



معهد جنيف لحقوق الإنسان

حلقة تشاورية إقليمية حول العنف ضد المرأة في منطقة الشرق الأوسط: أسبابه وعواقبه

CONCEPT NOTE

المقرررة الخاصة للأمم المتحدة المعنية بمسألة العنف ضد المرأة

Regional Consultation with the UN Special Rapporteur on violence against women and girls, its causes and consequences

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BACKGROUND

The status of women's human rights in the MENA region varies both among countries and within countries. Although social awareness of women's human rights has evolved over time, yet the degree of awareness varies according to the power of civil society and women's NGOs in the given country. Similarly, the legal recognition of women's rights and the implementation of related legislation are not homogenous and vary across the MENA region. In general, Arab women and girls, share considerable legal limitations to the enjoyment of their human rights, particularly in issues related to marriage, inheritance, divorce, nationality, etc. which are stipulated in and regulated by the Personal Status Codes and other regulations.

The uprisings in the Middle East and North African regions have further demonstrated the urgent need to have specific measures of support and protection of women and girls, against violence, women from the region have made their presence a defining feature of the uprisings. Women have faced gender specific threats as a result of protesting, including sexual assault, beatings and torture in detention.

Several countries from the Middle East and North Africa region are now undergoing critical transition, including elections, writing new Constitutions, new laws and in some cases establishing mechanisms for transitional justice. The outcome of these processes is critical for women's rights and how women's position in the society will be viewed in these new democracies. Women's participation and taking into account women's concerns in these processes is paramount for ensuring that women's rights in the Middle East and North Africa region are not side-lined.

In order to ensure that women's rights frameworks are emphasized and that momentum is gained from the unrest in the region, Arab women need to ensure that women's issues and gender equality are protected, especially in the transitional period.

It is within this context that the Geneva Institute for Human Rights is convening a three-day regional consultation with the United Nations Special Rapporteur on violence against women and girls, its causes and consequences (below Special Rapporteur on VAW), Ms. Reem Al Salem (Jordan) to address women and girls, situation in the MENA region. This event will bring together representatives of NGOs working in the field of violence against women and girls, the UN Special



Rapporteur on VAW, representatives of the two UN Women Sub-Regional Offices (Morocco and Egypt) and the regional office of the Office of the High Commissioner for Human Rights (OHCHR) and United Nations Population Fund (UNFPA) to reflect on different country experiences, main challenges and obstacles for women in the MENA region. It is expected that specific recommendations which will come out of the discussion will contribute to global efforts of the UN in the promotion and protection of women's and girls human rights in the MENA region. Cognizant that there are different expectations/experiences among countries in the region, diverse participants will be invited to assure different perspectives are present.



PROGRAMME OF WORK

The programme of work, in accordance with the Special Rapporteur on VAW, was designed to discuss three items corresponding to major challenges faced by women subjected to violence:

ITEM 1: Analysis of the root causes of violence against women and girls in the MENA region and possible ways to address them;

ITEM 2: Discussions and exchanges on culturally sensitive remedies and reparations for women subjected to violence;

ITEM 3: Prevention and protection of women human rights defenders against violence and existing protection mechanisms.

ITEM 1: Analysis of the root causes of violence against women in the MENA region and possible ways to address them

In her report A/HRC/4/34 on the intersections between culture and violence against women, the former Special Rapporteur on violence against women, its causes and consequences, Ms. Yakin Ertürk, explained that across all regions, culture constitutes a primary source of diverse and sometimes contradictory normative systems that provides the rationale for varied patterns of gender roles and identities, which signify relations of power. Even though international human rights standards, which include the principle of equality between women and men as a key value, are universally applicable and legally binding, they are inadequately implemented (par.18).



It can be observed that the universal legitimacy of human rights norms is increasingly challenged by cultural discourses. This is particularly the case when it comes to women's human rights, which become compromised, if not totally sacrificed, by assertions of specific cultural practices and claims in many parts of the world. Violence against women committed in the name (or guise) of "culture", "custom", "tradition" or "religion" continues to be prevalent. Moreover, the very notion of gender inequality is contested when established interpretations of culture or projections of "their" culture are used to justify and excuse acts of discrimination and violence against women and girls, thus undermining the compliance of States with their international human rights obligations (par.19).

Item 1 discussions will seek to analyze the context in which violations of women rights take place, this aspect being as important as the nature of the violations. The objective will be to understand the existing societal framework of patriarchy and heteronormativity, which justify violence against women and girls and allow violence to be perpetrated against women with other determinisms such as impunity, alongside religious fundamentalism, extreme nationalist politics, the deterioration of democratic norms and the existence of conflicts. Discussions will also seek to understand the economic and political underpinnings of women's subordination and to discuss the construction of culture within the dynamics of power relations at local, national and global levels. Participants will be able to share their experiences and testimonies on ingrained patriarchal norms, stereotyping and gender assumptions that might contribute to the re-victimization of women who experience violence.

This consultation will also be an ideal opportunity to identify existing challenges in developing consistent policies in view of differing countries' religious and cultural specificities and to provide technical know-how on tools for cooperation at the international, regional and national levels to counter the causes of discrimination. Participants will also be able to share best practices on how to advocate for the elimination of these underlying issues and challenges on a local and national level. The role of stakeholders is crucial to raise awareness, make a shift, and challenge societal constructions that lead to VAW. Sensitizing and cooperating with relevant authorities and duty bearers contributes to tackling, firsthand, the systemic and ingrained harmful stereotypical norms in the MENA region.

ITEM 2: Discussions and exchanges on culturally sensitive remedies and reparations for women subjected to violence

Fight against impunity is a core condition to tackle the issue of violence against women and girls. Impunity cannot be fully suppressed unless effective reparations for victims are ensured and perpetrators are made accountable for their actions, through a fair and confident judicial system. As such, Item 2 discussions and exchanges will seek to focus on good practices and challenges in designing measures and means to provide effective, prompt, just, transformative and culturally sensitive reparations for women who have been subjected to violence in different contexts.

The existing cultural challenges dissuade women, victims of violence, to even consider seeking remedy. Only women and girls themselves could determine what forms of reparation will best suited to their situation, what is culturally appropriate and will not expose them to further harm and victimization. This approach is the best way to determine what has the potential to address

the underlying causes that exposed women to violence in the first place. In that sense, these discussions will be a perfect mean to encourage genuine and informed participation of women in the design and delivery of reparations.

This Regional Consultation will be an ideal opportunity to address the issue of cultural sensitivity and cultural heritage and their impact on the implementation of justice mechanisms and reparations. The discussions will aim to raise participants' awareness on the fact that States bore ultimate responsibility and were obliged to act with due diligence vis-à-vis violence against women and girls, including by ensuring effective, prompt, just, transformative and culturally sensitive remedies and reparations for women who have been subjected to violence.

Pursuant to this goal, participants will be encouraged to discuss and exchange on the content of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Notably, the Convention addresses linkages between culture and gender discrimination, requiring States not only to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women, but also stipulates that States "shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women" that are linked to inequality between the sexes and gender stereotypes.

Participants will be encouraged to advocate for the substantive participation of women who have been subjected to violence and civil society actors, such as women's groups and community leaders, alongside men and boys, to ensure a holistic concept of remedies and reparations.

Such a pragmatic approach aims to ensure that remedies and reparations that are available to women victims of violence are notably specific to culture in order to prevent discrimination, stigmatization and re-victimization of victims of violence, particularly women victims of sexual violence. This approach is central to ensure guarantees of non-repetition, which offer the



greatest potential for transforming gender relations, economic compensation and reintegration measures in order to enhance the autonomy of women.

These exchanges will also enable to create a trained network of stakeholders able to participate actively to the creation of best suited reparations. As such, it is expected that participants will be later able to design means and tools in which international mechanisms will contribute to ensuring that national reparation programmes and schemes engage with civil society and form part of good practices.

ITEM 3: Prevention and Protection of Women human rights defenders against violence and existing protection mechanisms

Item 3 discussions will focus on protection of women human rights defenders and prevention of violence against them, with the view to share existing good practices. This first exchange will also be a great opportunity to design and collect preliminary elements of analysis that could be used and deepen during the Regional Consultation with the Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor, that GIHR wish to organize next year in the MENA region.

In her report A/HRC/16/44 and Corr.1, the former Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, defined the threats and risks faced by women human rights defenders. She pointed out that both women and men human rights defenders faced the same risks but that, in addition, women were exposed to gender-specific risks, ranging from verbal abuse based on their gender to sexual violence, and that those forms of threats were particularly common in conflict situations.

Ms. Sekaggya drew attention to the stigmatization of women human rights defenders, who were often perceived in their communities as challenging accepted social, cultural and religious norms as well as patriarchal systems that perpetuated harmful gender stereotypes. Ms. Sekaggya noted that the threats faced by women human rights defenders had multiple sources and stemmed primarily from social, cultural and religious norms, the effects of globalization and the militarization of society, especially in times of war.

This third item will seek to discuss the role, challenges and outcomes of women in North Africa and the Middle East within the context of the current political transitions in the region. Despite the very effective and active role played by women in overcoming legal, political, social and cultural challenges in creating change, women had yet to be fully recognized or included in decision-making. These central stakeholders should be fully consulted when States in the region are designing protection mechanisms.

Women human rights defenders are subjected to the same risks as their male counterparts but that they were subjected to additional risks and threats due to their sex and the transgression of gender norms. This consultation will also be the opportunity to discuss other obstacles faced by women human rights defenders, such as persistent gender stereotypes on the role of women human rights defenders in the public and private spheres.

These exchanges will offer a great opportunity to enhance the understanding of the risks that women human rights defenders faced in carrying out their work, and the way in which protection mechanisms should be designed to respond to those gender specific risks. It will also constitute an ideal mean to discuss on the content of the Declaration on the Elimination of Violence against Women, which provide an effective framework for the rights of women human rights defenders. Understanding the gender dimensions of ensuring those rights is critical to guaranteeing effective protection to women human rights defenders. This event will enable to provide training to women human rights defenders in the region so as to allow them to be able to better claim and defend their rights.

This Regional Consultation will enable to emphasize that the responsibility for developing those mechanisms and the protection of women human rights defenders lay with States. Then, participants will be encouraged to advocate in favour of a commitment from States to cooperate and exchange good practices at the international, regional and national levels, as well as to actively engage with women human rights defenders.



JUSTIFICATION

Women's rights, including their rights in Islam, is a long-standing work subject for the Geneva Institute for Human Rights.

Pursuant to its objective to enhance their rights in the MENA region, GIHR decided to organize a Regional Consultation with the Special Rapporteur on violence against women and girls, its causes and consequences (below Special Rapporteur on VAW), to address women's situation in the MENA region. This regional consultation will be a strong opportunity for the participants to share their expertise in different country contexts and areas of work.

Participants in these consultations will be women rights defenders and representatives of non-governmental organizations from the MENA region, GIHR considering them as central stakeholders in monitoring and reporting on the status of the rights of women in the region.



GENERAL OBJECTIVE

To give the voice to women from the MENA region, their testimony being the best mean to understand and address the different existing obstacles to the full realization of their rights. In addition, this event will be a great opportunity to share best practices, with the goal of promoting the status of all women in the region.



SPECIFIC OBJECTIVES

The specific objectives of this consultation will be:

- ▶ To increase knowledge and information on women rights;
- ▶ To sensitize participants to the importance of working with Special Rapporteurs, as a mean to address the different human rights issues in their country;
- ▶ To encourage non-governmental organizations and human rights defenders to advocate in favour of an open invitation to Special Procedures in their country;
- ▶ To build participants' capacities on understanding the UN system of Special Procedures;
- ▶ To exchange approaches and strategies so as to strengthen women rights in the region;
- ▶ To equip participants with the necessary know-how to get them involved in the monitoring of the implementation of women rights in national public policies;
- ▶ To provide preliminary findings and recommendations for the coming reports of the UN Special Rapporteurs on violence against women and girls, its causes and consequences to the General Assembly and Human Rights Council.



METHODOLOGY OF WORK

The methodology will be in a participatory manner, with interactive discussions with the Special Rapporteur, exchanges of views and testimonies from participants. Participants will be asked to prepare a 3 to 5-page document listing the remarks and recommendations they would like to share with the Special Rapporteur on VAW.

Following the Regional Consultation, a report will be developed by programmatic staff from GIHR to share with participants and panellists participating to the event. This document aims at ensuring all shared information is available for future work and adequate follow-up.



PARTICIPANTS

Participants in this consultation will be women rights defenders and representatives of non-governmental organizations from the MENA region, GIHR considering them as central stakeholders in monitoring and reporting on the status of the rights of women and girls in the region.

Representatives of the Regional Offices of UN Women, UNFPA and OHCHR, plus the Special Rapporteur and her assistant.



OUTCOME

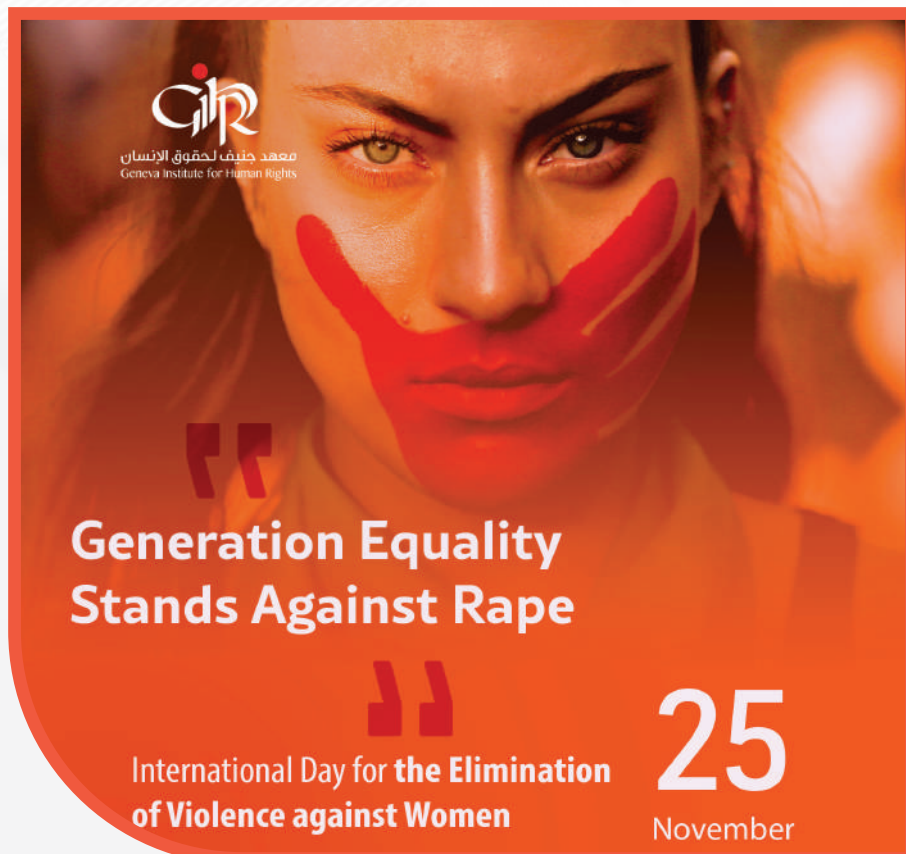
The outcome of the meeting should be an in-depth discussion resulting in practical recommendations on:

- ▶ The role of the SR on VAW can start and continue to play in the MENA region (within the framework of her mandate) in supporting the fight against violence against women and girls;
- ▶ Follow up activities that can be undertaken by UN Women, UNFPA and OHCHR through their work in the MENA region.



SUSTAINABILITY

Following the Regional Consultation, a report will be developed by programmatic staff from GIHR and will be shared with participants and panellists participating to the event. This document aims at ensuring that all shared information is available for future work and adequate follow-up.



Regional Consultation with the UN Special Rapporteur on violence against women and girls, its causes and consequences in the MENA region

DRAFT Agenda

DAY 1.

8.30 a.m. – 9.00 a.m.	Registration
9.00 a.m. – 9.30 a.m.	Opening Session Geneva Institute for Human Rights/ UN Women / UNFPA
9.30 a.m. – 10.00 a.m.	Brief introductions by participants
10:00 – 10:15	Objectives and expected outcomes of the Regional Consultation
10.15 a.m. – 10.30 a.m.	Tea and Coffee Break
10:30 – 11:15	Overview of the role of the UN Special Procedures
11.15 a.m. – 13.00 p.m.	Overview of the role of the UN Special Rapporteur on violence against women and girls, its causes and consequences
13.00 p.m. –14.30 p.m.	Lunch
14.30 p.m. –15.30 p.m.	Overview of the Role of UN Women in the MENA Region
15.30 p.m – 15.45 pm	Closing

DAY 2.

08:45 am – 09:00	Opening and recapitulation of first day discussions
9.00 a.m. – 10.00 a.m.	Session One: Overview of the impact of culture and tradition on Violence against Women and girls and how to address the root causes
10.00 a.m. – 11.00 a.m.	Discussion on Session One Sharing experiences and best practices and identification of challenges
11.00 a.m. – 11.30 a.m.	Tea and Coffee Break
11.30 a.m. – 13 p.m.	Session Two: The consequences of armed conflict on Violence against Women and girls in MENA region
13.00 p.m. – 14.30 p.m.	Lunch
14.30 p.m – 15.30 p.m.	Discussion on Session Two Sharing experiences and identification of challenges
15.30 p.m. – 16.30 p.m.	Session Three: Protection of women human rights defenders against violence and existing protection mechanisms
16.30 p.m. – 16.45 p.m.	Tea and Coffee Break
16:45 pm. – 17:15 p.m	Discussion on Session Three Sharing experiences and identification of challenges

DAY3.

09.00a.m. – 09.15a.m.	Opening and recapitulation of first day discussions
09.15a.m. – 10.15a.m.	Session Four: Culturally sensitive remedies and reparations for women subjected to violence in MENA region
10.15a.m. – 10.30a.m.	Tea and Coffee Break
10.30a.m. – 11.30a.m.	Discussion on Session Four Sharing experiences and identification of challenges
11.30a.m. – 12.30p.m.	Session Five: Ways forward to eliminate VAW
12.30p.m. – 14.00p.m.	Lunch
14.00p.m – 15.00p.m	Discussion on Session Five Sharing experiences and identification of challenges and a roadmap
15.00p.m. – 16.00p.m.	Practical session on how to work with Special Procedures Technical know-how on how submitting individual cases, providing analysis and information on violence against women, advocating in favour of an open invitation, and disseminating, following-up and implementing the work of the Special Rapporteur on VAW
16.00p.m. – 16.15p.m.	Tea and Coffee Break
16.15p.m. – 17.45p.m.	Open discussion with UN representatives Discussion of strategies for confronting challenges
17.45p.m – 18.00pm	Closing session





Geneva Institute for Human Rights (GIHR)

The Institute is a non-governmental, non-profit organization, established in July 2004, headquartered in Geneva, and holds consultative status with the United Nations Economic and Social Council.

The Institute is an institution independent of all governments, political parties, organizations, and religious or philosophical groups. The Institute is concerned with academic and research study related to raising awareness and understanding in the field of human rights. It cares for the most disadvantaged and vulnerable communities, upholding the principles of equality, dignity and respect and integrating policy with practice at all levels of public service. The Institute cooperates with international and local partners concerned with the promotion of human rights conventions, issues of security, peace and human rights, and strategic issues in relation to human rights policies. It serves as a forum for democratic dialogue, harmony and integration of efforts made by governmental and non-governmental organizations related to human rights.

The Institute undertakes multiple tasks including research and analysis, information gathering, teaching, and task scheduling, as well as a large number of national and international programmes. The Institute follows a multidisciplinary approach in the areas of human rights, the intent being to contribute to the prevention, promotion and protection of human rights violations. The Institute organizes presentations, seminars and lectures, and provides services in the field of human rights education.

The Institute aims to promote and disseminate international human rights principles as set out in the Universal Declaration of Human Rights and other related covenants, and to familiarize civil society and relevant governmental institutions with those principles. As well as contributing to the process of reviewing legislation and laws, and laws and providing practical proposals to preserve them in accordance with the International Bill of Human Rights related to international declarations and agreements, and establishing a statistical information database related to international and regional declarations, agreements and covenants related to violations of human rights.

The Institute provides practical assistance to governmental and non-governmental organizations National Human Rights Institutions to monitor and document the importance of human rights, in addition to promoting and developing these rights at all legislative and operational levels. It also provides advisory services to governmental and non-governmental organizations and bodies related to human rights, as well as to anyone who needs such services. Giving special attention to women and children to enable them to actively contribute to professional life and decision-making.

The Institute achieves its objectives by carrying out many tasks, including cooperation with academic departments, bodies and organizations related to human rights in order to benefit from its expertise, especially the Office of the High Commissioner for Human Rights, as well as conducting research and studies in the field of human rights, organizing courses, issuing bulletins and periodicals and organizing seminars Conferences, lectures and seminars.

The Institute organizes many activities and training courses in order to spread the culture of human rights at various levels, it also organizes platforms to discuss issues of concern to marginalized groups in the world, including the Middle East and North Africa, women, children, IDPs and refugees.

The Institute arranges organized visits for students from MENA to a number of the most active European organizations in the international economic and political fields to get acquainted with them and discuss their employees, to learn how and the possibility of obtaining professional work in them, and to participate in the attendance of a number of lectures and discussion sessions on their topics. The trip also includes tours of some historical and cultural areas in Geneva.





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مع

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Geneva Institute
for Human Rights

Regional Consultation
with the UN Special Rapporteur
on Violence against Women, Girls
and Children

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Ms. Joumana Merhi
Lebanon