Syria Regional Refugee Response and Gender Equality Challenges

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Commentary

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Syria’s civil war is widely recognized as the worst humanitarian crisis of our time, with half of the country’s pre-war population dead or displaced due to the conflicts. Only in recent times Western public opinion seemed to recognize the global impact of this crisis and its consequences on the Syrian population, their neighbors, and on Europe. There is a risk that among the several crucial issues which are considered when discussing this situation, gender equality is often underestimated or evaluated as secondary in importance. In this paper I offer reflections which bring gender equality issues to the fore and then emphasize their importance in understanding the situation of the Syrian people. There a number of challenges in the context of a humanitarian crisis which impact gendered experiences and are necessary to take into account in order to fully understand the complexity of this type of situations; the new living conditions caused by the crisis can exacerbate women and men’s vulnerabilities in different ways. But, on the other side, the humanitarian response to this crisis implicitly offers occasions for the meeting between different gender cultures that, inevitably, start to interact at different levels.

Gender equality: a matter for “better times”?

Globally, the chances for children to grow up healthy and safely are restricted by three main factors: poverty, geographic residence (born in a war context, in a deprived area, in a slum, etc.) and gender. Overall, girls and women find it a disproportionately more difficult to exercise their human rights (UNICEF 2011a) than men in similar situations. Norms about gender roles differently affect the ability of men and women, to access economic, social and political resources, often to the detriment of women. This is exacerbated in crisis situations, such as war or natural disaster. Crises and emergencies add problematic elements to pre-existing vulnerabilities, due for instance to the occurrence of an armed conflict or the sudden deprivation of those who at any moment should escape a backdrop of war and poverty. Moreover, it often happens that forms of violence and hardship already existent may be aggravated as a result of the stressful situation or the worsening of living conditions. Girls are far more exposed to risks like sexual slavery, enforced prostitution, forced pregnancy, rape, mutilation and death. Boys are at higher risk of being recruited in armed groups (UNICEF 2011a). Including gender equality as a fundamental element in dealing with the humanitarian crisis is therefore very important in order to realistically reflect upon the access to rights and opportunities to cope with these hard times. In addition women’s high rate of responsibility for children puts women at even higher risks and in need of more resources, the inability to manage these risks have negative consequences on children.

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The equal access to resources and opportunities cannot therefore be thought as a privilege that can be postponed for “better times”. On the contrary, it is very urgent as it is related to the equal access to the human rights. For this reason, it is important that development partners and humanitarian organizations generally adopt gender equality as a guiding principle for their actions. For example, all UN Agencies, OECD Official Development Partners and Multilateral Development Partners require the promotion of gender equality.

One of the often ignored or sidelined challenge within mainstream discussions on humanitarian crises is the individual, gendered, response of refugees to the meeting between different cultures. When women are displaced, we cannot assume they are entering a situation which shares all the gendered cultural norms, values, and legal structures with her home, even if the two cultures appear similar to each other in the eyes of an outsider. In order to confront this issue, we need to explore the following questions:

1. Are there different gender cultures across the region?
2. What does happen when these differences meet each other in the daily life?
3. Is it possible to imagine a change in the gender cultures because of these “forced” interactions?

The following discussion focuses on the countries which belong to the regional refugee response to the Syrian crisis (Egypt, Iraq, Jordan, Lebanon, Turkey, and Syria itself). It contrasts gender equality in these countries first at the institutional level with a brief comparison of the countries’ legislative and policy frameworks, specifically focusing upon a series of elements which have a direct impact on women’s and family lives. These include known national reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), inheritance laws, regulations for the freedom of movement for women, divorce rights, the protection from gender-based violence and from child marriage. This is followed by a discussion of micro-level perceptions with an examination of the results of several surveys of the individual values which reflect views on gender. Both analytical levels will show that in the countries responding to the Syrian crisis, the gender cultures can differ, but there is space for an inter-cultural dialogue.

The other side of the crisis: a dialogue between gender cultures

Gender cultures, that is to say “the values and models that people use as orientation for their behaviors” (Aboim 2010, 172–173), can be deeply different across societies. In a cultural context, the mainstreaming ideas of masculinity and femininity determine what in a society can be considered as an appropriate role or behavior for a man and for a woman. This tends to define the system of gender relations and norms that underpins the establishment of policies, laws, institutional regulations, as well daily practices.

Gender norms impact on people’s lives at individual, domestic and social-community level.

The appropriate way of dressing for a woman or a man at each stage of life, the behaviors considered more or less adequate in private and in public contexts, the “right” roles that a woman or a man, the distinction of tasks and caring responsibilities between husband and wife and the tasks assigned to sons and daughters, the agreement about a specific share of inheritance between daughters and sons, or the fact the women could or could not be allowed to travel alone-these are all aspects of the gender norms within a particular social context. Following different historical-cultural paths, societies have developed different gender cultures-between the maintenance of more traditional-patriarchal values and the adoption of values more oriented towards reciprocity than complementarity (Pfau-Effinger 1998; Inglehart and Norris 2003).

Both institutions and individuals play key roles in the establishment, maintenance, or change to gender culture. Institutions transmit gender norms, for example through their laws
and policies, based on a certain idea of the role of women and men in the society. In addition, they reinforce prescribed gender roles by creating opportunities and barriers to individual choices. At an individual level, internalized norms and values guide people’s behaviors and preferences.

These two levels, individual values and institutional frames, are deeply intertwined. The daily interactions between partners or family members, people and institutions, and organizations drive an ongoing negotiation between different gender cultures.

A specific gender culture, situated in a society in a particular period, may change either as a result of sudden dramatic or gradual developments; it can be driven by individual actors as well by institutional efforts. One of the crucial demands made upon external actors during the humanitarian crisis is to meet people’s basic needs and support their access to resources that can help them in coping with their vulnerabilities. This struggle takes place in a relational context where all the actors involved are dealing with cultural diversity, which include gender norms, which can differ or diverge. The humanitarian response to the crisis creates opportunities for interactions between different gender cultures, providing an opening for dialogue.

The extent of the Syrian crisis is reflected in the millions of refugees that have arrive in a variety of countries, each of which has organizations and institutions trying their best to respond to basic needs, offer assistance and promote human rights. This humanitarian service takes place in a crossroad of cultures, where the “host culture” meets the “guest culture” and reciprocal fears can facilitate the rise of stereotypes, feelings of being threatened, and misunderstandings. Moreover, the lack of knowledge regarding the other culture can negatively affect the development of projects- risking that they are too ethnocentric, that is to say when one culture is put at the center and the others tend to be evaluated as minors.

The (possible) dialogue between diverse cultures depends also on the meeting of gender cultures. Even when belonging to the same region, countries’ gender culture can differ according to specific historical paths. It is short-sighted to believe that these meetings will have no impact on the development of gender equality in the region. This is not only because Syrians, who have been forced to flee, are now encountering different cultures, but the host communities are dealing with the complexity triggered by the arrival of the refugees. It is important to consider that the possible negotiations between these cultures which takes place within humanitarian projects and the frame of international cooperation which includes guidelines based in the principle of gender equality.

This gender intercultural dialogue therefore operates at least at three levels:

a) Interactions between the international community and the local organizations and institutions
b) Interactions between organization and their local staff
c) Interactions between humanitarian workers and refugees

Development partners and humanitarian organizations often works transnationally, dealing with different societies and cultures. Their actions are mainly guided by treaties, conventions and agreements that are globally accepted, as The Universal Declaration of Human Rights, the Declaration of the Rights of the Child, or the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore each organization and donor has its own rules and values inspiring their actions. When institutions meet each other, so do their cultures. For example, UNICEF through its country programs, promote the equal rights of women and girls and support their full participation in the political, social and economic development of their communities. Local and international organizations that develop projects funded by UNICEF are required to meet standards in the promotion of gender equality.

At the same time these organizations generally hire local staff to carry on their work in the field. Members of the local staff can differ by sensibility and support of more or less egalitarian gender roles, within the context of different gender cultures. Both employees and
employers are asked to meet on the same page to follow a gender equality principle. Finally the
staff members, working within the context of their own set of gendered values and traditions,
interact daily with the beneficiaries of their humanitarian actions. They tend to belong to a
different culture and have culturally specific gender norms.

This complexity is part of the daily life of humanitarian work, carried out in the different
countries of the region and whenever the meeting between diverse cultural identities takes
place. The work done gradually, with an open-minded while rejecting ethnocentric attitudes,
can lead to better conditions for men and women, boys and girls, providing equal access to the
resources they need to cope with the traumatic events they survived.

During a training addressed to Lebanese social workers operating in South Lebanon¹,
some of the social workers referred to the challenges they overcame in their education program
for children. According to their program, all children have the opportunity to attend lessons at
school. Nevertheless some girls never attended. So the operators met their parents and they
realized that a different gender norm ruling in those families was the reason for their absence.
These families have only female children and sending their daughters outside home with people
they defined as strangers was not acceptable. The room for dialogue was created in a project
aimed to build trust relationships with these fathers in order to let girls have access to
educational resources. Hence there are different levels of possible dialogue between gender
cultures, they include the impact of the international community on the local organization of
the humanitarian actions as well the daily meeting between people belonging to different
culture, as happens daily in the activities at the refugee camps.

The response to the Syrian refugee crisis differs between affected neighbor countries
(Lebanon, Jordan, Turkey, Iraq, and Egypt) and the dialogue between different gender cultures
could have varying impacts on possibility of future dialogues. Lebanon has taken in a
disproportionate number of refugees compared to their citizen population. According to the
UNHCR, the registered Syrian refugees in February 2016 are 1,069,111 in Lebanon with a
population of 4.47 million inhabitants (23.9%). Then there is Jordan with 637,859 registered
refugees and 6.46 million (9.9%); Turkey with 2,620,553 refugees and 74.93 million inhabitants
(3.4%); Iraq, which counts 245,022 registered refugees over a population of 38.42 million (0.7%);
and Egypt, with 117,658 registered refugees and 82.06 million of inhabitants (0.1%).

The information above provides a context to the next section, which explores the
contrasts between the gender cultures in the region. Specifically, it describes gender equality
instruments at the institutional level, such as the CEDAW acceptance, inheritance laws, the
freedom of movement, and the protection from gender-based violence and from child marriage
(World Bank, 2015; OECD 2014; UNICEF 2011b,c,d,e,f). This is followed by an examination of the
data collected by surveys such as the ArabTransitions project or the World Values Survey² to
explore how these values are expressed at the individual level.

Elements of Regional gender cultures

CEDAW Acceptance

In 1979, the UN General Assembly adopted the Convention on the Elimination of All Forms of
Discrimination against Women (CEDAW). It defines discrimination against women as “any
distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of
impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their
marital status, on a basis of equality of men and women, of human rights and fundamental
frees in the political, economic, social, cultural, civil or any other field.” (Article 1). Not all
the signatory nations of the CEDAW adopted it in full, with some nations ratified it with
qualifiers as certain articles would not be compatible with a nationally accepted interpretation
of Shari’a law. Of the countries this article considered, Syria had the highest number of reservations. All the countries, except from Turkey, made reservations on articles that are considered central to the main purposes of the convention, as the article 2, that give mandates to the states to “declare intent to enshrine gender equality into their domestic legislation, repeal all discriminatory provisions in their laws, and enact new provisions to guard against discrimination against women” and the article 16, that prohibits “discrimination against women in all matters relating to marriage and family relations.” In particular, it provides men and women with “the same right to enter into marriage, the same right freely to choose a spouse,” “the same rights and responsibilities during marriage and at its dissolution,” “the same rights and responsibilities as parents,” “the same rights to decide freely and responsibly on the number and spacing of their children,” “the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation” “the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration”.

Syria has a reservation to the article 15, that refer to the freedom of movement, and to the article 16.2, related to the child marriage.

Only Jordan does not have any exceptions to article 29, related to the arbitration in the event of a dispute. Unlike some of the other countries,

Egypt does not take exception to article 9, which asks to "grant women equal rights with men to acquire, change or retain their nationality" and equal rights "with respect to the nationality of their children".

Turkey, as a candidate country for the accession to the European Union, has been expected to align its laws according to the European Convention on Human Rights; the European Parliament has raised concerns about the weak implementation of suitable laws aimed to condemn and fight the practice of child marriage. This is an example of the role of the international community in promoting human rights and, among these, the gender equality principle.

Inheritance rights

Countries of this region differ slightly with regard to inheritance rights, generally regulated by the Personal Status Law based on Shari’a, though there are some exceptions based upon religious community. In Syria and Lebanon a Catholic personal status law gives men and women equal inheritance rights, while under the Islamic law a woman’s share of inheritance is the half of that of her brother.

In Jordan, Iraq, and Egypt the female share is generally the half (or less) and the Islamic inheritance law is applied also to non-Muslims. In Iraq a former personal law gave equal inheritance rights but it has since been amended and Shari’a rules now apply. In Turkey, under the Civil Code, female and male children have the right to an equal share of the inheritance. This right is also granted to spouses.

People’s attitudes regarding this issue can vary across country: this indicates that gender culture is not only dictated by laws and institutions, but also that the laws may lag or forge ahead of customs or values. According to the data collected by the ArabTransitions project in 2014, only 8.5% of Egyptians thought that women should have equal inheritance rights while in Jordan 38.7% of respondents believe in equal inheritance. Comparatively, half of the Iraqi respondents (50.8%) thought that women should have equal inheritance rights, this higher share could be an effect of the original personal law.

Divorce rights

Family matters are usually regulated under the Personal Status Law. But also in this case the
country’s gender cultures differ. In Syria, in contrast to men women need to provide justifications to the court in order to seek divorce, otherwise they lose any maintenance right and have to return their dowry. If the husband seeks a divorce, the wife can have financial support for four months. A Lebanese Catholic cannot divorce, even if the marriage can be annulled in some circumstance. Generally divorce for a Lebanese Muslim man, as well for the case of Jordanians, is easier than for a woman, who can initiate a divorce only for a specific reasons, otherwise she has to return her dowry and pay a sum in exchange for divorce. Divorce in Turkey is allowed with both wife and husband having the right to initiate divorce. The law also prevent discrimination between men and women regarding alimony and compensation for damages resulting from the divorce. Like in Syria, in Iraq a man can “unilaterally” divorce his wife providing financial support for two years. In other cases, if the wife is the cause of the conflict, she has to return her dowry. A woman can also pay a sum of money to her husband in order to obtain the divorce.

In Egypt, women have the right to seek divorce, but to get financial support they need to provide evidence of damages. In the case it is the husband that initiate the divorce, the wife have the right to alimony.

In the countries studied by the ArabTransitions project, respondents’ attitudes towards the equal right to decide of divorcing are quite common: generally, 3 in 5 Egyptians, Jordanians and Iraqis support this equal right (Egypt: 59.7%; Jordan: 65.9%; Iraq: 64.1%). In Lebanon, the proportion of support for equal divorce rights is 93.4%.

**Freedom of movement**

Except in Turkey, where there are not any restrictions, women’s freedom of movement is limited in the region. Some countries, as Syria, have reservations to the article 15 of the CEDAW, regarding the freedom of movement and of residence and domicile- all these decisions are legally to be taken by the husband. Lebanese women have the right to obtain a passport and a wife can travel without her husband’s permission since 1974. In Jordan this is possible since 2003 and in Egypt since 2000. In Iraq, women’s freedom of movement is limited and their guardian’s approval is necessary to obtain a passport.

Nevertheless, according to the ArabTransitions survey, just over a fifth of Jordanians (21.9%) and less than a fifth of Egyptians (17.6%) think women should be allowed to travel by themselves. The approval of this right is a little bit wider among Iraqis, where more than a third of them show support (36%).

**Protection from Gender-Based Violence**

Issues related to the violence against women is one of the main field where the meeting between different gender cultures becomes even more challenging. Not all the cultures disapprove violence against women with the same strength. The legislative reaction against gender based violence, including domestic violence or rape, strongly differs across countries.

**Domestic Violence**

In Syria no law prohibits domestic violence. Jordan was the first country in the Middle East to pass a law regarding domestic violence in 2008, but it is not criminalized, there are just set a guideline and procedures to be followed by medical and police officers. Domestic violence is not mentioned in Egypt’s codes, where it is considerate as a private matter and generally it is socially tolerated: women tend to accept these behaviors as a part of the marriage (Alliance for Arab Women, 2009).
In contrast, since 2004, domestic violence has been recognized as a crime in Turkey with a sentence of 3-8 years in prison. According to the Protection of the Family Law, since 1998 victims of domestic violence can be protected by orders. Since 2012 this protection has been extended to all the women, even those not married. In 2014, Lebanon’s Parliament passed the Law on Protection of Women and Family Members from Domestic Violence.

In Iraq the husband has the legal right to punish his wife. However, in 2011 the Kurdistan Regional Government passed the Family Violence Bill, which recognizes domestic violence, forced and child marriage as crimes. Here, NGOs and regional institutions are setting up strategies to combat and protect from the domestic violence.

In the World Values Survey a question asks respondents to express to what extent they consider justifiable for a man beat is wife. In Turkey the 81.1% of the respondents state that is never justifiable, also 74.6% of the Jordanians were of the same opinions. In Iraq and Egypt, the other two countries covered by the survey on this topic, little more than a third agreed that is never acceptable 34.8% and 38.9% respectively.

Rape

It is generally recognized as a crime but in Syria, Iraq and Jordan, under certain circumstances marrying the victim allows the rapist to escape punishment.

In Lebanon rape is a crime punished with minimum 5 years in prison, but also here if the rapist marries the victim, the sentence is nullified. In Iraq it is recognized as a private offence: the state cannot prosecute without the victim’s permit.

In Egypt rape is considered a crime (if the victim is not the wife). Rape within marriage is not considered a crime in Syria, Jordan, Iraq, and Egypt.

Turkey’s penal code criminalized sexual assault and rape with penalties that range between 2 and 12 years. Penalties may be increased if the crime’s author is an official or if it happens in a workplace.

Crimes of honor

Lenient sentences are allowed for crimes committed in the name of “honor” in Syria, Iraq, and Egypt.

Since 2011 the “honor killing” are totally punished in Lebanon, as it withdrawn the article that allowed reduce sentences to the husband who killed the wife caught in “illegal sexual intercourse”. Further to the CEDAW committee’s concerns, Jordan revised its penal code and since 2009 the “honor killings” are treated as other violent crimes. A specialized tribunal was also set up. Turkey’s Penal Code criminalizes the “honor killing” with life imprisonment.

Protection from child marriage

Among various forms of violence, the international community also recognizes early marriage (also called child marriage) as a type of violence. In some contexts, this definition is still perceived as improper within some local cultures as they are not recognizing the dimension of vulnerability and risk to the health of children. It is a social practice that in many areas of the world has ancient roots and that is still widespread.

Early marriage puts at least one of the partners in a vulnerable situation, either when the spouses are very young or there is large age difference between the two. In both situations, the girl is in a situation of increased risk that comes from early pregnancy. In fact, the risk of death during childbirth or pregnancy for a 15 year old girl is 5 times higher than at 20 (Andersen, 2011; UNICEF, 2011f). Both for men and women, early marriage can have a considerable impact on their psychosocial development, as well as increasing the risk of isolation. If the age
difference between husband and wife is very high, it increases the risk of domestic violence as well as lowering the woman’s input in decisions regarding the household and childrearing. Countries differ by the way the early marriage is legitimized or discouraged. Middle East countries also differ about the minimum age for marriage, often dependent upon gender. In Syria the legal age for marrying is 17 years old for girls and 18 for boys, but with parents and judges’ permissions, it can be lowered until 13 and 15 years old respectively. In Lebanon the legal age of marriage depends by the different status laws followed by the religious groups. With approval from parents and judges, for girls it can vary from 9 years old among Sunni and Shiite Muslims, to 12.5 among Jewish, and 14 among Syrian and Armenian Orthodox. For boys it is generally 18 years old, but with permission also younger ages are acceptable. For other Christians, 18 years old is the minimum age for getting married.

The Personal Status Law (based on Shari’a) that establish the legal age for marrying at 18 years old, both for men and women in Jordan, Iraq, and Egypt. Nevertheless in Iraq and Jordan, with parent’s consents and a judicial permission, boy and girls can be married since they are 15 years old. In Turkey the legal age of marriage is 18, regardless gender, and early marriage is considered a criminal offence. Nevertheless, the practice is often socially accepted and results in unofficial marriage, especially in the rural areas where it has been estimated that 40 per cent of girls may be married before they are 18 years old, in some case as young as 12 (OECD 2014). In 2011 UNICEF refers that the phenomenon is still quite present: in Lebanon 7% of women between 20 and 24 years old were married before the age of 18; Syria 16%, Jordan 11%, Egypt 19%, in Iraq 20% (UNICEF MENA-2011b;c;d;e;f).

Gender equality challenges and future research

This paper has tried to bring out some of the gender equality challenges and potentials related to the Syrian humanitarian crises. It proposed that the global refugee response is a potential occasion for the dialogue between different gender cultures that, as earlier briefly described, can vary across the region and between the levels of the interactions between all the actors involved.

The crisis created unprecedented occasions for intercultural interactions. The urgent questions for all actors in this region is how they will develop responses to help mediate between the aims of promoting the equal rights to access to the resources and, at the same time, respecting the different traditions. Gender equality is the field of the most challenging interactions as gender cultures can deeply differ between “host” and “guest” cultures as well between the international cooperation level, the local institutions, and the individual values.

Further research needs to be done to be addressed these cross-level interactions and their impact on the individual values, in more depth. A more extensive comparative analysis of the legal and policy framework regarding gender equality in the region could offer significant insights for the study of the development of gender cultures. Moreover, a multilevel analysis could allow an in-depth analysis of the elements that lead to different level of egalitarian support in countries where the institutional frame is quite similar.

Finally, social change scholars may be interested in the study of the drivers of change. Here it seems that the change is being promoted both by top-down processes, driven by international organizations and conventions, as well by bottom-up processes driven by the daily experiences of social workers, volunteers, families, and children.
Bibliography


Notes

1 I have been involved as a trainer by Resilience Onlus (http://www.assoresilience.it) in the frame of the AVSI Lebanon project funded by UNICEF: “Multi-sector assistance for vulnerable Syrian refugees and Lebanese host communities in South Lebanon through an integrated and holistic approach” (www.avsi.org).

2 For further information, please consult the projects’ websites (ArabTransitions: www.arabtrans.eu; World Values Survey: http://www.worldvaluessurvey.org).