at women being discriminated against with regard to inheritance, for they receive half of what men who have the same relationship to the deceased person receive.<sup>39</sup> Concerning so-called 'blood money', paid as compensation to the family of someone who has been killed, a

<sup>39</sup> For more information on equal right to property, see 2.2.8. in the country reports.

woman's life is worth half of that of a man.<sup>40</sup> Moreover, in many Gulf States, women are legally obliged to have permission from their male guardian to travel both within and outside the country. To a certain extent, this depends on age, marital status and marital agreement. In countries where this requirement does not exist by law, such as Kuwait, Oman and the UAE, women still have to deal with socio-cultural restrictions.<sup>41</sup>

In all of the eight Gulf countries, women are officially granted child custody after a divorce until the child reaches a certain age. Thereafter, the child may decide with which parent he or she wants to live. In case of dispute, the court will make that decision. Except for Iran, Oman and Iraq, in the other five Gulf countries boys stay with their mothers for a shorter period than girls. However, even during this period the father often remains the guardian of the children regarding issues such as travelling, working, studying and undergoing medical treatment, such as in the case of Saudi Arabia and the UAE.<sup>42</sup>

#### 2.2.4. Capital punishment

Although capital punishment imposed on women in Islamic countries is the topic of various international debates,<sup>43</sup> exact data on its prevalence, whether it affects women disproportionately and other possible gender aspects are lacking at this time. All of the eight Gulf States employ capital punishment. According to Amnesty International,<sup>44</sup> in 2013, 80% of executions worldwide took place in Iran, Iraq and Saudi Arabia. In the same year, Kuwait reintroduced the death penalty. In Bahrain, for the first time since 2010, no death sentences were reported. In Qatar and Oman, capital punishment has not been applied since 2003 and 2007, respectively. Overall, Amnesty International reported that the number of women executed worldwide in 2013 (as well as in the Gulf region) was considerably lower than that of men. Nevertheless, additional research is needed to shed light on gender aspects in relation to capital punishment.<sup>45</sup> Issues to take into account could be ambiguity regarding the age of maturity for men and women (women might be perceived as mature as early as at the age of 9), reduced sentencing based on family relations in cases of murder (associated with so-called 'honour killings'), differences in severity of punishment or lack thereof for active and passive male homosexuality and lesbianism, adultery, and the form of execution (hanging, stoning, beheading).

#### 2.2.5. Education

The most outstanding area of progress in women's position in the entire Gulf region is education. Illiteracy among women has fallen tremendously over the past decades (Figure 3), and women's high participation in tertiary education is remarkable (Figure 4). In all eight Gulf States, women make up more than 50% of the overall student body, with Qatar and the UAE having the highest female-to-male university

<sup>40</sup> For more information on equal penal code, see 2.2.1., and on equal access to justice, see 2.3 in the country reports.

<sup>41</sup> See 10.2.2.12; 11.2.2.14 and 14.2.2.12.

<sup>42</sup> For more information on child custody, see 2.1.3. in the country reports.

<sup>43</sup> For example, see: <http://www.theguardian.com/world/2010/dec/10/iran-stoning-sakineh-mohammadi-ashtiani-confession> and <http://rt.com/news/saudi-arabia-sharia-beheading-435/>.

<sup>44</sup> Retrieved from: [http://issuu.com/amnestypublishing/docs/death\\_sentences\\_and\\_executions\\_2013](http://issuu.com/amnestypublishing/docs/death_sentences_and_executions_2013)

<sup>45</sup> For instance, for a rather detailed analysis of the role of gender in capital punishment in Iran, see: <http://www.iranhrdc.org/english/publications/legal-commentary/1000000102-the-execution-of-women-in-iranian-criminal-law.html#ftn27>.

enrolment ratio worldwide.<sup>46</sup> It has to be noted, though, that not all of the available information on level of tertiary education is up to date (Figure 4). Data indicate that women have been outperforming men in various fields. Moreover, despite being encouraged to choose 'female' disciplines, increasing numbers of women are entering technical fields such as architecture and electrical and chemical engineering. Still, further progress is needed to achieve full gender equality in this area. In Iran, even though the proportion of women in higher education has risen in the context of sex-segregated educational trajectories, after Khamenei's call to 'Islamise' the university curricula in 2009, access for women to studies in architecture and civil engineering was cut by 50%.<sup>47</sup> In Kuwait, to be admitted to the engineering department, women are required to score higher in examinations than men. Especially in Saudi Arabia, the diversity in courses available for men is much higher than for women. Nevertheless, increased levels of academic qualifications among women do not correspond with their share of decision-making positions, neither with their share in labour participation.<sup>48</sup>

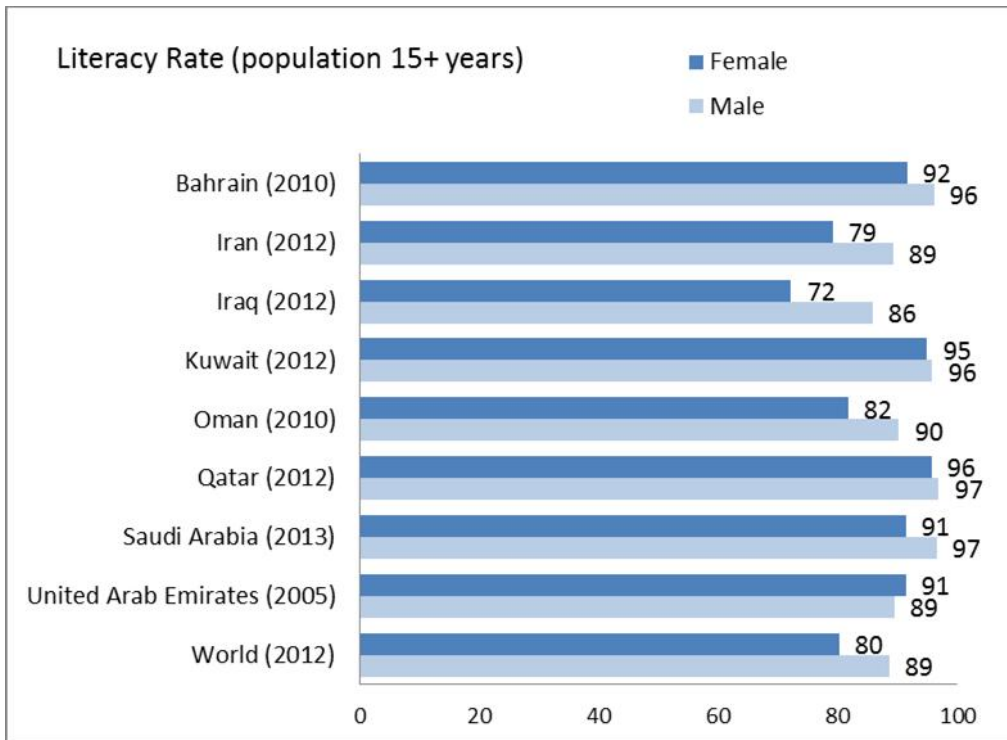
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<sup>46</sup> However, part of this development might be explained by educational migration of men as demonstrated in the context of Jordan (Jansen, 2006, 2007).

<sup>47</sup> Retrieved from: <http://www.bbc.com/news/world-middle-east-19665615>

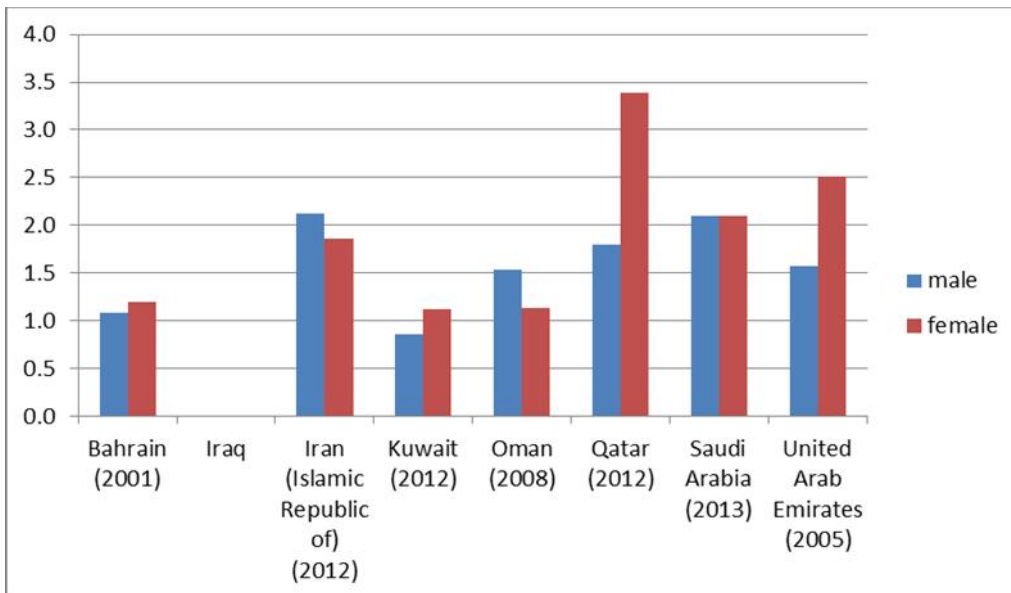
<sup>48</sup> Kelly, 2009

Figure 3: Literacy rate of women and men in the Gulf region



Note: Iraq (2012): IUS estimation  
 Source: [www.unesco.org](http://www.unesco.org)

Figure 4: Tertiary education of women and men in the Gulf region



Source: UNESCO  
[http://data.uis.unesco.org/Index.aspx?DataSetCode=EDULIT\\_DS&popupcustomise=true&lang=en/](http://data.uis.unesco.org/Index.aspx?DataSetCode=EDULIT_DS&popupcustomise=true&lang=en/)

### 2.2.6. Health and sexual autonomy

Various measures have been taken to improve the health care system in past decades, although the different implications of this in terms of access and quality for different population groups remain unclear.<sup>49</sup> One of the most sensitive and problematic issues related to women's health is violence against women (VAW), and notably domestic violence. Generally, domestic violence is not officially acknowledged or is reluctantly handled by authorities. Among the Gulf countries, some have no legislation to fight VAW (Bahrain, Iran, Qatar and UAE), while others have addressed the issue only partially (Iraq, Kuwait and Oman). Saudi Arabia has recently criminalised domestic VAW by law.<sup>50</sup> Due to the sensitivity of the issue, population-based studies on the nature and extent of domestic violence are absent. Women tend to cover up physical and mental domestic abuse, as this could jeopardise family honour and their own reputation. Women who file complaints with the police often encounter uncooperative officers who consider the issue a family problem. At the same time, shelters for female victims of domestic violence are being opened (UAE, Bahrain, Kuwait), support from NGOs and civil society movements for these victims is increasing (Bahrain), and more attention is being paid to the issue (Saudi Arabia and Qatar). However, many practical steps remain to be taken to tackle this problem adequately. In Iran, while academic studies on women's issues, including domestic violence, have increased enormously in the past 20 years, conversion of such knowledge into measures remains lacking. In Oman, long-term shelters for female victims of domestic violence have been reported as absent.<sup>51</sup>

With regard to the female and infant mortality rate, notably the maternal mortality rate is far below the global level in many States in the Gulf region and equals European data, except for Iraq. Worldwide, it was reported to be 210 per 100000 live births, and 17 in 100000 in Europe in 2013.<sup>52</sup> For several years, Qatar has stood out with a relatively low rate of 6, indicating high-quality health care available to pregnant women, whereas the UAE has reduced its maternal mortality rate from 12 to 8 since 2010. In Iraq, however, in the last decade the maternal mortality rate has increased, to 67 in 2013. Additionally, Iraq shows a remarkably high ratio of deformities in children due to the continuous political turmoil and lack of security.<sup>53</sup> Between 2005 and 2010, the infant mortality rate was 42 in 1000 worldwide, and 7 in 1000 in Europe.<sup>54</sup> The rate in several Gulf States was similar to that of Europe (Qatar, Kuwait, Bahrain, UAE and Oman). In Saudi Arabia, Iran and Iraq it is much higher than in Europe yet lower than the worldwide average.

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<sup>49</sup> Retrieved from: <https://cirs.georgetown.edu/394218.html>

<sup>50</sup> Retrieved from: <http://www.hrw.org/news/2013/09/03/saudi-arabia-new-law-criminalize-domestic-abuse>

<sup>51</sup> UNICEF 2011a; Kelly 2009; Moradian 2009

<sup>52</sup> World Health Organisation (2013) Global Health Observatory Data Repository;. Maternal mortality ratio Retrieved from: <http://apps.who.int/gho/data/view.main.1370>

<sup>53</sup> See country report on Iraq, Chapter 9.

<sup>54</sup> Retrieved from: <http://esa.un.org/unpd/wpp/Excel-Data/mortality.htm>



**Table 3: Maternal mortality and infant mortality rates of Gulf countries (2013)**

Countries	Maternal mortality ratio (year 2013)	Infant mortality rate (2013)	Under-5 mortality rate (2013)
Bahrain	22	5	6
Iran	23	14	17
Iraq	67	28	34
Kuwait	14	8	10
Oman	11	10	11
Qatar	6	7	8
Saudi Arabia	16	13	16
United Arab Emirates	8	7	8

**Note:** The WHO definitions are:

Maternal Mortality Ratio = deaths related to pregnancy and childbirth per 100000 live births

Infant Mortality Rate = probability of dying between birth and age 1 per 1000 live births

Under-5 Mortality Rate = probability of dying by age 5 per 1000 live births

**Source:** World Health Organisation (2013) Global Health Observatory Data Repository; Maternal mortality ratio. Data by country. Retrieved from: <http://apps.who.int/gho/data/view.main.1390>

In all of the eight Gulf countries the Constitution entitles all citizens to health welfare. Simultaneously, however, **some of the sexual and reproductive rights of women are not protected legally**. Apart from Oman, **abortion** is considered a crime in all of these countries, except when the life of the mother is threatened or in the case of foetal impairment. Moreover, **none of the countries has banned female genital cutting (FGC)**,<sup>55</sup> although Iraqi Kurdistan is an exception in this respect, as are Oman and the UAE as far as hospitals are concerned. It should be mentioned that practices of FGC are either declining or exist only to a very limited extent in the Gulf region. The use of contraceptives is legally not prohibited in any of the eight Gulf countries. However, in Iran, endorsing the Supreme Leader's call for measures to increase the population, the parliament recently voted to ban permanent forms of contraception.<sup>56, 57</sup>

<sup>55</sup> In this report the indication female genital cutting is chosen instead of alternatives such as female genital mutilation or female genital circumcision. There have been various debates on the connotation of these terms among academicians and activists at the national and global level (Jacquemin, 2010). Part of the discussion concerns the different types of cutting, which might include pricking, the cutting of the labia or clitoris, removal of the prepuce (clitoral hood), removal of the external part of the clitoris and/or the inner labia, sewing up the vaginal opening, and any combination of these practices. The reference female genital cutting is less culturally offensive than female genital mutilation, and less neutral than female genital circumcision. As such, it is the most accurate description of this phenomenon. Retrieved from:

<http://www.womenshealth.gov/publications/our-publications/fact-sheet/female-genital-cutting.html>

<sup>56</sup> Retrieved from:

<http://www.chicagotribune.com/lifestyles/health/sns-rt-us-iran-population-20140811-story.html>

<sup>57</sup> For more detailed information, see 2.2.4. in each country report.

### 2.2.7. Ethnic and religious minorities, disabled women and LGBTI groups

Officially, the laws in all of the eight Gulf countries guarantee equality between people belonging to different religious and ethnic groups. However, in most cases such issues are addressed in general terms or subjected to 'Islamic criteria', while further specifications of the law (for instance, based on gender) are not absent. Furthermore, a recent development in Iraq in which a militant group is involved in violent acts against certain minority groups (notably the Yazidis and the Christians),<sup>58</sup> reports of violation of Baha'i rights in Iran<sup>59</sup> and discrimination against the Shia population in Kuwait, Qatar and Saudi Arabia<sup>60</sup> are some examples of practices in discrepancy with the official laws. The governments are either unable (Iraq) or unwilling (Iran, Kuwait) to protect such groups fully and to provide effective mechanisms to ensure the implementation of such laws. In particular, refugee women and female domestic workers seem to be subjected to human rights violations (Iraq, Qatar, Saudi Arabia and UAE). Furthermore, children of national women married to non-national men often cannot obtain nationality of the country of their residence (Bahrain, Iran, Kuwait, Oman, Qatar, Saudi Arabia, UAE).

Disabled women, equal to men, enjoy some support from the governments of all of the eight Gulf States in issues related to health, education, employment and broader societal awareness. Comprehensive laws on protection against forced sterilisation and abortion are generally absent. None of the eight countries addresses the situation of disabled women distinctively. Economic problems (Iran) and lack of security (Iraq) more generally negatively affect the situation of persons with disabilities. As the country reports in this study illustrate, data on the proportion and condition of disabled women as a separate group are lacking. The organisations engaged with disability generally do not recognise a gender dimension. Moreover, detailed information is needed to provide a better understanding of their life circumstances — for instance, whether they live in institutions or with their family, and the consequences that this would entail personally, economically and socially.

Gays and lesbians are either not mentioned in the law (Bahrain) or are legally subjected to prosecution, sometimes including harsh punishments (Iran, Oman, Saudi Arabia, UAE). In Iran sex-change operations are legal and subsidised under strict criteria. Under certain circumstances, homosexuality is punishable by death in Iran. In Iraq, same-sex activity was decriminalised in 2003, but there is no mention of LGBTI rights in the law.<sup>61</sup> In some cases (Bahrain, Iraq, Kuwait), 'immoral behaviour' is considered punishable by law, which could be interpreted as laws against homosexuality by individual judges. In Kuwait and Qatar, only male homosexuality is considered illegal, and lesbianism is not mentioned. In the Gulf region, discussions on homosexuality and lesbianism, and in particular bisexuality, transgender and intersex, are socially and culturally perceived as taboos.

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<sup>58</sup> Retrieved from: <http://www.theguardian.com/world/middle-east-live/live/2014/aug/13/iraq-crisis-us-and-uk-step-up-involvement-live-updates>  
[http://thecable.foreignpolicy.com/posts/2014/08/14/after\\_centuries\\_of\\_persecution\\_yazidis\\_advocate\\_final\\_exodus\\_from\\_iraq](http://thecable.foreignpolicy.com/posts/2014/08/14/after_centuries_of_persecution_yazidis_advocate_final_exodus_from_iraq)  
<https://voiceofthepersecuted.wordpress.com/category/christian-persecution-news/middle-east/iraq/>  
<http://www.christianpost.com/news/isis-committing-slow-motion-genocide-against-church-say-iraqi-christians-126046/>

<sup>59</sup> Retrieved from: <https://www.bic.org/news/UN-vote-highlights-human-rights-violations-Iran-0>  
<sup>60</sup> Retrieved from: [http://www.aei.org/files/2014/07/03/-shiites-of-the-middle-east\\_135242134698.pdf](http://www.aei.org/files/2014/07/03/-shiites-of-the-middle-east_135242134698.pdf)

<sup>61</sup> For more information on the situation of women belonging to ethnic and religious minority groups, disabled women, and LGBTI groups, see 2.2.9., 2.2.11. and 2.2.12. in the country reports.

## 2.3 CEDAW ratifications and reservations

The Convention on Elimination of all Forms of Discrimination Against Women (CEDAW), adopted in 1979 by the United Nations General Assembly, was **signed by all of the countries** covered in this report **except Iran**. However, nearly all the ratifications are accompanied by '**reservations**' based on '**religious and cultural factors**' (Table 5).

**Table 4: Ratification of CEDAW by Gulf States**

Countries	Ratification (a), accession (b), declarations or reservations (c)
Bahrain	18 June 2002 (a) (c)
Iran	No
Iraq	13 August 1986 (a) (c)
Kuwait	2 September 1994 (a) (c)
Oman	7 February 2006 (a) (c)
Qatar	29 April 2009 (a) (c)
Saudi Arabia	7 September 2000 (a) (c)
United Arab Emirates	6 October 2004 (a) (c)

**Source:** [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq\\_no=IV-8&chapter=4&lang=en/](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-8&chapter=4&lang=en/)

**Table 5: Declarations and reservations on CEDAW upon ratification<sup>62</sup>**

	Article 2	Article 9	Article 15	Article 16	Article 29
Bahrain	X*	X (para 2)	X (para 4)	X*	X (para 1)
Iran					
Iraq	X (para f, g)			X*	X (para 1)
Kuwait		X (para 2)		X ( para f)*	X (para 1)
Oman*		X (para 2)	X (para 4)	X (para a, c)	X (para 1)
Qatar	X (para a)	X (para 2)	X (para 1*, para 4)	X (para1 a, c, f)*	X (para 1)
Saudi Arabia*		X (para 2)			X (para 1)
United Arab Emirates	X (para f)*	X	X (para 2)*	X*	X (para 1)

\* The reservation refers to incompatibility with the provisions of the Islamic Sharia

Source: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq\\_no=IV-8&chapter=4&lang=en/](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-8&chapter=4&lang=en/)

Both the extent and content of the reservations to CEDAW in the Gulf region imply a profound limitation to the impact and protection CEDAW can provide to female citizens. Legally speaking, the **reservations put on hold the essence of the CEDAW treaty**: to realise women's rights as fundamental human rights and as equal to men's (human) rights and to further gender equality, both *de jure* and *de facto*.

## 2.4 Recent developments regarding women's rights and the effects of the 'Arab Spring'

Women in the Gulf region are poorly represented in senior positions in both politics and the private sector. This is inherent to persistent **gender-based discrimination** within the framework of family law, which governs issues such as marriage, child custody, divorce and inheritance. In many of the region's countries, the husband is legally the head of the household and, as such, holds power over his wife regarding work and travel. As mentioned earlier, domestic violence remains a significant problem. Moreover, female migrant

<sup>62</sup> These are the CEDAW articles to which most of the reservations by the Gulf States apply:

Art.2 of the CEDAW convention describes the requirements concerning adaptation of the constitution (a), legislation and measures (f), and the penal provisions (g) in order to improve women's rights.

Art. 9.2 concerns equal rights for men and women regarding the nationality of their children

Art. 15 addresses equality of men and women before the law (1), legal capacity and treatment in court (2), annulment of discriminatory legal documents (3) and freedom of movement and choice of residency (4).

Art. 16 regards the elimination of discrimination against women in matters relating to marriage and family, in particular: the same right to enter into marriage (a), the same rights and responsibilities during marriage and at its dissolution (c) and the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children (f).

Art 29 describes the arbitration in case of dispute between two or more states parties.

Articles 2 and 16 are considered by the Committee to be core provisions of the Convention.

workers, particularly in the UAE, Qatar and Kuwait, form a vulnerable group due to the absence of protection under national labour law. Language barriers also complicate their access to any form of legal or social support.

Despite this persistent deficit in women's rights in Gulf societies, notable progress has been achieved in some States during the last decade. Women in Kuwait have been permitted to run for office in parliamentary elections since 2006, while the first female judges were appointed in Bahrain in 2006 and in the UAE in 2008. In Qatar and the UAE, the family law has been codified, which prevents local judges from acting on the basis of their own interpretation of Islamic law. In Saudi Arabia, women have become more visible in public life and seem to be on a slow path to greater personal mobility. According to a recent law in Oman, the testimony of men and women in courts is now equal in most situations, unlike in many Islamic countries, where a man's testimony is equated to that of two women (Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, UAE). Iranian women continue struggling for their rights, despite facing prosecution and harsh punishment by the authorities. Altogether, one could conclude that women's issues have increasingly become a public issue, and a discourse on gender equality is developing.

In 2010, young people in Tunisia, Egypt, Yemen, Libya and Bahrain began to demand a more just and democratic political system. Women took an active role as participants and leaders in mass protests against oppressive regimes. Some of them became victims of sexual assault during and around the demonstrations, which was a political instrument for different parties involved.<sup>63</sup> Women are often seen as protectors of the nation in times of national conflict and as such are susceptible to violence specifically directed at them. At the same time, according to Yasmin El-Rifai, an activist of Operation Anti-Sexual Harassment, such violent practices can be politically meaningful due to a degree of societal tolerance of sexual VAW.<sup>64</sup>

The turmoil in 2010 spread to neighbouring countries; Syria, Kuwait, Oman, Morocco and Saudi Arabia were not spared. While the Iranian authorities were eager to associate these uprisings with the Islamic Revolution of 1979,<sup>65</sup> many women's rights activists in the region felt uneasy in defining women's rights in the framework of Islamic law. They feared that Islamists could emerge as the strongest parties in the post-revolt phase and undermine their previous achievements. Iranian activists, such as the Nobel Peace Prize laureate Shirin Ebadi, expressed worries about the revolutionary movement being hijacked by Islamists, as happened in Iran in 1979. While women's participation in the uprisings was welcomed and even encouraged, they seem to have been marginalised in the aftermath. Women's activists call for the inclusion of women at the decision-making table for recasting the Constitution to include gender as a prohibited category of discrimination.<sup>66</sup>

In 2011, in Saudi Arabia, inspired by demonstrations elsewhere in the Middle East, female students and teachers of King Khalid University and female relatives of prisoners held in arbitrary detention joined forces in demanding improved conditions and more justice. In the same year, one of the three public petitions calling for reforms that circulated online in Saudi Arabia dealt with women's rights and issues of violence and poverty. The government was asked to empower women through educational, economic, political and public

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<sup>63</sup> Van Raemdonck, 2013

<sup>64</sup> Retrieved from: [http://www.jadaliyya.com/pages/index/12891/rising-up-against-sexual-violence\\_an-interview-wit](http://www.jadaliyya.com/pages/index/12891/rising-up-against-sexual-violence_an-interview-wit)

<sup>65</sup> The vast and effective use of social media, the absence of particular religious or political aspirations and the peaceful character of the Arab uprisings, in fact, showed more resemblance to the so-called Iranian Green movement in 2009 following the contested presidential re-election of Ahmadinejad (Rafati, 2012).

<sup>66</sup> Bertelsmann Stiftung, 2014; Moghadam, 2013; Al Dosari, 2012; Esfandiari, 2012; Heideman & Youssef, 2012

participation.<sup>67</sup> In Bahrain, female activists played a crucial role at the initial Pearl Square demonstrations of 2011. After the uprisings in Tunisia and Egypt, the Bahraini Shia majority protested against economic hardship, lack of political freedom and job discrimination in favour of Sunnis.<sup>68</sup> Similar complaints have issued from Saudis, including women from the Eastern region.<sup>69</sup> The recent political developments in the Gulf region attest to women's key role in revolutionary and counter-revolutionary processes which served processes of democratisation. However, whether the Arab uprisings will ultimately serve women's interests and translate into legal changes acknowledging women's rights remains to be seen.

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<sup>67</sup> Al Dosari, 2012

<sup>68</sup> Al-Ali, 2012

<sup>69</sup> Matthiesen, 2013

### 3. WOMEN'S RIGHTS ORGANISATIONS AND SOCIAL MEDIA IN THE GULF STATES

Well-organised, independent women's rights groups and individual freedom of expression on gender issues are both officially restricted in all of the eight Gulf States. It is through quasi-governmental, unofficial and diasporic (women's) organisations and individual activists' efforts that improvement in women's position is being sought. Social media play a crucial role in facilitating and affecting the very nature of women's activism. The following provides a brief overview of the most outstanding aspects of women's activism and movements in the eight Gulf States.

#### 3.1 Women's movements in the Gulf region throughout history

Histories of women's movements in the Gulf region vary profoundly. Bahrain, Iran and Iraq have longer histories than the other five Gulf States. However, as will be discussed in this section, this does not translate into a better position for women at present. The political and socio-cultural turmoil prevents such linear development. At the same time, awareness of and creative ways of engagement with women's issues — despite restrictions imposed by the governments — do seem to coincide with a substantial historical background of women's activism.

Within the Gulf region, Bahrain is considered one of the most liberal countries in its application and interpretation of Islam. What is important is Bahrain's legacy of early education for women and waves of activist men and women determined to achieve women's social and political participation, framed as 'modernisation'. Since 1992, this has culminated in government reform processes and pressure from local non-governmental organisations (NGOs), which has led to improvement in women's situation regardless of religious background.<sup>70</sup> In recent years, especially since the 2011 uprising against authoritarian political forces in Bahrain, women have emerged as proactive and vocal leaders, using social media in their struggle. As in other Gulf States, women are demanding more space and attention on social media through blogs, Twitter and Facebook.<sup>71, 72</sup>

In Iran, despite the 100-year-old Constitutional Revolution (1905–1911), the women's movement is limited in its activities and role due to severe restrictions, notably in access to the internet, enforced by the Iranian government. Nevertheless, Iranian women have employed different ways to address and improve their rights, and have paid the price by being imprisoned, tortured and killed. Their struggle has continued via cyber-activism, small and mass demonstrations (e.g. during International Women's Days), transnational

<sup>70</sup> Due to years of lobbying by NGOs, the Bahraini government adopted the first personal family law in 2009 to prevent arbitrary application of the Sharia in family-related matters. Although the code was initially conceived to apply to both the Shia and Sunni population, hardline Shiite scholars protested against this legislation, which they perceived as too secular. As a consequence, the codification of the family law is now exclusively applicable to Sunnis. Women's rights organisations have criticised this development and expressed their preference for a law applicable to both sects (Ahmed, 2010).

<sup>71</sup> Alvadi, 2014

<sup>72</sup> One example of successful online activism is the case of Zeynab al-Khawaja, one of the most influential Arab activists online, who, despite being imprisoned, has more than 48 000 followers on Twitter. Retrieved from: <https://twitter.com/angryarabiya>

campaigns (e.g. One Million Signatures),<sup>73</sup> active participation in civil society movements (e.g. the Green Movement) and legal advocacy (e.g. Shadi Sadr and Nobel laureate Shirin Ebadi).<sup>74</sup> The election of the less conservative presidential candidate, Hassan Rouhani, in 2013 and his promise to create equal opportunities for men and women in the workplace and in managerial positions resulted in optimism in part of the women's movement. However, evidence of significant improvement in women's position is lacking.<sup>75</sup> The limited space for the women's movement in Iran and absence of possibilities for independent women's rights organisations due to the regime's continuous pressure has resulted in a spread of initiatives, especially in social media. In many, women (and men) with different ideological, religious, ethnic and generational backgrounds, both inside and outside Iran, discuss their perspectives on women's issues. A Facebook campaign called Stealthy Freedom, initiated by the London-based Iranian journalist, Masih Alinejad, in 2014, inviting Iranian women to post unveiled pictures of themselves, is an example of the continuous discussion regarding the compulsory dress code at the national and transnational level.<sup>76</sup>

After many years of activism, starting with the establishment of the Women's Renaissance Club in 1924,<sup>77</sup> the Iraqi women's movement has been facing serious setbacks in the last decade due to political instability and the emergence of Islamic parties.<sup>78</sup> At present, there are reports of women falling victim to violence caused by the Sunni militant group known as ISIS that is sweeping across Iraq.<sup>79</sup> But the women's rights organisations continue to address and guard women's rights laid down in the Constitution.<sup>80</sup> In some parts of Iraq, such as Kurdish regions, many women's organisations are seeking to improve women's situation. However, local activists fear that mainly 'cosmetic reforms' are taking place instead of substantial change.<sup>81</sup> The discrepancy between the formal existence of a number of women's rights organisations and the continuation of gender inequality is further illustrated by the proposal in early 2014 of the Personal Status Code, which aims at legalising polygyny and marriage to girls as young as nine.<sup>82</sup> Within a context of political turbulence, Iraqi youth have recently employed social media to promote peace-building and unity regardless of ethnic and religious background.<sup>83</sup>

Women's NGOs in Kuwait are a pivotal part of the women's movements in the whole region. They have been particularly successful in creating educational opportunities for many women and in influencing the State to improve women's situation more broadly. The government of Kuwait recognises women's rights organisations as key partners in the country's development. Via their access to decision-making positions, women's organisations form a bridge between grassroots women and the State. As such, they represent an important platform for social change.<sup>84</sup> Social media also provide fora where women's activism takes shape and broader societal discussions on issues of justice and

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<sup>73</sup> The goal of this campaign was to gather 1 million signatures in support of changing discriminatory laws against women in Iran. Retrieved from: <http://www.iranhumanrights.org/tag/one-million-signatures-campaign/>

<sup>74</sup> Mouri, 2010; Hoodfar & Sadr, 2010

<sup>75</sup> Retrieved from: <http://www.al-monitor.com/pulse/originals/2014/03/iran-women-discrimination-rouhani-cabinet-womens-day.html>

<sup>76</sup> Retrieved from: <http://www.dw.de/iran-and-the-struggle-for-equality/a-17660317>

<sup>77</sup> Retrieved from: <http://www.iraq-businessnews.com/tag/status-of-women/>

<sup>78</sup> Retrieved from: <http://www.al-monitor.com/pulse/ru/originals/2014/03/iraq-women-rights-challenges-setbacks.html>

<sup>79</sup> Retrieved from: <http://www.nytimes.com/2014/06/14/world/middleeast/un-warns-of-human-rights-abuses-and-civilian-deaths-in-iraq-fighting.html>

<sup>80</sup> Retrieved from: <http://www.wluml.org/node/3290>

<sup>81</sup> Retrieved from: <http://www.ekurd.net/mismas/articles/misc2011/3/state4880.htm>

<sup>82</sup> Retrieved from: <http://www.majalla.com/eng/2014/04/article55249441>

<sup>83</sup> Retrieved from: <http://mashable.com/2012/05/13/iraqi-reality-tv/>

<sup>84</sup> Al-Kazi, 2011



freedom are debated.<sup>85</sup> But there is self-censorship by journalists regarding matters related to the royal family and state-organised internet filtering targeted at topics such as homosexuality, secularism and religions other than Islam.<sup>86</sup>

In Oman, due to governmental restrictions, independent women's rights organisations are absent. However, (international) NGOs working on broader issues do exist, and can potentially play a role in improving the position of women. According to Salma Al Hajry, Chief Executive of Fikrah for Digital Media, the number of active users of social media has increased, from 14 000 in 2012 to 38 000 in 2013, and is expected to exceed 40 000 in 2014.<sup>87</sup> The government has been prosecuting and jailing dozens of online activists, and there is a strong sense of being monitored by the government among the growing number of Facebook, Twitter and WhatsApp users.<sup>88</sup> The Omani Sultanate is known for extensive internet filtering of messages dealing with gay and lesbian issues as well as critical discussions of Islam.<sup>89</sup> Although evidence of women's rights online activism in Oman is lacking, the remarkable increase in the use of social media among Omani youth could contribute to further awareness and improvement of women's rights in the future.

Restrictions imposed by the Association and Private Institutions Law, passed in 2004 in Qatar, leave no room for independent women's rights organisations in the country. The Qatar National Development Strategy 2011–2016 includes a series of women's issues in its policy for social development for improving work–life balance, women's economic empowerment and their participation in decision-making positions.<sup>90</sup> More than 88 % of households in Qatar have access to the internet.<sup>91</sup> Women use social media more frequently than men do.<sup>92</sup> Given the restrictions impeding the formation of civil society, online social activism may prove to be of importance.<sup>93</sup> A section of the quasi-governmental women's organisations use social media as one of their main platforms. One example is the Qatar Professional Women's Network.<sup>94</sup> However, substantial women's rights online activism is absent. Furthermore, Qatar is known for filtering of political and religious criticism on the internet.<sup>95</sup>

Basic freedoms needed for civil society to take root are lacking in Saudi Arabia. Constitutionally, the rights to free speech, press, religion and assembly are non-existent. Forming political parties or trade unions and engaging in strikes are forbidden by law. Article 39 of the Basic Law prohibits 'acts leading to disorder and division', which, depending on the judge's verdict, can be applied to human rights advocacy. This arbitrariness of the legal system makes it very difficult for any kind of human rights

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<sup>85</sup> Having written tweets critical of the emir's policies, the young high school teacher Sara Aldrees was given 20 months in jail without any proper defence. She became known as Kuwait's first female political detainee. Following this incident, a national discussion started on the independence of Kuwait's juridical system.

Retrieved from: <http://www.al-monitor.com/pulse/tr/originals/2013/07/kuwait-women-sara-aldrees.html>

<sup>86</sup> Retrieved from: <https://opennet.net/research/profiles/kuwait>

<sup>87</sup> Retrieved from: <http://www.timesofoman.com/news/Article-31498.aspx>

<sup>88</sup> Retrieved from: <http://www.bbc.com/news/world-middle-east-20243400/>, see also:

<http://freedomhouse.org/article/online-protesters-given-prison-sentences-oman/>

<http://freedomhouse.org/article/six-sentenced-prison-oman-criticism-government-online/>

<sup>89</sup> Retrieved from: <https://opennet.net/research/profiles/oman>

<sup>90</sup> Qatar General Secretariat for Development Planning (2011) Qatar National Development Strategy 2011–2016; Towards Qatar National Vision 2013

<sup>91</sup> Retrieved from: <http://www.slideshare.net/ictQATAR/social-media-use-in-qatar-2013-pub-feb-14>

<sup>92</sup> Retrieved from: <http://gulfnnews.com/news/gulf/qatar/qatari-women-more-social-media-savvy-than-men-study-shows-1.777273>

<sup>93</sup> Retrieved from: <http://www.justhere.qa/2013/12/social-media-activism-qatar-separating-wheat-chaff-hashtag-obsessed-generation/>

<sup>94</sup> Retrieved from: <https://www.facebook.com/QPWNQatar>

<sup>95</sup> Retrieved from: <https://opennet.net/research/profiles/qatar>

activism to be organised.<sup>96</sup> In 1999, after the authorities had developed and installed filtering systems to safeguard social and religious norms, the internet became available for public use. The banned material documented by a Council of Ministers Resolution in 2001 contains categories related to infringement of the sanctity of Islam and potential threats to the authority of the State. Still, the internet penetration rate for Saudi Arabia is increasing, and, although low compared to Kuwait, Qatar, Bahrain, the UAE and Iran, it is higher than in Arab countries outside the Gulf region. More specifically, growth has been noticed in the number of blogs openly discussing women's issues, including some perceived as religiously controversial. Regional and local bloggers sometimes point at country-specific issues such as child marriage, while these topics are ignored by international NGOs, which focus on shared women's issues and overlook specific local practices.<sup>97</sup>

Women's rights groups in the UAE are significantly restricted in their formation and effectiveness. The wife of the former president, Sheikha Fatima bint Mubarak, established the UAE Women's Federation in 1975, which now serves as an umbrella group for women's organisations in the whole country. As far as social media are concerned, Twitter appears to be particularly popular among young and highly educated Emirati women. Although they comprise only 5% of the whole population (more than 80% of the population are non-Emirati), their permanent status in the country, educational background and potential future leadership status make them an important social group. Twitter, they claim, provides them relatively more anonymity, enabling them to publicly express their opinion while being protected.<sup>98</sup> The use of social media has not yet been studied to show its effects on women's rights. However, male and female users seem to be optimistic about their role as a potential catalyst for changing gender inequalities, including the enhancement of women's participation in civil society.<sup>99</sup>

### 3.2 Margins of manoeuvre

As mentioned before, well-organised, independent women's rights groups are absent in the eight Gulf States. Some existing organisations are seen as 'cosmetic' (Iraq), others are tolerated because they fit into the government's plans for the country's development (Bahrain, Kuwait), some use the limited space to address non-controversial women's issues (Bahrain, Kuwait, Qatar, UAE), and in other cases they are almost entirely absent (Iran, Oman, Saudi Arabia). Currently, social media seems to form one of the most pivotal terrains of women's activism, particularly among the youth, albeit not without risk of punishment by authorities due to the political sensitivity of women's rights.

In Bahrain, the quasi-governmental Supreme Council for Women has played a significant role in increasing awareness and protection of women's rights. However, due to its association with the State and the fact that its standpoints can never contradict the government's, there are limitations to openly and fully working to the benefit of women.<sup>100</sup> All NGOs in Bahrain are monitored by the Ministry of Social Development, which prevents

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<sup>96</sup> In 2013, a consortium of civil society groups called on the government to adopt a new law that would allow civil society organisations, but so far there has been no response from the authorities. Retrieved from: <http://www.icnl.org/research/monitor/saudi Arabia.html>

<sup>97</sup> Bernardi, 2010

<sup>98</sup> Strong, 2012

<sup>99</sup> Arab Social Media Report, 2011

<sup>100</sup> For instance, they supported the government's reservations on CEDAW, while other women's organisations called for lifting those reservations in their shadow reports.

them from handling topics considered too controversial, thereby restraining their effectiveness.<sup>101</sup>

Given the absence of organised and officially approved women's organisations in Iran, women's activism has either taken alternative forms or led to confrontation with political authorities. For instance, a few months before the controversial re-election of President Ahmadinejad in the summer of 2009, secular women activists urged the presidential candidates to join CEDAW, and religious women activists called for a revision of the Constitution to establish women's legal equality. Being organised and having support from inside and outside Iran, these women played a major role during the post-election demonstration in 2009, known as the 'Green Movement'. They faced violent arrests and harsh punishments, as on many other occasions.

In Iraq, although women's rights organisations are allowed and rather widespread, their effectiveness is limited mainly due to socio-political instability and the subsequent lack of security. In the post-Saddam Shia-dominated Iraq, women have suffered severely from this chaotic dispensation. The Shia politicians' quest to gain and hold power over the country by forcing a strict interpretation of religious tradition as a political instrument has resulted in violations of women's rights.<sup>102</sup>

In Kuwait, promising and positive results have been achieved by women's rights organisations. However, it should be taken into account that these organisations mainly consist of women from the elite class. Furthermore, the setting up and operation of women's rights organisations is closely regulated by the government and subjected to severe restrictions imposed by the Ministry of Social Affairs and Labour.<sup>103</sup>

Given that women's rights NGOs do not exist in Oman, it is only through other organisations engaged with issues considered less sensitive, such as education and business, that improvement in women's situation might be achieved. Women's autonomy, security and civil rights are among controversial topics that cannot be openly discussed by government-led organisations.<sup>104</sup>

In Qatar, governmental and quasi-governmental organisations have taken important steps towards improving women's conditions. In addition to such officially established and controlled organisations, (migrant) women use informal gatherings to address their needs. However, many Qatari women are unaware of the existence of such organisations, as social norms prevent them from approaching entities outside the family to deal with their concerns.<sup>105</sup>

Currently, it is only through spontaneous initiatives in society at high personal cost<sup>106</sup> and government-approved programmes that women's issues are addressed in Saudi

<sup>101</sup> Ahmed, 2010

<sup>102</sup> Retrieved from: <http://www.hrw.org/news/2014/03/26/women-s-rights-under-threat-iraq>

<sup>103</sup> Al-Sabah, 2013

<sup>104</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Oman.pdf)

<sup>105</sup> Breslin & Jones, 2010

<sup>106</sup> In 2004, when a well-known television personality revealed pictures of herself being severely beaten by her husband, domestic violence against women in Saudi Arabia became the subject of public discussions inside and outside the country. In 2011, using Facebook and Twitter, the campaign 'women2drive' encouraged women holding international driving licences to get behind the wheel to defy the driving ban imposed on women. In 2013, the same campaign received a higher level of support, especially in online forums. Some 17 000 people signed an online petition against the ban, and the YouTube video by Hisham Fageeh, 'No Women, No Drive', has had more than 3 million views. Retrieved from: <http://www.amnesty.org/en/for-media/press-releases/women-activists-prepare-defy-saudi-arabian-driving-ban-2011-06-16/>,

Arabia.<sup>107</sup> The Ministry of Social Affairs now has 17 Protection Committees. Yet it is not clear what authority the committees have if the police do not pursue criminal charges. Most criminal cases are not prosecuted in court. Various groups, such as the Human Rights Commission, the National Society for Human Rights and the King Khaled Charitable Foundation, are supposed to encourage reporting on domestic violence. However, none of these groups is independent of the government.<sup>108</sup> Moreover, human rights activists and lawyers advocating for feminist causes run the risk of being detained, discredited and intimidated, and of losing their jobs.<sup>109</sup>

In the UAE, independent women's rights NGOs, activists and philanthropists are extremely limited in their operation due to obstacles caused by bureaucratic procedures necessary to gain approval from the government. Although article 33 of the Constitution guarantees freedom of association and assembly within the limits of law, in practice all public gatherings require government permits.<sup>110</sup> The term 'state-sanctioned feminism' has been used to indicate the dominant role of the government in determining the agenda of existing organisations, such as the General Women's Union.<sup>111</sup>

### 3.3 Main areas of action<sup>112</sup>

Below is a list of topics by country regarding the most important issues addressed by organisations and activists to improve women's human rights in the eight Gulf States. The areas of action mentioned here are claimed by a number of organisations, but actual practices as well as informal grassroots activities remain outside the scope of this study. There are similarities regarding the enhancement of legal, economic and political participation, elimination of (domestic) violence, care for persons with disabilities, and awareness-raising regarding women's rights. Nevertheless, as the list will illustrate, some country-specific areas of action can be indicated.

#### Bahrain

- elimination of sexual harassment and domestic sexual abuse against women<sup>113</sup>
- providing women's shelters for Bahraini and expatriate female victims of violence

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<http://www.gwu.ae/Uploads/pdf/stat2.pdf>

<sup>107</sup> For instance, a National Organisation for Human Rights was established in 2004, and 10 of the 41 members appointed were women with a mandate to monitor women's rights. Another example of such government-approved action in favour of women is the National Dialogue Conference in 2004, during which it was recommended that women be allowed to sit as judges in family court and that family law be standardised to prevent arbitrary decisions by individual judges.

<sup>108</sup> Retrieved from: <http://english.alarabiya.net/en/News/middle-east/2013/04/28/Saudi-Arabia-launches-first-anti-domestic-violence-campaign.html>

<sup>109</sup> This is, for instance, illustrated by the case of Wajeha al-Huwaider, co-founder of the Association for the Protection and Defence of Women's Rights in Saudi Arabia, who was interrogated and forced to sign an agreement to stop engaging in women's rights protests (Doumato, 2010).

<sup>110</sup> UAE Human Rights Association is the first and only human rights NGO that has obtained a licence from the Ministry of Social Affairs, which it did in 2006. Thus far, this association has not been able to effectively address sensitive women's issues and, instead, has functioned as an ombudsman operating between social welfare bodies and the public (Kirdar, 2010).

<sup>111</sup> Retrieved from: <http://www.genderacrossborders.com/2010/05/29/the-united-arab-emirates-women%E2%80%99s-rights-in-progress/>

<sup>112</sup> The names and goals of civil society organisations engaged with achieving women's rights in each country, if available, are listed in Section 8 of each country report.

<sup>113</sup> Retrieved from:

<http://www.bahrainrights.org/sites/default/files/BCHR%20Report%20on%20Family%20Law%20in%20Bahrain.pdf>

#### Iran

- addressing compulsory dress code
- advocating the elimination of gender-based discriminatory laws
- urging the government to join CEDAW
- increasing athletic opportunities for women and gaining permission to attend all sporting events
- removing women-discriminatory quotas and segregation in higher education<sup>114</sup>

#### Iraq

- raising awareness of gender discriminatory laws
- elimination of (domestic) VAW (including honour killing and FGC)
- economic engagement of women and youth in the private sector

#### Kuwait

- demanding rights for women as stipulated within Islam
- improving women's socio-cultural condition by lobbying for women's voting rights
- addressing and protecting rights and addressing human rights abuses and exploitation of runaway domestic workers

#### Oman

- arranging socio-cultural activities for migrants
- providing educational and professional training, organising entrepreneurship workshops and providing information on international scholarships

#### Qatar

- raising awareness regarding women's constitutional rights
- addressing the increasing divorce rate in Qatar and offering counselling to couples seeking divorce
- preventing the trafficking of women and children
- offering family support programmes, guidance programmes and career training
- providing legal aid to women advocating for policy reforms to improve women's position

#### Saudi Arabia

- juridical representation of women in Sharia courts
- preventing child marriage
- promotion of the right to drive
- elimination of domestic violence

#### UAE

- suggesting new laws and amendments to existing laws, to improve women's position in society
- advancement of migrant workers' rights, especially female domestic workers

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<sup>114</sup> Retrieved from: <http://www.brookings.edu/blogs/iran-at-saban/posts/2013/10/02-womens-rights-rouhani-kar>

- developing means and mechanisms to more effectively integrate public work and social welfare
- addressing issues of trafficking, domestic violence and discrimination.

### 3.4 Regional and international collaborations

Overall, official collaborations at the regional and international level are rather uncommon in the Gulf region. In countries such as Iran, Oman, Qatar and Saudi Arabia, affiliations with foreign NGOs are either forbidden or strictly monitored by governmental authorities. Regional activities among Kuwaiti and Emirati women's organisations also seem limited, regardless of governmental restrictions. The degree of collaboration is strongly related to the nature of the shared concerns between the partners. Joint partnerships among business associations are perceived as politically less problematic by governments than collaborations involving civil society and political rights. Given the paradox of relatively high education and low labour force participation, there is much to gain here for some countries. For instance, as part of the Middle East and North Africa Businesswomen's Network, the Bahrain Businesswomen's Society — the first established in the region, in 2000 — cooperates with other entities such as the government and UNDP.<sup>115</sup> Moreover, in 2007, a partnership was formed between the US-based NGO, Vital Voices, the Bahraini company, Smart Coaching and Research Centre, and the US State Department. One of their goals is to advance civil society in regard to domestic violence and provide training in advocacy and volunteerism.<sup>116</sup>

The extent of partnership between the European Union (EU) and civil society organisations in this region varies by country — from non-existent in the case of Iran to substantial in Iraq.<sup>117</sup> In Qatar, proposals for international joint scholarship and university projects dealing with gender studies and human rights are refused by the government. Social media, despite censorship and the risk of prosecution, sometimes forms a bridge between activists in and beyond the Gulf region that share concerns on such issues as the enhancement of political freedom and social engagement, and a more sustainable economic system.<sup>118</sup>

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<sup>115</sup> BBWS, 2014

<sup>116</sup> Ahmed, 2010

<sup>117</sup> For a detailed list of EU activities in the eight Gulf States, see Chapter 5.

<sup>118</sup> Retrieved from: <http://www.atlanticcouncil.org/publications/issue-briefs/breaking-taboos-youth-activism-in-the-gulf-states>

## 4. WOMEN IN DECISION-MAKING IN THE GULF

Participation of women in political, judicial and economic decision-making in the Gulf region, as in other parts of the world, leaves much to be desired. This chapter will reflect on the current situation of women in decision-making positions in the eight Gulf States. In the first section, women's access to high-level, influential political and judicial positions will be discussed, while a brief reflection on the importance of family connections in achieving those positions will be presented. The second section deals with the same issue at the economic level. It is important to note that women's participation at the decision-making level does not necessarily lead to improvement in the women's rights situation. Such high positions might be symbolic, they might be based on family connections, and some women might actively contribute to patriarchal politics depending on their ideological affiliations.

### 4.1 Women in political and judicial decision-making

Although **women's role in political decision-making has increased** in the past decades, **much has yet to be gained** in this field with regard to gender equality, as the table below shows. At the same time, a correlation between a higher level of women's involvement in political decision-making and actual empowerment for women should not be taken for granted. Moreover, not all countries show an increase at the same level. Neither is the presence of women in one domain of decision-making a guarantee for a same level of female participation in other domains. To account for this complexity, a distinction is made between different fields of political decision-making.

**Table 6: Proportion of women in parliament and in ministerial-level positions**

	Proportion and number of seats held by women in parliament						Proportion and number of women in ministerial level positions					
	2005		2010		2014		2005		2010		2014	
Bahrain	0%	0	3%	1	10%	4	9%	2	11%	3	15%	4
Iran	4%	12	3%	8	3%	9	7%	2	3%	1	10%	3
Iraq	No parliament		26%	70	25%	82	19%	6	10%	4	4%	1
Kuwait	0%	0	8%	5	5%	3	0%	0	7%	1	7%	1
Oman	2%	2	0%	0	1%	1	10%	3	9%	3	7%	2
Qatar	No parliament		0%	0	0%	0	8%	1	0%	0	5%	1
Saudi Arabia	0%	0	0%	0	20%	30	0%	0	0%	0	0%	0
UAE	0%	0	23%	9	18%	7	6%	1	17%	4	15%	4

Source: Inter-Parliamentary Union/UN Women Watch

#### 4.1.1. Bahrain

Bahraini women have achieved modest gains in political decision-making in the past several years.<sup>119</sup> In 2006, Latifa al-Gaoud was elected to the Council of Representatives, the first in the GCC. In 2014, four women were appointed to the parliament.

##### Ministers

Among Arab countries, Bahrain had the first female Minister of Health, Nada Haffadh, appointed in 2004. In 2005, Fatima al-Balushi became the Minister of Social Development, and in 2008 Sheikha May Bint Mohammed al-Khalifa was appointed Minister of Culture and Information. In 2012, Sameera bint Ibrahim Rajab was appointed Minister of State for Information Affairs.

##### Ambassadors

Bahraini female ambassadors have been active since the 1990s, and women have been appointed to the most prestigious embassies, the UK and the USA.

##### Universities

In the past decades, women have obtained positions of undersecretaries, college deans and university presidents.

##### Judiciary

Several women work in the judiciary system. In 2003, three women were appointed prosecutor, and two have been promoted in the meantime. In 2006, Mona al-Kawari became the first female judge, and in 2007 Dhouha al-Zayani the second. In 2007, a woman became Director of Public Prosecution, and in 2008 Fatima Hubail was appointed as a Lower Criminal Judge. However, none of these positions includes Sharia courts, where cases that affect women most directly are often heard.

Overall, women's role in political decision-making remains insufficient, and they continue to be under-represented in both the public and private sectors. With respect to campaigning, compared to men, women have limited access to gender-mixed settings such as mosques and community gatherings.<sup>120</sup>

In Bahrain, the king's family is Sunni and most influential positions in government and economy are held by Sunnis or supporters of the ruling family. Especially in the case of women, family connections are crucial to obtaining high-level political positions. Moreover, in the process of appointment, the government excludes women who hold opposing political views, regardless of these women's qualifications and expertise. Currently, women are better able to contribute to community life, policies and social development at the local level than at the national level. In the field of NGOs, where women constitute more than 60 % of the membership, they depend largely on support from their community for achieving influential positions.<sup>121</sup>

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<sup>119</sup> Retrieved from: <http://gulfnews.com/news/gulf/bahrain/bahrain-pm-awarded-for-women-s-empowerment-1.1344035>

<sup>120</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Bahrain.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf)

<sup>121</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Bahrain.pdf/](http://www.freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf/)



#### 4.1.2. Iran

In Iran, gender inequality at the institutional level prevents women from taking part in high-level political decision-making. Women are excluded from leadership positions in the main power organs such as the Office of the Supreme Leader, the Assembly of Experts, the Guardian Council, the Expediency Council, the judicial branch and the presidency. Only nine women currently sit in the parliament. However, despite extensive discriminatory laws and policies, women play a considerable role in the political arena. During his presidency, Khatami appointed a woman as one of several of Iran's vice-presidents, and she also served as Head of the Environmental Protection Organisation. Another woman became Khatami's adviser on women's affairs and led the Centre for Women's Participation Affairs within the president's office. During Ahmadinejad's presidency, another woman was appointed to this post, but its name was changed to the Centre for Women and Family Affairs.

##### Ministers

Marzieh Vahid-Dastjerdi was appointed the first female cabinet minister since the Islamic revolution in 1979, serving as Minister of Health and Medical Education during Ahmadinejad's presidency.<sup>122</sup> Currently, Elham Aminzadeh, a former conservative lawmaker and teacher at several universities, has been named Vice-President for Legal Affairs.<sup>123</sup> Shahindokht Molavardi is Vice-President for Women and Family Issues. Masoome Ebtekar is Vice-President for Protection of the Environment.

##### Ambassadors

There have been no female ambassadors since the Islamic revolution of 1979. Mehrangiz Dolatshahi is the only woman to become an ambassador (to Denmark in 1976 during the Pahlavi reign).

##### Universities

Zahra Rahnavaard was the first female university chancellor. She is the wife of the former Prime Minister and 2009 presidential candidate, Mir Hossein Mousavi. Initially appointed by Khatami, she was removed when hardliners took political control during Ahmadinejad's presidency.<sup>124</sup>

##### Judiciary

Since 2005, women have once again been allowed to become judges, but they are prohibited from issuing and signing final verdicts. After the Islamic revolution, women were deemed unsuitable to serve as judges. Nobel laureate Shirin Ebadi, who was one of the first female judges in Iran at the time, was forced to become a clerk of the court. She resigned in protest and decided to practice law. She has been in exile in the UK since 2009.

Women in Iran have been more successful at the level of municipal, city and village councils.<sup>125</sup> There are about 240 registered political parties or organisations, all of which are at least nominally Islamist. These are broadly classified as either reformist or conservative. Eighteen of these entities are women's groups working mainly within the

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<sup>122</sup> Farrokhru Parsa, the Minister of Education, was the first woman named to a cabinet position in 1968. Mahnaz Afkhami was named Minister of State for Women's Affairs in 1975. Retrieved from: <http://iranprimer.usip.org/resource/womens-movement>

<sup>123</sup> Retrieved from: <http://www.rferl.org/content/rohani-woman-cabinet-iran/25074111.html>

<sup>124</sup> Retrieved from: [http://iranprimer.usip.org/sites/iranprimer.usip.org/files/The%20Women\\_s%20Movement.pdf](http://iranprimer.usip.org/sites/iranprimer.usip.org/files/The%20Women_s%20Movement.pdf)

<sup>125</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Iran.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Iran.pdf)

reformist Islamic camp. Due primarily to conditions set by the Guardian Council, female deputies in 2004 and 2008 have been overwhelmingly conservative, with little commitment to women's rights. The State's policies at the highest level remain the foremost factor influencing women's access to decision-making positions.<sup>126, 127</sup>

#### 4.1.3. Iraq

In 2004 and 2005, through rallies and lobbying, Iraqi women managed to secure a 25% quota in the parliament prescribed by the new Constitution. However, at the level of city councils and in the judiciary they remain under-represented. Women running in elections, as in the case of the Transitional National Assembly in 2005, tend to face significant obstacles in the form of intimidation to prevent them from campaigning, especially in conservative regions. For security reasons, some women refrain from placing their posters on the streets, which, combined with their already limited social and professional network compared to male candidates, significantly reduces their chances of accessing important political positions. A lack of security and persistence of conservative ideas about women's roles in society are severe obstacles to their full participation in political decision-making.<sup>128, 129, 130</sup>

##### Ministers

Ibtihal Kassed al-Zaidi is currently the only female minister in Iraq's cabinet, in charge of the Ministry of Women's Affairs.<sup>131</sup>

##### Ambassadors

Iraq has no female ambassadors at present.

##### Universities

Siba Adnan, the first female university president in Iraq's history, was appointed in 2014 by the Ministry of Higher Education.<sup>132</sup>

##### Judiciary

Currently, 72 female judges have been reported to be working in Iraqi courts, whose position seems to be relatively independent from the political instability.<sup>133</sup>

Despite the attempts of the post-Saddam Hussein leadership to create and guarantee a democratic system, women's rights are still seriously hampered. Most of the drafters of the Constitution in 2005 belonged to fundamentalist Islamic groups. Currently, various parties in the government and the parliament hold traditional views opposing women's empowerment.<sup>134</sup>

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<sup>126</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Iran.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Iran.pdf)

<sup>127</sup> Retrieved from: [http://us-iran.org/sites/default/files/webform/userarticle-submissions/women\\_in\\_politics-iran.pdf](http://us-iran.org/sites/default/files/webform/userarticle-submissions/women_in_politics-iran.pdf)

<sup>128</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Iraq.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Iraq.pdf)

<sup>129</sup> Retrieved from: <http://www.al-monitor.com/pulse/originals/2014/01/iraq-women-absent-role-politics.html>

<sup>130</sup> Retrieved from: <http://www.globalresearch.ca/the-continuing-deterioration-of-womens-rights-in-iraq/5367085>

<sup>131</sup> She was criticised after stating that she did not believe in equality between men and women in Iraq. Retrieved from: <http://kurdistantribune.com/2012/outrage-iraqi-womens-affairs-minister-opposes-equality-for-women/>

<sup>132</sup> Retrieved from: [http://mawtani.al-shorfa.com/en\\_GB/articles/iii/features/2014/02/06/feature-02](http://mawtani.al-shorfa.com/en_GB/articles/iii/features/2014/02/06/feature-02)

<sup>133</sup> Retrieved from: <http://articles.latimes.com/2011/oct/01/world/la-fg-iraq-judge-20111001>

<sup>134</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Iraq.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Iraq.pdf)

#### 4.1.4. Kuwait

Women in Kuwait are involved in all major political groups and occasionally hold positions of founding or board members, with the exception of the Islamist organisations, in which women's participation is restricted to women's committees. Women's contribution to the decision-making process involves two seats in the Municipal Council and one ministerial position. Three women were elected to the parliament in 2014.

##### Ministers

Hind al-Sabeeh, currently the only female minister in Kuwait, is in charge of the Ministry of Labour and Planning.

##### Ambassadors

Nabeela Al-Mulla was the first woman from the GCC to serve as ambassador. Currently, she is Ambassador to the Kingdom of Belgium and Ambassador-designate to the European Union and to the Grand Duchy of Luxembourg.<sup>135</sup> Overall, the role of women in the diplomatic service remains very limited.<sup>136</sup>

##### Universities

Fayza Al-Khorafi was the first Arab woman to be appointed Rector of an Arab University, namely Kuwait University, in 1993. She is currently Vice-President of the World Academy of Sciences for the Developing World.<sup>137</sup> In 2003, Modhi Al-Hamoud was appointed Rector of the Arab Open University.

##### Judiciary

Since 2013, women have been allowed to apply for the position of prosecutor in Kuwait's judicial system. They may also become judges.<sup>138</sup>

Political corruption and favouritism has been a public concern in the past few years. In 2012, a campaign was launched aiming at ending *wasta* (nepotism and favouritism) and demanding transparency. The National Assembly played an important role in addressing the lack of transparency at governmental level. However, connections between women's appointments at decision-making level and allegations of corruption remain absent in these discussions.<sup>139</sup>

#### 4.1.5. Oman

In Oman, political parties and all opposition to the government are prohibited. Women's influence is still rather limited, as the majority of policy- and decision-making posts in executive, legislative and judiciary branches remain occupied by men.<sup>140</sup> In 2007, 21 women ran as candidates in the elections for the Consultative Council, which is part of an advisory parliament with no legislative power. None of these women was elected. Only one woman currently sits in the advisory parliament. According to a Freedom House report on

<sup>135</sup> Retrieved from:

[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/dplc/dv/nabeelaalmulla/nabeelaalmullaen.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dplc/dv/nabeelaalmulla/nabeelaalmullaen.pdf)

<sup>136</sup> Retrieved from:

<http://www.arabtimesonline.com/NewsDetails/tabid/96/smid/414/ArticleID/181291/reftab/96/Default.aspx>

<sup>137</sup> Retrieved from: <https://cnre.mit.edu/people/advisory-board/al-kharafi>

<sup>138</sup> Retrieved from: <http://english.alarabiya.net/articles/2013/01/15/260598.html>

<sup>139</sup> Retrieved from: <http://gulffnews.com/news/gulf/kuwait/campaign-to-fight-favouritism-launched-1.1067242/> and <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/kuwait/show-all.aspx>

<sup>140</sup> Retrieved from: <http://www.refworld.org/docid/47387b6ec.html>

Oman, in 2010, women constituted only 5.15 % of the leadership and decision-making positions in the advisory parliament.<sup>141</sup>

#### Ministers

Oman has two female ministers. Rawya Saud al-Busaidi, the first woman to be appointed to a ministerial portfolio, is Minister of Higher Education. Madeeha bint Ahmed bin Nassir al-Shibaniyah is Minister of Education.

#### Ambassadors

In 1999, Khadija bint Hassan al-Lawati became ambassador to the Netherlands. Hunaina bint Sultan Al-Mughairy was appointed ambassador to the USA in 2005. She is currently the only female Omani ambassador.

#### Universities

Khulood Bint Mohamed Rashid Al Aرامي and Fadwa bint Salim Said Hamad Al Fannah Al Aرامي are two of the three directors at the Caledonian College of Engineering. Heba Hassan is Acting Dean of the College of Engineering at the Dhofar University. Mona Kamal Ismail is Dean at the Scientific College of Design.

#### Judiciary

Women are still not allowed to serve as judges. The number of women in courts as officials and lawyers is very limited.

In Oman, the sultanate has the highest power with respect to appointments in policy- and decision-making. In 2007, 14 women were appointed by the sultan in a royal decree to serve in the 70-member State Council.<sup>142</sup>

#### 4.1.6. Qatar

Political parties are banned in Qatar, which means that family and local ties are of utmost importance in electoral and political activities. Since 1996, women have participated in electoral politics such as the elections for the Central Municipal Council (CMC), the Qatar version of parliament. In 2007, three women participated in these elections, among 118 male candidates. One of the three, Sheikha Yusuf al-Jufairi, was elected. However, the CMC has no power to influence policy and is based on a very limited electorate. There are currently no women sitting in the CMC.

#### Ministers

Hessa Al Jaber is Qatar's Minister of Communication and Information Technology, the third female minister in the country's history.<sup>143</sup>

#### Ambassadors

In 2013, Sheikha Mozah Bint Nasser Bin Ahmed Bin Ali Al-Thani was appointed ambassador to Croatia.<sup>144</sup>

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<sup>141</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Oman.pdf)

<sup>142</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Oman.pdf)

<sup>143</sup> Retrieved from: <http://dohanews.co/new-emir-appoints-female-cabinet-member-in-qatar/>

<sup>144</sup> Retrieved from: <http://thepeninsulaqatar.com/news/qatar/247217/qatar-appoints-first-female-envoy>

### Universities

Hissa Mohammad Sadiq is Professor of Educational Administration at Qatar University and became Dean of College Education in 2004. Sheikha Abdulla Al-Misnad, an influential figure in changing Qatar's educational system in past decades, became President of Qatar University in 2003.

### Judiciary

In 2010, Sheikha Maha Mansour Salman Jassim Al-Thani was appointed a judge, the first Qatari woman to enter the judiciary.

The number of women working in the government is growing considerably, although they remain under-represented, and primary positions are still predominantly filled by men. Women are excluded from the diplomatic service and have not been appointed as police commissioners or to other high-level security positions. They do, however, occupy leading educational, managerial and executive posts in the social sector.<sup>145, 146</sup> The emir's power includes activities concerned with women's rights. For instance, the Social Development Centre, a non-profit organisation, was established by his wife with the goal of empowering low-income families and enhancing women's self-sufficiency within traditional sociocultural constraints.<sup>147</sup>

#### 4.1.7. Saudi Arabia

The weekly meetings held by the King and governors provide the only direct public access to the government. Women, however, are not admitted and must send a written petition via a male relative. Women are still not allowed to vote or to be elected, which remains a topic of public discussion. Slowly, women have gained limited access to domains, such as the law, which were previously perceived as exclusively reserved for men.

### Ministers

Saudi Arabia has no female ministers. In 2009, Nora bint Abdullah al-Fayez was named Deputy Minister in charge of girls' education, which is the highest appointed post ever attained by a woman. Recently, high-profile women have also been appointed to elite ministry posts and directorships in quasi-governmental civic organisations. In 2013, 30 women were appointed by the King to the Shura Council, the formal advisory body to the King and cabinet. Among them were human rights activists, university graduates and two princesses.<sup>148</sup> However, women's real power to influence political decision-making remains unclear.<sup>149, 150</sup>

### Ambassadors

Saudi Arabia has no female ambassadors.

### Universities

Huda bint Mohammad Al-Ameel was appointed Rector of Princess Nora Bint Abdulrahman University, the largest women's university in the world, where Munira Al-Abdan is Vice-

<sup>145</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Qatar.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Qatar.pdf)

<sup>146</sup> Retrieved from: <http://mepc.org/journal/middle-east-policy-archives/political-reform-qatar-participation-legitimacy-and-security?print>

<sup>147</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Qatar.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Qatar.pdf)

<sup>148</sup> Retrieved from: <http://www.aljazeera.com/news/middleeast/2013/02/2013219201637132278.html>

<sup>149</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Saudi%20Arabia.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf)

<sup>150</sup> Retrieved from: <http://studies.aljazeera.net/ResourceGallery/media/Documents/2011/11/27/20111127125151908734Women%20Participation%20in%20Saudi%20Arabias%20Political%20Arena.pdf>

President for Studies and Development. Shanaifa Al-Qarni is Dean of the Women's College at King Khalid University.

#### Judiciary

There are no female judges in Saudi Arabia. In 2013, Arwa Al-Hujaili became the first female lawyer in the country.<sup>151</sup> Saudi women have been allowed to study law since 2005.

In Saudi Arabia, connections to the royal family are crucial for women (and men) to be appointed to high-level positions. Through these connections, they can communicate their objectives directly to the members of the royal elite. Women, more generally, can also influence policy and social development via their roles as teachers, journalists, university professors and social workers, albeit less effectively and far more slowly.<sup>152</sup>

#### 4.1.8. United Arab Emirates

Emirati women have been particularly successful in achieving high-level government positions in recent years.<sup>153</sup> They have been elected to the Federal National Council and appointed as federal judges, prosecutors and ministers. However, the council lacks legislative power and functions as an advisory board. Similarly, many high-level appointments among women involve institutions with limited power. Moreover, female positions at the decision-making level involve already high-profile women, and there is little evidence of promotion among women at a rate comparable to that of men in management positions.<sup>154</sup>

#### Ministers

The UAE has four female ministers. Lubna bint Khalid bin Sultan al-Qasimi, the first woman to hold a ministerial position, is Minister for Foreign Trade. Maitha Salem al-Shamsi and Reem Ebrahim al-Shamsi are both Ministers of State and have been influential in addressing women's issues in the UAE and in the Arab world in general. Maryam Mohammed Khalfan al-Roumi has been serving as Minister of Social Affairs since 2006.

#### Ambassadors

In 2008, Hassa al-Otaiba and Sheikha Najla al-Qasimi became the country's first female ambassadors, serving in Spain and Sweden, respectively.

#### Universities

Lubna bint Khalid bin Sultan al-Qasimi is President of Zayed University, as well as Minister of Foreign Trade.

#### Judiciary

In 2008, Kholoud Ahmed Juoan al-Dhaheri became the first female judge, and Fatima Saeed Obaid al-Awani was appointed the first female registrar.

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<sup>151</sup> Retrieved from:

<http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20130412161029>

<sup>152</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Saudi%20Arabia.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf)

<sup>153</sup> Retrieved from:

[http://www.khaleejtimes.com/DisplayArticle.asp?xfile=data/theuae/2005/April/theuae\\_April804.xml&section=theuae](http://www.khaleejtimes.com/DisplayArticle.asp?xfile=data/theuae/2005/April/theuae_April804.xml&section=theuae)

<sup>154</sup> Retrieved from:

[http://www.freedomhouse.org/sites/default/files/inline\\_images/United%20Arab%20Emirates.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/United%20Arab%20Emirates.pdf)

Emirati women from or connected to the ruling family enjoy far greater benefits in terms of health care, education and free housing than women from lower classes. Migrant women with high-level professional positions share the same benefits, although they face disadvantages due to belonging to another class, nationality or religion, as well as their lack of tribal connections.<sup>155</sup>

## 4.2 Economic decision-making

**Women are increasingly getting university degrees**, including PhDs, across the Gulf region, **but this has not been translated into a corresponding share of economic decision-making**. As in other regions of the world, traditional notions regarding women's role in the family and society seem to constitute a major obstacle to achieving more gender equality in this area. Formal employment and business are associated with men, even though Islamic history supports the idea of women's economic rights. To illustrate the latter, the case of Prophet Mohammad's first wife, Khadija, who was a successful and economically independent businesswoman, is often referred to. In present-day reality, **women's financial contribution** to the household is perceived as necessary, but making purely career-oriented decisions is frowned upon. Nevertheless, a **slight trend toward more acceptance of women's role in positions of economic decision-making** can be noticed in many Gulf States.

**Table 7: Women in economic decision-making**

	Ability of women to rise to positions of enterprise leadership	Firms with female participation in ownership (% of total)	Female legislators, senior officials and managers (% of total) <sup>156</sup>	
				Year
Bahrain	5	N/A	11	2004
Iran	4	N/A	13	2008
Iraq	N/A	7 %	N/A	
Kuwait	5	N/A	14	2005
Oman	5	N/A	N/A	
Qatar	5	N/A	4	2009
Saudi Arabia	3	N/A	5	2009
United Arab Emirates	5	N/A	10	2008

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = Extensive, women have equal opportunities of leadership)'.

**Source:** Firms with female participation in ownership (% of firms): World Bank, Enterprise Surveys (<http://www.enterprisesurveys.org/>).

<sup>155</sup> Retrieved from: <http://www.genderacrossborders.com/2010/05/29/the-united-arab-emirates-women%E2%80%99s-rights-in-progress/>

<sup>156</sup> The numbers in this column, provided by the ILO, cover three categories of legislators, senior officials and managers, so it is not possible to make a distinction between political and economic decision-making.

Source: Female legislators, senior officials and managers (% of total) refer to the share of legislators, senior officials and managers who are female: ILO.

#### 4.2.1. Bahrain

In Bahrain, a woman is supposed to primarily provide domestic care for her husband and children. Socio-cultural notions of gender inequality in this area are reflected in bureaucratic practices that make it more difficult for women to start their own businesses. Women have responded by providing document clearance services to circumvent discriminatory bureaucratic processes. Women's job opportunities are also affected by discrimination at various levels of education. For example, some technical subjects are restricted to males. Moreover, under article 301 of the private Labour Law (no. 63 of 1976) women are prohibited from working between 20:00 and 04:00 (with exceptions in health care) and from doing heavy industrial work (no. 5 of 1977). Despite cultural, political and legal obstacles to economic independence faced by women, the awareness that their contribution is necessary to the achievement of full economic potential is growing. In the field of entrepreneurship, there has been a rise in the number of Commercial Registrations owned by women, from 23 301 to 31 925 — an increase of 37.01 % over the period 2007–2011. Men's registrations increased by 22.91 % during the same period, from 38 624 to 47 472.<sup>157</sup> Women have also become more active in the private sector.<sup>158</sup> Overall, women play an increasing role in Bahrain's economy, although this is not reflected in positions of decision-making.

#### 4.2.2. Iran

Iranian women's low economic status does not correspond with the remarkable growth in their literacy rates, educational attainments and socio-political engagement. Women hold a limited share of executive, administrative and managerial positions, which is partly related to the increasing demand for jobs. Combined with socio-cultural gender biases that favour men in job appointments and promotion, especially in the private sector, women's opportunities for substantial economic participation are limited.<sup>159</sup> Simultaneously, some of the government's legal measures taken to protect female employees — for instance, concerning maternity leave — have resulted in making women less attractive workers for employers. Furthermore, gender-based disadvantages occurring at the higher level of education have reduced their opportunities in the job market. For female students, access to university education of their choice has become limited by gender quotas, sex segregation policies and unfair distribution of facilities and resources. These forms of discrimination limit their career choices.<sup>160</sup>

#### 4.2.3. Iraq

The socio-political instability in Iraq since 2003 has negative effects on women's living conditions, including their economic participation.<sup>161</sup> Many of the extensive programmes launched by international organisations to support small and medium-sized businesses run by women have been unsuccessful because of escalating VAW in senior economic

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<sup>157</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Bahrain.pdf/](http://www.freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf/) and [http://www.scw.bh/UploadFiles/pdf/BahrainiWomen\\_inNumbers2013.pdf/](http://www.scw.bh/UploadFiles/pdf/BahrainiWomen_inNumbers2013.pdf/)

<sup>158</sup> Retrieved from: <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=355567>

<sup>159</sup> Retrieved from: <http://www.wilsoncenter.org/sites/default/files/ValentineMoghadamFinal.pdf>

<sup>160</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Iran.pdf/](http://www.freedomhouse.org/sites/default/files/inline_images/Iran.pdf/)

<sup>161</sup> Retrieved from: [http://www.peacewomen.org/portal\\_resource\\_resource.php?id=1146](http://www.peacewomen.org/portal_resource_resource.php?id=1146)



positions. Women from other professional fields, including doctors, engineers, politicians, teachers and civil servants, have also been facing violence, including murder and kidnapping. Moreover, although according to the labour code of 1967 and the penal code of 1969, women should be protected against sexual harassment in the workplace, these laws are seldom enforced, and many women lack knowledge of their very existence. Women working in the public sector are better protected in terms of paid maternity and nursing hours than women in the informal and agricultural sectors.<sup>162</sup> Although there is reluctance to support women's economic participation, poverty and the recently increased number of widows and divorcees have led to a growing acceptance of women's economic engagement.<sup>163</sup>

#### 4.2.4. Kuwait

Among Kuwaiti women, employment is relatively high, and they have been increasingly joining the labour force in the past decade. Women are authorised to sign business and financial contracts without male consent, and, in practice, the number of women starting their own businesses and gaining more economic independence has been increasing. Furthermore, women participate in most professions, including engineering, architecture, medicine and law, and hold positions as executive board members at major banks and private companies. The Ministry for the Interior has been encouraging women to enter the police force by setting up a police academy. However, they still cannot join the army. Nor are they allowed to work at night or in positions that serve men only, so as to be protected from 'immoral exploitation'. Women must be paid equal wages to men for performing the same work, but serious investigation into discrimination complaints is lacking. Women enjoy the right to maternity leave and childcare in both the private and public sectors. According to Arabian Business, 11 Kuwaiti women were among the 100 most powerful Arab women in 2013.<sup>164</sup>

#### 4.2.5. Oman

The labour force participation rate among Omani women is increasing. More and more parents and husbands rely on their daughters or wives for financial support, and a growing number of divorced and widowed women are economically independent. The continuous tendency among women to obtain education and delay marriage also contributes to the improvement in women's economic situation and prospects.<sup>165</sup> However, this development is contested by conservative ideas about women's role being primarily to fulfil household tasks at home. Consequently, families prefer women working shorter hours in the public sector. Furthermore, working women are confronted with a social prejudice against their holding senior positions. Poor self-image and low confidence further discourage them from being ambitious when pursuing jobs. The government has invested in a non-discriminatory policy that has resulted in women constituting one third of government employees. However, only a few enjoy high-level posts. Most of the working women are active in the sectors of education, social, health and public administration.<sup>166</sup>

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<sup>162</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Iraq.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Iraq.pdf)

<sup>163</sup> Retrieved from: <http://www.iq.undp.org/content/dam/iraq/IQ%20Women%20EE%20-%20Final.pdf>

<sup>164</sup> Retrieved from: <http://248am.com/mark/kuwait/the-most-powerful-kuwaiti-women/>

<sup>165</sup> Retrieved from: <http://www.fareastjournals.com/files/V2N2P3.pdf/>

<sup>166</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Oman.pdf)

#### 4.2.6. Qatar

Female labour force participation in Qatar is on the rise. The number of women graduating from universities is increasing, while working women hold higher educational degrees than their male counterparts. Nevertheless, upper management positions are generally occupied by men, especially in the private sector. The establishment of the Qatari Business Women Forum by the government is an initiative to encourage women's leadership in the private sector. However, women remain under-represented due, in part, to socio-cultural convictions that they should stay away from mixed-gender work environments and be restricted to women-friendly fields such as health and education. These social concepts influence their occupational choices, although the range of suitable jobs for women has been broadened by a small percentage of women who work as doctors, lawyers and police officers.<sup>167, 168</sup>

#### 4.2.7. Saudi Arabia

More women than men graduate with a university or PhD degree in Saudi Arabia. However, women's employment rate in this country is among the lowest in the world.<sup>169</sup> Furthermore, while men obtain their university degrees abroad, women tend to stay home, which partly explains the growing proportion of women in higher education. Government policies with respect to women's economic independence are ambiguous, hindering them from substantial economic participation while providing means to promote women's economic independence. Mixing the sexes in the workplace is prohibited, and a woman's guardian must give his permission for her to be able to work. Although, legally, all Saudi citizens have the right to work, the application of this law requires workers and employers 'to adhere to the provisions of Sharia', and women are supposed to work in fields 'suitable to their nature' (article 149). Such legal ambiguities form a serious hindrance for women to claim their right to work in practice. Moreover, childcare and maternity benefits discourage employers from hiring women, given the high costs involved.<sup>170</sup>

#### 4.2.8. United Arab Emirates

Emirati women's economic participation has grown significantly in recent years. However, their representation in upper-level positions is small, especially in the private sector. In 2012, the Dubai Women Establishment organised a two-day conference to explore issues related to women's participation in senior corporate positions.<sup>171</sup> Women's economic involvement covers many sectors, such as trade, real estate, restaurants, hotels, retails, and engineering.<sup>172</sup> Women are legally free to choose a profession. Nevertheless, social gender biases combined with laws that prohibit women from participating in 'physically and morally harmful work' limit their options. Furthermore, a woman's guardian is held responsible if he has consented to employment that violates such provisions, which

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<sup>167</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Qatar.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Qatar.pdf)

<sup>168</sup> Retrieved from: <http://www.qatartodayonline.com/women-taking-the-lead/>

<sup>169</sup> Retrieved from: <http://www.reuters.com/article/2013/09/24/us-women-law-worldbank-idUSBRE98NORJ20130924>

<sup>170</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Saudi%20Arabia.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf)

<sup>171</sup> Retrieved from: [http://www.tradearabia.com/news/MEDIA\\_225917.html](http://www.tradearabia.com/news/MEDIA_225917.html)

<sup>172</sup> Retrieved from: <http://www.reuters.com/article/2014/04/18/us-middleeast-women-business-idUSBREA3G17920140418>

means that the guardian has control over her economic participation. In practice, family connections and attitudes towards women in the workplace are more important factors influencing women's choice of profession than legal constraints.<sup>173</sup>

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<sup>173</sup> [http://www.freedomhouse.org/sites/default/files/inline\\_images/United%20Arab%20Emirates.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/United%20Arab%20Emirates.pdf)

## 5. THE ROLE OF THE EU REGARDING WOMEN'S RIGHTS AND GENDER EQUALITY IN THE GULF STATES

In this chapter we describe the current role of the EU with regard to supporting women's rights and enhancing gender equality in the Gulf States, such as bilateral agreements and cooperation between the EU and Gulf States and resolutions by the European Parliament (EP). This study explores the options of the EU to enhance women's rights in these States in the context of international legal and policy frameworks such as CEDAW (1979), the International Conference on Population and Development (ICPD) and its Programme of Action (1994), the Beijing Declaration and Platform for Action (1995), the Millennium Development Goals (MDGs) (2000) and the Busan Joint Action Plan for Gender Equality and Development (2012). In this chapter, the most relevant international commitments of each Gulf State are reviewed to explore common ground for dialogue on women's rights. The country reports present a more extensive overview of relevant international commitments. Additionally, several other EU policies and instruments are reviewed that might be eligible for future use to improve women's rights and gender equality in the Gulf.

Given the similarities of the GCC countries when it comes to their relationship with the EU, we will review these countries together, and explore the options for Iraq and Iran separately.

### 5.1 Iran

Current relations with Iran are extremely limited: there is no EU delegation, and there are no cooperation or trading agreements between the EU and Iran. Nevertheless, several EU Member States have an embassy in Tehran, with which the European Commission collaborates closely. A comprehensive dialogue between the EU and Iran, mainly concerning Iran's nuclear programme (E3/EU+3), was suspended in 2003 but renewed in 2004,<sup>174</sup> and has led in 2013 to a joint plan of action.<sup>175</sup> The most recent Human Rights Dialogue took place in 2004, while there is an ongoing dialogue on drug control.

#### International commitments

Iran has not committed to any of the major international conventions concerning women's rights. It did commit, however, to the MDGs, and has been involved in the preparations for the post-2015 agenda (the Sustainable Development Goals), which might create perspective on international cooperation to improve women's situation in Iran.

Iran attended the 1994 ICPD, where the Programme of Action was adopted,<sup>176</sup> establishing a firm link between population development and human rights, health and gender equality and stating the importance of women's empowerment through education and the removal of legal, social and cultural barriers. It also promotes the active participation of NGOs and women's groups in the implementation of the Programme of Action.<sup>177</sup> Iran made a statement with reservations regarding any references that can be

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<sup>174</sup> Retrieved from: [http://www.iaea.org/newscenter/focus/iaeaairan/eu\\_iran14112004.shtml/](http://www.iaea.org/newscenter/focus/iaeaairan/eu_iran14112004.shtml/)

<sup>175</sup> Retrieved from: [http://eeas.europa.eu/statements/docs/2013/131124\\_03\\_en.pdf/](http://eeas.europa.eu/statements/docs/2013/131124_03_en.pdf/)

<sup>176</sup> Retrieved from: <http://www.un.org/popin/icpd/conference/bkg/egypt.html/>

<sup>177</sup> This declaration must not be confused with another declaration adopted in Cairo: The Cairo Declaration on Human Rights in Islam (1990). This is a response of the Organisation of the Islamic Conference to the UN

interpreted as concerning sexual relations outside the framework of marriage.<sup>178</sup> But according to the United Nations Population Fund (UNFPA), Iran has shown commitment to the ICPD by investing in safe motherhood, reducing maternal mortality and dissolving inequalities in educational enrolment of women and men.<sup>179</sup> Iran also affirmed its commitment to the implementation of the Beijing Platform for Action (1995) with explicit reservations regarding respect for Islam and the ethical values of Iranian society.<sup>180</sup>

Furthermore, Iran adheres to the Busan Partnership for Effective Development Cooperation, which includes the recognition that gender equality is both an end in its own right and a prerequisite for sustainable and inclusive growth.<sup>181</sup>

#### The EP

The EP Resolution on Iran of 2014 addresses several human rights issues, with one paragraph stressing the unacceptable discrimination against women, in particular in legal matters, in family law and economic and political life.<sup>182</sup> During the 3<sup>rd</sup> inter-parliamentary meeting EP–Iran in 2008, women's rights were also briefly mentioned. In 2010 and 2011, the President of the EP made several official statements on human rights issues in Iran, in three cases concerning women, but none were explicit women's rights cases.<sup>183</sup> The Sakharov Prize for Freedom of Thought is awarded by the EP every year to individuals or organisations that have made an important contribution to the struggle to protect human rights or democracy. In 2012, the winners were two Iranian activists, one of them a woman, the lawyer and human rights advocate, Nasrin Sotoudeh.<sup>184</sup>

#### High Representative for Foreign Affairs and Security

The EU High Representative for Foreign Affairs and Security, Catherine Ashton, visited Tehran on 8 and 9 March 2014, creating an opening to talk about the potential of a relationship the EU and Iran could have in the future. She discussed with her Iranian interlocutors a range of issues (human rights, drug trade, environment, nuclear negotiations) that could be included on the agenda for future dialogue. She also met with female activists and discussed issues such as Afghan refugees, the work of civil society organisations, and the situation of women in Iran.<sup>185</sup> This meeting was controversial (see the country report on Iran).

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Universal Declaration of Human Rights. The majority of Islamic countries have signed it. Regarding the position of women, article 6 of the declaration states that 'Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform, and has her own civil entity and financial independence, and the right to retain her name and lineage.' But 'The husband is responsible for the maintenance and welfare of the family.' Critics argue that the declaration introduces discrimination of religious minorities and women.

<sup>178</sup> Retrieved from: [http://www.unfpa.org/webdav/site/global/shared/documents/publications/2004/icpd\\_eng.pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2004/icpd_eng.pdf)

<sup>179</sup> Retrieved from: <http://iran.unfpa.org/ICPD-MDGs.asp>

<sup>180</sup> The United Nations (1995) Fourth World Conference on Women; Beijing, China, September 1995: Action for Equality, Development and Peace. Platform for Action. Retrieved from: <http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en>

<sup>181</sup> Retrieved from: <http://www.oecd.org/dac/effectiveness/49650173.pdf/>

<sup>182</sup> European Parliament resolution of 3 April 2014 on the EU strategy towards Iran. Retrieved from: (2014/2625(RSP)) <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0339&language=EN&ring=B7-2014-0279/>. The resolution fails to mirror the considerations on the situation of women with a call to the Iranian government in relation to women's rights.

<sup>183</sup> Retrieved from: <http://www.europarl.europa.eu/delegations/en/d-ir/home.html/>

<sup>184</sup> Retrieved from: <http://www.europarl.europa.eu/news/en/news-room/content/20121024IPR54366/html/Nasrin-Sotoudeh-and-Jafar-Panahi-%E2%80%93-winners-of-the-2012-Sakharov-Prize/>

<sup>185</sup> European Union External Action Service (2014) Catherine Ashton in landmark visit to Iran. Retrieved from: [http://eeas.europa.eu/top\\_stories/2014/110314\\_ca\\_iran\\_en.htm/](http://eeas.europa.eu/top_stories/2014/110314_ca_iran_en.htm/)

## Trade

In 2006, the EU imposed sanctions<sup>186</sup> in line with those of the United Nations (UN) that include prohibitions of trade in goods and technologies that could contribute to Iran's nuclear programme, energy sector and financial sector.<sup>187</sup> However, there are no general prohibitions on trade with and remittances to Iran under the EU's sanctions regime and transfers in connection with a specific trade contract are still possible; there are still a number of channels for financial transfers that remain open and ensure that transactions with Iran can continue.<sup>188</sup> So far no particular link has been established between trade policy and women's rights in Iran.

## European Instrument for Democracy and Human Rights (EIDHR)

The EIDHR supports NGOs, in particular those promoting: human rights, democracy and the rule of law; abolition of the death penalty; combating of torture; and fighting racism and other forms of discrimination. Within this framework, only one project in Iran focusing on women and children was funded between 2000 and April 2009. UNICEF started this project in 2004 to protect and realise the rights of the most vulnerable, marginalised and at-risk girls, boys and women in selected provinces.<sup>189</sup> No information has been found on projects carried out after 2009. However, within the EIDHR, sometimes diaspora organisations are funded, but this information is reported to the EP only at the request of the Subcommittee on Human Rights (DROI) on a confidential basis.

## Development Cooperation Instrument (DCI)

The Family Planning Association received DCI funding in 2009.<sup>190</sup>

## Non-State and Local Authorities in Development

From the 'Non-State and Local Authorities in Development' thematic programme, Iranian non-state actors received funding from 2011 to 2013.<sup>191</sup> One project funded under this programme aims to stimulate social and economic development by facilitating wider participation of the local population in economic activity.<sup>192</sup> This programme offers the opportunity to promote a gender equality perspective in line with the EU policy on gender equality and women's rights.<sup>193</sup> It is, however, unclear if the call for proposals and approved projects were gender mainstreamed.

## Erasmus Mundus programme

The Erasmus Mundus programme (2009–2013) funded the project 'Study Abroad, Learning and Mobility' (Salam2), a cooperation between several higher education institutions (HEIs) in Poland, Iran, Iraq and Yemen, and 'EM8', a cooperation of HEIs in Iran, Iraq, Yemen, the Netherlands and several other European countries.<sup>194</sup> Specific goals of the programme are: development of qualifications and career prospects of students and staff; promotion of mobility between Lot 8 countries and the EU, especially of those from

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<sup>186</sup> Retrieved from: <http://europe.unc.edu/wp-content/uploads/2013/08/Brief7-0803-iran.pdf>

<sup>187</sup> According to NGOs, the sanctions imposed on Iran have had severe implications for the position of women. See the country report on Iran.

<sup>188</sup> Retrieved from: [http://eeas.europa.eu/delegations/iran/eu\\_iran/restrictive\\_measures/index\\_en.htm/](http://eeas.europa.eu/delegations/iran/eu_iran/restrictive_measures/index_en.htm/)

<sup>189</sup> Retrieved from: [http://eeas.europa.eu/delegations/iran/eu\\_iran/restrictive\\_measures/index\\_en.htm/](http://eeas.europa.eu/delegations/iran/eu_iran/restrictive_measures/index_en.htm/)

<sup>189</sup> Retrieved from: [http://ec.europa.eu/europeaid/what/human-rights/documents/updated\\_report\\_by\\_location\\_en.pdf/](http://ec.europa.eu/europeaid/what/human-rights/documents/updated_report_by_location_en.pdf/), [http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr\\_compendium\\_en.pdf/](http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_compendium_en.pdf/)

<sup>190</sup> Retrieved from: [http://ec.europa.eu/budget/fts/index\\_en.htm](http://ec.europa.eu/budget/fts/index_en.htm)

<sup>191</sup> Country envelopes 2010. Retrieved from:

[http://ec.europa.eu/europeaid/how/finance/dci/non\\_state\\_actors\\_en.htm/](http://ec.europa.eu/europeaid/how/finance/dci/non_state_actors_en.htm/)

<sup>192</sup> Retrieved from: [http://ec.europa.eu/europeaid/where/gulf-region/country-cooperation/iran/iran\\_en.htm/](http://ec.europa.eu/europeaid/where/gulf-region/country-cooperation/iran/iran_en.htm/)

<sup>193</sup> European Commission (2007) Communication on Gender Equality and Women Empowerment in Development Cooperation, Brussels, 8 March 2007, [SEC(2007) 332]

<sup>194</sup> Retrieved from: <http://www.erasmusmundus8.net/application/admission/>

vulnerable groups; promotion of intercultural dialogue and mutual enrichment of societies of the Lot 8 countries and Europe; and contribution to the sustainable development of the countries involved.<sup>195</sup> The Erasmus Mundus Programme Guide addresses the promotion of equality between men and women<sup>196</sup> in both projects, and gender balance was one of the selection criteria.<sup>197</sup> Iran also joined in the seventh framework programme in 2010.

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<sup>195</sup> Retrieved from: <http://portal.uw.edu.pl/en/web/salam/>

<sup>196</sup> Retrieved from: [http://eacea.ec.europa.eu/erasmus\\_mundus/programme/programme\\_guide\\_en.php/](http://eacea.ec.europa.eu/erasmus_mundus/programme/programme_guide_en.php/)

<sup>197</sup> Retrieved from: [http://ec.europa.eu/europeaid/documents/aap/2013/af\\_aap-spe\\_2013\\_mideast.pdf/](http://ec.europa.eu/europeaid/documents/aap/2013/af_aap-spe_2013_mideast.pdf/)

## 5.2 Iraq

### International commitments

Iraq was the first Gulf State to ratify CEDAW, in 1986, even though with reservations on articles concerning adapting legislation and penal provisions (art. 2), marriage and family relations (art. 16) and arbitrage (art. 29). Neither this ratification nor the reservations have been addressed in the EU–Iraq Partnership and Cooperation Agreement, or in any EU resolutions on Iraq. However the League of Arab States (LAS), which includes Iraq as a Member State, called upon Arab countries to consider lifting any remaining reservations to any of the articles of CEDAW<sup>198</sup> during the Regional Conference on Population and Development in the Arab States (ICPD Beyond 2014), which took place in June 2013. This regional conference resulted in a joint Declaration on 'Development Challenges and Population Dynamics in a Changing Arab World',<sup>199</sup> which reconfirms the commitment of the LAS Member States<sup>200</sup> to the ICPD Programme of Action<sup>201</sup> and recognises women's important roles in all facets of life, stressing that gender equality, equity and empowerment of women lead to achieving and sustaining population and development goals.<sup>202</sup> Iraq adopted (with some reservations)<sup>203</sup> the Beijing Declaration and the Platform for Action (1995), and developed a national strategy for the advancement of Iraqi women after the Fourth UN World Conference on Women, including institutional mechanisms to enhance the implementation of the Platform for Action. The Ministry of Women's Affairs still exists, but it is poorly funded and mainly playing a ceremonial function.<sup>204</sup>

Iraq adhered to the Busan Partnership for Effective Development Cooperation (2011).<sup>205</sup> In addition, the Iraqi Ministry of Women's Affairs was present at a UN Economic and Social Commission for Western Asia (ESCWA) meeting in 2011 to discuss progress on the gender-related MDGs. The representative raised the issue of maternal mortality due to the practice of FGC as an example of the need for sub-national data collection.

### The EU–Iraq Partnership and Cooperation Agreement

The EU–Iraq Partnership and Cooperation Agreement (PCA) was signed in May 2012. It provides a framework for advancing dialogue and cooperation on topics that include political and social issues, human rights, the rule of law, migration and trade. It

<sup>198</sup> League of Arab States (2013) Cairo Declaration: Development Challenges and Population Dynamics in a Changing Arab World, para. 6. Retrieved from:

[http://icpdbeyond2014.org/uploads/browser/files/cairo\\_declaration\\_eng.pdf](http://icpdbeyond2014.org/uploads/browser/files/cairo_declaration_eng.pdf)

<sup>199</sup> Cairo Declaration, June 2013. Retrieved from:

[http://icpdbeyond2014.org/uploads/browser/files/cairo\\_declaration\\_eng.pdf](http://icpdbeyond2014.org/uploads/browser/files/cairo_declaration_eng.pdf)

<sup>200</sup> Currently (2014) the LAS has 22 Member States: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, State of Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen.

<sup>201</sup> UN (1994) International Conference on Development and Population

<sup>202</sup> Ibid., paragraphs 5 to 17

<sup>203</sup> The reservations referred to paragraph 96 on sexual and reproductive health and rights for women.

<sup>204</sup> Mrs. Anwar Abdul Sattar, General Manager at the Ministry of Women's Affairs of the Government of Iraq, stated at a Symposium on the 'Economic Empowerment for Iraqi Women and Youth', that 'the Ministry does not have enough employees to operate according to its needs and that no money from the budget is allocated to the Ministry of Women Affairs'. Symposium organised by: Women Empowerment Organization Konrad Adenauer Stiftung, Amman Office, 5–6 October 2013, Erbil, Iraq. Retrieved from: <http://www.kas.de/jordanien/en/publications/36765/>. This can be confirmed by the analysis of the budget of the Government of Iraq over the period 2009–2014 by UN Iraq. This budget analysis shows that the Ministry of Women's Affairs does even not appear among the ministries that received a budget. UN Iraq – Joint Analysis Unit (2014) Iraqi Budget Execution. Retrieved from: <http://www.jauiraq.org/documents/1915/Budget%20Execution-JAN2.pdf>

<sup>205</sup> UN (1994) International Conference on Development and Population



also recognises the need to strengthen women's role in society, fight discrimination and promote women's rights.<sup>206</sup>

## EP

At the 4th EP–Iraq inter-parliamentary meeting in 2012, women's issues, particularly domestic violence, were addressed.<sup>207</sup> The previous meeting in 2011 had led to a joint declaration in which the corresponding expectations of the peoples of Europe and of Iraq were addressed with regard to the rule of law, human rights (including rights of religious and ethnic minorities), women's issues, education and development, and common activities in these areas considered.<sup>208</sup>

## EU Delegation

An EU Delegation has been operating in Iraq since 2005. In March 2014, it issued a statement on the approaching elections but without referring to the role of women.<sup>209</sup> Tasks of EU Delegations are: presenting, explaining and implementing EU policy; analysing and reporting on the policies and developments of the countries to which they are accredited; and conducting negotiations in accordance with a given mandate. The Delegation in Iraq also vests a Focal Point that manages local calls for proposals for EIDHR funding.<sup>210</sup> EU Delegations and Embassies of EU Member States have a special responsibility to join forces at country level for the implementation of the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010–2015 (GAP) at country level. Their achievements in this field should be reported annually to the Council. The EU Delegation to Iraq did not report on the GAP in 2011 and 2012 but did so the first time in 2013.<sup>211</sup> The GAP includes targets for gender mainstreaming in all phases and at all levels of EU development cooperation, including political dialogue, combating VAW and implementing United Nations Security Council Resolutions (UNSCR) 1325 and 1820 on women, peace and security.

## EIDHR

Four projects were funded by EIDHR between 2000 and 2006 in Iraq, but none of them targeted women or gender issues.<sup>212</sup> No projects were funded between 2007 and April 2009; no substantive information is available on particular EIDHR projects after 2009, but some information may be available to the EP on a confidential basis.

## DCI

The Joint Strategy Paper 2011–2013,<sup>213</sup> which combines the efforts of the EU, Italy and Sweden, states that, between 2011 and 2013, funding of the EU under the DCI aimed at improving water management (2011), good governance and the rule of law (2012) and increased access of women and other target groups to education and the labour

<sup>206</sup> Retrieved from: [http://trade.ec.europa.eu/doclib/docs/2012/november/tradoc\\_150084.pdf](http://trade.ec.europa.eu/doclib/docs/2012/november/tradoc_150084.pdf)

<sup>207</sup> Retrieved from: <http://www.europarl.europa.eu/delegations/en/d-iq/home.html/>

<sup>208</sup> Joint declaration of the Delegation for relations with Iraq of the European Parliament and the Council of Representatives of Iraq — 26 March 2011:

<http://www.europarl.europa.eu/document/activities/cont/201105/20110505ATT18758/20110505ATT18758EN.pdf/>

<sup>209</sup> Local EU Statement in Iraq on the occasion of the upcoming parliamentary elections (28 March 2014).

Retrieved from: [http://eeas.europa.eu/delegations/iraq/press\\_corner/all\\_news/news/2014/20140328\\_en.htm/](http://eeas.europa.eu/delegations/iraq/press_corner/all_news/news/2014/20140328_en.htm/)

<sup>210</sup> Retrieved from: <http://www.eidhr.eu/focal-points/>

<sup>211</sup> Council conclusions on the 2013 Report on the Implementation of the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010–2015

Retrieved from: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/142670.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/142670.pdf)

<sup>212</sup> Retrieved from: [http://ec.europa.eu/europeaid/what/human-rights/documents/updated\\_report\\_by\\_location\\_en.pdf/](http://ec.europa.eu/europeaid/what/human-rights/documents/updated_report_by_location_en.pdf/)

<sup>213</sup> Retrieved from:

[http://eeas.europa.eu/delegations/iraq/documents/eu\\_iraq/country\\_strategy\\_paper2011\\_2013\\_en.pdf/](http://eeas.europa.eu/delegations/iraq/documents/eu_iraq/country_strategy_paper2011_2013_en.pdf/)

market (2013). The rights of women are addressed under 'good governance', and supporting the role of the civil society component in the reform process is part of the objective. The focus of the Swedish programme is on strengthening the capacity of Iraqi actors to promote and respect human rights, including specific attention to the enjoyment of human rights by women and children, and on implementation of UNSCR 1325 and 1820 on women in conflict situations, peace-building and post-conflict reconstruction.

Other programmes that can support NGOs in Iraq by way of grants and tenders are DCI thematic programmes such as 'Investing in People', 'Non-State and Local Authorities in Development' and 'Migration and Asylum'. Current and recent projects focus, for instance, on capacity-building for Iraqi civil society organisations; improving awareness of, and enhancing respect for, human rights; and development of the media in Iraq.<sup>214</sup>

European Commission's Humanitarian Aid and Civil Protection department (ECHO) For 2014, ECHO allocated €7 million to support Iraqi refugees within and outside Iraq and Syrian refugees within Iraq.<sup>215</sup>

#### Erasmus Mundus

The Erasmus Mundus programme (2009–2013) funded the project 'Study Abroad, Learning and Mobility' (Salam2), a cooperation between several HEIs in Poland, Iran, Iraq and Yemen,<sup>216</sup> and 'EM8', a cooperation of HEIs in Iran, Iraq, Yemen, the Netherlands and several other European countries.<sup>217</sup>

None of these programmes and EU-funded projects in Iraq seems to focus on women in particular or on gender issues.<sup>218</sup>

## 5.3 GCC countries

Cooperation between GCC countries is not entirely and always stable — for example, the members recently had a dispute on interference in each other's national policies.<sup>219</sup> In this chapter they are described as a whole, since EU policies very often regard them as such.

#### International commitments

The GCC countries all ratified CEDAW, but with several profound reservations, mainly referring to incompatibility with Islamic Sharia.<sup>220</sup> Nevertheless, as members of the LAS, the GCC countries called upon Arab countries to consider lifting any remaining reservations to any of the articles of CEDAW.<sup>221</sup>

The Palermo Protocol on criminalisation and prevention of trafficking of human beings and support for victims, especially women and children,<sup>222</sup> was ratified by Bahrain and Saudi

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<sup>214</sup> Retrieved from: [http://eeas.europa.eu/delegations/iraq/grants\\_tenders/overview/index\\_en.htm/](http://eeas.europa.eu/delegations/iraq/grants_tenders/overview/index_en.htm/)

<sup>215</sup> Retrieved from: [http://europa.eu/rapid/press-release\\_IP-14-256\\_en.htm/](http://europa.eu/rapid/press-release_IP-14-256_en.htm/)

<sup>216</sup> Retrieved from: <http://portal.uw.edu.pl/en/web/salam/>

<sup>217</sup> Retrieved from: <http://www.erasmusmundus8.net/application/admission/>

<sup>218</sup> Retrieved from: [http://eeas.europa.eu/delegations/iraq/projects/list\\_of\\_projects/projects\\_en.htm/](http://eeas.europa.eu/delegations/iraq/projects/list_of_projects/projects_en.htm/)

<sup>219</sup> Retrieved from: <http://www.middleeasteye.net/news/qatari-official-says-gcc-dispute-over-1752388563/>

<sup>220</sup> See Section 2.3 and the country reports.

<sup>221</sup> League of Arab States (2013) Cairo Declaration: Development Challenges and Population Dynamics in a Changing Arab World, para. 6. Retrieved from: [http://icpdbeyond2014.org/uploads/browser/files/cairo\\_declaration\\_eng.pdf](http://icpdbeyond2014.org/uploads/browser/files/cairo_declaration_eng.pdf)

<sup>222</sup> United Nations (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. New York, 15 November 2000. Retrieved from: [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf/](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf/)

Arabia (both with reservations), Kuwait and Qatar.<sup>223</sup> The Busan Partnership was endorsed by Kuwait, Saudi Arabia and the UAE.<sup>224</sup>

In the 2012 Cairo Declaration by the EU and the LAS on aid effectiveness, the ministers emphasised the need to ensure gender equality and full respect of human rights for all people.<sup>225</sup>

Saudi Arabia has recently been elected as a member of the UN Human Rights Council for a three-year period, starting from January 2014. Kuwait's term will end in 2014, and the UAE's term in 2015.<sup>226</sup>

Several of the Gulf States were present at an ESCWA meeting in 2011 to discuss progress on the gender-related MDGs. Collection of gender statistics was mentioned as one of the challenges which needs to be addressed.<sup>227</sup> In the process of the Sustainable Development Goals (the post-2015 agenda for the MDGs), ESCWA proposed the following priorities for the Arab States regarding women: maternal health, women's labour force participation, and women in parliament. Women's empowerment is one of the main goals.<sup>228</sup> During the 8<sup>th</sup> Open Working Group session on Sustainable Development Goals, the Kuwaiti Permanent Representative to the UN stated that although progress has been made over the past two decades on promoting gender equality, social justice and women's empowerment, it was 'not enough' in some aspects, particularly among the poor. He stressed the need to ensure the advancement of women at all levels is addressed in the post-2015 development agenda.<sup>229</sup>

#### Dialogue on human rights

In 2013 a new informal dialogue on human rights between the EU and the UAE was established. It is designed to promote open and constructive dialogue about these issues, in a spirit of mutual respect, so as to enhance understanding of each party's human rights challenges and achievements and to support one another's continued progress in this regard.<sup>230</sup>

#### High Representative for Foreign Affairs and Security

Catherine Ashton, the High Representative of the EU (from December 2009 to November 2014) made a statement in May 2013 welcoming the launch of a public campaign on domestic violence in Saudi Arabia.<sup>231</sup>

#### Cooperation Agreement

Bilateral relations with the GCC countries were established in 1988 through a Cooperation Agreement.<sup>232</sup> The Council declared in 1989 that 'the European Economic

<sup>223</sup> Retrieved from: <https://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html/>

<sup>224</sup> Retrieved from: <http://www.oecd.org/dac/effectiveness/49650173.pdf/>

<sup>225</sup> Retrieved from:

[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/darp/dv/darp20121128\\_14\\_/darp20121128\\_14\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/darp/dv/darp20121128_14_/darp20121128_14_en.pdf)

<sup>226</sup> Retrieved from: <http://www.un.org/apps/news/story.asp?NewsID=46476#.U7mr2rHIw8k/>

<sup>227</sup> Expert group meeting on progress in the achievement of the Millennium Development Goals in the ESCWA region through a gender lens. Beirut, 25–26 January 2011. E/ESCWA/ECW/2011/WG.1/Report

<sup>228</sup> UN ESCWA (2014) An Arab Perspective on the Post-2015 Agenda: National targets, regional priorities and global goals

<sup>229</sup> Retrieved from:

<http://www.thefreelibrary.com/Kuwait+expresses+GCC+states%27%27+commitment+to+environmental,+human...-a0357957593/>

<sup>230</sup> Retrieved from: <http://www.uaeinteract.com/french/news/default.asp?ID=303/>

<sup>231</sup> Retrieved from: [http://eeas.europa.eu/statements/docs/2013/160513\\_1\\_en.pdf/](http://eeas.europa.eu/statements/docs/2013/160513_1_en.pdf/)

<sup>232</sup> Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21989A0225%2801%29:EN:HTML/>

Community considers, in particular, that the application of the principle of non-discrimination should ensure the correct and smooth application of the Agreement'. The agreement has the intention to:

- strengthen stability in a region of strategic importance;
- facilitate political and economic relations;
- broaden economic and technical cooperation; and
- broaden cooperation on energy, industry, trade and services, agriculture, fisheries, investment, science, technology and the environment.<sup>233</sup>

The EU and the GCC countries also committed to 'the promotion of contacts between enterprises, research institutions, and other agencies in order to stimulate joint projects in agriculture, agro-industry, and fisheries' and to encourage 'the links between the scientific communities in the GCC countries and the Community'.

In accordance with the Cooperation Agreement, EU and GCC foreign ministers meet annually in joint councils. Joint committees at senior-official level have been established. So far gender issues have not yet been addressed explicitly and systematically during these high-level meetings. The 2014 meeting was cancelled by the GCC, apparently in protest at EU Member States having signed a statement at the UN Human Rights Council criticising the human rights situation in Bahrain.<sup>234</sup>

#### Free Trade Agreement

Negotiations on a Free Trade Agreement started in 1990 but have been suspended several times since then, partially because of differences of opinion regarding the human rights situation. Bahrain's Minister of State for Foreign Affairs stated in 2013 that a new joint cooperation programme with the EU would not be signed until both sides resolve differences over a trade agreement.<sup>235</sup> The EU remains committed to concluding the agreement.<sup>236</sup>

#### The EP

The EP adopted a resolution on EU–GCC cooperation in March 2011, in which it:

- calls on GCC Member States to adopt measures to facilitate women's access to the labour market and to education by tackling all forms of discrimination based on gender and other customs or legal provisions, including all those relating to personal status;
- urges GCC Member States to combat discrimination against women and the exploitation of children, in particular on the labour market;
- calls on the EU to focus its cooperation programmes with GCC Member States more on civil society organisations and to support the empowerment of women and youth; and

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<sup>233</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/index\\_en.htm/](http://eeas.europa.eu/gulf_cooperation/index_en.htm/)

<sup>234</sup> Retrieved from: <http://www.middleeasteye.net/news/gcc-ministers-cancel-eu-meeting-after-criticism-bahrains-human-rights-record-1091891792/>

<sup>235</sup> Retrieved from: <http://www.bilaterals.org/?gulf-states-take-harder-line-with&lang=en#sthash.pzqBFKnn.dpuf/>

<sup>236</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/index\\_en.htm/](http://eeas.europa.eu/gulf_cooperation/index_en.htm/)

- proposes cooperation on an ambitious scale in higher, secondary and primary education to promote greater access to education for both men and women.<sup>237</sup>

Furthermore, it contains two statements on international instruments on human rights/women's rights. The EP:

- urges GCC Member States to implement CEDAW and the UN Convention on the Rights of the Child;
- calls on GCC Member States to withdraw any reservations they may still have with regard to CEDAW and the International Convention on the Elimination of All Forms of Racial Discrimination and to ratify the optional protocols to the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination; and
- also stresses the importance of ratifying and implementing the UN Migrant Workers Convention and ILO Conventions 97 and 143.<sup>238</sup>

The EP resolution of 21 November 2013 on Qatar addresses the situation of migrant workers, including domestic workers, the majority of whom are female.<sup>239</sup>

In March 2014, the EP adopted a resolution on Saudi Arabia. Several sections of the opinion of the Committee on Women's Rights and Gender Equality (FEMM, February 2013) were adopted in this resolution.<sup>240</sup> The main calls on Saudi Arabian authorities regarding the position of women are:

- to honour its commitments to several human rights instruments, including the Convention on the Rights of the Child and CEDAW;
- to speed up implementation of the new legislation on NGOs, ensuring their registration, freedom to operate and ability to operate legally;
- to define a minimum age for marriage and take steps to ban child marriage;
- to revoke the male guardianship system. The EP warns that the implementation of the law protecting women against domestic violence, adopted on 26 August 2013, will only be effective if the male guardianship system is removed, since the latter impedes the ability of women to report incidents of domestic or sexual abuse;
- to eliminate all restrictions on women's human rights, freedom of movement, health, education, marriage, employment opportunities, legal personality and representation in judicial processes, and all forms of discrimination against women in family law and in private and public life, to promote their participation in the economic, social, cultural, civic and political spheres; and
- to improve the working conditions and treatment of immigrant workers, with special attention to the situation of women working as domestic helpers, who are at

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<sup>237</sup> Retrieved from: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/>

<sup>238</sup> Retrieved from: [www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/)

<sup>239</sup> (2013/2952(RSP)). Retrieved from:

<http://www.europarl.europa.eu/document/activities/cont/201311/20131122ATT74822/20131122ATT74822EN.pdf>

<sup>240</sup> Retrieved from:

<http://www.europarl.europa.eu/document/activities/cont/201403/20140325ATT81780/20140325ATT81780EN.pdf>

particular risk of sexual violence and who often find themselves in conditions of virtual slavery.

The EP also 'stresses that any negotiations on a EU Free Trade Agreement that includes Saudi Arabia must first provide for strict obligations that safeguard the protection of women and girls'. Furthermore, the EP welcomes the fact that Saudi Arabia had recently passed legislation making domestic abuse a crime and draws attention to the need to promote awareness-raising campaigns on women's rights and to also direct these at men. It calls on the European External Action Service (EEAS) to actively support civil society groups that work to enhance human rights and democracy in Saudi Arabia, and calls on the EU Delegation in Riyadh to pursue an active human rights agenda by following lawsuits as observers and carrying out prison visits.<sup>241</sup>

In February 2014, the EP added the UAE to the list of States that might be eligible for a visa-free agreement as provided by the 2001 visa regulation, provided that they satisfy a series of criteria and notably the situation of the 'Union's external relations with the relevant third countries including, in particular, human rights and fundamental freedoms considerations, as well as the implications of regional coherence and reciprocity'. The Commission will have to apply these criteria when it negotiates the agreement with the UAE.<sup>242</sup>

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<sup>241</sup> Retrieved from:

<http://www.europarl.europa.eu/document/activities/cont/201403/20140325ATT81780/20140325ATT81780EN.pdf>

<sup>242</sup> European Parliament legislative resolution of 27 February 2014 on the proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement COM (2012) 0650. C7-0371/2012–2012/0309(COD)). Retrieved from: <http://www.europarl.europa.eu/document/activities/cont/201404/20140423ATT83004/20140423ATT83004EN.pdf>

The EP meets regularly with the parliaments of the GCC countries. The most recent meeting took place in March 2014 in Kuwait. One of the issues on the agenda was domestic workers and the Kafala system of sponsorship.<sup>243</sup> In most of the meetings in the last few years, women's issues, such as the representation of women in parliament, were raised by the EP. In 2013 in Bahrain, there were meetings with a female member of the Council of Representatives, the Secretary-General of the Supreme Council for Women and the National Institution for Human Rights, but not with women's NGOs. In 2007, the EP Delegation met with UAE businesswomen, in 2008 with the governmental Human Rights Institution, in 2010 with representatives of Kuwaiti civil society (Kuwait Society for Human Rights, Social and Cultural Society for Women, Kuwait Federation of Women's association, and academics), and in 2011 with the Omani Women's Association. The latter meeting led to the following conclusion: 'The EU should support the work of NGOs promoting the empowerment and the active participation of women and young people.' At the 2010 Qatar meeting, no women's issues were discussed, and no women's organisations were present.<sup>244</sup>

#### EU Delegation

The EEAS has a Delegation located in Saudi Arabia that is also accredited to Bahrain, Kuwait, Qatar and Oman. In the UAE, an EEAS Delegation was established in 2013. The EU Delegation accommodates the Focal Point for managing local calls for funding programmes such as EIDHR in Saudi Arabia.<sup>245</sup>

#### EU–GCC Joint Action Programme

The EU–GCC Joint Action Programme for the period 2010–2013 set out a roadmap for closer cooperation on issues such as economic and trade cooperation, energy, environment and climate change, combating money laundering and terrorist financing, higher education and scientific research, tourism, culture and mutual understanding.<sup>246</sup>

#### Financing instrument for cooperation with industrialised and other high-income countries and territories (ICI)

The main aims of the ICI are enhancing cooperation between the EU and industrialised and other high-income countries by way of public diplomacy, business cooperation and people-to-people links, and enhancing mutual understanding through cooperation in education and civil society dialogues.<sup>247</sup>

#### Erasmus Mundus

The Erasmus Mundus programme funded the Strengthening Research Collaborations in High-impact and Emerging Technologies (SECRET) project between the GCC and the EU, a scholarship programme for students and researchers/professionals at Master's, Doctoral and post-Doctoral levels, as well as academic and administrative staff members from the GCC going to the EU and vice versa.<sup>248</sup>

#### External Relations programme

Through the External Relations programme, the Bahrain women association received funding in 2009 for the Be-Free centre for victims of child abuse. Kuwait, Oman, Qatar and Saudi Arabia also received funding from this programme between 2009 and

<sup>243</sup> Retrieved from:

<http://www.europarl.europa.eu/document/activities/cont/201406/20140626ATT85904/20140626ATT85904EN.pdf>

<sup>244</sup> Retrieved from: <http://www.europarl.europa.eu/delegations/en/darp/home.html/>

<sup>245</sup> Retrieved from: <http://www.eidhr.eu/focal-points#>

<sup>246</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/docs/joint\\_action\\_programme\\_en.pdf/](http://eeas.europa.eu/gulf_cooperation/docs/joint_action_programme_en.pdf/)

<sup>247</sup> Retrieved from: [http://eeas.europa.eu/ici/index\\_en.htm/](http://eeas.europa.eu/ici/index_en.htm/)

<sup>248</sup> Retrieved from: <http://www.emsecret.eu/index.asp/>

2011, though these projects do not seem to focus on women.<sup>249</sup> These countries were also involved in the seventh framework programme.<sup>250</sup>

## 5.4 Conclusion

This chapter presented a variety of policies and instruments the EU might use for the improvement of women's rights and gender equality in the Gulf region. Relevant international frameworks and common ground for policy dialogue among the EU and Gulf States on promoting gender equality and women's rights include CEDAW, the ICPD Programme for Action, the Beijing Platform for Action and the Busan outcome document on global partnership. Although the EP has called several times for more attention for women's rights in the Gulf States, there is still no evidence of systematic and explicit EU initiatives to mainstream gender equality perspectives in its cooperation, free trade negotiations or policy dialogues with the Gulf States. The majority of EU initiatives in the Gulf States which have been assessed in this study are not explicitly addressing the position of women, or their impact on women is not clear.

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<sup>249</sup> Retrieved from: [http://ec.europa.eu/budget/fts/index\\_en.htm/](http://ec.europa.eu/budget/fts/index_en.htm/)

<sup>250</sup> Retrieved from: [http://ec.europa.eu/budget/fts/index\\_en.htm/](http://ec.europa.eu/budget/fts/index_en.htm/)



## 6. CONCLUSIONS AND RECOMMENDATIONS

This study examined the situation of women in the Gulf States and explored the current role of the EU in the promotion of women's rights and gender equality in the Gulf States. The current chapter draws conclusions and proposes recommendations to develop and strengthen EU policy aimed at improving the situation of women in the Gulf States.

The following characteristics of the Gulf region have to be kept in mind when looking for opportunities to improve the position of women. All Gulf States are situated in a socially and politically volatile region, which makes the EU's and EP's task of formulating appropriate policies a complex one. Though human rights policy should not be solely evaluated in the light of regional upheavals or violence, the recent series of uprisings (the Arab Spring)<sup>251</sup> and its concomitant political instability and lack of security must be taken into account when developing strategies for the implementation of these policies. It is also crucial to recognise that the Muslim world's relationship with the West has been fraught with suspicion at best and antagonistic at worst, resulting in the perception among Gulf nationals, including women, that the Western attitude to Arab/Gulf issues stems from, and exhibits, an elitist, ethnocentric attitude.

The EU's current role in the Gulf region is limited, but the need for cooperation is increasing as the importance of the region grows. Of the Gulf States in this report, Iraq is the only one that has several agreements with the EU. Iran, by contrast, has practically no formal relationship. As for the GCC States, their relationship with the EU primarily revolves around academic exchange and trade (the GCC being the EU's fifth largest export market).<sup>252</sup>

The EU policies and guidelines mentioned in the previous chapter constitute the framework to reflect on the current and potential role of the EU and its institutions in the Gulf States with respect to women's rights such as: the EU 2012–2014 Strategic Framework and Action Plan on Human Rights and Democracy; the Strategy for Equality between Women and Men 2010–2015; the Guidelines on Violence against Women and Girls and Combating all Forms of Discrimination against them; the Plan of Action 2010–2015 on Gender Equality and Women's Empowerment in Development; the Regulation establishing a financing instrument for development cooperation for the period 2014–2020 and the Comprehensive Approach to the EU implementation of UNSCR 1325 and 1820.

Using these guidelines and priorities, the EU can choose a strategy of advancing human rights, and especially women's rights, which takes into consideration the particularities of the region, such as the Islam-based legislation, the absence or limited presence of independent women's rights NGOs and women's rights defenders in some countries, and the variety of socio-economic and political situations.

Chapters 1 through 4 identify a number of issues in the Gulf region that affect women's lives and the enjoyment of their rights: lack of freedom of mobility and expression; limited political participation (e.g. voting rights) and influence; limited reproductive rights and health; infringement of personal rights within marriage, divorce and custody; other forms of legal discrimination (e.g. lower value of

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<sup>251</sup> Seikaly & Mattar, 2014.

<sup>252</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/index\\_en.htm/](http://eeas.europa.eu/gulf_cooperation/index_en.htm/)

testimony of women, except in Oman); high levels of unemployment and inactivity (though less in Qatar, Kuwait, UAE and Bahrain); lack of economic independence for most women; and VAW (both in the private and the public sphere).

## 6.1 Recommendations

These recommendations are addressed to the EU as a whole. The EP, as well as Member States and other EU institutions, can take them into consideration in line with their respective competences.

The women's issues in the previous section could be addressed through strategies of dialogue and cooperation based on mutual interests such as trade, economic prosperity and security, and common grounds such as international conventions.

### 1. Offer support on the implementation of international commitments

All Gulf States except Iran have ratified CEDAW, be it with several reservations due to perceived incompatibility with Sharia law. Several other international conventions and declarations regarding the position of women have also been ratified or adopted.<sup>253</sup> For most Gulf States, CEDAW, the ICPD Programme of Action, the Beijing Platform for Action and the Sustainable Development Goals can be the main point of entry — that is, the articles not under reservation.

Besides addressing these issues in resolutions, as the EP did towards Iran, the GCC and Saudi Arabia, the EU could consider the following specific steps to encourage Gulf States in that process:

- development of a dialogue and cooperation with each Gulf State on the implementation of international commitments regarding women's rights, and lifting some of the reservations that directly hamper the realisation of women's human rights;
- selection of topics of concern that have been identified as such by governments or local women's NGOs to avoid a Western ethnocentric perspective (e.g. for Iran this might be reconciliation of work and family life and maternal and perinatal health, since the Iranian government recently showed great concern about the low fertility rate);<sup>254</sup> and
- the EU could support think tanks and meetings to engage different levels of authorities (governmental, religious, academic and civil society) from the Gulf States and other Islamic countries with which relations have been established within the Neighbourhood Policy which have already implemented CEDAW into national legislation and policies. The aim of these meetings would be to discuss how to reconcile human rights and women's rights with Islam and Sharia law.<sup>255</sup> The High Representative for Foreign Affairs and the EEAS already have some experience with meetings on this issue from their Human Rights Dialogue with Indonesia in 2011.<sup>256</sup>

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<sup>253</sup> See 2.3, Chapter 5, and Section 3 of each of the country reports for the international commitments of each country and their main reservations.

<sup>254</sup> See 8.2.2.4.

<sup>255</sup> See Hallaq 2012; Saliba, Allen, and Howard 2002; Mahmood 2004; and Deeb 2006. These scholars have developed intellectual frameworks that provide a helpful basis for this discussion.

<sup>256</sup> Retrieved from:

[http://eeas.europa.eu/delegations/indonesia/press\\_corner/all\\_news/news/2011/20111024\\_02\\_en.htm/](http://eeas.europa.eu/delegations/indonesia/press_corner/all_news/news/2011/20111024_02_en.htm/) And about

NGOs with a long-standing and high level of expertise in the field of reconciling Muslim law and international human rights law could be included and can offer a valuable contribution (e.g. Women Living under Muslim Laws).<sup>257</sup>

## 2. Strengthen EU action on women's rights and gender equality in its relations with third countries

Both the High Representative of the European Commission 2010–2014, Catherine Ashton, and the Special Representative, Stavros Lambrinidis, have shown their commitment to women's rights in visits to Iran and Egypt, and several statements on International Women's Day and other occasions.<sup>258</sup>

- The EU should ensure that these representatives and the EEAS address women's rights and gender equality in their diplomatic dialogues in a more structured way, develop a fully fledged strategy on how to promote gender equality in its foreign relations, and notably in developing countries, and present regular reports on the results achieved. The EP could address the situation of women's rights and gender equality in specific areas and/or in the world, including through parliamentary reports, to monitor more closely and regularly the situation of women in third countries.
- The EU could implement the recommendations on gender balance from the 2013 FEMM report on achieving geographical and gender balance in the EEAS.<sup>259</sup>
- The EU could consider enhancing gender expertise among the staff of EEAS and others involved in cooperation and trade agreements on gender mainstreaming, to achieve effective performance of this mandate.

## 3. Require a gender impact assessment and gender-responsive budgeting for all relevant EU funding

The multi-annual financial framework 2014–2020 from a gender equality perspective<sup>260</sup> mentions a lack of evaluation and monitoring data on the gender impact of instruments. This is supported by the observations in Chapter 5 on the limited number of specific actions to improve the situation of women in the Gulf States, although several funding programmes

the dialogue Conference:

[http://eeas.europa.eu/delegations/indonesia/press\\_corner/all\\_news/news/2011/20111024\\_01\\_en.htm/](http://eeas.europa.eu/delegations/indonesia/press_corner/all_news/news/2011/20111024_01_en.htm/)

<sup>257</sup> Retrieved from: <http://www.wluml.org/node/5408>

<sup>258</sup> Catherine Ashton, High Representative for Foreign Affairs and Security visited Iran in 2014 (see Section 5.1 and Chapter 8) and made several statements on International Women's Day. Retrieved from: [http://eeas.europa.eu/delegations/belarus/press\\_corner/all\\_news/news/2013/08\\_03\\_2013\\_en.htm/](http://eeas.europa.eu/delegations/belarus/press_corner/all_news/news/2013/08_03_2013_en.htm/),

[http://eeas.europa.eu/delegations/vietnam/documents/press\\_corner/2014/20140308\\_women\\_day\\_statement\\_en.pdf/](http://eeas.europa.eu/delegations/vietnam/documents/press_corner/2014/20140308_women_day_statement_en.pdf/)) and other occasions (E.g. [http://eeas.europa.eu/statements/docs/2014/140119\\_02\\_en.pdf/](http://eeas.europa.eu/statements/docs/2014/140119_02_en.pdf/);

[http://eeas.europa.eu/statements/docs/2014/140408\\_03\\_en.pdf/](http://eeas.europa.eu/statements/docs/2014/140408_03_en.pdf/) ;

[http://eeas.europa.eu/statements/docs/2014/140210\\_03\\_en.pdf/](http://eeas.europa.eu/statements/docs/2014/140210_03_en.pdf/) ).

Stavros Lambrinidis, Special Representative for Human Rights, met several women's NGOs during his visit to Egypt in 2013 ([http://eeas.europa.eu/policies/eu-special-representatives/stavros\\_lambrinidis/docs/agenda\\_10-28\\_february\\_2013\\_en.pdf/](http://eeas.europa.eu/policies/eu-special-representatives/stavros_lambrinidis/docs/agenda_10-28_february_2013_en.pdf/) ) and made a statement in the EP (Intervention by European Union Special Representative for Human Rights Stavros Lambrinidis at the European Parliament Exchange of Views) in September 2012 ([http://www.eu-un.europa.eu/articles/en/article\\_12548\\_en.htm/](http://www.eu-un.europa.eu/articles/en/article_12548_en.htm/) )

<sup>259</sup> Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/457106/EXPO-JOIN\\_ET%282013%29457106\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/457106/EXPO-JOIN_ET%282013%29457106_EN.pdf)

<sup>260</sup> EP FEMM (2012). Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/note/join/2012/462426/IPOL-FEMM\\_NT%282012%29462426\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2012/462426/IPOL-FEMM_NT%282012%29462426_EN.pdf)

— such as Erasmus and EIDHR — explicitly mention gender equality as a goal or condition. More specific recommendations that flow from this are:

- implement a gender budget analysis of all relevant programmes (EIDHR, DCI, Erasmus, ESFP, ICI, Instrument for Stability) specified for each country in the Gulf region;
- in the case of the EIDHR (and perhaps other instruments as well), some of the information may be confidential. The FEMM committee could request information in addition to the gender budget analysis of public data to be made available in closed meetings, as the DROI committee does;
- improve the actual implementation of gender mainstreaming and gender responsive budgeting by insisting that local Calls for Proposals for NGOs and local authorities, launched at national or regional level in the Gulf States, include a clear gender equality perspective;<sup>261</sup> and
- establish an exchange of knowledge between the Gulf States, Member States and, for example, the Moroccan Gender Responsive Budgeting Centre of Excellence.<sup>262</sup>

#### 4. Promote the exchange of academic expertise and cooperation in international research on women's rights and gender issues

Gulf States already share with the EU the objective of extending educational opportunities to all in society, including women, which has led to a large number of highly educated women in several Gulf States. The EU could encourage these women to participate in international exchange of knowledge and research cooperation. Specific promotional measures to consider are:

- assure an equal share of female student beneficiaries of educational exchange programmes, such as Erasmus+, by requiring a gender balance, as was done in the Erasmus Mundus projects.<sup>263</sup> A quota of, for example, 40% may be necessary if the current proportion of women is not satisfactory; and
- expand the Erasmus+ programme to enhance the participation of students and scholars from the GCC<sup>264</sup> particularly in fields such as social sciences, human rights, democracy support, gender studies and VAW. Specifically for Iran, exchange of knowledge on reproductive health may be an issue, since the child mortality rate is rather high, and the government aims to enhance the fertility rate.

#### 5. Support the promotion of labour force participation among women

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<sup>261</sup> Recalling the target set in the EU GAP, the OECD-Gender Equality Policy Marker should be applied to at least 80 % of the EU projects and annually reported.

<sup>262</sup> The Moroccan government and NGOs have over a decade of experience with the promotion of gender equality in legislation and policy — for instance, by means of gender responsive budgeting. The Gender Responsive Budgeting Centre of Excellence in Morocco was implemented in 2012 as a cooperation between the Moroccan government and UN Women. The centre is a mechanism to enhance the exchange and sharing of expertise and best practices at the national and international level, through the networking of all stakeholders in the field of gender responsive budgeting via the KM-BSG Platform. Retrieved from: [http://www.finances.gov.ma/depf/dpeg\\_action/genre/doc/DepliantBSG\\_Ang.pdf/](http://www.finances.gov.ma/depf/dpeg_action/genre/doc/DepliantBSG_Ang.pdf/)

<sup>263</sup> See Chapter 5.

<sup>264</sup> See para. 7 of the EU–GCC Joint Action Programme 2010–2013.

Even though women's level of education has risen in recent decades, their employment rate is still quite low in some of the Gulf States (Iraq, Iran, Saudi Arabia and Oman),<sup>265</sup> as is the share of women in decision-making positions,<sup>266</sup> which may imply that a large number of highly educated women do not have the opportunity to use their education and capacities.<sup>267</sup> Apart from socio-cultural and religious traditions, which limit or prohibit women's participation in public life, one of the reasons for these low employment rates might be difficulty in reconciling work and care for the family.

- The EU could support exchange of expertise on legislative and other measures to promote women's participation in the labour force in cooperation with the European Institute for Gender Equality (EIGE), the ILO Training Centre (ITC) and the European Training Foundation (ETF).

## 6. Support Gulf States in combating VAW

The EU considers VAW to be one of the main problems that both causes and maintains gender inequality worldwide.<sup>268</sup> Data on the prevalence of VAW in the Gulf States are very limited, but it does exist, and most Gulf States seem inclined to take action dependent on the type of violence and the type of measures. Specific supportive measures the EU could take include:

- encouraging the Gulf States to expand their initiatives to publicly address VAW as a problem by raising awareness of the fact that VAW is a violation of human rights and also causes social and economic consequences (such as disruption of the family, need for medical and psychological care, etc.), in cooperation with the UNFPA;
- promoting the exchange of expertise on how to collect statistical information on VAW and enabling international comparisons in cooperation with the EU Agency for Fundamental Rights and the WHO;
- funding studies on VAW, preferably using international cooperation between EU and Gulf scholars;
- supporting the development of legislation to criminalise and eliminate VAW in all its forms, both private and public, including the recognition and criminalisation of rape (within and outside marriage) and the need to monitor its impartial prosecution;
- introducing effective strategies for capacity-building at all levels (legislators, judges, public prosecutors, police officers) as a crucial instrument to address VAW as a violation of basic human rights;
- supporting the important role of safe houses for national and migrant women and encouraging the provision of such services; supporting NGOs running safe houses and awareness-raising campaigns financially; and promoting cooperation with NGOs from the EU and Neighbourhood Policy countries on this issue;

<sup>265</sup> See Section 2.2.2.

<sup>266</sup> See Section 2.2.1.

<sup>267</sup> Also see ILO (2014) Global employment trends 2014, page 65. Retrieved from : [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_233953.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_233953.pdf)

<sup>268</sup> EU (2008) Guidelines on violence against women (16173/08); EU (2010) Plan of Action on Gender Equality and Women's Empowerment in Development. Retrieved from: [http://ec.europa.eu/development/icenter/repository/SEC\\_2010\\_265\\_gender\\_action\\_plan\\_EN.pdf/](http://ec.europa.eu/development/icenter/repository/SEC_2010_265_gender_action_plan_EN.pdf/)

- accordingly, combating VAW could be one of the aims of the current EU–WHO health programme in Iraq;<sup>269</sup>
- considering placing the issue of violence against migrant workers on the agenda of EU meetings with representatives of the Gulf States, particularly violence against female domestic workers, and the need for legislated protection of this marginalised group; and
- promoting the active involvement of female politicians, women NGOs and activists in security and peace-building, according to UNSCR 1325 and 1820. The EU–UN joint programme that started in Kosovo, Timor-Leste and Liberia in 2012 may serve as an example.<sup>270</sup>

## 7. Reconcile trade and visa agreements with respect of human rights/women's rights

A mutual interest of the GCC States and the EU and its Member States lies in trade, and in unrestricted travel for citizens of the two regions. The EU might consider developing a strategy on how to include respect for human rights and women's rights when developing economic policies, negotiations on trade agreements, actual trade activities and visa agreements. Some current examples of such measures are:

- negotiations on a Free Trade Agreement with the GCC and the Visa-Free Agreement with the UAE. A clear strategy may support the EU representatives who are negotiating these agreements and make clear to the GCC and other countries why the EU sees a connection between trade/visa waivers and human rights. Adding a clause on human and women's rights in such agreements might be a standard condition;
- adding a human/women's rights clause to all Cooperation Agreements, particularly the current one with GCC, taking the agreement with Iraq as an example;
- adding a social clause to the Free Trade Agreement to implement ILO labour standards;
- considering the impact of international sanctions on women's unemployment and pauperisation. The EU could consider sending political messages linking clear developments in relation to human rights and women's rights to a possible revision of the sanctions regime;
- supporting South-to-South exchange programmes for businesswomen from the Gulf States and other countries — for example Turkey or Jordan;<sup>271</sup> and
- promoting corporate social responsibility and social return by European and Gulf companies — for example, regarding labour conditions of migrant employees in Qatar, Kuwait and the UAE, and cooperation with female entrepreneurs.

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<sup>269</sup> Retrieved from:

[http://eeas.europa.eu/delegations/iraq/press\\_corner/all\\_news/news/2013/270113\\_launch\\_of\\_eu\\_who\\_programme\\_en.htm/](http://eeas.europa.eu/delegations/iraq/press_corner/all_news/news/2013/270113_launch_of_eu_who_programme_en.htm/)

<sup>270</sup> Retrieved from: [http://eeas.europa.eu/ifs/docs/20120201\\_pressrelease\\_eu-undp\\_en.pdf](http://eeas.europa.eu/ifs/docs/20120201_pressrelease_eu-undp_en.pdf)

<sup>271</sup> Some examples can be found in: EC (2006) The Euromed Partnership: acting for gender equality. Retrieved from: [http://eeas.europa.eu/euromed/publications/gender\\_en.pdf](http://eeas.europa.eu/euromed/publications/gender_en.pdf)

## 8. Support female politicians and women's NGOs and seek means for capacity-building through social media

As in the Middle East and North Africa region, the political participation of women in most Gulf States is growing, but limited to lower levels of influence. The experience from the 'Spring forward for women' programme can be useful in determining the exact strategy in relation to individual and organised women.<sup>272</sup> The promotion of human rights and women's rights is not as visibly organised as in Europe. Civil society seems to be more of a network structure, where individual human rights defenders and social media are important, instead of a structure of women's organisations. This means the EU will have to find new ways to support this type of civil society. The EU may support this development in several ways, notably by:

- supporting civil society and women's NGOs which expressed interest in EU support and cooperation. However, in most Gulf States, civil society is controlled or at least closely monitored by the government. In line with UNSCR 1325 and 1820, it is crucial to find ways to include women's NGOs when working towards building peace;
- continuing and increasing the frequency of visits to Gulf States and meeting women active at all levels (women in NGOs and other organisations, businesswomen, ministers, parliamentarians, activists and media personnel — not solely the elite and government representatives), and from all ethnic and religious groups;
- establishing links and cooperating with and supporting individual politically active women in their election campaigns and parliamentary work by offering training and expertise; and
- supporting diaspora organisations/individuals (e.g. journalists) to use social media to facilitate a national and regional discussion on women's rights with women's groups from the Gulf States.

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<sup>272</sup> Retrieved from: [http://www.enpi-info.eu/mainmed.php?id=475&id\\_type=10/](http://www.enpi-info.eu/mainmed.php?id=475&id_type=10/)

## BRIEF OVERVIEW OF THE FINDINGS

Situation of women <sup>273</sup> in relation to:	Bahrain	Iran	Iraq	Kuwait	Oman	Qatar	Saudi Arabia	UAE	To be found in:
<b>Political rights</b>									<b>CR,<sup>274</sup> para. 1</b>
Right to vote	Yes	Yes	Yes	Yes	Yes	Yes	No	Limited	CR, para. 1
Women in parliament or advisory bodies	4 (10%)	9 (3%)	82 (25%)	3 (5%)	1 (1%)	0 (0%)	30 (20%)	7 (18%)	Chap. 4.1 and Table 6 CR, para. 7
Female ministers	4 (15%)	3 (10%)	1 (4%)	1 (7%)	2 (7%)	1 (5%)	No	4 (15%)	Chap. 4.1 and Table 6 CR, para. 7
Female judges	Yes	Partial <sup>275</sup>	Yes	Yes	No	Yes	No	Yes	Chap. 4.1 CR, para. 7
Female ambassadors	Yes	No	No	Yes	Yes	Yes	No	Yes	Chap. 4.1 CR, para. 7
<b>Family law</b>									<b>CR, para. 2.1</b>
Male guardianship	Partial <sup>276</sup>	Yes	Yes	Partial	Yes	Yes	Yes	Yes	CR, para. 2.1.5
Allowed by law:									CR, para. 2.1.1
Arranged marriages	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	
Girls under 18	Yes	Yes	No <sup>277</sup>	Yes	No	No	Yes	No	
Polygyny	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Equal right to divorce <sup>278</sup>	No	No	No	No	No	No	No	No	CR, para. 2.1.2
Equal right to child custody <sup>279</sup>	No	No	No	No	No	No	No	No	CR, para. 2.1.3
Equal right to inheritance	No	No	No	No	No	No	No	No	CR, para. 2.1.4

<sup>273</sup> This table focuses mainly on the legislative situation of each country regarding women's rights. For a better understanding of practices, the information provided in the overall report as well as in the separate country reports needs to be taken into account.

<sup>274</sup> CR: Country report

<sup>275</sup> Female judges, however, are prohibited from issuing and signing final verdicts.

<sup>276</sup> Women have the right to work, but in some cases need their husbands' permission, see CR.

<sup>277</sup> With parental consent, women may marry at the age of 15. Currently a law is being discussed based on which women may marry from the age of 7.

<sup>278</sup> Men may request divorce without any reason, and it is automatically granted; women may request or obtain divorce only under certain limited conditions.

<sup>279</sup> In all of the countries women are granted custody up to a certain age of the child. Thereafter the child may decide which parent (s)he wants to live with. Given that such regulation is based on gendered notions of parenthood, it is interpreted as a lack of equality in matters of child custody in this table.



Situation of women in relation to:	Bahrain	Iran	Iraq	Kuwait	Oman	Qatar	Saudi Arabia	UAE	To be found in:
<b>Fundamental rights</b>									<b>CR, para. 2.2</b>
Equal penal code	Partial <sup>280</sup>	No	No	No	No	No	No	No	CR, para. 2.2.1, 2.2.2, 2.3.1
Equal access to prosecution	Yes	No	No	No	No	Partial	No	No	
Equal weight of witness	No	No	No	No	Yes	No	No	No	
Laws on violence against woman	No <sup>281</sup>	No	Partial	Partial	Partial	No	Yes	No <sup>282</sup>	CR, para. 2.2.3
Legal protection of SRHR <sup>283</sup> FGC criminalised	Partial No	Partial No	Partial No <sup>284</sup>	Partial No	No No	Partial No	No No	Partial No	CR, para. 2.2.4
Legal protection in national legislation regarding religious and ethnic minority groups	Partial Partial	Partial Partial	Yes Yes	Partial Partial	No Partial	Partial No	No No	Yes Partial	CR, para. 2.2.9, 2.2.10, 2.2.12
Migrants	No	No	No	No	No	No	No	No	
LGBTI									
<b>International Conventions</b>									<b>CR, para. 3</b>
CEDAW ratified	Yes, with reservations	No	Yes, with reservations	Yes, with reservations	Yes, with reservations	Yes, with reservations	Yes, with reservations	Yes, with reservations	CR, para. 3.1
Beijing Declaration	Yes	Yes	Yes, with reservations	Yes, with reservations	Yes	Yes, with reservations	No	Yes	CR, para. 3.2
<b>Economic independence</b>									
2012 female labour force	40.8%	17.4%	15.5%	44.7%	30.1%	51.8%	19.1%	46.8%	Chap. 2.2.2 Table 1
Equal access to education	Yes, but limitations on certain technical studies	Yes, but limitations on certain studies	Yes, in theory	Yes, but higher criteria to restore gender balance in certain programmes	Yes, but higher criteria to restore gender balance	Yes	Yes, but with serious limitations on certain studies and sex segregation	Yes	CR, para. 2.2.5

<sup>280</sup> The term 'partial' as employed in this table means that in more general legislative statements there is no gender discrimination; however, when worked out in more detail, with respect to some rules women are being discriminated against.

<sup>281</sup> A rapist is not punished if he agrees to marry the victim.

<sup>282</sup> Rape and sexual harassment are criminalised, but women are reluctant to report them; domestic violence and marital rape are not. See CR.

<sup>283</sup> SRHR: sexual and reproductive health and rights

<sup>284</sup> A law, however, was proposed in 2013 on banning the practice of FGC in Iraq.

Situation of women in relation to:	Bahrain	Iran	Iraq	Kuwait	Oman	Qatar	Saudi Arabia	UAE	To be found in:
Legal discrimination in employment	Heavy work, working during the evening and night	Highest political leadership positions, judiciary	No (only social discrimination)	The army, hazardous jobs, working during the night, serving men only	Judiciary	High-level security positions	High-level political positions, judiciary, working with opposite sex, Foreign Ministry and diplomacy, sciences, petroleum engineering	Working during the night, hazardous, arduous, physically or morally detrimental work, jobs not approved by the Labour Ministry, work not consented by the husband or guardian	CR, para. 2.2.6, 2.2.7 + para. 6
Equal right to property	Yes	Yes	Yes	Yes	Yes	Yes	With limitations	Yes	CR, para. 2.2.8
<b>Independent NGOs active on women's rights</b>	Limited (only quasi-governmental)	No	Yes	No (only government-led)	No (only government-led)	No (only government-led and quasi-governmental)	No (only government-led)	Limited	CR, para. 5, 9 + Chap. 3
<b>Recent democratisation uprisings</b>	Yes	Yes (Green Movement)	Yes	Yes	Yes	No	Yes, small demonstrations	No	Chap. 2.4
<b>Relations with the EU</b>	EU-GCC Cooperation Agreement (CA)/Free Trade Agreement (FTA) negotiations	No	EU-Iraq Partnership and CA	EU-GCC CA/FTA negotiations	EU-GCC CA/FTA negotiations	EU-GCC CA/FTA negotiations	EU-GCC CA/FTA negotiations	EU-GCC CA/Visa-free agreement negotiations/ FTA negotiations/ Dialogue on Human Rights	Chap. 5
<b>EP resolutions</b>	on EU-GCC cooperation 2011	on Iran 2014	on depleted uranium in Iraq, 2008, 2011	on EU-GCC cooperation 2011	on EU-GCC cooperation 2011	on EU-GCC cooperation 2011; on Qatar 2013	on EU-GCC cooperation 2011; March 2014	on EU-GCC cooperation 2011; on Visa-free agreement	Chap. 5

## 7. COUNTRY REPORT BAHRAIN

### 7.1 Country profile

#### 7.1.1. Political system

Bahrain is a constitutional monarchy headed by the King Sheikh Hamad bin Isa al Khalifa. The monarchy is hereditary, and the monarch appoints the cabinet. Bahrain was the first GCC country that granted suffrage to women, in 2002. Since 2011, the eligibility age to vote has been lowered to 18 years. The legislative branch consists of the National Assembly of the Shura Council (40 members appointed by the King) and the Council of Representatives or Chamber of Deputies (40 seats directly elected to serve four-year terms). The legal system is a mixed of Islamic law, English common law, Egyptian civil, criminal and commercial codes, and customary law.<sup>285</sup>

#### 7.1.2. Population

In 2014 the population stood at 1 314 089, of which 39 % are women.<sup>286</sup> Of the total female population in 2013, 40 % were migrants, and of the total male population in the same year 64 % were migrants. These figures include refugees as reported by the UNHCR.<sup>287</sup> Of the total population, based on a census in 2001, 54 % are non-Bahraini, 81.2 % are Muslim (Shia and Sunni), 9 % are Christian, and 9.8 % adhere to other religions.<sup>288</sup>

### 7.2 Constitutional and legal provisions regarding women's rights and gender equality

#### 7.2.1. Family law

Given that family law is one of the main domains in which ideas about gender relations become translated into national legislation and policy, the following section will provide a description of family law by focusing on marriage, divorce, child custody and inheritance.

##### 7.2.1.1 Marriage

Marriage must be recorded in the Islamic Sharia courts (Sunni and Shiite), and in civil courts for other religions. Legal marriage for both Shiites and Sunnis is set at 15 years of age. Forced marriages are legally prohibited. Marriage is defined as a legal contract between a man and a woman to form a family that includes mutual legal rights. The Shiite law has not yet been passed constitutionally due to differences between the government and the religious authority concerning the law. There are temporary marriage contracts

<sup>285</sup> Retrieved from: <https://www.cia.gov/library/publications/the-world-factbook/fields/2128.html/> and <http://www.ipu.org/wmn-e/suffrage.htm/>

<sup>286</sup> An estimate from the US Bureau of the Census based on statistics from population censuses, vital statistics registration systems or sample surveys pertaining to the recent past and on assumptions about future trends.

<sup>287</sup> Sources: The World Factbook, CIA and United Nations, Department of Economic and Social Affairs (2013) Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013). Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level.

<sup>288</sup> Source: The World Factbook, CIA

between spouses, called *muta* among Shiites and *misyaa* among Sunnis, which do not require registration in Sharia courts but are permitted. Temporary marriage grants inheritance rights to the children of the union but declines the same to the wife. Although legally valid, temporary marriage is socially frowned upon.<sup>289</sup> Polygyny is legally allowed.

#### 7.2.1.2 Divorce

The Constitution does not refer to divorce in any direct manner; it only specifies that familial relations are defined by Sharia. In both Sunni and Shia Islam, divorce is the exclusive right of the man, either directly or through an agent, verbally or in writing. The only way a woman may divorce her husband is if this right is stipulated in her marriage contract, and, even then, for both the Shiites and the Sunnis, the Qadi judge might not accept it. A qadi judge is an authorised Sharia judge trained in either the Shia or the Sunni tradition. A woman may legally apply for divorce on various grounds, including impotence, addiction or lack of proper support from the husband. There are three types of divorce. *Khul* divorce is sometimes awarded to the wife upon request and by agreement of the two parties; here the wife gives up her stipulated marriage payment as specified in the marriage contract, as well as the custody and the alimony of the children. The second, *rajii*, is not final for three months, the period for confirming lack of pregnancy. In the third, *bai'n nihai*, which is the least common form, the divorce cannot be annulled unless the wife marries another man and then divorces him to remarry her first husband after the three-month waiting period.

#### 7.2.1.3 Child custody

According to the Islamic Sharia, and based on the terms of Sunni family law, rulings on custody should be in the best interest of the children. The law permits the judge to call on experts in psychological and social matters. Among Shiites, custody is granted to the mother until children become adults and then are given the choice of whether to live with their father or mother under conditions such as maintenance of the same religion or guarantees of safety. Among Sunnis, the mother is entitled to child custody until the boy reaches the age of 13 to 15 and until the girl is married.<sup>290</sup>

#### 7.2.1.4 Inheritance

Inheritance is not included in the Sunni family law. Generally inheritance is similar between the provisions of Sunnis and Shiites except that a Shiite woman does not inherit her husband's property, while among Sunnis, relatives of the first-class of the husband get involved in the inheritance only if the wife has no children. In practice there is discrimination against women because, according to the Sharia, a woman's legal share is half of that of her male siblings.<sup>291</sup>

#### 7.2.1.5 Male guardianship

Legally, women do not need male consent to travel. Officially, there are no restrictions for women with respect to work, as article 55a of the family law acknowledges the wife's legal right to work. Still, she is allowed to go out for work only if this is mentioned explicitly in her marriage contract, or if her husband knew this at the time of marriage, or if he gives

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<sup>289</sup> Retrieved from: <http://www.moj.gov.bh/default7850.html?action=article&ID=1620/>

<sup>290</sup> Retrieved from: <http://www.moj.gov.bh/default7850.html?action=article&ID=1620/>

<sup>291</sup> Retrieved from: <http://www.moj.gov.bh/default4cb2.html?action=category&ID=139/>

her permission to work outside the house after marriage. Furthermore, paragraph b of the same article stipulates that the wife will not receive alimony 'if she works against her husband's will and against the interest of the family'.<sup>292</sup>

### 7.2.2. Women's rights

This section will deal with those areas of national legislation and policy in which explicit references are made to difference of sex.

#### 7.2.2.1 Penal code

Officially, the Bahraini penal code guarantees equality between men and women without discrimination on grounds of ethnicity or religion.<sup>293</sup>

#### 7.2.2.2 Prosecution

Officially, the law guarantees equality between men and women before the law and with respect to legal competence, including women's right to conclude contracts and manage their wealth and property. Women enjoy the same treatment as men before the courts and have the right to bring actions and petitions in their own name. They have the same right as men to benefit from all legal services, including legal aid. The official Supreme Council for Women publishes a women's guide to litigation procedures before the Sharia courts and organises training courses. In practical terms, there is a weakness in the implementation of judicial decisions in Sharia court, and women have limited legal awareness among.<sup>294</sup> Moreover, the punishment of males or females who commit adultery is defined by the Sharia law and not by civil law. It should be noted, however, that such punishments are not practised or known to happen in Bahrain. According to the Quranic verse on the subject, both males and females committing adultery are subject to the same punishment of stoning; however, this punishment can only be executed with the condition of validation by four witnesses; four males for men and double that number for females.

#### 7.2.2.3 Violence against women

There are no references to VAW in the law. Observation indicates the existence of VAW; however, many abused women do not report to police stations or hospitals regarding violence inflicted on them, either to avoid scandal, or due to fear of the negative reaction of society or ignorance of their legal rights. The absence of legislation to protect women increases the frequency of summary violence. A bill has been under discussion in parliament since 2007 because of disagreements over some of its articles, as some perceive them to be incompatible with Islamic Sharia.<sup>295</sup>

#### 7.2.2.4 Sexual and reproductive health and rights

According to article 8 of the Constitution, paragraph a, 'Every citizen shall have the right to health welfare. The State shall care for public health and ensure means of prevention and

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<sup>292</sup> Retrieved from:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf/)

<sup>293</sup> Retrieved from: <http://www.moj.gov.bh/default47a2.html?action=category&ID=355> And from: <http://www.pogar.org/publications/ac/compendium/bahrain/criminalization-lawenforcement/crimlaw-76-ar.pdf/>

<sup>294</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/)

<sup>295</sup> Retrieved from:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf/)

treatment by establishing various kinds of hospitals and provide medical facilities', and according to paragraph b, 'Individuals and bodies may establish hospitals, clinics or infirmaries under the supervision of the State and in accordance with the law.'<sup>296</sup> Abortion is a crime punishable by law in Bahrain. There are no stipulations that bar a woman from using contraceptives, but if this is done against the wishes of the husband, he can take her to court for disobeying him, as is stipulated to be his religious legal right.

#### 7.2.2.5 Education

According to article 7 of the Constitution, paragraph a, 'The State shall patronise the sciences, literature and the arts, and shall encourage research. It shall ensure educational and cultural services for citizens. Primary and secondary education shall be compulsory and free in accordance with the law. The law shall lay down the necessary plan to eliminate illiteracy.' According to paragraph b, 'The law shall regulate the various aspects of religious education and attention shall also be given to the strengthening of the citizen's personality and pride in his Arab nationality.' According to paragraph c, 'Individuals and bodies may establish private schools under the supervision of the State and in accordance with the law.'<sup>297</sup> There are no university curricular restrictions for women in Bahrain.

#### 7.2.2.6 Employment

Officially, the Constitution consolidates the principle of equality between citizens and maintains no discrimination among them in respect of public rights and duties on grounds of gender, as indicated in article 13:b and 16:b. The Civil Service Act No. 35 (2006) and the Diplomatic Corps Act (2009) also make no distinction between men and women when defining conditions for appointment. Also the draft private-sector labour law, which is currently under legislative review, has added several benefits for women working in the private sector. For instance, childcare leave and bereavement leave are proposed. In practice, however, there is discrimination on benefits, training, wages and payment of bonuses.<sup>298</sup>

#### 7.2.2.7 Job restrictions

The Constitution sets down the principle of equality between citizens such that there shall be no discrimination among them in respect of public rights and duties on grounds of sex. The Civil Service Act No. 35 (2006), and the Diplomatic Corps Act (2009) make no distinction between men and women when defining the conditions for appointment. Bahrain ratified the Discrimination Convention on Employment and Occupation of 1958 No. 111, which affirms the repudiation of any distinction or preference.<sup>299</sup>

#### 7.2.2.8 Private property

Based on article 5, paragraph b, of the Constitution and article 9, paragraph a, of the Private Property Act, 'Property, capital and work, in accordance with the principles of

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<sup>296</sup> Retrieved from: <http://www.moj.gov.bh/default4cb2.html?action=category&ID=139> and from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/) and from: <http://confinder.richmond.edu/admin/docs/Bahrain.pdf/>

<sup>297</sup> Retrieved from: <http://www.moj.gov.bh/default4cb2.html?action=category&ID=139/> and from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/) and from: <http://confinder.richmond.edu/admin/docs/Bahrain.pdf/>

<sup>298</sup> Retrieved from: <http://www.moj.gov.bh/default4cb2.html?action=category&ID=139/> and from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/)

<sup>299</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/)

Islamic justice, shall be fundamental constituents of the social structure of the State and the national wealth. They are all individual rights with a social function regulated by the law.' According to paragraph c of the latter article, 'Private property shall be well protected. No one shall be prevented from disposing of his property except within the limits of the law. No property shall be expropriated except in the public interest, in accordance with the law and provided that just compensation is paid.' According to paragraph d of the same article, 'General confiscation of property shall be prohibited. Confiscation of private property as a penalty may not be inflicted except by a court judgment and in the circumstances specified by the law.'<sup>300</sup> By law, women, equal to men, may own land and business, invest in the markets and be the owners of commercial and trading licences. The Al-Rashed Group and Al-Izz trading corporations are owned and managed by Bahraini women.

#### 7.2.2.9 Women in (non-)religious, ethnic or racial minority groups and binational relationships

There are no laws concerning women belonging to ethnic minority groups. Migrant women are treated as citizens in local law. Bahrain has signed international labour conventions. In practice, though, Bahraini women with dual nationality face a dilemma regarding family law. Depending on the situation and their specific interests, they can claim to be of Bahraini nationality or decide to use foreign citizenship. Dual citizenship is not legal for Bahrainis. Civil courts in Bahrain can consider the personal status issues of non-Muslim and non-religious women and base their decisions on the laws and accepted rules of these women's particular religious traditions.<sup>301</sup>

#### 7.2.2.10 Migrant women

Despite the promulgation of the new Labour Law (Law no. 36/2012 for the Private Sector), and the official decision to include a special chapter on domestic workers, the law includes domestic workers in agreement and vacations sections only. It does not have a chapter to reflect all issues related to domestic workers similar to those on women and juveniles. Also, there is no mechanism in place for the ministry to monitor the application of the relevant articles in practice. This is not in compliance with the concluding observations of the CEDAW Committee, no. 34 and 35.<sup>302</sup>

#### 7.2.2.11 Disabled women

According to Law No. 74/2006 for the Disabled, article 5, women deserve special leave with full pay, and if the disabled woman is pregnant she is entitled to extra paid leave. The law (article 6) provides preferential rights to both disabled males and females, whereby disabled women may take early retirement following 10 years of work and disabled men

<sup>300</sup> Retrieved from: <http://www.moj.gov.bh/default4cb2.html?action=category&ID=139/> and from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/) and from: <http://confinder.richmond.edu/admin/docs/Bahrain.pdf/>

<sup>301</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/)

<sup>302</sup> Accordingly: 'There is great concern about this category of employment. Despite the promulgation of the new labour law (No. 36/2012 for the private sector) and the official promises (the statement of the Director of the Office of the Minister of Labour) to include a special chapter on domestic workers in the new labour law, the new labour law includes domestic workers in only the portions concerning contracts/agreement and vacations and not to have a complete exclusive chapter to cover all matters on domestic workers. Also, there is no mechanism in place for the ministry to monitor the application of relevant articles and items in reality. This is not in compliance with the concluding observations of the CEDAW Committee No. 34 and 35. In addition, the signing of the Kingdom of Bahrain of the "Gulf Protocol on Joint Contract for Domestic Workers" decreases the benefits granted to workers in the new labour law.' Retrieved from:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf)

after 15 years, rather than 25 and 30 years, respectively, for women and men without disabilities. The Minister of Social Development has stated that up to the beginning of 2014 there were 8811 persons with disabilities (5144 men and 3667 women), who allegedly received financial benefits amounting to BHD10.1 million. An official committee was created by Ministerial Decree No. 24/2008 to standardise psychological tests to assess mental disabilities and behavioural disorders and to develop education for persons with disabilities. This was coordinated by the Ministries of Health and Education. An official Disabled Services Centre was opened in 2007.<sup>303</sup>

#### 7.2.2.12 LGBTI groups

No data are available on these groups in Bahrain. LGBTI issues are religiously and socially taboo and unacceptable. Legally, homosexuality is a punishable crime against public morality. When a complaint is filed against LGBTIs, the penal code, part 5 of article 92, 1 and 2, and part 7 are applied: 'Offences against Religion and Family' (316) or 'Separation of Debauchery and Prostitution' material (324).<sup>304</sup> Clauses also include: 'If these infractions whether in action or behaviour happen in public roads ,or public space or in areas that are exposed to public views or if these infractions are portrayed and photographed electronically'; 'Loudly proclaiming and repeating the infraction whereby it is heard by those present in that public space — or if even proclaimed by electronic methods and thus it is heard by those who have no interest in it'; and 'Whoever encourages or leads a male or female to commit these infractions (debauchery and prostitution) in any way will be punished by prison.'

#### 7.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

##### 7.2.3.13 Equal treatment of criminal acts

Rape and domestic violence towards women are treated according to the Penal Code, without gender discrimination. However, according to article 353 of the Penal Code, the rapist goes unpunished if he agrees to marry the victim. This is often followed by divorce after a short period. Moreover, the testimony of two women counts as the testimony of one man in the court.<sup>305</sup>

##### 7.2.3.14 Non-judicial institutions

Non-judicial institutions are distributed over official and civil society institutions (NGOs) that represent women and professional, political and religious organisations — for example, women's associations, the Aisha Yateem Centre for family counselling as a division of BYLS, the Legal Centre at the Union of Bahraini Women, the General Union of Bahrain Workers and jurists' associations. There are also institutions in the official sector such as the Women's Support Centre at the Supreme Council for Women, the Batelco Care Centre for

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<sup>303</sup> Retrieved from: [http://www.aodp-lb.net/\\_law.php?events\\_id=65/](http://www.aodp-lb.net/_law.php?events_id=65/) and from: <http://www.mohamoon-bh.com/Default.aspx?action=DisplayNews&ID=14646>

<sup>304</sup> Retrieved from: <http://www.moj.gov.bh/default47a2.html?action=category&ID=355/> and from: <http://www.pogar.org/publications/ac/compendium/bahrain/criminalization-lawenforcement/crimlaw-76-ar.pdf/>

<sup>305</sup> Retrieved from: <http://www.moj.gov.bh/default47a2.html?action=category&ID=355/> And from: <http://www.pogar.org/publications/ac/compendium/bahrain/criminalization-lawenforcement/crimlaw-76-ar.pdf/>



Family Violence, and social centres attached to the Ministry of Human Rights and Social Development (Dar al-Aman shelter, family guidance centres and the Royal Charity Organisation).<sup>306</sup>

### 7.2.3.15 Equal access to judicial institutions

The law guarantees equal access for women to courts or other judicial institutions. In respect of legal competence, women are entitled to conclude contracts and manage their wealth and property. Women enjoy the same treatment as men before the courts and have the right to bring actions and petitions in their own name. They have the same right as men to benefit from all legal services, including legal aid.<sup>307</sup>

## 7.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

### 7.3.1. Conventions and reservations<sup>308</sup>

The following conventions which include women's rights issues have been ratified by Bahrain:

- CEDAW (in 2002)  
Reservations: Article 2, to ensure implementation within the Islamic Sharia; article 9 para. 2; article 15 para. 4; article 16, which does not conflict with Islamic Sharia; article 29 para. 1
- Amendment to article 20, para. 1 of CEDAW (in 2010)  
Reservations: Issued legislative decree no. 15 for 2010 after parliament adopted the implementation of the amendment
- International Covenant on Civil and Political Rights (in 2006)  
Reservations: Articles 3, 18 and 23 implemented within the limits of article 2 para. B and article 5 of the Constitution; article 9 para. 5 and article 14 para. 7 implemented within article 10 of Penal Code no. 15, issued 1976
- International Convention on the Elimination of All Forms of Racial Discrimination (in 1990)  
Reservations: Article 22; issued legislative decree no. 8 for 1990 for implementation
- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (in 2000)  
Reservations: Issued legislative decree no. 6 for 2000 for implementation
- International Covenant on Economic, Social and Cultural Rights (in 2007)  
Reservations: Article 8, item D, para. 1 on the prohibition of strikes in the important vital facilities: issued legislative decree no. 10 for 2007 for implementation
- Convention on the Rights of Persons with Disabilities (in 2011)

<sup>306</sup> Retrieved from:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf/)

<sup>307</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf)

<sup>308</sup> Retrieved from: <http://www.nihr.org.bh/LeftMenu/HumanRights/HumanRights1/>

- Convention on the Rights of the Child (in 1992)  
Reservations: Issued legislative decree no. 16 for 1991 for implementation
- Optional protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (in 2004)  
Reservations: Issued legislative decree no. 16 for 1991 for implementation
- Optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (in 2004)  
Reservations: Issued legislative decree no. 16 for 1991 for implementation.

The following conventions which include women's rights issues have not been ratified by Bahrain:

- Optional Protocol to CEDAW
- Optional Protocol to the International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.

### 7.3.2. UN Declarations

Bahrain attended both the Beijing Declaration meeting<sup>309</sup> and the ICPD. In neither case did it express any reservations.

### 7.3.3. Other international agreements

The UNSCR 1325 on Women, Peace and Security has not been adopted. The Millennium Declaration and MDGs have been adopted, albeit with objections against those parts dealing with 'sexually promiscuous behaviour' and 'what contradicts Islamic Sharia'.

### 7.3.4. Reflections on the implementation of CEDAW

Government reports indicate the establishment of a national plan for gender empowerment in the ministries' programmes and budgets. Efforts are being made to eliminate the CEDAW reservations. The government has also encouraged official and public institutions' recognition of CEDAW, and training workshops have been organised focusing on women's rights. In the reports, the possibility of withdrawing some reservations is being considered

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<sup>309</sup> International reporting relevant to the situation of women regarding BDPA, providing glimpses of the achievements in gender equality, empowerment, incorporating women's needs in development, and challenges. Retrieved from: <http://www.scw.bh/UploadFiles/pdf/china.pdf/>

(such as art. 2, art. 9 para. 2, art. 15 para. 4 and art. 16), especially those that do not contradict Islam. NGO shadow reports indicate that no government compensation was provided to women who were victims of institutional violence, and the anti-violence domestic law has not yet been constitutionally approved. Note that article 353 of the Penal Code has not been amended in favour of raped women. The CEDAW Committee has made various recommendations, most important of which is to rapidly withdraw the reservations on CEDAW, approve the second section of the family law, 'the Shia section', approve the anti-violence law, preserve women's quota in the Constitution, provide the children of Bahraini women married to non-Bahrainis with Bahraini citizenship, and foster cooperation between the various NGOs.<sup>310</sup>

## 7.4 Labour force and employment situation of women

**Table 8: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	29	32.9	36.3	37.9	40.7	40.8
Employed (% of age 15+)	N/A	28.2	30.4	29.4	32.1	32.3

**Source:** ILO (2013) Key Indicators of the Labour Market database<sup>311</sup>

Female labour force participation (the number of women who are employed, or unemployed but available for the labour market) has risen steadily in the past two decades.

## 7.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

There are no official organisations engaging with either the rights of LGBTI groups or the rights of migrant women. There are at least seven organisations identified by the Ministry of Social Development that are concerned with disabled women and men. Examples are: Association of Compassion for the Care of the Disabled, Bahrain Centre for Mobility International, Bahraini Association for Parents of Disabled People and their Friends, Bahraini Association for Mental Disability and Autism, and Bahraini Association for Down's Syndrome.<sup>312</sup>

The following text is based on interviews conducted by the country expert with the Union of Bahraini Women (UBW), the Young Ladies' Associations and the Bahraini scholar and politician, Dr Munira Fahkroo:

LGBTI groups are not accepted socially and are thus invisible. LGBTI cases have no effect on other groups or organisations, and their behaviour and lifestyle are religiously undesirable. According to general belief, they need special treatment and

<sup>310</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/) and from: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf/)

<sup>311</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm/](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm/)

<sup>312</sup> Retrieved from: [http://www.social.gov.bh/nqos/nqos\\_directory/](http://www.social.gov.bh/nqos/nqos_directory/)

facilities. LGBTI behaviour is rejected in Bahraini society, and they are not accepted as active participants in the public sphere. However, they have their own infrastructure and communities and have recently started to appear more confidently in public. There are no studies to reflect on their condition and determine their size. LGBTI groups represent the 'elephant in the room', having their own social gatherings, officially unregistered, confined in non-public spheres — 'the underworld'. Some of them are highly educated and open-minded; some have emigrated from Bahrain because of the social situation against them. Within wealthy families, some LGBTIs can express themselves. Bahrain is an open society and differs from other Gulf communities, which means that relatively they have more opportunity to express themselves. They do not interfere in politics.

Legally, ethnic minorities are not recognised in Bahrain. In this society, the Constitution has granted all citizens personal rights. For women in ethnic minorities there are no organisations to represent them in public; they practise their ethnic rituals at home and do not highlight their ethnic identity in public.

Persons with disabilities have the same rights as other citizens. They also receive special assistance tailored to their condition. They are looked upon with kindness by society at large, and laws are passed to favour them. However, disabled women should integrate into the labour market, they should receive home-based care, and their awareness of their own rights has to increase. There are no organisations of disabled women exclusively. Persons with disabilities receive support according to their special needs and not in terms of gender issues. The specific needs of disabled women should be prioritised.

## 7.6 The state of play on the elimination of violence against women

Various forms of VAW concerning the domestic, public and work sphere are recognised and regarded as punishable according to the Penal Code. The phenomenon of FGC has not been the topic of research or public discussion so far. There are no indications that FGC is punishable, unless the physical damage leads to death. With respect to women in trafficking, officially there has been a promulgation of Legislative Decree no. 1/2008 on combating human trafficking, which contains 12 articles. To combat human trafficking and assess the situation of foreign victims of human trafficking, two official committees have been formed. The Ministry of Human Rights and Social Development has also established a shelter for victims of human trafficking.<sup>313</sup>

The state budget for fiscal years 2011 and 2012 contains a number of key allocations of direct and indirect relevance to women's rights, such as provision of financial support for social care and those with special needs, including BHD3.8 million to the Royal Charity Organisation, BHD8.2 million for special needs programmes and BHD500000 to the Alimony Fund, a fund safeguarding the dignity of divorced women in cases where court rulings on alimony have not been implemented or where payment has been delayed. The amount of the alimony determined by the court is paid directly to the former wife by the

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<sup>313</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/) and from: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf/)

executing court (in Sharia cases) then reclaimed from the former husband against whom judgment was made. The Supreme Council for Women has signed an agreement of cooperation with the Ministry of Finance, under which a joint committee was formed to coordinate efforts relating to the incorporation of women's needs in the State's budget preparation programme.<sup>314</sup>

There are no national statistics available on domestic/intimate partner violence, non-partner sexual violence, sexual harassment, so-called honour killings, forced marriages or forced labour exploitation. With respect to trafficking, according to an official report by Dar Al Aman For Abused Women, 287 cases of Bahraini and non-Bahraini citizens were registered between 2008 and 2010, 121 cases in 2013, and 135 cases are currently being processed.<sup>315</sup>

According to official and non-governmental counselling centres (Ministry of Human Rights and Social Development, Dar Al Aman, Centre for Legal Counselling, Legal Support BWU, Centre for Child Protection, Batelco Domestic Violence Care Centre, Aisha Yateem Centre for Family Counselling, Fatat El Reef Family Counselling Centre, Supreme Council for Women) 2844 of cases of VAW were reported between 2011 and 2013. Of course there might be cases that do not reach these organisations, the police or the hospitals that can be identified through court reports and news published in the local media. The statistics presented by the Young Ladies' Association (Aisha Yateem Family Counselling Centre – AYFCC) indicate 63 cases of VAW in 2013.<sup>316</sup>

**Table 9: Support for victims of VAW**

Field	Governmental/non-governmental organisation
1. Physical health care	- Bahrain Women's Union (Legal Supporting Office) - The Young Ladies' Association (AYFCC)
2. Mental health care	- The Young Ladies' Association (AYFCC)
3. Legal advice	- Bahrain Women's Union (Legal Supporting Office) - The Young Ladies Association (AYFCC)
4. Shelter/safe house	- Dar Al Aman for Abused Women
5. Other	- Batelco Care Centre For Family Violence Cases

<sup>314</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/)

<sup>315</sup> Retrieved from:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf/)  
and from: [http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf/](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf/)

<sup>316</sup> Retrieved from:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf/)  
pp 28-29; 32 and 34-40 and from:  
[http://www.scw.bh/UploadFiles/pdf/3rd\\_National\\_Report\\_BH\\_En.pdf](http://www.scw.bh/UploadFiles/pdf/3rd_National_Report_BH_En.pdf) pp. 29-30

## 7.7 Women in decision-making

**Table 10: Women in political and economic decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament in 2014	10 % (4 women)
Proportion of women in ministerial level positions in 2014	15 % (4 women)
Ability of women to rise to positions of enterprise leadership	5
Female legislators, senior officials and managers (% of total)	11 (2004)

**Sources:** Inter-Parliamentary Union/UN Women Watch

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = Extensive, women have equal opportunities of leadership)'.

**Source:** Female legislators, senior officials and managers (% of total) refers to the share of legislators, senior officials and managers who are female: ILO.

### 7.7.1. Political level

Compared to the other Gulf States, the number of women with an important political position in Bahrain is relatively high. However, there is still a gap between the number of men and the number of women holding leading posts in the executive. There are only four female ministers; 11 women have been appointed to the Cabinet Shura Council, and four to the parliament. The government has not been taking any steps to appoint more women to senior posts to comply with its commitment to achieve equality between men and women. In addition, during the process of appointment, the government discriminated against women: those who held views opposing the government were excluded regardless of their qualifications and expertise.<sup>317</sup>

### 7.7.2. Economic level

In Bahraini society, ideas about gender relations, according to which women are primarily regarded as responsible for household tasks, have limiting effects on women's economic participation. Nevertheless, women continue to achieve improvement. In the field of entrepreneurship, there has been an increase in the number of commercial registrations owned by women and the number of women active in the private sector. Overall, common sense is developing, according to which women's role in the country's economic prosperity is being recognised and appreciated.<sup>318</sup>

<sup>317</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/BahrainiWomen\\_inNumbers2013.pdf](http://www.scw.bh/UploadFiles/pdf/BahrainiWomen_inNumbers2013.pdf) and from: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT\\_CEDAW\\_NGO\\_BHR\\_16120\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16120_E.pdf)

<sup>318</sup> Retrieved from: [http://www.scw.bh/UploadFiles/pdf/BahrainiWomen\\_inNumbers2013.pdf/](http://www.scw.bh/UploadFiles/pdf/BahrainiWomen_inNumbers2013.pdf/)

### 7.7.3. Public level

In Bahrain, connections with the Sunni ruling family are crucial for men and women to gain high-level positions. They are either from or affiliated to the ruling family. At the political level, the most influential women in Bahrain are Farida Ghulam, a member of the Central Committee of the WAAD political opposition group, Zeinab Alderazi, active in the Bahraini Association for Human Rights, and Dr Ganea Elawee, a member of the Board of the National Society for Supporting Education and Training.

### 7.7.4. International level

The number of women of Bahraini descent with an influential role at the international level outside the Gulf region is rather low. However, this is not surprising given the limited size of the Bahraini diaspora. Within the Gulf region, especially with respect to the field of business, Bahraini women are considered successful. The President of the Bahrain Businesswomen's Society, Mona Almoayyed, was among the 100 most influential Arab women in 2014.<sup>319</sup> H.E. Sheikha Haya Rashed Al Khalifa was elected President of the 61st session of the General Assembly on 8 June 2006. At the time, she was serving as Legal Adviser to the Royal Court in the Kingdom of Bahrain. From 2000 to 2004 she was the Kingdom's Permanent Representative to the United Nations Educational, Scientific and Cultural Organization (UNESCO) and was also a member of the World Intellectual Property Organization's Arbitration Centre Consultative Committee. Currently, she is Bahrain's representative on the International Court of Arbitration of the International Chamber of Commerce.<sup>320</sup> Regarding international policy, a small number of Bahraini women occupy important positions.<sup>321</sup>

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<sup>319</sup> Retrieved from: <http://www.arabianbusiness.com/the-world-s-100-most-powerful-arab-women-541034.html?view=profile&itemid=541010#.U-t1GOOSzkU>

<sup>320</sup> Retrieved from: <http://www.un.org/ga/president/61/>  
<http://www.un.org/ga/president/61/presskit/president.shtml/>

<sup>321</sup> Examples are Dr Munira Fahkroo, Dr Khawla Mattar, Shaikha Haya Al-Khalifa, Dr Faaiga Al Saleh and Dr Mai al-Khalifa.

## 7.8 Civil society organisations working for women's rights and connections with European civil society organisations

**Table 11: Women's organisations**

Organisation	Activities/goals
The Young Ladies' Association	Achieving women's rights and gender equality; eliminating VAW; protecting and providing counselling and legal support to female victims of violence via AYFCC
Awal Women Society	Integrating women's issues into economic and social empowerment; providing legal advice to female victims of violence; eliminating VAW
Bahrain Women's Union (BWU)	Achieving unity of action on women's issues relating to Family Law 2nd part, Violence Protection Act, and to work towards laws that would provide citizenship to the children of Bahraini women married to non-Bahraini men; to empower women economically and socially; and represent women's organisations nationally and abroad
Office of Women's Issues (At WAAD Society)	Empowering Bahraini women politically; raising their level of participation in the public sphere and their awareness of political issues
Bahrain Women Society	Achieving all of the abovementioned goals

Although there are no connections between the abovementioned organisations and the EU, they have all expressed their interest in collaboration as long as it remains within the limits of local law.

## 7.9 EU activities and collaborations promoting women's rights

### 7.9.1. EU activities on women's rights

The following activities between the EU and Bahrain are currently taken place:

- In 2013, there were meetings in Bahrain with a female member of the Council of Representatives, the Secretary-General of the Supreme Council for Women and the National Institution for Human Rights, but not with women's NGOs.
- Through the External Relations programme, the Bahrain Women Association received funding in 2009 for the Be-Free centre for victims of child abuse.
- The EEAS has a delegation located in Saudi Arabia that is also accredited to Bahrain, Kuwait, Qatar and Oman.
- The EU-GCC Joint Action Programme for the period 2010–2013 set out a roadmap for closer cooperation on issues such as economic and trade cooperation, energy, environment and climate change, combating money laundering and terrorist



financing, higher education and scientific research, tourism, culture and mutual understanding.

- The Erasmus Mundus programme funded the SECRET project, a scholarship programme for students and researchers/professionals at Master's, Doctoral and post-Doctoral levels, as well as academic and administrative staff members from the GCC going to the EU and vice versa.
- Bahrain has ratified the Palermo Protocol on criminalisation and prevention of trafficking of human beings and support for victims, especially women and children.
- In accordance with the Cooperation Agreement, EU and GCC foreign ministers meet annually in joint councils. Joint committees at senior-official level have been established. The 2014 meeting was cancelled by the GCC, which seems to be in protest at EU Member States having signed a statement at the Human Rights Council criticising the human rights situation in Bahrain.

#### 7.9.2. Local reflections and recommendations on EU activities regarding women's rights

**Table 12: Women's organisations' reflections on the EU's role**

Organisation	Reflections/recommendations
Bahraini Women's Union — Mrs Zanab Najem (President)	There are few EU activities in Bahrain (see 7.9.1.). Furthermore, some informal contacts are concerned with raising the capacity of civil society's leadership and activism, as permitted by domestic legal frameworks. Important activities would be to help the integration of women, especially into the labour market and into programmes related to the compatibility of family issues and women's awareness of their rights; to empower women politically regarding elections, regulations and laws, and rights of citizenship; and to support civil society.
The Young Ladies' Association — Mrs Nadia Al Maskati (President)	Financial and logistical support for the operational expenses of the shelter at the AYFCC that supports female victims of violence; and helping to establish research sections in these centres.
Dr Munira Fakhroo (scholar and politician)	There are informal EU contacts with a few political and civil organisations. What is hoped for are programmes to support women's economic and political empowerment and take advantage of EU experiences in this area.

## 7.10 Recommendations by the national expert, Dr Mona Abbass Fadhel

There is a need to intensify communication between the EU and civil institutions concerned with women's rights in Bahrain within the realm of local law. Such organisations should be supported financially and logistically to help in financing training centres dealing with domestic violence, especially since this is increasing while professional skills are lacking. They need support to create research centres to measure this phenomenon and classify cases of violence accurately to be more effective in preventing such violence. Furthermore, it is important to push for raising the age of marriage from 15 to 18 and restricting polygyny. Another legal reform needed is the amendment of the laws governing civil society organisations and their activities to provide an expansion in freedom of action and acquisition of financial aids.

## 8. COUNTRY REPORT IRAN

### 8.1 Country profile

#### 8.1.1. Political system

Iran is a theocratic republic. Ayatollah Khamenei is the Chief of State and the Supreme Leader appointed for life by the Assembly of Experts. Universal suffrage has been in existence since 1963. The head of the government is the President, who is elected by popular vote for a four-year term (and eligible for a second term). The cabinet consists of the Council of Ministers elected by the President with legislative approval. There are three oversight bodies: the Council of Guardians, which, among others, determines the suitability of the presidential candidate; the Assembly of Experts, which is an elected consultative body of senior clerics constitutionally mandated to select, appoint, supervise and dismiss the Supreme Leader; and the Expediency Council or the Council for the Discernment of Expediency, which resolves legislative issues when the Islamic Consultative Assembly and the Council of Guardians disagree and since 1989 has been used to advise national religious leaders on matters of national policy. In 2005, the power of the latter was expanded to act as a supervisory body for the government. The legislative branch consists of the Islamic Consultative Assembly, with 290 members elected by popular vote. The legal system is based on secular and Islamic law.

#### 8.1.2. Population

The population was estimated as 80840713 in 2014.<sup>322</sup> Of the total population, 49% were female in 2013. Three per cent of the female population and 4% of the male population are migrants (including refugees as reported by UNHCR).<sup>323</sup> Iran is a multi-ethnic society, with 61% Persian, 16% Azeri, 10% Kurdish, 6% Lur, 2% Baluch, 2% Arabic, 2% Turkish and 1% from other ethnicities. Furthermore, 98% of Iranians are Muslim (89% Shia and 9% Sunni), and 2% adhere to other religions (Zoroastrian, Jewish, Christian and Baha'i).

### 8.2 Constitutional and legal provisions regarding women's rights and gender equality

#### 8.2.1. Family law

Given that family law is one of the main domains in which ideas about gender relations become translated into national legislation and policy, the following section will provide a description of family law by focusing on marriage, divorce, child custody and inheritance.

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<sup>322</sup> An estimate from the US Bureau of the Census based on statistics from population censuses, vital statistics registration systems, or sample surveys pertaining to the recent past and on assumptions about future trends.

<sup>323</sup> Source for population and percentage of women: The World Factbook, CIA. Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level. Source for migrant percentage: United Nations, Department of Economic and Social Affairs (2013) Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013).

### 8.2.1.1 Marriage

Polygynous civil marriage is allowed, with the permission of a court (Family Protection Act, 1968). Marriage for girls is allowed at the minimum age of 13 with a guardian's permission (Article 1041).<sup>324</sup> Below the age of 13, marriage is possible with guardian and court permission (Article 1180).<sup>325, 326, 327</sup> Temporary marriage, *sigheh*, is legal for a fixed period as agreed among the partners (Article 1075, 1076, Civil Code).<sup>328, 329</sup>

### 8.2.1.2 Divorce

According to article 1130 of the 2012 Civil Code, courts grant divorce. Contrary to women, men enjoy a unilateral right to divorce.<sup>330</sup> Both men and women must go through official channels to divorce their spouses.<sup>331</sup> Divorce is granted by mutual consent when a waiver of a wife's claim to *mahriyeh* (husband's payment to his wife upon marriage) is exchanged for the husband's consent to divorce.<sup>332</sup>

### 8.2.1.3 Child custody

In the minor reforms of the Civil Code in 2002, despite the disagreement of the Council of Guardians, the difference in the age of custody of boys and girls was removed and the mother was given the right to custody of the son until the age of seven (previously, two years of age). After the child reaches seven years of age, custody devolves to the father. In the case of dispute, considering the best interest of the child, the court decides who receives custody of the child.<sup>333</sup>

### 8.2.1.4 Inheritance

The Iranian official version of Islam gives women the right to inherit property, but the principle of male superiority means that women may be pressured into handing control of their inheritance to male relatives, and their share is smaller. Daughters typically inherit half as much as sons. A widow's inheritance is dependent on whether the couple have

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<sup>324</sup> Retrieved from: <http://www.iranhrdc.org/english/human-rights-documents/united-nations-reports/un-reports/100000081-report-of-the-secretary-general-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran-3-20-2012.html#.U3zJKyiW8ao/>

<sup>325</sup> Retrieved from: [http://www.wunrn.com/news/2007/09\\_07/09\\_24\\_07/093007\\_iran.htm/](http://www.wunrn.com/news/2007/09_07/09_24_07/093007_iran.htm/)

<sup>326</sup> UNCHR (2012) Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran. The head of Ilam judiciary in 2011 reported that more than 10 % of marriages in the province are forced and noted that forced marriages are the main reasons for the high rate of divorce as well as suicides among women in Ilam province.

<sup>327</sup> Retrieved from:

<https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI/mde130742012en?CMD=VEROBJ&MLKOB=32253644646/>

<sup>328</sup> Retrieved from: <http://www.international-divorce.com/Iran-Family-Law.htm/>

<sup>329</sup> UNCHR (2012) Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran. Some 85 % of married girls between the ages of 10 and 18 are married to men aged over 18.

<sup>329</sup> Retrieved from:

<https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI/mde130742012en?CMD=VEROBJ&MLKOB=32253644646/>

<sup>330</sup> Retrieved from:

<https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI/mde130742012en?CMD=VEROBJ&MLKOB=32253644646/>

<sup>331</sup> Tohidi, 2010

<sup>332</sup> Retrieved from: <http://www.iranhrdc.org/english/human-rights-documents/united-nations-reports/un-reports/index.1.html/>. The report notes that minor reforms do not replace structural reforms allowing women complete liberty in matters of divorce, since now 'Women have reverted to alternative solutions, namely to rely on contractual conditions of marriage which allows them to enter some provisions of the Family Protection Law.' Marriage is dissolved by cancellation, divorce, or waiver in cases of temporary marriage; the woman has the burden of proving that the marriage would expose her to 'difficult and pressing conditions'.

<sup>333</sup> Retrieved from: <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#19/>

children. Since 2009, widows now inherit land as well as moveable property from their husbands (Articles 913, 942, 946–9 of Civil Code).<sup>334</sup>

#### 8.2.1.5 Male guardianship

Iranian women may drive and travel to public places unaccompanied. Married and separated Iranian women must still obtain permission from their husbands to travel internationally. In 2013, the parliament required single women to obtain a notarised permit from their father or male guardian each time they were to depart the country.<sup>335</sup> A virgin woman needs her father or her paternal grandfather's permission to get married. If there is no 'justifiable' reason for the male guardian to withhold his consent, the woman may refer to the Special Civil Court, which has the authority to register the marriage without the guardian's approval.<sup>336</sup>

### 8.2.2. Women's rights

This section will deal with those areas of national legislation and policy in which explicit references are made to difference of sex.

#### 8.2.2.1 Penal code

No law criminalises marital rape.<sup>337</sup> Female victims must provide witnesses and medical reports to support allegations. Rape is considered 'adultery' and is not recognised as a distinct offence. The 2012 Penal Code does not specifically prohibit stoning; women are more likely to be stoned as a punishment for adultery than men.<sup>338</sup> The testimony of two women in court is equal to the testimony of one man.

#### 8.2.2.2 Prosecution

The most prevalent form of discrimination in the Penal Code is that the age of maturity for punishment is codified for girls at 9, boys at 15 (Article 146).<sup>339</sup> Iran's new 2012 Penal Code explicitly allows judges to rely on patriarchal Sharia laws and fatwas issued by high-ranking Shia clerics, and refers to 'crimes against God'.<sup>340</sup>

#### 8.2.2.3 Violence against women

Iran does not recognise VAW such as marital rape in its laws. In February 2012, the governmental Centre for Women's and Family Affairs announced a bill related to VAW, which has not been made public. VAW by husbands is under-reported.<sup>341</sup>

<sup>334</sup> Ibid.

<sup>335</sup> Retrieved from <http://www.al-monitor.com/pulse/originals/2014/01/iran-women-restrictions-travel-rights.html#/>

<sup>336</sup> Retrieved from: <http://www.international-divorce.com/Iran-Family-Law.htm>

<sup>337</sup> For comparison, the state of Arizona, US, criminalised spousal rape as late as 1989.

<sup>338</sup> Retrieved from: <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html>

<sup>339</sup> Retrieved from: <http://www.iranhrdc.org/english/publications/legal-commentary/1000000102-the-execution-of-women-in-iranian-criminal-law.html#ftn27/>

<sup>340</sup> Retrieved from: <http://www.hrw.org/sites/default/files/reports/iran0812webwcover.pdf>

<sup>341</sup> Moradian (2009) Domestic Violence against Single and Married Women in Iranian Society. Tolerancy International (available only to scholars and researchers at the Center for Research in Tehran).

<sup>341</sup> Retrieved <http://www.ohchr.org/Documents/Issues/Women/A-68-340.pdf>

#### 8.2.2.4 Sexual and reproductive health and rights

In 2012, the Iranian government began to overturn a policy aimed at reducing the number of births, after the average number of births per woman had dropped from 8.1 to 2.1 in a single generation.<sup>342</sup> In 2013, it was found that 59 % of married women 15–49 used modern methods of contraception. The Constitution<sup>343</sup> entitles Iranians to basic health care. International sanctions have acutely decreased Iranian people's access to medicine and treatment.<sup>344</sup>

#### 8.2.2.5 Education

The Ministry of Education has published separate school books for girls and boys. Male teachers are not allowed to teach at girls' schools and vice versa. Two thirds of university students are female, as they are more successful in passing the national university entrance exam.<sup>345</sup> 'Islamisation' measures which started in 2012 include bans on female and male enrolment in specific academic fields; women are being barred from mining and some other technological studies.<sup>346</sup> Only 50 % of university graduates are women, which means that a considerable number of women leave the university without obtaining a degree.<sup>347</sup>

#### 8.2.2.6 Employment

Article 43 of the Constitution guarantees conditions of and opportunities for employment for all. However, since 2012, women have been excluded from certain disciplines. Women have been appointed as ministers but cannot be verdict-giving judges or clerics. Furthermore, some professions remain feminine (e.g. teachers), and others masculine.<sup>348</sup>

#### 8.2.2.7 Job restrictions

Since the Islamic Revolution of 1979, women have not been permitted to become verdict-pronouncing judges or clerics. Furthermore, women are not allowed to sing solo due to religious prohibitions.<sup>349</sup>

#### 8.2.2.8 Private property

Equal rights to ownership are recognised for women under Islamic Sharia and Iranian law. See above for inheritance laws for the most prevalent instance of discrimination based on Sharia law. A similar stance was taken by the Ministry of Housing and City Planning.

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<sup>342</sup> Ghosh (2014) Be Fruitful And Multiply: Iran's Program To Increase Its Population Might Not Work. International Business Times. Retrieved from: <http://www.ibtimes.com/be-fruitful-multiply-irans-program-increase-its-population-might-not-work-1207351>

<sup>343</sup> Islamic Republic of Iran Constitution (1979). Retrieved from: <http://www.iranonline.com/iran/iran-info/government/constitution.html>

<sup>344</sup> As a result of the economic deterioration triggered by the sanctions, half of women with breast cancer (the most prevalent form of cancer) will not receive treatment. The number of MS cases has grown exponentially, affecting young women twice or three times more than men. Lack of medicine consumption for more than one or two months increases the number of attacks. See International Campaign for Human Rights in Iran, A Growing Crisis, 29 April 2013. Retrieved from: [http://www.iranhumanrights.org/2013/04/growing\\_crisis/](http://www.iranhumanrights.org/2013/04/growing_crisis/)

<sup>345</sup> Retrieved from <http://www.eiie.org/asiapacific/en/newsshow.php?id=6291&theme=gender&country=Iran/>

<sup>346</sup> Retrieved from <http://www.hrw.org/news/2012/09/22/iran-ensure-equal-access-higher-education/>

<sup>347</sup> Axworthy, 2013

<sup>348</sup> Axworthy, 2013.

<sup>349</sup> Retrieved from: <http://www.theguardian.com/world/iran-blog/2014/aug/29/women-singing-islamic-republic-iran>

According to a 2011 directive, government-funded houses may not be assigned to a married woman.<sup>350</sup>

#### 8.2.2.9 Women in (non-)religious, ethnic or racial minority groups and binational relationships

Articles 19 and 20 of the Constitution state that the people of Iran, belonging to any tribe or ethnicity, enjoy equal rights. Article 20 notes that this is 'according to Islamic criteria'. Article 23 alludes to religion: 'The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.' It has been reported that obvious discrimination against individuals from minority groups exists.<sup>351</sup>

#### 8.2.2.10 Migrant women

Iranian law on immigration does not allow Iranian-born refugees to acquire Iranian citizenship.<sup>352</sup> Laws and policies do not mention female migrants. Iran does not recognise multiple or dual citizenship.<sup>353</sup> Iran has not ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Iran continues to host one of the largest and most protracted refugee populations in the world: 823 320 as of 2014, mainly from Iraq and Afghanistan.<sup>354</sup> Refugees have access to medical services, education for students, literacy classes for out-of-school children and the labour market. International sanctions and the effects of inflation adversely affect the delivery of humanitarian assistance as well as operational costs for UNHCR and other organisations.<sup>355</sup>

#### 8.2.2.11 Disabled women

Iran has made positive, although gradual, changes to protect the rights of the relatively high number of persons with disabilities — partly due to the presence of 400 000 disabled veterans from the Iran–Iraq War. The unemployment rate for persons with disabilities was estimated in 2011 at 30 %. As in many other parts of the world, they are being discriminated against in society.<sup>356</sup> Studies on discrimination against women with disabilities remain largely unaddressed in Iran, as in most of the world. The government provides some financial and logistic support to existing or new organisations addressing the issue of disability.<sup>357</sup>

#### 8.2.2.12 LGBTI groups

Same-sex practices constitute a crime punishable under Iran's 2012 Penal Code, as a 'crime against God'. The 2012 code defines lesbianism as an act where a woman places her

<sup>350</sup> Retrieved from: <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#22/>

<sup>351</sup> Retrieved from: [http://www.ihrr.org/ihrr\\_article/violence-en\\_discrimination-against-religious-and-ethnic-minorities-in-the-islamic-republic-constitution/#ftn.idp32868720/](http://www.ihrr.org/ihrr_article/violence-en_discrimination-against-religious-and-ethnic-minorities-in-the-islamic-republic-constitution/#ftn.idp32868720/), accessed 5/21/2014/

<sup>352</sup> Retrieved from: <http://www.opendemocracy.net/opensecurity/afshin-shahi/plight-of-afghan-refugees-in-iran>

<sup>353</sup> Retrieved from:

<http://www.aljazeera.com/humanrights/2013/04/201348163227374379.html>

<sup>354</sup> Retrieved from: <http://www.unhcr.org/pages/49e486f96.html>

<sup>355</sup> Retrieved from: <http://www.unhcr.org/pages/49e486f96.html>

<sup>356</sup> Retrieved from:

[http://www.stimson.org/images/uploads/research-pdfs/Iran\\_and\\_America\\_A\\_Dialogue\\_on\\_Disability.pdf/](http://www.stimson.org/images/uploads/research-pdfs/Iran_and_America_A_Dialogue_on_Disability.pdf/),

accessed 5/11/2014

<sup>357</sup> Retrieved from: [http://www.independentliving.org/standardrules/UN\\_Answers/Iran.html](http://www.independentliving.org/standardrules/UN_Answers/Iran.html)

sexual organs on the sexual organs [of another woman]. The punishment is 100 lashes.<sup>358</sup> Homosexuals are subjected to rape and torture in prison.<sup>359</sup> Sex-change operations are legal and subsidised by the government, albeit not without strict procedures. Individuals who undergo them face social and cultural discrimination.<sup>360</sup>

### 8.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

#### 8.2.3.1 Equal treatment of criminal acts

In the courts, the amount of money paid as compensation for the life of a woman who has been killed is half of the money paid for a man's life. If a man kills his wife while engaged in the act of adultery he will not be punished.

#### 8.2.3.2 Non-judicial institutions

The activities of civil society groups and NGOs focus on legal measures and education, such as teaching women's rights or educating accused people on how to use their rights when going to the police. In addition, student, feminist and labour unions give support to Iranian women.<sup>361</sup> However, after the One Million Signatures campaign in 2009, organisations associated with international NGOs have been banned. Women's networks are afraid to apply for EU funding and remain informal.<sup>362</sup> Only 1% of Iran's social services budget is allocated to women and families.<sup>363</sup>

#### 8.2.3.3 Equal access to judicial institutions

Iran's new 2012 Penal Code explicitly allows judges to rely on Sharia and fatwas issued by high-ranking Shia clerics, and refers to 'crimes against God'.<sup>364</sup> Under Sharia law, a woman's evidence is considered to have half the weight of a man's. Financial compensation for accidentally killing a woman is half that for killing a man. Some 600 female judges, mainly functioning in family courts, may not make rulings unless they are approved by a male judge.<sup>365</sup>

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<sup>358</sup> Retrieved from: <http://www.hrw.org/sites/default/files/reports/iran0812webwcover.pdf>

<sup>359</sup> Retrieved from: <http://www.iranhrdc.org/english/human-rights-documents/united-nations-reports/un-reports/1000000065-all-you-need-to-know-a-quick-breakdown-of-findings-from-dr-ahmed-shaheeds-un-report.html#.U4XbyiiW8ap>

<sup>360</sup> Retrieved from: <http://www.linktv.org/programs/birthday>

<sup>361</sup> Retrieved from: <http://www.international.gc.ca/cfsi-icse/cil-cai/magazine/v04n01/1-1-eng.asp/>

<sup>362</sup> Phone interview with Anonymous, an activist arrested in, and currently living outside, Iran.

<sup>363</sup> Retrieved from: <http://hriaran.com/en/component/content/article/55-gender/2856-only-1-of-irans-social-services-budget-allocated-to-women-and-families.htm/> and <http://hriaran.com/en/component/content/article/55-gender/2856-only-1-of-irans-social-services-budget-allocated-to-women-and-families.html>

<sup>364</sup> Retrieved from: <http://www.hrw.org/sites/default/files/reports/iran0812webwcover.pdf/>

<sup>365</sup> Retrieved from: <http://www.iranpressnews.com/english/source/159198.html>



## 8.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

### 8.3.1. Conventions and reservations

The following conventions which include women's rights issues have been ratified by Iran:

- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- Convention on the Rights of Persons with Disabilities  
Reservations: In regard to Article 46,<sup>366</sup> Iran will not be bound by any provisions of the Convention incompatible with its rules
- Convention on the Rights of the Child  
Reservations: If the text of the Convention is or becomes incompatible with the domestic laws and Islamic standards at any time or in any case, the Government of the Islamic Republic shall not abide by it
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The following conventions which include women's rights issues have not been ratified by Iran:

- CEDAW
- Amendment to article 20, paragraph 1 of CEDAW
- International Covenant on Civil and Political Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Optional Protocol to CEDAW
- Optional Protocol to the International Covenant on Civil and Political Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of Persons with Disabilities.

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<sup>366</sup> According to this article, reservations incompatible with the object and purpose of the present Convention shall not be permitted. Retrieved from: <http://www.un.org/disabilities/default.asp?id=306>

### 8.3.2. UN Declarations

Iran attended both the Beijing Declaration meeting and the ICPD.<sup>367, 368</sup> Regarding the former, Iran expressed reservations with respect to paragraphs 96 and 232(f) of the Platform for Action. Iran prefers to consider sexual relationships, sexual and reproductive health, inheritance laws and the issue of women's equality to men within the context of Islam and the ethical values of Iranian society.

### 8.3.3. Other international agreements

There are no national plans for implementation of UNSCR 1325 on Women, Peace and Security, whereas the Millennium Declaration and the MDGs have been adopted.

### 8.3.4. Reflections on the implementation of CEDAW

Iran has not ratified CEDAW, and the authorities, therefore, consider themselves not bound by this convention. As such, implementation of CEDAW provisions is not systematic and cannot be evaluated. A recent encouraging sign, however, was the visit of EU High Representative Catherine Ashton to Tehran on 8 and 9 March 2014. She met government representatives and female activists, with whom she discussed issues such as Afghan refugees, the work of civil society organisations and the situation of women in Iran.<sup>369</sup> This meeting was controversial.<sup>370</sup> Fifty-seven women's NGOs questioned Ashton's meeting with female human rights activists, saying 'meeting with seditious elements' — meaning Iranian female activists — is not a good way to build confidence with Iran.<sup>371</sup>

## 8.4 Labour force and employment situation of women

**Table 13: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	10.1	11	14.6	20.4	16.9	17.4
Employed (% of age 15+)	N/A	8.5	11	15.8	12.6	13.1

**Source:** ILO (2013) Key Indicators of the Labour Market database<sup>372</sup>

Employment and labour force participation are low compared to the other Gulf States but show a positive development, except for a remarkable decline between 2005 and 2010.

<sup>367</sup> Retrieved from: [www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/](http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/)

<sup>368</sup> Retrieved from: <http://www.un.org/popin/icpd/conference/offeng/poa.html/>

<sup>369</sup> European Union External Action Service (2014) Catherine Ashton in landmark visit to Iran. Retrieved from: [http://eeas.europa.eu/top\\_stories/2014/110314\\_ca\\_iran\\_en.htm/](http://eeas.europa.eu/top_stories/2014/110314_ca_iran_en.htm/)

<sup>370</sup> Retrieved from: <http://www.theguardian.com/world/2014/mar/10/eu-catherine-ashton-criticised-meeting-iran-women-activists>

<sup>371</sup> Retrieved from: <http://www.payvand.com/news/14/mar/1065.html> and from:

<http://www.theguardian.com/world/2014/mar/10/eu-catherine-ashton-criticised-meeting-iran-women-activists>

<sup>372</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm/](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm/)

Thirty-three per cent of doctors, 60% of civil servants and 80% of teachers are women.<sup>373</sup> The problem of unemployment, which all Iranians are facing, sex-segregation policies in education and socio-cultural reservations regarding women's economic independence are among the main reasons why Iranian women have a low economic status.<sup>374</sup>

## 8.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

**Table 14: Civil society organisations**

Field	Governmental/non-governmental organisation	Explanation (from interviews)
LGBTI groups	The Iranian Queer Organisation (IRQO), also known as the Persian Gay and Lesbian Organization, Toronto, Canada	In the absence of any organisations inside Iran for LGBTI individuals to seek support, IRQO seeks to defend the human and civil rights of LGBTI individuals.
	Iranian Railroad for Queer Refugees (IRQR)	The IRQR's mission is to advance human rights for queer Iranian asylum seekers/refugees, to increase public awareness of their plight and to provide continued support where and when it is required.
Women in ethnic minority groups	The Abdorrahman Boroumand Foundation (ABF)	This foundation seeks to ensure that human rights in Iran are promoted and protected without discrimination on the basis of gender, race, religion, ethnicity or national origin. <sup>375</sup>
	Imam Ali Charity Institution, Iran	This institution supports and implements cultural activities in the Afghani Community in Iran.
Disabled women	Iranian Handicapped Society (HIS)	The goal of HIS is to attract community interest and cooperation in the fields of education, culture and science to promote issues surrounding disability. <sup>376</sup>
	Tavanyab (Organisation for the Protection of Handicapped Children and Youth)	Tavanyab is a non-governmental, non-profit organisation that aims to offer timely rehabilitation services to children and young adults under 16 years.
	Aiene Mehr NGO	Aiene Mehr deals with social problems, health, drug prevention and treatment and prevention of HIV/AIDS.

<sup>373</sup> Axworthy, 2013.

<sup>374</sup> Retrieved from: <http://www.al-monitor.com/pulse/originals/2014/03/iranian-economy-women-reform.html>

<sup>375</sup> There are no gender-specific organisations focused on women in minorities.

<sup>376</sup> Retrieved from: <http://en.iransdp.com/>

## 8.6 The state of play on the elimination of violence against women

Specific forms of VAW in the domestic, public or work sphere are not specified as distinct offences in the 'national legislation'. On a case-by-case basis, much depends on types of violence, the gender of individuals giving evidence, and interpretations of Sharia law. It is important to note that the uses and interpretations of Sharia law lack consensus. For example, in the case of domestic violence, conservative interpretations may allow a husband to commit acts of violence against his wife. Other interpretations advocate for separation as resolution. This is due to the various schools of Islamic jurisprudence. In addition, due to restrictive cultural norms, women tend to withhold from reporting all VAW crimes to avoid shaming themselves, their families and communities. Other cultural norms dictate that a marriage is private and that a husband's control over his wife should not be subject to state involvement.

Because there are no specified crimes associated with sexual VAW, there are no specific budgets or national policies to alleviate the suffering of victims of VAW. The root cause of the problem is that the government promotes the idea that women are the property of men and that the life of a woman is worth half of a man's. The Government of Iran lists 'legal attempts for advancement of women's status' (such as draft bills).<sup>377</sup> These 'ratified recommendations' may help to alleviate the fundamentalist patriarchal ideology. Advances in the status of women were noted by the government in 2006<sup>378</sup> and in 2010.<sup>379</sup>

There are no national statistics available on domestic/intimate partner violence, non-partner sexual violence, sexual harassment, so-called honour killings or forced labour exploitation. With respect to trafficking, in its annual report, the State Department called Iran a 'presumed source, transit, and destination country for men, women and children subjected to sex trafficking and forced labour'. The number of teenage girls in sex work has reportedly risen significantly in Tehran. Between 35 000 and 50 000 children are forced by their parents or other adults to beg in the capital's streets or work in sweatshops. The Islamic Republic has earned the lowest possible ranking on handling human trafficking every year since 2006.<sup>380</sup> Regarding forced marriage, official statistics released by the Islamic Republic between 2006 and 2011 involving girls below 10 years of age, 10–14 and 15–19 in a number of provinces in Iran indicate a staggering increase of 6 448 marriages for the three age groups. Within the same period, the ratio of marriages involving girls compared to those among adults grew by 45 %. Statistics indicate that the number of girls under the age of 15 who were registered to marry increased from 33 383 in 2006 to 39 831

<sup>377</sup> Ratified recommendations according to Women's Statistical Status in the Islamic Republic of Iran (2006) are as follows:

1. draft Bill on early retirement for women heading households;
2. reform of law for the promotion of adequate nutrition for women during breastfeeding;
3. recommendation on increasing employment facilities for staff who have children of nursing age;
4. facilities for women-headed households without insurance to benefit from rural insurance funds;
5. Bill on employers' exemption from the insurance share of women-headed households;
6. recommendation on family planning law reform as ratified in 1993; and
7. documentation on the development of family and women's affairs. Retrieved from:

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/A\\_HRC\\_WG6\\_7\\_IRN\\_1\\_ANNEXV\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/A_HRC_WG6_7_IRN_1_ANNEXV_E.pdf)

<sup>378</sup> The results of efforts made for women's advancement have been an 18 % increase in the education field; a 30 % increase in the number of women's NGOs; a 48.5 % increase in women's literacy, reaching 86 % of the total population; and improvements in health-sector indexes (such as a decrease in the maternal mortality rate to 0 % in 19 provinces of the country, a 20 % decrease in the maternal mortality rate in 11 provinces, a 12 % decrease in the infant mortality rate and health improvements among children at the national level). Retrieved from: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/A\\_HRC\\_WG6\\_7\\_IRN\\_1\\_ANNEXV\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/A_HRC_WG6_7_IRN_1_ANNEXV_E.pdf)

<sup>379</sup> Retrieved from: <http://www.iran-embassy.hu/Status%20of%20Women.pdf>

<sup>380</sup> Retrieved from: <http://iranprimer.usip.org/blog/2013/jun/15/us-report-human-trafficking-rises-iran>

in 2011. This indicates a 40% increase in the percentage of girl children below 15 years of age who were forced to marry.<sup>381</sup>

**Table 15: Support for victims of VAW**

Field	Governmental/non-governmental organisation <sup>382</sup>
Physical health care	The Islamic Republic of Iran has trained community health workers, the <i>behvarzan</i> , to provide basic health care to most of the country's rural population. <sup>383</sup> - A multi-level programme for expanding pre-hospital emergency services (EMS) and improving related medical care has been designed and implemented in the last six years. <sup>384</sup> - Since the declaration of the swine flu pandemic by the WHO, Iran has launched a surveillance system to test all suspected cases in both community and hospital settings. <sup>385</sup>
Mental health care <sup>386</sup>	Mental health care integrated into primary care screens for major psychiatric disorders and referral cases. Since substance use is one of the major causes of mental disorders in Iran, initiatives are aimed at integrating the harm reduction programmes which are now mainly associated with Primary Health Care (PHC). <sup>387</sup>
Legal advice	Not available
Shelter/safe houses	- The Charitable Institute for Protecting Social Victims - Ehsan House
Other	The Omid Foundations consist of three registered tax-exempt charities (in Iran, the USA and the UK) which were founded in 2004 with the aim of strengthening the social, emotional and economic competencies of disadvantaged and abused young women (aged 15–25) in Iran, providing them with a sense of self-worth and with the opportunities to experience a full range of life options through self-empowerment, education and training. <sup>388</sup>

<sup>381</sup> Retrieved from: <http://www.awid.org/eng/Library/Early-and-Forced-Marriages-in-the-Islamic-Republic-of-Iran>

<sup>382</sup> These organisations are not exclusively engaged with women, but women do form an important part of their focus.

<sup>383</sup> Bulletin of the World Health Organisation (August 2008) Iranian health houses open the door to primary care. Vol. 86, No. 8, 5.

<sup>384</sup> Bagheri Lankarani, K, Alavian, S, Peymani, P (February 2013) Health in the Islamic Republic of Iran, challenges and progresses. Medical Journal of the Islamic Republic of Iran 27(1): 42–49.

<sup>385</sup> Ibid.

<sup>386</sup> WHO, Ministry of Health And Medical education (2008) WHO-AIMS Report on Mental Health System in the Islamic Republic of Iran: 'A great deal of work has been ongoing in the domain of education and public awareness campaigns on mental health organized and coordinated by the mental health office. Government agencies, NGOs, professional associations, private trusts and foundations, international agencies have promoted public education and awareness campaigns, which have targeted the following groups: the general population, children, adolescents, women, trauma survivors and other vulnerable groups.' Retrieved from: [http://www.who.int/mental\\_health/evidence/who\\_aims\\_report\\_iran.pdf](http://www.who.int/mental_health/evidence/who_aims_report_iran.pdf)

<sup>387</sup> Bagheri Lankarani; Alavian & Peymani, 2013

<sup>388</sup> Description received by email. The correspondent writes 'It will not be easy to find such civil society organisations. Khaneh Khorshid supports prostitutes in a small way.'

## 8.7 Women in decision-making

**Table 16: Women in decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament 2014	3% (9 women)
Proportion of women in ministerial level positions 2014	10% (3 women)
Ability of women to rise to positions of enterprise leadership	4
Female legislators, senior officials and managers (% of total)	13 (2008)

**Source:** Inter-Parliamentary Union

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = Extensive, women have equal opportunities of leadership)'.  
**Source:** Female legislators, senior officials and managers (% of total) refers to the share of legislators, senior officials and managers who are female: ILO.

### 8.7.1. Political level

Iranian women are institutionally unable to take part in the highest political level of decision-making, because they are excluded from the Office of the Supreme Leader, the Assembly of Experts, the Council of Guardians and the Expediency Council. At lower levels, however, a small number of women hold important positions. As of 2014, Iran has three female ministers.<sup>389</sup>

### 8.7.2. Economic level

Despite the high literacy rate, strong socio-political engagement and remarkable educational attainment, Iranian women enjoy a very limited role in the country's economic decision-making.<sup>390</sup>

### 8.7.3. Public level

In Iran, depending on the political views of the government and its room for manoeuvre determined by higher authorities, women with conservative or less conservative affiliations are appointed to influential positions within and outside the political domains.<sup>391</sup> Since the Islamic Revolution of 1979, no female ambassadors have been appointed.

### 8.7.4. International level

A considerable number of women of Iranian descent are active at the international level and have been noticed for their contribution to the fields of human and women's rights, science, art, cinema and literature. To a certain extent this is to be explained by the

<sup>389</sup> Elham Aminzadeh (Vice-President for Legal Affairs); Shahindokht Molavardi (Vice-President for Women and Family Issues) and Masoome Ebtekar (Vice-President for Protection of the Environment).

<sup>390</sup> Retrieved from: <http://www.al-monitor.com/pulse/originals/2014/03/iranian-economy-women-reform.html>

<sup>391</sup> For instance, Zahra Rahnavaard was appointed the first university chancellor during the presidency of Mohammad Khatami but was removed later under the more conservative president Mahmood Ahmadinejad.

relatively vast number of Iranian migrants and refugees in countries such as the USA, Canada and Germany.<sup>392</sup>

## 8.8 Civil society organisations working for women's rights and connections with European civil society organisations

**Table 17: Women's organisations**

Organisation	Activities/goals
Ertegha Salamat Jame-e Organisation	Capacity-building for women; improving health in society; harm reduction
Omid Mehr NGO	HIV/AIDS prevention; prevention of social harm among female youth
Anjoman Tanzim Khanevadeh (Family Planning Association)	Training, research and increasing awareness concerning reproductive health and rights
Women's Research and Study Organisation	Identification of women's problems; promotion of women's research and capacity-building
Research Institute for Rehabilitation and Improvement of Women's Life (RIWL)	Women's empowerment and capacity-building; prevention and counselling in the field of HIV/AIDS <sup>393</sup>

No connection is known between any of the abovementioned organisations and European civil society organisations.

## 8.9 EU activities and collaborations promoting women's rights

### 8.9.1. EU activities on women's rights

Currently, there are no Cooperation Agreements between the EU and Iran. Potential follow-ups concerning EU High Representative Catherine Ashton's visit to Iran in March 2014 and her meeting with six well-known Iranian female activists, during which women's situation in Iran and possibilities for collaboration were discussed, remain unknown at present. At the international level, a number of UN agencies including UNICEF, UNAIDS, WHO and UNDP operate in Iran.<sup>394</sup>

<sup>392</sup> Examples are Nasrin Sotoudeh, Mehrangiz Kar, Shirin Ebadi, Shadi Amin (Human Rights and Women's Rights activists), Maryam Mirzakhani (mathematician), Afsaneh Najmabadi, Janet Afary and Farzaneh Milani (scholars), Shirin Neshat, Marjane Satrapi (artists), Azar Nafisi, Firoozeh Dumas, Lila Azam Zanganeh (authors) and Leila Hatami and Golshifteh Farahani, Fatemeh Mo'tamed-Aria (actresses).

<sup>393</sup> Retrieved from: [http://www.unodc.org/pdf/iran/drug\\_crime\\_situation/ddr/ngo/DDR\\_Telephone\\_Directory.pdf](http://www.unodc.org/pdf/iran/drug_crime_situation/ddr/ngo/DDR_Telephone_Directory.pdf)

<sup>394</sup> More information on Iran's international commitments is to be found in Chapter 5, Section 1.

### 8.9.2. Local reflections and recommendations on EU activities regarding women's rights

The following is based on interviews conducted by the country expert with the foundation Hands Off the Iranian People, 8th March Women's Organisation and a leading female activist formerly arrested in Iran and now living outside the country while maintaining contacts within the country.

Although many women's organisations are opposed to the Islamic regime, they do not believe that foreign intervention, including humanitarian or NGO interventions, would help Iranian women. Any assistance from Europe or elsewhere will be considered by the regime as proof of working with enemies of the country and will do more harm than good. They believe in regime change from below.

The 8th March Women's Organisation campaigns against the Islamic States of Iran and Afghanistan and also against the capitalist/patriarchal States in Europe and the USA. They state that five steps should be taken to truly improve women's situation in Iran and Afghanistan: separation of religion from the State, and the abolition of all misogynistic gender-based legislation, punitive Islamic laws, the compulsory hijab and stoning.

However, according to one of the interviewed activists, external — i.e. EU — funding is crucially needed for women's groups to bring about change. At the same time, as the examples of Shirin Ebadi and of Nasrin Sotoudeh show, NGOs or individuals receiving external funding might be subjected to persecution by the national authorities and the funds seized.<sup>395</sup> International sanctions put economic pressure on women activists and prevent their participation in civil society organisations. The EU should fund workshops, training and exchanges with countries in the region and work to ensure security. EU aid could help to take advantage of the coming three-year window of opportunity opened up by the new President and his promises to improve women's situation. The EU should support the current Vice-Presidents on Women's Affairs and the Environment.

Another civil society activist working inside Iran who retains anonymity to safeguard her security suggested the following recommendations for the EU:

- Lift the sanctions because they are causing great harm to Iranians' health and welfare.
- Enhance exchanges between Iranian academia, journalists and representatives of the judiciary with those of EU countries, as such networks are very important for the advancement of society, especially for the development of laws and rules in Iran.
- Encourage government-to-government dialogues in the areas of health, the environment and reproductive health. Support open-minded leaders, such as the head of the Centre for Women and Family Affairs. This is considered very important, given that civil society organisations are banned from accepting international funds.

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<sup>395</sup> Shirin Ebadi was subjected to threats, the headquarters of the Center for Defenders of Human Rights were raided, including her private office, her computers and files were seized, her bank account frozen and personal belongings seized after receiving the Nobel Prize. Nasrin Sotoudeh had to renounce the money related to the Sakharov Prize because of this. See the EP study 'The European Parliament's Sakharov Prize for Freedom of Thought, 1988–2013 – A Quarter Century's Engagement in Human Rights', which states: 'In Iran, Nobel Peace Prize laureate Shirin Ebadi was stripped of her properties under the pretence of 'paying tax' on the monetary award that came with the prize. Wary of this precedent, Sakharov Prize laureate Nasrin Sotoudeh was at first cautious about accepting the prize in 2012; although she did so in the end, she refused the money so as not to put her family at risk.' See [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/433758/EXPO-JOIN\\_ET\(2013\)433758\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/433758/EXPO-JOIN_ET(2013)433758_EN.pdf).



- Support funding for less sensitive fields, such as arts and cultural events, to open up opportunities for dialogues.
- Support regional cooperation on women's rights issues between women in Farsi-speaking places in the region such as in Afghanistan, Tajikistan and parts of Uzbekistan.

## 8.10 Recommendations by the national expert, Dr Philippa Winkler

The women of Iran labour under competing patriarchies at international and national levels.<sup>396</sup> Iran's leaders are accused of privatising and hoarding state assets.<sup>397</sup> EU aid and interest in women's rights may be perceived as insincere and politicised in the context of EU sanctions which are adversely affecting Iranian women. The women's rights issue has become a pawn in the relations between the Iranian government and the EU, evidenced by the negative reaction of women's NGOs to the visit of the EU High Representative on Foreign Affairs and Security Policy this March. Also the well-known Iranian activist and former judge, Shirin Ebadi, requests the lifting of the sanctions imposed by the EU and the USA.<sup>398</sup> In 2010, the USA, France and Germany tightened sanctions, stating that they believe Iran was secretly building a nuclear weapons programme, and restricted international access to the Iranian petroleum and financial sectors. Iran's economy is highly dependent on global trade and infrastructure. Lack of capital has reduced the ability of the government to buy medicines, so cancer patients are at risk.<sup>399</sup> Inflation is rising at alarming rates in terms of currency, food and utilities. The government has drastically cut subsidies, which has resulted in the quadrupling of fuel prices and doubling of bread prices. As the economy constricts, women are the first to be laid off due to the traditional belief that men are families' primary wage earners.<sup>400</sup> In 2013, the Iran Statistical Centre reported that the average rate of unemployment for women had risen to twice as high as for men in that year.<sup>401</sup> Externally imposed disciplinary economic measures worsen women's economic status and exacerbate the existing gap between rich and poor, threatening the economic and social rights of Iranian women.<sup>402</sup>

<sup>396</sup> Retrieved from: [http://www.wunrn.com/news/2007/09\\_07/09\\_24\\_07/093007\\_iran.htm/](http://www.wunrn.com/news/2007/09_07/09_24_07/093007_iran.htm/)

<sup>397</sup> Retrieved from: <http://rdln.wordpress.com/2013/03/08/repression-and-resistance-in-iran-interview-with-yassamine-mather/>

<sup>398</sup> Retrieved from: [http://www.huffingtonpost.com/2012/04/20/shirin-ebadi-iran-sanctions\\_n\\_1440981.html](http://www.huffingtonpost.com/2012/04/20/shirin-ebadi-iran-sanctions_n_1440981.html)

<sup>399</sup> Retrieved from: <http://payvand.com/news/12/may/1062.html>

<sup>400</sup> Ibid.

<sup>401</sup> Retrieved from: <http://www.roozonline.com/english/news3/newsitem/archive/2014/april/19/article/womens-unemployment-rate-rises-further.html/>

<sup>402</sup> Tehrani, 2013. See also: International Campaign for Human Rights in Iran (2013) A Growing Crisis. Retrieved from: [http://www.iranhumanrights.org/2013/04/growing\\_crisis/](http://www.iranhumanrights.org/2013/04/growing_crisis/)

## 9. COUNTRY REPORT IRAQ

### 9.1 Country profile

#### 9.1.1. Political system

Iraq is a parliamentary democracy, with the President as the Chief of State, who is elected by the Council of Representatives (parliament) for a period of four years (eligible for a second term). Women attained the right to vote and run for public office in 1980. The Iraqi legislative branch consists of the Council of Representatives with 325 seats, eight of which are reserved for minorities. The members are elected every four years. The legal system is a mix of civil and Islamic law.<sup>403</sup>

#### 9.1.2. Population

In 2014, the population of Iraq was estimated at 32 585 692.<sup>404</sup> Forty-nine per cent of the total population are female. In 2013, 0.17 % of the total female population and 0.39 % of the total male population were migrants. Between 75 and 80 % of the Iraqi population are Arab, between 15 and 20 % are Kurdish, and about 5 % are Turkoman, Assyrian or other ethnic background. The majority, 97 %, are Muslim, of which between 60 and 65 % are Shia, 32–37 % are Sunni, and 2 % are Christian or adhere to another religion.<sup>405</sup>

### 9.2 Constitutional and legal provisions regarding women's rights and gender equality

#### 9.2.1. Family law

Given that family law is one of the main domains in which ideas about gender relations become translated into national legislation and policy, the following section will provide a description of family law by focusing on marriage, divorce, child custody and inheritance.

##### 9.2.1.1 Marriage

Article 41 of the 2005 Constitution emphasises the role of religion and sects in establishing rules on marriage rights, divorce, child custody, inheritance and other issues. The same article allows for personal status to be governed by the rules of each religious group. Polygyny may be authorised by a judge. The official minimum age of marriage is 18; with parental consent 15. More than 300 temporary marriages occur daily in Kerbala, Najaf and Basra.<sup>406</sup> In 2007, 19.4 % of girls aged 15 to 19 years of age in Iraq were married, divorced

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<sup>403</sup> Source: <https://www.cia.gov/library/publications/the-world-factbook/fields/2128.html/> and <http://www.ipu.org/wmn-e/suffrage.htm>

<sup>404</sup> An estimate from the US Bureau of the Census based on statistics from population censuses, vital statistics registration systems or sample surveys pertaining to the recent past and on assumptions about future trends.

<sup>405</sup> Source for population and percentage of women: The World Factbook, CIA. Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level. Source for migrant percentage: United Nations, Department of Economic and Social Affairs (2013) Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013).

<sup>406</sup> Retrieved from: <http://www.irinnews.org/photo/details/20061233/gold-paid-to-women-in-exchange-for-a-temporary-marriages>

or widowed.<sup>407, 408</sup> In 2013, 25 % of girls married before the age of 18, and 6 % do so before the age of 15.<sup>409</sup>

#### 9.2.1.2 Divorce

Articles 34, 37, 40, 43 and 46 of the Personal Status Code prevent equal access to divorce. Men have the right to divorce their wives unilaterally (repudiation), while women may file for divorce based on a number of specific causes (including 'conflict') or pay, effectively, for a khul divorce (whereby a woman can obtain a divorce unilaterally but then forfeits her bride price and any future financial support).<sup>410, 411</sup>

#### 9.2.1.3 Child custody

A child's gender is not a factor in civil codes.<sup>412</sup> Article 41 refers to religious custom — for example, the Hanbali and Shafii schools do not distinguish between girls and boys regarding the duration of female custody. Other schools may differ.<sup>413</sup> Women are granted custody of children up to the age of 10, during which the father must pay child support to the mother. This custody can be extended up to the age of 15 if it is in the child's best interests, after which time the child may decide which parent s/he wants to live with. The Jafaari law, applied to Shias, would grant custody over any child two years of age or older to the father.<sup>414</sup>

#### 9.2.1.4 Inheritance

Under Sharia law, women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. Their share is generally smaller than that to which men are entitled. Daughters, for example, typically inherit half as much as sons. Women frequently face pressure from their families to renounce their inheritance rights.<sup>415</sup> Articles 89 and 90 of the 1963 amendments of the Personal Status Code determine both who is entitled to inherit and how the inheritance should be divided among family members. The husband's share is twice the wife's share, and the son's share is twice the daughter's share. After children and parents, relatives inherit according to the following sequence: grandparents, brothers, sisters, nieces and nephews (on the father's side), followed by uncles and aunts and relatives from the mother's side.<sup>416</sup>

#### 9.2.1.5 Male guardianship

Women cannot travel without male relatives, by ministerial decree. This underlines article 41 of the Constitution, which refers to personal status freedom according to religion.

<sup>407</sup> Retrieved from: <http://www.un.org/esa/population/publications/WMD2008/Main.html/>

<sup>408</sup> A Bill in 2014, the Jaafari Personal Status Law, sets out rules to do with inheritance, marriage and divorce. The draft, named after a Shiite Muslim school of jurisprudence, includes provision for girls to marry as early as nine years of age.

<sup>409</sup> Roudi-Famini & Ibrahim, 2013

<sup>410</sup> Retrieved from: <http://genderindex.org/country/iraq>

<sup>411</sup> Retrieved from: <http://lawandhumanrights.org/documents/womenandlawiniraqEN.pdf>

<sup>412</sup> Retrieved from: <http://www.law.emory.edu/ifl/legal/iraq.htm>

<sup>413</sup> Uhlman, 2004

<sup>414</sup> Retrieved from: <http://www.hrw.org/news/2014/03/26/women-s-rights-under-threat-iraq>

<sup>415</sup> Retrieved from: <http://lawandhumanrights.org/documents/womenandlawiniraqEN.pdf>

<sup>416</sup> Retrieved from:

[http://www.academia.edu/1601730/The\\_Status\\_of\\_Women\\_in\\_Iraq\\_An\\_Assessment\\_of\\_Iraqs\\_De\\_Jure\\_and\\_De\\_Facto\\_Compliance\\_with\\_International\\_Legal\\_Standards\\_July\\_2005](http://www.academia.edu/1601730/The_Status_of_Women_in_Iraq_An_Assessment_of_Iraqs_De_Jure_and_De_Facto_Compliance_with_International_Legal_Standards_July_2005)

Ministers passed a law denying women the right to apply for passports without the consent of a male relative.<sup>417</sup>

## 9.2.2. Women's rights

This section deals with those areas of national legislation and policy in which explicit references are made to difference of sex.

### 9.2.2.1 Penal Code

Rape is classed as a private offence under the 1969 Penal Code, meaning that the State cannot take action without permission from the victim or her legal guardian (if she is underage). The perpetrator can avoid imprisonment if he agrees to marry the victim. Martial rape is not recognised.<sup>418</sup> Articles 130 and 409 offer leniency and short sentences in honour killing cases; the victims are deprived of the legal right to self-defence. Penal Law no. 111 states that punishment is not equal for men committing the same act.

### 9.2.2.2 Prosecution

Article 1 of the Civil Code identifies Islamic law as a main source of legislation. The 1969 Penal Code skews adultery laws towards prosecuting women, enables rapists to marry their victims to avoid punishment,<sup>419</sup> and provides harsh penalties for women engaged in sex work.

### 9.2.2.3 Violence against women

The 2005 Constitution guarantees the right to life and personal security, and security 'within the family'. Article 409 of Iraq's Penal Code is often used in cases of 'honour killings' by men.<sup>420</sup> The Penal Code of 1969 and subsequent laws sanction domestic violence and honour crimes. Article 41(1), however, grants a legal right to a husband to punish his wife including with physical abuse. In this way the laws are incompatible with respect to VAW. The 2014 Human Rights Watch report 'No One is Safe' states that thousands of Iraqi women are in jail without charge, tortured, beaten and raped.<sup>421</sup>

### 9.2.2.4 Sexual and reproductive health and rights

The Constitution guarantees the right to health care. Since 1993, Iraq has had a national policy of ensuring access to family planning and contraceptives, which are distributed freely. Article 63 of Iraq's Penal Code places access to abortion under harsh restrictions.<sup>422</sup> Provision of health services is poor.<sup>423</sup>

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<sup>417</sup> Shadow report submitted to the CEDAW Committee, 57th session (February 2014), 'Iraqi Women in armed conflict and post-conflict situation.'

<sup>418</sup> Retrieved from: <http://lawandhumanrights.org/documents/womenandlawiniraqEN.pdf> .

<sup>419</sup> Retrieved from: [http://lawandhumanrights.org/documents/MinorityHB\\_EN.pdf/](http://lawandhumanrights.org/documents/MinorityHB_EN.pdf/)

<sup>420</sup> Retrieved from: <http://www.reuters.com/article/2012/03/06/us-iraq-women-idUSTRE82510920120306>

<sup>421</sup> Retrieved from: <http://www.hrw.org/sites/default/files/reports/iraq0214webwcover.pdf>

<sup>422</sup> Retrieved from: [www.un.org/esa/population/publications/abortion/doc/iraq.doc/](http://www.un.org/esa/population/publications/abortion/doc/iraq.doc/)

<sup>423</sup> Social Institutions and Gender Index. Iraq (2012) op cit.: 'In general and reproductive health services in particular is poor outside of cities, and women in rural areas in particular may not be able to access contraception without permission from their husbands.'

#### 9.2.2.5 Education

Article 34 of the Constitution guarantees education as a right. Education is mandatory and free to the sixth grade, after which a national examination determines continuation into the upper grades. In practice, however, girls and women are not given equal treatment.<sup>424</sup>

#### 9.2.2.6 Employment

The Constitution guarantees equal rights to employment without discrimination, but the guarantee is hampered by general assumptions in the Iraqi Tax Code, Personal Status Code and Penal Code about the roles of men and women. These assumptions reinforce women's roles as mothers and homemakers, and preclude their economic independence.<sup>425</sup>

#### 9.2.2.7 Job restrictions

There are no jobs legally barred to women. Article 41 of the Constitution regarding religious norms offsets the absence of restrictions.

#### 9.2.2.8 Private property

The 1970 Agrarian Reform Law granted women the right to exercise economic independence and own and cultivate land. Women have the right to buy and own property in their own name, to enter into financial contracts and access bank loans and other forms of credit.<sup>426</sup>

#### 9.2.2.9 Women in (non-)religious, ethnic or racial minority groups and binational relationships

The Constitution prohibits discrimination on the basis of gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status. Article 372 of Iraq's Penal Code protects the practice of all religions. Iraq has not adopted comprehensive legal or practical mechanisms of implementation.<sup>427</sup> Iraq allows dual citizenship.<sup>428</sup>

#### 9.2.2.10 Migrant women

Iraq is not a signatory to the 1951 Refugee Convention and its 1967 Protocol, but the country has long been a host to refugees. Due to a lack of security and the Syrian civil war, Iraq is experiencing the worst refugee crisis and internal displacement in its history, with 188555 refugees and 993188 internally displaced persons — mostly Kurdish refugees and asylum seekers from Iran and Turkey, Palestinians, Syrians and Iraqis living in areas where

<sup>424</sup> Retrieved from: [http://www.ungei.org/files/full\\_report\\_iraq\\_2010.pdf/](http://www.ungei.org/files/full_report_iraq_2010.pdf/) . From the report: Prior to 2003, Iraq was a leader in the region. The educational system is hampered by weak and underfunded schools and establishments. Family and cultural pressures and unsafe conditions contribute to the under-attendance of girls in schools. 'Researchers found that around 90 % of the children under 15 in the families surveyed were attending school, but some 86 % of them do not attend on a regular basis. This means that in every 100 children of school age, 90 are said to be "attending school", but in reality only 23 attend regularly! Home schooling might be helpful in enabling these children to learn more effectively than their current school attendance allows.'

<sup>425</sup> Retrieved from: <http://www.iq.undp.org/content/dam/iraq/IQ%20Women%20EE%20%20Final.pdf>

<sup>426</sup> Social Institutions and Gender Index. Iraq (2012) op cit.

<sup>427</sup> Retrieved from: [http://lawandhumanrights.org/documents/MinorityHB\\_EN.pdf](http://lawandhumanrights.org/documents/MinorityHB_EN.pdf). From the report: 'Though targeted violence has decreased, minority communities and other vulnerable groups report ongoing persecution and high levels of fear and insecurity.'

<sup>428</sup> Retrieved [http://www.dlgimmigration.com/united-states\\_citizenship/list-of-countries-that-allow-or-disallow-dual-citizenship/](http://www.dlgimmigration.com/united-states_citizenship/list-of-countries-that-allow-or-disallow-dual-citizenship/)

there is a deficiency of resources to meet basic needs. Sexual and gender-based violence is a concern for refugee women.<sup>429</sup>

#### 9.2.2.11 Disabled women

Disabilities are on the rise due to an epidemic of birth defects and cancers among women, which have been linked to the use of uranium weapons by the USA, but these are not addressed by policy or legislation.<sup>430</sup>

#### 9.2.2.12 LGBTI groups

Same-sex activity was decriminalised in 2003. The law does not address the protection of LGBTI persons. LGBTI is not a listed minority in Iraqi legal frameworks. Several provisions of the Penal Code may affect the legal rights of LGBT people — for example, para. 401: 'Any person who commits an immodest act in public is punishable.' Since Islam is the source of law, 'immodest' is open to religious interpretation.

### 9.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

#### 9.2.3.1 Equal treatment of criminal acts

Women incur brutal treatment by male police and unfair prosecution due to judicial corruption and skewed laws against them. Women prisoners are routinely tortured.<sup>431, 432</sup> The Iraqi government does not grant any identification papers to trafficked women and girls, and the police force sometimes works with traffickers.<sup>433</sup> A positive development is the inclusion of some women in the Iraqi police force since at least 2004.<sup>434</sup>

#### 9.2.3.2 Non-judicial institutions

In 2011, ICRC projects for women-headed households included direct assistance, support for economic self-sufficiency and access to services as well as advocacy activities with the authorities. Where possible, these programmes are implemented in cooperation with local NGOs working on supporting women-headed households.<sup>435</sup>

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<sup>429</sup> Retrieved from: <http://www.unhcr.org/pages/49e486426.html>

<sup>430</sup> Of great concern is its lack of adherence to CEDAW Articles 1, 2, 3, 10, 11, 12 and 15. The increase of Iraq's epidemic of birth defects has been linked to the use of depleted uranium and other toxic weapons by US forces. See letter to Committee on the Elimination of Discrimination against Women, Office of the United Nations High Commissioner for Human Rights from MADRE, the Organization of Women's Freedom in Iraq (OWFI) and the International Women's Human Rights (IWHR) Clinic at the City University of New York School of Law (15 July 2013). Retrieved from:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRO/INT\\_CEDAW\\_NGO\\_IRO\\_14645\\_E.pdf/](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRO/INT_CEDAW_NGO_IRO_14645_E.pdf/)

The author of this report has produced films and written extensively on the impacts of depleted uranium in Iraq, which has been defined by UN human rights committees as a 'weapon of indiscriminate effect' (Winkler, 2013, 2009, 2004).

<sup>431</sup> Retrieved from: <http://www.hrw.org/reports/2014/02/06/no-one-safe>

<sup>432</sup> Retrieved from: <http://www.globalresearch.ca/the-dark-and-secret-dungeons-of-iraq-horror-stories-of-female-prisoners/5313974>

<sup>433</sup> Retrieved from: <http://www.owfi.info/EN/article/biggest-womens-trafficker-arrested-in-baghdad/>

<sup>434</sup> Retrieved from: <http://www.rferl.org/content/article/1053744.html>

<sup>435</sup> Retrieved from: <http://www.odihpn.org/humanitarian-exchange-magazine/issue-51/supporting-women-in-a-difficult-security-environment-the-icrcs-programmes-for-women-headed-households-in-iraq>

### 9.2.3.3 Equal access to judicial institutions

Equality under the Constitution is guaranteed, but Article 41 offsets this guarantee. Lacking are capacity within the judiciary and legal community, enforcement of women's rights instruments, women's awareness of their rights, capacity to seek legal remedies, and coordination among CSOs for advocacy for women.<sup>436</sup>

## 9.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

### 9.3.1. Conventions and reservations

The following conventions which include women's rights issues have been ratified by Iraq:

- CEDAW  
Reservations: Approval and accession to CEDAW shall not mean that the Republic of Iraq is bound by the provisions of article 2, paras. (f)(g),<sup>437</sup> art. 16<sup>438</sup> or art. 29, para. 1.<sup>439</sup> Approval does not imply recognition of or entry into any relations with Israel.
- International Covenant on Civil and Political Rights  
Reservations: Ratification by the Republic of Iraq does not signify recognition of Israel nor shall it entail any obligation towards Israel under said covenant or Optional Protocol.
- International Convention on the Elimination of All Forms of Racial Discrimination  
Reservations: Ratification does not signify recognition of Israel or lead to entry by the Arab States into such dealings with Israel as may be regulated by the Convention. No acceptance of article 22. Approval of all parties to a dispute must be secured before the cases are referred to the International Court of Justice.
- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights  
Reservations: Ratification does not signify recognition of Israel or any obligation towards Israel and does not constitute entry by it as a party to the Optional Protocol to International Covenant on Civil and Political Rights.
- Convention on the Rights of Persons with Disabilities
- Convention on the Rights of the Child

<sup>436</sup> Retrieved from: <http://www.foundationforfuture.org/en/Portals/0/WfP%20Project.pdf> -31 January 2013

<sup>437</sup> CEDAW art. 2, para. f: 'To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.' CEDAW art. 2, para. g: 'To repeal all national penal provisions which constitute discrimination against women.'

<sup>438</sup> CEDAW art. 16, para. 1: 'States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women.' CEDAW art. 16, para. 2: 'The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.'

<sup>439</sup> CEDAW art. 29, para. 1: 'Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.'

Reservations: Article 14, para. 1 (allowing children to change their religion, which runs counter to the Provisions of the Islamic Sharia.)

- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.

The following conventions which include women's rights issues have not been ratified by Iraq:

- Amendment to article 20, paragraph 1 of CEDAW
- Optional Protocol to CEDAW
- Optional Protocol to the International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of Persons with Disabilities.

### 9.3.2. UN Declarations

Iraq attended both the Beijing Declaration<sup>440</sup> meeting and the ICPD.<sup>441</sup> Regarding the former, Iraq has expressed reservations with respect to paras 96<sup>442</sup> and 232 (f)<sup>443</sup> of the Platform for Action due to their incompatibility with social and religious values.

### 9.3.3. Other international agreements

The process of adoption of UNSCR 1325 on Women, Peace and Security as national policy is completed. Iraq endorsed a National Action Plan on UNSCR 1325 at the Women and Peace Conference convened in Baghdad on 17 January 2014, under the Social Peace Initiative.<sup>444</sup> No reservations were made in this respect. The Millennium Declaration and MDGs have also been adopted. The following reservation, however, has been expressed regarding the latter agreement: access to essential services remains, with reference to the gap between rural and urban areas, which needs to be addressed.

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<sup>440</sup> Retrieved from: [www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/](http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/)

<sup>441</sup> <http://www.un.org/popin/icpd/conference/offeng/poa.html/>

<sup>442</sup> 'The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.'

<sup>443</sup> Beijing Declaration para. 232 (f): 'Take action to ensure that the human rights of women, including the rights referred to in paragraphs 96 and 97 in section IV.C are fully respected and protected.' In para. 97, which deals with issues of health and sexual control, among others, abortion is mentioned: 'Unsafe abortions threaten the lives of a large number of women, representing a grave public health problem as it is primarily the poorest and youngest who take the highest risk.'

<sup>444</sup> Retrieved from: <http://reliefweb.int/report/iraq/government-iraq-launches-its-national-action-plan-un-security-council-resolution-1325>



### 9.3.4. Reflections on the implementation of CEDAW

The CEDAW Committee's response to the latest report was submitted to Iraq in 1998, during the period of UN sanctions (1990–2003). Iraq was urged, *inter alia*, to assess the differential impact of sanctions on women and children, to ensure that women did not bear a disproportionate proportion of the economic 'difficulties', to protect women's health rights, to improve girls' and women's access to education, to increase women's political participation, to work towards the elimination of polygamy, to eliminate honour killings, and to provide a comprehensive picture in future reports with regard to VAW.<sup>445</sup> In 2014, the impacts of the sanctions imposed by European governments and the USA are still being felt.<sup>446</sup> The Shia political parties, currently in power due to an interaction between international interference and local developments, have proposed a law on Jaafari jurisprudence and personal status (such as lowering the marriage age to 9 for girls). A million Iraqi women are widows, suffer from armed conflict, generalised violence and displacement, and are vulnerable to torture, sex trafficking and exploitation.<sup>447</sup> It has been reported that women are suffering a rise in the number of birth defects linked to the US use of uranium weapons.<sup>448, 449</sup>

## 9.4 Labour force and employment situation of women

**Table 18: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	11.5	12.4	13.4	14.4	15.3	15.5
Employed (% of age 15+)	N/A	8.3	9.1	9.9	11.2	11.4

**Source:** ILO (2013) Key Indicators of the Labour Market database<sup>450</sup>

The Iraqi female labour force participation and employment rates are the lowest in the Gulf region. However, the figures show a small but steady increase.

<sup>445</sup> Retrieved from: <http://cedaw.wordpress.com/2007/04/10/iraq-reservations-to-cedaw/>

<sup>446</sup> Retrieved from: <http://www.globalresearch.ca/charges-against-humanity-the-destruction-of-iraqs-electricity-infrastructure-the-social-economic-and-environmental-impacts/5355665>

<sup>447</sup> Human Rights World Report. Iraq (2014). Retrieved from: <http://www.hrw.org/world-report/2014/country-chapters/iraq?page=2/>. See 'Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Iraq Combined fourth, fifth and sixth periodic report' (23 November 2011) CEDAW/C/IRQ/4-6. Retrieved from: [http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.IRQ.4-6\\_ar.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.IRQ.4-6_ar.pdf)

<sup>448</sup> Human Rights Watch, Iraq (25 February to 22 March 2013). Grave Human Rights Violations during the War and Occupation in Iraq, UN Human Rights Council 22nd Regular Session, Item 4: Human Rights Situations that Require the Council's Attention. Retrieved from: [http://hrn.or.ip/eng/activity/Iraq\\_HRC.pdf](http://hrn.or.ip/eng/activity/Iraq_HRC.pdf)

<sup>449</sup> Nafeez, 2013. How the World Health Organisation covered up Iraq's nuclear nightmare, *The Guardian*, UK. Retrieved from: <http://www.theguardian.com/environment/earth-insight/2013/oct/13/world-health-organisation-iraq-war-depleted-uranium>

<sup>450</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm/](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm/)

## 9.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

**Table 19: Civil society organisations**

Field	Governmental/non-governmental organisation	Explanation
LGBTI groups	Iraqi LGBT <sup>451</sup> (in UK)	The goal of this organisation is to fund safe houses in Iraq, which are now reduced to two because of lack of funds and attacks; one was raided in 2008, and everyone was killed. It also aims to educate the media and the UK government and help LGBT Iraqis reach sanctuary.
	Hebun Kurdish gay rights group <sup>452</sup>	The Kurdish LGBT community in Diyarbakir struggles against double discrimination for being gay and Kurdish through social networking.
Women in ethnic minority groups	Iraqi Minorities Organization (IMO)	This organisation reports on the frequent bombings, torture, arbitrary arrest, intimidation, displacement and marginalisation facing Iraq's cultural and religious minorities.
	Alliance of Iraqi Minorities (AIM)	AIM is an Iraqi civil, independent, voluntarily and not-for-profit alliance that seeks to protect and promote the rights of Iraqi minorities. Its goal is to end gender-based violence such as domestic violence, honour-based violence, forced marriages, FGC, rape and sexual harassment and violence against children and young girls.
Disabled women (and men)	Handicap International (HI)	HI began activities in Iraqi Kurdistan in 1991 with a rehabilitation centre in Suleymaniyah. It also funds social/economic integration and other organisations for persons with disabilities. <sup>453</sup>
	Iraqi Alliance of Disabled Organizations (IADO)	IADO represents and pursues the interests of persons with disabilities throughout Iraq. The international development charity Mercy Corps continues to offer guidance and support to the alliance, as needed. <sup>454</sup>
	Iraq Opportunities Project (USID-Foras) established in 2013	Foras will train IADO trainers on a variety of soft and professional skills, including preparing CVs, interview skills and the basics of professional behaviour. Foras will also offer technological literacy training through a Baghdad-based Microsoft training partner. <sup>455</sup>

<sup>451</sup> Retrieved from: <http://iraqilgbt.org.uk/>

<sup>452</sup> Retrieved from: <https://twitter.com/hashtag/Hebun?src=hash>

<sup>453</sup> Retrieved from: <http://www.handicap-international.us/>

<sup>454</sup> Retrieved from: <http://www.mercycorps.org/articles/iraq/empowering-iraqis-disabilities>

<sup>455</sup> Retrieved from: <http://www.foras-iraq.org/news/2013/12/07/helping-disabled-iraqis-help-themselves>

To gather information on the situation of the three aforementioned groups, approximately 20 Iraqi organisations and independent women activists were contacted, with no response. The reason could be that outspoken women are at risk. According to one respondent, police and security forces continue to invade people's houses at will, including those of activists who have fled the repression. The following organisations were approached for an interview, without success.

- Women for Peace (WfP)

Its website refers to the following goals: WfP aims at a full integration of women in Iraqi society by focusing on their needs and their rights. Specifically the organisation works to:

- promote a society based on social justice, equality and human rights;
- alleviate the suffering of women living in poverty;
- promote the political participation of women;
- protect women's rights through practical actions; and
- empower women to be self-reliant and independent.<sup>456</sup>

- NGO Working Group on Women, Peace and Security<sup>457</sup>

Its website calls for: protection of civilians, including in combating domestic violence and so-called honour crimes; a gender lens to situations of detention, displacement and humanitarian access, including for Syrian refugees; the need to address women's increasing political marginalisation in the country; and women's meaningful participation in national reconciliation efforts and in parliamentary elections.<sup>458</sup>

- Organization of Women's Freedom in Iraq<sup>459</sup>

As stated on its website, the organisation calls on educational and advocacy organisations to campaign for women's liberation in Iraq. It co-sponsored the Right to Heal Initiative 2012.<sup>460</sup>

## 9.6 The state of play on the elimination of violence against women

Article 41 annuls the progressive Personal Status Law of 1959, one of the most liberal laws in the Muslim world, by which the old Sharia courts were replaced with government-run personal status courts. FGC is not banned, but a 2013 draft law states that performing it shall be punished by imprisonment for a term not less than one year and a fine of not less

<sup>456</sup> Retrieved from: <http://www.foundationforfuture.org/en/Portals/0/WfP%20Project.pdf/>

<sup>457</sup> Retrieved from: <http://www.womenpeacesecurity.org/>

<sup>458</sup> Retrieved from: <http://www.womenpeacesecurity.org/rapid-response/iraq/>

<sup>459</sup> Retrieved from: <http://www.owfi.info/EN/>

<sup>460</sup> Retrieved from: <http://america.aljazeera.com/articles/2013/11/1/us-reparations-iraqwarveteransmaliki.html>

than IQD1 million and not more than IQD4 million. Forced marriage, rape, sexual attacks and human trafficking are banned and carry penalties under the Constitution.<sup>461</sup>

According to article 3, there is a penalty of imprisonment for a period of not more than seven years for whoever engages in procurement (sex work) or uses premises for that purpose. Article 4 provides that a woman who is proved to have engaged in sex work shall be confined to a reformatory of the Ministry of Labour and Social Affairs. Article 5 states that whoever forcibly detains a person, male or female, for the purposes of sex work or sodomy, will be imprisoned for 10 years if the victim is over the age of 18, and for no more than 15 years if the victim is under 18. There will be court-awarded compensation for the victim in either case. According to para. 385, any person who has 'carnal knowledge' of a girl to whom he is not married, with her consent, when she has not yet reached the age of 18 is punishable by a term of imprisonment not exceeding 10 years or by detention.

In Kurdistan, the Kurdish Regional Government (KRG) has passed an anti-domestic violence law. In 2011, the KRG established the High Council of Women's Affairs. However, these initiatives lack efforts and resources.<sup>462</sup>

There are no national statistics available on domestic/intimate partner violence, non-partner sexual violence, sexual harassment, so-called honour killings, trafficking, forced marriages or forced labour exploitation.

The following institutions and organisations are engaged in providing help to female (and male) victims of (domestic) violence.

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<sup>461</sup> Retrieved from: <http://www.qub.ac.uk/slavery/?page=introduction>

<sup>462</sup> Retrieved from: [http://www.yourmiddleeast.com/opinion/kurdistan-region-womens-rights-in-a-neodemocratic-state\\_12043](http://www.yourmiddleeast.com/opinion/kurdistan-region-womens-rights-in-a-neodemocratic-state_12043)

**Table 20: Support for victims of VAW**

Field	Governmental/non-governmental organisation
Physical health care	<ul style="list-style-type: none"> <li>- Heartland Alliance: In cooperation with the Ministry of Health and in partnership with various Iraqi NGOs, Heartland Alliance provides primary health care services to vulnerable internally displaced persons, returnees, refugees and host communities in northern and southern Iraq <sup>463</sup></li> <li>- Surgical Specialties Hospital built in 1980, part of Baghdad Medical City</li> <li>- Al Hibibiya Maternity Hospital, Sadr City</li> </ul>
Mental health care	<ul style="list-style-type: none"> <li>- In 2008 the Ministry of Health began a systematic training programme to integrate mental health provision into primary care</li> <li>- Al-Rashad Psychiatric Hospital Baghdad Psychiatric Hospital</li> </ul>
Legal advice	<ul style="list-style-type: none"> <li>- Women for Peace Iraq</li> <li>- Global Links: Empowering Women through Education and Opportunity</li> <li>- The KRG has a strategic plan for workshops</li> </ul>
Shelter/safe houses	<ul style="list-style-type: none"> <li>- In Kurdistan, the Directorate-General for Follow-up of Violence against Women with the Ministry of Labour and Social Affairs provides shelters for survivors from violence based on gender<sup>464</sup></li> <li>- In the rest of the country only underground shelters exist</li> </ul>

According to WHO, in 2011, Iraq had 7.8 doctors per 10000 people,<sup>465</sup> and remote areas were excluded from state reconstruction and development efforts, 'leaving thousands of Iraqis without access to essential healthcare to this day'.

## 9.7 Women in decision-making

**Table 21: Women in decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament 2014	25 % (82 women)
Proportion of women in ministerial level positions 2014	4 % (1 woman)
Firms with female participation in ownership	7%
Female legislators, senior officials and managers (% of total)	Not available

**Source:** Inter-Parliamentary Union/UN Women Watch

**Source:** Firms with female participation in ownership (% of firms): World Bank, Enterprise Surveys (<http://www.enterprisesurveys.org/>)

<sup>463</sup> Retrieved from: <http://www.heartlandalliance.org/international/wherewework/project-pages/iraq-primary-health-care.html/>

<sup>464</sup> UN Women (n/d) The National Strategy Project for the Development of Women in Kurdistan Region, 2014–2024.

<sup>465</sup> Retrieved from: <http://www.irinnews.org/fr/report/97964/iraq-10-years-on-war-leaves-lasting-impact-on-healthcare>

### 9.7.1. Political level

After the removal of Saddam Hussein, efforts have been made to create and guarantee a democratic system in Iraq by both national and external forces. Women are eager to benefit from this situation by, for instance, securing a 25 % quota in the parliament prescribed by the new Constitution. Nevertheless, facing both political chaos and lack of safety, the level of women's participation in political decision-making is still low. Furthermore, the political parties currently in charge of the government and in the parliament hold traditional views opposing women's political empowerment.

### 9.7.2. Economic level

The political chaos and the lack of safety limit women's economic participation and independence. In particular, women in high-level economic positions are likely to be subjected to gender-related violence. A lack of sufficient legal protection can also be observed in the informal and agricultural sectors.

### 9.7.3. Public level

The main issues in Iraq limiting the opportunities for women's empowerment are the lack of safety and political stability. The political chaos in the past several years has resulted in a reintroduction and strengthening of fundamentalist rules, negatively effecting women's situation and their influence in the political arena as well as in wider society.<sup>466</sup> Currently, Iraq has no female ambassadors.

### 9.7.4. International level

A small number of women of Iraqi descent have been noticed internationally for their exceptional work.<sup>467</sup>

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<sup>466</sup> In 2009, Anoud Al-Samera'i, the Iraqi Minister of State for Women's Affairs, resigned, citing the inability of the Ministry to actively seek change. At least one parliamentary candidate, Fadhila Hanoosh Khalif, reported in 2009 that they were forced to stand in elections to fulfil the 25 % female quota of representatives. In 2011, Ibtihal Qasid al-Zaidi — a woman with a religious background who opposes the freedom of women — took charge of the Ministry of Women's Affairs in Iraq. Nada al-Jabouri is a Member of Parliament (MP) with the Iraqiya List and founder of the NGO Iraqi Women and Future Organization. MP Aliya Nussayif is a spokesperson for the White Block, which split from the Iraqiya slate. Activist/scholars for women's rights outside Iraq include Sana Al-Khayyat, Haifa Zangana and Souad Al Assawi. Retrieved from: <http://content.time.com/time/world/article/0,8599,1870765,00.html/> , <http://www.al-monitor.com/pulse/originals/2014/03/iraq-women-rights-challenges-setbacks.html#> and <http://www.usip.org/publications/iraqi-deputy-prime-minister-calls-reconciliation-us-pressure>

<sup>467</sup> Aquila al-Hashimi was a politician who served on the Iraqi Governing Council. She was assassinated in 2003. Other examples are Zainab Salbi (activist), Ella Shohat, Nada Shabout (scholars) and Zaha Hadid (architect).

## 9.8 Civil society organisations working for women's rights and connections with European civil society organisations

**Table 22: Women's organisations**

Organisation	Activities/goals	Connection with EU civil society organisations
Women for Women International	Women for Women International first opened its doors in Iraq in 2003 and since then has trained 14 089 women. Its programme focuses on four key outcomes: women earn and save money; women develop health and well-being; women influence decisions in the home and the community; and women create and connect to networks for support and advocacy. <sup>468</sup>	
The Organization for Women's Freedom in Iraq (OWF)	The organisation has developed innovative anti-violence and empowerment strategies to encourage women's political participation. It conducted a survey of women's NGOs in 2013, concluding that women had more rights under Saddam Hussein. <sup>469</sup>	According to Europe Direct, OWF receives funding from the EU. <sup>470</sup>
Women's Empowerment Organization	The organisation organises educational programmes for women in Northern Iraq and Iraqi Kurdistan (the KRG), teaching legal awareness, human rights and business skills. <sup>471</sup>	Connected to Norwegian Church Aid, Norwegian People's Aid-Iraq. Konrad-Adenauer-Stiftung sponsored a 2011 conference with Women's Empowerment Organization. <sup>472</sup>
Al-Mustaqbal Center for Women	The organisation works to decrease VAW through awareness-raising activities in rural and southern Iraq. <sup>473</sup>	A grant was given by Open Society in 2010.
Women for Peace (WfP) funded by Foundation for the Future	From 2009 to the present, WfP has developed the capacity of an Iraqi community centre by consolidating psychosocial and legal services for vulnerable women and girls, vocational training, educational and kindergarten services for children, and awareness-raising activities for local communities.	The Foundation for the Future has received funds from the European Commission. It cooperates with the Arab-European Centre of Human Rights and International Law, <sup>474</sup> which is based in Syria and funded by the Anna Lindh Foundation. <sup>475</sup>

<sup>468</sup> Email correspondence from Amber Khan, WFW, 12 June 2014

<sup>469</sup> Retrieved from: <http://www.irinnews.org/printreport.aspx?reportid=26289>

<sup>470</sup> Email contact, 16 July 2014

<sup>471</sup> Retrieved from: <http://www.weoiraq.org/>

<sup>472</sup> Retrieved from: <http://www.weoiraq.org/>

<sup>473</sup> Retrieved from: <http://www.opensocietyfoundations.org/about/international-womens-program/grantees/al-mustaqbal-center-women>

<sup>474</sup> Retrieved from: <http://www.foundationforfuture.org/en/WebPresence/MediaCenter/InFocus.aspx>

<sup>475</sup> Retrieved from: <http://www.annalindhfoundation.org/members/arab-european-center-human-rights-and-international-law-0>

## 9.9 EU activities and collaborations promoting women's rights

### 9.9.1. EU activities on women's rights

The EU's current role in the Gulf region is limited. However, Iraq is an exception, although a focus on gender or women's issues is still lacking. The following activities between the EU and Iraq are currently taking place:

- In May 2012, the EU and Iraq signed a Partnership and Cooperation Agreement, which provides a framework for advancing dialogue and cooperation on subjects including political and social issues, human rights, the rule of law, migration, the environment, trade, culture, energy, transport and security.<sup>476</sup>
- At the 4th EP–Iraq inter-parliamentary meeting in 2012, women's issues, particularly domestic violence, were addressed. The previous meeting in 2011 had led to a joint declaration in which the corresponding expectations of the peoples of Europe and of Iraq were addressed, including women's issues.
- An EU Delegation has been operating in Iraq since 2005. In March 2014, it issued a statement on the approaching elections but without referring to the role of women.
- The European Instrument for Democracy & Human Rights (EIDHR) began in Iraq in 2008 to work with, for and through civil society organisations. According to its website, assistance under EIDHR complements other tools which are used to implement EU policies for democracy and human rights.<sup>477</sup> Concrete EIDHR funding in Iraq was not found. A watchdog organisation notes that EIDHR has been lacking budgetary transparency since 2010 and does 'not advance the stated objectives of promoting democracy and human rights'.<sup>478</sup>
- Development Co-operation Instrument (DCI): The 2008 assistance programme to Iraq amounted to €72.6 million, all channelled through bilateral agreements. Significant support has also been allocated to actions aimed at assisting refugees, internally displaced persons and returnees.<sup>479</sup> In 2013, the DCI funded the Protection of Women and Girls from Human Trafficking, Sexual Exploitation and Gender Based Violence in Iraq (an Organization for Women's Freedom in Iraq programme) with €1 million and the Iraq Waterkeeper Environmental Law and Advocacy Project (a Nature Iraq Organisation programme) with €668163).<sup>480</sup>
- The European Commission's Humanitarian Aid and Civil Protection Department (ECHO) allocated €7 million in 2014 to support Iraqi refugees within and outside Iraq and Syrian refugees within Iraq.
- According to Europe Direct, the EU's main information service, six NGO projects in Iraq are currently funded by the EU:
  - minority rights group LBG: protecting the human rights of vulnerable civilians in Iraq;
  - Stichting Samenwerkingsverband IKV pax Christi: Kulluna muwatinun: 'We are all Citizens';

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<sup>476</sup> Retrieved from: [http://eeas.europa.eu/iraq/index\\_en.htm](http://eeas.europa.eu/iraq/index_en.htm)

<sup>477</sup> Retrieved from: [http://ec.europa.eu/europeaid/how/finance/eidhr\\_en.htm](http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm)

<sup>478</sup> Retrieved from:

[http://www.ngomonitor.org/article/evaluating\\_funding\\_for\\_political\\_advocacy\\_ngos\\_in\\_the\\_arab\\_israeli\\_conflict\\_the\\_european\\_instrument\\_for\\_democracy\\_and\\_human\\_rights\\_eidhr](http://www.ngomonitor.org/article/evaluating_funding_for_political_advocacy_ngos_in_the_arab_israeli_conflict_the_european_instrument_for_democracy_and_human_rights_eidhr)

<sup>479</sup> Retrieved from: [http://ec.europa.eu/europeaid/where/gulf-region/country-cooperation/iraq/iraq\\_en.htm](http://ec.europa.eu/europeaid/where/gulf-region/country-cooperation/iraq/iraq_en.htm)

<sup>480</sup> Retrieved from: [http://ec.europa.eu/budget/fts/index\\_en.htm](http://ec.europa.eu/budget/fts/index_en.htm)



- Stichting HIVOS (Humanistisch Instituut voor Ontwikkelingssamenwerking): civil society organisation capacity-building centre — support to Iraqi civil society organisations in the field of human rights;
  - BBC media action LBG: consolidating media freedoms in Iraq;
  - Organization of Women's Freedom in Iraq: the protection of women and girls from human trafficking, sexual exploitation and gender-based violence in Iraq;
  - Behandlungszentrum für Folteropfer: strengthening human rights, civil society and democratisation in northern Iraq.
- The European Union Integrated Rule of Law Mission for Iraq conducts seminars on criminal procedures for domestic violence.<sup>481</sup>

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<sup>481</sup> Retrieved from: [http://www.consilium.europa.eu/uedocs/cmsUpload/EJL\\_January%20Newsletter\\_1.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/EJL_January%20Newsletter_1.pdf)

## 9.9.2. Local reflections and recommendations on EU activities regarding women's rights

**Table 23: Women's organisations' reflections on the EU's role**

Organisation/individual	Reflections/recommendations
Dr Souad Naji Al-Azzawi, the former Vice-President of Mamoun University of Scientific Affairs, former Professor of Environmental Engineering at Baghdad University and recipient of the 2003 Nuclear-Free Future Award for her work on environmental contamination after the Gulf War in Iraq	EU should provide support for work for: <ol style="list-style-type: none"> <li>1. a re-written national Constitution that guarantees Iraq's national interests and human rights;</li> <li>2. an advanced and equal educational system;</li> <li>3. freedom of political prisoners, and a stop to torture;</li> <li>4. equal financial, civil and legal opportunities for women and men; elimination of Jaafari women status;</li> <li>5. The USA to take responsibility to clean up depleted uranium pollution.</li> </ol>
Dr Sana Al Khaya, an independent scholar/activist and author	Dr Al-Khaya is critical of the UN fund for women, Unifem, and other aid organisations' position of collaboration with the US-led occupation forces in the name of gender equality. She notes that the majority of Iraqi women refuse to work with the foreign forces. She is not knowledgeable of EU aid organisations but notes that Western feminists do not condemn the recent US occupation in the many websites devoted to opposing VAW. She was a panellist on 'A day in Iraq', a 2013 conference in London organised by Tadamun (Iraqi Women Solidarity). There were testimonies by Iraqi women, researchers, writers, artists and activists who shed light on the results of a decade of so-called Western democratisation. The aim of the conference was to maintain solidarity with Iraqi people, particularly women, and to pursue justice for Iraq in the World Courts through the implementation of international law. <sup>482</sup>
Florin G. Seudin, Director-General, High Council of Women's Affairs in the KRG	The KRG is committed to working with civil society organisations and is not funded by the EU or other international institutions. The KRG works with international NGOs and UN agencies to conduct events, training, etc. The five most important issues that need attention are: combating VAW; empowerment of women in decision-making positions; activating the implementation of laws related to women's rights (such as the Personal Status Law and Domestic Violence Law); reviewing and implementing gender-sensitive budgeting in Kurdistan; and empowerment of women in the workplace.

<sup>482</sup> Retrieved from: <http://www.youtube.com/watch?v=RDpTdpqCMO4>

## 9.10 Recommendations by the national expert, Dr Philippa Winkler

Beyond this study, the expert<sup>483</sup> recommends conducting further research into the violation of women's economic and social rights, including the violations resulting from wars and sanctions.<sup>484</sup>

EU aid organisations should support the Right to Heal Initiative 2012 sponsored by the Organization of Women's Freedom in Iraq and other groups. Their recommendations:

- organise a hearing to identify and acknowledge the devastating and long-lasting health effects suffered by Iraqis from wars and sanctions;
- consider reparations with a focus on cleaning up depleted uranium pollution; and
- stop support to the Iraqi government until it restores the full respect of human rights and of women's rights.

The international community, governmental and non-governmental, should assume responsibility for restoring the high level of state welfare and education Iraqi women previously enjoyed.

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<sup>483</sup> The author of this report was active in a legal initiative at UN human rights bodies which resulted in several resolutions and declarations during the 1990s which stated that the sanctions on Iraq were illegal under the Covenant on Economic, Social and Cultural Rights and other human rights instruments, and that the use of depleted uranium was illegal under the Geneva Conventions. See also Winkler, 2009.

<sup>484</sup> Retrieved from: <http://www.irinnews.org/printreport.aspx?reportid=26289/> . From the report: 'Women's basic rights under the Hussein regime were guaranteed in the constitution and – more importantly – respected, with women often occupying important government positions. Now, although their rights are still enshrined in the national constitution, activists complain that, in practice, they have lost almost all of their rights.'

## 10. COUNTRY REPORT KUWAIT

### 10.1 Country profile

#### 10.1.1. Political system

Kuwait is a constitutional emirate. Women attained the right to vote and to run for public office in 2005. The Amir is the Chief of State, chosen from within the ruling family and confirmed by parliamentary vote. The head of the government is the Prime Minister, who, together with the Deputy Prime Ministers, is appointed by the Amir. The cabinet consists of the Council of Ministers appointed by the Prime Minister and approved by the Amir. The 65-seat National Assembly or Majlis al-Umma forms the legislative branch. Fifty of its members are elected by popular vote to serve four-year terms, and 16 cabinet ministers serve as ex officio members on most issues, two of whom are also elected MPs, appointed by the Prime Minister. The legal system is a mixture of common law, French civil law and Islamic law.<sup>485</sup>

#### 10.1.2. Population

In 2014, the population of Kuwait was estimated as 2 742 711.<sup>486</sup> In 2013, 41 % of the total population was female. In the same year 45 % of the total female population and 70 % of the total male population were migrants, including refugees as reported by UNHCR.<sup>487</sup> Forty-five per cent of the population are Kuwaiti, 35 % are Arab with another national background, 9 % are South Asian, 4 % are Iranian, and 7 % are of another ethnic descent. Some 85 % of all Kuwaitis are Muslim, with 70 % Sunni and 30 % Shia. Fifteen per cent adhere to another religion, such as Christianity or Hinduism.<sup>488</sup>

## 10.2 Constitutional and legal provisions regarding women's rights and gender equality

### 10.2.1. Family law

Given that family law is one of the main domains in which ideas about gender relations become translated into national legislation and policy, the following section will provide a description of family law by focusing on marriage, divorce, child custody and inheritance.

#### 10.2.1.1 Marriage

Minimum marriage age for boys is 17 and girls 15. Polygyny is permitted (up to four wives), and the wife need not be informed of a subsequent marriage. Mysiari marriage, in which the woman waives some rights normally received, such as the right to housing or

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<sup>485</sup> Source: The World Factbook, CIA, IPU

<sup>486</sup> An estimate from the US Bureau of the Census based on statistics from population censuses, vital statistics registration systems, or sample surveys pertaining to the recent past and on assumptions about future trends.

<sup>487</sup> Sources for population and percentage of women: The World Factbook, CIA. Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level. Sources for migrant percentage: United Nations, Department of Economic and Social Affairs (2013) Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013).

<sup>488</sup> Source: The World Factbook, CIA

financial maintenance, is increasing. Muslim women cannot marry non-Muslim men. Two thirds (64%) of marriages in Kuwait are consanguineous.<sup>489</sup>

#### 10.2.1.2 Divorce

Divorce by the man is immediate. A woman may ask for a khul divorce, which entails giving up her bride price, for: non-maintenance, husband's absence, abandonment, husband's imprisonment for three or more years, a defect affecting conjugal relations (i.e. impotence), difference of religion, or non-compliance with a valid stipulation in the marriage contract. The divorce rate is just over 50%.<sup>490</sup>

#### 10.2.1.3 Child custody

A divorced Sunni mother has custody rights to girls until 15 years old and boys until the age of majority or marriage. A divorced Shiite mother has custody until the daughter is nine and the boy is two. If a man divorces his wife for infidelity, he can gain custody of the children.<sup>491</sup>

#### 10.2.1.4 Inheritance

A non-Muslim cannot inherit from a Muslim and vice versa. Women receive half the amount of an inheritance unless a legally (according to Sharia law) provision was previously made in an inheritance contract. Under Sunni law, women inherit a physical piece of property, whereas under Shiite law a woman may inherit only the value of the property.<sup>492</sup>

#### 10.2.1.5 Male guardianship

Women over the age of 21 may travel abroad without the permission of a male guardian. Women do not need official permission, but social customs dictate that a woman should inform her guardian or seek permission.

### 10.2.2. Women's rights

This section will deal with areas of national legislation and policy in which explicit references are made to difference of sex.

#### 10.2.2.1 Penal code

Rape is a crime in Kuwait and occurs at a rate of 50 per 100 000 of the population.<sup>493</sup> Especially women from Southeast Asia in Kuwait as migrant workers are subjected to rape. Crimes of rape are not enforced fully. Women's testimony is worth half that of a man's.

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<sup>489</sup> Family and Life Update, 2012

<sup>490</sup> Sadeghi, 2014

<sup>491</sup> Al-Kazi, 2008b

<sup>492</sup> Al-Mughni, 2009

<sup>493</sup> United Nations Office on Drugs and Crime, 2010

#### 10.2.2.2 Prosecution

Men and women are equal before the law in the Constitution. However, provisions of the Penal Code reduce or eliminate punishments for violent crimes committed by men against women. Men often receive lenient sentences for honour killing, capped at three years if they kill a woman for unlawful sexual behaviour.<sup>494</sup>

#### 10.2.2.3 Violence against women

Gender-based violence, such as rape or sexual assault, occurring outside the home receives attention from the courts, whereas domestic violence receives much less attention. Sexual violence outside the home may be punished with the death penalty or a prison sentence. There have been reports of police physically assaulting women in prison. Due to social stigma and the belief that VAW is a family affair, women are reluctant to report incidents.<sup>495</sup>

#### 10.2.2.4 Sexual and reproductive health and rights

Women have equal access to health care. Abortion is legal to preserve a woman's physical or mental health and in cases of foetal impairment.<sup>496</sup> It is not legal in cases of rape or incest or for economic, social or any other reasons.

#### 10.2.2.5 Education

Men and women have equal access to education under the Kuwaiti Compulsory Education Act. However, at Kuwait University women must have a higher grade point average than men to enter certain programmes as a policy for positive affirmation, since women comprise two thirds of university graduates (Kuwait University Admission and Transfer Regulations).

#### 10.2.2.6 Employment

Discrimination is prohibited under Article 43 of the Kuwaiti Constitution. There appears to be no discrimination in employment. However, women's roles are socially ascribed as primarily attached to the family and household.

#### 10.2.2.7 Job restrictions

Women do not have restrictions in job choices. Women are not barred from taking up employment, but under Kuwaiti law women are barred from work in general if the work is determined to affect marital relations or the woman's ability to raise her children. Women are restricted from working in hazardous jobs and during the night unless they work in the medical field or attain certain permissions.<sup>497</sup>

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<sup>494</sup> Al-Mughni, 2009

<sup>495</sup> Congrad, 2012

<sup>496</sup> Life Zone, 2010

<sup>497</sup> Al-Mughni, 2009

#### 10.2.2.8 Private property

There is no discrimination in the law regarding owning private property. However, through the Social Security Law (No. 22 of 1987) and the Housing Assistance Law (No. 47 of 1993), women are still treated as dependents of men rather than as individuals with equal rights.

#### 10.2.2.9 Women in (non-)religious, ethnic or racial minority groups and binational relationships

Women may not pass their citizenship on to their foreign-born husbands or children from non-national husbands. Such children over the age of majority must have a work residency permit to remain in Kuwait. A Kuwaiti man may transfer citizenship. A woman may only transfer her citizenship to her children if the father is unknown, has died or there has been an irrevocable divorce. Aside from general reported discrimination against the Shiite population and other groups in practice, no information could be located that pertains specifically to women. Otherwise, the law does not discriminate against the Shia population.

#### 10.2.2.10 Migrant women

All residents are provided equal access to courts, a court-assigned lawyer and an interpreter. However, enforcement mechanisms to ensure the implementation of judicial decisions remain weak, and most domestic workers are unaware of their legal rights or are reluctant to bring charges forward due to fear of their employers.<sup>498</sup>

#### 10.2.2.11 Disabled women

While disabled women are not forced to undergo sterilisation or abortion, there is the absence of a comprehensive law protecting these women from sterilisation or abortion.<sup>499</sup>

#### 10.2.2.12 LGBTI groups

Male homosexual conduct in Kuwait is illegal, whereas adult and consensual sexual acts between women are legal (Gay Law Net). Article 198 has enabled arrests, detention and police abuse of transgender people. It criminalises the physical appearance of transgender men and women, arbitrarily defined.

### 10.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

#### 10.2.3.1 Equal treatment of criminal acts

Because redress for domestic abuse through the judicial system remains elusive, victims are often reluctant to file complaints. Rape of foreign women by employers is often ignored. Perpetrators may not be arrested even with medical and legal evidence of violence. Men

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<sup>498</sup> The Protection of the Rights of Migrant Domestic Workers in a Country of Origin and a Country of Destination, 2013

<sup>499</sup> CEDAW Concluding Observations, 2011

often receive lenient sentences for honour killing, capped at three years if they kill a woman for unlawful sexual behaviour.<sup>500</sup>

#### 10.2.3.2 Non-judicial institutions

None ascertained, although according to traditional norms tribal leaders historically play an intercessory role. On the other hand, tribal leaders excluded women from the tribal primaries.

#### 10.2.3.3 Equal access to judicial institutions

Women have equal access to courts and judicial institutions, including migrant workers and those without citizenship. Often women, especially migrant workers, have little knowledge about procedures and their rights. The law does not always meet these demands, as the court is reluctant to apply the law to a Kuwaiti national charged by a domestic worker. Those without citizenship have restricted movement and face other social and legal discrimination.<sup>501</sup>

### 10.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

#### 10.3.1. Conventions and reservations

The following conventions, which include women's rights issues, have been ratified by Kuwait:

- CEDAW  
Reservations: 7 (a) regarding equal voting rights, 9 (2) citizenship rights, 16 (f) equal rights to guardianship and adoption, 29 (1) arbitration for interpretation
- Amendment to article 20, paragraph 1 of CEDAW  
Reservations: Issued legislative decree no. 15 for 2010 after parliament adopted the implementation of the amendment
- International Covenant on Civil and Political Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights  
Reservations: In line with its laws, Kuwait reserves the right for social security to apply only to Kuwaitis. It also reserves the right to forbid strikes.
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

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<sup>500</sup> Al-Mughni, 2009

<sup>501</sup> The Protection of the Rights of Migrant Domestic Workers in a Country of Origin and a Country of Destination, 2013



- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The following conventions, which include women's rights issues, have not been ratified by Kuwait:

- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Rights of Persons with Disabilities
- Optional Protocol to CEDAW
- Optional Protocol to the International Covenant on Civil and Political Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.

### 10.3.2. UN Declarations

Kuwait attended both the Beijing Declaration meeting and the ICPD. Regarding the former, Kuwait has expressed reservations with respect to anything that would contradict Sharia law and local customs and practices, particularly paras 232 (f),<sup>502</sup> 106(k)<sup>503</sup> and 94 to 96.<sup>504</sup> Regarding the latter, a general reservation states that population policies are subject to their not being in contradiction with Sharia, the customs and traditions of Kuwaiti society or Kuwait's Constitution.

### 10.3.3. Other international agreements

Kuwait attended the meetings on both UNSCR 1325 on Women, Peace and Security and the Millennium Declaration and MDGs.

### 10.3.4. Reflections on the implementation of CEDAW

Mechanisms for monitoring include the withdrawal of reservations to articles 7 (a), 9 paragraph 2, and 16 (f) of the Convention, the adoption of legislation to amend the discriminatory provisions of the Electoral Law, ratification of the Optional Protocol of the Convention, and in the next report providing evidence of the effect these reservations have had on women. Monitoring includes ensuring the enforceability and broad dissemination of

<sup>502</sup> Beijing Declaration para. 232 (f): 'Take action to ensure that the human rights of women, including the rights referred to in paragraphs 96 and 97 in section IV.C are fully respected and protected.' In para. 97, which deals with issues of health and sexual control, among others, abortion is mentioned: 'Unsafe abortions threaten the lives of a large number of women, representing a grave public health problem as it is primarily the poorest and youngest who take the highest risk.'

<sup>503</sup> This paragraph deals with providing (health) support to women who deal with unwanted pregnancy.

<sup>504</sup> Paragraphs 94 to 96 deal with issues of sexual and reproductive health and the right to have control over one's sexuality.

the Convention and, furthermore, the training of law enforcement officials, the judiciary and health care providers in recognising all forms of VAW. In recognition that VAW is a violation against human rights, sex-aggregated data on VAW will be collected. Information on the representation of women in Kuwait and the situation of non-Kuwaiti women will also be collected. Measures will also be taken to promote awareness of stereotypical views on the roles of women and censure the representation of women. It is important to enhance collaboration with civil society organisations — in particular, women's organisations.

## 10.4 Labour force and employment situation of women

**Table 24: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	35.5	41.7	45.7	46.2	44.1	44.7
Employed (% of age 15+)	N/A	40.5	43.9	43.5	42.3	42.9

Source: ILO (2013) Key Indicators of the Labour Market database<sup>505</sup>

Female employment and labour force participation rates are quite steady in Kuwait but showed a minor decrease between 2005 and 2010.

## 10.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

Transgender people routinely face police harassment. In 2012, 39 out of 40 transgender women interviewed by Human Rights Watch were arrested, even up to nine times. Transgender women reported being sexually harassed, beaten, tortured and humiliated by police. Women belonging to ethnic minorities, especially those without citizenship, are not provided equal rights and access to government assistance. Social stigma exists for disabled women. The organisations, in addition to the Women's Cultural and Social Society and the Union of Kuwaiti Women Association, addressing the different social groups of women are listed below. As a note, interviewees from the Women's Cultural and Social Society and the Union of Kuwait Women Association underscore that the social groupings are more accurately Kuwaiti and non-Kuwaiti, rather than ethnic minorities versus Kuwaitis.

<sup>505</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm/](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm/)

**Table 25: Civil society organisations**

Field	Governmental/non-governmental organisation	Explanation (from conducted interviews)
LGBTI groups	No organisations were identified	Interviewees state that such groups are taboo and forbidden.
Women in ethnic minority groups	- The Indian Women's Association	Offers education and material assistance to women in Kuwait and outside. It also offers assistance to female domestic workers and persons with disabilities in Kuwait.
	- Operation Hope	Offers assistance to distressed individuals, especially domestic workers, and provides skills for advancement.
Disabled women	- Kuwait Society for the Handicapped (not for women in particular)	Offers services to persons with disabilities, focusing on social and psychological health care for children and educational and vocational support for adults.
	- Training Gate International (not for women in particular)	Offers employment training and skills development for persons with disabilities.
	- The Kuwaiti Women's Voluntary Society for Community Service	Offers disabled women assistance through volunteer work.

## 10.6 The state of play on the elimination of violence against women

Although all residents are purportedly protected by the law, female migrant domestic workers experience greater harassment, are discriminated against because of the sponsorship programme and fear that the court will favour their employer against all evidence. There remains a lack of social security. Women are not protected from domestic violence under the law and are, therefore, reluctant to seek help from the police. There are no specific laws addressing sexual harassment except the law that criminalises 'encroachment on honour'. Workplace sexual harassment is prevalent but under-reported. A study found that 38 % of pregnant women had undergone FGC.<sup>506</sup> The practice is sanctioned by the Maliki Madhab, one of the schools of religious law within Sunni Islam, and accepted by other Islamic scholars. According to the Ministry of Justice in Kuwait (Conrad), one in three women faces domestic or intimate partner violence. However, little information exists on the phenomenon; therefore, it is difficult to more accurately assess the extent of it. Moreover, many women do not report domestic violence, as there are no laws on domestic violence that protect them.

<sup>506</sup> Ahmed, 2013

There are no national statistics available on non-partner sexual violence, sexual harassment, trafficking, forced marriages or forced labour exploitation. From 2003 to 2008 there was only one case of honour killing brought to court,<sup>507</sup> and in this case the male members of the family were questioned and then released on bail. Kuwait is a destination and transit country for forced sex work and forced labour. The Khaitan shelter for domestic workers reports that 98 % of women in the shelter ran away from their employers because they did not get paid, and 1–2 % were physically abused. No statistics are available on forced sex work.

Upon arrival, migrant workers are sometimes forced into subservience. Their movements are severely restricted, their passports are taken away, they are not paid their wages, and they experience other conditions of exploitation. Kuwait is classified by the US Department of State 'Report on Trafficking in Persons' of 2014 at 'Tier 3', along with other countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.<sup>508</sup> There are no statistics on forced marriages.

**Table 26: Support for victims of VAW**

Field	Governmental/non-governmental organisation
Physical health care	Kuwait Society for Basic Constituents of Human Rights (KSBCHR)
Mental health care	Only in hospitals for the general public — i.e. the Kuwait Medicine Hospital
Legal advice	Yes, available: Kuwait Union of Domestic Labour Offices (KUDLO)
Shelter/safe houses	None except informal activities through Operation Hope, the Philippine and Sri Lankan Embassies, and Kuwait Union of Domestic Labour Offices (KUDLO)

## 10.7 Women in decision-making

**Table 27: Women in decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament 2014	5% (3 woman)
Proportion of women in ministerial level positions 2014	7% (1 woman)
Ability of women to rise to positions of enterprise leadership	5
Female legislators, senior officials and managers (% of total)	14 (2005)

**Source:** Inter-Parliamentary Union/UN Women Watch

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = extensive, women have equal opportunities of leadership)'.  
**Source:** Female legislators, senior officials and managers (% of total) refers to the share of legislators, senior officials and managers who are female: ILO.

<sup>507</sup> Al-Mughni, 2009

<sup>508</sup> Retrieved from: <http://www.state.gov/j/tip/rls/tiprpt/2014/226649.htm>

### 10.7.1. Political level

With the exception of the Islamist parties, women in Kuwait are relatively active in all major political parties of their country, including positions of founding and Board members. However, the role of women in the diplomatic service is still limited. As of 2014, Kuwait has one female minister.<sup>509</sup>

### 10.7.2. Economic level

The number of women who are employed and those who join the labour force has been increasing slightly in the past decades, leading to more economic independence among women. Although the number of different kinds of jobs considered suitable for women is increasing, there are still some restrictions such as working for the army, working at night or jobs in which only men are served.<sup>510</sup>

### 10.7.3. Public level

In Kuwait, problems related to political corruption and favouritism are now being discussed. However, the specific consequences of such problems for women have not been indicated so far. Currently, Hind al-Sabeeh is the only female minister in Kuwait, in charge of the Ministry of Labour and Planning.

### 10.7.4. International level

Between 2004 and 2006, Nabeela Abdulla Al-Mulla was the Permanent Representative of Kuwait to the United Nations. Moreover, a small number of Kuwaiti women have been internationally noticed for their contributions to the fields of business and law.<sup>511</sup>

<sup>509</sup> Examples of women with politically important positions are: Hind Al-Sabeeh, Minister of Labour and Planning; Dr Rasha Al-Sabah, Undersecretary of Higher Education; Noreya Al Sabah, former Minister of Education and Higher Education; Sara Al-Duwaisan, former Undersecretary for the Ministry of Planning; and Dr Modai Al-Hamoud, former Minister of State for Housing Affairs and Minister of State for Administrative Development Affairs.

<sup>510</sup> Examples of women in high-level managerial positions include: Nabeela Al Anjery, General Manager of the Leader's Group for Consulting and Development; Shaikha al Bahar, CEO of the National Bank of Kuwait; Riham Fouad al Ghanim, Vice-Chairwoman of Kuwait Finance and Investment Company; Maha al Ghunaim, Chairperson of Global Investment House; Suad al Humaidi, President of the Suad Al Humaidi Group of Companies; Wafa Al Jassem, Kuwait Stock Exchange Training Directory; Sara Akbar, CEO of Kuwait Energy; Ghosson al Khaled, CEO of ACICO Group; Sheikha Hessa bint Saad Abdullah Salem Al Sabah, President of the Council of Arab Businesswomen; Maha Hussein, Chairwoman and Managing Director of Kuwait's Petrochemical Industries Company; Sana Jumah, CEO of Kuwait Finance & Investment Company; and Donna Sultan, CEO of KEO International Consultants.

<sup>511</sup> Examples are Nayla Hayek (Chair Woman, Swatch Group), Maha Al-Ghunaim (Chair Woman, Investment House), Faten Al-Nageeb (lawyer) and Ghosson Al-Khaled (COO in construction), Kawther Al-Joan (Chairperson of Kuwait's Women in Development Institute) and Dr Fayza Al-Kherafi (Vice-President of the World Academy of Sciences). Furthermore, in 2013, Manar Al-Hashash, one of the most prominent information technology entrepreneurs in the Gulf region and a member of on the Board of directors of the World Summit Award, delivered a speech at the opening session of the UN-sponsored World Summit Award Global Congress of 2013 on the e-content and creativity in Siri Lanka. Retrieved from:

<http://www.kuna.net.kw/ArticleDetails.aspx?id=2339942&language=en>

## 10.8 Civil society organisations working for women's rights and connections with European civil society organisations

**Table 28: Women's organisations**

Organisation	Activities/goals
The Kuwait Social Work Society	Addresses human rights abuses, especially among female domestic workers
OWWA	Shelter under the Filipino Embassy that addresses human rights abuses and exploitation among runaway domestic workers, housing between 100 and 200 women on any given day
Women's Cultural and Social Society	Seeks to improve women's conditions; lobbied for women's voting rights
Bayadar al-Salam	Demands rights for women as defined within the Islamic religion; Islamic feminism
Islamic Care Society	Demands rights for women as defined within the Islamic religion.

None of the abovementioned organisations are known to have connections with European civil society organisations.

## 10.9 EU activities and collaborations promoting women's rights

### 10.9.1. EU activities on women's rights

The few EU activities in Kuwait specifically concerned with women's issues remain at the level of dialogue. The EEAS has a Delegation located in Saudi Arabia that is also accredited to Kuwait. The following activities between the EU and Kuwait took place in the last few years:

- EP meeting with the Government of Kuwait in 2014 in which issues related to the position of women, domestic workers and the *Kafala* system of sponsorship were discussed.
- In 2010, the EP delegation met with representatives of Kuwaiti civil society consisting of Kuwait Society for Human Rights, Social and Cultural Society for Women, Kuwait Federation of Women's Association, and academics.
- Between 2009 and 2011, Kuwait received funding from the External Relations programme. However, women's issues seem not to have been covered.

## 10.9.2. Local reflections and recommendations on EU activities regarding women's rights

**Table 29: Women's organisations' reflections on the EU's role**

Organisation	Reflections/recommendations
The Women's Cultural and Social Society	<ul style="list-style-type: none"> <li>- Since facilities for persons with disabilities are inadequate in comparison to those facilities and programmes in Western countries, institutions in Kuwait could benefit from the examples of programmes in European countries.</li> <li>- Kuwait could learn how to modify programmes in schools, workplaces and hospitals to be better able to assist persons with disabilities to be more independent.</li> <li>- Staff and volunteers in organisations could benefit from training to better understand how to extend care and appropriate services to women.</li> <li>- Curricula need to be developed to specifically address the needs of persons with disabilities, and the EU could play a role in doing so.</li> <li>- In all areas of discrimination and disadvantage, it is important for the EU to focus on the cultural barriers to change. Methods must begin with convincing society about equality; otherwise changing the laws will be compromised.</li> </ul>
Union of Women's Kuwaiti Association	<ul style="list-style-type: none"> <li>- The EU can play a role in helping committees in the government become more transparent.</li> <li>- Ministers and the Emir sometimes sign laws, but those who are entrusted with the implementation of those laws act as if the laws do not exist. CEDAW laws that exist are also not applied fully in practice; therefore, the role of the EU could be to help organisations and committees in government to facilitate enacting laws to enhance the situation of women, and raising awareness on the existence of these laws.</li> <li>- For example, laws have been created to enhance the situation of children of women married to non-Kuwaitis, offering provision of funding equal to that of children born to mothers married to Kuwaitis, yet these laws have not been implemented, and the children still cannot enjoy the same rights. In the law, they are to have the same rights to full education, job opportunities and medical care, but only the section of the law for medical care has been enacted. The EU can play a role in putting pressure on the groups whose interests are to keep the status quo of discrimination.</li> </ul>

## 10.10 Recommendations by the national expert, Dr Wanda Krause

The EU, notably through the EEAS, as well as the EP and FEMM, should support women's rights and gender equality in Kuwait by engaging women's organisations. Along with many forms of traditional thinking, conservative Islamic interpretations govern women's lives in the private and public domains. These are patriarchal and hierarchical and must be transformed through the provision of alternative and egalitarian interpretations. As such, women's NGOs need to address cultural and societal thinking upon which laws and practices that discriminate against women are founded. They can host talks and courses put on by female progressive scholars that support egalitarian interpretations of women's rights and the roles of men and women so that such thinking becomes more mainstream. For example, they could invite legal scholars, such as those from KARAMAH, to provide these talks. As the implementation of laws protecting women from discrimination is problematic, these NGOs, together with formal committees, must be provided the support and mechanisms to further monitor the implementation of existing and new laws for the protection of women and the enhancement of their conditions.

In addition, the realities of women's social and political conditions must be highlighted and discussed through the media and educational institutions. It is important to use concepts and frameworks that move beyond the male–female divide and approach patriarchy with a more transformational model of egalitarianism and partnership applicable for all groups.



## 11. COUNTRY REPORT OMAN

### 11.1 Country profile

#### 11.1.1. Political system

Oman is a monarchy, with the Sultan being Chief of State and Prime Minister. The Ruling Family Council identifies a successor from the Sultan's extended family. If the Council cannot come to a consensus within three days of the Sultan's death or incapacitation, the Defence Council installs a predetermined heir chosen by the Sultan. The Cabinet is appointed by the monarch. The legislative branch is bicameral. It consists of the Majlis al-Dawla or upper chamber (71 seats; members appointed by the Sultan; has only advisory powers) and the Majlis al-Shura or lower chamber (84 seats; members elected by popular vote to serve four-year terms; body has authority to draft legislation but is subordinate to the Sultan). The legal system is a mixture of Anglo-Saxon law and Islamic law. Suffrage is universal, from age 21, but the law excludes members of the military and security forces from voting rights.<sup>512</sup> Women have been allowed to vote since 1994.<sup>513</sup>

#### 11.1.2. Population

The population of Oman is 3 219 775,<sup>514</sup> of which 45 % are women. Migrant women (foreign citizens) constituted 16 % of the female population in 2013, whereas 39 % of the male population were migrants.<sup>515</sup> The main ethnic groups in Oman are Arab, Baluchi, South Asian and African. Numbers on the ethnicity of Omani citizens are not available. In 2010, most migrants were from India (465 660), Bangladesh (107 125) or Pakistan (84 658). Female migrant workers were mainly from Indonesia (25 300), the Philippines (15 651) or Sri Lanka (10 178). There were 68 986 migrants from Arab countries (approximately half of them from Egypt), 12 939 from other Asian countries, 8 541 from Europe, 1 540 from the USA and 15 565 from other countries.<sup>516</sup> Three quarters of the population are Ibadhi Muslim (the official religion). Other religions include Sunni Muslim, Shia Muslim, Christian and Hindu.<sup>517</sup>

### 11.2 Constitutional and legal provisions regarding women's rights and gender equality

#### 11.2.1. Family law

The Basic Statute of the State (Oman's Constitution), issued by Royal Decree in November 1996, states in article 17: 'All citizens are equal before the Law and share the same public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile, or social status.' Women, however,

<sup>512</sup> Source: The World Factbook, CIA, <https://www.cia.gov/library/publications/the-world-factbook/>

<sup>513</sup> Source: IPU, <http://www.ipu.org/wmn-e/suffrage.htm>

<sup>514</sup> Source: The World Factbook, CIA. Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level.

<sup>515</sup> Source: United Nations, Department of Economic and Social Affairs (2013) Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013)

<sup>516</sup> Source: Preliminary Results of the Oman Census 2010, [http://en.wikipedia.org/wiki/Demographics\\_of\\_Oman/](http://en.wikipedia.org/wiki/Demographics_of_Oman/)

<sup>517</sup> Source: The World Factbook, CIA

continue to be discriminated against in the Personal Status Law in matters of divorce, inheritance, child custody and legal guardianship; men have privileged status in these matters. Oman's family law was issued in 1997, one year after the promulgation of the Constitution, but it does not reflect article 17 of the Constitution, which affirms gender equality.

#### 11.2.1.1 Marriage

The Law on Marriage specifically addresses marriage between Muslims. However, its last article (282) allows non-Muslims to adhere to their own customs and regulations.<sup>518</sup> In the Personal Status Law, article 11/B prevents women from marrying without the consent of a male guardian. This law fails to prevent marriage of girls below 18 years of age, does not prevent forced marriages and allows polygamous marriage. It states, for example, that an 18-year-old girl is of marriageable age, but does not assign punishment to men vis-à-vis girls who are forced to marry below the age of 18. Further, the law does not provide protection for women who oppose their guardian's will in marrying a husband of their own choice. After an increased number of women complained concerning their lack of personal choice of marriage partner, a Royal Decree was issued in 2010 allowing women this right. In reality, however, the decree has not solved the issue in its entirety.<sup>519</sup> According to the Family Law, men are the head of the household and the perceived breadwinners, thus they are obliged to provide accommodation for the wife and the children. Since a government decision in 2010, women may obtain land.<sup>520</sup>

#### 11.2.1.2 Divorce

Women continue to be discriminated against in the Personal Status Law in matters of divorce, thus men have privileged status.<sup>521</sup> The grounds upon which women may initiate divorce are limited, whereas men face no restrictions. Abandonment by a husband or failure to meet financial obligations are perceived as justifications for women to file for divorce.<sup>522</sup> According to the Omani Family Law, a woman is allowed to obtain a divorce through court if she is able to prove physical abuse and all attempts at reconciliation have failed; or her husband is unable to perform sexual intercourse and a medical report has demonstrated such inability. She may request divorce through court if she is willing to pay back her bride price and her husband agrees to termination of the marriage.<sup>523</sup>

#### 11.2.1.3 Child custody

Women are discriminated against also in matters of child custody, as men have privileged status.<sup>524</sup> Article 129 of Oman's Personal Status Law states that the mother's custody of a male child continues until he attains the age of seven. The father then is in a position to take on the custody of his son if the court agrees. A mother's custody of a female child, however, continues until the child attains puberty. Also, according to Article 127(a), a female custodian will automatically lose custody if she remarries, unless the court decides otherwise.

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<sup>518</sup> Personal Status Law, issued by Royal Decree in June 1997, articles 1–38

<sup>519</sup> Retrieved from: [http://odaa.oregon.gov/events/personal\\_status\\_law\\_english\\_sharia\\_law.pdf](http://odaa.oregon.gov/events/personal_status_law_english_sharia_law.pdf)

<sup>520</sup> Freedom House report. Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf/](http://www.freedomhouse.org/sites/default/files/inline_images/Oman.pdf/)

<sup>521</sup> Personal Status Law, articles 81–124

<sup>522</sup> Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Oman.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Oman.pdf)

<sup>523</sup> Further details can be found at: Al-Azri, 2013: 173–216.

<sup>524</sup> Personal Status Law, articles 125–137

Women in Oman are not permitted to be judges; therefore, this domain is always in the hands of a man. The court's decision that the best interest of the child is to remain in his mother's custody, therefore, will depend on the judge's personal opinion. If the parent is male, judges may refuse custody of his child unless he has remarried and the new wife is capable of performing the nursing elements of custodianship.<sup>525</sup>

#### 11.2.1.4 Inheritance

Discrimination persists also in inheritance matters,<sup>526</sup> as women inherit half the amount men receive unless they are bequeathed more in the will.

#### 11.2.1.5 Male guardianship

Women are legally allowed to travel without male guardianship. However, traditional culture, generally speaking, prevents women from travelling without male permission or male guardianship.<sup>527</sup>

### 11.2.2. Women's rights

This section will deal with areas of national legislation and policy in which explicit references are made to difference of sex.

#### 11.2.2.1 Penal code

According to the Article 218 of the Penal Code on rape, anyone who has sexual intercourse with a female outside marriage without her consent, whether by coercion, threat or deception, is guilty of an offence and liable to imprisonment for 5–15 years. Hence, rape of a spouse is not considered a crime under Omani law. The Personal Status Law, article 36, however, states that a husband should not abuse his wife verbally or physically but does not specify punishment if abuse occurs.<sup>528</sup>

#### 11.2.2.2 Prosecution

In 2008, the government made women and men's testimony equal before the court. However, it is unclear how this will be implemented, particularly in family law. According to a female lawyer, 'The implementation of the Personal Status Law very much depends on the judge's understanding, and in general women are the losers.'<sup>529</sup> Article 252 of the Penal Code states that a man who commits a crime against his wife or a female relative immediately after having surprised her in act of adultery may receive a reduced penalty or be exempted from penalty altogether. This article appears to allow the crime of honour killing.<sup>530</sup>

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<sup>525</sup> Retrieved from: <http://www.reunite.org/edit/files/Islamic%20Resource/Oman%20TEXT.pdf>

<sup>526</sup> Personal Status Law, articles 232–279

<sup>527</sup> Supreme Council for Planning (2012) Oman Human Development Report 2012: 195

<sup>528</sup> Retrieved from:

[http://www.genderclearinghouse.org/upload/Assets/Documents/pdf/kanounalahwel\\_oman.pdf](http://www.genderclearinghouse.org/upload/Assets/Documents/pdf/kanounalahwel_oman.pdf)

<sup>529</sup> Muscat, 2014

<sup>530</sup> [http://www.genderclearinghouse.org/upload/Assets/Documents/pdf/kanounalahwel\\_oman.pdf](http://www.genderclearinghouse.org/upload/Assets/Documents/pdf/kanounalahwel_oman.pdf)

#### 11.2.2.3 Violence against women

There is no law specifically addressing VAW (outside marriage). Only Article 37 of the Personal Status Law mentions that a husband should not harm his wife either physically or verbally, but it does not specify a punishment for doing so, as explained above.

#### 11.2.2.4 Sexual and reproductive health and rights

Women are not allowed to use oral contraception, terminate a pregnancy or undergo sterilisation without their husband's consent. The situation with regard to FGC is shocking. Habiba al-Hinai<sup>531</sup> stated that around 85 % of Omani women are circumcised at birth. However, FGC is banned in public hospitals.

#### 11.2.2.5 Education

There is discrimination with regard to the number of women who have access to Sultan Qaboos University. Women are required to attain higher marks than men to attend. The State justifies this discriminatory rule by referring to the fact that women do better than men in schools, and claims it is, therefore, attempting to achieve gender balance.<sup>532</sup>

#### 11.2.2.6 Employment

In 2003, Omani labour law was amended by Royal Decree. It now stipulates women's right to work on an equal basis with men. The law is currently under review by the Ministry of Manpower, with the aim of reforming it to clarify ambiguous areas such as changes in working hours, overtime, leave, etc. National experts' understanding, having attended two sessions of the review, is that women will not be discriminated against in the new version of the law.

#### 11.2.2.7 Job restrictions

There are no job restrictions in legislation.

#### 11.2.2.8 Private property

In 2008, a Royal Decree was issued to amend the government land entitlement system, which allowed a quantum leap for women, as they became entitled to acquire government land on the same terms as men without discrimination.<sup>533</sup>

#### 11.2.2.9 Women in (non-)religious, ethnic or racial minority groups and binational relationships

There is no specific law dealing with non-Muslim religious or non-religious minority groups. In general the Omani State allows non-Muslim religious minorities to practise their worship through specific permission from the Ministry of Endowment (awqaf) and Religious Affairs.<sup>534</sup> In the early 1980s, the Omani government introduced a regulation that allows marriage between Omanis and non-Omanis only through specific permission obtained from

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<sup>531</sup> Al-Hinai has been active in educating society about the subject of FGC, and has presented papers on this subject in conferences outside Oman. See for instance, <http://stopfgmmiddleeast.files.wordpress.com/2014/01/habiba-al-hinai-female-genital-mutilation-in-the-sultanate-of-oman1.pdf>.

<sup>532</sup> Al-Azri, 2013

<sup>533</sup> The Supreme Council for Planning (2012) Oman Human Development Report 2012

<sup>534</sup> See, for instance, <http://www.state.gov/documents/organization/171742.pdf>.

the Ministry of the Interior. In general, elderly Omani men are allowed to marry women from outside the country (once their application is approved), and a student (male or female) may marry a foreign national if an application is accepted by the Ministry. Omanis with disabilities are also allowed to marry non-nationals if they manage to convince the government that it is impossible to marry an Omani. This regulation is wide in nature and open to interpretation. The Omani Nationality Law (issued in 1983), on the other hand, is clear about who is eligible for Omani nationality. Children of Omani women married to non-Omani fathers cannot obtain Omani nationality. The only exception here is through a Royal Decree from the head of State, the Sultan.<sup>535</sup>

#### 11.2.2.10 Migrant women

Oman's labour law deals with both male and female migrants. With regard to female migrant domestic workers, Oman still applies the *kafeel*, which is a sponsorship system that emerged in the 1950s to regulate the relationship between employers and migrant workers in many countries in West Asia. Since 1970, the Government of Oman has advocated a uniform/homogeneous culture that unites Omanis regardless of their ethnic, religious or social backgrounds. This is another taboo area; speaking about ethnicities is totally discouraged in the country. Oman is socio-culturally rich in ethnic groups, but data are absent.<sup>536</sup>

#### 11.2.2.11 Disabled women

According to the 2010 national 'Human Development Report',<sup>537</sup> disabled women represent 3% of the country's population. The 2008 disability law does not discriminate between men and women. The government is required to do more in this regard, as its major efforts are directed to youth. A number of organisations that support persons with disabilities exist. Some of these are supervised by the Ministry of Social Development; permission for the establishment of these is required, while others are independent and their work depends on volunteers. The Omani Association for the Disabled comes under the umbrella of the Ministry. It provides some support for persons with disabilities, such as providing awareness about disability in society, wheelchairs for the poor, and some training. However, none of these associations specifically addresses disabled women.

#### 11.2.2.12 LGBTI groups

Oman's Penal Law was issued in 1974. Chapter 2, article 33 criminalises homosexuality ('sodomy and lesbianism', as the law puts it). The punishment is imprisonment for between 10 days and three years and/or a fine of OMR10–500. The Law does not define sodomy or lesbianism. It refers to *cihaq* and *luwat*. Literally speaking, *luwat* refers to male homosexuality, while *cihaq* refers to lesbianism. In practice, it is difficult to prove either. No information has been found on any recent convictions.

<sup>535</sup> See, for instance, <http://www.state.gov/documents/organization/186654.pdf> .

<sup>536</sup> See, for instance, the UN report on Oman in which the UN Committee drew attention to the fact that Oman is a place for a number of ethnic groups. This attention came after the Omani State's delegation stated that Oman is a homogeneous society! See Report of the Committee on the Elimination of Racial Discrimination at: <http://www.refworld.org/pdfid/45c30ba90.pdf> .

<sup>537</sup> Supreme Council for Planning (2012) Oman Human Development Report 2012: 200

### 11.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

#### 11.2.3.1 Equal treatment of criminal acts

Data on this are scarce. A government study published in 2003<sup>538</sup> showed that crimes against women are rarely reported, particularly domestic violence and rape. This is the result of social and cultural factors. It appears, however, that once a crime is reported the judicial system does not discriminate against women.

#### 11.2.3.2 Non-judicial institutions

There are two government institutions: the National Human Rights Commission, established in 2008, and the Conciliation and Settlement Committees. The latter offer an alternative to the judicial system, based on Omani tradition for resolving disputes. Families play a major role in family disputes. The Oman Organisation Law prevents the establishment of human rights NGOs.<sup>539</sup>

#### 11.2.3.3 Equal access to judicial institutions

Women have equal access to courts and other judicial institutions in cases involving disputes with other citizens, companies or the government.

## 11.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

### 11.3.1. Conventions and reservations

The following conventions which include women's rights issues have been ratified by Oman:

- CEDAW  
Reservations: All provisions of the Convention not in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate, and reservations regarding Article 9, paragraph 2; Article 15, paragraph 4; Article 16 (a) and (c); and Article 29, paragraph 1.
- International Convention on the Elimination of All Forms of Racial Discrimination  
Reservations: Article 22; issued Legislative Decree no. 8 for 1990 for implementation
- Convention on the Rights of Persons with Disabilities
- Convention on the Rights of the Child

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<sup>538</sup> Supreme Council for Planning (2012) Oman Human Development Report 2012: 195

<sup>539</sup> Retrieved from: <http://www.fiu.gov.om/files/Arabic/qm/qm.pdf>

Reservations: The minimum legal age for enlistment in the Ministry of Defence and the Sultan's armed forces is 18, and that enlistment is optional, not compulsory.

- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Reservations: Subject to the Sultanate's reservation to the Convention on the Rights of the Child.

The following conventions which include women's rights issues have not been ratified by Oman:

- Amendment to article 20, paragraph 1 of CEDAW
- Optional Protocol to CEDAW
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.<sup>540</sup>

### 11.3.2. UN Declarations

Oman attended both the Beijing Declaration meeting and the ICPD. In neither case were any reservations expressed.<sup>541</sup>

### 11.3.3. Other international agreements

UNSCR 1325 on Women, Peace and Security was not adopted. The Millennium Declaration and MDGs have been adopted.

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<sup>540</sup> <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

<sup>541</sup> [www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/](http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/) ;  
<http://www.un.org/popin/icpd/conference/offeng/poa.html/>

### 11.3.4. Reflections on the implementation of CEDAW

The main institution with responsibility regarding CEDAW is the Omani government, represented by the Ministry of Social Development. The Ministry has established a committee comprising representatives of a number of governmental bodies to look at possible ways of implementing the Convention. Further, the National Human Rights Committee, which is a government committee, is the only human rights institution in the country. Thus, there is no independent/non-government mechanism to ensure implementation.<sup>542</sup> In 2011, the CEDAW Committee recommended the State Party to expedite the amendment of the Basic Law and/or other appropriate domestic legislation to ensure the incorporation of an explicit prohibition of discrimination against women in line with article 2 of the Convention.<sup>543</sup>

## 11.4 Labour force and employment situation of women

**Table 30: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	18.4	20.5	23.9	26.5	29.1	30.1
employed (% of age 15+)	N/A	16.3	18.8	21.2	23.6	24.4

Source: ILO (2013) Key Indicators of the Labour Market database<sup>544</sup>

Despite the progress made by Omani women, the gap between male and female economic participation is still wide. The 2007/8 'Global Human Development Report' estimated Omani women's participation in 2008 to be 22.7 %, placing them third from last within Arab States. Only Syria and Saudi Arabia had lower figures. Also, despite the steady increase in women's participation in the workplace, the unemployment rate is much higher among woman than among men.<sup>545</sup>

The proportion of women in the public and private sectors has also increased steadily. The percentage of women working in the public sector was 31 % in 2001, and rose to 42 % in 2009. Women represented 19 % of the national workforce in the private sector in 2009, compared to 18 % in 2006. The percentage of Omani women among total employees in both sectors has also witnessed a steady increase, rising from 22.1 % in 2000 to 25.1 % in 2006 and 27 % in 2009. The overall majority of Omani women, however, work within the education and health sectors. Annual statistics issued by the former Ministry of Economy (the Ministry of Economy was abolished in 2011) for 2009/10 indicated that 70.5 % of employees in the education sector and 59 % in the health sector were women, with men

<sup>542</sup> See, for instance, the concern number 17 of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, at

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/468/21/PDF/G1146821.pdf?OpenElement/>.

<sup>543</sup> Retrieved from: [www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-OMN-CO-1.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-OMN-CO-1.pdf)

<sup>544</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm/](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm/)

<sup>545</sup> For example, according to the country's 2008 labour force survey, the percentage of unemployed female university graduates was 16.5 %, compared to 4.5 % of male university graduates. Also, 15.6 % of female post-secondary diploma graduates were unemployed, compared to 4.2 % of males.



representing 29.5% and 41%, respectively. This is mainly due to cultural norms concerning segregation in these two sectors.

## 11.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

**Table 31: Civil society organisations**

Field	Governmental/non-governmental organisation	Explanation
LGBTI groups	There are no institutions or organisations	While article 17 of Oman's Constitution guarantees gender equality, the Omani Penal Law prohibits homosexuality, and homosexual acts are punishable by law.
Women in ethnic minority groups	None	Migrants' NGOs are allowed; permission for establishing one may be obtained from the Ministry of Social Development. The current migrant NGOs (non-Omani) are primarily for social and cultural activities, with nothing specific for women.
Disabled women	Oman Association for the Disabled (OAD)	Established in Muscat in 1995; its members are volunteers. The society raises awareness about persons with disabilities in the country. It publishes a magazine called <i>The Challenge</i> discussing topics related to disability of citizens within the country.
	Disabled Care and Rehabilitation Centre	It qualifies members of society to handle some jobs and tasks assigned to them. It accepts persons with disabilities, males and females between the ages of 14 and 26 years, with any physical disability or hearing impairment. It also provides guidance to its members and their families on how to deal wisely with disabilities of all kinds.
	Creative Centre for Rehabilitation	Its aim is the care of persons who have cerebral palsy, Down's syndrome, autism, severe learning disabilities, mental retardation or other disabilities. The Centre receives members from 4 to 30 years old.

To gather reflections and more information on the social position of the three aforementioned groups, interviews with three human rights activists were conducted.

However, to guarantee their safety, their identities will not be disclosed, according to their own requests.<sup>546</sup> The following is a summary of the three interviews:

The most urgent matters women are concerned about are that Omani laws, particularly the Personal Status Law, does not protect women (for instance, the law is silent regarding FGC) and does not give women independence; the patriarchal, traditional, tribal culture places control on women more than it does on men, prevents the independence of women and hinders any attempt at legal rights to empower them; and there is no constitutional court to challenge legal decisions on any issue related to women. There are no independent human rights organisations, and independent voices of women and men in society are limited. Access to information regarding social and cultural issues is limited, and there are no dynamic debates on important women's rights and human rights in general. Media and education should foster equality between the sexes. The study of sexuality and gender issues is almost prohibited in Oman.

According to one of the interviewees, 'The only one who might have information about the level and percentage of disability in the country is the government, but even this I am not sure about, as there has not been a single proper study on disability in Oman thus far.'

The three interviewees did not have data regarding disability and ethnic minorities. When it comes to the situation of LGBTI, the three interviewees admitted that any discussion regarding these groups is socio-culturally and politically unacceptable and can be harmful to the reputation of a publisher or any Omani who might have the courage to discuss it publicly.

In August 2013, a weekly tabloid newspaper published an article entitled 'The Outsiders'.<sup>547</sup> The Indian journalist who wrote the article interviewed a few brave young gay Omanis who expressed distressed views and sketched depressed lives because of their sexuality and the way it is viewed in Oman. The newspaper was initially shut down, the author lost his job, and the publisher expressed remorse for allowing the paper to publish the article. The Minister of Information, a former academic at Sultan Qaboos University and one of a handful appointed after the 2011 uprising, issued a statement condemning the publication of the article. The elected parliament, Majlis al-Shura, and the Organisation of Journalists have also issued similar statements. The commotion surrounding the publication of that short article demonstrates part of the situation of LGBTI people in the country. But it certainly does not reflect the amount of social pressure, depression, sexual confusion and social fear experienced by many Omani homosexuals.<sup>548</sup> To date, there has not been one study addressing LGBTI in Oman.

## 11.6 The state of play on the elimination of violence against women

VAW in general is punishable by law once it is reported, with the exception of forced marriage. Trafficking of women, forced marriage and FGC occur in Oman, but the perpetrators are rarely brought to justice. Socio-cultural customs prevent women from speaking out. Dependence on family support weakens women's ability to report, for example, a forced marriage or domestic violence against her or her female relatives.

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<sup>546</sup> Atria, however, does have their contact information.

<sup>547</sup> Retrieved from: <http://ilga.org/ilga/en/article/ofUsFr61Dj>

<sup>548</sup> Retrieved from: <http://ilga.org/ilga/en/article/ofUsFr61Dj>

The State admits that VAW occurs. No statistical information is being collected, however. The 2010 'National Human Development Report' stated 'This phenomenon should be given better attention.'<sup>549</sup> The report argues that NGOs should work on this matter and come up with some suggestions to solve it. The latest pilot study on VAW conducted in 2003 among women aged between 18 and 55<sup>550</sup> showed that violence does indeed take place but is rarely reported to the police. The study connects the lack of reporting with socio-cultural customs.

**Table 32: Support for victims of VAW**

Field	Governmental/non-governmental organisation
Physical health care	<p>Available but not adequate, and limited to the capital area. A 'Family Protection' department exists within the Ministry of Social Development, but its role is more advisory and it has limited resources. Public health care is accessible for both males and females in the country without prejudice.</p> <p>Al Amal Association was established in 2010. It is located in the capital area in the city of Al Seeb.<sup>551</sup></p>
Mental health care	<p>Available but not adequate. There is only one public hospital in the capital, Muscat, for both males and females.</p> <p>Al Hayat Association was established in October 2009, in the town of Al Khudh in the capital region. Some of its aims are to raise awareness about drug addiction, support recovering addicts, initiate programmes to reduce the problem of drug addiction in society and conduct research on topics related to its aims.</p>
Legal advice	Not available officially, but some individual lawyers and law firms do provide advice.
Shelter/safe houses	Not available. There is an urgent need for such a service for women, particularly those who go against the mainstream cultural tradition in terms of marriage or those who try to escape domestic violence

<sup>549</sup> Supreme Council for Planning (2012) Oman Human Development Report 2012: 191

<sup>550</sup> Supreme Council for Planning (2012) Oman Human Development Report 2012: 195

<sup>551</sup> Retrieved from: <http://www.omantribune.com/index.php?page=news&id=66390&heading=Oman>

## 11.7 Women in decision-making

**Table 33: Women in decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament 2014	1% (1 woman)
Proportion of women in ministerial level positions 2014	7% (2 women)
Ability of women to rise to positions of enterprise leadership	5
Female legislators, senior officials and managers (% of total)	Not available

**Source:** Inter-Parliamentary Union

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = Extensive, women have equal opportunities of leadership)'.

**Source:** Female legislators, senior officials and managers (% of total) refers to the share of legislators, senior officials and managers who are female: ILO.

### 11.7.1. Political level

Oman has two parliamentary chambers, one elected and one appointed: the Consultative Council or (*Majlis Al-Shura*) and the State Council or (*Majlis Al-Dawla*). Only two women were elected to the former in 1994, and the same two were re-elected in 1997. In the elections for the sixth period (2008–2011) women failed to win a single seat but managed to win one seat in the 2011 election. For *Majlis Al-Dawla*, the number of appointed women has risen since its establishment in 1997; it reached 15 out of 75 in 2011.

Currently, there are two women in Oman with ministerial titles, and also one without portfolio. Two women are under-secretaries and two are appointed ambassadors. In the first election of the Municipal Council election in 2012, four women were able to win seats out of the 192 available.

Although the Sultan shows clear signs of an interest in including women in decision-making, it appears difficult for women to make achievements politically in a traditionalist society. Women who won seats either in the early years of the establishment of the *Al-Shura* Council or in the first election of the Municipal Council election did so in the capital area. Rural areas are left behind in terms of development and socio-economic activities. There is an urgent need to loosen the State's stronghold in its patriarchal traditions if women are to gain ground politically. Women's role in society is still largely viewed as mothers and wives.

### 11.7.2. Economic level

Updated and independently verified data are not available. However, the latest Omani 'Human Development Report' of 2012<sup>552</sup> indicated that the number of women-owned individual institutions amounted to 4600 out of a total of 69000 businesses (6.7%).

<sup>552</sup> The Supreme Council for Planning (2012) Oman Human Development Report 2012: 195

Chamber of Commerce and Industry data confirm that women's share remains limited to 12% of the total active business establishments.<sup>553</sup> Data from the Chamber of Commerce and Industry also illustrate that women's share remains limited to 12% of total active<sup>554</sup> business establishments.<sup>555</sup>

### 11.7.3. Public level<sup>556</sup>

In 1999, the Omani Sultan appointed the first Omani woman to hold a high public portfolio. Khadija bint Hassan bin Salman al-Luweti became the Omani ambassador in the Netherlands. During the last decade and a half, the appointment of Omani women as ambassadors, ministers and undersecretaries has increased. For instance, in 2004 and 2005, four women were appointed ministers. Today there are two women with ministerial portfolios and one without a portfolio, two at undersecretary level and one ambassador.<sup>557</sup>

According to the National Centre for Statistics and Information, the number of Omani women holding top management, middle management and direct management positions within the public sector witnessed 50% growth since 2008, with a total of 774 Omani women holding senior public-service positions against the 2008 total of 510.<sup>558</sup> At the end of 2012, Omani women accounted for approximately 10% of all senior public-sector roles in the country.<sup>559</sup>

### 11.7.4. International level

Oman's Permanent Delegate at UNESCO is a woman.<sup>560</sup>

<sup>553</sup> Ibid. Similarly, the 2009 data issued by the Ministry of Social Development revealed that the number of women-owned individual businesses amounted to 4 600, compared with around 69 000 businesses owned by men — only 6.7 %.

<sup>554</sup> Men and women in Oman are allowed to register businesses, but registration does not mean the business is active or running.

<sup>555</sup> Attempting to encourage individuals to run their own businesses and reduce unemployment, the government encouraged small and medium-sized enterprise initiatives in 2013. This is an ongoing initiative that received the Sultan's support. A special fund is allocated through a designed programme called *rafd*. The aim is to support men and women interested in managing their own enterprises.

<sup>556</sup> Additional to women who are in senior public/government positions, a number of women have been active in civil society matters. The list includes names such as:

- Taiba al-Mawali, former Member of Parliament, was elected to the Shura Council in 1994 and re-elected in 1997 before she was arrested in June 2005 and prosecuted for sending messages by mobile phone and the internet in which she criticised the trial of 31 men who were accused of forming an unauthorised secret organisation with political and religious aims. Taiba was released from prison on 31 January 2007 after serving a six-month sentence. She became active during the short-lived 'Omani uprising' in 2010–2011, in which she supported the amendment of Oman's Constitution with the aim of establishing a constitutional monarchy in the Sultanate.

- Habiba al-Hanai is a leading woman human rights defender in Oman. She has been interrogated by authorities a number of times when doing human rights work. She is the founder of the former Oman Human Rights Group, which did not last long before being forced to close.

- Basma al-Kiumi is a highly intelligent human rights lawyer and active in writing on topics related to Islam, women's political freedom and constitutional change in Oman. Basma is currently conducting her PhD research at the University of Exeter in the UK.

- Susan Al Shahiri is a blogger and newspaper columnist (*Muscat Daily*). She was born to an Omani father and a Canadian mother. She is a Human Rights Fellow at McGill Echenberg. She is one of a very few Omanis who write and publish in the English language, concentrating on topics around women and human rights such as the Personal Status Law and FGC. She resides outside the capital Muscat in Dhofar in the south of Oman.

<sup>557</sup> Hunaina Sultan Al-Mughairy has been Oman's Ambassador to the US since December 2005.

<sup>558</sup> See, for instance, <http://www.middle-east-online.com/english/?id=64874> .

<sup>559</sup> Ibid.

<sup>560</sup> Samira Mohamed Moosa has been Oman's Permanent Delegate at UNESCO since 2011.

## 11.8 Civil society organisations working for women's rights and connections with European civil society organisations

**Table 34: Women's organisations**

Organisation	Activities/goals	Connection with EU civil society organisations
None — the Organisational Law in Oman prohibits such activities. <sup>561</sup>		

## 11.9 EU activities and collaborations promoting women's rights

### 11.9.1. EU activities on women's rights

Current or recent activities between the EU and Oman are as follows:

- A Cooperation Agreement with the GCC countries was established in 1988.<sup>562</sup>
- The EP Resolution on EU–GCC Cooperation was adopted in 2011.<sup>563</sup>
- Negotiations on a Free Trade Agreement between the EU and the GCC started in 1990 but have not been concluded yet.<sup>564</sup>
- The EP meets regularly with the parliaments of the GCC countries. During the 2007 visit, the EP delegation met with UAE businesswomen.<sup>565</sup>
- An EEAS Delegation was established in 2013.
- The EU–GCC Joint Action Programme (2010–2013)<sup>566</sup>
- The financing instrument for cooperation with industrialised and other high-income countries and territories (ICI)<sup>567</sup>
- The Erasmus Mundus programme funded the SECRET project.<sup>568</sup>

<sup>561</sup> Consider, for example, article 5 of the Organization Law, issued in 2000, which prohibits any political or related activities of an established association, and article 4, which lists the possible activities of an established NGO. Also consider the amendment of this law in 2001, 2002 and 2007. Retrieved from: [http://www.fiu.gov.om/forms\\_arb.html](http://www.fiu.gov.om/forms_arb.html)

<sup>562</sup> Retrieved from:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21989A0225%2801%29:FN:HTML/>

<sup>563</sup> Retrieved from: [www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/)

<sup>564</sup> Retrieved from:

<http://www.bilaterals.org/?gulf-states-take-harder-line-with&lang=en#sthash.pzqBFKnn.dpuf>

<sup>565</sup> Retrieved from: <http://www.europarl.europa.eu/delegations/en/darp/home.html/>

<sup>566</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/docs/joint\\_action\\_programme\\_en.pdf/](http://eeas.europa.eu/gulf_cooperation/docs/joint_action_programme_en.pdf/)

<sup>567</sup> Retrieved from: [http://eeas.europa.eu/ici/index\\_en.htm/](http://eeas.europa.eu/ici/index_en.htm/)

<sup>568</sup> Retrieved from: <http://www.emsecret.eu/index.asp/>

## 11.9.2. Local reflections and recommendations on EU activities regarding women's rights

**Table 35: Women's organisations' reflections on the EU's role**

Organisations/individuals	Reflections/recommendations
A human right activist who will remain anonymous for security reasons	Indicated disappointment in the EP's support vis-à-vis activists during the 2011 protests in Oman. There is also a widespread feeling among other activists that human and political rights in the Arab Gulf region are not of real European concern. Indeed, the EU can play a major role in terms of support for political and social change in these countries through various mechanisms, including bilateral economic relationships. Education and training in terms of scholarships and short courses on human rights can provide a platform for long-term ties between NGOs, activists and the EU. There are certainly Omanis today who are willing to study abroad and to commit to reform in their country in the years to come.
A human right activist who will remain anonymous for security reasons	Indicated that 'Western' governments and NGOs have a general false perception that Arab Gulf countries such as Oman are rich and thus able to fund programmes on issues related to women's empowerment. The problem here, according to the interviewee, is that activities around independent human rights organisations and topics related to this field are either officially discouraged or banned (conducting and funding research on FGC or homosexuality, for example). By engaging and interacting with activists in terms of training courses, scholarship and media programmes, the position of human rights activists in society will be strengthened, encouraging and empowering more people to take an interest and become active once they feel there is international support for their activities.
A human right activist who will remain anonymous for security reasons	Stated that Omani activists appreciate some support from the EU in terms of funding mutual programmes related to human rights and reform in the country. Yet the initiative should come from the EU. Funding for various research programme and participation in conferences, focused courses and similar activities could lead to a better understanding of the social fabric of the Gulf and the problems that need to be tackled.

## 11.10 Recommendations by the national expert, Dr Khalid M. Al-Azri

- Continuous funds/grants could be allocated to national individuals or organisations to promote research, workshops, long-term programmes and studies on subjects related to the development of civil society and democratic institutions, human rights and economic, social and political issues.
- Scholarships on humanities, social sciences and arts for students might be helpful.
- Specific legal and other training activities and programmes for lawyers, judges and activists could provide a long-term relationship between the EU and Gulf nationals.
- The Government of Oman should be invited to gather data and conduct in-depth national research on disability. Centres with adequate services and equipment for disabled women should also be provided.
- VAW should be made legally punishable. The Omani government must take responsibility for eliminating VAW using the law, education and the media. There is also a need to conduct national studies concerning VAW; funding should be allocated for such studies.
- More courageous and determined European policies (particularly in terms of trade and economic relations and exchanges, business, etc.) towards undemocratic governments could accelerate the transition to more pluralistic societies in Oman and the Gulf.



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## 12. COUNTRY REPORT QATAR

### 12.1 Country profile

#### 12.1.1. Political system

Qatar is an emirate whose Chief of State is the Emir, a hereditary position. The Cabinet or Council of Ministers is appointed by the Emir, and the Prime Minister is the head of the government. The legislative branch is unicameral: the Majlis al-Shura is the Advisory Council and has limited authority to draft and approve laws. The Advisory Council also has the authority to approve the national budget and hold ministers accountable through its capacity for passing no-confidence votes. However, the Emir has the final say on all matters. Fifteen of the 45 members of the Majlis al-Shura are appointed by the Emir. The other 30 were supposed to be elected by popular vote in 2013, according to the 2003 constitutional referendum, but the outgoing Emir postponed the elections in a final legislative act before handing over power to his successor. There is currently no date set for Advisory Council elections. Suffrage is universal from the age of 18. Women's suffrage was introduced in 2003. The legal system is a mixed one that is comprised of both civil and Islamic law (applicable in family and personal matters).<sup>569</sup>

#### 12.1.2. Population

The population of Qatar is 2 123 160, with 23 % women.<sup>570</sup> A partial explanation for this low percentage of women is the large number of male migrants. Of the female population, 65 % were migrants (foreign citizens) in 2013, while 76 % of the male population were migrants.<sup>571</sup> But also among the Qatari citizens over the age of 15, men far outnumber women. The largest ethnic group is Arab (40%), while 18% of the population are Indian, 18% Pakistani, 10% Iranian, and 14% have another ethnicity. Muslims, the majority of whom are Sunni, constitute 77.5% of the population, and Christians 8.5 %. No data are available on the religion of the other 14%.<sup>572</sup>

## 12.2 Constitutional and legal provisions regarding women's rights and gender equality

### 12.2.1. Family law

Given that family law is one of the main domains in which ideas about gender relations become translated into national legislation and policy, the following section will provide a description of family law by focusing on marriage, divorce, child custody and inheritance.

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<sup>569</sup> The World Factbook, CIA

<sup>570</sup> Source: The World Factbook, CIA. Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level.

<sup>571</sup> Source: United Nations, Department of Economic and Social Affairs (2013). Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013)

<sup>572</sup> Source: The World Factbook, CIA

#### 12.2.1.4 Marriage

The minimum marriageable age for men and women is 18. Polygamy is practised. The number of *mysiar* marriages, in which the woman waives some normal rights, such as the right to housing or financial maintenance, has increased in the last decade. According to government statistics, only eight polygamous marriages were recorded in 2010,<sup>573</sup> but this statistic seems entirely inaccurate for the Qatari population. Muslim women may not marry non-Muslim men.

#### 12.2.1.5 Divorce

Men may divorce their wives unilaterally. In some limited circumstances, such as the husband failing to fulfil his marital duties (financial or via desertion), women may seek *khul*, which is divorce requested through a court, for which she gives up her bride price.

#### 12.2.1.6 Child custody

Mothers retain custody of their daughters until the age of 15 and their sons until the age of 13.<sup>574</sup>

#### 12.2.1.7 Inheritance

Women receive half of what their male siblings receive, according to Sharia law. Non-Muslim women cannot inherit from their Muslim husbands.

#### 12.2.1.8 Male guardianship

A woman must receive permission to travel from her male guardian if she is under 25 years of age. She is not permitted to rent a hotel room under her name if she is under 25 years old and unmarried. If she is divorced, she must receive permission to travel with her children. Her children's passports remain with their father. In other cases, women may travel without permission, but they must obtain permission for a driver's licence to be issued to them.

### 12.2.2. Women's rights

This section will deal with areas of national legislation and policy discriminate against women based on their gender.

#### 12.2.2.9 Penal code

Rape is a criminal offence, with the death penalty as the maximum punishment, but there are no recorded cases of the application of this penalty. Rape within marriage is not recognised as a criminal offence. Harassment is a criminal offence punishable by fines or imprisonment.

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<sup>573</sup> Qatar Information Exchange, 2011

<sup>574</sup> Breslin & Jones 2010: 410

#### 12.2.2.10 Prosecution

Extramarital sex is forbidden. Unmarried women who become pregnant, especially female migrant workers/domestic workers, are jailed but may be released if they opt to marry the father of the child. The mothers can keep their babies with them in prison or can opt to have the baby cared for by the father,<sup>575</sup> although they may be sent to their home country upon delivery of the baby or several months later with the child.

#### 12.2.2.11 Violence against women

There are no laws in place for the protection of women against domestic violence.<sup>576</sup> However, recently, domestic VAW has been discussed and debated more openly via initiatives by state leaders either through campaigns or through government-run organisations. Women rarely report domestic abuse because of social stigma and fear that the police will simply return them to their husbands without any protection. Domestic workers often do not report abuse or use the one existing shelter out of fear that the police will declare there is insufficient evidence of the abuse and deport them to their home countries.

#### 12.2.2.12 Sexual and reproductive health and rights

Under the Penal Code of Qatar (1971), abortion is legal in the first trimester of pregnancy only when the woman's life or health is in danger. It may only be carried out with the consent of the husband. Abortion is not legal in cases where the pregnancy is the result of rape or incest.

#### 12.2.2.13 Education

Women and men have equal access to education in Qatar. Women under the age of 25 require a guardian (i.e. father, brother or husband) to study abroad for extended periods or require permission to travel with a group.

#### 12.2.2.14 Employment

Discrimination between men and women is prohibited. However, employers in the private sector have been known to terminate the contracts of women who have become pregnant, and are often reluctant to hire women based on the possibility of pregnancy. Men receive 16–45% more pay than women.<sup>577</sup> There are also large pay gaps between different groups of women depending on their citizenship, with nationals generally receiving the highest wages.<sup>578</sup>

#### 12.2.2.15 Job restrictions

Women must receive permission from their husbands to work. According to labour laws, women are not permitted to undertake work that is deemed dangerous or arduous or could damage their health and morals, and they must receive permission from the Ministry of Labour to work at night. Few women enter the media due to tradition, and few enter the police force or military due to the division of roles in which women are routinely given less

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<sup>575</sup> Retrieved from: <http://dohanews.co/what-to-know-about-rape-in-qatar/>

<sup>576</sup> Human Rights Watch, 2013

<sup>577</sup> Just Here, 2013

<sup>578</sup> Retrieved from: <http://www.arabianbusiness.com/98-gap-in-pay-of-qatari-nationals-expats-survey-422930.html/>

arduous work and more often office work. Men have a significant say in the work that women choose.<sup>579</sup>

#### 12.2.2.16 Private property

Qatari men and women have the same right to own and manage property, but it is sometimes difficult for women to exercise this right due to local norms and practices. If subsidies are given to a couple, the man has the right to manage these subsidies. This provides difficulties for the wife if he fails to fulfil his task or is absent, as she does not possess equal rights, such as to hire contractors.

#### 12.2.2.17 Women in (non-)religious, ethnic or racial minority groups and binational relationships

Women may not pass their citizenship on to husbands with a foreign nationality. Only in very limited cases can they pass their citizenship on to children from marriages with non-national husbands.<sup>580</sup> Muslim women may not marry outside their religion, although men may marry Christian or Jewish women. Shia Muslim women can face police interrogation and are at risk of deportation (along with their male counterparts) if they do not have Qatari citizenship (even if born and raised in Qatar) if they engage in activism around what may be categorised by the authorities as Shia politics or Shia interests, as this is regarded as potentially destabilising the region.

#### 12.2.2.18 Migrant women

Migrant female domestic workers do not enjoy protection under Qatari labour laws. They are thus subjected to conditions resulting in emotional and physical harm, such as trafficking, to a lesser extent forced sex work, forced arduous and prolonged labour, withholding of pay, deportation, threats of legal action, and various other forms of abuse.<sup>581</sup>

#### 12.2.2.19 Disabled women

In 2011, 1.3 % of the male Qatari population and 1.1 % of the female Qatari population were disabled. In the same year, 0.2 % of the non-Qatari male population and 0.6 % of the non-Qatari female population were disabled.<sup>582</sup> Qatari law does not permit discrimination against persons with disabilities. Services for persons with disabilities are mainly provided at the Shafallah Institute.<sup>583</sup> Nevertheless, disabled women (and men) are socially stigmatised and are at greater risk of violence. Reports state that they have been repeatedly assaulted by those in charge of their care at this NGO. Other institutions that provide services to persons with disabilities, apart from the Supreme Education Counsel, are the Noor Center, Qatar Association for Care and Rehabilitation of Disabled People, Qatar Social and Cultural Center for the Blind, Qatar Social and Cultural Center for the Deaf, and Qatar Foundation for Social Protection and Rehabilitation. The Qatar Disabled Sports Federation also provides some services.

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<sup>579</sup> Breslin & Jones 2010: 412

<sup>580</sup> Human Rights Watch, 2013

<sup>581</sup> UNHCR, 2012; US Department of State (2011) Human Trafficking Report

<sup>582</sup> Statistics Authority, Annual Statistical Yearbook. 'Different Issues'. Retrieved from: [www.qix.gov.qa](http://www.qix.gov.qa)

<sup>583</sup> The Institute provides rehabilitation, education and home visits as part of family support, job training and counselling for men, women and children.

#### 12.2.2.20 LGBTI groups

Article 296 of the Qatari Penal Code (Law 11/2004) states that it punishes sodomy between consenting (male) adults with up to five years of imprisonment. The same law is silent on women, so homosexual acts between women are considered legal. Same-sex marriages and common law civil agreements between same-sex couples are not acknowledged.

#### 12.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

##### 12.2.3.21 Equal treatment of criminal acts

Few women report rape. Rapists are given lenient sentences when the judge decides the woman was immodest.<sup>584</sup> Domestic violence is not a crime, and few women seek support from the police. As noted earlier, the police have been known to call the husbands to take their wives home.

##### 12.2.3.22 Non-judicial institutions

No information is accessible regarding non-judicial institutions for arbitration. However, it is common practice that a woman's male guardian is referred to for a judgment in a family dispute, in particular when the woman is requesting marital rights. Such cases are considered family matters. There is only one human rights organisation; it was created by the government.

##### 12.2.3.23 Equal access to judicial institutions

Women and men have equal access to the courts. Those without citizenship do not have access to judicial institutions. As in other countries, statistics are unclear, since, due to social stigma and discrimination by the police and the justice system, women rarely report rape. Female migrant workers do not have the same rights as nationals,<sup>585</sup> because domestic servants are not protected under labour law. Therefore, they cannot have their complaints addressed in the same manner as other expatriates and the national population.<sup>586</sup> Although, in theory, the laws should not permit discrimination, judges may discriminate. Given their status, migrant domestic workers are unlikely to report rape for fear of being accused of indecent behaviour or deported.

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<sup>584</sup> Breslin & Jones 2010: 402

<sup>585</sup> Human Rights Watch, 2013

<sup>586</sup> UNHCR, 2012

## 12.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

### 12.3.1. Conventions and reservations

The following conventions that include women's rights issues have been ratified by Qatar:

- CEDAW  
Reservations: Article 2 (a) inconsistent with the Constitution; article 9, para. 2, inconsistent with Qatar's law on citizenship; article 15, para. 1, inconsistent with the provisions of Islamic law; article 15, para. 4, inconsistent with family law and established practice; article 16, para. 1 (a) and (c), inconsistent with Islamic law; article 16, para. 1 (f), inconsistent with Islamic law and family law; and article 29, para 1.
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Rights of Persons with Disabilities
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The following conventions that include women's rights issues have not been ratified by Qatar.

- Amendment to article 20, paragraph 1 of CEDAW
- Optional Protocol to CEDAW
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.<sup>587</sup>

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<sup>587</sup> <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

### 12.3.2. UN Declarations

Qatar attended the Beijing Declaration meeting and made some statements or reservations. The report does not present these.<sup>588</sup> Qatar did not attend the ICPD.<sup>589</sup>

### 12.3.3. Other international agreements

UNSCR 1325 on Women, Peace and Security was not adopted. Qatar requested better groundwork for analysis, coordination and technical assistance for national plans. The Millennium Declaration and MDGs have been adopted.

### 12.3.4. Reflections on the implementation of CEDAW

To effectively monitor the development of laws protecting women, independent organisations must be allowed to register their existence. The following governmental organisations should continue to act as such mechanisms: the Supreme Council of Family Affairs, the National Human Rights Committee and the Qatar Foundation for Social Protection and Rehabilitation. However, members serving on the Boards of these organisations should not own businesses or be involved in any way in a position that creates conflict of interests for the implementation and application of CEDAW laws.

## 12.4 Labour force and employment situation of women

**Table 36: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	42.6	43.4	38.9	45.6	51.5	51.8
Employed (% of age 15+)	N/A	40.1	37.5	42.1	49.2	48.9

**Source:** ILO (2013) Key Indicators of the Labour Market database<sup>590</sup>

Qatari female labour force participation and employment rates are the highest in the Gulf region and are increasing after a small decrease between 1995 and 2000.

<sup>588</sup> Retrieved from: [www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/](http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/)

<sup>589</sup> Retrieved from: <http://www.un.org/popin/icpd/conference/offeng/poa.html/>

<sup>590</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm/](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm/)

## 12.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

**Table 37: Civil society organisations**

Field	Governmental/non-governmental organisation	Explanation (from interviews)
LGBTI groups	None	According to an interviewee, there is one LGBTI group, but it is very small, has no legal protection and cannot seek protection. There are no independent organisations addressing LGBTI interests in Qatar, and, as this issue is taboo for open discussion, there are no statistics or information available from official organisations or elsewhere.
Women in ethnic minority groups	Reach Out to Asia (ROTA)	Based in Qatar, ROTA extends most of its assistance into Asia, although it has projects around development challenges in Qatar. It seeks to empower women and youth, focusing its campaigns on education.
	Informal participation with embassies	Women who volunteer their time as an informal group participate with their respective embassies as activists (i.e. Indian and Filipino) to address the needs of runaway maids and related issues. Urgent matters, according to a Filipino activist, include monitoring the organisations that women use to come to Qatar, as they are the most corrupt of all agencies involved in employing domestic workers in Qatar. Also, grievances these workers make are not taken seriously, and they are too afraid to report rape and beatings because of the high probability that they will not be able to provide the evidence required and will be sent home with no money. Many who experience violence remain silent. Most experience some form of violation of their dignity, such as being made to work extremely long hours. Awareness of their right to dignity is important too.
	Informal networks	As in the case of women who participate informally with their embassies, others who are not part of any officially established organisation informally collaborate to address the needs of ethnic minorities such as migrant workers, those without citizenship and persons with disabilities. According to an activist who helps women (and men) leave the country after disability, there are cases each month of migrant workers getting into road accidents or experiencing an accident in the workplace or home. These people have often borrowed money to come to Qatar to work and support families, and are made to return upon becoming disabled, without compensation. This



		<p>activist, along with others, collects money to buy items such as wheelchairs or walking sticks and for persons with disabilities to obtain medical care in their home countries. These people, usually Asian, cannot stay in Qatar once they sustain an injury that makes them unable to adequately perform their work duties.</p>
Disabled women	The Qatar Foundation for Social Protection and Rehabilitation	<p>As explained above, women from ethnically marginalised groups experience greater discrimination. They do not have access to the government funding provided to disabled Qatari citizens for education, and if they become disabled they must leave the country without compensation. Women (and men) with disabilities cannot get a work visa to enter the country. Facilities within existing organisations are poor and inadequate. Staff are poorly trained. There is little awareness of disabilities in society, and many families are often embarrassed to be seen with disabled members in public.</p> <p>- Recommendations by both ROTA and the Qatar Foundation for Social Protection and Rehabilitation include developing awareness that these people are human; developing infrastructure to accommodate persons with disabilities, such as wheelchair-accessible public places; and training staff more adequately.</p> <p>Other organisations that provide care to disabled men, women and children include the Qatar Association for the Rehabilitation of Special Needs, the Qatar Social and Cultural Center for the Blind, the Family Development Center, Qatar Charity, HOPE Qatar, the Noor Center and the Qatar Social and Cultural Center.</p>

## 12.6 The state of play on the elimination of violence against women

Qatar has no separate legislation on VAW or domestic violence. The criminal code supposedly punishes physical assault, indecent assault and rape. However, this does not extend to the private sphere. Sexual harassment in the workplace is regarded as punishable, but women are reluctant to report cases, as they are often blamed for immoral behaviour, which, allegedly causes their harassment.

No one can be forced into marriage under Qatari law. However, in practice and due to tradition, families often influence and arrange marriages that are sometimes unwanted. FGC exists in Qatar, although to a lesser degree than in other Arab States. The Qatar-based and leading authoritative scholar of the Arab world, Yusuf al Qaradawi, maintains that it is acceptable under Islamic law.

Qatar is ranked as a country that does not fully comply with minimum standards to enforce criminal laws against traffickers.<sup>591</sup> In the National Plan for Combating Human Trafficking for 2010–2015, the Qatari government committed a budget of \$6 487 195.

**Table 38: Statistics on VAW**

Field	Statistics	Explanation
Domestic violence/intimate partner violence	Continuously: 4 % From time to time: 10 % Rare occasions: 14 %	Percentage of married women who were subjected to violence in 2008 as reported by the authorities <sup>592</sup>
	28 %	Percentage of married women who experienced domestic abuse in 2012 <sup>593</sup>
	521	Number of victims of domestic violence who were provided support from the Qatar Foundation's Protection of Women and Children Center in the first eight months of 2012
Non-partner sexual violence		Statistics on forced sexual intercourse by someone other than a partner are unavailable. Women are afraid of being socially stigmatised and blamed for the crime, which routinely occurs; therefore, many do not report sexual violence.
Sexual harassment	8	Number of reported cases of harassment in 2006. Five of them resulted in convictions. No statistics are available for the past 12 months.
Honour killings		There are no statistics on honour killings for Qatar. Perpetrators of the crime often receive lenient sentences, and the victim is accused of immoral behaviour.
Trafficking		No clear statistics are available. Qatar is a destination for women and men subjected to forced labour. Under the <i>Kafeel</i> system of sponsorship, most migrant workers have their passports taken away by their employers. They cannot switch jobs or travel without permission. Permission to travel is granted every two years. Because domestic workers have no access to protection, they are susceptible to the trafficking industry.
Forced labour/exploitation		As of March 2014, more than 900 workers have died building Qatar's World Cup infrastructure alone (deaths on other sites excluded from this figure), and it is estimated that 4 000 will die before kick-off. <sup>594</sup> Some workers work up to 100 hours a

<sup>591</sup> Retrieved from: <http://www.state.gov/j/tip/rls/tiprpt/2013/210548.htm>

<sup>592</sup> Supreme Council of Family Affairs

<sup>593</sup> Amnesty International, 2010

<sup>594</sup> Retrieved from:

<http://www.smithsonianmag.com/smart-news/over-900-workers-have-already-died-building-qatars-world-cup-facilities-180950088/?no-ist/>

		week. <sup>595</sup> Abused workers can only run away, as they have no protection.
Forced marriage		No statistics exist on forced marriages in Qatar. However, families are heavily involved in the choice of marriage partner, which leads to undesired marriages. Arranged marriages are part of tradition. Sometimes the couple has not spoken to each other before the consummation of the marriage. <sup>596</sup>

**Table 39: Support for victims of VAW**

Field	Governmental/non-governmental organisation
Physical health care	Not available/accessible for those without citizenship. Those for whom care is provided have access to shelter and protection. The government tries to reach out to all groups (except those without citizenship) through some campaigns to raise awareness of violence.
Mental health care	Not available/accessible to those without citizenship and domestic workers
Legal advice	Not available/accessible to those without citizenship, and limited for domestic workers
Shelter/safe houses	Not available/accessible to most women due to the inability of migrant workers to seek refuge because of fear of their employer and restrictions in labour law

## 12.7 Women in decision-making

**Table 40: Women in decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament 2014	0 %
Proportion of women in ministerial level positions 2014	5 % (1 woman)
Ability of women to rise to positions of enterprise leadership	5
Female legislators, senior officials and managers (% of total)	4 (2009)

**Source:** Inter-Parliamentary Union

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = extensive, women have equal opportunities of leadership)'.

**Source:** Female legislators, senior officials and managers (% of total) refers to the share of legislators, senior officials and managers who are female: ILO.

<sup>595</sup> Amnesty International, 2010

<sup>596</sup> Retrieved from <http://oladiab.wordpress.com/2010/07/11/arranged-marriages-the-cause-of-divorce/> and personal interviews

### 12.7.1. Political level

Qatar currently has one female minister out of 20.<sup>597</sup>

### 12.7.2. Economic level

Several Qatari women have achieved influential positions — for instance, in information and communication technology.<sup>598</sup>

### 12.7.3. Public level

A number of women have achieved influential positions — for instance, in Qatari universities, the diplomatic services and the judiciary.<sup>599</sup>

### 12.7.4. International level

Qatari women have been involved in international organisations such as the WHO and the UN, in high-level positions.<sup>600</sup>

## 12.8 Civil society organisations working for women's rights and connections with European civil society organisations

In Qatar there are no independent civil society organisations concerned with issues related to women and family issues. The organisations listed below were created and are managed by the government. Connections and cooperation with European civil society organisations could not be ascertained and have been assumed to be non-existent.

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<sup>597</sup> Hessa al Jaber, Minister of Information and Communication Technology

<sup>598</sup> Buthaina al Ansari, Women Leading Change Ambassador, Senior Director Human Resources at Qatar Telecom; Marya al Dafa, Project Director at Qatar Foundation; Aisha al Fardan, Vice-Chairwoman at Qatar Businesswomen's Association

<sup>599</sup> Moza al Maliki, Assistant Professor at Qatar University, writer and psychologist; Ilham al Qaradawi, internationally recognised nuclear scientist and daughter of famous Islamic scholar, Yusuf al Qaradawi; Sheikha Maha Mansour Salman Jasim Al Thani, first woman appointed to the Qatari judiciary; Dr Aisha al Mannai, Director of the Center for Muslim Contributions to Civilisation, QFIS, and formerly Dean of Islamic Studies at Qatar University; Dr Sheikha al Misnad, President of Qatar University; Aysha al Mudheki, Executive Director, Injaz Qatar; Shareefah Fadhel, Managing Director and Co-founder, Roudha Center for Entrepreneurship and Innovation; Maha Mansour Salman Jasim al Thani, Qatar's first female judge; Sheikha al Mayassa al Thani, Chairperson of the Qatar Museums Authority (QMA); Sheikha Mozah bint Nasser bin Ahmed bin Ali al Thani, first female Qatari ambassador; Sheikha Mozah bint Nasser al Missned, wife of former Emir of Qatar, Sheikh Hamad bin Khalifa al Thani, and Chairperson of the Qatar Foundation

<sup>600</sup> Hessa al Jaber serves as a Commissioner on the WHO/ITU Commission on Information and Accountability for Women and Children's Health; Sheikha Hissa Khalifa bin Ahmed al Thani was the UN Special Rapporteur on Disability from 2003 to 2009.

**Table 41: Women's organisations**

Organisation	Activities/goals	Connection with EU civil society organisations
Qatari Women's Association	This organisation is one of the Qatar Red Crescent's branches that focuses on assisting vulnerable women and enhancing their economic well-being and physical health.	No
The Qatar Foundation for Protection and Rehabilitation	The foundation is currently being formed after subsuming three institutions: Qatar Foundation for Research and Development, Qatar Foundation for the Protection of Women and Children, and Qatar Foundation for Combating Human Trafficking. It assists women in understanding their rights and the procedures for claiming them, and seeks to protect women's constitutional rights. It has the only women's shelter in the country available to all groups except those without citizenship. It also serves to prevent the trafficking of persons, especially women and children.	No
The Family Consultation Center	The Center is responsible for tackling the increasing divorce rate in Qatar by offering mandatory counselling to couples seeking divorce. It seeks to tackle the erosion of the family and community.	No
Social Development Center	The Center offers family support programmes, guidance programmes, career training and interest-free loans to needy families.	No

## 12.9 EU activities and collaborations promoting women's rights

### 12.9.1. EU activities on women's rights

Current or recent connections between the EU and Qatar are as follows:

- A Cooperation Agreement with the GCC countries was established in 1988.<sup>601</sup>
- The EP Resolution on EU–GCC Cooperation was adopted in 2011.<sup>602</sup>
- Negotiations on a Free Trade Agreement between the EU and the GCC started in 1990 but have not yet been concluded.<sup>603</sup>

<sup>601</sup> Retrieved from:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21989A0225%2801%29:EN:HTML/>

<sup>602</sup> Retrieved from:

[www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/)

- The EP meets regularly with the parliaments of the GCC countries.<sup>604</sup>
- An EEAS Delegation was established in 2013.
- The EU-GCC Joint Action Programme (2010–2013)<sup>605</sup>
- A financing instrument for cooperation with industrialised and other high-income countries and territories (ICI)<sup>606</sup>
- The Erasmus Mundus programme funded the SECRET project.<sup>607</sup>

With regard to international scholarships, there is still an issue concerning women who give up their scholarships directly before leaving due to parental pressure/change of mind, or their spouse suddenly being unable to travel with his wife. Joint projects between European universities and universities in Qatar do exist, but the scope of their focus on human rights, women's studies and democracy is limited. Most proposals for such joint projects are refused by either the Qatari University or government.

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<sup>603</sup> Retrieved from:

<http://www.bilaterals.org/?gulf-states-take-harder-line-with&lang=en#sthash.pzqBFKnn.dpuf>

<sup>604</sup> Retrieved from: <http://www.europarl.europa.eu/delegations/en/darp/home.html/>

<sup>605</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/docs/joint\\_action\\_programme\\_en.pdf/](http://eeas.europa.eu/gulf_cooperation/docs/joint_action_programme_en.pdf/)

<sup>606</sup> Retrieved from: [http://eeas.europa.eu/ici/index\\_en.htm/](http://eeas.europa.eu/ici/index_en.htm/)

<sup>607</sup> Retrieved from: <http://www.emsecret.eu/index.asp/>

## 12.9.2. Local reflections and recommendations on EU activities regarding women's rights

**Table 42 Women's organisations' reflections on the EU's role**

Organisation	Reflections/recommendations
ROTA	<ul style="list-style-type: none"> <li>- The EU's role could be to assist in developing greater awareness of the right to dignity and fair treatment of persons with disabilities. The EU could provide education and capacity-building to staff in organisations that deal with disabled women. The EU could help with providing examples of programmes existing in Europe and creating the means to enhance the position of this group and their integration into society as dignified citizens.</li> </ul>
The Qatar Foundation for Protection and Rehabilitation	<ul style="list-style-type: none"> <li>- It is important to recognise that marginalised groups referred to as minority groups are actually the majority in Qatar.</li> <li>- It is important to recognise that most people view their time in Qatar as a transient stage in their lives, so many domestic workers try to maximise the monetary benefit while experiencing abuse.</li> <li>- The EU could help break down the cultural barriers between ethnic groups that are the root cause of discrimination. First, the physical barriers, such as in housing complexes and sections within cities that separate people, must be redesigned. The EU can play a role in this socio-spatial change.</li> <li>- The EU could help with awareness-raising on the need to seek help and protection from domestic violence. Qataris rarely seek help because they are too afraid of other people finding out that they are experiencing abuse.</li> <li>- Women from marginalised ethnic groups are reluctant to seek help because they are afraid of being deported if they are accused of trying to simply better their conditions. Often, their conditions include ill treatment that is not categorised as abuse. They will also be challenged to produce evidence of physical abuse, and if they lose the case, they will immediately be sent to their home countries. They will not risk deportation and will not stand up to their employers, who might intimidate them. They fear the process of investigation, which can produce an unfair outcome. The role of the EU is crucial to address maltreatment of these social groups.</li> <li>- Further recommendations include capacity-building for people who work with persons with disabilities and marginalised groups. They need training in project management, relevant skills, and how to better assist in extending legal advice and aid.</li> <li>- Many trafficked persons in Qatar will also end up in European countries. There should be greater awareness, exchanging of information, and the development of legal collaboration across borders.</li> </ul>

- The EU can help facilitate the changing of the sponsorship programme that currently prevents disabled and marginalised groups and expatriates from changing sponsors and improving their situations.

- As there are currently no laws protecting domestic workers, the EU could assist in developing such laws.

- There is a disconnect between legislation and its application. Pressure groups are formed by powerful individuals who want the status quo that serves their interests best. The EU can assist in setting up committees or transforming existing committees to monitor CEDAW laws and legislation already in existence to enhance the situation of marginalised social groups. Currently, too many people on these committees have a stake in not allowing legislation for the protection of women, especially those from these groups, from being enacted. Closer collaboration should make these committees more transparent and effective.

## **12.10 Recommendations by the national expert, Dr Wanda Krause**

There are no independent women's organisations in Qatar. Institutional bodies have tried to establish programmes with a focus on women's development and have met numerous challenges. Against this backdrop, the following recommendations are proposed.

- It is crucial that independent civil society organisations are enabled to operate. In general, women's rights and gender equality in Qatar should be supported by engaging the media and covering the condition of women. Topics such as choice of partner, inheritance laws or unequal citizenship laws need to be highlighted.
- Legislation for the full protection of women must be implemented. Labour laws must apply to all groups of women, including domestic servants.
- Law enforcement officials and medical personnel must be educated in recognising all forms of violence, and protections and access to services must be provided to all groups of women, including those without citizenship.
- Not only independent organisations must be created, but committees within existing organisations must be created and empowered to oversee the successful implementation of CEDAW.



## 13. COUNTRY REPORT SAUDI ARABIA

### 13.1 Country profile

#### 13.1.1. Political system

Saudi Arabia is a hereditary monarchy. The King is Chief of State and Prime Minister. An Allegiance Commission created by royal decree in October 2006 established a committee of Saudi princes that will play a role in selecting future Saudi kings. The Cabinet or Council of Ministers is appointed by the monarch every four years; it includes many royal family members. The Consultative Council or Majlis al-Shura (150 members and a Chairman appointed by the monarch to serve four-year terms) is the legislative branch. In October 2003 the Council of Ministers announced its intention to introduce elections for a third of the Majlis al-Shura incrementally over a period of four to five years, but to date no such elections have been held or announced. Suffrage is only appointed to men above age 21. The Saudi legal system combines the Islamic system (Sharia) with some elements of Egyptian, French and customary law. Some royal decrees override traditional interpretations of Sharia.<sup>608</sup> Commercial disputes are handled by special committees.

#### 13.1.2. Population

The population of Saudi Arabia is 27345986. Women constitute 45% of the total population,<sup>609</sup> and 21% of women are migrants (foreign-born population including the number of refugees as reported by the UNHCR). Of the male population, 39% are migrants.<sup>610</sup> The vast majority of the Saudi population are Arab (90%); the other 10% are Afro-Asian. Sunni Islam is the official religion, and Sunnis constitute 85–90% of Saudi citizens. The other 10–15% are Shia. Non-Muslims are not allowed to have Saudi citizenship, and non-Muslim places of worship are not permitted.<sup>611</sup> According to the US Department of State, no comprehensive statistics on non-Muslims are available, but they include Christians, Jews, more than 250000 Hindus, more than 70000 Buddhists, approximately 45000 Sikhs, and others.<sup>612</sup>

## 13.2 Constitutional and legal provisions regarding women's rights and gender equality

### 13.2.1. Family law

Given that family law is one of the main domains in which ideas about gender relations become translated into national legislation and policy, the following section will provide a description of family law by focusing on marriage, divorce, child custody and inheritance.

<sup>608</sup> For example, a royal decree prohibited slavery in 1962; a recent decree and law limited child marriage to age 16, although a male guardian might obtain permission from a judge to marry off a younger girl.

<sup>609</sup> Source: The World Factbook, CIA. Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level.

<sup>610</sup> Source: United Nations, Department of Economic and Social Affairs (2013) Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013)

<sup>611</sup> Source: The World Factbook, CIA

<sup>612</sup> Source: US Department of State: <http://www.state.gov/j/drl/rls/irf/2011/nea/192905.htm>

### 13.2.1.1 Marriage

There are three types of contractual marriage:

- Permanent and acknowledged marriage (nikah) gives rights to inheritance, financial support and a home. For this type of marriage, consent of a woman's guardian is needed. A new law forbids marriage to girls under 16, unless a judge approves.<sup>613</sup> Such marriages are usually arranged and are very common between cousins; virginity is expected prior to marriage; adultery is illegal and a capital crime.<sup>614</sup> A woman's guardian may contest her marriage. Men may marry up to four wives without the consent of any of the previous wives.
- Informal marriage (misyar) offers reduced rights for women; it is a practice which is increasing and appears detrimental to women, in that it may be conducted secretly and excludes certain benefits of nikah marriage.<sup>615, 616</sup>
- Temporary marriage (mut'a) is religiously licit for Shia Muslims but illegal in Saudi Arabia and not the preferred type of marriage among Shiites.

### 13.2.1.2 Divorce

Men may repudiate their wife (talaq) without restrictions and in absentia (women may not be informed).<sup>617</sup> Women may not repudiate their husbands. They may obtain a judicially granted divorce on very limited grounds or choose to forfeit any deferred bride price (which is paid to the bride half at the time of marriage and half later), gifts, and financial maintenance if she has children.<sup>618</sup> Women lose social status when divorced, do not receive alimony and must return to live with their own family. Divorced women may remarry, but

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<sup>613</sup> Nikah marriage also requires, theoretically, the woman's assent, although a child cannot be presumed capable of informed consent. Marriages were not to be consummated until girls reached puberty. The new law responds to a number of shocking stories of child marriage. Marriage contracts are signed by the woman or girl's guardian and the groom and require male witnesses. Other requirements include the payment of a mahr (bride price, paid by the groom to the bride), gifts, possibly property or a vehicle.

<sup>614</sup> Absence of virginity could cause the marriage to be terminated, or for the woman to be killed if she is guilty or suspected of having had sexual relations, in an 'honour killing'. Likewise, she could be killed for having relations with men outside her marriage or being suspected of doing so. A divorced woman will receive a lower bride price (mahr) or become a second wife, because she is no longer a virgin.

<sup>615</sup> Misyar was allowed in a fatwa by Shaykh Abdulaziz bin Baz and also legalised by the Islamic Jurisprudence Council in 2006 (Ahmad, 2009). It is prohibited by the government (and some employers) for men studying outside Saudi Arabia or travelling to marry in any form without notifying the government, but it occurs. Unlike nikah marriage, it may be concluded secretly and without witnesses. Therefore, statistics are unavailable, and media estimates of its increasing prevalence may or may not be valid. Misyar has been promoted to some degree as a 'protection' for women, even though men are said to abuse the practice and treat it as a form of sex work. In misyar marriage, a bride price is paid to the bride (mahr), the union is temporary, and no paternal responsibility is extended to children of such unions. Men are not required to provide a residence or pay for the wife's expenses. A study found that most women were not aware of any of their legal rights under misyar (Arab News, 25 March 2012). Temporary marriage, mut'a, is permitted religiously, but prohibited by the government because it is forbidden for Sunni Muslims. Mut'a is a temporary contract with a specified time period and payment of a mahr.

<sup>616</sup> Marriage is considered to be far more necessary to women's lives than in Europe. Women remain essentially children or wards, unable to live alone if they do not marry (there is pressure on men to marry as well). Those who are married and bear sons have greater social status than unmarried or childless women or mothers of daughters, but they may or may not have any additional freedom of movement (Zuhur, 2012: 207, 225). Married elite women participated in social functions and visiting patterns which changed as a result of the oil boom (Altorki, 1986).

<sup>617</sup> This type of divorce is called talaq. It is final if pronounced three times and with observation of the woman's 'iddah (three-month waiting period to determine if she is pregnant) and requires financial maintenance payments. Men may not have to notify their wives (other Muslim majority countries with civil family codes now require notification of the wife).

<sup>618</sup> When a woman forfeits her bride price (mahr), the type of divorce is called khul (Doumato, 2010: 434).

are more likely to become second or subsequent wives.<sup>619</sup> Children may not file for divorce (if married by their guardian). A woman's guardian must approve her divorce.

### 13.2.1.3 Child custody

Women retain custody of sons to age 5 and daughters to age 7. Regardless of the age of her children, if a husband proves that his former wife is deficient morally, she will lose custody. If a woman dies, custody might be offered to her relatives, but the father assumes guardianship, and his approval is necessary for school enrolment, obtaining a passport, for employers, travel abroad, marriage, etc. If a woman remarries she loses custody. Guardianship (*wilaya*) severely restricts women's and girls' rights. A father is guardian to his sons until they reach age 21 and to his daughters until they marry (guardianship passes to her husband).<sup>620</sup> A guardian may withhold all rights to travel, work, study or medical treatment or even confine his daughters.<sup>621, 622</sup>

### 13.2.1.4 Inheritance

The Qur'an (10: 11–12) specifies portions for heirs according to gender and situation.<sup>623</sup> Parents may make gifts while they are still alive.<sup>624</sup> There is a gap between inheritance as intended under Sharia and as practised, since guardians seize or attempt to control women's inheritances, and rules of segregation impinge on their investments and control of property.

## 13.2.2. Women's rights

This section will deal with areas of national legislation and policy in which explicit references are made to gender.

### 13.2.2.1 Male guardianship

Male guardianship limits all women's rights — not only freedom of movement. Officials require guardians to sign off on women's applications for identification cards<sup>625</sup> or

<sup>619</sup> Some reports seem to indicate that the divorce rate is second highest in the Gulf, while others reflect a lower rate ('4 189 divorce', 2014; '3 divorce cases', 2013).

<sup>620</sup> Guardianship passes to another man on the patrilineal line on the father's death: a brother, uncle or grandfather.

<sup>621</sup> As with four of King Abdullah's own daughters; Maha, Sahar, Jawaher and Hala Al Sa'ud are under their half-brother's, Prince Mutaeb's, guardianship and have been held against their will in Jeddah for the last 13 years. In February 2014, a 13-year-old girl died in Abha after she had been chained to a door by her father and choked to death. He had chained her two sisters to windows (Harbi, 10 March 2014).

<sup>622</sup> The boldest step taken to address women's many problems was a petition submitted to the Majlis al-Shura, signed by 25 women activists calling for the end of 'absolute male guardianship', for serious measures to protect women's rights, stop domestic violence and address discrimination in education, employment and other areas (Harbi, 10 March 2014).

<sup>623</sup> A male child receives the equivalent of two daughters' shares, but if there are only two daughters, they receive two thirds of the estate; if the deceased has only one daughter, she inherits one half of the estate; if a childless man is survived by his mother, she inherits one third; a sister may inherit one half of a childless brother's estate; and wives inherit one eighth of an estate if there are children, whereas a husband inherits one quarter of an estate. These rules are specified in the Qur'an 10: 11–12 and 10: 176. Half-sisters and half-brothers also may inherit, and a man will also inherit guardianship of the women in the family. Other hypothetical situations in which females may inherit are spelled out (Meyer-Reumann, n.d.). In all cases, males' shares are greater, because men were expected to provide for women's upkeep.

<sup>624</sup> While many women control their own assets and earn salaries, Saudi society expects fathers, brothers or husbands to provide for women (including widows, divorcees, and women married to unemployed men). Women without siblings, fathers or sons to protect their interest are at a disadvantage.

<sup>625</sup> Identification cards show women's faces; however, they are useless to women who wear niqab and must bring a *mu'arif* (a person) to identify them, even if they have their identification card (which is optional for women). One

passports. Guardians<sup>626</sup> may imprison women in a room or house and not allow them out.<sup>627</sup> Women are not permitted to drive vehicles.<sup>628</sup> Lack of access to vehicles can restrict women's employment and discourage employers.<sup>629</sup> Those who drove in a 2013 protest were arrested.<sup>630</sup> They are often not able to use taxis. Women may not travel without a guardian's permission, now controlled electronically, or, in some instances, without him.

### 13.2.2.2 Penal code

There is no written penal code in Saudi Arabia, but there are some promulgated laws now on terrorism. Most punishments for the most serious (capital) crimes derive from Sharia, thus theft, drinking alcohol (dealing drugs), fornication/adultery/sodomy (zina') and sometimes apostasy, sorcery and terrorism may be punished with death or lashing. Women may not testify in such cases.<sup>631</sup> In case of murder or manslaughter, the blood payment (dhiyya)<sup>632</sup> required for a murdered woman is half the value of a male life. Mixing of the sexes, when it leads to fornication/adultery, even in cases of rape, is also punishable.<sup>633</sup>

### 13.2.2.3 Prosecution

Women may not enter police stations and make complaints without a guardian. They may not be served in government offices, despite the introduction of women's windows,<sup>634</sup> or file a case or appear in court<sup>635</sup> without a guardian. Judges<sup>636</sup> refuse women's testimony in

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of the government's responses as to why women could not vote in the previous elections concerned their inability to require women to obtain identification cards. Guardians may simply refuse to apply for identification cards or passports (which is illegal but fairly common).

<sup>626</sup> Guardianship of different women in the same family may nonetheless be controlled by different men (husband, as opposed to father, or assigned to a half-brother). If a woman's husband dies, his brother could become the guardian of her daughters unless she has an adult son (Jabarti, 1 December 2013).

<sup>627</sup> As punishment, this was included in some majority Muslim countries' laws as bayt al-ta'ah (house of obedience) for a wayward or rebellious woman. However, some men and families believe women should not go out in public in any case.

<sup>628</sup> Women must have a car and private male driver, making it extremely difficult for women of lower incomes to attain employment, or even to shop.

<sup>629</sup> Human Rights Watch, 2008: 19. This is more difficult for women without the means to have their own driver and vehicle; transportation consumes a substantial portion of women's salaries.

<sup>630</sup> Some male guardians were obliged to sign a promise that they would prevent their daughters from driving in the future.

<sup>631</sup> The capital crimes previously mentioned are punished with the most severe penalties. Two women's testimonies are equivalent to one adult male's in cases in which they may testify.

<sup>632</sup> Qisas, the secondary category of crimes require talion, or equal harm — a life for a life, an eye or an eye — for which dhiyya (blood payment) may substitute if the family members agree. In a recent case, Rizana Nafeek, a Sri Lankan domestic servant was beheaded because a baby died while in her care (by choking to death). Although she was a minor at the time of the incident (not subject to execution) she made a confession after being physically assaulted. Her case was appealed, but she was condemned to death. The baby's family and the Saudi King refused her request to pay dhiyya (Peer, 2013).

<sup>633</sup> Rape is considered a crime, and both an injury to a woman and theft of rights to her sexual organs and her honour, which are to be guarded by her father, brother, husband (or son). Rapists are penalised; however, women may also be penalised if the rape took place when they were alone with a man (as in a vehicle). Under customary law and practice, women could be killed if they revealed they had been raped, or the rapist could be required to marry them. The main difficulty in charging a man with rape (or with zina') is that Sharia requires four witnesses to the actual sex act, the eyewitnesses must have observed the sex act, and their testimony may not vary (regarding the time of day or colour of clothes worn). Pregnancy was considered prima facie evidence of zina' by ibn Hanbal. Even if a woman declared she had been raped, the problem of producing eyewitnesses might mean she would be punished for being alone with a man, if not zina', whereas the rapist might be punished only for being alone with her, but not for the rape itself. The woman is further punished socially, by losing her ability to marry, or by death by her male relatives — as explained above, 'honour killings' result primarily from 'urf, or customary (or tribal) law. Or a woman impregnated by zina' could be married off to her sex partner (or rapist) after she gives birth, but not before. This is the Hanbali and Maliki view, whereas the Hanafi and Shafi'i position is that an impregnated 'fornicatress' may be married (off).

<sup>634</sup> Segregation meant women could not get service at any government office or institution. The government began to institute women's 'windows' or desks solely to serve women in 2005, but on an irregular basis, and women complained that they might wait for a hour or more at an empty window or where men were drinking tea. If a legal case required meeting with an official, even the ministries had no facilities for meeting with women.

<sup>635</sup> Neither as a litigant nor as an attorney (Jabarti, 1 December 2013).

criminal cases; some refuse to allow women to speak, and require a face veil (niqab), so they must bring a man who can identify her<sup>637</sup> to court.<sup>638</sup> The Law of Criminal Procedure<sup>639</sup> prohibits torture but is routinely disregarded by police/security and fails in other legal protections. Religious police<sup>640</sup> may still arrest, detain and violate women's rights, often treating women as lesser beings. They enforce dress codes and other 'violations' harshly despite promises by the government that they would cease. They focus on women's or perceived violations of 'mixing' (but would not enforce non-payment of paternal maintenance, for example).

#### 13.2.2.4 Violence against women

Domestic violence (sexual and psychological abuse) is criminalised on the basis of a law adopted in 2013.<sup>641</sup> Rapists may be severely punished, but marital rape is not criminalised per se. Rape victims have been prosecuted for being alone with a man or killed by their relatives and, in one notorious case, punished for adultery and attempted abortion.<sup>642</sup> A Department of Protection from Abuse operates, but will not take complaints after 22:00.<sup>643</sup> A campaign against domestic violence was launched in 2014, and a law may now fine offenders.<sup>644</sup> Honour killings or abandonment may result when religious police (mutawa'in) charge women with mixing with men or if women are released from women's shelters.<sup>645</sup>

<sup>636</sup> There are no female judges, and due to conservative prejudice against women's ability to serve as justices, none will be hired. Female attorneys are not permitted to present in court (although it was announced they would be permitted) but may support male attorneys.

<sup>637</sup> The dress code in public is supposed to be the black abayya, but an increasing number of men and women approve of and wear the niqab (a face cover in addition to the abayya, and sometimes gloves). A woman wearing niqab (face veil) must bring a man called a mu'arrif who can identify her to the court, her identity card is insufficient, and that man is assumed to be a close relative (Deif, 2008: 24), creating further difficulties to pressing charges against guardians or other male relatives.

<sup>638</sup> These conditions have not improved in the last eight years (Deif, 2008: 25).

<sup>639</sup> The Law of Criminal Procedure (2001) has been used by some human rights activists to challenge abuses. It disallows torture but does not prohibit the introduction of evidence or confessions obtained under torture, coercion or physical beatings. It does not allow for the presumption of innocence; detainees cannot challenge the lawfulness of detention, and it does not provide for free legal representation (Human Rights Watch, December 2013: 8).

<sup>640</sup> The HAIA, Commission for Promotion of Virtue and Prevention of Vice or mutawa'in

<sup>641</sup> See also 13.2.3.1.

<sup>642</sup> The victim, a girl from Qatif, was abducted and gang-raped in 2006 by seven men who also raped her male companion. She was sentenced to 90 lashes for being alone in a car with that man. Following international outrage at the sentence, it was increased to 200 lashes, and her attorney's licence was suspended. After media exposure caused international outrage, and her attorney was arrested and jailed for pursuing the case, the King intervened. Four of the attackers were convicted, but of kidnapping, not rape (proof of rape requires four witnesses) (Mail Online, 30 November 2007). Her brother threatened the rape victim, and her husband, who initially stood by her, also left her (Lacey, 2009: 305–315). In 2012, Fayhan al-Ghamdi sexually molested, raped, tortured and murdered his five-year-old daughter. International outrage came when he was released, having paid dhiyya (blood money) for the girl's life. Then it was announced that he was ordered back to prison for eight years and sentenced to 800 lashes (Gulf News, 8 October 2013), and a hotline was set up for child abuse. In a different case in 2009, a woman who was gang-raped by five men was sentenced to one year in prison and 100 lashes for adultery (zina') and for aborting herself after she became pregnant from the rape (Saudi Gazette, 8 February 2009).

<sup>643</sup> Badria al-Bishr shows that domestic abuse is apparently not the focus of the department, that at least one official considered women responsible for their own abuse (al-Bishr, 6 December 2013). This suggests that further training of the Department of the Protection of Abuse and a study of the implementation of the new law against domestic violence is imperative.

<sup>644</sup> Domestic violence advertisements for the new campaign have been praised outside Saudi Arabia, but the response by Saudi males on social media shows great contempt for the new law and women, and a need for more extensive education on human and women's rights. Men wrote that they could kill their wives and pay less than the new fine, or that if the wife will not accept physical violence, they can just marry another wife.

<sup>645</sup> The shelters are inadequate, and many women who access them are threatened by their own family members for doing so. In 2009, an arrest by the CPVPV was so 'shameful' to the brother of two sisters that he shot them dead as they left a women's shelter. Women cannot leave a shelter without a guardian. They cannot walk anywhere on the street alone or go into any facilities, sit in a restaurant, except on Thursday evenings, without the risk of being harassed or arrested by the religious police (Jerusalem Post, 13 July 2009). In the wake of the furore over al-Ghamdi's 2012 murder of his five-year-old daughter, a social worker explained that abused women go to the police who may or may not let them make a complaint. The police call the CPVPV, who call the woman's guardian, who may be the abuser and make efforts for up to four hours to reconcile the woman with her guardian.

### 13.2.2.5 Sexual and reproductive health and rights

Studies have shown that FGC is practised in Saudi Arabia, and more widely than admitted or studied.<sup>646</sup> Some sources minimise its prevalence or attribute it to African immigrants. No law has been passed against FGC. Sex segregation inhibits medical treatment of women, as in at least two recent cases.<sup>647</sup> Numerous health risks derive from early marriage and consanguinity risks in cousin marriage. Contraception is available, but religious conservatives may frown on it. Women want contraception to prevent giving birth continuously every year (spacing). The overall contraceptive prevalence rate was only 24% in 2012.<sup>648</sup> Other studies showed higher rates, although in one, three quarters of those studied were not knowledgeable about contraception,<sup>649</sup> and in the other study, using contraception was not medically followed.<sup>650</sup> Abortion is forbidden; if carried out, a dhiyya (blood payment) must be paid.

### 13.2.2.6 Education

Guardians control women's rights to education, must sign requests for women's educational travel and must accompany women abroad. Many subjects, fields, languages and sports are only offered to males.<sup>651</sup> Women have no programmes in engineering,<sup>652</sup> architecture, astronomy or political science and are not permitted to specialise in surgery, orthopaedic

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Protection is only offered if women refuse to leave the station with their guardians (Muslim Issue, 3 October 2013).

<sup>646</sup> FGC is referred to in Arabic and in English in the Middle East and North Africa as female circumcision. There is one form called takmeed which involves rubbing salt, sand and herbs in the genitals of infants to reduce their size (but it is not cutting), which is common to Yemen, and other forms involving cutting are also practised in Saudi Arabia. Female circumcision was practised by certain tribes in the Arabian Peninsula, as it is by Bedouin in Jordan, the Negev and Sinai. Hosken (1993) asserts that nearly all women in the Arabian (Persian) Gulf area were circumcised. Women along the Red Sea coast were also circumcised, and some in northern Saudi Arabia, and an unknown total (but fairly high rate) has been mentioned in Asir, Tihama and the Hijaz as well as by Doumato (2010: 435) for Shia women in the Gulf area and some Bedouin women. A detailed study of 130 women subjected to FGC was carried out in a Jeddah hospital, showing the negative impact of FGC on sexual pleasure (Alsibiani & Rouzi, 2008), and one of these researchers also wrote about cysts formed as a result of FGC (Rouzi, 2010; Zuhur, 2012: 369–370). National statistics need to be collected on FGC (which is not characterised as VAW) and on family VAW as well as on the emotional and psychological abuse of women and girls.

<sup>647</sup> In February 2014, a student at King Saud University died of a heart attack after male paramedics had to wait for two hours to obtain permission to enter the campus. A few days later, a pregnant student had to give birth on campus without medical aid because university officials would not allow the paramedics access to the patient without her guardian's (husband's) consent. Also, a fatwa by Shaykh Qais al-Mubarak prevents female patients from visiting male doctors without a guardian, or exposing their bodies to them (even during childbirth) (Harbi, 10 March 2014). Quite a number of women consider Mubarak's (or other similar) views to be an Islamic norm and advise each other to seek out female physicians, which deprives them, in some cases, of adequate, specialist or timely treatment (personal communications, 2014).

<sup>648</sup> Kaiser Foundation, 2012

<sup>649</sup> Al Sheeha, 2010. These data were collected in 2007 and 2008, and information about contraceptives is not provided at primary care centres. Most women knew about oral contraceptives, but not about all methods. The rate of use and degree of knowledge was not much improved in a study of 359 women in primary care centres in Abha (Farheen, 2013). Qassim and Abha are both semi-rural areas, and the studies indicate that contraceptive information needs to be provided at primary care facilities.

<sup>650</sup> Al Turki, February 2011.

<sup>651</sup> The Shura Council recommended ending the ban on sports for girls/women in schools. It was announced in the media that sports would be offered for girls, but at the time this report was prepared, this had not yet occurred outside one private school. International pressure for women athletes to be officially included in the national team resulted in Saudi Arabia's inclusion of two female athletes in the 2012 Olympics. The very first volleyball tournament was permitted at a girls' school in May 2014 (Arab News, 19 May 2014). The Shura recommendation is still being studied by the Ministry of Education and has not yet been widely implemented.

<sup>652</sup> Men were offered 12 languages, whereas women could study only two at King Saud University. King Fahd University of Petroleum and Minerals, where oil engineering may be studied, does not admit women. The separation of the sexes requires that women have their own programmes, which are limited compared to men's. Although women are admitted to study medicine, they face professors' and administrators' opposition to women working in medicine because hospitals are a 'mixed' environment. Women's guardians must come to universities and colleges to approve and sign off on their course of study.

surgery or paediatrics; their educational programmes are separate from but not equivalent to men's.<sup>653</sup> Women are not permitted to leave their campuses or dormitories.

#### 13.2.2.7 Employment

Sex segregation and guardianship severely limit employment. The Labour Code (2006) states: 'Women shall work in fields suitable to their nature.'<sup>654</sup> Women need their guardian's permission to be hired. Laws address maternity leave and childcare facilities.<sup>655</sup>

#### 13.2.2.8 Job restrictions

Women are disallowed from many occupations and professions. The professed objection is to their mixing with men. They are also prevented from studying certain fields such as engineering and astronomy. Only recently were women admitted to study law; they may obtain their degrees and may advise women clients, but none are yet permitted to represent clients. Women are not yet employed in the Foreign Ministry (despite promises) and in the sciences or petroleum engineering.

#### 13.2.2.9 Private property

Women may own and control property. However, the male guardianship system may interfere with their Sharia rights to control or retain their property. Women utilise women-only banks, and businesswomen used to rely on male assistants. Businesswomen's organisations and the Chambers of Commerce are said by the government to provide avenues for women to advance.

#### 13.2.2.10 Women in (non-)religious, ethnic or racial minority groups and binational relationships

Shiite women are discriminated against politically, religiously and sometimes in terms of employment. They have been subject to oppression, as demonstrations continue to be held, requesting the freeing of prisoners taken during earlier protests in the Eastern province. Other minorities are discriminated against, as are people with non-Saudi citizenship or appearance. Women may not confer citizenship upon children of a non-Saudi father,<sup>656</sup> or on their spouses. Their sons, but not daughters, may apply for citizenship at age 18.<sup>657</sup> Men and women must obtain permission from the Ministry of Interior to marry a non-Saudi citizen. One woman's family blocked her request on the basis of unequal social status. Non-Saudi wives may attain Saudi citizenship if they have children and acquire 17 points in their favour.<sup>658</sup>

<sup>653</sup> The government opened the largest women-only university in 2011, the Princess Nora bint Abdulrahman University with a capacity of 50 000, and King Abdullah funded the King Abdullah University of Science and Technology, a graduate institute which permits women students (but has many foreign students).

<sup>654</sup> Labour Code, Part IX: article 149

<sup>655</sup> Women are granted 10 weeks of maternity leave. Employers with over 50 women employees must provide childcare facilities (ILO, 2009). These issues, combined with the need for separate facilities to enable strict sex segregation — whether legal or customary — make the hiring of women costly for employers.

<sup>656</sup> Doumato, 2010: 427.

<sup>657</sup> In fact, the 1954 law on Saudi citizenship was more open in some ways than the new system. Previously, non-Saudi widows could apply for citizenship. Freedom House, Doumato, 'Saudi Arabia', et passim, Notes 3, 26, 27. Retrieved from: [http://www.freedomhouse.org/sites/default/files/inline\\_images/Saudi%20Arabia.pdf/](http://www.freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf/)

<sup>658</sup> This may be quite difficult and favours a non-Western foreign wife. A candidate may receive:

2 points for each child, up to 4 points;

1 point for each year she has lived in the Kingdom (following the official marriage approval), up to 12 points;

2 points if she holds a Bachelor's degree or higher;

2 points if one or more of her relatives already has Saudi nationality;

### 13.2.2.11 Migrant women

Migrant domestic workers are controlled through the sponsorship (kafalah) system and are vulnerable to documented and undocumented abuse, including sexual abuse by their employers.<sup>659</sup> Employers may falsely declare workers to be runaways.<sup>660</sup> Police and vigilantes reportedly raped many women migrant workers during the 2013 round-up of illegal workers, especially Ethiopians.<sup>661</sup> Rizana Nafeek's execution for a crime allegedly committed when she was under 18 was a violation of the Convention on the Rights of the Child.

### 13.2.2.12 Disabled women

Charities exist for persons with disabilities and also serve (but are not exclusive to) women. Some elite women and royals fund charities and services for persons with disabilities, including training projects.<sup>662</sup>

### 13.2.2.13 LGBTI groups

Homosexuality is subject to severe criminal punishments, consequently LGBTI organisations are not legally allowed. The illegal Green Party opposes the death penalty for LGBTI persons.

## 13.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

### 13.2.3.1 Equal treatment of criminal acts

Women are required to make a report with their guardian, even if he is the abuser. Rape, even when reported, could result in charges against the woman of being alone with a male who is not a close family member (mahram), as in the Qatif girl case (the girl raped by numerous men after meeting a man in a car, when charges against her were dropped after the King's intervention); curtail a woman's ability to marry; or even incur the threat of death by her own relatives (honour killing), which may also occur if the woman rejects an arranged marriage or is suspected of untoward behaviour.<sup>663</sup> A law on domestic violence was supposed to be implemented by December 2013.<sup>664</sup>

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2 points if the wife was born in the Kingdom; and

2 points if she was a resident in the Kingdom prior to her marriage.

The application for citizenship is rejected if the woman has not had any children with her Saudi husband.

<sup>659</sup> Amnesty International, 2013: 12

<sup>660</sup> Employers may report migrant workers as runaways (hurub) without the worker's knowledge, and s/he will be deported. If a sponsor dies, or sponsorship ceases, the worker must leave the country (Jabarti, 1 December 2013).

<sup>661</sup> Hirigo, 10 January, 2014

<sup>662</sup> There are positive and negative sides to private philanthropy in that it substitutes for programmes that should be provided by the government. Disabled women obviously face discrimination in marriage and employment opportunities added to those of women in general.

<sup>663</sup> Actual rape or relations with men before or outside marriage are grounds for violence, but so too is merely speaking with men or being suspected of doing so. A woman was beaten and shot by her father for speaking with a man on Facebook (McElroy, 2008).

<sup>664</sup> The law said that physical or sexual violence is punishable with a minimum sentence of one month and a maximum of one year and fines up to \$13 300. Repeat offenders could receive a double sentence. Abuse victims are to be given health care, psychological treatment and family counselling (which all require the guardian's approval). In 2014, the campaign information also stated that emotional and psychological abuse was unlawful.



### 13.2.3.2 Non-judicial institutions

Tribal councils still settle disputes in certain areas. The royal family has its own family council (all male, as are most other councils). Tribal or customary law (urf) is not the same as Sharia (although it is one source of the latter). The use of fora for meeting, making requests and also entertaining<sup>665</sup> by princes (and others) for the presentation of grievances is widespread, but there are no specific non-judicial institutions that attend to women's rights.

### 13.2.3.3 Equal access to judicial institutions

Women lack equal access to justice due to guardianship, sex segregation, laws which reflect statutory discrimination, the attitude of male judges (there are no female judges) and, to date, the exclusion of women from practising law (women could study law, but only a few have now obtained licences).

## 13.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

### 13.3.1. Conventions and reservations

The following conventions which include women's rights issues have been ratified by Saudi Arabia:

- CEDAW (in 2007)

Reservations: 1. In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the term of the Convention. 2. The Kingdom does not consider itself bound by para. 2 of art. 9 and para. 1 of article 29 of the Convention.

- International Convention on the Elimination of All Forms of Racial Discrimination (in 1997)

Reservations: 1. If provisions do not conflict with the precepts of Islamic Sharia. 2. Not bound by article (22), since Saudi Arabia considers disputes referred to the International Court of Justice with approval of States parties to the dispute.

- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (2003)
- Convention on the Rights of Persons with Disabilities (2008)
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (2008)
- Convention on the Rights of the Child (1996)

Reservations: In 'respect to all such articles as are in conflict with the provisions of Islamic law'

- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2011)

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How women who cannot drive are to escape from instances of abuse is unclear, or how they proceed when their guardian or another family member is abusing them (Ott, 2 September 2013). Women activists are dissatisfied with the new law because it is not being implemented, it does not criminalise all forms of VAW, and it prioritises family reconciliation (Dosari, cited in Harbi, 10 March 2014).

<sup>665</sup> These fora are called majlis.

- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2010).

The following conventions which include women's rights issues have not been ratified by Saudi Arabia:

- Amendment to article 20, paragraph 1 of CEDAW
- Optional Protocol to CEDAW
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.<sup>666</sup>

### 13.3.2. UN Declarations

Saudi Arabia did not attend the Beijing Declaration meeting,<sup>667</sup> and the representative withdrew from the ICPD.<sup>668</sup>

### 13.3.3. Other international agreements

UNSCR 1325 on Women, Peace and Security was not adopted. The Millennium Declaration and MDGs have been adopted. The UN Country Team prepared a Common Country Strategic Framework 2012–2016 with five pillars (mainstreaming women's and youth issues) correlating to Saudi Arabia's Ninth National Development Plan.<sup>669</sup>

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<sup>666</sup> Retrieved from: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

<sup>667</sup> Retrieved from: [www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/](http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en/)

<sup>668</sup> Retrieved from: <http://www.un.org/popin/icpd/conference/offeng/poa.html/>. Saudi Arabia withdrew from the Cairo conference, giving no reasons. Muslim clerics had criticised the conference, and Sudan had made explicit its opposition to the 'spread of immoral and irreligious values' — i.e. its reaction to recommendations on birth control and opposition to abortion (not actually recommended by UNFPA) (Los Angeles Times, 31 August 1994).

<sup>669</sup> The goals were: more effective and transparent governance; growth and employment (including women, youth and migrant workers); improvement of education, health and social services; improvement of energy efficiency; introduction of green economy approaches; addressing climate change and conservation of water; and creation of global and South–South partnerships. Additionally, the overview claims that, by 2016, government and civil society will address human rights and access to justice by 'vulnerable groups', specifically mentioning religious minorities, women and foreign workers (11) 'United Nations Common Country Strategic Framework. Kingdom of Saudi Arabia 2012–2016', Riyadh: July 2012. Retrieved from: <http://www.undg.org/docs/12689/Saudia-Arabia---CCSF.pdf/>

### 13.3.4. Reflections on the implementation of CEDAW

Saudi Arabia's reservations to CEDAW block progress, and conservative men and women oppose the government's cooperation and appointment of pro-CEDAW women to the *Shura* because they view CEDAW as hastening mixing of the sexes.<sup>670</sup>

## 13.4 Labour force and employment situation of women

**Table 43: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	15.3	16.2	17	18.5	18.6	19.1
Employed (% of age 15+)	N/A	13.8	14.7	15.7	14.7	14.4

**Source:** ILO (2003) Key Indicators of the Labour Market database<sup>671</sup>

An official admitted to 80% female unemployment.<sup>672</sup> The Ministry of Labour claimed increases in women's private-sector employment from 55600 in 2010 to 100000 in 2011 and 215840 at the end of 2012. Other reports show a rise to 400000 women workers.<sup>673</sup> Women were hired in retail in 2011 to sell women's lingerie, introducing women cashiers,<sup>674</sup> and to sell cosmetics. A recent survey by the Al Sayad Khadija Bint Khwailaid Center attached to the Jeddah Chamber of Commerce and Industry showed that a majority of women and men in the study would support women becoming diplomats, religious scholars, serving in Sharia courts and working as chefs and gym instructors (because the last mentioned could work in a segregated environment).<sup>675</sup>

<sup>670</sup> al-Omran, 23 January 2013

<sup>671</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm/](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm/)

<sup>672</sup> Other figures given are 34 % 'of women who want to work' (not clear how that was determined); that 78 % of university graduates are unemployed (60 % of women PhD holders are not employed); and that 86 % of those receiving unemployment benefits are women (Locke, 2013).

<sup>673</sup> Goyal, 30 July 2014. Since 2012, the media has announced that the first of several industrial cities would be constructed at al-Ahsa near Hofuf. These would include light manufacturing jobs for women. The conservatives have not yet reacted (negatively), because the projects have not begun. International media somehow interpreted these as women-only cities, although that is not the plan (Oxford Business Group, 2013: 178; Eman Fahad al-Nafjan, activist and blogger in Riyadh on PRI, 13 August 2012). Retrieved from: <http://www.pri.org/stories/2012-08-13/expand-job-opportunities-saudi-arabia-plans-women-only-work-zone/>

<sup>674</sup> Attempts to introduce women sellers of lingerie began a decade ago and illustrate the notion that women may be hired to serve other women. Furious objections to women as salespersons were raised by religious conservatives. In June 2012, two Saudi lawyers and a businessman won a case at the Board of Grievances which would annul the royal decree that women could work in retail, and conservative sheikhs began demanding the Ministry return to complete gender segregation and pay attention to this case. Recently they have actually encouraged men to harass women employees (Allam and Peel, 28 May 2013). Saudi authorities claim that some lingerie shops closed because they were required to hire solely Saudi Arabian citizens, so now five fields are to be open to 'expat' women: dressmaking, childcare, health, education and cleaning (*Arab News*, 31 December 2013).

<sup>675</sup> Antonelli, 29 May 2014

### 13.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

**Table 44: Civil society organisations**

Field	Governmental/non-governmental organisation
LGBTI groups	There are no legal organisations of LGBTI. The illegal Green Party of Saudi Arabia c. 2009/10 opposed the execution of homosexuals. Lesbianism, homosexuality and transvestism are criminalised. Bisexuality is not recognised. Transgender medical procedures are pursued solely for individuals with hermaphroditism as part of medical sex assignment. <sup>676</sup> There is no ability for a person to voluntarily alter their gender.
Women in ethnic minority groups	No independent women's organisations exist, and there are none for ethnic or religious minorities. However, there are unofficial groupings.
Disabled women	There are small training centres, and programmes. Most national programmes for persons with disabilities are for both men and women; women are trained separately due to the laws against mixing by gender.

### 13.6 The state of play on the elimination of violence against women

FGC exists, but there are no large-scale statistics; however, some statistics have been obtained in certain medical studies. Domestic violence and forced marriage are now officially illegal but are widespread. One problem is that organisations authorised to study or deal with domestic violence do not see the institutionalisation of women's secondary status as part of the problem. Rather, some experts blame ignorance, unemployment or drug addiction, or even divorce<sup>677</sup> when none of these factors may be involved, thereby undermining any comprehensive approach to the issue.

A new law on domestic violence has been introduced but not yet widely implemented. It is supposed to be part of a comprehensive programme to address VAW; however, people are not familiar with it or are afraid to call authorities, because it is known that men usually return home without repercussions. Women need their guardians to make legal reports or appear in court, and they cannot raise complaints against their guardians in all instances as they must in instances of domestic violence. As yet, educational, media and remedial programmes and programmes to place and employ abused women, which should accompany the law, are not in place.

Child sexual abuse is a problem despite a nationwide programme, which, apparently, does not reach into communities and schools or sufficiently use media. A video shocked Saudi Arabians in early 2014, showing a man sexually touching a seven-year-old waiting for an

<sup>676</sup> Okaz, 2012. This selection follows Sharia principles. See Paula Sanders, 'Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law', in Keddie, B. Baron, *Shifting Boundaries: Women and Gender in Medieval History* (1991: 74–95).

<sup>677</sup> *Arab News*, 6 December 2013

elevator in Dammam and then getting into the elevator alone with her.<sup>678</sup> He was arrested.<sup>679</sup>

**Table 45: Statistics on VAW**

Field	Statistics	Explanation
Domestic violence/intimate partner violence	Limited availability	<p>- No large-scale national study has been undertaken which includes all details, as spousal sexual assault and marital rape are not considered to be domestic violence. Not all incidents of domestic violence are reported, as women are terrified to report or lack a mechanism to report. A general figure of a 59 % rate of domestic violence in some communities is given. Abuse in a sample of 348 women was at 49 %, and worse for women over 40.<sup>680</sup> A clinical study of 2 301 ever-married women was carried out during 2011–2012, but it excluded single women and women over 70.<sup>681</sup> Some findings are, nonetheless, instructive, showing that financial dependence is associated with domestic violence.<sup>682</sup></p> <p>- Some mention is made of 1 600 incidents of domestic violence<sup>683</sup> including child abuse, but it is unclear what time period is covered. A survey carried out by the National Family Safety Program indicated that 65 % of domestic violence is carried out by husbands (indicating that the programme actually recognises family violence in which other males or females might be involved), and that 88.5 % of Saudis surveyed said women needed more protection from domestic violence.<sup>684</sup></p> <p>- Men can (and do) lock up their wives and deny them food. This should be considered a form of violence. Activists Wajiha al-Huwaidar and Fawzia al-Uyuni were jailed for 10 months and banned from travel for the offence of interfering between a man and his wife (<i>takhbib</i>) for attempting to aid a Canadian national and her children, locked up by her Saudi husband.<sup>685</sup></p>
Non-partner sexual violence	Not available	-
Sexual harassment	Limited availability	<p>An opinion poll of 922 Saudis on sexual harassment showed that 85.5 % believed that girls who wear make-up and 'show their looks' are more likely to be harassed, and 80 % believed that the absence of laws punishing sexual harassment was a factor. Three quarters (76.6 %) thought that the slow justice system was impinging on any decline in this trend.<sup>686</sup> (However, larger surveys in other countries such as Egypt have indicated that women who wear <i>hijab</i> or <i>niqab</i> are harassed as often as unveiled women). One study shows some overlap between sexual harassment and actual sexual assaults and gender discrimination (and interviewed men and women) in three National Guard hospitals showing a 19.3 % rate of sexual harassment (higher for women).<sup>687</sup></p>

<sup>678</sup> Retrieved from: <https://www.youtube.com/watch?v=wami-V2ZES4/>

<sup>679</sup> *Arab News*, 10 January 2014

<sup>680</sup> Bohlaiga et al., 2014

<sup>681</sup> And claims that marriages of women under 20 are rare, whereas they appear to be statistically present.

<sup>682</sup> Fageeh, 14 February 2014

<sup>683</sup> *Arab News*, December 2013

<sup>684</sup> Fatany, 11 May 2013

<sup>685</sup> FIDH, 10 October 2013

<sup>686</sup> *Saudi Gazette*, 6 January 2014

<sup>687</sup> Fnais et al., 2013

Honour killings	Not available	Information is limited to observations by social workers; they indicate that men are rarely punished for killing their wives, daughters or female relatives.
Trafficking	Not available	- Women and children are trafficked into Saudi Arabia for marriage, sex work and forced begging (their controllers take the proceeds), as are refugees, foreign workers and domestic labour, including through Yemen. Foreign workers and domestic workers also enter the country 'legally' but then are not paid and cannot leave. <sup>688</sup> - Substantial evidence and reports exist on trafficked women, runaway servants who enter sex work, and children working as forced labour, begging in the streets for gangs. There is no specialised shelter for victims of sexual trafficking (or for male or child victims). <sup>689</sup> A campaign against trafficking from Africa and Asia was announced in February 2014. However, Human Rights Watch (HRW) alleges that some traffickers have support in state security in Yemen and Saudi Arabia. <sup>690</sup>
Forced labour/exploitation	Not available	The trafficking of women and children into the country for forced sex work and begging (as above); unpaid migrant labour. Most disturbing is the country's arrangement for improved status of foreign workers, including certain nationalities (Indonesian), even if nationals of that country face unjust executions. <sup>691</sup> HRW (2014) reports that, since 2010, 337 000 migrants have landed on Yemen's coast, and many have made their way to Saudi Arabia.
Forced marriage	Not available	Officially not permitted, but arranged for adult women and those under 18. Child marriage is by definition forced marriage (a minor cannot give informed consent), but Sharia defines any sexually mature girl (ages 8.5 to 13) as marriageable. An 8- and a 10-year-old were married in Qasim to men in their 60s in 2011, <sup>692</sup> and other instances prompted a new law to discourage marriage to girls younger than 16 ( <i>Emirates 24/7</i> , 10 March 2013). In 2010, 27.2 % of women were 'young' teenagers (meaning under 16 or younger), of which 57.1 % were illiterate and grand multiparae <sup>693</sup> (66.7 %) — thought to be one of the reasons for a fairly high maternal mortality rate (12 per 100 000 births in 2006). <sup>694</sup>

<sup>688</sup> This is supposed to be addressed through the expulsion of illegal workers and reform of the contract system. There have been fewer arrests reported since the crackdown, but it seems the trafficking has risen again from March 2014 (HRW, 2014).

<sup>689</sup> The World Factbook, CIA. Retrieved from:

<https://www.cia.gov/library/publications/the-world-factbook/fields/2196.html/>

<sup>690</sup> al-Haj and Batrawy, 25 May 2014; HRW, 2014. The route of people from the Horn of Africa is shown here. They are kept in labour camps in Haradh and tortured. This represents a combined problem of migrant labour and trafficking. Retrieved from: <http://www.hrw.org/node/125456/section/2/>

<sup>691</sup> Brown, 21 February 2014

<sup>692</sup> The 10-year-old was her older husband's fourth wife. This was permissible via the guardianship system, since the children's guardian agreed to marriages in which substantial bride prices were paid (al-Ahmed, 8 November 2011). And even now, the guardian could request marriage of a girl under 16. Article 1 of the Convention on the Rights of the Child defines a child as 'every human being below the age of eighteen years'. The failure to recognise children's rights illustrates the error in allowing reservations to international conventions that belie their intent. In response to a different (2010) case in which a child was forced to marry an 80-year-old man, the Saudi government finally created a draft law against marriage of 'women' under 16 years old, but allows such marriages upon judicial approval of a father's request. The new law does not meet the standard of the Convention on the Rights of the Child (or its intent, which is to have girls finish their secondary education and not be forced into marriage for the profit of their guardians), but perhaps it will discourage some early marriages (*Emirates 24/7*, 10 March 2013).

<sup>693</sup> Had given birth to five children.

<sup>694</sup> Mobaraki & Soderfeldt, 2010

**Table 46: Support for victims of VAW**

Field	Governmental/non-governmental organisation
Physical health care	Hospitals require permission from women's guardians for surgery and other treatment.
Mental health care	Facilities require permission from women's guardians. Twenty mental health facilities <sup>695</sup> for children and women are in maternity and children's hospitals.
Legal advice	There is no requirement to allow anyone to contact a lawyer. Many cases proceed without lawyers. Only some have funds for lawyers (exclusively men, though a new rule allows women lawyers and 'trainees' but is not yet in force). <sup>696</sup>
Shelter/safe houses	The first shelter was established in 2005 in Makkah by al-Bir Charitable Society in cooperation with UNICEF. There have been complaints by women about the protection houses, and some have run away. <sup>697</sup>
Other	The National Family Safety Program was established under the auspices of the National Guard by royal order in 2005 with a main focus on child abuse and a hotline. <sup>698</sup> The Ministry of Social Affairs now has 17 Protection Committees. <sup>699</sup> The Nahda Philanthropical Society for Women (established in 1962 by Sara Al Faisal) has provided education, skills and counselling.

<sup>695</sup> Of a total of 94 public outpatient mental health facilities. Women have much higher rates of affective and anxiety disorders than men. There are only three day treatment facilities, and most care is hospital-based and not vocational or psychosocial rehabilitation. An overall picture of the mental health care system is provided by Qureshi et al. (2013).

<sup>696</sup> *Al Arabiyya*, 10 April 2013. Women law graduates campaigned in 2011 to be allowed to practise. The Ministry of Justice promised they would be able to, and that any lawyer who meets the requirements may be registered within two days. Neither promise has yet been fulfilled, although the first female trainee advocate was registered in April (*Al Arabiyya*, 10 April 2013).

<sup>697</sup> Falwa al-Kahtani fled the safe protection house in Abha, claiming she was not allowed to work, study, have a cell phone, go out or go shopping. Other women also complained (al-Ghamidi, 21 June 2013).

<sup>698</sup> One of its key activists was imprisoned and, when released, subject to a travel ban for trying to promote better relations between Saudi Arabia's religious sects.

<sup>699</sup> However, it is not yet clear what authority the Protection Committees have if police do not pursue criminal charges and most cases are not prosecuted in court (Fatany, 11 May 2013). As part of the campaign against domestic violence, a conference held in Riyadh on 3 May 2013 called for enforcement of the procedures against domestic violence (there is a contradiction between the promulgated rule and the 2014 campaign on domestic violence and clerics'/men's/women's belief that domestic violence is a male right under Sharia, and in the absence of national statistics on family violence (Fatany, 11 May 2013). The Human Rights Commission, the National Society for Human Rights (NSHR, a government-organised NGO) and the King Khaled Charitable Foundation are all supposed to encourage reporting. However none of these groups is independent of the government (despite claims that NSHR is non-government).

## 13.7 Women in decision-making

**Table 47: Women in decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament 2014	20% (30 women)
Proportion of women in ministerial level positions 2014	0%
Ability of women to rise to positions of enterprise leadership	3
Female legislators, senior officials and managers (% of total), 2009	5%

**Source:** Inter-Parliamentary Union.

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = Extensive, women have equal opportunities of leadership)'.  
**Source:** Female legislators, senior officials and managers (% of total) refers to the share of legislators, senior officials and managers who are female: ILO.

### 13.7.1. Political level

Women were first admitted to the Consultative Council (appointed, not elected) in 2013, when a royal decree instituted a 20% quota for women, and 30 women were appointed.<sup>700</sup> There are no female ministers. One female deputy minister was appointed in 2009.<sup>701</sup>

Women have not yet been granted suffrage. A promise was made that they would vote in the 2009 elections, and in 2011, King Abdullah promised they would vote in 2015.

### 13.7.2. Economic level

Saudi Arabian women are disadvantaged legally, socially and in their rights to be employed, as their guardian must approve their employment, education and travel and oversee all legal interactions. The 'Global Gender Gap Report 2013' indicates that Saudi Arabia ranked 127th out of 135 countries. It is the lowest-performing high-income country in terms of the gap between women and men in economic participation and political empowerment.

Saudi Arabian women are involved in business and may be owners or participate in family businesses and be part of informal business groups. Businesswomen and others have been permitted to serve on the Chambers of Commerce and Industry in some major cities — for example, Jeddah.<sup>702</sup> Their numbers and visibility are slowly increasing. In Riyadh, there are businesswomen, but they are a tiny proportion of business leaders and not represented in law, diplomacy or parliament, or in various academic fields. Guardianship constrains

<sup>700</sup> Al Arabiyya, 25 Feb. 2013

<sup>701</sup> Norah al-Faiz was appointed Deputy Minister of Education in charge of women's affairs in February 2009.

<sup>702</sup> Dr Lama al-Sulaiman is Deputy Chairwomen of the Jeddah Chamber of Commerce and Industry. She is also a Board member of the Jeddah-based Rolaco Trading & Contracting, the National Institute of Health Services, the National Home Health Care Foundation, and the Economic and Social Circle of the Mecca Region. She was ranked the fifth most powerful Arab woman in 2011 by *Arabian Business* magazine. Also in Jeddah, Sarah al-Suhaimi heads NCP Capital; Bayan Zahran (the first woman to obtain a law licence) has opened an office (three other women now have licences); and Somaya Jabarti now heads the *Saudi Gazette*.



women's ability to direct or take action in businesses; they must bank separately, need a guardian even to pay bills, many still require a male agent, and restrictions on travel may impact them. Some women do achieve high-level positions in business though.<sup>703</sup>

### 13.7.3. Public level

Women were excluded from the Diplomatic Institute, the Foreign Ministry and the formation of foreign policy, and do not serve as ambassadors. The Minister of Foreign Affairs promised women would be hired as far back as 2005, and the Al Sayad Khadija bint Khawailid Center carried out a survey on women's expansion in diplomacy, government and other jobs, showing that women support expansion of their roles.<sup>704</sup> Some of the women related to the royal family are quite influential because of their involvement in philanthropy and women's issues.<sup>705</sup>

### 13.7.4. International level

Some Saudi women have become influential at the international level. For instance, from 2000 to 2010, the Executive Director of UNFPA and Undersecretary of the UN was a Saudi woman, and the head of the Saudi private-sector Delegation at the ILO is also female.<sup>706</sup> A few women of Saudi descent have also been noticed internationally for their outstanding role in the fields of medical science, literature and art.<sup>707</sup>

<sup>703</sup> For example, Lubna Suliman Olayan, Deputy Chairperson and Chief Executive Officer at Olayan Financing Company.

<sup>704</sup> ANSAmed, 29 May 2014

<sup>705</sup> Princess Adela bint Abdullah, daughter of King Abdullah, has taken an active role in raising awareness on domestic violence and other women's issues. Retrieved from: <http://www.globalpost.com/dispatch/saudi-arabia/090519/saudi-princess-speaks-out-abuse/>. Princess Amira al-Tawil, former wife of Prince Alwaleed Bin Talal, is Vice-Chairperson of the Alwaleed Bin Talal Foundation, an international, non-profit organisation dedicated to supporting programmes and projects aimed at poverty alleviation, disaster relief, interfaith dialogue and women's empowerment.

<sup>706</sup> Thoraya Ahmed Obaid was the first Saudi national to head a UN agency, as Executive Director of UNFPA and Undersecretary of the UN from 2000 to 2010. Obaid also served as Chair of the Committee on Management of the UN System Chief Executives Board for Coordination (Source: Wikipedia). Presently Thoraya Ahmed Obaid is a member of the Majlis Ash-Shura (Shura Council) for a four-year term (2013–2016) (Source: [http://www.gcf.org.sa/en/Speakers/Thurayya\\_Obaid/](http://www.gcf.org.sa/en/Speakers/Thurayya_Obaid/)). Dr Lama Al-Sulaiman is head of the Delegation representing the Saudi Arabian private sector at the International Labour Organisation. Mona Khazinder became the first woman and the first Saudi national to head the internationally renowned Institut du Monde Arab (Arab World Institute) when she was elected Director-General in April 2011. Lubna Suliman Olayan, Deputy Chairperson and Chief Executive Officer at Olayan Financing Company, was listed as one of the top 100 most influential people of 2005 by Time magazine, and as of 2014, she is listed as the 86th most powerful woman in the world by Forbes (Source: Wikipedia). She is an active member of the World Economic Forum.

<sup>707</sup> Examples are Hayat Sindi (medical scientist), Rajaa Al Sanea (author) and Hend Al Mansour (artist).

## 13.8 Civil society organisations working for women's rights and connections with European civil society organisations

**Table 48: Women's organisations**

Organisation	Activities/goals	Connection with EU civil society organisations
National Family Safety Program	It responds to complaints about the abuse of children and also women.	No formal connection <sup>708</sup>

Several individual Saudi activists seek to promote women's rights — for example, through social media and sometimes from abroad.<sup>709</sup>

## 13.9 EU activities and collaborations promoting women's rights

### 13.9.1. EU activities on women's rights

The Committee on Women's Rights and Gender Equality issued strong recommendations in 2013<sup>710</sup> which particularly noted the climate for economic inequality for women and the many legal conditions amounting to severe discrimination, and asked they be implemented in a motion for resolution by the Committee on Foreign Affairs.<sup>711</sup> It is not clear whether some reforms have been suggested by Saudi Arabia's rulers and the *Majlis al-Shura* due to pressure from media coverage of abuses. The Motion for an EP resolution specifically noted that the new domestic violence law would be ineffective if the guardianship system remained in place, and called for it to be removed.

Lady Catherine Ashton first visited Saudi Arabia in 2011; her official statement on the trip does not mention women or gender, although this may have been discussed. After being contacted for support, she issued a brief statement in favour of Saudi Arabian women's Women2Drive campaign on 23 June 2011. She met with Saudi Arabian and GCC officials on a trip in January 2014 to four countries; the agenda included the Syrian crisis, the Iranian nuclear agreement, and bilateral cooperation with GCC nations.

Current or recent relations and activities between the EU and Saudi Arabia are:

- A Cooperation Agreement with the GCC countries was established in 1988.<sup>712</sup>
- An EP resolution on EU–GCC cooperation was adopted in 2011.<sup>713</sup>
- Negotiations on a Free Trade Agreement between the EU and the GCC started in 1990 but have not been concluded yet.<sup>714</sup>

<sup>708</sup> Some Saudi activists were in touch with European NGOs; however, they were arrested or left the country (Ahmari, 22 March 2013). Activists' efforts to intervene in a domestic violence and confinement (*bayt al-ta'ah*) case caused their arrest (Abu Dayyeh, 15 July 2013; FIDH 10 October 2013).

<sup>709</sup> For example Dr Mona al-Munnajed and Manal al-Sharif

<sup>710</sup> EU, Opinion of the Committee, 2013

<sup>711</sup> European Parliament, 18 February 2014

<sup>712</sup> Retrieved from:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21989A0225%2801%29:EN:HTML/>

<sup>713</sup> Retrieved from:

[www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/)

- The EP meets regularly with the parliaments of the GCC countries.<sup>715</sup>
- An EEAS Delegation was established in 2013.
- The EU-GCC Joint Action Programme (2010–2013)<sup>716</sup>
- The financing instrument for cooperation with industrialised and other high-income countries and territories (ICI)<sup>717</sup>
- The Erasmus Mundus programme funded the SECRET project.<sup>718</sup>

Some scholarship funding in EU countries exists, including the Erasmus Mundus programme for Gulf countries, Lot4, and Marie Curie Research Fellowships. However, women must travel with a family member to serve as their guardian.<sup>719</sup>

### 13.9.2. Local reflections and recommendations on EU activities regarding women's rights

**Table 49: Women's organisations' reflections on the EU's role**

Organisation	Reflections/recommendations
Center for Democracy and Human Rights in Saudi Arabia (US-based organisation)	<p>The EU should urge the government to:</p> <ul style="list-style-type: none"> <li>• end the guardianship system: this will provide a shortcut to many other reforms. The male guardianship system is literally making women slaves to men, socially and mentally;</li> <li>• grant women their rights;</li> <li>• eliminate polygyny;</li> <li>• end child marriage and human trafficking;</li> <li>• grant women equality in the workplace and in education; and</li> <li>• grant women freedom of movement: the right to travel and to drive.</li> </ul>

## 13.10 Recommendations by the national expert, Dr Sherifa Zuhur

The expert recommends:

- requiring cessation of the guardianship system and violation of women's rights via extreme segregation and discrimination as a plank of foreign policy (by the EU, EP and individual countries), rather than merely making periodic suggestions, and supporting the Saudi Arabian women who have made the same request to the *Majlis al-Shura* this year;

<sup>714</sup> Retrieved from:

<http://www.bilaterals.org/?gulf-states-take-harder-line-with&lang=en#sthash.pzqBFKnn.dpuf>

<sup>715</sup> Retrieved from: <http://www.europarl.europa.eu/delegations/en/darp/home.html/>

<sup>716</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/docs/joint\\_action\\_programme\\_en.pdf/](http://eeas.europa.eu/gulf_cooperation/docs/joint_action_programme_en.pdf/)

<sup>717</sup> Retrieved from: [http://eeas.europa.eu/ici/index\\_en.htm/](http://eeas.europa.eu/ici/index_en.htm/)

<sup>718</sup> Retrieved from: <http://www.emsecret.eu/index.asp/>

<sup>719</sup> Saudi Arabia must approve students' selected areas of study. Graduate studies are available only to women who can bring a family member or to married women students, due to their need for a guardian. This has disadvantaged women as compared to male students.

- encouraging and helping support the collection of accurate, current national statistics on VAW, FGC, sexual harassment, marriage to and health of girls under 18 and the condition of women migrant workers, and statistics which explain the high rate of academic achievement by girls and how this correlates to the very low rate of employment by women;
- offering resources to aid training on women's rights and approaches to VAW of all forms and for employment of Saudi Arabia's women in all fields;
- requesting that fields now closed to women be opened, and training provided at the university level — for example, in petroleum engineering;
- possibly offering asylum to Saudi Arabian women who are victims of violence, including domestic violence, since the new campaign and the implementation of rules on domestic violence are inefficient due to men's and religious conservatives' attitudes; refugee status could also be given to women facing confinement in their homes, limitation of liberty and lack of access to their children in many divorce cases;<sup>720</sup>
- embarking on some joint EP–Saudi Arabian projects to: lobby for independent women's organisations and NGOs serving women; provide better statistics on the impact of the nitiqat programme<sup>721</sup> on women's employment; and funding and support for additional areas of women's employment; and
- supporting and encouraging Saudi Arabian women through programmes to serve as diplomats, stand for office in 2015, vote (as promised) in municipal but also national elections, and represent the country in government and international associations.

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<sup>720</sup> Five victim visas were issued by the USA to Saudi Arabian female students who lost their educational support from the Saudi government but were able to remain in the USA ('US Provides Safe House for Saudi Women', al-Bawaba, 19 November 2012).

<sup>721</sup> The Saudi government instituted the nitiqat (literally 'ranges') programme in 2011. It is intended to be more aggressive than the previous programme of 'Saudisation'. The programme classifies employers by the number of Saudi nationals they employ and assigns a quota for the employment of Saudi nationals. Employers are classified as excellent (full compliance), green (good compliance), yellow (poor compliance) or red (no compliance), and either rewarded or penalised for complying with or failing to meet certain benchmarks in periodic reviews. Green employers are allowed to obtain new visas and renew existing ones, whereas yellow and red employers lost the ability to obtain new visas or extend or transfer visas. Foreign workers in companies in red and yellow categories could be subject to the loss of their work visas if they were unable to shift to a green employer; their companies could not open new branches or could only obtain one new visa if two expatriate workers left.

## 14. COUNTRY REPORT UNITED ARAB EMIRATES

### 14.1 Country profile

#### 14.1.1. Political system

The United Arab Emirates (UAE) are a federation with specified powers delegated to the UAE federal government and other powers reserved to member emirates. The Chief of State is the President. The President and Vice-President are elected by the seven members of the Federal Supreme Council — the seven emirate rulers — for five-year terms (no term limits). The Council is the highest constitutional authority in the UAE. It establishes general policies and sanctions federal legislation and meets four times a year. Abu Zaby (Abu Dhabi) and Dubayy (Dubai) rulers have effective veto power. The head of the government is the Prime Minister. The Prime Minister and Deputy Prime Minister are appointed by the President, as is the Cabinet or Council of Ministers. The legislative branch, the Federal National Council or *Majlis al-Ittihad al-Watani*, is unicameral. It consists of 40 seats: 20 members appointed by the rulers of the constituent States, and 20 members elected to serve four-year terms. Suffrage is very limited: the rulers of the seven emirates each select a proportion of voters for the Federal National Council that accounts for about 12% of Emirati citizens. Suffrage for women is not applicable, since suffrage is very limited. The legal system is a mixture of Islamic law and civil law.<sup>722</sup>

#### 14.1.2. Population

The population of the UAE is 5 628 805, of which 31% are women.<sup>723</sup> This small number of women is caused by the high number of male migrants. Of the total female population, 71% are migrants (foreign citizens, including refugees as reported by UNHCR). And 89% of the male population are migrants.<sup>724</sup> Consequently, Emirati constitute only 19% of the total population, other Arab and Iranian groups 23%, inhabitants from South Asia 50%, and other expatriates (including Westerners and East Asians) 8%. The vast majority of Emirati residents are Muslim (96%); 80% are Sunni, and 16% Shia, while 4% are Christian, Hindu or other.<sup>725</sup>

### 14.2 Constitutional and legal provisions regarding women's rights and gender equality

Given that the UAE is a federation with specified powers delegated to the UAE federal government and other powers reserved to member emirates,<sup>726</sup> laws in relation to women's rights or status may differ among the emirates. The Constitution of the UAE upholds the principle of equal treatment of all citizens, but it contains references that primarily identify

<sup>722</sup> Source: The World Factbook, CIA

<sup>723</sup> Source: The World Factbook, CIA. Although independent verification of this source is not possible, this international source provides more complete and up-to-date information than the available national sources, and as such enables comparison at the regional level.

<sup>724</sup> United Nations, Department of Economic and Social Affairs (2013) Trends in International Migrant Stock: Migrants by Age and Sex (United Nations database, POP/DB/MIG/Stock/Rev.2013)

<sup>725</sup> Source: The World Factbook, CIA

<sup>726</sup> Ibid.

women as wives and mothers.<sup>727</sup> As such, the Constitution, as well as other laws, tends to reinforce traditional gender roles, rather than promoting true equality between women and men.

### 14.2.1. Family law

Given that family law is one of the main domains in which ideas about gender relations become translated into national legislation and policy, the following section will provide a specification of family law by focusing on marriage, divorce, child custody and inheritance. The UAE Constitution guarantees equal rights for men and women in accordance with the precepts of Islam. This last condition limits complete equality.

#### 14.2.1.1 Marriage

Emirati women continue to face legal as well as social and familial restrictions on their activities, particularly in regard to marriage and employment.<sup>728</sup> The Personal Status Law of 2005, based on Sharia, applies only to Muslims. Only a Muslim man may marry a non-Muslim woman.<sup>729</sup> Under article 39 of the same law, a woman's male guardian and her prospective husband are the parties to the marital contract, which she then signs. Article 56 of the law grants the husband the right to his wife's obedience.<sup>730</sup> Marriage age is correlated with levels of education. The average age of marriage for women with secondary or higher education is 27, compared to 18 for women with no education. Other religious groups (non-national) follow their own religious norms in marriage.

#### 14.2.1.2 Divorce

While an Emirati (Muslim) man may divorce his wife for any reason, women may request divorce only under specific circumstances. In the family law of 2005, article 110<sup>731</sup> introduced the khul as a way for women to divorce without justification or evidence. However, she must renounce all her financial rights under the marriage contract — most notably, her bride price.<sup>732</sup> Polygyny is allowed. One third (31%) of divorce cases are caused by polygyny.<sup>733</sup>

#### 14.2.1.3 Child custody

Sharia law views fathers as the natural guardians of children, while mothers are merely the physical — not legal — custodians.<sup>734</sup> When a woman is granted a divorce, she receives physical custody of daughters until they reach the age of 13 and of sons until they reach the age of 10, at which point the family court reassesses the custody arrangements. If a woman chooses to remarry, she automatically forfeits her rights to custody of her children from her previous marriage.<sup>735</sup>

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<sup>727</sup> UN ECOSOC, 2003: 159

<sup>728</sup> Kirdar, 2010

<sup>729</sup> Ibid.

<sup>730</sup> FIDH, 2010

<sup>731</sup> Ibid.

<sup>732</sup> Ibid.

<sup>733</sup> Al Baik, 2005

<sup>734</sup> Retrieved from: [http://www.expertlaw.com/library/family\\_law/islamic\\_custody-3.html#82](http://www.expertlaw.com/library/family_law/islamic_custody-3.html#82)

<sup>735</sup> Kirdar, 2010

#### 14.2.1.4 Inheritance

The UAE still depends in certain matters (e.g. inheritance) on the rules of Sharia, which are very clear and specific. They are followed by Muslims in all Arab countries. Women have the right to inherit, but their share of the inheritance will be half of that of a man who has the same relationship to the deceased. There are limited circumstances under which women might receive equal shares to their male counterparts — for example, in the case of parents of the decedent.<sup>736</sup>

#### 14.2.1.5 Male guardianship

Although the law provides for the freedom of movement of all persons, men may restrict their wives, minor children and adult unmarried daughters from leaving the country, either by withholding their passports or by contacting the immigration authorities.<sup>737</sup> It is also considered socially unacceptable for women to live on their own.

### 14.2.2. Women's rights

This section will deal with areas of national legislation and policy in which explicit references are made to difference of sex.

#### 14.2.2.1 Penal code<sup>738</sup>

In 2013, human rights groups expressed concern over what they consider a criminalisation of rape victims. Several cases were presented in Western media of women (Norwegian, Austrian and Emirati) who were raped by strangers and sentenced to prison for 'engaging in extramarital relations'.<sup>739</sup>

#### 14.2.2.2 Prosecution

Under Islamic Sharia, in criminal matters, a woman's testimony in court is worth half of that of a man.<sup>740</sup> In some civil matters a woman's testimony is equal to that of a man.<sup>741</sup> The discrimination comes from the impact of a persistent culture of gender inequality on the judiciary, the use of conservative interpretations of Sharia, and the denial of women's equal rights, even when they are guaranteed in the Constitution.

#### 14.2.2.3 Violence against women

There is no accurate information or statistics regarding VAW in Emirati households. Women are generally reluctant to report their experiences of violence, and police tend to refuse to intervene and protect abused women, considering it a private domestic matter.<sup>742</sup> In the UAE, the existing Penal Code gives male guardians the right to discipline women and

<sup>736</sup> UNICEF, 2011b

<sup>737</sup> UN ECOSOC, 2003

<sup>738</sup> UAE, Penal Code of the United Arab Emirates, amended in 1987; updated again in 2005. Retrieved from: <http://ar.scribd.com/doc/122309224/UAE-Penal-Code-amended-1987/>

<sup>739</sup> Retrieved from: <http://thelede.blogs.nytimes.com/2013/07/22/norwegian-woman-sentenced-after-reporting-rape-in-dubai-is-pardoned/?module=Search&mabReward=relbias%3Ar>.

<http://www.thedailybeast.com/cheats/2014/01/30/uae-frees-woman-facing-rape-charge.html/>

<http://www.theguardian.com/commentisfree/2010/jun/29/uae-rape-victims-women>

<sup>740</sup> Kirdar, 2010

<sup>741</sup> Ibid.

<sup>742</sup> FIDH, 2010

children at their discretion, including with the use of physical violence.<sup>743</sup> Women are discouraged from seeking legal protection. On the other hand, the State has established and supported social support centres and a telephone hotline for women who are victims of violence. A department for the protection of human rights has been created in Dubai and Abu Dhabi that provides legal assistance to victims of abuse.<sup>744</sup>

#### 14.2.2.4 Sexual and reproductive health and rights

Since 2008, under federal law every Emirati and expatriate in the country has been covered by compulsory health insurance under a unified mandatory scheme. With respect to abortion, it is strictly prohibited, as stated in Sharia law, unless there is a medical reason that endangers the mother's health. Reproductive health is supported by the General Women's Union (GWU). All births in the UAE are attended by professionals, and the mortality rate for women in childbirth has been reduced to 12 per 100 000.<sup>745</sup> FGC is not widely practised in the UAE.<sup>746</sup> It is not addressed in UAE legislation, but the Ministry of Health prohibits the practice in state hospitals and clinics. Nevertheless, FGC continues to be carried out in private clinics and in rural areas in some emirates. It is believed to be practised primarily by Somali, Omani and Sudanese expatriates living in the UAE.<sup>747</sup>

#### 14.2.2.5 Education

Women comprise the majority of students in secondary and higher education. Women constitute over two thirds (71.6%) of students attending government universities and over half (50.1%) at private tertiary-level institutions.<sup>748</sup> However, one of the reasons is that many Emirati men pursue their studies abroad, whereas Emirati women cannot travel abroad without the authorisation of their male guardian.<sup>749</sup> The ratio of literate females within the 15-to-24 years age group reached 90% literacy overall in 2007. Upon completion of high school, 95% of Emirati women continue on to higher education. Women comprise 70% of college graduates in the UAE.<sup>750</sup> However, according to Dubai Women's College, only 50–60% of its 2300 students proceed to seek employment upon graduation.<sup>751</sup>

#### 14.2.2.6 Employment

According to the UAE Ministry of State for Federal National Country Affairs, women enjoy equal opportunities to men for work and investment, financial and logistical facilities to conduct their own businesses and private projects in all fields.<sup>752</sup> However, in addition to the legal restrictions mentioned in the previous paragraph, the persistence of traditional stereotypes regarding the role of women in society remains a major obstacle to Emirati women meaningfully choosing their occupations.<sup>753</sup>

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<sup>743</sup> UNICEF, 2011b

<sup>744</sup> UAE, 2008

<sup>745</sup> Retrieved from: <http://www.uaeinteract.com/society/women.asp>

<sup>746</sup> Kirdar, 2010

<sup>747</sup> Retrieved from: <http://www.state.gov/j/drl/rls/hrrpt/2007/100608.htm>

<sup>748</sup> Retrieved from: <http://www.uaeinteract.com/society/women.asp>

<sup>749</sup> FIDH, 2010

<sup>750</sup> Retrieved from: <http://www.moheer.gov.ae/En/MediaCenter/News/Pages/Human-Rights-Day-celebrated-by-the-Lebanese-Philharmonic-Orchestra.aspx/>

<sup>751</sup> Retrieved from: [http://news.bbc.co.uk/2/hi/middle\\_east/4719639.stm](http://news.bbc.co.uk/2/hi/middle_east/4719639.stm)

<sup>752</sup> UAE, 2008

<sup>753</sup> FIDH, 2010



#### 14.2.2.7 Job restrictions

Articles 27, 29 and 34 of the Labour Law restrict women from: working 'at night' (from 22:00 to 07:00) or working on a job that is hazardous, arduous, physically or morally detrimental or any other work that is not approved by the Ministry of Labour, or without the consent of her husband or male guardian.<sup>754</sup>

#### 14.2.2.8 Private property

Women in the UAE are considered adults at the age of 18, at which point they are legally able to have independent access to land and other property. The law also provides that when women marry, previously owned assets — as well as any income resulting from those assets — remain separate property of the spouses.<sup>755</sup>

#### 14.2.2.9 Women in (non-)religious, ethnic or racial minority groups and binational relationships

Emirati women may not marry foreign men without state permission, or they lose their citizenship. Even when an Emirati woman obtains a permit, she cannot confer citizenship on her foreign husband unless the couple has obtained permission from the Presidential Court prior to marriage. Emirati men are free to marry foreign women. In addition, under the Citizenship Law, Emirati men may transfer their nationality to their foreign wives. Only fathers may pass their nationality on to their children. The child of an Emirati mother and a non-citizen father has no claim to UAE citizenship.<sup>756</sup> Religious freedom is guaranteed for all religious groups, male or female. They are also allowed to build their places of worship. However, atheists who try to influence others may be punished.

#### 14.2.2.10 Migrant women

Female (domestic) workers come mainly from Ethiopia, the Philippines, India, Indonesia and Sri Lanka. Isolation is a dominant problem for foreign female domestic workers.<sup>757</sup> UAE labour laws do not recognise domestic workers as part of the labour force; therefore, they are excluded from protection.<sup>758</sup> The employer has total control over them.<sup>759</sup> Employers exert control over their workers by confiscating their passports.<sup>760</sup> There is also physical and sexual abuse by employers.<sup>761</sup>

#### 14.2.2.11 Disabled women

Disability is an important issue: for the government, NGOs and the people. There are special education and rehabilitation centres for integrating persons with disabilities (males and females) into society, including their right to suitable employment (according to Ms Hessa El-Esseily, an interviewee).

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<sup>754</sup> FIDH, 2010

<sup>755</sup> Kirdar, 2010

<sup>756</sup> FIDH, 2010

<sup>757</sup> Sabban, 2002

<sup>758</sup> FIDH, 2010

<sup>759</sup> Sabban, 2002

<sup>760</sup> Kirdar, 2010

<sup>761</sup> FIDH, 2010

#### 14.2.2.12 LGBTI groups

Homosexual relations are illegal in the UAE. Article 80 of the Abu Dhabi Penal Code makes sodomy punishable with imprisonment of up to 14 years, while article 177 of the Penal Code of Dubai imposes imprisonment of up to 10 years on consensual sodomy. Foreigners generally are deported. Culturally, it is almost a taboo to admit its existence or talk about it.

#### 14.2.3. Access to justice

This section will provide insight into the effectiveness and accessibility of judicial and non-judicial institutions on issues related to women's rights.

##### 14.2.3.1 Equal treatment of criminal acts

Although physical abuse in general is prohibited under the law, many women are subjected to domestic violence by their male family members.<sup>762</sup> Indeed, the existing Penal Code gives male guardians the right to discipline women and children at their discretion, including with the use of physical violence.<sup>763</sup>

##### 14.2.3.2 Non-judicial institutions

There are NGOs, usually under the patronage of royalty, such as the GWU, which have programmes to support women both in the private and public domains (see NGOs in the UAE).

##### 14.2.3.3 Equal access to judicial institutions

Constitutionally, women have the right to go to court. However, compared to religious courts they are treated more equally in civil courts and are entitled to get their rights if they have proof. As was mentioned before, criminal judges are harsher on women. In Sharia courts, the judge is bound by the rules of Sharia as interpreted then.

As stipulated in the Personal Status Code, sexual harassment is prohibited and can be reported at any police station, though no such reports have ever been made.<sup>764</sup> Police are usually reluctant to intervene in cases of domestic violence, or may try and reconcile the couple and encourage the woman to return home. In addition, in general, women are discouraged by social mores from seeking legal protection, whatever the issue.<sup>765</sup> Rape is a serious criminal offence punishable by death under article 354 of the Penal Code, but many victims remain reluctant to report the crime for fear that they will be accused of adultery, shamed before society and disowned by their families. For this reason, many offenders are left unpunished.<sup>766</sup> A survey among UAE citizens showed that over 50% of women residents would not report a rape to police.<sup>767</sup>

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<sup>762</sup> Kirdar, 2010

<sup>763</sup> Retrieved from: <http://www.state.gov/j/drl/rls/hrrpt/2007/100608.htm>

<sup>764</sup> Kirdar, 2010

<sup>765</sup> Ibid.

<sup>766</sup> Ibid.

<sup>767</sup> Retrieved from: <http://www.muslimwomennews.com/n.php?nid=5618>

## 14.3 Ratifications of CEDAW and other international conventions and agreements on women's rights

### 14.3.1. Conventions and reservations

The following conventions which include women's rights issues have been ratified by the UAE:

- CEDAW  
Reservations: The UAE's reservations were articles 2(f), 9, 15(2), 16 and 29(1).
- International Convention on the Elimination of All Forms of Racial Discrimination  
Reservations: 'The accession of the UAE to this Convention shall in no way amount to recognition of, nor the establishment of any relationship with Israel.'
- Convention on the Rights of Persons with Disabilities
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Convention on the Rights of the Child  
Reservations: Article 7, nationality; article 14, in cases where it conflicts with Islamic law; article 17, to protect cultural values; and article 21, which allows adoption.

The following conventions which include women's rights issues have not been ratified by the UAE:

- Amendment to article 20, paragraph 1 of CEDAW
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography  
Reservations: Subject to the Sultanate's reservation to the Convention on the Rights of the Child

- Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.<sup>768</sup>

### 14.3.2. UN Declarations

The UAE attend both the Beijing Declaration meeting<sup>769</sup> and the ICPD.<sup>770</sup> In neither case were any reservations expressed.

### 14.3.3. Other international agreements

The UAE has adopted the Millennium Declaration and the MDGs. No information has been found on whether the UAE has adopted UNSCR 1325 on Women, Peace and Security.

### 14.3.4. Reflections on the implementation of CEDAW

The UAE government has ratified CEDAW with a number of reservations. 'These reservations are so wide that in many areas they effectively empty ratification of meaning. To date, the State has not initiated any process to review these reservations and work toward removing them. It is also deplorable that there has been no action by the State (or existing women's organisations — all of which work very closely with the government) to raise awareness on women's rights and CEDAW.<sup>771</sup> In addition, article 25 of the Constitution makes no mention of sex as a ground for discrimination.<sup>772</sup> However, as the main women's organisation in the UAE, the GWU is trying to bring about the necessary measures to activate CEDAW and implement the recommendations of the Beijing Declaration. In this context, the GWU was involved in the National Strategy for the Advancement of Women, a joint initiative with UNDP, the UN Development Fund for Women and a number of local government agencies and NGOs.<sup>773</sup>

## 14.4 Labour force and employment situation of women

**Table 50: Labour force and employment**

Female labour force participation rate, employment and unemployment	1990	1995	2000	2005	2010	2012
Labour force participation rate (% of age 15–64)	25.7	32	34.5	37.6	46.5	46.8
Employed (% of age 15+)	N/A	30.6	31.8	34.4	40.3	41.2

Source: ILO (2013) Key Indicators of the Labour Market database<sup>774</sup>

<sup>768</sup> Retrieved from: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

<sup>769</sup> Retrieved from: <http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en>

<sup>770</sup> Retrieved from: <http://www.un.org/popin/icpd/conference/offeng/poa.html>

<sup>771</sup> FIDH, 2010: 3

<sup>772</sup> Ibid.

<sup>773</sup> UAE, 2008

<sup>774</sup> Retrieved from: [http://www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm)

Women account for 59% of the national labour force market in fields as diverse as engineering, science, health care, media, computer technology, law, commerce, academia, government and the oil industry. In 2005, about 40% of employed women worked in the public sector, 18% in the private sector, 29% as representatives of various organisations, 7.6% as self-employed, 7.3% in partnership ventures, and 6% in business. More than 10000 businesswomen in the country own and run their own businesses.<sup>775</sup>

## 14.5 The situation and organisations of LGBTI people, women belonging to ethnic minorities and disabled women

**Table 51: Civil society organisations**

Field	Governmental/non-governmental organisation	Explanation (from interviews)
LGBTI groups	This type of organisation is not allowed.	
Women in ethnic minority groups	Mafiwasta	It is concerned with solving the problems of migrant ethnic groups, males and females. However, it is very concerned with oppressed female domestic workers.
Disabled women	- Dubai Rashed Centre for People with Special Needs - El-Sheikha Maythaa Centre - El-Nour Centre in Al-EINE	There are NGOs, clubs and government activities serving persons with disabilities. They all work for males and females with all kinds of disability. They introduce rehabilitation programmes and training to integrate them into society through work and suitable activities.

The following individuals were interviewed to gather reflections on the position of the three aforementioned groups:

- Dr El Sheikha Hind Alqassimy, Chair of the UAE Businesswomen's Council, who has an MA and PhD in Gender Studies;
- Ms Afra'a Alhajee, historical researcher, former Chief Editor of a women's magazine, and member of Abu Dhabi Women's NGO for Women's rights; and
- Ms Hessa El Esseily, first media woman in the UAE, first Chairperson of the UAE Businesswomen's Council, and General Representative of Global EXPO.

The following is a summary of these three interviews:

The interviewees state that the LGBTI issue is a taboo, socially and religiously. They believe that bringing up this issue by Europeans is a sign of disrespect for Arab culture. It is believed that these patterns of behaviour are signs of hormonal sickness, which should be treated. The most urgent matter concerning LGBTI groups is the fact that in the UAE sexual

<sup>775</sup> Ibid.

relations outside a traditional, heterosexual marriage are a crime. Punishments range from jail, fines and deportation to the death penalty. Adultery and fornication are also crimes, and a person convicted of homosexuality may also face charges of adultery if they have a spouse while having sexual relations with a person of the same sex. However, in practice there seems to exist a community of LGBTI in the UAE (ILGA ASIA).

Foreign female domestic workers are isolated physically, psychologically, socially, culturally and in all aspects of human existence. UAE labour laws do not recognise domestic workers as part of the labour force. Employers bear total responsibility for their domestic workers and have total control over them. The immigration regulations governing the status of domestic workers and the social practices towards foreign female domestic workers in the UAE enslave them to their employers. According to the interviewees, NGOs can play a role in solving the existing problems. However, more important is that the labour law should organise their rights, which has already started.

A study on disabled Emirati women said they face hardship in areas including education, employment, and participation in their communities. Three quarters of disabled Emirati women struggle to find work, 46% have difficulty finding marriage partners, and 80% encounter negative attitudes. They are easily ignored or neglected by all people. Women with disabilities suffer from double discrimination, because of their disability and because they are females; disabled women face numerous obstacles at school, in vocational training and at work. Their parents also reported a lack of opportunities for marriage. However, some disabled women said that the situation had improved recently, with progress in people's awareness. The government and NGOs should emphasise the effort to ensure their employment opportunities, according to the interviewees.

## 14.6 The state of play on the elimination of violence against women

There is no law against domestic violence, and marital rape is not addressed by the Penal Code. In fact, the Penal Code allows men to discipline their children and wives using violence. However, the government has started to assist women who are victims of domestic violence, family neglect or abuse. Since September 2007, the Dubai Shelter for Women and Children has been providing support and psychological care to such victims from all nationalities and backgrounds, including victims of domestic violence, abuse or crimes such as human trafficking. Other organisations offering similar social services are the Social Support Center affiliated to the Abu Dhabi Police and Human Rights Care Department managed by Dubai Police.<sup>776</sup>

Criminal statistics are difficult to measure due to the government's policy of not releasing information on crime.<sup>777</sup> In addition, the majority of women are reluctant to report to the police due to fear of being stigmatised. It has, thus, proved almost impossible to acquire statistics about these kinds of crimes.

Domestic abuse has been experienced by 66% of the women permanently residing in the country,<sup>778</sup> and 34% of female respondents to a small survey experienced FGC.<sup>779</sup> Honour killings are almost non-existent in the UAE.

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<sup>776</sup> UAE, 2008

<sup>777</sup> Retrieved from: <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=13886>

<sup>778</sup> Retrieved from: <http://www.state.gov/j/drl/rls/hrrpt/2007/100608.htm>

The government supported the establishment of a new shelter for victims of human trafficking in Abu Dhabi in January 2008, a collaborative effort between the Red Crescent Authority and the UAE National Committee to Combat Human Trafficking. These shelters will act as a prototype for others across the country. Both the Dubai and Abu Dhabi shelters are headed and managed by UAE women with several years of experience in both the government and private sector.<sup>780</sup>

**Table 52: Support for victims of VAW**

Field	Governmental/non-governmental organisation
Physical health care	Available: the government initiated health insurance, and health care is of a high standard. It is reflected in the good reproductive health indicators mentioned earlier.
Mental health care	Needs improvement
Legal advice	Dubai Police has sections for helping women. As has the GWU. In addition, some women's organisations help women to obtain legal advice. <sup>781</sup>
Shelter/safe houses	There are shelters for women who suffer from domestic violence. The government and NGOs have plans to expand them. <sup>782</sup>

## 14.7 Women in decision-making

**Table 53: Women in decision-making**

Women in political and economic decision-making	
Proportion of seats held by women in parliament 2014	18% (7 women)
Proportion of women in ministerial level positions 2014	15% (4 women)
Ability of women to rise to positions of enterprise leadership	5
Female legislators, senior officials and managers (% of total), 2008	10

**Source:** Inter-Parliamentary Union

**Source:** Ability of women to rise to positions of enterprise leadership: the World Economic Forum's Executive Opinion Survey 2013. Survey question is as follows: 'In your country, to what extent do businesses provide women the same opportunities as men to rise to positions of leadership? (1 = not at all, women have no opportunities to rise to positions of leadership; 7 = Extensive, women have equal opportunities of leadership)'

**Source:** Female legislators, senior officials and managers (% of total) refers to the share of legislators, senior officials and managers who are female: ILO.

<sup>779</sup> Retrieved from: <http://www.thenational.ae/lifestyle/fatal-traditions-female-circumcision-in-the-uae#full>

<sup>780</sup> National Committee to Combat Human Trafficking, 2014

<sup>781</sup> UAE, 2008

<sup>782</sup> National Committee to Combat Human Trafficking, 2014

### 14.7.1. Political level

Four UAE cabinet ministers are women. One of them is a niece of the ruler of one of the emirates, Sharjah.<sup>783</sup> Seven women hold seats on the Federal National Council (the consultative parliamentary body), accounting for 18% of its membership.

### 14.7.2. Economic level

Women account for 1–2% of the UAE's senior executive positions, according to the Dubai Businesswomen Council.<sup>784</sup> Within the business sector, the UAE possesses the largest number of businesswomen in a region where entrepreneurship is becoming increasingly popular. Female graduates in the UAE are employed within historically male-dominated professions of government, engineering, science, computer technology, law, commerce and the oil industry.<sup>785</sup> Some 14 000 women run their own businesses.<sup>786</sup> The capital managed by women amounts to AED12.5 billion (about US\$3.17 billion) invested in various fields, including trade, industry, finance, real estate, tourism, fairs and exhibitions, construction and services.<sup>787</sup> Women finance one third of the transactions in the financial and banking sector.<sup>788</sup>

### 14.7.3. Public level

Women constitute 66% of the public-sector workforce (the average globally is 48%), with 30% in senior and decision-making positions.<sup>789</sup> All nursery schoolteachers, 55% of primary schoolteachers and 65% of intermediate and secondary schoolteachers are women. UAE women comprise over 40% of all employees in education, at least 35% in the health sector and approximately 20% in social affairs. One out of every three doctors, pharmacists and administrators is a woman, as are over 80% of the nursing staff.<sup>790</sup> Emirati women are represented in the diplomatic corps and judiciary: three of the UAE's ambassadors and one consul general are women,<sup>791</sup> and 20% of the diplomatic corps is female. Four judges, two public prosecutors and 17 assistant public prosecutors and marriage officials are women.<sup>792</sup> Women also serve in the armed forces, customs and police. In 2003, for the first time, the Abu Dhabi police trained 32 women to work with the special security forces. The UAE has four women fighter pilots, the first to serve UAE military forces.<sup>793</sup> Prestigious government entities, such as two media free zones (hubs for

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<sup>783</sup> Sheikha Lubna Al Qassimi, Minister for International Cooperation and Development, niece of Sultan Bin Mohammed Al Qassimi. She was on Forbes magazine's 2007 list of the 100 most powerful women in the world. The other ministers are: Maryam El-Romi, Minister of Labour and Social Affairs, and Reem Al Hashimi and Maitha Salem Elshamsi, both Ministers of State.

<sup>784</sup> Retrieved from:

<http://www.arabianbusiness.com/working-women-contribute-us-3-4bn-the-uae-s-economy-157854.html/>

<sup>785</sup> UAE, 2008

<sup>786</sup> Retrieved from: <http://www.uaeinteract.com/society/women.asp>

<sup>787</sup> UAE, 2008

<sup>788</sup> Retrieved from: <http://www.uae-embassy.org/uae/women-in-the-uae>

<sup>789</sup> Retrieved from: <http://www.uaeinteract.com/society/women.asp/>. For example, Maryam Matar was the first Emirati woman to hold the position of Director-General in the Dubai government, at the Community Development Authority. She is the Deputy Chairwoman of Dubai Cares.

<sup>790</sup> UAE, 2008

<sup>791</sup> In 2008, Hassa Al Otaiba and Sheikha Najla Al Qasimi became the UAE's first female ambassadors.

<sup>792</sup> In October 2008, the first female judge, Kholoud Ahmed Juoan Al Dhaheri, was sworn in. Fatima Saeed Obaid Al Awani is the first female registrar (Women in the UAE, A profile of Progress).

<sup>793</sup> Retrieved from: <http://www.uae-embassy.org/uae/women-in-the-uae>



the media and communications industry), Telecom Business Park and Free Zone Authority, are headed by women.

#### 14.7.4. International level

The UAE's representative to the UN is a woman,<sup>794</sup> and several businesswomen have achieved internationally influential positions.<sup>795</sup>

### 14.8 Civil society organisations working for women's rights and connections with European civil society organisations

Freedom of assembly and association is guaranteed by Federal Law No. 2 of 2008, which includes associations and civil society organisations. According to the 2010 Freedom House report, the UAE Human Rights Association is the only human rights organisation in the country that obtained approval of the government to operate as an NGO.<sup>796</sup> In its communication with the CEDAW Committee, the government mentions several government-supported women's organisations that are dedicated to various activities, including the rights of migrant workers.<sup>797</sup>

**Table 54: Women's organisations**

Organisation	Activities/goals	Connection with EU civil society organisations
The General Women's Union	The GWU has been a key player in the government's strategy to create a supportive environment for women, children and the family. Among its many duties, the GWU is responsible for suggesting new laws and amendments to existing laws to benefit women. It maintains strong Arab and international links with women's organisations. <sup>798</sup>	The GWU, headed by the wife of the late President, participates in all international women's events and meetings. It cooperates with relevant UN organisations, grants their offices in the UAE and makes donations for women's rights' activities.
Mafiwasta	It is an organisation dedicated to the advancement of migrant workers' rights in the UAE. It was founded in 2005 by Nick McGeehan, an expatriate, who criticises the UAE's heavy hand on civil society organisations. It is concerned with the oppressive situation of women migrant workers. <sup>799</sup>	All NGOs mentioned here interact with international civil society organisations in all international women's events, with no official attachments. <sup>800</sup>

<sup>794</sup> H.E. Ambassador Lana Zaki Nusseibeh has been the Permanent Representative of the UAE to the United Nations since 2013.

<sup>795</sup> Zeina Tabari is Chief Corporate Affairs Officer at Drake & Scull International (DSI), one of Dubai's fastest-growing companies. Ingie Chalhoub is President and Managing Director of Etoile Group, a fashion powerhouse with international ultra-luxury brands.

<sup>796</sup> Kildar, 2010

<sup>797</sup> UNICEF, 2011b

<sup>798</sup> UAE, 2008

<sup>799</sup> Mafiwasta (2009) UN CEDAW Shadow Report

<sup>800</sup> Source: interviews with: Dr El Sheikha Hind Alqassimy, Chairperson of the UAE Businesswomen's Club; Ms Afra'a Alhajee, history researcher, former Chief Editor of a women's magazine, member of Abu Dhabi Women's

Family Development Foundation	Established in 2006, it acts in cooperation with local and federal entities and specialised NGOs to promote the holistic development of families, women and children; develop means and mechanisms to more effectively integrate public work and social welfare; and coordinates with relevant domestic and international organisations and experts to exchange information and expertise. The Family Development Foundation operates through an extensive network of branches to achieve its goals. <sup>801</sup>	All NGOs mentioned here interact with international civil society organisations in all international women's events, with no official attachments.
Dubai Women Establishment (DWE)	Set up in November 2006, its mission is 'to contribute to policy-making for economic, human and social development that aims at creating opportunities to engage UAE women in the country's development process'. <sup>802</sup>	All NGOs mentioned here interact with international civil society organisations in all international women's events, with no official attachments.
Nahdet Almaraa El-Dhebaniya	Abu Dhabi Society for Women's Transformation works for women's rights as equal partners in UAE society.	All NGOs mentioned here interact with international civil society organisations in all international women's events, with no official attachments.

## 14.9 EU activities and collaborations promoting women's rights

There are some activities, mostly with businesswomen's organisations, from EU countries. Also, the GWU plays a regional and international role, especially with UN organisations. One thing they are opposed to is the patronising attitude of European partners.

### 14.9.1. EU activities on women's rights

Current and recent activities between the EU and the UAE:

- Dialogue on human rights between the EU and the UAE, since 2013<sup>803</sup>
- A Cooperation Agreement with the GCC countries was established in 1988.<sup>804</sup>
- An EP resolution on EU–GCC cooperation was adopted in 2011.<sup>805</sup>

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NGO for women's rights; and Ms Hessa El Esseily, first media woman in the UAE, first Chairperson of the UAE Businesswomen's Council and first General Representative of Global EXPO.

<sup>801</sup> UAE, 2008

<sup>802</sup> Ibid.

<sup>803</sup> Retrieved from: <http://www.uaeinteract.com/french/news/default.asp?ID=303>

<sup>804</sup> Retrieved from:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21989A0225%2801%29:EN:HTML>

<sup>805</sup> Retrieved from: [www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0109&format=XML&language=EN/)

- Negotiations on a Free Trade Agreement between the EU and the GCC started in 1990 but have not been concluded yet.<sup>806</sup>
- Negotiations on a visa-free agreement between EU and the UAE<sup>807</sup>
- The EP meets regularly with the parliaments of the GCC countries. During the 2007 visit, the EP Delegation met with UAE businesswomen.<sup>808</sup>
- An EEAS Delegation was established in 2013.
- The EU–GCC Joint Action Programme (2010–2013)<sup>809</sup>
- The financing instrument for cooperation with industrialised and other high-income countries and territories (ICI)<sup>810</sup>
- The Erasmus Mundus programme funded the SECRET project.<sup>811</sup>

#### 14.9.2. Local reflections and recommendations on EU activities regarding women’s rights

**Table 55: Women’s organisations’ reflections on the EU’s role**

Organisation	Reflections/recommendations
The UAE Businesswomen’s Club	The club was to join the International Businesswomen’s Club. On establishing bylaws, the EU wanted to impose its own agenda, so the application for membership was withdrawn by the UAE Businesswomen’s Club. <sup>812</sup>
Summary of interviews with NGOs	No dialogue with the government is needed, because our empowerment should result from our own struggle. As we did so far. Maybe we can realise results through common activities, agreeable to both of us. Funding is not a priority and should not be the essence of the partnership. Mutual understanding is a priority. The need for funding of civil society organisations depends on the partner organisation. Scholarships in EU countries and joint projects between European universities and universities in Gulf States (e.g. regarding gender studies, democracy, human rights) are recommended.

<sup>806</sup> Retrieved from:

<http://www.bilaterals.org/?gulf-states-take-harder-line-with&lang=en#sthash.pzqBFKnn.dpuf>

<sup>807</sup> European Parliament legislative resolution of 27 February 2014 on the proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No. 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement. COM (2012) 0650. C7-0371/2012–2012/0309(COD). Retrieved from:

<http://www.europarl.europa.eu/document/activities/cont/201404/20140423ATT83004/20140423ATT83004EN.pdf>

<sup>808</sup> Retrieved from: <http://www.europarl.europa.eu/delegations/en/darp/home.html/>

<sup>809</sup> Retrieved from: [http://eeas.europa.eu/gulf\\_cooperation/docs/joint\\_action\\_programme\\_en.pdf/](http://eeas.europa.eu/gulf_cooperation/docs/joint_action_programme_en.pdf/)

<sup>810</sup> Retrieved from: [http://eeas.europa.eu/ici/index\\_en.htm/](http://eeas.europa.eu/ici/index_en.htm/)

<sup>811</sup> Retrieved from: <http://www.emsecret.eu/index.asp/>

<sup>812</sup> Source: interview with El Sheikha Hind Alqassimy

## 14.10 Recommendations by the national expert, Dr Shahida El-Baz

The most important issue is the uneasy relationship between women in the UAE and the EU institutions. There is a lot to be done to come to a mutual understanding and acceptance of the different cultures and world visions. This does not exclude the need for socio-cultural change, possibly on both sides. But the fact is that people change when they feel, freely, that they want to change, and not because they are not accepted. In this context the recommendations will include this issue, which was strongly emphasised by the interviewees.

- The most important variable is that the EU institutions, when dealing with Arab/Muslim countries, should make a conscious effort to rid themselves of the, historically built feeling of superiority and, thus, patronising socio-cultural attitudes, which are remnants of old colonial relations. This is more important for the Gulf countries, due to the fast increase in their wealth, and their related sense of being distinguished.
- It is important for any research/cooperation teams to have enough information about the country and the people, or have a team member who is a Gulf or an Arab citizen.
- The problem in the UAE is not funding. So the cooperation should be made attractive for other reasons — for example, sharing research projects in which comparisons are useful for both sides, or organising workshops to discuss women's issues from different perspectives.
- Whatever the activities, the EU should be culturally sensitive regarding homosexuality. Although it exists, no one will admit or discuss it in public, because it is prohibited in Islam and legally criminalised.
- Studies and projects concerning women migrant workers could be useful if they are undertaken with researchers from both Europe and the Gulf.
- The EU can also help in offering study fellowships in Europe on specific gender topics, such as comparative studies on female migrant workers in the Gulf countries.
- The EU can organise art and crafts exhibitions, cultural and scientific events and competitions which contribute to gender equality.
- It is extremely important that gender equality activities are not for women only. Young men who could learn and accept gender equality should be encouraged to join some activities. Otherwise you cannot liberate women. Liberation processes should include both sexes.

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## DIRECTORATE-GENERAL FOR INTERNAL POLICIES

# POLICY DEPARTMENT CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS **C**

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