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FOR A MEANINGFUL AND EFFECTIVE POLITICAL PARTICIPATION OF WOMEN

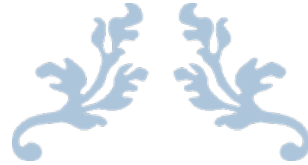
THE EXPERIENCES OF JORDAN, MOROCCO AND TUNISIA

SALWA HAMROUNI



**SYNTHESIS AND ANALYSIS BASED ON A SERIES
OF WEBINARS ON POLITICAL PARTICIPATION OF
WOMEN AND ELECTIONS**

The Forum of Federations, the global network on federalism and multilevel governance, supports better governance through learning among practitioners and experts. Active on six continents, it runs programs in over 20 countries including established federations, as well as countries transitioning to devolved and decentralized governance options. The Forum publishes a range of information and educational materials. It is supported by the following partner countries: Australia, Brazil, Canada, Ethiopia, Germany, India, Mexico, Nigeria, Pakistan and Switzerland.



FOR A MEANINGFUL AND EFFECTIVE POLITICAL PARTICIPATION OF WOMEN

The experiences of Jordan, Tunisia and Morocco



FORUM OF FEDERATIONS

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INTRODUCTION

In 1869, Susan B. Anthony and Elizabeth Cady Stanton called for granting women's suffrage the right to vote through the organization they founded in the United States of America. In 1893, Meri Mangakahia spoke out to demand women's right to equality by establishing their right to vote in New Zealand, based primarily on the role of women in the production of wealth at the time.¹ This report falls within the framework of "Empowering Women for Leadership Roles in the Middle East and North African Region (Jordan, Morocco and Tunisia)", a program sponsored by the Forum of Federations. It is a seven-year program, spanning the years 2016 to 2023, funded by the Canadian Government and aims to empower women for leadership roles in these countries and thus to promote gender equality and human rights.

These regional conferences were conducted as part of the support provided by the Forum of Federations to electoral stakeholders, particularly as Jordan witnessed elections in 2020 and Morocco in 2021. It was therefore important to open this debate and empower the participants with mechanisms for them to elaborate their demands to the authorities in place. The impact on policies of inclusion in these countries is a contribution to advance the democratic processes and the processes of participatory democracy in these countries. This comprehensive report also covers the various political and legal developments experienced in these countries since 2011.

In Tunisia, the events of December 2010 to January 2011 prompted demands for more freedom and equality among citizens, some of which were enshrined in the Constitution of January 27, 2014. This constitution came into existence three years after demands for freedom and equality, including the equality of male and female citizens.

In Morocco, constitutional reform was an opportunity to pre-empt the contagion of the Arab uprisings that erupted first in Tunisia, then in Egypt, Libya, and Yemen. The new Constitution, promulgated in July 2011 and put forward by the King of Morocco through a committee of experts, was later approved by a popular referendum. This political decision came in response to popular pressure demanding long-awaited political and social reforms, which was particularly important because many long-established political parties have now been weakened.

¹ Meri's discourse was structured according to social and economic considerations at that time. She advanced several arguments to convince of the role played by women in creating wealth and thus in determining their destiny:

1. There are many women who have been widowed and own much land.
2. There are many women whose fathers have died and do not have brothers.
3. There are many women who are knowledgeable of the management of land where their husbands are not.
4. There are many women whose fathers are elderly, who are also knowledgeable of the management of land and own land.
5. There have been many male leaders who have petitioned the Queen concerning the many issues that affect us all, however, we have not yet been adequately compensated according to those petitions. Therefore, I pray to this gathering that women members be appointed. Perhaps by this course of action we may be satisfied concerning the many issues affecting us and our land.
6. Perhaps the Queen may listen to the petitions if they are presented by her Māori sisters, since she is a woman as well.

In Jordan, youth-led protest movements sparked in January 2011. Initially, demands called for a return to the 1952 Constitution, and then they became geared more towards amending the Constitution through the National Dialogue Committee and the Royal Committee on Constitutional Reforms (RCCR).

The issue of women's political participation was among the problems faced by the National Dialogue Committee in addition to constitutional reform, as it recommended avoiding the "one man, one vote" system and substituting it with the mixed electoral system that combines the open proportional list whether at the governorate or national levels. It maintained the "Quota" principle and increased female representation by allocating three more seats for women in the House of Representatives to include three Bedouin districts².

These three countries have one thing in common when it comes to women's rights: a striking contrast between two forces: one that is a political movement calling for more freedom and equality, and the other that is the rise of conservative forces that use political freedoms as a steppingstone to implement conservative choices and reject human rights, in particular the full and effective enjoyment of equality between women and men. In response, in all three countries, there have been recent demands for democracy in general and feminist demands especially in most of the political reform processes. These countries held several elections with low turnouts of women. These low turnouts reflected the difficulty for women to exercise their political rights and to participate in managing public affairs, whether through the right to vote, the right to run for all positions or the right to reach decision-making positions even when they are not elected. For all these reasons and to support the efforts of civil society calling for gender equality, the Forum of Federations organized four regional conferences bringing together several activists and experts, male and female, from Morocco, Tunisia and Jordan.

The Forum of Federations organized these encounters. The first one was held on December 9, 2020, in Morocco, and in a second session conducted on January 15, 2021. It was devoted to cross-sectional study of regional experiences regarding the voting pattern and possible alternatives to achieve parity. The regional office of the Forum of Federations in Tunisia organized another encounter that took place on Wednesday, March 10, 2021. This event was devoted to cross-sectional study of regional experiences regarding an inclusive observation of elections. The Jordan office organized the fourth regional conference on July 9, 2021, with a focus on the topic of political violence against women in elections. All these events constitute an opportunity to exchange opinions and experiences about one basic issue, achieving insight into the best ways to enable women to have more access to the public space in general and to leadership positions in particular.

A series of international texts and treaties ratified by these countries made it incumbent on them to review and harmonize their legislation with the rights enshrined in these treaties to ensure the political participation of women. Article 2 of the Universal Declaration of Human Rights reappears as Article 2 of the International Covenant on Civil and Political Rights, which is already ratified by Tunisia, Morocco and Jordan. It states that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion,

² See *Constitutional Reform in Jordan*, Collective Work (in Arabic), Center for Strategic Studies, University of Jordan 2016, p. 53

political or other opinion, national or social origin, property, birth or other status.” In addition, Article 21 provides that: “1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives” and that “Everyone has the right of equal to public service in his country.” The Article also addresses the equal representation of women, stating that “the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

The International Covenant on Civil and Political Rights states in Article 25 that the rights to which citizens are entitled to enjoy should be “without any of the distinctions.” Its second paragraph states that they are entitled “to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors” and that they “have access, on general terms of equality, to public service in his country”.

In addition, conventions such as the Convention on the Elimination of All Forms of Discrimination against Women, clearly define the duties of member states by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men." To meet their international commitments at the political level, “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

The countries covered by this report have ratified this Convention, Tunisia being the first one to ratify it on September 20, 1983, then Jordan on July 1, 1992, and Morocco on June 21, 1993³. The supremacy of international law is even stated within the constitutions of Tunisia and Morocco. The 2014 Tunisian Constitution prescribes that ratified international treaties trump domestic laws (Article 20) – in the same line, the Moroccan Constitution stipulates in its preamble that the Kingdom is committed to this duty: “To comply with the international conventions duly ratified by it, within the framework of the provisions of the Constitution and of the laws of the Kingdom, within respect for its immutable national identity, and on the publication of these conventions, [their] primacy over the internal law of the country, and to harmonize in consequence the pertinent provisions of national legislation.”

The progress of the international legal system in the field of rights and freedoms can be a driving force for several countries to review their domestic laws and practices, which would help overcome the multiple obstacles to an effective participation of women in public affairs. In November 2021,

³ <https://www.ohchr.org/AR/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>

the recorded representation rates of women in the national legislatures of these three countries were as follows:

- Tunisia, 26.3% - It ranked 79th worldwide after the 2019 elections, preceded by the UAE, Iraq and Egypt in the Arab world
- Morocco, 22.8% - It ranked 99th internationally following the elections of September 2021.
- Jordan, 11.5% it ranked 157th internationally after the November 2020 elections.⁴

With such low rates of women's participation, the regional encounters between the various stakeholders were aimed at addressing the following issues:

- What are the main obstacles to women's access to decision-making positions?
- What are the necessary responses to rise above the marginalization of women in areas of public affairs?

The first part of this report examines the current historical trend towards parity of men and women in electoral politics and the civil service. This section is based on the discussions throughout the four conferences, which reflects the general agreement among participants as to the importance of moving forward towards establishing parity of men and women, not only in the elected councils, but also in appointments to senior positions,

The second section of this report covers the legal framework. Access to decision-making positions and having influence in public affairs do not only depend on putting in place a legal framework for elections. Such access also depends on the extent to which states are committed to combating violence against women, violence that has been a key factor in excluding women from public space and confining them to a private space.

The third section examines the role of civil society, independent authorities and organizations in supporting women's efforts to reach decision-making positions, based on electoral observation.

I. For an effective representation of women in political institutions: Parity as a unifying goal

The regional dialogues held in Jordan, Tunisia, and Morocco addressed most of the aspects causing challenges to women's leadership in representative councils (Paragraph 1), and in senior and leadership positions (Paragraph 2). Most of the speakers who intervened also unanimously agreed to enhance women's representation by amending laws on political parties (Paragraph 3).

Paragraph One: Challenges to women's leadership in representative councils

The output of the dialogue in Morocco and Tunisia on the theme of women's political participation can be summarized in three points. The first relates to what the quota provides as guarantees for representation of women, and the second focuses on parity as a mechanism that guarantees the representation of women in elected councils. The third point relates to reflecting on election methods that are most likely to ensure women's representation.

⁴ <https://data.ipu.org/fr/women-ranking?month=11&year=2021>

A. A formal evolution of women's participation through gender quotas

A quota for seats in elected bodies can be defined as the allocation of a minimum number of seats to a marginalized social group that suffers from low representation, such as women or ethnic and religious minorities, to facilitate their access to representative bodies. It has been thought that setting up a quota for women is an ideal tool to ensure their access to decision-making positions.

Several speakers indicated in their interventions that lawmakers have failed to take affirmative action mechanisms, a failing that kept women marginalized. In this regard, Ms. Hasna Kaji, Professor of Political and International Studies, pointed to a key paradox, which is that women as a female voting bloc are very important given their role in political marketing during the elections, and they are political actors par excellence. However, their presence in political action remains modest given the significant weight of traditions, societal values, and laws. Morocco experienced ten electoral events in the period from 1996 to 2016. Only ten women were elected. Before the 2011 Constitution, and before the adoption of the national list in six electoral events, it was noted that women were almost absent in both legislative chambers of Morocco, which prompted Professor Kaji to admit that “for 30 years, women have not been able to breach the male barrier,” and this continued until 1997, when two women made their way into the Assembly.

In Tunisia, although women have obtained some political rights since 1957, their presence in Parliament has seen modest progress, as one female deputy was elected on two legislative occasions: 1959 and 1964, and three women made their way to the National Assembly in the 1969 legislative elections⁵. This led to a rethinking of mechanisms to ensure representation of women in Parliament and an increase in the number of female deputies in legislative councils, which reached 58 women elected in the 2009 elections due to the adoption of a voluntary quota by the ruling party at the time.

In Jordan, the new Constitution does not place on the state the obligation to ensure or seek to ensure parity. It does not include any provision expressly providing for women’s rights. Even the sixth Article of the Constitution prohibits discrimination on the basis of sex, where it simply reads as follows: “Jordanians shall be equal before the law with no discrimination between them in rights and duties even if they differ in race, language or religion.” Equal opportunities are ensured to “all Jordanians”. Article 22 also states that “Every Jordanian shall be entitled to hold public offices under the conditions prescribed in law or regulations” and that “Appointment to public offices, whether permanent or temporary, in the State and the departments attached thereto and the municipalities shall be on the basis of merits and qualifications.”

The debate over constitutional amendments that began in December 2021 now turns on whether to add the word “women” to Jordanian men. This argument will not cool down easily, as it has unleashed an intense debate. Very few women were able to access political positions through appointment rather than through election. In 1978, three women were appointed by the King of Jordan for the first time to the National Consultative Council, and a woman to the Senate in 1989.

⁵ See the report on Women’s Political Participation in Tunisia, by Hana Ben Abda, Monia Kari and Wafa Zaafarani, Arab Women Organization, December 2019.

Commenting on the Jordanian situation, Professor Wafaa Bani Mustafa⁶ indicated that she was a deputy for three terms and was the first woman to chair a parliamentary committee. She said that "the quota was noticeable in the municipal, local and governorate councils, but it becomes hard to observe when it comes to the Parliament." She also mentioned that she ran for elections as second Deputy, but she failed, which reflects the barriers women face in accessing leadership positions, even if the qualification requirement is met. She also indicated that, in that same year, no woman won the election, and that Jordanian women had to wait until 1993 to see the first woman step into a leadership role through the quota, which was due to an ethnic quota allocated to the Circassians. However, this would not last long as women were once again pushed away from the scene in the 1997 elections.

The proposal for allocating a quota for women was based on the evident reality that women are not able to access parliament, even with the same law and candidacy requirements. This reality constitutes one of the mechanisms used by states to ensure the actual presence of women within the political scene.

This form of mechanism brings us, of course, to the concept of affirmative action (positive discrimination), a legal mechanism designated by states to ensure the enjoyment of more rights by a marginalized and victimized group, known to have been discriminated against previously. The intent of affirmative action is achieve real and effective equality. We find a basis for the so-called positive discrimination in Article 4 (§1) of the UN Convention on the Elimination of All Forms of Violence against Women, adopted by the UN in 1979, which states that "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved." The quota system was adopted afterwards by other countries, particularly since the Fourth World Conference on Women, which was held in Beijing in 1995.

Jordan adopted the quota system for the first time through amending the parliamentary electoral law in 2003 and allocated six seats out of 110 for women, while maintaining the possibility of free competition. At the level of municipalities, the 2007 law also approved a percentage of no less than twenty percent for women who were not fortunate through free competition with men, and this percentage was raised under the same conditions to 25 percent with the amendment of the Municipal Law in 2013. Professor Bani Mustafa reported that the adoption of quotas in municipalities by 25%, opened the door for 41 women in 2017, but no women managed to become municipal mayors because that office is the center of power and authority.

At the governorate level, the Jordanian parliament has recently refused to increase the percentage of 25 percent allocated to women. In 2016, five women were elected outside of the quota at the national level, and in the end, the quota gave little results to improve the acceptability of the presence of women in elected councils. However, the percentage of women's representation in the 19th House of Representatives, which was elected in 2020, decreased by 11.5 percent, with women only

⁶ Member of the Jordanian Parliament, the 17th and 18th, a lawyer, a Chairperson of the Coalition of Women MPs from Arab Countries to Combat Violence against Women

obtaining the reserved quota seats, which was raised to 15 seats, after they had obtained 20 seats in the previous House of Representatives. Professor Omar al-Atout⁷ concluded that the quota system does not allow a real merging of the designated categories, but rather it is a division based on race and religion for Christians, Circassians, Chechens and Bedouins. candidates can only run for quota seats in the districts designated for them, which does not benefit women, in particular when running through competition.

Morocco has opted for a quota solution since 2002 by allocating thirty seats for women. Most of the Moroccan speakers admitted that this solution made some progress for women. Change came in 2002 when the number of deputies was raised. In 2007, the progress was almost the same. But the quota did not change the status of women on the national lists, as their access to elected councils remained low and almost non-existent. With the 2011 Constitution, there was a quantum leap in dealing with women's representation. Article 19 thereof stipulates that men and women enjoy, on equal terms, "the rights and freedoms of civil, political, economic, social, cultural and environmental character" specified in the Constitution. It also states that the State "works for the realization of parity between men and women" and an Authority for parity and the struggle against all forms of discrimination was created, to achieve change. Article 30 provides that "All the citizens [female and male] of majority, enjoying their civil and political rights, are electors and eligible." The law provides the provisions of a nature encouraging the equal access of women and men to the elective functions.

Giving effect to the constitutional provisions, the number of quota seats was raised from 30 to 60 in 2011, as a temporary measure with the aim of ensuring women's representation in Parliament and their active involvement in public policymaking. According to Article 23 of the Organic Law No. 27.11 relating to the House of Representatives issued on October 14, 2011, the seats destined for the national electoral district have been allocated to male and female candidates under the age of forty, with putting in place the necessary legislative mechanism to ensure the election of at least 60 female candidates and 30 reserved to the youth on the national list. However, we only find 67 women parliamentarians, which means that only seven women managed to secure their seats in the House of Representatives beyond what was prescribed by the law. In the end, "all these laws did not intercede for women."⁸ The recent Moroccan elections took place after the regional dialogues covered in this report. Perhaps the results confirm the conclusions of participants regarding women's access to Parliament, which was possible only through legislative action by raising the quota for women.

Given the ineffectiveness of existing laws in ensuring effective representation of women, the 2021 elections were held based on mechanisms that would give more impetus to participation by women. Organic Law No. (04.21) amending and supplementing the Organic Law on the House of Representatives, brought some changes aimed at expanding the representation of women by moving from national lists allocated to women and the youth to local lists that can include both in one list. The law also allocated two-thirds of nominations to women on the lists, while requiring the exclusive nomination of women either as a head of the list or in second place.

Article 110 of Organic Law No. 06.21, amended and supplemented by Organic Law No. 59.11 on the election of members of territorial councils, stipulates that the lists consist of two parts, with the

⁷ Mr. Atout is a Jordanian lawyer and advocate for human rights.

⁸ See the intervention of Professor Hasna Kaji

second part exclusively allocated to women's nominations. Seats must not be less than one-third in the councils of prefectures and provinces. This allocation must not prevent women from running for election in seats that are not allocated to them. Organic Law No. 10.21 of 2021, Section VI bis, is devoted to supporting women's representational capabilities by creating a support fund for women's representation in the areas of general legislative elections, elections for territorial groups and elections for professional chambers. In the last elections held on September 8, 2021, according to figures provided by the Ministry of the Interior, women's representation witnessed a quantum leap from 20.5 percent in the previous House of Representatives (2016-2021), to 24.3 percent in the new Parliament, where the quota seats for women was raised to 90. The number of women in the House of Representatives went from 81 female Parliamentarians in the previous House of Representatives to 95, including women who won in local constituencies, out of 395 total members of the House.

In the elections of communal councils (municipalities), the representation of women also witnessed an increase from 21.18 percent in the 2015 elections to 26.64 percent. The quota system increased the number of women in elected councils, as witnessed by recent elections in Morocco and Jordan. However, the need for a quota system shows that the society still maintains derogatory attitudes towards women. Otherwise, how could we explain that women who run through open competition freely and outside the quota system are not able to win except in a few cases? Certainly, the law can serve as a driving force to social progress through compulsory mechanisms, but this must be accompanied by other mechanisms that enable women, in the medium and long term, to seek access to decision-making positions by means other than the quota system.

The quota system has a problem. First, the quota is a temporary mechanism for progress and should be removed when the purpose for which it was imposed ceases to exist. However, the quota system may let people think that female politicians who access councils through quotas are incompetent because they fail to hold prominent positions by proving their merit but are there instead because of the good graces of politicians.

Indeed, this is reflected in holding leadership roles within the councils themselves, and in the way male representatives deal with them face-to-face, as well as the way they are regarded in the media and in public opinion. Therefore, it is necessary to ensure real equality guaranteed by the law, an equality as it should be and does not fall into the realm of positive discrimination. Indeed, this is what Tunisia is trying to achieve.

B. Towards real equality through the parity mechanism

Parity differs from positive discrimination by ensuring numerical equality between men and women participating in political life and in all fields. In elections, parity requires lists to include an equal number of individuals from different groups: women/men, religious and ethnic groups etc. The aim is to ensure a balanced representation of these groups in the elected bodies. In her intervention on parity in Tunisia, Ms. Salsabil Klibi⁹ emphasized that a distinction should be made between parity and the 50% quota. She said that parity is not just a quota of a special kind, but rather a different approach to women's representation in the political sphere based on the fact that women deserve

⁹ Professor of Constitutional Law and Vice-Chairperson of the Tunisian Association of Constitutional Law

equal representation with men at different levels of government authority, not just an equal share of the seats.

Tunisia at the national level: resisting the progress of women at the national level

Parity was raised in the discussions of the Higher Authority for Realization of the Objectives of the Revolution, Political Reform and Democratic Transition that was set up in February 2011. Feminist associations and national and democratic figures at the time struggled for the effective participation of women in the National Constituent Assembly (NCA). The principle of parity was endorsed with the issuing of Decree No. 2011-35 on May 10, 2011, on the Election of the National Constituent Assembly.

This Decree requires the candidates to file their candidacy applications based on parity between men and women. Lists should be established in such a way as to alternate between men and women. Lists that fall short of this requirement will be rejected. This legal framework paved the way for a significant number of women to get their foot in the door of the Assembly and some of them to become prominent figures in the political landscape for a period of three years. Although parity led to a significant proportion of female members in the parliament, constituting of up to 27 percent of the Constituent Assembly, many among them, mainly Islamists, did not on principle display any commitment to gender equality. And yet, the Assembly included women who have a strong belief in equality between women and men and in the need to put in place legal mechanisms to achieve it.

Thanks to the adherence of modernist and democratic political factions to the principle of equality between Tunisian citizens, male and female, Article 21 of the 2014 Constitution provides that “all citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination.” For political participation, Article 34 states that “the rights to election, voting, and candidacy are guaranteed, in accordance with the law,” and that the state seeks to ensure “women’s representation in elected bodies.”

Article 46 places several obligations on the state, the first of which is to protect its acquired rights, support its gains, and work to develop them. The Article also states that: “the state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains” and that it seeks to “attain parity between women and men in elected Assemblies. The state shall take all necessary measures in order to eradicate violence against women.” These constitutional changes require a review of the legal system pertaining to women’s rights.

For elections, based on the experience of the National Constituent Assembly, lawmakers should have enshrined real parity, the representation of women and equal opportunities between women and men, in addition to the elimination of violence, as will be discussed later in this report. However, given that the Electoral Law was adopted by the National Constituent Assembly before the promulgation of the Constitution, the Assembly decided simply to stand by Decree No. 35. Organic Law No. 2014-16 dated May 26, 2014, on Elections and Referenda was adopted. Article 16 of this law is in conformity with the provisions of Article 16 of the Decree on the Election of the National Constituent Assembly prescribing that the principle of gender parity between men and women in the candidate lists must be observed. Vertical parity was therefore maintained—alternately listing a woman and then a man on the candidate list, within the limits of what is required where an odd

number of seats is allocated to certain constituencies, regardless of whether the list is headed by a man or a woman.

Elections were held based on this principle, which generated an Assembly consisting of 33.2% of women. So, in the lead-up to the 2019 legislative elections, many human rights and feminist organizations and activists demanded that the law incorporate the parity requirement by having an equal number of male- and female-headed lists across constituencies. Their demand came after noting that during the elections of the Constituent Assembly, candidate lists were headed exclusively by men, particularly that the system of proportional representation allows only candidates ranked at the top of the list to access the Assembly. Nevertheless, the electoral law was amended without consulting with civil society, as reported by Ms. Turkia Chebbi, who participated in the regional dialogue representing the League of Tunisian Women Voters.

In June 2019, the National Coalition bloc in the Assembly of People's Representatives tried to incorporate horizontal parity in the draft Electoral Law for the legislative elections, but the Parliament refused to consider this move. Failure to meet constitutional requirements and the rise of conservatism and populism led to a decline in the presence of women in the parliament. The proportion of women's seats has fallen back to 23%, a percentage that does not even exceed the quota of 30% set by the United Nations. This result was almost inevitable, given that the State did not expand the effort to accelerate parity. For example, 219 on a total of 1503 candidate lists were headed by women, representing only 14.5 percent. Also, at the level of party lists, women headed only 18% of all party lists, 19% of all coalition lists, and 7% of all independent candidate lists.

The Tunisian speakers pointed to this retrogression and Ms. Salsabil Klibi said that “parity, as the equal representation of women and men in decision-making positions, particularly in political decision-making, is a requirement of democracy and can in no way be taken as embracing a form of softness or femininity within the realm of power while building on socio-cultural perceptions of the nature of women and their appropriate feminine gender roles.” Ms. Lamia Naji¹⁰ stated that parity provides dignity for women. Ms. Jinan Limam¹¹ pointed to the modest outcome of parity, and said that political actors regard gender parity as a legal constraint by which they are bound to abide, though with little conviction.

Mr. Amine Halouani, representing Mourakiboun Network recommended a review of the electoral law after evaluating the 2019 elections, and acknowledged that the representation in Tunisia is far from satisfactory despite Tunisia's progress and being ahead of other Arab countries.

Ms. Salwa Hamrouni¹² said that discrimination against women in the political sphere is the culmination of several discriminatory laws, especially within the family, and that despite the different political systems in Jordan, Morocco and Tunisia, what unites these countries is the dominance of the discriminatory patriarchal mindset.

¹⁰ Assistant professor at the Faculty of Law of Sfax

¹¹ Assistant Professor of Public Law at the University of Carthage

¹² Professor of public law specializing in international and constitutional law, chairperson of the Tunisian Association of Constitutional Law

Tunisia at the Local Level: Progress in Women representation in Municipal Councils

Parity emerged again in the debate on Law No. 7-14 dated February 14, 2017, supplementing the Law of May 26, 2014, on Elections and Referenda. As already mentioned, only vertical parity only—not horizontal parity—was applied for the legislative elections, and yet no objection to endorsing horizontal parity was raised by lawmakers in regard to the municipal elections. Article 49 (9) states that: “candidates shall file their candidacy applications for municipal and regional councils on the basis of the principle of equality between women and men and alternation throughout the list.” The law also provides that party and coalition lists failing to comply with this requirement will be rejected unless corrective measures are taken.

It is important to remember the context of this step of instituting horizontal and vertical parity in relation to the role undertaken by women in local authorities, where the “democracy of proximity” allows women to access municipal councils more easily than the national legislature. Entering the political arena at the local level can be an empowering experience for women in politics and leadership. The Tunisian experience may show how important it is to go through a kind of political empowerment initiated at the local bottom-up level, then at the regional level, before getting into the national level. Such an apprenticeship could help women avoid becoming MPs in the Assembly of People’s Representatives with no outstanding political background or political analysis.

Horizontal parity has enabled a qualitative leap in the number of women elected to municipal councils by 47% in the 2018 elections, although independent lists did not observe the parity requirement for whether a man or a woman heads the lists. Some parties even submitted independent lists to subvert the requirement of gender parity and avoid having their candidate applications rejected.

Unlike quotas, parity ensures numerical equality. However, there is an underlying mentality that does not embrace a sincere commitment to equality. This can explain the number of women mayors presiding over municipal councils in Tunisia, which remained at just 19%, reflecting once again concerns noted in Morocco and Jordan regarding the difficulty to occupy the political landscape even when women are legally elected.

Other aspects of the electoral process affecting women’s presence in elected offices may also require considerable attention. This brings us to voting systems addressed in the second regional dialogue.

C. Towards a voting system enhancing the inclusion of women

The Forum of Federations devoted two sessions to conduct a cross-sectional study of electoral systems involving Jordan, Tunisia and Morocco. This theme constituted an essential element for contemplating voting systems likely to ensure better presence of women in the elected councils. During the two sessions, most of the participants reported that although there are positive and negative aspects in each electoral system, some systems hinder the participation of women and youth.

What should be rejected: first past the post as a non-inclusive system for women

There are two types of first past the post system (FPPS): requiring majority in one round or in two rounds. Under single round FPPS: A plurality voting method, in which competition takes place in

each constituency for a single seat. The winner of this seat is the male or female candidate who receives the most votes. Under the two-round FPPS system: A plurality voting method, in which competition takes place in each constituency for a single seat. For a male or female candidate to win a seat, he or she must have the support of an absolute majority of voters. If no male or female candidate from this constituency obtains this majority in the first round, a runoff election will occur where the two candidates who obtained the highest number of votes in the first round usually participate in the contest. In the second round, the candidate who receives the largest number of votes wins¹³.

In Morocco: Members of the House of Representatives are elected by direct universal suffrage: proportional representation with a closed party-list system applying the rule of the highest average without vote-splitting or preferential votes, according to the following method:

- 305 members are elected at the local constituency level.
- 90 members are elected in a closed party-list system applying the rule of the highest average without vote-splitting or preferential votes.

A closed party-list system means that a voter cannot cast a vote for individual candidates within the party they vote for but vote for the party itself. The members are elected according to the proportion of that party's vote and are chosen from the top of the list downward. In other words, the party decides who will have priority in winning a seat. At the local level, in a single-round first past the post system (FPPS), members are elected by a simple majority at the level of the communities. At the regional level, the members of the regional councils are elected by direct universal suffrage based on proportional representation using the list system. However, when electing one member to represent a single constituency at levels other than the national level, i.e., the prefecture, the region (the provinces) or the arrondissement of the provinces (within the cities), the election is carried out using the single-round FPPS simple majority system.

On this point, Professor Ben Younes El Marzouki¹⁴ stated that voting methods cannot lead to the same result in all the electoral events within the same country, let alone in different countries. He added that if the list system is not adopted in Morocco and the quota is not required, women might not otherwise be represented in elected councils.

In Jordan, Article 9 of the Law on the Election of the House of Representatives of 2016 states that “Candidates for the parliamentary seats allocated to each electoral district shall be:

- A. Nominated through a proportional open list system.
- B. Without prejudice to the provisions of item (ii) of paragraph (D) of this Article, the number of candidates in each list shall be no less than three and no more than the number of seats allocated to the electoral district.

¹³ See the definition in: Salsabil Klibi and Salwa Hamrouni, *Lexicon of Electoral Terminology Arabic-French*, Tunisia, UNDP Publications 2012

سلسبيل كليبى وسلوى الحمروني، معجم المصطلحات الانتخابية عربي فرنسي، تونس، منشورات برنامج الأمم المتحدة الإنمائي 2012

¹⁴ Professor of Constitutional Law at the Faculty of Sciences, Faculty of Legal, Economic and Social Sciences of Oujda.

- C. The voter shall first vote for only one of the nominated lists, and then he/she shall vote for one or more of the candidates in that list.
- D. Candidates for seats reserved for Circassians, Chechens or Christians shall stand for (i) election within lists in the districts where such seats are reserved for them. Women candidates for seats reserved for women shall stand for election within lists. (ii) The woman candidate under the provisions of this item shall not be considered within the maximum number of candidates in the list.”

The open list system allows a voter in a proportional representation electoral system to express a preference for which candidates should be elected from the list of the candidates running for election in the party that he or she chooses. At the governorate level, the law prescribes that members of the governorate council are elected by secret and direct suffrage, without any further specification¹⁵ *i.e.*, no requirement for proportional representation. The same law also reserves the quota of 25% to women in governorate and municipal councils who obtained the majority of votes cast by voters from their respective constituencies.

On the method of voting, Mr. Omar Atout said that the adoption of the open-list proportional representation (OLPR) system instead of FPPS affects participation because the OLPR is not appropriate for Jordan in the absence of strong parties apart from the Islamic Action Front Party. He also criticized this system as the contest between candidates from different parties shifts to candidates running under the same party label. In addition, candidates on the list could be selected for financial and business considerations. After all, the nominated female candidates may not be the best choice as parties may not opt for strong female candidates able to win through competition. The Independent Election Commission’s (IEC) Board of Commissioners decided to hold the elections of governorate councils, municipal councils and the Amman Municipality Council on March 22, 2022. These elections may be an opportunity for women who run competitive campaigns to access these councils, if the State takes such measures as may be necessary.

In Tunisia, the voting method of proportional representation with the largest remainder applied since 2011 for the Constituent Assembly elections has not changed. This method had many consequences, the most important of which is political fragmentation within the elected councils and the absence of a clear majority able to establish an efficient governance. In response to this situation, many concerns were voiced calling for a revision of the electoral law, either by introducing a minimum electoral threshold needed by parties to gain representation, or by applying another method of voting.

Among the proposals that have been made is an FPPS voting system, called for by a part of civil society, but also the incumbent President of the Republic. So, most of the Tunisian speakers addressed this issue. FPPS does not allow women to compete on equal footing in a system which favors male candidates, dignitaries and where political funding prevails.

Several field studies, including the study conducted by the International Federation of Parliaments, showed that in 2012, for example, women managed to secure only 14 percent of seats with an FPPS voting system. A study conducted prior to the elections in Egypt in 2011 and 2012 indicated that “FPPS is inherently biased against minorities and the most vulnerable groups in society, especially women, owing, *inter alia*, to the fact that the major determinants for success in single-member constituencies, are keeping close ties with constituents and the personal dimension driven by political or ideological biases. Therefore, candidates who are most likely to win easily under plurality majority

¹⁵ Local Administration Law No. 22 of 2021

systems, are male candidates who come from distinguished families and social groups in a given constituency. In addition, this voting method contributes to the use of illicit political financing.¹⁶

In a report issued in 2004 in Canada, the Law Commission's review of electoral reform indicated that the majority voting system contributes significantly to the underrepresentation of women, because parties know that the one who obtains the majority of votes takes all, so they attempt to maximize their chances of success by running the safest candidates possible, which implies that few women will be nominated. All these experiences have actually proven that the first-past-the-post system does not benefit women, even in long-established democracies, let alone in our Arab countries, where the fight to establish a system based on equality among all citizens rather than discrimination based on family, tribe, gender, age, creed or other forms of discrimination is still underway.

Regarding this voting method, Ms. Salsabil Klibi explained, for example, that FPPS is not a "women friendly" system, unlike the list system that allows for more inclusion of women. She added that "it is known that FPPS, or the system in which competition takes place in small electoral districts for a single seat, does not benefit and reduces her chances to win, particularly in our societies where parties rarely bet on female figures and nominate them for elections. Here, when women run in competitive campaigns with male candidates in a constituency this undermines their chances of success."

She concluded that a list system represents a more appropriate model," as it allows space within the list for women in an electoral district, and parties can at their own initiative, that is, even in the absence of a legal obligation, include candidates on their lists. This is the option that Tunisia adopted decades ago."

What should be considered: Proportional representation and the importance of rank order of female candidates on the list

It is true that the list system provides more opportunities for women, especially if the majority system is adopted, but things become different if an element of proportionality is added. As Ms. Salsabil Klibi explained in her intervention on the subject, if the list system is a majoritarian, then the composition of the list does not pose any problem, since the list that wins obtains all the seats allocated to that constituency, and therefore every candidate on the list reserves a seat. But this is not the case, if the vote is based on proportional representation, the composition of the list and to the position of women on the list should be considered."

For party-list proportional representation systems and if lawmakers do not address the issue of ranking order within candidate lists, then parties or coalitions will typically place male candidates at the top of the list, which inevitably leads to the exclusion of women because it is very difficult for a list to obtain a large number of seats in countries with some form of proportional representation. Therefore, we noticed that the "zebra system" for party lists adopted in Tunisia enabled several women to enter the Parliament, especially for the major parties that won more than one seat. As for small parties, they usually receive one seat obtained by the candidate who heads the list, a reason why female and male candidates should alternate at the top of the list across each constituency that the party contests.

¹⁶ <http://library.fes.de/pdf-files/bueros/aegypten/15390.pdf>

Jordan adopted the proportional open list system. Within the types of open list systems is the free or panachage system that allows mixing candidates from several lists, changing the rank order of candidates or replacing some of them with candidates from other lists. In this case, should lawmakers provide voters with absolute ability to select (with the panachage open list system), then the vote becomes similar to FPPS by allowing voters to exclude not only female candidates but also the youth who appear on the list.

Paragraph Two. Obstacle to female leadership in senior and decision-making positions

It seems that the metaphor of the “glass ceiling” is appropriate when moving to leadership positions. All the participants in the various regional encounters unanimously pointed to the exclusion of women from senior positions and leadership roles in subsequent governments as a lived reality.

A. Excluding women from senior positions

During the four regional dialogues held by the Forum of Federations, the focus was on the political participation of women through the problems faced in elected councils. It is one thing for a legislature to adopt an affirmative action advancing participation by women. But the issue still remains complex: the outcome is closely linked to the extent of awareness and commitment to equality displayed by society. The issue only becomes less complicated with decisions that do not require opinion polls but are made instead as a demonstration of a political will in involving women.

The way is open: there are constitutional and international commitments to the principle of equal opportunities for women.

Article 46 of the Tunisian Constitution provides that “the state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains.” Article 30 of the Moroccan Constitution is less direct: it says only that “The law provides the provisions of a nature encouraging the equal access of women and men to the elective functions.” Even though the said Article restricts the provision of equal opportunities to elected offices, Professor Younes El Marzouki from Morocco proposed making full use of the constitutional text to encourage as many women as possible to access decision-making positions. He argues that this should not only be based on Article 19, but also Article 30, even though this text constitutes a legal ground for recruitments and appointments in areas other than elected offices.

Both Article 19 and 30 reflect Morocco’s commitment to “attain parity between women and men in elected Assemblies.” This paragraph was general and not specific to the elected councils. The quest for parity, then, is a constitutional obligation placed not only on Tunisia, but also on Morocco, and it must be adhered to and translated into reality at the level of senior leadership positions.

In Jordan, the National Agenda 2006/2015 was adopted in 2006 and stated that the participation of women in the civil service was one of its main strategic goals. This Agenda defined a set of principles aimed at supporting an increase in women’s representation in the civil service and in decision-making positions in the political life in Jordan.

Monitoring and Evaluation Units have been set up within ministries, departments, and public institutions to monitor the implementation of this national program. However, a comparative study conducted by UN Women showed that women's membership in governance bodies did not exceed 7% until 2016. Only this low rate was achieved, despite Jordan's commitment to reforming the public sector and mainstreaming the principles of equal opportunities and non-discrimination within the general framework of the reform process over the past decade¹⁷.

The National Strategy for Jordanian Women for the years 2013-2017 was endorsed by the Jordanian government. The Strategy addressed gender equality in the civil service. Several programs were developed to carry out implementation procedures of the strategy to reinforce management and leadership skills of women. The Strategy also called for determining the standards set as criteria for staff hiring, appointment, earning wages and training in government institutions in order to eliminate all forms of discrimination against women. As well, the Strategy called for conducting awareness campaigns addressed to managers and heads of administrative units. But reality is different, as women are still excluded from the major decision-making and leadership roles, and even from holding offices such as the Supreme Judge Department and the General Ifta Department.

In Morocco, the rate of feminization of positions of responsibility in the public service reached 22.2% at the end of December 2016¹⁸. The United Nations report acknowledged that this rate varies according to the importance of the position of responsibility, as it does not exceed 15.28% for senior positions. The government has adopted Ikram 2 Plan 2017-2021, which revolves around three axes, including "women's participation and access to decision-making". Notwithstanding this trend, no special measures to enable women to access decision making positions are incorporated in legislation. By way of example, we might note that Dahir No. 1.12.20 of July 17, 2012 on the appointment of senior positions does not provide for the presence of women as a requirement.

In Tunisia, in 2016, women represent 37% of the total of employees in the Tunisian public service and 46% of all employees, with the exception of public authorities within the Ministry of Interior and the Ministry of Defense. Feminization rates in positions of responsibility have increased in recent years thanks to the persistent work carried out by civil society to pressure successive governments. This pressure enabled occupational feminization, for example, to reach 35.8% in 2016¹⁹. Affirmative action measures are not required by law. Women are most heavily concentrated in the lower-ranking positions such as heads of departments and assistant managers, than in senior managerial positions such as directors and managing directors. The glass ceiling for women means that the higher the senior position, the fewer women can make it to the top, even though they often demonstrate more competence than their male counterparts.

¹⁷ Place of Women Employees in Public Administration Positions in Egypt, Jordan, Morocco and Tunisia <https://morocco.unwomen.org/sites/default/files/Field%20Office%20Morocco/Documents/Publications/2018/12/Ra%20AR%20femmes%20fonction%20administration%20Egypte%20Jordanie%20Maroc%20Tunisie.pdf>

¹⁸ مكانة النساء الموظفات في مناصب المسؤولية في الوظيفة العمومية في مصر والأردن والمغرب وتونس، هيئة الأمم المتحدة للمرأة 2018. The Status of Women Employers in Positions of Responsibility in the Public Service in Egypt, Jordan, Morocco and Tunisia, UN Women 2018.

<https://morocco.unwomen.org/sites/default/files/Field%20Office%20Morocco/Documents/Publications/2018/12/Ra%20AR%20femmes%20fonction%20administration%20Egypte%20Jordanie%20Maroc%20Tunisie.pdf>

¹⁹ Idem

In 2016, Government Decree No. 2016-626 of May 25, 2016, established the Peers Council for Equality and Equal Opportunities for Women and Men.. It constitutes an important step for women's access to decision-making positions. The Peer Council is an advisory body operating under the auspices of the Presidency of the Government. Its main mission is to mainstream the gender approach in planning, programming, making an assessment and budgeting to eliminate all forms of discrimination between women and men. Its goal is to achieve gender equality in rights and duties. It is tasked with monitoring the difficulties hindering the incorporation of gender approach. It is set up to present proposals regarding legislative and regulatory reforms and administrative procedures to overcome these difficulties.

In the same vein, the Government tried in 2018 to promote women's access to decision-making positions through the Prime Minister's Circular No. 31 of November 29, 2018. Circular 31 listed the procedures for appointment to senior positions in the civil service, requiring "the nomination of four candidates for each job title, while incorporating a gender approach, so as to enable the Head of Government to exercise his/her discretion in choosing the most appropriate candidate for the position." It stated further that "candidate nominations should be enclosed with the Government Decree on the nomination of any candidate in a given position". Paradoxically, the circular was removed by a government that is headed by a woman who became a head of government for the first time in Tunisia and replaced with another that does not refer to gender approach integration.

B. The legacy of patriarchal governments and the symbolism of power

One of the goals of the United Nations 2030 Agenda for Sustainable Development is to ensure women's full and effective participation as well as equal opportunities in holding leadership roles between men and women at all levels of decision-making in the political, economic, and public life. The criterion adopted is the quota reserved for women in national parliaments and local governments. According to the United Nations and based on the map of women's representation in politics for 2019, the proportion of women ministers worldwide reached an unprecedented level which is 20.7%, an increase of 2.4% compared to 2017, with a greater diversity in the types of ministerial portfolios held by women²⁰.

The global proportion of women parliamentarians has increased to 24.3 percent, while the percentage of female elected heads of state dropped to 6.6% and heads of government to 5.2%²¹. The Women in Politics map, issued every two years jointly by the Inter-Parliamentary Union (IPU) and UN Women, depicts global rankings for women in the executive and parliamentary branches of government worldwide. According to the same source, and in 2017, women occupy 50% or more of positions in only nine countries: Spain, Nicaragua, Sweden, Albania, Colombia, Costa Rica, Rwanda, Canada and France. Ethiopia saw the largest increase in women's political representation in the executive branch, reaching 47.6% in 2019.

In countries covered by this study, women have not yet been able to garner top government and cabinet positions. For the first time in the history of Morocco, women, as members of the government, were involved in the rituals of pledge of allegiance to King Mohammed VI after

²⁰ <https://news.un.org/ar/story/2019/03/1028771>

²¹ <https://news.un.org/ar/story/2019/03/1028771>

ascending to the throne²². At the government level, Moroccan women were unable to access ministerial positions except in the government of Prime Minister Abdellatif Filali in 1997, which, for the first time, included women serving as cabinet ministers. The participation of women remained thereafter dependent on government orientations, and only one woman made her way into the Islamists' government in 2011.

At present, the three-party coalition government in Morocco is made up of 28 ministers, including 7 women. Some hold important portfolios such as economy and finance. They constitute one third of ministers, an increase in the number of women ministers following the 2019 reshuffle of the Government headed by the Justice and Development Party, which reduced female representation in parliament by half. In Jordan, the Government of Marouf Al-Bakheet of 2011 included only two women out of 26 ministers, while the proportion of women in the Razzaz government 2018 reached 25%.

In Tunisia, after the "Freedom and Dignity" Revolution, the percentage of women in the Government of Hamadi Jebali 2012 - 2013 reached 9%. While they represented 8% in the Government of Ali Larayedh, they did not exceed 10% in the Mahdi Jomaa Government. The representation rate only rose with the Habib Essid Government after the victory of Nidaa Tounes in the 2014 elections, to reach 19 % and 20 % with the Government of Chahed²³. The percentage continued to progress with the Mechichi Government after 2019, reaching 25% for women.

After the issuance of exceptional measures on July 25, 2021, a new Tunisian Government was formed on under Article 80 of the Constitution on the state of emergency. Notwithstanding the ongoing debate regarding the powers of the Prime Minister since the declaration of the state of exception, the country saw the naming of the first female prime minister in Tunisia, the first in the Arab countries. This remarkable progress in the three countries could constitute a stepping-stone towards achieving gender parity within governments, as is the practice in the most advanced countries where the principles of dignity and equality are mostly observed.

Paragraph Three: Improving the representation of women by the revision of laws on political parties

Participants in most of the regional webinars unanimously agreed that the difficulty of accessing decision-making positions women face does not lie only in the electoral law, but also in the laws on political parties. Therefore, there was much debate on how to overcome barriers to leadership by women within parties in order to shape a party structure inclusive of women.

A. Barriers to women leadership within political parties

Article 7 of the Moroccan constitution states that

“The political parties work for the structuring and for the political instruction of the citizens, for the promotion of their participation in the national life and the management of public affairs. They

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https://www.unescwa.org/sites/default/files/event/materials/ltmyyz_lyjby_byn_ltshry_wltyfytjrb_lkwt_fy_lmgrb.pdf

²³ See the report on Women's Political Participation in Tunisia, Hana Ben Abda, Monia Kari and Wafa Zaafarani, Arab Women Organization, December 2019.

concur in the expression of the will of the electors and participate in the exercise of power, on the basis of pluralism and of alternation by way of democratic methods, within the framework of the constitutional institutions.“

It also requires that "the organization and functioning of the political parties must conform to democratic principles." Article 35 of the Tunisian Constitution states that “the freedom to establish political parties, unions, and associations is guaranteed. In their internal charters and activities, political parties, unions and associations must respect the provisions of the Constitution, the law, financial transparency and the rejection of violence.”

In the Constitution of Jordan, Article 16 states that “Jordanians are entitled to establish societies and political parties provided that the objects of such societies and parties are lawful, their methods peaceful, and their by-laws not contrary to the provisions of the Constitution.”

Despite the persistent demands by the majority of political parties for political freedoms and equal rights with the governing parties, most of the parties in the countries taking part in the regional webinars continue to deny women's rights at the practical level, particularly during the elections.

Most parties are reluctant to take positive action measures requiring them to observe gender inclusion in politics and in the different elected councils. In Jordan, Professor Bani Mustafa said that "the partisan practice has systematically screened out strong women." She explained that “most of the female winners have no political background and are not known to have open positions. This has contributed to maintaining the stereotypes of women, which impair their election in most conservative communities. It is not only in Jordan that 55 percent of the population consider men to be better than women. This view is shared by most patriarchal societies that do not accept women in the public space, and even if they approve a greater presence of women, it is in order to appear in a good image on the international stage.”

Mr. Omar Al-Atout also pointed to the same thing and concluded that the absence of strong parties, except for the Islamic Action Front, shifts the contest among candidates to intraparty competition within the same candidate list. The focus in entering the race also shifts from competing on the program to the candidate’s character due to the importance of financial and business pressures, given the role of capital and business in election campaigns. Therefore, parties resort to discriminatory expressions. Those who "are put on the lists are not necessarily the best, but rather they do not want strong women who win in free competition." Professor Al-Atout acknowledged that the issue lies in the fact that parties, including leftist, secular and nationalist parties, nominate the minimum number of women. He also added that in the present government the representation of women is the lowest.

In Tunisia likewise and despite the legislative endeavors to establish gender parity and engage women, we note that, in drawing up lists of rank-ordered candidates at the national level, parties usually refrain from naming female candidates at the top of the list, unless exceptionally. Women are usually named for the second place on the list. Even if a woman is chosen as the head of the list, this choice is not automatically determined by the party or its female militants. Female candidates may be nominated because they finance parties. In the municipal elections, although there is a gender parity requirement at the level of the highest-ranking candidate on the party’s or coalition’s ordered lists, many parties circumvented the law by submitting allegedly independent lists to avoid looking for women candidates.

In a study presented by Mr. Abdessalam Amkhtari²⁴ on the monitoring of electoral campaigns in the eastern region of Morocco, it was found that in addition to underrepresentation of women in the nomination of party lists, the percentage of women in the electoral campaign team remains below the average level and does not allow for shedding light on issues faced by women as a social gender or providing impetus for a wider women's access to decision-making positions. The study also shows that most of the candidates do not devote any discourse on women's rights, which, according to Professor Amkhtari, reflects "the weakness of the culture of equality and gender issues among a wide range of candidates. This begs the question as to the mentoring role of political parties and their contribution to promoting a culture of equality, democracy, and human rights."

In the September 2021 elections, the Democratic Association of Moroccan Women spoke of "transforming the quota system from a democratic mechanism aimed at improving women's political participation and their role in running local and national affairs, into a tool for control, exclusion and trafficking, and even blackmail." In a statement, it added that "the parties have harassed a group of women who intend to stand for elections through political party lists to be nominated by acclamation. This has affected women leaders with talents and extensive political experiences, who have previously worked closely with a number of political parties." The Association denounced the prevention of leadership figures of long-lasting female militancy and national sacrifices from running for the upcoming electoral elections, describing this move as "a deliberate exclusion aimed at undermining women's rights and exposing them to an apparent discrimination that confirms the lack of a strategy to enhance their political engagement."²⁵

What is clear, then, from these practices, is that even the most disciplined and committed women who decide to join a political party, are said to make a courageous step, given the discrimination and pressure exerted on them inside and outside their parties. It now seems high time for women to be in decision-making positions within their parties before seeking to achieve that outside.

B. For an inclusive party structure for women

In Morocco, through the Organic Law 11-29 on political parties which was adopted after the new Constitution of 2011, the legislature intended to make every political party seek to improve and to mainstream the participation of women and youth in the political development of the country. The law provides that "political parties shall have one third of women in their executive committees both nationally and regionally in the gradual achievement of the principle of parity between women and men." Article 29 stipulates the need to establish a committee for parity and equal opportunities.

In Jordan, many voices arose to call for a revision of the Law on Political Parties to ensure that there is a minimum presence of women in decision-making positions within parties. The revision was to include linking the provision of party funding to each party's promotion of gender equality in political representation in the party's formation, management and membership. Jordan adopted a legal framework requiring parties to integrate women, as the new draft law on parties stipulates that at least 20% of each political party's founding members should be women. Article 15 provides that women and youth party members are entitled to assume leadership positions in the party. It states

²⁴ An expert and consultant from Morocco

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<https://www.alaraby.co.uk/society/%D8%A7%D9%84%D9%85%D8%BA%D8%B1%D8%A8%D9%8A%D8%A7%D8%AA-%D9%88%D8%A7%D9%84%D8%A8%D8%B1%D9%84%D9%85%D8%A7%D9%86-%D8%AA%D9%82%D8%AF%D9%85-%D8%B7%D9%81%D9%8A%D9%81-%D9%86%D8%AD%D9%88-%D8%A7%D9%84%D9%85%D8%B3%D8%A7%D9%88%D8%A7%D8%A9>

that parties are also required to attract and empower persons with disabilities and to harness their potential in such a way as to serve the party's goals, make appropriate arrangements, provide management facilities and access to exercise their activities. Article 24 stipulates that parties are required to enable youth, women, and persons with disabilities to profit from the party's available resources in a fair and equal manner; especially during election campaigns.²⁶

In Tunisia, Professor Jinan Limam mentioned that women are only 14% of the leadership of the governing bodies of political parties. A number of recent studies showed that most of the political bureaus of parties remain largely male dominated, with the exception of the Free Destourian Party (PDL), which was keen on gender parity in its political bureau. The study found that that the “Free Destourian Party (PDL) is the only party in the study sample that observed the rule of gender parity. However, Nidaa Tounes, another political party, reached nearly 45% in the composition of its political bureau. Women’s representation in the rest of the parties ranged from 2% to 10%t.²⁷ Despite Article 4 of Decree No. 87 of September 24, 2011, “political parties are prohibited from adopting in their statutes, statements, programs or activities advocating violence, hatred, fanaticism and discrimination on religious, factional, sexual or regional grounds.” The legal framework currently in place does not require parties to have a minimum number of women. Clearly, the state's quest for gender parity in elected bodies needs to turn into concrete and clear rules governing political parties.

In 2015, and after organizing the Women’s Political Academy, the Tunisian NGO Aswat Nissa presented many proposals aiming at achieving leadership advancement of female party members, based on the testimonies of the female participants and their partisan and political experience. After the 2019 elections women’s representation in the legislature, several associations blamed the political parties, the Executive and the Assembly of People’s Representatives. A draft law on political parties was submitted, requiring parties to respect the principle of parity between women and men in their national, regional and local leadership structures and to impose a penalty depriving non-compliant parties from public funding in case of non-observance. The association said that "parties rendered the nomination of candidates at the top of the party list a male monopoly while taking advantage of women and treating them as having no effective role to play in politics, as they are used during electoral periods as list fillers just for fear of rejecting the list by the Independent High Authority for Elections."²⁸

The persistence of discrimination against women within political parties and limiting female representation to areas of women and family affairs reflects the absence of willingness at the party level to achieve true equality. Perhaps some of the practices noted in Morocco, Tunisia and Jordan may amount to some form of violence against women, which prevents their effective participation in political leadership.

²⁶ For the full draft law visit:

<https://www.almamlakatv.com/news/79832-%D9%85%D9%88%D8%A7%D8%AF-%D9%85%D8%B4%D8%B1%D9%88%D8%B9-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%A3%D8%AD%D8%B2%D8%A7%D8%A8->

²⁷ See the report on Women’s Political Participation in Tunisia, Hana Ben Abda, Monia Kari and Wafa Zaafarani, Arab Women Organization, December 2019.

²⁸ See the report on Women’s Political Participation in Tunisia, Hana Ben Abda, Monia Kari and Wafa Zaafarani, Arab Women Organization, December 2019.

II. The role of intermediate bodies in advancing political participation of women: Election Observation as an example

Electoral processes are complex processes involving multiple stakeholders, including the legislature, executive institutions, independent public bodies, and civil society. Therefore, based on all the interventions, we can emphasize the role of intermediary bodies in advancing the political participation of women by observing the electoral process and taking care of everything that can reduce the multiple hurdles women encounter, whether they are voters or candidates.

Paragraph One: The importance of independent: Election Management Bodies (EMBs)

The third regional dialogue in the webinar series joining Tunisia, Morocco, and Jordan on gender equality in electoral processes was held on March 10, 2021. Ms. Sheela Embounou, senior Director of the MENA Women's Leadership Project, hosted the webinar and started the session by recalling that the political participation of women and their access to and control of decision-making process are among the essential axes for the empowerment of women, which does not depend solely on political and legal frameworks but on many other steps and stages in the electoral process.

Election observation or monitoring is a guarantee of the integrity of the electoral process. Different terms may be used: election observation or election monitoring. The electoral legal framework in Tunisia distinguishes the term "observation" which is used for the mission carried out by organizations and civil society and the term "monitoring" which is undertaken by the Independent High Authority for Elections.

Internationally, election monitoring involves the observation of an electoral process by, for example, international organizations. This dialogue was held under the theme of inclusive observation of elections, so what do we mean by that? Election observation checks for several practices, including those that directly or indirectly exclude women from the public sphere in general and from the election process. This exclusion may be *de jure* or *de facto*, and the exclusion may affect women voters and women candidates.

Election observation is a basic tool to detect practices that exclude women from the public sphere. Monitoring or observing the electoral process, whether carried out by election management bodies or by independent organizations, requires special attention to identify discriminatory practices against women, which may exist in the various phases of the electoral process. The exclusion of women from the electoral process can start from the voter registration period. In Tunisia, for example, we noted that women could not be registered on the electoral roll as voters, because they lack a proof of identity (the national ID card).

As for the electoral campaign, women become more vulnerable to mental and physical violence, defamation, and bullying, especially via social media. In Tunisia we have noted that since the 2011 elections, conservative parties have mobilized every effort to prevent some women from running for

election by attacking their good character and by presenting women as not being serious and worthy of the trust of male and even female voters themselves.

The electoral campaign also constitutes another weak link in the chain of female participation, through weak monitoring of campaign financing, especially since many candidates do not hesitate to exceed the legally set campaign expense ceiling. This issue is of particular significance for women candidates, particularly in the presidential elections, given that the legislative elections are list-based. In line with this, monitoring an election campaign also includes monitoring appearances of female candidates in the media and the way they are treated. All these elements were addressed in the light of the experiences of Tunisia, Morocco and Jordan.

As a matter of good practice, international election observation missions observing national elections may also cover participation by women. The Organization for Security and Cooperation in Europe, for example, endorsed the idea by including a gender analyst in its international missions. This allows for assessing “women’s participation in the electoral process as voters, candidates and electoral staff.” The gender analyst also gives the briefings on gender sensitive analysis to other core team members to integrate gender mainstreaming in all aspects of the Election Observation Mission’s analysis.²⁹ Despite this, there must be national monitoring mechanisms that explicitly address participation by women in the electoral process. In Tunisia, the process was initiated through some specialized women's associations, such as the League of Tunisian Women Voters (LET), and this is what associations in Morocco and Jordan are trying to do in different ways.

Monitoring elections through electoral authorities:

Tunisia has been able to establish an independent electoral commission since the beginning of the democratic process, and the commission has a constitutional status under the 2014 Constitution, wherein it is stated in Article 126 that “the High Independent Authority for the Elections (ISIE), is responsible for the management and organization of elections and referenda supervising them in all their stages ensuring the regularity, integrity, and transparency of the election process, and announcing election results.” Article 4 of the Organic Law No. 2014-16 dated May 26, 2014, related to elections and referenda, prescribes that observers follow up with the electoral process and its transparency and that the Authority regulates the terms and procedures of their accreditation.

In a decision setting the conditions and procedures for accrediting observers, the ISIE specified several obligations imposed on the observers, including operating in accordance with international standards of election observation. There are important differences in the composition of the three countries’ electoral bodies in terms of respecting gender parity. In Tunisia, for example, despite the constitutional obligation placed on the state to attain parity between women and men in elected Assemblies, the Tunisian parliament approved the presence of a single woman in the composition of the Independent High Authority for Elections (abbreviated ISIE). Ms. Emna Bennari³⁰ also pointed to this, but also mentioned that the only female member was removed in the end because of the political violence exercised against her by the other ISIE members. On the role of the Authority in supporting gender equality during the electoral process, Ms. Emna Bennari from Tunisia indicated that the ISIE did not initially take any positive measures towards women. However, in the 2019 elections, it tried to avoid this by defining a strategy aimed at increasing the registration of women and youth, which made it possible to reach 48.9% of registered women.

²⁹ See the Handbook for Election Observation - OSCE, 2012

³⁰ Ms. Emna Bennari is a legal and election expert at Mourakiboun Network

In Jordan, Article 67 stipulates that there must be “members elected by general, secret and direct election in accordance with an election law which shall ensure the following matters and principles:

- a) The right of candidates to observe the electoral process.
- b) The punishment of those adversely influencing the voters' will.
- c) The integrity of the electoral process in all of its stages."

Additionally, the second paragraph of Article 67 refers to the necessary mechanism to ensure electoral principles, in that “an independent commission shall be established by law to administrate the parliamentary and municipal elections and any general elections according to the provisions of the law. The Council of Ministers may entrust IEC (Independent Election Commission) with administrating any other elections or to supervise the same (elections) upon request of the authority legally authorized with conducting such elections.”

In pursuance of this, Law No. 11 of 2012 empowered the Jordanian Election Commission with many authorities, including the accreditation of representatives of civil society institutions, media outlets, and any local and international observers to watch and observe the electoral process in accordance with executive instructions (Article 12). Although this aspect was not raised by the speakers from Jordan, it is important to point out the low representation of women in the Commission’s structures, as the Commission’s board includes only one woman out of a total of five members, and the Executive Body of the Commission, which is the basic mechanism in the Commission’s work, includes nine male members with no female member.

To get more insight into the extent to which the Jordanian Commission is keen on preventing discrimination against women, we examined the strategic plan that it prepared for the years 2019-2020. We found that the plan included the United Nations Convention on the Elimination of All Forms of Violence against Women as one of the reference texts. We also found that the Commission refers to the principle of equality, which entails that non-discrimination and the provision of equal opportunities are among the values it believes in. No reference was explicitly made to discrimination against women. As for linking goals to programs and projects, we also noticed a special interest was given to the inclusion of some groups, such as youth and people with disabilities, but promoting women's participation and ensuring non-discrimination against them were not among the goals set by the Commission.

However, Article 10 of the Executive Instructions on the rules of electoral campaigns for the provincial and municipal council elections, and the Amman Municipality Council for the year 2021, do not contain any specific provision regarding sexual discrimination, as they only state that “statements, discourses, or advertisements shall not include any expressions or drawings that provoke sectarian, tribal, regional, and racial conflict among citizens and encouraging citizens to obstruct the electoral process for any reason”. Looking at civil society, Mr. Amro Al-Nawayseh from the Jordanian RASED organization spoke and explained the role of this organization in understanding women’s participation through the experience of the 2020 elections. The elections were the first occasion in which gender-based monitoring was carried out throughout the different phases of the electoral process. However, the recent elections were marked by a low voter turnout and limited campaigning amid the threatening circumstances related to the pandemic.

Perhaps the most important aspect in the monitoring is the dominance of tribal influence in determining women's vote (52.9%), the influence of the husband on the electoral choices of women (38.4%), as well as the impact left by the performance of female parliamentarians on women voters (38.4%). The number of female candidates increased, which encouraged women to participate.

The RASED organization also presented several recommendations to enhance the participation of women in the elections and mitigate discrimination against them. Some of these recommendations were directed at the Electoral Management Body and focus, for example, on assessing needs through conducting a gender-based survey and gender-sensitive data collection and analysis. For polling day, several recommendations were set out, such as conducting a survey of voting procedures to render them gender sensitive. It is worth noting that the organization focused on women voters and did not make any recommendations regarding the campaign period, which is when assaults against women candidates intensify.

Morocco did not opt for an independent election body. Instead, the Ministry of the Interior was entrusted with organizing the elections, while the National Council for Human Rights was entrusted with the task of observing the elections, according to Law No. 1.11.19, issued on March 1, 2011, establishing the Council. Article 25 of the law stipulates that the Council should contribute to promoting democracy-building, by fostering broad-based social dialogue and developing any relevant tools and mechanisms to that end, including election observation.

Morocco adopted the system of independent observation of elections and not monitoring. Election observers are only expected to record violations in reports submitted to the relevant authorities, while monitors are mandated to intervene to stop any electoral infractions committed throughout the electoral process. Article 6 of the law laying down the terms and conditions of neutral and independent elections observation provided for the creation of a special committee for the accreditation of election observers at the National Council entrusted with receiving, studying, and deciding on accreditation requests. The Central Monitoring Committee aimed at checking the integrity of Morocco's elections. The Commission is composed of the Minister of the Interior and the Attorney General and was to oversee checking that the reliability of the elections was maintained and respected. The checks were conducted throughout the various phases of the electoral process starting from the registration on the electoral lists to the result of the voting and the election of territorial groups and professional chambers.

In the September 2021 elections, the National Human Rights Council announced the accreditation of 19 international organizations and bodies, represented by more than 100 observers from three continents: Africa, Europe and Asia. The recent elections were also observed by more than 4,600 election observers representing 44 Moroccan NGOs. Earlier and during the regional dialogue held under the theme of inclusive observation of elections, Ms. Amal El Idrissi³¹ from Morocco defined election observation as “any operation that aims at field monitoring the conduct of electoral processes, collecting data related to the conduct of elections in an objective, impartial and neutral manner, in addition to assessing the conditions of their organization and conduct and the extent to which they respect constitutional rules along with legislative and regulatory texts pertaining to elections and international standards.” Professor Younes El Marzouki stated that the electoral observation from a gender perspective helps us understand the causes of irregularities throughout the entire electoral process, starting with registration and ending with appeals. El Idrissi also

³¹ Head of Department of Planning and Partnerships, National Human Rights Council, Morocco

indicated that in addition to verifying the respect for the legal framework on gender equality, the Council conducted field monitoring of the electoral processes in various electoral events. This monitoring recorded the extent to which national standards regarding the enjoyment of political rights were observed with relation to nomination, election and voting, especially for women and youth, and examined and analyzed parties' programs, and tackled equality issues. The Council then issued recommendations and reports, and conducted follow-up.

Finally, this conference showed the importance of an independent electoral management body to ensure the integrity of the electoral process, and it also highlighted the need for these bodies to operate in a manner consistent with a gender-based approach.

In her comment on the various interventions of the participants, Ms. Lamia Neji from Tunisia asked whether the electoral bodies have a role to play in reducing discrimination against women throughout the entire electoral process, and said that we should not simply examine the diagnosis of observers, but rather review the framework to remove any discriminatory provision is also needed. Ms. Neji also asked if the bodies in charge of elections developed strategies to ensure gender parity in the composition of the polling stations, for example, and to avoid discrimination against women. She mentioned that the exclusion of women usually starts from the registration phase if voters are voluntary registered, as is the case in Tunisia. Ms. Neji added that the rampant attacks on women during the elections went unpunished.

There were multiple forms of violence conducive to the exclusion of women from the public sphere. Ms. Emna Bennari³² from Tunisia referred to the problems with the posters of some women candidates in the 2018 municipal elections as well as the 2019 legislative elections and considered it a form of political violence practiced by the Regional Authorities for Elections (IRIEs) for not taking any restrictive measures. This practice was also observed in the legislative elections held in September 2021 in Morocco, where it was observed that there were electoral posters bearing only the names of the female candidates but not their pictures.

Professor Ben Younes El Marzouki commented that the electoral observation from a gender perspective should identify the underlying reasons so that we have a complete picture of the reported irregularities, from registration to appeals. He also drew attention to the need to combat faulty and inaccurate generalizations, such as when saying women do not support women, or the idea that candidates' victory depends on women's vote. This was expressed by Professor Mr. Amro Al-Nawayseh, who considered that the enemy of women is sometimes women and that some female parliamentarians were not reelected by voters for being low performers. He added that we should avoid prejudices and stereotypes that portray women's limited competence. No one should pretend that without the quota, women would have made more effort to reach the councils.

Paragraph Two: The importance of regulatory bodies – The Media

All regional conferences indicated that the exclusion of women from the public sphere and the difficulty of their access to decision-making positions are related to several factors, not all of them legal restrictions.

³² Elections expert at Mourakiboun Network

On this issue, Maysoon Al Otoom³³ showed the limits of legal solutions, as there is an aspect related to representation and culture that leads directly to discrimination against women. The professor said that the monopoly of discourse and hegemony in the cultural industry led to women being confined to the private space. She asked, "Are we preparing women for the political sphere? How do we prepare women in culture, school, curricula, and media?"

In the debate in the various conferences, participants mentioned that the absence of women in the media and the gender stereotype in the media hindered women's access to leadership positions. In our view, the legal framework alone cannot suffice; there is a need to establish regulatory bodies that can monitor the form and content of media programs, in terms of form and content from a gender perspective, not only during the election period, but also in the lead-up to elections and on continuous basis.

Article 11 of the Moroccan Constitution states that the law defines "the rules guaranteeing equitable access to the public media and the full exercise of the freedoms and of the fundamental rights linked to the electoral campaigns and to the operation of the vote. The authorities in charge of the conduct of the elections shall seek to apply these rules."

In Tunisia, Article 65 of the Electoral Law states that "the Independent High Authority for Audiovisual Communication (HAICA) guarantees the right of access to means of audiovisual communication to all political groups during the pre-campaigning period on the basis of plurality." Article 67 states that "the Authority, in consultation with HAICA, sets the general rules and requirements by which the media should abide during electoral campaigns. The Authority sets campaign rules for written and electronic media." The article goes further to state that the Independent High Authority for Elections, after consulting with the High Independent Authority for Audiovisual Communication undertakes to "determine in a joint decree the rules and procedures of electoral campaigns for audiovisual media and means of communication, as well as the requirements for the production of programs, reports and features in the context of electoral campaigns. The two authorities are to set the time shares, distribution and broadcasting time of programs allocated to the various candidates, candidate lists or parties, in the various means of audiovisual communication, based on adherence to the principles of plurality, fairness and transparency."

In a legal text governing the media, Article 15 of Decree No. 16 of November 2, 2011 "protects the rights of the public in the information, through the guarantee of pluralism and diversity in programs on public affairs"... and ensures "the consecration of a pluralistic, diversified and balanced audiovisual media landscape that respects the values of freedom and justice and avoids exclusion based on discrimination based on race, sex or religion."

In 2020, 54% of female journalists work in the media sector, according to the latest statistics provided by the National Syndicate of Tunisian Journalists. Yet despite female dominance in this sector, female journalists occupying decision-making positions in the Tunisian media landscape is only 11%. This may seem to be one of the factors that led to the significant underrepresentation of women in the various political talk shows both in the media and in other forums that everything that would help women to interact with the electorate.

³³ Director of the Center for Women's Studies (CWS) at the University of Jordan, an expert in equality and gender issues, a Doctor in sociology

The role of the media in getting more women into decision-making positions needs to go beyond the electoral period. A first step would be breaking gender stereotypes by ceasing to portray women in programs with trivial and superficial content, entertainment shows, and women-oriented programs that focus on the kitchen and domestic chores. A start in this direction has been made by the Independent Authority for Audio-Visual Media (HAICA) in sanctioning media outlets that broadcast content deemed discriminatory against women. HAICA has also held several training workshops on the media's coverage of women's issues and on combating violence against them.

HAICA submitted a report after 2015 on media intervention of political actors and civil society activists on TV channels, with the aim of determining the appearance of women and men on TV programs and the extent to which women contributed to enriching the debate on issues of public concern. The report revealed that women have been locked out of decision-making positions. Women's interventions represent only 11% of the total sample, compared to 82% of interventions on Tunisian TV channels for men. Only 1% of the experts cited were female, despite the high competence displayed by Tunisian women.³⁴

For Jordan, Professor Bani Mustafa said that “the media machine is not women friendly. Women's roles are not addressed, while there is an army devoted to covering the breaths men take in and out and their smallest achievements.” The Jordanian Commission has not begun to set rules that concern the media specifically for women. Article 10 of the Executive Instructions for the rules of electoral campaigns for the elections of governorate councils, municipal councils, and the Amman Municipality Council for the year 2021 states that: Official media are obligated to observe the following principles:

- “1 - Equal treatment of all candidates.
- 2 -Respecting the freedom of voters to express their opinions and choose their candidates.
- 3- Full impartiality, equality and non- bias covering the debate of candidates.
- 4 - Independence and objectivity and not manifesting any bias from the government or any other party in support for any of the candidates.”

The Article also prescribes that "the media shall not broadcast any content of political advertising intended to offend any of the candidates.”³⁵

Paragraph Three. The importance of the role of civil society

The purpose of the regional dialogues organized by the Forum of Federations is to integrate the studies and experiences of civil society in the three countries. The Forum participants included the Association Aspirations Féminines (AAF), the National Observatory for Freedoms from Morocco, the RASED organization from Jordan, Mourakiboun Network and the Association of the League of Tunisian Women Voters from Tunisia.

³⁴ <https://haica.tn/wp-content/uploads/2016/04/%D8%AD%D8%B6%D9%88%D8%B1-%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-1.pdf>

³⁵ https://www.iec.jo/sites/default/files/2021-12/%D8%B9%D8%AF%D8%AF%205761%20%2824%29_0.pdf

Ms. Emna Bennari highlighted the role that Mourakiboun played during all the elections in Tunisia since 2011. The Network assessed the legal framework and provided recommendations for its reform, and the Network was able to observe the various phases of the electoral process. Mourakiboun also paid special attention to discriminatory texts and practices, particularly in relation to representation of women in the electoral commission at the central and regional levels, as well as in polling stations and offices.

The League of Tunisian Women Voters has been promoting women's political participation and their representation at the level of senior decision-making positions. Ms. Turkia Chebbi summarized the most important activities conducted by the League, whose mission since its formation in 2011 is to:

- reinforce the capacities of women leaders in decision-making positions
- support women leaders: party members, trade unionists, or activists in civil society
- document the testimonies of women leaders about challenges and successes
- observe the electoral process from a gender perspective
- publish field studies on the economic, social and political rights of women

Ms. Chebbi explained that the League of Tunisian Women Voters acted as a pressure group and made proposals. In 2011, it submitted recommendations on issues including

- feminizing the political discourse
- constitutionalizing women's rights
- conducting advocacy campaigns to eliminate political violence perpetrated against women in the Electoral Law
- applying the Organic Law on the Elimination of Violence Against Women, and
- endorsing horizontal and vertical gender parity in drawing candidate lists.

The League used the *Manual to Observing the Status of Women in the Tunisian Electoral Process* to identify and monitor the obstacles and problems facing women to participate in the electoral process," and presented its recommendations on this basis.

In Jordan, the RASED organization focused its activities on women's participation in the 2020 elections and interviewed sample respondents to identify the issues involving women's participation. It proposed recommendations on integrating gender into the electoral cycle. In the pre-election period, it proposed conducting an examination of the procedures for posting voter lists and measuring the extent to which women are guaranteed the ability to check the lists and make challenges. They urged the incorporation of gender-sensitive activities in the description of roles, checklists, and training. RASED also recommended cooperating with the media and civil society on gender-sensitive awareness-raising activities.

In Morocco, which has no independent body that organizes the electoral process, the role of the National Council for Human Rights is essential because it observes the entire electoral cycle from the perspective of women's exercise of political rights. In the last elections, more than 4,600 national observers and more than 100 international observers were accredited, more than enough to improve the quality of the electoral process and measure it against international standards.

Also, many civil society organizations (CSOs) are closely aligned with the aim of integrating women into public affairs and in decision-making positions. Many associations that are concerned with the participation of women in the 2021 elections, such as the Federation of Women's Rights Leagues, which worried that “the representation of women in the new Parliament will not live up to the ambitions being pursued because the principle of parity prescribed in the Constitution is lacking, and not even one third of its goals specified in legislation and statutes have been achieved, which entails that officials deliberately apply the principle of parity in an imperfect manner by not observing constitutional laws and international treaties ratified by Morocco.”

III. Violence against women as a main obstacle to their access to decision-making positions

The last regional conference organized by the Forum of Federations was held in Jordan and tackled the issue of violence against women. The countries participating in the discussion are likely to have shared the same diagnosis, that the multiple and overlapping forms of violence against women enabled male dominated relations in the private space to persist and would follow into the public sphere through political violence in particular. However, although the diagnosis was unanimous among Tunisia, Morocco and Jordan, the legislative solutions diverge somewhat, allowing the various stakeholders to learn about the best experiences in this field.

Paragraph One: Overlapping types of violence against women

A. Political violence as a consequence of other forms of violence against women

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) defines³⁶ “violence against women” as a violation of human rights and a form of discrimination against women. This refers to all acts of violence that result in, or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or private spaces.” The Convention adopted an expanded concept of gender-based violence, considering such violence as “all violence directed against a woman because she is a woman or that affects women disproportionately.” Based on this definition, it is possible to think of political violence as a common form of violence against women. It should also be recalled that exposure to political violence perpetrated in the public sphere is fueled by many forms of domestic violence that create the climate for this form of violence.

After a series of conferences that took place in 2020-2021 on cross-sectional study of regional experiences on voting methods, inclusive observation of elections, the Forum of Federations through its country office in Jordan held a webinar on June 9, 2021, to examine the nature of political violence against women during elections at the national and local levels.

Ms. Lina Musharbash facilitated the discussion and many female experts and politicians who experienced violence in the public sphere intervened. Ms. Lamia Neji presented the phenomenon of

³⁶ The Convention was adopted by the Council of Europe on 11 May 2011

violence against women and explained that political violence is related to discrimination and is taking new forms. She also added that, in most countries, this violence is tolerated in silence, and that it is covered along with electoral violence in general, without paying special attention to the situation of women. Tunisia is considered the most advanced country as regards the legal framework of violence against women compared to countries in North Africa and the Middle East.

Violence in all its forms was defined in Organic Law No. 58 of 2017 dated August 11, 2017, relating to the elimination of violence against women. The law specifies all forms of violence, including physical, moral, sexual, political, and economic violence. Political violence is defined as any “gender-based act or conduct that has the purpose or result in depriving or impeding women's partisan, political or associative activities, or any women's fundamental rights or freedoms.”

Ms. Neji also explained that political violence is also diverse and takes many forms. The underlying goal which gives it its specificity, is driving women away from politics or reducing their influence, which does not affect only women being represented, but also other women who will feel demotivated and discouraged from political participation.

Most speakers agreed that the various forms of violence overlap with each other, as violence is also practiced in the household, in the community, by the security forces, by religious men, and by the media.

Ms. Israa Mahadin³⁷ of Jordan, as well as Ms. Bouchra Belhaj Hemida³⁸ of Tunisia, were victims of another type of violence, which is institutional, that is when the State trivializes violence and when it refrains from taking the necessary measures to contain this phenomenon. Since independence, Tunisia was considered a woman friendly State because it initiated many reforms in favor of women, but now there are no draft laws that address women's issues. Politicians do not talk about the alarming figures regarding violence. She also explained the overlapping forms of violence through the association of political violence against women with their appearance, their bodies, and many sexual connotations.

Perhaps the report of the Individual Freedoms and Equality Committee (COLIBE)³⁹ is the best evidence of overlapping forms of violence. The report, which received fierce criticism, aimed to remove all discriminatory provisions, and most importantly in the Family Law. However, the most severe attacks were not explicitly addressed at the report itself, but targeted drafters or some aspect of their private lives.

Ms. Charafat⁴⁰ from Morocco was also a victim of violence enshrined in the law, when a Moroccan legislator argued for preventing women candidates running for election as part of the quota from standing for elections twice, which Charafat characterized as legal violence, especially since the legal committees are usually made up of men who determine what gains should or should not be enjoyed.

³⁷ Lawyer and representative and founder and CEO of Karak Castle Center For Consultations & Training

³⁸ A Tunisian lawyer, Human Rights activist and politician

³⁹ A report submitted in June 2018 by the Individual Freedoms and Equality Committee set up by former President Beji Caid Essebsi, which submitted proposals to support individual freedoms and equality in accordance with the Tunisian Constitution and international standards.

⁴⁰ Moroccan politician and member of the Policy Bureau of the Party of Progress and Socialism. She is the former Minister of Water of the Moroccan government 2013-2018 and a former parliamentarian. Ms. Afilal Sharafat is also an international expert on water resources.

Most of the participants noted that there is a high prevalence of violence against women due to the rapid transmission of information and false news, which has rendered cyber violence today almost out of control. Ms. Mahadin from Jordan said that society invents new forms of violence against women given the easy flow and dissemination of information in the absence of controls and lack of reliable sources of information. This makes women a vulnerable prey to violence regardless of their status. Ms. Afilal Sharafat from Morocco also added that cyberbullying and the posting of political data on social networks have become regional concerns.

Ms. Samicha Riaha from Morocco⁴¹ explained that political violence is structural and the way it is addressed should also be structural. Fighting political violence incorporates the legal framework, real application, programs, plans, implementation, follow-up, and assessment that are based on women's rights. She also mentioned that Resolution 1325 of the Security Council affirms the need to increase the participation of women at decision-making levels, and that the exclusion of women is a form of violence as the women being excluded are denied progress and many other rights.

B. Women discouraged from participating in politics

For Jordan, Professor Bani Mustafa from Jordan said that based on her political experience, women pay a higher price by entering public life. She addressed several forms of violence throughout the three sessions. Violence affects not only women, but also their families and even their tribes. This sometimes forces women to go back to the private space. Professor Bani Mustafa emphasized that women who are most exposed to violence are the newcomers to the world of politics due to their lack of experience in dealing with the violence, due to its spread even within their parties. She addressed the issue of the absence of accountability mechanisms in parliaments. She reported one incident that occurred in Tunisia when a female deputy was slapped without any disciplinary action being taken within the Parliament⁴². In Jordan, despite the weakness of civil society, the need for women's networks of support remains critical. Ms. Mahadin also said that every progress noted in the participation of women is used contrary to women's interests.

In countries covered by this study, legislative developments however small they might seem, severe criticism and violence are perpetrated against women through traditional media as well as social media. Such criticism was also observed in Tunisia after the success of a number of women in making their way to the Parliament or municipal councils, and when the country's first ever female prime minister was named as head of government. The focus was on her lack of competence more than the symbolism of holding the position of premiership, and on her appearance more than her government performance.

Ms. Mahadin also said that, during the Jordanian elections of 2020, in many cases electoral violence was practiced without being intended. Women also endure and tolerate this violence without showing much concern. It was noted, for example, that 63% of female candidates do not fully understand the existence of violence perpetrated against them and believe that some practices are normal and acceptable. Women are victims of violence not only as candidates but also as voters, which explains their reluctance to vote in most elections. Moreover, the prevalence of violence in the

⁴¹ Samicha Riaha is a Professor of Philosophy, specializing in Psychology. A feminist and human rights activist. Expert in the field of human rights and training. She is a former member of the Regional Committee for Human Rights in Casablanca and a founding member of the Women's Eyes Observatory.

⁴² The reference was made to Ms. Abir Moussi, a deputy in the House of People's Representatives and head of the Free Destourian Party (PDL), who was a victim of physical and mental violence by the representatives of the Al-Karama Coalition (Dignity Coalition).

electoral field has gone beyond even female candidates and voters to reach the administrative bodies concerned with the electoral process, which are mostly male dominated and do not see or recognize the existence of electoral violence.

Ms. Charafat⁴³ spoke about her own experience in Morocco, which showed the difficulties that women experience even when they are holding the highest positions in decision-making. In 2018, nine women were appointed to the government, but as undersecretaries and not ministers. As a result, many responsibilities falling under their competence were taken away from them. She concluded that the political participation of women remained just a formality to show a nice picture to the world outside and to sponsors worldwide, while men continue to believe that they have the credit for women gaining access to decision-making positions. In addition, women take part in government meetings as ceremonial fillers in meeting rooms and pose in front of the camera without having real authority.

These elements to remove women from the public space and force them back into to what is deemed their natural place, the household, are present in all three countries. Therefore, politicians must pay attention to this because their countries are required to respect their international and constitutional obligations, by taking the necessary measures to prevent and protect against violence, as well as to punish its perpetrators.

Paragraph Two: Disharmony between laws on the elimination of political violence against women

A. The difficulty of defining legal frameworks to eradicate violence

Among the countries participating in the conference, we find that Tunisia is the only country that has openly recognized the concept of political violence in its legislation. Article 46 of the Tunisian Constitution is a charter on women's rights, including the elimination of violence, as stated in the last paragraph: "... the State shall take all necessary measures in order to eradicate violence against women." Therefore, in 2017, after major struggles waged by the feminist and democratic movement, a comprehensive law against violence was adopted.

The credit for the law against violence is due to the keenness of civil society, in particular women's associations, in voicing the issue of political violence to mitigate its impact and hold perpetrators to account whenever necessary. Despite this new law, political violence remains one form of violence with little concern to the state. The spirit of this law is not reflected in the law regulating political parties, the Rules of Procedure of the Assembly of People's Representatives, nor in the electoral law. In commenting on Tunisian law, Professor Neji concluded that there is no real will to implement this comprehensive law, which limited its impact particularly given the weakness of the State and its institutions.

In Morocco, the High Commission for Planning issued a report on Moroccan women that included statistics. The report showed alarming statistics about violence, such as domestic violence, which constitutes 52% of the total cases of violence against women that are reported. What drew attention is that the report enumerated most forms of violence, except for political violence.

⁴³ Moroccan politician and member of the Policy Bureau of the Party of Progress and Socialism. She is the former Minister of Water of the Moroccan government 2013-2018 and a former parliamentarian. Ms. Afilal Sharafat is also an international expert on water resources

Law No. 103.13 on Elimination of Violence against Women was an attempt to respond to the phenomenon, as it provided the Kingdom of Morocco with a legal framework for combating violence against women. This law, which entered into force in September 2018, aims to provide legal protection for women victims of violence at four levels: ensuring prevention, providing protection, non-impunity, and caring for the victims of violence. The Ministry of Solidarity, Social Integration and the Family posted on its website that mechanisms have been put in place to support women victims of violence, in the context of reinforcing the legislative framework to define the conditions for providing support services to women victims of violence. Several committees have also been set up, including the national, regional or local committees to take care of women victims of violence. As well, centralized and non-centralized cells have been set up to support women victims of violence in the courts and other sectors related to justice, health, youth, women, the General Directorate of National Security, and the Supreme Command of the Royal Gendarmerie.

It seems that the trend is mainly related to domestic violence and specifically physical violence. In the Penal Code, some amendments were incorporated, such as repealing the second paragraph of Article 475, which allowed the rapist to marry the seduced victim, instead of punishing him, or Article 503, which criminalizes sexual harassment resulting from an abuse of power when holding a position of authority over the woman at work.

Despite this, we find nothing in the Moroccan legal framework about political violence. This legislative silence has led to an increase in political violence against women in Morocco, which received condemnation by civil society in the recent elections. For example, the Democratic Association of Moroccan Women wrote that “the exclusion of some female militant leaders from running for parliamentary or regional elections is a violation of women’s rights, a form of discrimination against them, and a vivid example of the absence of a strategy for political empowerment of women.” The association listed a series of harassments against women who intended to run within their political parties and obtain endorsements. The association also called out those responsible for transforming the quota system from a democratic mechanism for greater political participation of women in managing local and national affairs into a tool used in exercising restriction, exclusion and which could result in trafficking, and/or extortion. Therefore, the association stands in solidarity with “all women who have been subjected to any form of harassment, exclusion, violence or control and blackmail when submitting their candidacy application for legislative and regional elections, and who face this form of violence without any protection from the State and in the absence of any criteria for choosing the order of women on candidate lists.”⁴⁴

In Jordan, we also note the absence of a specific legislative framework eliminating violence against women. In politics, Jordanian women are still left to their fate without any assistance from the state or the political institutions to which they belong. Professor Bani Mustafa talked about this situation and explained the efforts made by women politicians to break the barrier of fear and silence around political violence. She mentioned the advocacy campaign launched by female politicians in 2019, “a campaign to break the silence.” Female politicians began to speak and visited the various regions of Jordan to raise awareness of the different forms of gender-based violence and found that “most of the women victims of violence do not realize this.” This state of denial may stem from several factors, the most important of which is that women are raised in our societies in such a way as to accept and tolerate their own debasement, humiliation, and discrimination without protesting against

⁴⁴ <https://www.maghress.com/ahdathpress/883054>

those who attack them. What further aggravated the situation is that the state abandoned its role in driving social change and making progress towards more respect of gender equality.

Recently, the recommendations of the Royal Committee to Modernize the Political System were issued, which is tasked with preparing recommendations for amending the Constitution.⁴⁵ The outputs of the Royal Committee regarding constitutional amendments related to women stipulated the addition of a new paragraph to Article Six of the Constitution stating that “the State guarantees the empowerment of women and their support to play an active role in building society in a manner that guarantees equal opportunities on the basis of justice and equity and protects them from all forms of violence and discrimination.” This addition could be a first step towards confronting the problem of violence against women. The National Committee for Women's Affairs expressed some reservations with the outputs of this Committee, in particular the "lack of institutional representation of national and civic organizations working in women's issues and their accumulated experiences since the establishment of the Jordanian state."⁴⁶ The committee proposed “amending paragraph 1 of Article 6, to strengthen the principle on which the Constitution is based on equality between Jordanians, males and females, in rights and duties, to provide for the equality of citizens before the law regardless of their gender.” Without prejudice to the foregoing, an alternative text to paragraph 1 of Article 6 should be drawn up stating that male and female citizens are equal before the law in rights and duties without any discrimination.

All these data indicate that the path to removing signs of discrimination against women, especially violence, is a long and thorny path, but most societies that opt for a democratic political system cannot exclude half the society from the circle of decision-making. The state and its institutions remain the first building block towards achieving social progress if there is a political will. If we compare countries that do not have legislation on political violence with Tunisia, we will notice that despite the flaws of the Tunisian legal system, it is still possible to raise awareness of the existence of this violence, especially when it takes discrete forms through stereotypical image or discourse. Therefore, all awareness-raising efforts remain important in these countries. Jordan's experience in adopting the procedural guide to protect against violence launched by Princess Basma could be a first step towards awareness because political violence against women does not only harm women, but also renders the political life in a country toxic. Also, Morocco's move towards a policy condemning violence against women remains important despite its current limited effects.

B. Anti-violence policies which are still weak and the need for a strategic impact litigation aimed at eliminating violence against women

Ms. Riaha indicated violence against women takes place in all Arab countries, because all Arab countries suffer under patriarchy. Despite the progress made at the level of women's participation, women are still not taken seriously. Regarding the absence of the will to reduce violence, she pointed that the complaint and grievance mechanisms remain patriarchal in most countries. She went on to

⁴⁵ <https://tahdeeth.jo/Home/CommitteeRecommendations>

⁴⁶ See the paper I submitted in July 2021 on the link below:

<https://women.jo/sites/default/files/2021-07/%D9%88%D8%B1%D9%82%D8%A9%20%D9%85%D9%88%D9%82%D9%81%20%D8%A7%D9%84%D9%84%D8%AC%D9%86%D8%A9%20%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9%20%D9%84%D8%B4%D8%A4%D9%88%D9%86%20%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D8%AA%D9%85%D9%88%D8%B22021.docx.pdf>

suggest intervention through training and reinforcing the capacities of those charged with implementing anti-violence laws. Ms. Bochra Belhadj Hamida added that the Tunisian authorities have done little to prevent violence.

Commenting on the implementation of the 2017 law, Ms. Hamida highlighted the lack of prevention mechanisms, suggesting requiring civic education in human rights. She had witnessed the Tunisian media's failure to prevent the broadcasting of gender-discriminatory content, and had seen the lack of observing gender parity in the composition of authorities, parties, and associations. Ms. Neji denounced the trivialization of violence and the disregard and contempt for women who were victims of violence. She emphasized the need for accountability so that political violence does not escalate into political assassinations, as it did in some neighboring countries.

Despite all these shortcomings, and despite the lack of internalization of the 2017 Law on the elimination of violence against women, civil society in Tunisia remains a strong defender of women's rights. There are now many associations engaged in monitoring cases of violence, guiding women and helping them to access the judiciary. Measures taken by the Ministry of Women add to the defense of women. The Ministry has set up a green line service for abused women, helping them to find a shelter in cases involving physical violence. Other authorities, however, remain indifferent to political violence against women.

Professor Mustafa spoke about the parties in Jordan that persistently engage in the abuse of women in the absence of complaint mechanisms and a pervasive culture of impunity. She added that, despite the absence of a special law on violence against women, there are women today taking to the courts to seek significant compensation from their abusers. We are now witnessing a campaign launched by a well-known Jordanian news anchor under the slogan "You won't break me," a campaign she launched after she experienced cyber-bullying on social networks. She decided to resort to the courts and brought a legal action against anyone involved in spreading false information about her. She called on civil society to stand against such practices that impact the enjoyment of dignity and rights by women.

Strategic litigation in matters involving gender-based violence is an option to be considered. Impact litigation is one of the most effective mechanisms adopted to safeguard rights and freedoms, and a legal action seeking to bring about change and establish a judicial precedent is important. That step would go beyond the individual case to enable the largest number of individuals to enjoy the effects of the ruling⁴⁷.

We believe that monitoring cases of violence perpetrated against women should precede the process of strategic litigation, regardless of the type and objective of these cases. There are many official structures that can help in this, such as the National Observatory for the Prevention of Violence Against Women, and there are special official bodies within civil society that can coordinate their efforts to monitor and document cases and provide legal assistance to facilitate women's access to courts. Women who are victims of political violence can consider bringing legal actions and publishing court rulings for matters related to violence, whether they are decisions that rule in favor of or against women victims.

⁴⁷ See Mona Tabei, دليل المجتمع المدني في تطبيق الفصل 49 من الدستور (Guide to Civil Society in the Implementation of Article 49 of the Constitution), International Organization for Democracy and Elections, Tunisia 2021: <https://www.idea.int/publications/catalogue/guide-civil-society-application-article-49-constitution>

Political violence against women should be reported in the national reports prepared by civil society and submitted to UN human rights bodies. These include the Human Rights Council or the Human Rights Committee that monitors the implementation of the International Covenant on Civil and Political Rights, as well as the Committee on the Elimination of Discrimination against Women.

Conclusion

The various regional meetings organized by the Forum of Federations provided an opportunity to identify the most important problems facing women in the region, which prevent them from reaching decision-making positions. All the participants highlighted the importance of exchanging ideas, experiences, and proposals, not only between the three countries covered in this study, but also among the different actors within the same country.

Despite the many differences between the legal and actual situations in different countries, the general conclusion is that there is a need to support women and help them become more independent and empowered to take their place in the public as well as in the private sphere.

After attending these regional conferences, it is clear that the low political participation of women and their weak presence in decision-making positions is only the manifestation and the result of laws and customs that govern the private space and develop within the family until they logically reach the public sphere.

It may be useful for these countries to examine discriminatory provisions in family-related laws, despite all the cultural difficulties that may impede such endeavors. The Forum of Federations may also have a role in joining the actors in the countries of the region and supporting them in claiming laws that give women and men equal rights and duties, as equal citizens.