

Convention On The Elimination Of All Forms Of Discrimination Against Women

A major step towards the attainment of the goal of equal rights for women was taken on 18 December 1979, when the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women. The 30 - article Convention sets out in legally binding form internationally accepted principles and measures to achieve equal rights for women everywhere.

By calling for equal rights for women, regardless of their marital status, in all fields (political, economic, social, cultural and civil), the convention recommends:

- national legislation to ban discrimination,
- temporary special measures to speed equality between men and women, and
- action to modify social and cultural patterns that perpetuate discrimination.

Other measures provide for equal rights for women in political and public life; equal access to education and the same choice of curricula; non-discrimination in employment and pay; and guarantees of job security in the event of marriage and maternity. The Convention underlines the equal responsibilities of men with women in the context of family life. It also stresses the social services needed - especially child-care facilities - for combining family obligations with work responsibilities and participation in public life.

Additional articles of the Convention call for non-discriminatory health services to women, including services related to family planning; and a legal capacity identical to that of men, and that all contracts and other private instruments that restrict the legal capacity of women «shall be deemed null and void». Special attention is given to the problems of rural women.

Opened for signature on 1 March 1980, the Convention was signed by 51 Nations at the Mid-Decade World Conference for Women in Copenhagen. On 3 September 1981, the Convention entered officially into force after the 20th Member State consented to be bound by its provisions.

By June 30, 1982 the Convention had 88 signatures.

Having briefly mentioned the basic premises of

the Convention, **Al-Raida** will make a «tour d'horizon » of some Arab countries who tried to change their personal status laws in favor of women. But first of all let us look at the definition of the term «**discrimination against women**» as set up by the Convention in **Article 1**.

For the purposes of the present Convention, the term «discrimination against women» shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status,... of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field»⁽¹⁾.

The Status of Women Under Arab Laws

In May 1974, women delegates representing eleven Arab States met in Beirut to discuss Arab Women's Status in the Light of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women.

They ended their sessions with a number of resolutions, the most important of which were to ask those Arab States which have yet no laws on personal status to promulgate such laws which ensure the principle of equality between the sexes and to amend all existing legislation discriminatory against women⁽²⁾.

Lebanon was the first country in the Arab world to give women the vote (1953). Yet, 30 years later, Lebanese political and legal affairs are still totally male dominated. In Lebanon, where each of the various religious communities has its own personal laws, no change has taken place since 1917 except in the inheritance laws which in 1958 became separate for Muslims and Christians. Researchers on women's status in Lebanon argue that although the 7th amendment to the constitution stated that all Lebanese were equal before the law and had the same civil and political rights, the existence of a democratic system of government in Lebanon has ironically worked out against women. One reason advanced is that in democratic states, women have to fight their way up but in one party states women

are appointed.

In **Syria**, family laws were revised and promulgated in 1953, in **Iraq** in 1959, in **Egypt** in 1956⁽³⁾. In **Libya**, section three of President Kadhafi's Green Book affirms that «if men and women are equal as human beings, the biological functions of women impedes this equality»⁽⁴⁾.

Tunisia, which decreed its family code in 1956 is considered one of the most equalitarian countries in the Arab World as far as equality between men and women is concerned. **The Moroccan, Algerian and South Yemeni** personal status laws are explained in more details in this issue.

References: _____

- (1) The full text of the Convention can be obtained from any U.N. Office and also from IWSAW'S Documentation Centre.
- (2) For a more detailed account of the seminar, see **Al-Raida**, Nov. 1980, Vol. 111, No. 14, p.6.
- (3) See **Al-Raida**, August 1, 1984, pp. 3 - 6.
- (4) **Terre des Femmes**, Editions Maspero, Paris 1982, pp. 304 - 305.

Algerian Women Win Legal Rights

On May 29, 1984, eight years after the declaration of the «**Algerian National Charter**,» also known as the «**Algerian Civil Code**,» the Algerian Parliament voted at long last for a more equitable «**Personal Status Code for Women**.»

The Parliament, which includes four women deputies, has already attempted four times to vote for this new code (1964 - 1972 - 1980 - 1982). At each time Algerian women expressed more or less openly their rejection of the draft presented, until it was written in its present final form which has still to be signed by the president.

Before this new code, the Civil Code, promulgated in 1975, stayed silent about the personal status of women and, although it proclaimed the equality of men and women in principle, it maintained Islamic laws which placed men as the head of the family. Moreover, in courts, women were subjected to the «case-by-case» rule, which judged each case according to the strictest interpretation of the Islamic Law or Shari'a.

However, the last draft of the 250-article code, which deals with engagement, marriage, dowry,

polygamy, repudiation, inheritance and tutorship, has redressed many injustices in favor of Algerian women.

For instance, although it allows polygamy in theory, in practice it will be hard for a man to take more than one wife if he doesn't treat each equally.

Moreover, the new legislation allows a woman to ask for a divorce if her husband decides to take a second wife. It also gives women the right to choose a husband and forbids their legal tutors to impose marriage against their will.

The new law allows a woman to ask for divorce in case her husband becomes handicapped, or behaves badly towards her, or leaves the marital home without a legal excuse for more than one year.

In the case of divorce, the woman is the one who keeps the children.

Moreover, the legal age of marriage was set out at 21 years for males and 18 years for females.

The law of inheritance - which beforehand did not permit women to inherit and gave the state the right to inherit in the case of the absence of a male inheritor - gives women **almost equal rights** to men.

In sum, this new «Personal Status Law», which still has to be signed by the Algerian President comes at a time when many changes are occurring in the country.

A big campaign encouraging family planning is currently being waged in Algeria, where population growth has risen from 3.13% in 1969 to 3.24% in 1982.

At last, it is worth noting that although Algerian women played an important role in the Liberation War against France and many became doctors, lawyers, engineers, etc., twenty two years after independance (1962), Algeria remains a male-dominated country compared to neighboring Tunisia.

In 1975, Tunisia's President Habib Bourguiba forced through a new code abolishing repudiation and polygamy, making Tunisia the first country, with Islam as its state religion, banning polygamy.

References: _____

- (**Al Hawadeth**, 15 June 1984, p.32)
- («**Algerie, Hiver 1982: des Femmes Contre l'Enfermement Juridique**», **Terre des Femmes**, La Decouverte, Maspero, 1982, p.305 - 307).