

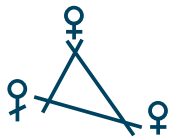
SEXUAL AND BODILY RIGHTS  
AS HUMAN RIGHTS IN THE  
MIDDLE EAST AND NORTH AFRICA

*A WORKSHOP REPORT*

WOMEN FOR WOMEN'S HUMAN RIGHTS (WWHR) – NEW WAYS  
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Women for Women's Human Rights – New Ways

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## INTRODUCTION

A workshop on *Sexual and Bodily Rights as Human Rights in the Middle East and North Africa*, co-organized by Women for Women's Human Rights – New Ways and the Mediterranean Academy of Diplomatic Studies, was held in Malta from May 29 to June 1, 2003. Twenty-two representatives of NGOs from Jordan, Egypt, Lebanon, Palestine, Tunisia, Morocco, Algeria, Turkey, Pakistan, Malta and the USA participated in the three day meeting. (*Please see Annex 1 for a list of participants and their NGOs*). Participants, all of them activists from NGOs working on sexual and bodily rights, came from different backgrounds and areas of expertise (law, health, psychology, education, and academia). Earlier regional meetings organized by WWHR-NEW WAYS (Istanbul, 2001; Beirut, 2002) had revealed the benefits of regional collaboration and enhanced the efforts to promote sexual and bodily rights in the region by providing a platform for discussion and exchange.

Following the same principle, the workshop on Sexual and Bodily Rights as Human Rights in the Middle East and North Africa was designed to exchange information, knowledge and experience in the area of sexual and bodily rights and thus provide a broader regional framework for the ongoing efforts. Furthermore it aimed at strengthening the growing network on sexuality in the Middle East and North Africa and promoting regional efforts, while maintaining the significance of national contexts and peculiar characteristics of individual cases. The objective was to establish and/or strengthen the organic and inherent links springing from commonalities in the societies' social, religious, legal and political structures and develop and/or elaborate on strategies to promote sexual and bodily rights as human rights. The envisioned outcome was reciprocal gain through the exchange where regional networking would contribute to national efforts and in turn the

national efforts and experiences would fortify the regional network. *(Please see Annex 2 for program of the workshop.)*

The concept of the workshop was developed to tackle the question of sexual and bodily rights from a comprehensive perspective with a multi-layered approach. The focus would not be merely specific issues of violations of sexual rights or subtopics of the issue, but rather sexuality as an entirety. Sexual and bodily rights would be discussed from a holistic perspective in various contexts including legal, political, health, social and on both national and international levels, with emphasis on the interconnectedness of the different factors. Through identifying underlying realities and determining overarching dilemmas, comprehensive strategies would be developed.

The workshop was structured as a series of moderated sessions where participants extensively shared their experience and knowledge and presentations from resource people of different fields of expertise. Initially participants identified the current issues and strategies regarding sexuality in their own national context and developed a framework for the meeting on emerging common questions in a moderated introductory session. Following that were two consecutive sessions with presentations and discussions on “Sexuality, transitions and legal change” and “Sexuality and sexual health” which introduced the current situation from two different perspectives, namely legal and health and identified the course of transformation in the region and emerging debates. The fourth session included a review of international documents on sexuality and the UN perspective. The discussion on how to use laws and policies brought together the previously discussed topics and explored methods of putting the knowledge into practice in the following moderated session. A comparative analysis of penal codes in the region was presented in the sixth session. On the last

day discussions on advocacy and lobbying for sexual and bodily rights on national, regional and international levels elaborated on strategies and strengthening ongoing efforts. The concluding session included an evaluation of the workshop and a review of the current prospects and emerging points from the meeting.

### **I. GENDER AND SEXUALITY IN THE MIDDLE EAST AND NORTH AFRICA: VIOLATIONS OF HUMAN RIGHTS – THE NATIONAL CONTEXT, CURRENT ISSUES AND STRATEGIES**

The introductory session of the workshop consisted of a round table discussion in which participants identified and shared pivotal issues they worked on in regards to sexuality and initial analysis on sexual and bodily rights in their particular countries and the region in general. The question posed by a participant from Egypt at the outset of the discussion was very telling in terms of the complex and elusive nature of the crucial issue at hand: “How do we translate sexuality into Arabic?” she asked. She was referring at once to the lack of a direct single word translation, to the number of terms -often distortedly used- to define sexuality, to the numerous connotations those words carried and the difficulties of speaking openly about sexuality in the region.

Even the preliminary comments from the participants introducing pervasive issues revealed the manifold nature of women, sexuality, and sexual and bodily rights. The combination of law, social practices, traditions, religious and cultural constructs intertwined to shape the concept of sexuality. This in turn necessitated a multi layered, deep and broad approach from the activists working on sexuality; working merely on a single violation of sexual rights or with a single segment of society would not suffice to enforce sexual and bodily rights. Participants agreed that even though in

most cases there were specific human rights violations to be dealt with, being able to overcome them almost always required a holistic approach and comprehensive perspective. Violations of women's sexual and bodily rights manifested themselves in all spheres of life; private, public, social and political, and founded the roots of various forms of violence against women including honor crimes, early, forced and temporary marriages, FGM. Deconstructing taboos around sexuality remained a challenge, as conservative forces reconstructed social mechanisms to control women's bodies and sexuality in order to increase their power and

### SEXUALITY AND HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

#### Common Issues and Concerns

- Sexuality is maintained as a taboo by certain political and social forces
- Several laws lead to women's human rights violations in the domain of sexual and reproductive health and rights
- Several laws legitimize customary practices that constitute women's human rights violations
- Customary practices such as honor crimes, FGM or temporary marriage are still widespread in various countries of the region
- Existing laws protecting women's rights are not implemented sufficiently
- Women have limited ownership of their bodies and sexuality
- Women's bodies and sexuality are conceptualized to belong to men, family and society as reflected in laws, customary and social practices

control over the private sphere and preserve the existent patriarchal social order. Therefore they have vested an interest in maintaining taboos around sexuality and obstructing efforts to deconstruct them.

The fact that sexuality remains to be a taboo; the discriminatory nature of the laws related to sexuality which lead to severe human rights violations; the discrepancies between law and practice; women's limited ownership of their bodies; and the underlying notion that women's bodies belonged to the family and society emerged as underlying issues and concepts which affected, and in the region's case, often hindered and violated women's sexual and bodily rights.

In terms of violations of sexual and bodily rights, current common issues in the region were identified as: marital rape, early marriages, temporary marriages, sexual orientation, premarital and extramarital sexuality, honor crimes, female genital mutilation (FGM), unmarried mothers, adolescent sexuality, unwanted pregnancies and safe abortion, and sex education.

The discussion on marriage and marital rape was a forceful example of the complex nature of the issue. Customary practices and laws had even a deeper impact on the practice of marriage in the region than interpretations of Islam, including readings of the Quran and the Islamic law, *shari'ah*. Customary laws from the pre-Islamic era, the paradoxical impact of colonialism and modernity, the socioeconomic and political structure all contributed to the construct of marriage as an unequal partnership. "The crux of the matter is the power relationship between man and woman", one participant commented, adding that facing the fear and challenging it was difficult even for advocates and researchers.

The discussion on marital rape indicated once again how this

severe human rights violation was closely tied to the patriarchal, familial and cultural structures of the societies, as well as to harmful customary practices such as bride price, forced, early, arranged and temporary marriages. A major question was raised by a participant from Aahung (Pakistan): “How are we to talk about consent and marriage in a patriarchal society where women are brought up not to own their bodies? When consent has become so blurred and undermined, how to speak about rape?”

Marital rape manifested itself as a symbol of the patriarchal construction of sexuality. The construct of the “sacredness of family” and women’s bodies being traditionally conceived to belong to the society and family which were held as higher institutions than the individual, made marital rape harder to speak about, thus less visible and more difficult to battle. Consciousness raising, not only of women, but also of law makers and practitioners was crucial. As a participant from Jordanian Women’s Union (JWU) exemplified this could be difficult yet yielding. They had a gender sensitivity training for judges, where even though initially there was strong resistance, by the end of the training they succeeded in getting one third of the participating judges at least thinking about gender equality. To illustrate her point further, she referred to the marital law reform in Jordan (2001) which raised the legal age for marriage to 18 for both men and women. “Even though the law has been reformed, the judges are not convinced, so it cannot be effectively implemented.”

Women’s limited ownership of their bodies emerged as an obvious hurdle for women exercising their sexual and bodily rights. In most countries in the region, rapists marrying women they raped not only provided legal acquittal for the rapist, but also an approved solution by the society to restore the honor of the woman’s family. The approach to sexuality and women’s sexual

and bodily rights manifested itself in the construct of marriage. Participants agreed on the necessity to use the law to prevent marital rape, as many other violations of sexual rights; however, they also emphasized that law in itself could only be used as a tool to break down the taboo and challenge the social constructs.

### COMMON HUMAN RIGHTS VIOLATIONS RELATED TO SEXUALITY AND REPRODUCTIVE RIGHTS

- Marital rape
- Early marriages
- Forced marriages
- Temporary marriages
- Honor crimes
- Criminalization of homosexuality in certain countries and discrimination based on sexual orientation
- Constraint of adolescent, premarital and extramarital sexuality through law or social norms
- FGM
- Unsafe abortion
- Rape, sexual harassment and sexual abuse
- Human rights violations of women who have children out of wedlock and children born out of wedlock in matters of custody, inheritance etc. and discrimination based on “illegitimacy”

## II. SEXUALITY AND TRANSITIONS IN GENDER IDENTITY IN THE MIDDLE EAST AND NORTH AFRICA: IMPLICATIONS FOR LEGAL AND POLITICAL INITIATIVES

In this session, Dr. Sherifa Zuhur’s presentation of “Sexuality, Transitions and Legal Change in the Middle East and North Africa”

elaborated on changes that were taking place in the region, the clash between laws and practices, the effects of the so-called modernization and the recently rising phenomena of the backlash and polarization.

Dr. Zuhur stated that even though the last century had witnessed significant changes in societies throughout the world, change was always resisted. She argued that the recent legal reforms in the region did not transform the construct of authority as masculine and “myth of modernization” had failed to bring forth freedom as the view of sex roles that have been internalized have not really changed. Women in the public sphere were still perceived as a threat and as the workspace was defined as masculine, women in leadership positions had to assume masculine roles. However, she pointed out that this gender divide did not simply originate from religion, but was the result of the combination of the historical, social and economical constructs.

While referring the importance of law, Zuhur stressed that several human rights violations concerning women’s sexual and reproductive rights in the region are caused by customary laws. She also argued that there was no major difference between the basis of laws in Islam and the West. For example, the practice of blood money has been adopted by Islam from customary law. Family law was partially derived from *shari’ah* and partially from others. She argued that practices such as polygamy, definition of divorce, lack of alimony, custody, forced marriages etc and their regulation by written and unwritten laws all went back to women and control of women’s sexuality.

She proposed reform of the family laws based on customary laws and *shari’ah* to civil law as one possible solution, as was attempted in Jordan and Egypt, though not with complete success. Most

reforms were done by the state and though it was easy for the state to introduce them, it was hardly ever enough. For implementation, good politicians and politics representative of groups was essential. Zuhur argued that politics involved various forms of collective action.

*Violations of women’s sexual and bodily rights do not simply originate from religion, but rather are the result of the combination of historical, traditional, social and economical constructs. Many violations in the region such as early, forced and temporary marriages, lack of alimony, honor crimes, stem from traditions and customary laws.*

Returning to the phenomenon of backlash, Zuhur identified the trend of equating feminism with blasphemy. The recent legal changes were viewed as a threat to the traditional family structure and the reassertion of family values were used to identify the reforms as threats to public morality. Dr. Zuhur argued that in these cases political support was very important in fighting the backlash. She said that the transfer of power from one single body to a bigger group, as in the case of Kuwait and Jordan, might set a freer and broader space to implement change.

The discussion following the presentation revealed the dangers of women being used in this backlash, and the importance of the legal framework. The socialization of man and woman and masculinity and femininity as cultural constructs, once again rose up as roots of the problem. It was suggested that women in the region were benefiting from the globalization of the women’s movement as governments were forced to put on a good face to

the outside world. "Who would believe police in Algeria would be speaking about gender, but they are now," a participant from Réseau Wassila reported.

The rise of the conservative religious right and nationalist movements and such political forces coming into power has also hindered the realizations of sexual and bodily rights and public discussion on the issue. Working with conservative religious right and nationalist governments presented a challenge for advocates of sexual and bodily rights and there might arise a tendency on the part of the activists to draw back from pressuring such governments for political and legal change due to fear of threat and/or seeing little prospect for achieving any positive change. However, as a participant from WWHR-New Ways (Turkey) pointed out, even with conservative forces in power, it was still possible to successfully advocate for sexual and bodily rights when women's movements' put forth resolute efforts and devised appropriate strategies. The campaign for the penal code reform from a gender perspective in Turkey had been launched before the religious right came to power. When the new government came to power, the Women's Penal Code Platform made a conscious decision not to step back and persist with their demands to eliminate discrimination against women in the penal code draft law. Even though the draft law is still under review in the Justice Sub-commission of the Turkish Parliament and whether the draft law will be passed with the necessary amendments remains to be seen, so far the platform has succeeded in lobbying the government and MPs and getting the majority of the demands accepted in the sub-commission.

### III. SEXUALITY AND SEXUAL HEALTH: CURRENT STATUS, OBSTACLES AND OPPORTUNITIES

The third session of the workshop consisted of a presentation and discussion of sexuality and sexual health in the region. Dr. Faysal Elkak, M.D. from American University in Beirut and executive board member of the Lebanese Family Planning Association, presented issues of sexual health in the Middle East and North Africa from a perspective of sexual and bodily rights as human rights. He explored the concept of sexuality, its evolution and the current status of sexual health and health care providers. In conclusion, Dr. Elkak provided examples of emerging enabling activities and challenges, drawing attention to the significant changes in society, law and family structures and suggested the need to relook over laws and policies and work from within the society. The following discussion elaborated on new tactics from different countries in the area of sexual health and tackled the questions of sex education further.

Dr. Elkak started his presentation by drawing attention to discourses of sexuality, including the emerging ones and the state-religion-society triangle affecting the sexual order. He argued that factors like the delayed mean age at first marriage (increased biosocial gap), waves of large emigration, globalization and modernization challenged traditional approaches to sexuality and sexual health and led to conflicting values and practices. Sexuality is affected by numerous factors such as biological, social, psychological, cultural, religious and is a permanent aspect of human life encompassing sex, gender identities and roles, orientation, and eroticism. Sexual health is strongly tied to the complex nature of sexuality in society and the taboos around sexual and bodily rights directly reflect on sexual health.



Elkak identified sexual health as a “public health challenge” and argued that the epidemiological transition in the MENA region, including the decrease in mortality rates, changing life styles and

### SEXUAL AND REPRODUCTIVE HEALTH IN THE MIDDLE EAST AND NORTH AFRICA

#### Obstacles:

- Limited scope of reproductive health services and lack of sexual health services
- Service providers' lack of readiness
- Taboos around issues such as premarital sex, STIs, sexuality and sexual dysfunction through life-cycle
- Inadequate sexuality education in formal and informal sectors
- Male attitudes, gender constructs and social taboos
- Restrictions by laws and policies
- Fear of stigmatization
- Political system in alliance with religious forces

#### Opportunities:

- Law and policy reform
- Increasing research
- Adoption of the ICPD recommendations widening the classical approach of Mother and Child Health and Family Planning to a Reproductive Health approach including Sexual Health
- Ongoing information, education and communication (IEC) activities to promote sexual health and rights
- Increasing advocacy and lobbying for policies, services and IEC

sexual practices, was also transforming the approach to sexual health. However, sexual health services and health care providers were often insufficient to meet the needs. The providers' lack of appropriate training caused them to be uncomfortable on issues of sexual health and the unavailability and inaccessibility of services also rendered sexual health care difficult.

The lack of sex education and the state's approach to the issue was exemplified in the case of Lebanon: the attempt to introduce sex education into middle school curriculum was hindered by the state, who thought it appropriate to add the program designed for middle school students to the high school curriculum on the grounds that middle school was too early to begin sex education. The poorly integrated sexual health services, such as reproductive health services and the lack of readiness on behalf of the providers were also pinpointed as obstacles to sexual health care. Underlying these impediments was once again the taboos around sexuality. Unspoken sexual issues such as premarital sex, sexual dysfunctions, and sexual orientation also prevented access to sexual health care providers. Fear of social stagnation, the alliance between the political system and religious groups combined with the ambivalent values of community and family and the traditional patriarchal system indicated once more the direct correspondence between sexual rights and sexual health.

Despite the obstacles, Dr. Elkak drew attention to the opportunities in the region with the changing of laws and policies and increasing research. The adoption of ICPD recommendations in a broader sense of reproductive health, including sexual health, rather than the traditional approach of only mother-child health and family planning paved the way for better sexual health care systems. Ongoing programs such as the National AIDS program and hotline services in Lebanon, new national policies on sexual and

reproductive health in Morocco, Egypt, Yemen, Lebanon, Syria, Tunisia, Jordan such as information provision, youth leadership and sexual education were strong indicators of change in the region. Furthermore advocacy and lobbying of government institutions already proved yielding in countries like Egypt, Syria, Yemen, Djibouti and Lebanon for initiating new policies on sexual health and raising awareness. Trainings on sexual health for providers, teachers, youth, and young women were being conducted throughout the region.

Following the presentation, participants shared their own experiences in relation to sexual health and their concerns, primarily on sexual education as administered by the state. It was commented that sex education had traditionally been provided by older generations (i.e. grandmothers) and the shift from extended family structures to nuclear ones had also contributed to the current lack. Best practices included the cooperation of the Turkish Family Planning Association with the Directorate of Religious Affairs in Turkey in which they had disseminated to the *imams* (prayer leaders of mosques) a booklet on sexuality, encompassing information on reproductive health, sexual transmitted diseases etc, stamped with approval from the directorate and the imams had actually begun to use them in their *vaaz* (sermons). The conference organized in Lebanon this year by *Hurriyat Khassa* (Private Liberties), a human rights NGO, on sexual orientation, dignity and rights in penal law and proposed amendments had also been a landmark, considering homosexuality was still considered a crime in the country. In Jordan, after five months of lobbying the Minister of Education, activists had succeeded in including a chapter on reproductive health in a manual for children. The gradual yet accelerating change of approaching sexual health as a rights issue, rather than merely a health issue was pinned

down as a major advancement paving the way for more effective discussion and work on sexual health both in the region and globally.

#### IV. SEXUAL AND BODILY RIGHTS AS HUMAN RIGHTS IN INTERNATIONAL DOCUMENTS

This session explored sexual and bodily rights in international documents and recent United Nations events in which the issue was discussed. Ms. Adrienne Germain, president of the International Women's Health Coalition (IWHC) presented the basic format of UN documents, history and present of sexual and bodily rights in the UN, the problems with the agreements and the current situation in the United Nations with the Bush administration.

Ms. Germain briefly reviewed the two types of UN documents, namely binding and non-binding. While stating that non-binding documents are only consensus agreements and did not put governments directly under responsibility, Ms. Germain stressed that as statements of principle, these documents were often significant as they tended to elaborate on legally binding treaties by clarifying and defining certain terms and clauses and indicating courses for action. On the other hand, she pointed out that these agreements could sometimes be hard to enforce as they were results of negotiations and might contain inconsistencies. Furthermore, sometimes these agreements were less advanced than national laws and policies and thus were non effective tools for advocacy. For example, abortion laws in Turkey and Tunisia were much more progressive than UN agreements and even though the UN treaties do not provide treatment rights for HIV cases, Brazil already has a law for right to treatment for HIV.

Bearing this framework in mind, Ms. Germain proceeded to discuss sexual and bodily rights in UN documents. The actual phrases

“sexual rights” and “bodily rights” did not appear in the UN documents and references to these rights were scattered throughout various documents, that is to say there was no single document encompassing sexual and bodily rights as a whole in the UN system. The 1993 Vienna Conference was a landmark as it was the first time women’s rights were acknowledged as human rights. Also in Vienna, significant gains were made in reproductive rights including “access to health care and widest range of family planning services” for women.

The shift in Cairo only one year later was a dramatic change. The debate on bodily integrity during ICPD in Cairo, 1994 resulted in the inclusion of the phrase “physical integrity of the human body” in the outcome document. Sexual health and rights were also extensively debated during the meeting. Though governments tended to prioritize and agree on reproductive rights (of individuals and couples), “sexual health” was subsumed under “reproductive rights.” Reproductive health was defined as an individual right for all ages with all means and service quality. Sexual health was defined as “safe and satisfying sexual life” and though there was no direct reference to sexual rights, the implication was there. “Sexuality” was used, with the term “mutual respect and equality”, however it was not elaborated upon as human rights. Adolescents’ right to information and counseling, actively discouraging harmful practices, unsafe abortion as a major public health problem were also issues on which significant progress was made.

Ms. Germain referred to everything since Cairo as “embroidery” and stressed that all that has been gained since Cairo was maintained up to the present. However, with the threats from the current Bush administration, the Vatican and some Islamic states, the struggle to reverse the situation was a major challenge to be met. A

significant advance was made in Beijing (1995) where a definition close to the definition of sexual rights was obtained in the outcome document. Paragraph 96 included the sentence “The human rights of women include their right to have control over and decide freely and responsibly matters related to their sexuality.” Largely due to women’s efforts, the language used in the UN was changing and government support was widening in some respects. Even though it was only a statement of principle, consent and equality between men and women for reproductive and sexual rights was included in the document. For the first time, there was open debate on sexual rights in the UN, including right to abortion and sexual orientation, with fierce opposition from Vatican, some Roman Catholic and some Muslim countries who claimed that sexual rights was only being used to camouflage sexual orientation. The tactic was echoed years later when the Bush administration wanted to remove reproductive health claiming that it referred only to abortion.

The end of the millennium also witnessed more advances with ICPD+5 and Beijing+5 where the traditional practices of forced marriages and honor crimes were addressed for the first time in international documents, calling governments to take all kinds of measures for their eradication. Sexual orientation was brought up once again without successful outcomes. The outcome document following the special session on HIV/AIDS called governments to “empower women to take control over their sexuality”, another important step forward.

At this point, Ms. Germain once again referred to the detrimental policy of the Bush administration as exemplified in CSW 2003. The attempt to adopt a resolution on violence against women had resulted in a complete breakdown with the US, Iran, Egypt, Sudan and Pakistan alliance and in the end, the decision had been not to

have a resolution, a first in UN history. Germain stressed the threat presented by the gravity of the situation and urged participants to increase their efforts in pressuring their governments.

### LANDMARKS FOR WOMEN'S SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS ON THE UN LEVEL

- At the UN World Conference on Human Rights in Vienna in 1993, the human rights of women and of the girl-child were declared as “an inalienable, integral and indivisible part of universal human rights” for the first time.
- At the UN International Conference on Population and Development (ICPD) in Cairo in 1994, women's reproductive and sexual health and rights became a central element in an international agreement for the first time. The phrase “the physical integrity of the human body” was included in the outcome document, the central role of sexuality and gender relations in women's health and rights was recognized and reproductive health was defined as an individual right for all ages. It also stated that “information and services should be made available to adolescents” on issues of sexuality and recognized unsafe abortion as a major public health issue.
- At the UN Fourth World Conference on Women, in Beijing in 1995, women's human rights were declared to include “to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of

coercion, discrimination and violence.”

- At Beijing +5 (The review of the Fourth World Conference on Women) in New York in 2000, traditional practices of forced marriages and honor crimes were addressed for the first time in an international document, calling governments to take all necessary measures for their eradication.
- At the UN General Assembly Special Session on HIV/AIDS in New York in 2001, governments were called to “empower women to have control over and decide freely and responsibly on matters related to their sexuality.”

The immediate discussion following the presentation concerned the realities of the regional governments and the often nonnegotiable national contexts. As a participant from Pakistan noted, “How to say these rights exist, when they in fact do not exist in the reality of a nation?” As non-binding UN agreements took into account national sovereignty and thus provided no enforcement, it was more difficult to hold governments accountable on the national level. However, participants did agree on ways to pressure governments, with effective lobbying in the region for UN procedures, preparing shadow reports and more active participation. NGOs from the region had to become more visible in the UN and challenge their governments. The issue of UN's diminishing credibility following the Iraq War was also presented as a concern, but it was suggested that this may be used as an advantage with the anti-American trend being rather dominant. In conclusion, participants agreed on the need to revise strategies and make use of UN procedures and agreements to

pressure their government on issues of sexual and bodily rights.

## V. SEXUALITY AND THE PENAL LAW IN THE MIDDLE EAST AND NORTH AFRICA

The session on sexuality and penal law consisted of a presentation by Dr. Sherifa Zuhur, in which she shared with the group a comparative study on penal codes in the region. In the beginning of her presentation Zuhur pointed out that, traditionally, discussion of women's rights and discrimination against women in the legal domain had been limited to civil codes and personal status laws, however it was becoming more and more evident that legal reform for women must address the penal code as a central issue as well. As Zuhur noted "penal and criminal codes amply illustrate the primary social identification of women as reproductive and sexual beings who must be constrained by the family and the state."

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Zuhur illustrated the modern day penal codes in the region had evolved from a mixed and complex tradition and as is the case with other present laws could not be read without reference to the history. The roots of the criminal system in the region could be traced back to the pre-Islamic customary tribal laws where the clans held the authority over women's bodies. Due to the social structure of the era, punishment for crime was exercised in the form of retaliation which directly affected women as they were regarded as property of reproductive value for the clan. The Islamization of the region introduced a new legal authority, that of the religion and the rule of *shari'ah*, however the shift was not immediately fully realized as decentered tribal authority was still pervasive in the region. The combination of tribal laws and *shari'ah* had later been influenced by the colonial presence in the region which introduced punishment in place of retaliation. In conclusion,

the modern day law emerged as a peculiar fusion, inheriting characteristics from tribal laws, *shari'ah* and pre-modern Western codes.

Dr. Zuhur then moved on to present comparative analysis of approaches to sexual and bodily rights in the current penal codes in the region. She discussed violations of sexual and bodily rights separately, using examples from different countries and pointing out to the origin and evolution of the approach to the particular crime. Adultery was considered one of the seven serious sins in *shari'ah* and it was also forbidden for men to have sex outside marriage. On the other hand, men were allowed to contract multiple marriages, have sexual relations with their slaves or concubines, and could also contract temporary marriages, but these did not constitute adulterous acts. Presently, even though the crime of adultery has been annulled (Turkey) or laws have been equalized to consider adultery a crime for both men and women (Tunisia) in some cases, most countries continued to discriminate against women in instances of adultery and foresaw severe punishment. In Iran adultery is considered a more severe crime than murder, punishable by flogging or stoning. In Egypt punishment for adultery of women could be up to two years, whereas for men it is only up to six months (and that is only if he is caught in the marital home).

A major human rights violation in the region, so called "honor killings", is in most cases not effectively penalized but rather almost encouraged by the penal codes. The practice, dating back to the pre-Islamic era, was reinforced with the concept of "*saraf*" (a version of honor) determined solely through women's sexuality. Many countries offer serious reductions for honor killings (Jordan, Syria, Turkey, Kuwait, Egypt) and in most, the reduction of sentence is applicable to only men. Even though honor killings are

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premeditated, planned murders, they are misconstrued as “crimes of passion” and the overarching perspective is that men have the right to punish women for improper sexual behaviour. Rumors, gossip, money, all continue to serve as pretexts for honor crimes and the ambivalence on the governments’ part to take the necessary measures is appalling.

Zuhur stated that Islamic law traditionally treats rape not as a crime against god (as in the case of adultery), but as theft or violation of property, in this case property of sexual and reproductive value. Most countries still classify rape (and other forms of sexual assaults) as a crime against “public decency and family order”, echoing the traditional belief that the woman’s body belongs not to herself, but rather to her father, husband or the society. The penal codes in the region, like their Western counterparts, also differentiate between forced and “consensual” rape. Marital rape is not acknowledged as a crime in the penal codes of countries in the region, though activists in countries like Turkey, Jordan and Tunisia are intensely lobbying to include marital rape in the reformed penal code draft laws. Zuhur also argued that rape as a political crime, as seen in Bengal, Lebanon, Algeria, and Kosovo in recent history, should be specifically addressed in the penal codes.

Abortion is illegal in most countries in the region, except for cases of emergency. Even though abortion is permitted in most schools of Islamic jurisprudence, usually it is regarded as premeditated murder in the penal codes. In Turkey and Tunisia however, abortion is legal. Egypt, Syria, Lebanon, Morocco, Pakistan, Algeria, Saudi Arabia are among countries that legally permit abortion to save the mother’s life. In others like Sudan, Iraq and Israel it is allowed in case of rape and incest. Dr. Zuhur pointed out that the United States’ anti-abortion policy with the Bush administration further

hinders the efforts in the region to legalize the procedure and the fight for women to win control over their reproductive rights will be a arduous one.

Homosexuality is still considered a crime, in most cases classified under “crimes against society and public decency.” Punishments range from fines to prison sentences, although in Iran it can still be punished by death or stoning. Under *shari’ah*, even though it is classified under acts of *zina*, no specific punishment is declared. In many cases, laws prohibiting homosexuality are not enforced in the region, though in some cases, recently in Saudi Arabia and Egypt, people have been put to trial and sentenced to death or prison. Zuhur argued that lesbianism is regarded as more threatening, because it undermines the patriarchal structure of society, but unlike the common misperception in the West, a gay culture in the region exists and has existed in the past despite the social pressure.

Other issues addressed by Zuhur included sexual harassment, the consideration of children born out of wedlock as “illegitimate”, prostitution and FGM. As in the West, sexual harassment is a violation that has recently come up on the public agenda in the region. For the most part it is either not addressed or remains insufficiently penalized. It remains one of those issues authorities tend to view as a “Western import.” Viewing children born out of wedlock as “illegitimate” and depriving them of rights like inheritance is prevalent in the region and a woman bearing an “illegitimate” child still serves a major pretext for honor crimes. Turkey has dropped the concept of “illegitimate children” from the civil code in 2001, granting custody of children born out of wedlock to the mother and giving them equal inheritance rights if their descent is established through birth, recognition or court ruling. In countries like Egypt illegitimacy remains a major impediment in

the nationality laws and in Morocco it can still be punished with imprisonment.

Trafficking, another major problem in the region, is mostly not penalized. Prostitution is legalized in some cases, as in Turkey and even where it is criminalized or illegally done; it is not punished severely for men. FGM is still practiced in the region; research

#### COMMON ASPECTS OF PENAL CODES IN THE REGION IN REGARDS TO WOMEN'S SEXUALITY

- Adultery is still considered a crime in many countries in the region including Egypt, Iran, Pakistan and Jordan. Most countries discriminate against women in adultery laws and foresee more severe punishments.
- Honor crimes are not effectively penalized, but rather often almost legitimized by the penal codes of the region. Many countries including Jordan, Syria, Turkey, Egypt, Morocco and Lebanon offer sentence reductions to honor killing perpetrators.
- Marital rape is not acknowledged as a crime in the penal codes of the countries in the region, though activists in countries like Turkey, Jordan and Tunisia are intensely lobbying to criminalize marital rape.
- Most countries classify sexual crimes under crimes against public decency and family order instead of under crimes against persons.
- Abortion is only permitted to save the woman's life in most countries in the region including Egypt, Syria, Lebanon, Morocco, Algeria, Pakistan. It is only legalized in Turkey and Tunisia.

- Homosexuality is criminalized in most countries in the region. Punishments range from fines to prison sentences, although in Iran it can still be punished by death or stoning.
- Other common women's sexual and bodily rights violations in penal codes of the region include lack of adequate provisions on rape, sexual harassment, FGM, trafficking.

indicates that 130 million women are affected by the customary practice. International and national policies and measures remain insufficient as it is regarded as a traditional Muslim practice and hence a sensitive issue to cause controversy.

In conclusion, Zuhur stated that even though the present penal codes in the region widely discriminating against women violate CEDAW, the misapplication of cultural relativism permits the continuation of such practices. Furthermore, most countries declare men and women as equal citizens in their constitutions (including Lebanon, Egypt, Jordan, Morocco, Syria, Tunisia, Turkey, Pakistan, Iraq) therefore the proceedings in their penal codes are in direct violation of their own constitutions. In answer to why there have not been more aggressive campaigns to reform the penal codes, Zuhur referred back to the commodification of women and women's lack of ownership of their bodies, the lack of women's representation in the public sphere, effects of fundamentalism and misapplications of *shari'ah*. As Dr. Zuhur's presentation clearly revealed, the issue of penal code reform is very pressing and crucial for the realization of sexual and bodily rights as human rights and the struggle ahead appears to be a long and challenging one.

## VI. SEXUALITY AND LAW IN THE MIDDLE EAST AND NORTH AFRICA: NATIONAL ISSUES AND STRATEGIES

Following the presentation by Dr. Zuhur on sexuality and the penal codes in the region from a comparative perspective, the sixth session consisted of a moderated session on how and when to use laws and policies on the national level, current opportunities and obstacles and examples from experiences in different countries. The discussion confirmed that changing laws and policies was imperative, but also indicated that the process was often long-term, challenging and case specific. It was also repeatedly mentioned that without transforming the principles and philosophies underlying the laws, any permanent change would be very hard to achieve. Thus all efforts to reform laws and change policies should take a holistic approach, even when concentrating on one specific issue or law, and all advocacy and lobbying should be accompanied by consciousness raising, capacity building, education and training activities in order to ensure the implementation of the change.

Having a broad, well planned and long term strategy emerged as a vital tool to bring about change during the discussion. Participants commented on the benefits of employing different methods for different cases: while some issues required broad publicity and coverage, in other instances it proved more yielding to have a quiet campaign directly targeting official bodies. In some cases aggressive campaigning could prove useful, while in others cooperation with the political parties and government authorities with an affirmative attitude would be more beneficiary. In any case, a sound assessment of the issue at hand, accurate analysis of the parties involved and what is at stake, and evaluating the social and political context were all essential for developing an effective strategy.

In relation to well developed strategies, using political circumstances at hand was also identified as a major component. The tendencies of the government in power, -be it conservative, religious right, reformative or liberal- the presence of a strong government or the lack thereof, a coalition or a single party rule, transitional governments and even cases of backlash could all be used to create an advantageous setting for advocates and activists, provided that the right approach could be adopted. In this process effective use of the parliament, legal and governmental bodies and the media proved helpful in many cases. Open or secret allies in the government, media and public institutions were often useful in promoting change and determining the course of events and actions. Another tool to be employed in conjunction with the efforts to change laws and policies was to work on changing attitudes in society and the government in order to gain wider support. Often, the relationship between laws and attitudes were reciprocal; that is to say change in either could trigger change in the other or initiate further development. Most effective ways for changing attitudes were identified as use of media, training and educational tools.

Even though the above mentioned methods were employed successfully in a number of cases, for most countries in the region, activists had to struggle against major obstacles while striving to change laws and policies on sexual and bodily rights. The political situation in many countries of the MENA region remained a major impediment. Factors such as the unstable governments, rising fundamentalism, persistent militaristic conflict in the region could hinder the efforts and disrupt the necessary context to initiate change. Participants also referred to financial difficulties in implementing the changes and the lack of funds allocated by governments and the state for issues concerning sexuality and



bodily rights. The dynamics of the relationships between NGOs, activists and the government were also confirmed to be problematic. In many states like Egypt, Algeria, Tunisia and Palestine, little dialogue existed between the state and civil society and ties were severed. The lack of collaboration and communication, and sometimes resistance -especially on the state's part- hindered activists' efforts.

### SUCCESSFUL STRATEGIES TO PROMOTE SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

- Adopting a holistic approach for the reform of laws and policies
- Having a broad, well defined and long-term action plan
- Identifying the right strategies for campaigns and advocacy
- Taking advantage of opportunities for advocacy and changing political and social circumstances
- Having allies in the government, media and public institutions
- Supporting advocacy and lobbying efforts with research and consciousness raising, capacity building, education and training activities
- National, regional and international networking

Despite the obstacles, the changes in the region and successful examples were many and inspiring. In Turkey, the efforts of the women's movement had been very lucrative and the last five years had witnessed revolutionary changes. The law on protection order for domestic violence had been passed in 1998, virginity testing

had been banned in 1999 with a statute issued by the Ministry of Justice, the civil code had been reformed to grant full equality to women in 2001 and a campaign to reform the penal code from a gender perspective was presently underway. In Tunisia, the campaign against violence between 1991 and 1993 had succeeded in making violence against women punishable by law.

In Jordan after a two year period without a parliament, the new parliament included six women MPs. The transition period was crucial, reported a participant from Jordan and it may be a good time to increase pressure for changes in laws relating to sexual and bodily rights. The campaign against violence against women was launched in 1994 and had resulted in the foundation of a hotline, women's center and shelter. The laws currently under reform included the civil law, nationality law (presently women can not pass on nationality) and transportation laws which grant men the control of women's right to travel. As a result of the campaign of the Jordanian women's movement, the legal age for marriage had been raised to 18 for both men and women, though not yet fully implemented and the reform on honor crimes had failed despite pressure from the women's movement. Another significant achievement was the agreement with forensic medicine allowing women subject to violence to go directly to forensic medicine and get their reports and then decide if they want to go to the police. On issues of abortion, sexual harassment and rape, the campaigns in Jordan have not yet been successful.

In Morocco, the alternative coalition government including socialist, left-of-center, and nationalist parties and headed by the opposition socialist leader Abderrahmane Youssoufi which came to power in 1998 had proved a good opportunity for women. Violence against women gained public recognition and a working strategy against violence was developed. There was more cooperation with

the NGOs, cells for raped women were established in hospitals and focal points for violence were put in police station. Reform propositions for the penal code and labor code have been presented to the parliament in May 2003. However, participants from Morocco also reported the rising Islamist fundamentalism, lack of sexual education, discrepancies between law and practices, and discrimination against homosexuals as current obstacles. One participant noted that sexuality could still only be addressed in terms of sexual violence and discussion on the subject remained restricted.

A major achievement was realized since the meeting in Morocco. The new family law in Morocco which was being reviewed in the commission at the time of the meeting has been passed in January 2004 to grant women equality in the family. The provisions in the new family law entitle adult women to self-guardianship, make women equal partners in marriage, grant women the right to divorce and custody and though not banning polygamy, take measures to prevent the harmful practice (a woman can impose a condition in the marriage contract that her husband does not marry other women and the first wife can file for divorce based on harm suffered due to polygamy).

Participants from Algeria expressed the difficulty of challenging the lack of political will on the part of the government, especially for changing laws and overcoming the problem of conservatism. Even though the new government had five women ministers and the ministry of women was tackling important issues such as adolescent sexuality and marital rape, they were not willing to include women's NGOs in the new commission being established to represent different points of views on women's issues. There had been some successful cooperation with the ministry of education for sexually abused children and awareness raising with the media

and forensic doctors had proved effective.

Through the persistent efforts of activists, in Egypt, there has been a change in policy in FGM, even though the practice is still prevalent and has yet to be criminalized in the penal code. The Minister of Health has issued a decree banning the practice of FGM in 1996. The decree was controversial and provoked resistance from certain Islamist groups. It was overturned and then revalidated in the Court of Cessation. Also, the state has moved towards the medicalization of the practice allowing it to be performed by licensed professionals. The participants from Egypt identified research as a primary strategy in the process of eradicating the practice of FGM. Recent studies on honor crimes and attitudes of judges and media were expected to contribute to the advocacy efforts against honor crimes in Egypt. The numerous examples reaffirmed the various different strategies that could be employed to bring about change in laws and policies and that a combination of applicable ones would prove to be most effective.

## VII. ADVOCACY AND LOBBYING ON SEXUAL AND BODILY RIGHTS ON THE NATIONAL AND REGIONAL LEVELS

Following the two days of discussion approaching sexual and bodily rights as human rights from various perspectives such as legal, medical and international, the workshops of the last day were designed to develop potential strategies of advocacy and lobbying on local, national, regional and international levels and determining tools that could be shared and best practices that could be employed in the process. The previous discussions had situated the question in a broad comparative framework. The multi variables in promoting sexual and bodily rights as human rights in the region were dependent and interconnected. The session on advocacy and lobbying on the regional and national level consisted on sharing

examples of national work that could feed into the regional efforts to promote sexual and bodily rights as human rights.

A participant from Aahung, Pakistan related their work to enhance education programs and clinical services in the field of sexuality and sexual health. Their experience with health care providers had been rather rewarding: they had started with community health providers through signing standard protocols for information. The goal had been to improve the social skills of the providers and train them to regard the issue as one beyond a mere physical health question. She stressed that training by itself would not be sufficient and lobbying health care providers and government bodies to integrate sexual health into protocols was necessary. Training in medical schools and working in collaboration with large national NGO networks had proved fruitful. While other participants agreed that the strategy had been successful in Pakistan, they raised the question of the difficulty of working with government doctors because of their attitudes towards sexuality, due to lack of training and research, as in the case of Egypt.

A participant from Lebanese FPA then stated that one useful strategy to work with the government would be to convince the state of the benefits of changing approaches to sexuality in public health by making use of surveys on health providers' attitudes. Another positive example was provided by a participant from ZENID, Jordan in which youth developed their own program in the framework of media and development, making films, writing drama etc. on sexual and bodily rights. She stressed that another important section of society to work with was the religious leaders to find ways to integrate sexuality into their work, primarily on gender and reproductive rights issues. Sharing material on sexual and reproductive rights from a religious perspective was also mentioned as a useful advocacy tool.

In the case of Palestine, collaboration with the welfare ministry was an ongoing example for operating a women's shelter. The Women's Center for Legal Aid and Counseling in Palestine would run the shelter for two years while training staff from the Ministry so that they could take over the management. They also had trainings for social workers and lawyers in an attempt to network them. The participant pointed out that even though they could not explicitly speak about sexuality, they could discuss issues related to sexuality. In Morocco, ADFM held trainings on sexuality, without explicitly using the phrase. They held trainings for medical personnel and university doctors (not only gynecologists), as well as teachers. They were working on the integration sex education into the curriculum and also reaching a larger section of society.

*The region has witnessed significant achievements with the legal reforms in countries including Egypt, Turkey, Morocco, Tunisia, Jordan and Lebanon through the efforts of NGOs and activists. Issues of sexuality and violations of sexual and bodily rights have been rendered visible and placed on public agenda. However, the realization of sexual and bodily rights as human rights remains a challenge to be met bearing in mind that the multi variables in promoting sexual and bodily rights are interdependent and interconnected.*

A participant from the FPA in Turkey offered an example for advocacy from their work with the national commission for women's health on girl children's rights. She stressed the importance of having continuous face to face relationship with the government, a solid network and a multi-step plan: in their case, they had collected data, organized round table discussions with experts and government officials and were now organizing a

meeting for 200 NGOs nationwide, at the end of which they would invite government officials to present their recommendations. She argued that after establishing national partners, creating a regional platform would be beneficial to develop an action plan for changing policies. She also stated that her organization could contribute in the formulation of the platform and provide trainings for advocacy.

This example gave rise to a discussion on family planning associations and their approaches to sexual and bodily rights. It was agreed upon that FPAs could be a great ally for advocacy on sexuality; however this could only be the case if they shared the same philosophy and they did not regard family planning merely in terms of "population". A participant from Lebanon stated that there were 18 IPPF member family planning associations in the region and they could serve as beneficial partners. It was also mentioned that having consultative status to ECOSOC as an NGO entitled the NGO members to participate in ECOSOC meetings which provided the opportunity for international lobbying. Once again it was agreed that effective advocacy and lobbying required sharing resources (i.e. a participant from Jordan commented on the enormous data they collected from the hotline and their campaigns however they lacked the tools to make proper use of it), capacity building and networking.

At the conclusion of the session, various strategies were developed to strengthen the efforts of advocacy and lobbying for sexual and bodily rights as human rights in the region. Actively using the listserv to share information, having regional trainings (i.e. A participant from the Association of Tunisian Women for Research about Development (AFTURD) suggested having a seminar on sexuality in Tunisia), collaborating for research and translating the existent research, seeking funding for regional projects from

organizations like IPPF, sharing training programs, making use of public events and collaborating with human rights groups and other NGOs, putting sexual rights on EUROMED's agenda and networking with other professionals (doctors, lawyers, judges etc.) were among the propositions. Finally, it was reemphasized that even though using a medical or legal window could prove beneficial, sexual and bodily rights should be regarded as a political issue and particular conditions of each country and case should always be taken into consideration.

### VIII. ADVOCACY FOR SEXUAL AND BODILY RIGHTS ON THE INTERNATIONAL LEVEL

International advocacy and lobbying, primarily on the UN level, was explored in this session. Ms. Germain made a presentation on the upcoming UN events and the current situation and participants shared their experiences with the UN processes in the past and discussed potential participation for the near future.

Ms. Germain started her presentation by stating many of the governments of in the MENA region were not very cooperative in advocating for sexual and bodily rights in the UN. She argued that actually the UN provided room to move away from political manipulations on the national level and in some cases it may be easier for NGOs to engage with governments on the UN level. Often to establish or preserve a certain image in the UN, governments wanted to put on a progressive face which could be used in favor of the NGOs' demands. Germain added that effective participation in the UN from an NGO perspective required deeply rooted and experienced activists and achieving solidarity on the national level.

A number of regional meetings and global negotiations of relevance to sexual and bodily rights were upcoming in the UN;

and the current situation in the UN, pressure from the Bush administration to obstruct any progress and even overturn the already achieved gains on sexual and bodily rights, made the state of affairs even more critical. Germain emphasized the need to have advocates from the region actively participate in the process to hold their governments accountable and lobby against the threat of backlash.

*Over the last decade, sexual and reproductive rights and health terminology have been under sustained attack at the UN level, from a small and determined coalition of conservative governments, primarily the USA, countries from The Organization of the Islamic Conference (OIC) and the Holy See (The Vatican). In face of the current situation which threatens to obstruct progress and even overturn the already achieve gains, advocacy and lobbying on the UN level becomes even more crucial.*

Following the introduction, participants shared their experiences in the UN processes. Participants from Turkey, Tunisia, Jordan, Algeria and Egypt had participated in official delegations at Beijing+5, ICPD and other regional meetings and prepared shadow reports for CEDAW. Almost half the participants from the region were already familiar with UN processes and had been actively involved with the UN, most of them on government delegations.

The impending meetings included Cairo+10 in 2004 (ICPD review), Beijing +10 in 2005, the 48th session of the Commission on the Status of Women and the 60th session of the Human Rights Commission in Geneva, some of which could be of specific interest to the countries in the region. Ms. Germain also stressed that the

upcoming technical meetings like the one for ESCWA could provide an opportunity to advocate for sexual and bodily rights on the UN level. She stated that governments, academics and NGOs participated in the technical meetings and the report produced could serve as an effective tool for advocacy. Participants agreed that “demystifying” the UN in the region and keeping up with upcoming meetings was important. Germain pointed out that her organization IWHC could nominate NGOs to partake in the meetings, so NGOs interested from the region should be in touch with them.

#### ADVOCACY AT THE UN LEVEL...

- The UN provides room to move away from fluctuating political changes on the national level
- NGOs can make use of the UN documents and conventions to create pressure on their governments
- International documents can be used as effective tools of advocacy
- UN processes strengthen international networking and solidarity
- UN can be used an arena to place national and regional issues and concerns in the international context

Another point of advocacy raised in the discussion concerned the EUROMED partnership. The co-organizer of the conference from the Academy for Diplomatic Studies in Malta referred to the new human rights initiative being launched by EUROMED and urged participants to approach the initiative. Participants commented on the lack of women’s rights in the network and agreed that for EUROMED countries active participation in the new human rights network could be beneficial for integrating women’s human rights

to the initiative's agenda which could be useful both for funding purposes and international lobbying.

### CLOSING SESSION AND CONCLUSION

The closing session of the workshop included sharing impressions from the meeting and evaluating outcomes, as well as reviewing potential plans of action for the future. Participants all agreed that sharing not only knowledge and information, but also experiences had been very rewarding and they felt more encouraged and better equipped to continue their work. The Coalition for Sexual and Bodily Rights as Human Rights in Muslim Societies which had been initiated by WWHR-New Ways in 2001 as an informal network for NGOs, activists and researchers working on sexual and bodily rights in the region had strengthened and expanded in proportion to the increasing work on sexuality in the region. Realizing sexual and bodily rights as human rights remained a gradual process, however the significant amount of transformation achieved over the last few years confirmed the fact that crucial change was indeed underway and it was a pivotal time. Participants expressed the urgent need to address sexuality directly, not only on regional platforms like this one, but also on national contexts. Workshops like this one and regional networking would help strengthen the efforts and contribute to individual cases and countries.

"We are on difficult grounds, but we have a common goal. Sexuality runs our life," a participant from Tunisia commented. Placing sexual and bodily rights on the public agenda, and making them, and the violations of these rights, visible was crucial. The attacks on women claiming that working on sexuality was merely promoting lesbianism, equating talking about sexuality with blasphemy were biases that had to be overcome. Furthermore, participants agreed that limiting the issue to only women's sexuality led to an incomplete picture as male sexuality in the

region also presented various dilemmas and was in fact directly linked to constructs of female sexuality.

Another emerging trend from the workshop was the debate on right to sexual orientation and potential strategies to eradicate the discrimination. Despite the continuing threats and taboos in the region, sexual orientation as a human rights issue appeared to have achieved a degree of visibility. Efforts to promote the right to sexual orientation were already initiated in some cases such as in Lebanon, Turkey and Tunisia and all participants agreed that sexual orientation should be included in their efforts to promote sexual rights. The rising awareness of the immediate need to address homosexuality revealed in itself the significant transformation underway.

The quandary of implementing laws and changing social practices regarding sexuality emerged as a major concern. Participants pointed out the application of a number of strategies simultaneously and working on national, regional and international levels in tandem proved to be an effective approach. Research and documentation emerged as important tools that needed to be further pursued, and also extensive training. Working with youth was central, as changing approaches and constructs was key to achieving any broad social change and for that purpose targeting youth would provide more opportunities.

Networking, not only within the region, but also with other areas of comparable experience and conditions such as South Asia and Latin America emerged as an essential component of continuing and strengthening the efforts. The numerous benefits of exchanging materials, resources, knowledge, information and experiences and need for collaboration were once again reaffirmed in the workshop.

The last few years had witnessed important advances in the

promotion of sexual and bodily rights in the region. Major legal reforms had been accomplished or were underway in numerous countries including Egypt, Turkey, Morocco, Jordan, and Lebanon. Campaigns against violations of sexual and bodily rights were pursued even in countries like Algeria and Palestine where political contexts were detrimental to the efforts. Extensive efforts for sex education and promoting sexual health were sustained in Pakistan and Lebanon.

It was reaffirmed that sexuality and bodily rights lie at the core of human rights and any equality, autonomy and empowerment would remain incomplete unless sexual and bodily rights are fully realized. The discussions throughout the workshop revealed the evident and crucial steps taken forward in the domain of sexual and bodily rights as human rights in the region over the last few years. The growing interest, awareness, openness and rapidly expanding work on the subject indeed provided strong encouragement and inspiration to all participants. Despite the many positive changes, the outcome of the workshop confirmed that sexuality still remains a taboo in many ways and violations of sexual and bodily rights in all forms were still very much prevalent in the region. However, participants also agreed that approaching sexuality and sexual and bodily rights merely in terms of violations of human rights and sexual violence would remain insufficient and restricting the issue as such would actually prove detrimental to the cause of promoting sexual and bodily rights. Instead sexuality had to be addressed from a holistic perspective and affirmative approach as an essential part of human life that each individual has the right to claim ownership of and enjoy. Fully realizing sexual and bodily rights as human rights in the region remained a long term challenge, however the workshop clearly indicated that important progress had been achieved and with determined efforts more positive change is on the way.

## ANNEX 1: LIST OF PARTICIPANTS

ORGANISATION	NAME	COUNTRY
Aahung	Shazia Premjee	Pakistan
ADFM (Association Démocratique des Femmes du Maroc)	Nabia Haddouche	Morocco
AFTURD (Association des Femmes Tunisiennes pour la Recherche et le Développement)	Khedija Arfaoui	Tunisia
Arab Law Office	Yasser Abd El Gawad	Egypt
ATFD (Association Tunisienne des Femmes Démocrates)	Bouchra Belhadj el Hamida	Tunisia
CEWLA (Centre for Egyptian Women Legal Assistance)	Nancy Aldy	Egypt
IWHC (International Women's Health Coalition)	Adrienne Germain	USA
Jordanian Women's Union (JWU)	Afaf Al Mili	Jordan
Lebanese Family Planning Association (LFPA)	Faysal el Kak	Lebanon
MEDAC (Mediterranean Academy of Diplomatic Studies)	Omar Grech	Malta
New Woman's Research Center (NWRC)	Amal Abd El Hady	Egypt
Purple Roof Foundation	Canan Arin	Turkey
Queen Zein Al Sharaf Institute	Eman Nimri	Jordan
RACHDA (Rassemblement Contre la Hogra et pour les Droits des Algériennes)	Neila Benayad Cherif	Algeria
Réseau Wassila	Louisa Ait Hamou	Algeria
SIGI (Sisterhood Is Global Institute)	Lubna Dalawy	Jordan
Synergie Civic	Najia el Boudali	Morocco
Turkish Family Planning Association (TAPD)	Semra Koral	Turkey
University of Cleveland	Sherifa Zuhur	USA
WCLAC (Women's Centre For Legal Aid And Counseling)	Maysoun Khamis	Palestine
Women for Women's Human Rights (WWHR)-New Ways	Karin Ronge	Turkey
WWHR - New Ways	Pinar Ilkcaracan	Turkey
WWHR - New Ways	Liz Ercevik Amado	Turkey

## ANNEX 2: PROGRAM

**Workshop on Sexual and Bodily Rights as Human Rights in the Middle East and North Africa**

MAY 30, 2003, FRIDAY

- 09.00 – 10.30 Welcoming comments and introduction of participants
- 10.45 – 13.00 *Moderated session with participants' inputs:*  
Gender and Sexuality in the Middle East and North Africa: Violations of human rights – The national context, current issues and strategies (with exemplary cases)  
*Moderator: Pinar Ilkkaracan, WWHR-NEW WAYS*
- 15.00 – 17.00 Sexuality and Transitions in Gender Identity in the Middle East and North Africa: Implications for Legal and Political Initiatives  
*Dr. Sherifa Zuhur, Researcher, Past President of the Association for Middle East Women's Studies*

MAY 31, 2003, SATURDAY

- 09.00 – 11.00 Sexual and Bodily Rights as Human Rights in International Documents  
*Adrienne Germain, President, International Women's Health Coalition (IWHC)*
- 11.15 – 13.15 Sexuality and the Penal Law in the Middle East and North Africa  
*Dr. Sherifa Zuhur, Researcher, Past President of the Association for Middle East Women's Studies*

15.00 – 17.00 *Moderated session with participants' inputs:*

Sexuality and Law in the Middle East and North Africa – National issues and strategies  
*Moderator: Amal Abd-El Hady, New Women's Research Center*

17.30 – 19.30 Sexuality and Sexual Health: Current Status, Obstacles and Opportunities  
*Dr. Faisal Elkak, Lebanese Family Planning Association and Member of the Regional Advisory Panel of WHO*

JUNE 1, 2003, SUNDAY

- 09.00 – 11.00 *Moderated session with participants' inputs:*  
Advocacy and Lobbying on Sexual and Bodily Rights on the National and Regional Levels: Successes, Obstacles and Opportunities  
*Moderator: Shazia Premjee, Aahung*
- 11.15 – 13.15 Advocacy for Sexual and Bodily Rights on the International Level: The past, the present and the future  
*Adrienne Germain, President, International Women's Health Coalition (IWHC)*

15.00 – 17.00 Closing Plenary



## OTHER PUBLICATIONS AND OUTREACH MATERIALS OF WWHR – NEW WAYS

### Books:

- *Women and Sexuality in Muslim Societies* (2004, in Arabic)
- *Women and Sexuality in Muslim Societies* (2003, in Turkish)
- *Women and Sexuality in Muslim Societies* (2000, in English)
- *Women's Human Rights: A Training Manual* (1998, in Turkish)
- *The Myth of a Warm Home: Domestic Violence and Sexual Abuse* (1996, in Turkish)

### BOOKLETS:

- *Gender Discrimination in the Turkish Penal Code Draft Law and Proposed Amendments* (2003, in English and Turkish)
- *The New Legal Status of Women in Turkey* (2002, in English)
- *We Have New Legal Rights!* (2001, in Turkish)
- *We Have Reproductive Rights!* (2001, in Turkish)
- *Beijing+5: Women's Human Rights at the UN and Turkey's Commitments* (2001, in Turkish)
- *We Have Sexual Rights!* (2000, in Turkish)
- *An Example of Feminist Solidarity in Muslim Societies: WLUML* (1998, in Turkish)
- *Women's Movement(s) in Turkey: A Brief Overview* (1996, in English)
- *The Legal Status of Women in Turkey* (1996, in English)
- *We Have Human Rights!* (1995, 5th edition 1998, in Turkish)

### RESEARCH ARTICLES:

- "Feminism and Women's Movements in Turkey" (2003, in Turkish)
- "Women, Sexuality and Social Change in the Middle East and the Maghreb" (2002, in English)
- "The "Natasha" Experience: Migrant Sex Workers from the Former Soviet Union and Eastern Europe in Turkey" (2002, in English)
- "Islam and Women's Sexuality: A Research Report from Turkey" (2001, in English)
- "A Study on Domestic Violence and Sexual Abuse in Ankara, Turkey" (1999, in English)
- "Women and Internal Migration in Turkey in the 1990's" (1999, in Turkish)
- "Exploring the Context of Sexuality in Eastern Turkey" (1998, in English)
- "Women in the Family in Eastern Turkey" (1998, in Turkish)
- "From Subjects to Citizens: Where are the Women?" (1998, in Turkish)
- "Labor Force Participation and Urban Women: A Field Survey in Istanbul" (1998, in Turkish)
- "Migration, Women's Economic Status, Mobility and Power Dynamics in the Family" (1998, in Turkish)
- "Domestic Violence and Family Life as Experienced by Turkish Immigrant Women in Germany" (1996, in English)

### VIDEO FILM:

- *It's Time to Say No!* (1996, in Turkish, with English and German sub-titles).