

PILLAR 3:

FREEDOM FROM VIOLENCE AND ACCESS TO JUSTICE



OVERVIEW AND KEY CONSIDERATIONS

Everywhere in the world, gender discriminatory norms and practices are at the root of multiple forms of Violence Against Women and Girls (VAWG). This is no exception in the MENA and Arab States region, where patriarchal beliefs that support male privilege and power exist in virtually every area of life. Many forms of VAWG persist across the region, and throughout the female lifecycle. In humanitarian and conflict situations, and among women and girls who are particularly marginalized, the risk of exposure to violence is compounded.

Some MENA and Arab countries report rates of child marriage, domestic labour and FGM which are among the highest in the world. Collective violence against children is also higher in the MENA and Arab States than in any region of the world, and while boys are primarily affected, girls are severely affected, particularly in settings affected by armed conflict. Another growing problem is online violence. This issue is especially salient in the age of COVID-19, where in many communities across the region the internet has become integrated into everyday life.

As girls grow older, additional risks present themselves. In the MENA and Arab States region, existing data suggests that slightly more than a third of females are likely to be exposed to intimate partner violence (IPV), and in some settings the rate is likely to be much higher due to underreporting.⁶²⁰ Other VAWG risks include abusive temporary marriages, trafficking, and non-partner sexual violence.

It is critical to note, however, that the prevalence of different forms of VAWG varies considerably throughout the MENA and Arab States region. For example, while an estimated third of all girls are married as children in Somalia, Yemen, and Iraq, the rates are very low to non-existent in Algeria, Tunisia and Qatar. Likewise, the rates of FGM are very high in Somalia, Egypt and Sudan, while the practice is not found in Morocco, Algeria, and Tunisia. Aside from cultural norms, demographic factors such as wealth, education and state stability affect rates of various forms of VAWG. For example, urban areas— and particularly settings with higher levels of wealth and education— typically have fewer cases of child marriage and FGM. On the other hand, VAWG can be exacerbated by conflict. For example, sexual violence has been used as a tactic of war by armed forces in Sudan and has been weaponized against female political activists in Libya and Somalia. Displacement also creates particular risk factors for VAWG, including sexual violence and exploitation and child marriage.

In recent years, countries in the MENA and Arab States region have made significant legislative progress in addressing VAWG. The constitutions of Egypt, Tunisia, Somalia, Yemen, and Iraq include provisions seeking to eliminate VAWG. Stand-alone legislation regarding VAWG also exists in eight countries in MENA and the Arab States, and a majority of countries in the region criminalize non-partner sexual violence. FGM has also been outlawed in many of the countries in which it is most prevalent (Egypt, Somalia, and Sudan). However, in spite of these measures, protection gaps persist in laws and policies. In many states, marital rape is not considered a crime, and laws prohibiting child marriage vary widely in terms of both their implementation and their enforcement. Laws also often fail to specifically protect those at greatest risk, including refugees, women and girls with disabilities, migrant domestic workers, etc.

Specialized services and programming to protect and support women and girls affected by VAWG are growing in the MENA and Arab States region. For example,

⁶²⁰ ESCWA, 2017. Status of Arab Women Report 2017– Violence Against Women: What Is at Stake? <https://www.unescwa.org/publications/arab-women-report-violence-against-women>

all Arab countries have established formal channels to report VAWG to the police, and several countries, such as Jordan and Tunisia, have dedicated units to investigate cases, offer legal support, and provide women and girls who report VAWG with access to safe shelters and psychosocial services. Several governments offer free medical and psychosocial services to survivors, although the accessibility of these can be limited, particularly for marginalized women and girls such as refugees, women and girls with disabilities, adolescent girls, and others. Where government services have been insufficient, international and local NGOs fill some gaps, offering shelters, providing capacity building and awareness raising, and promoting improved VAWG data collection. However, their capacity is also proscribed by limitations in funding – an increasing concern in the COVID-19 pandemic.

Access to justice for survivors of VAWG has shown some improvement through statutory systems in some countries in MENA and the Arab States region over the last ten years, supported by near gender parity in the judiciary in countries such as Lebanon, Tunisia, and Algeria, as well as the proliferation of dedicated police desks for women and children, and the increasing participation of women in the legal sector. However, many women and girls in the region continue to face very challenging barriers to accessing justice in both formal and informal institutions—and not only in relation to VAWG, but for gender justice more generally. Discriminatory gender norms enforced by family or personal status laws are in force in many countries, essentially codifying inequality. Justice is not yet gender-responsive in the region, neither for women nor for girls. Despite progress with female representation, the legal system remains male-dominated. In addition, many deep-rooted socio-cultural practices do not incentivize but stigmatize and even endanger women and girls who seek justice, particularly gender justice, and services to challenge these norms and help women and girls overcome such barriers are largely insufficient.

Not only are many laws and policies in the region discriminatory towards women and girls, particularly in terms of family or personal status laws, but discriminatory norms prohibit women and girls from accessing justice for other reasons, including the legal/justice sector being male dominated; socio-cultural norms and practices do not incentivize but stigmatize and even endanger women and girls who seek justice, particularly gender justice; and there being a lack of services that challenge these norms and sufficiently assist women and girls to overcome the myriad obstacles to accessing justice.⁶²¹ Despite these challenges, there is evidence of some shifts towards greater gender equity in the legal/justice sector across a number of countries in the region. These shifts may, over time, improve policies, standards, norms, and law enforcement processes related to access to justice for women and girls.

Even with significant progress in some countries in the region regarding VAWG and access to justice, much remains to be done.

Moving forward, key considerations include:

- Collect information on the prevalence of gender-based violence using systematic methods aligned with international standards for collecting sex, age and disability disaggregated data on VAWG as well as periodical collection of data aligned with the SDG indicator on prevalence of different forms of VAWG. This includes emerging forms of violence, such as online harassment and exploitation.

621 OECD, 2014. Women in Public Life—Gender, Law and Policy in the Middle East and North Africa.

- Adopt stand-alone legislation on VAWG, including violence related to the legal age of marriage, trafficking, marital rape, and online harassment and amend existing legislation in line with a survivor-centred approach. Ensure such legislation is enforceable and that perpetrators are held accountable.
- Address stereotypical gender norms by developing social norms programming targeting men and women on drivers of VAWG, such as patriarchal beliefs and gender discriminatory norms, including related to growing forms of VAWG such as online harassment.
- Ensure VAWG programmes assess risk, including recognizing the overlapping risks girls and women experience at different stages, and protective factors across the lifecycle of women and girls in order to promote prevention and age-appropriate responses at all stages.
- Adopt an intersectional approach to VAWG programming, including addressing drivers of marginalization, that is available and accessible to women and girls with various demographic profiles, especially those facing significant challenges accessing support and protection, such as women and girls who are economically disadvantaged, stigmatised, less educated, living in rural areas, or with disabilities.
- Address the stigma related to support-seeking and ensure integrated, age-appropriate and specialized services for survivors of VAWG are affordable, acceptable, accessible and of good quality. This includes improving prevention, accountability and response interventions and promoting survivor-centred approaches.
- Establish and maintain comprehensive referral systems that are survivor-centred and are aligned with human rights standards.
- Implement, customize and finance different survivor-centred approaches to improve women and girls' safe and age-appropriate access to justice, including improving female representation in the judiciary, providing virtual legal and judicial services, and developing legal literacy curricula for women and girls.
- Ensure appropriate mechanisms and non-discriminatory procedures for women and girls who lack identification documents or are non-citizens, such as internally displaced women, migrant women workers, refugees and asylum seekers, so that they are able to access justice mechanisms, including police protection, legal aid services, and a confidential process for lodging complaints to enable prosecution and protection.
- Eliminate the practice of criminalizing women and girls for being survivors/victims of gender-based violence as well as end administrative detention for this reason.
- Engage in rights-based interventions with traditional/tribal leaders administering customary/informal justice in gender-based violence cases involving women and girls
- Prevent child violence, exploitation and abuse by enforcing child rights legislation on labour, and adopt initiatives that address unpaid domestic work by the girl child and adolescent.
- Ensure gender-sensitive respond to increased levels of GBV during the COVID-19 pandemic by strengthening capacity for preventing sexual exploitation and assault (PSEA), hotlines, safe spaces and case management as well as engage existing women's and youth rights networks to support connectivity and vital information flow and ensure gender data are available, analysed and actionable.

Situational Analysis of Women and Girls in the MENA and Arab States Region: Pillar 3 Freedom from Violence and Access to Justice Key message and Recommendations

OVERVIEW

Gender discriminatory norms and practices are at the root of multiple forms of Violence Against Women and Girls (VAWG). Patriarchal beliefs that support male privilege and power exist in virtually every area of life. Many forms of VAWG persist across the region, and throughout the female lifecycle. Data and documentation on VAWG is limited due to the stigma and fear of retaliation.

Collect information on the prevalence of gender-based violence using systematic methods aligned with international standards for collecting sex, age and disability disaggregated data on VAWG as well as periodical collection of data aligned with the SDG indicator on prevalence of different forms of VAWG.

POLICY GAPS

Witnessed progress in countries measures to implement policies and laws which protects and mitigate risks of VAWG, and for example FGM has been outlawed in many the countries. Stand-alone legislation regarding VAWG also exists in eight countries in region. Most countries in the region criminalize non-partner sexual violence. Gaps remains in minimum age of marriage; six countries have minimum age for marriage below 18 and only one in three countries in the region addresses IPV or other forms of domestic violence in statutory laws. Most countries do not prohibit corporal punishment at home and ten countries do not prohibit at schools.



Adopt stand-alone legislation on VAWG, including violence related to the legal age of marriage, trafficking, marital rape, and online harassment and amend existing legislation in line with a survivor-centred approach. Ensure such legislation is enforceable and that perpetrators are held accountable.

SYSTEMS, SAFE SHELTERS AND PSYCHOLOGICAL SERVICES

Progress has been slow in terms of ensuring comprehensive multi-sectoral care for survivors that is accessible and affordable. Across the region, the legal and justice system is characterized by a patriarchal structure. Women's organizations have been central to advocating for the needs of survivors, and for the provision of services, particularly case management and counselling, legal aid, livelihood and other social and economic support. Barriers to reporting violence includes fees for services, illiteracy, access to information about services, absence of protection against retaliation and stigmatization. Evidence suggests that elderly women, women with disabilities and women with mental health issues face particular challenges accessing shelters.



Address the stigma related to support-seeking and ensure integrated, age-appropriate and specialized services for survivors of VAWG are affordable, acceptable, accessible and of good quality.

NORMS

Widespread acceptance of various forms of VAWG, from the individual to community and societal levels, reflects and reinforces entrenched gender biases. Norms that discourage reporting are pervasive. A lack of guarantees for confidentiality may result in lasting stigma for the survivor and her family. With regard to sexual assault, challenges with reporting are further compounded by social taboos related to perceived sexual misconduct on the part of the survivor. Social norms (and some laws and policies) constrain freedom of movement for women and girls, making it impossible to reach support services without a male chaperone.



Address stereotypical gender norms by developing social norms programming targeting men and women on drivers of VAWG, such as patriarchal beliefs and gender discriminatory norms.

EMERGENCY SETTINGS

Increased vulnerability for women and girls during conflict and its aftermath because of the breakdown in the rule of law as well as community-based protection measures. Refugees, migrants and IDP's are more at risk of trafficking. In emergency settings, there is a higher level of GBV, child marriage and girls being taken out of school. In multiple countries there is evidence of sexual violence being used as a tactic of war. During COVID-19, there has been an increased GBV and need of MHPSS, with limited access to service.



Ensure gender-sensitive response to increased levels of GBV during emergency, including COVID-19 pandemic by strengthening capacity for PSEA, hotlines, safe spaces and case management as well as engage existing women's and youth rights networks to support connectivity and vital information flow and ensure gender data are available, analysed and actionable.

HARMFUL PRACTICES

An estimated one in five girls are married before the age of 18 in the MENA and Arab States region, and one in 25 before the age of 15. Data from World Bank study highlighted that if child marriage will continue unabated, it will cost developing countries trillions of dollars by 2030. The MENA and Arab States region contains countries with some of the highest female genital mutilation prevalence rates in the world.



Adopt stand-alone legislation on VAWG, including violence related to the legal age of marriage, trafficking, marital rape, and online harassment and amend existing legislation in line with a survivor-centred approach

GENDER-BASED VIOLENCE

Gender-based violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. Different forms of violence include; intimate partner violence, violent discipline and corporal punishment, violence in school, online violence, household chores and unpaid child labour, sexual harassment in private and public sphere including work as well as violence targeting female politicians.



Ensure VAWG programmes assess risk, including recognizing the overlapping risks girls and women experience at different stages, and protective factors across the lifecycle of women and girls in order to promote prevention and age-appropriate responses at all stages.

ACCESS TO JUSTICE FOR SURVIVORS

Women and girls in the region continue to face very challenging barriers to accessing justice in both formal and informal institutions. Discriminatory gender norms enforced by family or personal status laws remain in many countries, essentially codifying inequality. Many deep-rooted socio-cultural practices do not incentivize but stigmatize and even endanger women and girls who seek justice and services to challenge these norms and help women and girls overcome such barriers are largely insufficient.



Establish and maintain comprehensive referral systems that are survivor-centred and are aligned with human rights standards.

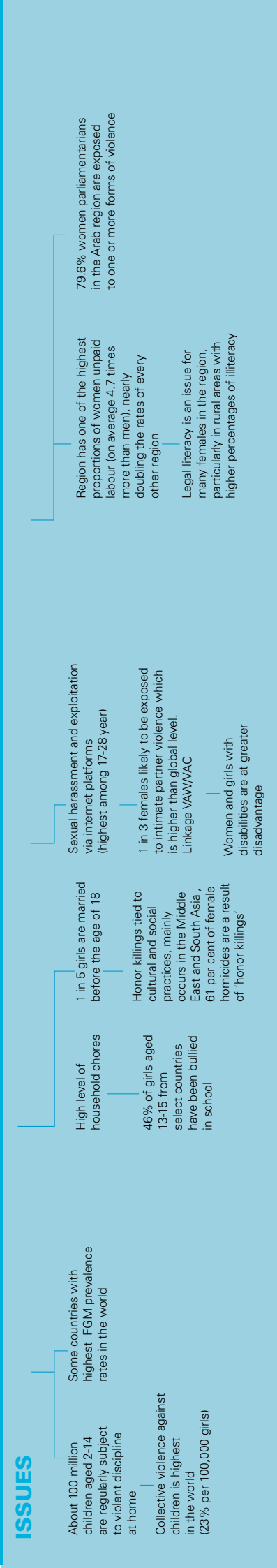
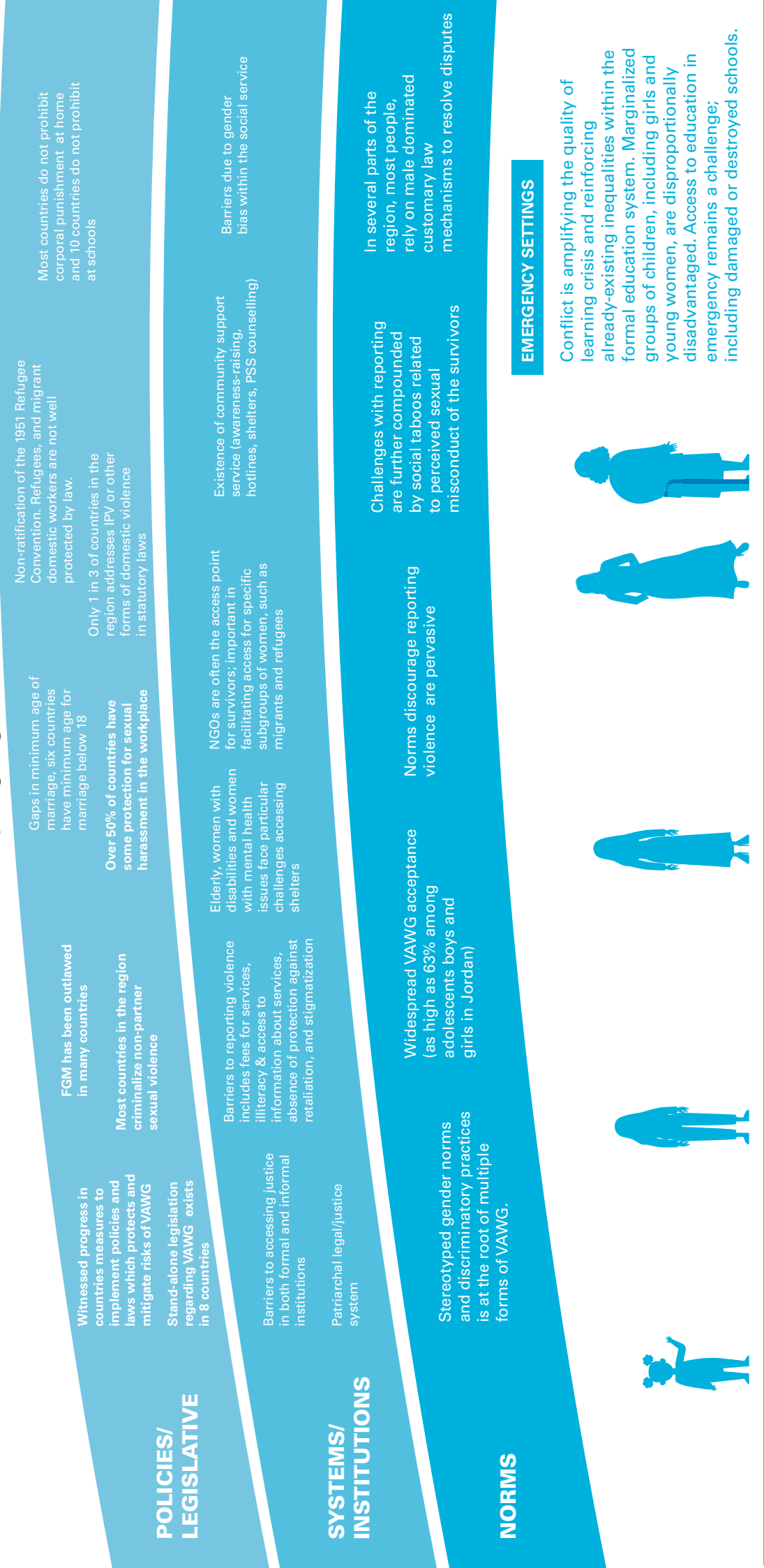
SOCIAL SERVICE GENDER BIAS

Widespread gender bias and the promotion of family over the protection of individuals can present specific challenges for providers and for survivors alike through the region, particularly with government supported services that may reinforce harmful gender norms, which includes discourage divorce, despite instances of domestic violence, shelter providers arranging new marriages for single women as a strategy to help them manage the challenges and stigma of being without a partner and shelter workers mediate conflicts between abusers and survivors. Lack of training for medical and police forces can also leave women and girls vulnerable for reprisal or stigmatization for reporting their case, influencing women and girls to choose to have issues addressed through informal or customary justice systems rather than through formal courts.



Implement, customize and finance different survivor-centred approaches to improve women and girls' safe and age-appropriate access to justice, including improving female representation in the judiciary, providing virtual legal and judicial services, and developing legal literacy curricula for women and girls

Situation of Freedom of Violence and Access to Justice – Key Highlights



FREEDOM FROM VIOLENCE

→ Introduction

This chapter provides a regional overview of issues related to violence against women and girls (VAWG) in the MENA and Arab States region. The chapter begins with an introduction to the scope of the problem across the female lifecycle as well as in countries in the region affected by conflict. While data is missing from many countries, the overall

picture is one of great risk for women and girls, especially those who are particularly marginalized.

More positively, the chapter goes on to describe how laws and policies to address VAWG are on the rise in countries across the region, as are political structures and programmes supporting prevention of and response to VAWG.

Box 3.1: Working definitions of violence

Gender-based violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms.⁶²²

Violence against women and girls is any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.⁶²³

Domestic violence or domestic abuse is a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner or a child or other relative, or any other household member. Abuse can be physical, sexual, emotional, economic or psychological actions or threats of actions. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone.⁶²⁴

Intimate partner violence refers to behavior by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviors.⁶²⁵

Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part or object.⁶²⁶

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.⁶²⁷

Sexual abuse is any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.⁶²⁸

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature in the workplace or learning environment.⁶²⁹

622 UNHCR, Gender Based Violence Definitions. See [https://www.unhcr.org/gender-based-violence.html#:~:text=Gender%20per%20cent2Dbased%20per%20cent20violence%20per%20cent20\(GBV\),physical%20per%20cent20violence%20per%20cent20in%20per%20cent20their%20per%20cent20lifetime](https://www.unhcr.org/gender-based-violence.html#:~:text=Gender%20per%20cent2Dbased%20per%20cent20violence%20per%20cent20(GBV),physical%20per%20cent20violence%20per%20cent20in%20per%20cent20their%20per%20cent20lifetime).

623 WHO, Violence Against Women Definitions. See https://www.who.int/health-topics/violence-against-women#tab=tab_1.

624 United Nations, What is Domestic Abuse? See <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

625 WHO, Violence Against Women Definitions

626 Ibid.

627 Ibid.

628 Ibid.

629 RAINN, Sexual Harassment. See <https://www.rainn.org/articles/sexual-harassment>

Online violence against women are acts committed, abetted or aggravated in part or fully by the use of information and communication technologies.⁶³⁰

Child marriage is any formal marriage or informal union between a child under the age of 18 and an adult or another child.⁶³¹

Female genital mutilation is a traditional harmful practice that involves the partial or total removal of external female genitalia or other injury to female genital organs for non-medical reasons.⁶³²

So-called 'honor' crimes involve violence committed by those who aim to protect the reputation of their family or community; more often than not, the victim is female.⁶³³

Trafficking is the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit.⁶³⁴

➔ Nature and Scope of Violence Against Women and Girls in the Region

Capturing data on the problem of VAWG⁶³⁵ is challenging in most contexts. In the MENA and Arab States region, where cultural norms strongly discourage public disclosure of incidents, and where government investments in addressing VAWG are relatively new for many countries, the amount of data on the nature and scope of different forms of violence against women and girls is

limited and inconsistent. Nevertheless, selected data outlined below indicates that many forms of VAWG persist across the region, and throughout the female lifecycle. In situations of armed conflict and occupation, and among women and girls who are particularly marginalized, the risk of exposure to violence can be compounded, as discussed further in table 3.1.

630 Association for Progressive Communications (APC) (2 March 2015). From Impunity to Justice: Domestic legal remedies for cases of technology-related violence against women.

631 UNICEF, Child Marriage. See <https://www.unicef.org/protection/child-marriage>

632 WHO, Female Genital Mutilation- Key Facts, 2020.

633 BBC, Honor Crimes. See <http://www.bbc.co.uk/ethics/honorcrimes/>

634 United Nations Office on Drugs and Crime, Human Trafficking. See <https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>

635 The terms VAWG and GBV are often used interchangeably: GBV was introduced by women's rights actors as way to underscore the fact that multiple forms of violence that women and girls experience across the life cycle are a reflection and reinforcement of gender discrimination. This framing is articulated in the United Nations Declaration on the Elimination of Violence Against Women. However, there is some confusion about this focus. Particularly in recent years, some actors have used 'GBV' to articulate not only VAWG, but also violence based on sexual orientation and/or gender identity, as well as sexual violence against men in conflict. In order to avoid the confusion that sometimes can accompany the language of GBV, and given that this report focuses specifically on violence against women and girls, this report uses the terminology of VAWG unless quoting a source which uses the term GBV.

Table 3.1:

Children aged 0-14 who had experienced some form of violent discipline from caregivers in the 30 days preceding the survey

ESCWA Category	Country	Sex		Source
		Male	Female	
GCC	Qatar	53	46	MICS 2012
Maghreb ⁶³⁶	Algeria	88	85	MICS 2012-2013
	Tunisia	94	92	MICS 2011-2012
Mashreq	Egypt	93	93	DHS 2014
	Iraq	82	80	MICS 2018
	Jordan ⁶³⁷	91	89	DHS 2012 reanalysed
	Lebanon	82	82	MICS 2009
	State of Palestine ⁶³⁸	93	92	MICS 2014
LDC	Sudan	65	63	MICS 2014
	Yemen	81	77	DHS 2013

Source: UNICEF global databases, 2019, based on DHS, MICS and other national surveys.

VIOLENCE IN CHILDHOOD

Children and adolescents of both sexes in the MENA region are more likely to die from collective violence (primarily from armed conflict) than children in any other region in the world. While only 6 per cent of the world's adolescent population live in the MENA region, over 70 per cent of adolescent violent deaths occur in the region.⁶³⁹ Even though the majority of these deaths are boys, girls also face extremely high rates of collective violence. In 2015, 22,000 children in the MENA region died from collective violence, with the rate for girls being 23.9 deaths per 100,000 adolescents (aged 10-19).⁶⁴⁰ These risks are reflected in the most recent report of the UN Security Council's Reporting Mechanism on the six grave violations against children in times of war.⁶⁴¹ In 2019, the UN verified the following:

- 186 grave violations affecting 184 children in Iraq, 42 of whom were girls;
- 3,908 violations against 1,565 children in occupied Palestine, 85 of whom were girls;
- 3,709 violations against 2,959 children in Somalia, 523 of whom were girls;
- 208 violations against 199 children in Sudan, 76 of whom were girls;
- 2,638 violations against 2,292 children in Syria, at least 401 of whom were girls;
- 4,042 violations against 2,159 children in Yemen, 451 of whom were girls;

⁶³⁶ See also new MICS Data for Algeria (2019) and Tunisia (2018).

⁶³⁷ See also new DHS data for Jordan (2017-18).

⁶³⁸ See also new MICS Data for Jordan (2019-20).

⁶³⁹ UNICEF and Save the Children, 'Violence Against Adolescents and Youth: New Evidence and Key Policy Issues for MENA', 2017.

⁶⁴⁰ UNICEF, 'Violent Deaths', 2017 <https://data.unicef.org/topic/child-protection/violence/violent-deaths/#status>

⁶⁴¹ The six grave violations against children in times of war include the recruitment and use of children, the killing and maiming of children, rape and other forms of sexual violence against children, attacks on schools, hospitals, and protected personnel, and the abduction of children.

- the recruitment of 43 children in Lebanon, 1 who was a girl;
- and the killing or maiming of 77 children in Libya, 17 of whom were girls.⁶⁴²

VIOLENCE IN SCHOOL

Girls also face other forms of violence during childhood. According to data collected by UNICEF from various national surveys administered between 2010 and 2018, an average of 46 per cent of girls aged 13-15 from select countries in the MENA and Arab States region reported having been bullied in school.⁶⁴³ (Also see Pillar 2, Learning.)

ONLINE VIOLENCE

With the growing presence of ICTs in young people's lives, some of this bullying can happen online, alongside other forms of harassment and exploitation online, although the scope of this problem is not well known in the MENA and Arab States region.⁶⁴⁴ Data from 2017 and 2018 of child helplines in the region (with a particularly strong presence in Yemen, and thus skewed towards that country), illustrated that girls called in at higher rates than boys, and calls about violence and abuse included physical and emotional abuse, as well as neglect.⁶⁴⁵ Earlier data from the State of Palestine illustrates that risks to children of harm can be significant in conflict-affected settings; during a four-year period, 46 per cent of calls made to a child helpline there were related to abuse and violence.⁶⁴⁶

VIOLENT DISCIPLINE

Violent discipline is also an issue that children face. While boys overall experience more violent discipline, high percentages of girls aged 1-14 years old in a number of countries in the region have reported experiencing violent discipline from caregivers (Iraq 79.8 per cent, Jordan 79.6 per cent, Egypt 94.3 per cent, Algeria 84.9 per cent, Yemen 81.2 per cent).⁶⁴⁷ For countries with available data, violent discipline is relatively less common in Qatar (53 per cent female children and 46 per cent male children) and generally very common (>63 per cent) among all other states in the region.

CHILD MARRIAGE

An estimated one in five girls are married before the age of 18 in the MENA and Arab States region, and one in 25 before the age of 15.^{648,649,650} The rate of child marriage before the age of 18 has decreased from 25 years ago, when the number was one in three.⁶⁵¹ And yet, there are concerns that progress has stalled in the last decade, with evidence from some countries that girl-child marriage remains relatively widespread, for example in Iraq (27.9 per cent, 2018), Sudan (34.2 per cent, 2014), and Yemen (31.9 per cent, 2013).⁶⁵² In Morocco, the Minister of Justice reported in 2014 that child marriages had doubled since the previous decade.⁶⁵³ Somalia, parts of Egypt and Gaza, in the State of Palestine are also identified as settings where the risk of child marriage is relatively high.⁶⁵⁴ Data from World Bank study highlighted that if child marriage will continue

642 UNSC, Children and Armed Conflict: Report of the Secretary-General, 2020, p. 11.

643 UNICEF, 'Peer Violence', 2019. <https://data.unicef.org/topic/child-protection/violence/peer-violence/>

644 Burton et al., Child Online Protection in the MENA Region: Regional Report, 2016.

645 Child Helpline International, 2019. Voices of Children and Young People: Child Helpline Data for 2017 & 2018. <https://www.childhelplineinternational.org/wp-content/uploads/2019/11/Voices-of-Children-2017-2018-FINAL.pdf>

646 Child Helpline International, 2012. Global Rewind and Global Forward. https://www.unicef.org/media/files/14422_CHI_Global_Printer.pdf

647 UNICEF, 2019. 'Violent Discipline.' <https://data.unicef.org/topic/child-protection/violence/violent-discipline/> Note that violent discipline under this indicator is 'any physical punishment defined as shaking the child, hitting or slapping him/her on the hand/arm/leg, hitting him/her on the bottom or elsewhere on the body with a hard object, spanking or hitting him/her on the bottom with a bare hand, hitting or slapping him/her on the face, head or ears, and beating him/her over and over as hard as possible', and also includes psychological aggression, defined as 'the action of shouting, yelling or screaming at a child, as well as calling a child offensive names, such as 'dumb' or 'lazy'. Physical (or corporal) punishment is an action intended to cause physical pain or discomfort, but not injuries.'

648 Child marriage by age 18: United Nations SDG Database. Regional aggregates calculated by UNFPA based on data from SDG global database. *Does not include Iran.

649 CARE MENA, A Future She Deserves: Impact Growth Strategy to Address Gender Based Violence FY17 Impact Report, 2017

650 UNICEF, 'A Profile of Child Marriage in the Middle East and North Africa'. 2018

651 Ibid.

652 United Nations SDG Database: Proportion of women aged 20-24 years who were married or in a union before age 18. Iraq, Iran.

653 The Advocates for Human Rights, MRA Mobilising for Rights Associates, 2016. Morocco: Submission to the Human Rights Committee, Relating to the Rights of Women, 2016.

654 Elghossain, T., Bott, S., Akik, C. et al., Prevalence of intimate partner violence against women in the Arab world: a systematic review. *BMC Int Health Hum Rights* 19. 2019.

unabated, it will cost developing countries trillions of dollars by 2030.⁶⁵⁵

Only three countries in the region—Algeria, Tunisia and Qatar—report that virtually no women are married prior to the age of 15.⁶⁵⁶ Lebanon also has low rate of child marriage, at a reported 1 per cent before the age of 15.⁶⁵⁷ However, in 2017 a UNFPA report indicated an alarming rise in child marriages among the most vulnerable Syrian refugee population in Lebanon.⁶⁵⁸ Wealth also correlates to lower risk at the household level. Data from Egypt, Jordan and Yemen indicate that girls from wealthier families are much less likely to be married than those from poorer families.

Other factors that contribute to girls' risk of being married before the age of 18 include lower levels of education and living in rural areas, as these factors not only limit girls' options, but also tend to reflect and reinforce more traditional practices. Data from Libya, Yemen, and Iraq,⁶⁵⁹ as well as among displaced Syrians⁶⁶⁰ suggests that armed conflict also contributes to increases in child marriage, not only because of poverty, but also as a means of protection and/or a strategy for ensuring family honor is not smirched as a result of girls become sexually active outside of marriage.^{661,662} The results of a joint UNICEF, UNHCR, and WFP survey conducted in 2016 and covering 1,513 displaced Syrian families in three areas in Bekaa, Lebanon indicated an increase in the rate of child marriages (15-17 years) among displaced Syrians—nearly four times the rate of child marriage for girls under 18

years of age, from 6.7 per cent in 2009 to 24 per cent in 2016. Available statistics for 2018 indicate an increase in the rate of marriage of displaced Syrian girls in Lebanon between the ages of 15 and 19 to be approximately 7 per cent over the previous year (from 22 per cent to 30 per cent).⁶⁶³ Data from research conducted by UNICEF in 2014 suggest that the percentage of all registered Syrian marriages involving refugee girls aged 15–17 in Jordan rose as the Syria crisis continued—from 12 per cent in 2011 to 25 per cent in 2013 and 31.7 per cent in early 2014.⁶⁶⁴ Subsequent data from Jordan suggest that the increase in child marriages among Syrian refugees has had an impact on increased rates of child marriage in some rural hosting communities in Jordan.⁶⁶⁵

In many cases of child marriage, a girl will be married to someone significantly older than she is, increasing her risk for power imbalances that can contribute to IPV. However, this has variation according to culture and setting. The UNICEF research in Jordan from 2014 found that of all Syrian girls in Jordan who married between the ages of 15 and 17, 16.2 per cent married men who were 15 or more years older than them, compared with 6.3 per cent for Palestinian girls and 7.0 per cent of Jordanian girls who married early.⁶⁶⁶ Data from the State of Palestine indicate that there can be intra-country disparities in child marriage rates, with the Gaza Strip having significantly higher rates than the West Bank,⁶⁶⁷ potentially exacerbated by the deteriorating economic situation in Gaza resulting from the ongoing blockade.⁶⁶⁸

⁶⁵⁵ UNICEF, Regional Office for the Middle East and North Africa and UNFPA, Arab States Regional Office, 2018.

⁶⁵⁶ WHO Global Health Observatory, 2020.

⁶⁵⁷ UNICEF Child Marriage Data Set, 2020.

⁶⁵⁸ UNFPA, New study finds child marriage rising among most vulnerable Syrian refugees, 2017.

⁶⁵⁹ ESCWA, 2019. Challenges for Development in Current Conflict Settings: The Impact of Conflict on Child Marriage and Adolescent Fertility, p. 56.

⁶⁶⁰ NRC, What You Need to Know About Syrian Child Marriage, 2019.

⁶⁶¹ Girls Not Brides. Why Does Child Marriage Happen? See: <https://www.girlsnotbrides.org/why-does-it-happen/>

⁶⁶² Girls Not Brides. Conflict and Humanitarian Crises. See: <https://www.girlsnotbrides.org/themes/conflict-humanitarian-crises/>

⁶⁶³ UNHCR, UNICEF, WFP Vulnerability assessment of Syrian Refugees in Lebanon 2018, Executive Brief, 2019.

⁶⁶⁴ In 2014, UNICEF published an *Assessment of Early Marriage in Jordan*, looking at Jordanian, Palestinian and Syrian populations living in Jordan. The survey shows trends pre- and post- the activation of the L3 emergency. This assessment found that, in 2012, 13 per cent of all registered marriages for Jordanians and 18 per cent for Syrians in Jordan were marriages involving a girl under 18; however, numbers rose sharply among Syrian refugees in 2013 and the first quarter of 2014, with child marriage as a percentage of all registered marriages for Syrians increasing from 25 per cent in 2013 to 31.7 per cent in the first quarter of 2014. Reasons for child marriage included economic hardship for the girl's family, 'protection' for the girl (provided by the husband, and because unmarried girls who are sexually attacked may be considered unmarriageable), and maintenance of cultural tradition. Decisions are made, most commonly, by the male head of the household. (Nearly all the data used was from shari'a courts; therefore, figures do not include unregistered marriages or those of couples not married in shari'a courts.)

⁶⁶⁵ UNICEF, 2019. A Qualitative Study on the Underlying Social Norms and Economic Causes that Lead to Child Marriage in Jordan. <https://www.unicef.org/jordan/media/1796/file/Jordan-Reports.pdf>

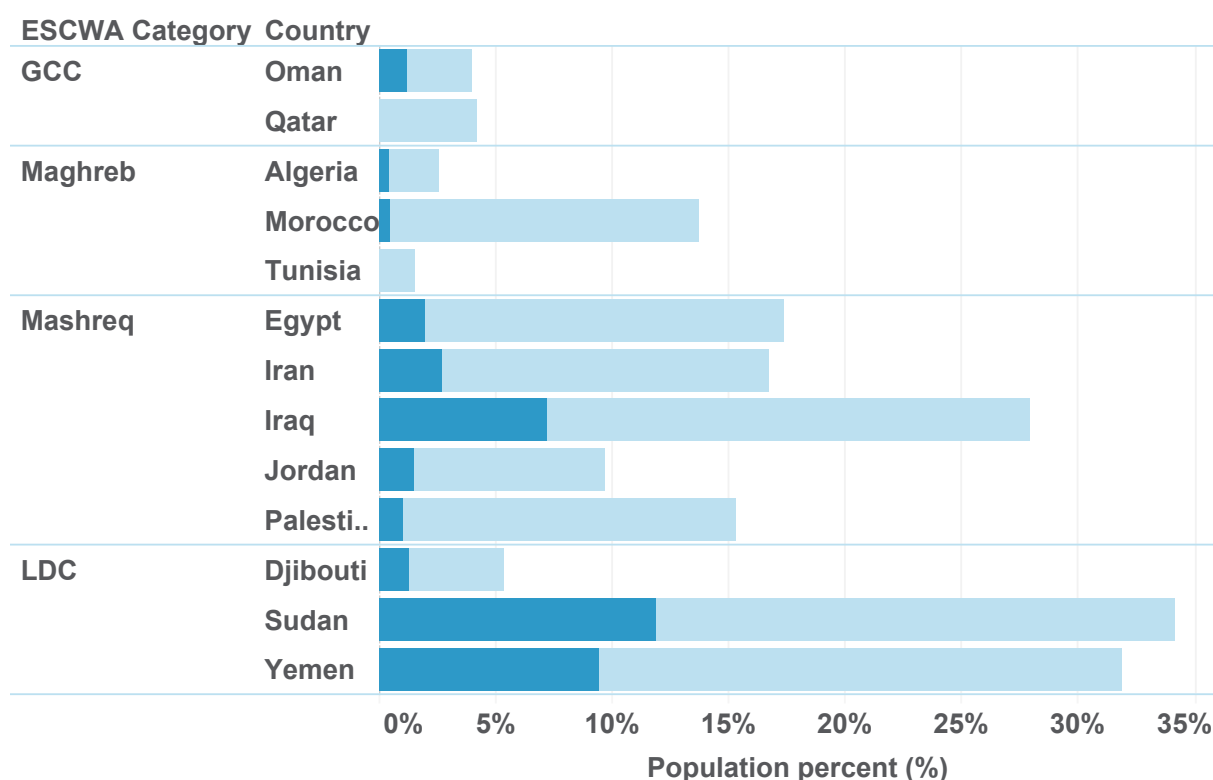
⁶⁶⁶ UNICEF, Assessment of Early Marriage in Jordan, 2014.

⁶⁶⁷ UNICEF, Progress for Children with Equity in the Middle East and North Africa, 2017.

⁶⁶⁸ UNFPA. Child Marriage in the Occupied Palestinian Territory, 2016.

Figure 3.1:
Child Marriage

This graph shows the proportion of females aged 20-24 years who were first married or in union before age 15 (darker bar) or before age 18 (lighter bar) for countries in the region.



Source: DHS, ENPSF, MICS, MIDHS, PAPFAM, as published by UNICEF

Problems associated with access to civil registration documents can also play a role in child marriage among refugee populations. In Jordan, for example, the marriage of any girl under the age of 15 results in an illegal marriage; while this reinforces the illegality of child marriage, it also creates a cycle of documentation issues for the girl bride, as well as her children, who cannot obtain birth registration documents without parents' proof of marriage.⁶⁶⁹ Some organizations have called for greater flexibility in the registration processes for children born to women without marriage certificates.

FEMALE GENITAL MUTILATION

The MENA and Arab States region contains countries with some of the highest female genital mutilation (FGM) prevalence rates in the world.⁶⁷⁰ For a variety of reasons, however, it is difficult to obtain accurate data: many countries and communities do not officially acknowledge the practice, which involves altering, injuring or partial removal of the female genitalia. According to UNFPA, Somalia has the highest prevalence of FGM in the region, with an estimated 98 per cent of females between 15 and 49 years having undergone the practice.⁶⁷¹

⁶⁶⁹ ICMC, Undocumented, Unseen and at Risk: The Situation of Syrian Refugees Lacking Civil and Legal Documentation in Jordan. 2017, p. 12

⁶⁷⁰ UNFPA Arab States Regional Office, 2018. Female Genital Mutilation and Population Movements within and from the Arab Region

⁶⁷¹ UNFPA Female Genital Mutilation, See: <https://www.unfpa.org/female-genital-mutilation>

This is followed by Djibouti, where estimates suggest 94-96 per cent prevalence,⁶⁷² and Egypt and Sudan, where approximately 87 per cent of girls and women age 15-49 have undergone FGM.^{673,674} Other countries in the region that show evidence of the practice are Yemen, Iraq, Southern Jordan, and the UAE.⁶⁷⁵ In recent years, FGM has become increasingly medicalized, performed by health care providers in a clinical setting; this can lend legitimacy to the practice, despite it being a violation of medical ethics.⁶⁷⁶ This trend is most common in Egypt and Sudan, where nearly 80 per cent of women and girls who have undergone FGM had it performed by a health care provider.⁶⁷⁷

There has been some overall reduction of the practice in some settings and within certain sub-groups. For example, migrants within and from the region appear less likely to support the most severe types of FGM on their daughters, such as excision and infibulation, perhaps attributable to greater access to education about the health risks associated with FGM.⁶⁷⁸ The Kurdistan Region of Iraq banned FGM in 2011, and has seen dramatic decreases in the practice since. A study by the Heartland Alliance showed a drastic decrease in FGM rates in Northern Iraq between generations, with a rate of 44.8 per cent among mothers dropping to 10.7 per cent with their daughters.⁶⁷⁹ Evidence from the 2005, 2008, and 2014 Demographic and Health Surveys in Egypt also suggest that the practice of and support for FGM is steadily declining there, particularly in urban areas.⁶⁸⁰

In fact, data from several countries in the region suggests that women and girls from more urban families are less likely than their rural counterparts to have undergone FGM, attributed to higher

education levels and better access to information about the negative impact of FGM.⁶⁸¹ According to the 2014 Demographic and Health Survey, in Egypt, 93 per cent of women in rural areas are thought to have undergone some form of FGM compared to 77 per cent of their urban counterparts.⁶⁸² This gap is especially apparent in girls younger than 14 years, where young girls living in rural areas experience FGM at much higher rates than those living in urban areas. In general, however, the prevalence of FGM overall among girls under the age of 14 is much lower than their older counterparts in countries within the region where data is available (see Figure 3.4, above).⁶⁸³ Differing rates of FGM are also clear when data is separated into wealth quintiles, with the poorest 20 per cent of households reporting much higher rates of FGM than the wealthiest 20 per cent of households.⁶⁸⁴

672 GHDX, Deuxieme Enquete Djiboutienne sur la Sante de la Famille EDSF PAPFAM, 2012.

673 Dockery, Wesley, Where does the Arab world stand on Female Genital Mutilation? 2018

674 UNICEF, Female Genital Mutilation, See: <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

675 Dara, Nigeen, At least 200 million girls and women alive today living in 31 countries have undergone FGM. 2015.

676 UNFPA, Brief on the Medicalization of Female Genital Mutilation, 2018

677 Ibid.

678 UNFPA Arab States Regional Office, 2018. Female Genital Mutilation and Population Movements within and from the Arab Region

679 IAGCI and Home Office, Country Policy and Information Note: Iraq: Female Genital Mutilation (FGM), 2020.

680 Ronan Van Rossem and Dominique Meekers, 2020. The Decline of FGM in Egypt Since 1987: A Cohort Analysis of the Egypt Demographic and Health Surveys. <https://bmcmwomenshealth.biomedcentral.com/articles/10.1186/s12905-020-00954-2>

681 Demographic and Health Surveys (DHS), Standard DHS, Egypt, Yemen.

682 Ibid

683 Demographic and Health Surveys (DHS), Standard DHS, Egypt, Yemen. Note that this data trend should be interpreted with optimistic caution as FGM could be occurring later than the age of 14.

684 See also UNICEF, Understanding the Relationship Between Child Marriage and Female Genital Mutilation, 2021

Figure 3.2:
FPM Prevalence by Location and Household Wealth (girls age 0-14)

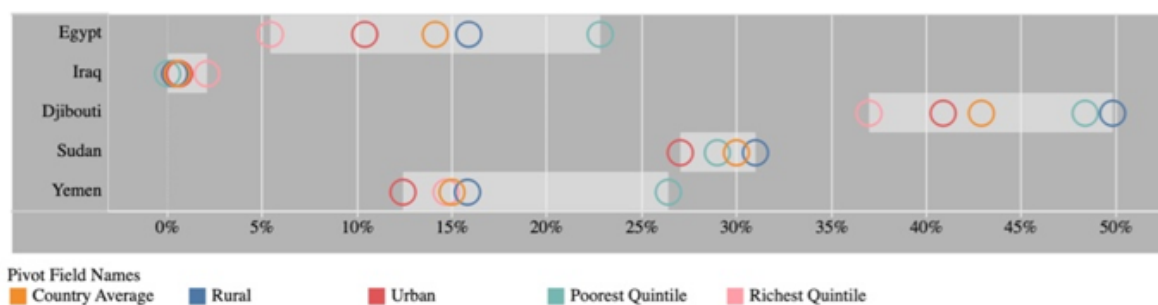


Figure 3.3:
Female Genital Mutilation (FGM) Prevalence in the MENA/Arab States Region

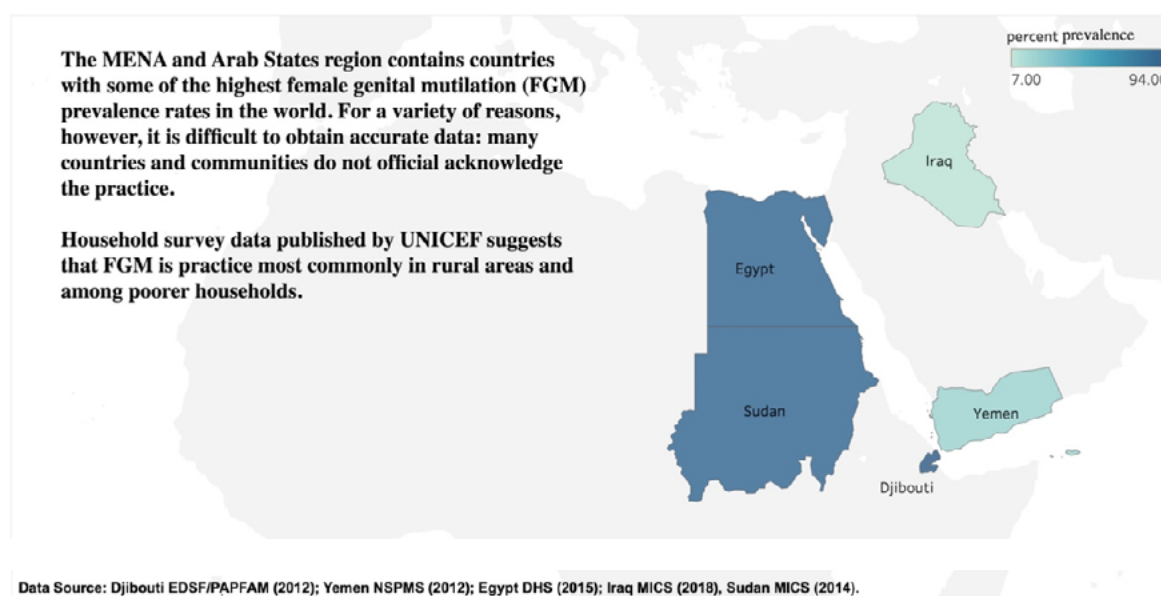
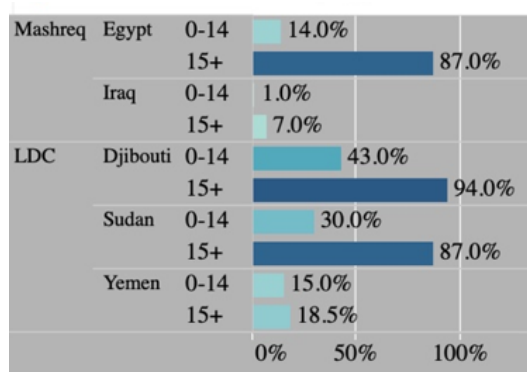
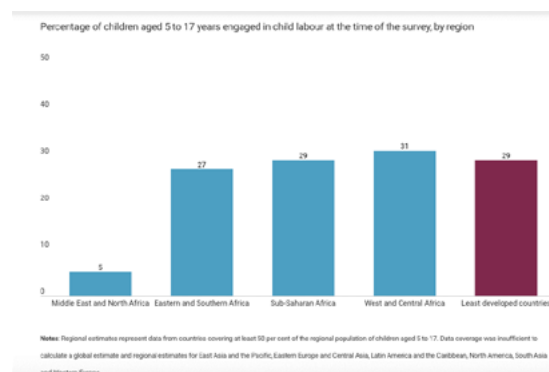


Figure 3.4:
FGM Prevalence by Age



GIRL-CHILD LABOUR

Compared to other regions in the world, child labour is relatively low in the MENA and Arab States region (see Figure 3.5). Available data for the region indicate that child labour is an issue affecting boys (at 5 per cent) somewhat more than girls (at 4 per cent).⁶⁸⁵ However, when unpaid household labour is factored in the data, the numbers shift. In Jordan, for example, with the inclusion of unpaid household



Notes: Regional estimates represent data from countries covering at least 50 per cent of the regional population of children aged 5 to 17. Data coverage was insufficient to calculate global estimate and regional estimates for East Asia and the Pacific, Eastern Europe and Central Asia, Latin America and the Caribbean, North Africa and Middle East, South Asia and Western Europe.
 Statistics, the prevalence of child labour for girls from 0.3 per cent to 2.4 per cent, putting them on par with boys. Evidence from Tunisia illustrates the burden of this work on girls from poor families. Data indicate that girls may be sent out to work in third-party households; most of them are between the ages of 11-16 and work 10 hours per day, six days per week.⁶⁸⁷

⁶⁸⁵ UNICEF, 'Child Labour', 2019. <https://data.unicef.org/topic/child-protection/child-labour/>

⁶⁸⁶ ILO, FAO, League of Arab States, Child Labor in the Arab Region: A Quantitative and Qualitative Analysis. 2019, p. 33.

⁶⁸⁷ Ibid

INTIMATE PARTNER VIOLENCE AGAINST WOMEN AND GIRLS

Slightly higher than the global average, 2013 regional estimates of prevalence of violence against women shows that in the MENA region, 35.4 per cent of ever-married women have experienced violence from their partners.⁶⁸⁸ However, there is still a significant data gap related to VAWG committed by intimate partners throughout the MENA and Arab States region. In the United Nations Global SDG database, only two country-level data points exist (focusing on the percentage of ever-partnered women and girls age 16 or over exposed to physical, sexual or psychological violence by an intimate partner in the 12 months prior to data collection): 14.1 per cent for Jordan in 2012, and 19 per cent for Egypt in 2014. Of these, women aged 20-29 were most affected. A 2019 Palestinian Central Bureau of Statistics study found that 29 per cent of ever-married females in the State of Palestine had experienced some form of violence by their husbands in the previous 12 months.^{689,690} In Morocco, a GBV survey conducted by the High Commissioner to Plan in 2019 found that GBV prevalence was at 57 per cent, intimate partner violence 46 per cent (psychological 47 per cent, 14 per cent economic, 13 per cent physical, and 13 per cent sexual). 70 per cent of girls (15-19) experienced a form of violence in the year prior to the survey.

Global evidence indicates that pregnant women are at higher risk of being victim of violence; this is also likely to be the case of MENA. For example, a study conducted in a large hospital in Egypt found that one-third of pregnant women receiving prenatal services had experienced marital violence.⁶⁹¹ It

is important to note that marital rape is often not considered in the society as a crime, and therefore is not often categorized as violence. Beyond the widespread social norms that condone VAWG (as discussed further below), additional contributing factors are child and forced marriages, high levels of surrounding violence, overcrowding, and stresses of poverty and war in the region, placing refugee and IDP women at particular risk.

An International Men and Gender Equality Survey (IMAGES) study carried out in 2017 in the region on attitudes and practices of men and boys linked to GBV (for the State of Palestine, Lebanon, Morocco and Egypt), illustrates the challenges that men and boy refugees face, and how frustrations can result in higher levels of violence against women and girls.⁶⁹² A 2012 United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) household survey among Palestinian families in a refugee camp in Jordan found that 44.7 per cent of women in the camp had been beaten by their husbands.⁶⁹³ Data from the services' information management systems compiled by organizations working regionally on VAWG in the Syria crisis also indicates IPV as a significant problem among refugee communities.⁶⁹⁴ For example, according to the 2019 Gender-based Violence Information Management Services (GBVIMS) for Jordan, the main types of VAWG reported by Syrian, Iraq or Sudanese refugees were psychological abuse (48.4 per cent) and physical assault (24.3 per cent).⁶⁹⁵ Although data in the region are quite limited for women and girls with disabilities, analysis conducted on the State of Palestine found that violence is often perpetrated against them within the home.⁶⁹⁶

688 ESCWA, Status of Arab Women Report 2017–Violence Against Women: What Is at Stake?, 2017.

689 Palestinian Central Bureau of Statistics, Preliminary Results of the Violence Survey in the Palestinian Society, 2019.

690 OCHA, 'Almost One in Three Palestinian Women Reported Violence by their Husbands in 2018-2019', 2019.

691 Hanan Mosleh and others, 2015. 'Advancing Egyptian society by ending violence against women', policy brief (Washington, D.C., Population Reference Bureau), p. 4. Cited in ESCWA, LAU and UN Women, Status of Arab Women Report: Violence Against Women, What Is at Stake?, 2017.

692 UN Women and Promundo, Understanding Masculinities: Results for the International Men and Gender Equality Survey (IMAGES): Egypt, Lebanon, Morocco, and Palestine, 2017.

693 IRC, 2012, p. 6; and UNRWA, 2012, p. 1. Cited in United Nations ESCWA, 2016. Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20).

694 GBVIMS data is shared among partners and included in country and regional reports. See <https://www.humanitarianresponse.info/en/operations/whole-of-syria/gender-based-violence-gbv>

695 Jordan GBV IMS Task Force, Annual Report, 2019.

696 Caritas, Qadar, Children's Relief Bethlehem, Violence based on Gender and Disability, 2019.

Globally there have been strong links identified between violence against women by their intimate partners and violence against children in the home, as well as long-term impacts on children who are exposed to violence between their parents.⁶⁹⁷ Although there is very limited data on this issue in the region, research from UNICEF indicates that 25 per cent of children under the age of four in Jordan and 22 per cent of children under the age of four in Egypt currently live with a mother who experienced some form of physical, sexual or emotional violence committed by a husband or partner during the past 12 months.⁶⁹⁸

NON-PARTNER SEXUAL ASSAULT, EXPLOITATION AND HARASSMENT

Data on sexual assault are among the most difficult to obtain in the region, not least because in some countries reporting sexual assault can result in severe punishment of the victim, including so-called ‘honor killings’ (see below). This problem is exacerbated in settings where there is mandatory reporting of sexual violence to the authorities. Nonetheless, there are anecdotal reports of the particularly high risk of sexual violence and exploitation of female migrant domestic workers in the Arab region. The region’s *kafala* system—of visa sponsorship by migrant workers’ employers—can leave female domestic laborers vulnerable to situations of exploitation since the legitimacy of their presence in the country is controlled by their employer.^{699, 700} Additional reports indicate sexual assault and exploitation of refugees, migrants and asylum seekers in detention centres, notably in

Libya.⁷⁰¹ Qualitative research undertaken in Jordan and Lebanon suggests that Syrian refugee girls are at risk of sexual harassment to and from schools, especially when school shifts require them to walk home in the dark.⁷⁰² Single Syrian refugee women and female headed households are at particular risk of exploitation by landlords, as well as by employers.⁷⁰³ Assessments from Syria conducted each year as a part of the humanitarian needs overview process have consistently highlighted concerns, by adolescent girls, of sexual abuse and exploitation.⁷⁰⁴ Research conducted in Lebanon and the State of Palestine with females with disabilities found that many perceive that they are subject to significantly higher levels of sexual exploitation and abuse than females without disabilities.⁷⁰⁵

There is also evidence available describing the relatively widespread nature of sexual harassment across the MENA and Arab States region. According to the evidence collected under Arab Barometer Wave V in 2018-19, females aged 17-28 experience harassment at the highest levels. Ninety percent of females aged 17-28 interviewed in Egypt reported having been sexually harassed in the year preceding the survey (Figure 3.6). In additional, research conducted by Stop Street Harassment, shows that 90 per cent of women interviewed in the capital of Yemen reported being sexually harassed in public; in Tunisia, a study of 3,000 women aged 18-64 found that more than half experienced psychological or physical violence at least once in public spaces; and in Saudi Arabia, nearly 80 per cent of women respondents aged 18-48 reported experiencing sexual harassment, including in the street.⁷⁰⁶

697 Guedes, Alessandra et al., Bridging the gaps: a global review of intersections of violence against women and violence against children, Global health action, vol. 9 31516. 20 Jun. 2016, doi:10.3402/gha.v9.31516.

698 UNICEF global databases, 2017, based on DHS, 2005–2016.

699 United Nations ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20)., 2016.

700 Department of State USA, 2019, Trafficking in Persons Report. Available at <https://www.state.gov/trafficking-in-persons-report-2019/>

701 Akiki. Anne-Marie, 2019. Adolescent Girls Assessment Report Tripoli, Libya, Norwegian Refugee Council.

702 Ward, J., Summary Report: Regional Assessment on Gender-based Violence in the Middle East, Swiss Development Cooperation, 2017.

703 Ibid.

704 For the most recent report, see UNFPA and GBV AoR, 2020. Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview.

705 Sayrafi, Iman, 2013. Invisible People: Women and Girls with Disabilities and Access to Rights Organizations in the West Bank, Gaza Strip, and Palestinian Refugee Camps in Lebanon. [https://fada.birzeit.edu/bitstream/20.500.11889/217/1/Invisible per cent20people per cent20women per cent20and per cent20girls per cent20with per cent20disabilities.pdf](https://fada.birzeit.edu/bitstream/20.500.11889/217/1/Invisible%20people%20women%20and%20girls%20with%20disabilities.pdf)

706 Stop Street Harassment, 2017. ‘Statistics: the prevalence of street harassment’. Available from <http://www.stopstreetharassment.org/resources/statistics/statistics-academic-studies/>, cited in

ESCWA, LAU and UN Women, Status of Arab Women Report: Violence Against Women, What Is at Stake?, 2017. See also <https://ogletree.com/international-employment-update/articles/july-2020/saudi-arabia/2020-06-08/saudi-arabia-sets-out-procedures-for-employers-to-prevent-sexual-harassment-in-the-workplace> for more information on Saudi Arabia procedures for employers to prevent sexual harassment in the workplace, which was passed in 2020.

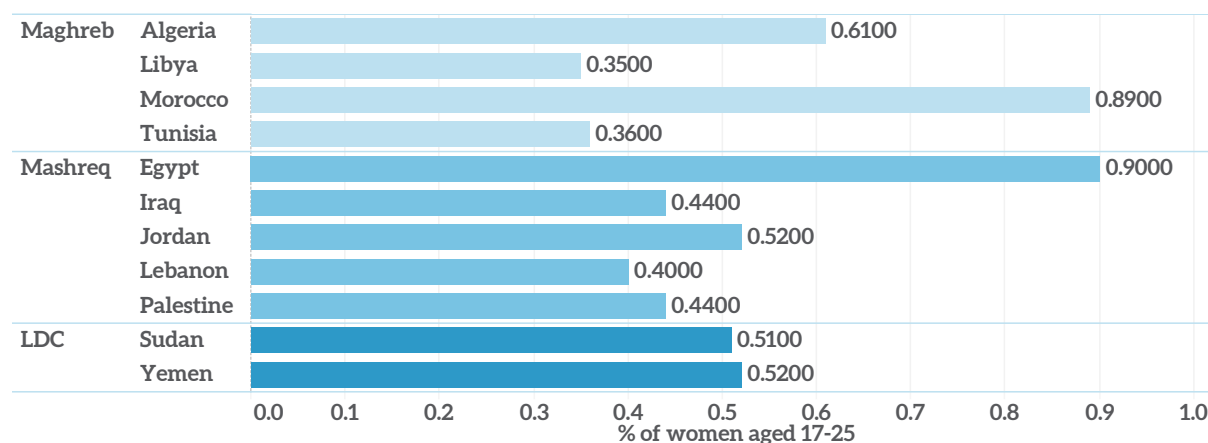
Recent years are witnessing a rapid increase of sexual harassment taking place through the internet and via ICTs. Although data is limited in region, research from the State of Palestine indicates that 8 per cent of currently or ever married women (18-64) experienced a type of cyber violence by others through their use of social media networks; 10 per cent of youth (18-29) who have never been married experienced a type of cyber violence by others through their use of social media networks; 7 per cent of currently or ever married men (18-64)

experienced a type of cyber violence by others through their use of social media networks; 9 per cent of children (12-17) experienced a type of cyber violence by others through their use of social media networks.⁷⁰⁷ Most efforts to prevent and respond to online violence are focused on extreme types, rather than issues of grooming, cyberbullying, and others. Nevertheless, preliminary research undertaken in Algeria, Egypt, Jordan and Morocco has indicated these lesser forms of violence may be a significant issue for ICT users, particularly children.⁷⁰⁸

Figure 3.6:

Frequency of Sexual Harassment

This graph shows the proportion of women aged 17-28 who reported experiencing sexual harassment at least once in the past 12 months. .



Source: Arab Barometer Wave V

707 Palestinian Central Bureau of Statistics, Preliminary Results of the Violence Survey in the Palestinian Society, 2019.

708 Julia Davidson and Patrick Burton, Child Protection in the MENA Region, 2016.

FEMICIDE, INCLUDING SO-CALLED 'HONOR CRIMES'

Femicide refers to the killing of women and girls based on gender norms.⁷⁰⁹ Collecting data on this issue is challenging because it is often not captured in homicide statistics.⁷¹⁰ However, there is some information from the MENA and Arab States region on the phenomenon of so-called honor crimes or honor killings tied to cultural and social practices, where a male family member commits violence—even murder—against a female member who is seen to have brought shame to the family. Research suggests that this form of violence mainly occurs in the Middle East and South Asia.⁷¹¹ Studies of violence against women in the MENA and Arab States region have revealed that as much as 61 per cent of female homicides are a result of 'honor killings'.⁷¹² In Jordan, the Sisterhood is Global Institute, which tracks women's rights issues in the country, noted a 53 per cent rise in such killings in 2016, with 26 'honor' killings by October 2016, compared to 17 for all of 2015.⁷¹³ Similarly, a report on Palestinian women released in 2019 found that femicides, many in the form of honor crimes, were on the increase.⁷¹⁴

TRAFFICKING

While the extent of human trafficking in the MENA and Arab States region is not as significant as some other regions of the world, countries throughout the MENA region are variously sources of origin, transit and/or destination for trafficking victims. Evidence suggests that Bahrain, Iran, Israel, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, Syria, United Arab Emirates and Iraq are destination countries for trafficked children arriving from outside the

region for the purposes of forced labour, sexual exploitation, and organ harvesting. Within the region, there are reports of children being trafficked from Iran to Qatar, Kuwait, and the UAE, as well as from Yemen.⁷¹⁵ Human trafficking has also been a feature of the Syria conflict, as discussed below.

The lack of protection for migrant workers, noted above, makes them vulnerable to situations of trafficking. According to Amnesty International and the UN Special Rapporteur on trafficking in persons, especially women and children, migrant women employed as domestic workers who leave abusive employers are at risk of trafficking for sexual exploitation.⁷¹⁶ A lack of civil documentation for displaced women and girls can put them at greater risk of trafficking.⁷¹⁷ In some countries in the Middle East, the phenomenon of temporary marriages has facilitated sex trafficking. In Yemen, for example, men from Gulf countries are legally allowed to marry girls for a short period of time, and in some cases 'grooms' may take girls back to their countries and exploit them as domestic workers or for sexual purposes.⁷¹⁸

CONFLICT-RELATED VIOLENCE

While present in everyday settings, various forms of VAWG are exacerbated by conflict and complex emergencies. Women and girls are more vulnerable to violence during conflict and its aftermath because of the breakdown in the rule of law as well as community-based protection measures.⁷¹⁹ Sexual violence is often used as a tactic of conflict to humiliate, dominate or disrupt the social ties of women and girls. In MENA and the Arab States region, attention has focused on the sexual violence committed predominantly against

709 See UNODC, 2019. Global Study on Homicide: Gender-related killings of women and girls

710 WHO, Understanding and Addressing Violence Against Women: Femicide, 2012.

711 Ibid.

712 Kulczycki and Windle 2011: 1449 cited in Dalacoura, Katerina. (2019). 'Women and Gender in the Middle East and North Africa: Mapping the Field and Addressing Policy Dilemmas at the Post-2011 Juncture', MENARA Final Reports, n. 3, 2019.

713 Coogler, A., Recorded 'honor' killings on the rise in Jordan. Human Rights Watch, 2016.

714 ESCWA, 2019. Social and Economic Situation of Palestinian Women and Girls (July 2016- June 2018)

715 ECPAT, Stop Sex Trafficking of Children and Young People, 2012.

716 See Amnesty International, State of the World's Human Rights, 2016/17

717 Bell, Emma, 2020. Gender-Based Violence Risks and Civil Registration in Humanitarian Contexts. GBV AoR Helpdesk. Available at: <https://www.sddirect.org.uk/media/1938/20200213-gbv-aor-research-query-civil-registration-vital-statistics-and-gbvie-2020-final.pdf>. Also see ICMC, Undocumented, Unseen and at Risk: The Situation of Syrian Refugees Lacking Civil and Legal Documentation in Jordan, 2017.

718 UNFPA, UNDP, UN Women, ESCWA, Gender Justice and the Law: Yemen, 2018.

719 UNFPA, Gender-based Violence in Humanitarian Settings, 2014.

Yezidi and Christian women captured and enslaved by the 'Islamic State in Iraq and the Levant' (ISIL) in Iraq and Syria.⁷²⁰ Unfortunately, however, this violence is not exceptional; widespread rape and other sexual violence committed by parties to the conflict has been documented in many of the region's conflicts. In Sudan, for example, Human Rights Watch findings shows that rape of women and girls was reportedly widespread in the Darfur conflict.⁷²¹ Sexual violence has also been recorded in the Yemen conflict, including against female political activists, as well as in Libya and Somalia.⁷²²

It is important to note that women and girls are exposed to many other types of sexual violence in the context of conflicts and escaping conflict does not necessarily improve safety. Girls forcibly recruited into ISIL were highly likely to report sexual violence: a 2018 report by the Office of the High Commissioner for Human Rights (OHCHR) stated that from 2014 onwards forced marriage of Sunni women and girls to ISIL fighters was increasingly visible, and that 'the vast majority' of documented cases were those of girls aged between 12 and 16 years.⁷²³ In Syria, fear of rape was identified as a main reason for families fleeing.

However, once displaced, IDP and refugee women and girls face further risk for sexual violence due to gender inequalities: 45 per cent of Syrian refugees surveyed in Lebanon and 47 per cent of those in the Kurdistan region of Iraq reported that violence against women was a problem within the refugee community.⁷²⁴ As noted above, sexual violence in the form of early marriage has also escalated for some Syrian refugee girls—which research suggests is due in part to parents' fears about exposure of girls to sexual assault in the communities to which they are displaced.^{725, 726} Sexual harassment, exploitation and forced prostitution are also features of violence for women and girls impoverished by conflict.

Palestinian women and girls face violence resulting from the Israeli occupation (such as home demolitions, displacement, settler violence, military raids and bombardments). Occupation-related violence, in turn, exacerbates pre-existing gender inequalities and increases VAWG in Palestinian society. Such pre-existing gender inequalities include low rates of women's employment, women's limited formal political participation, the persistence of GBV and child marriage, persistent negative gender stereotypes and a legal framework that cannot respond to the needs of women and girls in an agile manner.⁷²⁷

➔ Impact of Violence Against Women and Girls

VAWG seriously impacts survivors' immediate sexual, physical, economic and psychological well-being, and contributes to greater risk of future health problems. The impact of violence is often more profound when it intersects with other forms of marginalization and oppression that women and girls experience based on issues such as disability, sexual orientation and gender identity, race, religion,

etc., and among single and widowed women, female-headed households, and other women and girls who may be particularly isolated.

The physical health effects of IPV include injuries that can cause both acute and chronic illness, impacting neurological, gastrointestinal, muscular, urinary, and reproductive systems; IPV can also

720 UNODC. Module 16: Linkages between Organized Crime and Terrorism.

721 Human Rights Watch, Mass Rape in North Darfur: Sudanese Army Attacks against Civilians in Tabit, 2015.

722 See for example United Nations <https://www.un.org/sexualviolenceinconflict/countries/yemen/>.

723 Human Rights Council, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic, 2018.

724 Development Initiatives, 'Gender-Based Violence and the Nexus: Global Lessons from the Syria Crisis Response for Financing, Policy and Practice,' 2020.

725 UNICEF, Multi-Country RealTime Evaluation of UNICEF Gender-Based Violence in Emergencies Programme: Lebanon, 2016.

726 UNFPA, A Report on the GBV Assessment in Conflict Affected Governorates in Iraq, 2016.

727 For a detailed explanation of the socio-economic status of Palestinian women and girls over the past decade, please see: https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/e_escwa_ecw_12_tp-2_e.pdf ; https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/e_escwa_ecw_15-tp-2_e.pdf ; <https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/situation-of-palestinian-women-2014-2016-english.pdf> ; <https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/social-economic-situation-palestinian-women-2016-2018-english.pdf>

lead to death. A study of Kurdish women in Iraq found that 43.1 per cent of women who reported violence from their partner suffered severe injuries, including eye injuries, dislocations, sprains or burns, stab wounds and broken bones or teeth.⁷²⁸ In a nationally representative study from Jordan, one third of women who experience IPV reported injuries, and while most of these were minor, 9.4 per cent reported injuries to the eye, sprain, dislocations or burns, and 4.3 per cent reported serious injuries including deep wounds and broken bones or teeth.⁷²⁹ Possible sexual health effects from exposure to sexual violence include unwanted pregnancies, complications from unsafe abortions, female sexual arousal disorder, and sexually transmitted infections. Girls married early often face dangerous complications from early childbirth and an increased risk of IPV.⁷³⁰

Possible mental health problems include depression, anxiety, harmful alcohol and drug use, post-traumatic stress disorder and suicidality. Survivors may suffer further because of the stigma associated with VAWG. In Syria, there have been reports of the shame and stigma surrounding sexual violence leading women to suicide or suicidal thoughts.⁷³¹ Evidence from Tunisia and the State of Palestine suggest that many women are less likely to report VAWG or use VAWG services due to shame and fear of reprisal from family members and the community.^{732,733}

The physical and psychological consequences of VAWG not only inhibit a survivor's functioning, but also impact relationships with family members. VAWG can affect child survival and development by raising infant mortality rates, lowering birth weights, contributing to malnutrition and affecting

school participation. It can further result in specific disabilities when children bear witness to such violence: injuries can cause physical impairments; deprivation of proper nutrition or stimulus can cause developmental delay; and consequences of abuse can lead to long-term mental health problems. Research conducted in Egypt in 2015 estimates that more than 300,000 mothers have experienced spousal violence in the last year. Of these, an estimated 197,900 of these mothers witness psychological effects in their children due to the violence (e.g. no desire to play or becoming violent themselves).⁷³⁴ This can create a cyclical effect and cause generational violence. Many of these effects are hard to link directly to VAWG because they are not always easily recognizable by health and other providers as evidence of VAWG, which in turn can contribute to mistaken assumptions that VAWG is not a problem.

The perpetrators of VAWG create an economic burden on society through their actions. At the same time that VAWG increases costs to public health and social welfare systems, it decreases women and children's abilities to participate in social and economic development. In the case of child marriage, for example, girls married early to relieve their families of financial burden often find themselves trapped in a cycle of poverty and isolation.⁷³⁵ Specific costs resulting from VAWG include prevention, protection, prosecution and compensation for violence and the reintegration of women and children in society.⁷³⁶ Although research in the region is limited,⁷³⁷ a study from Egypt found that in just one year, the total cost from violence (including direct and indirect costs) borne by women and their families was estimated to be at least 2.17 billion LE.⁷³⁸ Violence in Egypt

728 ESCWA, 'Status of Arab Women Report 2017 Violence Against Women: What Is at Stake?' 2017.

729 ESCWA, 'Status of Arab Women Report 2017 Violence Against Women: What Is at Stake?' 2017.

730 Girls Not Brides. What Is the Impact of Child Marriage. See <https://www.girlsnotbrides.org/what-is-the-impact/>

731 UNFPA and GBV Area of Responsibility, 'Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview,' p. 14, 2020.

732 Birzeit University, Disabled women's access to formal justice: A study on the situation of women with disabilities in the occupied Palestinian territories, and in Palestinian refugee camps in Lebanon, as to the renewal of intervention strategies (Arabic), 2013.

733 UNFPA, Wadi, Asmahan, Review of Health, Justice and Police, and Social Essential Services for Women and Girls Victims/Survivors of Violence in the Arab States: Tunisia, 2018.

734 United Nations Population Fund, 'The Economic Cost of Gender Based Violence Survey Egypt 2015,' UNFPA, p. 147, 2016. <https://egypt.unfpa.org/en/publications/economic-cost-gender-based-violence-survey-egypt-2015>.

735 Girls Not Brides. Poverty. See <https://www.girlsnotbrides.org/themes/poverty/>

736 ESCWA, Lebanese American University and UN Women, 'Status of Arab Women Report: Violence Against Women, What Is at Stake?' 2017.

737 For cost of specific services in select countries, see <https://banyanglobal.com/wp-content/uploads/2018/02/MENA-Context-Analysis.pdf>

738 UNFPA 'The Economic Cost of Gender Based Violence Survey Egypt 2015,' p. 128, 2016.

has also led to women's inability to participate in the labour force, and these lost wages and work have negative effects on individuals, families, employers and the general community.⁷³⁹

VAWG IN THE CONTEXT OF COVID-19

The ongoing COVID-19 pandemic has exacerbated multiple forms of VAWG in the region, with women and girls with disabilities, migrant workers, and female refugees and IPDs among the most affected due to their inability to access sufficient support and care.

Perhaps most notably, IPV appears to have increased significantly in many countries. According to an analysis by the Co-operative for Assistance and Relief Everywhere (CARE International), the economic impact of the virus and restrictions on movement to halt its spread have increased domestic tensions, leading to higher rates of partner violence, while the loss of income has increased women's and girls' risk of exploitation and early or forced marriages to ease their families' financial burden.⁷⁴⁰ The Tunisian Minister of Women's Affairs

reported a five-fold increase in cases of domestic violence reported to their 24-hour hotline since lockdown restrictions were implemented in the country.⁷⁴¹ Moroccan domestic abuse hotlines were receiving nearly three times the previous call volume since lockdown.⁷⁴² Calls to a domestic violence hotline also increased during the lockdown in the State of Palestine, but hotline calls dropped in Jordan, reportedly due to a lack of privacy for callers.⁷⁴³

Additional forms of VAWG that appear to be increasing in the region as a result of the pandemic are child marriage and FGM. In Jordan, rates of child marriage were reportedly increasing in Azraq and Zaatari camps due to a loss of informal labor opportunities and increased food insecurity.⁷⁴⁴ In Somalia, survey findings indicated an upsurge of FGM with 31 per cent of community members noting that there had been an increase in FGM incidents compared to the pre-COVID-19 period.⁷⁴⁵ Still another concern, especially in the light of the increased reliance on the internet, is online violence. Online sexual harassment and blackmailing has reportedly increased 184 per cent in Lebanon during lockdown.⁷⁴⁶

➔ Laws and Policies Related to VAWG

National discussions, commitments, and accountability mechanisms related to VAWG have accelerated significantly in many countries in the MENA and Arab States region, particularly in the last decade. However, significant gaps still remain. Even at the level of national constitutions, for example, recognition of the problem of VAWG is limited. Prohibiting and eliminating violence more broadly (e.g., torture, cruel treatment, abuse,

physical or moral violence, etc.) is addressed in every constitution, except those of Lebanon, Libya, and Saudi Arabia. The constitution of Somalia gives all workers, particularly women, the right of protection from sexual abuse in the workplace. But Egypt, Tunisia, Somalia, Yemen and Iraq are the only countries that include language regarding the eradication of violence against women in their constitutions generally.^{747, 748} Article 11 of Egypt's

739 UNFPA, 'The Economic Cost of Gender Based Violence Survey Egypt 2015,' p. 128, 2016.

740 CARE International, Rapid Gender Analysis – COVID-19: Middle East and North Africa 2020 p. 19.

741 Alessandra Bajec, 'Violence is a virus': Tunisia opens new women's shelter as domestic abuse surges during lockdown, 2020.

742 Sayaka Ojima, Domestic violence in Morocco: the fight to protect women, 2020.

743 CARE International, Rapid Gender Analysis – COVID-19: Middle East and North Africa 2020 p. 19.

744 WFP Jordan, Food Security Situation of Refugees in Camps and Communities, 2020.

745 UNFPA, GBV Sub-cluster Somalia, and Northern Frontier Youth League, GBV/FGM Rapid Assessment Report in the Context of COVID-19 Pandemic in Somalia. 2020.

746 UNWomen, Gender Alert on COVID-19 Lebanon, Issue No. 3, 2020.

747 English language constitutions for each country were taken from Constitute at <https://www.constituteproject.org>.

748 ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region(Beijing +20), 2016.

constitution calls upon the State to protect women from all forms of violence, while Tunisia notes that the State will take necessary steps to eliminate VAW under article 46 of their constitution.⁷⁴⁹ Article 15 of Somalia's provision constitution prohibits any form of violence against women and article 128 of Yemen's constitution notes that the State will protect women from violence. Iraq's constitution also includes protections for women, with article 29 broadly condemning all forms of violence and abuse in the family, school, and society.⁷⁵⁰

Similarly, attention to VAWG in legislation is inconsistent, particularly in terms of violence that occurs in the context of the family, including IPV, marital rape, and so-called honor crimes, as described further below. (Although not covered directly here, it is also important to recognize that the absence of protective legislation for particularly marginalized groups—such as people with disabilities, refugees, ethnic minorities, etc.—that is a common limitation in legislative frameworks throughout countries in the MENA and Arab States region, can exacerbate the risks of exposure to violence and discrimination for women and girls from within these groups.)

VAWG LEGISLATION

Stand-alone legislation related to VAWG exists in eight countries in the Arab region: Bahrain, UAE,⁷⁵¹ Kuwait,⁷⁵² Jordan, Lebanon, Morocco, Saudi Arabia and Tunisia. This legislation typically specifies government and civil society actors' responsibilities for the prevention of and response to VAWG.⁷⁵³ Many countries have also advanced or improved legislation to deal with specific categories or types of violence, further described below.

As noted previously, [violent discipline](#) significantly affects girls in many countries in the region. Although typically understood more in the framework of violence against children legislation, protections against violent discipline are important to reducing violence against the girl child. However, Tunisia is the only country in the MENA and Arab States region to prohibit the corporal punishment of children in any setting, including the home, alternative care settings, day cares and schools. Bahrain and the UAE are both states legally committed to the prohibition of corporal punishment, and actively prohibit corporal punishment in schools but not in the home, alternative care settings, or day care settings. Algeria, Djibouti, Kuwait, Libya, Yemen and Oman⁷⁵⁴ all prohibit corporal punishment in schools, but not in the home or alternative care settings. Meanwhile, the State of Palestine and Saudi Arabia, do not fully prohibit corporal punishment in any setting.

749 ESCWA, *Beyond Boundaries: Utilizing Protection Orders to Cultivate a Holistic Response to Domestic Violence and the Arab Region*. 2019. p. 42-43.

750 ESCWA, *Beyond Boundaries: Utilizing Protection Orders to Cultivate a Holistic Response to Domestic Violence and the Arab Region*. 2019, p. 42-43

751 See Khaleej Times, *New family protection policy in UAE will curb abuse: Experts*, 2019.

752 See Human Rights Watch, *Domestic Violence Law Signals Hope for Kuwait's Women*, 2020.

753 ESCWA, *The Due Diligence Standard, Violence against Women and Protection Orders in the Arab Region*, 2018. p 7

754 Article 56.H. of Oman's Child Law states [unofficial translation], 'It is not permitted for any person to commit any of the following actions: [...] (H) Performing any form of violence against a child...' which confirms prohibition of corporal punishment. Meanwhile, the National Childhood Strategy 2016-2025 developed by the Ministry of Social Development (MOSD) in cooperation with UNICEF, reiterates that while corporal punishment still occurs in households, it is prohibited, alongside other forms of child abuse, by the Child Law, the Penal Code, and the Law of Combatting Human Trafficking.

Table 3.2:
Legal Status of the Corporal Punishment of Children

ESCWA Category	Country	Prohibited in the Home	Prohibited in Alternative Care Settings	Prohibited in Day Care	Prohibited in Schools	Prohibited in penal institutions	Prohibited as a sentence for Crime
GCC	Bahrain				●		●
	Kuwait						
	Oman						●
	Qatar					●	
	Saudi Arabia						
	UAE				●	●	
Maghreb	Algeria				●		●
	Libya			Some	●		
	Morocco					●	●
	Tunisia	●	●	●	●	●	
Mashreq	Egypt					●	
	Jordan		Some		●	●	●
	Iran			Some		●	
	Iraq					Some	●
	Lebanon					●	
	State of Palestine				Some	Some	Some
	Syria				●		
LDC	Djibouti				●		●
	Somalia						
	Sudan				Some		●
	Yemen			Some	●	●	

Source: End all Corporal Punishment of Children, *Progress toward prohibiting all corporal punishment in the Middle East and North Africa*, January 2020, Accessed at: <http://endcorporalpunishment.org/wp-content/uploads/legality-tables/Middle-East-and-North-Africa-progress-table-commitment.pdf>

Regarding legislation on [child marriage](#), there are significant variations across countries regarding protection from this, as well as on its implementation. On the positive side, the legally approved age for marriage - the age an individual must be to get married without receiving the consent of their parents - for girls in Egypt, Iraq, Oman, Qatar and the UAE is 18 years; in Tunisia that age is 20 for females. Notably, however, the minimum age of marriage - the age at which an individual can be married if they receive the consent of their parents - for women/girls and men/boys varies widely in the region. Only 11 of the 21 countries have the same minimum legal age of marriage for women/girls and men/boys; six countries have a younger legal minimum age for marriage for women/girls than for men/boys; and four countries have no legal minimum age for marriage for women/girls or men/boys.⁷⁵⁵

Of those countries that have a legal minimum age of marriage, all but Egypt allow exceptions to these minimums by guardian consent and judicial authorization.⁷⁵⁶ In Iran, for example, the legal age for marriage is 13, as long as there is a

guardian's permission; in the case of marriage for girls below 13 years of age, the court's permission is also needed.⁷⁵⁷ In Lebanon, the minimum age for marriage is not set out in civil law but rather governed by personal status codes of religious sects. In this context, marriage may be granted for girls at age nine within the Sunni and Shiite confessions, and age 12.5 within the Jewish faith.⁷⁵⁸ Although Jordanian law prohibits children aged below 15 to be legally married, the marriage of a child aged 15-17 is possible with special approval from a Shari'a court judge.⁷⁵⁹ These exceptions to child marriage in refugee-hosting contexts have been a contributing factor to the rise in child marriage among displaced Syrians.

As noted in the table below, LDCs have a significantly younger average age of legal marriage, at 14 for girls, as compared to the rest of the region. In three of the 18 countries included in the table, no legal age minimums exist. In Yemen, Somalia, and Saudi Arabia, marriage is largely governed by traditional and religious practices, making it difficult for legal and governmental authorities to regulate marriage.

755 Social Institutions & Gender Index 2019 Country Profiles for Algeria, Bahrain, Djibouti, Egypt, Iraq, Iran, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, State of Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, UAE, and Yemen. Available at genderindex.org/countries.

756 Wodon et al., *Ending Child Marriage: Legal Age for Marriage, Illegal Child Marriages, and the Need for Interventions*. London and Washington D.C.: Save the Children and the World Bank. 2017, p. 4.

757 Seikaly et al. 2014 25, cited in Dalacoura, Katerina. (2019). 'Women and Gender in the Middle East and North Africa: Mapping the Field and Addressing Policy Dilemmas at the Post-2011 Juncture', MENARA Final Reports, n. 3, 2019.

758 Social Institutions & Gender Index 2019 Country Profiles for Algeria, Bahrain, Djibouti, Egypt, Iraq, Iran, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, State of Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, UAE, and Yemen.

759 UNICEF, *A Study on Early Marriage in Jordan*, 2014.

Table 3.3:

Child Marriage Legislation in MENA and Arab States Region⁷⁶⁰

ESCWA Category	Country	Girls	Boys	Girls with Parental Consent	Boys with Parental Consent	Additional Information
GCC	Bahrain	15	18			According to law the minimum age of marriage is 15 years for girls and 18 for boys, but special circumstances allow marriages below these ages with approval from a sharia court. The government made concerted efforts to draw attention to the dangers of early marriage for girls and the adverse effect on children's health.
	Kuwait	15	17			The legal marriage age is 17 for men and 15 for women, but girls continued to marry at a younger age in some tribal groups. The Ministry of Justice estimated underage marriages constituted 2 to 3 percent of all marriages in 2013.
	Oman	18	18			The age of legal marriage for men and women is 18 years, although a judge may permit a person to marry younger when the judge or family deemed the marriage was in the minor's interest.
	Qatar	16	18			By law the minimum age for marriage is 18 years for boys and 16 years for girls. The law does not permit marriage of persons below these ages except in conformity with religious and cultural norms. These norms include the need to obtain consent from the legal guardian to ensure that both prospective partners consent to the union and apply for permission from a competent court; underage marriage is rare.
	Saudi Arabia					There were reports during the year of child marriage; it was almost entirely limited to rural areas. Senior government officials, including officials from the governmental HRC and the quasi-governmental NSHR, spoke out against the practice and advocated the adoption of a minimum marriage age. The law does not specify a minimum age for marriage, but sharia suggests girls may marry after reaching puberty. According to some senior religious leaders, girls as young as 10 may marry. Families sometimes arranged such marriages to settle family debts, without the consent of the child. The HRC and NSHR monitored cases of child marriages, which they reported were rare or at least rarely reported, and took steps to prevent them from being consummated. Media reports quoted judges as saying the majority of child marriage cases in the country involved Syrian girls, followed by smaller numbers of Egyptians and Yemenis. There were media reports that some men travelled abroad to find brides, some of whom were legally minors. The application for a marriage license must record the bride's age, and registration of the marriage is a legal prerequisite for consummation. The government reportedly instructed marriage registrars not to register marriages involving children. ⁷⁶¹
Average Legal Age of Marriage		16	17.75			

760 Department of State Country Reports on Human Rights Practices for 2015

761 UNICEF GAO, in December 2019, Saudi Arabia issued a ban on marriages for people under the age of 18 for both genders.

Maghreb	Algeria	19	19		The legal minimum age of marriage is 19 for both men and women, but minors may marry parental consent, regardless of gender. The law forbids legal guardians from forcing minors under their care to marry against the minor's will. The Ministry of Religious Affairs required that couples present a government issued marriage certificate before permitting imams to conduct religious marriage ceremonies. UN statistics from 2013 showed that 6 percent of women ages 20 to 49 were married by or before age 18.
	Libya	18	18		The minimum age for marriage is 18 years old for both men and women, although judges can provide permission for those under 18 to marry. There were no available statistics on the rate of early and forced marriage during the year.
	Tunisia	18	18		The minimum age for marriage for both sexes is 18, but the courts may, in certain situations, authorize the marriage of persons younger than 18 upon the express request and approval of both parents.
Average Legal Age of Marriage		18.33	18.33		
Mashreq	Egypt	18	18		The legal age of marriage is 18. According to a panel hosted by the Office of the High Commissioner for Human Rights in Geneva in 2014, 23 percent of girls married before age 18; as many as 21 percent married before age 15. As many as 15 percent of all marriages in the country were child marriages, according to remarks made by the minister of population to the media in August. In February the government lifted its previous reservation on an article of the African Charter on the Rights and Welfare of the Child that prohibits marriage under age 18. The media reported some child marriages were temporary marriages intended to mask child prostitution. Families sometimes forced adolescent girls to marry wealthy foreign men in what were known locally as 'tourism' or 'summer' marriages for the purpose of sexual exploitation, prostitution, or forced labour. On December 8, the Ministry of Justice introduced measures intended to close legal loopholes and make tourism marriages more difficult to obtain. It changed an existing and long-standing system whereby a foreign man who wanted to marry an Egyptian woman more than 25 years younger than he is must pay a fine. The measure increased the fine from LE 40,000 (\$5,200) to LE 50,000 (\$6,500). Women's rights organizations argued that allowing foreign men to pay a fine in order to marry much younger women represented a form of trafficking and encouraged child marriage. They called on the government to eliminate the system altogether. The Anti-trafficking Unit at the National Council for Childhood and Motherhood, a governmental body, is responsible for raising awareness of the problem.
	Iran	13	15	9	The legal minimum age of marriage for girls is 13, but girls as young as nine may be married with permission from the court and their father. The law requires court approval for the marriage of boys younger than 15. According to the newspaper Shahrvand, there were more than 40,000 registered marriages for girls under the age of 15 in 2014. The number may be higher because NGOs reported that many families did not register underage marriages. On October 13, authorities executed juvenile offender Fatemeh Salbehi for the killing of her husband, whom she was forced to marry at 16.

Mashreq	Iraq	18	18	15	15	By law the minimum age of marriage is 15 with parental permission and 18 without. The government made few efforts to enforce the law. Traditional forced marriages of girls as young as age 11 continued, particularly in rural areas. According to UNICEF, 6 percent of girls were married by 15, and 24 percent were married by 18. Girls between the ages of 11 and 18 told UNICEF that early marriage was the primary obstacle to completing their education. Early and forced marriages, as well as abusive temporary marriages, were more prevalent in Da'esh controlled areas. In February HRW interviewed 20 Yezidi women and girls who escaped from Da'esh captivity; nearly all said that they had been forced into marriage, sold (in some cases a number of times), or given as gifts. Local and international NGOs reported that forced divorce--the practice of husbands or their families threatening to divorce wives they married when the girls were very young (ages 12 to 16) to pressure the girl's family to provide additional money to the girl's husband and his family--also occurred, particularly in the south. Victims of forced divorce were compelled to leave their husbands and their husbands' families, and social customs regarding family honor often prevented victims from returning to their families, leaving some adolescent girls abandoned.
	Jordan	18	18	15	15	The minimum age for marriage is 18. With the consent of both a judge and a guardian, a child as young as 15 years old, in most cases a girl, may be married. The sharia court reported that early marriages comprised 13 percent of all marriages registered in 2014, with the early marriage rate among registered Syrian refugee's marriages at 31.4 percent in the first quarter of 2014. There was no data available on the number of unregistered marriages, but due to the differences between the Jordanian and Syrian legal and social frameworks, it was likely that many Syrian refugee marriages were not registered.
	State of Palestine	18	18	15	15	Palestinian law defines the minimum age for marriage as 18; however, religious law allows persons as young as 15 years old to marry. Child marriage did not appear to be widespread, according to NGOs, including the Women's Center for Legal Aid and Counselling. According to UNICEF data for the year, 2 percent of girls were married by the age of 15.
	Syria	17	18	15	15	The Personal Status Law 4/2019 mandates the minimum age of marriage for both men and women at 18 years. A boy or girl who is 15 or older may marry if a judge deems both parties willing, 'physically mature,' and if the fathers or grandfathers of both parties' consent. Although underage marriage declined considerably in past decades, it was common and occurred in all communities, albeit in greater numbers in rural and less developed regions. The media and NGOs reported that early marriage, particularly among girls, was increasing among Syrian refugee populations. Da'esh systematically abducted and sexually exploited Yezidi girls in Iraq and transported them to Syria for forced marriage.
Average Legal Age of Marriage		17	17.5			

LDC	Djibouti	18	18	<18	<18	Although the law fixes the minimum legal age of marriage at 18 years, it provides that 'marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians.' Child marriage occasionally occurred in rural areas, where it was considered a traditional practice rather than a problem. The Ministry for the Promotion of Women and Family Planning worked with women's groups throughout the country to protect the rights of girls, including the right to decide when and whom to marry.
	Somalia					The provisional federal constitution does not specify a minimum legal age for marriage. It notes marriage requires the free consent of both the man and woman to be legal. Early marriages frequently occurred; 45 percent of women between the ages of 20 and 24 were married by age 18, and 8 percent were married by age 15. In rural areas parents often compelled daughters as young as 12 to marry. In areas under its control, al-Shabaab arranged compulsory marriages between its soldiers and young girls and used the lure of marriage as a recruitment tool. There were no known efforts by the government or regional authorities to prevent early and forced marriage.
	Sudan	10	15			The law establishes the legal age of marriage at 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but child advocates reported it remained a problem, especially in rural areas. According to UNICEF estimates, 12 percent of women ages 20 to 24 were first married or in a union before they were 15, and 34 percent were married before reaching 18. In October the first lady issued a statement during International Day of the Girl expressing concern about early and forced marriages and announcing a government initiative that would be launched to tackle the issue.
	Yemen					Early and forced marriage was a significant, widespread problem. There was no minimum age for marriage, and girls married as young as eight years of age, which traditionalists claimed served to assure they were virgins at the time of marriage. National legislation does not stipulate any minimum age of marriage, except for stating that girls should not marry unless they have reached sexual maturity. The current conflict in the country and the deteriorating economic situation is negatively affecting basic services including health, education and justice, which is putting girls and boys at further risk of child marriage. The last Demographic Health Survey (DHS) report in 2013 showed that 31.9 per cent of women aged 20-24 were married before 18 years while 9.4 per cent were married before age 15. A UNICEF KAP survey conducted in 2016 targeting six governorates, showed that 72,5 per cent of female respondents in the targeted communities got married before they reached 18 years. The percentage of female respondents who got married at the age of fifteen or less accounted for 44,5 per cent. This indicates that child marriage is on the increase as a negative coping mechanism in the context of the conflict.
Average Legal Age of Marriage		14	16.5			

A review of criminal laws addressing other forms of VAWG further emphasizes wide variation in protective legislation across the region, as illustrated in Table 3.4 (below). A majority of countries (12 out of 18⁷⁶²) specifically criminalize rape when committed by someone other than a spouse. The remaining six countries do not specifically criminalize rape.⁷⁶³ Furthermore, in some jurisdictions, a rapist may avoid punishment by marrying his victim, although a number of States have recently abolished their rape marriage laws: namely, Lebanon (Article 522 of penal code), Jordan (Article 308 of penal code), Morocco (Article 475 of penal code), Tunisia (Article 227 of penal code), and the State of Palestine (Law No. 5 of 2018 repealed article 308 of the penal code).^{764,765} The Bahraini government is also examining a law to abolish this practice.⁷⁶⁶

Over half the countries in the region have some protections for sexual harassment in the workplace and/or public sphere.⁷⁶⁷ In Jordan and Lebanon, the law allows an employee who is subjected to sexual harassment (or beating or degradation) in the workplace to resign from his/her position without giving notice.^{768,769} An amendment to the penal code has been proposed in Yemen, but not yet approved.⁷⁷⁰ In Saudi Arabia, first-time perpetrators of sexual harassment can be imprisoned for up to two years and fined up to 100,000 Saudi riyals, while repeat offenders can receive up to five years in prison and a fine of 300,000 Saudi riyals.⁷⁷¹ In Morocco, perpetrators of sexual harassment in public spaces can be sentenced to one to six months in prison and be fined 2,000 to 10,000 Moroccan dirhams.⁷⁷²

Within the MENA and Arab States region, female genital mutilation is outlawed in Djibouti, Egypt, Iraq (Kurdistan), Somalia, Sudan and Yemen (in medical facilities, not in the home). Even where legislation exists, it often is not comprehensive, and in many settings, it is not aggressively enforced. For example, although the practice was criminalized in Egypt in 2008, the law can be circumvented through article 61 of the penal code which allows for harmful actions to protect oneself or another. Therefore, FGM has been medicalized instead of banned in Egypt.⁷⁷³ However, there has been enforcement in the country. Notably, in 2015, an Egyptian court issued for the first time a verdict against a doctor who had been involved in FGM.⁷⁷⁴ Important to note, several states in the region do not have legislation outlawing the practice, as FGM may be rare or not practiced there.

Several countries in the MENA and Arab States region have recently adopted legislation regarding intimate partner violence (e.g., Algeria, Bahrain, Jordan, Lebanon, Morocco, Tunisia, and Saudi Arabia, as well as the Kurdistan region of Iraq), and others have laws under review. When examined in the aggregate, only one in three countries in the MENA region⁷⁷⁵ addresses IPV or other forms of domestic violence in statutory laws. According to one regional estimate, as of 2017, three in four women remained unprotected from domestic violence under the law.⁷⁷⁶ Notably, all but one country where data was found lack legal frameworks that criminalize marital rape. The exception is Djibouti, where rape is defined by article 343 of the Penal Code Law No.

762 The Gender Justice & The Law, Assessment of laws affecting gender equality in the Arab States region (UNFPA, UNDP, UN Women, ESCWA) published in late 2018 provides findings related to laws and policies affecting gender equality and protection against gender-based violence in 18 of the 21 countries covered under this situational analysis.

763 UNFPA, UNDP, UN Women, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

764 ESCWA, State of Gender Justice in the Arab Region, 2017.

765 Human Rights Watch, 'Palestine: 'Marry-Your-Rapist' Law Repealed- Revoke Other Discriminatory Laws Against Women', 2018.

766 UNFPA, UNDP, UN Women, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

767 Also see World Bank Group, Women, Business and the Law, 2020.

768 ESCWA, State of Gender Justice in the Arab Region, 2017.

769 Sexual Harassment and VAW at the Workplace in Nine Arab countries, 2018.

770 UNFPA, UNDP, UN Women, ESCWA, Gender Justice and the Law: Yemen, 2018.

771 See Library of Congress, Saudi Arabia: Shura Council Approves Anti-harassment Bill, 2018. <https://www.loc.gov/law/foreign-news/article/saudi-arabia-shura-council-approves-anti-harassment-bill/>

772 See Morocco World News, Historic Law on Violence Against Women Goes into Effect September 12, 2018. <https://www.moroccoworldnews.com/2018/09/253413/law-against-violence-women-morocco/>

773 EuroMed Rights, Egypt: Report on Violence Against Women in Egypt, 2016.

774 ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20), 2018, p 53.

775 Per World Bank regional classification.

776 Tavares, P., and Wodon, Q. 2017 Global and Regional Trends in Women's Legal Protection against Domestic Violence and Sexual Harassment. Ending Violence against Women Notes Series. Washington, DC: The World Bank.

777 Ibid.

Table 3.4:
Select national criminal laws related to VAWG⁷⁷⁷

ESCWA Category	Country	Domestic violence	Honor crimes	Marital rape	Rape (other than a spouse)	Abortion for rape survivors	Exoneration by marriage	Sexual harassment	Human trafficking	FGM/C
GCC	Bahrain	●	●	●	●	●	●	●	●	●
	Qatar	●	●	●	●	●	●	●	●	●
	Saudi Arabia	●	●	●	●	●	●	●	●	●
Maghreb	Algeria	●	●	●	●	●	●	●	●	●
	Libya	●	●	●	●	●	●	●	●	●
	Morocco	●	●	●	●	●	●	●	●	●
	Tunisia	●	●	●	●	●	●	●	●	●
Mashreq	Egypt	●	●	●	●	●	●	●	●	●
	Iraq	●	●	●	●	●	●	●	●	●
	Jordan	●	●	●	●	●	●	●	●	●
	Lebanon	●	●	●	●	●	●	●	●	●
	State of Palestine	●	●	●	●	●	●	●	●	●
	Syria	●	●	●	●	●	●	●	●	●
LDC	Djibouti	●	●	●	●	●	●	●	●	●
	Somalia	●	●	●	●	●	●	●	●	●
	Sudan	●	●	●	●	●	●	●	●	●
	Yemen	●	●	●	●	●	●	●	●	●

Notes:

General explanation of colour codes below. For more details regarding categorization per topic, see full report.

A **green code** indicates that laws on this topic provide for gender equality and/or protection from gender-based violence and are substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

An **amber code** indicates that some gender aspects of the law on this topic have been addressed, but important gender inequalities remain.

A **red code** indicates that the law on a particular topic does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

A **grey code** indicates that there is no available data or inadequate information.

Data for Iran, Kuwait, and UAE were not included in the source study.

59 of 1995 and courts may consider marital rape as constituting an offence; however, marital rape is rarely prosecuted.⁷⁷⁸ Discriminatory marriage, custody, and guardianship laws (described in greater detail in Pillar 4) may serve to keep women and girls in abusive unions.

When family violence extends to include so-called [honor crimes](#), many countries in the region fail to sufficiently protect the victim, rationalizing protections for the assailant. Sentencing may be lenient or mitigated for male perpetrators—a benefit that does not extend equally to females who commit violence against their husbands.⁷⁷⁹ Nonetheless, Lebanon, the State of Palestine and the Syrian Arab Republic, in particular, have abrogated laws that grant extenuating circumstances to murderers in cases of so-called honor crimes.⁷⁸⁰

Notably, however, several countries in the region have legislated protection orders—understood globally to be among one of the most useful interventions in preventing IPV and other violence in the home. According to research undertaken by ESCWA, common elements of the provision of protective orders across these countries include⁷⁸¹:

- Bar perpetrators from contacting or harming survivors, their children and other family members either directly or indirectly (through a third party);
- Require perpetrators to stay a specified distance from survivors and their children, wherever they may be;
- Bar perpetrators from damaging survivors' personal property or property held in common (car, house, furniture);

- Bar perpetrators from accessing assets held jointly with survivors;
- Allow survivors to access the family dwelling or to seek refuge elsewhere, if needed;
- Compel perpetrators to leave the family home for a fixed period;
- Compel perpetrators to provide financial assistance for support and costs incurred from violence, including medical treatment and shelter.

While ESCWA concluded that these provisions align with global good practice in protection order legislation, their report also points out that no country [in the Arab region] has enacted comprehensive protection order legislation that encompasses all the necessary protocols as outlined in the United Nations Handbook for Legislation on Violence against Women (2012). In other instances, some components fall short and should be removed. This includes the provision of mediation mechanisms that, while perceived as beneficial to preserving the integrity of the family, are not survivor-centred.⁷⁸²

[Human trafficking](#) is criminalized in a number of Arab countries. These countries tend to target sexual acts, including prostitution, sexual exploitation, violence and coercion of women, girls and boys to commit sexual acts. However, these laws are reportedly not sufficiently deterrent, nor are they broad enough to cover various forms of sexual exploitation.⁷⁸³ In one important example relevant to many countries in the region, female foreign workers are rarely afforded protection by labour laws, which often explicitly exclude migrant workers from their scope of application, putting them at significant risk of traffickers, and of sexual abuse and exploitation.⁷⁸⁴ Imposing fines only, or

778 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

779 ESCWA, 2017. State of Gender Justice in the Arab Region.

780 ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20), 2016.

781 ESCWA, The Due Diligence Standard, Violence against Women and Protection Orders in the Arab Region, 2018, p 7.

782 Ibid, p 8.

783 SIDA, Center of Arab Women for Training and Research, Empowering Women towards Gender Equality in the MENA Region through Gender Mainstreaming in Economic Policies and Trade Agreements: Gender and Trade, 2019.

784 ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20), 2016.

deportation of illegal immigrants, may enable the perpetrators who were penalized for these crimes to repeat them and resume their activities, since they pay small fines.⁷⁸⁵

Despite the scope of armed conflict in the region, legislation does not exist in most countries specifically targeting **conflict-related sexual violence**. Sudan is an exception, with national legislation that explicitly criminalizes incidents of sexual violence in conflict as a war crime. The Libyan Minister of Justice adopted a Ministerial Decree (119) in 2014 recognizing victims of sexual violence during the Libya uprising as victims of war and provides them with a right to reparations, but the decree appears to not have been implemented.⁷⁸⁶ However, some states are developing action plans on Women, Peace and Security that include attention to sexual violence against women and girls in conflict (see Pillar 4).

VAWG POLICIES

Outside of the legislative arena, political commitments have significantly increased in the MENA and Arab States region in recent years, illustrating positive change, even at the regional level. For example, in 2014 the ESCWA Member States adopted the Kuwait Declaration, in which they collectively condemned all forms of violence against women and committed to addressing it through the development of 'clear rules and procedures that determine liabilities [...] and limit cases of impunity.'⁷⁸⁷ Additionally, a Coalition of Women Members of Parliament from the Arab Region to Combat VAW was founded in 2014, and includes MPs from thirteen countries: Libya, Jordan, Sudan, Lebanon, Egypt, Bahrain, Tunisia, Morocco, State of Palestine, Iraq, Djibouti, Kuwait and Saudi Arabia. The Coalition drafted an Arab Convention to Combat Violence Against Women and Children, which is currently under final review.⁷⁸⁸

Many countries in the region have initiatives, strategies, and policies to reduce VAWG. Examples include (but are not limited to)^{789,790}:

- Sudan developed a draft national strategy for reducing child marriage in 2015.
- Sudan's National Strategy for the Abandonment of All Types of Female Genital Mutilation/Cutting (2008–2018) aimed to eliminate all types of female genital mutilation through a comprehensive approach that addressed the religious, social, health, and cultural dimensions of female genital mutilation included actors from academic institutions, line ministries, and legal experts.
- Yemen, through its Women's National Committee, participated in the preparation of an Arab Strategy for the Protection of Women against Violence for 2011–2020.
- The National Strategy for Combating Violence Against Women 2011–2019 in the State of Palestine established strategic goals to strengthen mechanisms of protection and empowerment for Palestinian women including strengthening the legal framework and institutional mechanisms for the protection of women from violence, improving social protection and social support provided to survivors of violence, and improving addressing cases of VAWG through health services.
- The National Strategy on Violence Against Women in Tunisia was developed in 2008 and the first national survey on VAWG was conducted in 2009–2010.
- From 2008 – 2010, Syria carried out national studies on violence against women and drafted a strategy against violence. Further, the

⁷⁸⁵ SIDA, Center of Arab Women for Training and Research, Empowering Women towards Gender Equality in the MENA Region through Gender Mainstreaming in Economic Policies and Trade Agreements: Gender and Trade, 2019.

⁷⁸⁶ UN Women, Accountability for Sexual Violence in Conflict: Identifying Gaps in Theory and Practice of National Jurisdictions in the Arab Region, 2018.

⁷⁸⁷ Kuwait Declaration on Combating Violence against Women, in particular operative paragraphs 2 and 4. The text of this Declaration is included in ESCWA, 2014. Cited in United Nations ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20), 2016.

⁷⁸⁸ See <https://cvaw-arabcoalition.org/en/> and <https://www.wfd.org/programmes/mena-women/>

⁷⁸⁹ UNFPA, Regional Report, Sexual and Reproductive Health Laws and Policies in Selected Arab Countries, 2016.

⁷⁹⁰ UNHCR, Sexual and Gender Based Violence Prevention and Response in Refugee Situations in the Middle East and North Africa, 2015.

National Strategy for Advancement of women has VAWG as one of its focus areas.

- The National Strategy for the Empowerment of Egyptian Women 2030 focuses on ending discrimination against and supporting empowerment of women.⁷⁹¹
- The Ministry of Social Affairs in Lebanon developed the MoSA National Plan to

Safeguard Children and Women ('the National Plan'), signed in October 2014.⁷⁹² The National Plan provided the first framework under which GBV programming and protocols were established, prioritizing services for all vulnerable groups, including refugees. In 2019, the Minister of State for the Economic Empowerment of Women and Youth launched the National Strategy for Combatting Violence against Women and Girls (2019-2029).⁷⁹³

Table 3.5:
Policy Reform on VAWG⁷⁹⁴

ESCWA Category	Country	Policy Reform	
		Stand-alone strategy on violence against women	Part of an overall strategy on women
GCC	Bahrain	National Strategy for the Protection of Women from Domestic Violence	National Plan for the Advancement of Bahraini Women (2013-2022)
	Kuwait	No	No
	Oman	No	No
	Qatar	No	No
	Saudi Arabia	No	No ⁷⁹⁵
	UAE	No ⁷⁹⁶	No
Maghreb	Libya	No	No
	Morocco	National Strategy to Combat Violence against Women (2002)	Government plan for equality (ICRAM) (2012-2016, second phase 2017-2021 is ongoing)
Mashreq	Egypt	National Strategy to Combat Violence Against Women (2015-2020)	National Strategy for the Empowerment of Egyptian Women 2030
	Iraq	National Strategy to Combat Violence against Women (2013-2017)	No
	Jordan	National Strategy to Combat Violence against Women (2014-2017)	National Strategy for Jordanian Women (2013-2017)
	Lebanon	National Strategy for Combatting Violence Against Women and Girls (2019-2029)	
	State of Palestine	National Strategy to Combat Violence Against Women (2011-2019)	National Cross-Sectoral Strategy on Gender Equality and Justice and the Empowerment of Women (2017-2022)
	Syria	No	No
LDC	Sudan	Five-year national plan to combat violence against women and children (2012-2016)	No
	Yemen	No	National Strategy for Women Development (2006-2015)

Source: Updated from ESCWA, LAU and UNWomen, 2017. Status of Arab Women Report, 2016. *Violence Against Women, What Is at Stake?*

791 National Council for Women, National Strategy for the Empowerment of Egyptian Women 2030: Vision and Pillars, 2017.

792 Action document for the EU Regional Trust Fund in Response to the Syrian Crisis to be used for the decisions of the Operational Board, 2019.

793 Republic of Lebanon, Official Report on Progress Made and the Implementation and Identification of Challenges to Implement the Beijing Platform for Action, 2019.

794 Updated from ESCWA, LAU and UNWomen, Status of Arab Women Report, 2016. *Violence Against Women, What Is at Stake?*, 2017, p. 15.

795 UNICEF GAO, National Family Strategy in Saudi Arabia covers women, children, and elderly and was approved in 2021.

796 UNICEF GAO, a strategy on ending violence against children is under development.

➔ Socio-cultural Norms and Practices Related to VAWG

Stereotyped gender norms and discriminatory practices is at the root of multiple forms of VAWG. This is no exception in the MENA and Arab States region, where patriarchal beliefs that support male privilege and power exist in virtually every area of life. While progress is being made in advancing gender equality and the empowerment of women in many countries in the region, widespread acceptance of various forms of VAWG, from the individual to community and societal levels, reflects and reinforces entrenched gender biases. For example, norms of family 'honor' linked to female chastity may inform families' decisions to marry their girl children. These norms may be reinforced by social sanctions from the community that stigmatize families, and girls themselves, who are not married at an 'acceptable' age (typically immediately puberty).⁷⁹⁷

In many Arab countries, efforts to protect women from IPV and other forms of violence in the home tend to be seen as undermining of traditional patriarchal values, such as men's authority as heads of the family. Proposed or new laws emphasizing women's individual human rights, separate from the control of male family members, are often considered controversial due to these harmful gender norms. This may be one of the reasons why draft laws on violence against women or domestic violence remain pending in many countries.⁷⁹⁸ Even in cases where women are granted some protection by the law, they and their families may come under strong social pressure to waive their rights. A study of the Jordanian National Council for Family Affairs, for example, revealed that perpetrators of female homicide in that country benefitted from reduced sentences in 78 per cent of cases due to families giving up charges.⁷⁹⁹ In the case of FGM, evidence suggests that social norms are so strong in some

communities, that they create what one researcher coined as a 'belief trap' whereby even if individuals may not condone the practice, their expectation that the community supports it remains quite strong, as does their concern about stigma for not aligning with perceived community norms.⁸⁰⁰ There is also evidence of religious figures further propagating the practice of FGM. For example, a study in the Iraqi Kurdistan region revealed that many local religious leaders support FGM to reduce pre- and extra-marital relations. Although leaders did not state that they openly promoted FGM, they did oppose banning the practice.⁸⁰¹ However, in other countries of the region, religious figures have advocated to prevent FGM. In Egypt, the Al Azhar Al Sharif and its university together with the Coptic Orthodox Church came together under the initiative 'Peace. Love. Tolerance'; an effort to combat harmful practices and prevent children from the violence; including FGM.⁸⁰²

Although there is a significant amount of anecdotal evidence of widespread attitudes and beliefs that support various forms of VAWG, there is limited prevalent data and analysis that attempt to capture individual attitudes and beliefs regarding the perceived legitimacy of different forms of violence. Exceptions to this are Multiple Indicator Cluster Surveys (MICS) and DHS data collected related to FGM and IPV.

In a 2010 MICS undertaken in Sudan, 64 per cent of male respondents who were aware of FGM indicated that they thought the practice should stop, compared to 53 per cent of females.⁸⁰³ On the other hand, the Health Issues Survey conducted in 2015 in Egypt, as part of the DHS programme, found that only 28 per cent of men and boys who were aware of FGM thought it should stop, compared

797 UNICEF, 'A Profile of Child Marriage in the Middle East and North Africa', 2018.

798 ESCWA, *Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region* (Beijing +20), 2016.

799 Ibid.

800 Mackie (1996), cited in UNFPA Arab States Regional Office, *Female Genital Mutilation and Population Movements within and from the Arab Region*, 2018.

801 Ahmed et al., *Knowledge and Perspectives of Female Genital Cutting among the Local Religious Leaders in Erbil Governorate, Iraqi Kurdistan Region*. Reproductive Health, 2018.

802 <https://www.unicef.org/egypt/press-releases/towards-faster-progress-end-female-genital-mutilation-2030>

803 Multiple Indicator Cluster Survey (MICS), Sudan, 2010. Caution should be used when interpreting these numbers. Because the survey selected only males who were aware of FGM, we should not automatically assume that more males in Sudan want FGM stopped than their female counterparts. In fact, those male respondents may have just been less aware of the practice and those who were aware more likely want it to stop.

to 38 per cent Egyptian women who participated in the DHS study conducted in 2015.⁸⁰⁴ Another MICS conducted in Iraq in 2018 found that 94 per cent of females surveyed thought the practice should stop (with no data from males), although the practice is considerably lower in Iraq than in Sudan and Egypt.⁸⁰⁵ According to a DHS from 2013, 75 per cent of women in Yemen think that FGM should be discontinued.⁸⁰⁶

MICS and DHS data from a number of countries further illustrate how deeply entrenched attitudes are relating to intimate partner violence, even among young people. Boys (and in some countries, girls as well) were surveyed about whether husbands were justified in hitting or beating their wives for at least one of the specified reasons, i.e., if his wife burns the food, argues with him, goes out without telling him, neglects a child, etc. (see Figure 3.7). Of male adolescents surveyed, those in Jordan justified wife-beating at the highest rate in the region (64 per cent).⁸⁰⁷ Interestingly, 63 per cent of Jordanian girls aged 15-19 agreed with wife-beating under certain circumstances.⁸⁰⁸ In Qatar, however, adolescent boys justify wife-beating at significantly higher rates than their female counterparts. Yemen, Algeria, and Egypt indicate a relatively high level of acceptance for wife-beating among female adolescents. Research from the DHS indicates that women, too, may agree that wife-beating is acceptable in certain circumstances (there is no comparable data for adult men).

Not surprisingly given the tendency to prioritize the rights of the perpetrator over the rights of the victim in relation to many forms of VAWG, norms that discourage reporting are pervasive. A lack of guarantees for confidentiality may result in lasting stigma for the survivor and her family. The absence of protection against retaliation can also contribute

to fears related to reporting. In a 2017 survey of ESCWA countries, several respondents noted that fears about the perpetrator limited reporting.

⁸⁰⁹ In some settings, such as Bahrain, Egypt, and the UAE, there have been reports that police will refuse to intervene in instances of IPV or not take women seriously.^{810,811} Fees for services, illiteracy and associated challenges with getting information about services, and fears about the risk of losing children were also reasons cited for non-reporting of IPV and other forms of GBV. In the case of Yemen, the survey found that girls were prevented from reporting violence in some schools.⁸¹²

With regard to **sexual assault**, challenges with reporting are further compounded by social taboos related to perceived sexual misconduct on the part of the survivor. In research on IPV undertaken in Egypt, the vast majority (93.5 per cent) of survey respondents who reported experiencing sexual violence at the hands of a partner indicated that they did not seek help or disclose the violence to anyone.⁸¹³ As noted previously, in some countries women reporting sexual assault may be charged for indecency or adultery, with little protection available to them through statutory systems that privilege testimony of males. In the most conservative environments and communities in the region, social norms (and some laws and policies) constrain freedom of movement for women and girls, making it impossible to reach support services without a male chaperone.⁸¹⁴

The issue of under-reporting is also linked to the extent to which citizens have trust in State institutions and the integrity of police and justice systems. In the case of Palestinians in East Jerusalem, for example, evidence indicated that women are reluctant to report for fear they might endanger their entire family due to their mistrust of

804 Demographic and Health Survey (DHS), Egypt, 2015.

805 Multiple Indicator Cluster Survey (MICS), Iraq, 2018.

806 Demographic and Health Survey, Yemen, 2013.

807 Jordan DHS 2017-18

808 Jordan DHS 2017-18

809 ESCWA, LAU and UN Women, Status of Arab Women Report: Violence Against Women, What Is at Stake?, 2017.

810 International Center for Justice and Human Rights, End All Injustice against Women in the United Arab Emirates Submission to the CEDAW Committee in its review to the United Arab Emirates 'Periodic Report- 62nd Session, 2015.

811 ESCWA, LAU and UN Women, Status of Arab Women Report: Violence Against Women, What Is at Stake?, 2017.

812 Ibid.

813 UNFPA, The Egypt Economic Cost of Gender-Based Violence Survey, 2015.

814 United Nations ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20), 2016. Available at: <https://archive.unescwa.org/publications/Women-Gender-Equality-Arab-Region>.

Israeli police and fear that male family members will be targeted.⁸¹⁵ Women's hesitancy to report crimes is heightened by their awareness of instances in which women, including underage girls, have been assaulted by policemen or other State agents. Where these abuses take place with impunity, women may expect that they will be doubly or triply victimized if they attempt to report exposure to violence.⁸¹⁶

In humanitarian situations, traditional social norms and practices related to gender can intensify. As has been discussed, conflicts increase the prevalence of VAWG, such as intimate partner violence, sexual exploitation, and child marriage. In the MENA and Arab States region, girls are typically

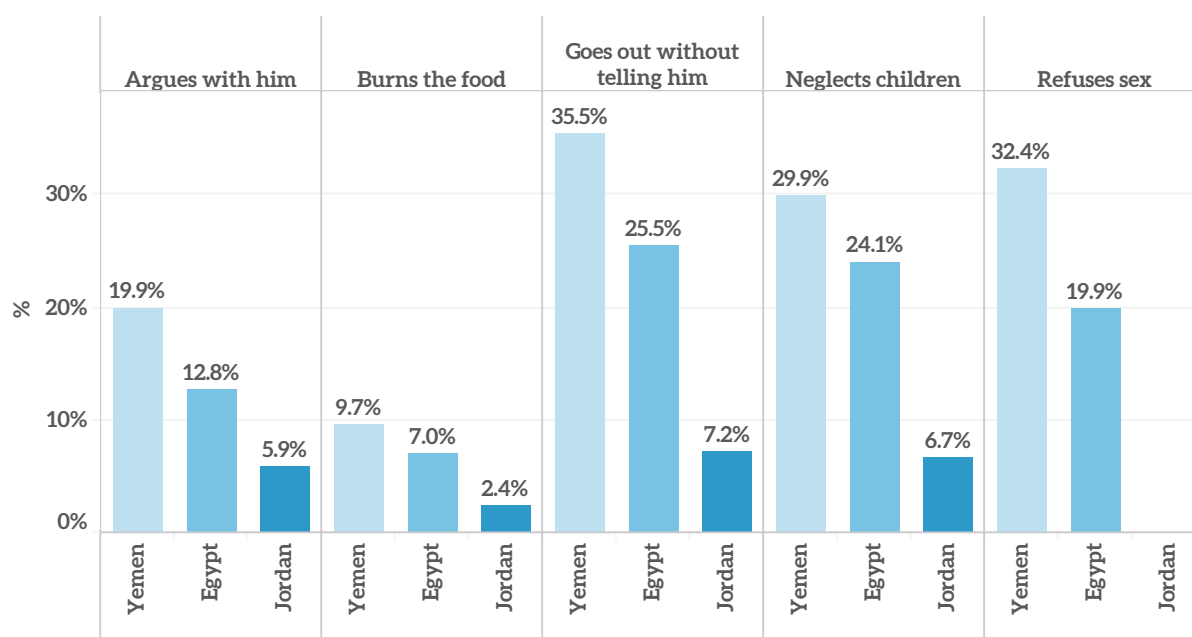
the first to be pulled out of school during conflict, limiting their education and increasing the sense that they may become a financial burden, thus further driving child marriages.⁸¹⁷ Conflict can also lead to economic setbacks for women and girls, as jobs become scarce and women lose access to land and property; women and girls may also be disproportionately affected by food shortages and health issues like malnourishment, as they give up food so that men can eat.⁸¹⁸

Despite these challenges, and as described further below, several Arab countries are making progress in the provision of safe, ethical and supportive services for survivors.

Figure 3.7:

Women who believe a husband is justified in beating his wife, by reason

This image illustrates the proportion of women aged 15-49 who believe that a husband is justified in beating his wife. .



Source: Demographic and Health Surveys (DHS), Multiple Indicator Cluster Surveys (MICS), and other surveys, as published by the World Bank. Accessed through API

815 ESCWA, Social and Economic Situation of Palestinian Women and Girls, 2019.

816 ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20), 2016. Available at: <https://archive.unescwa.org/publications/Women-Gender-Equality-Arab-Region>.

817 UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage. Child Marriage in Humanitarian Settings: Spotlight on the Situation in the Arab Region.

818 Amat Al Alim Alsoswa and Talajeh Livani, The Central Role of Women in the Middle East and North Africa Transition, 2019.

➔ Services and Programming for VAWG

When providing services for survivors, a number of sectors and institutions play important roles. A 'multi-sectoral' approach to caring for survivors includes, as a minimum, health, psychosocial support (PSS), legal/justice and security sectors working in co-ordination and according to shared safe, ethical and survivor-centred principles to meet the diverse needs of survivors. While considerable progress has been made by governments across the region in adopting national action plans and designating machinery to address VAWG, progress has been slower in terms of ensuring comprehensive multi-sectoral care for survivors that is accessible and affordable.

In 2016, ESCWA undertook a survey of member States about channels for reporting cases of VAWG, to which 12 countries responded, indicating that national entry points for reporting were available through police, courts, the ministry of interior as well as other ministries, and government hospitals (see Table 3.6).

A relatively extensive review of programming addressing VAWG undertaken subsequently (2018) provides more specific details about services available for women and girls in many countries in the MENA and Arab States region. This series of country-level reports details health, police and justice, and psychosocial services in the region.⁸¹⁹ Key highlights of good practices in the region are development of standard procedures for designating referral pathways and services; one stop medico-legal models; development of specialized police units and departments and efforts to recruit more female police; safe spaces for women and girls, including shelters that provide comprehensive care; and institutionalization of coordinated, unified databases on incidents of VAWG.⁸²⁰

More specifically, in terms of the health sector, some good practices identified for specific countries at the national level include:

- The government in Egypt provides health services free of charge for survivors of sexual violence, including medical and psychological services, and ensures access to other medical services from private clinics and hospitals through subsidies. These services are available to vulnerable women and girls including women with disabilities, those living with HIV, and refugees.⁸²¹
- The Ministry of Health in Morocco has implemented a national programme to provide services through establishment of specialised units in hospitals and the development of standard operating procedures and referral pathways to guide the work of service providers with police gendarmerie and social sectors.
- The Iraqi Ministry of Health endorsed a clinical management of rape protocol in 2017 and has set up specialized units to deal with cases.
- The Ministry of Health and the National Office for Family and Population in Tunisia provides a wide range of GBV health services to women and girls victims/survivors through specialized centres that include physical, psychological and forensic examination, urgent medical treatment (STI/HIV testing, PEP and emergency contraception and pregnancy care/termination) and referral to other services.

However, an issue evident in a number of countries across the region is concern about the fees for services. Even in countries where it is explicitly mandated that health services for survivors are free of charge (e.g., Jordan, Qatar and Sudan,

⁸¹⁹ The information is drawn from country reports from Egypt, Morocco, Iraq, Jordan, Lebanon, Tunisia, Syria, Yemen, Oman, Djibouti, Libya, State of Palestine and Somalia supported by UNFPA, and written by Asmah Wadi, in 2018.

⁸²⁰ Wadi, Asmah, Review of Health, Justice and Police, and Social Essential Services for Women and Girls Victims/Survivors of Violence in the Arab States: Tunisia. Cairo: UNFPA, 2018.

⁸²¹ Wadi, Asmah, Review of Health, Justice and Police, and Social Essential Services for Women and Girls Victims/Survivors of Violence in the Arab States: Tunisia. Cairo: UNFPA, 2018.

among others), in some of these settings survivors nonetheless are required to pay for medicine or specialized care, and the services may not be available to non-nationals (i.e., refugees or migrants). In Morocco, a study by the International Center for Research on Women estimated the average out-of-pocket expenditure for health services from a violent incident amounted to an equivalent of USD\$211.⁸²² Issues of fees (alongside other challenges linked to service access, such as few services in rural areas) particularly limit help-seeking of marginalized women, including for example ethnic minorities, refugees and IDPs.

Moreover, in some settings, health care providers offering clinical management of rape services may prioritize virginity testing and pregnancy testing, mirroring wider social norms that stigmatize survivors.⁸²³ Women also face procedural obstacles, such as being required to report within a designated time period (e.g., three months from the incident

for Palestinian women), and must show proof of significant injury to proceed to prosecution.⁸²⁴

In terms of [justice and police](#), the multi-country reports found these good practices by government:

- The Family Protection Department (FPD) and law enforcement actors in the police and justice sector in Jordan provide the means to investigate and follow-up of cases, legal and judicial support, access to safe shelters and psychosocial services, forensic services and referrals to other sectors. FPD services are free, and they have national geographical coverage and a toll-free help line for reporting incidents.
- Internal Security Forces and Judicial Police in Lebanon, in collaboration with NGOs, provide investigation, security and protection, legal counselling and representation, plus an emergency hotline for domestic violence.

Table 3.6:
Formal channels of reporting systems by country

ESCWA Category	Country	Police	Courts	Other departments within Ministry of Interior	Government Hospitals	Other Channels
GCC	Bahrain	•				•
	Kuwait	•	•	•	•	
	Saudi Arabia	•	•	•	•	•
	Oman	•	•		•	•
Maghreb	Morocco	•	•		•	
	Tunisia	•	•	•		•
	Egypt	•	•	•		•
Mashreq	Jordan	•	•	•	•	
	Lebanon	•	•			
	State of Palestine	•	•	•	•	•
	Syria	•	•	•	•	
LDC	Yemen	•	•	•	•	

Source: ESCWA Survey, 2016. in ESCWA, LAU and UNWomen, Status of Arab Women Report 2017: Violence Against Women: What Is at Stake?, 2017.

822 ESCWA, LAU and UNWomen, Status of Arab Women Report: Violence Against Women: What Is at Stake?, 2017.

823 Martin, S. and Anderson, K, Listen, Engage, and Empower: A Strategy to Expand Upon and Strengthen the Response to Adolescent Girls in Syria, 2017.

824 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice and the Law: Palestine, 2018.

- In Oman the Prosecutor General's Office handles investigation, evidence collection, indictment of perpetrators and referral for survivors. Legal aid is provided free of charge.
- Police and justice law enforcement actors in Tunisia, including the Judicial Police for VAW and in the National Guard units, provide free services at the national level, including investigation and case follow-up, safety and security for survivors and their children, legal aid and judicial counselling, access to shelters, psychological support, forensic services and safe referral to other sectors including child protection services. Access to justice is enhanced through mandatory legal aid, a help line and access to psychological treatment in the health sector.
- Many settings have prioritized training for police, with some taking further concrete steps to ensure police manage cases responsibly. Qatar has issued new instructions to police and prosecution services, while Lebanon has declared that failure by law enforcement officers to address VAWG cases appropriately would result in disciplinary action and suspension from service.⁸²⁵
- The Ministry of Social Affairs in Jordan works with the Jordanian National Commission for Women, the Jordanian Women's Union and the UN and NGOs to provide a wide range of social services for women and girls survivors of GBV, such as protection, psychosocial and legal counselling services, shelters, 24/7 toll-free child protection and GBV helplines, and economic empowerment and referrals to other sectors.
- The Ministry of Social Affairs in Lebanon provides a range of specialized social services for women and girls at risk or survivors of GBV including a 24/7 toll-free helpline, case management and referral services, psychosocial and legal counselling, safe houses and shelter services. Services also include emergency cash programming.

In terms of [psychosocial services for victims of VAWG](#), the multi-country reports found these national-level good practices:

- The Ministry of Social Solidarity in Egypt provides shelter services and also deploys emergency teams to help survivors.
- The Ministry of Labour and Social Affairs in Iraq operating in federal and KRI regions provide a range of specialized social services at national level to women and girls at risk and or survivors of VAW, such as counselling, psychosocial support, case management and referrals to other services.

Despite these successes, widespread gender bias and the promotion of family over the protection of individuals can present specific challenges for providers and for survivors alike through the MENA and Arab States region, particularly with government-supported services that may reinforce harmful gender norms. For example, a stated outcome of counselling interventions in Bahrain is to discourage divorce, despite instances of domestic violence.⁸²⁶ In another example, shelter providers in Algeria were reportedly arranging new marriages for single women as a strategy to help them manage the challenges and stigma of being without a partner.⁸²⁷ In Jordan, shelter workers may try to mediate conflicts between abusers and survivors.⁸²⁸

[Non-governmental organizations \(NGOs\)](#) often fill the gaps where government services are insufficient. Although they frequently operate without financial support from governments, making it difficult for some to sustain funding, they typically provide no-cost or low-cost care. The presence of women's organizations in the MENA region is not a new phenomenon, though their

⁸²⁵ ESCWA, *Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region* (Beijing +20), 2016.

⁸²⁶ Ibid.

⁸²⁷ United Nations Special Rapporteur, cited in Ibid.

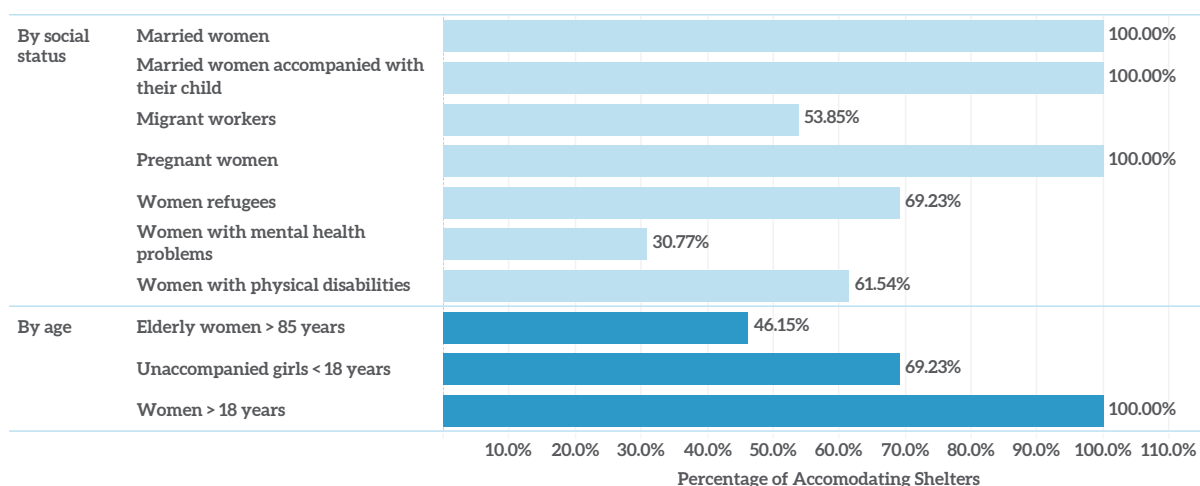
⁸²⁸ UNDP, UNFPA, UNWomen, ESCWA, *Gender Justice and the Law: Jordan*, 2018.

numbers have reportedly increased rapidly since the 1980s. Research from ESCWA in 2016 indicates that NGOs are often the preferred access point for survivors, and can be especially important in facilitating access for specific subgroups of women, such as migrants, refugees, etc.⁸²⁹

Women's organizations have been central to advocating for the needs of survivors, and for the provision of services, particularly case management and counselling, legal aid, livelihood and other social and economic support. One particularly important advancement in the NGO community is shelter services, which according to recent research have been established in Algeria, Bahrain, Jordan, Lebanon, State of Palestine, Tunisia and

Yemen.⁸³⁰ Services provided by these shelters include awareness-raising, hotlines, shelters, psychological counselling services for abusive husbands/fathers, legal aid for abused women, economic empowerment services and advocacy for legislation amendments. These NGO-run shelters are generally better able to address the needs of survivors, including those who are particularly marginalized, than government-run shelters. Even so, evidence suggests that women with disabilities, refugees and migrant women, women with health problems, refugee women and lesbian, bisexual and trans women still may face particular challenges accessing these shelters (see Chart 3.1, below).

Figure 3.8:
Access to NGO-run shelters⁸³¹



829 ESCWA, LAU and UN Women, Status of Arab Women Report: Violence Against Women, What Is at Stake?, 2017.

830 ESCWA, UNFPA, ABAAD, and WAVE. Shelters for Women Survivors of Violence: Availability and Accessibility in the Arab Region, 2020, p. 46.

831 Ibid.

In addition to the important work of local women's organizations, the influx of [international support in countries affected by conflict](#) has in some settings resulted in a scale-up of training, data systems and programmes. Some approaches are innovative and show promise in improving the safety and welfare of survivors. For example, efforts have been made in a variety of settings to target government officials, in order to improve understanding of the importance of VAWG prevention and response as a part of sustainable recovery and development. In Jordan and Syria, international partners worked together with national governments to develop, respectively, a national action plan and a strategic framework for health sector response. In Lebanon UN agencies piloted a programme for health providers that involved whole-of-facility training on the clinical management of rape, with the goal of improving rape survivors' access to appropriate care; the building capacity of health care providers; and enhancing co-ordination with the Ministry of Public Health and the Ministry of Social Affairs.⁸³² Static and mobile 'safe spaces' are another intervention that supports access to women and girls, including hard-to-reach women and girls, with health and PSS services that have grown significantly in the whole of Syria region.⁸³³

Across the region, international actors are working with local partners to improve [safe and ethical data collection](#). In one notable example, the international community has standardized research on VAWG in the Syrian crisis that supplements the annual humanitarian needs overview to ensure that voices of women and girls are integrated in humanitarian planning and funding.⁸³⁴ International and national actors have also worked together in countries affected by the Syria crisis to improve the welfare of adolescent refugee girls and reduce their risk of child marriage through a variety of interventions

that seek to foster change in social norms and communities' as well as attitudes to child marriage, to promote girls' education, and to advance the rights of the girl child.^{835,836} In one example, UNICEF and UNFPA partnered to create the Regional Accountability Framework of Action to End Child Marriage in the Arab States/Middle East and North Africa (RAF) in 2018. The RAF supports girls through efforts in promoting participation, protection, empowerment and well-being as well as mitigating the impact of humanitarian crises on issues such as childmarriage.⁸³⁷

In terms of [prevention of VAWG](#), there are reportedly efforts across the region that include community awareness, although no evidence of how these have generated change. Some work with religious leaders in Jordan related to including issues of VAWG in Friday sermons showed some effect on attitudes of those who listened to the sermons. An education and awareness project on FGM in the village of Tutakhal in the Kurdistan region of Iraq resulted in a 100 per cent reduction in FGM in the village.⁸³⁸ However, more widescale work on social norms efforts to prevent VAWG have been relatively limited in the region.⁸³⁹

One notable area of innovation by local groups is harnessing technologies to safely and ethically enhance protections for survivors; this approach has proven particularly useful in addressing street sexual harassment. Efforts have been undertaken in multiple countries to use technology as a way to map incidents of sexual harassment, increase awareness of survivor services, and connect survivors with relevant providers, such as HarassMap and StreetPal in Egypt, Finemchi in Morocco, and SafeNes in Tunisia.⁸⁴⁰ In Egypt, units have been established at government and

832 UNICEF, Case Study Lebanon, Whole-of-Facility CMR Training, 2017.

833 UNFPA, UNHCR, IRC, UNICEF, International Medical Corp, 2015. Evaluation of implementation of 2005 IASC Guidelines for Gender based Violence Interventions in Humanitarian Settings in the Syria Crises Response.

834 UNFPA and GBV AoR, Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview, 2020.

835 UNHCR, Sexual and Gender Based Violence Prevention and Response in Refugee Situations in the Middle East and North Africa, 2015.

836 UNICEF, A Profile of Child Marriage in the Middle East and North Africa', 2018.

837 Ibid.

838 Stop FGM Kurdistan, 2012 See <http://www.stopfgmkurdistan.org/html/english/updates/update017e.htm> and <http://www.wadinet.de/blog/?p=11248>

839 ESCWA, LAU and UN Women, Status of Arab Women Report: Violence Against Women, What Is at Stake?, 2017.

840 ESCWA, Policy Brief: Technology as a tool to make cities safe and combat violence against women, 2019.

universities in order to deal with issues of sexual harassment.⁸⁴¹

The COVID-19 Pandemic's Impact on VAWG Services. According to a recent report published by the UN, in most countries of the region, VAWG services were not considered as 'essential' during the pandemic, preventing an adequate response by service providers to the surge in VAWG. Mental Health and Psychosocial Support Services (MHPSS), shelters and other safe spaces, reproductive health services, and policing and justice services were temporarily suspended or severely curbed. However, good practices have emerged from some countries in the region in adapting their GBV programming to facilitate remote service delivery. In some instances, these remote services are being implemented for the first time, such as in Sudan and Egypt.⁸⁴²

For example, in an effort to provide access to victims of domestic abuse, Kaayan, a Palestinian women's rights organization based in Haifa created

a WhatsApp hotline that victims can reach out to remotely for resources and services.⁸⁴³ In Iraq a help desk was introduced in order to support frontline workers to provide VAWG referrals for cases that came forward.⁸⁴⁴ A hotline and app were developed to provide counselling, case management, and legal support to those in need of VAWG services and resources in Jordan.⁸⁴⁵ In another initiative in Jordan, UNFPA and UNHCR provided online learning sessions to guide frontline workers on how to adapt their services during periods of crisis, focusing on topics such as IPV and safety planning.⁸⁴⁶ While shifting to remote services has been critically important, the transition has created many new challenges. Girls and women who need the services the most may not be able to access them because they do not have phones or the internet. It may also be especially difficult for girls and women who are quarantined inside the home to make calls. Other issues with remote servicing besides safety concerns include, poor telecommunications infrastructure, disrupted calls, lack of coverage, and electricity cuts.⁸⁴⁷

841 UNDP, UNFPA, UNWomen, ESCWA, Gender Justice and the Law: Egypt, 2018.

842 UN Regional Issue-Based Coalition for Gender Justice and Equality, Violence Against Women and Girls and COVID-19 in the Arab Region, 2020, p.9.

843 Diana Alghoul, Trapped with domestic abusers: How Covid-19 lockdowns are endangering vulnerable women across the Middle East, 2020.

844 UNFPA, Gender-based violence donor advocacy brief on critical services during COVID-19, 2020.

845 Ibid.

846 Ibid.

847 UNFPA, COVID-19: UNFPA Best Practices and Lessons Learned in Humanitarian Operations in Arab Region, 2020.

ACCESS TO JUSTICE

→ Introduction

Access to justice is not only about being able to have a case tried in a court of law. Access to justice is defined as ‘the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances.’⁸⁴⁸ According to the United States Institute for Peace, there is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system.⁸⁴⁹ When marginalized groups, or those with lesser power, cannot expect legal protection or cannot access legal awareness, aid, law enforcement, and court adjudication, there is no justice. For women and girls, access to justice is fundamental to achieving gender equality in all areas of life. While access to justice for women and girls often focuses on justice related to crimes of overt violence, in reality access to justice is much broader. As articulated in the Muscat Declaration (2016),⁸⁵⁰ gender justice goes beyond gender discrimination and violence ‘to include mechanisms for accountability and redress for the disparate gaps between the sexes.’⁸⁵¹

As this chapter will detail, women and girls generally have less control over or access to justice as compared to men and boys throughout the region; this is particularly pronounced under systems based on or influenced by religious law.

JURISPRUDENCE AND GENDER JUSTICE IN THE REGION

In the MENA and Arab States region, there is a variation of jurisprudence systems, with some countries using systems almost entirely based on religious texts and values (Saudi Arabia); the majority applying a pluralistic approach; and some stating legal processes are independent of religion (Tunisia). Conservative interpretations of religious law have been used as a justification for male dominance, although there have been some instances where more modernist interpretations of Islamic law have supported codification of women’s rights, such as in Tunisia’s 1957 Family Code and subsequent reforms, and in the 2004 Moroccan Moudawana.⁸⁵²

In systems influenced by more conservative interpretations of religious law, for example in legislation in Yemen, Egypt and Morocco, it is often the case that the value of two women’s testimony is equal to the value of one man’s testimony.⁸⁵³ Moreover, a woman or girl’s testimony alone may be insufficient to try a case. In Jordan, for example, although violence is grounds for divorce, it may be difficult for women or girls to be granted a divorce through the courts because two male witnesses must provide testimony verifying the violence.⁸⁵⁴ In Libya, in the case of *zina* (defined in Islamic law as unlawful sexual intercourse), testimony from women and girls cannot be used to establish a

848 UNDP, 2004, cited by US Institute of Peace, <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice>; also see <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>

849 See <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice>

850 See: <https://www.unescwa.org/about-escwa/governing-and-advisory-bodies/ministerial-sessions/resolution/muscat-declaration-towards>

851 UNFPA, UNDP, UN Women, ESCWA, Gender Justice and the Law: Assessment of Laws Affecting Gender Equality in the Arab States Region, 2018, p. vii.

852 Dalacoura, Katerina, ‘Women and Gender in the Middle East and North Africa: Mapping the Field and Addressing Policy Dilemmas at the Post-2011 Juncture’, MENARA Final Reports, n. 3, 2019.

853 UNFPA, UNDP, UN Women, ESCWA, Gender Justice and the Law: Yemen, 2018.; UNFPA, UNDP, UN Women, ESCWA, ‘Gender Justice and the Law: Morocco’, UNDP, 2018, p. 12; UNFPA, UNDP, UN Women, ESCWA, ‘Gender Justice and the Law: Egypt’, UNDP, 2018, p. 20; *Women Living Under Muslim Laws*, 2006 as cited/quoted in UN Women, UNICEF, UNDP, Informal Justice Systems: Charting a Course for Human Rights Based Engagement, 2012, p. 107.

854 UNFPA, UNDP, UN Women, ESCWA, ‘Gender Justice and the Law: Jordan’, UNDP, 2018, p. 18.

case for a *zina* crime.⁸⁵⁵ These systems are typically male dominated. However, as the following section details, there is promising progress in women's representation in the legal field.

PRESENCE OF WOMEN IN THE LEGAL FIELD

Women as lawyers. Women's participation as lawyers in the legal/justice sector ranges from 55 per cent (of all lawyers) in Bahrain to 13 per cent in Morocco. Other countries in the region do not have data on this topic. A persistent challenge for female lawyers is that they tend to start their careers later in life (after childbearing), so may be less established than their male counterparts. They may also be discouraged from becoming prosecutors or defense attorneys because of norms and attitudes about women in engaging in 'hazardous' occupations.⁸⁵⁶

Women as police. In terms of women's participation in the legal/justice sector through the police, reports suggest that a number of countries—such as Lebanon, Oman and Yemen—have recently taken steps to start including women in their forces.⁸⁵⁷ In some instances, as noted in the previous section on VAWG, police departments have set up desks specifically serving women and children, particularly related to cases of VAWG and violence against children. These specialized desks are an important step in supporting access to justice for women and girls.

SOCIO-CULTURAL NORMS AND PRACTICES UNDERMINING ACCESS TO JUSTICE FOR WOMEN AND GIRLS

While there is wide variation in justice systems in the region, evidence suggests that pathways to formal justice are often not conducive for women

and girls. Social norms strongly discourage reporting, particularly in cases that involve family members. As noted previously, reporting can result in further harm to the female complainant, up to and including death through so-called 'crimes of honor.'

Even in cases where these physical risks to reporting are not overarching, there are other significant obstacles related to socio-cultural norms and practices in the MENA and Arab States region. For example, legal literacy is an issue for many females in the region, particularly in rural areas where there may be higher percentages of illiteracy among females generally. Norms that limit women's and girls' access to public information also contribute to their lack of understanding about their rights and about due process. Moreover, there is often a lack of information tailored to women and girls about their legal options.⁸⁵⁸ Women and girls with disabilities are at an even greater disadvantage. A survey focused on women and girls with disabilities in the State of Palestine found that most women were either not aware of their rights or were unsure of how to actually access justice systems and programmes. These women reported feeling excluded from systems already in place, such as human rights institutions.⁸⁵⁹

Fees associated with accessing the formal justice system—including high costs of legal fees and litigation – may also be prohibitive for many women and girls in settings where norms and practices dictate that women and girls do not control their own finances. Fees are not only linked to the services themselves, but also to transport required to reach courts. This has been particularly noted as an issue for refugees and internally displaced persons living in camps and settlements, typically far away from state courts.⁸⁶⁰ Other vulnerable groups are also affected by accessibility issues: data from Syria suggests that physical barriers can be exacerbated

855 UNFPA, UNDP, UNWomen, ESCWA, 'Gender Justice and the Law: Libya,' UNDP, 2018, p. 14.

856 OECD, Women in Public Life—Gender, Law and Policy in the Middle East and North Africa, 2014, p. 16.

857 ESCWA, Against Wind and Tides: A Review of the Status of Women and Gender Equality in the Arab Region (Beijing +20), 2016.

858 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

859 Birzeit University, Disabled women's access to formal justice: A study on the situation of women with disabilities in the occupied Palestinian territories, and in Palestinian refugee camps in Lebanon, as to the renewal of intervention strategies. (Arabic), 2013.

860 UNWomen, Accountability for Sexual Violence in Conflict: Identifying Gaps in Theory and Practice of National Jurisdictions in the Arab Region, 2018.

for older persons or persons with disabilities due to barriers of either getting to or entering a facility.⁸⁶¹

Perhaps most importantly, socio-cultural norms mean that males dominate the legal/justice system, and the majority of these sector actors—from police, to lawyers, to court officials and judges – tend to reinforce social stigma associated with women and girls appealing to the courts for their rights.⁸⁶² A 2018 Oxfam study of access to justice in Egypt, Jordan, Lebanon, and Yemen found that going to court is considered a last resort for women, and if they do go to court it is more often for resolving disputes related to personal status matters.⁸⁶³ The study also found that judges presiding over personal status circuits are often male. Despite some efforts in the region to train the judiciary on women's and girls' rights and protections under the law, these judges do not often understand the differential needs and social realities of female defendants and have a limited understanding of gendered aspects to justice.

Judges may also lack knowledge about changes in the law related to women's and girls' rights and protection, including reforms to personal status codes, penal codes and increased protections for women and girls against violence.⁸⁶⁴ This includes knowledge about international commitments such as CRC and CEDAW. In some instances, the physical layout of the court requires survivors to encounter their perpetrator in the waiting room.⁸⁶⁵ In Egypt, in order to be witnesses, a woman or a girl must identify her aggressor, forcing her to confront him.⁸⁶⁶

In other instances, courts will refuse cases that are linked to domestic issues. In the Palestinian system, for example, prosecutors, police, and the judiciary may refuse to classify IPV or other forms of domestic violence as crimes because of concerns about family unity; or they may refuse to grant women and girls rights and protections that are explicit in the law by arguing that they are in conflict with tradition.⁸⁶⁷ A lack of training for medical and police forces can also leave women and girls vulnerable for reprisal or stigmatization for reporting their case.⁸⁶⁸ These conditions further undermine women's and girls' confidence in the legal/justice system.

As such, it is not uncommon for women and girls to choose to have issues addressed through informal or customary justice systems rather than through formal courts. In Libya, a survey found that women were twice as likely as men to resolve violent crimes through their family network.⁸⁶⁹ Tribal and/or traditional laws and processes are also used to adjudicate complaints and resolve conflict. In parts of Somalia, Yemen, Sudan, and Djibouti most people rely on customary law mechanisms.⁸⁷⁰

A common form of these traditional dispute-settling informal justice systems in the MENA and Arab States region is through the rituals of settlement (*sulh*), reconciliation (*musalaha*) and mediation (*wasata*).⁸⁷¹ These rituals are linked to traditional practices of conflict resolution. The use of laws based on interpretations of shari'a often leaves legal matters—especially family law—in the hands of religious figures.⁸⁷² Due to socio-cultural norms generally associated with religious practices in the region, this can lead to discriminatory rulings against women and girls. *Sulh* is not accepted in

861 UNFPA and GBV AoR, 2020. Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview, 2020. p. 55.

862 UNDP, UNFPA, UNWomen, ESCWA, Gender Justice and the Law: Yemen, 2018.

863 Oxfam, The Cost of Justice: Exploratory Assessment on Women's Access to Justice in Lebanon, Jordan, Egypt and Yemen, 2018. Available at: <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620488/r-womens-access-to-justice-mena-040618-en.pdf?sequence=4>.

864 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

865 UNWomen, Accountability for Sexual Violence in Conflict: Identifying Gaps in Theory and Practice of National Jurisdictions in the Arab Region, 2018, p. 8.

866 EuroMed Rights, Egypt: Report on Violence Against Women in Egypt, 2016, p. 4.

867 UNDP, UNFPA, UNWomen, ESCWA, Gender Justice and the Law: Palestine, 2018.

868 IAU Iraq, 2010. Violence Against Women in Iraq Factsheet, p. 2 <https://www.refworld.org/pdfid/4cf4a67d2.pdf>

869 UNWomen Libya and UNWomen Regional Office for the Arab States, 'The Economic and Social Impact of Conflict on Libyan Women Recommendations for Economic Recovery, Legal Reform and Governance for Gender-Responsive Peacebuilding', 2020.

870 UNDP, UNFPA, UNWomen, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

871 ESCWA, The State of Gender Justice in the Arab Region, 2017, p. 30.

872 UNWomen, UNICEF, UNDP, 'Informal Justice Systems: Charting a Course for Human Rights Based Engagement', 2012.

all countries, such as in Morocco, where it is not recognized by the formal judicial system as a legal practice in family dispute resolution. However, in Jordan *sulh* is accepted by formal judicial institutions, with some judges being trained in tribal reconciliation.⁸⁷³

While the goal of these traditional mechanisms is to arrive at an amicable settlement to a dispute, it is often the case that traditional or customary justice is administered by elderly men. In emphasizing consensus, compromise, and reconciliation, these processes do not tend to support or favor the individual rights of women and girls, but rather the traditional patriarchal systems that undermine these rights. Customary systems are even less suited to addressing the needs of female refugees

or internally displaced persons, or others who belong to marginalized groups.⁸⁷⁴ In addition, these systems typically lack monitoring and oversight mechanisms.⁸⁷⁵

A number of countries in the region have introduced constitutional courts as a strategy for supporting the rule of law at the national level. These courts have the potential to support women's and girls' rights and gender equality enshrined in countries' constitutions by ensuring constitutional provisions are enforced in interpretations of domestic law—including personal status laws. However, these courts restrict access to individuals; for example, in countries such as Jordan and Lebanon, citizens do not have the right to directly apply to the court to clarify their constitutional rights to equality.⁸⁷⁶

➔ Services and Programmes that Support Access to Justice

Considerations of women's particular rights and needs remain limited in terms of access to justice, and progress tends to be in terms of success in individual cases rather than systemic change.⁸⁷⁷ Moreover, information about access to justice for women and girls tends to be skewed towards issues of violence, so that it is difficult to understand some of the broader areas of progress for women and girls related to gender justice.

With these caveats in mind, there nevertheless appears to be gradual advancements in programming to support access to justice for women in the MENA and the Arab States region (see Table 3.9). Civil society organizations and women's rights networks have made considerable gains in many countries in the region in ensuring greater government responsibility and oversight related to the issue of women's access to justice, particularly

through attention to access to justice in policies and action plans related to gender mainstreaming, VAWG, and peace and security—even if, as noted previously, implementation remains weak and is rarely survivor centered.

In several countries, legal aid services for women are provided by a combination of government services, bar associations and/or CSOs that can include advice, representation, and legal literacy (e.g. Bahrain, Egypt, Iraq, Jordan, Lebanon, State of Palestine, Syria, and Tunisia). In some settings, such as Lebanon, these services are often free of charge, but their availability may be hampered by the lack of continuity in funding.⁸⁷⁸ In Oman, the Ministry of Social Development provides female social workers to women utilizing the personal status courts, and booklets have been developed to help women understand their legal rights.⁸⁷⁹

873 ESCWA, *The State of Gender Justice in the Arab Region*. 2017, p. 30.

874 UNFPA, UNDP, UN Women, ESCWA, *Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region* 2019.

875 UNFPA, UNDP, UN Women, ESCWA, *Gender Justice and the Law: Palestine*, 2018.

876 UNFPA, UNDP, UN Women, ESCWA, *Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region*, 2019.

877 UNFPA, UNDP, UN Women, ESCWA, *Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region*, 2019, p. 17.

878 Lebanese Republic, 'The Official Report on Progress made in the Implementation and Identification of Challenges to Implement the Beijing Platform for Action', Beirut, 2019, p. 40.

879 UNFPA, UNDP, UN Women, ESCWA, *Gender Justice and the Law: Oman*, 2018.

In general, public legal aid services are not well funded in the MENA and Arab States region, and the quality is reportedly variable.⁸⁸⁰ Where government-funded legal aid is available, it is usually provided under strict eligibility criteria. In some countries, government-funded legal aid is only provided for defendants in criminal cases.⁸⁸¹ In other countries, governments services may reinforce traditional values and processes, for example, some countries have established mechanisms that

are meant to provide an alternative to formal or customary courts. In Oman, Mediation and

Reconciliation Committees have been designated to resolve of family disputes.⁸⁸² The services are free of charge and require consent of both parties to participate. In Jordan, police forces offer reconciliation and rehabilitation programmes, many of which commonly order perpetrators to pledge to no longer abuse the survivor.⁸⁸³ These approaches

Table 3.9:
Actions to Ensure Equal Access to Justice For Women

	Yemen	Egypt	Lebanon	Jordan	Morocco	Bahrain	State of Palestine	Kuwait
Provision of free legal aid services in areas related to family and civil law	•	•	•	•		•	•	
Establishment of non-judicial mechanisms to protect women's and human rights, such as Human Rights and Commissioner or Ombudsman offices	•	•		•		•	•	
Encouraging independent women's advocates, shelter workers, sexual assault and rape crisis advocates, employees in women's centers, to help women understand their rights		•		•		•	•	
Mandatory annual reporting to Parliament on women's access to the judiciary						•		
Implementation of a free phone service that provides legal advice and information in several languages		•		•		•	•	
Provision of safe and quality childcare services during legal advisory sessions		•						•
Total:	2	5	1	4	2	0	4	1

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

880 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

881 Ibid.

882 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice and the Law: Oman, 2018.

883 ESCWA, The State of Gender Justice in the Arab Region, 2017.

still manifest values of social and familial cohesion over the welfare of individual women and girls, and as such may reinforce norms that undermine women's and girls' rights and put them at further risk.

In settings where women and girls are at high risk of violence, or where they have been seen to transgress norms, there is the possibility of being put into 'administrative detention.' Sometimes also referred to as protective custody, administrative detention describes situations where a person is held and deprived of liberty without trial or access to legal support. For women and girls in the MENA and Arab States region, this can be a way to enforce patriarchal systems. In 2019, Amnesty International reported that in Jordan, administrative detention is still being applied to women and girls who have relationships outside of marriage, leave home without the permission of male guardians, or other perceived violations that deprive women and girls of their basic rights.⁸⁸⁴

Mandatory reporting to police of sexual violence can further the risk for administrative detention.⁸⁸⁵ Detention has also been a way to quell women's and human rights defenders who advocate for justice, alongside other human rights issues.⁸⁸⁶ In contrast to this, and particularly in order to facilitate care and support to women and girls who suffer crimes of violence, survivor-centered shelter programming is on the rise in some countries in the region. Legal services are an integral part of shelter care. However, as noted previously, some of these shelters also support traditional mediation and reconciliation rather than access to formal justice.⁸⁸⁷

Services to promote access to justice for particularly marginalized women and girls, including IDP and refugee groups, appear to be quite limited. Female migrant domestic workers are one group

at particular risk in the MENA and Arab States region as a result of the *kafala* system, and for whom access to justice is virtually non-existent. As referenced previously, those who attempt to flee situations of exploitation and abuse risk have their visas voided. Those caught by the police may be held in detention before being deported, which in turn may put them at risk of exposure to violence by police and other security forces.⁸⁸⁸ Female migrant domestic workers who manage to escape detection by the authorities become undocumented workers—further exacerbating risks.

Adolescent girls in particular face multiple barriers to access to justice in the region. In some countries, girls do not have access to justice systems due to age barriers. For example, in Libya, one must be 18 years of age in order to institute criminal proceedings, forcing survivors to rely on legal guardians to proceed.⁸⁸⁹ Services that provide legal assistance directly to adolescents can help mitigate these factors. Sudan established the Family and Child Protection Units within the police in 2007 as a multi-sectoral protection service for children, with services including investigation and follow-up of cases, counselling, forensic services and referral to health, social and/or legal services. However, evidence suggests that in response to VAWG reports, Sudanese police may reinforce societal norms of encouraging reconciliation and family resolution practices, and stigmatization still occurs.⁸⁹⁰

Several national and international NGOs and international organizations have scaled up efforts to provide legal aid services in conflict-affected areas, particularly in relation to child marriage, nationality laws and personal legal documentation for refugees, as well as IPV and other forms of domestic violence. In Jordan, UNICEF provides legal services and assistance to help mitigate the impact of child marriage for girls.⁸⁹¹ UNHCR,

884 Amnesty International, *Imprisoned Women, Stolen Children*, 2019.

885 Wadi, Asmahan, *Review of Health, Justice and Police, and Social Essential Services for Women and Girls Victims/Survivors of Violence in the Arab States: Jordan*, 2018.

886 Amnesty International, *Human Rights in the Middle East and North Africa: Review of 2018, 2019*.

887 ESCVA, UNFPA, ABAAD, and WAVE, *Shelters for Women Survivors of Violence: Availability and Accessibility in the Arab Region*, 2020.

888 Global Detention Project and Migrant-Rights.org, 2018, cited in Auon, R.

889 Akiki, Anne-Marie, *Adolescent Girls Assessment Report Tripoli, Libya, March-April 2019*. Norwegian Refugee Council, 2019.

890 UNFPA, 'Sudan: Review of Health, Justice and Police, and Social Essential Services for Women and Girls Survivors of Violence in the Arab States,' 2020, p. 12-13.

891 UNICEF Jordan, 'Plan of Action: Early Marriage,' 2015.

UNICEF and others also support services related to civil documentation for refugees; these can have far-reaching impacts in facilitating access to justice, by reducing statelessness and ensuring the right to legal aid and ability to access courts. Civil documentation is important for all refugees, but can have particular value for women and girls in reducing their exposure to violence and exploitation and accessing justice.⁸⁹²

In the West Bank, NGOs provide Palestinian women and girls legal advice, court representation, social support, and emergency and long-term shelter. In Somalia, NGO legal aid providers provide court representation for female survivors of violence, assisting with prosecutions and alternative dispute resolution through the customary system.⁸⁹³ However, legal support in conflict settings can be complex—particularly for survivors of conflict-related sexual violence—due to protection issues, especially if the government is complicit in the crimes. Experts have noted that the implementation of transitional justice programming may allow survivors to anonymously report conflict-related sexual violence crimes, such as the case in Tunisia.⁸⁹⁴

Women and girls in conflict settings may be subject to arbitrary detention, where they are denied access to judicial services. In a detention center in Libya, migrant, refugee and asylum-seeking women and girls were reportedly held (frequently for unknown reasons) for prolonged periods of time without any legal access or the ability to challenge their detainment. Many were also held without the presence of female guards, exposing them to sexual harassment and violence.⁸⁹⁵

Many countries have human rights institutions that can serve as mechanisms to advance the rule of law in relation to women and girls' rights and protection. As of November 2019, the Global Alliance of National Human Rights Institutions, in compliance with Paris Principles,⁸⁹⁶ has accredited five countries in the region with 'A Status' meaning they are fully compliant with the Paris Principles (Egypt, Jordan, Morocco, State of Palestine and Qatar) and six other nations with 'B Status' meaning they are partially compliant with the Paris Principles (Algeria, Bahrain, Iraq, Libya, Oman and Tunisia).⁸⁹⁷ Djibouti and Sudan have yet to request their accreditation.⁸⁹⁸ Reports from Iran⁸⁹⁹ and Saudi Arabia⁹⁰⁰ suggest they also have or are establishing national human rights institutions. While not all institutions have the same responsibilities or capabilities, the activities of Bahrain's National Human Rights Institution provide an example of their scope: monitoring cases of human rights violations, conducting the necessary investigation, drawing the attention of the competent authorities to them, submitting proposals related to the initiatives aimed at putting an end to these cases, and receiving complaints concerning human rights, research and study them.⁹⁰¹ Most of these institutions mention gender equality as a goal; however, it is not clear the extent to which these mechanisms are utilized by and for women and girls. Nevertheless, these institutions may be an important entry point to build access to justice for women and girls.

892 Bell, Emma, Gender-Based Violence Risks and Civil Registration in Humanitarian Contexts. GBV AoR Helpdesk, 2020.

893 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

894 UNWomen, 2018. Accountability for Sexual Violence in Conflict: Identifying Gaps in Theory and Practice of National Jurisdictions in the Arab Region, p. 13. https://www.arabstates.undp.org/content/rbas/en/home/library/Sustainable_development/-sexual-violence-in-conflict-identifying-gaps-in-theory-and-pra.html

895 United Nations Human Rights Office of the High Commissioner, 'Abuse Behind Bars: Arbitrary and unlawful detention in Libya,' UNHCR, 2018.

896 See: <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>.

897 Global Alliance of National Human Rights Institutions, Chart of the Status of National Institutions Accredited by the Global Alliance of National Human Rights Institutions, 2019.

898 UNFPA, UNDP, UNWomen, ESCWA, Gender Justice & Equality Before the Law, Analysis of Progress and Challenges in the Arab States region, 2019.

899 Iran Office of International Affairs, Iranian Women 25 Years after the Beijing Action Plan (Beijing +25), 2019.

900 Family Affairs Council Kingdom of Saudi Arabia, 2019. Report on Progress and Existing Challenges on the Implementation of the Beijing Platform for Action (BPfA), 2019.

901 Supreme Council for Women, the Kingdom of Bahrain, The National Report of the Kingdom of Bahrain Regarding the Progress of Implementing the Beijing Declaration and Platform for Action 2020, 2019, p. 92.