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**PROGRESS MADE IN THE IMPLEMENTATION OF THE CONVENTION  
ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST  
WOMEN (CEDAW) IN THE ARAB COUNTRIES**

**IMPLEMENTATION OF THE CONVENTION IN THE ARAB COUNTRIES:  
COMPARATIVE ANALYSIS OF ACHIEVEMENTS AND CHALLENGES**

**Summary**

This policy paper reviews the implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) by examining the civil, political, economic, social and cultural rights of women in the Arab States party to the Convention. All Arab states with the exception of Somalia, the Sudan and Palestine due to its observer status at the United Nations – have ratified the Convention. However, many Arab States have expressed reservations to substantive articles of the Convention. This includes article 2 on the States' obligation to ensure equality and article 16 on the rights of women in family and marriage including divorce and children custody, which has hindered the convention's full implementation. Recently, some Arab states such as Morocco and Tunisia declared that they withdrew all their reservations, while others such as Egypt and Jordan withdrew some of their reservations to articles of the Convention. Egypt, for example withdrew its reservations to article 9 (2) which guarantees the right of women to pass on their nationality to their children, while Jordan withdrew its reservations to article 15 (4) on the freedom of movement and residency.

Notwithstanding those achievements, many challenges still hinder gender equality and the advancement of women in the Arab region. In fact, the economic participation of Arab women stands at 22 per cent and their representation in national parliaments at 11 per cent – which is among the lowest in the world. Therefore, formulating national strategies that address all forms of discrimination against women is highly recommended by the CEDAW Committee. This policy paper concludes by offering a set of policy-oriented recommendations to overcome some of the challenges facing the implementation of the Convention in the Arab region.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1-7	3
Methodology.....	8-9	4
<i>Chapter</i>		
<b>I. IMPLEMENTATION OF THE SUBSTANTIVE ARTICLES OF THE CONVENTION IN THE ARAB STATE PARTIES .....</b>	10-47	4
A. States' obligation to ensure equality (article 2) .....	14-18	7
B. Adoption of temporary special measures (article 4) .....	19-21	8
C. Modification of cultural patterns (article 5).....	22-23	9
D. Trafficking of women (article 6).....	24-26	9
E. Social and economic rights (articles 10, 11, 12 and 13) .....	27-31	9
F. Political rights (article 7) .....	32-34	10
G. The right to nationality (article 9).....	35	11
H. The rights of rural women (article 14).....	36	12
I. Equality before the law (article 15).....	37-39	12
J. Rights of women in marriage and family life (article 16).....	40-43	12
K. The CEDAW Committee general recommendation 19: gender-based violence.....	44-47	15
<b>II. POLICY-ORIENTED RECOMMENDATIONS.....</b>	48-49	15
A. Legislation reform.....		15
B. Modification of cultural patterns and stereotypes on women's role in society .....		16
C. Guaranteeing women's socio-economic and political rights .....		16
D. Combating violence against women .....		16
<i>References .....</i>		18

## LIST OF TABLES

1. Ratification status (as at September 2011) .....	5
2. Reporting history: submission of State reports (as at September 2011).....	5
3. Reservations of Arab States parties (as at September 2011) .....	7
4. Women parliamentary representation (as at August 2011) .....	11
5. Minimum age for marriage in the Arab countries .....	13

## Introduction

1. Women's health and educational attainment have improved significantly since the First World Conference on Women in Mexico in 1975. However, this has not translated into improvements in women's economic and political participation. In fact, Arab women's economic participation and parliamentary representation scored amongst the lowest worldwide: 22 per cent<sup>1</sup> and 11 per cent<sup>2</sup> respectively. The inequality of women's socio-economic and political profiles in the Arab region requires further investigation.
2. Moreover, the status of women in the Arab countries, albeit with wide disparities, is strongly influenced by a setting of political instability and conflict – which are not conducive to advancement and empowerment. Additionally, attempts at legislative reform in favour of advancing the status of women are generally thwarted by patriarchal forces and cultural constraints.
3. Chief amongst those constraints are the personal status codes at the national level, family laws and penal codes governing violence against women, while the implementation of international instruments such as the Convention on the Elimination of all Forms of Discrimination against Women<sup>3</sup> has stalled due to reservations expressed to some articles of the Convention placed by States parties.
4. Taboos against public denouncement of violence against women, in its different forms, are slowly dissipating. However, this phenomenon remains a common concern especially among feminists and human rights activists, particularly in conflict stricken countries such as Iraq, Palestine, Somalia, the Sudan and Yemen.
5. The ongoing popular movements sweeping the Arab region (Bahrain, Egypt, Libya, the Syrian Arab Republic, Tunisia and Yemen), provide women with a window of opportunity to impose their presence in the political arena and to participate in building the new democracies. Many of these countries are now in the process of re-drafting their constitutions. Women must be involved in this process in order to guarantee that their previously acquired civil and political rights are safeguarded and that a true democratic process is pursued for equal citizenship.
6. Women's advancement is closely associated with the attainment of human rights. The advancement of women cannot be achieved without the full enjoyment of civil, political, economic, social and cultural rights. In this context, the implementation of such international instruments as the Convention on the Elimination of all Forms of Discrimination against Women (1979), the Beijing Declaration and Platform for Action (1995), and Security Council resolution 1325 (2000) on Women and Peace and Security is instrumental in advancing women eliminating discrimination against them, and achieving gender equality.
7. The number of Arab States that ratified the Convention increased from 8 States in 1995 to 19 (out of 22) in 2011. Only three are not party to the Convention: Somalia, the Sudan and Palestine which is a signatory despite its observer status at the United Nations. Nonetheless, the majority of the Arab States parties have placed reservations to substantive articles of the Convention. This does not only violate the spirit of the Convention, but also stalls all attempts at full implementation. To date, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women<sup>4</sup> has been ratified only by Libya (2004) and Tunisia (2008).

<sup>1</sup> ESCWA. 2009. *Charting the Progress of the Millennium Development Goals in the Arab Region: A statistical Portrait*, p. 10.

<sup>2</sup> Inter-Parliamentary Union Database. Accessed in September 2011 at <http://www.ipu.org/wmn-e/world.htm>.

<sup>3</sup> General Assembly resolution 34/180 of 18 December 1979. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

<sup>4</sup> Adopted by the General Assembly at its fifty-fourth session in 1999, the Optional Protocol to the Convention allows the CEDAW Committee to receive and examine individual complaints and to conduct an inquiry about grave and systematic breaches of women human rights, as set by the Convention.

## Methodology

8. This policy paper reviews and assesses the implementation of the Convention by examining the civil, political, economic, social and cultural rights of women in the Arab States parties. It is largely based on content analysis of the national periodic reports to the Committee on the Elimination of Discrimination against Women (CEDAW)<sup>5</sup> and the concluding observations of the Committee, as well as responses by Arab countries to the United Nations questionnaire on progress achieved in the implementation of the Beijing Declaration and Platform for Action<sup>6</sup> on the occasion of Beijing+15.<sup>7</sup>

9. The paper is organized thematically by the Convention articles and concludes with policy recommendations for the elimination of discrimination against women and full implementation of the Convention in order to achieve gender equality in the region.

## I. IMPLEMENTATION OF THE SUBSTANTIVE ARTICLES OF THE CONVENTION IN THE ARAB STATES PARTIES

10. The Convention on the Elimination of all Forms of Discrimination against Women is an all-encompassing instrument that sets the standards for women's civil, economic, social, political, and cultural rights. The text of the 1979 Convention does not specifically refer to violence against women (VAW). This prompted the CEDAW Committee to issue General Recommendation number 19 on violence against women at its eleventh session in 1992, which required including gender-based violence in the definition of violence in article 1 of the Convention. Subsequently, the General Assembly of the United Nations adopted the Declaration on the Elimination of Violence against Women<sup>8</sup> in 1993 and the Secretary-General appointed a special rapporteur on violence against women in 1994. Such developments highlighted the critical importance of addressing violence against women and urged Member States to undertake all measures to combat it.

11. The Convention is a legally binding instrument. As per article 18, States party to the Convention are requested to submit a report one year after ratification and every four years thereafter assessing the implementation of the substantive articles of the Convention. The reports should include detailed information on the *de jure* and *de facto* situation of women in the State party. States parties are urged to prepare those periodic reports in a transparent and participatory manner by involving women non-governmental organizations (NGOs) and other civil society organizations.

12. Country reports are submitted to the CEDAW Committee for its consideration and comments. The Committee is composed of 23 independent experts who are nominated by their countries and serve in their personal capacity. It reviews the reports and issues non-binding concluding observations, highlighting achievements and remaining challenges in the implementation of the Convention. Table 1 shows the Arab States party to the Convention and those that have joined the Convention Optional Protocol. Table 2 indicates that most Arab States party to the convention have fulfilled their obligations under article 18 of the Convention and submit their national reports regularly.

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<sup>5</sup> National reports of: Bahrain (2008), Egypt (2010), Jordan (2010), Kuwait (2010), Lebanon (2008), Morocco (2008), Saudi Arabia (2008), the Syrian Arab Republic (2007), the United Arab Emirates (2010) and Yemen (2008).

<sup>6</sup> ESCWA. 2009. *Consolidated Arab report on the Implementation of the Beijing Platform for Action: +15* (E/ESCWA/ECW/2009/IG.1/3). Responses to the questionnaire were submitted by: Algeria, Bahrain, Djibouti, Egypt, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, Palestine, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen.

<sup>7</sup> Fifteen years after the fourth World Conference on Women which was held in Beijing, from 4 to 15 September 1995.

<sup>8</sup> A/RES/48/104. Declaration On The Elimination Of Violence Against Women

TABLE 1. RATIFICATION STATUS (AS AT SEPTEMBER 2011)

Country	Ratification <sup>a/</sup>	Entry into force	Amendment to article 20 (1) <sup>b/</sup>	Ratification of Optional Protocol
Algeria	22 May 1996	21 June 1996		
Bahrain	18 June 2002	18 July 2002		
Comoros	31 October 1994	30 November 1994		
Djibouti	2 December 1998	1 January 1999		
Egypt	18 September 1981	18 October 1981	2 August 2001	
Iraq	13 August 1986	12 September 1986		
Jordan	1 July 1992	31 July 1992	11 January 2002	
Kuwait	2 September 1994	2 October 1994	23 May 2011	
Lebanon	16 April 1997	16 May 1997		
Libya	16 May 1989	15 June 1989		18 June 2004
Mauritania	10 May 2001	9 June 2001		
Morocco	21 June 1993	21 July 1993	31 March 2010	
Oman	7 February 2006	7 March 2006		
Qatar	29 April 2009	29 May 2009		
Saudi Arabia	7 September 2000	7 October 2000		
Syrian Arab Republic	28 March 2003	27 April 2003		
Tunisia	20 September 1985	20 October 1985		23 September 2008
United Arab Emirates	6 October 2004	6 November 2004		
Yemen	30 May 1984	29 June 1984		

Source: Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/bodies/cedaw/convention.htm>.

a/ "Ratification" in this context includes accession, succession or ratification.

b/ The amendment to article 20 (1) of the Convention extends the annual meeting time available to the CEDAW Committee. Dates cited are those of acceptance of the amendment.

TABLE 2. REPORTING HISTORY: SUBMISSION OF STATE REPORTS  
(AS AT SEPTEMBER 2011)

Country	Initial report (date and reference)	Other reports (date and reference)
Algeria	1 September 1998	- Second report: 5 February 2003 - Third and forth report combined: 24 March 2010
Bahrain	12 November 2007 <sup>a/, b/</sup>	
Comoros	No reports submitted <sup>c/</sup>	
Djibouti	16 April 2010 <sup>d/</sup>	
Egypt	2 February 1983	- Second report: 19 December 1986 - Third report: 25 July 1996 - Fourth and Fifth reports combined: 30 March 2000 - Sixth and seventh reports combined: 5 September 2008

TABLE 2 (*continued*)

Iraq	16 May 1990	Second and third reports combined: 19 October 1998
Jordan	10 November 1997	- Second report: 26 October 1999 - Third and forth reports combined: 22 February 2006 - Fifth report: 16 September 2010
Kuwait	1 May 2003 <sup>b/</sup>	Third and forth reports combined: 12 August 2010
Lebanon	2 September 2004	- Second report: 11 February 2005 - Third report: 14 July 2006
Libya	18 February 1991	- Second report: 15 March 1999 - Second, third, fourth and fifth reports combined: 4 December 2008
Mauritania	2 August 2005	
Morocco	3 November 1994	- Second report: 29 February 2000 - Third and fourth reports combined: 18 September 2006 <sup>e/</sup>
Oman	20 July 2010	
Qatar	No reports submitted	
Saudi Arabia	29 March 2007 <sup>b/</sup>	
Syrian Arab Republic	15 September 2005	
Tunisia	12 April 1994 <sup>b/</sup>	- Third and forth reports combined: 2 August 2000 - Fifth and sixth reports combined: 20 May 2009
United Arab Emirates	17 September 2008	
Yemen	23 January 1989	- Second report: 8 June 1989 - Third report: 13 November 1992 - Fourth report: 15 March 2000 - Fifth report: 15 February 2002 - Sixth report: 13 March 2007

Source: Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/bodies/cedaw/convention.htm>.

a/ Submitted a complimentary report that includes updates of some of the data contained in the original report of 6 June 2008.

b/ The initial and second periodic reports were submitted together as one document.

c/ The CEDAW Committee will discuss the progress made in implementing the Convention in the Comoros in the absence of the initial report and periodic reports, at its 51<sup>st</sup> session to be held from 13 February-2 March 2012.

d/ The initial, second and third periodic reports were submitted together as one document.

e/ Submitted in combined format pursuant to the request of the CEDAW Committee.

13. The implementation of the Convention in the Arab countries is constrained by several challenges that restrict women's enjoyment of civil, political, social, economic, and cultural rights. Discrimination against women takes place at the social, structural and legal levels. First, despite some legal reforms, many laws and legislations still discriminate against women. Second, market and government institutions are structurally bias against women and do not offer women equal opportunities or equal access to services. Third, the stereotypical portrayal of women is discriminatory and contributes to the violation of the basic human rights of women.

## A. STATES' OBLIGATION TO ENSURE EQUALITY (ARTICLE 2)

14. The reservations placed by the Arab countries on substantive articles of the Convention do not only violate the spirit of the Convention but also constitute a major hindrance to its full implementation. More specifically, reservations to article 2 on full equality and article 16 on family laws (marriage, divorce, custody) are cases in point (see table 3).

TABLE 3. RESERVATIONS OF ARAB STATES PARTIES (AS AT SEPTEMBER 2011)

Country	Article 2	Article 9	Article 15	Article 16	Article 29	Declaration
Algeria	x		x	x	X	
Bahrain	x	x	x	x	X	
Comoros						
Djibouti						
Egypt	x			x	X	
Iraq	x	x		x	X	
Jordan		x		X		
Kuwait		x		x	x	
Lebanon		x		x	X	
Libya	x			x		X
Mauritania						X
Morocco <sup>**</sup>	x		x		X	
Oman		x	x	x	X	X
Qatar	x	x	x	x	X	X
Saudi Arabia		x			x	X
Syrian Arab Republic	x	x	x	x	X	
Tunisia <sup>*</sup>		x	x	x	x	X
United Arab Emirates	x	x	x	x	X	
Yemen					X	

Source: Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/bodies/cedaw/convention.htm>.

\* The official spokesperson of the Interim Tunisian Government Al Tayyeb Bakouche declared on 16 August 2011 that the transitional Tunisian Council of Ministers approved the withdrawal of all reservations to the Convention, placed by Tunisia. However, the Secretary-General has not been officially informed of that decision.

\*\* On the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights in 2008, King Mohammad VI of Morocco declared that his country withdrew all its reservations to the Convention. However, the Secretary-General has not been officially informed of that decision.

## Articles subject to reservations of Arab States

Article 2: States' obligation for ensuring equality.

Article 9: Nationality rights.

Article 15: Equality before the law and freedom of movement and residence.

Article 16: Rights in marriage and family life.

Article 29: Arbitration by the International Court of Justice in case of disputes about misinterpretation or application of the convention.

15. According to the CEDAW Committee,<sup>9</sup> articles 2 and 16 of the Convention are core articles. Therefore, reservations placed on them should be withdrawn. This statement is consistent with article 19 of the Vienna Convention on the Law of Treaties (1969),<sup>10</sup> which affirmed that States party to the Convention cannot formulate a reservation that is incompatible with the object and purpose of the treaty.

16. Article 2 represents the essence of the Convention as it translates the concept of equality into appropriate policy measures that should be undertaken by States to truly guarantee equality in their territories.

17. In that context, although most Arab states have included the principle of equality in their constitutions, most did not use the definition of equality as set in article 1 of the Convention. Furthermore, the CEDAW Committee in most of its concluding observations, while reviewing selected Arab States reports, reaffirmed that a comprehensive legal reform, as per article 2 (f) is still needed in most States parties to abolish existing discriminative legislation and enact new laws to protect women from discrimination, whether it is perpetrated by public or private actors. Additionally, the Committee noted that more efforts must be exerted to establish efficient mechanisms to receive women's complaints, especially of female migrant workers.

18. Furthermore, although ratified by some Arab countries for more than 30 years,<sup>11</sup> the Convention is seldom invoked in national courts. A case in point is that the provisions of the Convention have been applied in one case only before the courts in Bahrain.<sup>12</sup> More recently a judge in Jordan resorted to the provisions of the Convention in court to change the name of a young girl.<sup>13</sup>

#### B. ADOPTION OF TEMPORARY SPECIAL MEASURES (ARTICLE 4)

19. The reports of a number of Arab States to the CEDAW Committee show that they have not fully activated article 4 on the adoption of temporary special measures in all fields, such as the quota system to accelerate *de facto* equality and article 5 on the transformation of cultural patterns and stereotypes that discriminate against women. Those articles are central to the empowerment of women, given that behavioural discrimination can only be eliminated if certain pre-conceived ideas and traditions that limit the role of women in society are modified and special measures to empower women are adopted. In that context, it is worth mentioning that none of the Arab States have placed reservations to articles 4 and 5.

20. For instance, empirical evidence shows that the introduction of affirmative action measures, including parliamentary or constitutional quotas for women, in Egypt, Iraq, Jordan, Mauritania, Morocco, Palestine, the Sudan and Tunisia, has substantively increased female parliamentary representation.

21. According to the CEDAW Committee, some politicians and civil society institutions still consider the quota system as non-constitutional and as a reverse discrimination, which is an indication of the entrenched patriarchy within society. In the same context, the Committee urged States parties to adopt such temporary special measures to promote women's employment and increase their representation in decision-making bodies and the judiciary. Therefore, raising awareness about this temporary tool used to accelerate gender equality in all fields is necessary.

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<sup>9</sup> See the report of the CEDAW Committee on its eighteenth and nineteenth sessions. General Assembly official records. Fifty-third session, Supplement No.38 (A/53/38/Rev.1), part two, chap I.

<sup>10</sup> [http://untreaty.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf).

<sup>11</sup> Egypt for example ratified CEDAW in 1981.

<sup>12</sup> CEDAW Committee. 2008. *Concluding Observations* (CEDAW/C/BHR/CO/2).

<sup>13</sup> Paper prepared by Asem Moukdad for the ESCWA Expert Group Meeting on Media Strategies and Campaigns to Empower Women in the ESCWA Region (Beirut, 21-22 June 2011).



## C. MODIFICATION OF CULTURAL PATTERNS (ARTICLE 5)

22. The Arab region is characterized by a patriarchal society that views women's role mostly limited to the reproductive one. In its concluding observations, the CEDAW Committee reiterated the need to organize media campaigns to raise gender awareness and emphasise women's rights – to challenge the pervasive stereotype of women's role in society. In this context, Arab States party to the Convention are urged to initiate national strategies also targeting men in an effort to eliminate discrimination against women, especially patterns related to cultural norms and traditions.

23. Violence against women, including domestic violence, is sometimes caused by patterns that reproduce and reinforce the subordinate position of women in society. Targeting the media, reforming the educational system and developing curricula, textbooks and teaching aids that are gender-sensitive are crucial stages to implementing the Beijing Platform for Action.<sup>14</sup> According to the CEDAW Committee, those are steps in the right direction towards avoiding the negative impacts of stereotyping and the full implementation of article 5 of the Convention.

## D. TRAFFICKING OF WOMEN (ARTICLE 6)

24. The CEDAW Committee highlighted the challenges facing the implementation of article 6 on combating the trafficking of women and their exploitation, especially through prostitution. This article entails the enactment of legislation specifically to prohibit trafficking in women as defined in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime<sup>15</sup> (2000) and punish perpetrators of such acts. It stipulates the protection of victims of trafficking by ensuring their physical and psychological rehabilitation and social integration. Given that trafficking is in most cases a transboundary crime, international cooperation for the extradition of perpetrators is a corner stone for the implementation of article 6.

25. Several Arab countries have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>16</sup> Additionally, Algeria, Bahrain, Jordan, Oman and the United Arab Emirates have recently enacted special legislation to combat trafficking of women.<sup>17</sup>

26. Notwithstanding those achievements, most Arab States do not have in place comprehensive strategies to target the root causes of trafficking, as defined by the "Recommended Principles on Guidelines on Human Rights and Human Trafficking", which were issued by the United Nations High Commissioner for Human Rights in 2002. Furthermore, the lack of shelters for victims of trafficking – that should be established throughout the country and not only in cities – remains a serious challenge in most Arab countries, according to the CEDAW Committee.

## E. SOCIAL AND ECONOMIC RIGHTS (ARTICLES 10, 11, 12 AND 13)

27. The Arab region witnessed significant advances in women's health and education. Most Arab States adopted national education strategies guaranteeing free public education for all citizens without discrimination. This also improved the quality of and accessibility to public health services. Accordingly, the life expectancy of women increased, fertility rates and maternal mortality rates dropped sharply, and women literacy rates and access to education relatively improved.

<sup>14</sup> See Beijing Declaration and Platform for Action. *Strategic objective B.4: Develop non-discriminatory education and training.* <http://www.un.org/womenwatch/daw/beijing/platform/educa.htm#object4>.

<sup>15</sup> The text of the Protocol is accessible at [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf).

<sup>16</sup> ESCWA. 2009. *Consolidated Arab report on the Implementation of the Beijing Platform for Action: +15* (E/ESCWA/ECW/2009/IG.1/3).

<sup>17</sup> Ibid.

28. Unfortunately, the improvements in women's education and health did not translate, as expected, into economic or political gains. Economic participation and political representation of women remain extremely low, compared to other regions in the world.

29. Recent studies indicate that the low level of women's economic participation in the Arab region can be partially attributed to the disparity between women's educational specialization and market demands. Although women's access to higher education is growing, women tend to specialize in fields associated with health and education, thus reinforcing their domestic nurturing and care-taking roles. These areas of specialization are usually less valued in the labour market. A key challenge is to encourage women to enter non-traditional careers such as the scientific professions and technical occupations.<sup>18</sup>

30. Nonetheless, several factors inhibit greater economic contribution of women, including the persistent wage gap, failure to enact/enforce laws that prohibit sexual harassment in the workplace, inadequate measures promoting women's employment, discrimination in social security, taxation and pension laws and prevalence of laws restricting women's mobility and freedom of movement. Additional impediments to enhancing women's economic participation include the poor presence of women in trade unions, and the prevalence of legal illiteracy amongst them. Some Arab countries, particularly the least developed countries (LDCs), do not possess the necessary infrastructure to encourage women to enter the labour market, such as transportation networks and the provision of day-care facilities for young children.

31. Structurally, markets favour men's employment. Many private sector employers view women's double burden of earning a living and caring for their families as either too costly or as an impediment to overall productivity.<sup>19</sup> For instance, in Egypt and Jordan, labour legislation requires employers with a certain number of female employees to provide a workplace nursery. However, as implementing such requirement brings additional costs, employers seek to circumvent the problem either by recruiting men or by hiring young single women.<sup>20</sup>

#### F. POLITICAL RIGHTS (ARTICLE 7)

32. The average regional share of women in the Arab parliaments has increased from 4.3 per cent in 1995 to 10.9 per cent in 2011. Nonetheless, it remains the lowest female parliamentary representation worldwide. This substandard score is puzzling, given women's higher socio-economic profile. Indeed this inequality calls for further investigation.

33. At the regional level, some Arab countries, namely Egypt, Iraq, Jordan, Mauritania, Morocco, Palestine, the Sudan and Tunisia, adopted temporary special measures, such as quotas for women to improve female representation in parliaments and local councils. However, there are wide disparities between countries. For instance, as at August 2011 the Sudan has the highest share of female parliament representation at 25.6 per cent; and Yemen the lowest at 0.3 per cent.<sup>21</sup>

34. In Jordan, 13 out of 120 parliamentarians are women, including Jordan's first Bedouin woman. In Bahrain, there is only one female Member of Parliament who won by acclamation, while women occupy 22.5 per cent of the upper house, by appointment. Qatar and Saudi Arabia were the only two Arab countries that had no women in the *Shura* councils in 2010. However, in an unprecedented move, on 25 September 2011, King Abdallah of Saudi Arabia announced that women will be appointed to the *Shura* Council and that they will have the right to run for office and vote during the forthcoming municipal elections in 2015.

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<sup>18</sup> ESCWA. 2009. *Women's control over economic resources and access to financial resources*. (E/ESCWA/ECW/2009/2/Rev.1).

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Inter-Parliamentary Union database. Accessed on 1 September 2010 at <http://www.ipu.org/wmn-e/classif.htm>.

TABLE 4. WOMEN PARLIAMENTARY REPRESENTATION (AS AT AUGUST 2011)

Rank	Country	World classification							
		Lower or single house				Upper house or senate			
		Elections	Seats	Women	% W	Elections	Seats	Women	% W
116	Algeria	5/2007	389	30	7.7		122	136	7
132	Bahrain	10/2010	40	1	2.5		112	40	11
130	Comoros	12/2009	33	1	3.0		---	---	---
83	Djibouti	2/2008	65	9	13.8		---	---	---
36	Iraq	3/2010	325	82	25.2		---	---	---
"	Jordan	11/2010	120	13	10.8		112	60	9
"	Kuwait	5/2009	65	5	7.7		---	---	---
129	Lebanon	6/2009	128	4	3.1		---	---	---
"	Libyan Arab Jamahiriya	3/2009	468	36	7.7		---	---	---
47	Mauritania	11/2006	95	21	22.1		112	56	8
"	Morocco	9/2007	325	34	10.5		102	270	6
"	Oman	10/2007	84	0	0.0		112	72	14
"	Qatar	7/2010	35	0	0.0		---	---	---
"	Saudi Arabia	2/2009	150	0	0.0		---	---	---
34	Sudan	4/2010	446	114	25.6		520	46	5
92	Syrian Arab Republic	4/2007	250	31	12.4		---	---	---
45	United Arab Emirates	12/2006	40	9	22.5		---	---	---
134	Yemen	4/2003	301	1	0.3		420	111	2

Source: Inter-Parliamentary Union database. <http://www.ipu.org/wmn-e/classif.htm>.

\* Figures correspond to the number of seats currently filled in Parliament

Notes: Egypt: The People's Assembly and the *Shura* Assembly were dissolved by the Egypt Supreme Council of Armed Forces on 13 February 2011.

Tunisia: On 8 and 9 February 2011 respectively, in accordance with Article 28 of the Constitution, the Chamber of Deputies and the Chamber of Councillors invested the Acting President with the power to rule the country by decree on key issues. The Parliament has since ceased to function, until new elections take place.

#### G. THE RIGHT TO NATIONALITY (ARTICLE 9)

35. Article 9 of the Convention relates to women's equal rights with men to acquire nationality, change it, retain it or pass it on to their spouse and children. However, in some Arab countries, women married to non-nationals cannot pass on their nationality to their children and husband. This is a clear violation of the spirit of the Convention. Those countries view nationality laws as an issue pertaining to national sovereignty. Therefore, they withhold amendments to nationality laws, thereby discriminating against women and stalling the implementation of the Convention. Algeria, Egypt, Morocco, the Sudan, Tunisia and Yemen are some of the Arab countries that allow women to pass their nationality to their children. This was achieved either by amending the nationality laws or withdrawing some of the previous reservations to article 9.<sup>22</sup>

<sup>22</sup> ESCWA. 2009. *Consolidated Arab report on the Implementation of the Beijing Platform for Action: +15* (E/ESCWA/ECW/2009/IG.1/3).

## H. THE RIGHTS OF RURAL WOMEN (ARTICLE 14)

36. Article 14 of the Convention addresses the marginalization of rural women and their rights for equal access to social services, education, justice, health, clean water and electricity in order to enjoy equal social, economic and cultural rights. The CEDAW Committee noted in its concluding observations that many Arab States, especially LDCs, do not possess adequate infrastructure that would guarantee rural women full access to social and other services.

## I. EQUALITY BEFORE THE LAW (ARTICLE 15)

37. Article 15 of the Convention relates to affording women equality with men before the law. This includes equal rights to conclude contracts, administer property, and equal treatment in all stages of procedures in courts and tribunals. The article additionally includes provisions on freedom of movement, and the freedom to choose residency and domicile.

38. On the positive side, in 2009, Jordan withdrew its reservations regarding women's freedom of movement and their right to choose their place of residency [article 15 (4)]. Qatar allowed women for the first time to apply for their own travel documents and without prior approval from a male guardian.<sup>23</sup>

39. This issue is still prevalent in some other Arab countries. Furthermore, in some countries women do not have equal access to courts and legal remedies, especially in issues related to family and gender-based violence.

## J. RIGHTS OF WOMEN IN MARRIAGE AND FAMILY LIFE (ARTICLE 16)

40. Article 16 is the last substantive article of the Convention. It relates to family law governing issues such as marriage, divorce and children custody. This article has been subject of extensive debate and reservations. Empowering women in the public sphere proved to be futile without granting them equal rights in the private sphere, i.e. granting women equality in laws governing personal status.

41. In that regard, perceptible advances in Morocco and Tunisia have been witnessed in the past decade. Those countries amended their personal status laws and declared that all reservations to articles of the Convention, including article 16, will be withdrawn. However, most Arab States continue to place reservations to article 16.

42. Furthermore, in many Arab countries there is no minimum legal age for marriage. In some cases, marriages do not need to be registered in civil courts, which results in the denial of women's rights in case of widowhood or divorce. Table 5 depicts the minimum age for marriage in the Arab countries. For instance, the minimum age for marriage in Algeria, Egypt, Libya, Morocco, Oman, the United Arab Emirates and Somalia is set at 18 years. Yet, other countries either lack legislation on the subject or allows the marriage of children.<sup>24</sup>

43. Raising the minimum legal age for marriage has positive effects upon women's lives. Studies have shown that this has a direct effect on improving retention rates,<sup>25</sup> especially at the secondary level, since girls notably from rural and poor families often leave school to get married. Research additionally indicates that raising the minimum age for marriage leads to lowering infant and maternal mortality rates.<sup>26 27</sup>

<sup>23</sup> Ibid.

<sup>24</sup> Establishing 18 years as the minimum age for marriage is supported by both international and regional laws (see: CEDAW, article 16 (2); Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, article 2; Convention on the Rights of the Child, Article 1 stating a child is defined as anyone under 18 years of age, unless the law states that majority is reached at an earlier age; and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, article 1(1) requiring the free and full consent of both parties).

<sup>25</sup> UNICEF. *Early Marriage: A Harmful Traditional Practice* (Paris: UNICEF, 2005).

<sup>26</sup> International Perspectives on Sexual and Reproductive Health. 36 (3): 132, 2010. *Associations between early marriage and young women's marital and reproductive health outcomes: Evidence from India*. Guttmacher Institute.

<sup>27</sup> Alexandra Hervish and Charlotte Feldman Jacobs. April 2011. *Who Speaks for Me? Ending Child Marriage*. Policy Reference Bureau.

TABLE 5. MINIMUM AGE FOR MARRIAGE IN THE ARAB COUNTRIES

Country	Minimum age for marriage	More information
Mauritania	18	Child marriage is still practiced in Mauritania and girls as young as six years old are married, often in return for compensation given to the family by the older spouses <sup>i/</sup>
Algeria	21 for males, 18 for females <sup>d/</sup>	Lower with judicial permission if necessity or benefit is established
Bahrain	18 for males, 15 for females <sup>b/</sup>	
Comoros	NA	
Djibouti	18 <sup>c/</sup>	Marriage of minors who have not reached the legal age are subject to the consent of their guardians
Egypt	18 for males and females <sup>d/</sup>	
Iraq	18 for males, 18 for females	With judicial permission if fitness, physical capacity and guardian's consent (or unreasonable objection on part of guardian) are established <sup>e/</sup>
Jordan	16 for males, 15 for females	Lunar calendar; court permission is required for females under 18 to marry men older by 20 years or more <sup>f/</sup>
Kuwait	17 for males, 15 for females <sup>e/</sup>	
Lebanon	In accordance with the rules governing personal status for each Lebanese religious sect	The age of capacity is 18 years for males and 17 for females among the Sunnis; scope for judicial discretion on the basis of physical maturity and the <i>wali</i> 's permission is from 17 years for males and 9 for females. For the Shia, the marriage age is real puberty for both, or 15 for males and 9 for females with judicial permission. For the Druze, the marriage age is 18 for males and 17 for females, or 16 and 15 with judicial permission. A mature female of 17 years may apply to the court to marry and the requirement of guardian's permission may be waived if his objection appears unfounded. The <i>wali</i> 's right of <i>ijbar</i> is retained for Lebanese Ja'faris. The following minimum age is set for Christian sects: Easter Catholic, males 16, females 14; Anglican, male 18, female 16; Orthodox, male 18, female 14; Greek Orthodox, male 15, female 17; Armenian Orthodox, male 18, female 15; Assyrian Orthodox, male 18, female 15 <sup>h/</sup>
Libya	20	Lower with judicial permission on grounds of benefit or necessity and with the <i>wali</i> 's agreement <sup>i/</sup>
Morocco	18 <sup>k/</sup>	
Oman	18 for males and females <sup>l/</sup>	
Palestine	18	According to the law, one must be 18 in order to sign legally binding documents such as a marriage contract. Nevertheless, the law is regularly ignored in the case of marriages, where instead, <i>Sharia</i> law is followed; indeed, two different versions of <i>Sharia</i> law. In the West Bank, the Jordanian example is followed, whereby the minimum age for marriage is 15 for girls and 16 for boys, while in Gaza, the old Egyptian law is followed whereby the minimum age for marriage is 16 for girls and 17 for boys <sup>m/</sup>
Qatar	16 for females	The consent of the parents must be given before marriage <sup>n/</sup>

TABLE 5 (continued)

Country	Minimum age for marriage	More information
Saudi Arabia	None currently	Legislation for age 18 is being considered <sup>o/</sup>
Somalia	18	Legal minimum age for marriage is 18 years for both males and females, but females can marry at the age of 16 with parental authorization <sup>p/</sup>
Sudan		Puberty, with requirement for willing consent of both parties <sup>q/</sup>
Syrian Arab Republic	18 for males, 17 for females <sup>t/</sup>	
Tunisia	20 for males, 17 for females	Lower with judicial special permission for pressing reasons and on the basis of a clear interest for both spouses <sup>s/</sup>
United Arab Emirates	18 <sup>v/</sup>	
Yemen	In practice, 15 for males and females	Yemeni law allows girls of any age to wed, but it forbids sex with them until the time they're suitable for sexual intercourse <sup>u/</sup>

a/ <http://www.law.emory.edu/ifl/legal/Algeria.htm>; <http://genderindex.org/country/Algeria>.

b/ <http://genderindex.org/country/bahrain>.

c/ [http://genre.francophonie.org/IMG/pdf/Djibouti\\_CODE\\_DE\\_LA\\_FAMILLE.pdf](http://genre.francophonie.org/IMG/pdf/Djibouti_CODE_DE_LA_FAMILLE.pdf).

d/ ردود البلدان العربية على الاستبيان بشأن تنفيذ منهاج عمل بيجين: ١٥+ (مصر)

e/ <http://www.law.emory.edu/ifl/legal/iraq.htm>. United Nations Statistics Division (last update June 2011). *Statistics and indicators on women and men*. Table 2a: Legal Age for Marriage.

f/ <http://www.law.emory.edu/ifl/legal/jordan.htm>.

g/ <http://www.law.emory.edu/ifl/legal/kuwait.htm>; <http://genderindex.org/country/Kuwait>. United Nations Statistics Division (last update June 2011). *Statistics and indicators on women and men*. Table 2a: Legal Age for Marriage.

h/ <http://www.law.emory.edu/ifl/legal/lebanon.htm>. United Nations Statistics Division (last update June 2011). *Statistics and indicators on women and men*. Table 2a: Legal Age for Marriage.

i/ <http://www.law.emory.edu/ifl/legal/libya.htm>; <http://genderindex.org/country/Libya>.

j/ [www.musawah.org/docs/pubs/home-truths/Mauritania-GR-EN.pdf](http://www.musawah.org/docs/pubs/home-truths/Mauritania-GR-EN.pdf); <http://genderindex.org/country/mauritania>.

k/ [http://www.magharebia.com/cocoon/awi/xhtml1/en\\_GB/features/awi/features/2009/05/05/feature-01](http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2009/05/05/feature-01);

<http://genderindex.org/country/morocco>.

l/ <http://www.right-to-education.org/country-node/482/country-minimum>.

m/ <http://www.palestinereport.ps/article.php?article=543>.

n/ ردود البلدان العربية على الاستبيان بشأن تنفيذ منهاج عمل بيجين: ١٥+ (قطر)

o/ [http://www.islamonline.net/servlet/Satellite?c=Article\\_C&pagename=Zone-English-News/NWELayout&cid=1239888191276](http://www.islamonline.net/servlet/Satellite?c=Article_C&pagename=Zone-English-News/NWELayout&cid=1239888191276).

p/ <http://genderindex.org/country/somalia>.

q/ <http://www.law.emory.edu/ifl/legal/sudan.htm>.

r/ ردود البلدان العربية على الاستبيان بشأن تنفيذ منهاج عمل بيجين: ١٥+ (الجمهورية العربية السورية)

s/ <http://genderindex.org/country/Tunisia>; <http://www.law.emory.edu/ifl/legal/Tunisia2.htm>.

t/ <http://salehelhrawy.yoo7.com/t82-topic>.

u/ Power, Carla. 12 August 2009. *Nujood Ali and Shada Nasser win "Women of the Year Fund 2008 Glamour Award"*. Yemen Times. <http://www.yementimes.com/DefaultDET.aspx?i=1207&p=report&a=1>. Retrieved 16 February 2010. United Nations Statistics Division (last update June 2011). *Statistics and indicators on women and men*. Table 2a: Legal Age for Marriage.

## K. THE CEDAW COMMITTEE GENERAL RECOMMENDATION 19: GENDER-BASED VIOLENCE

44. Violence against women in the Arab region is one of the most serious challenges facing women's well-being and violating their human rights. Many Arab States adopted national strategies for combating violence against women. Morocco and Tunisia enacted special laws to punish sexual harassment. Jordan introduced a special law to criminalize domestic violence.

45. Notwithstanding those achievements, most Arab States lack special laws criminalizing domestic violence. Furthermore, despite certain amendments to the penal code, in some countries, perpetrators of crimes committed in the name of honour still do not get prosecuted or receive light sentences for their crimes. In some Arab countries, criminals who commit rape are acquitted if they marry their victim.

46. Other forms of violence against women include female genital mutilation, which despite its ban in certain countries is still practiced in a clandestine manner. The enactment of laws prohibiting female genital mutilation remains insufficient since there is also a need to enforce these laws and raise awareness among the population at large of the physical and psychological damage resulting from that practice.

47. Furthermore, violence against women, including domestic violence is exacerbated in conflict stricken countries such as Iraq, Palestine, the Sudan and Yemen where women's social, economic, legal civil and political rights are seriously compromised. In Iraq, with the explosive security situation, many families would not send their children to school. Thus a significant set-back was witnessed in the girls' access to education. For instance, the girls-to-boys ratio in tertiary education sharply declined from 104 per cent in 1990 to 59 per cent in 2005.<sup>28</sup>

## II. POLICY-ORIENTED RECOMMENDATIONS

48. In sum, gender inequalities remain and discrimination against women prevails in the Arab region. Formulating national strategies that address all forms of discrimination against women is highly recommended by the CEDAW Committee and emphasized in this policy paper. More specifically, special laws and legislation and temporary affirmative measures must be introduced to eliminate gender inequalities and discriminatory practices. Governments are called upon by the CEDAW Committee to address the legal, structural and behavioural discrimination against women which hinders their advancement and the achievement of gender equality.

49. This policy paper concludes by offering a set of policy-oriented recommendations to overcome some of the challenges facing the implementation of the Convention on the Elimination of all Forms of Discrimination against Women in the Arab region.

## A. LEGISLATION REFORM

- Review and amend discriminative legislation, especially with respect to nationality and family laws;
- Create special mechanisms to deal with women's complaints, including those of female migrant workers;
- Raise the importance of gender equality amongst judges and build their capacity to address women's rights as human rights and invoke the provisions of the Convention in national courts;
- Raise gender awareness among policy-makers, including parliamentarians, to amend discriminative legislation towards the full implementation of the Convention;

<sup>28</sup> UNdata. Gender parity index in primary level enrolment. <http://data.un.org/Data.aspx?d=MDG&f=seriesRowID%3a614>.

- Engage in partnerships with civil society, including women's NGOs to monitor and follow-up the implementation of the substantive articles of the Convention and lobby for the withdrawal of reservations thereto.

B. MODIFICATION OF CULTURAL PATTERNS AND STEREOTYPES  
ABOUT WOMEN'S ROLE IN SOCIETY

- Launch national campaigns to sensitize the public about gender issues;
- Revise curricula to improve the quality of education and to eliminate all discriminatory stereotypical images about women and girls in textbooks;
- Encourage the media to play a positive role in promoting women's rights, including political rights, enticing them to vote and present themselves as candidates to national elections.

C. GUARANTEEING WOMEN'S SOCIO-ECONOMIC AND POLITICAL RIGHTS

- Adopt temporary affirmative actions, such as the quota system to improve women's economic participation and political representation at decision-making levels in national parliaments and local/municipal councils;
- Expand opportunities for capacity-building activities, sharpening women's skills in leadership, lobbying and involvement in political parties;
- Encourage women to specialize in non-traditional domains such as scientific professions and technical occupations;
- Encourage women's access to vocational training and other learning skills;
- Amend discriminative laws governing social security, taxation, pension and freedom of movement, to promote women's greater economic participation and secure their right to decent working conditions, including equal pay for equal work;
- Provide a supportive infrastructure, especially in the least developed countries, such as improved transportation, telecommunications, electricity and water supply, facilitating both the participation of women in the public sphere and increasing girls' school enrolment rates;
- Enact legislation to raise the minimum age for marriage. This can have a dual effect; it would improve retention rates for girls in schools, particularly at the secondary level, while also lowering maternal and infant mortality rates.

D. COMBATING VIOLENCE AGAINST WOMEN

- Develop innovative intervention strategies to combat violence against women, by using a holistic approach to address the root causes of gender-based crimes;
- In addition to criminalizing the act of violence against women, ensure the protection of victims and their physical and psychological rehabilitation;
- Raise awareness among all stakeholders about the negative effects of violence against women on women, families and wider society.
- Formulate national strategies to combat trafficking in women, and enact special legislation that criminalize this crime, in accordance with the provisions of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.



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