Parliamentary Assembly
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Equality between women and men: a condition for the success of the Arab Spring

Parliamentary Assembly

1. Following the uprisings and demonstrations that have shaken a number of countries on the southern shore of the Mediterranean since January 2011, a process of democratic transition is currently under way. The Parliamentary Assembly believes that this process can be successful only if equality between women and men is placed as a cornerstone in the legislative and constitutional foundations of the new institutions and if women are fully associated in building and enforcing them.

2. There have been no major improvements in women's lives since the beginning of the Arab Spring one year ago. On the contrary, the elections in Egypt and Tunisia have led to lower levels of women's representation in politics, while in the Moroccan Government there is only one woman. The elections have also resulted in the victory of religion-inspired parties, which has raised questions as regards the prospects of a gender equality agenda. In Libya, women's rights do not feature amongst the priorities of the Transitional National Council.

3. Despite such developments, the Assembly believes that the window of opportunity to strengthen equality between women and men is still open in all the countries of the region. In particular, it welcomes the positive steps taken by the authorities in Morocco and Tunisia not only to keep a line of continuity with past *acquis*, but to go even further in the promotion of women's rights.

4. Thus, in Morocco, the new constitution guarantees the principle of gender equality and the precedence of international human rights instruments, to which Morocco has adhered, over national law. Morocco and Tunisia introduced special safeguards aimed at boosting women's representation in their assemblies in the elections that took place respectively in October and November 2011. Furthermore, both countries have committed themselves to withdrawing all reservations to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

5. These measures should inspire other countries in the region. Moreover, to have a tangible impact on the status of women, they should be followed by action to bring legislation into line with international human rights standards, to ensure the effective and consistent enforcement of the law and to remove the legal and practical obstacles that limit women's access to justice.

6. The evolution of law and policy can have a durable and effective impact only if it is accompanied by an evolution of mentalities. In the months to come, politicians, institutions, the media and the education system should play a key role in removing the invisible barriers which hamper women's enjoyment of human rights.

7. The Assembly stands ready to contribute to building, also in neighbouring countries on the southern shore of the Mediterranean, an area of democratic stability sharing the same values and the same commitment to pluralist democracy, human rights and the rule of law, in a spirit of dialogue and mutual respect, based on the conviction that human rights, of which women's rights are an integral part, are

1. Assembly debate on 24 April 2012 (13th Sitting) (see Doc. 12893, report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Saïdi). Text adopted by the Assembly on 24 April 2012 (13th Sitting). See also Recommendation 1996 (2012).

indivisible and universal. It recalls, in this regard, that the status of partner for democracy creates a structured framework of co-operation with parliaments of non-member states in neighbouring regions wishing to benefit from the Assembly's experience.

8. In the light of these considerations, the Assembly calls on the authorities of all the countries of the region to:

8.1. make a clear and unequivocal commitment to introduce reforms to enhance the status of women and eradicate all forms of discrimination against them;

8.2. introduce, in the electoral legislation, specific measures aimed at promoting women's representation in elected public bodies, at all levels, such as an appropriate quota of reserved seats or the obligation to alternate women and men candidates as a condition for the admissibility of electoral lists;

8.3. bring legislation in the area of marriage, family, inheritance and personal status law into line with international human rights standards, as set out in the CEDAW; and to ensure the application of this convention in its entirety;

8.4. promote the full participation of women and women's organisations in public life;

8.5. introduce a specific legal framework to prevent and prosecute all forms of violence against women, including domestic violence, female genital mutilation, neglect of female children, so-called "honour" crimes and sexual violence, and effectively punish offenders, and ensure the implementation of this framework;

8.6. set up programmes and services to provide assistance to women victims of violence and other victims of domestic violence;

8.7. promote women's rights and gender equality in the authorities' public discourse, with a view to creating a climate conducive to the effective empowerment of women;

8.8. involve the media in promoting a culture of gender equality and in combating gender-based stereotypes;

8.9. improve the legal training of members of the police and the judiciary in the field of human rights, set up mechanisms to monitor and ensure the consistent implementation of the law throughout their territories, facilitate women's access to legal advice and representation and organise awareness-raising campaigns on women's rights;

8.10. guarantee the participation of women in the transitional justice process as well as the prosecution of the acts of violence suffered by women either during peaceful demonstrations or in situations of armed conflict, irrespective of the perpetrators' political allegiance;

8.11. organise training on gender equality for civil servants and awareness-raising activities on gender equality for educators and students, at all levels;

8.12. provide financial support to non-governmental organisations working to promote women's rights and involve them in drafting, implementing, monitoring and evaluating all projects undertaken in favour of women;

8.13. promote women's access to education and introduce specific measures aimed at reducing the illiteracy rate among women;

8.14. develop specific policies to improve the situation of women in rural areas.

9. The Assembly calls on the countries of the region that will shortly undergo a process of constitutional reform – Egypt, Libya and Tunisia – to ensure that:

9.1. the draft constitution is the product of an inclusive process and based on the extensive consultation of all the stakeholders, including civil society and human rights and women's organisations;

9.2. the principle of gender equality is enshrined in the constitution and reflected in the implementing legislation;

9.3. the constitution explicitly permits taking positive action and introducing policies in order to promote equality between women and men;

9.4. the constitution establishes the precedence of ratified international human rights instruments over national law.

10. The Assembly calls on the authorities of Morocco to:

10.1. sign and ratify the Optional Protocol to the CEDAW, which recognises the competence of the Committee on the Elimination of Discrimination against Women to receive complaints from individuals or groups;

10.2. initiate a public debate on abolishing polygamy;

10.3. set up, as a matter of urgency, the authority for parity and the fight against all forms of discrimination foreseen in Article 19 of the constitution, and endow it with sufficient human and financial resources.

11. Recalling that Tunisia has been a pioneering country in the region as far as gender equality is concerned, and has adopted far-reaching measures such as the abolition of polygamy, the Assembly calls on its authorities to:

11.1. continue to place the enhancement of the status of women at the centre of the reform effort;

11.2. take advantage, as a full member of the European Commission for Democracy through Law (Venice Commission), of its expertise in the field of democratic transition by means of consultation and exchanges of views in the context of the drafting of the new constitution;

11.3. withdraw the general declaration regarding the interpretation of the CEDAW;

11.4. reform the Personal Status Code so as to consider spouses as joint heads of the household;

11.5. criminalise marital rape.

12. The Assembly calls on Morocco and Tunisia to:

12.1. finalise the process of withdrawal of all the reservations to the CEDAW as soon as possible;

12.2. start without delay a process of legislative reform to bring legislation fully into line with the CEDAW, if necessary relying on the expertise of the Venice Commission, of which they are both members;

12.3. consider it as a political priority to tackle violence against women, in particular by:

12.3.1. countering the idea that domestic violence is a private matter and affirming that violence against women should always be a matter of public interest;

12.3.2. ensuring that the police investigate all cases of violence against women, even when the complaint is withdrawn;

12.3.3. organising campaigns to raise public awareness of violence against women and to encourage victims to report all forms of such abuse to the authorities;

12.3.4. collecting, on a regular basis, information, data and statistics on domestic violence as well as on other forms of violence against women, such as so-called “honour” crimes, neglect of female children and forced marriages;

12.3.5. repealing the legal provision which enables the rapist of a minor to avoid criminal prosecution if he marries the victim, and ensuring that the fact that the victim is underage represents an aggravating circumstance in the context of criminal proceedings;

12.3.6. considering acceding to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

12.3.7. setting up co-operation activities with the Council of Europe in this area.

13. The Assembly recalls that the Parliament of Morocco has held the status of partner for democracy since June 2011 and it reiterates its call on the National Constituent Assembly of Tunisia to consider the prospects for parliamentary dialogue offered by the status of partner for democracy with the Assembly. It extends a similar call to the other countries of the region. Similarly, it invites the authorities of the countries of the region, if they have not yet done so, to consider joining the European Centre for Global Interdependence and Solidarity (North-South Centre) and the Venice Commission.

14. The Assembly also draws the attention of the relevant authorities of the countries of the Mediterranean southern shore to the importance of the North-South Centre – of which Morocco is a member – as a platform for co-operation linking governments, parliamentarians, local and regional authorities and civil society. It

invites them in particular to support – and encourage active participation in– the North-South women's empowerment process, set up by the centre in the framework of the follow-up to the conference Women as Agents of Change in the South of the Mediterranean (Rome, 24-25 October 2011).