

Workshop N3: March, 2022

Workshop on the Role of Parliaments in Implementing the States' Obligations to the Convention
on the Elimination of All Forms of Discrimination against Women

Activity report

Date: March 15th, 2022

Platform: Zoom

Introduction:

The Arab Women Parliamentarians Network for Equality - Raedat, in partnership and cooperation with the Office of the High Commissioner for Human Rights/Regional Office for the Middle East and North Africa (ROMENA), organized a workshop on March 15, 2022, at 1:00 pm Tunis / 2:00 Beirut time, on “The Role of Parliament in Implementing States' Obligations to the Convention Eliminate all forms of discrimination against women” via the virtual Zoom platform.

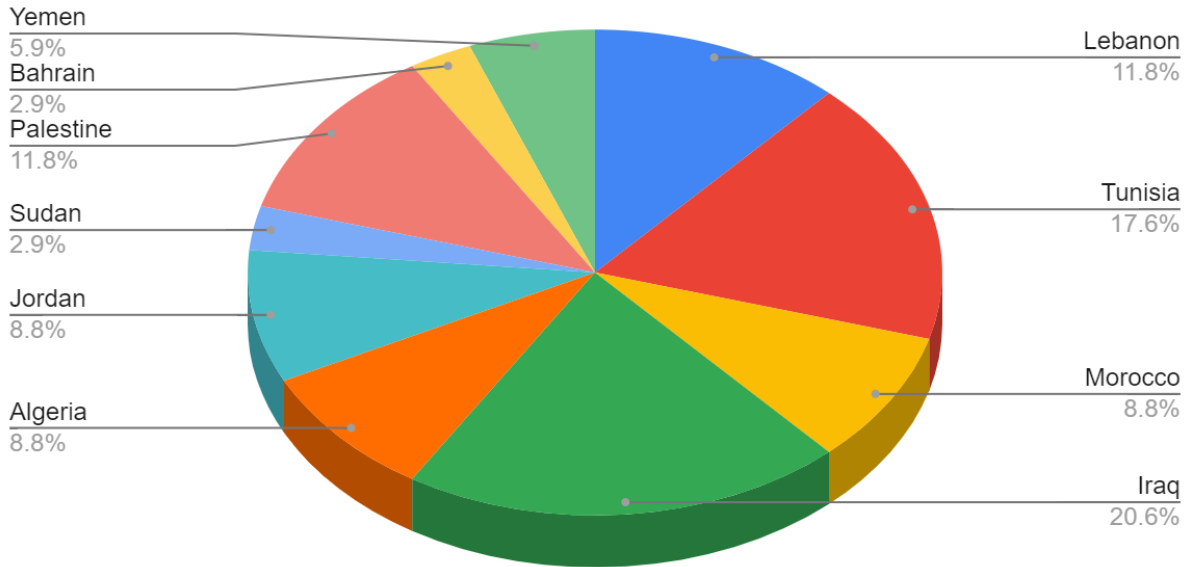
Raedat has invited members of the network from institutions and members of parliament who are active in advocating for equality. The Commission also invited a speaker from the CEDAW committee, Ms. Nahla Haidar (an independent international expert), but she was unable to attend because she was infected with the Coronavirus, and Ms. Lynn Eid presented the role of Parliament in implementing the state's obligations towards CEDAW instead.

Main objective:

Reviewing the legislation related to granting citizenship and the extent to which equality has been achieved in the Arab region.

Participants:

- 34 people attended, including speakers and attendees invited by Raedat and ROMENA, in addition to media from Iraq and Yemen (see chart below)



The welcome session was held by the representative of the Regional Office, Ms. Ansam Al-Abayji, Regional Gender Adviser - OHCHR in the Regional Office for the Middle East and North Africa. And Mrs. Houda Slim, President of the Arab Women Parliamentarians Network for Equality - Raedat, who spoke about the role and importance of the work of Raedat. She also presented the situation of rights in nationality laws in the Arab region. It has clarified its importance and the ensuing rights of its holder. She added that the current legislation was enacted in ancient times, and women were not consulted or involved in the development of most of these legislations.

Therefore, we find that it mostly does not take into account the needs of women and girls, but rather it is discriminatory and represents the thought of that era. She added that discrimination against women in nationality laws can occur directly or indirectly. Despite the seemingly neutral

provisions, in practice they may have a negative and disproportionate impact on women's enjoyment of the right to nationality. Still, women are more likely than men to change their nationality when they marry foreigners and acquire the nationality of the foreign spouse. In many cases, a woman is not allowed to transfer her nationality to her foreign husband.

Discrimination in nationality laws affects the enjoyment of many rights and limits the abilities of members of society to contribute effectively to many social, economic, and public affairs. This discrimination also affects and limits people's choices, especially when it comes to work and study. In the session, the laws were reviewed. Mrs. Samia Doula, a judge and legal expert from Tunisia, spoke about the importance of the judiciary in implementing draft laws, and pointed out the weaknesses and gaps and how the judiciary can deal with them, and a comparative presentation of the status of nationality laws in the Arab region.

Ms. Ismahane Benguesmia, a former parliament member and current advisor to the Minister of Environment and the reporter of the network, presented Algeria's law as a model for full equality, adding that in Algeria and Djibouti, we see that women and men enjoy complete equality. Ms. Ibtisam Azzawi, a former member of the Moroccan Parliament, also presented the state of law in Morocco, according to the "constitutional principle" since 2011, women and men enjoy equal rights. As Moroccan law stipulates that citizenship is transmitted through blood (from the mother and father) - through birth.

She added that the reforms since 2005 dealt with the right of Moroccan women to pass on citizenship to their children, if the father is unknown or a foreigner. But the law still has a loophole. Although the transfer of nationality takes place automatically, upon reaching the age of 18-20, the child of a Moroccan woman must submit a request to the Minister of Justice to retain the nationality. Whereas, the son of a Moroccan man does not have to do this procedure. We see that we are not in front of complete equality.

Ms. Rizan Sheikh Diller, a former member of the Iraqi parliament, presented a model of equality according to Iraqi law, which has reservations on CEDAW despite the fact that the Iraqi constitution provides for the right of every individual (man/woman) to acquire citizenship. She highlighted the Personal Status Law in Iraq, which stipulates that a Muslim woman must marry a

Muslim. She added that since 2014 until now, after the ISIS war, where many women / mothers were raped, which led to the birth of children, and since 2016 it has been decided that any child born in Iraq, if the father is unknown - the father is unknown, he becomes a foundling (of unknown parentage) There are currently about 4,000 children who are stateless - stateless. To grant citizenship to a child, the mother must submit an application for a national card, and the national card is given if both the father and the mother are known.

Ms. Khawla Benaicha, a former member of the Tunisian Parliament, spoke about the state of law in Tunisia, and added that in October 2010, the Committee on the Elimination of Forms of Discrimination added a set of observations on the Nationality Law, centered on amending Chapter VI of the Code on Tunisian nationality, and expressed concern about the situation of children born in Tunisia who did not have Tunisian male ancestors. And that Law 55 of 2010 added a new sixth chapter, stipulating that a child born to a Tunisian father or mother is a Tunisian child. However, the law still constitutes an incomplete step towards equality, as it remains to limit the acquisition of citizenship to the age of majority for the son of a Tunisian woman born outside Tunisia.

In this context, Ms. Lynn Eid presented the path that parliaments should take to play a critical role in ensuring that the government complies with its international human rights obligations and translates them into national legislation and policies. She added that one of the primary tasks of parliaments is to ratify human rights treaties, scrutinize national legislation, monitor the work of the executive authority in light of fulfilling its obligations in the field of human rights, establish bodies and institutions for the promotion and protection of human rights, as well as consider and approve draft national budgets, taking into account the implications on human rights. Parliament is also entrusted with an active role in providing contributions related to the work of international and regional human rights mechanisms. It recalled Resolution No. 35/29 adopted by the Human Rights Council on June 23, 2017, on the contribution of parliaments to the work of the Human Rights Council, its universal periodic review and treaty mechanisms, which encourages relevant stakeholders to enhance and improve cooperation between national parliaments and national institutions. concerned with human rights and the international community to promote and protect all human rights and fundamental freedoms.

She added that the Office of the High Commissioner for Human Rights seeks to direct parliaments to establish parliamentary human rights committees, as well as to supervise them to ensure their effective performance. It recommends that parliamentary committees be given as broad a mandate as possible to cover all areas of human rights as defined in national and international law.

Interventions from Members of Parliament and Experts:

- One of the attendees from Palestine proposed to prepare a study in the Arab world that includes laws to accurately monitor the imbalance and to see which country needs help more than others, and to discuss approaches to issuing legislation that guarantees equal rights in nationality. She added that there is no nationality law in Palestine, but rather the election law, and the problem is exacerbated when the issue is related to within the state of the occupying entity, which deprives Palestinians of their basic rights.
- One of the participants from Sudan added that one of the manifestations of discrimination in Sudan is that a Sudanese woman gives citizenship to her son/daughter, but she must submit an application and take procedures.
- A spokeswoman from Libya said that the law had established controls for granting Libyan citizenship to a woman who married a foreigner. And it is useful to use the method of embarrassment between countries (in developing their laws). She also talked about the role of the judiciary in implementing laws and how the judiciary ensures justice.

Mrs. Ansam Al-Abayji presented recommendations directed to legislative bodies issued by representatives of civil society, the media and religious leaders. The possibility of implementing the recommendations was discussed with the participants, in addition to highlighting the possibility of future cooperation.

Recommendations for the use of the international and regional framework

- Harmonizing legislation to be modern and take into account the conscious discourse calling for equality between men and women in the rights associated with nationality to end the suffering of many family members due to marriage to a foreigner. Thus, states

fulfill their obligations towards the Convention on the Elimination of All Forms of Discrimination against Women, especially in Article 9 of it, which affirms the right of women to pass on their nationality to their children. (Religious Leaders Workshop, December 6, 2021)

- Emphasizing commitment to all treaties and agreements ratified by the state related to human rights in general and women in particular, and sending letters from the Office of the High Commissioner for Human Rights to Arab governments and parliaments reminding them of their obligations towards women's rights, which they signed in CEDAW. (Media Workshop November 30, 2020)
- Exiting the local domain to the broader Arab and international domain, in order to demand the amendment of the legislative texts related to citizenship and granting it to reach a unified, just and comprehensive citizenship law in order to follow up on the implementation of the regional action plan emanating from the Arab Declaration of Human Rights on belonging and legal identity.
- Activating and strengthening the oversight role by the Legislative Council regarding the extent of the state and/or states' commitment to the articles and texts of international agreements that may conflict with the text and/or provisions of the state's nationality law.
- Continuing to address the legislative councils to hold regular discussion sessions, seminars, workshops and courses to spread culture and legal awareness, by transferring the issue of citizenship from the feminist framework to the human rights framework and making the necessary and necessary amendment(s) to the citizenship law in a manner consistent with international agreements signed by the state itself. As well as, work on proposing any other amendments that grant additional rights regarding the problem of nationality and its law. (Civil Society Workshop November 26, 2020).

Recommendations for communicating with legislative bodies

- Separating the political and economic motives in not adopting legislation that gives women the right to grant their nationality to their children and husband, and not linking them to pretexts based on religion.

- Legalizing the granting of citizenship, whether to men or women, in order to ensure the security of countries (with due regard to the privacy of some countries) and not on the basis of discrimination against women in this right.
- Looking at legislative models from the countries of the Arab region, which grant women an equal right to citizenship with men, and taking Algeria, Tunisia and Iraq as a model. (Religious Leaders Workshop, December 6, 2021)
- Calling for regular and periodic dialogue sessions with parliaments, especially when local governments issue decisions that would establish privileges and facilities in relation to the applicable nationality law, in order to give these decisions a legislative character by amending the relevant legal texts in the relevant law and/or laws.
- Addressing the relevant parliamentary committees, including, but not limited to, the committees concerned with women and their rights, and addressing the Arab Parliament to gain support. (Civil Society Workshop November 26, 2020).

The attendees affirmed the effectiveness and acceptance of those recommendations and work on them, as well as the necessity of involving men from parliaments in advocating for equality in laws and working with United Nations organizations to achieve this. Finally, Mrs. Ansam Al-Abayji concluded by thanking all the attendees, hoping for future cooperation.

Financial cost: no budget was needed.

Lessons learnt:

- The possibility of overcoming the Corona pandemic and travel restrictions, in addition to the lack of funding, by organizing the event virtually.
- Develop an alternative plan during the event when it was not possible for one of the main speakers to participate to cover up the topic that was to be presented by a CEDAW speaker, but she could not attend because she was infected with the Coronavirus, and the

- topic was presented by the human rights officer from the Office of High Commissioner for Human Rights.
- Pre-planning and preparatory meetings with the partner, in addition to creating a mechanism of communication with the preparatory body, which was used effectively and helped to overcome technical obstacles and also helped facilitate the workshop in all its sessions in a smooth manner.
- Using social media to deliver the workshop's outputs to a large number of people, with nearly 220,000 followers and about 1,000 interactions.

Agenda:

Welcoming

Ms. Ansam Al-Abayji, Regional Gender Adviser - OHCHR/Regional Office for the Middle East and North Africa

Ms. Hoda Selim, President of the Arab Women Parliamentarians Network for Equality Raedat

Describing the status of rights in nationality laws in the Arab region

-**Ms. Nahla Haidar**, Vice-Chairman of the CEDAW Committee (Parliament's Role in Implementing the State's Obligations towards CEDAW)

- **Mrs. Samia Doula**, judge and legal expert (presentation of the status of nationality laws in the region - a comparative presentation).

- **Mrs. Ismahane Ben Ksmia**, a former member of parliament and currently an advisor to the Minister of Environment (Algeria's law is a model for full equality)

- **Ms. Ibtisam Azzawi**, former member of the Moroccan Parliament (presentation of the state of law in Morocco)

- **Ms. Rizan Sheikh Dler**, former member of the Iraqi parliament (Iraq's law is a model for equality)
- **Mrs. Khawla Ben Aicha**, former member of the Tunisian Parliament (presentation of the state of law in Tunisia)

Examining approaches to enacting legislation that guarantees equal rights to nationality

- **Mrs. Ansam Al-Abayji**, (presenting recommendations to legislative bodies issued by representatives of civil society, the media and religious leaders)

A round of discussion among the participants and participants about the possibility of implementing the recommendations

Discussing future cooperation and subsequent steps

Closing