

Draft Report
regional consultation with the United Nations Special Rapporteur on violence
against women and girls, its causes and consequences in the MENA region
16-18 May 2023
Kuwait

Organized by the Geneva Institute for Human Rights (GIHR)
In Collaboration with the Kuwait Union of Women's Associations (KUWA)

About GIHR

The Geneva Institute for Human Rights (GIHR) is a non-governmental, non-profit organization based in Geneva. Its key objective is to raise awareness and understanding about the importance of human rights.

GIHR envisages a MENA+ region where States ensure the respect, protection, promotion and fulfilment of all the rights and freedoms enshrined in the Universal Declaration of Human Rights and other international human rights instruments and develop national human rights protection mechanisms that meet the highest international standards.

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Report prepared by: Jihene Fredj, Programme Officer at GIHR

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Chemin de Ballexert 9

1219 Châtelaine

Geneva – Switzerland

+41 22 788 50 15

+41 79 753 54 80

info@gihr.org

www.gihr.org

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Part I: Organisation of the Consultation

A. 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, women and girls in the region 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 laws.

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. 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.

It is within this context that the Geneva Institute for Human Rights jointly with the Kuwait Union of Women's Associations convened 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 VAWG), Ms. Reem Al Salem (Jordan) to address the situation of women and girls in the MENA region. This event brought together representatives of NGOs working in the field of violence against women and girls and the regional office of the Office of the High Commissioner for Human Rights (OHCHR) to reflect on different country experiences, main challenges, and obstacles for women in the MENA region.

Cognizant that there are different expectations/experiences among countries in the region, diverse participants were invited to ensure the presence of different perspectives.

B. Participants

Representatives of the following civil society organisations, UN organisations and other entities attended the Consultation: Ms. Nehad Aboul Komsan (Egypt), President of the Egyptian Center for Women's Rights; Dr. Ibtisam Al-Qaud (Kuwait), President of the international women's empowerment and capacity building organization (IWEBCBO); Dr. Sanaa Al-Asfour (Kuwait), Chairperson of the Working Women's Committee of the Kuwait Trade Union Federation; Dr. Hila Al-Mekeimi (Kuwait), Professor of Political Science at Kuwait University, and member of the Advisory Committee of the Supreme Council of Leaders of the Gulf Cooperation Council; Ms. Reem Al-Zadjali (Oman), member of the Board of Directors of the Omani Bar Association; Ms. Fatiha Chtatou (Morocco), member of the Fédération des Ligues des Droits des Femmes; Ms. Fatima Al-Bahadly (Iraq), Founder of Al Firdaws Society; Ms. Kifah Abu Ghosh (Palestine), Executive Director of Stars of Hope Association to empower women with disabilities; Ms. Lamina Zidan (Mauritania), President of the Nouadhibou Journalist Network to combat violence against women and girls; Ms. Tahani Abbas (Sudan), Secretary General of No to the Oppression of Women Initiative; Ms. Mayar Faisal Al-Taweel (Yemen), Founder of Wogood for Human Security; Mr. Abdullah Al Kharaz (Yemen); Dr. Soheila Qammoudi (Algeria), Professor at the Faculty of Law, University of Algiers; Ms. Fatima Rabia (Bahrain), President of the Awal Women's Association; Ms. Anaam al-Asha (Jordan), Executive Director of the Jordan Sisterhood is Global Institute (SIGI); Ms. Shaikha Al Mansoori (UAE), Dubai Foundation for Women And Children; Ms. Ahlam Allamki (UAE), member of General Women's Union; Ms. Suzan Alshamsi (UAE), member of General Women's Union (UAE); Ms. Randa Siniora (Palestine), Women's Center for Legal Aid and Counseling (WCLAC); Ms. Faten Refat M. Nabhan (Palestine), member of Women's Center for Legal Aid and Counseling (WCLAC); Ms. Samar Z.K Nakhleh (Palestine), member of Women's Center for Legal Aid and Counseling (WCLAC); Mr. Nasser Ahmed Al Thani (Qatar), CEO of the Protection and Social Rehabilitation Center (Aman), Ms. Jawaher Alkuwari (Qatar), Executive Assistant at the Protection and Social Rehabilitation Center (Aman); Ms. Marwa Mohamed (Libya), Lawyers for Justice in Libya Head of Advocacy and Outreach; Ms. Lina Dayoub (Syria), Syrian Women League; Ms. Jannet Kaddechi (Tunisia), member of l'association Aswat Nissa; Ms. Mazna Alamer (Saudi Arabia), member of Al Nhada Women's Society; Ms. Nadine Hamadeh (Lebanon), Founder of Family Rights Forum; Ms. Salwa Aljassar (Kuwait), Professor at the Kuwait University and former member of the National Assembly; Dr. Khoulood El Khatib (Lebanon), Associate professor in International Law and Human rights at the Lebanese University and member of the Board of Directors of the Geneva Institute for Human Rights; Ms. Lamy Shalaldehy (Palestine), Human Rights Defender and trainer at the Geneva Institute for Human Rights; Ms. Ansam Al-Abayechi, Regional Gender Advisor (OHCHR); Mr. Maher Es'haqat (UNHCR); Mr. Jaber Al Ali, National Project Officer (ILO-Kuwait); Ms. Rosa Minju Kim, Associate Human Rights Officer (OHCHR); Dr. Ali Ahmad Khashan, Law and Human Rights Professor in Italy and Istanbul.

Part II: The Consultation

A. First Day: Opening and overview of the role of the United Nations Special Procedures

1. Opening

The Regional consultation started with opening remarks from the President of the Kuwait Union of Women's Associations H.E. Sheikha Fadya Saad Al-Abdullah Al-Sabah who welcomed all the participants and put an emphasis on the importance of holding regional consultations in the MENA region to strengthen our efforts to violence against women and girls. Mr. Nazar Abdelgadir Salih, Executive Director of the Geneva Institute for Human Rights highlighted the role of NGOs in the promotion and protection of human rights and stated that women rights are human rights and that human rights are universal and inalienable. Special Rapporteur on VAWG Ms. Reem Alsalem stressed the fact that women human rights defenders and women's organisations are the backbone of the fight to end violence against women. Their role is primordial, and she wants to know how, as an independent expert of the UN Special Procedures, she can support their work in an adequate way that is proportionate to the reality of the region. VAWG is a global challenge that should be addressed in all countries regardless of their economic situation.

Reflecting on the purpose of the consultation which is to address the root causes of the persisting culture of violence against women and girls in the Middle East and North Africa, the participants expressed their expectations. Turning the Declaration on the Elimination of Violence Against Women (DEVAW) that was adopted by the United Nations General Assembly in the 48/104 resolution of 20 December 1993 into a legally binding instrument was one of the recurring discussions. It was highlighted that this process can strengthen furthermore the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since they are complementary. The participants also recognised that there are common and divergent challenges that should be discussed during the whole consultation and that cooperating with each other regionally by sharing experiences and best practises and success stories is important. Challenges included but were not limited to the difficulties faced by women with disabilities, women in conflict situations and prisoners, women refugees who face intersectional forms of discrimination and violence.

2. The role of the United Nations Special Procedures

Before diving into details about all the above mentioned, the first day included an overview of the role of the Special Procedures and more specifically, the role of the Special Rapporteur on violence against women and girls, its causes and consequences presented by Mr. Nazar Abdelgadir and Ms. Reem Alsalem.

The Special Procedures of the Human Rights Council (HRC) are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. They are non-paid and elected for 3-year mandates that can be reconducted for another three years. There are currently 45 thematic and 14 country mandates.

The Special Procedures:

- Undertake country visits that are limited to 2 per year. The mandate holder has to produce a report related to the visit after receiving the concerned country's comments;
- Act on individual cases of reported violations and concerns of a broader nature submitted by victim(s) or an organisation or individual that have knowledge of a human rights violation, by sending communications to States and others;
- Contribute to the development of international human rights standards, and;
- Engage in advocacy, raise public awareness, and provide advice for technical cooperation.

As per A/HRC/RES/5/2, the Code of Conduct for Special Procedures Mandate-holders states that “members elected to the Council shall uphold the highest standards in the promotion and protection of human rights and shall fully cooperate with the Council”. It also stresses the importance of “ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double standards and politicization”.

Special Procedure mandate-holders play different roles that help advance human rights. They hold a consultative role where they can contribute to legislative and policy reform and to government/judicial processes, improving access to mechanisms of redress, prevention/cessation of violations, human rights mainstreaming and raising awareness, and facilitating dialogue/coalition setting. Special Procedures can only fulfil their mandates effectively when individuals and groups engage with them without fear of intimidation or reprisal. A framework of action has been established to respond to these practices that can be consulted at www.ohchr.org.

The establishment of the mandate of the Special Rapporteur on violence against women and girls, its causes and consequences in 1994, not only recognized violence against women as a human rights violation, but it also tasked the Special Rapporteur with ensuring that violence against women was integrated into the United Nations human rights framework and its mechanisms.

In the HRC resolution 1994/45, the Special Rapporteur on VAWG is requested to:

- Seek and receive information on violence against women and girls, its causes and consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;
- Recommend measures, ways and means at the local, national, regional and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences;
- Work closely with all special procedures and other human rights mechanisms of the Human Rights Council and with the treaty bodies;

Regional and national consultations provide important input into the work of the Special Rapporteur by highlighting regional and national specificities and provide an opportunity for women's groups from a specific region/country to inform the Special Rapporteur of the violations of women's rights occurring in their region/country. Ms. Reem Alsalem noted that the input that comes for her annual reports from NGOs from the MENA region is very little and encouraged the participants to send submissions to the Special Procedures.

A representative from OHCHR added that the office also receives reports and complaints from individuals, organisations or NHRIs and then shares the pertinent information with other relevant UN agencies in order to jointly work on gathering and analysing the evidence. The information is eventually redirected to the concerned Special Procedures in case legitimate human rights violations were identified.

B. Session I:

Overview of the impact of culture and tradition on violence against women and girls and how to address the root causes

Discussions in the first Session entitled “Overview of the impact of culture and tradition on violence against women and girls and how to address the root causes” were facilitated by Dr. Hila Al-Mekeimi, Professor of Political Science at Kuwait University, and member of the Advisory Committee of the Supreme Council of Leaders of the Gulf Cooperation Council. A panel constituting Ms. Salwa Aljassar, Professor at the University of Kuwait and former member of the National Assembly; Ms. Nehad Aboul Komsan, President of the Egyptian Center for Women's Rights; Dr. Ibtisam Al-Qaud, President of the international women's empowerment and capacity building organization (IWEBCBO); Dr. Sanaa Al-Asfour, Chairperson of the Working Women's Committee of the Kuwait Trade Union Federation and Ms. Reem Al-Zadjali, member of the Board of Directors of the Omani Bar Association informed the discussions.

The panellists provided an overview of the widely used definition of the term “violence against women” as it is written in article 1 of the DEVAW which is “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. Different forms of violence were elaborated on and explained adding on legal and economic violence. Digital VAWG was also added, as it is not a new phenomenon, but it has been escalating quickly in the recent years and women and young girls find themselves to be one of the main victims according to global data.

Ms. Nehad Aboul Komsan stated that according to data of the Central Agency for Mobilization and Statistics in Egypt: 25% of those previously married have experienced physical violence, 31% have been subjected to a form of violence, whether psychological, physical or sexual, 22% were subjected to psychological violence and 6% were victims of sexual violence. Some numbers were also provided about the Hashemite Kingdom of Jordan for the year 2020 which are as follows: 58.7 % were subjected to physical violence, 34% were victims of sexual violence with 54743 of reports of domestic violence.

Other panellists shared laws and experiences in their own countries. In Oman, there is no hotline for women facing violence but there is a line number ‘1555’ provided by the Ministry of Social Development. As for statistics for 2022, 8 cases of VAW were registered in Dar Al Wifaq and there are 6 cases to date in 2023. Dar Al Wifaq Centre for Rehabilitation in Oman provides health, social and psychological support services to the women and children and was established by Ministerial Decree No. 104/2014. In Kuwait, the Working Women's Committee of the Kuwait Trade Union Federation monitors violence in workplaces and conducts field studies and works on identifying causes and finding appropriate solutions. On a regional level, the Arab Labor Organization (ALO) has adopted an “Arab Strategy for the Advancement of Women's

Employment within the Framework of the Sustainable Development Goals 2030” in 2019¹. The objective of the strategy is to protect working women from all forms of violence and discrimination in their workplace and manifestations, promote women's participation at all levels of decision-making positions and to urge all stakeholders concerned with women's rights to coordinate with legislative bodies to develop a legal system to protect women from violence and discrimination in line with Arab and international conventions on women's rights.

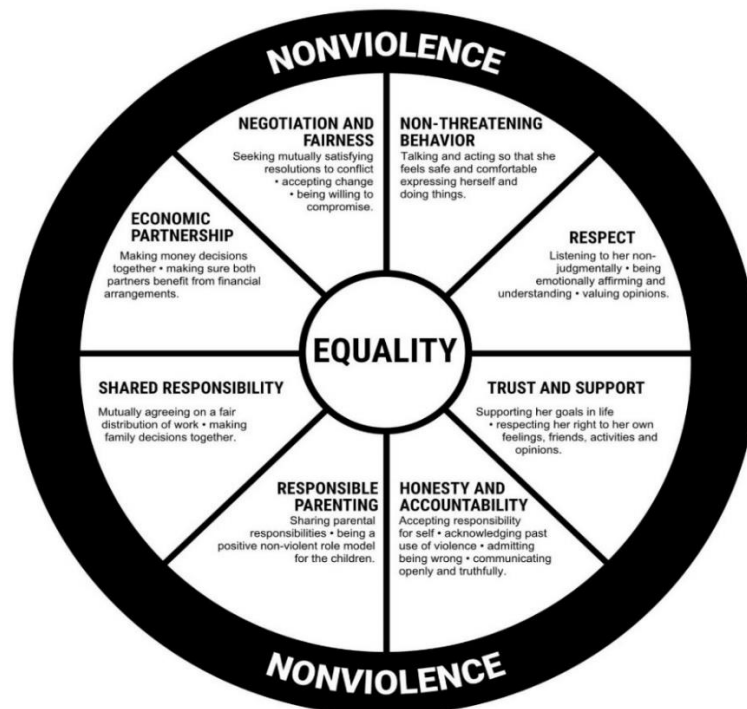
However, the speakers insisted on the fact that often, statistics don't fully reflect the reality in the region as a percentage of women victim-survivors don't report domestic violence or sexual assault for many reasons and the main one being usually cultural. The culture of عيب (Eib) or 'shame' is still highly widespread in the region and mainly vehicles the idea that women should not behave in a way that is shameful or that brings shame to their family. The problem lies in the linguistic use of this word that is deeply engrained in cultural and patriarchal norms that perpetuate stigma and discrimination against women and girls. Therefore, the main reasons that lead to VAWG in the MENA region are customs and traditions that usually have nothing to do with religion, the prevalence of a patriarchal culture that is contradictory to the level of education in the country, or on the contrary the deterioration of the level of education, economic reasons, and last but not least the lack of a Rule of Law culture.

In the region, these ideas lead to a cycle of violence that women and girls find themselves subjected to throughout their whole lives. It varies from abortion based on gender discrimination and male preference, neglect, domestic violence, female genital mutilation, child sexual abuse (including forced prostitution and pornography), violence against girls in schools, child marriage, feminicide, rape, honour killings, dowry killings, violence against female domestic workers to the bad treatment and abuse of the elderly and widows.

With a view to tackle the root causes of violence that are deeply engrained in culture and traditions, the speakers reflected on the need to reflect on the way that unbalanced, or “power” relationships based on gender discrimination should be abolished in all settings of life, including at home and in workplaces. Using the idea of an “equality wheel”² of nonviolence that vehicles the idea of mutual respect and trust, shared responsibility, accountability, economic partnership, responsible parenting, and non-threatening behaviour that can help women to know what a healthy and normal relationship looks like and break social stigma.

¹ Adopted at the 46th Session of the Arab Labour Conference, 2019, Cairo- Egypt, Resolution No. 1651.

² Created by the Domestic Abuse Intervention Project (DAIP) in the 1980s.



DOMESTIC ABUSE INTERVENTION PROGRAMS
202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.TheDuluthModel.org

The participants called for the development of women's support centres and to increase their numbers in proportion to the number of victim-survivors within States and to establish complaints reception units on violence against women in police stations. They also emphasized the importance of enacting a law to protect whistleblowers and witnesses, especially in cases of sexual abuse and violence against women, to adopt family laws that keep pace with modern changes and respect women's rights and emphasize partnership in family building, and finally to adopt national legislation to effectively address domestic violence and early marriage and criminalize female genital mutilation.

C. Session II:

The consequences of armed conflict on violence against women and girls

Discussions in the second Session entitled “The consequences of armed conflict on violence against women and girls” were facilitated by Dr. Ali Ahmad Khashan. A panel constituting Ms. Kifah Abu Ghosh, Executive Director of Stars of Hope Association to empower women with disabilities; Ms. Fatima Al-Bahadly, Founder of Al Firdaws Society and Ms. Fatiha Chtatou, member of the Fédération des Ligues des Droits des Femmes informed the discussions.

Ms. Fatima Al-Bahadly started with quoting Felicity Ruby, General Secretary of the Women's International League for Peace and Freedom who stated at the time of the adoption of Security Council resolution 1325 that it was a real turning point, but we should also use it to challenge the foundations for international peace and security that are marketed and militarized. Resolution 1325 should be mentioned when talking about women and armed conflict because it reaffirms the important role of women in conflict prevention and resolution and in peacebuilding and stresses the importance of their equal contribution and full participation in all efforts to maintain and promote peace and security, and the need to increase their role in decision-making on conflict prevention and resolution.

The Middle East and North Africa region suffers immensely from armed conflict and shelling of cities and towns has become a common practice throughout the region, resulting in significant civilian casualties and destruction of schools, homes, hospitals, markets and other infrastructure essential to human life. Guns and other weapons are widely available. Women are often unfairly affected by the use of explosive weapons in populated areas, as well as by sexual violence used as a weapon of war and exacerbating domestic violence during and after conflict. As war technology and machinery develop, the economic and human damage increases in magnitude, thereby exacerbating women's suffering. We are still far from adopting the principles enshrined in international norms and resolution 1325. The issue of women in armed conflict and war has not yet received sufficient attention in the region in terms of research, analysis and data collection in order to raise awareness and knowledge of the impact on women's lives.

Panellists highlighted that governments' scarce assistance and implemented programmes rarely have a qualitative dimension of women's realities in war that must be taken into account by conducting field studies to examine women's needs and to address the consequences of war and conflict. Protecting and guaranteeing women's rights in War and Peace should start by fully respecting international law applicable to the rights and protection of women and girls, especially as civilians in particular the obligations applicable to these parties under the Geneva Conventions of 1949 and their Additional Protocol of 1977, the 1951 Refugee Convention, its 1967 Protocol, the 1977 Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the 1989 Convention on the Rights of the Child and its Optional Protocols of 25 May 2000, and take into account the relevant provisions of the Rome

Statute of the International Criminal Court. It should also be noted that on 18 October 2013, the Security Council adopted a resolution (2122) that puts stronger measures in place for women to participate in all phases of conflict prevention, resolution and recovery, placing the onus of providing them with seats at the peace table on Member States, regional organizations and the United Nations itself.

Ms. Kifah Abu Ghosh highlighted in this panel the hard-hitting situation of the Palestinian people who have been facing systematic colonial violence for nearly seven decades. The occupation's policies have weakened political and economic structures of the occupied territories and therefore took away the possibility of building a State capable of conducting the legislative process to improve the living conditions of Palestinians. Women suffer the most as they suffer from unemployment and poverty making them more vulnerable to violence. She put a light on women with disabilities who are more disadvantaged as they face disability-based violence but also gender-based violence. These difficulties are exacerbated during war, where they find themselves more marginalised and more likely to be subjected to abuse and exploitation. According to the Palestinian Central Bureau of Statistics survey on violence within the West Bank and Gaza Strip issued in 2019, a total of 29.4% of married women have experienced domestic violence. 56% were subjected to psychological violence, 41% to economic violence, 33% to social violence, 18% to physical violence and 9% were subjected to sexual violence. Statistics also showed that 31% of women with disabilities had never been married due to psychological violence, and 19% were subjected to physical violence by a family member. Women with disabilities have poor access to health, protection, and accessibility services such as sign language interpretation in the West Bank and other territories. In a study conducted by Stars of Hope on the impact of the war and the COVID-19 pandemic on women and women with disabilities in Gaza, a clear increase in domestic violence was noted. The health system is weakened due to the blockade which makes women more vulnerable during escalations and humanitarian crises.

Ms. Fatima Al-Bahadly, reflecting on the situation in Iraq, stated that women's specific problems and needs during armed conflict require their participation in the preparation and development of protection and assistance activities because participation itself enhances protection. Ensuring better protection and assistance for women affected by armed conflict requires understanding the laws and regulations that protect them from violence and displacement, specifically international law, international humanitarian law, refugee law and human rights law.

Panellists called for effective fact-finding and reporting techniques to enhance the ability of humanitarian organizations to understand women's needs and monitor violations of their rights by identifying a safe place where victims can report violations and by allowing a sensitive and meaningful dialogue. Following-up with victims and ensuring their safety is important so that they are not subjected to retaliation. Lessons learned must determine the way forward to the establishment of effective international and national criminal justice systems that can severely

punish VAWG during wars as they usually amount to war crimes, crimes against humanity or genocide. One speaker highlighted the fact that violence perpetrated by militias is often fuelled by pervasive impunity as we saw in Libya, Iraq and Sudan and that the protection of victims should be a priority as well as monitoring the gross human rights violations. The role of the relevant United Nations agencies and bodies should be strengthened in these situations and information should be able to reach them.

D. Session III:

Protection of women human rights defenders against violence and existing protection mechanisms

Discussions in the third Session entitled the “Protection of women human rights defenders against violence and existing protection mechanisms” were facilitated by Ms. Salwa Aljassar, Professor at the Kuwait University and former member of the National Assembly. A panel constituting Ms. Lamina Zidan (Mauritania), President of the Nouadhibou Journalist Network to combat violence against women and girls and Ms. Mayar Faisal Al-Taweel (Yemen), Founder of Wogood for Human Security informed the discussions.

The panel recognised that violence against women human rights defenders (HRDs) in the Middle East and North Africa region has been increasing continuously in the recent years where they often find themselves victims of defamation campaigns from different entities. In some cases, they are threatened, detained, forcibly disappeared, tortured or even killed. They witness serious violations of their rights to a fair trial, and some face prolonged periods of pretrial detention and prison sentences. Women human rights defenders are exposed to the same risks as any human rights defender but, gender-based threats and violence add on to the challenges they already face. In the region, the work of women human rights defenders is often seen as challenging traditional concepts of family and gender roles in society, which can lead to their stigmatization and ostracization by community leaders, religious groups, families and communities. Their families can also become targets of violence, with a view to discouraging them from continuing their work.

Speakers insisted on the importance of recognizing the specific challenges faced by women human rights defenders in order to strengthen protection mechanisms, both domestically and internationally. An immediate investigation into intimidation, threats, violence and other violations against women human rights defenders, whether committed by State or non-State actors should be guaranteed. However, the practical situation often leaves women human rights defenders without effective protection mechanisms. Although the primary responsibility for protecting defenders when threatened and attacked lies with the State, the international community on the ground also has a responsibility to support and protect defenders, bearing in mind the basic principles of confidentiality, non-harm and informed consent of the person concerned.

In the region, domestic protection mechanisms are very lacking. Recommendations were made to establish and strengthen existing laws that protect women human rights defenders from defamation, and other threats on their lives by ending impunity for perpetrators who systematically target them. Prevailing gender discrimination and violence against women HRDs should be combatted with a holistic approach to raise awareness among communities throughout media and more frequent NGO campaigns. Stronger engagement with Special Procedures mandate holders was also recommended as a means for protecting women's HRDs

and shining a light on issues they face. Lastly, a suggestion was made to form an effective regional network of HRDs against violence against women that covers the MENA region, including Sudan and Mauritania and one of its main activities should be regional campaigns on multiple women's rights issues that need to be addressed, including common issues affecting the region and to organize periodic meetings between international and local organizations to share experiences and develop new strategies and approaches to protect human rights defenders from attacks.

E. Session IV:

Culturally sensitive remedies and reparations for women subjected to violence

Session IV entitled “Culturally sensitive remedies and reparations for women subjected to violence” was facilitated by Dr. Haya Al-Shamri. The session included an overview presentation from Ms. Nehad AboulKomsan, President of the Egyptian Center for Women's Rights and Ms. Fatima Rabia, President of the Awal Women's Association. The panel recognised that despite the qualitative shift in legislative amendments in the last decade in the MENA region, not all efforts have contributed to the satisfactory reduction of violence against women. The right to an effective remedy and the right to fair trial are fundamental rights that can guarantee the person’s right to redress. All States are obliged to provide remedies and reparation for the victims and survivors of human rights violations. The remedy must be available, binding and capable of bringing perpetrators to justice, providing appropriate reparations and preventing further human rights violations. Compensation includes but is not limited to restitution, rehabilitation, satisfaction measures and guarantees of non-repetition. Panellists exposed different examples of legislation in the region that protect women from violence.

Egypt

In Egypt, the confidentiality of sexual harassment and abuse victims' data was guaranteed in 2020 through the promulgation of Law No. 171 amending certain provisions of the Code of Criminal Procedure. The penalty for sexual harassment was increased in the Act No. 141 of 2021 to two to four years' imprisonment. The fine is up to a minimum of 100,000 pounds and a maximum of 200 thousand pounds. In the case of recidivism, the minimum and maximum penalties are doubled. After intensive media campaigns throughout the whole country, Act No. 10 of 2021 amending certain provisions of the Penal Code increased punishment for the crime of female genital with a minimum of five years imprisonment if the perpetrator is a doctor or nurse practitioner, as well as the deprivation of the profession for a period of three to five years of his occupation, and the punishment of anyone who requests or promotes the crime.

Tunisia

Tunisia has a law criminalizing violence against women, Law No. 58 dated 11 August 2017 on the elimination of violence against women, which defines violence against women as "any physical, moral, sexual or economic assault against women on the basis of discrimination on the basis of sex which causes physical, psychological, sexual or economic harm, and which also includes the threat of such abuse, pressure or deprivation of rights and freedoms, whether in public or private life". The Act encompasses all forms of violence against women, both within and outside the family, and obliges the State to undertake a series of measures to protect women

from violence and punish perpetrators and to provide support for women victim-survivors of violence. Chapter 10 imposes a fine of up to 2,000 dinars for the perpetrator of economic violence if the act results in the deprivation or control over the woman's economic resources, and discrimination in remuneration at work, including promotions. Furthermore, article 221 of the Tunisian Criminal Code, amended in 2017, criminalizes female genital mutilation. The Tunisian Personal Status Code grants many rights to women, including the prohibition of polygamy and the husband's absence of jurisdiction over his wife's property. Tunisian women have the right to guardianship over children in many cases, such as the death, absence and illness of their husbands. This is confirmed by Act No. 46 of 2015 of 23 November 2015, which grants women the right to request the issue of their children's travel documents and travel with them without the father's permission. Women's testimony before the courts has the same evidentiary value as men's testimony in all courts contrary to many countries in the region.

Lebanon

Lebanon has a Protection Act against Domestic Violence, Act No. 293 of 7 May 2014, protecting women and other family members from domestic violence. The Law requires the establishment of a domestic violence section within the General Directorate of Internal Security Forces, which must include women and all its components be trained in conflict resolution and social guidance. In accordance with the Act, the victim has the right to submit an interim protection order for her and her children, with a view to preventing the persistence or threat of recurrence of violence. The Protection Act also provides for the establishment of a special fund to assist and care for victims of domestic violence. Sexual harassment is a criminal offence in Lebanon pursuant to Act No. 205 of 30 December 2020 and the penalty for harassment ranges from one month to one year's imprisonment to a fine of three to ten times the official minimum wage or both. The penalty is doubled if the offence takes place in the workplace, within governmental or educational institutions or in transportation means. The Act also provides for the establishment of a special fund within the Ministry of Social Affairs to assist and ensure the care, rehabilitation and social integration of victim-survivors of sexual violence. With regard to guardianship of children, men have the right to guardianship of their children even after divorce in all Lebanese religious communities.

Jordan

The Family Violence Protection Act No. 15 of 2017 criminalises domestic violence in Jordan, which defines domestic violence as "crimes committed by a family member against any family member". The law affirms the protection of whistleblowers and witnesses in domestic violence cases. The court issues a protection order for victims of violence. There is no clear definition of sexual harassment in Jordan, but articles 305 and 306 of the Penal Code cite acts of indecency. According to the Jordanian Personal Status Law, the guardianship of children is solely for the father. The mother's custody shall continue until the completion of the children at the age of 15, after which the right to choose shall be given to the child.

Kuwait

Act No. 16 of 2020 on protection against domestic violence, defines domestic violence as "any form of physical, psychological, sexual or financial act, omission or threat of action, committed by a family member against one or more members". Kuwait's Domestic Violence Act also provides for the establishment of shelters for victims of domestic violence, psychosocial and health support, legal assistance, and rehabilitation. However, this law is incompatible with article 29 of the Kuwaiti Penal Code, which grants men disciplinary authority over women.

Saudi Arabia

The Abuse Protection Act was promulgated in 2013, defining abuse as "any form of exploitation, physical, psychological or sexual abuse or threat committed by a person against another person". Assistance, treatment, a shelter, social, psychological and health care should also be provided. As per the Act, protection and prevention measures should be taken by the Ministry, in cooperation with the relevant authorities by disseminating awareness of the concept of abuse, its gravity and its adverse effects on individuals, and the stability and cohesion of society. Documented statistical information on cases of abuse should be available as well as the organisation of specified trainings for judges, police officers, doctors, specialists and others.

Bahrain

The Kingdom of Bahrain has also undertaken measures, including the:

- Promulgation of the Unified Family Code in Sunni and Ja 'afari.
- Establishment of the Department of Family Counselling in the Ministry of Social Development to provide counselling and awareness-raising services on domestic violence.
- Establishment of family offices in some police stations in Bahrain.
- The National Strategy for the Protection of Women from Domestic Violence developed by the Supreme Council for Women.
- Establishing family reconciliation centres in Bahrain's governorates for easy access.
- The existence of family counselling centres in civil society institutions authorized by the Ministry of Social Development.

Civil society representatives stressed that amending laws is only one step while access to justice should be effective and guaranteed and law enforcement mechanisms should be robust. The legislation of the MENA countries still needs more work and is still lacking. Speakers called for stronger action from civil society organisations to bringing awareness to women about their rights and on how to claim them and to remind States that they have the legal obligation to provide adequate social, economic, health and legal assistance services to victim-survivors.

F. Session V: Ways forward to eliminate violence against women and girls

Session five entitled “Ways forward to eliminate violence against women and girls” was facilitated by Dr. Aroub AlRifai. The session included a panel discussion with the following panellists: Ms. Shaikha Al Mansoori, Dubai Foundation for Women and Children; Ms. Randa Siniora, Women's Center for Legal Aid and Counseling (WCLAC) and Ms. Anaam al-Asha, Executive Director of the Jordan Sisterhood is Global Institute (SIGI).

In this session, all the participants reflected on what was said in previous sessions and tried to reflect more deeply on all the challenges mentioned in order to look for a roadmap to move forward to eliminate VAWG. One of the first steps is to completely eliminate harmful customs and traditions that are still widespread in the region in certain areas and that perpetuate violence against women and girls such as child marriage, FGM, marital discipline, marry-your-rapist laws. Such laws have recently been abolished in Morocco, Tunisia, Jordan, Lebanon and Palestine but for example, Kuwait still allows a perpetrator to legally marry his victim with the permission of her guardian as well as Syria, Libya, and Iraq. In Algeria, there is a contradiction, as while maintaining the conviction of the rapist even if he agrees to marry the victim, the law abolishes it in the case of abduction of a minor without the use of threats or violence in the case when the abductor marries his victim. This goes as well to honour killings, even though criminalised and have seen a decline throughout the whole region, they can still be practised in certain rural areas of the most developed countries in the region.

Civil society representatives recognised that education is key to stress the fact that the violation of women's and girls' bodily autonomy is an infringement of their fundamental rights and not a crime against the 'honour' of the family. An important role lies with the 'influencers' in this matter who are either family members, teachers, prominent religious leaders and even notorious people who are followed by everyone in the country. However, the prime responsibility still lies with the State that should impose right-based national legislation to end impunity for perpetrators. CSOs should work on combatting the remaining resistance of underlying customs and traditions that are absurd and that are sometimes used as an excuse against change even on a decision-making level. CSOs should also look for new trends and abandon traditional ways to approach some of these problems in order to bring about change. A necessary priority should be also given to remedies with regard to rehabilitation programmes for victims as well as rehabilitation for perpetrators in order to prevent repetition of such crimes and violence against women and girls. To address all of these issues, funds should be allocated to effectively implement policies and programmes. In conclusion, a strong political will and a clear vision in either legislative/social/economic and political spheres can allow the achievement of these goals.

G. Closing

Dr. Khoulood El Khatib, Associate professor in International Law and Human rights at the Lebanese University and board member GIHR and Ms. Lamyia Shalaldeh, Human Rights Defender, and expert in GIHR, facilitated the final session on the review of recommendations.

The President of the Kuwait Union of Woman's Associations H.E. Sheikha Fadya Saad Al-Abdullah Al-Sabah, Mr. Nazar Abdelgadir Salih, Executive Director of the Geneva Institute for Human Rights and Special Rapporteur on VAWG Ms. Reem Alsalem delivered their closing statements. They expressed appreciation to all CSOs for their active participation and they expressed their hope that the ideas shared in the consultation will further inform their contributions and encourage them to work jointly with each other and with the Special Rapporteur to combat violence against women and girls in the Middle East and North Africa.

Part III:

Summary of challenges and recommendations

Challenges faced by women and girls and women's rights defenders in the Middle East and North Africa region:

- **Social Challenges:**

1. Community culture and social customs that neither promote nor advocate for the protection of women's and girls' rights.
2. Linguistic challenges where patriarchal language and norms and gender discrimination prevail.
3. Stereotypes that promote gender-based discrimination.

- **Legislative and legal challenges:**

1. Discriminatory provisions at the level of national legislation, including personal status laws, family laws and criminal laws.
2. Absence of robust criminal legislation to eliminate violence against women and girls and domestic violence.
3. National legislations are incompatible with international norms and instruments related to women's rights.
4. Reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

- **Economic challenges:**

1. High indicators of poverty and unemployment that expose women to exploitation and abuse.
2. Lack of funding and adequate resources to conduct awareness-raising campaigns to eliminate all forms of violence against women.
3. Lack of adequate resources to conduct investigations, or to provide adequate support for victims of violence.

- **Political challenges:**

1. Weak political will to implement policies and programmes on women's rights.

2. Poor quantitative and qualitative representation at all levels of political decision-making positions and lack of political participation of women and girls.
3. Lack of coordination and cooperation among Governments in the Middle East and North Africa region to tackle the challenges and share best practises and experience.
4. Lacking response of Governments in the region to recommendations made by United Nations human rights mechanisms.

- **Other challenges:**

1. The absence of qualitative education that changes women's stereotypes.
2. The lack of planning and conduct of advocacy campaigns.
3. The lack of coordination among organizations working on the elimination of violence against women.
4. The absence of monitoring and documentation mechanisms on violence against women in the region.
5. The absence of statistics on cases of violence against women.
6. The lack of knowledge of how to address Special Procedures and write reports and complaints addressed to international women's rights protection mechanisms.

Recommendations

Recommendations to Governments to:

- Review national legislation and harmonize it with international instruments on women's rights.
- Implement the recommendations made by United Nations Treaty Bodies and other non-conventional mechanisms.
- Develop national policies and strategies to eliminate violence against women and design gender-responsive programmes.
- Withdraw all reservations to ratified treaties and to ensure the primacy of international human rights standards over domestic laws in case of conflict between the two.
- Cooperate fully with United Nations human rights mechanisms, including the extension of standing invitations to Special Procedures mandate holders.
- Ensure full cooperation with the Special Rapporteur on the elimination of violence against women and girls.
- Ratify ILO Convention No. 190 concerning the elimination of violence and harassment in the world of work.

Recommendations to civil society organisations to:

- Establish of a regional network of human rights defenders against violence against women and girls.
- Conduct advocacy campaigns against violence and discrimination against women.
- Build human rights defenders' capacities to effectively use the United Nations Treaty Bodies and Charter-based mechanisms.
- Develop the capacity of formal and informal service providers on monitoring and documenting cases of gender-based violence.
- Conduct research studies on the contexts and trends of violence in the region.

Recommendations to United Nations organizations to:

- Provide substantive and technical support to non-governmental organizations working on the elimination of all forms of violence against women and girls.

- Organize advanced training courses on how to monitor and document and disaggregate data from a gender perspective.
- Organize advanced training courses on how to write reports for international human rights mechanisms.

It is expected that these specific recommendations will contribute to global efforts of the UN in the promotion and protection of women's and girls' human rights in the MENA region and to encourage a regional collaboration among women's rights activists.

ANNEXES

Programme of the regional consultation with the UN Special Rapporteur on violence against women and girls in the MENA region Kuwait, 16-18 May 2023

Day 1 (16 May 2023)

08:30 – 09:00	Registration
09:00 – 09:30	Opening session Kuwait Union of Woman's Associations/ Geneva Institute for Human Rights/ UN Special Rapporteur on VAWG
09:30 – 10:00	Brief introductions by participants
10:00 – 10:15	Objectives and expected outcomes of the regional consultation
10:15 – 10:30	Break
10:30 – 13:00	Overview of the role of the UN Special Procedures and the role of the UN Special Rapporteur on violence against women and girls, its causes and consequences <u>Ms. Reem Alsalem</u>
13:00 – 14:30	Lunch Break
14:30 – 15:30	Overview of the Role of UN agencies and organisations in the MENA Region (OHCHR, ILO, UNHCR)
15:30 – 16:30	Closing

Day 2- 17 May 2023

08:30 – 09:00	Opening and recapitulation of first day discussions
09:00 – 10:30	<p>Session One: The impact of culture and tradition on Violence against Women and girls and how to address the root causes</p> <p><u>Chair:</u> Dr. Hila Al-Mekeimi, Professor of Political Science at Kuwait University, and member of the Advisory Committee of the Supreme Council of Leaders of the Gulf Cooperation Council</p> <p>Panellist 1: Ms. Salwa Aljassar (Kuwait), Professor at the University of Kuwait and former member of the National Assembly</p> <p>Panellist 2: Ms. Nehad Aboul Komsan (Egypt), President of the Egyptian Center for Women's Rights</p> <p>Panellist 3: Dr. Ibtisam Al-Qaud, President of the international women's empowerment and capacity building organization (IWEBCO)</p> <p>Panellist 4: Dr. Sanaa Al-Asfour (Kuwait), Chairperson of the Working Women's Committee of the Kuwait Trade Union Federation</p> <p>Panellist 5: Ms. Reem Al-Zadjali (Oman), member of the Board of Directors of the Omani Bar Association</p> <p><u>Notes:</u> 15 minutes are allocated per panellist.</p>
10:30 – 11:30	<p><u>Discussion on Session One</u></p> <p><u>Sharing experiences and best practices and identification of challenges</u></p>
11:30 – 12:30	<p>Session Two: The consequences of armed conflict on women and girls in MENA region</p> <p><u>Chair:</u> Dr. Ali Ahmad Khashan</p> <p>Panellist 1: Ms. Kifah Abu Ghosh (Palestine), Executive Director of Stars of Hope Association to empower women with disabilities</p> <p>Panellist 2: Ms. Fatima Al-Bahadly (Iraq), Founder of Al Firdaws Society</p> <p>Panellist 3: Ms. Fatiha Chtatou (Morocco), member of the Fédération des Ligues des Droits des Femmes</p> <p><u>Notes:</u> 15 minutes are allocated per panellist.</p>
12:30 – 15:00	Visit to the Historical Peace Palace Museum
12:30 – 15:00	Lunch Break
16:30 – 17:30	<p><u>Discussion on Session Two</u></p> <p><u>Sharing experiences and best practices and identification of challenges</u></p>

17:30 – 18:30	<p>Session Three: Protection of women human rights defenders against violence and existing protection mechanisms</p> <p><u>Chair:</u> Ms. Salwa Aljassar, Professor at the Kuwait University and former member of the National Assembly</p> <p>Panellist 1: Ms. Lamina Zidan (Mauritania), President of the Nouadhibou Journalist Network to combat violence against women and girls</p> <p>Panellist 2: Ms. Mayar Faisal Al-Taweel (Yemen), Founder of Wogood for Human Security Femmes</p> <p><u>Notes:</u> 15 minutes are allocated per panellist.</p>
18:30 – 18:45	Break
18:45 – 19:45	<p><u>Discussion on Session Three</u></p> <p><u>Sharing experiences and best practices and identification of challenges</u></p>
19:45 – 20:00	Closing
Day 3- 18 May 2023	
09:00 – 09:15	Opening and recapitulation of second day discussions
09:15 – 10:15	<p>Session Four: culturally sensitive remedies and remedies for women subjected to violence in the MENA region</p> <p><u>Chair:</u> Dr. Haya Al-Shamri</p> <p>Panellist 1: Ms. Nehad AboulKomsan (Egypt), President of the Egyptian Center for Women's Rights</p> <p>Panellist 2: Ms. Fatima Rabia (Bahrain), President of the Awal Women's Association</p> <p><u>Notes:</u> 15 minutes are allocated per panellist.</p>
10:15 – 10:30	Break
10:30 – 11:30	<p><u>Discussion on Session Four</u></p> <p><u>Sharing experiences and best practices and identification of challenges</u></p>
11:30 – 12:30	<p>Session Five: Ways forward to eliminate VAWG</p> <p><u>Chair:</u> Dr. Aroub AlRifai</p> <p>Panellist 1: Ms. Shaikha Al Mansoori (UAE), Dubai Foundation for Women And Children</p> <p>Panellist 2: Ms. Randa Siniora (Palestine), Women's Center for Legal Aid and Counseling (WCLAC)</p>

	Panellist 3: Ms. Anaam al-Asha (Jordan), Executive Director of the Jordan Sisterhood is Global Institute (SIGI)
12:30 – 15:30	Visit to the Historical Peace Palace Museum
12:30 – 15:30	Lunch Break
15:30 – 16:30	<u>Discussion on Session Five</u> <u>Sharing experiences and best practices and identification of challenges</u>
16:30 – 17:30	Practical session on how to work with Special Procedures, Technical know-how on 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 VAWG
17:30 – 17:45	Break
17:45 – 18:45	Open Discussion with UN representatives Adoption of key recommendations of each session
18:45 – 19:00	Closing session Kuwait Union of Woman's Associations/ Geneva Institute for Human Rights/ UN Special Rapporteur on VAWG

List of participants

Nr	Name	Organization	Country
1.	Dr. Souhila GUEMMOUDI	Faculty of Law, University of Algiers	Algeria
2.	Ms. Fatima Rabia	Awal Women's Association	Bahrain
3.	Ms. Nehad Aboul Komsan	Egyptian Center for Women's Rights	Egypt
4.	Ms. Fatima Al-Bahadly	Al Firdaws Society	Iraq
5.	Ms. Anaam al-Asha	Jordan Sisterhood is Global Institute (SIGI)	Jordan
6.	Ms. Sheikha Fadia Al-Saad Al-Sabah	Kuwait Union of Woman's Associations	Kuwait
7.	Dr. Sanaa Al-Asfour	Working Women's Committee of the Kuwait Trade Union Federation	Kuwait
8.	Dr. Hila Al-Mekeimi	Kuwait University	Kuwait
9.	Dr. Ibtisam Al-Qaud	international women's empowerment and capacity building organization (IWEBCBO)	Kuwait
10.	Ms. Salwa Aljassar	Kuwait University	Kuwait
11.	Ms. Nadine Hamadeh	Founder of Family Rights Forum	Lebanon
12.	Dr. Khoulood El Khatib	Geneva Institute for Human Rights	Lebanon
13.	Ms. Marwa Mohamed	Lawyers for Justice in Libya Head of Advocacy and Outreach	Libya
14.	Ms. Lamina Zidan	Nouadhibou Journalist Network to combat violence against women and girls	Mauritania
15.	Ms. Fatiha Chtatou	Fédération des Ligues des Droits des Femmes	Morocco
16.	Ms. Reem Al-Zadjali	Omani Bar Association	Oman
17.	Ms. Kifah Abu Ghosh	Stars of Hope Association to empower women with disabilities	Palestine
18.	Ms. Lamy Shalaldeh	Geneva Institute for Human Rights	Palestine
19.	Ms. Randa Siniora	Women's Center for Legal Aid and Counseling (WCLAC)	Palestine
20.	Ms. Faten Refat M. Nabhan	Women's Center for Legal Aid and Counseling (WCLAC)	Palestine
21.	Ms. Samar Z.K Nakhleh	Women's Center for Legal Aid and Counseling (WCLAC)	Palestine
22.	Dr. Ali Ahmad Khashan	Law and Human Rights Professor	Palestine
23.	Mr. Nasser Ahmed Al Thani	Protection and Social Rehabilitation Center (Aman)	Qatar
24.	Ms. Jawaher Alkuwari	Protection and Social Rehabilitation Center	Qatar

		(Aman)	
25.	Ms. Mazna Alamer	Al Nhada Women's Society	Saudi Arabia
26.	Ms. Tahani Abbas	No to the Oppression of Women Initiative	Sudan
27.	Mr. Nazar Abdelgadir	Geneva Institute for Human Rights	Sudan
28.	Ms. Lina Dayoub	Syrian Women League	Syria
29.	Ms. Jannet Kaddechi	L'association Aswat Nissa	Tunisia
30.	Ms. Jihene Fredj	Geneva Institute for Human Rights	Tunisia
31.	Ms. Shaikha Al Mansoori	Dubai Foundation for Women And Children	UAE
32.	Ms. Ahlam Allamki	General Women's Union	UAE
33.	Ms. Mayar Faisal Al-Taweel	Wogood for Human Security	Yemen
34.	Mr. Abdullah Al Kharaz	Wogood for Human Security	Yemen
35.	Ms. Reem Alsalem	OHCHR	Jordan
36.	Ms. Rosa Minju Kim	OHCHR	
37.	Ms. Ansam Al-Abayechi	OHCHR- Regional Office	
38.	Mr. Maher Es'haqat	UNHCR	
39.	Mr. Jaber Al Ali	ILO	