

**Competitiveness and Private Sector  
Development**



# **Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia**





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**Please cite this publication as:**

OECD/ILO/CAWTAR (2020), *Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia*, Competitiveness and Private Sector Development, OECD Publishing, Paris,  
<https://doi.org/10.1787/ac780735-en>.

ISBN 978-92-64-31827-4 (print)  
ISBN 978-92-64-80380-0 (pdf)

Competitiveness and Private Sector Development  
ISSN 2076-5754 (print)  
ISSN 2076-5762 (online)

ILO  
9789220323151 (print)  
9789220323168 (web PDF)

**Photo credits:** Cover @ design by Ana Lucia Soto.

Corrigenda to publications may be found on line at: [www.oecd.org/about/publishing/corrigenda.htm](http://www.oecd.org/about/publishing/corrigenda.htm).

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# Preface

As the COVID-19 pandemic and the resulting jobs crisis evolve, the need to protect the most vulnerable becomes ever more urgent. One of the most vulnerable yet resilient groups are women. The pandemic has highlighted the fundamental role of women worldwide in responding to one of the most challenging crises of our lifetime. While women have been fighting at the forefront of the pandemic as health providers, they have also been the most affected by its consequences. They have taken on the lion's share of the care burden, are more vulnerable to being side-lined from the formal labour market and are victims of increasing gender-based violence. The crisis has also widened pre-existing gender gaps in pay, skills and leadership.

However, with countries facing the possibility of a deep recession ahead, it is time to lift the remaining barriers that impede women's full participation in the economy. Women's economic empowerment is not just a human rights issue, it is a powerful incentive that governments must use to get their economies back on track and to deliver on the 2030 Agenda for Sustainable Development. Even before the crisis, estimates showed that if women played an identical role to men in labour markets worldwide, USD 28 trillion could be added to the global annual gross domestic product (GDP) by 2025. The Middle East and North Africa (MENA) region could add as much as USD 2.7 trillion to its GDP by following suit.

The MENA region's trajectory towards greater women's economic empowerment is clear but complex. On the one hand, women in the region are increasingly well-qualified and motivated to enter the job market. They are more educated than ever before and, in some countries, have overtaken the rates of men in tertiary education. Algeria, Tunisia and Oman even achieved gender parity in sciences, technology, engineering and mathematics degrees in tertiary-level education, outperforming OECD countries where women accounted for 31% of all graduates in these subjects. Yet social norms and legal frameworks continue to constrain women's access to economic opportunities. Overall, women's economic participation in the region remains frustratingly low. The average rate of female labour force participation in MENA stands at 20%, while the world average is almost 48%. The region also has the widest gender gap in entrepreneurial activity. Furthermore, the economic downturn that is resulting from the COVID-19 crisis is likely to hit women the hardest. The sectors which are overexposed to the collapse in economic activity comprise a sizeable share of female employment.

Yet, the momentum for change in the region is palpable. Economic, legal and policy reforms, as well as the increasing mobilisation of both women and men for greater gender equality, testify to a growing conviction that now is the time for women to take their rightful place in the economy and in societies more broadly. Policymakers are also realising that to make this happen, reforms must touch upon all policy areas and must include a gender lens. Gender equality perspectives should be at the heart of these transformation processes across the region.

This study is the fruit of years of collaboration between the OECD and the MENA region, through the MENA-OECD Competitiveness Programme; and the International Labour Organisation's (ILO) long-standing work on gender equality in the world of work.

Its main objective is to offer concrete implementation tools to policymakers to ensure that reforms can have a real impact on the ground. The study takes stock of the growing momentum for gender equality in Egypt, Jordan, Morocco and Tunisia; where legislative, policy and institutional reforms have been driving change in recent years. It also features case studies of innovative initiatives that are transforming reforms into concrete actions for women's economic empowerment in these four countries. In addition, the study seeks to draw practical conclusions to better understand the factors and tools that can increase the take-up on reforms in the region and beyond.

The OECD, the Centre of Arab Women for Training and Research (CAWTAR) and the ILO have joined forces – with the support of numerous local, regional and international experts – to produce this study, which captures the potential of a region on the move towards greater economic empowerment of its women citizens. We reiterate our commitment to supporting champions across the MENA region in their efforts to achieve more gender-equal societies. We hope this study will be a useful resource for the region, and for all countries seeking to unlock women's potential for the benefit of all.

Angel Gurría

Soukaina Bouraoui

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Secretary-General

Executive Director

Director-General

Organisation for Economic Co-operation and Development

Centre of Arab Women for Training and Research

International Labour Organization

# Foreword

For years, the MENA-OECD Competitiveness Programme and the ILO's Decent Work Agenda have built the evidence base for enhancing women's economic empowerment and developed specific tools to move this agenda forward.

In 2017, the MENA-OECD Women's Economic Empowerment Forum (WEEF) released a report, *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*. The study mapped the countries' adherence to key international agreements, national constitutional reforms, gendered provisions in labour and family laws, and women's access to justice. Noting the considerable role that legal frameworks play in constraining women's economic empowerment in the six countries, the report identified the main bottlenecks and delivered actionable policy recommendations for governments.

Since the release of the 2017 report, momentum for women's status and access to economic opportunity has continued to build, and new initiatives and frameworks have emerged. Important legal reforms and complementary policy actions have been adopted and/or are underway in many MENA economies, enhancing the status of women and their economic empowerment in particular. However, despite countries' continued progress, women's full economic empowerment remains a challenge. To unlock further progress, gender equality champions in Egypt, Jordan, Morocco and Tunisia asked the OECD to develop a follow-up action-oriented report to analyse recent evolutions in the region and to document innovative good practices that could inspire policy reforms in the four countries and the wider region.

This report is the result, and aims to provide development practitioners and decision makers with an analysis of recent legal reforms, implementation efforts and enforcement mechanisms that have helped advance women's economic empowerment in Egypt, Morocco, Jordan and Tunisia. Moreover, it delivers actionable examples and practical tools for policy makers to help them transform policies into effective measures for women's economic empowerment. Experience over recent years has shown that reforms to legal frameworks and policies are yielding results for women in the countries, albeit slowly.

This publication is the outcome of a highly participatory and multi-stakeholder process involving the OECD, Centre of Arab Women for Training and Research (CAWTAR) and International Labour Organisation (ILO) from 2017 to 2019. It also includes valuable perspectives and input from hundreds of experts – government, business, academia and civil society representatives – from the MENA region and elsewhere, captured through a questionnaire and in-depth interviews. A team of external peer reviewers with practical experience in reform implementation reviewed the report.

# Acknowledgements

This publication is the result of a participatory research process. A wide number of stakeholders with expertise on women's economic empowerment in MENA countries contributed. It is a joint effort of the OECD, the Arab Women Centre for Training and Research (CAWTAR) and the International Labour Organisation (ILO).

The report has been developed in the framework of the MENA-OECD Women's Economic Empowerment Forum, under the direction of Andreas Schaal, Director of the OECD Global Relations Secretariat. It also benefited from the leadership, oversight and support of Gabriela Ramos, OECD Chief of Staff and Sherpa to the G20.

At the OECD, Charlotte Goemans led the project and drafted the report under the strategic direction of Carlos Conde, Head of the Middle East and Africa Division. Carlos Conde provided guidance on the conceptualisation and analytical framework for this study. Vanessa Berry-Chatelain supported the drafting and provided insightful views throughout the process. Consultants Nora Alim and Farah El Barnachawy carried out research and analysis on the legislation and jurisprudence of the four countries covered by the publication. Sabrina Gasparrini provided drafting support and strategic insights. Yasmina Aziki, Elise Jelsma, Sara Mouhoud, Lynda Kokui Zanu, Meryam El Bouhati, Peilin Lu and Yasmeen Moreau provided valuable research and drafting support. Peilin Lu designed the infographics. This publication is inspired by the 2017 OECD report, *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*. The 2017 report was led by Nicola Ehlermann, who advised on the first steps of the current report.

At the CAWTAR, Dr. Soukaina Bouraoui, Executive Director, provided strategic direction and guidance.

At the ILO, Eric Oechslin, Director, ILO Cairo Office and Decent Work Team for North Africa provided overall overview. The following staff members participated in the drafting and/or peer review of the publication: Ines Ayari, Chief Technical Advisor, Decent Work for Women, ILO Cairo Office, Decent Work Team for North Africa; Coen Kompier, Senior International Labour Standards Specialist, ILO Decent Work Team for North Africa; ILO Cairo Office and Valeria Esquivel, Employment Policies and Gender Specialist, Employment and Labour Markets Policies Branch, ILO. Dr. Fatma Alrazzaz, Professor of Social Legislations, Dean of the Faculty of Law, Helwan University provided an overview of legal and policy reforms aiming at women economic empowerment in Egypt.

The publication team expresses its sincere gratitude to the co-Chairs of the MENA-OECD Women's Economic Empowerment Forum (WEEF), Dr. Sahar Nasr, former Minister of Investment and International Co-operation of Egypt; and H.E. Marie-Claire Swärd Capra, Ambassador of Sweden to Algeria, for their commitment and support. The participants of the 2017 and 2018 WEEF provided important information and insights that fed into the publication. The team wishes to thank Nezha Labidi, former Tunisian Minister of Women, Family, Children and Seniors Affairs; Mohammad Naciri, former Director of UN Women Regional Office for Arab States; Eva Johansson, Lead Gender Policy Advisor, SIDA; and Nickie Monga, Country Director, Oxfam in Jordan for co-organising and participating in the side event of the 63<sup>rd</sup>

Commission on the Status of Women. This side event discussed the importance of legislative reforms in support of women's economic empowerment in MENA and provided useful information for the publication.

The publication team would like to thank all the people who responded to the questionnaires sent out for the purpose of this publication. In-depth interviews for the publication were carried out in Egypt, Jordan, Morocco and Tunisia. Annex A details the key contributors by country.

A team of peer reviewers reviewed the report. Comments and inputs were provided by Capitolina Díaz, Professor of Sociology and President of the Association of Women Researchers and Technologists; Nayda Almodovar-Reteguis, World Bank; Katrin Schulz, World Bank; Julia Braunmiller, World Bank; Nour Chamseddine, World Bank; Samaa Haridi, Hogan Lovells, Coral Hill, The School of Law; Ilham Kabbouri, Hogan Lovells; Hayet Khaled, Multilateral Cooperation Officer, Tunisian Ministry of Women, Family, Children and Seniors Affairs; Moushira Khattab, former Egyptian Minister for Family and Population; Sue Millar, Stephenson Harwood and Lizzette Robleto de Howarth, The Law Society of England and Wales; and Suzanne Szczetnikowicz, Millbank LLP.

Experts from within the OECD also reviewed the report. William Thompson was the report's lead reviewer. Mariarosa Lunati provided strategic advice and guidance, in particular on statistical approaches. Comments and suggestions were also provided by Willem Adema, Miriam Allam, Pierre de Boisséson, Chris Clarke, Gaelle Ferrant, Jonas Fluchtmann, Regina Gallego, Alessandro Goglio, Pinar Guven, Sarah Hermanutz, Estelle Loiseau, Alejandra Maria Meneses Scherie Nicol, Hyeshin Park, Lorenzo Pavone, Roula Sylla, Tatyana Teplova and Lisa Williams. Fiona Hinchcliffe edited the publication.

The report benefitted from financial support from the Swedish International Development Cooperation Agency (Sida).

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# Abbreviations and acronyms

ADFM	Democratic Association of Moroccan Women
AMDF	Moroccan Association for Women's Rights
APALD	Authority for Parity and the Fight Against All Forms of Discrimination (Morocco)
AFTURD	Association of Tunisian Women for Research and Development (Tunisia)
ATFD	Tunisian Association of Democratic Women
CAWTAR	Centre of Arab Women for Training and Research
CBA	Collective bargaining agreement
CBJ	Central Bank of Jordan
CE-BSG	Centre of Excellence for Gender Budgeting
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CESE	Economic, Social and Environmental Council (Morocco)
CEWLA	Centre of Egyptian Women Legal Assistance (Egypt)
CNDH	National Council for Human Rights (Morocco)
CNFCE	National Chamber of Women Entrepreneurs (Tunisia)
CNSS	National Social Security Fund (Morocco)
COLIBE	Committee for Individual Freedoms and Equality (Tunisia)
CREDIF	Centre for Research, Studies, Documentation and Information on Women (Tunisia)
CSO	Civil society organisation
CSW	Commission on the Status of Women
DGCL	General Directorate of Local Authorities (Morocco)
DIDH	Inter-ministerial Delegation of Human Rights (Morocco)
ECE	Early childhood education
ECOSOC	United Nations Economic and Social Council
EDHS	Egypt Demographic and Health Survey
EGP	Egyptian pound
EMF	Egyptian Microfinance Federation
ENA	National School of Administration (Tunisia)

EPIC	Equal Pay International Coalition
ERTU	Egyptian Radio and Television Union
EU	European Union
EVAR	Egypt Vulnerability Assessment for Refugees
FAO	Food and Agriculture Organisation of the United Nations
FDI	Foreign direct investment
FEI	Federation of Egyptian Industries
FGM	Female genital mutilation
FRA	Financial Regulatory Authority (Egypt)
GANHRI	Global Alliance of National Human Rights Institutions
GBA	Global Banking Alliance for Women
GBV	Gender-based violence
GDP	Gross domestic product
GIIN	Global Impact Investing Network
GIZ	German development agency
GTPPE	Thematic Group of Parliamentarians for Parity and Equality (Morocco)
HACA	High Authority for Audiovisual Communication (Morocco)
HAICA	High Authority for Audiovisual Communication (Tunisia)
HBB	Home-based businesses
HCP	National Statistics Office (Morocco)
HRW	Human Rights Watch
IIED	International Institute for Environment and Development
ILO	International Labour Organization
IOE	International Organisation of Employers
IPU	Inter-Parliamentary Union
ITUC	International Trade Union Confederation
JEDCO	Jordan Enterprise Development Corporation
JOD	Jordanian dinar
JNCW	Jordanian National Commission for Women
JRP	Jordan Response Plan for the Syria crisis 2018-2020
LAS	League of Arab States
MEF	Ministry of Economy and Finance (Morocco)
MENA	Middle East and North Africa
MFI	Microfinance Institution
MIIC	Ministry of International Cooperation (Egypt)

MSSDEF	Ministry of Solidarity, Social Development, Equality and the Family (Morocco)
MWFCS	Ministry of Women, Family, Childhood and Seniors (Tunisia)
NCCM	National Council for Childhood and Motherhood (Egypt)
NCPE	National Committee for Pay Equity (Jordan)
NCW	National Council for Women (Egypt)
NEET	Not in employment, education or training
NGO	Non-government organisation
NHRI	National human rights institution
ODA	Official development assistance
OECD	Organisation for Economic Cooperation and Development
OHCHR	United Nations Office of the High Commissioner for Human Rights
PGE	Government Plan for Equality (Morocco)
PISA	OECD Programme for International Student Assessment
SDGs	Sustainable Development Goals
Sida	Swedish International Development Cooperation Agency
SIGI	Social Institutions and Gender Index
SSE	Social and solidarity economy
SSC	Social Security Corporation (Jordan)
STEM	Science, technology, engineering and mathematics
TEA	Total early-stage entrepreneurial activity
UGTT	Tunisian General Labour Union
UMW	Union of Media Women (Egypt)
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UTICA	Tunisian Union of Industry, Trade and Handicrafts
VAW	Violence against women
WASH	Water, sanitation and hygiene
WEE	Women's economic empowerment
WEEF	MENA-OECD Women's Economic Empowerment Forum
WEPs	Women's Empowerment Principles
WFP	World Food Programme
WUAB	World Union of Arab Bankers

# Executive summary

At a moment when many countries in the Middle East and North Africa (MENA) are looking to accelerate economic growth and build more stable, open societies, enabling women's economic empowerment holds one of the keys. If women were to be as equally involved as men in labour markets, the MENA region could see its gross domestic product (GDP) boosted by as much as 47%. This report reveals that change is underway across the region. It presents 24 detailed case studies of recent legislative, policy and institutional reforms to support women's economic empowerment in Egypt, Jordan, Morocco and Tunisia. The report draws out some of the common factors behind the success of these reforms and their implementation. Despite the challenges some countries face, some of which are exacerbated with the ongoing COVID-19 crisis, the report asserts that progress can be nurtured further through targeted, inclusive and co-ordinated policy actions.

## Progress is being made

- **Education.** Women in Egypt, Jordan, Morocco and Tunisia are more educated than ever before. Gender gaps in education are almost closed, especially at tertiary level, with women in some countries catching up with men in the male-dominated fields of science, technology and maths. Their academic progress, however, has not translated into equally improved access to economic opportunity.
- **Equality in work.** The four countries have undertaken legislative reforms and led numerous initiatives to facilitate women's participation in the labour market and enhance their rights at work. These include measures to promote equal pay, introduce flexible work options, encourage gender balance in corporate leadership and address sexual harassment in the workplace. The private sector is increasingly taking gender equality initiatives to encourage women's participation in the labour force.
- **Work-life balance.** Countries have made efforts to reform their social protection systems to enhance women's work-life balance and ease their unpaid care burdens. Introducing paternity leave and providing better options for childcare are some examples of how countries are stimulating women's labour force participation and trying to encourage men to engage in more unpaid care work.
- **Women as entrepreneurs.** Countries are trying to boost female entrepreneurship and formalise businesses. These measures include facilitating women entrepreneurs' access to information, financial services, markets, investment opportunities, land and other assets.
- **Women as leaders.** The reform process is also becoming more inclusive, thanks to a number of initiatives to enhance women's membership and leadership in ministries of labour and employment as well as in workers' and employers' organisations. This could result in better gender equality outcomes for social dialogue and collective bargaining. This progress was made apparent during the COVID-19 crisis in governments' efforts to integrate national women's machineries into the bodies in charge of developing the countries' crisis response.

- **Vulnerable women.** Particular attention has been given to improving the situation of vulnerable women workers, such as domestic workers, rural women and women refugees. Efforts are also underway to address the high rates of violence against women and girls in the private sphere, in public and in the workplace. The extent of the reforms differs significantly between countries, however, and their level of implementation remains to be seen.

## Many barriers remain

Despite this progress, female labour force participation rates in the four countries remain among the lowest in the world. The region has the largest global gender entrepreneurship gap, with women in MENA significantly less likely to run their own businesses than men. In general, women operate businesses with lower levels of capitalisation and are more reliant on self-financing. This is especially true for women in the informal economy, who cannot easily get access to credit. Because of the COVID-19 crisis, these women are therefore more likely to have to close their businesses for extended periods with substantially reduced or no revenues.

Just like in other regions of the world, women perform the bulk of unpaid care and domestic work, and restrictive social norms further stifle their participation in the labour force. In addition, during the COVID-19 pandemic, MENA women have seen the hours they devote to unpaid care work increase as a consequence of school and day care closures, reductions in public services for people with disabilities and the elderly, the non-availability of domestic workers and the need to look after family members with COVID-19. When MENA women do work, they are more likely to be concentrated in sectors with lower productivity and in vulnerable conditions with insufficient social protection. Wage gaps between men and women persist, even in traditionally feminised jobs.

Women can only contribute meaningfully to the labour force and the economy if their economic empowerment is encouraged by their families and society more broadly. In the four countries, restrictive social norms continue to hold back women's economic empowerment and condone violence against women, which is still pervasive in the region and carries significant social and economic costs. Some of these norms are also enshrined in (personal status) legislation. Discriminatory provisions on marriage and divorce, family decision making, inheritance and property rights as well as freedom of movement are contradictory to existing constitutional guarantees of gender equality and continue to curb women's economic empowerment.

## Success factors for reform

Reform is one thing – ensuring that reforms are implemented, enforced and actually have a positive impact on women's lives is another, especially when they require shifts in attitudes and entrenched mindsets. It often takes considerable effort and a range of factors to make these reforms a reality. Drawing on the experiences of the four countries in their efforts to advance women's economic empowerment, this report identifies ten "success factors":

- Adhering to, implementing and reporting against international/regional standards as well as participating in international/regional review mechanisms to measure progress on women's economic empowerment.
- Building the evidence base to advocate for and secure legal, policy and institutional reform.
- Sequencing policies for women's economic empowerment towards gradual legal reform.
- Securing political commitment for reform at the highest levels.
- Being tenacious in advocacy and lobbying to pressure governments into undertaking reform.
- Fostering women's participation and leadership

- Adopting multi-stakeholder and multisector approaches for comprehensive reform.
- Building capacity and learning from peers.
- Addressing restrictive social norms and stereotypes that underpin discriminatory legislation and hold back women's economic empowerment.
- Ensuring implementation of and compliance with reforms.

In addition to these success factors, the report makes a range of detailed recommendations, listed in the "Key findings and recommendations" below, and in each chapter of the report.

# Key findings and recommendations

Egypt, Jordan, Morocco and Tunisia have demonstrated their commitment to accelerating women's economic empowerment through a number of deep reforms. The four countries are aware that creating societies that are more inclusive will lead to more competitive economies. Indeed, unleashing women's potential can have significant economic benefits; if women were to play an identical role in labour markets as men, the Middle East and North Africa (MENA) regions could see its gross domestic product (GDP) boosted by as much as 47%. Hence, empowering women economically is not only the right thing to do – it is also the smart thing to do.

In 2017, the OECD released *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*. The publication gave an overview of the various types of laws in place in the six countries covering different aspects of women's lives. It concluded that since the 2011 uprisings, countries had included provisions on non-discrimination and/or gender equality in their constitutions. While this is a significant step forward, discriminatory legal frameworks remain that are not in line with the constitution and that are holding back women's economic empowerment. The challenges in moving towards greater gender equality are not unique to MENA, since no country worldwide has achieved full gender equality. Reports show that Sustainable Development Goal (SDG) 5 on gender equality and women's empowerment is the SDG where the world is making the least progress.

To follow up on the 2017 report, from 2017 to 2019 the OECD undertook in-depth national consultations with a variety of stakeholders in MENA countries to discuss recent reforms in further detail, including their implementation, and to identify go-forward reform priorities in support of women's economic empowerment, with a particular focus on legal equality. During the national consultations, Egypt, Jordan, Morocco and Tunisia requested the OECD to conduct action-oriented research that would provide tools to policy makers and lead to concrete impact on the ground. This report is one of the responses to their request.

The report includes 24 case studies that analyse specific recent legislative, institutional and policy reforms for women's economic empowerment in Egypt, Jordan, Morocco and Tunisia. The case studies examine how and why the reforms came about, the actors involved, their implementation and impact, as well as key success factors. They are based on discussions with stakeholders in the countries concerned. The report also includes in-depth boxes based on desk review that analyse initiatives on women's economic empowerment, as well as boxes highlighting reform tools for legislators and policy makers.

The report draws out ten factors for success in reform, as well as a wealth of detailed and concrete policy recommendations.

The way in which MENA countries have reacted to the COVID-19 crisis illustrates the progress that has been identified throughout this report in achieving gender equality. The COVID-19 pandemic represents

an opportunity for governments in the region to go even further in their efforts to address the structural issues faced by MENA women, and which have been exacerbated in light of the crisis.

## Women's economic activity still trails behind men's

In the past decade, educational attainment of women and girls has advanced a great deal in the MENA region – girls are catching up with boys at all levels of education in terms of participation and performance. Some countries have witnessed significant improvement in science, technology, engineering and mathematics (STEM) subjects.

Such progress, however, will need more time to be translated into better market outcomes. Women in MENA have much fewer opportunities than men to contribute to and benefit from economic activities. They trail behind men in the labour market in every industry, sector and occupation. The region's female labour force participation rates remain among the world's lowest. Female unemployment rates, especially ratios of young women who are not in education, employment or training, exceed global averages. Women in MENA devote disproportionately more time to unpaid care and domestic work than men, leaving them little time for paid work.

When women do work, they are paid less than their male counterparts in the private sector. They are generally more likely than men to work as contributing family workers, and their social protection coverage is inadequate. Prominent gender segregation continues to undermine their career choices and professional progression. Women in MENA are less active in entrepreneurship than men due to limited access to assets and finance, among other factors.

Persistent restrictive social norms are at the root of women's weak economic activity. Most men in the region still uphold traditional attitudes towards women's economic empowerment, though some positive changes are taking place among more educated groups. Gender-based violence persists and undermines women's agency and freedom of choice and has high social and economic costs.

## There is progress on many fronts

Egypt, Jordan, Morocco and Tunisia are well aware that enhancing women's economic empowerment is a pathway towards building economies that are more competitive.

All four countries have ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) – the main international standard devoted exclusively to women's rights (although Egypt, Jordan and Morocco still have reservations to some CEDAW articles). The four countries have also ratified relevant international standards on women's labour rights, such as the ILO Equal Remuneration Convention (C100) and the ILO Discrimination Convention (C111). In addition, the constitutions of the four countries and the labour codes of Egypt, Morocco and Tunisia guarantee the principle of non-discrimination. The case studies analyse additional reforms and initiatives that the four countries have undertaken to translate these principles into practice. All four countries have amended their labour legislation, economic legislation, and/or social protection frameworks to encourage women's labour force participation and promote greater gender equality at work. Additional policy improvements and initiatives have facilitated the implementation of these reforms. In practical terms this has meant:

- **Equality for women at work is improving.** Countries have taken initiatives to encourage decent work for women. While the labour codes of Egypt, Morocco and Tunisia include generic non-discrimination provisions, those of Egypt and Morocco explicitly prohibit wage discrimination based on gender. Yet only Morocco and Jordan give full legislative expression to the principle of "equal remuneration for work of equal value" in line with the ILO Equal Remuneration Convention. The MENA region overall has stepped up its efforts to close the gender pay gap through the recent

launch of the Equal Pay International Coalition, led by Jordan. Most countries have introduced flexible work options. A number of countries have taken initiatives to promote gender balance in corporate leadership, with the corporate governance codes of Jordan and Morocco mentioning the importance of gender diversity on boards. Most countries covered by the publication have taken measures to address sexual harassment in the workplace.

- **Women's work-life balance is being eased.** The four countries are working towards addressing women's unpaid care burden and restoring women's work-life balance. Some countries are working to reform their overall social protection systems. Jordan has developed coherent national social protection policies and Morocco is in the middle of a social protection reform. Egypt and Tunisia are focusing on enhancing selected social protection benefits such as maternity and/or paternity leave. In addition, countries are making registration for these systems easier. Countries also aim at providing better options for childcare, and maternity and paternity leave, while Tunisia and Morocco are promoting the "social and solidarity economy".
- **Women are increasingly involved in social dialogue and tripartite processes.** This allows MENA's women workers and employers to have a say in the laws and policies that address their needs. The case studies show that the four countries are making efforts to increase women's participation and leadership in workers' and employers' organisations. In this way, collective bargaining can have more positive outcomes for women. Ministries of Labour from Egypt and Jordan have established specific units that focus on including a gender equality perspective in labour matters.
- **The private sector is pushing for decent work for women.** An important challenge in the region is to strengthen the private sector and make it more attractive for women. While women in MENA prefer to work in the public sector, the case studies show that the private sector – from banks to agribusiness – is increasingly taking gender equality initiatives to encourage women's participation in the labour force. This approach offers much potential for creating broader economic benefits.
- **Female entrepreneurship is being boosted.** Women face many barriers to setting up their own businesses. Countries have adopted specific measures to facilitate women entrepreneurs' access to information, markets, investment opportunities, financial services, land and other assets. In addition, countries are encouraging women entrepreneurs to formalise their businesses.
- **Conditions for vulnerable women are being improved.** In line with the provisions of Agenda 2030 on leaving no one behind, MENA countries are taking initiatives to improve the protection and economic empowerment of women who are particularly vulnerable in the labour market. Specific measures have been put into place to improve the situation of domestic workers, rural women and women refugees. These efforts have been reinforced in the context of the COVID-19 crisis, which prompted governments to take exceptional measures to reach vulnerable groups of women who generally fall outside social assistance schemes, including women in the informal sector, rural women and domestic migrant workers.
- **The key actors in reform are being strengthened.** Legislative reform for women's economic empowerment is often a complex undertaking, involving parliaments and governments, but also civil society organisations, the media and national human rights institutions. Parliaments have developed initiatives to facilitate the drafting, introducing and passing of gender-sensitive legislation as well as overseeing its implementation. These reform efforts have often taken place in a complex political climate that is sometimes in opposition to a reform agenda to support women's economic empowerment. Egypt, Morocco and Tunisia have banned media institutions from showing negative gender stereotypes and are encouraging them to show more women leaders in the media. Civil society organisations (both at local and national levels) in the four countries are key actors at all stages of the reform and implementation process, but often face important constraints to their functioning. Women's rights activists have worked tirelessly to advance the agenda, in some cases with support from the international community.

## Without further action, restrictive social norms and entrenched discrimination will undermine progress

The promising reforms on the policy, legislative and institutional fronts described above are proving difficult to implement as restrictive social norms and stereotypes continue to hold back women's economic empowerment and condone violence against women and girls. The OECD Social Institutions and Gender Index provides ample evidence that social expectations surrounding gender roles still negatively affect women's economic empowerment around the world. Although attitudes towards women's economic empowerment in MENA are evolving among certain population groups, MENA remains the only region in the world where younger generations of men do not hold more liberal views than older generations when it comes to gender equality.

Some of these norms are also enshrined in the (personal status) legislation of the four countries. As long as discriminatory legislation remains in place on marriage and divorce, family decision making, inheritance and property rights as well as freedom of movement, greater economic empowerment for women will be difficult to achieve. This legislation is contrary to the constitutional guarantees on non-discrimination and gender equality, and women's rights activists have been advocating for years to amend discriminatory provisions so that women can take up their rightful place in families and the society more broadly. Violence against women is still pervasive in the region and carries significant social and economic costs.

There is momentum for legislative change in the following areas, though social norms still threaten to undermine the implementation of these laws:

- **Protecting women's inheritance rights.** Tunisia's late President Essebsi has commissioned a report that proposes further aligning national legislation with constitutional guarantees on gender equality, including in inheritance. This has sparked important and unprecedented discussions across the region on equal inheritance, with some countries taking measures to protect women's inheritance share. Nevertheless, legislation in the four countries still prescribes that female heirs are entitled to only half the share to which men are entitled.
- **Nationality and rights.** Countries have also taken action to enhance women's rights to transfer their nationality. In Egypt, Morocco and Tunisia, women have the right to transfer their nationality to their children. Tunisia is the only country covered by the publication that gives the wife the right to transmit her nationality to a foreign spouse, while husbands in all four countries can transfer their nationality to a foreign spouse.
- **Violence against women.** The four countries have undertaken reforms to address violence against women and girls in the private sphere, in public, and in the workplace. The constitutions of Egypt and Tunisia prohibit violence against women. While Morocco and Tunisia have issued new specific legislation on violence against women, Egypt and Jordan have amended their existing legal frameworks. The reforms range from very comprehensive in some countries to minimal in others. Morocco and Tunisia have made economic violence punishable, meaning that in theory it is illegal to prohibit women from working, to control women's income or to affect their economic rights in any other way. Countries' commitment to addressing gender-based violence has been illustrated during the COVID-19 crisis, as governments have taken rapid action to enhance support mechanisms for victims in light of the surge in domestic violence resulting from the confinement measures.

## Factors for success and recommendations

Economic and social transformation go hand in hand. Enhancing women's economic empowerment is a prerequisite for boosting economic growth in Egypt, Jordan, Morocco and Tunisia. It is clear that the momentum for change exists, with a number of reforms in favour of women's economic empowerment

undertaken recently or under discussion. This regional momentum is driven by global impetus for progress on gender equality, exemplified by the Sustainable Development Goals, the 25<sup>th</sup> anniversary of the Beijing Declaration and Platform for Action, and the United Nations Secretary General's High-level Panel on Women's Economic Empowerment.

The report shows that countries have adopted different approaches to bringing about reforms and ensuring that they are implemented in practice. In some cases, a clear strategy was behind a certain reform effort, while in other cases it was very much a "trial and error" approach. The report has identified some common factors that contributed to the success of the initiatives related in the case studies. The list is non-exhaustive, and not all case studies deployed all of the strategies and mechanisms mentioned below. However, the list does provide some interesting insights for policy makers into what "success factors" they may choose to prioritise to ensure that reforms actually translate into greater gender equality and more opportunities for women. These ten success factors for reform are accompanied by specific recommendations to help implement them (more detailed recommendations can be found in the thematic chapters, Chapters 2 to 5):

### ***Adhering to, implementing and reporting on international standards and international review mechanisms***

Countries' adherence to international standards and instruments with gender relevance is crucial. Adherence/ratification signals political will for enhancing gender equality and implies an obligation to align national legal frameworks with international standards. These standards allow countries' progress to be measured against ambitious benchmarks since countries must report on their progress. The progress reports are also an important advocacy tool for further reforms. Other types of international commitments and mechanisms, such as Agenda 2030 for Sustainable Development and the Commission on the Status of Women, have also turned out to be key factors in pushing for reforms to support women's economic empowerment in the four countries.

#### **Specific recommendations:**

- Remove reservations to CEDAW and ratify its optional protocol. Consider ratifying other relevant international standards, such as selected ILO conventions as well as the 2013 OECD Council Recommendation on Gender Equality in Education, Employment and Entrepreneurship and the 2015 OECD Council Recommendation on Gender Equality in Public Life.
- Align national legislation with gender equality provisions outlined in countries' constitutions and international commitments. More specifically:
  - Include a non-discrimination provision in the labour code together with special provisions on women's rights at work, such as equal remuneration for work of equal value.
  - Remove all discriminatory legal provisions related to women's participation in the labour market, such as those that prohibit women from entering certain professions, working at night or working the same amount of hours as men.
  - Work towards mainstreaming a gender equality perspective in different types of economic legislation including investment laws and tax laws.
  - Continue social protection systems reforms with a focus on addressing gender inequalities and promoting women's participation in the labour force. Introduce measures that allow informal sector workers to access social protection.
  - Provide protection to categories of workers that fall outside the scope of the labour code. This can be done through issuing separate laws for specific categories of workers, such as domestic workers and agricultural workers. These laws should guarantee the same rights as offered in the labour code.

- Introduce reforms to more equally distribute unpaid care work and improve women's work-life balance (e.g. promote flexwork, childcare, uptake of paternity/parental leave). Guarantee that non-monetary contributions made during marriage are valued at the time of dissolution of marriage and of distribution of assets
- Actively engage in global initiatives and dynamics that can inspire reforms in support of women's economic empowerment, such as the fifth anniversary of Agenda 2030 for Sustainable Development and the 25th anniversary of the Beijing Declaration and Platform for Action.

### ***Building the evidence base***

Building the evidence base on the current situation in society that calls for change is crucial in advocating for and securing legal, policy and institutional reform. A solid and rigorous evidence base also allows progress to be measured over time. Countries have made extensive efforts to improve their data collection and analysis of particular aspects of women's economic empowerment. Specific studies have been carried out, for example, on violence against women and girls, social norms, and the image of women in the media. However, achieving more regular data collection, analysis and dissemination that is consistent over time and is comparable across countries remains challenging.

#### **Specific recommendations:**

- Fill gaps in the data needed for measuring SDG indicators related to women's economic empowerment: e.g., statistics on informal employment, sex-disaggregated data on the average number of hours spent on paid and unpaid domestic work, sex-disaggregated shares of those employed part-time, gender statistics in the area of business ownership and the percentage of firms, by size, owned by women.
- Collect gender data more regularly through additional surveys that can be compared across countries and over time.
- Continue building the evidence base on vulnerable groups of women. This means disaggregating data not only by gender, but also by location, age, etc.
- Disseminate the evidence. This is crucial. Incorrect information has sometimes deliberately been publicised in order to negatively influence public opinion on the need for further reforms on gender equality.

### ***Sequencing policies towards gradual legal reform***

Since the 2011 uprisings, the four countries have included provisions on non-discrimination and/or gender equality in their constitutions. While this is a significant step forward, discriminatory legal frameworks remain that are not in line with the constitution and that are holding back women's economic empowerment. While gender policies usually have a legal dimension, a specific feature of the MENA region is the existence of discriminatory legal provisions which require specific strategies in order to remove them.

Legal reform often happens gradually and interacts in different ways with the policy cycle. Different types of policies on women's economic empowerment exist and the case studies confirm that countries are taking advantage of wider policy reforms to include a gender aspect. The report also indicates that drawing up policies on women's economic empowerment is often an important step towards legal reform.

#### **Specific recommendations:**

- Adopt a systematic approach to institutionalising gender equality concerns and mainstreaming a gender equality perspective in relevant policies and legislation, at both drafting and adoption stages.

- Take advantage of a policy reform in a relevant area (e.g. employment/entrepreneurship policy) in order to mainstream a gender equality perspective.
- Provide special attention to vulnerable groups of women (e.g. women refugees, domestic workers, rural women) in relevant policy frameworks.
- Ensure that national gender strategies are up to date and include all aspects of women's economic empowerment. In some countries, it may be beneficial to put into place a specific strategy for women's economic empowerment.
- Build on regulations, instructions, circulars and collective bargaining agreements in support of women's economic empowerment that do not need to go through the parliamentary process. This can be the first step in moving towards deeper reform.

### ***Securing political commitment at the highest levels***

In order to make reform happen, political commitment at the highest level is necessary. The case studies demonstrate that the heads of state of the four countries have played a crucial role in pushing forward legal reforms to support women's economic empowerment. Preparing and seizing the right political momentum for reform is one of the biggest challenges in the four countries, despite their very different political systems and governance models.

#### **Specific recommendations:**

- Build alliances across political parties and create momentum for high-level commitment to reforms in support of women's economic empowerment
- Continue the debate on gender equality where the current political climate makes recommendations on legal and policy reform difficult to achieve. The debate should be based on facts and held in a spirit of openness, involving different stakeholders.

### ***Being tenacious in advocacy and lobbying***

Advocacy and lobbying have been essential for achieving legal reform for women's economic empowerment. Civil society organisations in the four countries have used a variety of advocacy and lobbying approaches to push for reform throughout the legislative cycle. The best results have been achieved when a cross-section of actors have worked together to put pressure on governments. While Tunisia has made the most progress in including civil society organisations in decision-making processes, Jordan and Morocco have also made important headway.

#### **Specific recommendations:**

- Refer to international and regional standards that countries have adhered to when pressing for different types of reforms in favour of women's economic empowerment.
- Use the regular international reporting mechanisms (e.g. CEDAW progress reports and SDG reporting) as a means to push the government to provide the evidence on the situation of women's economic empowerment.
- Provide funding and capacity building to national CSOs in order to ensure the continuity of their activities and given their crucial role in advocacy and lobbying.
- Support the role of the media in disseminating and sensitising the wider public to legal reforms that support women's economic empowerment.

### ***Fostering women's participation and leadership***

Having more women in leadership positions in a variety of institutions can be an important factor for successful legal reform. More women in parliament and high-level government positions can help in setting

priorities for reform and making reform happen. Better gender balance in workers and employers' organisations can lead to more gender-responsive labour legislation. More women in the judiciary can support the implementation of these reforms. In the private sector, women leaders often champion successful gender initiatives. Giving more visibility to women leaders can influence public opinion in favour of women's economic empowerment.

#### **Specific recommendations:**

- Ensure that women have a say in reform processes that concern them and are represented in leadership positions in various parts of society, such as national and local government; private sector; parliament; media; workers' and employers' organisations.
- Enhance gender balance in corporate governance through quotas and the inclusion of a gender equality provision in corporate governance codes.
- Strengthen social dialogue processes in order to mainstream women's economic empowerment in labour legislation as well as collective bargaining agreements.
- Support male champions of change in order to push for legal reform and implementation in support of women's economic empowerment.

#### ***Adopting multi-stakeholder and multi-sector approaches***

Since reforms for women's economic empowerment touch on so many aspects of women's lives, their families and the community at large, it is necessary to undertake reforms in different areas of the law as well as to involve different types of stakeholders in these reform processes, including the private sector. Ideally, different types of laws that touch on women's economic empowerment should be reformed in parallel. In reality, this has turned out to be challenging, in particular in the area of the family law.

#### **Specific recommendations:**

- Involve different stakeholders, including civil society organisations, in reform processes.
- Enhance public-private dialogue so that reform implementation by both the state and the private sector can be aligned.
- Research and document private sector initiatives on gender equality at country and regional level and give more visibility to these initiatives.
- Work with the private sector to encourage women entrepreneurs by making it easier to access financial services, microfinance, and business formalisation.
- Include gender equality provisions in investment laws and follow up on their implementation so that women entrepreneurs can access and benefit from investment opportunities.

#### ***Capacity building and peer learning***

A range of skills are needed to make legal reform on women's economic empowerment a reality and to make sure that these reforms are being implemented. The report indicates that capacity building is needed for the actors involved in different aspects of legal reform (such as advocacy, drafting and adopting legislation) as well as reform implementation. Peer learning among countries can also be a useful mechanism for exchanging experiences on how to make legal reform happen.

#### **Specific recommendations:**

- Provide capacity building on women's economic empowerment to actors that are involved in different aspects of legal reform, as well as its implementation. Tap into the existing local expertise of CSOs and national women's machineries on women's economic empowerment.

- Encourage the set-up and facilitate the functioning of permanent parliamentary bodies that focus on gender equality to support parliaments in designing legislation for women's economic empowerment.
- Draw on international guidance to draft gender equality legislation that is in line with international standards.
- Train state officers who are involved in decisions and procedures related to women's economic empowerment (e.g. inheritance cases and VAW cases) so that they are aware of women's rights.
- Exchange experiences and good practices on reforms in support of women's economic empowerment across the region, using platforms such as the MENA-OECD Women's Economic Empowerment Forum.

### ***Addressing restrictive social norms and stereotypes***

The case studies show that the four countries are building evidence of what it means today to be a man/boy or a woman/girl in society and the types of restrictive social norms and stereotypes that exist. This can be an important step towards legal reform or implementing reforms for women's economic empowerment. Countries are also taking concrete initiatives to address these restrictive social norms and stereotypes.

#### **Specific recommendations:**

- Raise awareness of different aspects of women's economic empowerment and how legal frameworks affect it. These awareness-raising efforts should target both women and men.
- Support programmes that address restrictive social norms and stereotypes surrounding women's participation in the labour market and men's participation in unpaid care work.
- Revise personal status laws so that women and men can participate in the labour market on an equal footing (e.g. abolish women's duty to obey).
- Revise nationality and marriage legislation, giving women equal rights to transfer their nationality to spouses and children. Full legal equality should be ensured, with no differences in transfer procedures for women and men.
- Enshrine equality in inheritance in national legislation in order to align this legislation with the equality principles guaranteed in countries' constitutions.
- Issue a comprehensive law on VAW and/or align different national legal frameworks that cover VAW. Recognise economic violence as a form of violence against women in the legislation. Make sure that the legislation addresses violence and (sexual) harassment at the workplace.

### ***Ensuring implementation and compliance***

Legal reform on its own only has value if it is implemented. The report can only give a limited overview of how countries are implementing recent reforms since most of these reforms have not been in place for a long time. However, from the case studies and interviews conducted for the publication, it is clear that mechanisms are in place that can facilitate implementation and compliance with these recent reforms. Raising awareness of the reforms, providing access to justice and the implementation of court decisions seem particularly important. Other mechanisms include reporting, labour inspection, complaint mechanisms and scrutiny by national human rights institutions.

#### **Specific recommendations:**

- Ensure the dissemination of gender-responsive legislation in a form that is clear and adapted to the target audience.

- Adopt policies, programmes and projects with dedicated budgets for the concrete implementation of reforms on women's economic empowerment. The state budget laws of the four countries, which include an obligation for gender mainstreaming, can provide the necessary leverage.
- In addition to mainstreaming at national level, ensure gender mainstreaming in local government budgets, policies, action plans and programmes.
- Make sure that more development co-operation programmes and projects are implemented in remote areas in order to reach vulnerable rural populations.
- Enhance co-ordination among the various state institutions that are responsible for implementing reforms.
- Make regular monitoring and reporting on the implementation of the reforms mandatory. This could include analysis of how courts are implementing recent legislative reforms.
- Improve labour inspections with a focus on gender equality so that legal provisions on non-discrimination and gender equality are enforced.
- Provide legal assistance to women who wish to claim their rights.
- Ensure enforcement of court decisions in favour of women's economic empowerment.
- Ratify the CEDAW optional protocol and set up national human rights institutions in line with the provisions foreseen in the constitution so that there are additional mechanisms in place to enforce women's rights.

The case studies and interviews conducted for this publication testify to the numerous legal, policy and institutional reforms underway in Egypt, Jordan, Morocco and Tunisia to support women's economic empowerment. However, they also underscore the complex matrix of factors involved in ensuring that reforms are implemented and lead to social change.

The precursor to this report – the 2017 OECD report *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia* – included a range of policy recommendations addressed to governments. This follow-up report shows that some of the 2017 recommendations remain valid. Egypt, Jordan, Morocco and Tunisia can build on the progress already achieved to take further reform and implementation measures for women's economic empowerment.

**Table 1. Case study and in-depth box overview matrix**

	Equality at work	Women as leaders	Vulnerable women (rural, migrant, domestic workers)	Social protection	Social norms and personal status legislation	Violence against women	Grassroots /civil society initiative	Govt. initiative	Private sector initiative	International initiative	Egypt	Jordan	Morocco	Tunisia
<b>Chapter 2</b>														
Case Study 2.1 Flex work Jordan	✓						✓			✓		✓		
Case Study 2.2 Corporate leadership MENA	✓	✓					✓	✓	✓	✓	✓	✓	✓	✓
Case Study 2.3 Social protection Jordan	✓			✓		✓	✓	✓	✓		✓			
Case Study 2.4 Childcare Jordan	✓					✓	✓	✓	✓		✓			
Case Study 2.5. Tripartite structures Tunisia		✓							✓	✓				✓
Case Study 2.6 Tripartite structures Egypt	✓	✓					✓	✓	✓		✓			
Case Study 2.7 CBA private schools Jordan	✓			✓		✓	✓	✓	✓		✓			
Case Study 2.8 Financial inclusion Jordan	✓		✓				✓	✓			✓			
Case Study 2.9 Microfinance Egypt			✓				✓	✓	✓		✓			
Case Study 2.10 Investment law Egypt							✓				✓			

	Equality at work	Women as leaders	Vulnerable women (rural, migrant, domestic workers)	Social protection	Social norms and personal status legislation	Violence against women	Grassroots /civil society initiative	Govt. initiative	Private sector initiative	International initiative	Egypt	Jordan	Morocco	Tunisia
Box 2.2. Work equality for women Jordan	✓			✓				✓				✓		
Box 2.3 World Union of Arab Bankers	✓	✓							✓					
Box 2.5. Social protection reforms Morocco				✓				✓					✓	
Box 2.6. Maternity and paternity leave reforms MENA	✓			✓				✓			✓	✓	✓	✓
Box 2.8 Formalising women's businesses MENA			✓	✓				✓	✓	✓	✓	✓	✓	✓
Box 2.9. Microfinance regulations MENA	✓										✓	✓	✓	✓
<b>Chapter 3</b>														
Case study 3.1 Domestic workers Morocco			✓	✓			✓	✓	✓				✓	
Case study 3.2 Rural women Tunisia			✓	✓			✓	✓	✓					✓
Case study 3.3 Soulaliyate women Morocco			✓		✓		✓	✓		✓			✓	
Case study 3.4 Syrian refugees in Jordan			✓	✓	✓	✓	✓	✓		✓		✓		
Box 3.3. Policies for rural women MENA			✓								✓	✓	✓	✓

	Equality at work	Women as leaders	Vulnerable women (rural, migrant, domestic workers)	Social protection	Social norms and personal status legislation	Violence against women	Grassroots /civil society initiative	Govt. initiative	Private sector initiative	International initiative	Egypt	Jordan	Morocco	Tunisia
Box 3.5 Private sector in rural Egypt			✓	✓				✓	✓		✓			
Box 3.6 Access to land MENA			✓		✓						✓	✓	✓	✓
Box 3.7 Block-chain for Syrian refugees in Jordan			✓	✓						✓		✓		
Box 3.8 Economic inclusion, refugees in Egypt			✓				✓	✓	✓	✓	✓			
<b>Chapter 4</b>														
Case study 4.1 Aligning Tunisia's national legislation with constitutional gender guarantees	✓				✓			✓						✓
Case study 4.2 Inheritance in Egypt					✓	✓	✓	✓			✓			
Case study 4.3 Nationality in Jordan		✓			✓		✓	✓				✓		
Case study 4.4. VAW legislation Tunisia					✓	✓	✓	✓		✓				✓
Case study 4.5 VAW legislation Jordan					✓	✓	✓	✓				✓		
Case study 4.6 VAW legislation Egypt					✓	✓	✓	✓			✓			
Case study 4.7 VAW legislation Morocco					✓	✓	✓	✓					✓	
Box 4.3 Economic costs of VAW MENA					✓						✓			

	Equality at work	Women as leaders	Vulnerable women (rural, migrant, domestic workers)	Social protection	Social norms and personal status legislation	Violence against women	Grassroots /civil society initiative	Govt. initiative	Private sector initiative	International initiative	Egypt	Jordan	Morocco	Tunisia
Box 4.6 Violence and harassment at work MENA	✓				✓	✓			✓		✓	✓	✓	✓
<b>Chapter 5</b>														
Case study 5.1. Parliamentarians in Morocco	✓	✓						✓					✓	
Case study 5.2 Media's role in Morocco	✓				✓		✓	✓	✓	✓			✓	
Case study 5.3 Human rights institutions on women's rights in Morocco							✓						✓	
Box 5.3 Gender and media initiatives in MENA	✓				✓	✓			✓		✓	✓		✓
<b>Chapter 6</b>														
Box 6.3 Multi-stakeholder advocacy Jordan	✓						✓	✓		✓		✓		

# 1

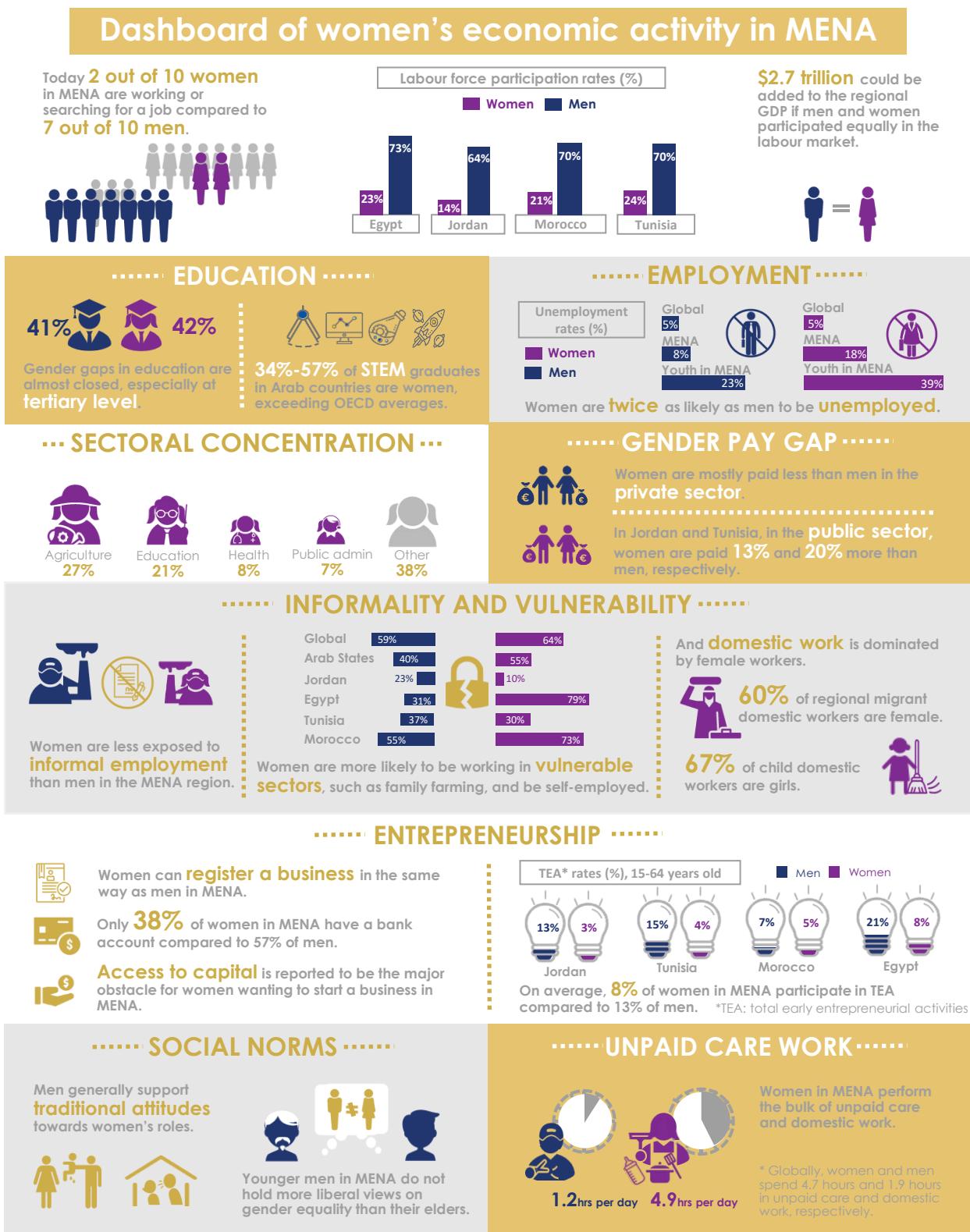
# Women at work and in society: the state of play

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Gender equality in economic activity can generate substantial macroeconomic gains. This chapter provides an overview of women's economic activity in the Middle East and North Africa (MENA) region, focusing on Egypt, Jordan, Morocco and Tunisia. It reveals some areas of progress, especially towards achieving gender parity in education, and representation in decision-making positions. Yet, for the majority of women in MENA, significant improvement in education is not translating into more economic empowerment. The chapter investigates the status of female labour force participation in MENA, including aspects reflecting women's economic activity such as unemployment, occupational segregation, earnings, working condition, and entrepreneurship, including critical enabling factors such as access to assets and finance. Finally, the chapter looks at how conditions for women at home and in society undermine their agency and freedom of choice. These include restrictive and discriminatory norms and practices, unpaid care work, and difficulties in balancing work and domestic demands.

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## Infographic 1.1. Dashboard of women's economic activity in MENA



Source: See Chapter 1 for details.

## 1.1. Introduction

In almost every country of the world, women do not have the same opportunities as men to contribute to and benefit from their economic activities (OECD, 2017<sup>[1]</sup>).<sup>1</sup> The Gender Gap Index shows that the global economic participation and opportunity gap stood at 42% in 2018 (World Economic Forum, 2018<sup>[2]</sup>). Despite its progress towards the greater advancement of women's rights and equal economic opportunities, the MENA region still faces significant gender disparities and biases in a number of areas related to women's economic activity. Most countries in the region lie at the bottom of the Gender Gap Index ranking in terms of economic opportunities (World Economic Forum, 2018<sup>[2]</sup>).

Achieving gender equality in economic activity is not only an end in itself – it can also generate substantial macroeconomic gains. The McKinsey Global Institute estimates that equal access to labour markets by women and men could add as much as USD 2.7 trillion to MENA's gross domestic product (GDP) (McKinsey Global Institute, 2015<sup>[3]</sup>).<sup>2</sup> The World Bank concludes that gender equality in earnings over the lifetime of the current generation of women of working age could add USD 3.1 trillion in regional wealth (World Bank, 2018<sup>[4]</sup>).<sup>3</sup> The OECD's Social Institutions and Gender Index (SIGI) has consistently shown that the negative association between gender discrimination and income is not restricted to labour outcomes, but can also be linked to discriminatory social institutions.<sup>4</sup> Income losses associated with current levels of gender-based discriminatory social institutions are estimated at USD 575 billion in the MENA region (Ferrant and Kolev, 2016<sup>[5]</sup>).

The OECD has long championed the cause of gender equality. Building on the OECD's extensive work, the 2013 OECD Recommendation of the Council on Gender Equality in Education, Employment and Entrepreneurship calls on members and partners who adhere to the recommendation to enhance gender equality in education, employment and entrepreneurship (Box 1.1). The recommendation also invites adherents to co-operate with developing and emerging countries to support their efforts to address gender equality, including by "increasing the gender equality and women's empowerment focus of aid, especially in the economic and productive sectors". Official development assistance (ODA) for gender equality reached an all-time high in 2017-18, at USD 49 billion of bilateral contributions on average per year.<sup>5</sup> This reflects a rapid rise in ODA targeted at gender equality, which has almost doubled since 2012 (when it was less than USD 27 billion). ODA to the MENA region increased by more than twice over the same period (USD 174 million in 2012 against USD 407 million in 2018). Nevertheless, gender-focused aid to MENA's economic and productive sectors could increase further, as the Beijing Platform for Action priority area of poverty reduction and the economy has one of the lowest shares of gender-focused aid (OECD, 2020<sup>[6]</sup>).

This chapter provides a comprehensive overview of the data on women's economic activity and the underpinning social norms in the MENA region. The chapter is divided into four sections: women and education, women and employment, women and entrepreneurship, and women in the family and society. Each section describes the current situation as regards gender gaps and their change over time in the MENA region, and compares them to other parts of the world (where data are available). The chapter also provides an overview of progress and summarises some of the remaining obstacles. It sets the scene for the thematic chapters which follow, which use case studies to highlight how some of those roadblocks are being overcome.

### Box 1.1. OECD gender recommendations

The OECD has two legal instruments on gender equality: the OECD Recommendation on Gender in Public Life (2015) and the OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship (2013). The latter recommends adopting practices that promote gender equality in education; promoting family-friendly policies and working conditions which enable fathers and mothers to balance their working hours and their family responsibilities' and facilitate women to participate more in private and public sector employment. It also recommends increasing the representation of women in decision-making positions, eliminating the gender wage gap, promoting all appropriate measures to end sexual harassment in the workplace, reducing the gender gap in entrepreneurship activity, and paying attention to the special needs of migrant women and women from disadvantaged minority groups. While the recommendations are not legally binding on the adherents, they have great moral force. This means that there is an expectation that adherents will strive towards full implementation of the recommendations. Adherents present regular progress reports on their implementation of the recommendations to the OECD Council.

OECD members and partner countries can adhere to OECD recommendations. Morocco is the only MENA country that has adhered to the OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship. The OECD will support Morocco in the concrete implementation of the recommendation through the second phase of the OECD-Morocco Country Programme.

Source: OECD (2017<sup>[1]</sup>), 2013 *OECD Recommendation of the Council on Gender Equality in Education, Employment and Entrepreneurship*, <https://doi.org/10.1787/9789264279391-en>; OECD (2016<sup>[7]</sup>), 2015 *OECD Recommendation of the Council on Gender Equality in Public Life*, <https://doi.org/10.1787/9789264252820-en>.

## 1.2. Women and education

### ***Great strides are being made in female educational participation and performance***

The regional average of women's literacy rates has increased considerably over the past three decades, from 45% in 1990 to 72% in 2018, and shares of female and male literates among the young (15-24 years) are similar (93% for male youth and 89% for female youth) (UNESCO, 2019<sup>[8]</sup>). Gender gaps are closing in primary (3 percentage points in favour of men), secondary (5 percentage points in favour of men), and tertiary education enrolment (1 percentage point in favour of women) (UNESCO, 2019<sup>[8]</sup>). However, one-quarter of young women and one-third of young men still leave school early, though for different reasons<sup>6</sup> (Dimova, Elder and Stephan, 2016<sup>[9]</sup>).

The OECD Programme for International Student Assessment (PISA) sheds light on how 15-year-old boys and girls in some MENA countries perform on core school subjects (OECD, 2019<sup>[10]</sup>). Although gaps exist in the performance of 15-year-olds between MENA and OECD countries, girls in all the three MENA countries covered by PISA (Jordan, Tunisia and Morocco) outperform their male counterparts in reading tests. It is worth noting that girls in Jordan outperform their national and regional counterparts in terms of mathematical, reading and scientific literacy. In addition, girls in Morocco perform better than boys in science tests (Table 1.1).

**Table 1.1. Performance on PISA Tests, by gender (2018)**

	Average score on mathematical literacy		Average score on reading literacy		Average score on scientific literacy	
	Female	Male	Female	Male	Female	Male
Jordan	403	397	444	393	444	414
Morocco	367	368	373	347	381	372
Tunisia	364	370	373	348	385	389
OECD	487	492	502	472	490	488

Note: PISA is a standardised assessment administered to 15 year olds. The reading, mathematics and science scale ranges from 0 to 1000. Year of reference is 2015 instead of 2018 for Tunisia. Data for Egypt are not available.

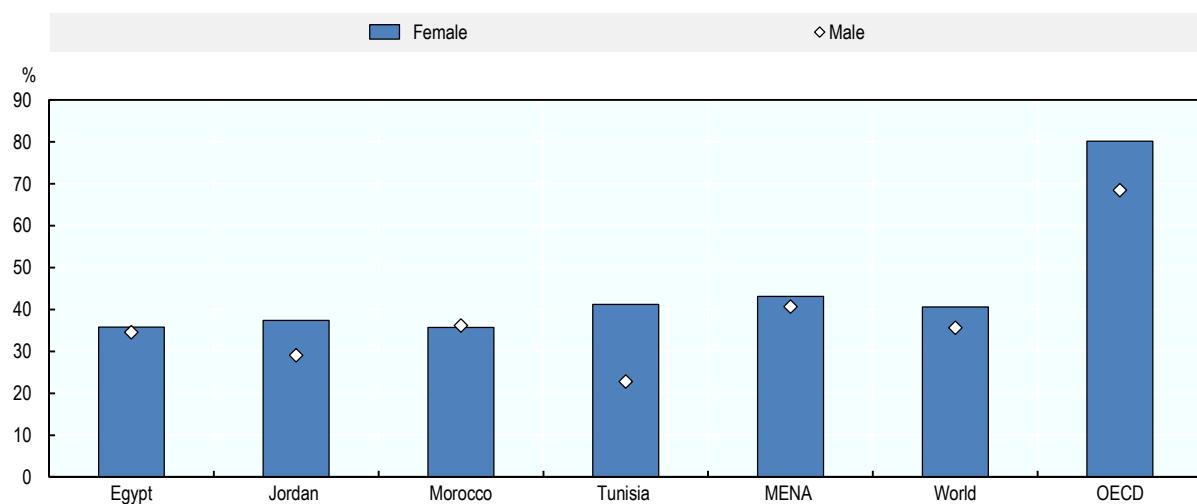
Source: OECD (2019<sup>[10]</sup>), *PISA 2018 Results (Volume I): What Students Know and Can Do*, <https://dx.doi.org/10.1787/5f07c754-en>.

### **Gender equality in tertiary education shows the most impressive progress**

Tertiary education enrolment rates for women in the MENA region have increased significantly since 2005, up from 24% to 43% in 2018 (Figure 1.1), exceeding both the regional male enrolment rates and the world average for female enrolment by nearly 3 percentage points. Women in MENA countries are catching up with their male counterparts in terms of educational attainment as well. Female graduates of tertiary education outnumber their male counterparts in Egypt, Jordan and Tunisia, and the gender gap in Morocco almost closed in 2017 (UNESCO, 2020<sup>[11]</sup>). In Tunisia, the share of female graduates is 66%, even higher than some OECD countries (UNESCO, 2020<sup>[11]</sup>).

**Figure 1.1. The gender gap in tertiary education is closing**

Enrolment rates of tertiary education, by gender (2018)



Note: This figure presents gross enrolment rates in tertiary education by gender in 2018. The gross enrolment ratio is the ratio of total enrolment, regardless of age, to the population of the age group that officially corresponds to the level of education shown. The female gross enrolment ratio, for example, is women's total enrolment in tertiary education expressed as a percentage of the eligible official school-age population corresponding to tertiary education.

Source: Authors' calculations, based on UNESCO (2020<sup>[11]</sup>), *Education: February 2020 release (database)*, <http://data.uis.unesco.org/>.

### ***The growth in female STEM graduates offers huge potential***

Across the region, a number of countries have expanded their female talent pool in science, technology, engineering and mathematics (STEM). UNESCO estimates that some 34%-57% of STEM graduates in Arab countries are women – higher than OECD countries (UNESCO, 2018<sup>[12]</sup>; OECD, 2018<sup>[13]</sup>). Tunisia has the second-biggest female talent pool in STEM in the MENA region in terms of share of female graduates. Among all female graduates in tertiary-education level in the country, more than 37% of them had a degree in STEM in 2016. Transition to the labour market also appears easier for female STEM graduates than for those who specialised in education and/or humanities (Dimova, Elder and Stephan, 2016<sup>[9]</sup>). STEM skills will be key to opening up opportunities for both women and men in an ever-transforming labour market. It is estimated that 65% of children entering primary school today will ultimately end up working in job types that do not yet exist (World Economic Forum, 2018<sup>[14]</sup>). Consumers in MENA are demonstrating great enthusiasm for digital technologies, driving the evolution in the digital market.

### **1.3. Women and employment**

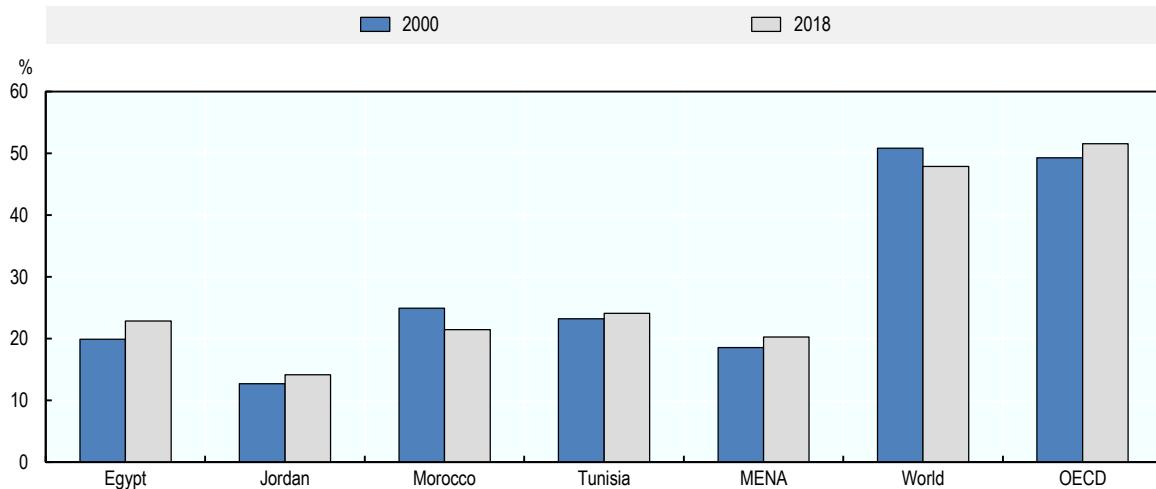
Though impressive, these advances in girls' education in the MENA region are not yet sufficient to close gender gaps in economic participation and employment. Over the past decade, girls' gross secondary and tertiary school enrolment in the region rose by 7 and 16 percentage points respectively, while female labour force participation for the working-age population<sup>7</sup> rose by only 0.2 percentage points (Figure 1.2), and the female employment rate rose by 1 percentage point. The four countries under review lie at the bottom of the Global Gender Gap Index ranking in terms of economic opportunities for women (World Economic Forum, 2018<sup>[2]</sup>). Tunisia, Egypt, Morocco and Jordan are ranked 135, 139, 140, and 144 respectively out of 149 countries. It seems therefore that increasing the female talent pool does not necessarily translate into increasing the share of women in the labour force or in employment, as the latter also depends on the demand for a female labour force in the market, as well as other constraints. The sections below look more closely at some of the factors involved.

#### ***Women's participation in the labour force has increased but is still low***

Female labour force participation and female-to-male participation ratios have increased over recent decades, but remain low. As shown in Figure 1.2 and Figure 1.3, while globally female labour market participation has decreased and the gender gap increased over the past two decades, the MENA region has seen an overall improvement in its female labour force participation rate (up by 2 percentage points) and its female-to-male participation ratio (up by 4 percentage points) (ILO, 2019<sup>[15]</sup>). With the exception of Morocco, the other three countries have seen positive trends for these two indicators since 2000. Nevertheless, women's economic potential is as yet unleashed. Women in MENA represent nearly 48% of the total regional population of working age, but the female labour force participation rate only stands at 20%, compared to 74% for the male labour force participation rate. Most women in MENA countries remain outside the labour force, meaning that they are jobless and not available and/or looking for a job. Most of them are constrained by a disproportionate burden of unpaid care responsibilities (ILO, 2018<sup>[16]</sup>) (Section 1.5). By 2030, the MENA region will face a 27% increase in its youth labour force (UNICEF, 2019<sup>[17]</sup>). Assuming the labour force participation rate for both women and men follows the trend projected by ILO, over the next five years, the MENA countries should expect 10 million new entrants to the labour market, of whom just 2 million will be women (ILO, 2019<sup>[18]</sup>).

## Figure 1.2. MENA female labour force participation rates are low but improving

Labour force participation rates of women older than 15 years, 2000 and 2018

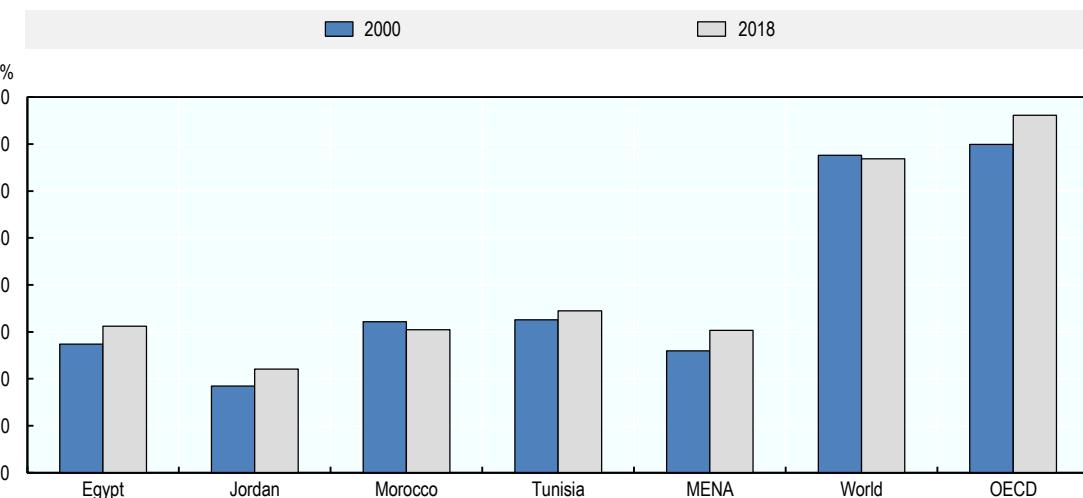


Note: The ratio of female to male labour force participation rate is calculated by dividing the female labour force participation rate by male labour force participation rate and multiplying by 100.

Source: Authors' calculations, based on ILO (2019<sub>[15]</sub>), *ILO Modelled Estimates, Population and Labour Force* (dataset), [https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP\\_2WAP\\_SEX\\_AGE\\_RT\\_A](https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP_2WAP_SEX_AGE_RT_A).

## Figure 1.3. The labour force participation gap is slowly closing

Female-to male-ratios of labour participation rates of women and men older than 15 years, 2000 and 2018



Note: The ratio of female to male labour force participation rate is calculated by dividing the female labour force participation rate by male labour force participation rate and multiplying by 100.

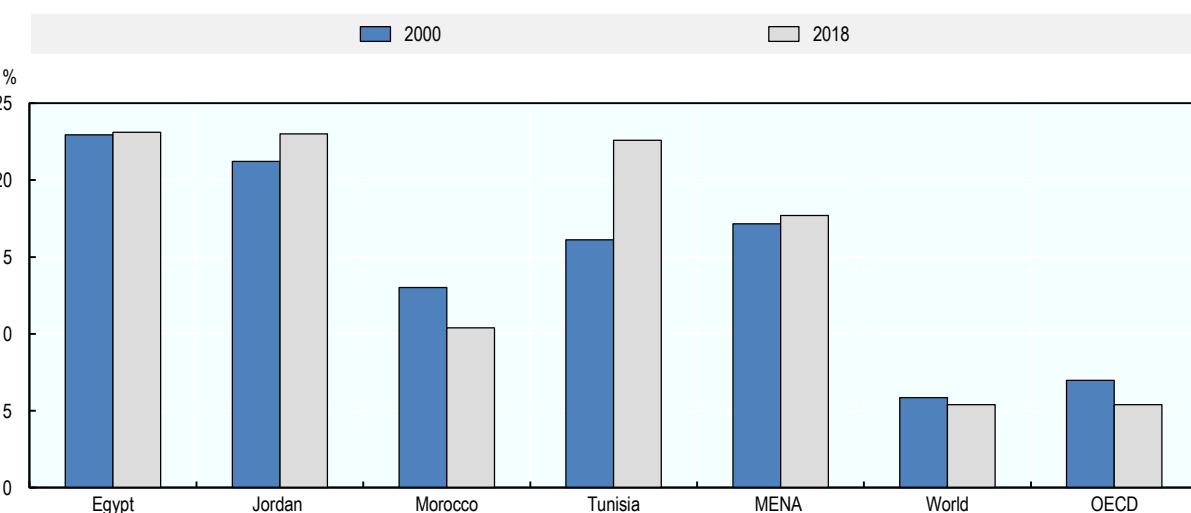
Source: Authors' calculations, based on ILO (2019<sub>[15]</sub>), *ILO Modelled Estimates, Population and Labour Force* (dataset), [https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP\\_2WAP\\_SEX\\_AGE\\_RT\\_A](https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP_2WAP_SEX_AGE_RT_A).

### **Unemployment increasingly affects women more than men, especially young women**

The female unemployment rate is 12 percentage points higher and the unemployment gender gap is 9 percentage points wider in MENA than the world average (ILO, 2019<sup>[15]</sup>). As shown in Figure 1.4, unemployment represents a regional – if not global – challenge for women and men alike, albeit of different magnitudes. In the MENA region, the ratio of female unemployment is increasing (by 0.5 percentage points since 2000), whereas the ratio of male unemployment is decreasing (by 3 percentage points since 2000), and is relatively unchanged worldwide. Except for Morocco, female unemployment rates have risen in the selected countries over the past two decades by up to 6 percentage points, which is not the case for men. Egypt is the MENA country with the lowest male unemployment rate and the highest female unemployment rate, and hence has the largest gender gap (15 percentage points) of the countries under review. In Morocco, the gap is relatively narrow, standing at 2 percentage points.

**Figure 1.4. Female unemployment rates are on the increase regionally**

Unemployment rates for women older than 15 years, 2000 and 2018



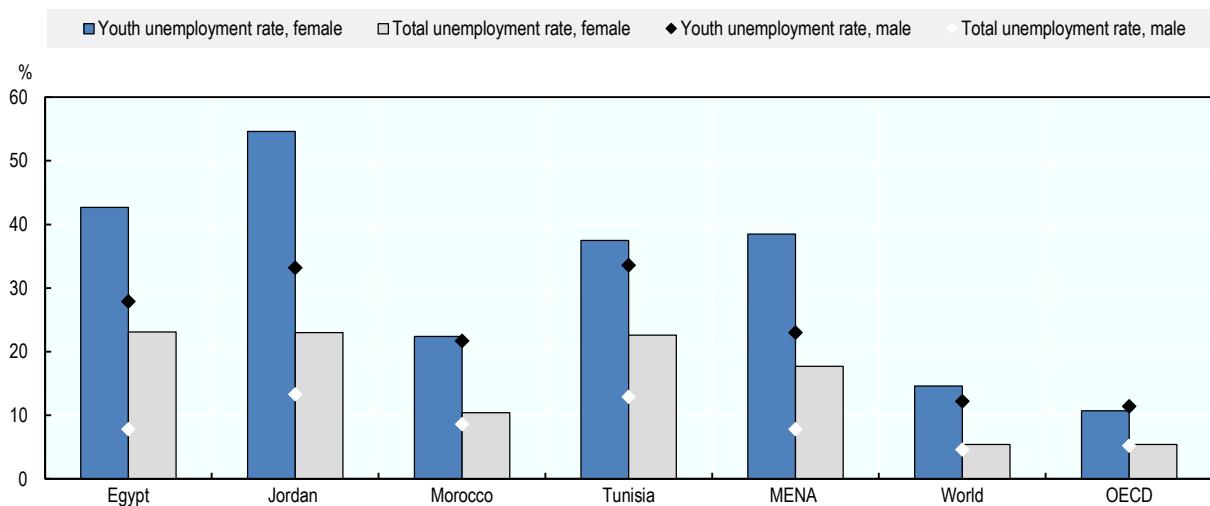
Source: Authors' calculations, based on ILO (2019<sup>[15]</sup>), ILO Modelled Estimates, Population and Labour Force (dataset), [https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP\\_2WAP\\_SEX\\_AGE\\_RT\\_A](https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP_2WAP_SEX_AGE_RT_A).

As the world's second youngest region, MENA faces key challenges in providing quality employment opportunities for its young labour force, especially young women. Improving the performance of youth in the labour market is thus essential – not only to the well-being of the younger generations, but also to improve the productive potential of the economy and strengthen social cohesion. However, labour market prospects have continued to worsen in the region since the financial crisis, especially affecting youth without work experience. Youth unemployment, particularly for women, represents a global challenge. As shown in Figure 1.5, women in the 15-24 age group in OECD countries are twice as likely to be unemployed as all women of 15 years and above, although there is almost no youth unemployment gender gap. In the MENA region, 39% of young women (aged 15-24) are unemployed, almost double the rate for young men (23%). Among the four MENA countries studied, Jordan logs the highest unemployment rate for young women (55%, compared to 33% for young men). In Morocco, the gender gap in youth unemployment (Figure 1.5) has almost been closed. However, similar youth (un)employment rates by gender within countries or across countries do not equate to similar conditions for men and women. Relatively low female youth unemployment rates can hide significant under-employment (poor-quality jobs

in informal/vulnerable employment) and poor income-support systems for the unemployed, blurring the boundary between unemployment and inactivity.

### Figure 1.5. Unemployment is a particular problem for young women

Youth unemployment rates by gender, and total unemployment rates by gender, 2018



Note: Youth unemployment refers to the share of the labour force aged 15-24 without work but available for and seeking employment.

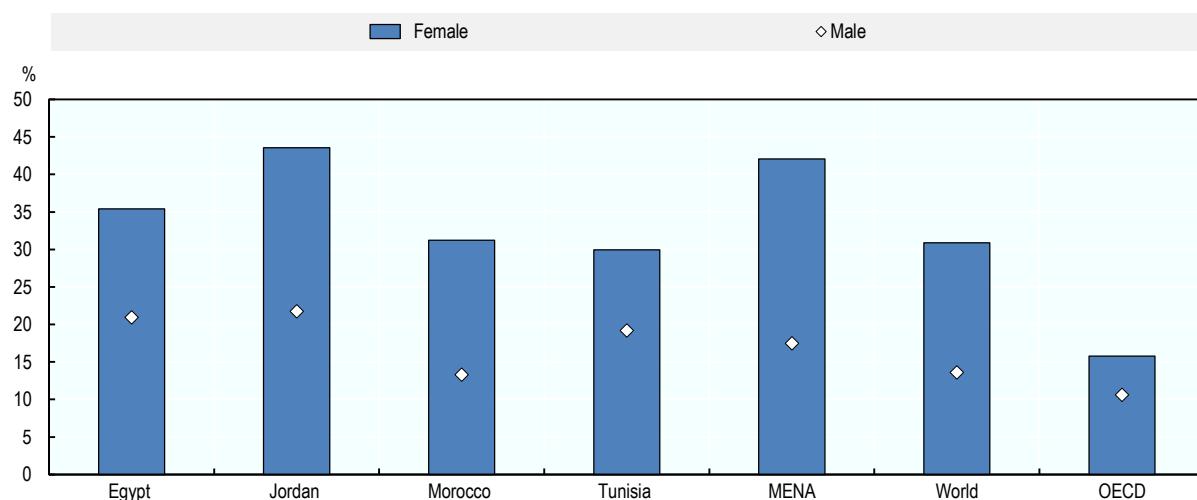
Source: Authors' calculations, based on ILO (2019<sup>[15]</sup>), *ILO Modelled Estimates, Population and Labour Force* (dataset), [https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP\\_2WAP\\_SEX\\_AGE\\_RT\\_A](https://www.ilo.org/shinyapps/bulkexplorer24/?lang=en&segment=indicator&id=EAP_2WAP_SEX_AGE_RT_A).

Despite the growing cohort of educated women, the share of young women who are not in employment, education or training (NEET) is high in the MENA region. NEET concerns persons aged 15-24 years and is a useful indicator, as traditional unemployment statistics often fail to capture the full scale of barriers and challenges that young people face (World Bank, 2016<sup>[19]</sup>). The NEET phenomenon is a global challenge but is more visible in developing countries, where school-to-work transitions tend to be longer (Quintini and Martin, 2014<sup>[20]</sup>). As Figure 1.6 shows, despite the universality of the challenge, young women in the MENA region are more likely to be NEETs (42%) than their counterparts worldwide (30%). The regional gender gap (25 percentage points) is also wider than the global average (17 percentage points). However, the MENA region has been witnessing positive trends. Since 2005, the percentage of MENA young women (15-24 years) who are NEETs has decreased by 4 percentage points. Among the four countries under review, only Jordan is seeing an increase in the share of young women who are NEETs (ILO, 2019<sup>[18]</sup>).

An ILO report notes that MENA women categorised as NEETs are principally inactive non-students (Elder and Kring, 2016<sup>[21]</sup>). Young men who are NEETs, however, are more evenly spread between the unemployed non-student and inactive non-student categories. Survey results from the same report indicate that globally, family responsibilities and housework are the main reasons why young women are inactive (Elder and Kring, 2016<sup>[21]</sup>).<sup>8</sup> But reasons for young MENA women's inactivity are numerous, and go beyond the fact that they get married and stay at home. As a matter of fact, less than one-third (30%) of inactive young women in MENA were willing to work, compared to more than two-thirds of inactive young women in other regions (Dimova, Elder and Stephan, 2016<sup>[9]</sup>) (see Section 1.5).

**Figure 1.6. Young women in MENA are much more likely than young men to not be in education, employment or training**

% of youth not in education, employment or training (NEET) in the population aged 15 to 24, 2018



Note: For example, data for females in Egypt mean that 35.4% of women between 15 and 24 years are NEET.

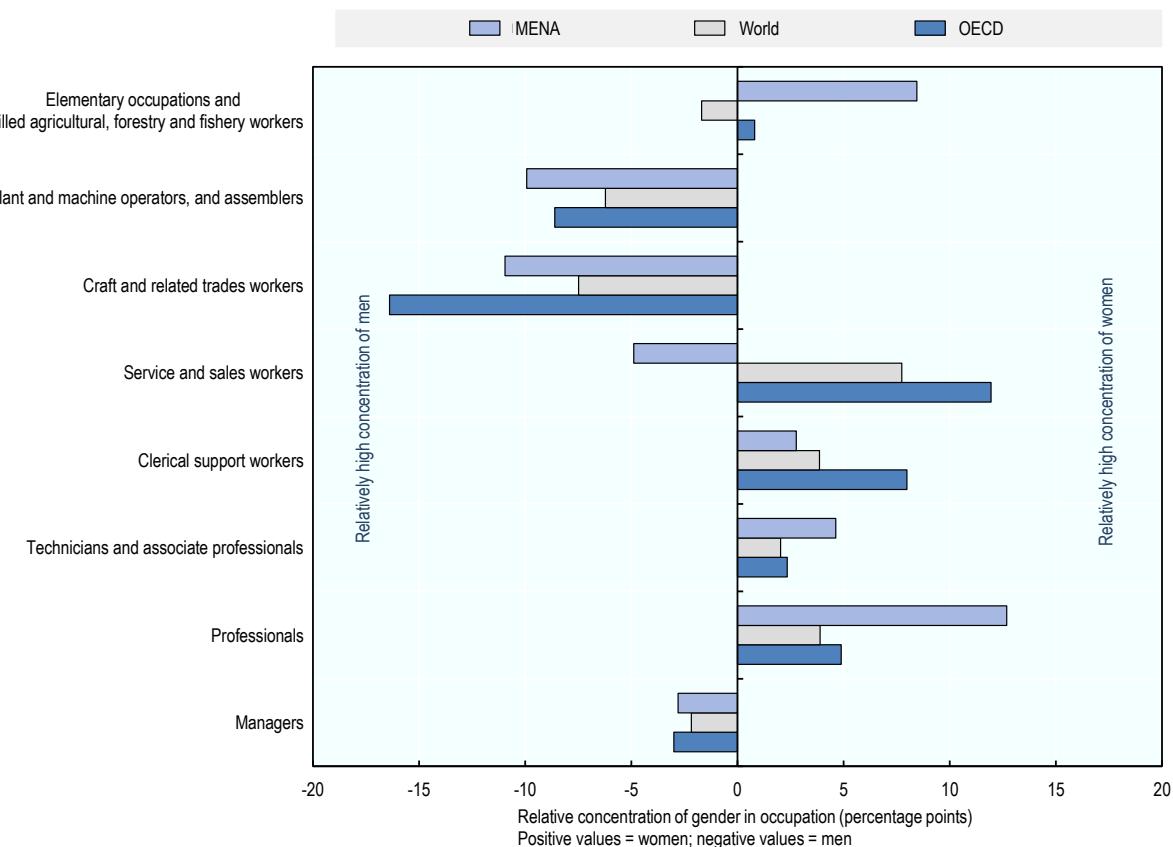
Source: Authors' calculations, based on ILO (2019<sup>[18]</sup>), *ILO Modelled Estimates, Employment by Sex and Age* (dataset), [https://www.ilo.org/shinyapps/bulkexplorer16/?lang=en&segment=indicator&id=EMP\\_2EMP\\_SEX\\_AGE\\_NB\\_A](https://www.ilo.org/shinyapps/bulkexplorer16/?lang=en&segment=indicator&id=EMP_2EMP_SEX_AGE_NB_A).

### ***Women are increasingly channelled into certain occupations and sectors***

When women do work, they face significant and increasing gender occupational segregation in the job market. Globally, occupational opportunities do vary for women and men,<sup>9</sup> regardless of the development status of the country; these patterns are relatively similar for the MENA region and the entire world (Figure 1.7). For example, as in other regions, MENA women are more likely than men to work as clerical support workers, technicians and (associate) professionals. However, unlike the global pattern, MENA women are more concentrated in agricultural occupations, and are less concentrated in the service and sales workers groups than their male counterparts.

## Figure 1.7. Occupations are more segregated by gender in the MENA region

The relative concentration of gender in the 10 major occupational groups, 2018



Note: The figure shows in which occupational groups women are relatively over-represented than men. Data presented in the graph are based on the most recent International Standard of Occupation, which distinguishes 10 major groups based on their skill levels: (1) managers; (2) professionals; (3) technicians and associate professionals; (4) clerical support workers; (5) service and sales workers; (6) skilled agricultural, forestry and fishery workers; (7) craft and related trade workers; (8) plant and machine operators and assemblers; (9) elementary occupations; and (10) armed forces occupations. The data used here for the OECD average only cover 28 European Union countries. Positive values mean that women's concentration is superior to men's concentration; negative values mean that women's concentration is inferior to men's concentration.

Source: Authors' calculations based on ILO (2019<sup>[22]</sup>), *ILO Modelled Estimates, Employment Distribution by Occupation* (dataset), [https://www.ilo.org/shinyapps/bulkexplorer12/?lang=en&segment=indicator&id=EMP\\_2EMP\\_SEX\\_OCU\\_DT\\_A](https://www.ilo.org/shinyapps/bulkexplorer12/?lang=en&segment=indicator&id=EMP_2EMP_SEX_OCU_DT_A).

Furthermore, the concentration of gender occupational segregation in the MENA region is higher than the global average and has increased over the past two decades. Figure 1.7 shows that in 2018, total occupational segregation in the MENA region was 57 percentage points. This is much higher than the global average (35 percentage points), but rather close to the average of OECD countries (56 percentage points),<sup>10</sup> although with different occupations with a high concentration of women (ILO, 2019<sup>[22]</sup>). Since 2000, gender occupational segregation in the MENA region has increased by almost 6 percentage points. As shown in Figure 1.7, women are now relatively more concentrated among elementary occupations and skilled agricultural workers, clerical support workers, technicians and associated professionals, and professionals. While MENA women are more likely than men to be concentrated in occupational groups which require higher levels of skills, such as professionals, they are also less likely to be employed in managerial and supervisory positions.

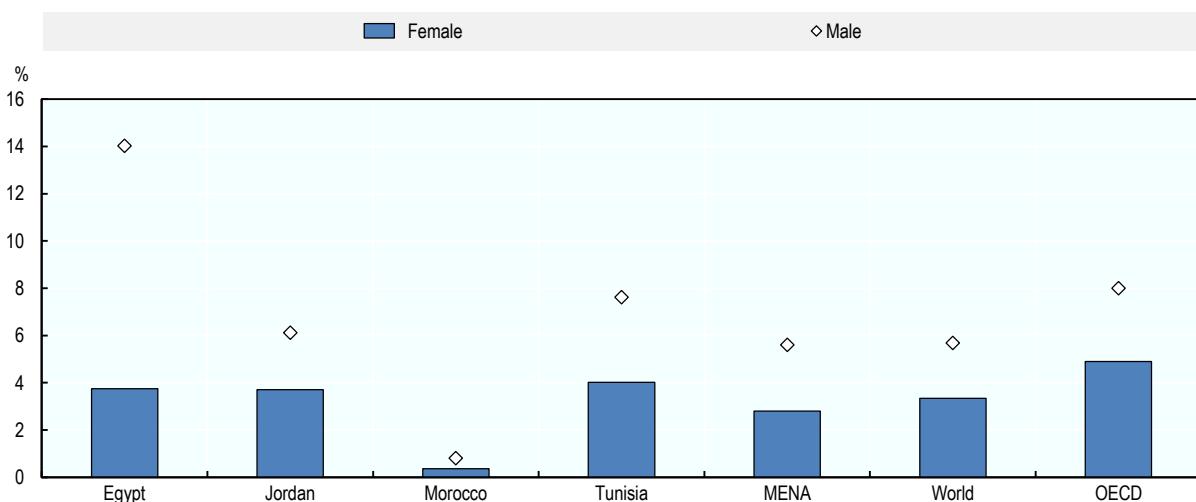
As in most regions, women in the MENA region find it hard to reach leadership positions. As shown in

Figure 1.8, the average ratio of MENA women in management is similar to the global average (2.8% versus 3.3%) but lower than the OECD average (by 2 percentage points). In Egypt, Jordan and Tunisia, ratios of women in managerial positions are superior to the global average, but in Morocco ratios of both women and men in management are low (less than 1%) given the large rural economy. However, gender gaps in Egypt (10 percentage points) and Tunisia (4 percentage points) are wider than both the global and MENA averages.

Going further up the ladder, women in the MENA region are also weakly represented among executives. According to the ILO (ILO, 2015<sup>[23]</sup>), few women hold senior and executive positions in either the private or public sector: they account for 15% in Tunisia, 13% in Morocco, 10% in Egypt, and 5% in Jordan. The highest rate reported globally was 33%. An OECD survey found that, despite progress, the representation of women on the boards of the largest 142 public companies in MENA remains modest, at 5% of all voting board seats (OECD, 2019<sup>[24]</sup>). Data on women's participation in corporate life in MENA are limited, due in part to lack of publicly available information and the scarcity of research on this topic in the region, which further complicates efforts to design and implement policies for increasing women's access to corporate leadership roles.

### Figure 1.8. Women are significantly less represented than men in management

Percentages of women and men in management as a share of female and male employment, 2018



Note: Data presented in the graph are based on the most recent International Standard of Occupation, which distinguishes 10 major groups based on their skill levels (1) managers; (2) professionals; (3) technicians and associate professionals; (4) clerical support workers; (5) service and sales workers; (6) skilled agricultural, forestry and fishery workers; (7) craft and related trade workers; (8) plant and machine operators and assemblers; (9) elementary occupations; and (10) armed forces occupations.

Source: Authors' calculations, based on ILO (2019<sup>[22]</sup>), *ILO Modelled Estimates, Employment Distribution by Occupation* (dataset), [https://www.ilo.org/shinyapps/bulkexplorer12/?lang=en&segment=indicator&id=EMP\\_2EMP\\_SEX\\_OCU\\_DT\\_A](https://www.ilo.org/shinyapps/bulkexplorer12/?lang=en&segment=indicator&id=EMP_2EMP_SEX_OCU_DT_A).

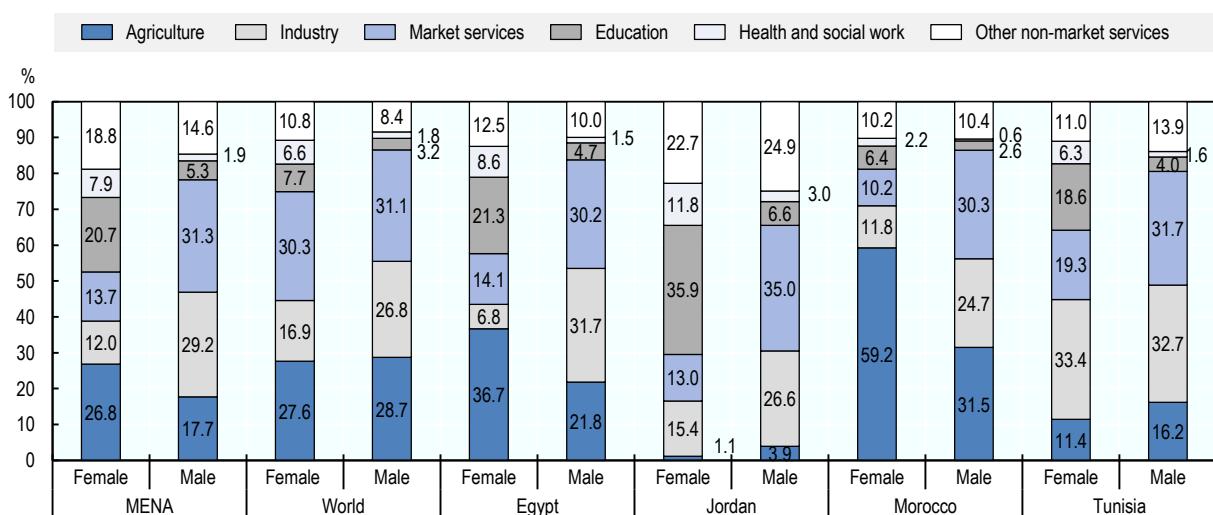
Sectoral segregation persists in the MENA region, where women are more likely to be engaged in the agriculture, non-market services such as health, social work and education sectors than men. In most regions of the world, agriculture represents the lowest-productivity sector. Globally, the share of male and female employment in agriculture is very similar (Figure 1.9). In the MENA region, women are more concentrated in agriculture than men: 27% of women employed versus 18% of men. However, there are large differences between countries. In Egypt and Morocco, between half and two-thirds of female workers are concentrated in agriculture, whereas in Jordan and Tunisia a lower share of both women and men are employed in agriculture than the regional average. In the service industry, which has been growing

since the beginning of 1990s, the share of both women and men has increased across the region (ILO, 2019<sup>[15]</sup>). However, as shown in Figure 1.9, women are more likely than men to be employed in non-market service sectors, such as education, health and social work. In Egypt and Tunisia, the education, health and social work sectors absorb 30% and 25% of their female labour force respectively. In Jordan, nearly 50% of the female labour force are employed in education, health and social work, compared with around 10% for men.

Although decreasing, the shares of women employed in MENA's public sector remain large (OECD, 2017<sup>[25]</sup>).<sup>11</sup> In 2010, half the employees in the public sector in Morocco were women. In other MENA countries such as Saudi Arabia and Bahrain, women also account for around half of employees in the public sector (ILO, 2016<sup>[26]</sup>). Women's employment in the public sector tends to be approved of by both men and women as it is considered more socially acceptable. It is also associated with higher job security, a safer work environment, and fits better with family duties. The sector also provides higher salaries and benefits for women (see the next section on equal pay), particularly at the local level and certainly for entry-level jobs (OECD, 2017<sup>[25]</sup>).

### Figure 1.9. Women are over-represented in certain sectors

Employment distribution by gender and economic activity (2018)



Note: Data allocated to economic activity based on ILO (2008<sup>[27]</sup>), International Standard Industrial Classification of All Economic Activities (ISIC) Rev.4. Agriculture/forestry/fishing refers to ISIC rev.4 A; public administration/defence/social security refers to ISIC rev.4 O; education refers to ISIC rev.4 P; human health/social work refers to ISIC rev.4 Q; other consists of aggregate categories of D, E, R, S, T and U and includes mining/quarrying (ISIC rev.4 B), manufacturing (ISIC rev.4 C), construction (ISIC rev.4 F), transport/storage/communication (ISIC rev.4 H and J), wholesale/retail trade/accommodation (ISIC rev.4 G and I), and finance/insurance/real estate (ISIC rev.4 K, L, M and N). Categories under "other" which are not displayed in detail involve more male participation than female participation. See Annex 1.A for details.

Source: Authors' calculations, based on ILO (2019<sup>[22]</sup>), *ILO Modelled Estimates, Employment Distribution by Occupation* (dataset), [https://www.ilo.org/shinyapps/bulkexplorer12/?lang=en&segment=indicator&id=EMP\\_2EMP\\_SEX\\_OCU\\_DT\\_A](https://www.ilo.org/shinyapps/bulkexplorer12/?lang=en&segment=indicator&id=EMP_2EMP_SEX_OCU_DT_A).

### Women rarely receive equal pay to men, except in the public sector

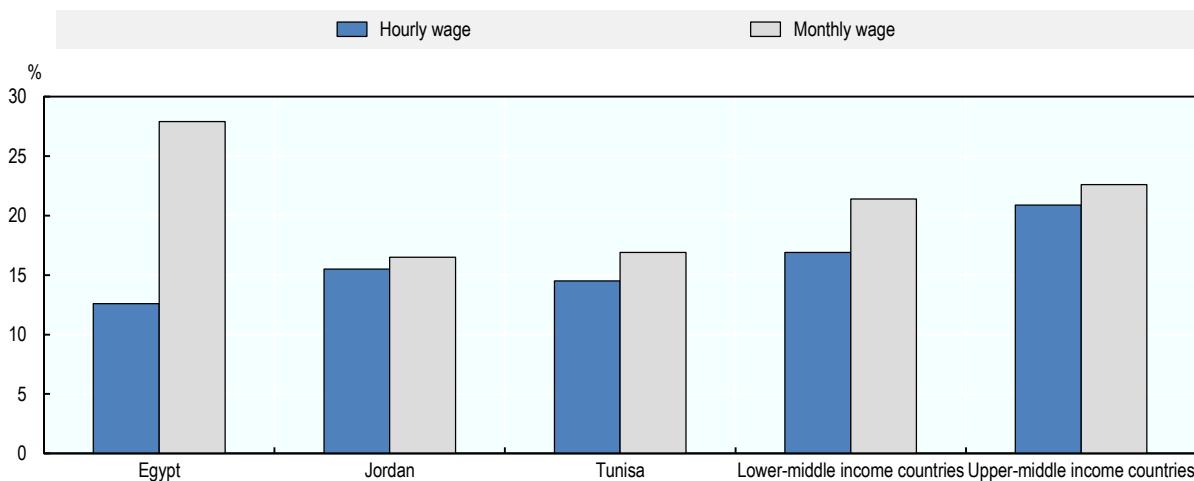
Women in MENA in the private sector, like women worldwide, are paid less than men on average. It is estimated that globally, male employees earn on average 16% more than female employees for each hour of work (ILO, 2019<sup>[28]</sup>). In OECD member countries, the raw gender wage gap<sup>12</sup> currently stands at around 14% (OECD, 2018<sup>[29]</sup>).

Although comparable gender-disaggregated data on wages for the MENA region are very limited, an ILO report sheds some light on the region, compiling data from Egypt, Jordan and Tunisia (ILO, 2019<sup>[28]</sup>). After accounting for four distorting factors – education, age, working-time status and public and private sector employment – the gender pay gap in Egypt, Jordan and Tunisia ranges approximately between 13% and 28% (Figure 1.10). In all three countries, gender pay gaps are greater when referring to monthly wages than hourly wages – men work longer hours than women, who are more likely to work part time (ILO, 2019<sup>[28]</sup>). In MENA, among the entire working age population, men are about four times as likely as women to have full-time jobs (World Bank, 2013<sup>[30]</sup>). It is interesting to note that of the three countries, Jordan has the widest hourly gender wage gap (16%) but the narrowest monthly gender wage gap (17%). Egypt has a slightly smaller hourly gender wage gap (13%), but a much larger monthly wage gap (28%), presumably due to large gender gaps in working hours.

Pay gaps differ between the public and private sectors. Estimates show that in Jordan, men working in the private sector are paid 7% more than women, while women working in the public sector are on average paid 13% more than men (ILO, 2019<sup>[28]</sup>). In Tunisia, gender pay gaps in the private sector and the public sector stand at around 15% in favour of men and 20% in favour of women, respectively. In the MENA region, as in most countries, women are more likely than men to work in the public sector rather than the private sector (see the previous section), especially when they are well educated. This partially explains the gender pay gap in favour of women in the public sector. Countries in MENA are taking action to address the gender pay gap in the private sector (Case Study 2.7 in Chapter 2).

**Figure 1.10. Across the world, women earn less than men on average**

Factor-weighted gender pay gaps by country and income group, mean (%)



Note: The higher the share, the larger the gap between women and men, in men's favour. Data for Egypt are from the Economic Research Forum and Central Agency for Public Mobilisation and Statistics of Egypt, 2012; data for Jordan are from the National Statistical Office of Jordan, 2012; and data for Tunisia are from Economic Research Forum and Institute of National Statistics of Tunisia, 2014.

Source: Authors' calculations, based on ILO (2019<sup>[28]</sup>), *Global Wage Report 2018/19*, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_650553.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf).

While occupational segregation stands out as an important factor in the existing gender pay gap in MENA, women do not receive more equal pay in highly feminised occupations. Analysis by the ILO sheds some light on the existing gender pay gaps within each of the occupational categories with different degrees of feminisation (ILO, 2019<sup>[28]</sup>). The estimates show that higher educational categories receive higher salaries in general, whereas female workers with similar educational attainment as men are paid less in occupations

with a higher degree of feminisation. In Tunisia, for example, nearly 70% of domestic workers are female, but on average they receive 30% less pay than their male counterparts. According to the survey, professionals and managers require similar levels of education yet managerial positions are a male-dominated occupational category. In Tunisia and Egypt, female professionals face a wider gender pay gap (over 10 percentage points) than women who work as managers. Furthermore, there is variation in pay parity amongst women in highly feminised industries or enterprises in the MENA region. As in many countries worldwide, women with children usually have lower wages than childless women (ILO, 2019<sup>[28]</sup>). Maternity leads to a salary penalty which may persist for a female professional, while the status of father has little impact on wages.

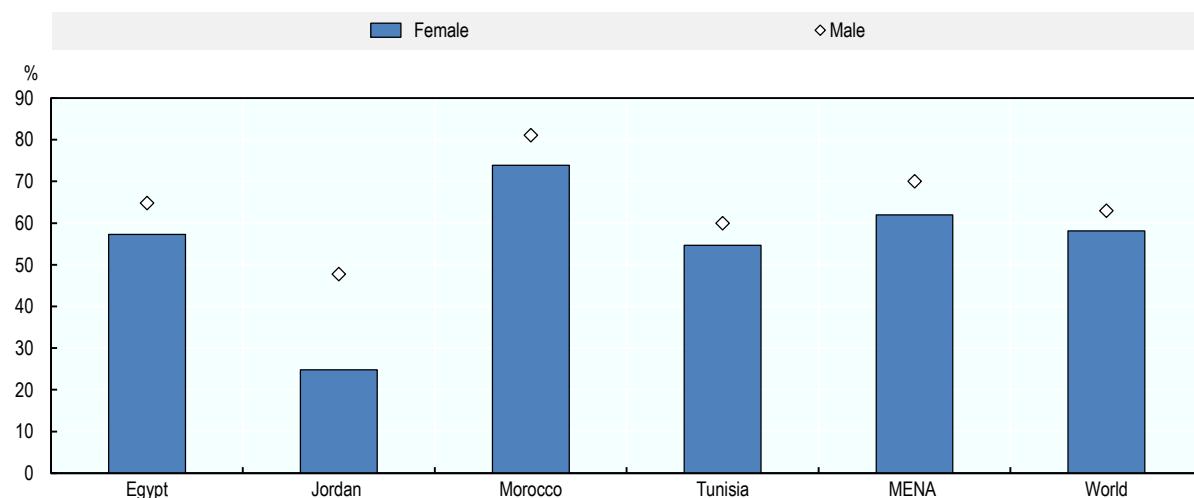
### ***Women are over-represented in the most vulnerable employment categories***

Worldwide, informal workers often face a greater range of general and occupational risks, such as injuries and illness, than formal workers (see Annex 1.B for the definition of informal employment). Lack of access to social protection and appropriate risk management instruments pushes many informal workers into income insecurity or makes them vulnerable to income poverty (OECD/ILO, 2019<sup>[31]</sup>). In the Global South, informality is the norm in employment, ranging from 67% in emerging countries to 90% in developing countries (ILO, 2018<sup>[32]</sup>). The lack of comparable data over time does not allow for conclusions on regional or global trends, but existing data imply diverging trends depending on regions or countries.

Globally, informal employment is a greater source of jobs for men (63%) than for women (58%) (OECD/ILO, 2019<sup>[31]</sup>). As shown in Figure 1.11, the MENA region also follows this pattern (70% for men and 62% for women). Lower shares of women in informal employment are often found in countries with lower participation rates of women in the labour market (ILO, 2018<sup>[33]</sup>). In the MENA region, a large share of employed women work in the public sector, which is more likely to offer formal employment contracts and better access to social protection (see occupational and sectoral segregation above). In countries like Egypt and Morocco, where there is a huge rural economy (based on its share in GDP), informality is often high for both men and women. Statistics show that globally nearly 94% of agriculture workers are informal (OECD/ILO, 2019<sup>[31]</sup>).

**Figure 1.11. Men are more likely to be employed informally than women**

Share of women and men in the informal workforce (%), 2016



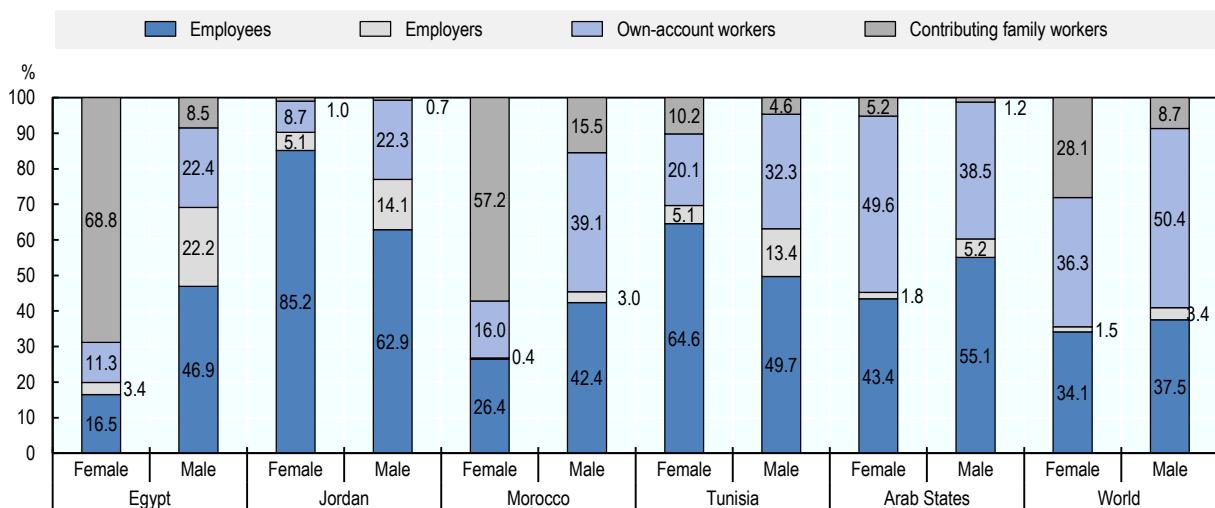
Note: The figure shows shares of the female informal workforce in the total female workforce, and shares of the male informal workforce in the total male workforce in 2016. Data for the OECD are unavailable.

Source: Authors' calculations, based on ILO (2018<sup>[33]</sup>), *Women and Men in the Informal Economy: A Statistical Picture*, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_626831.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf).

Amongst those employed informally, women in MENA countries are over-represented in the most vulnerable employment categories:<sup>13</sup> domestic workers, home-based workers or “contributing family workers”, defined as family farm workers and enterprises under the supervision of a family member (usually a husband or father) (Figure 1.12, and see also Chapter 3). This reflects the global picture, in which female workers are more often to be found in the most vulnerable categories of informal employment (OECD/ILO, 2019<sup>[31]</sup>). Women in the MENA region are also more likely than their male counterparts to work for themselves or contribute to family work. Within the MENA region, there is some variation among countries in the type of informal employment involving women. Women in Egypt and Morocco are much more likely to be contributing family workers than in Jordan and Tunisia, and there are also 8 times and 4 times more of them than their male counterparts, respectively. This is explained by the importance of agriculture in these two countries. Rural women often support the family farming business, with low (or no) wages and on a part-time and seasonal basis. Men on the other hand tend to occupy more rewarding and higher-skilled positions (EU Public Group on Gender, 2015<sup>[34]</sup>). In Tunisia and Jordan, despite the relatively small share of agriculture in their national GDPs, women are also more likely than men to work as contributing family workers. Women's vulnerability in agriculture in MENA reflects the specific constraints rural women face, such as unequal inheritance rights and access to land. For example, women represent 45% of MENA's agricultural workforce but account for only 5% of agricultural landholders (De La O Campos, Warring and Brunelli, 2015<sup>[35]</sup>). This restricts rural women to low-skilled agricultural activities, reduces their opportunities for entrepreneurial activities, and exacerbates gender inequality.

## Figure 1.12. Informally-employed women are more likely to be in vulnerable occupations

Distribution of women and men in informal employment by status, including agriculture (2018)



Note: This figure shows distribution of women and men in informal employment by status and in total informal employment in 2018. Aggregate data for MENA include Bahrain, Iraq, Jordan, Kuwait, Lebanon, the Palestinian Authority, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen. For more information on employment status, see Annex 1.B.

Source: Authors' calculations, based on ILO (2018<sup>[33]</sup>), *Women and Men in the Informal Economy: A Statistical Picture*, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_626831.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf).

### **Domestic workers are mainly migrant women and are particularly vulnerable**

In the MENA region, there is high demand for domestic workers (Chapter 3).<sup>14</sup> The concentration of migrant domestic workers in the region is especially high in the Gulf countries, while in North Africa the share of migrant workers as a proportion of all workers is below 1.5%. The vast majority of MENA's domestic workers are informally employed and over 60% of them are female (ILO, 2015<sup>[36]</sup>).

These workers are highly vulnerable and at great risk of harassment, often sexual. One survey indicated that 10% of female domestic workers interviewed in Egypt complained of sexual harassment, including rape, inappropriate touching and demand for sexual favours (Goździak and Walter, 2011<sup>[37]</sup>). Another survey of domestic workers conducted by the Association of Tunisian Women for Research and Development (AFTURD) indicated that almost 97% of them had no job contract and that over 14% claimed to have been victims of sexual abuse at work (Bougeurra, 2017<sup>[38]</sup>). Young girls in some MENA countries are also sometimes exposed to difficult and even dangerous domestic working conditions (Chapter 3 for details on child labour in domestic work). Governments in the MENA region are taking measures to guarantee minimum standards for domestic workers (Case Study 3.1).

## **1.4. Women and entrepreneurship**

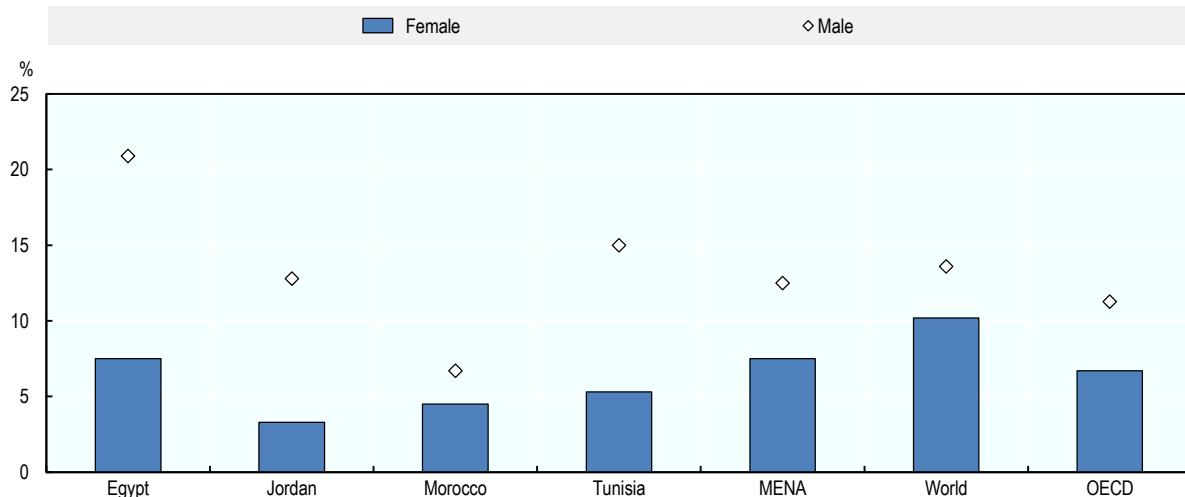
### **Entrepreneurship is very low amongst MENA women**

The MENA region as a whole exhibits the widest gender gap globally in terms of early-stage entrepreneurial activity. According to the Global Entrepreneurship Monitor (GEM) MENA Report 2017, women in the region are only half as likely as their male counterparts to be engaged in total early-stage entrepreneurial activity (TEA)<sup>15</sup> (Figure 1.13). Jordan has the widest gender gap, with 26 women engaged

in entrepreneurial activity for every 100 men (Kelley et al., 2017<sup>[39]</sup>). Tunisia and Egypt also have a wide gender gap, with female-to-male ratios of respectively 0.35 and 0.36. Morocco has the highest ratio of the four countries (0.67). In other emerging economies, such as Brazil, Indonesia and Malaysia, gender gaps in TEA barely exist (OECD, 2017<sup>[25]</sup>). While women entrepreneurs face many challenges (e.g. access to information and networks, access to markets and access to assets), access to capital is reported to be the major obstacle for women wanting to start a business in the MENA region (UNIDO, 2017<sup>[40]</sup>).

**Figure 1.13. MENA entrepreneurs are much more likely to be men than women**

Male and female total early-stage entrepreneurial activity (TEA) rates (2017)



Note: The TEA rate is the percentage of the population aged 18-64 who are either nascent entrepreneurs or owner-manager of a new business.  
Source: Authors' calculations, based on OECD (2017<sup>[41]</sup>), *SME and Entrepreneurship Policy in Canada*, <https://doi.org/10.1787/9789264273467-en>; Kelley et al. (2017<sup>[39]</sup>), *Global Entrepreneurship Monitor 2017 Middle East and North Africa Report*, <https://www.gemconsortium.org/report/gem-20162017-womens-entrepreneurship-report>; Global Entrepreneurship Monitor (2019<sup>[42]</sup>), *Global Entrepreneurship Monitor 2018/2019 Women's Entrepreneurship Report*, <https://www.gemconsortium.org/report/gem-20182019-womens-entrepreneurship-report>.

### **Female entrepreneurs in MENA face key challenges accessing assets**

Ownership of land and non-land assets, as well as access to the formal economy, are critical for women's financial inclusion (OECD, 2019<sup>[43]</sup>). Results from the OECD's Social Institution and Gender Index (SIGI) indicate that women in Northern Africa face one of the highest levels of discrimination in accessing productive and financial resources in the world: 45%, compared to a global average of 27% (OECD, 2019<sup>[43]</sup>). Assets are fundamental for entrepreneurs, especially for women in rural areas where a majority of economic activities rely on land. They are needed to physically start a business, can be sold to invest in businesses, and can serve as collateral for loans to help finance the business. However, in all MENA countries, discriminatory legal or customary frameworks governing women's inheritance rights constitute a major obstacle for potential female entrepreneurs (Chapter 2). In fact, according to the SIGI, widows and/or daughters in the four countries do not enjoy the same legal rights as widowers and sons to inherit land and/or non-land assets (OECD, 2019<sup>[43]</sup>). In addition, it is common for the family to pressure female heirs into relinquishing their full inheritance rights in favour of male relatives (OECD, 2017<sup>[25]</sup>). A 2009 study revealed that almost 96% of women in Upper Egypt do not receive their full inheritance share (Legal agenda, 2018<sup>[44]</sup>). A 2010 survey of 200 Egyptian women indicated that 59% of them did not receive any inheritance (The Caravan, 2018<sup>[45]</sup>). This echoes a survey conducted in the four selected MENA countries,

which found that lack of access to capital was the major obstacle perceived by female entrepreneurs for starting a business (UNIDO, 2017<sup>[40]</sup>). The situation is particularly daunting for Egyptian female entrepreneurs, 51% of whom report lacking the capital required to start a business. Governments are undertaking a series of legislative and institutional reforms to improve inheritance rights (Case Studies 4.1 and 4.2).

### ***Obtaining formal finance is another obstacle for female entrepreneurs***

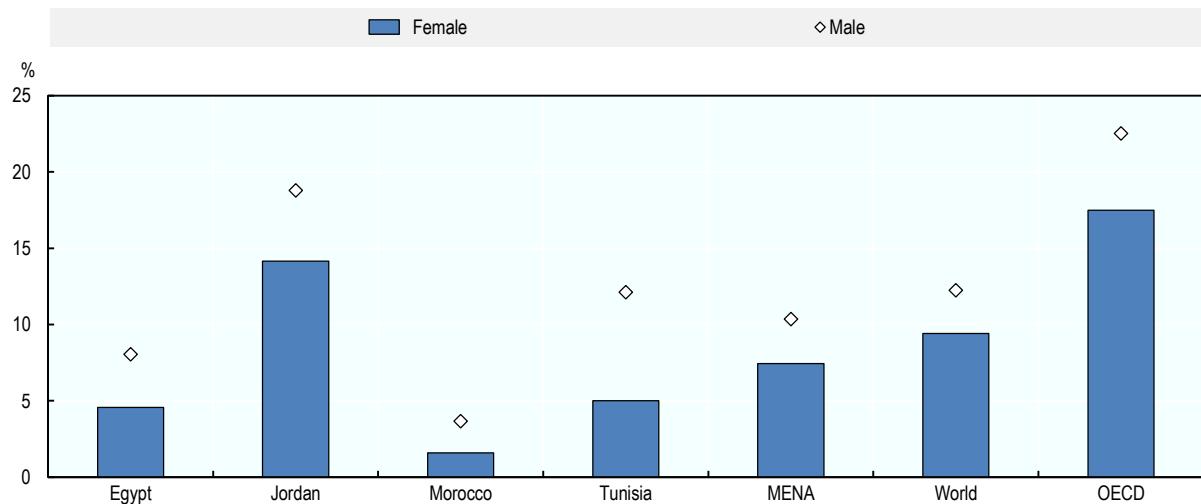
When women lack access to assets, they are more likely to encounter difficulties in accessing formal financial services as well. In all four countries, fewer women borrow from financial institutions than men (Figure 1.14). Despite improved financial inclusion for women and men alike in the MENA region (almost all MENA countries entitle women to equal rights to men to open a bank account and to obtain credit at a formal financial institution (OECD, 2019<sup>[46]</sup>), only 38% of women in MENA have a bank account, compared to 57% of men. These figures are much lower than the global and OECD averages, where 65% and 94% of women respectively have a bank account.

In all four countries, the gender gaps in the three financial access indicators (financial institution account, debit card ownership and credit card ownership) are still in favour of men, though gender disparities vary from country to country. However, Egypt has made impressive progress over the past few years, with 27% of women now holding an account in a financial institution, up from 9% in 2014 (Figure 1.15). Empirical studies have shown that increased availability of equity and/or debt capital as well as higher leverage have significant positive effects on firm performance of women-owned businesses in the Middle East and Africa region, measured by sales, profits and returns on equity (Baliamoune-Lutz and Lutz, 2017<sup>[47]</sup>).

In line with the 2013 OECD Gender Recommendation (Box 1.1), to reduce the gender gap in entrepreneurship activity governments should design appropriate responses to market failures, such as reducing the administrative burdens on firms and excessive regulatory restrictions; supporting firm growth, internationalisation and innovation; and developing awareness campaigns, training programmes, mentoring, coaching, and support networks, including professional advice on legal and fiscal matters. They should also ensure equal access to finance for female and male entrepreneurs through actions that influence both the supply of and demand for finance, such as taking steps to improve the knowledge and attitudes of financial institutions; increasing awareness of finance sources and tools among women entrepreneurs; and encouraging more women to join business angel networks or venture capital firms. MENA countries are implementing reforms to enhance women's access to financial services, access to land and other assets, to enshrine equal principles for investment, and to pay attention to women's specific needs regarding entrepreneurship (see the case studies in Chapters 2 and 3).

### Figure 1.14. Far fewer women than men have bank loans

% of women and men borrowing from financial institutions (2017)

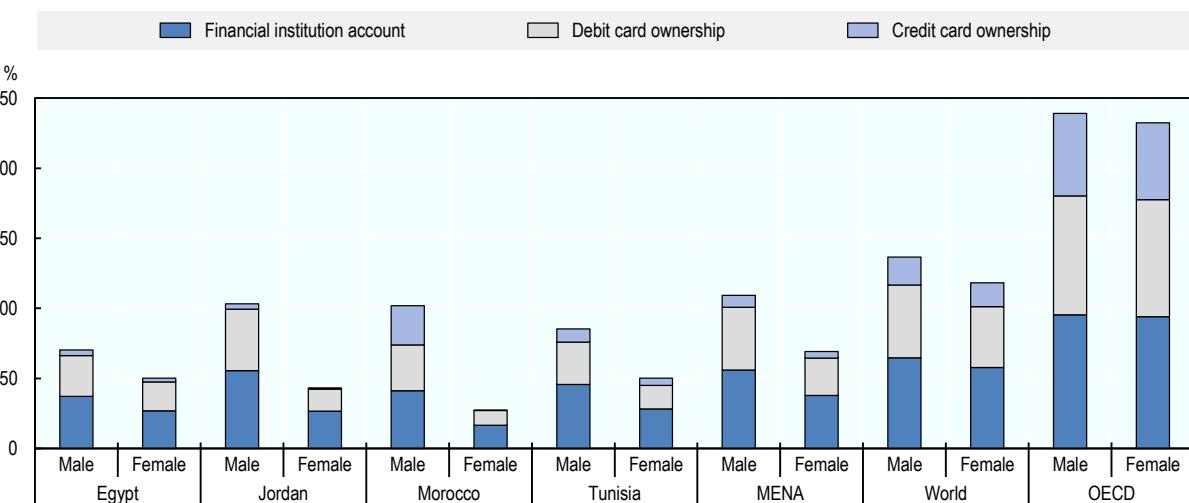


Note: This figure shows percentages of women or men who borrow from financial institutions out of all women or all men aged 15 or over.

Source: Authors' calculations, based on World Bank Group (2018<sup>[48]</sup>), *The Global Findex Database 2017. Measuring Financial Inclusion and the Fintech Revolution*, [https://globalfindex.worldbank.org/sites/globalfindex/files/2018-04/2017%20Findex%20full%20report\\_0.pdf](https://globalfindex.worldbank.org/sites/globalfindex/files/2018-04/2017%20Findex%20full%20report_0.pdf).

### Figure 1.15. Far fewer women than men have bank accounts

Bank account use, by gender, as a % of all people aged over 15 (2017)



Note: This figure shows percentages of women or men who have a financial institution account, or debit card account, or credit card account, out of all women or all men aged 15 or over.

Source: Authors' calculations, based on World Bank Group (2018<sup>[48]</sup>), *The Global Findex Database 2017. Measuring Financial Inclusion and the Fintech Revolution*, [https://globalfindex.worldbank.org/sites/globalfindex/files/2018-04/2017%20Findex%20full%20report\\_0.pdf](https://globalfindex.worldbank.org/sites/globalfindex/files/2018-04/2017%20Findex%20full%20report_0.pdf).

## 1.5. Women in the family and society

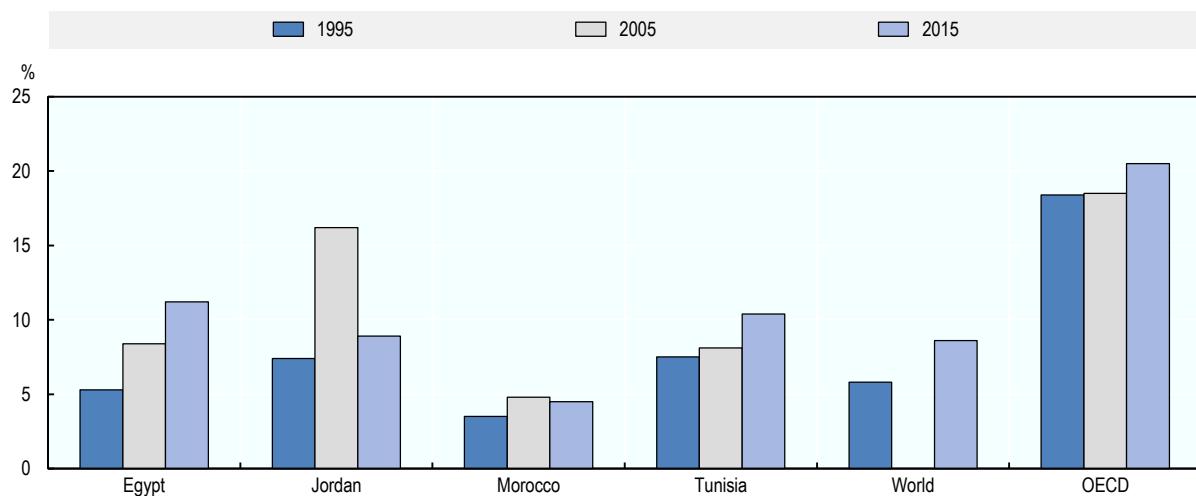
### ***Universal social protection coverage is still a long way off***

Social protection involves access to health care and income security, particularly in case of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a main income earner (ILO, 2020<sup>[49]</sup>). Only a few countries in the MENA region, such as Jordan, have developed coherent national social protection policies (ILO, 2017<sup>[50]</sup>). Current data are only available for Egypt, which estimate that 37% of its population is covered by at least one social protection benefit.<sup>16</sup> In comparison, the world share stands at 45% (ILO, 2017<sup>[50]</sup>). Incomplete coverage is partially due to low public spending on social protection. According to the latest available data, countries in the MENA region<sup>17</sup> spend on average 11% of GDP on education, health and social safety nets, which is lower than the averages for Emerging Europe and Commonwealth of Independent States (19%) and Latin America (14%) (IMF, 2018<sup>[51]</sup>).

Some progress has been made in the MENA region. The four countries have increased their expenditure on public social protection since 1995 (Figure 1.16). Most MENA countries have introduced or expanded their social protection measures since the financial crisis in 2010 and the uprisings in 2010 (ILO, 2017<sup>[50]</sup>). Egypt in particular shows a significant positive trend. It doubled its expenditure in 20 years from 5% of GDP dedicated to public social protection expenditure in 1995 to 11% in 2015. While Jordan has reduced its total expenditure in the central government sector since 2005, it is among the very few MENA countries to have developed a coherent national social protection policy (Case Study 2.3). The MENA region as a whole faces additional challenges in achieving universal social protection by 2030 (Sustainable Development Goal 1.3) given the refugee crisis and political instability, both of which continue to undermine an already weak social protection system.

**Figure 1.16. Social protection expenditure is similar to or above global levels, but well below OECD levels**

Public social protection expenditure as a % of GDP, 1995, 2005 and 2015



Note: Reference year is 2010 instead of 2015 for Morocco. Reference year is 2011 instead of 2015 for Tunisia. The expenditure in Jordan refers only to the central government sector.

Source: Authors' calculations, based on ILO (2017<sup>[50]</sup>), ILO World Social Protection Report 2017-2019, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_604882.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_604882.pdf); OECD (2019<sup>[52]</sup>), Social Expenditure Database (SOCX), <http://www.oecd.org/social/expenditure.htm>.

### ***Women have less access to social protection than men***

Adequate maternity protection, as well as paid paternity and parental leave, recognise that both mothers and fathers have responsibilities as breadwinners and caregivers, and contribute to achieving a more equitable sharing of care responsibilities, in line with SDG 5.4 on recognising and valuing unpaid care and domestic work. Women who are not entitled to enough income security during the final stages of pregnancy and after childbirth, especially those working in the informal economy, can expose themselves and their children to significant health risks.

Low female labour market participation, high levels of unemployment and high rates of informality all contribute to women's lower access to social protection in the MENA region, particularly maternity cover and old-age pensions. Worldwide, 45% of women in employment are covered by law under mandatory maternity cash benefit schemes. In terms of maternity benefits, 41% of women with new-borns worldwide receive maternity benefits. Tunisia, the only country of the four with data on the share of employed women receiving maternity benefits, has a rate of 12% (ILO, 2017<sup>[50]</sup>).

While most countries worldwide have included maternity provisions in their social insurance schemes, in the MENA region most countries provide for paid maternity leave as an employer liability in their labour codes, including Egypt, Morocco and Tunisia (ILO, 2017<sup>[50]</sup>). Such arrangements may discourage the hiring of female workers, thereby contributing to the low female labour market participation. However, some countries, including Jordan, have implemented social insurance schemes in which contributions are made by employers for male and female employees to finance statutory maternity insurance schemes, "socialising" the cost so it is no longer a direct cost to individual employers (Case Study 2.3).

As regards old-age benefits, 68% of people above statutory retirement age are currently covered by law for an old age pension globally. The regional averages for MENA stand at 47% and 27% for men and women respectively. The effective coverage for older persons in Jordan is 42%, the second highest ratio in MENA.<sup>18</sup> However, this covers only 12% of older Jordanian women, compared to 82% of older Jordanian men. Furthermore, only 11% of the female working age population contributes to the national pension scheme, as opposed to 33% of men, meaning that there will be no significant increase in the ratio of women above the statutory age receiving a pension if gender-sensitive actions are not taken (ILO, 2017<sup>[50]</sup>).

The reasons for incomplete coverage largely relate to the high rates of informality, low female labour market participation and high levels of unemployment, which together negatively affect women's ability to build up pension entitlements in contributory pension schemes, driving higher levels of old-age poverty among women than among men. However, the countries in the MENA region are taking action to reform their social protection systems. Case Study 2.3 in Chapter 2 looks at social protection in Jordan, including pensions. Box 2.6 looks at maternity and paternity schemes in the four countries.

### ***Decision making in public life is increasingly involving women***

The MENA-OECD Initiative for Governance and Competitiveness addresses both women's economic and political empowerment across its different components since the programme is convinced that women's economic and political empowerment are inextricably linked.<sup>19</sup> Women must have an equal voice in decisions about policies that affect their lives. If women are not economically empowered and have a certain level of economic independence, it will be very hard for them to engage in politics and influence those policies. Elements holding women back from joining the economy also hold them back from participating in politics and becoming parliamentarians. Women's participation in politics can have a positive impact on inclusive growth and women's economic empowerment. More gender-balanced institutions at the national or subnational level are more likely to include gender considerations in policy reforms, including those related to labour and economic rights.

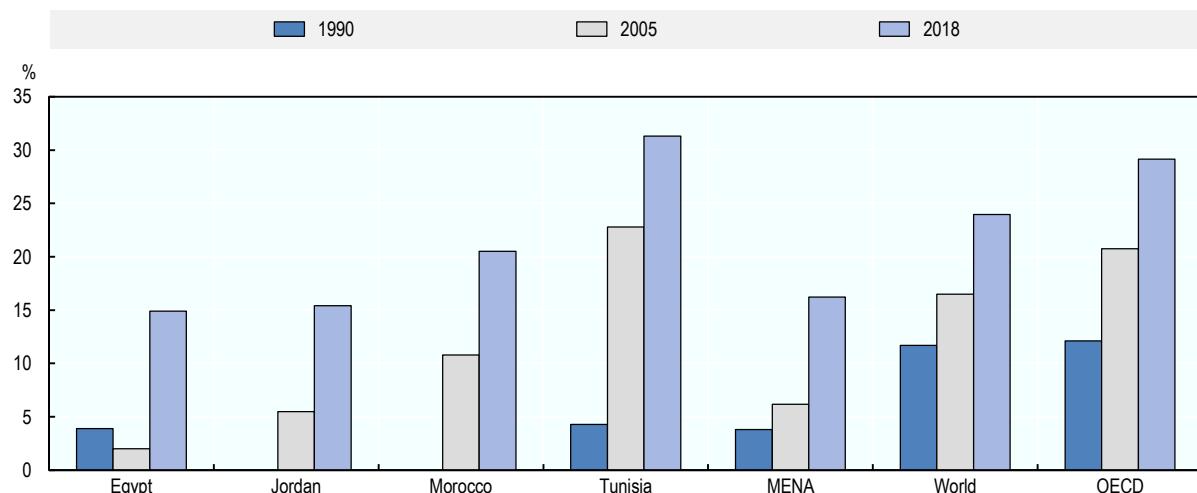
Countries in the MENA region are increasingly mobilising the potential and talent of women in public life. Having more women involved in decision making in politics is not only conducive to empowering women,

but also promotes the adoption of laws and practices that favour women's economic empowerment, and the implementation of gender-sensitive policies (Case Study 5.1 and Boxes 5.1 and 5.2 in Chapter 5). The proportion of seats held by women in national parliaments is a good indicator of gender equality in decision making, and has increased significantly in the MENA countries since 1990. Some countries, such as Tunisia, have a more gender-balanced national parliament than the OECD average (Figure 1.17). In Morocco and Jordan, 21% and 15% of the national parliament is female, while it was zero in 1997. Progress has also been made in Egypt, where female members currently make up 15% of parliament, compared to less than 2% in 2005. Women currently account for 24% of ministers.

Women's political participation is becoming more and more common in the region. Many MENA publics express a preference for greater female political participation, including acceptance of a female head of state and the implementation of women's quotas for elected office. More than 60% of citizens across the four selected MENA countries reported that they were in favour of the introduction of women's quotas for political offices (Thomas, 2019<sup>[53]</sup>). Women's political participation in the MENA region, including the barriers and the opportunities, are well documented in a series of publications in the framework of the MENA-OECD Governance Programme.<sup>20</sup>

**Figure 1.17. Women are a growing presence in national parliaments**

% of seats held by women in national parliaments



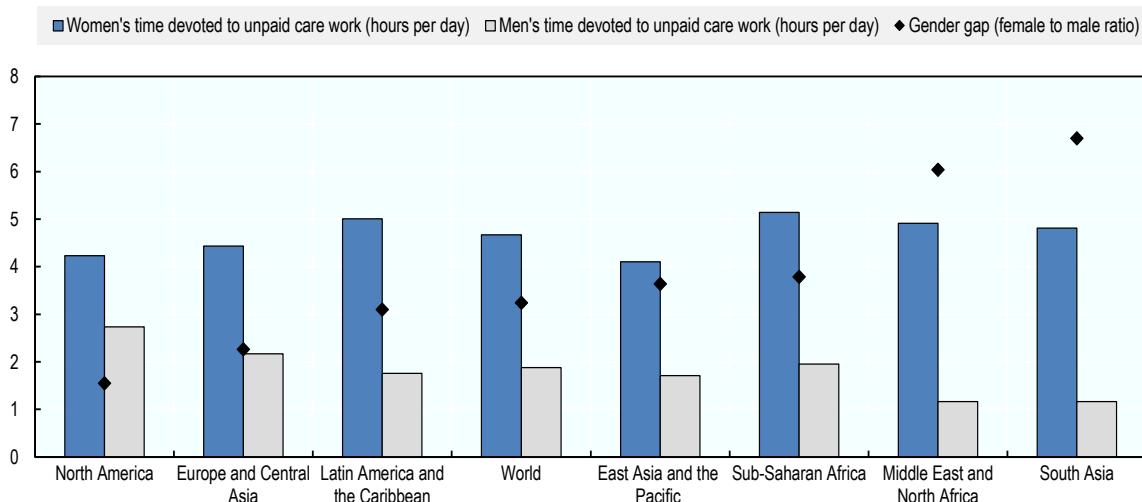
Note: This figure shows percentages of parliamentary seats in a single or lower chamber held by women in 1990, 2005 and 2018, respectively.  
Source: Authors' calculations, based on World Bank (2020<sup>[54]</sup>), *World Development Indicators* (database), <https://databank.worldbank.org/reports.aspx?source=2&type=metadata&series=SG.GEN.PARL.ZS>

### **Women's unpaid care and domestic duties leave little time for paid work**

Women in MENA devote disproportionately more time to unpaid care and domestic work than men, leaving them little time for paid jobs.<sup>21</sup> In every country of the world, the burden of unpaid care is primarily borne by women. Although the average time per day that women in MENA spend on unpaid care and domestic work is similar to other regions (4.9 hours in MENA versus 4.7 hours worldwide), the regional gender gap is striking – and is the second highest worldwide. This means that unpaid care work is largely done by women (Figure 1.18). The time women spend on unpaid care work accounts for 89% of their working day, leaving them barely any time to work for pay. This is not the case for men, who on average allocate 20% of their total working time to unpaid care work (Charmes, 2019<sup>[55]</sup>).

### Figure 1.18. Women undertake the bulk of unpaid care work

Time spent on unpaid care work and gender gaps (2019)



Note: This graph shows regional gender gaps in time devoted in unpaid care and domestic work.

Source: OECD (2019<sup>[56]</sup>), *Enabling Women's Economic Empowerment: New Approaches to Unpaid Care Work in Developing Countries*, <https://doi.org/10.1787/ec90d1b1-en>.

In 2018, 606 million women of working age worldwide declared themselves to be unavailable for employment or not seeking a job due to unpaid care work, compared to only 41 million men (ILO, 2018<sup>[57]</sup>). Full-time unpaid carers represent 42% of the 1.4 billion inactive women worldwide, compared with only 6% of all the 706 million inactive men (ILO, 2018<sup>[57]</sup>). According to the ILO, globally, 42% of women stay outside the labour force because of their need to care for others, compared to only 6% of men. In Egypt, 65% of economically inactive women blamed care work for their inactivity, whereas 57% of inactive men attributed their inactivity to personal reasons (being in education, sick or disabled). In both Jordan and Tunisia, around 77% of inactive women blame unpaid care work compared with 3% of inactive men (ILO, 2018<sup>[57]</sup>). In Morocco, the proportion of inactive women varies according to age: it concerns 36% of those who are less than 30 years old, 56% of those aged 45 years old and around 70% of the 30-44 year-olds, taking women out of the job market during the prime years for career progression (High Commission for Planning Morocco, 2018<sup>[58]</sup>).

Women around the world are also time “poorer” than men. Globally, women spend 84 more minutes working (unpaid and paid work) per day than men. Women in the Arab countries and in Northern Africa work 77 more minutes and 57 more minutes than men on average, respectively. This means that not only do women work more (and for free), they have less leisure time at their disposal and incur greater health impacts caused by excessive and strenuous amounts of unpaid care and domestic work (ILO, 2018<sup>[57]</sup>). The result is likely to be sub-optimal care solutions and underperformance in paid work.

The ILO analysed data from 23 mostly higher-income countries over a 15-year period (from 1997 to 2012) in its report *Care Work and Care Jobs* (ILO, 2018<sup>[57]</sup>). It found that although on average, employed women were spending more hours in paid jobs in 2012 than in 1997, formal or informal, in general they continued to also perform more unpaid care work than men. If the gender gap in unpaid care work has narrowed by 0.2 percentage points since 1997, it is mainly due to women spending less time on unpaid care work than previously, rather than a more equal distribution of work (as the time men spend on unpaid care work has decreased). Estimates show that at this pace, it is likely to take around 210 years to close the gender gap

in unpaid care work in these countries. The MENA region, facing a more unequal distribution of unpaid care work, will take even longer to achieve gender equality at the current pace.

In line with the 2013 OECD Gender Recommendation (Box 1.1), measures that improve paid parental leave, good quality and affordable childcare, workplace flexibility and equality in sharing unpaid care responsibilities are necessary for achieving a fair work-life balance, and will therefore help to reduce gender gaps in employment (OECD, 2017<sup>[59]</sup>). Governments in the MENA region are actively adopting laws and practices to help current and future female workers reconcile work and family (Case Studies 2.1 and 2.4).

### ***Outdated attitudes still hold women back economically, though things are changing***

Persistent anti-egalitarian social norms limit the role of women in the economy because they perpetuate stereotypes about gender roles. These attitudes undermine women's agency and freedom to engage in paid work, and in making decisions about their career progression. Stereotypes, norms and attitudes about the role of men and women change very slowly, and have shown less progress in emerging economies than OECD ones (OECD, 2017<sup>[59]</sup>).

Men in the MENA region mostly support a range of traditional attitudes vis-à-vis women's rights, and many women express mixed opinions concerning their roles. The 2019 SIGI report reveals that, although attitudes towards women's role and status are evolving worldwide, some discriminatory attitudes and beliefs continue to prevail in the countries covered by this report. The share of the population that considers it is not acceptable for a women to work outside the home for pay remains high in all four countries, at respectively 34%, 30%, 21% and 19% in Egypt, Jordan, Morocco and Tunisia (OECD, 2019<sup>[43]</sup>). In line with this, other studies find that the vast majority of men still believe that a woman's primary role is to care for the household: 87% of men in Egypt and 72% of men in Morocco (UN Women/Promundo, 2017<sup>[60]</sup>). In Jordan, only 38% of men find it acceptable for women to work in mixed workplaces, and only 26% accept that women can return home from work after 5 pm (World Bank, 2018<sup>[61]</sup>). In two of the four selected countries, between 46% (Morocco) and 69% (Egypt) of men consider that husbands should have the final say in family decisions (Thomas, 2019<sup>[53]</sup>).

Such attitudes not only undermine women's voice and agency – they are often internalised by women. SIGI results reveal that a significant share of women in the four countries justify domestic violence under certain circumstances, ranging from 18% in Jordan to 36% in Egypt (OECD, 2019<sup>[43]</sup>). Moreover, 77% of surveyed women in Egypt consider that taking care of the family is their most important role (UN Women/Promundo, 2017<sup>[60]</sup>). All of these attitudes, when taken together, can constitute an impediment to equal gender relations within the household, to women's ability to work and hence to their economic empowerment.

The wider economic climate in the region – with high unemployment rates, a large and saturated public sector and a sluggish private sector – is contributing to the common belief that men's access to jobs should take priority over women's. As the unemployment rate in the MENA region has been increasing since 2008, many men struggle to find jobs and live up to their traditionally conceived role of breadwinner. According to a survey carried out by Promundo and UN Women, 98% of men and 88% of women in Egypt uphold the idea that men should have access to jobs before women when work opportunities are scarce (UN Women/Promundo, 2017<sup>[60]</sup>).

However, the current economic context and other changes are shaking up traditional gender relations within households and could also increase women's participation in the labour market (Box 1.2). Although most caregiving tasks are assigned to women in MENA, more than half of male respondents report that they spend too little time with their children and would like to share more daily care-giving work with women (UN Women/Promundo, 2017<sup>[60]</sup>). Additionally, around half of male and female respondents in Egypt and more than 80% of respondents in Morocco would like to see a paternity leave policy. More than 70% of men in Egypt and in Morocco expected to share their homemaker roles with their working wife. This implies

that men are seeking a deeper involvement in the household beyond their traditional role as breadwinners. This, however, is subject to a caveat: men are still expected to remain the main providers and decision makers in the home and women the primary care-givers and organisers of the home. These traditional patterns are usually set in childhood and perpetuated by women and men within their own families (UN Women/Promundo, 2017<sup>[60]</sup>).

### **Box 1.2. How are attitudes to women changing, and what's driving it?**

The state of patriarchy is shifting among certain population groups in the MENA region. Generally, more educated, higher-income men whose mothers were well educated and whose fathers carried out traditionally feminine household tasks are more likely to treat women as equals. Results from multiple surveys indicate that though many elements of patriarchy persist in the region, they are coming under pressure to evolve. For example, support for equal rights to divorce has increased from 66% to 71% since 2010 across MENA countries, and the share of citizens viewing men as better political leaders than women dropped from 73% to 66% between 2010-11 and 2018-19 (Thomas, 2019<sup>[53]</sup>). Furthermore, in many MENA countries wealthier and well-educated women and men living in urban areas usually tend to have more equitable perceptions of women's economic empowerment. In Morocco, 25% of men in general think that a man has the right to beat his spouse if she leaves home without asking for his permission while 30% of rural men think so.<sup>22</sup> While 53% of uneducated women feel that they should tolerate domestic violence to preserve family unity, this figure drops to 9% among women with tertiary education.<sup>23</sup> However, in some contexts, exceptions were found where urban living and better education did not correspond to more equal opinions.<sup>24</sup>

Interestingly, a man's age does not seem to affect his attitude. Younger men hold similarly conservative views to older men according to multiple studies. While younger women in the region aspire to greater equality, younger men do not necessarily share this view, which creates tension between the sexes in both the public and private spheres. According to the IMAGES survey results, MENA is the only region in the world where younger generations of men do not hold more liberal views than their elders (UN Women/Promundo, 2017<sup>[60]</sup>). This is found in three of the four surveyed countries (Egypt, Palestinian Authority and Morocco).<sup>25</sup> Although the backlash of young men against women's economic and political roles could be understood as the pressure to achieve a traditionally recognised sense of manhood under difficult economic circumstances, further study is needed to understand the possible factors in young men's traditional attitudes in the MENA region. Awareness of the existing patriarchal cultures which can reinforce social inequality has led to a range of initiatives in some MENA countries to engage men and boys in changing notions of masculinity (see Annex 1.C).

### ***Violence against women is widespread across the region***

Violence against women affects around one in three women and girls at some point in their lives. It is also an economic issue, carrying significant costs to individuals, households, the public sector, businesses and society. Violence against women and women's economic empowerment are closely interlinked, but the relationship is not linear. On one hand, violence against women – both at home and in the workplace – hinders women's economic activity, as it significantly undermines women's educational and employment opportunities, freedom of choices, income-earning capacity and advancement in the workplace. On the other hand, women's economic empowerment can both decrease or increase violence, as sometimes men can have a strong backlash against women's newly empowered status.

Despite the efforts of multiple stakeholders in the MENA countries, various forms of violence against women are still widespread across the region. Globally, it is estimated that 35% of women have suffered from sexual and/or physical violence (García-Moreno et al., 2013<sup>[62]</sup>). However, the sensitivity of the topic

in the region, especially for intimate partner violence, means that data are scarce or incomplete. According to various sources, 48% of Tunisian women (between 18 and 64 years old) declared that they had been victims of one or more forms of violence, the majority being rural victims of intimate partner violence (The Advocates for Human Rights/Mobilising for Rights Associates, 2017<sup>[63]</sup>). In addition, 54% of Tunisian women reported having experienced some form of violence in the public space over the past four years (Slim, 2016<sup>[64]</sup>). In Egypt, about 46% of women reported that they had experienced physical, emotional or sexual violence from their spouse and 13% had experienced violence in public spaces (Duvvury et al., 2015<sup>[65]</sup>). The survey further stated that more than 25% of women had entered marriage before reaching the legal age of 18. In a national survey in Jordan, 21% of ever-married women between the ages of 15-49 declared that they had experienced physical violence (Department of Statistics/ICF, 2019<sup>[66]</sup>). In Morocco, the prevalence of psychological violence fell from 58% to 49% between 2009 and 2019. In contrast, economic violence rose from 8% to 15% over the same period (High Commission for Planning Morocco, 2019<sup>[67]</sup>).

Violence in the workplace is one of the main issues that women face in Jordan (ARDD, 2018<sup>[68]</sup>). Recently, over 50% of Jordanian women (and 73% of Syrian refugee women) informally reported having been sexually harassed in the workplace (Husseini, 2018<sup>[69]</sup>). Furthermore, around 20 women in Jordan are killed annually for reasons related to so-called family honour crimes.<sup>26</sup>

Traditional social norms and inequitable perceptions about women's roles increase women's risk of being the victims of violence. The previously mentioned study by UN Women and Promundo indicates that there is a strong belief that women should tolerate violent treatment by their spouse to keep the family together. This opinion is not only shared by men (90% in Egypt and 60% in Morocco), but also by women (70% in Egypt and 46% in Morocco). One-third or more of men in the surveyed countries still believe that there are occasions when a woman deserves to be beaten. Street-based violence against women is another very prevalent form of violence in MENA countries. Approximately 75% of male respondents in Egypt and in Morocco used a woman's "provocative" dress to legitimise their acts. More women agreed with this idea than did their male counterparts. A victim-blaming culture has led female respondents to blame men's acts on women's temptation. Furthermore, in cases of rape, about 60% of surveyed men and 48% or more surveyed women believed that a woman who is raped should marry her rapist. Surprisingly, more women than men blame the victim for having been harassed.

A series of legislative advances, sensitisation campaigns, and community initiatives have contributed to raising awareness among women and men alike of the need to stop violence against women in all its forms (Chapter 4: Case Studies 4.4 to 4.7). These actions are having an impact. According to the Egypt Demographic and Health Survey (EDHS) 1995, which was the first to measure attitudes of ever-married women to FGM, only 10% of women wished to end this practice. However, by 2015 this rate had increased to 37.5% (EDHS14) and to 44% in 2017 according to the UN Women survey. This opinion was also supported by 30% of men in 2017 (UN Women/Promundo, 2017<sup>[60]</sup>).

## 1.6. Conclusions

Participating in economic activities allows women to make positive changes in their lives, with positive ripple effects for their families, communities and societies. Providing women with equal rights and opportunities in education and the workplace is not only an end in itself, but is also a precondition for tapping into their full potential.

As discussed in this chapter, the MENA region has made noticeable improvements in providing equal educational opportunities for boys and girls. Statistics show that gender gaps in school enrolment rates and educational attainment have almost been closed. The share of female STEM graduates in some MENA countries is even higher than OECD countries. Some progress, albeit slowly, has also been made in the labour market. Financial inclusion keeps improving in favour of women. More women participate in decision

making in the public realm today than 20 years ago. There is now a public agenda on gender equality and the topic of women's economic empowerment is prominently present in social debates.

Despite these achievements, MENA countries – as with most countries – still have a long way to go to achieve truly equal economic participation and opportunities. While some challenges are universal (e.g. equal pay and employment segregation), some are specifically prevalent in the region (e.g. domestic workers, unpaid care work and social norms). The opportunities suggest that the MENA countries could seize the growing momentum for reforms, but the scale of the challenges cautions that gender equality cannot be accomplished overnight.

The following list highlights the key obstacles to women's economic empowerment in the MENA region, especially the four selected countries. The case studies and in-depth boxes in the chapters which follow describe how some of these obstacles are being overcome. The case studies analyse specific recent legislative, institutional and policy reforms for women's economic empowerment in Egypt, Jordan, Morocco and Tunisia. They examine how and why the reforms came about, the actors involved, their implementation and impact, as well as key success factors. They are based on discussions with stakeholders in the countries concerned (methodological details in Annexes A to D). The report also includes in-depth boxes based on desk review that analyse initiatives on women's economic empowerment, as well as boxes highlighting reform tools for legislators and policy makers.<sup>27</sup>

- **The unequal burden on women of unpaid care and domestic work.** This is one of the primary obstacles to MENA women's participation in the labour market. Although a sizable number of women, especially young women, want to work, domestic commitments are their biggest constraint.
  - See *Case Studies 2.1 and 2.4: reforms for alleviating women's care burden*
- **Informal employment.** Though informal work is still prevalent among women and men alike, informal female labourers in the MENA region are the most vulnerable in their roles as domestic workers and in the agriculture sector.
  - See *Chapter 3 on decent work for all women, plus Case Study 3.1 on domestic workers in Morocco; Case Study 3.2 on rural women in Tunisia; Case Study 3.3 on women's access to land in Morocco; and Case Study 3.4 on women refugees in Jordan.*
- **Legal barriers, lack of assets and lack of access to formal financial services prevent women from setting up and expanding businesses.** In the four countries, discriminatory legal or customary frameworks governing women's inheritance rights constitute a major obstacle for potential female entrepreneurs
  - See *Chapter 4 on inheritance; and Case Studies 2.8, 2.9 and 2.10 all shed light on efforts to empower female entrepreneurs in Jordan and Egypt.*
- **Poor coverage by the full range of social protection,** especially for women in rural areas. Low female labour market participation, high levels of unemployment and high rates of informality play a role.
  - *Case Study 2.3 describes efforts to enhance social protection for women and their families in Jordan; Case Study 3.1 outlines social protection for domestic workers in Morocco; and Case Study 3.2 discusses social protection for rural women in Tunisia. Case Study 3.4 includes information about cash transfer programmes for women refugees in Jordan.*
- **Unequal pay.** Gender pay gaps can discourage women from entering traditionally male-dominated sectors or occupations. In addition, women with children usually have lower wages than childless women: maternity leads to a salary penalty which may persist for a female professional.
  - *Case Study 2.7 discusses one initiative to equalise working conditions for women in Jordan.*

- **Poor choice in the occupations or job positions suitable for women.** Prominent gender occupational and sectoral segregation continues to undermine MENA women's participation in the labour market, their career choices and their professional progression.
  - *Case Studies 2.1 (flex work in Jordan), 2.2 (gender balance in corporate leadership in MENA), 2.5. (women's participation and leadership in workers' and employers' organisations in Tunisia) and 2.6 (gender-balanced tripartite organisations in Egypt) analyse efforts to broaden women's opportunities at work.*
- **Violence against women and girls.** This is still widespread and has a serious bearing on women's economic empowerment, whether in the public or the private sphere.
  - *All four countries are implementing progressive legislative reforms in this area. Case Studies 4.4 to 4.7 report on progress, challenges and impacts in each of the four countries.*
- **Social attitudes surrounding traditional gender roles.** These affect women's agency and hamper their economic activities.
  - *Countries are taking measures to implement initiatives that encourage the transformation of social norms; see for example Case Studies 4.1 and 4.4, both from Tunisia. Morocco is making efforts to address stereotyping and discrimination, especially in the media sector (Case Studies 5.2 and 5.3).*
- **Lack of comparable data.** One of the challenges in assessing women's economic empowerment is the lack of comparable data over time and across the region. Although the governments in the MENA region have made much progress on collecting and analysing gender-disaggregated data, certain gaps remain, notably data on the informal economy, women's ownership of businesses, and for measuring several of the UN Minimum Set of Gender Indicators and the SDG indicators. Comparability issues also have an impact as reporting on certain indicators in the selected countries is not always consistent with internationally recognised definitions.
  - *Chapter 6 discusses initiatives underway to build the evidence base for women's economic empowerment.*

# Annex 1.A. Employment distribution by sex and by economic activity

**Annex Table 1.A.1. Employment distribution by sex and by economic activity in detail, percentages of female/male employment (2018)**

	MENA		World		Egypt		Jordan		Morocco		Tunisia	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Agriculture/forestry/fishing	26.8	17.7	27.6	28.7	36.7	21.8	1.1	3.9	59.2	31.5	11.4	16.2
Mining/quarrying	0.3	1.2	0.3	1.0	0.0	0.2	0.1	1.0	0.1	0.9	0.3	0.7
Manufacturing	10.6	11.2	14.8	13.8	5.8	13.5	14.3	12.5	11.3	9.9	32.3	14.1
Construction	0.7	15.6	1.4	10.9	0.4	16.3	0.6	11.3	0.3	13.5	0.6	17.1
Transport/storage/communication	1.6	8.4	2.2	8.9	1.2	10.4	1.9	9.2	1.0	5.8	2.6	10.5
Wholesale/retail trade/accommodation	8.3	18.6	22.3	16.5	10.3	16.6	4.5	19.9	6.5	21.7	12.6	17.6
Finance/insurance/real estate	3.8	4.3	5.8	5.7	2.6	3.2	6.7	5.9	2.7	2.8	4.1	3.6
Public administration/defence/social security	6.7	10.3	3.2	4.7	7.1	6.1	7.0	18.8	3.5	5.2	5.5	10.8
Education	20.7	5.3	7.7	3.2	21.3	4.7	35.9	6.6	6.4	2.6	18.6	4.0
Human health/social work	7.9	1.9	6.6	1.8	8.6	1.5	11.8	3.0	2.2	0.6	6.3	1.6
Other	12.5	5.6	8.0	4.8	5.9	5.6	16.1	7.8	6.9	5.6	5.8	3.8

Note: Data presented by branch of economic activity is based on the 4<sup>th</sup> revised version of International Standard Industrial Classification of All Economic Activities (ISIC) in 2008. Agriculture/forestry/fishing refers to ISIC rev.4 A; Mining/quarrying refers to ISIC rev.4 B; Manufacturing refers to ISIC rev.4 C, Construction refers to ISIC rev.4 F; Transport/storage/communication consists of aggregate categories ISIC rev.4 H and J; Wholesale/retail trade/accommodation consists of aggregate categories ISIC rev.4 G and I; Finance/insurance/real estate consists of aggregate categories ISIC rev.4 K, L, M and N; Public administration/defence/social security refers to ISIC rev.4 O; Education refers to ISIC rev.4 P; Human health/social work refers to ISIC rev.4 Q; Other consists of aggregate categories of D, E, R, S, T and U.

Source: Authors' calculations, based on ILO (2018<sup>[70]</sup>), ILOSTAT, <https://ilo.org/stat/>.

# Annex 1.B. Defining employment status and informal employment

## Employment status

The indicator of status in employment distinguishes between two categories of the total employed, which are: (a) wage and salaried workers (also known as employees); and (b) self-employed workers. The self-employed group is broken down into subcategories: self-employed workers with employees (employers), self-employed workers without employees (own-account workers), members of producers' co-operatives and contributing family workers (also known as unpaid family workers).

According to the World Bank, breaking down employment information by status in employment provides a statistical basis for describing workers' behaviour and conditions of work, and for defining an individual's socio-economic group. The OECD, nevertheless, notes that links between informality and development are complex and informality mirrors various development patterns. In effect, analysis of data shows that in countries where the growth performance is largely driven by manufacturing and agriculture, informality may persist or even increase.

## Informal employment

The ILO defines informal employment as working arrangements that are de facto or de jure not subject to national labour legislation, income taxation or entitlement to social protection or certain other employment benefits (advance notice of dismissal, severance pay, paid annual or sick leave, etc.).

The OECD 2019 report *Tackling Vulnerability in the Informal Economy* provided international and operational definitions of the informal economy, informal employment and employment in the informal sector (OECD/ILO, 2019<sup>[31]</sup>). Table 1.B.1. defines whether a person is in informal employment. Globally, informal employment accounts for more than four out of every five own-account workers, one out of every two employers, two out of every five employees and all contributing family workers.

**Annex Table 1.B.1. Operational criteria to define informal employment**

Status in employment	Informal employment
Contributing family worker	If the person is reported as a contributing family worker, no further questions are required and the person is classified as having an informal job.
Own-account worker or employer	If the person is recorded as an employer, or own-account worker, or member of a producer's cooperative, the formal or informal nature of the job is determined according to the formal or informal nature of the person's economic unit (According to the international standards adopted by the 15th ICLS, the informal sector consists of units engaged in the production of goods or services with the primary objective of generating employment and incomes to the persons concerned). If the enterprise is a household enterprise or a private business producing wholly for own or family use, the owner is also classified as having an informal job.
Employee	The most commonly used option to determine if an employee is in formal employment is contributions to a social security (ideally for pension) scheme. In case of contributions to social security, the employee is considered as being in formal employment. If no contributions to social security, the employee is considered as being in informal employment. If don't know or no answer, then check on the employee's entitlement to paid annual leave and paid sick leave.

Source: OECD/ILO (2019<sup>[31]</sup>), *Tackling Vulnerability in the Informal Economy*, <https://doi.org/10.1787/939b7bcd-en>.

# Annex 1.C. Engaging men and boys to change notions of masculinity

## Annex Box 1.C.1. Engaging men and boys to change notions of masculinity

In the context of UN Women's Men and Women for Gender Equality regional programme, a range of initiatives are being organised in some MENA countries to disseminate knowledge products, implement community-based activities, and increase awareness about gender equality through campaigns.

### Egypt

In partnership with the National Council for Women (NCW), and the ministries of education, youth and sports, and social solidarity, the UN Women Country Office in Egypt is implementing a range of innovative community-based practices that aim to redefine gender roles, masculinity and fatherhood. A number of communities have adapted their activities to their local contexts by using, for example art, sports and camps as a means to reach over 8 000 members in three Egyptian governorates. For example, a two-day camp called "Ana wa Baba" (father and child camp) was co-organised by UN Women Egypt, NCW and Wellspring Egypt, in which 27 fathers and 65 children participated to redefine fatherhood through sports. Advocacy activities were implemented with NCW. Campaigns such as "Because I am a man" and "HerStory" were activated by and for young people to engage men and boys' awareness of gender equality. These initiatives were also part of a larger regional 16-day activism campaign on violence against women. More than 24 000 community members were reached across 27 governorates\_(UN Women, 2018<sup>[71]</sup>).

### Morocco

A variety of community-led initiatives and advocacy activities have been implemented in Morocco to promote egalitarian and non-violent education in family, schools, and through the media. UN Women Maghreb collaborated with the NGO Quartier du Monde to support community-based activities developed by 13 local NGOs. For example, Khouloud Association formed a female football team in Youssoufia to raise girls' self-confidence and to work with families on their bias against girls playing football in the street. Moroccan Association for Women's Rights (AMDF) developed a programme to sensitise high school students on violence against women by means of art. Awareness-raising campaigns leveraged the media and collaboration with social influencers to promote positive images of men. In November 2017, with the support and participation of several Moroccan celebrities, the "Hit\_AnA\_Rajel" (Because I am a man) campaign produced 12 videos that were disseminated on 2M TV channel and social media, later used as materials for sensitisation classes for high school students. On the occasion of a 16-day activism campaign launched by the UN in 2018 "Orange the World, #HearMeToo", media groups in Morocco were actively involved in communications against gender-based violence. Media companies such as SOREAD 2M and Eco-Media reiterated their commitment to accompany the campaign and TV presenters supported the campaign by wearing orange scarves during the 16 days. TV shows and short videos were produced to address violence against women\_(UN Women, 2018<sup>[72]</sup>).

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## Notes

<sup>1</sup> The OECD’s Development Assistance Committee (DAC) network on gender equality defines women’s economic empowerment as women’s capacity to contribute to and benefit from economic activities on terms which recognise the value of their contribution, respect their dignity and make it possible for them to negotiate a fairer distribution of returns.

<sup>2</sup> MGI’s 2015 report, *The Power of Parity*, maps 15 gender equality indicators in 4 dimensions for 95 countries, under 3 scenarios (“business-as-usual”, “full-potential” and “best-in-region”) (McKinsey Global Institute, 2015[3]). Estimates of potential economic gains quoted in this chapter equal the incremental 2025 GDP in a scenario where gender parity for each country on the 4 dimensions included in the model is completely achieved (i.e. the “full-potential” scenario), as compared to a business-as-usual scenario.

<sup>3</sup> The World Bank's 2018 report on the cost of gender inequality focuses on the losses in national wealth due to gender inequality in earnings (World Bank, 2018<sup>[4]</sup>). Instead of measuring losses from inequality as annual flows (the GDP approach), this approach measures losses in human capital (the wealth approach). This is done by measuring lifetime losses in earnings. It accounts for human capital (measured by earnings), as well as produced capital coming from investments in assets and natural capital such as land and natural resources. The report covers 141 countries. Estimates of losses from gender inequality in labour markets based on human capital wealth are substantially larger than those based on GDP alone (USD 2.7 trillion against USD 3.1 trillion in MENA) because wealth is larger than GDP.

<sup>4</sup> SIGI measures gender-based discrimination in social institutions across 180 countries. It covers four dimensions: discrimination within the family, restricted physical integrity, restricted access to financial and productive resources, and restricted civil liberties.

<sup>5</sup> Statistics based on Development Assistance Committee (DAC) members' reporting on the Gender Equality Policy Marker, 2017-2018. Creditor Reporting System database, March 2019: <http://www.oecd.org/dac/financing-sustainable-development/development-finance-data/gender-related-aid-data.htm>.

<sup>6</sup> According to the 2016 ILO report, *Labour Market Transitions of Young Men in the Middle East and North Africa* (Dimova, Elder and Stephan, 2016<sup>[9]</sup>), the most frequently cited reason for leaving school early among young men was a general lack of interest in studying (33.1%), followed by a failed examination (26.0%) and a desire to start working (21.4%). Young women, on the other hand, were much more likely than young men to have been influenced by the prospect of getting married (26.4% compared to 0.1% of young males).

<sup>7</sup> The working-age population is commonly defined as people aged 15 years and older, though this varies from country to country. Statistics used in this report cover people aged 15 years and older.

<sup>8</sup> ILO calculations based on ILO SWTS data in 26 countries (35 surveys in 2012-13 and/or 2014-15).

<sup>9</sup> Occupation groups adopted in this publication are in line with the latest International Standard Classification of Occupations 2008 (ISCO-08), which classifies all jobs into 10 major groups at the highest level of aggregation. For more information please see: [https://www.ilo.org/wcmsp5/groups/public/-/-dgreports/-/-dcomm/-/-publ/documents/publication/wcms\\_172572.pdf](https://www.ilo.org/wcmsp5/groups/public/-/-dgreports/-/-dcomm/-/-publ/documents/publication/wcms_172572.pdf)

<sup>10</sup> The data used here for the OECD average only cover 28 European Union countries. Total gender occupational segregation of the OECD is higher than the global average mainly because proportionately more women work in service, sales and clerical support positions, and more men work as craft and related trade workers.

<sup>11</sup> According to the OECD's 2017 publication on Women's Economic Empowerment in Selected MENA Countries (OECD, 2017<sup>[25]</sup>), labour market dynamics in the region over recent decades have not favoured female labour force participation. On the one hand, the number of available public sector jobs in the region has declined with the structural adjustment policies initiated in the 1980s. On the other, this decline was not compensated for by a sufficient increase in jobs in the private sector – the MENA region has the world's lowest private-sector investment contribution to growth – and the majority of the region's investments were directed to low-skilled and capital-intensive sectors in which women's participation is lower.

<sup>12</sup> The OECD definition of gender wage gap is the difference between median earnings of women and men relative to median earnings of men. Data refer to full-time employees on the one hand and to self-employed on the other.

<sup>13</sup> Vulnerable employment refers to the sum of contributing family workers and own-account workers. This is because they are the least likely to have formal work arrangements, are the least likely to have social protection and safety nets to guard against economic shocks, and often are incapable of generating sufficient savings to offset these shocks – thus the most likely to fall into poverty (OECD/ILO, 2019<sup>[31]</sup>).

<sup>14</sup> Domestic workers are employed to work in other people's homes, providing a range of domestic services, including cleaning, cooking, washing clothes and dishes, shopping, caring for children or the elderly, sick or disabled, gardening, driving and security (ILO, 2018<sup>[33]</sup>).

<sup>15</sup> Total early-stage entrepreneurial activity represents the percentage of the adult working-age population (18–64 years old) who are either nascent or new entrepreneurs (Kelley et al., 2017<sup>[39]</sup>).

<sup>16</sup> Defined as the proportion of the total population receiving at least one contributory or non-contributory cash benefit, or actively contributing to at least one social security scheme.

<sup>17</sup> Specifically for this data, MENA refers to the Middle East, North Africa, Afghanistan, and Pakistan.

<sup>18</sup> These data refer only to the Arab states, which include Bahrain, Iraq, Jordan, Kuwait, Lebanon, The Palestinian Authority, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen.

<sup>19</sup> For more details on the programme, visit <https://www.oecd.org/mena/competitiveness>.

<sup>20</sup> The MENA-OECD Governance Programme is a strategic partnership between MENA and OECD countries to share knowledge and expertise, with a view to disseminating standards and principles of good governance that support the ongoing process of reform in the region. The programme's work on gender equality is available at: <https://www.oecd.org/mena/governance/gender-equality-in-public-life/>.

<sup>21</sup> Unpaid care and domestic work refers to non-market, unpaid work carried out in households (by women primarily, but also to varying degrees by girls, men and boys), which includes both direct care (of persons) and indirect care (such as cooking, cleaning, fetching water and fuel, etc.). These activities are recognised as work, but typically not included in the System of National Accounts or – in the case of activities like fetching water/fuel – are theoretically included but often not well documented or accounted for (OECD, 2019<sup>[56]</sup>).

<sup>22</sup> According to the Communiqué from the Moroccan High Commission for Planning on the occasion of the national and international mobilisation campaign for the elimination of violence against women. A survey was carried out between February and July 2019 and covered the entire national territory, with a sample of 12 000 girls and women and 3 000 boys and men aged 15 to 74. [https://www.hcp.ma/Communique-du-Haut-Commissariat-au-Plan-a-l'occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-l\\_a2411.html](https://www.hcp.ma/Communique-du-Haut-Commissariat-au-Plan-a-l'occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-l_a2411.html) (accessed in December 2019).

<sup>23</sup> Ibid.

<sup>24</sup> According to Arab Barometer's surveys (Thomas, 2019<sup>[53]</sup>), for example, in Algeria, Lebanon, the Palestinian Authority, Tunisia and Yemen, citizens living in urban areas expressed lower acceptance of a female head of state than citizens living in rural areas. In Yemen and the Palestinian Authority, no significant difference was found when it comes to husbands and wives' decision-making power at home when comparing people with higher and with lower level of education.

<sup>25</sup> The latest country to be surveyed in the MENA region is Lebanon, where young people expressed slightly more equitable attitudes towards gender norms.

<sup>26</sup> Honour crimes are acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonour upon the family (Husseini, 2017<sup>[73]</sup>).

<sup>27</sup> Table 1 at the start of this report contains an “at-a-glance” summary of all the themes of the case studies and in-depth boxes.

## 2 Women at work

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Ensuring that women have access to decent work is critical for women's economic empowerment and the sustainable and inclusive growth that countries badly need. This chapter analyses recent reforms and initiatives in Egypt, Jordan, Morocco and Tunisia aimed at enhancing women's labour force participation and providing them with decent work opportunities. The chapter is organised around four themes: (1) equality in the workplace, looking at efforts to increase flexible work, close gender pay gaps, increase women's corporate leadership roles and give them freedom of choice over their sectors and working hours; (2) social protection reforms and actions to ensure women have decent maternity and childcare coverage to improve their work-life balance; (3) social dialogue and collective bargaining reforms to increase women's participation and leadership in worker and employer's organisations to ensure better working conditions; and (4) specific measures to encourage women entrepreneurs, including access to finance and investment.

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## Infographic 2.1. Women at work: women's career progression

### Women at work

### Women's career progression

### PROMISING PRACTICES AND POLICY RECOMMENDATIONS

MENA women generally earn significantly less than men and have narrower access to leadership opportunities. They also face sector- and working-hour restrictions and sexual harassment in the workplace.

#### Equal pay

 14 MENA countries\* have ratified the ILO Equal Remuneration Convention.

 A collective bargaining agreement was adopted in Jordan to close the pay gap for private school teachers.

 Labour codes in Morocco and Jordan mandate "equal remuneration for work of equal value". Egypt prohibits wage discrimination based on gender. Tunisia includes generic non-discrimination provisions in its labour codes.

 Under the leadership of Jordan, the Equal Pay International Coalition was launched in the MENA Region to address the gender pay gap.

#### Policy recommendations

 Include a non-discrimination provision in the labour code together with special provisions on women's rights at work, such as equal remuneration for work of equal value.

#### Leadership and role models

 Corporate governance codes in Morocco and Jordan mention gender balance on boards. Disclosure-driven policies in MENA help increase women's representation in the boardroom. UAE has set a minimum quota for women on boards.

 The World Union of Arab Banks' Charter for Gender Diversity calls for non-discrimination in recruitment procedures and promotion.

 Countries have passed laws to give more visibility to women role models in the media.

#### Policy recommendations

 Enhance gender balance in corporate governance through quotas and the inclusion of a gender equality provision in corporate governance codes.

 Include a gender equality perspective in the policy documents guiding the work of traditional media institutions.

#### Flexible work

 Yemen is the only MENA country that has ratified the ILO Workers with Family Responsibility Convention.

 Jordan's flexible work regulations cover flex work for female and male employees. Egypt and Tunisia have legal provisions which allow female public sector employees to work part time. Private sector employees in Egypt with family responsibilities also have the right to work part time.

#### Policy recommendations

 Encourage the implementation of flex work provisions for both women and men so that men can share family responsibilities.

#### Sexual harassment at work

 The ILO Convention on Violence and Harassment and its accompanying Recommendation were adopted in 2019 and are open for ratification.

 New laws in Morocco and Tunisia double the penalties for harassment perpetrators who have authority over the victim. Egypt has introduced more severe sentences for perpetrators who have authority over the victims. In Jordan, Bank El Ettihad has issued a sexual harassment policy.

#### Policy recommendations

 Work with social partners and the ILO towards ratification of the Harassment and Violence at the Workplace Convention.

#### Professions and working hours

 Some countries such as Jordan and UAE have lifted restrictions on women's ability to work at night. UAE has also lifted restrictions in jobs deemed dangerous, as well as in agriculture and on the mining, manufacturing, and energy industries.

#### Policy recommendations

 Remove all discriminatory legal provisions related to women's participation in the labour market such as those that prohibit women from working at night or the same amount of hours as men.

#### Private sector

 The private sector is increasingly aware that gender equality efforts improve business outcomes. E.g., Bank El Ettihad in Jordan and agribusiness companies in Egypt report positive business growth thanks to their gender-sensitive approaches.

#### Policy recommendations

 Research and document national and regional private sector gender equality initiatives and give them greater visibility.

#### General policy recommendations

 Revise personal status laws so that women do not need to seek the approval of a male family member to work.

 Give legislative recognition to economic violence as a form of violence against women.

 Ensure labour inspections focus on and enforce legal provisions for non-discrimination and gender equality.

Note: The 14 MENA countries include Algeria, Djibouti, Egypt, Iraq, Jordan, Lebanon, Libya, Mauritania, Morocco, Saudi Arabia, Syria, Tunisia, United Arab Emirates and Yemen.

## Infographic 2.2. Women at work: social protection and work and life balance

### Women at work Social protection & work-life balance

### PROMISING PRACTICES AND POLICY RECOMMENDATIONS

In the MENA region, women undertake the bulk of unpaid care work, which restrict their capacity to engage in paid work. Although countries are reforming their social protection systems to tackle women's unpaid care burden and extending benefits for women, further progress is needed.

#### Social protection systems

The ILO has eight **conventions on Social Protection**. Jordan has ratified parts of the main ones and Morocco has ratified the **ILO Maternity Protection Convention**.

Constitutions in Egypt, Jordan, Morocco and Tunisia all guarantee women's rights to social protection.

MENA countries are expanding the **type of benefits** and/or **categories of people** that can benefit from social protection. E.g., Jordan offers optional subscriptions for **housewives**; Algeria, Egypt, Morocco and Tunisia have specific social protection schemes for **domestic workers** and/or **rural women**.

#### Policy recommendations

Work with social partners and the ILO to ratify and align further with **ILO conventions on social protection**. Continue the reforms of countries' social protection systems, focusing on **addressing gender inequalities** and **promoting women's participation in the labour force**.

#### Maternity and paternity leave

Morocco is the only MENA country that has ratified the **ILO Maternity Protection Convention**. Egypt and Morocco have aligned their national legislation with the minimum 98-day duration recommended in the Convention.

In Jordan, maternity leave costs have to be funded by a **payroll tax on all workers**, rather than by employers alone (which is the case in most MENA countries).

**Fathers** can take up to three days of paternity leave in Morocco and Jordan. In Tunisia, a one-day **paternity leave** applies.

#### Policy recommendations

Align the **duration of maternity leave** with the ILO Maternity Convention and ensure **social protection costs** do not only fall on the employer but are **distributed across male and female workers**. Introduce and/or extend **paternity leave** and encourage fathers to take up this leave in order to share family responsibilities.

#### Childcare measures

Jordan's labour code was recently amended to make **childcare facilities mandatory** once companies employ over a certain number of employees (**both men and women**). In Egypt and Morocco, private-sector employers are required to provide daycare facilities once they employ over a certain number of female employees.

#### Policy recommendations

Invest in quality **childcare facilities** and provide **incentives** to companies who wish to establish such facilities. Make these facilities **available for the children of male employees** and not only for the children of female employees.

#### Registration procedures

In Tunisia, rural women **no longer** have to submit a **birth certificate** in order to register for the National Social Security Fund. Women's Citizenship Initiative in Egypt encourages **rural and marginalised** women to apply for an ID card to access social services. Morocco has issued a decree which obliges employers of **domestic workers** to register them with the National Social Security Fund.

#### Policy recommendations

Expand the opportunities for **different groups** in society to contribute to and benefit from social security. Take measures to **facilitate social security registration**.

#### Private sector and civil society

Private sector and civil society **complement** government provisions on social security benefits. E.g., companies in the Sekem initiative in Egypt offer **paternity leave**. Jordan's Bank El Eithad has a set of **maternity leave** measures. SADAQA, a Jordanian NGO, makes proposals for tax incentives for employers offering **daycare facilities**.

#### Policy recommendations

Use **public-private dialogue** to align state and private sector social protection.

#### Old-age pension & survivors' benefits

Pension reforms in Jordan allow women to **pass** their pension on to their families, and entitle widows the right to inherit the full pension of their **deceased husband**. Nevertheless, the gender gap has not been closed in terms of retirement age.

#### Policy recommendations

Remove discriminatory legal provisions in **old-age pensions** to better align benefits between women and men.

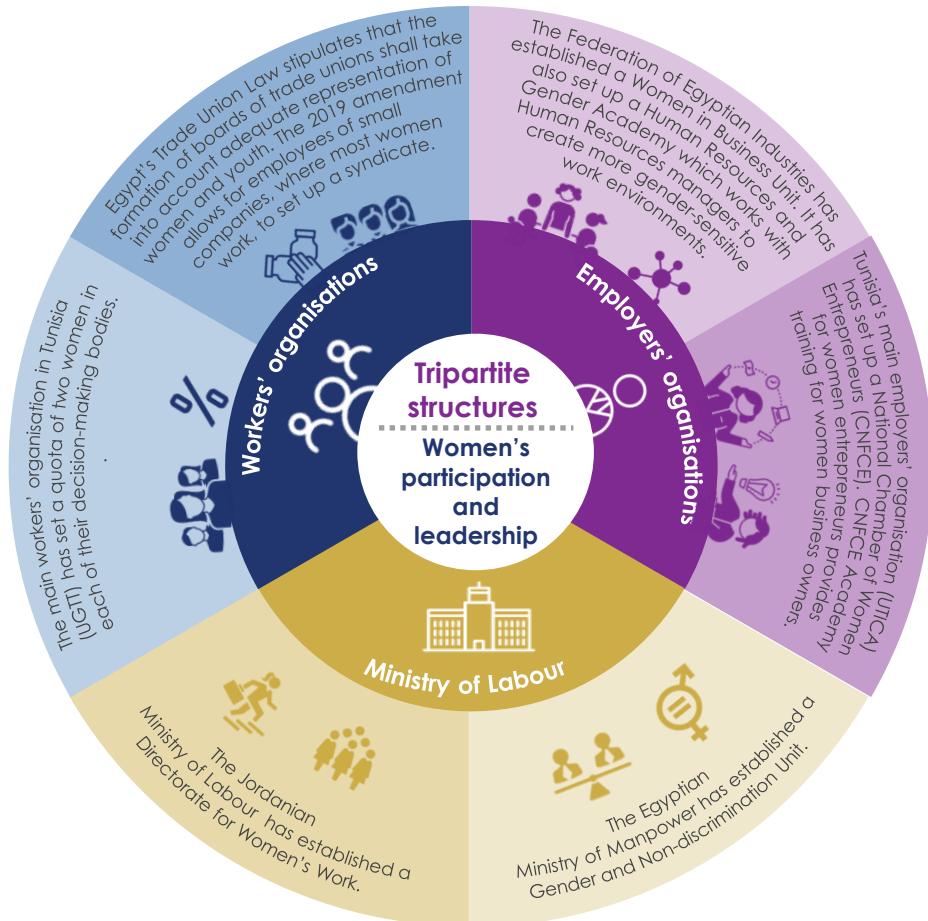
## Infographic 2.3. Women at work: social dialogue

### Women at work Social dialogue

### PROMISING PRACTICES AND POLICY RECOMMENDATIONS

To ensure that laws and policies address MENA women's needs, it is critical that women occupy leadership positions in tripartite bodies, namely Ministries of Labour, and workers' and employers' organisations. Collective bargaining and collective bargaining agreements (CBA) can play an important role in addressing gender issues, in particular the gender pay gap.

#### Women's participation and leadership in tripartite structures



The four countries have ratified the **Right to Organise and Collective Bargaining Convention**. Egypt and Tunisia have ratified the **Freedom of Association and Protection of the Right to Organise Convention**.

Constitutions of the four countries guarantee the right to establish associations and to join trade unions.

#### Policy recommendations

Further encourage women's participation and leadership in workers' and employers' organisations through quotas, women's sections, and training on gender equality for members.

#### Collective bargaining

Jordan has put in place a **sectoral collective bargaining agreement (CBA)**, which has helped lower the gender pay gap and address decent work deficits for private school teachers, most of whom are women.

#### Policy recommendations

Leverage women's increased participation in social dialogue to **conclude collective bargaining agreements** that enhance women's economic empowerment.

## Infographic 2.4. Women at work: entrepreneurship

### Women at work Entrepreneurship

### PROMISING PRACTICES AND POLICY RECOMMENDATIONS

In all four countries, legislation on setting up and managing a business is gender neutral. However, in reality, women entrepreneurs in MENA face additional challenges in accessing information, markets, financial services, land and other assets. Further reforms are needed to encourage women entrepreneurs and increase their influence over how business legislation and policies are being shaped.

#### Mandates for women entrepreneurs



In Tunisia, the National Chamber of Women Entrepreneurs' manifesto commits policy makers to unleashing the potential of women entrepreneurs. It proposes a vision for female entrepreneurship to be included in the 2019-2024 Government Programme.



Include a **gender aspect** in entrepreneurship policies and ensure that **national gender equality strategies** address **all aspects** of gender equality at work.

#### Access to land



Tunisia's late President Essebsi proposed a law with the general principle of **equality in inheritance** for women and men. Egyptian law **penalises** anyone depriving a **woman of her inheritance**. In Morocco, the legislative framework was recently amended to **recognise equal rights** for women and men to **collective land**.



Facilitate women's **access to land and other assets** to encourage entrepreneurial activities. Continue the discussions on **equality in inheritance** and penalise the illegal deprivation of inheritance.

#### Access to financial services



Jordan, Morocco and Tunisia have issued **financial inclusion strategies with gender aspects**. Egypt and Jordan have also issued **specific microfinance strategies with gender aspects**.



Banks are creating special programmes for women. Jordan's Bank El Ettihad offers an array of services for female clients, for example **special savings accounts, collateral-free loans and start-up loans** for women entrepreneurs.



All four countries have laws **regulating the microfinance sector**, where the proportion of women is high.



Central banks are creating **special microfinance programmes** for women.



Implement existing **financial inclusion strategies** and offer **financial services programmes** that are specifically tailored to women. Encourage women entrepreneurs by **making it easier to access microfinance**.

#### Information and capacity building



The National Council of Women in Egypt and the Federation of Egyptian Industries have carried out a number of **capacity-building** activities to support women entrepreneurs. Tunisia's CNFCE Academy for women entrepreneurs provides **training** for women business owners on topics such as **financial management, marketing and labour laws**.



Increase awareness of financing sources, marketing tools, technologies and labour laws among women entrepreneurs.

#### Equality of investment opportunities



Egypt has included a **gender provision** in its **investment law**. This provision promotes **equality of investment opportunities**; **prohibits discrimination** on the basis of gender; and encourages **small investors**, who are typically women. It has also opened a **one-stop-shop** at the Investors Services Centre where women investors can obtain the necessary information and paperwork.



Include **gender equality provisions in investment laws** and **follow up on their implementation** so that women entrepreneurs also get to access investment opportunities.

#### Business registration and formalisation



To encourage more women entrepreneurs to **formalise** their businesses, Morocco has issued a law introducing the **auto-entrepreneur status**. Jordan has reviewed its legal and institutional frameworks to encourage the **formalisation of home-based businesses**, which are predominantly managed by women.



Laws **regulating microfinance** in all the countries **encourage** entities applying for this type of finance to **formalise** their businesses.



Facilitate the formalisation of businesses through **offering incentives and streamlining registration requirements/procedures**.

## 2.1. Introduction

According to the International Labour Organization (ILO), decent work “involves opportunities for work that are productive and deliver a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men” (ILO, 2019<sup>[1]</sup>). The ILO has developed a decent work agenda which consists of four pillars: standards and rights at work, employment creation and enterprise development, social protection and social dialogue. Gender is considered as a cross-cutting element of the decent work agenda. The decent work concept is also enshrined in the Sustainable Development Goals (SDGs) and in SDG 8 in particular, which promotes inclusive and sustainable economic growth, full and productive employment and decent work for all.

Ensuring that women have access to decent work is critical for boosting women’s economic empowerment in the MENA region and generating the sustainable and inclusive growth that countries badly need. In recent decades, the countries covered in this publication – Egypt, Jordan, Morocco and Tunisia – have taken numerous initiatives to implement the decent work agenda. They have ratified relevant international standards and taken part in international initiatives on women’s economic empowerment (Annex 2.A and Chapter 6). In addition, the private sector is increasingly aware that gender equality efforts are not only important from a corporate social responsibility perspective, but also improve business outcomes, and are promoting initiatives in their own companies. Since the 2011 uprisings, the four countries have embarked on a series of reforms of their constitutions as well as other national legal frameworks to help unlock the potential of their female citizens (OECD, 2017<sup>[2]</sup>):

- All four countries have ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which guarantees non-discrimination in employment (Box 6.1 in Chapter 6). They have also adhered to a number of international labour standards with gender relevance (Chapter 6). These initiatives provide important momentum for addressing gender inequalities worldwide and in MENA.
- All four countries have included provisions on non-discrimination in their constitutions.<sup>1</sup>
- The labour codes of Tunisia, Morocco and Egypt also guarantee non-discrimination, although Jordan’s labour code does not include a provision on non-discrimination<sup>2</sup> (OECD, 2017<sup>[2]</sup>).
- Each country (except Tunisia) has created a National Women’s Strategy. The National Strategy for the Empowerment of Egyptian Women 2030; the Moroccan Government Plan for Equality II (2017-2022) and the National Strategy for Jordanian Women (new version 2020-2025 under development) all have a strong focus on the economic empowerment of women and their participation in the labour market.

However, in reality these principles have not been fully implemented, revealed by the fact that the MENA region continues to have the lowest female labour force participation rate in the world (Chapter 1). When women do work, they are often engaged in the informal sector, earn less than men, have limited career progression options and may suffer from sexual harassment in the workplace. Women handle the bulk of unpaid care work and often struggle to combine work and family life. MENA women prefer to work in the public sector as it generally offers working conditions which make it possible for them to combine work and family life.

In addition, social norms continue to undermine women’s participation in the labour market and cast the man in the role of main provider for the family (Chapter 1). Restrictive social norms that see men as the main providers for their families and oblige women to obey their husbands are also enshrined in the family law of some countries (Chapter 4). Hence, women’s labour rights are seen as secondary to those of men, and women have limited freedom to engage in the labour market. The OECD Social Institutions and Gender Index (SIGI) indicates that these challenges also exist in other regions of the world. For example,

men are recognised as the sole head of household in 23% of the 120 countries covered by the SIGI (OECD, 2019<sup>[3]</sup>).

Recently, countries in the region have made important legal, policy and institutional reforms aimed at enhancing women's labour force participation. This chapter presents case studies of key recent reforms that centre around four areas of work:

Equality in the workplace.

Social protection reforms and initiatives to address unpaid care work and improve work-life balance.

Social dialogue: women's participation and leadership in worker and employers' organisations to ensure that collective bargaining yields better outcomes for women.

Female entrepreneurship.

The case studies examine how and why the reforms came about, the actors involved and how the reforms are being/will be implemented, as well as highlighting key success factors. The information shared in the case studies has been discussed extensively with stakeholders in the respective countries (Annex A at the end of the report contains a list of resource persons in each country; Annexes B, C and D describe the methodological process). The chapter also includes boxes that analyse initiatives on women's economic empowerment based on desk review.<sup>3</sup> The boxes also highlight tools that can aid legislators and policy makers in engaging in such reforms. Finally, the chapter makes some policy recommendations based on the lessons from the case studies and research.

## 2.2. Equality in the workplace

Even though the constitutions and/or labour codes of the four countries include non-discrimination provisions, women in MENA continue to face discrimination in the workplace. As we saw in Chapter 1, compared to their male counterparts, women earn significantly less and have narrower access to leadership opportunities. They also face sector and working-hour restrictions and often fall victim to sexual harassment at work.<sup>4</sup> This section gives examples of recent reforms aimed at lifting these barriers to decent working conditions for women:

- **Flexible work arrangements** are key to help women join and stay in the labour market despite family responsibilities. A specific ILO convention exists on the connection between working time, family responsibilities and gender inequality,<sup>5</sup> but the only MENA country to have ratified it is Yemen. Egypt, Jordan and Tunisia have legal provisions in place that cover flexible work arrangements.<sup>6</sup> However, these provisions mostly target women rather than foreseeing flex work for men as well. This may reinforce gender stereotypes and further confine women to the home (Case Study 2.1).
- **Equal pay:** There is still much work ahead to close the gender pay gap in the MENA region. In general, men in MENA continue to earn more than women for work of equal value (Chapter 1). All four countries covered in this report have ratified the ILO Equal Remuneration Convention (C100), which guarantees equal remuneration for work of equal value. The Equal Pay International Coalition (EPIC) was launched recently in the MENA region in order to speed up the closing of the gender pay gap (Box 2.1). The labour codes of Egypt, Morocco and Tunisia include generic non-discrimination provisions, and those of Egypt and Morocco also explicitly prohibit wage discrimination based on gender. Yet only Morocco and Jordan give full legislative expression to the principle of "equal remuneration for work of equal value" in line with the ILO convention.<sup>7</sup> The countries are implementing initiatives to address the gender pay gap. In Jordan, the labour code has been amended so that employers who apply discriminatory wages for work of equal value can be fined (Box 2.2). A collective bargaining agreement and regulations have also been adopted in Jordan to close the pay gap for private school teachers, who are mostly women (Case Study 2.7).

- **Leadership positions for women.** In MENA, women face myriad challenges in progressing in their careers and taking up leadership positions in the workforce (Chapter 1). Raising the share of women's leadership in both the public and private sectors is key as it fosters more gender-sensitive organisational cultures and practices. As this publication focuses mainly on women's economic empowerment, rather than women in public life, the case studies present recent measures taken to improve women's leadership in the private sector. The case studies show that countries are making efforts to increase women's participation and leadership in workers' and employers' organisations (Case Studies 2.5, 2.6 and 2.7). Some MENA countries have launched initiatives to promote gender balance in corporate leadership. Even though none of the countries covered in this report have set mandatory quotas, the corporate governance codes of Jordan and Morocco mention the importance of gender diversity on boards (Case Study 2.2). The World Union of Arab Banks has issued a Charter for Gender Diversity which invites banks to apply a clear recruiting and promotion process for executive positions (Box 2.3). The charter raises awareness that diversity in management is not only a question of corporate social responsibility, but is also a necessary response to a constantly changing global environment.
- **Equality in professional choice.** Another factor which perpetuates the gender pay gap and limits women's career options involves legal restrictions on the types of professions that women can take up (for example in the mining sector) and their working hours, such as restrictions on women working at night. While these provisions are meant to protect women, the international community considers them to be outdated and state that women should have freedom of choice (OECD, 2017<sup>[2]</sup>). In Jordan, the Ministry of Labour has issued a decree stating that women have the right to choose the vocation and work times that they desire (Box 2.2). Yet the labour law maintains provisions that allow the minister to prohibit women from working in certain jobs or at certain hours.

### Box 2.1. Closing the gender pay gap: the Equal Pay International Coalition

In order to speed up the closing of the gender pay gap, the Equal Pay International Coalition (EPIC) was created in 2017. The coalition is a multi-stakeholder initiative, led by the ILO, OECD and UN Women. Key stakeholders include the governments of Australia, Canada, Germany, Iceland, Jordan, New Zealand, Panama, Korea, South Africa and Switzerland, the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC). EPIC also includes a network of equal pay champions. Jordan was the first MENA country to participate in EPIC. In November 2019, an EPIC regional initiative for MENA countries was launched.

EPIC is active at the global, regional and national levels to support different stakeholders to take concrete steps to achieve equal pay for women and men for work of equal value. EPIC provides support in different areas including knowledge sharing, awareness raising, capacity building and upscaling of successful programmes. It is also active in the area of legal frameworks, their enforcement and progress monitoring.

Source: <https://www.equalpayinternationalcoalition.org/>.

## Box 2.2. In-depth: Jordan's comprehensive efforts towards women's equality at work

In recent years Jordan has made many amendments to its labour law and other legislation as part of a comprehensive overhaul of how women are treated at work and in the family. These are summarised here and some of the case studies in this and other chapters explore them in further detail. The factors behind the success of this approach are analysed in Box 6.3 in Chapter 6.

- **Work-life balance.** The country is addressing women's unpaid care work and their efforts to balance work and family responsibilities by introducing maternity insurance in the social security law (Case Study 2.3) and adopting regulations on flexible work (Case Study 2.1). Labour law reforms have introduced a three-day paternity leave and distribute the costs of daycare equally amongst male and female workers (Case Study 2.4).
- **Equal pay.** Jordan's efforts to tackle the gender pay gap focus on specific sectors. A collective bargaining agreement and regulations have been adopted to close the pay gap for (mostly female) private school teachers (Case Study 2.7). Article 17 of Law No. 14 of 2019 stipulates that the Minister of Labour is to appoint a "Wages Body in specific geographic areas". The Wages Body is responsible for examining, within that area, any discrimination in wages that may exist for work of equal value. Article 17 amends the Labour Law to fine employers who fail to meet minimum wage requirements or apply discriminatory wages for work of equal value. Article 2 of this law provides a definition of wage differentiation as a pay inequity between workers for work of equal value without discrimination based on gender. Furthermore, Jordan is actively involved in the Equal Pay International Coalition (EPIC; Box 2.1).
- **Freedom to choose.** Jordan has taken steps to enhance Jordanian women's labour force participation by abolishing night work and sector restrictions for women. Ministry of Labour decision 2/2018 states that women are allowed to work in any vocation and at any time period. Unfortunately, Article 69 of the labour law still states that a ministerial decree can be issued to restrict women's working hours and choice of sectors/industries.
- **Vulnerable women.** The country is recognising the specific challenges faced by vulnerable groups of society in finding decent work. Amendments of Law No. 14 of 2019 allow children of Jordanian mothers and non-Jordanians father to apply for jobs without needing a work permit (Case Study 4.3). In addition, the country is making significant efforts to address the economic situation of (Syrian) women refugees (Case Study 3.4).

## **Case study 2.1. Flexible work regulations help get more women into jobs in Jordan**

To facilitate women's entry in the labour market and to make sure that women can stay in work once they have family responsibilities, Jordan has recently issued flexible work regulations.

### *What is the reform and how did it come about?*

Reflections on flex work in Jordan started to mature in 2016 when USAID's Jordan Workforce Development Project submitted a flexible working hours policy paper to the Ministry of Labour, which was then passed on to the Cabinet. With the support of the King, a regulation on flexible work arrangements was enacted in early 2017.<sup>8</sup> The government reported that these regulations were issued mainly to increase employment for different segments of society, especially women, and to help them balance work and family responsibilities (Jordan Times, 2017<sup>[4]</sup>).

The regulation covers different types of flex work: part-time work, flex-time work, intensive work week, flexible year and remote work. Hence, employees and employers can agree on part-time arrangements or flexible daily/weekly working patterns on a full-time basis. However, employees can only benefit from flexible work arrangements with the employer's approval. The law is also only applicable to the following categories of employee:

- employees who have worked for the employer for three consecutive years
- employees with family responsibilities (including pregnancy, parental responsibility, or responsibility for a disabled or ill family member)
- student employees
- employees with a disability.

In addition, flexible work arrangements must not restrict the employer or employee from benefitting from any labour rights provided under the labour law. For example, the work arrangements should not lead to an extension of 10 daily working hours (exclusive of overtime), more than four weeks work in a row without a day off, or a reduction of the salary below the minimum wage.<sup>9</sup> The employee is entitled to revert to his original employment contract at any time.

The law indicates that the employer must amend its bylaws to include a section on flex work. The employer also has to submit periodic reports to the Tripartite Committee on Labour Affairs, giving details about its internal flex work bylaws and about the employees who benefit from flex work arrangements (Karak Castle Center and FES, 2018<sup>[5]</sup>).

In 2018, the Ministry of Labour issued Flexible Working Instructions, in line with Article 13 of the flex work regulation.<sup>10</sup> In addition, a consultation session was carried out with a range of stakeholders to discuss concerns and opportunities in applying the flex work regulations. Recommendations were issued both on technical aspects of the regulations and on how implementation could be facilitated.

The 2019 amendments to the labour law added a definition of flexible work to the labour code. However, the labour law has no specific provision governing flex work, and so it remains governed by regulations.

### *What are the impacts, implementation challenges and factors for success?*

Jordan's flex work regulations provide a useful framework for workers and employers to better organise their time and improve work-life balance. Research indicates that they are having a positive effect on women's participation in the labour market in Jordan. Around 60% of employers thought that "the application of flexible working hours contributed to an increase in the employment of women and their continued stay in the company, while workers experienced more satisfaction with their jobs" (Ibáñez Prieto, 2018<sup>[6]</sup>). Employers and employees also believe that the regulations lead to better work-life balance (Karak

Castle Center and FES, 2018<sup>[5]</sup>). A next step could be to encourage men to also take up flex work to help share family responsibilities that continue to fall mainly on women.

Despite these positive impacts, research also shows that the flex work regulations have not yet been widely implemented. There are two main reasons (Karak Castle Center and FES, 2018<sup>[5]</sup>):

- While many employers apply flex work in practice through mutual agreements with their employees, it is reported that most employers do not apply the specific provisions of the regulations. Applying the regulations requires awareness of the details of the regulations and the benefits of applying them – few people seem to be aware of these, so efforts are needed to educate both employees and employers.
- As applying the regulations requires a revision of the employers' bylaws and employment contracts, employers prefer to stick to informal agreements with their employees. It may therefore be beneficial to provide incentives to employers to apply the regulations.

A final concern is related to the impact of the flex work regulations on social security benefits. Additional research should be carried out to make sure that applying the flex work regulations does not result in workers losing their social security entitlements because of different work arrangements.

### ***Case study 2.2. Increasing gender balance in corporate leadership in MENA***

The G20/OECD Principles of Corporate Governance<sup>11</sup> acknowledge that diversity in the boardroom is integral to sound corporate governance – a key component of this is gender balance (OECD, 2015<sup>[7]</sup>). Closing the gender gap in corporate decision-making roles remains a challenge, yet there is strong impetus for economies to embrace initiatives that empower and promote women in the corporate sphere. Women's leadership and talent are increasingly seen as the cornerstones of competitive, value-creating companies and, by extension, resilient, inclusive economies.

In 2019, the OECD issued the report *Corporate Governance in MENA: Building a framework for competitiveness and growth* (OECD, 2019<sup>[8]</sup>). The report includes a chapter on achieving gender balance in corporate leadership, outlining why it is important to enhance gender balance in economic and corporate life and how this can be addressed in MENA. This case study summarises this chapter, focusing on the different approaches that MENA countries have taken to enhance gender balance in corporate life. While the overall report focuses on Egypt, Jordan, Morocco and Tunisia, this case study looks also at other MENA countries.

The report shows that progress to increase women's corporate leadership roles has been slower in the MENA region than in other regions, but is still in line with global trends (Chapter 1). In general, female labour force participation in MENA is often lower in the private sector than in the public sector because women in MENA economies prefer the better working conditions and benefits it offers. This preference may also be driven by social pressure to undertake work deemed respectable for women (Deloitte, 2017<sup>[9]</sup>).

#### *What is the reform and how can it be applied in MENA?*

Policies to increase women's access and participation on corporate boards and in senior management positions can be driven by governments, regulators and companies themselves, with measures adapted to specific contexts (by sector, country, etc.). Overall, OECD countries follow four main policy approaches:

- laws that set a minimum quota for women on boards
- rules on disclosure of the gender make-up of company boards and/or diversity policies
- comply-or-explain provisions on gender diversity in corporate governance codes
- voluntary targets for gender diversity on boards and/or in senior management.

MENA economies could use quotas or targets to increase the number of women on corporate boards and in senior management. The quotas could be a temporary measure until goals have been met and social norms have evolved to allow for more equal representation in decision making. However, the use of quotas or targets in the corporate sector remains controversial in MENA economies. The region's only country to formally mandate a quota is the United Arab Emirates, where state-owned enterprises are required to have at least one woman on their boards (Deloitte, 2017<sup>[9]</sup>). Cultural norms in MENA may be hindering the acceptance of quotas and targets in the corporate world, where, as in the political realm, a patronage-like system is common. Given this similarity, it is worth considering the use of measures taken to increase women's representation in political decision-making bodies that might have similar results in corporate leadership (Chapter 5). Such lessons from the public sector could help guide policies for the private sector.

Disclosure-driven policies could also increase MENA women's representation in the boardroom. The 2010 Muscat Declaration on Effective Implementation of Governance Frameworks in the Middle East and North Africa Region encourages policy makers and regulators "to focus on improving the transparency and disclosure of enterprises", including on executive compensation and board structures.<sup>12</sup> This could be taken to mean that the gender composition of boards is also a factor to be disclosed. However, as companies in the region commonly have a controlling shareholder (either family or government), disclosure-driven policies could be less potent in advancing change without the willingness of controlling shareholders to promote gender-balanced corporate leadership.

Corporate governance codes set the rules, standards and priorities for how companies should operate for optimal performance. All economies in the region except Iraq have corporate governance codes. However, Jordan and Morocco are the only MENA economies with corporate governance codes that mention gender diversity on boards.<sup>13</sup> Broad diversity provisions are included in Lebanon's 2010 Guidelines for Listed Companies (Article 10), Tunisia's 2008 Code of Best Practice for Corporate Governance and Egypt's Code of Corporate Governance. A non-discrimination clause to ensure that company employees are treated fairly regardless of "race, gender or religion" is included in Qatar's 2009 Corporate Governance Code and Lebanon's 2006 Corporate Governance Code (Deloitte, 2017<sup>[9]</sup>).

#### *What are the impacts, implementation challenges and factors for success?*

Assessing women's actual participation in corporate leadership is difficult due to limited disclosure and a lack of reliable data. However, it is clear that even though MENA has made some progress in improving gender balance in corporate leadership, there is room for improvement. The impact of the measures described above remains limited for a number of reasons linked to women's participation in the labour market more broadly. MENA legal frameworks and social norms, including family codes, continue to drive gender gaps in the labour market. While the constitutions of most MENA countries propose gender equality, this has not yet translated into company practices.

The report proposes a range of interrelated actions for governments and companies in the MENA region to further advance gender balance in corporate leadership (Table 2.1).

### Box 2.3. In-depth: the World Union of Arab Bankers promoting gender diversity

In June 2018, the Board of Directors of the World Union of Arab Bankers (WUAB) approved its Charter for Gender Diversity. The charter was initiated by Mrs Nahla Khaddage Boudiab, Chief Operations Officer of Al Mawrid Bank in Lebanon and Head of the WUAB's Women Empowerment Group. The charter invites banks to apply a clear recruiting and promotion process for executive positions, removing biases and enabling women to apply and be identified for such executive positions. In this way, women can contribute to the bank's strategy and influence the organisation's culture. The charter raises awareness of the fact that diversity in management is not only a question of corporate social responsibility, but that it is needed in order to adequately respond to a constantly changing global environment.

Banks that sign the charter commit to the following actions:

- Implement a bias-free recruitment process defined by the skills and characteristics needed for the position, and an evaluation of both men and women against these attributes.
- Ensure that applications for management positions include both men and women.
- Ensure that internal management promotions include both men and women candidates, and that promotion decisions are based on the attributes needed for the job.
- Include the commitment to the charter in their strategies, policies, and procedures.
- Create a gender diversity committee, comprised of a minimum of three senior managers including both men and women, one of whom must be at the executive level.
- Ensure that the Gender Diversity Committee is tasked with documenting the policies and procedures and confirming effective implementation.
- Ensure that the organisation applies one pay scale linked to positions and independent of gender.
- Provide formal, public updates on their progress, including annual updated on their website.

The Lebanese Al Marawid Bank signed the charter in April 2018 and has implemented its provisions fully. For example, Al Marawid Bank's senior executive team encompasses a high ratio of women managers, with over 50% of core functions held by women. Promoting diversity has also improved the bank's overall performance: the bank has received five international awards over the last three years and in 2018 the bank's growth was double the banking industry's average growth. Eight other banks have committed to the charter and Al Mawrid Bank is supporting them in the implementation plan.

Source: WUAB (2018<sup>[10]</sup>), *Charter for gender diversity*; AM Bank (2018<sup>[11]</sup>), *Charter of Diversity*; AM Bank (2018<sup>[12]</sup>) "AM Bank 'Can Doers', Gender Diversity", online video, [www.youtube.com/watch?v=WZY5ax5Qqhc&t=5s](http://www.youtube.com/watch?v=WZY5ax5Qqhc&t=5s).

**Table 2.1. Policy options for promoting gender balance in corporate leadership**

<b>Objectives</b>	<b>Policy options</b>
Reform legal and policy frameworks	Revise corporate governance codes and related laws and regulations to endorse gender diversity.
Combine national goals with company strategies	Underpin goals, targets and policies by strategies aimed at fostering gender balance throughout the company and the career cycle of women.
Improve data collection and use	Gather more and better-quality data at the regional and national levels and from companies.
Attract talent and limit pipeline issues	Develop a ‘whole of company’ diversity framework and conducive human resource policies to create an ecosystem that facilitates women’s corporate leadership. Ensure that the business community and government co-ordinate goals underpinned by sustainable policies.
Facilitate networks and provide support for women	Providing training programmes and facilitate leadership networks to drive change.
Create a conducive cultural environment	Make use of advice, feedback and education to help in adapting to new and more diverse corporate paradigms. Use best-practice models and reference points to ensure that governments encourage companies to grow and evolve into vehicles for change.

Source: OECD (2019<sup>[8]</sup>), *Corporate Governance in MENA: Building a framework for competitiveness and growth*, [https://www.oecd-ilibrary.org/governance/corporate-governance-in-mena\\_2a6992c2-en](https://www.oecd-ilibrary.org/governance/corporate-governance-in-mena_2a6992c2-en).

### 2.3. Social protection and work-life balance

Women face challenges in entering and staying in the labour market, especially once married. These challenges are even more serious once they have children and have to balance work and family life. Once women are in the labour force, they often do not have sufficient career opportunities and face a denial of rights at work. Inadequate social protection and shortcomings in social dialogue further constrain their work lives.

In order to stimulate women’s participation in the labour market, the four countries will have to find solutions to these biases against women. One approach is to put in place comprehensive social protection systems (OECD, 2019<sup>[13]</sup>). These systems can promote gender equality through measures to ensure that women with family responsibilities have equal opportunities in the labour market (Box 2.4).

While the constitutions of all four countries guarantee women’s right to social protection, in practice, social protection coverage is low in MENA – especially for women (Chapter 1). Few MENA countries have ratified the ILO conventions on social protection (Box 2.4). Jordan and Libya are the only MENA countries to have ratified parts of the main ILO Convention on Social Security (Case Study 2.3), and Morocco is the only MENA country that has ratified the ILO Maternity Protection Convention (Annex 2.A).

### Box 2.4. International recognition for social security and women's economic empowerment

Social security systems foresee basic income in case of unemployment, illness and injury, old age and retirement, invalidity, family responsibilities (such as pregnancy and childcare), or loss of the family breadwinner. Social security systems can promote gender equality through measures to ensure that women with family responsibilities have equal opportunities in the labour market. This is recognised by SDG 5.4, which mentions that social protection policies can play a role in recognising and valuing unpaid care work.

The main ILO standard covering social security is ILO Convention 102 on Social Security (Minimum Standards). This convention sets the minimum standard for the level of social security benefits and the conditions under which they are granted. In addition, the ILO has issued a range of conventions and recommendations focusing on specific branches of social security.

In order to promote comprehensive social security systems, the ILO is promoting the concept of social protection floors. The social protection floor is a global social policy concept that promotes nationally defined strategies for the provision of a minimum level of access to essential services and income security. The ILO and the World Health Organisation (WHO) are lead agencies for promoting it. This concept is also mentioned in SDG 1.3 and aims at ensuring universal access to a minimum of four guarantees:

- Access to essential health care, including maternity care.
- Basic income security for children (e.g. family allowances).
- Basic income security for people of active age who are unable to work (e.g. maternity).
- Basic income security for older people (e.g. pensions).

Setting up social protection floors in developing countries is challenging. In order to speed up this process, the Global Partnership for Universal Social Protection was launched in September 2019. The partnership includes examples from 23 countries around the world which show that universal social protection is feasible in developing countries. MENA country experiences are not yet included in the partnership.

Source: For more information on ILO's social protection floors concept, see <https://www.ilo.org/seccsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang--en/index.htm>; for details of the Global Partnership for Universal Social Protection, see <https://www.usp2030.org/gimi/USP2030.action>.

The case studies in this section indicate that of the four countries, Jordan and Morocco are working to reform their overall social protection systems, or at least focusing more on social protection benefits such as maternity and/or paternity leave as well as options for daycare. In addition, countries are making it easier to register for these systems. The case studies show that those countries that are reforming their social protection systems are using the opportunity to include gender considerations. Where reforming the overall social protection system is too vast an undertaking for some countries, the case studies show that they are instead focusing on specific social protection reforms that support women's economic empowerment, such as maternity and paternity leave, childcare measures and revisions to the pension scheme. The case studies also show that where government social protection services are absent or weak, the private sector and/or civil society has stepped in:

- **Social security for all.** Jordan has developed coherent national social security policies and has a strong commitment to extending social security to all, which is evident in the recent reforms of its social security law (Case Study 2.3). For example, the Jordanian social security system offers an optional subscription for housewives. In 2015, a Gender Mainstreaming Section was established

in the Social Security Corporation (SSC) in order to institutionalise gender concerns. In Morocco, an Inter-ministerial Committee was set up recently to kick-start discussions on a comprehensive reform of the countries' social protection programmes and policies (Box 2.5). The committee also includes the Ministry of Women's Affairs, which could play a leading role in mainstreaming gender within the overall social protection reforms.

- **Maternity and paternity leave.** The ILO Maternity Protection Convention recommends a duration of maternity leave of at least 14 weeks (98 days). Egypt and Morocco have aligned their national legislation with this recommendation. In Jordan and Tunisia, draft laws are under discussion to prolong the duration of maternity leave and align the duration of leave for public sector and private sector employees (Box 2.6). In Jordan, a new social security law requires maternity leave costs to be funded by a payroll tax on all workers, rather than financed by employers alone. This measure socialises the cost across gender and removes incentives to discriminate in hiring decisions due to maternity benefits (Case Study 2.3). Many other MENA countries (e.g. Egypt) still apply the employer's responsibility to pay maternity benefits, which may lead to discrimination against women in hiring and career progress (International Social Security Association, 2017<sup>[14]</sup>).

The ILO has no specific standards for paternity leave, so its duration is decided at country level (Addati, Cassirer and Gilchrist, 2014<sup>[15]</sup>). In Morocco and Jordan, fathers can take up to three days of paternity leave. In Tunisia, a one-day paternity leave applies and a draft law is under discussion to extend the duration slightly (Box 2.6). No paternity leave is so far available in Egypt.

Private sector and civil society are complementing government social security benefits. Through the Sekem initiative by a number of companies in Egypt, men can benefit from paternity leave even though paternity leave is not guaranteed in Egyptian legislation (Box 2.6). In Jordan's Bank El Etihad, women can benefit from the option to halt loan repayments during their maternity leave. The bank's "comeback programme" supports women who took a career break to focus on their families to get back into the labour force (Case Study 2.8).

- **Childcare.** CEDAW, the 1989 Convention on the Rights of the Child and the ILO Convention on Workers with Family Responsibility 1981 (No. 156) call for childcare measures so that working parents can combine work with family responsibilities. Egypt and Morocco's labour codes require private-sector employers to provide daycare facilities once they employ over a certain number of female employees. However, this may deter employers from hiring or promoting women (OECD, 2017<sup>[2]</sup>). Jordan's labour code has recently been amended to make childcare facilities mandatory once companies employ more than a certain number of employees (both men and women). This means that daycare would not only be available to female but also to male employees. This has been a critical move since it shifts the full responsibility of childcare from the mother to both parents. SADAQA, a Jordanian NGO, is supporting companies to set up daycare and is working on a paper that lays out different options for tax incentives for employers who offer daycare facilities (Case Study 2.4).

### Box 2.5. In-depth: Morocco's pathway to social protection reforms

Over the past decade, Morocco has invested significantly in its social protection system. The system currently includes three main axes: a contributory system; a partially contributory system; and a non-contributory system consisting of various social assistance programmes. However, despite considerable progress, Morocco's social protection system could be further enhanced by improving co-ordination among the policies, programmes and institutions governing the different areas of social protection.

While the overall coverage of people in Morocco has improved, only 32% of them are women. Morocco is trying to address this gender challenge through a range of projects and programmes that are mostly part of the non-contributory system and that target vulnerable categories of women (and their children). In addition, a decree was recently issued that expanded social security coverage to domestic workers, who are mostly women (Case Study 3.1).

However, legal frameworks governing social protection still include discriminatory provisions based on gender. For example, children are automatically covered by the health insurance of their father even if the mother's health insurance regime is better. Family benefits are usually automatically paid to the father and not to the mother. While the surviving female spouse immediately receives her husband's pension upon his death, the surviving male spouse only receives his deceased spouses' pension when he attains the age of retirement. Furthermore, families could benefit from enhanced support measures to facilitate women's participation in the labour market (e.g. childcare options) so that they can in turn also contribute to the social protection system.

In 2018, the King of Morocco called on all relevant actors to undertake a comprehensive reform of the countries' social protection programmes and policies. Following this call, a national debate took place to reflect upon how to best reform the countries' social protection system. An Inter-ministerial Committee was set up to kick-start the reform process, which should result in an overhaul of the legislative frameworks and procedures governing social protection, with a focus on better governance and enhanced co-ordination. These reforms will provide an opportunity to promote gender equality through measures to ensure that women with family responsibilities have equal opportunities in the labour market. It will also be the occasion to bring the legislative framework on social protection into line with the provisions on non-discrimination outlined in the constitution. This will require a comprehensive approach to women's economic empowerment and strong leadership by the Ministry of Family, Solidarity, Equality and Social Development within the Inter-ministerial Committee that will lead these reforms. The committee could also benefit significantly from the work of civil society actors and the international community which have been advocating for enhanced social protection for women and their families for many years.

Source: ADFM (2016<sup>[16]</sup>), *Genre et droit à la sécurité sociale au Maroc*; OECD (2017<sup>[2]</sup>), *Women's Economic Empowerment in Selected MENA Countries. The impact of legal frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, <https://doi.org/10.1787/9789264279322-en>; Ministry of Family, Solidarity, Equality and Social Development of Morocco (2019<sup>[17]</sup>), *Social Protection Systems, Access to Public Services and Sustainable Infrastructure for Gender Equality and the Empowerment of Women and Girls*, <http://www.social.gov.ma/fr/femme>; UNICEF/EU (2018<sup>[18]</sup>), *Les 1ères Assises Nationales de la Protection Sociale sous le thème "Ensemble pour un système de protection sociale intégré et pérenne"*, (in French), Skhirat, 12-13 November 2018, <https://www.unicef.org/morocco/media/986/file>.

### ***Case study 2.3. Extending social security benefits for women and their families in Jordan***

Jordan is one of the few MENA countries to have developed coherent national social security policies and to have a strong commitment to extending social security to all (Box 2.2). Although Jordan has not ratified any of the specific ILO social security conventions,<sup>14</sup> it has ratified parts of the main ILO Convention on Social Security (Box 2.4).<sup>15</sup> This case study documents and analyses Jordan's recent major social security reforms.

#### *What is the reform and how did it come about?*

The Jordanian Social Security Law<sup>16</sup> was first declared in 1978 for the private sector. Subsequently, Law No. 19 was issued in 2001, followed by the amended Provisional Law No. 26 of 2009. Women's rights organisations, especially the Jordanian National Commission for Women (JNCW), and civil society organisations like the Sisterhood Is Global Institute, have led years of campaigning to change the social security law in Jordan in favour of women. The Sisterhood Is Global Institute participated in debates on social security in ad-hoc parliamentary committees and played a concrete role in improving the social security law text.

The reform process was initiated with the following objectives: achieving financial sustainability, enhancing social justice and gender equality, and expanding social security (Brodmann, 2014<sup>[19]</sup>). The campaign's most important demands included:

- a maternity fund to which all employees and employers contribute. This was proposed by the ILO, and would shift the responsibility for funding women's salaries during their maternity leave from individual employers to social insurance.
- the wife's right to a share in her husband's pension on top of her own pension on his death
- the woman's right to pass her own pension on to family members after her death (as is the case for men's pensions).
- the possibility for housewives to be covered by social security.<sup>17</sup>

**Maternity insurance.** Provisional Law No. 7 of 2010 included a number of the campaign's demands to increase women's access to social security benefits. It introduced maternity insurance (Art. 3 and Art. 42 – 47), entitling those covered to maternity allowances during at least the six months preceding their maternity leave. This law only foresaw maternity leave benefits for the first four deliveries (Law No. 1 of 2014 has since entitled women to maternity allowances regardless of the number of births). In 2014, Jordan also ratified ILO Social Security Convention No. 102, but did not accept Part VII of this Convention which refers to maternity benefits. It has not ratified ILO Maternity Protection Convention No. 183.

**Pension reforms.** Provisional Law No. 7 of 2010 also introduced a number of pension reforms in favour of gender equality. The 2010 law made it possible for women to pass their pension on to their families (World Bank, 2013<sup>[20]</sup>) – previously, only men could shift their pension to their wives and children. A further accomplishment of the 2010 law reform is that a widow can now inherit the full pension of her deceased husband. However, this is restricted if the widow remarries, even though such restrictions are not placed on men (World Bank, 2013<sup>[20]</sup>). In 2014, Jordan accepted Part X of the ILO Social Security Convention on survivor's benefits. In addition, employers in Jordan are required to pay pension contributions while women are on maternity leave. While this enhances women's pensions, it can also be a disincentive for employers to hire women of child-bearing age (World Bank Group, 2019<sup>[21]</sup>).

Nevertheless, Jordan's 2014 Social Security Law still includes discriminatory pension provisions. For example, a male employee is entitled to a pension at the age of 60, whilst a female employee is entitled to a pension at the age of 55, which reduces the amount of pension benefit by five years. Women can cash-in their pensions when they marry, divorce or become widows, thus excluding them from future pension

benefits. Such options are, however, not available to men (OECD, 2017<sup>[2]</sup>). This regulation shows the presumption that once married, a woman will terminate her employment. In 2012, the Social Security Corporation launched an awareness-raising campaign to warn women of the financial consequences of cashing-in pensions (World Bank, 2013<sup>[20]</sup>).

**Housewives' social security scheme.** The 2010 reform included an optional subscription to the social security system for housewives. Although this is potentially beneficial, the contribution (14.5% of household income) is still not affordable to many women and families (Brodmann, 2014<sup>[19]</sup>).

In 2015, a Gender Mainstreaming Section was established in the Social Security Corporation (SSC) in order to institutionalise gender concerns. The ILO provided support to the SSC to help it advance its mandate (Jordanian Social Security Corporation, 2015<sup>[22]</sup>).

*What are the impacts, implementation challenges and factors for success?*

Jordan is a frontrunner in the MENA region in the area of social security systems and benefits and spends a significant amount of the country's budget on social security. The recent amendments to the social security law have given greater benefits to women, both in the area of pensions and maternity.

The maternity reform removes some of the obstacles to employing women in the private sector. Maternity benefits are now financed through a 0.75% payroll contribution paid by the employer on behalf of both male and female employees (ILO, 2015<sup>[23]</sup>). The scheme gives insured women the right to paid maternity leave at 100% of their previous earnings for a period of ten weeks. In this way, both women and men contribute to the financing of maternity benefits and the employer no longer has a reason to discriminate against women when hiring due to costs of maternity benefits. According to an ILO report the shift from an employer liability scheme to the maternity insurance scheme may have contributed to a rise in the number of women of childbearing age in the formal private sector workforce by more than 30% (ILO, 2017<sup>[24]</sup>).

The efforts of civil society have been key in achieving these reforms. The campaigns were sustained over many years and CSOs were important actors during the discussions of the envisaged reforms in ad-hoc parliamentary committees. In addition, the ILO's work on the maternity insurance scheme, on the pension reform and the development of a national social protection floor paved the way for the success of the reforms (Box 2.4).

While the reforms of the social security law are impressive, there is still room to align them further with the ILO standards on social protection. Other than ratifying the main ILO Convention on Social Protection, Jordan could also ratify additional ILO standards on social protection.

Studies show that awareness of the new Social Security Law is relatively low, especially knowledge of the details of the law's provisions. There are also many misconceptions around it (Brodmann, 2014<sup>[19]</sup>). For example, it is not commonly understood that the cost of childbearing is a social responsibility and should be divided amongst families, employers and society in general (World Bank, 2013<sup>[20]</sup>).

## Box 2.6. Regional round-up: maternity and paternity leave reforms

### Egypt

Women in the private sector in Egypt can benefit from 90 days of maternity leave, with compensation equivalent to the full salary, as indicated in the Labour Law (Article 91) and the Child Law (Article 70). The labour law limits the employed woman's entitlement to maternity leave to twice during the whole period of her service with one or more employer. These limitations seem contrary to Article 70 of the Child Law, which stipulates that the employed woman is entitled to take maternity leave up to three times.

The Civil Service Law no. 81 of 2016 entitles women employed in the public sector to take maternity leave lasting four months a maximum of three times during their entire employment period (the previous law no. 48 of 1978 allowed only three months). Thus, Egypt's maternity leave – in the government sector – is longer than the 14 weeks recommended by ILO conventions. The law does not yet foresee paternity leave.

The above provisions on maternity leave are the minimum. Thus, individual work contracts, collective work agreements, or Regulations of Employment may grant women additional benefits, such as the right to maternity leave three times during the entire period of her service, or maternity leave of more than 90 days, as is the case for Nestle Company (Egypt), which grants women workers fully paid six-month maternity leave.

### Morocco

Morocco guarantees 14 weeks maternity leave and fathers can take up to three days of paternity leave. No recent reforms on maternity or paternity leave have been made.

### Jordan

In Jordan, women in the private sector are granted 70 days of maternity leave, and 90 days in the public sector. This is slightly below the ILO standard of 98 days (14 weeks).

The National Committee for Pay Equity (NCPE) has issued a number of proposals to revise the labour law to enhance women's labour rights (Box 2.2 and Case Study 2.3). A proposal was included to raise the maternity leave period to meet ILO standards, but for political reasons this topic was not open to discussion within the Labour and Social Development Parliamentary Committee or in the Lower House.

The labour code was amended in May 2019 (Article 23 of Law No. 14) to include a three-day paternity leave.

### Tunisia

Women in Tunisia have 60 days of maternity leave in the public sector and 30 days in the private sector. In the private sector, collective labour agreements for specific sectors call for the employer to pay for the leave, but in general the National Social Security Fund ensures a daily allowance to compensate for a women's suspended salary, provided she has been employed for at least 80 days. In the public sector, the maternity leave of 60 days is paid in full. A one-day paternity leave is granted, the cost of which is covered by social security.

In Tunisia a range of efforts have been ongoing to extend both maternity and paternity leave. The Tunisian General Labour Union (UGTT), supported by ILO, has been lobbying for the ratification of ILO Convention 183 on Maternity Protection. An actuarial study was issued to calculate the costs of enhanced parental leave and discussed in tripartite consultations involving government, employers and workers organisations. The efforts were met with resistance by employers' organisations who feared

that enhanced maternity leave would increase discrimination against women at work. They would first like to tackle the discrepancy between public and private sector employees in terms of parental leave and then further extend maternity and paternity leave. In order to advance the issue, the Head of Government requested the Ministry of Women's Affairs to take the lead in developing a legislative reform proposal to enhance maternity and paternity leave. The draft law was still under discussion at the time of writing this report.

Source: Egyptian Labour Law no. 12 of 2003, available at [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=64693](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=64693); Egyptian Child Law no. 12 of 1996, as amended by law no. 16 of 2008, available at [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=45791](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=45791); ILO (2000<sup>[25]</sup>), *ILO Maternity Protection Convention 2000, No. 183, Article 4*, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183); Al Otoum (2013<sup>[26]</sup>), "Protection of working mothers in Jordanian labour law compared to international labour law"; Husseini (2019<sup>[27]</sup>), "Activists applaud Lower House amendments to Labour Law", <http://www.jordantimes.com/news/local/activists-applaud-lower-house-amendments-labour-law>. Addati, Cassirer and Gilchrist (2014<sup>[15]</sup>), *Maternity and Paternity at Work – Law and Practice across the World*; Nestlé (2017<sup>[28]</sup>), "Nestlé offers six month paid maternity leave", <https://www.nestle.com.eg/en/media/pressreleases/maternity-leave-six-months>; OECD (2017<sup>[2]</sup>), *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*, <https://dx.doi.org/10.1787/9789264279322-en>.

### **Case study 2.4. Improving childcare provision in Jordan**

With one of the lowest female labour force participation rates in the world, Jordan faces serious challenges in attracting women to the labour market and persuading them to stay there. Quality childcare is one critical element in improving women's work-life balance and making it easier for women to enter and stay in the labour force. The case study shows that the country is making significant steps in addressing this issue.

#### *What is the reform and how did it come about?*

Before its 2019 amendment, Article 72 of the Jordanian Labour Law stated that "any employer with at least 20 female workers, with 10 or more children under the age of 4, should provide suitable day-care". Employers were either not aware of the article or found it hard to comply. In addition, the vast majority of businesses in Jordan are small and medium enterprises, with fewer than 20 employees (let alone 20 *female* employees), and so did not meet the conditions (JEDCO, 2011<sup>[29]</sup>). It was mostly mothers who suffered from the non-application/non-compliance with this article since they mostly were obliged to stay at home to take care of their children.

The civil society organisation "SADAQA – towards a friendlier work environment for women" was founded in 2011 by a group of working mothers who wanted to achieve a better work-life balance. The organisation advocates for legislative reform to improve the situation of women in the workplace.<sup>18</sup>

SADAQA worked on building the evidence-base for childcare provision. For example, a study by SADAQA of the telecommunications sector indicated that the average return on investment in childcare services is EUR 812 per employee per year (Shomali, 2016<sup>[30]</sup>). SADAQA proposed, together with other actors including the National Committee for Pay Equity (NCPE), amendments to the labour law. It proposed to extend the scope of the article to male and female workers as well as to make the article applicable to smaller companies. Coalition 72 was set up to advocate for these revisions. These proposals became law through the 2019 labour law amendments (Husseini, 2019<sup>[27]</sup>). Article 72 now states that the employer shall be obliged to provide day care for children of *all* workers (male or female) in the company, where there are *15 or more* children under the age of five, regardless if they are children of female or male workers. The law further stipulates that if the employees of a company do not have 15 children in total, the employer should find other alternatives, for example contracting a nearby daycare centre or establishing joint daycare with other companies.

This means that daycare options are available for both female and male employees. This is a critical move since it shifts the full responsibility of childcare from the mother to both parents. In addition, the amended law makes childcare provisions also applicable to smaller companies.

#### *What are the impacts, implementation challenges and factors for success?*

The activities around childcare in Jordan have been driven by a variety of actors, including JNCW and the National Council for Family Affairs. As a result of SADAQA's work, the number of workplace daycare centres has risen from 20 in 2011 to 124 in 2018, according to the Ministry of Social Development. Factors for success include:

- **One dedicated actor taking the lead** (the national NGO SADAQA with support from different international organisations such as the ILO and UN Women). SADAQA kept up the momentum and continued to mobilise other key actors in the country which eventually led to a change in the labour law provisions on daycare. It would be beneficial for SADAQA and other labour-related actors to join forces with education actors in the country who address the childcare challenge from the perspective of the child (e.g. the Ministry of Education, UNICEF).
- **Building the evidence base.** SADAQA began by building the evidence base with studies that showed the challenges and benefits of offering quality childcare, as well as gains to the employer. It then worked on revising Article 72 of the labour law to make childcare facilities mandatory over a certain number of employees (both female and male) rather than counting only female employees, as in the labour codes of other MENA countries.<sup>19</sup>
- **Pursuing implementation through practical support.** In order to ensure the implementation of the law, SADAQA works directly with companies to explore tailored childcare options. SADAQA has approached hundreds of companies to raise awareness of Article 72 and helps employers understand the financial and other benefits that come with offering childcare options on the premises (e.g. increased productivity and decreased turnover and absenteeism). In addition, SADAQA supports employers in exploring the various childcare options that they could offer to their employees that comply with Article 72. SADAQA has recently issued a paper on tax incentives, which lays out the options for tax incentives for employers who offer daycare facilities (Jordan Times, 2019<sup>[31]</sup>). This is necessary since the Jordanian Government does not yet provide financial support to companies who wish to set up a daycare facility, or to working parents who wish to benefit from childcare facilities.

## 2.4. Social dialogue, collective bargaining and the right to organise

Collective bargaining involves negotiations between employers (and their organisations) and trade unions in order to arrive at a collective agreement that regulates the terms and conditions of employment.<sup>20</sup> Collective bargaining and collective bargaining agreements (CBA) can play an important role in improving gender equality, in particular the gender pay gap. For example, countries with higher collective bargaining coverage have smaller gender pay gaps than other countries. The gender pay gap is also relatively low in those companies that are covered by a CBA (Pillinger, 2016<sup>[32]</sup>).<sup>21</sup>

The international legitimacy of the right to organise is based on the International Covenant on Economic, Social and Cultural Rights. Article 8 of the covenant ensures the right of anyone to establish trade unions and join the trade union of their choice, subject only to the rules of the organisation concerned.<sup>22</sup> The same right is granted under the ILO's conventions on the Freedom of Association and Protection of the Right to Organize, 1948 (Convention 87) and the Right to Organize and Collective Bargaining, 1949 (Convention 98).

While all four countries covered by this publication have ratified Convention 98, only Egypt and Tunisia have ratified Convention 87. The 1998 ILO Declaration on Fundamental Principles and Rights at Work declares that “all member states, even if they have not ratified the Conventions in question have an obligation from the very fact of membership in the Organisation to respect the freedom of association and the effective recognition of the right to collective bargaining” (ILO, 1998<sup>[33]</sup>).

In order to engage meaningfully in collective bargaining, strong and independent workers' and employers' organisations are required. In OECD countries, around 17% of workers are members of a union, though with large differences between countries (OECD, 2017<sup>[34]</sup>). While no comparable country data could be found for MENA, in Jordan, the level of unionisation in the private sector is estimated at 11% (JNCW, 2019<sup>[35]</sup>), while data for Morocco indicate that the total level of unionisation is less than 10% of the active population (European Commission, 2015<sup>[36]</sup>). In Tunisia, it is estimated that the level of unionisation stands at around 30% (European Commission, 2015<sup>[36]</sup>) No recent figures are available on how many employers in MENA countries are members of employer and business organisations.

In order to have laws and policies in place that address their needs, MENA women workers and employers must be involved in the development of these legal frameworks. Institutions that typically defend the interests of the workforce and draft legal frameworks are often called “tripartite structures” because they include Ministries of Labour, workers' and employers' organisations. The ILO finds that “social partner organisations who include women in leadership positions are more likely to have established gender equality strategies and approaches” (Pillinger, 2016<sup>[32]</sup>). Since women's presence is limited at the membership and leadership level of workers' and employers' organisations in the four countries, their interests are not always adequately taken into account in legal frameworks on labour matters.

The case studies show that countries are making efforts to increase women's participation and leadership in tripartite structures and in collective bargaining:

- **Gender focus in ministries of labour.** The Egyptian Ministry of Manpower (MoM) has established a Gender and Non-discrimination Unit (Case Study 2.6) and the Jordanian Ministry of Labour has established a Directorate for Women's Work to address gender issues and contribute to policies promoting women's inclusion in the labour market. Morocco's Ministry of Labor and Professional Integration and Tunisia's Ministry of Professional Training and Employment still lack gender equality units.
- **Women's participation in unions.** The main workers organisation in Tunisia (UGTT) has introduced a quota of two women in each of their decision-making bodies (Case Study 2.5). Egypt's 2017 Trade Union Law stipulates that the formation of boards of trade union organisations should ensure adequate representation of women and youth, whenever possible. The 2019 amendment to this law makes it possible for employees of small companies to set up a syndicate. Since women in Egypt mostly work in small companies, it is foreseen that this amendment may increase women's participation in trade unions (Case Study 2.6).
- **Gender focus in employer's organisations and capacity building.** Tunisia's main employers' organisation (UTICA) has set up a National Chamber of Women Entrepreneurs (CNFCE) as part of its structure, and the Federation of Egyptian Industries (FEI) has recently established a Women in Business Unit. Employers' organisations are also providing training on gender issues. The recently established CNFCE Academy for women entrepreneurs in Tunisia provides training for women business owners (Case Study 2.5). The Federation of Egyptian Industries (FEI) has set up a Human Resources and Gender Academy which works with human resources managers to create more gender-sensitive work environments (Case Study 2.6).
- **Collective bargaining.** Case Study 2.7 gives an example from Jordan of where a sectoral CBA was put into place which has helped lower the gender pay gap and ensure decent work conditions for private school teachers.

### ***Case study 2.5. Participation and leadership for women in Tunisia's worker and employer organisations***

Tunisia's main workers and employers' organisations are the Tunisian General Labour Union (UGTT) and the Tunisian Union of Industry, Trade and Handicrafts (UTICA). Women's participation in these structures has traditionally received little attention. Almost 30% of women entrepreneurs surveyed by ILO think that employers' organisations do not influence government decision-making processes (ILO, 2017<sup>[37]</sup>). The ILO has been supporting these organisations to increase female membership and women's participation in their leadership.

*What is the reform and how did it come about?*

- **Quotas for women in UGTT.** Although almost 40% of UGTT members are women, they are still very much underrepresented in UGTT's decision-making bodies (ILO, 2017<sup>[37]</sup>). Therefore, in January 2017, UGTT decided to implement a quota of two women in each of its decision-making bodies. The union gave itself four years to achieve this quota. In 2017, for the first time in the history of the UGTT, a woman joined its Executive Board. ILO has supported a country tour of UGTT to encourage the adherence of new women members. This resulted in an additional 13 000 women members. They will have to be trained if they are to have the opportunity of taking up leadership roles in the organisation to meet the quota.
- **Capacity building for the National Chamber of Women Entrepreneurs (CNFCE).** UTICA also counts almost 40% of women among its membership. Even though UTICA's President is a woman, women's representation in its decision-making bodies stands at only 10%. UTICA includes a National Chamber of Women Entrepreneurs (CNFCE), which deals exclusively with women entrepreneurs' issues. Around 15% of women entrepreneurs surveyed by ILO are members of CNFCE. The ILO is building CNFCE's capacity to play a more prominent role within UTICA. This includes supporting CNFCE to carry out technical studies. For example, a national evaluation of women's entrepreneurship development was completed in 2016 (ILO, 2017<sup>[37]</sup>). CNFCE is using this evaluation and its recommendations as its strategic plan to guide future interventions. A draft review of CNFCE's statutes has been prepared and for the first time gender-disaggregated membership data of UTICA have been collected.
- **An academy for women entrepreneurs.** The recently established CNFCE's Academy for women entrepreneurs provides training for women business owners on topics such as financial management, marketing and labour laws. A new ILO project<sup>23</sup> aims at further helping the academy to not only target women business owners, but to also become accessible to other private companies that wish to promote women leadership (see also Section 2.5 on entrepreneurship).
- **A manifesto for women entrepreneurs.** CNFCE, with support from the ILO, has issued a manifesto in which Tunisian policy makers commit themselves to unleash the potential of women entrepreneurs in Tunisia. The manifesto proposes drawing up a vision on female entrepreneurship to be included in the 2019-2024 Government Programme. It also recommends including a female entrepreneur perspective in parliament's financial and economic commissions. The manifesto includes a component on legal reforms whereby CNFCE commits to sensitising women on their economic rights as well as promoting and supporting all reforms that are necessary to combat gender-based discrimination. It advocates for "the right application of property rights in line with the economic and social contribution, especially when both wife and husband work". In this way, the manifesto refers indirectly to the work of the Commission of Individual Liberties and Equality (COLIBE) which proposes equality in inheritance (Case Study 4.1 in Chapter 4). Finally, the manifesto recommends greater participation of women in decision-making positions in both the public and private sector (see also Section 2.5 on entrepreneurship).

*What are the impacts, implementation challenges and factors for success?*

The UGTT quota for women in leadership was only announced in 2017 and the union has four years to achieve it. It is thus too soon to assess its impact. However, the UGTT is a large and powerful organisation in Tunisia, receiving high visibility in 2015 when it was awarded the Nobel Peace Prize as part of the Tunisian National Dialogue Quartet. The decision to install a quota is a major step forward for female leadership in the country more broadly.

On the employers' side, the picture is less optimistic. UTICA has not accepted the idea of a female leadership quota. However, building the capacity of the CNFCE might pave the way for a greater role for women within UTICA. UTICA has already agreed to have CNFCE participate in its most important meetings and this participation might increase over time. Through the CNFCE manifesto, key government officials have committed to unleash the potential of Tunisia's women entrepreneurs and gender equality more broadly.

ILO support has been indispensable in enabling women to play a bigger role in workers and employers' organisations in the country. The ILO is the only tripartite UN agency and hence has substantial experience in working with workers and employers' organisations around the world. The ILO will step up its support to workers' and employers' organisations in Tunisia through a number of new projects.

***Case study 2.6. Gender equality initiatives by tripartite partners in Egypt***

In order to achieve better outcomes for women's participation in the labour market, women's career progress and women's rights at work, Egypt has invested in greater representation and leadership by women in the structures of its tripartite partners, including the Ministry of Manpower, trade unions and the Federation of Egyptian Industries. This case study discusses each of these in turn.

*What is the reform and how did it come about?*

**A new gender unit in the Ministry of Manpower**

The Ministry of Manpower (MoM) established its Gender and Non-discrimination Unit through a Ministerial Decree on 1 January 2019. The unit is chaired by the Minister of Manpower and is composed of two public figures and experts chosen by them; two members of the National Council for Women (NCW); the legal advisor to the Minister of Manpower; the General Director of the Ministry's Department for Women and Children's Affairs; and representatives of the ministry directorates in governorates.

According to the decree,<sup>24</sup> the unit will work in co-operation with the National Council for Women to:

- consider amendments or new laws and ministerial decrees on gender equality
- develop work programmes and activities to empower women economically and socially
- ensure women's protection within the framework of Agenda 2030 for Sustainable Development
- ensure a gender perspective is integrated into different fields of work
- follow up on the application of women's employment provisions, review complaints and take the necessary actions to resolve them
- spread a culture of gender equality and enhance the principle of equal opportunities across the labour market and society in general, through awareness campaigns, workshops and training programmes.

This decree allows the unit the right to award an "Excellence" label to companies or entities which make significant progress in achieving gender equality as per the rules set by the unit.

The ILO is working closely with the unit to ensure its sustainability. The ILO's Decent Work for Women in Egypt and Tunisia project organised and facilitated the unit's first meeting in August 2019. The meeting

ensured inclusive representation of Egypt's gender equality stakeholders: representatives of MoM's various departments, representatives of the NCW and of Parliament. The discussions revolved around the unit's structure, mandate, geographic coverage and thematic areas of work and led to a draft structure for the Unit, and agreement on next steps. A strategic planning workshop to translate discussions from the August meeting into concrete regulatory documents was held in March 2020.

### **Increasing women's representation in trade unions**

The Egyptian Constitution guarantees the right to establish associations and to form syndicates. In addition, Law No. 213 of 2017 (the Trade Union Law) established the freedom of association by explicitly stating that workers – without discrimination – shall have the right to establish, join or withdraw from trade unions. Under Article 47 of this law, employers are required to allow trade union members to carry out trade union activities. Recognising the importance of women's participation in trade unions' work, Article 36 stipulates that the formation of boards of trade union organisations shall take into account adequate representation of women and youth, whenever possible.

In 2019, Egypt amended its trade union law, reducing membership requirements for trade unions at the enterprise level to 50 workers, down from 150 workers in the initial text.<sup>25</sup> This amendment may have a positive effect on women's economic empowerment since women in Egypt typically work in small companies.

### **Boosting the position of women in industry**

The Federation of Egyptian Industries (FEI) is one of Egypt's largest employers' associations. In 2014, FEI established the Women in Business Unit (WiB) with support from the ILO. The establishment of this unit attests to FEI's commitment to promoting gender equality and mainstreaming the gender perspective into its vision and strategy. The unit aims at:

- enhancing communication and collaboration with stakeholders in the development of women-run SMEs in the industrial sector
- developing a favourable environment and promoting policies and legislation supporting women in the industrial sector
- building partnerships and networks that work on developing and strengthening the ecosystem supporting women's work in Egypt's industrial sectors
- directing corporate social responsibility efforts towards supporting women in industrial activities.<sup>26</sup>

The WiB provides a variety of services such as training, support, advocacy, research and data collection in order to develop and enforce equality and non-discrimination policies and ensure that the work environment is free from sexual harassment. WiB raises awareness about gender-sensitive practices among employees and also trains human resources teams in monitoring the principle of equal remuneration for work of equal value and ensuring that male and female workers have equal access to networking and mentoring opportunities. In addition, WiB provides support to mothers to return to the labour force after parental leave, taking into account the need for a work-life balance for all employees.

The beneficiary groups targeted by WiB include women on boards of directors or managing directors in FEI's member companies, female employees, women entrepreneurs, and female employees in FEI as well as in industry.

The WiB has carried out and been part of the following concrete initiatives:

- Conducting several training activities for women entrepreneurs and hosting conferences to highlight women's roles in Egyptian industries.
- Setting up the Human Resources & Gender Academy in 2017, in co-operation with the ILO. This 15-day training programme was designed by national and international experts in the areas of human resources, gender and labour law (ILO, 2019<sup>[38]</sup>). It targets human resources specialists

working in FEI member companies to inform them about all three areas. This programme has been implemented for the past two years, with its latest cycle held in 2019 (ILO, 2019<sup>[38]</sup>).

- Contributing to the Women Entrepreneurs' Network (one of eight organisations)<sup>27</sup> developed by USAID's Strengthening Entrepreneurship and Enterprise Development (SEED) Project. This network aims at increasing the formation, growth and expansion of women-owned businesses in Egypt.
- Participating in designing and promoting a mentorship programme and setting up a communication platform for stakeholders from the public and private sectors, civil society and actors with a shared vision for supporting women entrepreneurs in Egypt.
- Improving services provided by member organisations and women entrepreneurs; reaching out to women and youth outside major cities; and articulating policy requirements to the Egyptian Government. In 2019, the WiB Unit issued a position paper on women's entrepreneurship development (WED) in Egypt, drafted with ILO support (FEI, 2019<sup>[39]</sup>). The paper formulates proposals for creating an enabling environment for WED, building institutional capacity in WED, and developing tools and support services for women entrepreneurs.

#### *What are the impacts, implementation challenges and factors for success?*

The MoM's gender unit is a recent initiative so it is too soon to assess its impact. However, following the work it achieved in 2019, the MoM has decided to activate all regional branches of the unit across all governorates.<sup>28</sup> This indicates the government's strong commitment to implementing the unit's mandate. A training programme for the unit's employees will include strengthening capabilities in statistics and reporting as one of its key areas in order to enable effective monitoring of the unit's work; equality and non-discrimination according to international agreements and national legislation; increasing the share of women in trade unions and corporate boards; and how to create job opportunities for women entrepreneurs and women-owned small and micro enterprises.

Article 36 of the Trade Union Law is a step in the right direction to promote greater representation of women in trade unions' decision-making bodies. However, while it encourages trade unions to have more women on boards, this recommendation is not binding and no sanctions are foreseen for structures that do not follow it. Moreover, the law does not give any indications as to what trade unions could or should do to achieve "adequate representation" of women in their decision-making structures. Strengthening women's role in these structures could be achieved by setting up specialised units within trade unions dedicated to improving gender equality. Applying a system of quotas, whereby a share of seats on elected bodies would be reserved to women, could also help to enhance female representation.

The Women in Business Unit has the potential to play a key role in implementing Egypt's commitments to gender equality and women's economic empowerment. Sustaining initiatives such as the Human Resources and Gender Academy by incorporating them in a broader capacity-building programme would help to mainstream gender considerations across all industries. The recent policy paper published by the FEI outlines some concrete actions the WiB Unit could take to address the under-representation of women in policy dialogue in Egypt. These include providing tailored leadership courses for women entrepreneurs, alongside capacity building for policy makers to understand and advance WED. The paper suggests these training programmes could be developed using ILO's Women in Business and Management Methodology; however, no further information is provided regarding the content and scope of these courses or the timeline for their implementation.

### ***Case study 2.7. Collective bargaining to improve conditions for Jordan's private school teachers***

There are many women working in Jordan's education sector – both public and private. Society largely views the teaching profession as most suitable for women since working hours are compatible with family responsibilities and most colleagues are also women. In this sector, it is common for female teachers to earn less than the minimum wage, overtime is not paid, and teachers are often obliged to resign over the summer, which interrupts their social security payments and therefore reduces their access to social security benefits. In case of pregnancy female teachers are often coerced to resign (ILO/NCPE, 2017<sup>[40]</sup>).

Teaching in the private sector in Jordan is a highly feminised profession. As mentioned above and in Chapter 1, pay is typically lower in highly feminised occupations than in other occupations that require similar levels of education. There is no legal prohibition of gender discrimination in the workplace in the constitution<sup>29</sup> or in the Labour Law.<sup>30</sup> However, Article 2 of the amended Labour Law No. 14 of 2019 includes a definition of pay inequity for work of equal value (Box 2.2).

This case study looks at how collective bargaining has helped to lower the gender pay gap and ensure decent work conditions for Jordan's private school teachers.

#### *What is the reform and how did it come about?*

In 2013, the National Committee for Pay Equity (NCPE) and ILO published a study on the gender pay gap in Jordan's private education sector (ILO, 2013<sup>[41]</sup>). It found that men earn on average 41% more than women in the sector. The 2013 study provided the evidence base from which to launch a variety of initiatives to address the decent work deficits that private school teachers in Jordan were facing. In 2014, the "Stand up with Teachers" campaign was set up, led by the Ministry of Labour,<sup>31</sup> JNCW, the Jordan's Teachers syndicate, the Social Security Corporation and civil society organisations. The NCPE and the ILO supported the campaign. The campaign started as a grassroots movement and evolved into a collective bargaining process, which brought the issue to the attention of the General Trade Union for Private Sector Employees and the Private School Owners Association. In parallel, the Ministry of Labour carried out additional labour inspections in private-sector schools (UN Jordan, 2015<sup>[42]</sup>).

In 2017, the Union for Private Sector Employees and the Private School Owners Association signed a collective bargaining agreement (CBA) regulating working conditions for all private school teachers, regardless of whether they are affiliates to a trade union. The CBA establishes a unified contract for private school teachers which significantly improves their working conditions – it increases the minimum wage, obliges the transfer of all salaries to banks, and obliges schools to have daycare facilities (in line with Art. 72 of the Labour Law; Case Study 2.4), makes social security enrolment mandatory for all private school teachers, and includes a 45-day mutual probation period during which private school teachers are paid for their services. The Stand up with Teachers campaign also established a complaints mechanism to report breaches of the CBA.

In 2018 a Regulation of Registration and Licensing of Private Schools was endorsed which amplifies certain provisions of the CBA, by stipulating that all private school teachers will receive their wages electronically instead of in cash, which reduces the risk of underpayment. It will also help keep track of all payment transactions. If a school fails to provide this documentation, its license may be revoked (ILO, 2018<sup>[43]</sup>).

In order to ensure implementation and monitoring of the CBA and the regulation by social partners, the ILO will help design an action plan and will collect data on the percentage of private schools paying salaries via bank transfer. This is necessary, since 314 complaints of breaches of the CBA were submitted in 2018 (ILO, 2018<sup>[44]</sup>).

2019 saw labour law amendments (Law No. 14 of 2019) to improve pay equity. Article 2 of this law provides a definition of wage differentiation as a pay inequity between workers for work of equal value without discrimination based on gender. Article 17 stipulates that the Minister of Labour is to appoint a “Wages Body in specific geographic areas”. The Wages Body is responsible for examining, within that area any discrimination in wages that may exist for work of equal value. Article 17 offers the possibility to fine employers 500 Jordanian Dinars (JOD) should they fail to meet minimum wage requirements or apply discriminatory wages for work of equal value.

### *What are the impacts, implementation challenges and factors for success?*

The CBA and follow-up regulation are major steps forward for improving the working conditions of Jordan's mainly female private school teachers. With around 73 000 private school teachers in Jordan, these achievements will affect the lives of many women workers in the country.

The success of this initiative lies in a variety of factors:

- **A strong evidence base** through research into the issues facing private school teachers, which formed the basis for social mobilisation through the Stand Up with Teachers campaign.
- **Support for the campaign from important actors** in the country, including government (Ministry of Labour and National Commission for Women, Social Security Corporation), civil society, international organisations and social partners. The media also played an important role in documenting and publicising the efforts of the campaign. While the campaign started as a grassroots movement, empowering local women, it gradually scaled up and came to include more actors.
- **Capacity building and support by the ILO**, which also provided a platform for the discussions to take place. The ILO built the capacity of trade unions and employers organisations involved in the process. This was necessary since social dialogue and collective bargaining at sector level are rare in Jordan (European Commission, 2015<sup>[36]</sup>).

While the CBA, the regulation and the 2019 labour law amendments are all important achievements, there is still room for improvement. For example, while the law now includes some additional provisions on pay inequity, it does not explicitly prohibit pay inequity. Stakeholders are trying to address this through CBAs in other sectors dominated by women workers. For example, a CBA was concluded in 2017 to support garment sector workers to gain the minimum wage and current efforts are underway to secure pay equity for health sector workers.

## 2.5. Entrepreneurship

In all four countries, legislation on setting up and managing a business is gender neutral. Women can legally sign a contract, register a business and open a bank account in the same way as a man (World Bank Group, 2020<sup>[45]</sup>). However, Chapter 1 reveals that in reality women entrepreneurs face additional challenges in accessing information, markets, financial services, land and other assets. Since women are underrepresented in law making and policy making, they do not influence over how business legislation and policies are being shaped.

The case studies here and in other sections indicate that all four countries have introduced reforms to encourage women entrepreneurs, in particular in the following areas:

- **Mandates for women entrepreneurs.** Tunisia's National Chamber of Women Entrepreneurs (CNFCE) has issued a manifesto in which Tunisian policy makers commit themselves to unleashing the potential of women entrepreneurs in Tunisia. The manifesto proposes drawing up

a vision for female entrepreneurship that could be included in the 2019-2024 Government Programme (Case Study 2.5 in the previous section).

- **Access to information and capacity building.** The National Council of Women in Egypt and the Federation of Egyptian Industries have carried out a number of capacity-building activities to support women entrepreneurs (Box 2.7 and Case Study 2.6 above). Tunisia's recently established CNFCE Academy for women entrepreneurs provides training for women business owners on topics such as financial management, marketing and labour laws (Case Study 2.5).

### **Box 2.7. Capacity building for women entrepreneurs in Egypt**

Egypt's National Council for Women (NCW) has implemented several workshops under the title Women Entrepreneurs Programme, which aim to support and mentor women who wish to initiate their own businesses or promote existing ones. These workshops focus on training women entrepreneurs in effective strategic planning for the business sector. The NCW has also implemented the El Masreya Initiative, which assists women entrepreneurs to market their products using an electronic illustrated catalogue that includes pictures of products, their prices and contact information.

In addition, the Basic Guide Program to Start Private Business is an initiative in co-operation with the Egyptian Banking Institute to enhance the capabilities of women entrepreneurs who own micro-enterprises or who have an idea for a project. The programme offers women an opportunity to organise their ideas and identify the initial steps that must be taken on planning for any project. The programme has also conducted two courses through the Egyptian Banking Institute. The first was on "How to become a successful entrepreneur", which targeted women entrepreneurs linked to the institute. The second course tackled "Financial Education and Inclusion with The Latest Technologies in Providing Financial Services in Banks" in the Assiut Governorate.

Source: <http://ncw.gov.eg/ar/> (in Arabic)

- **Business information, formalisation and registration.** The four countries are undertaking extensive efforts to formalise SMEs. In order to encourage more women entrepreneurs to formalise their businesses, Morocco has issued a law introducing the auto-entrepreneur status. Jordan has reviewed its legal and institutional frameworks to encourage the formalisation of home-based businesses, which are predominantly managed by women (Box 2.8). Laws regulating microfinance in all the countries encourage entities applying for this type of finance to formalise (Case Study 2.9 on Egypt and Box 2.9 on the other countries).
- **Access to financial services.** Jordan, Morocco and Tunisia have issued financial inclusion strategies (Case Study 2.8). Egypt and Jordan have also issued specific microfinance strategies. All these strategies give special attention to gender (Box 2.9). Jordan's Bank El Etihad offers an array of services focusing on female clients, for example special savings accounts, collateral-free loans and start-up loans for women entrepreneurs (Case Study 2.8).
- **Microfinance.** All countries have laws regulating the microfinance sector (Case Study 2.9 on Egypt and Box 2.9 on the other three countries). Women are not targeted specifically in these microfinance laws but since the proportion of women is relatively high in the microfinance sector, creating an overall favourable legislative environment for the sector should have an important gender impact. Banks are creating special programmes for women.
- **Equality of investment opportunities.** Egypt has included a gender provision in its investment law, prohibiting discrimination in investment and encouraging small investors, who are typically women. It has also opened a special window at the Investors Services Centre where women

investors can obtain all necessary information and complete all necessary paperwork at a one-stop-shop (Case Study 2.10).

- **Access to land.** Assets are fundamental for entrepreneurs, especially for women in rural areas where a majority of economic activities rely on land. They are needed to physically start a business, can be sold to invest in businesses, and can serve as collateral for loans to help finance the business. Results from the OECD's Social Institution and Gender Index (SIGI) indicate that women in Northern Africa face one of the highest levels of discrimination in accessing productive and financial resources in the world: 45%, compared to a global average of 27% (OECD, 2019<sup>[3]</sup>) (Chapter 1). Chapter 3 deals with this issue, as it is linked to inheritance laws in the region.

### **Box 2.8. Regional round-up: efforts to formalise women's businesses**

#### **Jordan**

According to a USAID study, around 5 000 businesses in Jordan operate from home (USAID, 2017<sup>[46]</sup>). Half of them are owned by women and most of these businesses are active in the informal sector. One in five unregistered businesses in Jordan are home-based businesses (HBBs). The vast majority of these HBB do not package their products, and sell them through word of mouth. The study estimated that if these businesses were licensed and operated in the formal sector, this could generate an additional USD 100 million that would flow back into the Jordanian economy.

In order to encourage the formalisation of HBBs, Jordan reformed its legal and institutional frameworks throughout 2016 and 2017 with the support of USAID under its Local Enterprise Support Project. The reforms aim to facilitate and encourage the licensing of HBBs based in any residential area of the country. While the 2010 Social Security Law broadened its scope to also include self-employed individuals and employers (Art. 4), in 2017 the Board of the Social Security Corporation decided to exempt home-based business from compulsory social security contribution/coverage. This provides an additional incentive for the formalisation of HBBs that would otherwise have to pay relatively high social security contributions. Once registered and licensed, HBBs are allowed to supply their produce to new markets (e.g. supermarkets) which can lead to a significant expansion of their client base.

With USAID support, a registration manual was issued outlining the registration processes and requirements for different types of businesses. Factsheets for the registration and licensing of HBBs were also developed. In different parts of the country, awareness-raising campaigns were conducted and women with HBBs were supported to further develop and register their businesses.

#### **Morocco**

The majority of women in Morocco who work in the private sector are informal. A survey of 200 women entrepreneurs in Morocco indicates that 24% operated their business from home (ILO, 2018<sup>[47]</sup>). In order to encourage more business owners to formalise their businesses, Morocco issued a law to introduce the auto-entrepreneur status in 2015.<sup>32</sup> This regime offers a simple registration system, fiscal advantages and social security coverage. The official Moroccan website on auto-entrepreneur status indicates that half of auto-entrepreneurs operate home-based businesses and that 36% of auto-entrepreneurs are women.<sup>33</sup> The Moroccan National Agency for the Promotion of SMEs (Maroc PME) has issued a guide on auto-entrepreneur status and offers support services to those who wish to adopt the status.

#### **Egypt**

Over 80% of micro and small enterprises (MSEs) in Egypt operate in the informal economy. Most women entrepreneurs owning MSEs are also concentrated in the informal sector. A recent ILO report indicates that 73% of the 200 women entrepreneurs surveyed had not registered their enterprise (ILO,

2017<sup>[48]</sup>). The majority of these women have home-based micro enterprises, especially those in the agriculture sector. The survey further indicated that women micro enterprise owners usually hire informal workers, while women owners of small enterprises mostly engage workers in an official way.

Egypt is aiming to increase the formalisation of informal enterprises through a range of initiatives, including a draft SME law. ILO research indicates that there is no specific gender dimension included in the draft law (ILO, 2017<sup>[48]</sup>).

### Tunisia

According to an ILO survey, the majority of women entrepreneurs in Tunisia work in the agriculture or artisanal sector – sectors with high rates of informality (ILO, 2017<sup>[37]</sup>). Almost half of the women entrepreneurs active in the informal sector operate their business from home. The most common reasons that these women give for not formalising their enterprises are the obligation to pay taxes and contribute to the social security system. The survey also indicated that these women did not understand the benefits of registering their businesses.

In 2017, Tunisia launched a draft law on the auto-entrepreneur status. The draft was developed in collaboration with Maroc PME, various Tunisian associations as well the French federation of auto-entrepreneurs. The draft is still under consideration.

### **Case study 2.8. Initiatives to enhance women's financial inclusion in Jordan**

Women's access to financial services is an important part of their economic empowerment. When women are able to open a savings or bank account, this can increase their financial autonomy. In the MENA region, access to financial services in general is quite low – for example, the share of male bank account ownership outstrips female's by almost 20 percentage points (Chapter 1). Access to financial services is also a key challenge for women entrepreneurs or aspiring women entrepreneurs and for enhancing their firms' performance.

This case study looks at Jordan's practical efforts to enhance women's financial inclusion and tackle these constraints.

#### *What do the initiatives involve and how did they come about?*

In 2011, the Members of the global Alliance for Financial Inclusion<sup>34</sup> issued the Maya Declaration on Financial Inclusion.<sup>35</sup> In a follow-up to this global declaration, the Central Bank of Jordan (CBJ) issued its own Maya Declaration in September 2016 (Alliance for Financial Inclusion, 2018<sup>[49]</sup>). One of the main goals of CBJ's declaration is to reduce the gender gap in bank account ownership. In November 2016, a high-level policy forum on Advancing Women's Financial Inclusion in the Arab World was held under the patronage of Queen Rania Al Abdullah. In 2017, Jordan launched its National Financial Inclusion Strategy 2018-2020<sup>36</sup> with support from the German Development Agency (GIZ). Jordan is the first MENA country to launch a financial inclusion strategy. Its focus is on reducing the gender gap in finance, which will help unleash the economic potential of women entrepreneurs and women-led enterprises.

In addition to these efforts at the national level, a number of banks in Jordan are also implementing programmes to enhance women's financial inclusion and their economic empowerment. For example, Bank El Etiad has achieved impressive results through its gender approaches.

In 2014, Bank El Etiad joined the Global Banking Alliance for Women (GBA)<sup>37</sup> and started a gender-sensitive approach within the bank under the leadership of the bank's female CEO. The bank has special programmes for its female clients. Its Shorouq Programme offers an array of services focusing on female clients, such as special savings accounts, collateral-free loans and start-up loans for women

entrepreneurs. Female clients also have the opportunity to benefit from mentoring and networking services. The bank also offers the option for women on maternity leave to pause loan repayments. The bank's "Comeback programme" supports women who took a career break to focus on their families to get back into the labour force through training, coaching, networking and practical work experience opportunities. In 2017, the bank received over 1 000 CVs from women who wished to join the programme. Nineteen women embarked on the programme and half of them found employment in the Jordanian job market immediately afterwards. In addition, the bank issues the Business Women of the Year Award. Other members of GBA, such as Egyptian Banque Misr, have also put in place banking products and services to support women's economic empowerment and financial inclusion (IFC, 2018<sup>[50]</sup>).

Bank El Etiad's internal policies are also gender-sensitive and the bank offers a family friendly work environment. For example, places at daycare centres are offered to children of all employees (female and male). Transportation is offered to all employees and the bank aims at recruiting workers in branches located close to their homes. The bank also has a sexual harassment policy and a policy on equal pay for work of equal value. Employees can benefit from flex-time arrangements. Around 45% of the bank's employees are women and women occupy 21% of management positions.

#### *What are the impacts, implementation challenges and factors for success?*

The government's actions at policy level, such as the National Financial Inclusion Strategy 2018-2020, are certainly a step in the right direction. GIZ has played an important role in collecting the evidence for make the case to address financial inclusion in the country. The organisation has also financially and technically supported the National Financial Inclusion Strategy, which became a reality thanks to the support of the Jordanian Royal Family. It would be beneficial to have a mid-term review of the implementation of the strategy to see how efforts are advancing. The Central Bank of Jordan's Maya Declaration also shows the strong commitment of the institution to women's financial inclusion.

In parallel to the development of policies and strategies, private-sector actions have enhanced women's access to finance. Bank El Etiad's gender-sensitive approach shows that reaching out to female clients is not only important from a corporate social responsibility perspective, but also improves the business of the bank. Since the start of its gender sensitive approaches in 2014, the bank has doubled its number of female clients.

#### **Case study 2.9. Regulating the microfinance sector to support women entrepreneurs in Egypt**

Microfinance is a key tool to support women's financial inclusion. It offers distinct advantages to women since they face a number of hurdles to taking out loans at regular financial institutions. Worldwide, 83% of microfinance clients are women. This figure stands at 60% in the MENA region (Convergences/Zero Exclusion Carbon Poverty, 2018<sup>[51]</sup>).

Egypt envisages that a more regulated and organised microfinance industry will lead to greater protection of consumers, promote formalisation of the microfinance and SME sectors,<sup>38</sup> encourage investment, and hence combat poverty through empowering poor entrepreneurs. A main target is increased lending to vulnerable and low-income citizens (Egypt Today, 2018<sup>[52]</sup>). This case study gives an overview of Egypt's efforts to improve the microfinance sector in order to give more opportunities to women.

#### *What is the reform and how did it come about?*

In 2005, Egypt issued its National Strategy for Microfinance which called for "developing a microfinance industry in which sustainable financial services for lower market segments are integrated into the overall development of a broad, inclusive and diverse financial sector" (Waly, 2008<sup>[53]</sup>). The revision of legislation

was one key recommendation of the strategy, aiming to expand the microfinancing sector by opening it to commercial non-bank microfinance institutions in order to attract more borrowers.<sup>39</sup>

In 2010 a draft microfinance law was developed (Handoussa, 2010<sup>[54]</sup>), and was finally issued as Microfinance Law No. 141/2014<sup>40</sup> in November 2014. It is the first microfinance law in Egypt. The law organises microcredit provided by non-bank entities including companies and NGOs. Prior to Law No. 141/2014, the microfinance market had solely been served by banks and NGOs, which were funding small enterprises and individuals with the aid of bank credit. The microfinance law also established the Egyptian Microfinance Federation (EMF), in order to develop microfinance activity across Egypt.

The law places non-bank entities providing microcredit under the supervision of the Egyptian Financial Supervisory Authority (EFSA), renamed the Financial Regulatory Authority (FRA) in 2017.

The law was followed up by several implementation policies and initiatives:

- A Microfinance Forum<sup>41</sup> held in Cairo in 2017, which discussed the growing profitability of the microfinance sector and its challenges in becoming an integral part of Egypt's economic development.
- A new government microfinance initiative (the Tamweely announcement) which focuses on the formalisation of businesses and targets women and youth in selected parts of Egypt.
- An instruction from the Central Bank of Egypt for banks to allocate 20% of their credit to micro, small, and medium enterprises by 2020 (Tawil, 2018<sup>[55]</sup>).
- A scheme developed by the Central Bank, in collaboration with FRA and the Egyptian Microfinance Federation, to direct EGP 30 billion (around EUR 1.6 billion) to 10 million beneficiaries by 2021. For this initiative, eight banks are offering subsidised funding to microfinance companies and microfinance institutions accredited by FRA (Oxford Business Group, 2017<sup>[56]</sup>).
- A training programme supported by the Central Bank targeted at microfinance NGOs was launched in June 2018 (Tawil, 2018<sup>[55]</sup>).
- A micro insurance framework and guidelines to protect consumers of microfinance (EFG Hermes, 2017<sup>[57]</sup>).

All these developments have also led to further international recognition and support, for example from GIZ and the World Bank.<sup>42</sup>

#### *What are the impacts, implementation challenges and factors for success?*

The microfinance law has helped to create a favourable legislative environment for the sector. It has unified standards for microfinance activity and hence ensured institutional efficiency and financial sustainability (Tawil, 2018<sup>[55]</sup>). As a result, commercial non-bank microfinance institutions have received licences in large numbers. By 2016, two years after the microfinance law was issued, over 700 commercial institutions had received licenses to operate in microfinance.<sup>43</sup> These legal developments have seen microfinance clients in Egypt rise from 2 million (male and female) to 2.53 million between 2016 and 2017 (Al Tadamun Microfinance Foundation, 2017<sup>[58]</sup>).

Women are not targeted specifically in the microfinance law. However, since the proportion of women is relatively high in the microfinance sector, creating an overall favourable legislative environment for the sector also has an important gender impact. Around 70% of microfinance beneficiaries in Egypt were women – amounting to 1.55 million citizens and an increase of 22% from 2016 (Al Tadamun Microfinance Foundation, 2017<sup>[58]</sup>).

A recent study investigates the impact of microfinance on different aspects of female empowerment in Egypt, such as economic, political, social and psychological empowerment (El Hadidi, 2018<sup>[59]</sup>). The study reveals that the greatest impact of microfinance on Egyptian women is psychological. Women gain greater

self-confidence and self-respect through actively borrowing money and setting up a small business. Due to the social impact of microfinance, women's position within the family also changes. With increased financial independence, women may also have more decision-making power within the family.<sup>44</sup> The study however also indicated that microfinance only had a limited impact on women's economic empowerment. This is due to the small loans offered in microfinance, which do not lead to quick business growth.<sup>45</sup>

While the growth of the microfinance sector is a positive development, caution is needed to make sure that the market will not become oversaturated with too many microfinance institutions. This might lead to extreme competition amongst microfinance institutions and might make them less critical and open to lend to riskier borrowers.

Although the law aims to increase the integration of enterprises into the formal economy, bureaucracy and additional costs can encourage entrepreneurs to stay in the informal sector and to look for informal ways to take out a loan.

The setting up of the FRA means that microfinance institutions have to report their finances to FRA and pay taxes. Hence, entrepreneurs who wish to apply for a loan with these microfinance institutions will also have to comply with administrative procedures and operate in the formal sector. This may be very challenging for entrepreneurs who lack identification papers or who cannot afford the costs of the paperwork needed for formalisation. In addition, formalising an existing enterprise is a time-consuming process in Egypt (World Bank, 2019<sup>[60]</sup>) (Hafez, 2015<sup>[61]</sup>). While the procedures and costs for registering a business do not differ significantly for women and men, women do face additional challenges in starting a new business. Unlike men, women need to obtain their husband's permission to leave the home in order to pursue their employment (World Bank, 2019<sup>[60]</sup>). Although they do not need to show proof of this permission to start a business, the ongoing threat that the woman might lose her maintenance according to Egyptian personal status laws, affects her in her economic activity.

Yet informal SMEs need incentives to formalise so that they can grow as commercial enterprises rather than in the framework of development programmes (Oxford Business Group, 2017<sup>[56]</sup>). The government is trying to address the formalisation challenges through the Tamweely announcement (Oxford Business Group, 2017<sup>[56]</sup>). In order to effectively support enterprises to enter the formal economy, registration procedures must be streamlined and simple and registration costs should be lowered.

However, many women in Egypt still perceive business formalisation as a complicated undertaking because of the need to comply with tax and other types of legislation. Further, women working in the Egyptian micro and SME industry often work on local projects (e.g. selling vegetables, home-made clothing), which have limited opportunities for market expansion. This is also the reason why Egyptian women mostly apply for lower loans than Egyptian men (El Hadidi, 2018<sup>[59]</sup>).

More actions are needed to increase women's economic empowerment through microfinance, such as raising awareness about how to capitalise on opportunities. There is also a need for mentoring and training to help grow and develop enterprises. It is up to the microfinance institutions, which are granting loans, to explore further opportunities to empower women and to understand how the economic multiplier resulting from microfinance projects might be increased. They should help women find profitable businesses to invest in so as to increase their capital, and help them navigate through legal procedures. Finally, microfinance institutions should pass on mechanisms for better savings habits and provide training to help their (female) clients to make better business decisions (Nisser, 2017<sup>[62]</sup>; El Hadidi, 2018<sup>[59]</sup>). Though an assessment of market needs and trends might be difficult due to widespread informality in the microenterprise market, it is very important.

### Box 2.9. Microfinance regulations in Jordan, Morocco and Tunisia

#### Jordan

In Jordan, just over 4% of adults borrowed from a microfinance institution (MFI) in 2016. Almost 70% of clients taking out loans from microfinance institutions are women. In 2015, a microfinance bylaw was adopted, regulating the sector and giving the Central Bank of Jordan (CBJ) the authority to license and supervise MFIs. The law is not available online.

Jordan adopted a Microfinance Strategy back in 2005 which is linked to a Microfinance Action Plan which was updated for the period 2016-2018. As outlined in Case Study 2.8 on banking in Jordan, the CBJ also issued a declaration on financial inclusion in 2016 which gives priority to closing the gender gap.

Source: Hauser, Pavelesku and Vacarciuc (2017<sup>[63]</sup>), *Financial Inclusion Diagnostic Study in Jordan 2017, Synthesis Report*, <https://www.findevgateway.org/paper/2017/12/financial-inclusion-diagnostic-study-jordan-2017-synthesis-report>; GIZ (2015<sup>[64]</sup>), “New microfinance regulation in Jordan to foster outreach of the sector and improve consumer protection”, <http://microfinance-mena.org/news/new-microfinance-regulation-jordan-foster-outreach-sector-improve-consumer-protection>;

#### Morocco

Morocco has a long history of regulating microfinance with its first law on the topic issued in 1999. Since then, a range of amendments to this law have been issued through different legislative frameworks. None of them mention gender equality. Morocco issued a national strategy for financial inclusion in 2018.

Source: ATTAC CADTM MAROC (2017<sup>[65]</sup>), *Le microcrédit au Maroc : quand les pauvres financent les riches. Etude de terrain et analyse du système du microcrédit*, <http://attacmaroc.org/fr/wp-content/uploads/2018/01/ATTAC-Maroc.Etude-microcr%C3%A9dit.-PDF.pdf>  
Loi n° 18-97 du 5 février 1999 relative au micro-crédit.

#### Tunisia

In 2011, Tunisia issued a law to regulate the work of MFIs and to establish a supervisory body for MFIs. The law does not mention gender equality aspects.

Tunisia has established an Observatory for Financial Inclusion which was tasked with developing the Financial Inclusion Strategy for 2018-2022.

Source: Medias24 (2019<sup>[66]</sup>), *Document: voici la Stratégie nationale d'inclusion financière*, <https://www.medias24.com/document-voici-la-strategie-nationale-d-inclusion-financiere-1284.html>; Central Bank of Tunisia (2017<sup>[67]</sup>), *Rapport d'activité de l'Observatoire de l'inclusion financière*, [https://www.bct.gov.tn/bct/siteprod/documents/RA\\_OIF\\_2017\\_fr.pdf](https://www.bct.gov.tn/bct/siteprod/documents/RA_OIF_2017_fr.pdf).

Décret-loi n° 2011-117 du 5 novembre 2011, portant organisation de l'activité des institutions de micro finance.

### ***Case study 2.10. Enshrining gender equality in Egypt's investment law***

The MENA region has suffered from a significant drop in foreign investment flows since the 2007 global financial crisis, exacerbated by regional turbulence since 2011. There are positive, though variable, signs of recovery, notably in Egypt. Foreign direct investment (FDI) currently stands at 1.9% of GDP in the MENA region. Foreign investment inflows to Egypt are on an upward path, amounting to USD 7.7 billion in fiscal year 2017-2018 (CEIC, 2020<sup>[68]</sup>). Though declining since 2017, at 2.7% of GDP, FDI is still higher than the MENA average (World Bank, 2018<sup>[69]</sup>) and Egypt's share of global FDI has continued to increase (Enterprise, 2019<sup>[70]</sup>). In recent years, domestic investment in Egypt has also increased significantly (CEIC, 2017<sup>[71]</sup>).

Private finance plays a key role in strengthening the economy of a country as well as in achieving the Sustainable Development Goals. FDI is one of the most important global private financial flows. There is no regional analysis available on gender and investment in MENA, but recent OECD research includes some findings from selected MENA countries (OECD, 2019<sup>[72]</sup>). This suggests that FDI can support gender equality in several ways:

- It can increase the demand for female labour which may lead to higher wages and higher female labour force participation rates. However, in most countries including Egypt, FDI usually takes place in sectors with lower shares of women employees, such as finance and transport (Figure 1.9 in Chapter 1). An exception to this is the high prevalence of FDI in the manufacturing sector, which employs mostly women. This is also the case in Jordan, Morocco and Tunisia (Chapter 1; Annex Table 1.A.1). FDI also typically takes place in sectors with high gender pay gaps. While FDI has an initial advantage for women by attracting them into the labour force in low-skilled, low-paid jobs, this advantage decreases when women continue being trapped in these job profiles without opportunities to advance in their careers.
- It has the potential to improve gender balance in corporate leadership. In general, the share of foreign firms with female top managers, and the share of women in managerial positions in foreign firms, are significantly higher than in domestic firms. These practices of foreign firms may be imitated by domestic firms.
- It can have a positive effect on women's entrepreneurship in the host country. Foreign investors from more gender-equal host countries typically have more women owners. In addition, FDI can create new business opportunities for women entrepreneurs in host countries. This would be a welcome opportunity for Egypt where only 17.8% of firms have female participation in ownership.<sup>46</sup>

This case study documents Egypt's recent efforts in the area of gender equality and investment by introducing a conducive legal framework.

#### *What is the reform and how did it come about?*

Egypt's Investment Law No. 72/2017<sup>47</sup> came into force on 1 June 2017, superseding Investment Law No. 8/1997.<sup>48</sup> The new investment law, promptly followed by a modernised companies law, marked a further milestone in the country's efforts to provide a safer and more consistent regulatory environment for foreign and domestic investments. This latest reform reaffirmed the strong political will to further improve the business environment and competitiveness. It provides the full spectrum of investment guarantees and protection standards that are required to provide a safe *de jure* regime for investors, notably a provision granting fair and equitable treatment to both foreign and Egyptian investors.

The investment law includes a provision on gender equality. According to Article 2, investment shall be governed by the principles of "equality of the investment opportunities and equal opportunities regardless of the size and location of the project and without discrimination on the basis of gender. The State supports the emerging companies, entrepreneurship, and micro, small, and medium enterprises to empower the youth and small investors." (para. 3)

Women investors can refer to this article if they experience any gender-related constraints in their investment activity. The article also calls for empowering small investors. Even though the size of women-owned SMEs in Egypt has increased moderately over time, SMEs owned by women are generally smaller than SMEs owned by men (ILO, 2016<sup>[73]</sup>). Therefore, the focus on small investors leads de facto to the empowerment of women.

Articles 8, 11 and 15, which regulate investment guarantees and incentives, may also have an indirect impact on women. Article 8 mentions that a maximum of 10% of workers in an investment project can be foreign workers. The rate can be increased to 20% foreign workers where it is not possible to appoint national workers with the required qualifications. These rather standard provisions imply that a certain number of jobs are guaranteed for Egyptian workers in foreign enterprises, which tend to be more gender equal. This provision may therefore benefit female jobseekers. Article 11 No. 2 grants a 30% discount off investment costs in specific conditions including when the investment is carried out by SMEs. Since women in Egypt own smaller companies than men, they may also benefit from this incentive. Further, Article 15 calls upon investors to support social projects. These projects may have a focus on women's economic empowerment. Women also tend to be more involved in social projects than men.

In order to facilitate the implementation of the gender provisions, a special window for women was opened at the Investors Services Centre to act as a one-stop-shop for women investors.

#### *What are the impacts, implementation challenges and factors for success?*

The 2017 Investment Law demonstrates the Egyptian Government's commitment to providing equal investment opportunities for women and men. However, the practical implementation of the law may be challenging because of the lack of implementing regulations and inconsistent administrative practices throughout the territory.

A next step would be to grant targeted incentives to investment projects that employ a certain percentage of women workers, and/or to investments owned and operationalised by women. In Egypt, as in any other country, investment has the potential to economically empower women. It is therefore crucial to ensure that foreign investors (are legally bound to) respect gender equality principles and promote women's economic empowerment in their investment activities and within their companies. As it is typically low-skilled women who work in FDI sectors, foreign investors should make efforts to upskill the local workforce so that women can move up the career ladder and gender pay gaps can be reduced. This is in line with the *OECD Guidelines for Multinational Enterprises*, which state that enterprises are expected to promote equal opportunities for women and men including in training and lifelong learning (Box 2.10). As foreign companies in Egypt typically have a better gender balance in their corporate leadership than domestic companies, there is potential for domestic firms to imitate this practice.

In addition to the gender provision in the investment law, the Egyptian Government supports Egyptian businesswomen in other ways, to ensure women and men have equal access to business creation and development. The government is working with international organisations such as the World Bank, UNDP and UN Women to facilitate access to finance for women entrepreneurs (Case Study 2.9). The recent reform in the inheritance law aims at protecting women's inheritance share, including land inheritance. This will facilitate access to land for women entrepreneurs, and hence access to credit providing tangible collateral for requesting a loan (Chapter 3).

### **Box 2.10. International tools and guidelines on gender and investment**

Paying attention to gender equality in investment is a relatively new topic in the MENA region. The resources described here can help policy makers and practitioners to take a gender equality perspective into account in investment-related initiatives.

#### **OECD Guidelines for Multinational Enterprises**

The 2011 version of the *OECD Guidelines for Multinational Enterprises* includes a gender element. The guidelines mention that enterprises should respect human rights, including women's rights. Enterprises are expected to promote equal opportunities for women and men including in training and lifelong learning. The OECD has also issued due diligence guidance for companies operating in specific sectors including minerals, extractive sectors, garment and footwear, agriculture. These specific guidance documents also refer to gender equality.

Source: OECD (2011<sup>[74]</sup>), *OECD Guidelines for Multinational Enterprises*, 2011 Edition, <https://doi.org/10.1787/9789264115415-en>

#### **OECD FDI Qualities Indicators**

The OECD issued a report in 2019 that presents new indicators on the impacts of foreign direct investment (FDI) on sustainable development in host countries. The report includes a chapter on how FDI relates to four dimensions of gender equality: gender employment equality, gender wage equality, women in top-level management positions, and women's entrepreneurship. The first part of the chapter describes the channels through which FDI can affect the above gender outcomes in host countries, through a review of the literature. The second part presents a set of indicators relating FDI to the above gender equality dimensions for the OECD and selected developing regions.

Source: OECD (2019<sup>[75]</sup>), *FDI Qualities Indicators: Measuring the sustainable development impacts of investment*, [www.oecd.org/fr/investissement/fdi-qualities-indicators.htm](http://www.oecd.org/fr/investissement/fdi-qualities-indicators.htm)

#### **World Bank guide on gender dimensions of investment climate reform**

In 2010, the World Bank issued a guide providing concrete tools for addressing gender and investment in development co-operation projects. The guide includes eight modules on mainstreaming gender in (1) public-private dialogue, (2) business start-up and operation, (3) business taxation, (4) trade logistics, (5) secured lending, (6) alternative dispute resolution, (7) special economic zones, and (8) foreign investment policy and promotion.

Source: Blackden, Manuel and Simavi (2010<sup>[76]</sup>), *Gender Dimensions of Investment Climate Reform: A Guide for Policy Makers and Practitioners*, <http://documents.worldbank.org/curated/en/260721468321276647/Gender-dimensions-of-investment-climate-reform-a-guide-for-policy-makers-and-practitioners>.

#### **Global impact investing network initiative on gender lens investing**

In 2017, the Global Impact Investing Network (GIIN) launched an initiative to explore the opportunities and challenges in gender lens investing. Gender lens investing is the practice of investing for financial return while also considering the benefits to women, both through improving economic opportunities and social well-being. The initiative aims to build a compelling case for gender lens investing, and to increase the amount of capital being deployed with a gender lens. The initiative has a webpage with guidance on how to incorporate gender considerations into an investment strategy as well as how to measure the impact of such a strategy. A database of gender lens investing allocations and strategies

is under construction. The initiative also holds regular webinars on the topic and convenes a Gender Lens Investing Working Group.

Source: <https://thegiin.org/gender-lens-investing-initiative>.

## 2.6. Conclusions and recommendations

With the lowest female labour force participation rates, the largest gender pay gap, the widest gender gap in early-stage entrepreneurial activity and the highest percentage of women in full-time unpaid care work worldwide, the MENA region faces great challenges in moving towards gender equality at work. Yet MENA women are more educated than ever before and could bring significant benefits to the labour market.

The region is aware of these challenges and of how much countries could gain socially and economically from increasing female labour force participation. The case studies show that the private sector is also increasingly aware that gender equality efforts are not only important from a corporate social responsibility perspective, but also improve business outcomes.

This chapter has described a number of reforms and initiatives on labour matters and social protection underway in Egypt, Jordan, Morocco and Tunisia to encourage greater gender equality at work. These include initiatives to close the gender pay gap and encourage women's career progression; social protection reforms and initiatives to address unpaid care work and improve work-life balance; and investment in increasing women's participation and leadership in workers' and employers' organisations so that collective bargaining can have more positive outcomes for women. Countries have also adopted specific measures to encourage women entrepreneurs.

To keep building on the positive momentum observed in the region, governments and other actors could consider the following recommendations distilled from the case studies:

### ***Align with international standards***

- **Work with social partners and the ILO to ratify ILO Conventions with gender relevance.** The four countries have ratified the Equal Remuneration Convention (C100) and the Discrimination (Employment and Occupation) Convention (C111), which are ILO core conventions. Other ILO conventions that have a focus on gender equality include the Workers with Family Responsibilities Convention (C156), which has not been ratified by any of the four countries; the Maternity Protection Convention (C183), which has only been ratified by Morocco and not by the other three countries; and the recently adopted Harassment and Violence at the Workplace Convention (C190) which had not yet been ratified by any country worldwide at the time of writing this report. Ratification will allow the ILO to work with individual countries to help them align national legislation with the ratified conventions.
- **Capitalise on the momentum created by the ILO Future of Work Initiative,** which has a focus on achieving gender equality at work. For example, this initiative has produced useful analytical work and has created stakeholder networks that can be used for advocacy for further reforms. Participating in international initiatives on gender equality at work, such as the Equal Pay International Coalition (EPIC; Box 2.1), can also keep up momentum.

### ***Improve legal frameworks further***

- Include a non-discrimination provision in the labour code together with special provisions on women's rights at work, such as equal remuneration for work of equal value.

- Remove all discriminatory legal provisions related to women's participation in the labour market, such as those that prohibit women from entering certain professions, working at night or working the same amount of hours as men.
- Revise personal status laws so that women do not need to seek the approval of a male family member in order to be able to work. Support programmes to improve social norms surrounding women's participation in the labour market.
- Include a gender aspect in employment/entrepreneurship policies and ensure that national women's/gender equality strategies address all aspects of gender equality at work.

### ***Increase equality in the workplace***

- Enhance gender balance in corporate governance through quotas and the inclusion of a gender equality provision in corporate governance codes.
- Research and document private sector initiatives on gender equality at country and regional level and give more visibility to these initiatives.
- Introduce flexible work in the legislation and in practice and encourage both women and men to take advantage of this option so that men can share family responsibilities.
- Improve labour inspections that focus on gender equality so that legal provisions on non-discrimination and gender equality are enforced.

### ***Extend social protection to improve work-life balance***

- Continue the reforms of countries' social protection systems with a focus on addressing gender inequalities and promoting women's participation in the labour force.
- Align the duration of maternity leave with the ILO Maternity Convention and introduce a system whereby social protection costs do not only fall on the employer but are distributed across male and female workers. Introduce and/or extend paternity leave and encourage fathers to take up this leave in order to share family responsibilities.
- Invest in quality childcare facilities and provide incentives to companies who wish to establish such facilities. Make these facilities available for the children of both male and female employees.
- Make sure that taking up flex work does not have a negative impact on social protection coverage.
- Launch a public-private dialogue on the provision of social protection services to align services provided by the state with those provided by the private sector.

### ***Involve more women in social dialogue***

- Boost women's participation and leadership in workers' and employers' organisations through quotas, women's sections, and training on gender equality for members. Leverage women's increased participation in social dialogue to conclude collective bargaining agreements that enhance women's economic empowerment.

### ***Support women entrepreneurs***

- Encourage women entrepreneurs by making it easier to access financial services, microfinance, and business formalisation.
- Implement existing financial inclusion strategies and offer financial services programmes that are specifically tailored to women.
- Continue the discussions on equality in inheritance and penalise the illegal deprivation of inheritance.

- Facilitate the formalisation of businesses by offering incentives and streamlining registration requirements/procedures.
- Include gender equality provisions in investment laws and follow up on their implementation so that women entrepreneurs also get to access and benefit from investment opportunities.

## Annex 2.A. Selected ILO conventions and publication country ratification status

**Annex Table 2.A.1. Selected ILO conventions and publication country ratification status**

Convention	Egypt Ratified	Jordan Ratified	Morocco Ratified	Tunisia Ratified
Freedom of Association and Protection of the Right to Organize Convention (C87)	✓	✗	✗	✓
Right to Organize and Collective Bargaining Convention (C98)	✓	✓	✓	✓
Equal Remuneration Convention (C100)	✓	✓	✓	✓
Social Security (Minimum Standards) Convention (C102)	✗	✓	✗	✗
Discrimination (Employment and Occupation) Convention (C111)	✓	✓	✓	✓
Minimum Age Convention (C138)	✓	✓	✓	✓
Workers with Family Responsibilities Convention (C156)	✗	✗	✗	✗
Worst Forms of Child Labour Convention (C182)	✓	✓	✓	✓
Maternity Protection Convention (C183)	✗	✗	✓	✗
Domestic workers Convention (C189)	✗	✗	✗	✗
Harassment and Violence in the Workplace Convention (C190)	✗	✗	✗	✗

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## Notes

<sup>1</sup> The principle of equality between men and women is included in the constitutions of Morocco, Tunisia and Egypt. In Jordan, the constitution states the principle of equality and prohibits discrimination on the grounds of race, language and religion but does not include gender.

<sup>2</sup> The Jordanian Labour Law does not provide a legal principle for equality. The other countries covered by the publication do prohibit gender discrimination in the labour law: Article 35 Egyptian Labour Law No. 12/2003; Article 5 bis added to the 1966 Tunisian Labour Law by Law of 1933; and Article 9 of the 2003 Moroccan Labour Law.

<sup>3</sup> Table 1 at the start of this report contains an “at-a-glance” summary of all the themes of the case studies and in-depth boxes.

<sup>4</sup> The problem of sexual harassment is covered in Chapter 3.

<sup>5</sup> ILO Workers with Family Responsibility Convention, 1981 (No. 156).

<sup>6</sup> In Egypt, a public-sector female employee may request half-time work for half pay. In Tunisia, male and female employees in the private sector may ask for part-time work in order to look after a child below the age of six or a disabled or sick member of the family. In the public sector, women may work part-time and receive up to two-thirds of their salary (OECD, 2017<sup>[2]</sup>).

<sup>7</sup> The labour code of Egypt does not mandate equal remuneration for work of equal value in line with the ILO Equal Remuneration Convention. However, it prohibits “Discrimination in wages based on sex, origin, language, religion or ideology”.

The labour code of Tunisia does not mandate equal remuneration for work of equal value in line with the ILO Equal Remuneration Convention. However, Sec 5bis of the Labour Code establishes, in general, the principle of equality between men and women. Art 40 of the Constitution foresees that ‘all citizens, male and female, shall have the right to decent working conditions and to a fair wage’.

Source: <https://wbl.worldbank.org/>

<sup>8</sup> Regulation No. 22 of 2017 on Flexible Employment, Official Gazette, 22. February 2017.

<sup>9</sup> The minimum wage is JOD 220 for Jordanians and JOD 150 for non-Jordanians.

<sup>10</sup> Flexible Working Instructions, Official Gazette No. 5509 of 2018, page 1982.

<sup>11</sup> The revised G20/OECD *Principles of Corporate Governance* provide a non-binding reference for policy makers to build effective corporate governance processes (OECD, 2015<sup>[7]</sup>).

<sup>12</sup> Policy makers, representatives of stock exchanges, not-for-profit organisations, insolvency professions and business leaders from the countries and economies of the Middle East and North Africa, including Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, the Palestinian Authority, Tunisia, Syria, Saudi Arabia, Qatar, Yemen and the United Arab Emirates, gathered with international and regional experts for the 5th Regional Annual Corporate Governance Conference organised by the Hawkamah Institute for Corporate Governance, the OECD and the Oman Capital Markets Authority and endorsed by the Muscat Declaration. See <https://www.oecd.org/daf/ca/46897134.pdf>.

<sup>13</sup> Jordan’s 2012 Corporate Governance Code includes gender balance among the factors to be considered in the composition of boards of directors (Available in English at: [www.ecgi.org/codes/documents/jordanian\\_cg\\_code\\_2012\\_en.pdf](http://www.ecgi.org/codes/documents/jordanian_cg_code_2012_en.pdf)). Morocco’s 2008 Code of Good Corporate Governance Practices states that the governing body must be composed of members who, among other qualities, ensure diversity, including gender balance, “to provoke real debate and avoid the systematic search for consensus” (available at: [www.cgem.ma/upload/1151817115.pdf](http://www.cgem.ma/upload/1151817115.pdf)). A 2011 annex to the Moroccan code on the governance of state-enterprises uses similar language, though annexes covering small businesses and credit institutions do not (2008 *Code Spécifique de Bonnes Pratiques de Gouvernance des PME et Entreprises Familiales*, available at: [www.ecgi.org/codes/documents/good\\_practice\\_code\\_morocco\\_oct2008\\_fr.pdf](http://www.ecgi.org/codes/documents/good_practice_code_morocco_oct2008_fr.pdf)).

<sup>14</sup> For example, Convention No. 121 on Employment Injury Benefits, No. 128 on Old Age and Survivors Benefits, No. 130 on Medical Care and Sickness Benefits, or No. 183 on Maternity Protection (see Annex 2.A).

<sup>15</sup> The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102). On 12 February 2014 Jordan accepted Part V. Old-age benefit; VI. Employment injury benefit; IX. Invalidity benefit; and X. Survivor’s benefit.

<sup>16</sup> Provisional Social Security Law No. 30 of 1978, Official Gazette No. 2816, 16/10/1978, adopted on 30 July 1978.

<sup>17</sup> This information was collected during an interview with Asma Khader, Sisterhood Is Global Institute executive director.

<sup>18</sup> SADAQA has also expanded its portfolio to work on the structural barriers to entry for women into the workforce which include the lack of public transportation and pay inequity. SADAQA has been working in close cooperation with a range of stakeholders including ILO as well as the Ministry of Labour and has recently started working with UN Women.

<sup>19</sup> The labour codes of Egypt and Morocco require private sector employers to provide daycare facilities on site when they employ more than 100 and 50 women respectively. The Tunisian labour code does not oblige employers to provide daycare facilities.

<sup>20</sup> The ILO Convention No. 154 on the Promotion of Collective Bargaining defines collective bargaining as follows: collective bargaining extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

<sup>21</sup> The gender wage gap is defined as the difference between the median earnings of men and women relative to the median earnings of men. See Chapter 1, and also <https://data.oecd.org/earnwage/gender-wage-gap.htm>.

<sup>22</sup> International Covenant on Economic, Social and Cultural Rights, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>23</sup> The “Way forward after the revolution: decent work for women in Egypt and Tunisia” project was launched by ILO in partnership with the Ministry of Foreign affairs of Finland. It is currently in phase II of its implementation (1 April 2018 – 31 March 2021). For more information about the project, see: [https://www.ilo.org/africa/technical-cooperation/WCMS\\_673357/lang--en/index.htm](https://www.ilo.org/africa/technical-cooperation/WCMS_673357/lang--en/index.htm).

<sup>24</sup> Ministerial Decree no. 1 of 2019, Ministry of Manpower of Egypt. A comprehensive summary of the content of the decree in Arabic is available online at <https://sis.gov.eg/Story/181405> يصدر -العاملة-القوى-وزير/ بين-الجنسين-المساواة لتحقيق-بالوزارة-وحدة-بيانشاء-قرارا

<sup>25</sup> Article 1, Law No. 142 of 2019 amending several provisions of Law No. 213 of 2017.

<sup>26</sup> Federation of Egyptian Industries, Women in Business Unit, Strategic Objectives, see <http://www.fei.org.eg/index.php/ar/wib-goals-ar> (in Arabic).

<sup>27</sup> The other members of the Network's steering committee are The National Council of Women (NCW), Alexandria Business Women Association (ABWA), Nilepreneur, Flat6Labs, Entreprenelle, Women of Egypt 21 (BWE 21), and Etijah. More information on the Network is available at: <http://www.seedegypt.org/women-entrepreneurs-network>.

<sup>28</sup> "ILO Official: Egypt is a model for gender equality", 16 February 2020, <https://www.youm7.com/story/2020/2/16/4633662> (in Arabic).

<sup>29</sup> Article 6 of the Jordanian Constitution prohibits discrimination based on race, language and religion, without reference to gender-based discrimination specifically.

<sup>30</sup> The Jordanian Labour Law does not provide a legal principle for equality. The other countries covered by the publication do prohibit gender discrimination in the labour law: Article 35 Egyptian Labour Law No. 12/2003; Article 5 bis added to the 1966 Tunisian Labour Law by Law of 1933; and Article 9 of the 2003 Moroccan Labour Law.

<sup>31</sup> Including the head of the Women's Economic Empowerment Section of MOLE as well as labour inspectors.

<sup>32</sup> Loi n° 114-13 du 19 février 2015 relative au statut de l'auto-entrepreneur. See: [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=98839](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=98839).

<sup>33</sup> See <http://ae.gov.ma>.

<sup>34</sup> The Alliance for Financial Inclusion is a network of central banks, supervisors and other financial regulatory authorities.

<sup>35</sup> The full declaration is available at: <https://www.afi-global.org/maya-declaration>.

<sup>36</sup> The strategy is available at:

<http://www.cbj.gov.jo/EchoBusv3.0/SystemAssets/PDFs/2018/The%20National%20Financial%20Inclusion%20Strategy%20A9.pdf>.

<sup>37</sup> See <https://financialallianceforwomen.org>.

<sup>38</sup> Today 50% of the economy still operates informally.

<sup>39</sup> Banks are often reluctant to lend to micro enterprises, because of the high risk involved. Microfinance institutions take commercial loans to lend smaller amounts to microenterprises and are hence less reluctant to lend to small and micro enterprises.

<sup>40</sup> The law was implemented as a decree due to the lack of an operating Parliament between June 2012 and October 2015. The law in Arabic is available at:

[http://www.fra.gov.eg/content/efsa\\_ar/pool\\_extra\\_efsa/UG33615UG33616.pdf](http://www.fra.gov.eg/content/efsa_ar/pool_extra_efsa/UG33615UG33616.pdf).

<sup>41</sup> For more information on the event, see: <https://egyptinnovate.com/en/events/3rd-annual-microfinance-forum>.

<sup>42</sup> The GIZ accompanied this process with the project "Promotion of the Microfinance Sector in the MENA Region", which operated in Egypt, Jordan and the Palestinian Authority. The project provided technical advice for policy making and regulations and for service structures of microfinance institutions. It also supported authorities to strengthen the legal framework and the supervisory capacities to strengthen the microfinance sector. The World Bank, too, accompanied this process with the project "Enhancing Access to Finance for Micro and Small Enterprises", contributing a line of credit for microfinance and for small enterprise finance.

<sup>43</sup> Today, microfinance institutions, NGOs and banks focus on how they can develop their business to capitalize on the tremendous potential of the microfinance industry in Egypt. The fact that microfinance institutions rose in numbers, can potentially lead to a larger number of people who receive loans and a

stronger formal financial sector. The improved availability of funding for micro and small enterprises will also have a positive impact on the growth of the economy more broadly.

<sup>44</sup> This is true both inside marriage and upon marriage dissolution. Since 2000, women can file for khula divorce without being obliged to prove they have suffered harm. The only condition under this law is the waiver of any financial rights. The 2000 family law reform hence made divorce more accessible to a wider circle of women; though in practice it remains restricted to those who are financially independent. The extended decision-making power women gained from the 2000 family law reform can only be exercised if women have the economic means to provide for themselves. With the introduction of the Microfinance Law, the Egyptian Government went a step further in the empowerment of women and gave them the tools to gain more financial independence, in order also to exercise their social empowerment and their right to self-determination.

<sup>45</sup> The average of a microfinance loan is 2760 EGP (146 Euros), the expected interest/repayment rates are 17.56% per annum.

<sup>46</sup> According to World Bank data, accessible at: <https://data.worldbank.org/indicator/IC.FRM.FEMO.ZS?locations=EG> (accessed April 2020).

<sup>47</sup> The law is available at: <https://www.gafi.gov.eg/English/StartaBusiness/Laws-and-Regulations/PublishingImages/Pages/BusinessLaws/Investment%20Law%20english%20ban.pdf>.

<sup>48</sup> The government had introduced substantial amendments to the 1997 Investment Law in 2015 which made substantial improvements to its core provisions. Following its lukewarm reception, and in a renewed attempt to signal the pro-investment stance of the government, MIIC and GAFI introduced another new investment law, Law No. 72 in 2017, which formally replaced the Investment Law No. 8/1997 and its subsequent amendments. It was promptly followed by the adoption of the corresponding Executive Regulations in October 2017. The substantive content of the new law did not evolve significantly and retained most of the main changes introduced by the 2015 amendment.

# 3

## Decent work for the most vulnerable

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Agenda 2030 for Sustainable Development calls on countries to “leave no one behind” and to target support towards the most vulnerable groups in society. In the MENA region and worldwide, there has been a shift from addressing the situation of women overall to targeting different groups of women, recognising that women are a heterogeneous group. This is a positive evolution since vulnerable groups of women may require targeted approaches and specific legal reform efforts. This chapter outlines recent reforms and initiatives in Egypt, Jordan, Morocco and Tunisia to improve the protection and economic empowerment of vulnerable groups of women, in particular domestic workers, rural women and refugee women. The chapter features in-depth case studies from Jordan, Morocco and Tunisia, as well as several boxes that highlight relevant initiatives. The chapter concludes with some policy recommendations drawn from the lessons from the case studies and research.

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## Infographic 3.1. Decent work for vulnerable women

### Decent work for vulnerable women

### PROMISING PRACTICES AND POLICY RECOMMENDATIONS

#### Domestic workers

International conventions		Promising practices
 Over 60% of domestic workers are female in MENA.		 Morocco and Jordan now have laws <b>covering domestic workers</b> , who were previously not covered by labour legislation.
 In some countries, up to 97% have no contract.		 Tunisia's law on violence against women <b>prohibits economic exploitation</b> , which can take the form of hazardous and degrading work, including domestic work.
 Domestic workers are at significant risk of <b>harassment</b> , often sexual.		 Algeria, Egypt, Morocco and Tunisia provide <b>specific social protection schemes</b> for the domestic work sector.
		 MENA countries are improving <b>labour inspections</b> with the support of ILO so they focus on gender equality.

#### Rural women

International conventions		Promising practices
 35% of MENA's population lives in rural areas.		 Of the four countries, only Morocco's labour code covers agriculture workers and includes <b>specific provisions</b> for them.
 27% of MENA women work in agriculture compared to 18% of men.		 The four countries have invested in <b>building the evidence base</b> for reform in favour of rural women.
 Most of them lack access to <b>social protection</b> .		 Public and/or private sectors in Egypt, Morocco and Tunisia facilitated rural women's <b>social protection coverage</b> .
		 Morocco has <b>facilitated women's access to land</b> . A women's grassroots movement advocated for legislative reforms that granted them equal access to collective land.

#### Refugee women

Jordan and Lebanon	International conventions	Promising practices
<ul style="list-style-type: none"> <li>Host 75% of refugees in the MENA region.</li> <li>Women account for more than 50% of refugees registered.</li> <li>Most refugees work in the informal sector.</li> </ul>	 Egypt, Morocco and Tunisia have ratified the <b>Refugee Convention</b> and its <b>Protocol</b> , which gives refugees the right to work and mentions that refugees should be treated in the same way as nationals when it comes to "women's work".	 Jordan has adopted the " <b>Jordan Compact</b> " to help Syrian refugees participate in the <b>labour market</b> . The Jordan Response Plan for the Syria crisis 2018-2020 included a focus on women in <b>social protection</b> .

#### Policy recommendations

 Continue <b>building the evidence base</b> on vulnerable groups of women, and analyse and disseminate this data on a regular basis.	 Continue to acknowledge the particular situation of <b>refugee women</b> in relevant policy documents related to refugees' participation in the host countries' labour market.
 Work with social partners and the ILO towards <b>ratifying the ILO conventions</b> that focus on vulnerable categories of workers. This will allow the ILO to support countries to align their national legislation with the ratified conventions.	 Make sure that more development co-operation programmes and projects are implemented in <b>remote areas</b> to reach vulnerable rural populations.
 Provide protection to categories of <b>workers who fall outside the scope of the labour code</b> . Laws should guarantee the same rights as offered in the labour code.	 Continue efforts to <b>formalise</b> the informal economy with a focus on sectors where women are predominantly present. Make registration for social protection schemes easier by <b>simplifying</b> the registration procedures and requirements and by <b>using technology</b> .
 Address the concerns of <b>rural women</b> through either through issuing a specific rural women's policy or mainstreaming gender throughout agricultural policies.	 Make <b>labour inspections</b> in rural areas and private premises possible and train labour inspectors in investigating the specific situation of agricultural and domestic workers, especially women.

### 3.1. Introduction

Agenda 2030 for Sustainable Development has a strong focus on leaving no one behind. This has given the impetus for MENA countries to provide decent work opportunities for women who are particularly vulnerable in the labour market. Promoting opportunities for women to obtain decent work should apply not only to the formal labour market, but also to all types of workers and employers (ILO, 2002<sup>[1]</sup>). MENA countries typically have a large informal sector (Annex 1.B in Chapter 1 for the definition of informal employment). While there are lower levels of informal employment among women than men, women are typically overrepresented in the most vulnerable jobs (Chapter 1), especially paid domestic work, and in agriculture. The region hosts a large refugee population, whose status often leaves them no choice but to resort to informal employment.

In general, informal sector workers are not covered by the labour code. In addition, the four countries' labour codes explicitly exclude certain categories of workers including domestic, agricultural and contributing family workers.

The case studies and boxes in this chapter show that countries are taking steps to improve the legal protection and economic empowerment of vulnerable categories of workers, including domestic workers, rural women and refugee women. Jordan and Morocco have issued specific legislation covering domestic workers, which previously fell outside the scope of labour legislation. While these frameworks have lower standards than the generic labour law, it is envisaged that these measures will help to formalise the domestic worker sector and empower domestic workers. Morocco is the only case study country that covers agriculture sector workers in its labour code. It has also issued a law granting equal access to collective lands for women and men. Tunisia has amended its legislation to extend the social protection system to different categories of rural women. The legal situation of refugees in the region remains extremely complicated, with host countries facing difficulties in providing them with decent work opportunities. Women refugees face additional challenges in this regard. Jordan and Egypt are therefore implementing innovative initiatives to provide livelihood opportunities for women refugees.

The case studies examine how and why the reforms or initiatives came about, the actors involved and how the reforms are being/will be implemented, as well as highlighting key success factors. The information shared in the case studies has been discussed extensively with stakeholders in the respective countries (Annex A at the end of the report contains a list of resource persons in each country; Annexes B, C and D describe the methodological process). The chapter also includes boxes that analyse initiatives targeting vulnerable women based on desk review.<sup>1</sup> Some boxes highlight tools that can aid legislators and policy makers in engaging in such reforms. Finally, the chapter makes some policy recommendations based on the lessons from the case studies and research.

### 3.2. Domestic workers

Domestic workers are employed in the homes of others to provide a range of domestic services: to clean, wash clothes and dishes, shop, cook, care for children or the elderly, sick and disabled, and/or perform other services such as gardening, driving and security. In the MENA region, there is high demand for domestic work. The concentration of migrant domestic workers in the region is especially high in the Gulf countries, while in North Africa the share of migrant workers as a proportion of all workers is below 1.5%. The vast majority of MENA's domestic workers are informally employed and the majority of them are female (ILO, 2015<sup>[2]</sup>). These workers are highly vulnerable and at significant risk of harassment, often sexual (Chapter 1). One survey conducted by the Association of Tunisian Women for Research and Development (AFTURD) indicated that almost 97% of them had no job contract and that over 14% claimed to have been victims of sexual abuse at work (Bougeurra, 2017<sup>[3]</sup>). Many domestic workers are underage – mainly girls (Box 3.1).

### Box 3.1. Children in domestic work

There are 11.5 million child domestic workers globally – just over 67% are girls. Child labour makes it more difficult for girls and boys to find decent work when reaching the legal working age because they have usually missed the chance to attend school and are often already trapped in cycles of abuse and poverty, which continue over generations. Child labour is often not captured in official statistics, including in the MENA region.

Human Rights Watch has done extensive research into the situation of child domestic workers in Morocco, indicating that many of the young girls work in terrible conditions and are often verbally and physically abused by their employers. The majority of them receive very low pay and work long hours.

An ILO study of child domestic workers in Tunisia indicated that many children, particularly young girls, are exploited as informal domestic workers at ages lower than 16. Daily working hours amounted to 12 for nearly 20% of surveyed girls and exceeded even 13 hours for nearly 14% of them. In Egypt, girls are three times as likely as boys to engage in child labour, most of them as domestic workers.

Source: Human Rights Watch (2012[4]), *Lonely Servitude, Child Domestic Labour in Morocco*, <https://www.hrw.org/sites/default/files/reports/morocco1205wcover.pdf>; ILO/IPEC/CAPMAS (2012[5]), *Working Children in Egypt: Results of the 2010 National Child Labour Survey*, [https://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_21017/lang--en/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_21017/lang--en/index.htm).

There are a number of ILO Conventions that address domestic work. The most relevant is ILO Convention 189 concerning decent work for domestic workers, ratified by 27 countries worldwide, none of them MENA countries. ILO Convention 138 on Minimum Age for Admission to Employment and ILO Convention 182 on the Worst Forms of Child Labour are ILO Core Conventions – they have been ratified by all four countries covered by this publication.<sup>2</sup>

The International Labour Organization (ILO) reports that in most MENA countries, domestic workers are not covered by the national labour law. Some countries in the region, including Morocco and Jordan, have recently issued specific legislation covering domestic workers, but it has lower standards than the generic labour law (ILO, 2017<sup>[6]</sup>). Jordan can be considered as a pioneer on legal frameworks protecting domestic workers in the region. In 2008, Jordan amended its labour code to repeal a provision that excluded domestic workers from its scope of application. Following this amendment, regulations were issued covering the obligations of domestic workers and their employers as well as the organisation of private offices for recruiting and hiring non-Jordanian domestic workers. However, some of these legal provisions are not in line with ILO standards on domestic workers and have not been fully implemented. The Ministry of Labour continues to receive a large number of complaints from domestic workers, including on unpaid and illegal deduction of wages, forced overtime, restrictions on freedom of movement, identity paper retention, threats and physical violence.

Tunisia's recent law on violence prohibits economic exploitation, which can take the form of hazardous and degrading work, including domestic work (discussed in Case Study 4.4 in Chapter 4).

Case Study 3.1 analyses Morocco's recent efforts to guarantee minimum standards for domestic workers, mostly women. The country recently adopted a legislative framework on domestic workers. While this framework has lower standards than the generic labour law, it is envisaged that these measures will help to formalise the domestic workers sector and empower domestic workers. Box 3.2 outlines the key role played by labour inspectors in enforcing standards and identifying vulnerable women, and suggests that greater support and training are required for them to fulfil this role.

### ***Case study 3.1. Improving conditions for domestic workers in Morocco***

A variety of international organisations and civil society actors in Morocco have been raising the issue of child domestic workers in Morocco since the late 1990s. Human Rights Watch reported that these child domestic workers, some of them only eight years old, have been verbally abused by their employers and are not getting decent meals. Some of them work 12 hours a day, seven days a week for only around EUR 9 a month (Human Rights Watch, 2018<sup>[7]</sup>). This also makes it impossible for them to attend school. While child labour is prohibited in the Moroccan labour code, it does not cover domestic workers. In addition, domestic workers are often informally recruited and in many cases do not have a written employment contract.

#### *What is the reform and how did it come about?*

In the early 2000s, the ILO and Human Rights Watch (HRW) issued a range of reports which mentioned that even though the number of child domestic workers in Morocco is decreasing, many girls employed as domestic workers were still working in terrible conditions (Understanding Children's Work (UCW) Project, 2004<sup>[8]</sup>; Human Rights Watch, 2005<sup>[9]</sup>) (Box 3.1). In 2012, HRW issued another report calling for improvements to the situation of child domestic workers in Morocco (Human Rights Watch, 2012<sup>[4]</sup>). While the report recognised the efforts of the Moroccan Government in addressing child domestic work, it mentioned that more remained to be done, including enhancing the legal protection of child domestic workers. It urged the government to speed up the process of adopting a draft domestic workers law and to bring its provisions into line with ILO standards on domestic workers. In response to a request from parliament, the Moroccan National Human Rights Council (CNDH) also issued an assessment and recommendations on the draft law, which reflect some of HRW's recommendations.<sup>3</sup> Several trade unions and civil society organisations were involved in the drafting process, supported by UN agencies.

In response to the pressure from the international community, the Moroccan Parliament approved the domestic workers law in 2016, which entered into force in October 2018.<sup>4</sup> The law starts by defining domestic work(er) and employer. It then includes a list of tasks that are considered domestic work. The law foresees that a contract should be drawn up between the domestic worker and its employer, based on a specific contract model set by decree.<sup>5</sup> One copy of the employment contract should be given to the relevant labour inspectorate so that labour inspectors can check the content of the contract against the law.

The law sets the minimum age for a domestic worker at 18 years. However, a transition period of five years is foreseen during which youths between 16 and 18 years can be employed under the condition that they have written authorisation from their guardians. The law specifies the type of hazardous work that is prohibited for young people between 16 and 18 and an additional decree further completes this list.<sup>6</sup>

The law states that the employer must take all necessary steps to ensure that the security, health and dignity of their domestic worker is guaranteed. The maximum work hours are fixed at 48 hours per week (and 40 hours for workers between 16 and 18 years of age). The law also regulates weekly rest, nursing breaks, and leave. It specifies that the salary cannot be less than 60% of the minimum wage applied in industry, trade and liberal professions. In-kind benefits cannot be counted as components of the cash salary. The law protects the domestic worker in case of dismissal, and foresees that domestic workers can benefit from education and training programmes provided by the state.

Domestic workers and their employers can file complaints with the labour inspection unit if the employment contract is not properly implemented. The labour inspection unit will then attempt to mediate. If mediation is not successful, the inspector can transfer the case to a Public Prosecutor's office. If found to be violating the law, employers can face financial penalties and possibly imprisonment. The Prosecutor's office issued a circular in December 2018 to encourage the enforcement of the law. The circular calls for communication

with all parties concerned, including labour inspectors. The circular also instructs one or more prosecutors to receive in each court the requests and cases related to the law.

In 2019, a decree came into force which obliges employers of domestic workers to register their personnel with the National Social Security Fund (CNSS). It foresees that social security contributions will be covered by both the employer and the employee. In this way, domestic workers will be able to benefit from the same social security benefits as private sector employees (Medias24, 2019<sup>[10]</sup>; ALM, 2019<sup>[11]</sup>). Other MENA countries that have specific social protection schemes for the domestic work sector include Algeria, Egypt and Tunisia (ILO, 2016<sup>[12]</sup>).

*What are the impacts, implementation challenges and factors for success?*

Improving conditions for domestic workers is difficult since it concerns a complex working relationship<sup>7</sup> that takes place in the home and involves vulnerable categories of workers. Morocco has shown serious commitment in addressing the situation of its domestic workers. The reform is a result of many years of advocacy and negotiation, backed up by evidence of the dire situation of many domestic workers in the country. The new legislative framework on domestic workers is a great step forward and should contribute significantly to the greater empowerment of female domestic workers, who were previously excluded from the labour law and lacking in any kind of protection. Domestic workers can now benefit from minimum standards for example wages and leave. In addition, they can also take advantage of social security benefits.

The real impact of the law remains to be seen as it will largely depend on whether employers draw up contracts with their domestic workers; whether and how labour inspectors investigate compliance; and whether non-compliance with the law is addressed. Currently, there are no up-to-date figures available of how many domestic workers have already been registered in Morocco.

Detailed analysis by Human Rights Watch and a number of national organisations finds that the legislative framework on domestic workers in Morocco could be improved further (Human Rights Watch, 2018<sup>[7]</sup>). A number of recommendations issued by HRW and CNDH on the draft domestic workers law were not taken into consideration in the final version of the law. Key concerns are as follows:

- First and foremost, the law should provide at least the same guarantees to domestic workers as to other categories of workers covered by the Moroccan labour code. The Moroccan labour code fixes the maximum hours of work at 44 hours per week while the domestic workers law fixes this at 48 hours.
- The minimum wage for domestic workers can be 40% less for workers in other specified sectors.
- The domestic workers law does not mention freedom of association,<sup>8</sup> which is guaranteed by the constitution and the labour code.
- A major challenge in ensuring compliance is that Moroccan labour inspectors are not allowed to enter a private premises (home) to inspect the situation of domestic workers (Box 3.2). And even if they are allowed to do so, they may need additional training on how to carry out inspections of domestic workers.
- The complaint mechanism provided for in the domestic workers law is not adequate for securing proper access to justice in case of dispute and labour inspectors are not the right actors for ensuring mediation between the different parties involved in a conflict.

It is recommended that Morocco ratify the ILO Convention 189 concerning decent work for domestic workers, which could be an impetus for further protection of domestic workers rights. ILO has specific tools such as a manual (ILO, 2012<sup>[13]</sup>) to promote this convention and to help countries in moving from ratification to implementation.

Awareness-raising campaigns are underway for both Moroccans and expats to register their domestic workers and to respect the provisions of the new legislative framework. It may be beneficial to provide incentives to employers and provide support for them to register their domestic workers.

### **Box 3.2. Labour inspection and gender equality in MENA countries**

Labour inspectors play an important role in making sure that legal provisions on non-discrimination and gender equality are enforced. They also contribute to the evidence base on women's workplace conditions by documenting their situation.

Labour inspections that focus on gender equality in MENA countries face a number of challenges. A first challenge is that the legislation in most MENA countries does not protect several categories of workers (including domestic, agricultural, contributing family workers and workforce active in the Free Industrial Zones). Most workers in these sectors are women. Because the labour law does not cover these categories of workers, visits by labour inspectors to these "work places" are not allowed. In addition, labour laws in MENA countries generally do not have a focus on non-discrimination. This means that labour inspectors tend not to look for discriminatory practices. Linked to this, the majority of MENA countries do not include specific gender equality indicators for labour inspections, which means there is little impetus for labour inspectors to look for gender aspects.

In some countries, only female labour inspectors are allowed to inspect work places with mostly female employees. Yet even though more female labour inspectors have been recruited in some MENA countries recently, their numbers remain low.

ILO is supporting MENA countries in a variety of ways to improve labour inspections so they focus on gender equality. For example, it has issued a guidebook for labour administrations in MENA countries on labour inspection, gender equality and non-discrimination. The book outlines gender discrimination issues that may arise during the employment cycle. It then gives practical exercises and tools to address it.

Source: ILO (2014<sup>[14]</sup>), *Labour Inspection, Gender Equality and Non-discrimination in the Arab States: Guide Book*, [https://www.ilo.org/beirut/publications/WCMS\\_249296/lang--en/index.htm](https://www.ilo.org/beirut/publications/WCMS_249296/lang--en/index.htm); ILO Convention No. 81 on Labour Inspection, available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C081](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C081).

### **3.3. Rural women**

While rural exodus is a fact in the MENA region as part of the economies' structural transformation, 35% of the population still lives in rural areas (compared to 20% in OECD countries) and the agricultural sector contributes significantly to some MENA economies (World Bank, 2018<sup>[15]</sup>; World Bank, 2017<sup>[16]</sup>). Agriculture is a job-rich sector but working conditions are often poor. It is typically an informal sector, often not covered by the country's labour laws and most workers lack access to comprehensive social protection systems.

Rural women face many challenges in the agricultural sector, including in the MENA region. They often have extremely heavy workloads since they combine physically demanding farm work (often in a family context and without a decent salary) with unpaid care work. Rural women face greater challenges than rural men in accessing education and information, social protection, productive resources (e.g. land; Box 3.6), markets, financial services and technology (FAO/CTA/IFAD, 2014<sup>[17]</sup>). Rural women are generally also disadvantaged compared to their urban peers. Traditional norms and stereotypes are more

entrenched in rural areas, leading to very limited inclusion of women in leadership at the local level and limited decision-making power within their families (Chapter 1) (FAO, 2019<sup>[18]</sup>).

MENA countries have made significant efforts recently to improve the situation of rural women, who are often operating in the informal sector and are excluded from any legal protection (Box 3.3). The case studies show the following progress being made:

- **Building the evidence base.** Countries have invested in building the evidence base for reform in favour of rural women. This is particularly important in countries where agriculture still contributes significantly to GDP, such as Egypt, Morocco and Tunisia. The four countries have produced data on rural women as well as on women in agriculture (Case Study 3.2); however, more regular data collection and analysis are needed that are comparable over time and between countries. UN agencies such as UN Women, the International Fund for Agricultural Development (IFAD), the FAO and the ILO have supported countries in producing specific reports on rural women in the four countries. It would be good if this effort can be sustained over time with regular reports.
- **Making social protection more easily available to rural women.** For example, initiatives have been taken in Tunisia to facilitate rural women's social protection coverage (Case Study 3.2), and in Egypt (Box 3.5). The social and solidarity economy concept also offers a lot of potential to rural women. Agricultural co-operatives and women producers' organisations are part of this concept and can offer support services to their members and complement social security services offered by the state. A draft law on the concept is underway in Tunisia (Case Study 3.2) and Morocco's Agriculture Plan (Plan Vert Maroc) includes a pillar on solidarity agriculture (Box 3.3). In Egypt, a campaign to ensure that rural women have citizenship status has vastly increased their access to a range of social benefits (Box 3.4). Some private-sector initiatives are also providing rural women with better working conditions (Box 3.5).
- **Facilitating women's access to land.** One of the biggest challenges for women in rural areas is their limited access to land. Box 3.6 describes the land access situation in MENA. Case Study 3.3 on Soulaliyate women in Morocco analyses how grassroots women managed to join forces and make their voices heard in the national debates on collective land. As a result of these advocacy efforts, the law granted equal access to collective land for Soulaliyate women.

Article 14 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) obliges countries to address the specific challenges that rural women face. The article states that rural women have a variety of rights, including the right to benefit directly from social security programmes; to obtain all types of training and education; to organise self-help groups and co-operatives in order to obtain equal access to economic opportunities; and to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes. The 62<sup>nd</sup> Commission on the Status of Women (CSW62) in 2018 was themed "Empowering rural women and girls" (UN Women, 2018<sup>[19]</sup>). This may have influenced the increased focus in MENA on this area. All four countries organised side-events at CSW62, which gave visibility to their initiatives in support of rural women (UN Women, 2018<sup>[20]</sup>).

In Jordan, Egypt and Tunisia, agriculture workers are not covered by the labour code. This means that in practice the agriculture sector is largely informal and its workers do not benefit from the necessary legal protection. The Moroccan labour code covers agriculture sector workers and includes specific provisions for their situation.

### Box 3.3. Regional round-up: policies for rural women in Egypt, Jordan, Morocco and Tunisia

The policy landscape for rural women varies across the four countries. **Tunisia** is the only country that has a specific strategy and action plan on rural women, which is led by the Ministry of Women's Affairs, Family, Children and Seniors. The strategy covers all aspects of rural women's empowerment (Case Study 3.2). In other countries, rural women are covered under the country's generic development plan, and/or under agriculture policies and gender policies. These policies usually do not offer a holistic response to the challenges of rural women.

**Morocco** addresses the situation of rural women under its *Plan Maroc Vert* (Ministère de l'Agriculture, de la Pêche Maritime, du Développement Rural et des Eaux et Forêts du Maroc, 2014<sup>[21]</sup>). One of the plan's pillars is solidarity agriculture (creation of and support to agricultural co-operatives) and income-generating activities mostly benefiting rural women. Morocco's Government Plan for Equality (PGE II) includes a specific objective on the economic empowerment of rural women (Moroccan Ministry of Family, Solidarity, Equality and Social Development, 2018<sup>[22]</sup>). The third phase of Morocco's National Initiative for Human Development also focuses on addressing poverty in rural areas and targeting rural women in particular (Morocco Ministry of Interior, 2019<sup>[23]</sup>); (IFAD/ILO, 2018<sup>[24]</sup>).

In **Egypt**, the National Strategy for the Empowerment of Egyptian Women 2030 includes a number of references to rural women. Egypt's Sustainable Agricultural Development Strategy, which dates back to 2009, includes a goal on strengthening the role of women in agricultural development. A gender team was part of the strategy design team which ensured the mainstreaming of gender throughout the strategy. This strategy is currently being updated (Box 4.1).

**Jordan's** National Green Growth Plan includes a dimension on social development which focuses on the benefits of green growth for women (Jordanian Ministry of Environment, 2017<sup>[25]</sup>).

### Case study 3.2. Improving social protection for rural women in Tunisia

Agriculture constitutes 9.5% of GDP in Tunisia, a little above the MENA average of 6% (World Bank, 2017<sup>[16]</sup>). With 32% of Tunisian women and girls living in rural areas (Tunisian Ministry of Woman, Family and Childhood, 2017<sup>[26]</sup>) it makes a lot of sense to address the challenges faced by rural women as a matter of priority.

The social protection system in Tunisia is complex and quite advanced. A myriad of legislative frameworks regulates the social protection regimes that apply to the agriculture sector, covering both salaried agricultural workers and self-employed farmers.<sup>9</sup> Despite these different regimes, women do not adequately benefit from them. One survey showed that only 10.5% of rural women reported being personally affiliated to the National Social Security Fund (NSSF) (UN Women/European Commission, 2016<sup>[27]</sup>). This is because the majority of them are already covered by social protection through their husbands. In addition, in order to benefit from certain social protection regimes in the agriculture sector, a minimum of 45 worked days per trimester is required while most women only work an average of 35 days per trimester.

As described in this case study, Tunisia has recently introduced a range of initiatives to improve the situation of rural women under the strong leadership of the Ministry of Women's Affairs, Family, Children and Seniors.

*What is the reform and how did it come about?*

Following a number of studies that laid out the situation of rural women in the country, the Ministry of Women's Affairs, Family, Children and Seniors took the lead in developing a National Strategy for the Economic and Social Empowerment of Rural Women and Girls 2017-2020.<sup>10</sup> The strategy consists of five pillars and also includes an action plan to implement it:

1. Economic empowerment: school-to-work transitions and skills mismatches, improved access to resources (including land) and markets, formalisation of the informal sector and promotion of the social and solidarity economy.
2. Social empowerment: reduce school dropout, improve access to decent work (pay equity, social protection, better working conditions).
3. Participation in public life and local governance.
4. Improved quality of life.
5. Production of data and statistics: data disaggregated by sex and location (rural/urban) for use in the design and evaluation of development plans.

Recently, important actions have been taken to improve the social protection of rural women in line with the strategy:

- In 2018, the Tunisian Head of Government introduced a Rural Women Week, which will take place every year at the occasion of the International Day of Rural Women (15 October). This will be the opportunity to raise awareness of the situation of rural women in the country and join efforts in addressing their challenges.
- A circular<sup>11</sup> was issued in 2018 to allow unemployed youth to rent land from the state. The Tunisian Head of Government announced that this circular will be amended so that at least 20% of this land will be earmarked for rural women (WMC/TAP, 2018[28]).
- In 2019 a decree was amended to extend the social protection system to different categories of rural women. Decree 916-2002 was amended in 2019 to ensure that rural women who currently do not benefit from any form of social protection will also be able to benefit from the social protection regime of Law n°2002-32 (WMC, TAP, 2019[17]). This should help to formalise the informal sector more broadly.
- The Ahmini programme, launched in May 2019, is a collaboration between the Ministry of Women's Affairs, Family, Children and Seniors, Tunisia Telecom and NSSF. The programme aims to register an additional 500 000 rural women with the NSSF, as they are currently not covered by any social protection programme. A simplified process to register with NSSF has been put into place, so that beneficiaries no longer have to submit a birth certificate. Once registered, contributions to NSSF can be paid by mobile phone (WebManagerCenter, 2018[29]). A team of analysts has been assigned to manage the users and register them in the social security system via a user-friendly digital platform. Women will then be able to pay their subscription via mobile phone to Tunisian Post, which will send the information to NSSF (Tunisian Ministry of Agriculture, 2018[30]).

In 2011, Tunisia began to implement a range of initiatives under the social and solidarity economy (SSE) concept.<sup>12</sup> SSE was acknowledged in Tunisia's Development Plan 2016-2020, with the objective of increasing the population involved in SSE from 0.5% to 1.5% by 2020 (Ministère du Développement, de l'Investissement et de la Coopération Internationale de Tunisie, 2016[31]). SSE is relevant for the agriculture sector and for rural women in particular since the main forms of social and solidarity enterprises in Tunisia include agricultural co-operatives and agricultural producers' organisations (Mbm Consulting, 2018[32]). These organisations offer a range of services to their members, which can support women farmers in particular. Currently, only 6% of Tunisian farmers are members of a co-operative, so there is still much room for improvement (FAO/BERD, 2019[33]). In order to better frame the SSE sector, the Tunisian General

Labour Union (UGTT) submitted a draft law on SSE in 2016 (Ministère de la Formation Professionnelle et de l'Emploi de Tunisie, n.d.<sup>[34]</sup>). Civil society organisations have been advocating to include a gender approach in the law, which is currently gender-neutral. The draft law has not yet been adopted.

*What are the impacts, implementation challenges and factors for success?*

Tunisia is the only one of the four countries to have a specific strategy and action plan for rural women. Its Rural Women Strategy is comprehensive and addresses various aspects of the lives of rural women that require attention, including their economic empowerment. The strategy's focus on data and statistics is important in order to be able to reflect the situation of rural women adequately. Implementation should be possible since the vast majority of financial resources have already been committed for this purpose. The strategy is linked to Tunisia's National Economic and Social Development Plan 2016-2020. It would be important to also address the situation of rural women in other policies and plans, such as the national employment strategy, which is currently being developed.

It is too early to assess the impacts of the amendments to Decree 916-2002, as they only occurred in 2019. Gender equality activists in Tunisia look forward to the adoption of the social and solidarity economy draft law, so that rural women's organisations can benefit from a legal framework as well as additional support services.

#### **Box 3.4. Egypt's Women's Citizenship Initiative**

Many rural and marginalised women in Egypt do not have identity cards, which reduces their political, social and economic rights. The government, supported by UN Women, has decided to address this issue. Since 2011, over 803 000 identity cards have been issued to rural and marginalised women in Egypt through the Women's Citizenship Initiative. The initiative used a successful outreach and awareness-raising approach – Knocking Door Campaigns – to reach over 2.5 million Egyptian women across all governorates. Women who now have identity cards report feeling more economically empowered since they can benefit from a range of services, including social protection schemes and financial services since they can now open a bank account.

Source: UN Women (2019<sup>[35]</sup>), *Achievements Report 2018*, <https://egypt.unwomen.org/en/digital-library/publications/2019/8/achievements-report-2018>.

### **Box 3.5. In-depth: private sector initiatives to improve the situation of rural women in Egypt**

Agriculture is one of Egypt's main economic activities, with the sector contributing 11.5% of GDP. Women play a critical role, with the sector employing almost half the female workforce (World Bank, 2018<sup>[36]</sup>). However, rural women face a number of obstacles in their access to economic activities, including limited access to land, financial services and training opportunities. In addition, early marriages are much more common in rural than in urban areas (13% of rural women under 20 as compared to 7% of urban women). Illiteracy rates are significantly higher among rural women than among urban women. Rural women are more likely to hold low-wage, part-time, seasonal jobs than men, who occupy more rewarding and higher skilled positions. Finally, the overwhelming majority of women working in the informal sector reside in rural areas (94%) (UN Women, 2018<sup>[37]</sup>). This box describes private-sector initiatives to improve the lives of rural women.

#### **The SEKEM initiative: strengthening the role of women in the agricultural sector**

The SEKEM initiative was founded in 1977 in the area of Bilbes, 60 km northeast of Cairo. SEKEM is a group of companies producing high-quality and ecological agricultural products, which are sold within Egypt and exported. It consists of several sectors, such as a biodynamic farm; trading companies for foods, herbal teas and beauty products, medical herbs and medicines; and organic cotton products. SEKEM provides employment for around 2 000 people (20% of them women), who mainly live in the surrounding villages. Besides its economic and ecological dimension, SEKEM also influences social and cultural life. It has a medical centre and an education system including nurseries, schools and a university. The SEKEM Group of Companies receives financial assistance from organisations such as the European Commission, the Ford Foundation and USAID, as well as the Acumen Fund and the German development finance organisation DEG.

In 2015, SEKEM developed a Gender Strategy for a Balanced Society in co-operation with the GIZ, with a focus on women's economic empowerment. The strategy acknowledges that women are struggling in Egypt "to find a balance between work and family life because of traditional family roles and in particular because of economic dependence".<sup>13</sup> SEKEM aims to support women to make their own choices about their education, work and lifestyle. Each part of the SEKEM organisation implements this aim.

SEKEM's female workers receive additional benefits besides those under the labour law standards set in Egyptian legislation (Chapter 2, including Box 2.4). For example, working mothers are guaranteed a place in SEKEM's nursery for their babies when they resume work. While Egyptian legislation does not offer paternity leave, SEKEM grants fathers the right to unpaid paternity leave for a period of one month. SEKEM is also offering diverse work arrangements for women, such as flexible working hours to encourage them to stay in the labour force while enabling them to meet family responsibilities.

SEKEM is working towards reaching a 50% female employment rate in all its sectors. It is also making progress in reducing the number of informal daily workers on the farm, which fell from 410 in 2015 to 168 in 2017. These daily labourers are often women, and as they are not part of the formal workforce and hence do not get access to the same benefits. An important step is to help daily workers to get legal papers and integrate them into a long-term relationship with one of SEKEM's subsidiaries (SEKEM, 2017<sup>[38]</sup>). SEKEM also foresees increasing the share of women in senior and middle-management positions, which stood at 13% in 2017.

#### **Empowering women in Egypt's agribusiness sector**

USAID and UN Women have been working with 10 agribusiness companies across Egypt to create a more gender friendly environment in the agribusiness sector. The project, which began in 2015, applied

the seven Women's Empowerment Principles (WEPs), developed through collaboration between UN Women and the UN Global Compact.<sup>14</sup> These principles offer a guide to companies in making their policies and practices more gender-responsive:

- Principle 1: Establish high-level corporate leadership for gender equality.
- Principle 2: Treat all women and men fairly at work – respect and support human rights and non-discrimination.
- Principle 3: Ensure the health, safety and well-being of all women and men workers.
- Principle 4: Promote education, training and professional development for women.
- Principle 5: Implement enterprise development, supply chain and marketing practices that empower women.
- Principle 6: Promote equality through community initiatives and advocacy.
- Principle 7: Measure and publicly report on progress to achieve gender equality.

The companies involved have started improving their human resources procedures, workplace settings and business practices to better address women workers' needs. Tangible results include providing secure job contracts to 400 female agricultural seasonal workers and good remuneration packages within firms that include bonuses, lunch allowances, social pension, medical insurance, and safe transportation. Furthermore, three firms have established childcare facilities, while the rest provide women workers with a child allowance. Ensuring equal access to jobs and investing in better working conditions (for both women and men) have also resulted in a range of benefits for the companies, who report "improved overall organisational performance, productivity and profitability, and improved image within their surrounding communities" (USAID/UN Women, 2019<sup>[39]</sup>).

Source: USAID/UN Women (2019<sup>[39]</sup>), *The Business Case for Improving Women's Working Conditions in the Agribusiness Sector in Egypt*, <https://egypt.unwomen.org/en/digital-library/publications/2019/04/the-business-case-for-improving-women-working-conditions-in-the-agribusiness-sector-in-egypt>.

### ***Case study 3.3. The Soulaliyate movement: enhancing women's access to land in Morocco***

Morocco is one country in the region that has made recent progress in enhancing women's access to land. This case study describes how the grassroots Soulaliyate movement emerged and how the movement has contributed to women's equal rights over collective land.

The progress on women's access to land in Morocco has to be placed in the context of the country's unique system of land management. Almost 42% of land in Morocco is collective land – owned collectively by the community/tribe (World Bank, 2008<sup>[40]</sup>). This type of land is governed by a Royal Decree that dates back to 1919 and falls under the authority of the Ministry of Interior.<sup>15</sup> At the community level, these lands are managed by an assembly of delegates, who have user rights over these lands. According to custom, generally only male heads of household have land user rights.<sup>16</sup>

Over time, more and more collective arable land has been individualised and handed over from the ethnic group as a whole to individual right holders from this group ("melkisation"). When this transfer happens, lists of "rights holders" are drawn up by the assembly of delegates of the community, under the supervision of the Ministry of Interior. In case of land transfer, compensation is paid to the other rights holders. As mentioned, women generally do not have user rights and hence do not benefit from this individualisation process.

Because of increased pressure on land and in line with Morocco's agriculture policy (Plan Maroc Vert) (Inter-Réseaux Développement Rural, 2016<sup>[41]</sup>), collective land is increasingly being transferred to

outsiders (for example for infrastructure and tourism projects). Often, these transfers are large-scale and thus have a big impact on the community. Communities receive different types of compensation in exchange for their land, including financial compensation or plots of land. Again, women do not have user rights, do not feature on the list of right holders and hence do not qualify for this compensation. This has led to conflicts in different communities about the criteria for featuring on lists of rights holders and being able to benefit from the compensation (Berriane, 2015<sup>[42]</sup>).

#### *What is the reform and how did it come about?*

In 2007, a circular was issued to clarify the criteria for being a rights holder. This circular specified that the assembly of delegates should meet to agree on the criteria. It mentions that gender can be one of the criteria in defining a right holder, thus justifying the exclusion of women.

The 2007 circular sparked the emergence of a women's movement (the Soulaliyate movement<sup>17</sup>) to demand women's equal rights over collective land. The movement was supported by a range of organisations including the Democratic Association of Moroccan Women (ADFM) and UN Women. The majority of women that are part of the Soulaliyate movement come from rural areas and few of them are educated (Ollivier, 2017<sup>[43]</sup>).

ADFM and UN Women have been building the capacities of the Soulaliyate women to lobby for their rights and to approach the leadership in their communities and their local authorities. A women's *caravane* travelled through different areas of Morocco so that the women could see that they are not alone in their challenges and that women in other regions face similar issues. They also supported women to receive national identity cards so that they can register as land rights holders.

The movement has been advocating for over ten years for a law on collective land that recognises the equal rights of both women and men over these lands. As a result of the movement, in 2009, 2010 and 2012, several circulars were issued by the Ministry of Interior that gradually extended women's access to land. The 2012 circular grants women and men equal rights in case of land transfer to outsiders as well as land transfer within the community. In 2014 and 2015, high-level national dialogues were held on collective land issues under the high patronage of the King. A series of recommendations emerged from these dialogues, including on equal land rights for women and men.

While these circulars are a good start, they do not have the same status as a law and can be revoked at any time. In 2017, a draft law<sup>18</sup> was issued to modify the 1919 Royal Decree governing collective land. The draft law was approved by Parliament in July 2019 (Law No. 62.17). During the adoption process, the Council of Ministers mentioned that one of the purposes of the law is to bring the legislation in line with the provisions on gender equality as guaranteed in the constitution.

Law No. 62.17 is divided into seven parts with general dispositions, provisions to organise the Soulaliyate communities, provisions specific to the managing of the community lands, management of the Soulaliyate's financial resources, administrative measures, punitive measures and general concluding dispositions. The aim of the law is to define the rules that govern the Soulaliyate and to manage its lands (Article 1). The law clearly states that men and women alike can enjoy the community asset and have an obligation to protect it (Article 6). It sets up a representative body, the Nuwab, in each Soulaliyate community made up of male and female Soulaliyate community members elected or agreed upon by community members. The Nuwab represents the Soulaliyate community in front of Moroccan courts and administrative bodies and implements decisions taken (Article 11). Article 31 states that in case of emergency, the Minister of Interior can take all necessary administrative and financial measures to preserve the land of the Soulaliyate community, after consulting with the Nuwab. Soulaliyate women from different communities have received land or financial compensation in case of melkisation or transfer of land to outsiders (UN Women, 2018<sup>[44]</sup>).

*What are the impacts, implementation challenges and factors for success?*

The Soulaliyate movement has had a major impact in Morocco – not only on women's land rights but also by empowering women at the grassroots level and ultimately changing the power dynamics at the community level. ADFM notes that this process has led to the empowerment of the women involved, who initially did not dare to approach their community leaders.<sup>19</sup> Step by step, their confidence has been built and some of them have emerged as leaders in their community, gaining a lot of respect. Their movement has also reached the national level, where the Soulaliyate women have advocated not only for their land rights but also for women's rights more broadly. In addition, ADFM reports that in some communities, women are now also included in the local assembly of delegates that manage the land. This is a significant result since traditionally Moroccan local leadership structures do not include women. The Soulaliyate women have shown that feminism is not necessarily an elite movement but can emerge from the bottom-up.

A range of factors have led to the success of the movement. The interviews conducted for this case study show that a key success factor has been the tenacity and motivation of the women themselves.<sup>20</sup> Most of them initially were not aware of their rights and lacked the confidence to approach the local authorities. Through capacity building efforts by ADFM and UN Women, they have managed to present their claims in a convincing way and gained small victories.

Over time, the women have become well connected to one other and realised that women in different parts of the country share the same concerns. The movement has consolidated and become active at the national level, where it has even secured backing from the King and decision makers at the Ministry of Interior. The Ministry of Interior was a key player in supporting the movement and giving instructions to local authorities through various circulars.

The Soulaliyate movement has also benefited from the wider debate around collective land in Morocco and the fact that the legislation regarding these lands is no longer in line with the realities on the ground and the need for individualisation and privatisation. The movement managed to include their claim for equal land rights in all the relevant recent draft laws on the reform of the collective lands system. An important factor in the implementation of these laws is the commitment by local authorities to gender equality. While in some regions, resistance to women's equal land rights is high, in other communities the discussions have led to increased women's access to land. When more women are part of these authorities, they will more easily take gender issues into consideration.

### Box 3.6. In-depth: access to land for women in MENA

It is widely documented that one of the biggest challenges for women in rural areas is their limited access to land. Women farmers produce most of the world's food, including 60 to 80% of developing countries' food. This contrasts starkly with the fact that women own less than 20% of the world's land. In MENA, almost 45% of the agricultural labour force are women (Doss and SOFA, 2011<sup>[45]</sup>), but on average less than 5% of agricultural landholders are women (De La O Campos, Warring and Brunelli, 2015<sup>[46]</sup>) (Table 3.1).

In rural areas, land is usually the most important family asset. It defines the wealth of a person, with those in rural areas who own more land typically having more decision-making power in the community. In addition, access to land serves as security and collateral for accessing credit. Land rights thus have great empowerment potential for rural women (FAO/CTA/IFAD, 2014<sup>[17]</sup>).

Inheritance is an important mechanism for women and men to acquire assets, including land. Equality in inheritance is enshrined in international standards ratified by the four countries covered by this report. Yet national inheritance legislation continues to discriminate along gender lines and women are often pressured to relinquish their legal share of inheritance. In the four countries, the legislation generally entitles female heirs to only half the share to which men are entitled. However, the case studies on inheritance in Chapter 4 show that efforts are being made to promote equal inheritance.

Another mechanism through which women in MENA can access land is marriage. In all four countries covered by this publication, the default matrimonial regime is separation of property with options to change the regime at the time of marriage or at a later stage. The regime does not only determine women's access to land at the moment of marriage, but also in case of divorce or death of a spouse (OECD, 2017<sup>[47]</sup>). Other ways of accessing land are through the land market or through the state in case of state-owned land that may be redistributed.

**Table 3.1. Percentage of women agricultural holders in the Middle East and North Africa**

Egypt	5.2% (1999)
Morocco	4.4% (1996)
Jordan	3.0% (1997)
Tunisia	6.4% (2005/06)

Note: The most reliable data on women's access to land come from the FAO Gender and Land Rights Database. This data is sourced from agricultural censuses that are carried out in the framework of the FAO World Programme of Agricultural Census. The data are outdated but a new wave of agricultural censuses and analysis of this data will take place between 2016 and 2025.

Source: De La O Campos, Warring and Brunelli (2015<sup>[46]</sup>), *Gender and Land Statistics. Recent developments in FAO's Gender and Land Rights Database*, <http://www.fao.org/3/a-i4862e.pdf>

In addition to a range of international human rights and policy instruments, there are also regional frameworks that specifically guarantee women's land rights. These include the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; the African Union Framework and Guidelines on Land Policy in Africa; and the Arab Charter on Human Rights. In 2018 the first Arab Land Conference took place, which resulted in the Dubai Declaration on Land Governance in the Arab States. The declaration recognises women's access to land as one of the priority areas for action for the coming years in the region (GLTN, 2018<sup>[48]</sup>).

Access to land is governed through land tenure systems that outline who can use what resources, for how long, and under what conditions. People can have different rights of access to land, such as use rights, control rights and transfer rights. Women in rural areas of developing countries often only have

use rights over family land, which they access mostly through their a male relative (e.g. father, spouse, brother). These systems are based on the belief that men should be the main providers for the family and hence need the land to be able to ensure this (IBRD/World Bank, 2009<sup>[49]</sup>). In some countries, this principle is enshrined in the law. For example, the legislation in Egypt and Jordan support the notion of a wife's duty to obey in exchange for her right to financial maintenance (OECD, 2017<sup>[47]</sup>).

Land tenure systems are very complex and in MENA they consist of both statutory and customary laws. Even when statutory laws are in place that stipulate equal access to land for women and men, communities are often not aware of these laws or choose to enforce only customary laws that are typically not favourable to women. These overlapping land tenure systems have also resulted in poor formalisation of land rights, making it difficult in general to identify who has which land rights (Tempra, Sait and Khouri, 2018<sup>[50]</sup>). In MENA economies, it takes on average almost 30 days to register property, compared to an average of just over 20 days in OECD countries (World Bank, 2019<sup>[51]</sup>). In order to register property, an identity card is required. In a number of countries, rural women often do not have the identification cards required by titling procedures.

### Tools for gender equality in land tenure legislation and policies

In 2012, the FAO Committee on World Food Security adopted the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (FAO, 2012<sup>[52]</sup>). Gender issues are addressed in different sections of the guidelines. To help implement them, the FAO issued a technical guide and e-learning course on governing land for women and men. The guide recommends mechanisms, strategies and actions that can be used to improve gender equity in the processes, institutions and activities for land tenure governance. The different chapters of the guide address policy making, legislation, institutions and technical issues (FAO, 2013<sup>[53]</sup>).

The FAO and World Bank Gender in Agriculture Sourcebook includes a module on gender issues in land policy and administration that includes practical tools such as checklists and lists of indicators. A thematic note covers legal reforms and women's property rights (IBRD/World Bank, 2009<sup>[49]</sup>).

## 3.4. Refugee women

Over the past decade, the number of forcibly displaced people worldwide has grown significantly. Most of this increase is due to conflicts in and around the MENA region (including in Syria, Iraq, Yemen and South Sudan). The United Nations High Commissioner for Refugees (UNHCR) reports that Lebanon continues to host the largest number of refugees relative to its national population, followed by Jordan and Turkey. Egypt also hosts a large number of refugees, coming mostly from Syria and South Sudan. Women and girls account for almost half of the refugees globally (UNHCR, 2019<sup>[54]</sup>).

The 1951 Refugee Convention and its 1967 Protocol are the most important global legal instruments covering refugees.<sup>21</sup> The convention gives refugees the right to work and also mentions that refugees should be treated in the same way as nationals when it comes to "women's work" (Art. 24.1a). Of the countries covered by this publication, Egypt, Morocco and Tunisia have ratified both the convention and the protocol. But in reality, the legal situation of refugees remains extremely complicated, with host countries facing difficulties in providing them with decent work opportunities.

The case study and boxes in this section show that refugee women in Jordan and Egypt face a range of challenges in finding decent work opportunities. Women have obtained only 4% of the work permits issued to Syrian refugees in Jordan (Jordanian Ministry of Labour - Syrian Refugee Unit, 2018<sup>[55]</sup>). It is estimated that in some areas of Jordan, up to 60% of women refugees are active in the informal sector. In Jordan's refugee camps, the situation is different, and only an estimated 5-10% of women work (Ritchie, 2017<sup>[56]</sup>).

Refugee women who wish to engage in the labour market have many hurdles to overcome. They are constrained by traditional norms that confine women to the home and see certain types of work as inappropriate. Early marriages are common, with 43.7% of Syrian refugee girls in Jordan who were victims of early marriage in 2015 (Hikmat, 2017<sup>[57]</sup>). Refugee women also have difficulty combining family responsibilities with other forms of work. Women also face practical constraints such as transportation from the home to the workplace. Case Study 3.4 looks at a range of initiatives introduced into the Za'atari Refugee Camp – the biggest refugee camp in Jordan – to help Syrian women gain decent employment despite these many social and practical constraints. Box 3.7 continues the story of the Za'atari Refugee Camp, describing how a unique inter-agency partnership using blockchain technology is allowing women to be paid for their work despite lacking bank accounts or citizenship status.

Box 3.8 tells how Syrian women refugees in Egypt are benefitting from a number of initiatives – including government-run, private sector and some public-private partnerships – to help include them in the economy.

### ***Case study 3.4. Economic opportunities for Syrian refugee women in Jordan***

The “Jordan Compact” was adopted by Jordan and the international community at the 2016 London Conference as a response to the protracted displacement of Syrians in Jordan. An important objective of the Compact is to help Syrian refugees participate in the Jordanian labour market. As an outcome of the Compact, the Jordanian Government decided to waive the work permit fees for Syrian refugees in some occupations that are open to foreign workers and simplified the process for obtaining a permit. The follow-up conferences to the Jordan Compact, Brussels II (2018) and Brussels III (March 2019), recognised the importance of focusing on the situation of Syrian women refugees, including gender-based violence as well as their participation in the labour market (Council of the European Union, 2019<sup>[58]</sup>). Jordan and the international community have also issued the Jordan Response Plan for the Syria crisis 2018-2020 (JRP), which combines immediate and medium-term responses. Its chapter on livelihoods mentions the need for quality employment for different population groups, including women, and the chapter on social protection includes a focus on women.<sup>22</sup>

The legal framework that applies to the treatment of refugees in Jordan is unclear as Jordan is not a party to the 1951 Convention on Refugees or its 1967 Protocol. While the Constitution (Article 21 para.1) provides protection for political asylum seekers against extradition, no national legislation has been enacted which specifies this obligation in further detail or uses the term “refugee”.<sup>23</sup>

This case study illustrates the concrete implementation of the Compact and the JRP with a focus on the challenges that Syrian refugee women face in finding work opportunities. It draws on the specific situation of Syrian refugee women in the Za'atari Camp.<sup>24</sup>

#### *What is the reform and how did it come about?*

The Za'atari Refugee Camp is the biggest refugee camp in Jordan. It was opened in 2012 and is located in the north of Jordan close to the Syrian border. It hosts around 80 000 refugees and covers 5.2 square kilometres, and is one of the largest centres of population in Jordan (Oxfam International, 2019<sup>[59]</sup>). While many of the original refugees have moved to other towns, those who stay are the most vulnerable, due to disabilities, illness or lack of financial means. Around one in five households in the camp are headed by women (UNHCR, 2018<sup>[60]</sup>; UNHCR, 2018<sup>[61]</sup>). The Ministry of Interior has established the Syrian Refugee Affairs Department, which is, together with UNHCR, responsible for the administration of Za'atari Camp.<sup>25</sup>

The inhabitants of Za'atari have restricted freedom of movement – they are only allowed to leave the camp when they have a valid work permit, but as most lack a valid work permit they have never left the camp since their arrival.<sup>26</sup> Even if Za'atari residents do obtain a work permit, finding transport to their workplace is another challenge, especially for women. Residents have to first get from their district in the camp to the

main entrance gate of the camp. Although there is a bus system inside the camp, it does not cover the whole area and only operates at limited times. Bicycles have therefore become the main means of transportation inside the camp, but only for men as it is not culturally accepted for a woman to ride a bike. Outside the camp, employers frequently organise transportation, yet the often long commutes involved are another obstacle for Za'atari's women. Families fear for the safety of female relatives who are away long hours every day. And women's domestic obligations – including childcare, care for elder family relatives, cooking and cleaning – mean they cannot spare the time involved in going to paid work.

In order to facilitate access to formal work possibilities for Syrian refugees outside Za'atari camp, the International Labour Organization (ILO) has opened an employment office in the camp, together with UNHCR and in co-operation with the Jordanian Government (ILO, 2017<sup>[62]</sup>).

Since Za'atari residents face significant challenges in obtaining work permits and arriving at their place of work, economic opportunities have been created inside Za'atari camp. Although most economic opportunities in Za'atari are directed to men and women alike, in practice, men mainly benefit from these policies, due to the social and practical constraints faced by Za'atari's women. Many inhabitants of Za'atari come from rural Dara'a, a region in the south of Syria where traditional gender norms exist. Women of Dara'a usually do not work outside the home (Ritchie, 2017<sup>[58]</sup>).

In addition, strict rules and regulations restrict the types of employment opportunities in the camp. For example, tree planting and agricultural activities are not allowed because they are considered "permanent", while the refugee camp should maintain a temporary status. Women who find work in the camp are often working for the first time in their life. It is a big challenge for them to juggle domestic and employment duties. Often they delegate tasks within the family to older daughters, but not to the husband. In many cases, they are reluctant to take advantage of a job opportunity when they fear the job is not considered appropriate for them. It requires a lot of creativity to design employment opportunities that are allowed in the camp and that also favour women. Some successful initiatives include:

- **Cash for work.** UNHCR and various international partner organisations<sup>27</sup> have joined forces to offer a cash-for-work programme for camp inhabitants. The work sectors include water, sanitation and hygiene education; child protection; community mobilisation; health, shelter, basic needs and livelihoods; and food (Basic Needs and Livelihoods Working Group, 2017<sup>[63]</sup>). However, work possibilities are limited. Of the camp's 32 675 adult inhabitants, only 6 030 participate and only 26% of the jobs go to women (Basic Needs and Livelihoods Working Group, 2017<sup>[63]</sup>). In order to give as many families as possible the chance to benefit from the cash-for-work initiative, the majority of the positions are rotated and only one member of each family can participate in the initiative. Most families choose the husband, as head of the household, to take the opportunity since they are of the opinion that the wife should concentrate on domestic duties. Only where women head households or when the husband works outside the camp can women get the chance to participate.
- **Waste collection.** One cash-for-work opportunity is the waste collection and recycling project carried out jointly by GIZ and Oxfam. Cash-for-work participants gather waste and bring it to a collection point within the camp where they sort the waste and sell valuable material such as plastic and paper for further recycling. This job was initially not an option for women, as it was seen to be culturally unacceptable to have women collecting waste in public, especially as it meant they would need to bend over in order to pick up rubbish. Nevertheless, a group of female heads of households were interested in this job opportunity. After a discussion between Oxfam/GIZ and the residents of Za'atari, a solution was found to integrate women into this work opportunity. Women were provided with trash picking tools to minimise the need to bend down, and those women who feel uncomfortable being seen collecting rubbish in the main streets can work in local residential areas. As a result, the number of women participants has increased significantly.

- **Lel Haya project.** The Lel Haya project is an Oxfam initiative that is offered only for women refugees in Za'atari camp. Oxfam provides assistance but mainly lets women participants take the lead. The Lel Haya project<sup>28</sup> involves transforming old UNHCR tents (which have been replaced by caravans) into fashionable bags. Unskilled women are trained to use a sewing machine and skilled participants can train others and learn management skills. The objective of this project is mainly to give women the opportunity to leave the house and acquire new skills. The economic outcome of this project is rather secondary, as the bags are not marketed widely. However, an economic aspect of this project did emerge as a Jordanian garment factory was interested in hiring project participants. The factory, in co-operation with the ILO, held a job fair within Za'atari camp in order to recruit young women (ILO, 2018<sup>[64]</sup>). The factory offered childcare incentives for each child under the age of four and the ILO planned to organise bus transport within the camp so that women could reach the main gate (ILO, 2018<sup>[64]</sup>). Despite the fact that many women showed interest initially, only a few women took up employment in the garment factory (Almasr, 2018<sup>[65]</sup>). And for those who did, many reported that the one-hour commute between the camp and the factory was too long given their domestic responsibilities. In addition, women, who are the designated recipients of cash aid from the Za'atari camp cash distribution centre, fear missing the cash distribution time when they work outside the camp.<sup>29</sup>
- **Oasis.** UN Women runs the "Oasis" in Za'atari. The Oasis offers a range of services including literacy classes, skills training, daycare facilities and activities focused on addressing gender-based violence (UN Women, 2017<sup>[66]</sup>). The Oasis also includes a cash-for-work programme providing almost 200 female-focused cash-for-work opportunities every day (UN Women, 2016<sup>[67]</sup>). Unlike the other cash-for-work programmes, over 80% of opportunities are offered to women. These opportunities include administrative tasks, jobs as hairdressers, tailors, teachers, and daycare professionals. In 2018, in order to pay women refugees – who often lack access to the banking system – UN Women, in partnership with the World Food Programme, started the first inter-agency gender-responsive blockchain pilot, whereby women refugees are able to request cash back in contracted supermarkets or make purchases directly without the intervention of a third party such as a bank (Box 3.7 below). The women and men employed provide the camp's population with free services (educational classes, hairdressing and makeup, tailoring). The tailoring programme prepares and distributes free baby kits to the camp's maternity unit to provide parents with basic equipment for their new-born.

Another potential avenue for helping Syrian refugee women enter the economy would be through establishing their own businesses. The Compact has largely focused on work permits and has therefore not adequately addressed the registration of Syrian businesses in Jordan. Despite recent progress on instituting home-based business regulations for Jordanians (USAID, 2017<sup>[68]</sup>), registering home-based businesses is almost impossible for Syrian refugees due to complicated requirements by the Jordanian Government.<sup>30</sup> This is a particular constraint for Syrian refugee women, who would be interested in working in or close to home performing tasks such as sewing, cleaning and catering (Ritchie, 2017<sup>[56]</sup>). In fact, many of them already engage in these activities in the informal sector.

#### *Implementation, challenges and success factors*

Jordan has been significantly affected by the Syrian crisis as it hosts the second highest share of refugees worldwide in comparison to its population. The country has taken steps not only to address the issue in the short term but also in the medium term, through the Jordan Compact and the Jordan Response Plan for the Syria crisis 2018-2020, supported by the international community.

The implementation of the Compact has been assessed in regular follow-up conferences, which have highlighted the many efforts used to employ Syrians in the formal labour market. Nevertheless, the vast

majority of refugees still reside in Jordan without work permits and frequently join the informal job market, where they are more vulnerable to exploitation.

Syrian refugee women face additional challenges in entering the labour market. The follow-up conferences to the Jordan Compact have shown an increased focus on this topic and the JRP also mentions the issue. The initiatives described here took into account the barriers that women face in finding job opportunities and this led to encouraging results. When Syrian refugee women do get the opportunity to work, they not only contribute to the income of the family, but they also report greater empowerment. Za'atari women have reported a stronger position within their family since their participation in some of the camp's projects. They also mention that the work helps them improve their social network within the camp, break the circle of isolation and gain additional skills (UN Women, 2016<sup>[67]</sup>).

### **Box 3.7. In-depth: the use of blockchain for paying women refugees**

In the past decade, cash transfer programming has been increasingly used in humanitarian responses. In 2018, a total of 24.5 million people in 62 countries received cash assistance from the World Food Programme (WFP), up from only 1.1 million people in 2009, representing an annual yearly growth of 150%. Traditionally, cash transfers for humanitarian aid rely on a trusted third party, such as banks or mobile network operators. This rarely helps women refugees, who have more difficulties accessing financial systems partly due to their lack of identification documents. Furthermore, a study conducted by UN Women indicated that women refugees in Jordan expressed a lack of trust in development institutions and confusion around aid processes. Some of them gave examples of not having information on how long the assistance would last, and of neighbours or acquaintances who received aid despite appearing to be more financially secure.

In order to tackle these problems, UN Women, in partnership with WFP, launched a blockchain pilot in 2018 in Jordan's Za'atari and Azraq camps to explore how this emerging technology could potentially improve financial transactions for women and girls in humanitarian settings. Blockchain is a combination of existing technologies that together can create networks that secure trust between people or parties who otherwise have no reason to trust one another. Blockchain technology can diminish the role of intermediaries, who can command market power, collect significant fees, slow economic activity, and are not necessarily trustworthy or altruistic keepers of personal information. Although mostly known for its digital financial asset applications (like Bitcoin), blockchain technology is poised to have an impact on a wide range of sectors.<sup>31</sup> The use of blockchain meant that instead of receiving a monthly entitlement in the form of cash on a set date, participants in UN Women's Cash for Work Programme (Case Study 3.4) could request cash back in supermarkets contracted with UN Women or make purchases directly. By using iris scanning linked to UNHCR's biometric identification system, women refugees could receive money without the need for identification documents.

In parallel, in order for women refugees to be able to fully benefit from this service, UN Women carries out financial literacy seminars at their Oases (Case Study 3.4), where recipients are trained to view their accounts on the blockchain. This reflects UN Women's holistic approach to resilience and women's economic empowerment through livelihoods opportunities.

WFP has pointed out that the unique value that blockchain brings to this inter-agency initiative is the linkage of multiple development agencies' databases. In humanitarian settings, most of the blockchain pilots that have taken place involve only a single agency. In the partnership between UN Women and WFP, as the two agencies are able to validate each other's transactions, the platform can enhance transparency in humanitarian aid, as well as efficiency, by preventing a duplication of efforts. The use

of blockchain by UN Women is also conducive to mainstreaming gender more effectively throughout the humanitarian system.

Source: GSM Association (2017<sup>[69]</sup>), *Blockchain for Development: Emerging Opportunities for Mobile, Identity and Aid*, <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2017/12/Blockchain-for-Development.pdf>; Thylin and Duarte (2019<sup>[70]</sup>), “Leveraging blockchain technology in humanitarian settings – opportunities and risks for women and girls,” <https://doi.org/10.1080/13552074.2019.1627778>.

### **Box 3.8. In-depth: economic inclusion for women refugees in Egypt**

Egypt is another host country for refugees arriving both from the Middle East and East Africa. In 2017, 289 231 people of concern registered with UNHCR in Egypt while the President of Egypt stated that the country was hosting 5 million refugees.

According to Egypt Vulnerability Assessment for Refugees (EVAR) in 2016, despite the food voucher and cash assistance, Syrian refugees’ living conditions have not improved. Nearly half of the Syrian refugees in Egypt have or are vulnerable to having poor food consumption according to the World Food Programme (WFP). Female-headed households are particularly affected, with 72% of those assessed being severely vulnerable.

The Egyptian Labour Law entitles refugees to the same rights to employment as other foreigners. Egypt is a signatory to the 1951 Refugee Convention (with reservations to five provisions) and adopted the convention as domestic law in Presidential Decree No. 331 of 1980. While in theory, refugees are entitled to equal rights to work as other non-Egyptians, in practice, barriers such as difficulty obtaining work permits, limited job opportunities in the formal labour market, gender-based violence, tension with host communities and skills gaps bar their path to employment. Consequently, the majority of Syrian women refugees working in Egypt often pursue alternative livelihoods, with the majority of them engaging in micro-enterprises in the informal sector without any protection under Egyptian labour laws.

In this context, the Egypt Response Plan 2017-2018 suggested measures to increase the self-resilience of refugees and host communities, with greater focus on skills development, entrepreneurship and access to wage employment. The support to enhance employment and employability will be primarily focused on women, who for cultural reasons face more limited job opportunities than their male counterparts.

#### **A public-private partnership in the food sector**

In 2014, a value chain analysis conducted by UNHCR and ILO highlighted that the food sector offered the most potential for growth, profit and employment for Syrian refugees in Egypt. A significant percentage of the unemployed refugees, especially women, showed interest in working in home-based businesses in the food sector to avoid harassment at work and on the street and to avoid long commutes. In 2018, the National Council for Women (NCW), in co-ordination with UNHCR and Mumm, an Egyptian start-up for home-made food, set up a professional kitchen inside NCW’s premises in Giza. The community kitchen is currently operating under NCW supervision in a public and private partnership model. It connects skills of the vulnerable women in Egypt with income-generating opportunities in the Egyptian food market by providing them with food processing training, as well as a venue and equipment. According to some estimates, after undertaking a free cooking course with Mumm, women participants could earn up to EGP 6 000 (USD 300) a month in 2017, five times as much as the minimum wage (Gray, 2017<sup>[71]</sup>). NCW and UNHCR were planning to upgrade the kitchen in July 2019 in order to

better prepare it for training and production-related purposes. Further impact of this initiative remains to be assessed.

Source: Gray (2017<sup>[71]</sup>), "A new app is helping Egyptian women cook their way to financial independence", <https://www.weforum.org/agenda/2017/05/egyptian-women-homecooking-mumm>; ILO/UNHCR (2014<sup>[72]</sup>), *A Guide to Market-based Livelihood Interventions for Refugees*, <https://www.unhcr.org/594b7d7f7.pdf>.

### **Supporting refugee women to find decent domestic work**

Paid domestic work – including house cleaning, cooking, and childcare – is another field in which refugees are able to find work. According to a survey by the International Institute for Environment and Development in 2017, 54% of refugee women served as domestic workers (Abdel Aziz, 2017<sup>[73]</sup>). The Egyptian Labour Law 2003 does not cover domestic workers, implying that refugees do not need a work visa to participate in domestic work. In 2018, Article 43 of the new Draft Labour Law included domestic service in its scope but the law is still under discussion. As a result, women refugees working as domestic workers do not have valid legal documents and sometimes suffer from sexual and gender-based violence. In a survey of 633 foreign-born domestic servants in Cairo conducted by Jureidini in 2009, 10% of interviewees complained of sexual harassment, including rape, inappropriate touching and demand for sexual favours.

As a response, some NGOs support women refugees as domestic workers by accompanying them during their first day, acting as a witness of agreed terms, and informing the employer that the woman has a support network. In 2017, the NGO Refugee Egypt National started a pilot with a private sector partner to help refugees find domestic work through a reliable employment agency. In 2018, this programme was developed further in partnership with UNHCR in order to scale up the impact and provide more diverse wage-employment opportunities to more refugees in Egypt.

### **Grassroots movements in support of women refugee entrepreneurs**

In addition to those by the Egyptian Government and the regional and international community, some recent grassroots initiatives are also playing an important role in the economic empowerment of women refugees in Egypt. Women on the Move, a platform organised by Startups Without Borders, aims to connect migrant and refugee entrepreneurs with Egypt's local business ecosystem. Its first event in Cairo in 2019, in partnership with woman-empowering organisation Entrepreneuse, Syrian network Khatwa, FARD Foundation and UNHCR, succeeded in gathering over 250 entrepreneurs from Syria, Yemen, the Palestinian Authority and another five economies. A prize worth EGP 15 000 was awarded to two female winners as their capital for the incubation phase. This platform is important for women refugee entrepreneurs to access network, opportunities and information sharing.

Source: UNHCR (2018<sup>[74]</sup>), *Livelihood & Economic Inclusion Annual Report 2018 – Egypt*, [https://www.unhcr.org/eg/wp-content/uploads/sites/36/2019/10/LH\\_Annual-Report2018.pdf](https://www.unhcr.org/eg/wp-content/uploads/sites/36/2019/10/LH_Annual-Report2018.pdf); UNHCR (2017<sup>[75]</sup>), *3RP Regional Refugee & Resilience Plan 2017-2018 in Response to the Syria Crisis – Egypt*, <https://reliefweb.int/report/egypt/3rp-regional-refugee-resilience-plan-2017-2018-response-syria-crisis-egypt>; Entrepreneur Middle East (2018<sup>[76]</sup>), "Migrant women entrepreneurs showcase their business ideas at Cairo's women on the move", <https://www.entrepreneur.com/article/311649>.

### 3.5. Conclusions and recommendations

In the MENA region and worldwide, there has been a shift from addressing the situation of women overall to addressing the situation of different groups of women, recognising that women are a heterogeneous group. This is a positive evolution since vulnerable groups of women may require targeted approaches.

The case studies in this chapter show that countries are taking steps to improve the protection and economic empowerment of vulnerable categories of workers, including domestic workers, rural women and refugee women. Firstly, countries are building the evidence base on the challenges that these groups are facing, which forms the basis for legal/policy reform in favour of vulnerable categories of women workers. Secondly, countries are working to bring some of these categories of workers into the mainstream economy by issuing legislation and policy frameworks that apply to specific groups of workers. Morocco and Jordan have issued specific legislation covering domestic workers, which previously fell outside of the scope of labour legislation. Tunisia has issued a specific strategy and action plan on rural women. Morocco's legislation on land reforms has granted equal access to collective land for Soulaliyate women. The policy responses to the refugee crisis have shown increased attention to the situation of women refugees, both in Jordan and Egypt. Thirdly, countries are taking concrete initiatives to promote decent work opportunities for these categories of women. For example, initiatives have been taken in Egypt and Tunisia to facilitate rural women's social protection coverage. Morocco and Tunisia are promoting the social and solidarity economy concept, which offers a lot of potential to rural women. Economic opportunities for women refugees are supported in Jordan and Egypt.

This momentum can be sustained through the following recommendations, which have emerged from the case studies:

- Continue building the evidence base on vulnerable groups of women. This means disaggregating data not only by gender, but also by location, age, etc. and collecting, analysing and disseminating this data on a regular basis.
- Work with social partners and the ILO towards ratifying the ILO conventions that focus on vulnerable categories of workers, such as the ILO convention on decent work for domestic workers (C189), which has not yet been ratified by any MENA country. Ratification will allow the ILO to support countries to align their national legislation with the ratified conventions.
- Provide protection to categories of workers that fall outside the scope of the labour code. This can be done through issuing separate laws for specific categories of workers. These laws should guarantee the same rights as offered in the labour code.
- Provide special attention to vulnerable groups in relevant policy frameworks:
  - Address the concerns of rural women through either issuing a specific rural women's policy or mainstreaming gender throughout agricultural policies.
  - Continue to acknowledge the particular situation of refugee women in relevant policy documents related to refugees' participation in the host countries' labour market.
- Make sure that more development co-operation programmes and projects are implemented in remote areas in order to reach vulnerable rural populations.
- Continue efforts to formalise the informal economy with a focus on sectors where women are predominantly present, while also allowing informal sector workers to adhere to social protection schemes. Make registration for social protection schemes easier by simplifying the registration procedures and requirements and by using technology.
- Make labour inspections in rural areas and private premises possible and train labour inspectors in investigating the specific situation of agricultural and domestic workers, especially women.

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## Notes

<sup>1</sup> Table 1 at the start of this report contains an “at-a-glance” summary of all the themes of the case studies and in-depth boxes.

<sup>2</sup> For details of all the ILO conventions and their ratification status by the four countries covered here, see Annex 2.A in Chapter 2.

<sup>3</sup> The CNDH assessment and recommendations are available in French at:

[https://cndh.org.ma/sites/default/files/documents/CNDH\\_-\\_AVIS\\_FR\\_Travail\\_domestique\\_.pdf](https://cndh.org.ma/sites/default/files/documents/CNDH_-_AVIS_FR_Travail_domestique_.pdf).

<sup>4</sup> [Loi n°19-12 des travailleuses et travailleurs domestiques.](#)

<sup>5</sup> [Décret n° 2-17 355 du 31 août 2017 fixant le modèle du contrat de travail de la travailleuse ou du travailleur domestique.](#)

<sup>6</sup> [Décret n° 2-17-356 du 27 septembre 2017 complétant la liste des travaux dans lesquels il est interdit d'employer les travailleuses et travailleurs domestiques âgés entre 16 à 18 ans.](#)

<sup>7</sup> ILO carried out studies of needs, motivations and concerns of domestic workers and their employers in different MENA countries including Lebanon, Jordan and Kuwait. Based on the findings of this research, the ILO report *Domestic Workers and Employers in the Arab States* proposes a number of practical solutions on how regulations can balance the needs of domestic workers and their employers (ILO, 2017<sup>[6]</sup>). While the study concludes that the most important measure to take is to make sure that domestic workers are covered by the labour legislation and that there are mechanisms for law enforcement in place, the study also proposes other creative strategies.

<sup>8</sup> Freedom of association is a fundamental right for different groups of workers. Including this right in the domestic workers law would allow for the possibility for these workers to create their own sectoral workers associations. These associations will allow them to make their voices heard and enter into a dialogue with other stakeholders in the country in order to improve their situation.

<sup>9</sup> Workers active in the agricultural sector in Tunisia can be covered by different social protection regimes and legislative frameworks: Agricultural **salaried workers** are covered by [Law n° 81-6 of 1981](#); small farmers that are **self-employed**, are covered by [Decree n° 95-1166 of 1995](#). However, they can also opt for the regime of [Law n° 2002-32 of 2002](#) and its application [decree 916-2002](#).

<sup>10</sup> The full strategy is not available online, only a summary in French is available at: [http://www.femmes.gov.tn/wp-content/uploads/2017/07/Presentation\\_Strategie\\_FR\\_2017-2020.pdf](http://www.femmes.gov.tn/wp-content/uploads/2017/07/Presentation_Strategie_FR_2017-2020.pdf).

<sup>11</sup> The circular was published in Flehetna (2018), “Kairouan : Mesures d’attribution des terres domaniales aux diplômés chômeurs”, available at : <https://www.flehetna.com/fr/kairouan-mesures-dattribution-des-terres-domaniales-aux-diplomes-chomeurs>.

<sup>12</sup> According to the ILO, SSE refers to enterprises and organisations (co-operatives, mutual benefit societies, associations, foundations and social enterprises) which produce goods, services and knowledge that meet the needs of the community they serve through the pursuit of specific social and environmental objectives and the fostering of solidarity.

<sup>13</sup> The strategy is available at <https://www.sekem.com/en/societal-life/empowering-women-gender-strategy>.

<sup>14</sup> For further details, visit <https://egypt.unwomen.org/en/digital-library/publications/2019/04/the-business-case-for-improving-women-working-conditions-in-the-agribusiness-sector-in-egypt>.

<sup>15</sup> Dahir du 26 Rejeb 1337 (27 Avril 1919) organisant la tutelle administrative des collectivités indigènes et réglementant la gestion et l’aliénation des biens collectifs

<sup>16</sup> The exact details of these customs may vary slightly from one collective entity to another. In addition, girls and women often do not have identity cards, which is a requirement for the registration of land rights.  
CHANGING LAWS AND BREAKING BARRIERS FOR WOMEN'S ECONOMIC EMPOWERMENT IN EGYPT, JORDAN, MOROCCO AND TUNISIA © OECD/ILO/CAWTAR 2020

This is a consequence of the fact that fathers often only register the boy child and do not register the girl child.

<sup>17</sup> The term *Soulala* refers to the ethnic genealogy that ties the members of a collectivity to this collectivity.

<sup>18</sup> [Proposition de loi modifiant le dahir du 26 rejab 1337 \(27 Avril 1919\) organisant la tutelle administrative des collectivités ethniques et réglementant la gestion et l'aliénation des terres collectives.](#)

<sup>19</sup> Information based on interview with Rabéa Naciri, Activist, founding member of ADFM and OMDH.

<sup>20</sup> OECD conducted interviews in Rabat with Abderrazzak El Hannouchi, Head of cabinet, National Council for Human Rights (CNDH), Amina Lotfi, Former Programme Coordinator of UN Women Maghreb, Former President of Democratic Association of Moroccan Women (ADFM) and Rabéa Naciri, Activist, founding member of ADFM and the Moroccan Organisation for Human Rights (OMDH).

<sup>21</sup> Available at: <https://www.unhcr.org/1951-refugee-convention.html>.

<sup>22</sup> For details, see <https://jordankmportal.com/resources/jordan-response-plan-2018-2020>.

<sup>23</sup> The only legal framework under which Jordan deals with refugees is the Memorandum of Understanding, signed in 1998 between Jordan and the UN Refugee Agency (UNHCR). The memorandum allows UNHCR to provide international protection to persons falling within its mandate. According to the Memorandum of Understanding, Jordan accepts the 1951 Convention's definition of the term "refugee", the principle of non-refoulement (that forbids a country receiving asylum seekers from returning them to a country in which they would be in likely danger of persecution) and the fact that refugees should receive treatment according to international standards. At the same time, Jordan avoids recognising refugees officially in its domestic laws. It refers to Syrian refugees as "visitors", which emphasises the temporary nature of their stay.

<sup>24</sup> The publication team visited the camp in October 2018. The visit was organised by the Oxfam Jordan Office. Focus group discussions were organised with beneficiaries and managers of the various economic support services for women.

<sup>25</sup> Further management of the camp is referred by the Government to the Jordanian Hashemite Charity Organisation. Several international organisations support the Jordanian Hashemite Charity Organisation in the management of the camp and provide a variety of services within the camp (e.g. UNHCR, UNICEF, UN Women, UNOPS, UNFPA, Oxfam, WFP, IOM, ACTED, GIZ, Care, Save the Children).

<sup>26</sup> Although Jordanians might be aware of the existence of their fourth biggest city, they do not have the opportunity to visit this area and hence have no possibility to exchange with its inhabitants. Any entry into the camp is individually investigated.

<sup>27</sup> UNICEF, UNOPS, UN Women, UNFPA, WFP, IOM, ACTED, Oxfam, JEN, Relief International, IRD, International Rescue Committee, Questscope, Act Alliance, Save the Children, International Medical Corps, Mercy Corps, KnK Japan, The Lutheran World Federation, Save the Children, Norwegian Refugee Council, Noor Al Hussein Foundation.

<sup>28</sup> The participating women chose the project's name, "lel haya" (for "the life"), as they reported that it was through the project that they started to feel useful again and their life got new meaning.

<sup>29</sup> Every month, refugees in the Za'atari camp receive JOD 20 from the World Food Programme.

<sup>30</sup> The requirements include: proof of bank collateral of JOD 100 000-300 000, residency through passport stamps and residency cards, and security clearance.

<sup>31</sup> For further details see [www.oecd.org/finance/OECD-Blockchain-Primer.pdf](http://www.oecd.org/finance/OECD-Blockchain-Primer.pdf).

# 4

# Women in the family and in society

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Recent reforms on the labour and economic front to enhance women's economic empowerment will have little impact if restrictive social norms and discriminatory legislation continue to hold women back. This chapter analyses the recent reform efforts and initiatives taken by Egypt, Jordan, Morocco and Tunisia to address restrictive social norms and discriminatory legislation regarding women's position in the family and in society. Countries have taken action on equal rights in inheritance, marriage and nationality, and are beginning to tackle the high rates of violence against women and girls, though there is still a way to go.

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## Infographic 4.1. Women in the family and society: inheritance, marriage and nationality

### Women in the family and in society Inheritance, marriage and nationality

### PROMISING PRACTICES AND POLICY RECOMMENDATIONS

Recent reforms on the labour and economic front will have little significant impact if restrictive social norms and stereotypes continue to hold back women. Some of these norms are also enshrined in the (family) legislation of the four countries, which is at odds with their constitutional principles on gender equality.

#### Inheritance

##### International conventions



The CEDAW Committee has clarified that women and men with the **same degree of relationship** to a deceased person should be **entitled to equal shares** in the estate. All four countries have ratified CEDAW.



The **Maputo Protocol** of the African Charter on Human and People's Rights mentions equal inheritance rights for women and men with specific guarantees for widows. So far, Tunisia is the only North African country covered by this publication that has ratified the protocol.

##### Promising practices



Tunisia's Committee for Individual Freedoms and Equality (COLIBE) proposes **equality in inheritance** between women and men. Although the proposal is still pending, it triggered intense **debate** in the region.



Jordan has introduced a regulation that **prohibits** heirs from **transferring their inheritance rights** until three months after the death of the testator.

##### Policy recommendations



Raise **awareness** of women's **inheritance rights**. These awareness-raising efforts should target both women and men.



Provide **legal assistance** to women who wish to claim their inheritance rights.



**Train state officers** involved in inheritance decisions and procedures in women's rights and practices in society that may impede the implementation of these rights.



Ensure **enforcement of court decisions** in favour of women's inheritance rights.

##### National laws



National laws do not guarantee equal inheritance for women and men: female heirs are entitled to only **half the share** to which men are entitled. This is **contrary** to the equality principle that is enshrined in the **constitutions** of the four countries.

##### Additional barriers



Women are often put under pressure by family members to **wave their rightful share** of inheritance.



Women are **hesitant to claim their rights** in court as this may damage family relationships.

Egyptian inheritance legislation has been amended to impose **strict sanctions** on those who disinherit members of the family. Cairo's Court of Appeal delivered an unprecedented final judgement that confirms the **equality between Coptic men and women** in relation to inheritance.



Lifetime bequests have been made possible in Egypt and Tunisia, though these options are rarely taken up in reality.

Enshrine equality in inheritance in **national legislation** in order to align this legislation with equality principles that are guaranteed by countries' constitutions.



Since the former recommendation may be difficult to achieve in the current political climate, countries should continue the **debate** on equality in inheritance for women and men. The debate should be based on facts and held in a spirit of openness.



**Exchange experiences and good practices** on women's inheritance across the region.

#### Marriage and nationality

##### International conventions



Article 9.2 of CEDAW stipulates **equal rights** between men and women with respect to the **nationality of their children**. Jordan has made a **reservation**. Egypt, Morocco and Tunisia have **lifted** their **reservations**.

##### National laws



Some nationality laws allow forms of **discrimination among citizens**. In Egypt, Jordan and Morocco, wives cannot transmit their nationality to a **foreign spouse**.



MENA women who marry foreigners may in some cases be discriminated against. Their spouses and their **children** may not have the **same rights** as other citizens of the country.



**Non-citizens** face **difficulties** in receiving residence permits, applying for driving licenses, buying real estate, and availing of the benefits in the educational, health, labour and investment sectors.

##### Promising practices



Egypt, Morocco and Tunisia have amended their nationality laws to **allow mothers** to transmit their **nationality** to their **children**.



Tunisia is the only country in the region that gives the **wife** the right to transmit her **nationality** to a **foreign spouse**. The country also allows Tunisian women to **marry non-Muslims**.



Jordan recently amended its Labour Law so that **non-citizen children** of **Jordanian women** who reside in Jordan no longer have to obtain a permit to work in Jordan.

##### Policy recommendations



Revise **nationality** and **marriage legislation**, to give women equal rights to **transfer their nationality** to **spouses** and **children**. Full legal equality should be ensured with **no differences** in transfer procedures for women and men.

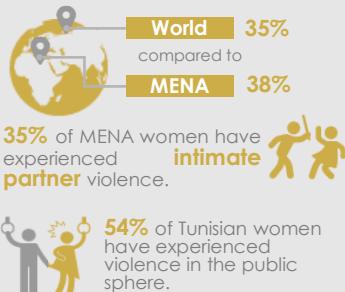
Facilitate the **labour force participation** of **foreign spouses** and their **children**.

## Infographic 4.2. Women in the family and society: violence against women

### Women in the family and in society Violence against women

### PROMISING PRACTICES AND POLICY RECOMMENDATIONS

**1 in 3** women in MENA have experienced violence.



Economic violence **doubled** in 10 years in Morocco.



**14%** of MENA girls marry under the age of 18.



The total cost of violence for survivor women and their families is estimated to be almost **EUR 127 million** per year in Egypt.



There is a strong belief that women should tolerate violent treatment by their spouse to keep the family together.

This opinion is shared by men and women:

**90%** in Egypt

**70%** in Egypt

**60%** in Morocco

**46%** in Morocco

Unlike other regions, younger generations of men in MENA do not hold more liberal views than their elders.



#### International conventions

CEDAW, ratified by the four countries, includes a number of provisions on violence against women.



The ILO Violence and Harassment Convention, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and the OECD Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance have not yet been ratified by the four countries.

### Content of the legal reforms

#### Promising practices

##### Definition of violence against women (VAW):



Many types of violence are still not covered by the legislation. E.g., Tunisia is the only publication country to criminalise **marital rape**.

Tunisia and Morocco have included **economic violence** in their legal frameworks on VAW.

##### Prevention of violence:



Tunisia and Morocco have included provisions on the prevention of violence in their legal frameworks. Jordan and Egypt address this issue in national strategies.

The legislation of all four countries recognises the important role of the **media** in preventing violence by avoiding **gender stereotyping**.

##### Protection of women:



Countries have reformed their legislation to strengthen the mechanisms to protect women who have experienced violence (e.g. by introducing increased channels of **reporting** and **protection orders**).

##### Sanctions for perpetrators:



The reforms increase sanctions for perpetrators of violence and have included **new types** of crimes.

##### Sexual harassment in the workplace:



Egypt, Morocco and Tunisia have made reforms to address sexual harassment in the workplace (e.g. by introducing more severe sentences for perpetrators with authority over the victim).

In Jordan, Bank El Etiad has issued a sexual harassment policy.

##### Care for victims:



Countries' laws foresee establishing institutions to care for victims and investing in care facilities to complement current under-resourced facilities operated by NGOs.

##### Alignment at the international level:



Tunisia used the UN Women's **Handbook for Legislation on Violence Against Women** to align its national legal frameworks with international commitments.

#### Policy recommendations



Issue a **comprehensive law** on violence against women and/or align the various national legal frameworks.

Provide **funding** and **capacity building** to national CSOs.

Invest in the **prevention** of violence and addressing the underlying reasons, also engaging also **men and boys**.



Ensure **co-ordination** among the various **state institutions** that are responsible for addressing VAW.



Align national legislation with international standards on VAW. If the constitution includes a provision on VAW, this can be used as extra leverage.

## Women in the family and in society Violence against women (cont.)

## PROMISING PRACTICES AND POLICY RECOMMENDATIONS

### Engaging in attitude change

#### Promising practices

##### Building the evidence base:



Countries have been using **surveys** to document the **magnitude** and **forms** of violence at the national, and sometimes sub-national, level.



**Reasons behind violence** are being explored in some countries, e.g. through the International Men and Gender Equality Study in Egypt and Morocco.



**Evidence-based advocacy** methodologies have been developed, such as a model to estimate the **costs of marital violence** in Egypt.

#### Policy recommendations



Adopt **strategies, policies, action plans** and **programmes** to support the concrete **implementation of legal reform** on violence against women.



Continue building the **evidence base**. Indicators used for surveys should be **harmonised** so that data can be compared across countries and over time. Surveys should also look at the **perceptions** and **attitudes** of both women and men.

##### Advocacy:



The international community and various national actors are **putting pressure** on law makers and making suggestions to align national legal frameworks with international standards.

##### Strategies and policies:



Countries have drafted policies and strategies to **complement** the national legal framework.

### Implementing the reforms

#### Promising practices

##### Changing perceptions:



A shift in **perception** and **public opinion** on violence is noticeable in some publication countries, for example with **religious authorities** and **leaders** of the region taking a stand.



**Social media** is playing an important role in breaking the taboos around the issue.



Countries have started programmes that focus on a **change in attitudes** around violence against women and engaging men and boys.



In Morocco, the Ministry of Justice has developed, in cooperation with the European Council, a short **awareness film on violence against women** in the context of the **COVID-19** confinement measures.



##### Sensitisation and awareness raising:

Countries have been **sensitising legal/justice professionals** and **institutions** who have a role in implementing VAW legislation and legislation that impact women's rights.

##### Regular monitoring:



Morocco and Tunisia have established national institutions to regularly **monitor** and **submit reports** on VAW.



##### Access to justice:

Recent reforms in countries have strengthened the protection and institutional co-ordination systems for women victims of violence who have decided to **report**. However, women are often pressured to drop the charges.



During the COVID-19 pandemic, countries are taking actions to facilitate reporting of violence. E.g., Tunisia **extended its helpline hours** and launched a **legal assistance phone service**. Morocco has designed an application to locate the victim of violence in the event of a distress call. It has also launched an **online platform** that enables victims to **file complaints remotely**.

##### Protection of women:



Countries are increasing measures to protect women during the **COVID-19 crisis**. E.g., Tunisia has opened a **new centre** where gender-based violence survivors can **self-quarantine** before moving to traditional shelters.

#### Policy recommendations



Engage both traditional and social **media** in disseminating VAW findings and the recent legal reforms on VAW. These awareness-raising efforts should target both women and men.



**Train state officers** in the recent reforms so that they can apply them in their work (including police officers, judges, clerks, and also social workers, doctors, teachers, and other education specialists).



Provide support to women to report violence. Also provide free **legal aid** and **support to women victims** while they go through the judicial procedures to bring the perpetrator to justice.



**Monitor, report on and evaluate** the implementation of the reforms annually.

## 4.1. Introduction

The four countries are increasingly aware that if they want to enhance the competitiveness of their economies, they will have to take measures to bring more women into the labour force and provide them with quality jobs. Chapters 2 and 3 have outlined a range of reforms that have been undertaken to address this challenge. These reforms have focused mostly on revising labour and economic legislation.

While these reforms are a significant step forward, reforms on the labour and economic front will have little significant impact if restrictive social norms and stereotypes that hold back women's economic empowerment continue to exist. These norms cast men as the main provider and head of the family and women as responsible for the household. These norms are also an important driver of violence against women and girls, the rates of which are very high in the MENA region, as in other regions of the world (globally, violence will affect around one in three women and girls at some point in their lives).

The 2017 OECD report *Women's Economic Empowerment in Selected MENA Countries* indicated that some of these norms are also enshrined in the (family) legislation of the four countries, which goes against their constitutional guarantees on non-discrimination and gender equality. Women still do not have the same rights as men when it comes to marriage and divorce, family decision making, inheritance and property rights as well as freedom of movement (OECD, 2017<sup>[1]</sup>). The OECD Social Institutions and Gender Index however indicates that these challenges are not unique to the MENA region. For example:

- Worldwide, 57 economies<sup>1</sup> have legal provisions in place that subordinate women to their husband's authority (OECD, 2019<sup>[2]</sup>). This includes some countries covered by the publication: in Egypt and Jordan the family law prescribes that wives should obey their husbands.
- Globally, the majority of economies have customary, religious or traditional laws that mean that daughters and/or widows receive a lower share of inheritance than sons and/or widowers (OECD, 2019<sup>[2]</sup>). Only 64 countries do not.<sup>2</sup> In all four countries covered by this report, the general inheritance rule prescribes that men inherit twice as much as women.
- In 50 economies worldwide,<sup>3</sup> women have fewer citizenship rights than men. These restrictions may be linked to the right to acquire, change or retain their nationality, or to the right to confer their nationality on their children or on a non-citizen spouse (OECD, 2019<sup>[2]</sup>). Married women in the four countries covered by this report do not have the same rights as men when it comes to transferring their nationality.

While discussions on women's personal status are difficult and sensitive, the rise of social media has given young generations a platform to raise their voices. Topics that were taboo for a long time have now been brought to the fore and are also being discussed in the political arena. This is also thanks to civil society organisations that have been advocating and lobbying tirelessly for reforms in support of women's economic empowerment (see Chapter 5).

While change is slow, countries are taking steps to improve women's personal status and their position in society. This chapter outlines recent reforms and initiatives that have taken place in the four countries to:

- promote equal inheritance rights
- ensure equal marriage and nationality rights
- address violence against women and girls (VAW).

The seven case studies in this chapter examine how and why the reforms came about, the actors involved and how the reforms are being/will be implemented, as well as highlighting key success factors. The information shared in the case studies has been discussed extensively with stakeholders in the respective countries (Annex A at the end of the report contains a list of resource persons in each country; Annexes B, C and D describe the methodological process). The chapter also includes in-depth boxes that analyse

VAW initiatives based on desk review.<sup>4</sup> The chapter concludes with some policy recommendations based on the lessons from the case studies and research.

## 4.2. Inheritance

Inheritance is an important mechanism for women and men to acquire assets and contribute to their economic empowerment. Equality in inheritance is enshrined in international standards ratified by the four countries. Yet national inheritance legislation continues to discriminate along gender lines in the four countries. In addition, women are often pressured to relinquish their legal share of inheritance.

The non-discrimination principles in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), ratified by all four countries, guarantee women's equal inheritance rights. While CEDAW does not include any specific provisions on inheritance, the CEDAW Committee has clarified that women and men with the same degree of relationship to a deceased person should be entitled to equal inheritance rights (CEDAW, 1994<sup>[3]</sup>). Article 21 of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) also mentions equal inheritance rights for women and men with a number of specific guarantees for widows. So far, Tunisia is the only North African country covered by this publication that has ratified the protocol.<sup>5</sup>

While the constitutions of all four countries include the equality principle, national laws do not guarantee equal inheritance for women and men. The general rule in the family law of the four countries is that female heirs are entitled to only half the share to which men are entitled. These rules were initially established because men are deemed financially responsible for their families, while women do not have this obligation. Nowadays, this rule does not reflect the reality that women often contribute significantly to the family income. The rule also perpetuates gender inequalities over generations since daughters continue to inherit less than sons.

With the general rule already discriminatory along gender lines, there are additional challenges for women in securing their share of the inheritance. Women are often put under pressure by family members to waive their rightful share of inheritance. In addition, women are hesitant to claim their rights in court as this may damage family relationships and put them in a vulnerable position.

Countries have begun to provide some options for more equal inheritance, though in reality these options are rarely taken up. Jordan has introduced a regulation that prohibits heirs from transferring their inheritance rights until three months after the death of the testator. This regulation gives women time to consider their options and resist pressure from family members to relinquish (some or all of) their inheritance. Tunisia encourages lifetime bequests so that women can access gifts from their parents, spouses or brothers as some sort of inheritance anticipation. In addition, it is possible to draw up a will that gives additional inheritance to women. In Egypt, lifetime bequests are possible, as well as an agreement between heirs to divide the inheritance equally (OECD, 2017<sup>[1]</sup>).

Recently, interesting shifts are being seen in the region that suggest a move towards greater equality in inheritance. Case Studies 4.1 and 4.2 analyse these evolutions in Tunisia and Egypt in detail.

- Case Study 4.1 describes the actions of Tunisia's Committee for Individual Freedoms and Equality (COLIBE). Established by former President Beji Caid Essebsi, COLIBE drafted a report that proposed aligning national legislation with constitutional provisions, including in the area of gender equality. It proposes equality in inheritance between women and men, while leaving those who do not accept this equality free to distribute their inheritance differently. Although former President Essebsi supported the report's recommendations, the legislation on inheritance remains unchanged. However, the COLIBE recommendations steered major debates in other countries in the region about women's inheritance rights and gender equality more broadly.

- Case Study 4.2 tells how Egypt amended the inheritance legislation in 2017 to impose strict sanctions on those who disinherit members of the family. Though the reform does not give women additional inheritance rights, it penalises the illegal deprivation of those rights. While the law is already being applied in the courts, verdicts that rule in favour of women are often not implemented in practice. However, another important evolution has taken place in Egypt to guarantee equality in inheritance for certain groups of society. In June 2019, Cairo's Court of Appeal delivered an unprecedented final judgement that confirms the equality between Coptic men and women in relation to inheritance (Sidhom, 2019<sup>[4]</sup>).

### ***Case study 4.1. Proposals to align Tunisia's national legislation with constitutional gender guarantees***

Tunisia's ambitious new constitution was adopted in 2014 and strengthens women's status. However, there are still a number of laws in Tunisia that are contrary to the rights accorded to women in the constitution; these should be revised.

Former Tunisian President Beji Caid Essebsi announced the creation of the Committee for Individual Freedoms and Equality (COLIBE) on 13 August 2017 on the occasion of National Women's Day.<sup>6</sup> COLIBE's mission was to prepare a report proposing legal reform to bring individual freedoms and equality into line with the constitution and Tunisia's international human rights commitments. Part of the report's proposals focus on the situation of women.

This case study examines these proposals on equal inheritance, which are important despite the fact that they have not been fully implemented. They have led to important exchanges in other countries on this topic, and the fact that the President gave the mandate to this commission indicates state support for such discussions.

#### *What is the reform and how did it come about?*

The committee adopted a participatory approach and held consultations with representatives from different ministries, political parties, civil society, academia and international organisations. The final report was handed over to the President on 8 June 2018 and made public a couple of days later.<sup>7</sup>

The COLIBE report includes a section on gender equality in the areas of citizenship, the status of foreign nationals married to a Tunisian in Tunisia, the marriage contract, marital rights and obligations, relationship with children, inheritance and tax law. It describes existing discrimination, followed by proposed amendments to existing laws or a new draft law. In the most difficult and controversial areas, several alternatives are proposed. The report refers to provisions in the Tunisian Constitution, national legislation and relevant international conventions to which Tunisia is a signatory.

The report emphasises that as Tunisian culture and identity change over time, legal frameworks should reflect these changes. It also insists on the freedom for everyone to make their own choices, men and women alike. It puts women at the same level as men in the family and society at large by arguing that increased responsibility leads to emancipation.

The following are most the relevant proposed reforms for women's economic empowerment:

- **Non-discrimination in inheritance:** The report calls for civil rather than religious provisions to manage inheritance because granting equal inheritance to men and women represents equality in rights, a notion that is enshrined in the Tunisian constitution as well as in international conventions. The current Tunisian legislation prescribes that generally women's inheritance is half that of men's, foreseeing the possibility to deviate from this rule for families that prefer an equal distribution (OECD, 2017<sup>[1]</sup>). The COLIBE report proposes equality in inheritance between men and women

that are next of kin: brother and sister, son and daughter, father and mother and spouses. It proposes three different options:

- legally guaranteeing equal inheritance shares for male and female heirs
- legally guaranteeing equal inheritance shares for male and female heirs unless agreed otherwise
- legally guaranteeing equal inheritance shares for male and female heirs, with women having the final say when making a choice between receiving half the share of inheritance and receiving the same inheritance as the man in question.

The report also proposes a hierarchy for heirs: first sons and daughters, then parents and siblings, followed by grandparents and finally uncles and aunts. This would place women in a better position than currently, whereby uncles and male cousins can receive the inheritance instead of next-of-kin women. The report also proposes guaranteeing the widow's right to stay in the marital home after her husband's death.<sup>8</sup>

- **Tunisian citizenship and residency rights for foreign spouses:** currently a female foreign spouse is treated differently to a male spouse. While both men and women can transmit their Tunisian citizenships through marriage, men face less onerous conditions than women.<sup>9</sup> The report proposes that citizenship should be granted to men and women on equal footing.<sup>10</sup> The report even calls for retroactive legal provisions to correct past discriminations.
- **Abandoning or downgrading the practice of bride price:** this is paid by the groom (or his family) to the bride upon marriage. While the bride price can constitute a gift representing the union and the love between the spouses, it is also an obligation that prevents the woman from exercising her freedom to choose a spouse. Abolishing this practice would remove money from the power dynamics between husband and wife so that it is no longer the determining factor in a relationship. The report also proposes abolishing the grieving period within which a widow or divorced woman cannot remarry, in order to determine potential paternity.
- **Basing equality between husband and wife on the law and not on tradition and custom:** The report maintains that a husband's position as family head does not only mean that he is financially responsible for the family, but also that he has other types of responsibilities such as the education of the children. The report mentions that if the mother has an income, she should also contribute financially to the children's education. The report argues that it is in the children's best interest that mothers and fathers are equal and calls to abandon any different treatment of girls and boys within families. It suggests that children could take both their mother and father's surnames.
- **Taxation:** The 2017 OECD report clarifies that in Tunisia, tax allowances<sup>11</sup> are granted to the head of household, defined by the fiscal Code as the husband, a divorced spouse with custody of the children, a widow or the adopting parent.<sup>12</sup> This implies that, by default, tax allowances are granted to the husband even if his wife earns a salary and contributes to child-related and household expenses. A taxpaying woman will not benefit from these allowances unless she proves that she is providing a living for her husband and children (OECD, 2017[1]). The COLIBE report highlights a related issue: since the spouses are taxed separately, and only the head of household is entitled to deductions from his taxable income, married women who earn an income subject to tax are disadvantaged compared to men as their taxable income is calculated without any deductions.

### *What are the impacts, implementation challenges and factors for success?*

Commissioning this report was a bold and necessary initiative. It shows that Tunisia is serious about identifying national legislation that is contrary to the constitution and human rights commitments in terms of individual freedoms and equality, and has support at the highest level. No other MENA country has created a similar committee.

The report is well structured and its arguments draw on years of work by civil society and activists. The Committee's President is one of the founders of the Tunisian Association of Democratic Women (ATFD) and has thus been at the forefront in defending women's rights for years. Other members of the committee also have experience in activism and know very well the issues at play in Tunisian society.

However, its proposals have not been implemented.<sup>13</sup> The report has been submitted to parliament and is still pending a decision on follow-up actions. With a new government now in place, political priorities may have shifted. And although the Committee recommends equality in inheritance, it also proposes alternative options that undermine this equality.

The interviews carried out for this report reveal criticism from several angles. Some say that the report is elitist and that it is not in line with Tunisian culture. Others argue that it waters down the notion of full equality by offering alternatives and compromises. Some people have questioned why the report does not go into other types of gender discrimination, such as pay inequality.<sup>14</sup> Some actors have deliberately spread false information about it. A range of communiqués in support of and against the report has been issued.<sup>15</sup>

The report has definitely succeeded in triggering intense debate – not only in Tunisia, but throughout the MENA region (Case Study 4.2). As the report is long and technical, the next step should be to clarify and disseminate the exact content of its core proposals.

### ***Case study 4.2. Penalties for depriving women of their inheritance in Egypt***

In Egypt, the general rule is that women inherit half of what men inherit. In addition, women are often also deprived of this smaller share of inheritance. While overhauling the inheritance law proved too challenging, this case study describes how instead, women's rights supporters decided to advance women's inheritance in small steps by proposing legal reforms targeting additional inequalities in implementing the existing law.

Inheritance in Egypt is regulated by Law No. 77/1943<sup>16</sup> (on inheritance) and Law No. 71/1946<sup>17</sup> (on wills). While these laws are strongly influenced by *Shari'a* Islamic inheritance law, they apply to all religious communities in Egypt, including non-Muslim communities.<sup>18</sup> In general women inherit half the amount that men inherit when both have the same relationship to the deceased. Non-Muslim women married to Muslim husbands are not entitled to any inheritance. For this reason, many non-Muslim wives find themselves forced to convert to Islam during their marriage (Tadros, 2010<sup>[5]</sup>). While women in theory can inherit half of the amount of men (when both have the same relationship to the deceased), they are often deprived illegally of even this share.

This practice of women being prevented from inheriting their rightful share is common in border governorates and in Upper Egypt, where about 95.5% of women are affected, particularly with regard to land rights (Khodary, 2018<sup>[6]</sup>). Within local communities, this matter is governed by a set of informal customary laws which ensure that land is transferred to the male progeny.

In 1946, the Egyptian Parliament adopted Law No. 71, the Law of Bequest in response to the growing number of complaints from grandchildren who were excluded from inheritance upon the death of their grandparents. Its Article 37 is particularly relevant, since it introduces the possibility of testamentary freedom in favour of a legal heir. Giving the heir the opportunity to inherit on top of his/her legal share, a family can decide that daughters may inherit the same share as sons. However, if the deceased left no written testament, then the legal share applies, which means that the daughter inherits half the amount of a son. Besides testamentary freedom, people may circumvent the discriminatory inheritance rules, for example by registering their property under their daughter's name. These options are not frequently used though because many Egyptians, especially in villages and remote areas, are not aware of them and because social norms are traditionally not in favour of women's economic empowerment (OECD, 2017<sup>[1]</sup>).<sup>19</sup>

### *What is the reform and how did it come about?*

Renewed reform efforts took place in 2017, when the National Council for Women (NCW) advocated for reforming the inheritance law to bring it in line with the National Strategy for the Empowerment of the Egyptian Woman 2030 (Box 4.1). The NCW, alongside the Council of Ministers and several civil society groups, submitted drafts for an inheritance law reform. None of these drafts proposed equal inheritance for women and men – the existing inequality between female and male heirs is usually not touched in legal reforms as it is perceived too difficult to change given the prevalence of Islamic law. Instead, women's rights supporters decided to advance women's inheritance in small steps. Thus, the proposed law reforms target additional inequalities in implementing the existing law.

#### **Box 4.1. National Strategy for the Empowerment of Egyptian Women**

In 2017, the National Council for Women (NCW) launched the National Strategy for the Empowerment of Egyptian Women 2030. The Strategy was issued in the framework of the 2017 Year of the Egyptian Women, proclaimed by the Egyptian President Abdel Fattah El Sisi.

The national strategy is in line with the United Nations Sustainable Development Goals and the Egyptian Sustainable Development Strategy 2030. It is based on four pillars for women's empowerment: political empowerment, economic empowerment, social empowerment and protection against all forms of violence. Moreover, the strategy includes a comprehensive monitoring and evaluation mechanism, with a set of indicators and objectives to measure the achievement of all levels of accountability by 2030. In addition, the strategy calls for establishing the Egyptian Women's Observatory, which will develop scorecards to reflect the values of various indicators as well as the progress achieved towards realising women's economic empowerment.

Source: NCW (2017<sup>[7]</sup>), *National Strategy for the Empowerment of Egyptian Women 2030: Vision and Pillars*, <http://ncw.gov.eg/wp-content/uploads/2018/02/final-version-national-strategy-for-the-empowerment-of-egyptian-women-2030.pdf>.

President Abdel Fattah El Sisi supported NCW in their campaign to put pressure on Parliament to address the widespread problem of women being unjustly denied their legitimate right to inherit.

The campaign took advantage of the discussions surrounding the National Strategy for the Empowerment of Egyptian Women (Box 4.1), which includes provisions to stop women being illegally deprived of their inheritance. Their efforts resulted in the amendment of Inheritance Law No. 77/1943 in 2017.<sup>20</sup> The amendment imposes strict sanctions on those who disinherit members of the family. According to new Article 49, anyone guilty of having intentionally deprived an heir of their rightful inheritance is punished with three years in prison and a fine ranging between EGP 20 000 and 100 000 (around EUR 1 200 and 6 000). Anyone guilty of hiding documents that could prove someone's legal right to an inheritance is sentenced to at least six months in prison and a fine ranging between EGP 10 000 and 50 000 (approximately EUR 600 and 3 000).

The debate was fuelled in 2018, after Tunisian President Beji Caid Essebsi proposed giving Tunisian women equal inheritance rights (Case Study 4.1). This stirred up controversy, in particular among the Sunni Islam's highest authorities. Ahmed al-Tayeb, the Grand Imam of al-Azhar, took a firm position against the proposal and insisted that some Islamic rules, such as the laws regulating inheritance, are definitive and cannot be re-interpreted (Ahram Online, 2018<sup>[8]</sup>).

Even though society places a high value on al-Azhar's opinions, Cairo's Court of Appeal delivered an unprecedented final judgement that contests al-Azhar's opinion. The judgement confirms the equality between Coptic men and women in relation to inheritance,<sup>21</sup> based on Article 3 of the Constitution (Sidhom,

2019<sup>[4]</sup>). This judgement could potentially have a significant impact since it goes against Egypt's inheritance law which applies to all religious communities in Egypt, including Coptic communities.

### *What are the impacts, implementation challenges and factors for success?*

A broad reform of the inheritance law in Egypt currently does not have enough political support (The Arab Weekly, 2018<sup>[9]</sup>). However, giving women equal inheritance rights to men would be a very important step towards gender equality and could contribute enormously to women's economic empowerment. Protecting women's access to their inheritance will give them choice over how to use it: for example, to start a business or apply for a loan. A woman who has her own assets might also have a stronger position within the family and her voice might be heard more in financial decisions concerning the family.

While it is premature to assess the impact of this reform, implementation of this new legal provision is proving challenging for several reasons:

- **Many women are not aware of their rights;** nor are they familiar with the legal actions they are entitled to take. This means that any legislative reform has to be coupled with awareness raising, targeting both women and men. In 2017 NCW launched the *Tareq al-Abwab* (door-knocking) campaign to explain to women in villages and remote areas of Egypt their inheritance rights (Aman, 2017<sup>[10]</sup>).
- **Customs and conservative family structures** are an even greater obstacle to the implementation of the law. Women who take their relatives to court over an inheritance claim risk being disowned and rejected by their families, which they cannot afford either economically or socially. In some cases, family members resort to violence if women file an inheritance case. According to a 2008 study conducted by the Ministry of Justice, nearly 8 000 murders are committed annually among family members due to inheritance disputes (Awad, 2018<sup>[11]</sup>).<sup>22</sup> It is widely believed that resorting to court is a bad omen for women, who will hence have to face God's punishment, in their current life or after death (Khodary, 2018<sup>[6]</sup>).

It is a major challenge to address these beliefs, especially as all segments of society are included in the practice of depriving women from their legal share of inheritance. The result is that women waive their rights to their full inheritance to avoid exclusion and stigma. Some families offer them the so-called *radwa*, a small amount of money in exchange for their waiver. Sometimes the head of the family is not even keen on offering compensation, and just sells his estates to his sons to deprive daughters of their inheritance (NCW/USAID, 2009<sup>[12]</sup>).

Nevertheless, the Gender and Legal Expert House has reported that courts have started to apply Article 49 of the inheritance law. Court verdicts exist that penalise people for depriving women of their rightful inheritance share. However, as these court verdicts are not being enforced by the police, women remain without their rightful share and the perpetrators go unpunished.<sup>23</sup>

Penalties alone will not trigger social change; clear mechanisms and tools for changing social norms on gender equality more broadly are needed.

## 4.3. Marriage and nationality

An important indicator of women's empowerment is their freedom to make their own decisions. This includes freedom of choice over whom to marry.<sup>24</sup>

The laws of MENA countries do not prohibit marriage with foreigners. However, in practice, MENA women who marry foreigners may in some cases be discriminated against in day-to-day life. In addition, their spouses and their children may not have the same rights as other citizens of the country (Information and Research Center – King Hussein Foundation, 2011<sup>[13]</sup>).

While all four countries covered by this publication have ratified CEDAW, some of them have made reservations to various CEDAW articles, including Article 9.2 on equal rights between men and women with respect to the nationality of their children. Egypt, Morocco and Tunisia have lifted their reservations to Article 9.2, while Jordan has maintained them.

Even though the constitutions of the four countries include non-discrimination and gender equality principles, some nationality laws in MENA allow forms of discrimination among citizens. Tunisia is the only country covered by the publication that gives the wife the right to transmit her nationality to a foreign spouse, while husbands in all four countries can transfer their nationality to a foreign spouse (Table 4.1). Tunisia has even gone a step further to allow Tunisian women to marry non-Muslims (Box 4.2).

Morocco (2013), Egypt (2004) and Tunisia (2010) have amended their nationality laws to allow mothers to transmit their nationality to their children. In Jordan, mothers cannot transmit their nationality to their children, as described in Case Study 4.3.

**Table 4.1. Nationality laws in the four MENA countries**

	Egypt	Jordan	Morocco	Tunisia
Husband can transmit his nationality to foreign spouse and to his children	✓	✓	✓	✓
Wife can transmit her nationality to foreign spouse (under certain conditions)				✓
Mother can transmit her nationality to children	✓		✓	✓

Note: In Tunisia, both women and men can transmit their nationality to their spouse through marriage but the conditions for men to transmit are easier than for women (Art. 13 and 14 Tunisian nationality code).

In Tunisia, there are still different procedures for men and women when it comes to transferring nationality to their children

Source: OECD (2017<sup>[1]</sup>), *Women's Economic Empowerment in Selected MENA Countries. The impact of legal frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia*; World Bank Group (2020<sup>[14]</sup>), *Women, Business and the Law*, 2020, <https://wbl.worldbank.org>.

#### **Box 4.2. Campaign success to allow Tunisian women to marry non-Muslims**

Until 2017, if a Tunisian woman wanted to marry a non-Muslim in Tunisia, she would have to present a certificate proving that her future spouse had converted to Islam. This was mandated in a Tunisian circular from 1973, and other texts. The same held true for Tunisian women who married a non-Muslim abroad and wanted to have the marriage recognised in Tunisia.

Civil society organisations had been advocating for a long time for the freedom of women to choose their spouses. They argue that the texts do not respect women's freedom to choose their spouse and are contrary to the Tunisian Constitution and Tunisia's international commitments on women's rights. The process took a more organised dimension when 60 Tunisian associations grouped themselves into a "collective" to advocate for the abolition of the 1973 circular. In 2017, Tunisian President Essebsi cancelled the 1973 circular and all similar texts that did not allow a Tunisian woman to marry a non-Muslim.

### ***Case study 4.3. Equality in children's nationality and work rights in Jordan***

While Jordan is still lagging behind other MENA countries in terms of giving equal rights to individuals with Jordanian mothers and non-Jordanian fathers, the country has recently taken some steps in the right direction. This case study outlines some recent initiatives.

#### *What is the reform and how did it come about?*

Jordan has a unique position in the region, since for many years it has been hosting a large number of refugees from neighbouring countries (Case Study 3.4.). This has meant a large influx of non-Jordanians, many of whom have started marrying Jordanian citizens. Jordan's Nationality Law<sup>25</sup> indicates that nationality is transmitted mainly by paternity (Art. 3.3): while Jordanian men married to foreign women can transmit their nationality to their children, Jordanian women married to foreigners do not have this right. Currently about 89 000 Jordanian women are married to foreign husbands. Therefore, around 360 000 children are non-citizens even though their mother is Jordanian and they are living in Jordan (Najjar, 2017<sup>[15]</sup>).

Non-citizens face difficulties in receiving residence permits, applying for driving licenses, buying real estate, and availing of the benefits in the educational, health, labour and investment sectors. In all these areas, children of Jordanian mothers and foreign fathers are treated as expatriates (Human Rights Watch, 2018<sup>[16]</sup>). The Jordanian Labour Law is highly restrictive to non-Jordanians. According to Article 12, non-Jordanian workers cannot be employed except with the Labour Minister's approval and provided that the work requires experience and qualifications that are not available among Jordanian workers. Work permits must be renewed annually. Large segments of the job market are also "closed professions" to non-Jordanian citizens.

In order to ease the situation, in 2014 the government decided to start issuing identification cards which give individuals with Jordanian mothers and foreign fathers certain benefits. Nevertheless, this reform was only of limited impact since issuing the identification cards takes a very long time and proof of eligibility is complicated. As of February 2018, less than 20% of non-citizen children of Jordanian women had obtained identification cards (Human Rights Watch, 2018<sup>[16]</sup>). In addition, even if they get an identification card, non-citizen children of Jordanian women still have to apply for an annually renewable work permit.

Women's rights activists have been campaigning for a long time for equal rights for children of Jordanian women married to non-Jordanians. Recently, they have gained the support of the international community, which is putting pressure on Jordan to address the situation. The campaign frames the issue as a violation of the equality principle enshrined in the constitution. It not only advocates for Constitutional reform, but also for reform of the nationality law. When some Labour Law articles were opened for reform, the campaign seized on this momentum to also propose equal labour rights for individuals with Jordanian mothers married to non-Jordanians. This culminated in an amendment of article 5 of the Labour Law to state that non-citizen children of Jordanian women who reside in Jordan no longer have to obtain a work permit to work in Jordan.

#### *What are the impacts, implementation challenges and factors for success?*

It is important to place the issue in the wider context of the region, with Jordan hosting a large number of refugees from neighbouring countries. The country is concerned not to make refugees' stay permanent, since this will put additional strain on an already vulnerable economy with low labour force participation rates of Jordanians. Nevertheless, citizens should be free to marry their partners of choice and the consequences of this choice should not negatively affect their children.

#### 4.4. Violence against women and girls

Violence against women and girls (VAW) is still very prevalent in MENA, as in other regions of the world (Chapter 1), and can take many forms. The Istanbul Convention on preventing and combating violence against women and domestic violence, defines violence against women as falling under four key forms: physical, sexual, psychological and economic (Council of Europe, 2011<sup>[17]</sup>). Box 4.3 discusses the links between violence against women and women's economic empowerment.

UN Women's *Handbook for Legislation on Violence Against Women* (Box 4.4) states that legislation should apply to all forms of violence against women, including but not limited to (UN Women, 2012<sup>[18]</sup>):

- Domestic violence.
- Sexual violence, including sexual assault and sexual harassment.
- Harmful practices, including early marriage, forced marriage, female genital mutilation, female infanticide, prenatal sex-selection, virginity testing, HIV/AIDS cleansing, so-called honour crimes, acid attacks, crimes committed in relation to bride-price and dowry, maltreatment of widows, forced pregnancy, and trying women for sorcery/witchcraft.
- Femicide/feminicide.
- Trafficking and sexual slavery.

Legislation should also recognise violence against women perpetrated by specific actors, and in specific contexts, including:

- Violence against women in the family.
- Violence against women in the community.
- Violence against women in conflict situations.
- Violence against women condoned by the state, including violence in police custody and violence committed by security forces.

The four countries covered by the publication have all ratified international standards on eliminating VAW (Box 4.4) and have all recently made changes in their legal, policy and institutional frameworks to further address VAW. For example, the constitutions of Egypt and Tunisia prohibit violence against women. While Tunisia and Morocco have issued new laws on VAW, Jordan and Egypt have amended their existing legal frameworks on VAW. While this is a positive evolution, in some countries the changes are not in line with international standards on the topic and are only minimal.

The four case studies in this section provide an overview and analysis of the latest legislation on VAW in each of the four countries. The section concludes with an in-depth analysis of these reforms, looking at what has contributed to their success and what the remaining roadblocks are. This feeds into the analysis in Chapter 6 of key lessons for successful reforms.

### Box 4.3. The links between VAW, women's economic empowerment and the economy

The links between VAW and women's economic empowerment in the MENA region are not straightforward and require further analysis. There are several reasons why violence is inflicted on women. In some cases, a woman's increased independence through economic empowerment can reduce her experience of violence because she is in a less vulnerable position and no longer accepts being the victim of violence. In other cases, a woman's economic empowerment may lead her to be the victim of increased violence because her husband may fear losing control over her.

In addition, VAW carries significant costs to individuals, households, the public sector, businesses and society. Models have been developed for costing marital violence in the MENA region (UN Women/ESCWA, 2017<sup>[19]</sup>) as well as for calculating the economic cost of gender inequalities more broadly (OECD, 2019<sup>[2]</sup>). The model for costing marital violence in the MENA region has been piloted in Egypt. The study shows that the total cost emerging from violence for survivor women and their families alone was estimated to be at least EGP 2.17 billion (almost EUR 127 million) in a single year, based only on the cost of the most recent severe incident the woman faced (Duvvury et al., 2015<sup>[20]</sup>).

Putting numbers on how much the economy could gain from ending violence against women is a very powerful advocacy tool for reform. The case studies show that countries have started collecting new types of data to build the case for legal reform in support of women's economic empowerment.

### Box 4.4. International standards and guidance for eliminating violence against women

**CEDAW** is the most important standard since it includes a number of provisions on violence against women, such as general recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35. The CEDAW Committee has expressed concern about the high levels of VAW in all publication countries, which has put additional pressure on countries to reform their legislation.<sup>26</sup>

The **ILO Violence and Harassment Convention** was adopted in 2019 to combat violence and harassment in the world of work. It is now open for country ratifications (Box 4.6).

The **Council of Europe Convention on preventing and combating violence against women and domestic violence** (Istanbul Convention)<sup>27</sup> is also open for ratification by MENA countries.

There is comprehensive guidance available on the ingredients and working methods to draft legislation on violence against women, such as the UN Women's **Handbook for Legislation on Violence Against Women** (UN Women, 2012<sup>[18]</sup>). Countries can use these tools to align their national legal frameworks with the commitments made at the international level – as Tunisia has already done.

In 2019 the OECD Development Assistance Committee adopted the **Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response**.<sup>28</sup> The recommendation sets out the first international standard in this area for governments to apply to national aid agencies and the wider international community when working with civil society, charities and other bodies running development programs or delivering humanitarian aid.

### **Case study 4.4. Tunisia's comprehensive legislative framework to address all forms of violence against women and girls**

Violence against women in Tunisia is prevalent. In 2010 a National Survey on VAW revealed that almost 48% of Tunisian women declared having been victims of one or more forms of violence (ONFP/AECID, 2010<sup>[21]</sup>) (see Chapter 1). This is despite the existence of a National Strategy on Violence against Women and Girls (VAW), adopted in 2008.<sup>29</sup> The strategy remained largely unimplemented until it received attention at the international level when the Committee on the Elimination of Discrimination against Women urged Tunisia to give it priority attention in 2010 and again in 2013 (CEDAW, 2010<sup>[22]</sup>; CEDAW, 2013<sup>[23]</sup>). This led to an important law to address VAW in Tunisia, as described in this case study.

#### *What is the reform and how did it come about?*

The attention drawn to VAW by the 2010 National Survey on VAW pushed the government to act. The Ministry of Women, Family, Childhood, and Seniors and the peer council took the lead in implementing the National Strategy on VAW (which had been updated in 2012), which recommended revising the legal framework on VAW. The ministry solicited the support of the United Nations and in 2014, a team of experts, including civil society representatives, started to prepare a first draft of the VAW Law. An ambitious initial draft law proposed revisions of the family code and the penal code but was seen as too progressive, and rejected by the Council of Ministers.

In parallel, advocacy efforts were being targeted at parliamentarians to make sure a provision on the eradication of violence would be included in the new constitution, also under discussion at the time. The new constitution was adopted in 2014 and many of its provisions protect women's rights, including Article 21, which mentions that "the State guarantees individual and collective rights and freedoms to its male and female citizens", as well as Article 46, which foresees that "the State shall take all necessary measures in order to eradicate violence against women".<sup>30</sup> At the global level, the 2030 Agenda for Sustainable Development was adopted in 2015 with Sustainable Development Goal (SDG) target 5.2 focusing on the elimination of all forms of violence against women and girls.<sup>31</sup>

The new constitution and its Article 46 in particular, together with SDG 5.2, provided the momentum to keep working on the draft law on violence against women and girls. An Advocacy Committee consisting of several international organisations<sup>32</sup> was set up to make sure that the new draft law was in line with international standards on VAW (Box 4.4). More than 60 national associations formed a Civil Society Coalition on VAW to support the draft law process through research and advocacy. The law<sup>33</sup> was adopted in July 2017 unanimously, and entered into force in February 2018.

On 26 February 2020, a government decree<sup>34</sup> was published establishing a national observatory to eliminate violence against women. The observatory, which will be a financially autonomous public institution overseen by the Ministry of Women, Family, Childhood, and Seniors, aims to institutionalise the fight against VAW in Tunisia. Its missions will include collecting data on and reporting cases of VAW, monitoring and evaluating the legal and policy framework on VAW and formulating reform proposals. The observatory will also take part in developing national and sectoral strategies aimed at eliminating violence against women. The observatory should submit a yearly report to the President of the Republic, to the President of the Parliament and to the Head of Government, providing the evidence-base on violence against women and giving recommendations on how to improve national mechanisms to eliminate violence against women.

#### *Content of the reform*

The law is comprehensive in its approach and follows the recommendations in the "model framework for legislation on violence against women" contained in the UN Women's 2012 handbook (UN Women, 2012<sup>[18]</sup>) (Box 4.4). It acknowledges violence against women as a form of gender-based discrimination and

a human rights violation. Furthermore, the law respects international criminal law standards, as it provides accountability, legal assistance and redress for the victims of crimes.

The law contains four axes, covering all forms of violence against women – physical, moral, sexual, political and economic violence – and all the elements required to tackle them: prevention, protection, prosecution and care for victims. Given the scope of this publication, the inclusion of economic violence is particularly interesting.

**Economic violence** is defined as “any act or abstention to exploit women or deprive them of economic resources, whatever their origin, such as the deprivation of funds, salary or income, the control of wages or incomes and the prohibition of work or coercion to work”. The law defines the crime of economic violence or economic discrimination based on gender. It includes the following acts:

- Depriving a woman of her financial resources or disposal over her income;
- Wage discrimination for a work of equal value;
- Discrimination in a professional career including promotion and advancement in roles and responsibilities.

The law further details this in the section on prevention where it mandates the state to take all necessary measures to eliminate discriminatory practices against women and girls, in particular regarding their remuneration and social protection, and to prohibit economic exploitation, which can take the form of hazardous and degrading work. The law thus goes very far in this regard and additional legal reforms will be required to guarantee the proper implementation of these provisions.

The law calls upon the ministries of education, higher education, vocational training, culture, health, youth, sports, children, women and religious affairs to take specific measures to prevent violence against women in their institutions. These measures include staff training in how to prevent and act upon cases of violence. Specific measures such as combating girls' school dropouts are also mentioned.

**Protection.** The Ministries of Justice and Interior have also made substantive efforts in ensuring the protection of victims of violence (Art. 39). The law protects girls and women victims of violence and their children. It foresees their legal protection including legal aid and access to information as well as a referral system to specialised services (medical, psychological and social). Access to emergency accommodation is also foreseen within the limits of availability. Every person, even those held by professional secrecy, are obliged to report cases of violence. The law foresees that with approval of the State Prosecutor, the police can apply certain protection measures for the victims of violence even before the case reaches the family court. Another interesting aspect of the protection measures is the fact that the judge can order child alimony for the child(ren) of the victim of violence, to which both spouses should contribute if appropriate. This means that the judge takes into account that if the financial situation of the woman allows, she should also financially contribute to the alimony.

**Prosecution.** The law foresees an increased repression of perpetrators of violence by amending certain articles of the penal code. New forms of violence are included such as economic violence, child labour (Box 3.1), incest, deliberate public humiliation and political violence.

Rape is described as an act committed against women or men. The law imposes enhanced sentences for different acts of violence. It takes into consideration a number of aggravating circumstances, for example when the perpetrator has authority over the victim or when the perpetrator is the husband or ex-husband, fiancé or ex-fiancé of the victim. The law has been defined as a landmark in the region, because it no longer allows charges to be dropped when an offender who rapes a minor marries the victim, and also because it explicitly criminalises marital rape.

**Care for victims.** The law foresees detailed measures to provide care for the victims. It mandates the creation of a unit specialised in violence against women in the police corps of each governorate and the National Guard. This unit has to include women amongst its members. Separate spaces in courts of first

instance should be reserved for magistrates dealing with VAW cases. The law instructs the personnel in charge of the protection of victims of violence to respond immediately to each request for assistance or protection by the victim.

*What are the impacts, implementation challenges and factors for success?*

Tunisia's law on VAW is an impressive achievement. It is the result of close collaboration and perseverance by civil society, international organisations and government. As a first step, the evidence base was built to justify the need for the law. The team who drafted the different versions of the law included civil society representatives who had been working on violence against women for many years and were thus very conversant with the situation on the ground. The support from the Advocacy Committee played an important role in ensuring that the law was in line with international recommendations on violence against women. The law requires a yearly report on implementation so that impact can be measured over time.

Seizing the opportunity to include Article 46 in the drafting of the new constitution was a strategic move which paved the way for the continuation of the draft law process.

A number of courts have already applied the law in practice. Some examples of decisions are shared in the annex to this chapter (Annex 4.A). Nevertheless, the practical implementation of the law remains challenging for a number of reasons, though efforts to address all these challenges are underway:

- The care services and structures for female victims of violence are very limited and mostly ensured by civil society. The government relies heavily on development cooperation partners for the financial and technical support for implementing the law. A couple of months before the adoption of the new law, a 2017-2018 UN Joint Programme (led by the United Nations Population Fund) was signed on care for women victims of violence in Tunisia. Its objective is to support the government in three main areas: providing quality services for women victims of violence, establishing an inter-sectoral co-ordination and referral system for women victims of violence, and sensitisation and advocacy on violence against women (UNFPA Tunisia, 2017<sup>[24]</sup>).
- There is little awareness of the law or of violence against women more broadly, not only by the wider public but also by service providers for women victims. Many efforts are currently being deployed to disseminate the key elements of the law to the wider public and to sensitise officials who have a role in implementing it. Media representation of (violence against) women has received special attention (Box 4.5).
- The many actors responsible for the law's implementation poses co-ordination challenges. Tunisian stakeholders have been working for a number of years on improving co-ordination, such as through the project on the Creation of Inter-sectoral Mechanisms for the Care for Women Victims of Violence in Grand Tunis 2014-2017.<sup>35</sup> This project led to five ministries (Social Affairs, Justice, Women Family and Children, Interior and Health) signing multisector co-ordination protocols in 2016, even before the new law entered into force. In 2016, the Ministry of Women's Affairs also published a mapping of services for women victims of violence or in vulnerable situations in Tunisia (UNFPA/HCDH, 2016<sup>[25]</sup>), which should also aid in co-ordinating the different services.
- Access to justice. This may sometimes be difficult due to the lack of trained police officers and, in some cases, social pressure preventing women from filing complaints.

### **Box 4.5. The important role of the media**

A specific article of the law (Art. 11) is dedicated to the role of the media in sensitising the wider public about violence against women and girls. The article prohibits stereotyping and media content that could be detrimental to the image of women. Specific attention has been dedicated to this topic in Tunisia and in 2016 a study came out on media treatment and journalistic practices on violence against women and girls (ATFD, 2016<sup>[26]</sup>). In addition, a “declaration of principles on respect for human rights in media coverage of violence against women” was issued, as well as a “form on free and informed consent before the testimony of women victims of violence” (ATFD, 2016<sup>[26]</sup>).

### **Case study 4.5. Reforming Jordan’s legal framework on violence against women**

While there are no updated official figures on violence against women in Jordan, interviews with various stakeholders for this report (Annexes A and B) confirm that VAW is still an important problem in Jordanian society. These interviews also indicated that there is a lack of awareness in society about what VAW entails, and especially that it also includes economic exploitation. It was reported that many women in Jordan are prohibited from working by their family and those women who do work are not in control of the money they earn. In addition, violence against women is a taboo subject in Jordanian society and many women choose not to report cases of violence. Even when they do report them, they may not be supported adequately by the justice system. It has been reported that justice professionals often face social pressures to reject a claim of VAW (UN Women, 2015<sup>[27]</sup>).

Jordan is taking steps to address these problems. This case study documents Jordan’s recent reform efforts to tackle VAW.

#### *What is the reform and how did it come about?*

In 2015 and 2016, there were several protests by women rights activists calling to end violence against women. The situation in Jordan was also increasingly being criticised at the international level. Human Rights Watch warned that honour killings were on the rise in Jordan and called for a national strategy to fight them (Coogee, 2016<sup>[28]</sup>). The CEDAW committee urged Jordan to address the alarming increase of honour crimes and domestic violence (EuroMed Rights, 2018<sup>[29]</sup>). A CEDAW report explicitly recommended legal reform (AWO/Mosawa Network, 2017<sup>[30]</sup>).

Violence against women in Jordan is addressed by two different laws: the family protection law and the penal law. Following the protests and international outcry, both frameworks were revised in 2017 to give greater attention to VAW. As detailed below, the amendments to the family protection law provide additional protection to women victims of violence, increase penalties for perpetrators of violence, provide greater procedural guarantees and protect witnesses. The amendments to the penal law foresee increased penalties under some circumstances for perpetrators of honour crimes, and rapists can no longer escape punishment by marrying their victim.

**Jordan’s Family Protection Law<sup>36</sup>** was issued in 2017 and focuses on domestic violence. While the law does not include a specific definition of domestic violence, it considers that domestic violence occurs when committed by a family member against another member of the family (Article 2). The law defines family members to include husband and wife, children, and other relatives provided they were residing in the family home at the time of the violent act (Article 3). Hence, the law does not cover violence against women who are not part of this predefined family structure and hinges protection on being married. This may result in overlooking other forms of domestic violence that may occur outside the family home law (UN Department of Economic and Social Affairs, 2010<sup>[31]</sup>).

- **Protection:** The Family Protection Law outlines mechanisms to protect victims of domestic violence, such as a 24-hour hotline and ability to transfer the victim to a hospital when needed (Article 6). Once the Family Protection Department is made aware of a case, it can transfer the victim to a safe house, in co-ordination with the Ministry of Social Development. The law allows the police to detain suspected abusers for 24 hours if there is no other way to ensure the protection of the victim or a family member (Article 11). The law also gives the court the right to issue a protection order at the request of the victim or any family member for a period not exceeding one month (Article 14). Furthermore, the Family Protection Department protects witnesses or other stakeholders who come forward. If court orders are violated, the perpetrator could be imprisoned for up to one month, and/or fined (though not more than 100 Jordanian dinars – JOD). Violating court orders more than once results in stricter sanctions.
- **Repression measures:** The court bases its measures on specialists' reports (psychologists, medical personnel) and can order the perpetrator to do public service for a period not exceeding 40 working hours, or to attend psychological and social rehabilitation programmes for a period not exceeding six months, in addition to prohibiting the perpetrator from visiting any place that would involve contact with the victim for a period that does not exceed six months. Failure to carry out these prescribed measures can result in imprisonment for a period that does not exceed three months (Article 11). The law also stipulates a strict requirement of complete confidentiality (Article 18).
- **Penal law reform for honour crimes.** Penalties for perpetrators of honour crimes have been increased by amending Article 98 of the Penal Law (Roya News, 2017<sup>[32]</sup>). Article 98 used to stipulate that a perpetrator of violence could benefit from "mitigating circumstances" if he was suffering from a "severe rage tantrum" due to a false and dangerous action by the victim. Without specifying what a false and dangerous action might be, the law has been invoked to justify honour crimes. The amendment means that perpetrators can no longer escape punishment by leveraging the mitigating excuse of Article 98. However, Article 340 is still in place, which allows for a reduced sentence for a man who has murdered his wife, daughter, granddaughter, mother or grandmother after finding them in an "adulterous situation" (Albwaba, 2017<sup>[33]</sup>). The wife can also benefit from reduced sentences if she finds her husband in an adulterous situation in her matrimonial bed. Article 308 of the Penal Code was repealed in 2017, which now means that rapists can no longer escape punishment if they marry their victim (Husseini, 2017<sup>[34]</sup>).

Besides legal reform, the Jordanian Government has also introduced policy reforms and administrative steps to ensure the protection of women victims of violence:

- **A policy framework for VAW.** In 2016 the Government of Jordan put in place a national framework for the protection of the family from domestic violence, which encompasses violence against women, children and the elderly, though not domestic violence against men. The framework's goals are: co-ordination amongst all relevant stakeholders (health, education, police and judiciary) to provide well-rounded services; guiding principles for the prevention of and protection against domestic violence using a multi-institutional approach; a monitoring and evaluation mechanism for the application of the framework; and effective case management by creating a common language on family protection from domestic violence. In addition, the Jordanian National Commission for Women (JNCW) is in the process of developing a National Women's Strategy (2020-2025) which will include a component on VAW and gender-based discrimination in Jordan.
- **Communication on VAW.** A Communication Strategy on Gender-based Violence (GBV) was issued by the Ministry of Social Development in 2014.<sup>37</sup> Its functions include preparing brochures and campaigns to combat GBV, establishing co-operation between government and non-government stakeholders, and correcting misconceptions that justify the use of violence against women. The Sham'a Network also regularly organises VAW campaigns as well as educational and awareness activities for law enforcement personnel and the judicial system.

- **Enhanced protection for women victims.** Since there are not enough women's safe houses run by the government, women who seek state protection from the imminent danger of an honour crime (e.g. after a rape) used to be frequently detained alongside convicted criminals because they had to leverage the Crime Prevention Act. They were referred to as "administrative detainees" (Canada Immigration and Refugee Board Research Directorate, 2000<sup>[35]</sup>). The Minister of Social Development announced that the detention of at-risk women would end completely by the end of 2018, stressing the possibility of replacing administrative detention with rehabilitation, integration and reconciliation (Luck, 2018<sup>[36]</sup>). There are some safe houses in Jordan, but more are needed. The Family Reconciliation House in Amman was the first shelter for victims of domestic violence (Husseini, 2010<sup>[37]</sup>). In 2018, a shelter called Dar al Amina was opened, based on Jordan's Shelters for Vulnerable Persons System covered by Law No. 171 of 2016 (UN OHCHR, 2017<sup>[38]</sup>). The Jordanian Women's Union (JWU) also operates safe houses.

*What are the impacts, implementation challenges and factors for success?*

The recent reforms are mostly the result of tremendous effort by civil society and JNCW, who have been advocating for reform for decades. The reforms were able to go ahead once civil society had built the necessary political will, aided by international attention to the issue. The Women and Family Affairs Committee (Box 5.1) also played an important role in putting the issue of VAW on the agenda of parliamentary discussions and putting forward the right arguments.

Despite these important efforts, Jordan's legal framework is not yet in line with international standards for legislation on violence against women as laid out in the UN Handbook for Legislation on Violence against Women (Box 4.4):

- Although the family protection law focuses on domestic violence, the law does not include a definition of this concept. The application of the law is limited to the abuse committed by certain family members only and in certain places only. It therefore fails to adequately protect women from violence.
- The current legal framework for VAW in Jordan does not include provisions for the prevention of violence.
- The added value of the family protection law in addressing VAW as compared to the penal law may be limited. While the family protection law only deals with certain cases of domestic violence, the penal law covers all other forms of violence.
- Justice professionals often do not make adequate links between VAW addressed in the penal code and the family protection law and the fact that VAW is often the result of gender dynamics in the household, and so covered by the personal status law (treated in Sharia courts). One report indicates that Jordan does not address VAW as a human rights issue, but has treated the issue through a silo approach (UN Women, 2015<sup>[27]</sup>).

Women's rights activists are well aware of these gaps in the legal framework. Under the leadership of JNCW, lists of proposed legal reforms on VAW are regularly developed and submitted.

#### ***Case study 4.6. Towards a comprehensive draft law on violence against women in Egypt***

Over the last four decades, Egypt has taken significant steps to combat violence against women. However, the problem remains endemic and is a major obstacle to the participation of women in economic and public life, as well as being an economic cost for the country (Box 4.3 and Chapter 1). The most common forms of VAW in Egypt include sexual harassment, rape, mob violence, trafficking and stalking (Amnesty International, 2015<sup>[39]</sup>). Inside the family, VAW occurs mainly as domestic violence, marital rape, female genital mutilation (FGM) and child marriage. Egyptian authorities realise the seriousness of the situation

and have recently taken important actions to address it. This case study gives an overview of these recent legislative and policy initiatives, paying particular attention to sexual violence, domestic violence and harmful practices (early marriages and FGM).

### *What is the reform and how did it come about?*

The Egyptian Government has made several efforts to combat VAW on both the legislative and policy front. A first important achievement was to include the prohibition of VAW in the 2014 Constitution (Articles 11 and 60).

While the national strategies dealing with VAW are comprehensive, the Egyptian legal framework is less complete. Firstly, VAW is covered in different legal frameworks that sometimes overlap or leave gaps. Secondly, the legal framework on VAW lacks a comprehensive definition of the different forms of violence.

#### **Sexual violence (rape and sexual harassment)**

Egypt's penal code criminalises rape and was amended in 2014 in order to also criminalise sexual harassment. While this is a step in the right direction, the penal code's definitions of rape and sexual harassment are too narrow, and as a result many acts of violence are not covered.

Article 267 of the penal code criminalises rape. Without using the formal term rape (*ightisab*), the article says that sexual intercourse with a female without her consent brings a penalty of aggravated or life imprisonment.<sup>38</sup> According to Article 267, rape is understood to only include vaginal penetration, although the Code provision itself does not say so.<sup>39</sup> The definition of this article has been developed based on court verdicts and commentaries.<sup>40</sup> A major reform was adopted in 1999, when Egypt repealed Article 291 of the penal code so that rapists could no longer escape prosecution by marrying their victim.

In 2014, a presidential decree<sup>41</sup> was issued to amend the penal law, introducing a definition of sexual harassment and imposing stricter penalties.<sup>42</sup> Until then, no definition of sexual harassment had been included in the Penal Code, and no methods of proving it were foreseen. This amendment, commonly known as the "anti-harassment law" criminalises sexual harassment in the form of words, gestures and actions expressed in person or through other means of communication. The law also includes a clause on harassment in the workplace, and stipulates a more severe sentence for an offender who is in a position of authority over the victim. While these are improvements over the situation before the amendment, the amendment's description of sexual harassment is too limited. The amendment describes sexual harassment as an act committed with "intent to receive sexual gratification from the victim". According to the law, an act can only qualify as sexual harassment if it was motivated by the sexual desires and fulfilment of the offender. This provision is in contrast with international standards such as CEDAW, which prescribe a broader definition of sexual harassment as any act that the victim regards as offensive, humiliating or intimidating.<sup>43</sup>

Al-Azhar, Egypt's highest religious authority, recently took a stand and published a statement which stressed that "Harassment is a forbidden and deviant behavior, as it encroaches on the privacy, freedom and dignity of women. Justifying harassment with the women's clothing shows a misinterpreted understanding of the issue" (Magdy, 2018<sup>[40]</sup>). Rulings of Al Azhar and Dar el Iftaa are advisory legal opinions and are not legally binding, but due to the importance of these institutions, they are usually taken into consideration by society as a whole. Judges also refer to such opinions in their legal reasoning.

#### **Domestic violence**

In Egypt, domestic violence is not criminalised as such. Several articles in the Penal Law even give the impression that domestic violence is somehow tolerated. Article 60 states that "the provisions of the Penal Code shall not apply to any deed committed in good faith, pursuant to a right determined by virtue of the

Sharia". Therefore, a beating husband (or father) can be exonerated if it is argued that he disciplined his wife (or daughter) with good intentions (in good faith).<sup>44</sup>

Honour crimes can be considered as an extreme form of domestic violence. There are no official statistics on honour crimes in Egypt, but it is commonly known that these crimes are happening and they are sometimes also reported in the media (Nazra for Feminist Studies, 2014<sup>[41]</sup>). In Egypt, the perpetrator of an honor killing can get a reduced sentence according to Article 17 of the penal law, which gives the judge extensive discretionary power to apply clemency (Mecky, 2016<sup>[42]</sup>). In addition, Article 237 of the Penal Code states that "the husband who surprises his wife in the act of committing adultery, and instantly kills her and her partner, shall be punished by imprisonment, instead of the penalties determined in Articles 234 and 236 of the Penal Code". Using Article 237 usually leads to a maximum of one year in prison for a husband who has killed his wife.

The penal code should also be read together with the **personal status laws**, which are disempowering female victims of domestic violence. Domestic violence is not necessarily a reason for divorce, as the law evaluates harm as what is "impossible for the likes of them" (i.e. what is deemed impossible to accept by the individual in question).<sup>45</sup> It is left to the judge's discretion to decide what a wife would find impossible to accept.<sup>46</sup> Further, women frequently face lengthy and expensive court procedures to prove that they have suffered harm, and the violence needs to be witnessed by at least two men, or one man and two women. These witnesses must have seen and heard the acts of harm (Bernard-Maugiron and Dupret, 2008<sup>[43]</sup>). A widespread form of domestic violence in Egypt is **marital rape**, which still remains a taboo subject. A wife is expected to sexually satisfy her husband as part of the marriage contract. The act of a husband forcing his wife to have sexual intercourse without her consent is therefore not considered a criminal offence.

### **Early marriages**

Early marriages do not only entail a violation of the rights of the child, but also have large economic costs. It has been documented that ending child marriage in Egypt could generate an additional USD 2 893 million in earnings and productivity (Wodon, Savodogo and Kes, 2017<sup>[44]</sup>). Ending child marriage can improve health at the individual and population levels, increase productivity and enhance the opportunity to realise the gains in a country's economic growth that can result from declining birth rates and a shifting population age structure, commonly referred to as the "demographic dividend". Concrete actions to fight child marriage began to be taken in the 2000s, with the National Council for Childhood and Motherhood (NCCM) launching a programme on the empowerment of girls. The Child Law was amended in 2008, raising the minimum age for marriage from 16 to 18 years for both boys and girls.<sup>47</sup> The law does not explicitly prohibit early marriages, but prevents them from being registered. As a result, early marriages continue to be concluded informally without registration. Therefore births cannot be registered either if the mother is a minor.

In 2014, Egypt published a five-year national strategy to prevent child marriage (Ali, 2019<sup>[45]</sup>). The strategy called for an update and improvement of the legislative framework to protect the child. In June 2018, Egypt's Government proposed a new draft law that includes amendments to Article 12 of the Child Law, introducing harsher penalties to those involved in marrying off girls and boys (e.g. the guardian, the marriage registrar), who are below the current legal marriage age of 18 (Ali, 2019<sup>[45]</sup>).

### **Female genital mutilation (FGM)**

FGM is a major obstacle to the economic empowerment of women, as it undermines girls' opportunity to receive an education and improve their skills. Within some communities, FGM marks the beginning of adult life and is often followed by marriage. Women who have undergone FGM experience extremely negative consequences both for their physical and psychological wellbeing, thus their ability to find a job, build a successful career, or start a business is heavily compromised.

Egypt has been a pioneer in the fight against FGM, a harmful and traditional practice affecting more than 28 African countries, and some populations in Middle East and Southeast Asia. Egypt played a crucial role in overcoming the secrecy that surrounded FGM and removing the religious pretext.<sup>48</sup> At the beginning of 2000, data from the National Council for Childhood and Motherhood (NCCM) on the high number of women and girls having undergone FGM attracted the interest of Suzanne Mubarak, Egypt's first lady at the time. She convened an international conference gathering governments and anti-FGM activists from all affected countries. It was the first time that the issue was publicly brought up at the highest level. In 2007, both the Sheik of Al-Azhar and the Patriarch of the Coptic Church made the point that FGM has no basis in Islam or Christianity and, as such, it contradicts religious teachings. This came after an 11-year-old girl died while undergoing the procedure at a private medical clinic in southern Egypt.<sup>49</sup>

A huge international campaign to end FGM began. In Egypt, the campaign led to the adoption of Child Law No. 126 of 2008, which amended the penal code and criminalised FGM, punishing anyone who practices or asks to practice FGM, including the parents. The government also established a hotline for reporting FGM crimes and undertook actions in rural areas to sensitise people about the law. Following the Egyptian example, most of the affected countries have passed ad-hoc laws banning FGM. In 2016, parliament amended the Child Law, introducing tougher penalties. A National FGM Abandonment Strategy 2016–2020 was formulated to enforce existing laws against FGM and to monitor progress in order to reduce the prevalence of FGM for future generations in Egypt.<sup>50</sup> In 2018, the Islamic Research Institute Dar el Iftaa issued a significant ruling stating that "FGM is religiously forbidden and that the practice is not required under Islamic laws and should be banned, as it mutilates the most sensitive organ in the female body" (Saad, 2018<sup>[46]</sup>).

However, ending FGM remains an important challenge for the country. While the legal framework has improved significantly, it is now a matter of implementation and enforcement.

### **Strategies and a comprehensive draft law to eliminate violence against women**

In 2010 the CEDAW issued its latest report on the elimination of discrimination against women in Egypt.<sup>51</sup> The legal framework on VAW was, notably, one of the weaknesses outlined by CEDAW, which urged Egypt to adopt a comprehensive law criminalising all forms of VAW and to develop a coherent and multi-sectoral action plan to combat it. The government undertook a set of actions meant to comply with CEDAW's concluding observations:

- **A comprehensive draft law on VAW.** The National Council for Women (NCW) developed a comprehensive draft law that was submitted to parliament in 2013. The draft was however never discussed due to the dissolution of the legislative branch. NCW's draft law provides definitions of VAW and contains provisions on forced and child marriage, domestic violence (though it is not defined) and prevention of education. The law also includes provisions on economic violence: Article 7 prohibits denying a woman the right to work and Article 8 covers violations of equal opportunities for women and men at work (FIDH, Nazra for Feminist Studies, New Women Foundation, 2014<sup>[47]</sup>). The Ministry of Justice is currently working on this draft law and needs to submit it to parliament<sup>52</sup>.
- **The National Strategy for Combating Violence Against Women** (2015-2020). This was drafted to achieve a secure community free from all forms of violence and that guarantees protection to women (NCW, 2015<sup>[48]</sup>). The strategy addresses topics that include prevention, protection, care, repression and access to justice, and calls on the government to move towards a revision of existing laws and to reduce the duration of legal proceedings (Reda, 2017<sup>[49]</sup>).<sup>53</sup> The most important aspect of the strategy is that it provides definitions of violent acts against women.<sup>54</sup> Economic violence is also included as a specific topic, defined as "preventing women from obtaining fundamental resources or controlling the same." A range of government institutions were

responsible for implementation, but so far no review has been carried out and there is no detailed information available about its implementation or results.

- **The National Strategy for the Empowerment of Egyptian Women 2030.** This absorbed the National Strategy for Combating Violence Against Women, and was launched in March 2017 (NCW, 2017<sup>[7]</sup>). The strategy focuses on different kinds of VAW under the pillar on women's social empowerment. It emphasises the need to work on eliminating all harmful and discriminatory practices in both the public sphere and within the family, and to facilitate women's access to justice (Box 4.1).
- **Strengthening the institutional framework.** Significant efforts have also been made to strengthen the institutional framework and the range of legal and support services provided by state institutions. For instance, in 2013, a Department for Combating VAW was established within the Interior Ministry to increase women's awareness of their rights, encourage them to report violent crimes, and explain the support available from the NCW and the office of the Public Prosecutor (UNDP, 2018<sup>[50]</sup>). Between 2015 and 2018, the NCW worked intensively with local communities, mainly in unprivileged areas, to familiarise them with its role and the support it can provide, and to raise awareness of harmful practices such as child marriage and FGM (Egypt Today, 2018<sup>[51]</sup>). A number of trainings have been organised by the NCW over the last six years, for instance for officials authorised to perform marriages to improve their competence in dealing with problems related to VAW (UNDP, 2018<sup>[50]</sup>).

#### *What are the impacts, implementation challenges and factors for success?*

Analysis of these reforms have to be set against some important historical context. The momentum for improving the empowerment of women by reforming the existing legal framework as well as tackling restrictive social norms proved to be difficult to maintain in the first years of post-Mubarak Egypt (2011-2013). In 2012, the first elected parliament of the new era repeatedly sought to repeal most of the laws that were bringing the country closer to international standards on women rights, such as the law on divorce, the law criminalising FGM and the law criminalising trafficking. Soon after Mubarak's resignation and when Mohamed Morsi took office in June 2012, the narrative of women's duty to stand one step behind men resonated with many Egyptians, especially in remote areas, reviving conservative values. The national momentum against FGM suffered a huge setback. From December 2010, no village declaration against FGM was made.

As a result, the aspirations of the women's movement for more rights waned, lacking popular support and political space. In parallel, public institutions that used to be major players in making the legal framework on women and girls progress, like the NCCM, became disempowered. In addition, the government stopped allocating resources for implementing existing laws. Political instability and insecurity contributed as well to slowing down Egypt's efforts towards gender equality in 2012-2013. A renewed impulse for reform grew out of Morsi's removal from office in 2013, however.

All the initiatives undertaken so far are a concrete sign of Egypt's genuine commitment to putting women on an equal footing with men. Despite this progress, the legal framework is still not in line with international standards on VAW when it comes to definitions (e.g. narrow definitions of rape and sexual harassment) and it is still very difficult for women victims of violence to access justice. It seems therefore reasonable to expect the government to reinforce and extend its action by promoting new reforms and increasing measures to enforce and implement the legislative tools, thus aligning the country with internationally recognised standards. In addition, combating stereotypes and restrictive social norms by developing awareness and transforming prejudices concerning gender roles is essential, and requires considerable effort.

Action is also required to include civil society in the decision-making process, both to build the necessary consensus and to take into account the specific needs of women's organisations working on the ground.

For example, there has been criticism about the fact that NGOs were not consulted in the drafting process of the comprehensive law on VAW, despite their extensive experience on the subject<sup>55</sup>. The government recently took steps to soften the more controversial aspects of the 2017 law regulating the work of civil society in Egypt, by adopting the Law N. 149 of 2019. The new text excludes prison penalties in case of violations and replaces them with fines, but still makes it challenging for NGOs to carry out their work (Human Rights Watch, 2019<sup>[52]</sup>). As advocating for women's rights in a context of ongoing political transition is already a tough challenge, co-operation between state institutions and non-government stakeholders is even more important, and needs to be strongly encouraged.

#### ***Case study 4.7. Enhancing Morocco's legislation on violence against women***

In Morocco, although the prevalence of psychological violence fell from 58% to 49% between 2009 and 2019, economic violence rose from 8% to 15% over the same period (High Commission for Planning Morocco, 2019<sup>[53]</sup>). The previously mentioned study by UN Women and Promundo indicates that there is a strong belief that women should tolerate violent treatment of their spouse to keep the family together (UN Women/Promundo, 2017<sup>[54]</sup>). This opinion is not only shared by men (60% in Morocco), but also by women (46% in Morocco). A large share of men still believe that there are occasions where a woman deserves to be beaten. Approximately 75% of male respondents in Morocco used a woman's "provocative" dress to legitimise their acts. More women agreed with this idea than did their male counterparts.

Morocco had already issued a national strategy to fight gender-based violence in 2004. In 2005, an implementation framework for the strategy was issued.<sup>56</sup> The First Government Plan for Equality (PGE I 2012-2016)<sup>57</sup> also includes eliminating violence against women as one of its priority topics. The Second Government Plan for Equality (PGE II 2017-2021) also mentions a comprehensive legal framework to combat all forms of violence against women.

Morocco has made efforts to report on the VAW situation in the country, with the first important overview of VAW published by the national statistical office (HCP) in 2009. In 2014, the National Observatory of Violence against Women was re-established, which has so far issued two reports on VAW. Unfortunately, the reports are not available on the website of Ministry of Solidarity, Social Development, Equality and the Family (MSDSEF) and it seems difficult to compare reports over time since the indicators and data may not all be comparable.

In August 2018, a new law to combat violence against women entered into force which included amendments to the penal code.<sup>58</sup> The UN human rights treaty bodies have repeatedly called on Morocco to adopt this legislation,<sup>59</sup> while activists and women's organisations had been advocating for over a decade for a comprehensive legal framework on violence against women. The process started in 2013, when a draft law was submitted to Cabinet. MSDSEF submitted the draft law to parliament in 2016. Despite strong lobbying efforts by women's rights organisations to improve protections (see last section in this case study), parliament approved the law in February 2018 without further changes (Human Rights Watch, 2018<sup>[55]</sup>). This process happened in parallel to the design of PGE II.

#### *What is the reform and how did it come about?*

The law on violence against women contains 17 articles and 6 chapters.<sup>60</sup> Detailed analyses of the law have been issued by the United Nations Development Programme in its recent report on Gender Justice and the Law, as well as by Human Rights Watch.<sup>61</sup> This section gives an overview of the law's content.

- **Definition of VAW:** The law defines violence against women as "any act or abstention based on gender discrimination resulting in physical, psychological, sexual or economic harm to the woman". Economic violence is defined as "any act or omission of an economic or financial nature that affects or is likely to affect women's social or economic rights" (Art. 1). While certain forms of domestic violence are criminalised, marital rape is not covered by the law.

- **Prevention:** Article 17 focuses on the prevention of violence. It urges the relevant state institutions to take all necessary measures to prevent violence against women, such as policies and programmes that raise awareness of VAW, improve the image of women in society and sensitise women on their rights.
- **Protection:** The law foresees protection orders that prohibit a person convicted of a crime of violence against women or minors from contacting, approaching, or communicating with the victim (Art. 5, introducing Art 88-1 and 88-3 of the penal code). This option can only be applied if a criminal prosecution is launched against the perpetrator.
- Article 10 foresees setting up cells in various institutions (courts, government agencies and security forces), specialised in providing support to women and child survivors of violence. According to UNDP, these cells have been set up in all Courts of First Instance and Appeals Courts. The national police force and gendarmerie have set up similar structures within local stations (UNDP, 2018<sup>[56]</sup>).
- **Repression:** The law provides for more severe penalties for perpetrators of violence when it is committed within the family (Article 4). The law also introduces new crimes, including forced marriage, squandering money in order to avoid the payment of alimony or other amounts due as a result of a divorce, preventing a wife from returning home, sexual harassment in public spaces as well as cyber harassment. The penalties for sexual harassment are doubled if the perpetrator is a work colleague of the victim or a person in charge of keeping order and security in public places (Human Rights Watch, 2018<sup>[55]</sup>).
- **Care:** The law foresees the establishment a national commission in charge of the support and care of women victims of violence. The commission is mandated to ensure the communication and co-ordination between different government departments that deal with VAW. The commission should issue a yearly progress report (Art. 11-12). This commission was set up in September 2019. The law mandates that similar commissions should also be created at regional and local levels, which should develop action plans on VAW in coordination with civil society organisations present in their area (Art 13-16). It is not clear whether these commissions have already been set up.

#### *What are the impacts, implementation challenges and factors for success?*

This law is a step in the right direction and is very necessary given the high rates of VAW in the country. However, the law has been criticised by Human Rights Watch<sup>62</sup> as well as women's rights groups. These bodies issued memorandums with suggestions on how to improve the law when it was still in the drafting stages. They also suggested how it could be aligned with international standards on VAW, such as the UN Women Handbook on legislation on violence against women (Box 4.4). Most of these suggestions were not fully taken into consideration and the government has been criticised for not including civil society in the discussions around the draft law. The following are the main shortcomings of the law:

- While the law includes quite a broad definition of VAW, marital rape is not included in the definition and only certain forms of domestic violence are included.
- While the law provides new protections for survivors, it should go still further. It currently specifies that protection orders can only be issued if violence survivors file for criminal prosecution. In addition, the protection orders can be annulled if spouses reconcile, which puts pressure on women to drop such orders. Most shelters to accommodate GBV survivors are operated by NGOs and the existing space is insufficient. The government is currently creating 'multifunctional spaces' for women which include shelter, counselling, social and legal services to violence survivors.
- The institutional aspects of dealing with VAW can still be improved. The law does not clarify the duties of police, prosecutors, or investigative judges in VAW cases. While cells have been set up in some institutions to provide support to women and children survivors of violence, many of them are ineffective (Human Rights Watch, 2016<sup>[57]</sup>).

In Morocco, VAW cases are generally dealt with in the family as they are still largely considered a taboo subject. This constrains women's access to justice. When women do have the courage to report cases of violence, they are often not taken seriously by the police (Human Rights Watch, 2016<sup>[57]</sup>). It is also documented that female witnesses' testimonies in violence cases are often not considered as being as reliable as men's testimonies (UNDP, 2018<sup>[56]</sup>).

Strong points of the law include the fact that economic violence is included in the definitions and the law foresees severe penalties for sexual harassment in the workplace.

The inclusion of the prevention aspect in the VAW law is also important given existing gender stereotypes. Morocco has issued a law on audio-visual communication with important provisions to ensure against gender discrimination and stereotyping in the media. It has also created a National Observatory for the Improvement of Women's Image in the Media (Case study 5.2). These initiatives could contribute to an improved image of women in society. However, further awareness raising on the content of the law is needed.

The government reported that they are currently finalising a national strategy on VAW 2030. This strategy may address some of the concerns mentioned above (Amrani, 2019<sup>[58]</sup>). The recent establishment of the national commission for women victims of violence is a step towards enhancing co-ordination among the relevant institutions, as well as towards the concrete implementation of the law.

### ***Key lessons on reforms to tackle violence against women***

The lessons drawn from the four case studies above are grouped into three areas: mechanisms for engaging in attitude change and reform; the content of reforms; and implementation:

#### *Mechanisms for engaging in attitude change and reform*

- **Building the evidence base.** All publication countries have made substantive efforts to build the evidence base on VAW using surveys to document the magnitude and forms of VAW at the national, and sometimes sub-national, level. Building the evidence base has been critical in order to advocate for law reform in all countries. While survey data cannot be compared across countries or over time, since the indicators and survey methodologies do not correspond, there are similarities in the results. The incidence of VAW is high in all countries and is common in both public and private spheres. It is also important to understand the reasons behind VAW. This is being explored in some countries, for example through the International Men and Gender Equality Study in Egypt and Morocco, which maps the attitudes of men and women towards violence. A range of evidence-based advocacy methodologies have been developed, such as the model to estimate the costs of marital violence piloted in Egypt (Duvvury et al., 2015<sup>[20]</sup>) described in Box 4.3 above.
- **Advocacy.** In all publication countries, both the international community (e.g. CEDAW, Human Rights Watch) and various national actors (including civil society and human rights organisations) are putting pressure on law makers and making suggestions on how to align national legal frameworks for tackling VAW with international standards. For example, in Tunisia, an advocacy committee consisting of international organisations was set up to make sure that the draft law on VAW was in line with international standards. Not all countries have taken these suggestions into account. In most countries, civil society has advocated for a very long time for legal reforms and is still advocating, since some of the reforms are not sufficient to address VAW adequately.
- **Using strategies and policies to complement the national legal framework on VAW.** Drafting policies and strategies on VAW is easier than reforming legislation since they are not binding and only a limited group of stakeholders has to validate them. Morocco (2004) and Tunisia (2008) had national strategies to fight VAW in place before they engaged in legal reforms. Egypt has

developed a strategy on VAW more recently (2015), and Jordan issued a National Framework for Family Protection against Violence in 2016. Both are more comprehensive than the countries' legal framework on VAW. It is interesting to note that Jordan's Family Protection Framework does not only cover violence against women, but also looks at violence against children and the elderly. National plans on (gender) equality also take into account the issue of VAW. For example, Morocco's Plan for Equality, Egypt's Strategy for the Empowerment of Egyptian Women 2030 (Box 4.1) and Jordan's National Women Strategy 2020-2025 (currently under development) all include VAW as an important pillar.

### *Content of the legal reforms*

- **Definition of VAW.** Not all countries have defined VAW adequately in their legal frameworks. This is a major concern since it means that many types of violence are not even covered by the law. Tunisia has the most comprehensive definition of VAW in its law, and is also the only country that criminalises marital rape. It is interesting to note that Tunisia and Morocco have both included the aspect of economic violence in their legal frameworks on VAW. Tunisia is very thorough, including unequal pay and hazardous/degrading work in the definition of economic violence. However, additional measures will be necessary to ensure the implementation of the provisions on economic violence since equal pay for work of equal value is currently not guaranteed in Tunisian legislation (Chapter 2).
- **Sexual harassment in the workplace.** Countries have made reforms to address sexual harassment in the workplace (Box 4.6). The new VAW laws in Tunisia and Morocco double the penalties for the perpetrators of harassment if they have authority over the victim. In Egypt, a reform of the penal law has introduced sentences for sexual harassment and stipulates more severe sentences for perpetrators with authority over the victim. In Jordan, Bank El Etihad has issued a sexual harassment policy (Case Study 2.8). In addition, ILO member states are actively encouraged to ratify the recently adopted Violence and Harassment Convention (No. 190) and integrate its provisions into their national legal and policy framework. In the MENA region, Egypt, Morocco and Tunisia have initiated preparatory measures to analyse their national policy framework, and so are gearing up to put an end to violence in their workplaces.
- **Prevention of violence.** Only Tunisia and Morocco have included provisions on the prevention of violence in their legal frameworks on VAW. Egypt and Jordan's VAW strategies also address the prevention aspect. Morocco and Tunisia's legal frameworks on VAW call on state institutions to take specific measures to prevent VAW. The laws of both countries recognise the important role of the media in preventing VAW by avoiding gender stereotyping. The media aspect is addressed in Tunisia's VAW law, while Morocco addresses this in its law on audio-visual communication.
- **Repression of perpetrators.** The reforms in all countries foresee increased repression of perpetrators of VAW and have included new types of crimes in their legal frameworks. For example, Tunisia has included child labour, political violence, harassment in the workplace and psychological violence as new forms of violence. Morocco has now made forced marriage and cyber harassment punishable. Egypt has made sexual harassment through modern means of communication punishable and more severe penalties are foreseen for perpetrators of FGM. Through legislative reforms in Egypt (1999), Tunisia (2017) and Jordan (2017), rapists can no longer escape punishment by marrying the victim. While increased repression is a step forward, it should go hand in hand with strengthening measures to prevent VAW.
- **Protection of women.** Some countries have reformed their legislation to strengthen the mechanisms to protect women who have experienced violence. The Tunisian law foresees that with approval of the State Prosecutor, the police can apply certain protection measures for the victims of violence even before the case reaches the family court. The family court can then issue protection orders. Protection orders are possible in Morocco, but only when a criminal prosecution

is launched against the perpetrator of violence. The orders can be annulled if spouses reconcile. In Jordan, the law introduces increased channels of reporting and details the duration and conditions of protection orders.

- **Care for victims.** While the legislative reforms in almost all countries address care for women who have experienced violence, implementation remains problematic. Providing care for women who have experienced violence is difficult since it requires co-ordination among several institutions and also requires investment in care facilities. Most of these facilities are currently operated by NGOs, which are often under-resourced. Tunisia's VAW provides for legal aid, access to information, emergency accommodation and a referral system for victims of violence. It also mandates specialised VAW units at police stations and courts. A UN Joint Programme on care for victims of violence supports the implementation of the law. Morocco's law foresees establishing national, regional and local commissions in charge of the support and care for women victims. Morocco's law also foresees setting up specialist cells and multifunctional spaces within various institutions to provide victim support. Jordan has opened a shelter for women at risk of honour crimes to avoid their need to be detained to keep them safe. In Egypt, VAW units were set up in some police departments and a forensic medicine department specialised in VAW has been set up at the Ministry of Justice.

#### *Implementing the reforms*

While the reforms are a step in the right direction, their application may remain challenging without addressing implementation challenges:

- **Changing perceptions.** The entrenched nature of gender inequality within MENA society is an important driver of VAW. These inequalities are in turn caused by discriminatory legislative frameworks and social norms which exist in MENA. Recent legislative reforms can only be implemented effectively if perceptions and social practices change. A shift in perception and public opinion on VAW is noticeable in some publication countries, for example with religious authorities and leaders of the region taking a stand on VAW. Social media is also playing an important role in breaking the taboos around VAW. Many countries have started programmes that focus on a change in mindsets and attitudes around VAW and engaging men and boys in the conversation (Annex 1.C in Chapter 1).
- **Sensitisation and awareness raising.** Since most of the reforms are fairly recent, people need to know about the mechanisms available to address VAW. Stakeholders in all publication countries mentioned that there is not only low awareness on VAW amongst the wider public but that there is also a need to sensitize institutions who have a role in implementing VAW legislation. A good example is the legal clinic on VAW organised in Tunis' University of Carthage Law Faculty, which makes future legal professionals aware of the VAW law. Furthermore, justice professionals should make the linkages between different types of legal frameworks that also influence VAW. In Tunisia an extensive definition on economic violence is included in the VAW law which also influences women's labour rights. In Egypt and Jordan, violence is sometimes justified in the public opinion as well as in courts if the wife did not obey the husband since the personal status laws of these countries still support the notion of a wife's duty to obey.
- **Access to justice.** Further efforts are needed to help women access justice. While some courts are already applying the recent legal reforms, often women do not report violence as it remains a taboo subject and because they fear repercussions. Recent reforms in all the countries have strengthened the protection and institutional co-ordination systems for women victims of violence who have decided to report. However, women are often pressured to drop the charges.
- **Regular monitoring** of the implementation of legislation is crucial for ensuring results. The VAW law in Tunisia provides for monitoring and evaluation of the implementation of the law. A National

Observatory on VAW has been established, which should submit yearly reports to the government and parliament on the situation of VAW and how this is being addressed. The Moroccan legislation on VAW foresees the setting up of a national commission in charge of the support and care for women victims of violence as well as the coordination of government actors concerned with VAW. This commission would also have to submit yearly progress reports.

#### **Box 4.6. In-depth: ending violence and harassment in the world of work**

##### **ILO's Violence and Harassment Convention**

On 21 June 2019, the 187 member states of the International Labour Organization (ILO) adopted, with an overwhelming majority, the Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206). It was the highlight of the organisation's centenary celebrations.

Violence and harassment in the world of work is defined in the convention as "a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment." The term "gender-based violence and harassment" means "violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment".

Violence in the workplace manifests itself in different forms, from employers to workers and vice versa, between workers, or towards service providers, but is mostly characterised by power relations, gender discrimination, and pervasive social and cultural norms which make a mockery of respect and dignity at work.

The standards apply to all persons in the world of work: jobseekers, interns, informal sector workers, part-time workers, rural workers, home-based workers, domestic workers, volunteers. They also cover all spaces linked with work, including areas for washing and sanitation, changing rooms, during social outings, within transport facilities, at training, or any other work-related event. The new standards include workers facing domestic violence because of its negative consequences at work such as higher turnover of staff, lower productivity, higher health care costs, a stifling work atmosphere, and the instigation of fear.

The instruments acknowledge that some categories of workers are more likely to encounter violence within the world of work. Women by default bear the biggest brunt of violence. Migrant workers, young and old workers, and workers with a disability all face heightened risk of violence and harassment. The instruments also recognise that workers in certain sectors are more likely to encounter violence – these include health care, emergency services, education, transport, domestic work, and the informal economy.

The instruments ask for members to adopt legislation, either criminal or in their occupational safety and health hazards. They suggest various measures to overcome violence and harassment, including prevention, victim protection and rehabilitation, adequate sanctions, effective remedies, counselling, confidentiality clauses, training and awareness, and the right to withdraw from a work situation where violence is looming.

The adoption of these new international labour standards is an affirmation that violence and harassment are a global phenomenon. ILO member states are actively encouraged to ratify Convention No. 190 and integrate its provisions into their national legal and policy framework. In the MENA region, Egypt,

Morocco and Tunisia have initiated preparatory measures to analyse their national policy framework, and so are gearing up to put an end to violence in their workplaces.

### **MENA initiatives to address violence and harassment at work**

In order to prepare for the 2018 International Labour Conference, ILO prepared a background report on violence and harassment at work (ILO, 2018), which showed that worldwide, the MENA region is least advanced in terms of legislation on sexual harassment in the workplace. In none of the MENA countries surveyed do employers have a duty to take steps to prevent sexual harassment. World Bank data indicate that only 6 out of 20 MENA countries surveyed have any type of legislation on sexual harassment in employment. In all other regions of the world, the majority of countries have legislation in place (World Bank, 2018).

The ILO background report furthermore explains that Article 13c of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) foresees that state parties should "ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace" (Maputo Protocol). A range of African countries have ratified the protocol and adopted legislation on harassment in the workplace. Of the North African countries, only Algeria, Djibouti, Libya, Mauritania and Tunisia have ratified the protocol. Egypt and Morocco have neither signed nor ratified the protocol.

However, the case studies do show that countries have made reforms and/or taken initiatives to address sexual harassment in the workplace. The new VAW laws in Tunisia and Morocco double the penalties for the perpetrators of harassment if they have authority over the victim (Case Studies 4.4 and 4.7). In Egypt, a reform of the penal law has introduced sentences for sexual harassment and stipulates more severe sentences for perpetrators with authority over the victim (Case Study 4.6). In Jordan, Bank El Etihad has issued a sexual harassment policy (Case Study 2.8).

Source: ILO (2019<sup>[59]</sup>), *Violence and Harassment Convention*, 2019; ILO (2019<sup>[60]</sup>), R206 - *Violence and Harassment Recommendation*, 2019; ILO (2018<sup>[61]</sup>), *Ending violence and harassment against women and men in the world of work*; ILO (2009<sup>[62]</sup>), *ILO Resolution concerning gender equality at the heart of decent work*, ILC 2009; World Bank Group (2020<sup>[14]</sup>), *Women, Business and the Law* 2018.

## 4.5. Conclusions and recommendations

This chapter indicates that while restrictive social norms and discriminatory laws on women's personal status remain in place, the momentum for change is growing. Important discussions are taking place in the region on equal inheritance and protecting women's rights to inherit. In addition, some countries are enhancing women's rights to transfer their nationality. Egypt, Jordan, Morocco and Tunisia have all revised their legislative framework in order to address violence against women and girls. In this final section we provide more detailed conclusions and recommendations on inheritance, marriage and nationality, and VAW.

### ***Inheritance***

Women's inheritance rights are critical to their economic empowerment. Increased inheritance will lead to greater financial security, which in turn may increase women's economic empowerment. For decades, men in the four countries have been inheriting more than women and different arguments have been invoked to justify this inequality. The general rule in the family law of the four countries is that female heirs are entitled to only half the share to which men are entitled. Establishing equality in inheritance is a very difficult and sensitive undertaking. Touching on men's financial dominance is ultimately about touching power dynamics in the family and in societies more broadly.

Intense debate is taking place across the region on this topic. While these discussions have not yet resulted in legal reforms that guarantee equality in inheritance, the fact that debate is happening is already an achievement. Each country will evolve at its own pace and when the right political moment arrives, stakeholders will be ready to once again push for equality in inheritance. Meanwhile, countries are taking steps towards at least guaranteeing women's existing inheritance rights.

The following recommendations emerged from the case studies:

- Raise awareness of women's inheritance rights. These awareness-raising efforts should target both women and men.
- Provide legal assistance to women who wish to claim their inheritance rights.
- Train state officers involved in decisions and procedures related to inheritance in women's rights and practices in society that may impede the implementation of these rights.
- Ensure enforcement of court decisions in favour of women's inheritance rights.
- Enshrine equality in inheritance in national legislation in order to align this legislation with equality principles that are guaranteed by countries' constitutions.
- Since the former recommendation may be difficult to achieve in the current political climate, countries should continue the debate on equality in inheritance for women and men. The debate should be based on facts and held in a spirit of openness.
- Exchange experiences and good practices on women's inheritance across the region.

### ***Marriage and nationality***

Nationality legislation continues to be discriminatory along gender lines. Male citizens of the four countries can transfer their nationality to a foreign spouse, but female citizens mostly cannot. Countries have made some encouraging reforms, however. Tunisia now allows women to transfer their nationality to a foreign spouse (under certain conditions). Tunisia has even gone a step further to allow Tunisian women to marry non-Muslims. Egypt, Morocco and Tunisia allow women to transfer their nationality to their children. In Jordan, however, women are not allowed to transfer their nationality to their children, which poses particular problems for the children when their father is not Jordanian. With the large population of refugees in Jordan, mixed marriages are increasingly common, so this currently concerns around 360 000 children.

On the other hand, Jordan recently amended its labour law to give individuals with Jordanian mothers and foreign fathers the same labour rights as Jordanian citizens.

The following recommendations emerged from the analysis:

- Revise nationality and marriage legislation, giving women equal rights to transfer their nationality to spouses and children. Full legal equality should be ensured with no differences in transfer procedures for women and men.
- Facilitate the labour force participation of foreign spouses and their children.

### ***Violence against women and girls***

Between 2014 and 2018, a range of legal, institutional and policy reforms on VAW took place in all publication countries. There is momentum in the region to push these reforms forward, with countries inspiring each other and capitalising on each other's achievements. This impetus is welcome given the high rates of VAW across the region.

While these reforms are a step in the right direction, it is unfortunate that in most of the countries covered by the publication they are not in line with international standards on VAW. The reforms have focused mostly on increased repression of perpetrators, with some attention on protection and care for women victims of violence. While some countries have broadened their definitions of VAW, many acts of violence are still not covered under the legislative framework. Economic violence has been recognised as a specific form of violence in the legal frameworks of Morocco and Tunisia; jurisprudence will show how these provisions of the law are being implemented in practice.

Progress has also been made on the institutional front. The legal reforms have been a catalyst for reforming the way in which the justice system treats women victims of violence and have allowed for better co-ordination of state institutions. Additional services for women victims of violence have been made available.

The biggest challenge remains in addressing the social norms that underpin VAW and in changing attitudes towards it so that violence can be prevented. While the growing momentum has made discussing VAW less taboo, many cases of VAW still go unreported. Programmes are underway to support countries in tackling social norms on gender equality more broadly, and on VAW in particular, as well as in engaging men and boys in the conversation. It would also be important to look at how violence is perpetrated and perceived in society more broadly, such as violence against children and violent behaviour between men.

The following recommendations emerge from the case studies:

- Align national legislation with international standards on VAW. If the constitution includes a provision on VAW, this can be used as extra leverage. Issue a comprehensive law on VAW and/or align the various national legal frameworks that cover VAW. Monitor and report on an annual basis on the implementation of the reforms.
- Continue building the evidence base on VAW. Indicators used for VAW surveys should be harmonised so that data can be compared across countries and over time. Surveys should not only measure the incidence of violence, but also look at the perceptions and attitudes of both women and men towards VAW. Carry out further research to better understand the linkages between VAW and women's economic empowerment and exchange experiences and good practices on legal reform on VAW across the region.
- Engage both traditional and social media in disseminating findings on VAW and the recent legal reforms on VAW. These awareness-raising efforts should target both women and men.
- Train state officers in the recent reforms so that they can apply them in their work (including police officers, judges, clerks, and also social workers, doctors, teachers, and other education specialists) and ensure co-ordination among the various state institutions that are responsible for addressing VAW.

- Provide support to women to report violence. Also provide free legal aid and support to women victims while they go through the judicial procedures to bring the perpetrator to justice.
- Provide funding and capacity building to national CSOs. This will allow them to continue advocating for legal reform on VAW as well as to continue providing services to women victims of violence.

# Annex 4.A. Implementing Tunisia's law on violence against women in the courts

## A ruling on financial deprivation

In Amani versus Ashraf Al Qarqouri (December 2018), the Tunisian first instance court in Manouba ruled in favour of the plaintiff, granting her the payment of alimony and housing provisions. The court ruled in the absence of the defendant who failed to appear in court three times. The court examined, in the context of violence against women, the matter of financial pressure.

In this case, the plaintiff states that the defendant, her husband, changed the house keys, which has forced her to leave the family home. She also states that the defendant does not contribute towards her and her son's expenses even though he is a surgeon, has a decent income, and therefore has the means to financially provide for them. In comparison, as a visiting doctor, the plaintiff's income is meagre as she must repay a monthly bank loan and cover the cost of her son's nursery. As a result, she is unable to cope with such financial needs and asks the court that the defendant contribute to that end.

The court applies the provisions of law no. 58 of 11 August 2017 on the elimination of violence against women. In line with its Article 3, which stipulates that violence against a woman exists whether by exerting pressure or depriving her of her rights and liberties whether in public or private life. This also includes financial deprivation, which in turn would constitute a privation of her rights. The court states that the plaintiff in this case is deemed a victim and ruled that the defendant pay the plaintiff a monthly sum that would contribute to the financial needs of her and her son for a period of 6 months renewable once, in addition to a rescheduled hearing to give the defendant a chance to appear in court.

This case is interesting in that the court reasoned purely based on Tunisian national law and relied on the 2017 law on violence against women. In doing so, it reached a favourable judgement for the plaintiff, as it will ease her financial pressure in supporting her child. In turn, this could potentially facilitate her participation in the labour force considering her newly found financial stability could allow her to focus greater attention on progressing in her career.

## A ruling on violence towards women and children

On 26 June 2018 the first instance court in Grombalya also applied law no. 58 of 11 August 2017 on the elimination of violence against women. In a context of domestic violence, this was registered as an urgent case and the court ruled in favour of the plaintiff. The plaintiff and defendant are married and have seven children together. One of the children is mentally disabled and is under his mother's guardianship on a permanent basis. The plaintiff alleges that the defendant assaults her regularly. For example, the defendant gravely assaulted his wife and disabled son by pouring petrol on them and tried to set them on fire. The defendant was arrested but the plaintiff dropped the charges in order to protect her family so he was released and returned to the family home. The defendant reverted to his violent ways towards his wife and son, which led to the plaintiff filing a suit against him in line with the provisions of Article 33 of law no. 58 of 11 August 2017 on the elimination of violence against women. The plaintiff demanded that the defendant leave the family home and pay a monthly sum to her.

In court, the defendant alleged that his intention was to scare and not physically assault the victims. The defendant also invoked his old age and illness as a legitimate defence against his expulsion from the family

home, his receipt of a meagre pension that would not allow him to make financial contributions and the ongoing divorce case between the plaintiff and the defendant in parallel.

The court enlarged the subjects of moral and physical damage defined by Article 3 of law no. 58 of 2017 to include not only the wife, but also the child, who lives with his mother and who is in a weak position, mentioning his disability. The court's reasoning focused a lot on the mental disability of the child as part of this definition and applied it to the events that occurred. The fact that the assaults were only halted because of the intervention of another son does not bode well for the defendant, especially given the medical evidence gathered that corroborates the facts of the assault such as the physical injuries and the smell of petrol on the plaintiff. On this basis, the court dismisses the legitimate defence raised by the defendant and states that the events amount to physical and moral damage to the victims as per the provisions of Article 3 of law no. 58 of 2017.

As a result, the court ruled that the defendant must leave the family home and is only allowed to recuperate his personal belongings with a warrant. The court prohibited the defendant from contacting both victims, the plaintiff and his son, and must pay a monthly alimony. The court pronounced the provisions for a period of six months, renewable once.

Although much of the court's reasoning focused on the child, this case is still relevant in that the court does not bow to the legitimate defence of old age and so it does not result in the case's dismissal. The final judgement provides stability to the wife and son given that the defendant was ordered to leave the family home. With the absence of the defendant, there is the expectation that the occurrence of violent episodes will decrease hence increasing the physical and mental safety of the plaintiff. This judgement also goes a step further in that it prohibits contact between the defendant and victims, therefore allowing the plaintiff and her son the space and environment to rehabilitate.

Even though both these cases are ruled in the first instance, contain judgements that are valid for only six months renewable once, and their positions are yet to be confirmed by jurisprudence tried in the higher courts of Tunisia, they are positive developments in the trend towards empowering women economically. As these cases have demonstrated, it is evident that domestic violence has spill over effects on women's economic empowerment and the courts here have been seen to rule proactively while considering that these various areas do not exist in isolation.

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## Notes

<sup>1</sup> These countries are: Afghanistan, Algeria, Bahrain, Bangladesh, Belarus, Brunei, Burundi, Cameroon, Central African Republic, Chad, Chile, Comoros, Congo, Cyprus\*, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Guinea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Palestinian Authority, Philippines, Qatar, Saudi Arabia, Senegal, Seychelles, Somalia, South Sudan, Sudan, Syria, Tanzania, Togo, Tunisia, United Arab Emirates, Yemen and Zimbabwe.

This list is based on the Gender, Institution and Development database used to inform the 2019 Social Institutions and Gender Index (SIGI) results (available at <https://stats.oecd.org/Index.aspx?DataSetCode=GIDDB2019>). The economies listed above are those that scored 0.75 or 1 on the sub-index for household responsibilities, where 0.75 describes economies where “women do not enjoy the same legal rights as men to be recognised as the head of household or to have parental authority” and 1 describes countries where “women do not enjoy the same legal rights as men to be recognised as the head of household and to have parental authority.”

\* The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Turkey recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Turkey shall preserve its position concerning the “Cyprus issue”.

The Republic of Cyprus is recognised by all members of the United Nations with the exception of Turkey. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

<sup>2</sup> These economies are: Antigua and Barbuda; Argentina; Austria; Australia; Azerbaijan; Bahamas; Barbados; Belarus; Belgium; Belize; Bhutan; Brazil; Bulgaria; Cabo Verde; Canada; Chile; China; Colombia; Croatia; Cuba; Cyprus\*; Czech Republic; Denmark; Dominican Republic; Estonia; Finland; Germany; Guyana; Honduras; Hong Kong, China; Iceland; Ireland; Italy; Jamaica; Japan; Kazakhstan; Korea; Latvia; Lithuania; Luxembourg; Malta; Moldova; Mongolia; Netherlands; New Zealand; Nicaragua; Norway; Panama; Poland; Portugal; Romania; Russia; Sao Tome and Principe; Seychelles; Slovak Republic; Slovenia; Sweden; Switzerland; Thailand; Trinidad and Tobago; Ukraine; United States; Uruguay; and Venezuela.

This list is based on the Gender, Institution and Development database used to inform the 2019 Social Institutions and Gender Index (SIGI) results (available at <https://stats.oecd.org/Index.aspx?DataSetCode=GIDDB2019>). The economies listed above are those that scored 0 on the sub-index for discrimination in inheritance, where 0 describes economies where “widows and daughters enjoy the same rights as widowers and sons to inherit land and non-land assets. This applies to all groups of women. Customary, religious and traditional laws or practices do not discriminate against women's inheritance rights.”

<sup>3</sup> Algeria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Brunei, Burundi, Cameroon, Central African Republic, Comoros, Congo, Egypt, Eswatini, Guatemala, Guinea, Haiti, Iran, Iraq, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Mauritania, Morocco, Mozambique, Nepal, Nigeria, Oman, Pakistan, Palestinian Authority, Philippines, Qatar, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, United Arab Emirates and Yemen. This list is based on the Gender, Institution and Development database used to inform the 2019 Social Institutions and Gender Index (SIGI) results (available at <https://stats.oecd.org/Index.aspx?DataSetCode=GIDDB2019>). The economies listed above are those that scored either 0.75 or 1 on the sub-index for citizenship rights, where 0.75 describes economies where “women and men have the same rights to acquire, change and retain their nationality. However, women face legal restrictions on their rights to confer their nationality to their husband and/or children” and 1 describes economies where “women and men do not have the same rights to acquire, change or retain their nationality”.

<sup>4</sup> Table 1 at the start of this report contains an “at-a-glance” summary of all the themes of the case studies and in-depth boxes.

<sup>5</sup> The protocol is available at [https://www.un.org/en/africa/osaa/pdf/au/protocol\\_rights\\_women\\_africa\\_2003.pdf](https://www.un.org/en/africa/osaa/pdf/au/protocol_rights_women_africa_2003.pdf).

<sup>6</sup> Composed of nine members, COLIBE is presided over by Bochra Bel Haj Hmida, lawyer and former member of parliament. Its members have a range of backgrounds and expertise in the areas of law, religion, anthropology, literature and communication.

<sup>7</sup> The report (in Arabic) is available at: [https://docs.euromedwomen.foundation/files/ermwf-documents/8054\\_4.168.تقريرلجنةالحراتالغربيةوالمساواة.pdf](https://docs.euromedwomen.foundation/files/ermwf-documents/8054_4.168.تقريرلجنةالحراتالغربيةوالمساواة.pdf)

<sup>8</sup> Previously the law was silent on this but in practice the widow was often forced out of the marital home by her children or by the family of her deceased husband.

<sup>9</sup> Currently, Article 13 of the Tunisian Nationality Code stipulates that a female foreign spouse can automatically acquire Tunisian nationality upon the celebration of her marriage with a Tunisian in the event that she loses her citizenship of her country of origin as a result of her marriage to a foreigner. Furthermore, according to Article 21(2) of the Tunisian Nationality Code, a foreign male spouse of a Tunisian woman can obtain Tunisian citizenship if the marital household is located in Tunisia during the citizenship application process.

<sup>10</sup> Concretely, this would mean that a Tunisian mother would also be allowed to grant nationality to her children born in Tunisia and to the foreign spouse after having lived together for two years in Tunisia.

<sup>11</sup> The tax allowances granted to the head of household include:

- TND 300 by virtue of his capacity as head of household;
- TND 100 for each dependent child, applicable to the first four children. This amount is extended to TND 1,000 per child below 25 years old engaged in tertiary studies without a scholarship; and to TND 2,000 per disabled child.

<sup>12</sup> The head of household is defined in article 5 of the Tunisian Income Tax and Corporate Tax Code. A wife can only be deemed head of household under two conditions: if she proves that her husband has not earned any income for the fiscal year in question, or if she remarries and retains custody of her children from a previous marriage.

<sup>13</sup> In May 2016, a draft law to improve women's inheritance rights was presented but was not upheld.

<sup>14</sup> The Tunisian Ministry of Social Affairs is currently preparing a study on pay inequality in the Tunisian private sector.

<sup>15</sup> For example, this report is in favour: <https://www.fidh.org/fr/regions/maghreb-moyen-orient/tunisie/premier-pas-la-tunisie-sur-la-voie-de-l-equalite-dans-l-heritage>; while this is against: <https://www.hrw.org/fr/news/2018/09/06/tunisie-le-parti-ennahda-rejette-equalite-dans-lheritage>.

<sup>16</sup> Law No. 77/1943 the inheritance law, August 6, 1943, Journal of Egypt No. 92, August 12, 1943, 18 et seqq.

<sup>17</sup> Law No. 71/1946 promulgating a law on the will, July 1, 1946, Journal of Egypt No. 65, July 1, 1946, 1 et seqq.

<sup>18</sup> According to Article 3 of the Egyptian Constitution, non-Muslim communities are granted some autonomy over their personal status; nevertheless, their legislative autonomy is currently limited to family law. Muslim, Christian and Jewish communities used to have their own personal status law and their own courts (the *Shari'a* Courts for Muslims and the *Millī* Courts for non-Muslims), and a high degree of autonomy on matters such as legal capacity, guardianship and inheritance. In 1956, late President Gamal 'Abd al-Nasser decided to abolish separate courts and to substantially reduce the autonomy of non-Muslim communities, limiting the applicability of non-Muslim personal status laws to marriage and divorce (Berger, 2001<sup>[66]</sup>).

<sup>19</sup> See: Interview with Azza Suleiman, Director of the Center for Egyptian Women's Legal Assistance (CEWLA), [http://www.equalitynow.org/partner/azza\\_suleiman](http://www.equalitynow.org/partner/azza_suleiman).

<sup>20</sup> The amendment was published in the Official Gazette on 30 December 2017, after the Egyptian Parliament had passed it on 5 December 2017.

<sup>21</sup> Copts in Egypt constitute the largest Christian population in the Middle East and North Africa, as well as the largest religious minority in the region, accounting for roughly 5-20% of the Egyptian population.

<sup>22</sup> In other cases, family members file an interdiction case against their parents claiming that they mentally ill or incapable of using their funds.

<sup>23</sup> Interview with Nehad Abolkomsan.

<sup>24</sup> CEDAW Article 16.1 b) states that “Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: The same right freely to choose a spouse and to enter into marriage only with their free and full consent.” For more information on this particular topic, see (OECD, 2017<sup>[1]</sup>).

<sup>25</sup> Law No. 6 of 1954 on Nationality as amended in 1987.

<sup>26</sup> See the Concluding observations of the Committee on the Elimination of Discrimination against Women on Egypt (45<sup>th</sup> session, 18 January-5 February 2010), Morocco (66<sup>th</sup> session, 13 February-3 March 2017), Jordan (40<sup>th</sup> session, 14 January-1 February 2008) and Tunisia (47<sup>th</sup> session, 4-22 October 2010). Morocco and Egypt have included reservations to Article 2 of CEDAW regarding the application of the convention. Both countries declare that they will only apply CEDAW if it is not contrary to the provisions set out in Islamic Sharia.

These reservations were considered in conflict with the object and purpose of the convention by the CEDAW Committee. These objections, however, are more political than legal in their impact and thus do not prevent the convention’s entry into force (OECD, 2017<sup>[1]</sup>).

<sup>27</sup> The convention is available in English at: <https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>.

<sup>28</sup> The recommendation is available in English at : <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-5020>.

<sup>29</sup> The strategy (in French) is available at: <https://tunisia.unfpa.org/sites/default/files/pub-pdf/STRATEGIE%20VIOLENCE%20fr.pdf>.

<sup>30</sup> For the text of the constitution in English, see [https://www.constituteproject.org/constitution/Tunisia\\_2014.pdf](https://www.constituteproject.org/constitution/Tunisia_2014.pdf).

<sup>31</sup> A complete description of SDG 5, as well as yearly monitoring of its progress, is available at: <https://sustainabledevelopment.un.org/sdg5> .

<sup>32</sup> The Committee included the Council of Europe, European Union, OHCHR, UNFPA, UNODC and UN Women.

<sup>33</sup> Loi organique n° 2017-58 du 11 août 2017, relative à l’élimination de la violence à l’égard des femmes.

<sup>34</sup> Décret gouvernemental no. 126 de 2020, 26 February 2020.

<sup>35</sup> This project was implemented by the National Office of Family and Population, the Ministry of women’s affairs, family and children and UN Women.

<sup>36</sup> Family Protection Law No. 15 of Jordan, 16 May 2017, Official Gazette No. 5460, page 3345.

<sup>37</sup> See <http://www.jordantimes.com/news/local/social-development-ministry-launches-strategy-combat-gender-based-violence>.

<sup>38</sup> The provision adds that the penalty is higher, namely, mandatory life imprisonment, if any aggravating factors are present. Some of these factors relate to adolescent girls. For example, it is an aggravating factor if the offender is responsible for the victim's upbringing or supervision or has other authority over her. This applies to caretakers, teachers and parents, among others.

<sup>39</sup> Rape by fingers, tools, or sharp objects, oral or anal rape are therefore not included.

<sup>40</sup> The Criminal Chamber of the Egyptian Court of Cassation has also defined the crime of rape, declaring in Ruling No. 4113 of January 6, 1988, that complete sexual intercourse (full penetration) against the will of the victim is a key factor in determining whether or not the offence is rape or sexual assault. Petition No. 4113 of 1988, Hearing of 6 January 1988, Court of Cassation, Criminal Chamber, Technical Office, vol. 39, p. 79.

<sup>41</sup> Decree Law No. 50/2014 was approved on 4 June 2014 by interim president Adly Mansour. See [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=57560](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=57560). The law was implemented as a decree due to the lack of an operating parliament between June 2012 and October 2015.

<sup>42</sup> Sexual harassment is punishable by imprisonment for not less than six month or a fine of 3,000 Egyptian pounds. If the act of sexual harassment is repeated by the same individual via following or stalking the harassed, the punishment is imprisonment for one year and a fine of 5,000 – 10,000 Egyptian pounds (article 306 bisA para.2). If sexual harassment is done with the intent of receiving sexual gratification from the victim, the punishment is imprisonment for a period not less than one year and a financial penalty of not less than 10,000 Egyptian L.E (article 306 bisB para.1). If the offender is in a position of authority, such as occupational authority, or uses any form of duress to receive sexual gratification, the penalty will be not less than two years in prison and a financial penalty of not less than 20,000 Egyptian L.E.

<sup>43</sup> Point 18 regarding Article 11, General Recommendations No. 19, Committee on the Elimination of the Discrimination against Women defines in its 11<sup>th</sup> session, 1992: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

<sup>44</sup> The right to disciplining ones wife according to Islamic law is connected to her duty of obedience. This is a topic which has caused critical discussions among religious scholars for centuries. See for further detail (Mir-Hosseini, Al-Sharmani and Rimminger, 2015<sup>[63]</sup>).

<sup>45</sup> Article 6 Law No. 25/1929 as amended Law No. 100/1985.

<sup>46</sup> A Human Rights Watch Report gives the following quote from a judge: "What is harm for one woman isn't harm for another. Some accept beatings and insults as jokes, while others do not." – Judge Abdel Rahman Muhammad, Chief Judicial Inspector, Cairo, 25 June 2004, cited in (Human Rights Watch, 2004<sup>[64]</sup>).

<sup>47</sup> Article 31bis of Law No. 143/1994 as amended through Law No. 126/2008.

<sup>48</sup> The Sharia law, the Quran and the Sunnah, as well as the Bible, do not mention FGM. However, religion has been used for centuries to justify it amongst many communities. In addition, FGM has been a taboo for a long time. No one dared to question its legitimacy or even speak about the practice in public.

<sup>49</sup> See <https://www.reuters.com/article/idUSL24694871> and <https://www.refworld.org/pfdid/4b6fe1cd0.pdf>.

50 Available at  
<https://www.undp.org/content/dam/egypt/docs/Publications/Docs%20Gender/EGY%20FGM%20strategy%20EN.pdf>.

<sup>51</sup> See <https://tinyurl.com/ybme2qg2>.

<sup>52</sup> Egypt Today, NCW to submit draft law against domestic violence to Parliament, 6 September 2017, <https://www.egypttoday.com/Article/1/21367/NCW-to-submit-draft-law-against-domestic-violence-to-parliament>; The Caravan, Parliament drafts new bill to combat domestic violence, 14 December 2017, available at: <http://www.auccaravan.com/?p=6730>.

<sup>53</sup> Egypt Today, Introducing Egypt's strategy to combat violence against women, 3 December 2017, available at: <https://www.egypttoday.com/Article/2/35200/Introducing-Egypt%E2%80%99s-strategy-to-combat-violence-against-women>.

<sup>54</sup> Violence against women is defined as “any act of violence based on gender that leads or may lead to physical, or sexual, or psychological harm or suffering for women or girls, including threat to commit such acts, suppression or arbitrary deprivation from freedom, whether in public or private life.” The strategy further adds different types of VAW in its Annex 2.

<sup>55</sup> More broadly, the space left to civil society organisations in Egypt is a matter of internal and external concern. To counter terrorism and improve security and stability, Egypt has adopted a number of regulations and laws that have considerably curtailed the freedom of speech and association. For instance, the state of emergency that President Sisi declared in April 2017, following two terrorist attacks in Alexandria and Tanta, has been renewed ten times and is still in place at the time of writing of this publication, although the constitution states that it cannot be extended more than once (Youness, 2019<sup>[65]</sup>).

<sup>56</sup> The implementation framework in French is available at: <http://www.social.gov.ma/sites/default/files/strat%C3%A9gie%20nationale%20de%20lutte%20contre%20la%20violence%20%C3%A0%20%27%C3%A9gard%20des%20femmes.pdf>.

<sup>57</sup> An overview of the Plan in French is available at: <http://www.social.gov.ma/fr/domaine-de-la-femme/plan-gouvernemental-pour-l%E2%80%99egalit%C3%A9>.

<sup>58</sup> Dahir No. 1-18-19 of 5 Jumada II 1439 (22 February 2018) promulgating Act No. 103-13 on combating violence against women.

<sup>59</sup> See the Concluding comments on Morocco of the Committee on the Elimination of Discrimination against Women's 40<sup>th</sup> session (14 January-1 February 2008), available at: [http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgOTxO5cLI\\_Z0CwAvhyns%2byLKOh5bax2iJ3d7DBNB1oiOGe3HY46W8dY6v4LREKnR8jPD9CgquUiHQGE2WCNJ\\_wXC BjCgqSbegpt7p0CbZyH6](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgOTxO5cLI_Z0CwAvhyns%2byLKOh5bax2iJ3d7DBNB1oiOGe3HY46W8dY6v4LREKnR8jPD9CgquUiHQGE2WCNJ_wXC BjCgqSbegpt7p0CbZyH6).

<sup>60</sup> Chapter 1: Definitions; Chapter II: Criminal provisions; Chapter III: Procedural provisions; Chapter IV: Mechanisms for caring for women victims of violence; Chapter V: Measures and initiatives for the prevention of violence; Chapter VI: Entry into force.

<sup>61</sup> The UNDP report is available at:

<https://www.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Morocco%20Country%20Summary%20-%20English.pdf>.

<sup>62</sup> In a letter addressed to Minister for Solidarity, Women, Family and Social Development and the Minister of Justice of Morocco on February 16<sup>th</sup>, 2016. The full letter is available at: [https://www.hrw.org/sites/default/files/supporting\\_resources/letter\\_from\\_hrw\\_to\\_the\\_government\\_of\\_morocco\\_on Domestic violence law reforms.pdf](https://www.hrw.org/sites/default/files/supporting_resources/letter_from_hrw_to_the_government_of_morocco_on Domestic violence law reforms.pdf).

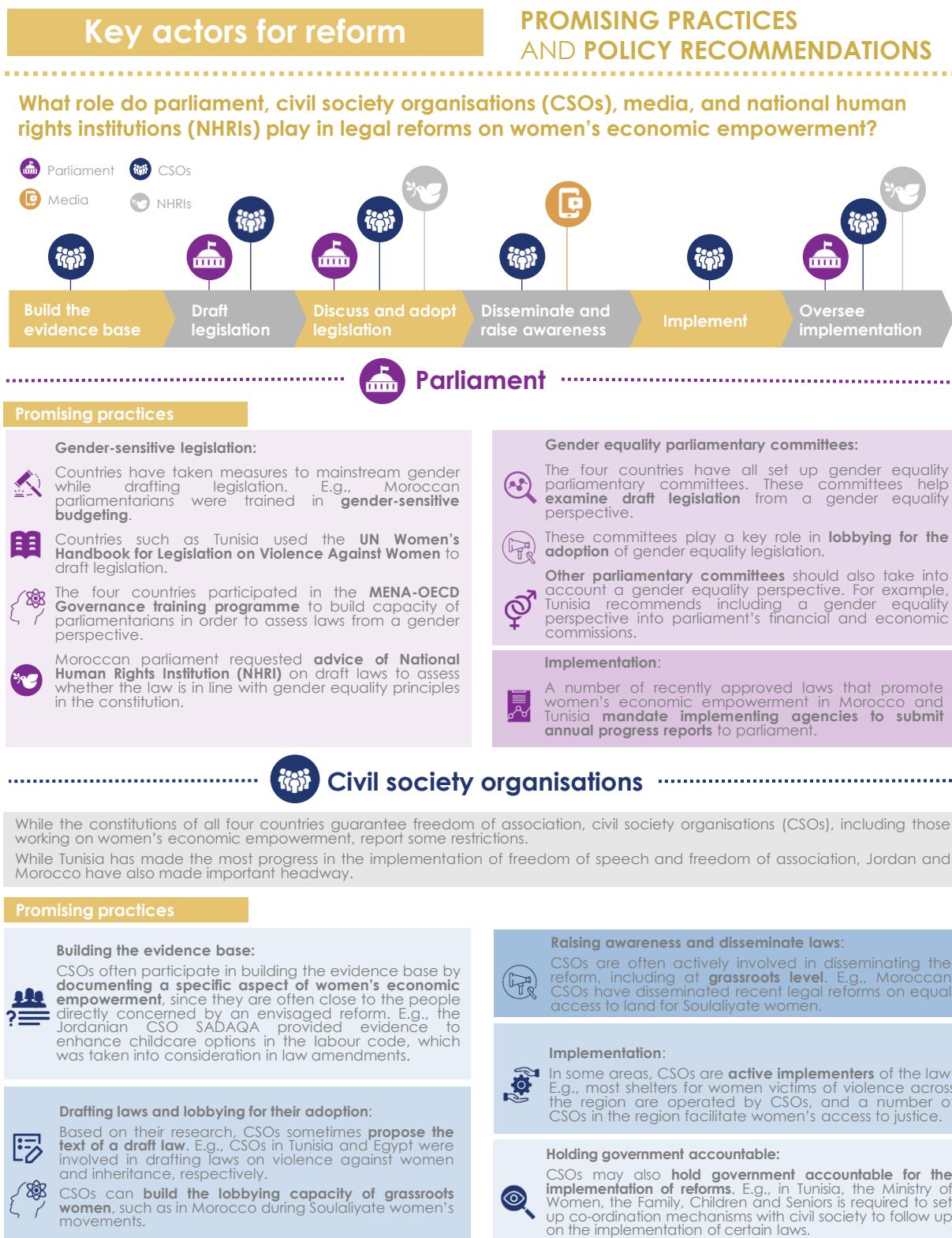
# 5 Key actors for reform

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Previous chapters have outlined the areas where reform is still needed in order to advance on women's economic empowerment in the MENA region. This chapter examines the key actors in the reform process – parliaments, the media, national human rights institutions and civil society organisations (CSOs). It reviews how they have contributed to the law-making process in the region, from drafting gender equality legislation through to implementation and enforcement. It draws on case studies in this chapter and from throughout the report to draw out lessons and recommendations.

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## Infographic 5.1. Key actors for reform



## Key actors for reform (cont.)

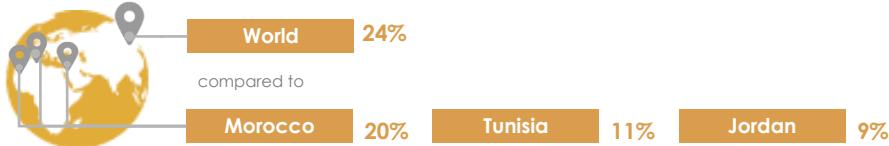
## PROMISING PRACTICES AND POLICY RECOMMENDATIONS



### Media

Gender-neutral images of women and men in the media are important for promoting women's economic empowerment, eradicating gender discrimination and eliminating violence against women. The media plays an important role in informing people about legal and institutional reforms in support of women's economic empowerment. Media can disseminate popular versions of important recent legal reforms adapted to the target group.

#### Women's appearance in the media is low



#### Promising practices: increase women in the media

##### International conventions:



**Beijing Declaration** included "women and the media" as one of its 12 critical areas of action.

**CEDAW**, ratified by the four countries, prohibits gender stereotypes.

##### Building the evidence base:



A first step in promoting women's economic empowerment through the media is **documenting the situation of women in the media**. E.g., Morocco has participated in the Global Media Monitoring Project and put in place the National Observatory for the Improvement of Women's Image in the Media.

##### Institutionalising gender concerns:



Gender concerns have been **mainstreamed** in different **laws on media** in Egypt, Morocco and Tunisia. Tunisian law on VAW mentions media's role in sensitising the public.

##### Showing women leaders in media:



E.g., Egypt's media regulations encourage **diverse coverage** of women's views, news and their engagement in public affairs.

##### Involving trade unions:



E.g., a gender and media council was set up within the Moroccan **press trade union** to **push for gender equality** in the media.



## National human rights institutions

#### Promising practices

##### Ratifying international conventions:



Morocco and Tunisia have ratified **CEDAW's optional protocol**, which allows the Committee on the Elimination of Discrimination Against Women to receive complaints from individuals or inquire into grave or systematic violations of the convention.

##### Overseeing implementation:



NHRIs can play an important role in **overseeing the implementation of legislation**. MENA countries have made efforts to set up NHRIs that address gender discrimination, but they face a variety of challenges.

#### Policy recommendations



Continue **building the evidence base** to underpin legal reforms in support of gender equality and women's empowerment with support from CSOs and international organisations.



**Include gender concerns** during the **drafting of legal texts**. CSOs can sometimes submit draft laws to parliament and in some cases comments on legal draft texts can be requested from NHRIs to make sure that gender equality is taken into account in the early stages of law making.



Put in place strategies to **facilitate the adoption process of gender equality legislation**. Set up and facilitate the functioning of permanent parliamentary bodies that focus on gender equality. Make sure that gender equality is also taken into account in other types of parliamentary bodies. Open certain parliamentary discussions to CSOs.



Ensure the **implementation of gender equality legislation**. Annual progress reporting mandated by the law can be a good way of following up on implementation. Encourage **multi-stakeholder initiatives** in cases where the government encounters challenges in implementation.



**Ratify the CEDAW optional protocol** and set up NHRIs in line with the provisions foreseen in the constitution.



Ensure the **dissemination of gender equality legislation**. Dissemination strategies should be **adapted to the target audience** with the help of CSOs and the media.



**Lift excessive restrictions on freedom of association** so that CSOs can continue functioning.



Include a **gender equality perspective** in the policy documents guiding the work of different **traditional media institutions**. Do **further research on the role that social media plays** in women's economic empowerment in the region.



Encourage measures to achieve **gender-balanced representation in decision-making positions in parliaments and the media**. The OECD Recommendation on Gender Equality in Public Life provides further guidance on how this can be achieved.

## 5.1. Introduction

Chapters 2, 3 and 4 have discussed some of the legal reforms and initiatives undertaken in Egypt, Jordan, Morocco and Tunisia to enhance women's participation in the labour force and to move towards greater equality for women and men in their families and in society.

These chapters and their case studies show that legal reform is a complex undertaking, involving many stakeholders. Parliaments, the media, national human rights institutions (NHRIs) and civil society organisations (CSOs) are all important players in reform and need support in areas ranging from advocacy to drafting and implementing legislation.

This chapter provides information about how these key actors contribute to the law-making process in MENA. This entails building the evidence base for gender equality legislation; including gender concerns during the law-drafting process; and supporting the adoption of the law. The chapter also looks at how these institutions are involved in implementing and enforcing gender equality legislation. In addition, the chapter analyses how the media contributes to changing restrictive social norms and stereotypes, and plays a crucial role in disseminating information about reforms.

The chapter features three case studies from Morocco on parliaments, NHRIs and the media, as well as boxes with detailed information on these institutions in Egypt, Jordan and Tunisia. The report has tried to balance the number of case studies per country overall, but this has not been possible in all the chapters. While there is no specific case study on CSOs, their important role is evident in the many case studies throughout this publication. The case studies examine how and why the reforms came about, the actors involved and how the reforms are being/will be implemented, as well as highlighting key success factors. The information shared in the case studies has been discussed extensively with stakeholders in the respective countries (Annex A at the end of the report contains a list of resource persons in each country; Annexes B, C and D describe the methodological process). The chapter also includes in-depth boxes based on desk review.<sup>1</sup> The chapter concludes with some policy recommendations based on the lessons from the case studies and research.

## 5.2. Parliaments

Parliaments play an essential role in developing, implementing and evaluating gender equality legislation. While there is a need to mainstream a gender equality perspective in different types of legislation, specific skills are also required to develop legislation that is focused specifically on women's economic empowerment. In addition, it is necessary to remove discriminatory provisions that exist in the four countries' legislation, including personal status legislation.

Adopting gender equality legislation is a complex and often time-consuming process since it is a political exercise and requires specialist knowledge to get it right. There are specific strategies/approaches that may aid its adoption:

- **Support for drafting legislation:** The first step is to make sure that gender equality principles are taken into account while drafting legislation. Specific skills are needed to draft gender equality legislation so that it reflects international standards ratified by the country (Chapter 6).

When a draft law is discussed in parliament, parliamentarians also need the right skills to assess it from a gender perspective. In this way, they can take informed decisions on whether or not to adopt the legislation. For example, parliamentarians in Morocco have been trained in gender-sensitive budgeting so that they have the right knowledge and skills to analyse and comment on the gender report submitted annually as an annex to the finance law.<sup>2</sup> Similar training in law drafting can enhance the results.

Some guidance exists on how to draft gender equality legislation. For example, the UN Women's *Handbook for Legislation on Violence against Women* offers guidance, models and checklists for drafting legislation on violence against women (Box 4.4, Chapter 4). In Tunisia, stakeholders used this handbook to draft the comprehensive law on violence against women (VAW) and also received guidance from international organisations on bringing the law into line with international standards on VAW (Case Study 4.4, Chapter 4).

Parliaments can also ask national human rights institutions to study a draft law and make recommendations on whether it is in line with gender equality principles enshrined in the constitution. For example, in response to a request from parliament, the Moroccan National Human Rights Council (CNDH) issued an assessment and recommendations on the draft law for domestic workers (Case Study 3.1, Chapter 3).

Since parliamentarians have such an important role in developing gender equality legislation, training can be organised with the support of international organisations. In Egypt, Jordan, Morocco and Tunisia, the MENA-OECD Governance Programme has conducted training for selected female parliamentarians and local councillors on gender analysis of draft legislation and measures to promote more gender-sensitive parliaments.

- **Setting up gender equality parliamentary committees:** These are key mechanisms to support parliaments in designing legislation for women's economic empowerment. These committees may have different mandates but one of their main roles is to examine selected draft legislation from a gender equality perspective. They can also lobby for the adoption of gender equality legislation. The lobbying process is often performed in close co-operation with civil society organisations and national women's machineries.

Around two-thirds of OECD countries have put in place gender equality parliamentary committees (OECD, 2019<sup>[1]</sup>). In all four countries covered by the publication, gender equality parliamentary committees exist, but in different forms. For example, Jordan has a Parliamentary Committee on Women (Box 5.1), Tunisia has a Parliamentary Committee on Social Affairs and Public Health, and Egypt has a Parliamentary Social Solidarity Committee. Morocco has a Thematic Group of Parliamentarians for Parity and Equality (GTPPE) which does not yet have the status of a committee, but in reality performs similar tasks (Case Study 5.1). It is also important that other types of parliamentary committees work on gender equality legislation. For example, the Tunisian manifesto to unleash female entrepreneurship (Chapter 2) recommends including a female entrepreneur perspective into parliament's financial and economic commissions.

- **Gender-balanced parliaments:** Important factors that influence the passing of gender equality legislation include support from the ruling party, as well as support from female parliamentarians (Palmieri, 2011<sup>[2]</sup>),<sup>3</sup> since they are often more sensitive to gender-related issues than their male counterparts. Chapter 1 indicates that while the proportion of seats held by women in national parliaments has increased significantly in the MENA countries since the 1990s, the MENA average is still lower than the OECD average. Enhancing gender equality in parliaments is important in order to reflect different social perspectives. In Morocco, the GTPPE successfully lobbied for the integration of gender in its parliament's internal rules. The rules now mention that at least one-third of the members of decision-making organs of the chamber of representatives should be women (Case Study 5.1). Box 5.2 contains some resources to help parliaments improve their gender sensitivity and balance.
- **Overseeing legislation:** A number of recently approved laws that promote women's economic empowerment mandate implementing agencies to submit annual progress reports to parliament. In Tunisia, the VAW law mandates the Ministry of Women's Affairs, Family, Children and Seniors to submit an annual progress report to parliament on implementation (Case Study 4.4, Chapter 4). Relevant Moroccan Government institutions all have to contribute to the annual progress report on gender budgeting that is submitted to parliament together with the annual finance bill.

### Box 5.1. Jordan's Parliamentary Women and Family Affairs Committee

The Jordanian Senate introduced the Women and Family Affairs Committee in both Houses of Parliament in 2014, with the mandate to “study laws and matters related to women, family and children and follow-up the policies, plans and programs necessary for social, cultural, economic, and political empowerment of women.” (Art. 60, Parliament’s Internal Rules). The existence of this committee increases the probability of a plenary discussion on a gender-related topic being opened in parliament.

Source: Article 60 of Parliament’s Internal Rules; OECD (2018<sup>[3]</sup>), *Women’s Political Participation in Jordan: Barriers, Opportunities and Gender Sensitivity of Select Political Institutions*; Al Tahat (2017<sup>[4]</sup>) “Lower House approves domestic violence protection bill, amendments to banking law”, *Jordan Times*.

### Box 5.2. An action plan and tools for gender equality parliaments

In 2011, the Inter-Parliamentary Union (IPU) issued a global review of good practices on gender equality parliaments (Palmieri, 2011<sup>[2]</sup>). The report assesses the gender sensitivity of parliaments in different countries and documents how parliaments have advanced in the area of gender equality.

Based on its research, IPU adopted a Plan of Action for Gender-sensitive Parliaments (IPU, 2012). The plan includes seven key areas for action: equality in participation, strong legal and policy frameworks, gender mainstreaming tools, gender equality parliamentary infrastructure and culture, women’s and men’s shared responsibility for gender equality, political parties as gender equality champions, and gender equality recruitment and staff development policies.

As a first step towards implementing the Action Plan, IPU issued a self-assessment toolkit for parliaments to assess the degree to which they are gender equal, and how to further advance on the various areas of the Action Plan (IPU, 2016).

The OECD Recommendation on Gender Equality in Public Life also provides guidance on how to achieve gender-balanced representation in decision-making positions in parliaments. The OECD Toolkit for Mainstreaming and Implementing Gender Equality includes a chapter on gender equality practices in parliaments (OECD, 2018). The toolkit includes self-assessment tools and guidance on mainstreaming gender in internal parliamentary processes and practices; integrating a gender perspective in parliaments’ external oversight and accountability functions; and achieving balanced representation of women and men in parliaments/legislatures at all levels.

Source: Palmieri (2011<sup>[2]</sup>), *Gender-Sensitive Parliaments: A Global Review of Good Practice*, <http://archive.ipu.org/pdf/publications/gsp11-e.pdf>; IPU (2012<sup>[5]</sup>), *Plan of Action for Gender-sensitive Parliaments*, <http://archive.ipu.org/pdf/publications/action-gender-e.pdf>; IPU (2016<sup>[6]</sup>), *Evaluating the Gender Sensitivity of Parliaments: A self-assessment toolkit*, <https://www.ipu.org/resources/publications/handbooks/2016-11/evaluating-gender-sensitivity-parliaments-self-assessment-toolkit>; OECD (2016<sup>[7]</sup>), 2015 OECD Recommendation of the Council on Gender Equality in Public Life, <https://doi.org/10.1787/9789264252820-en>; OECD (2018<sup>[8]</sup>), *OECD Toolkit for Mainstreaming and Implementing Gender Equality*, <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>.

### **Case study 5.1. Parliamentarians for parity and equality in Morocco**

As mentioned in the introduction, gender-focused parliamentary bodies are key mechanisms to support parliaments in achieving gender equality legislation.

Although Morocco currently does not have a permanent parliamentary committee focusing on gender, it does have the Thematic Group of Parliamentarians for Parity and Equality (GTPPE), which performs similar tasks. This case study analyses how the work of this group has contributed to gender equality legislation in Morocco.

#### *What is the reform and how did it come about?*

The GTPPE was officially created in 2015. It was established by a group of like-minded female parliamentarians who realised they wanted to fight for the same cause – more gender equality in parliaments across party lines. It consists of 15 parliamentarians from 8 parliamentary groups of both government and the opposition. The president rotates every six months and all political parties get the opportunity to preside over the group. Its members were all renewed for the 2017-2022 parliamentary term.

The group has an action plan for the duration of the whole parliamentary session. Activities include analysing draft laws for gender equality; suggesting how to better take into align legislation with gender guarantees in the constitution and international commitments on gender; lobbying for the adoption of gender equality laws across different political groups and assessing the gender-sensitivity of public policies. In addition, the group produces reports and guidebooks for newly elected women parliamentarians.<sup>4</sup> The group is working closely with civil society and the media to promote women's rights. UN Women has been building the capacity of the group in the different areas of its mandate.

#### *What are the impacts, implementation challenges and factors for success?*

The work of the group has been recognised for its important results in a variety of areas while working across party lines:

- It has helped to increase gender sensitivity in parliament. The group successfully lobbied for the integration of gender in parliament's internal rules. The rules now state that at least one-third of the members of decision-making organs of the House of Representatives should be women.
- It has contributed to gender equality legislation. The group carried out a gender analysis of the draft organic finance law and made proposals to make gender budgeting and gender mainstreaming mandatory. The group analysed the three draft laws on regions, provinces/prefectures and municipalities and made recommendations on including more women in local government. This led to further results on the gender front in the run-up to the 2015 municipal elections. For example, the law<sup>5</sup> governing the election of members of local councils was reformed and now states that a minimum of 27% of local council members should be women (as opposed to 12% which was applied in the 2009 elections) (OECD, 2017<sup>[9]</sup>; UN Women, 2017<sup>[10]</sup>).
- It has contributed to better integration of newly elected women parliamentarians through its guidebooks.
- The work of the group gained visibility at the international level when it organised side-events at the 60<sup>th</sup> and 62<sup>nd</sup> edition of the UN Commission on the Status of Women (UN Women, 2016<sup>[11]</sup>). In addition, in the framework of a European Union project, women parliamentarians from Morocco had the opportunity to exchange experiences with women parliamentarians from different European countries. A new EU project is underway to support the Moroccan Parliament and gender will be included as a cross-cutting theme.

These results were achieved despite the fact that the group does not have the status of an official parliamentary commission, which means that its powers are limited. The group is currently lobbying to

change the internal regulations of the parliament so that it can become a permanent commission. The President of the parliament is supportive to the cause of the group and has given them an office inside parliament.

In addition, most of the groups' members are women. It would be advisable to include more men in the group to reflect different views and give the group an even stronger presence in parliament.

### 5.3. The media

The media plays an essential role in shaping and promoting social and cultural norms, including gender stereotypes. Gender-neutral images of women and men in the media are important for promoting women's economic empowerment, eradicating gender discrimination and eliminating violence against women. In addition, the media plays an important role in letting the public know about recent legal reforms that support women's economic empowerment. The media can also hold governments to account for their actions, including by communicating about whether the government is adequately addressing women's economic empowerment through legal reforms and if/how these reforms are being implemented.

Yet one global study indicates that women make up only 24% of "the persons heard, read about or seen in newspaper, television and radio news" (WACC, 2015<sup>[12]</sup>). In Morocco, this figure stands at 20% (HACA, 2017<sup>[13]</sup>), and in Tunisia and Jordan women's appearance in the media does not exceed 11 and 9% respectively (HAICA, 2017<sup>[14]</sup>). Analysis indicates that in Morocco, stereotypes that perpetuate gender discrimination are still widespread in the media. The vast majority of commercials show women confined to the domestic sphere in their role as wife and mother while men are associated with the public space. Women are often pictured as vulnerable and dependant while men are portrayed as strong and autonomous (HACA, 2016<sup>[15]</sup>).

As early as 1995, the Beijing Declaration included "women and the media" as one of its 12 critical areas of action. The platform called for "increased participation and access of women to expression and decision-making in and through the media and new technologies of communication" as well as for "balanced and non-stereotyped portrayal of women in the media" (UN, 1995<sup>[16]</sup>). Article 5 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) also prohibits gender stereotypes.

This section analyses the initiatives that countries are taking to increase gender equality in the media sector. These initiatives include building the evidence base on the need to change women's portrayal in the media, as well as reforms that oblige media institutions to show more gender-neutral media content and to show more women leaders in the media (Box 5.3).

The initiatives show that the traditional media landscape in Egypt, Jordan, Morocco and Tunisia is increasingly sensitive to gender equality issues. In addition, social media is booming in the MENA region. The majority (63%) of Arab youth say they look first to Facebook and Twitter for news (Radcliffe and Bruni, 2019<sup>[17]</sup>). Almost 70% of women in MENA have Internet access and 86% are active on social media.<sup>6</sup> Interviews for this publication revealed that social media plays an important role in empowering women in the region. It provides a platform where women can openly share their views and aspire to greater economic empowerment, driven by their exposure to powerful female role models who are active on social media. Women's rights campaigns on social media reach many women in the region and social media has played a major role in breaking the taboos around violence against women.

**Building the evidence base.** A first step in promoting women's economic empowerment through the media is documenting the situation of women in the media. Morocco is considered a leading country in this regard (Case Study 5.2), investing strongly in building and maintaining an evidence base on the situation of women in the media through their participation in the Global Media Monitoring Project, through specific studies and through putting into place the National Observatory for the Improvement of Women's Image in the Media.

### Box 5.3. Gender and media initiatives in MENA

#### Tunisia

The Tunisian audio-visual communication decree (2011) foresees that its High Authority for Audio-visual Communication (HAICA) should organise and regulate the audio-visual sector in line with the principle of a “pluralistic, diversified and balanced audio-visual media landscape that respects the values of freedom, justice and non-discrimination based on race, sex or religion”. In 2015, the Tunisian Association of Democratic Women (ATFD) issued a reference guide on the image and the presence of women in the media. In 2018, an online platform was launched (*Expertes Tunisie*) to link Tunisian female experts and journalists so that more women are invited as experts to speak in the media.

Source: Audio-visual communication decree: Décret-loi N° 2011-116 du 2 novembre 2011, relatif à la liberté de la communication audiovisuelle et portant création d'une Haute Autorité Indépendante de la Communication Audiovisuelle (HAICA), <http://www.legislation.tn/sites/default/files/journal-officiel/2011/2011F/Jo0842011.pdf>; Baya (n.d.[18]), “Guide référentiel sur l'image et la présence des femmes tunisiennes dans les medias”, <https://www.baya.tn/rubriques/society/societe/guide-referentiel-sur-limage-et-la-présence-des-femmes-tunisiennes-dans-les-medias>; Expertes Tunisie website: <https://expertes-tunisie.com>.

#### Egypt

The National Council for Women (NCW) has played a leading role in several initiatives on gender and the media. In 2004, with the support of UNICEF, NCW launched a media watch unit to assess media content from a gender perspective. The unit also provided gender sensitisation training for media workers in all Egypt's governorates. In 2007, NCW became a member of the Board of Trustees of the Egyptian Radio and Television Union (ERTU) and a women's committee was created within ERTU. Numerous studies have since been conducted to make recommendations on gender-related subjects including the portrayal of gender roles. This has led to an improvement of the image of women in the media.

Other organisations and national regulatory bodies also contribute to gender equality in the media. In 2015, the Union of Media Women (UMW) was established in order to support women professionals active in the media sector to take up leadership roles, enhance their professional skills, and address discrimination and harassment in the workplace. In 2016 UMW received an award from the BMW Foundation Herbert Quandt for its leadership in the media sector. In 2018, following a study of 10 Ramadan TV shows, UN Women Egypt, among other international organisations, created a media toolkit to guide media producers and viewers on gender-related topics in an Egyptian/Arab context.

In September 2019, the Supreme Council for Media Regulation issued an updated series of restrictions for all media outlets and social media. While the regulations have been criticised for further restricting the freedom of press, they do include progressive provisions on gender equality in the media. The regulations ban negative stereotypes of housewives, unmarried women and divorced women, and any attempts to blame them for family breakdown or social failure. They also warn against explicit scenes of physical or verbal violence against women, and encourage a diverse coverage of women's views,

news and engagement in social, political and cultural affairs. Those who fail to comply with these requirements will have their license revoked.

Source: CEDAW (2008<sup>[19]</sup>), *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined sixth and seventh periodic reports of States parties: Egypt*, <https://www2.ohchr.org/english/bodies/cedaw/docs/cedaw.c.egy.7.pdf>; Hauswedell (2016<sup>[20]</sup>), "Egypt: Empowering women journalists", <https://www.dw.com/en/egypt-empowering-women-journalists/a-19264911>; NCW (2014<sup>[21]</sup>), *Arab Republic of Egypt. The National Council for Women National Report on Beijing +20*, [https://sustainabledevelopment.un.org/content/documents/13058Egypt\\_review\\_en\\_Beijing20.pdf](https://sustainabledevelopment.un.org/content/documents/13058Egypt_review_en_Beijing20.pdf); UN Women (2019<sup>[22]</sup>), *Gender-sensitive Media Content: Media Monitoring Toolkit*, <https://egypt.unwomen.org/en/digital-library/publications/2019/06/media-monitoring-toolkit>.

## Jordan

Jordan has also taken action to enhance gender equality in the media. For example, Jordan is part of the Women in News project, financed by the Swedish International Development Cooperation Agency (Sida). The project trains women media professionals in order to improve their skills and help them progress their careers. For example, in 2017 training courses were held for female employees of the *Al-Rai* and *Al Ghad* newspapers.

Journalists and media students in Irbid were also trained in gender equality by the Jordan Society for Human Rights in February 2020 with the financial support of the Spanish Agency for International Development Cooperation (AECID).

Source: Embassy of Spain in Amman (2020<sup>[23]</sup>), "AECID supports raising awareness on gender equality and women discrimination among journalists", [http://www.exteriores.gob.es/Embajadas/AMMAN/en/Noticias/Paginas/Articulos/20200216\\_NOT01.aspx](http://www.exteriores.gob.es/Embajadas/AMMAN/en/Noticias/Paginas/Articulos/20200216_NOT01.aspx); WIN (2017<sup>[24]</sup>), "WIN hosts training sessions at Al Rai and Al Ghad newspapers in Jordan", <http://www.womeninnews.org/post/44>.

## Regional

UNESCO is leading a consortium to implement a regional project on a gender-responsive film sector. The project is funded by the European Union and the countries covered are Algeria, Egypt, Jordan, Lebanon, Libya, Morocco and Tunisia. The project aims "to promote freedom of expression by encouraging film makers to address gender equality and women's empowerment; promote the role of female film professionals by harnessing and enabling an environment to create and express their own concerns and tackle gender-related stereotypes in films while promoting cultural diversity".

Source: UNESCO (2018<sup>[25]</sup>), "UNESCO seeks 8 partners in the MENA region to enhance a gender responsive film sector in the Maghreb-Mashreq Region", <https://en.unesco.org/news/unesco-seeks-8-partners-mena-region-enhance-gender-responsive-film-sector-maghreb-mashreq>.

**Mainstreaming gender awareness.** Gender concerns should be institutionalised and included in the policy documents guiding the work of media institutions. In Morocco, some media institutions have mainstreamed gender concerns in their policy documents, while others have adopted separate gender charters. More recently, gender concerns have been mainstreamed in the law on audio-visual communication and in the law governing the High Authority for Audio-visual Communication (HACA). The laws do not just encourage the media to take gender concerns into account – they also include complaint mechanisms that can be filed even by individuals and sanctions in case of non-compliance (Case Study 5.2). In Tunisia, the legal framework mandates the High Authority for Audio-visual Communication (HAICA) to take gender into account (Box 5.3). The Tunisian law on VAW mentions that media should sensitise the wider public about violence against women and girls and that media content that can be detrimental to the image of women is prohibited (Case Study 4.4). Egypt's Supreme Council for Media Regulation has issued regulations, obliging media outlets and social media to ban negative gender stereotypes and ensure a diverse coverage of women's views. Failure to comply with this requirement can result in the revocation of licenses (Box 5.3).

**Showing more women leaders in the media.** The Moroccan High Authority for Audio-visual Communication has issued a decision encouraging audio-visual communication services to guarantee at least one-third of female participation in programmes during the electoral period. Morocco's HACA has a monitoring system in place that can measure diversity in the media (Alsalhi, 2019<sup>[26]</sup>). Egypt's recent media regulations encourage diverse coverage of women's views, news and their engagement in social, political and cultural affairs. Online platforms have been launched in Tunisia and Morocco to link female experts and journalists so that more women are invited as experts to speak in the media.

**Involving trade unions.** Trade unions play an important role in pushing for greater gender equality in the media. In Morocco, a gender and media council was set up within the press trade union. In Egypt, a women's committee was created within the Egyptian Radio and Television Union (ERTU) and a Union of Media Women was set up which was awarded for its leadership in the media sector (Box 5.3).

**Publicising reforms.** The media also plays an important role in informing people about legal and institutional reforms. It can be very difficult to obtain the actual text of legislation or to get correct information about reform implementation. Countries should make further efforts to disseminate popular versions of important recent legal reforms adapted to the target group so that the people concerned by the reforms are aware of the details.

### ***Case study 5.2. How Morocco's media is addressing gender stereotyping and discrimination***

The issue of gender stereotyping and gender discrimination in the media is twofold. Firstly, there is the issue of how women and men are portrayed in the media, which can lead to gender discrimination. Secondly, the way in which women and men are portrayed in the media is often influenced by who is actually working in the media. When more women work as media professionals, they are more inclined to show other women professionals and experts in the media and may be more sensitive to gender-related issues.

Morocco has addressed both of these issues through a range of innovative initiatives at different levels, ranging from advocacy and building the evidence base to gender policies for broadcasters and specific provisions in media legislation. The country is definitely a pioneer on this topic in the region and beyond, and is already sharing its experiences with other countries.

#### *What is the reform and how did it come about?*

Inspired by the Beijing Platform for Action provisions on women and the media, in 2005 Morocco adopted a National Charter for the Improvement of the Image of Women in the Media (Lamhaidi, 2007<sup>[27]</sup>). The launch of the charter created momentum for different media organisations together with civil society and other stakeholders to further reflect on the way women are portrayed in the media and to decide what actions could be taken to improve the situation. A variety of initiatives took off:

- **Institutionalising gender awareness.** A project for the institutionalisation of gender equality in the media was led by the Ministry of Communication. In addition, a gender and media council was set up within the press trade union. Some of Morocco's most important broadcasters<sup>7</sup> have included gender concerns in their guiding documents.<sup>8</sup> In 2015, the Ministry of Solidarity, Social Development, Equality and Family established a National Observatory for the Improvement of Women's Image in the Media, as set out in the 2005 charter (Moroccan Ministry of Solidarity, Social Development, Equality and Family, 2015<sup>[28]</sup>). The observatory consists of representatives from the government, civil society and research centres and has the mandate to contribute to the evidence base on women's image in the media, using specific indicators.
- **Legislating for gender awareness.** The 2013 law on press and printing media includes provisions forbidding media content that denigrates women, perpetuates discrimination against women, or

promotes negative gender stereotypes.<sup>9</sup> In 2016 a new law on audio-visual communication took effect, which includes important provisions on gender discrimination and stereotyping in the media.<sup>10</sup> The law prohibits advertising that contains elements of discrimination based on sex. Audio-visual communication operators must promote gender equality and fight against discrimination based on sex, including stereotypes that undermine women's dignity. Audio-visual programmes cannot incite violence against women, exploitation or harassment, or undermine women's dignity.

Another 2016 law reorganised the High Authority for Audio-visual Communication (HACA).<sup>11</sup> This institution is in charge of regulating the audio-visual communication sector in Morocco. The new law indicates that HACA should contribute to the promotion of a culture of equality and parity between men and women and should combat all forms of discrimination and stereotypical images undermining women's dignity.

- **Increasing women's media presence.** In 2016 HACA encouraged audio-visual communication services to guarantee that at least one-third of presenters were women during the electoral period (HACA, 2016<sup>[29]</sup>). This decision should ensure that women are associated with leadership in politics and that political debate takes gender equality into consideration. Since 2007, HACA has been using its monitoring system (HMS) to measure diversity in the media. This system has inspired other countries and has been replicated in Belgium and a range of African countries (HACA, 2017<sup>[30]</sup>).
- **Allowing for complaints and sanctions.** Since 2016, individuals can file a complaint on the HACA website regarding violation of the laws and regulations governing the audio-visual communication sector.<sup>12</sup> Sanctions are foreseen when there is a serious violation of the legislation.<sup>13</sup> Previously, only political parties and associations could file complaints. So far, not many official complaints have been received regarding the violation of the law's gender equality provisions. HACA reports that they are still learning about what types of gender-based discrimination is occurring in the media.
- **Supporting implementation.** HACA started a new project in 2017, in collaboration with UNESCO and UN Women, to raise awareness of the 2016 legislation and to sensitise media content producers on the law (UN Women, 2017<sup>[31]</sup>). The public TV broadcaster 2M has also launched an annual competition for the commercial that best promotes gender equality (Taleb, 2018<sup>[32]</sup>). This broadcaster has also started an online platform to link Moroccan female experts and journalists so that more women are invited as experts to speak in the media.<sup>14</sup>

In 2019, the Ministry of Culture and Communication, supported by the EU, issued a manual to combat gender stereotypes in the Moroccan media (Ministère de la Culture et de la Communication, 2019<sup>[33]</sup>) and to support the implementation of the recent legal reforms by guiding media professionals to apply a gender lens in their daily work.

#### *What are the impacts, implementation challenges and factors for success?*

There are several factors behind the success of Morocco's initiatives:

- **Collaboration among a variety of actors** right from the beginning, including civil society, trade unions, relevant ministries and media actors.
- **Strong leadership.** The Ministry of Solidarity, Women, Family and Social Development led the efforts that resulted in the national charter on the image of women in the media. HACA was also strongly influenced by the advocacy efforts of civil society organisations (such as the Democratic Association of Moroccan Women, ADFM) on gender equality in the media.
- **Strong investment in building an evidence base** on the situation of women in the media. This was achieved through participation in the Global Media Monitoring Project, through specific studies

and through the establishment of the National Observatory for the Improvement of Women's Image in the Media.

- **Institutionalising gender concerns.** Gender awareness has been included in the policy documents guiding the work of a range of media institutions. Some have adopted separate gender charters. Gender concerns have also been mainstreamed in the new law on audio-visual communication and in the law governing HACA.
- **Sanctions mechanisms and sensitisation.** The laws do not just encourage the media to take gender concerns into account – they also include complaint mechanisms and sanctions for non-compliance. In order to achieve impact, innovative sensitisation efforts are underway to ensure the law's provisions are clearly understood by different stakeholders who may not necessarily be familiar with gender equality. In addition, a manual on combating gender stereotyping will support media professionals to apply a gender lens in their daily work.

While these laws guarantee freedom of audio-visual communication, in line with the freedom of expression guaranteed in the Moroccan Constitution, they also set limits to this freedom of expression when this freedom enters into conflict with the concept of gender equality and non-discrimination, which is also guaranteed in the Moroccan Constitution. There has been extensive debate and research worldwide about competing human rights, in particular on the limits of freedom of expression. The limits that are set on certain rights and freedoms differ from country to country. Often, it is also a matter of interpretation, and a judge will have the final say when cases involving competing human rights reach court.

#### 5.4. National human rights institutions

Human rights institutions, at both international and national levels, play a key role in making sure that women's rights not only exist on paper, but that they also become a reality.

In terms of international enforcement mechanisms on women's rights, an important mechanism is the optional protocol of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (Box 6.1). While all four countries have ratified CEDAW, only Morocco and Tunisia have ratified CEDAW's optional protocol, which allows the CEDAW treaty body, the Committee on the Elimination of Discrimination against Women, to receive complaints from individuals or inquire into grave or systematic violations of the convention. A complaint mechanism helps to give "teeth" to human rights provisions and protects people from human rights violations. There have not yet been any individual complaints or inquiries in Morocco or Tunisia, however.

At the national level, national human rights institutions (NHRIs) play a key role in making sure that human rights are upheld, including women's rights. In many countries, women face unique and extensive challenges when it comes to guaranteeing their rights. Hence protecting and promoting women's rights is an important part of NHRIs' mandates.

MENA countries vary in how their NHRIs are structured and organised, and these institutions have been operating with varying levels of success (Box 5.4.). In the four countries, gender concerns are mainstreamed across a range of organisations. Egypt's National Council for Human Rights, Jordan's National Centre for Human Rights, Tunisia's Comité Supérieur des Droits de l'Homme et des Libertés Fondamentales and Morocco's National Council for Human Rights all have generic human rights mandates.

Case Study 5.3 describes Morocco's efforts and challenges in setting up a national human rights institution that promotes gender equality and addresses gender discrimination. Other MENA countries face similar challenges in setting up important NHRIs. While the Egyptian Constitution foresees the creation of a Human Rights Commission that will cover gender equality and religious minority issues, this commission has not yet been set up. In Tunisia, the constitution (Art. 118 onwards) foresees the establishment of a

Constitutional Court, and a 2015 law<sup>15</sup> provides further details on this court. One of the important functions of the court would be to assess laws against the constitution, including the gender equality guarantees foreseen in the constitution. However, the court has not yet been set up.

#### **Box 5.4. Guiding principles for national institutions for the protection and promotion of human rights**

In 1993, the UN General Assembly adopted a resolution concerning national human rights institutions (NHRIs). The resolution includes a number of principles (the “Paris Principles”) related to the competence and responsibilities of NHRIs; their composition and guarantees of independence and pluralism; as well as their methods of operation. These principles can be used to assess the effectiveness of NHRIs.

The Global Alliance of National Human Rights Institutions (GANHRI) reviews and accredits national human rights institutions based on the Paris Principles. GANHRI has given A-Status (i.e. full compliance with Paris Principles) to NHRIs from Egypt (National Council for Human Rights), Jordan (National Centre for Human Rights) and Morocco (Conseil National des Droits de l’Homme). GANHRI has given B Status to Tunisia (Comité Supérieur des Droits de l’Homme et des Libertés Fondamentales).

The International Council on Human Rights Policy, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), has issued a manual on Assessing the Effectiveness of National Human Rights Institutions which can support NHRIs in measuring their own effectiveness. The Equitas Handbook for NHRIs on Economic, Social and Cultural Rights offers a specific tool for national human rights institutions to enhance their work in protecting and promoting women’s equality through economic, social and cultural rights.

Source: Equitas (2008<sup>[34]</sup>), *Equality for Women: A Handbook for NHRIs on Economic, Social and Cultural Rights*, [https://equitas.org/wp-content/uploads/2010/09/b4c3\\_Resources\\_WESCRHandbook.pdf](https://equitas.org/wp-content/uploads/2010/09/b4c3_Resources_WESCRHandbook.pdf); OHCHR (1993<sup>[35]</sup>), *Principles relating to the Status of National Institutions (The Paris Principles)*, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>; International Council on Human Rights Policy (2005<sup>[36]</sup>), *Assessing the Effectiveness of National Human Rights Institutions*, <https://www.ohchr.org/Documents/Publications/NHRIen.pdf>.

#### **Case study 5.3. Morocco’s journey to establish a national institution for women’s rights**

While Morocco’s National Council for Human Rights (CNDH) already has the mandate to promote and protect human rights,<sup>16</sup> it was decided to create a new NHRIs in Morocco, the Authority for Parity and the Fight Against All Forms of Discrimination (APALD). Its creation was foreseen in the 2011 constitution, and there was also a need to focus more on the promotion and protection of women’s rights specifically. Although a law entered into force regulating APALD in 2017, it has not yet been established. This case study documents the process of developing the law and examines the challenges which remain and which hinder its implementation.

##### *What is the reform and how did it come about?*

The 2011 Moroccan Constitution includes the principle of gender equality. Article 19 states that men and women are granted equal civil, political, economic, social, cultural and environmental rights and liberties. The article also mentions that the state will undertake gender equality actions and foresees the creation of the Authority for Parity and the Fight against All Forms of Discrimination (APALD).

A draft law was developed to further detail APALD’s mandate. The process was led by the Ministry of Solidarity, Social Development, Equality and the Family (MSSDEF) in consultation with the Inter-ministerial

Delegation of Human Rights (DIDH). An independent and multidisciplinary committee (*comité scientifique*) was set up to consult widely on what the draft APALD law should look like.<sup>17</sup> This committee organised meetings with key informants and received written suggestions from a range of stakeholders. The committee also looked into international best practices in institutionalising gender equality. In 2013, the committee issued a draft law on the establishment of APALD.

The draft law was submitted to a specialised legal commission of the Council of Europe (Council of Europe, 2013<sup>[37]</sup>) and afterwards to various national structures. Parliament then requested the advice of the Economic, Social and Environmental Council (CESE) as well as of CNDH.<sup>18</sup> Both organisations issued extensive analysis and recommendations on the draft law (see next section).<sup>19</sup> In parallel, civil society and human rights defenders created the Coalition for the Application of Art. 19 of the Constitution, which advocated for taking into account the advice of CESE and CNDH and for making the required modifications to the draft law.

After years of intense debate, the law entered into force in 2017,<sup>20</sup> but was criticised by various stakeholders since it did not take into account most of the recommendations of CESE and CNDH. In 2017, 84 members of the House of Representatives seized the Constitutional Court with a request to investigate whether the draft law was in line with the constitution. The court ruled that the draft law is in line with the constitution.

The law foresees that APALD is an independent institution. It has a mandate to promote and protect the values of equity, equality and non-discrimination in the following areas (Art. 2):

- Give advice on draft laws and regulations and provide recommendations on bringing national legislative frameworks in line with international conventions that fall within its mandate.
- Evaluate public policies and the efforts of public and private sector actors to make the principles of equity, equality and non-discrimination a reality.
- Provide recommendations or proposals to strengthen and disseminate the values of equity, equality and non-discrimination as well as to implement these values in all aspects of public life.
- Disseminate good practices on equity and equality and encourage their implementation in the national context.
- Contribute to the inclusion of a culture of equality and non-discrimination in education, training, media and cultural programmes.
- Provide technical assistance on the effective implementation of principles of equity and equality and build the capacity of different stakeholders on equity, equality and non-discrimination.
- Receive and examine complaints on discrimination submitted by victims of discrimination and provide recommendations to the competent authorities and watch over the follow-up provided by these authorities on the complaint cases.
- Observe and follow up on the types of discrimination against women, issue recommendations and propose measures to redress the situation.
- Collect and analyse quantitative and qualitative data, draft and publish studies, measure the degree of respect of the principles of equity, equality and non-discrimination in the different aspects of public life and publish the conclusions.
- Establish partnerships and cooperate with other institutions at national, regional and international level.

The law mentions that APALD would consist of a president and 24 members from different institutions: one magistrate; one member of the High Council of Ulema; three experts; two representatives from the Council of the Moroccan community living abroad; four representatives of trade unions; one representative of employer organisations; six representatives of civil society; two representatives of public administration; and four parliamentarians.

*What are the impacts, implementation challenges and factors for success?*

Even though the framework for setting up APALD has been in place since early 2017, the institution has not yet been established. Since APALD is not yet in place, we cannot say what impact it is having on women's economic empowerment. However, it is possible to analyse the provisions of the law and see whether APALD's mandate and functions are adequate to promote and protect women's rights.

While extensive consultation processes were organised in the process of establishing the law, not all of the recommendations that came out of these consultations were taken into account. While drafting laws often involves making compromises, it is important to respect the Paris Principles for the protection and promotion of human rights (see Box 5.4) and make sure that the APALD law is fully in line with these principles. The paragraphs below assess the law against those principles:

- **Independence is not guaranteed.** While the law specifies that APALD is an independent institution, it also indicates that its members are appointed based on the fact that they are "representatives" of their organisations rather than on their personal competences in the area of gender equity, equality and non-discrimination. In addition, the law only foresees for a limited number of APALD members from civil society.
- **APALD's mandate is not clearly defined in the law.** Though the law states the mandate is to promote and protect the values of equity, equality and non-discrimination, these values are not defined. The law also does not specify that APALD should only focus on gender equality issues, leading to confusion over how APALD positions itself relative to the mandates of other national human rights institutions and the National Council for Human Rights (CNDH) in particular.
- **Co-operation with local organisations is not established.** The law mentions that APALD should establish partnerships and co-operate with other institutions at the national, regional and international level. However, it does not mention local co-operation. It would be important for APALD to also work closely with local authorities to co-ordinate on discrimination cases in different parts of the country. Each local authority should set up a local advisory body in charge of gender equality at local level. APALD should work closely with these local advisory bodies to make sure that discrimination cases are adequately addressed and that there is co-ordination between the national and local levels.
- **APALD needs stronger protection functions.** It has the authority to promote and protect the values of equity, equality and non-discrimination in different ways, which is in line with the Paris Principles. APALD is mandated to receive and examine discrimination complaints, provide recommendations to the competent authorities, and monitor the follow-up to the complaint cases. However, the law should also give APALD the power to investigate discrimination cases, issue injunctions or impose sanctions.
- **There is no mention of an annual report.** Article 160 of the Constitution foresees that national human rights institutions should issue a yearly activity report that should be debated in parliament. The APALD law does not mention such a report. This would be important so as to hold APALD accountable.

APALD's mandate should clarify that it is in charge of issues related to gender equity, gender equality and non-discrimination based on sex, while CNDH is in charge of equity, equality and non-discrimination in other domains.

It would be important for APALD to partner with the High Authority for Audio-visual Communication (HACA). Case Study 5.2 provides more details about HACA and its mandate to combat all forms of discrimination based on sex and stereotyping in the audio-visual communication sector of Morocco. HACA also allows for individuals to file complaints – APALD could play an important role in supporting HACA in following up on these complaints.

MSSDEF has reported that the next step would be for the King to designate the APALD President.

## 5.5. Civil society

While the constitutions of all four countries guarantee freedom of association, the actual scope of civic space shows some differences and civil society organisations (CSOs), including those working on women's economic empowerment report some restrictions. Box 5.5 and Figure 5.1 describe the situation on the basis of commonly used international governance indicators. International indicators show that civil liberties have increased in Tunisia. In Tunisia, significant improvements in the implementation of freedom of speech and freedom of association are some of the most valued achievements that followed in the aftermath of the Arab Spring. Jordan and Morocco have also made important headway and rank above the MENA average on voice and accountability through their participation in the Open Government Partnership<sup>21</sup>.

### Box 5.5. Citizen and civil society organisations engagement

Citizens around the world are asking to play a more active role in the design and implementation of public policies. Equally, governments are responding to this call worldwide by engaging with their constituencies in new and innovative ways. The Open Government Partnership (OGP) was set up to build a forum for governments and civil society to exchange ideas and demands. Upon joining OGP, governments work with civil society to co-create two-year action plans, with concrete steps across a broad range of issues. This model ensures that civil society organizations or direct citizen engagement has a role in shaping and overseeing governments. OGP's Independent Reporting Mechanism monitors all action plans to ensure governments follow through on commitments. Since its founding in 2011, OGP has grown to 78 country and 20 local members that work alongside thousands of civil society organisations. Jordan, Morocco and Tunisia are the only MENA countries that are OGP members. Egypt is not a member of OGP.

Jordan joined the Open Government Partnership (OGP) in 2011 as the first MENA country in the initiative. To date, Jordan has submitted three national plans, with the current being the most ambitious, focused and participative, aimed at enhancing the government's transparency and openness. In doing so, the Government of Jordan, in collaboration with the OECD, has established a unit for the Open Government at the Ministry of Planning and International Cooperation (MOPIC).

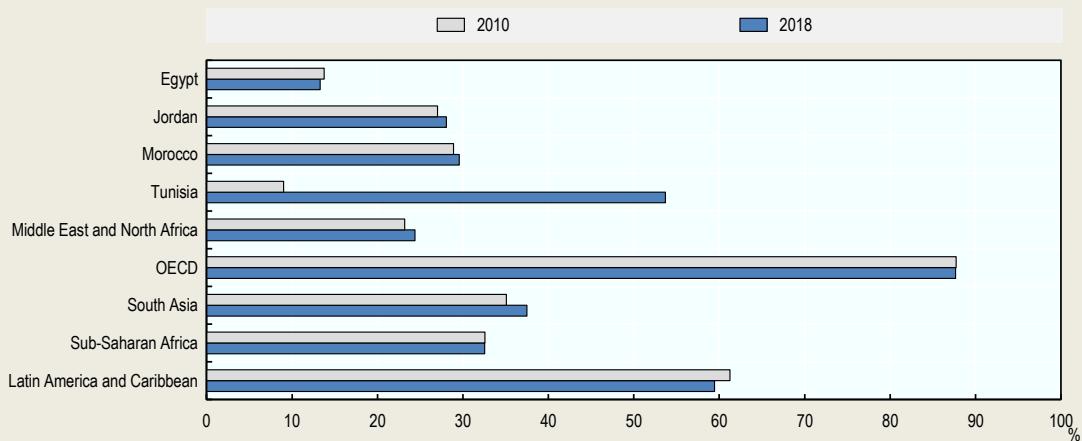
The Government of Morocco joined the Open Government Partnership (OGP) in 2018 and is currently implementing its first action plan (2018-2020). The country has endeavoured to meet the conditions for accessing this partnership by collaborating with the OECD in launching and carrying out various projects in the areas that would make it eligible for the OGP, especially those concerning budget transparency, access to public information, integrity, and citizen participation. Considering the fundamental role being played by civil society in implementing the principles of Open Government, the OGP steering committee was recently expanded to become a multi-stakeholders committee by including NGOs.

Tunisia joined the Open Government Partnership (OGP) in 2014, the end of a 3-year collaboration with the OECD to identify and implement the necessary reforms. The country has developed and implemented two national action plans over the last four years. Each of them provided a framework for concerted government-civil society efforts across all commitments. This participatory approach to

reform has had a number of positive impacts, such as the increase of civil society organisations that are involved in the country's openness agenda at central as well as local levels.

### Figure 5.1. Voice and accountability indicator

Percentile rank, 2010-18



Note: Voice and accountability indicator captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. For example, data for Tunisia in 2018 means that the country performs better than 54% of countries in terms of voice and accountability.

Source: Kaufmann and Kraay (2018<sup>[38]</sup>), World Governance Indicators (dataset), <https://info.worldbank.org/governance/wgi/Home/Reports>; OECD (2020<sup>[39]</sup>), Open Government Partnership, <https://www.opengovpartnership.org/>; Open Government Morocco (2018<sup>[40]</sup>), Open Government Morocco, [https://www.opengovpartnership.org/wp-content/uploads/2018/09/Morocco\\_Action-Plan\\_2018-2020\\_EN\\_Revised.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/09/Morocco_Action-Plan_2018-2020_EN_Revised.pdf); Open Government Partnership Tunisia (2018<sup>[41]</sup>), Open Government Partnership Tunisia, [https://www.opengovpartnership.org/wp-content/uploads/2018/11/Tunisia\\_Action-Plan\\_2018-2020.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/11/Tunisia_Action-Plan_2018-2020.pdf).

Despite these difficulties, CSOs have been crucial actors in the legal reform processes for women's economic empowerment and the implementation of these reforms in all four countries. Many reforms only happened because civil society had been advocating for change for many years.

The case studies show that CSOs are active at all stages of legal reform:

- **Building the evidence base.** Firstly, CSOs often participate in building the evidence base by documenting a specific aspect of women's economic empowerment. They are in a unique position to perform this task, since they are often close to the people directly concerned by an envisaged reform. For example, the Jordanian civil society organisation SADAQA worked on building the evidence base for amendments to enhance childcare options in the labour code. These proposals became law through the 2019 labour law amendments (Case Study 2.4). Tunisia's COLIBE committee built on years of analysis from civil society organisations to come up with the proposals in its report, including on equal inheritance for women and men (Case Study 4.1).
- **Drafting laws and lobbying for their adoption.** Based on their research, CSOs sometimes propose the text of a draft law in support of women's economic empowerment. For example, in Tunisia, civil society was involved in the drafting process of the law to address all forms of violence against women and girls (Case Study 4.1). In Egypt, several civil society groups submitted drafts for an inheritance law reform in order to protect women's legal inheritance share (Case Study 4.2). Once the draft law is under discussion in parliament, CSOs may lobby parliamentarians for the adoption of the law. In some countries, CSOs are allowed to participate in certain parliamentary

committees. For example, in Jordan the Sisterhood Is Global Institute participated in debates on social security in ad-hoc parliamentary committees and played a concrete role in improving the social security law text (Case Study 2.3).

- **Dissemination and awareness raising.** Once the reform is adopted, they are often actively involved in the dissemination of the reform including at grassroots level. For example, in Morocco, the Soulaliyate movement, supported by other national civil society organisations, is disseminating and implementing the recent legal reforms on equal access to land for Soulaliyate women (Case Study 3.3).
- **Implementation.** In some areas, CSOs are active implementers of the law. For example, most shelters for women victims of violence across the region are operated by CSOs, and a number of CSOs in the region facilitate women's access to justice (Case Studies 4.4, 4.5, 4.6 and 4.7).
- **Holding government accountable.** CSOs may also hold government accountable for the implementation of reforms. For example, in Tunisia Article 12 of the law on the elimination of all forms of violence against women and girls indicates that the Ministry of Women, the Family, Children and Seniors should set up co-ordination mechanisms with civil society in order to follow up on the implementation of this law (Case Study 4.4).
- **Capacity building.** When a movement for reform starts at the grassroots level the women involved may not be used to participating in policy forums or advocacy efforts. CSOs can also build the capacity of the women involved. For example, when the Soulaliyate women in Morocco started demanding equal access to land they were trained by national CSOs as well as UN Women to learn how to improve their advocacy skills. Their movement led to legal reform granting equal access to land for Soulaliyate women and men (Case Study 3.3). CSOs exist in many forms. They often work in close collaboration with international organisations, which provide them with funding and capacity building. This leads to further empowerment of the women that are part of these CSOs.

Interviews conducted for this publication indicated that relations among the various CSOs advocating for women's economic empowerment are not always straightforward, often driven by rivalry in competing for funding or disagreements on certain campaigns. In other cases, CSOs have teamed up successfully. In Tunisia, a variety of CSOs participated in the development of the comprehensive law on VAW (Case Study 4.4). In Jordan, a coalition of CSOs was created that effectively advocated for labour law reforms in support of women's economic empowerment (Case Study 2.1).

In some cases, women's rights activists from CSOs have taken up leadership positions in the government or in international organisations and have been instrumental in bringing about important reforms on women's economic empowerment. In Morocco, a former Director of the High Authority for Audio-visual Communication was previously a prominent CSO member. Her leadership led to legal reforms that prohibited stereotyping and gender discrimination in the media sector (Case Study 5.2). In Tunisia, one of the founders of the Tunisian Association of Democratic Women became the President of the Committee for Individual Freedoms and Equality (Case Study 4.1).

To continue to strengthen the role of CSOs in supporting reform, excessive restrictions on freedom of association should be lifted so that CSOs can continue functioning. Certain parliamentary discussions should be opened to CSOs so that they can present their arguments in favour of gender equality legislation.

## 5.6. Conclusions and recommendations

Legal reform is a complex undertaking to which a range of actors contribute. The report has shown that while law making and implementation are mostly the responsibility of parliaments and governments, many other institutions also play a role in this process. The case studies in this chapter focus on the role of parliaments, civil society organisations, the media and national human rights institutions. Some of these institutions are hindered in their functioning because of excessive restrictions on freedom of association and freedom of speech that apply in a number of countries covered by the publication. While Tunisia has made the most progress in the implementation of freedom of speech and freedom of association, Jordan and Morocco have also made important headway. In Egypt, continuous effort would be required to facilitate the participation of civil society organisations in the public arena.

The case studies have shown that there are many strategies and mechanisms that can be used to make sure that gender equality is taken into account at all stages of law making. The following recommendations have been distilled from the case studies:

- Continue building the evidence base to underpin legal reforms that support gender equality and women's empowerment. CSOs together with international organisations often provide important support to governments in this regard.
- Include gender concerns during the drafting of legal texts. CSOs can sometimes submit draft laws to parliament for their consideration and in some cases comments on legal draft texts can be requested from NHRIs to make sure that gender equality is taken into account in the early stages of law making.
- Put in place strategies to facilitate the adoption process of gender equality legislation. Encourage the set-up and facilitate the functioning of permanent parliamentary bodies that focus on gender equality. Make sure that gender equality is also taken into account in other types of parliamentary bodies, such as economic and finance committees. Open certain parliamentary discussions to CSOs so that they can present their arguments in favour of gender equality legislation.
- Ensure the implementation of gender equality legislation. Annual progress reporting mandated by the law can be a good way of following up on implementation. Encourage multi-stakeholder initiatives in cases where the government encounters challenges in implementation.
- Ratify the CEDAW optional protocol and set up NHRIs in line with the provisions foreseen in the constitution so that there are additional mechanisms in place to enforce women's rights.
- Ensure the dissemination of gender equality legislation. Dissemination strategies should be adapted to the target audience. CSOs and the media play an important role in ensuring this.
- Lift excessive restrictions on freedom of association so that CSOs can continue functioning.
- Include a gender equality perspective in the policy documents guiding the work of different traditional media institutions. Do further research on the role that social media plays in women's economic empowerment in the region.
- Encourage measures to achieve gender-balanced representation in decision-making positions in parliaments and the media. The OECD Recommendation on Gender Equality in Public Life (OECD, 2019<sup>[1]</sup>) provides further guidance on how this can be achieved.

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## Notes

<sup>1</sup> Table 1 at the start of this report contains an “at-a-glance” summary of all the themes of the case studies and in-depth boxes.

<sup>2</sup> Gender-sensitive budgeting involves integrating a clear gender perspective within the overall context of the budgetary process through the use of special processes and analytical tools, with a view to promoting gender-responsive policies (Downes, Von Trapp and Nicol, 2017<sup>[42]</sup>).

<sup>3</sup> <http://archive.ipu.org/pdf/publications/gsp11-e.pdf>

<sup>4</sup> These guidebooks are not available online.

<sup>5</sup> Loi organique n° 34.15 relative à l'élection des membres des conseils des collectivités territoriales.

<sup>6</sup> <https://www.weforum.org/agenda/2019/04/how-men-and-young-women-are-fighting-to-change-the-status quo/>

<sup>7</sup> Société Nationale de Radio et Télévision (SNRT), Soread 2M and Médi 1 TV.

<sup>8</sup> These broadcasters each used a different approach. SNRT as well as private radios included gender provisions in their Ethics Charters. Soread 2M issued a “Charter to enhance the image of women”. Médi 1 TV, a private broadcaster, has worked with HACA to include gender concerns in its cahier des charges (HACA, 2017<sup>[13]</sup>).

<sup>9</sup> Loi n° 88-13 relative à la presse et à l'édition : <https://www.wipo.int/edocs/lexdocs/laws/fr/ma/ma069fr.pdf>.

<sup>10</sup> Loi n°66-16 modifiant et complétant la loi n° 77-03 and Loi n° 77-03 relative à la communication audiovisuelle: <https://wipolex.wipo.int/fr/text/190944>.

<sup>11</sup> Loi n°11-15 portant réorganisation de la Haute autorité de la communication audiovisuelle: <https://wipolex.wipo.int/fr/text/438925>.

<sup>12</sup> Loi n°11-15 portant réorganisation de la Haute autorité de la communication audiovisuelle. (Art. 7) and Décision du Conseil supérieur de la communication audiovisuelle n° 07-17 du 03 jounada II 1438 (02 Mars 2017) portant procédure des plaints.

<sup>13</sup> Loi n°66-16 modifiant et complétant la loi n° 77-03 and Loi n° 77-03 relative à la communication audiovisuelle (art 41).

<sup>14</sup> For details see: <http://expertes.ma/>.

<sup>15</sup> Loi organique n° 2015-50 du 3 décembre 2015, relative à la Cour constitutionnelle.

<sup>16</sup> Dahir n°1-18-17 du 5 jounada II 1439 (22 février 2018) portant promulgation de la loi n°76-15 relative à la reorganisation du Conseil national des droits de l'Homme.

<sup>17</sup> The committee consisted of 15 members who are academics and legal experts.

<sup>18</sup> Avis du Conseil Économique, Social et Environnemental, Projet de loi n°79-14 relative à l'Autorité pour la parité et de lutte contre toutes formes de discrimination. Saisine n°20/2016. See <http://www.ces.ma/Documents/PDF/Saisines/2016/s20/avs20f.pdf>.

<sup>19</sup> Avis du Conseil national des droits de l'Homme sur le projet de loi N° 79.14 relatif à l'Autorité pour la parité et la lutte contre toutes les formes de discrimination.

<sup>20</sup> Dahir n°1-17-47 du 30 hija 1438 (21 septembre 2017) portant promulgation de la loi n°79-14 relative à l'Autorité pour la parité et de lutte contre toutes formes de discrimination.

<sup>21</sup> These findings have also been documented in the annual Human Rights Watch reports and the interviews carried out for this publication. The HRW reports can be viewed on the following sites: <https://www.hrw.org/world-report/2019/country-chapters/tunisia>; <https://www.hrw.org/world-report/2019/country-chapters/morocco/western-sahara>; <https://www.hrw.org/world-report/2019/country-chapters/egypt>; <https://www.hrw.org/world-report/2019/country-chapters/jordan>.

# 6

## Ten factors for successful reform

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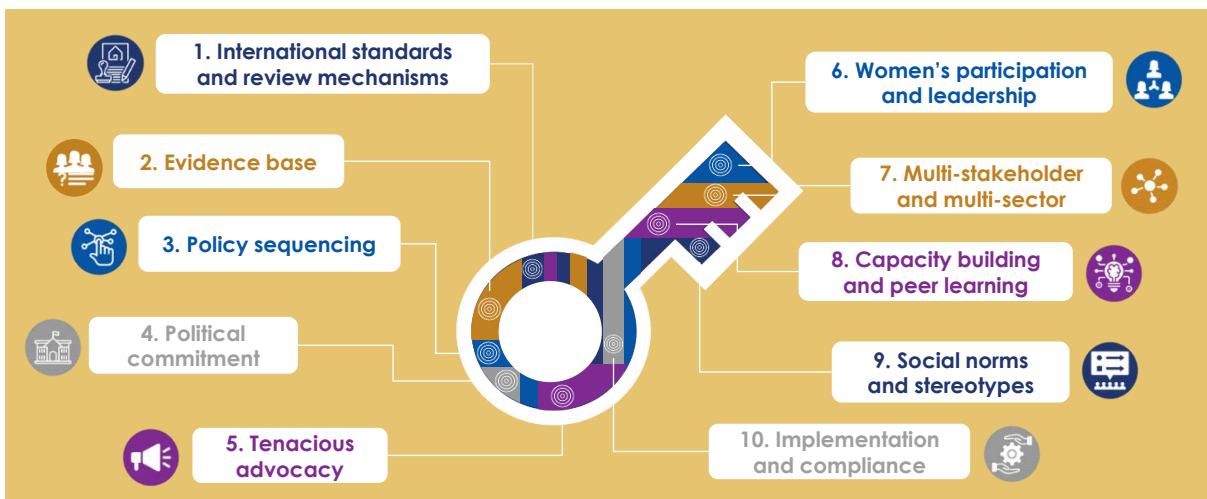
The case studies and interviews conducted for this publication testify to the numerous legal, policy and institutional reforms underway in Egypt, Jordan, Morocco, and Tunisia to support women's economic empowerment. However, they also underscore the complex matrix of factors involved in ensuring that reforms are implemented and that they lead to social change. This chapter analyses the preceding chapters in the report and draws out 10 factors that have contributed to the success of the initiatives described.

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## Infographic 6.1. Ten factors for successful reform

### Ten factors for successful reform

The report identifies ten factors that contributed to the success of the initiatives highlighted. These provide insights for policy makers into what "success factors" they may choose to prioritise to ensure that reforms actually translate into greater women's economic empowerment.



#### 1 Aligning with international/regional standards and review mechanisms

##### Why does it matter?

- Document icon Standards are **ambitious benchmarks** against which to measure countries' progress.
- Document icon Adherence to these standards sends a signal of **political will**.
- Globe icon Adherence comes with obligation to **implement** international standards at the national level.
- Document icon Countries have to **report on progress**. These progress reports are an important advocacy tool for further reform.

##### Promising practices

- Globe icon The four countries have ratified **CEDAW** and several **ILO conventions**, which are legally binding. However, Egypt, Jordan and Morocco still have reservations to various CEDAW articles.
- OECD icon Morocco has adhered to the **OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship**.
- Globe icon The four countries have signed up to the **SDGs** and been actively participating in the **Commission on the Status of Women** and the **Beijing Declaration**.
- Globe icon **Regional Standards** including the Maputo Protocol and the Cairo Declaration also provide important review mechanisms.

##### Promising practices

- Globe icon SDGs have provided a strong impetus for improving **data collection** and **analysis** on gender equality and women's empowerment.
- Globe icon Countries are involving a **range of stakeholders** in data collection: government (NSOs), IGOs, academia, CSOs, private sector.
- Globe icon Countries are collecting **new types of quantitative and qualitative data**: economic cost, attitude towards gender equality etc.
- Speaker icon Evidence-based campaigns at the right moment have advanced legal reform.
- Star icon Improving gender data in MENA countries is an important **priority** for the **MENA-OECD Women's Economic Empowerment Forum**.

#### 2 Building a strong evidence base

##### Why does it matter?

- Speaker icon Building the evidence base is crucial in **advocating for** and **securing** legal, policy and institutional reform in support of gender equality.
- Chart icon Countries have invested heavily in **collecting**, **analysing** and **disseminating** different types of data, but gaps remain.
- Map icon The situation of women in MENA has undergone **profound change** over the past decade, and it is important to document the changes in society that call for legal reform.

## Ten factors for successful reform (cont.)

3

### Sequencing policies towards gradual legal reform

#### Why does it matter?



The interaction between legal and policy reform processes is **complex** and **multifold**.



Legal reform is not an isolated process but takes place in the framework of the countries' overall **policy priorities** on gender equality.

#### Promising practices



Having a gender equality policy can sometimes provide leverage for **pressing for legal reform**. E.g., the National Strategy for the Empowerment of Egyptian Women 2030 was used as leverage to negotiate the revision of Egypt's inheritance law.



A gender equality perspective should also be embedded into the **overall economic strategies**.



Countries have taken advantage of a policy reform in a certain area in order to **mainstream gender concerns**. E.g., overall strategies for refugees in Jordan have included a gender component.

#### Promising practices



All four countries have **ministries** and/or **semi-government structures** responsible for enhancing gender equality.



Support from other types of **high-level** personalities (e.g. religious leaders) for legal reforms also has good results.

4

### Securing political commitment at the highest levels

#### Why does it matter?



Government leaders or heads of state in the four countries have either created **political momentum** for a reform or capitalised on existing momentum to express their support for a certain reform on women's economic empowerment.

5

### Being tenacious in advocacy and lobbying

#### Why does it matter?



Advocacy and lobbying have been essential for achieving legal reform in favour of women's economic empowerment. In some cases, these efforts needed to be **sustained over decades** in order to achieve results.

#### Promising practices



The four countries have used a range of advocacy and lobbying approaches and techniques throughout the legislative cycle.



Advocacy and lobbying have to deliver the **right messages to different audiences**. Throughout the region, social media campaigns in follow up to the #MeToo movement have influenced the recent reforms on violence against women.



The best advocacy and lobbying results have been achieved when **different types of actors** have worked together to put pressure on governments.



Advocacy that begins at the **grassroots level** can evolve into a **national effort**. E.g., in Morocco, a women's grassroots movement successfully advocated for equal access to collective land.

#### Promising practices



Literature and case studies show that support from **female parliamentarians** is important in influencing the passing of gender equality legislation.



When women hold **high-level positions in the government**, both at national and local levels, they are more likely than men to push for gender equality legislation.



Having **more women present in the judiciary** can lead to more landmark cases that open the way to women's economic empowerment.



It is mostly under **female leadership** that **private sector** initiatives in support of women's economic empowerment have been initiated in the region.



Improving the gender balance within **workers' and employers' organisations** can help women to make their voices heard and encourage more women to join the organisation.



Allowing women leaders to gain visibility in the **media** can create a more diverse picture of leadership and role models.

6

### Fostering women's participation and leadership

#### Why does it matter?



Having **more women in leadership positions** in different types of institutions is conducive to successful legal reform for women's economic empowerment.



Women rights activists who began working for CSOs have opportunities to move into leadership positions in the government or in IGOs where they lead important legal reforms.

## Ten factors for successful reform (cont.)

7

### Adopting multi-stakeholder and multi-sector approaches

#### Why does it matter?



Reforms on women's economic empowerment touch on so many aspects of the lives of women, their families and the community at large. Therefore, it is necessary to undertake reforms in different areas of the law as well as to involve different types of stakeholders in these reform processes and in their implementation.

#### Promising practices



When pushing for legal reform in favour of women's economic empowerment, different types of laws that touch on it should ideally be reformed in parallel. E.g., reforming legislation to enhance childcare options for working mothers can also have a positive impact on their children.



Reforming personal status legislation has been the most challenging but countries have been creative in their reform approaches. E.g., the four countries are promoting shared family responsibilities for women and men through changes to the labour law rather than personal status legislation by introducing and/or extending paternity leave as well as looking into flexible work arrangements.



Multi-stakeholder efforts have proven to be successful when advocating for legal reform, as well as for the implementation of a particular reform. E.g., in Jordan, the National Committee for Pay Equity (NCPE), a multi-stakeholder committee, put forward a list of proposed labour code amendments, some of which led to legal reform.

#### Promising practices



The four countries are developing the capacity of actors involved at the different steps of the process, from advocacy to drafting and adopting legislation, as well as implementation.



Reform or momentum for reform can also have spill over effects in neighbouring countries. This is especially evident in the recent reforms on violence against women.



The four countries are participating in regional and global exchange on legal reform to get inspiration and expertise on how to make reform happen. At the global level, the Commission on the Status of Women's annual meetings are a good example of a platform. At the regional level, the MENA-OECD Women's Economic Empowerment Forum (WEF) offers the opportunity for countries to exchange experiences on legal reform.

8

### Building capacity and learning from peers

#### Why does it matter?



A range of skills are needed to make legal reform on women's economic empowerment happen and to make sure the reforms are implemented.

9

### Addressing restrictive social norms and stereotypes

#### Why does it matter?



Restrictive social norms and stereotypes about women and men are a key factor in holding back women's economic empowerment. In some cases, these restrictive norms are also enshrined in the family legislation. The UN Secretary-General's High-Level Panel on Women's Economic Empowerment recognises adverse social norms as the number one constraint to women's economic empowerment.

#### Promising practices



All four countries are developing the evidence base on social norms and stereotypes and are implementing projects that aim to transform traditional perceptions of masculinity and fatherhood. Surveys have been carried out in Egypt, Morocco and Jordan looking at the attitudes of men and women towards gender equality.



Legal reform can either precede the change in social norms (e.g. the introduction of paternity leave in the labour law in Jordan, Morocco and Tunisia to promote shared family responsibilities) or enshrine changes in social norms (e.g. abolition of a circular in Tunisia, which now makes it easier for Tunisian women to marry non-Muslims).



If deeply entrenched social norms are to be overcome, society has to be convinced of the need for such changes. This can be facilitated by community leaders who advocate for change. E.g., Egypt's highest religious authority, Al-Azhar, has firmly condemned sexual harassment in line with the recent legal reforms.

#### Promising practices



People that are affected by a reform should be aware of the reform. The media and CSOs have an important role to play in disseminating this information.



Different stakeholders are supporting women to access justice and provide support on how to navigate the judicial system.



Other mechanisms that can facilitate compliance with reforms include reporting, labour inspections, complaint mechanisms and scrutiny by national human rights institutions.

10

### Ensuring implementation and awareness

#### Why does it matter?



Without implementation, legal reform has little value. Countries have put into place mechanisms that can facilitate implementation and compliance with reforms.

## 6.1. Introduction

The report shows that countries have adopted different approaches to bringing about reforms and ensuring that they are implemented in practice. In some cases, a clear strategy was behind a certain reform effort, while in other cases it was very much a “trial and error” approach. While the four countries have conducted evaluations of their policies and/or initiatives on women’s economic empowerment, a detailed assessment of these evaluations is beyond the scope of this report.

This chapter seeks to identify some of the common factors that contributed to the success of the initiatives related in the case studies, boxes and analysis in this report. The list is non-exhaustive, and not all case studies deployed all of the strategies and mechanisms mentioned below. However, the list does provide some interesting insights for policy makers into what “success factors” they may choose to prioritise to ensure that reforms actually translate into greater gender equality and more opportunities for women. The report shares the following ten success factors for reform:

1. Aligning with international standards and review mechanisms.
2. Building a strong evidence base
3. Sequencing policies towards gradual legal reform
4. Securing political commitment at the highest levels
5. Being tenacious in advocacy and lobbying
6. Fostering women’s participation and leadership
7. Adopting multi-stakeholder and multi-sector approaches
8. Building capacity and learning from peers
9. Addressing restrictive social norms and stereotypes
10. Ensuring implementation and compliance

## 6.2. Aligning with international/regional standards and review mechanisms

A range of international standards backed up by review mechanisms exist for gender equality and women’s rights. Those most relevant for this publication include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the International Labour Organization’s International Labour Standards, both of which are legally binding (Box 6.1). A number of international non-legally binding instruments and dialogue processes also promote women’s economic empowerment, such as the OECD Recommendations on gender equality, Agenda 2030 for Sustainable Development and the Sustainable Development Goals, as well as the Beijing Declaration and Platform of Action reviewed in the framework of the UN Commission on the Status of Women.

### **CEDAW and the ILO conventions**

The case studies all confirm the importance – for multiple reasons – of countries’ adherence to the major international standards and instruments:

- These standards provide ambitious benchmarks against which to measure countries’ progress towards gender equality and women’s empowerment.
- Adherence to or ratification of these standards sends an important signal of political will to further women’s economic empowerment and creates momentum for change. Moreover, it carries with it an obligation to implement international standards at the national level, which implies also making the necessary legal reforms to align national legal frameworks with these standards.

- State parties to these standards must report on progress to apply them, which helps build the evidence base on the status of gender equality in the country and puts pressure on governments to perform better. In addition, the bodies reviewing these reports are a source of guidance for state parties on how to make further progress.
- The progress reports are also an important advocacy tool for further reforms; adherence to a standard can facilitate further UN support in implementing this standard.

The case studies indicate that in the four countries, CEDAW ratification in itself has proven to be a very valuable step towards enhanced women's economic empowerment. Women's rights advocates can refer to CEDAW as a universal human rights standard that has been accepted by the country and has to be implemented in the specific country context. This counters arguments about "western-imposed" values and standards. Since CEDAW's provisions are very comprehensive, advocates can refer to CEDAW when pressing for different types of reforms in favour of women's economic empowerment. State Parties' regular CEDAW progress reports are also a means for women's rights advocates to push the government to provide the evidence base on the situation regarding women's economic empowerment, bringing together all types of data and information. NGOs from the different countries have also issued "CEDAW shadow reports", which are progress reports on CEDAW implementation from a civil society perspective. In addition, the interviews conducted for this publication indicated that women's rights advocates from the four countries have used the CEDAW concluding observations to strengthen their campaigns for further legal reform on different areas related to women's economic empowerment. For example, the CEDAW Committee had expressed concern about the high levels of VAW in all publication countries,<sup>1</sup> which has put additional pressure on countries to reform their legislation (Box 4.4 and Case Studies 4.5 and 4.6).

Similarly, the case studies and publication interviews have shown that ratification of ILO conventions is an important step in moving towards reforms in support of women's economic empowerment:

- Ratifying a convention is an important signal of commitment to the specific theme of the convention. For example, Jordan is the only country covered by the publication that has ratified parts of the main ILO Convention on Social Security (No. 102). Jordan has developed coherent national social security policies and has a strong commitment to extending social security to all, which is evident in the recent reforms of its social security law (Case Study 2.3).
- Once a convention is ratified, the countries' obligation to report regularly on implementation helps provide the evidence base on progress and any bottlenecks. The obligation to report also puts pressure on governments to make progress.
- The comments of the Committee of Experts give guidance to a country on how to proceed. In addition, these comments are an important advocacy tool to press for further advancement.
- Once a convention is ratified, ILO country teams can provide important support for implementation, which may imply legal and other reforms in support of women's economic empowerment. For example, the ILO has provided support to Tunisia and Egypt in setting up gender equality structures within employers' organisations to improve gender equality outcomes of collective bargaining processes (Case Studies 2.5 and 2.6).

In addition to the ratification of international conventions, other types of international commitments and mechanisms have also turned out to be crucial in pushing for reforms in support of women's economic empowerment in the four countries. The OECD Recommendations on gender equality as well as Agenda 2030 for Sustainable Development and the Commission on the Status of Women are particularly relevant.

## Box 6.1. Key international standards for gender equality: CEDAW and the ILO Conventions

### Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The four countries have ratified CEDAW,<sup>1</sup> which is considered the main international standard devoted exclusively to women's rights. CEDAW is legally binding, meaning that states should reflect CEDAW guarantees in their national legal frameworks. Countries that have ratified CEDAW have to report regularly on their implementation progress. Countries' progress reports are then reviewed by the Committee on the Elimination of Discrimination Against Women, which issues concluding observations on countries' reports. These observations note steps that the state party has taken in implementing CEDAW and provide guidance on how to make further progress. The observations provide "authoritative guidance" about how CEDAW should be further implemented in individual country contexts and they are also important advocacy tools for gender equality activists to push for further legal reforms and other measures that are needed in their country.

CEDAW has an optional protocol. This protocol calls into life an inquiry procedure and a complaint procedure. The inquiry procedure allows the CEDAW Committee to conduct inquiries into state parties' serious and systemic abuses of women's rights. The complaint procedure allows individuals and groups of women to petition or complain about women's rights violations to the CEDAW Committee. Of the four countries studied for this report, only Morocco and Tunisia have ratified this protocol. However, in practice the inquiry and complaint procedures have never been used for these countries.

### The ILO's labour conventions

The International Labour Organization's Conventions are legally binding international treaties that may be ratified by member states; their Recommendations are not legally binding, but set out standards to guide action by member states. The four countries have all ratified ILO's international labour standards related to various areas of women's economic empowerment. They have all ratified the Equal Remuneration Convention (C100) and the Discrimination (Employment and Occupation) Convention (C111), which are ILO core conventions. Core conventions cover subjects that are considered to be fundamental principles and rights at work. Other key ILO gender standards include the Workers with Family Responsibilities Convention (C156) and Maternity Protection Convention (C183). C156 has not been ratified by any of the four countries, while Morocco is the only country covered by the publication that has ratified C183.

Countries that have ratified ILO conventions have to report regularly on their implementation progress. Government reports have to be shared with workers' and employers' organisations who can then also provide inputs. The ILO Committee of Experts then examines these reports and provides comments. This committee also issues a yearly report giving an overview of the progress of implementation of international labour standards.

Note: <sup>1</sup>Although Egypt, Jordan and Morocco have issued reservations to some articles of CEDAW. Years of CEDAW ratification: Egypt 1981, Jordan 1992, Morocco 1993, Tunisia 1985.

Source: Optional Protocol to CEDAW (2015<sup>[1]</sup>), "Inquiry into access to contraception in Manila: CEDAW Committee finds that the Philippines violated CEDAW", <https://opcedaw.wordpress.com>; ILO (2020<sup>[2]</sup>), *Conventions and Recommendations*, <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

### ***OECD recommendations on gender equality***

The OECD has two legal instruments on gender equality: the OECD Recommendation on Gender in Public Life (2015) and the OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship (2013).

The latter recommends adopting practices that promote gender equality in education; promoting family-friendly policies and working conditions which enable fathers and mothers to balance their working hours and their family responsibilities and enable women to participate more in private and public sector employment. It also recommends increasing the representation of women in decision-making positions, eliminating the gender wage gap, promoting all appropriate measures to end sexual harassment in the workplace, reducing the gender gap in entrepreneurship activity, and paying attention to the special needs of migrant women and women from disadvantaged minority groups.

While the recommendations are not legally binding on the adherents, they have great moral force. This means that there is an expectation that adherents will strive to implement them fully. Adherents present regular implementation progress reports to the OECD Council.

OECD members and partner countries can adhere to OECD recommendations. Morocco is the only MENA country that has adhered to the OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship. The OECD will support Morocco in the concrete implementation of the recommendation through the second phase of the OECD-Morocco Country Programme.

### ***Agenda 2030 for Sustainable Development***

Agenda 2030 for Sustainable Development, including the Sustainable Development Goals (SDGs), was adopted in 2015 and provides a framework for countries to end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind (UN, 2015<sup>[3]</sup>). The SDGs have set the bar on gender equality and women's empowerment very high, with SDG5 striving towards achievement of "full gender equality and empowering all women and girls". Gender equality is also mainstreamed throughout Agenda 2030 and is considered a prerequisite for achieving Agenda 2030. While the SDGs are not legally binding, countries are expected to take ownership in achieving the SDGs. Egypt, Jordan, Morocco and Tunisia have also submitted Voluntary National Reviews (VNRs).<sup>2</sup> While the VNRs of the four countries contain only limited information on gender equality and women's empowerment, they are still a useful tool to track national progress on SDG implementation.

The case studies and interviews carried out for the publication indicate that SDG development processes as well as the SDGs themselves have been important leverage for bringing more attention to the women's economic empowerment agenda. For example, in Tunisia, SDG 5.2 focusing on the elimination of all forms of violence against women and girls provided the momentum to keep working on the comprehensive draft law on violence against women and girls (Case Study 4.4).

### ***The Commission on the Status of Women and the Beijing Declaration***

The Commission on the Status of Women (CSW) is the main global intergovernmental body exclusively dedicated to gender equality and women's empowerment. It is a commission of the United Nations Economic and Social Council (ECOSOC). CSW provides an important platform for promoting women's rights and following up on SDG commitments on gender equality and women's empowerment. CSW also leads the follow-up on the implementation of the Beijing Declaration and Platform for Action, which will mark its 25<sup>th</sup> anniversary in 2020.<sup>3</sup> The four countries covered by the publication have already submitted their Beijing +25 progress reports (UN Women, 2019<sup>[4]</sup>).

The CSW annual two-week sessions bring together different types of stakeholders to discuss a thematic that changes every year. In recent years, CSW themes have focused on different aspects of women's

economic empowerment, such as women's economic empowerment in the changing world of work (CSW61); gender equality and the empowerment of rural women and girls (CSW62); and social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls (CSW63). The four countries have been actively participating in CSW by organising different side-events. In 2019, OECD organised a side-event at the 63<sup>rd</sup> session of CSW on "Changing laws, changing minds. Women's economic empowerment in MENA" together with SIDA, UN Women, Oxfam Jordan, CAWTAR and the Tunisian Ministry of Woman, Family, Childhood and Seniors as part of the work surrounding this publication.<sup>4</sup>

The four countries' participation in CSW has been relevant for reforms in a variety of ways. CSW provides a unique platform for dialogue among different types of actors, including civil society, which is not always possible in some countries' settings. CSW also gives visibility to countries' reforms at the international level and shows political commitment from the participating countries towards making certain reforms. For example, the four countries organised side-events at the CSW62 on "Empowering rural women and girls". This may have influenced the increased focus in MENA on this area (see the section on rural women in Chapter 3).

### ***Regional standards: from the Maputo Protocol to the Cairo Declaration***

In addition to international standards and review mechanisms, there are also regional standards for women's rights. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, more commonly known as the Maputo Protocol, is a legal instrument focusing on African women's rights.<sup>5</sup> The protocol is very progressive in its approach and obliges ratifying states to implement its guarantees. So far, Tunisia is the only country covered by this publication that has ratified the protocol.

The Cairo Declaration for the Advancement of Women and the Arab Strategy for Women Development 2030, adopted by the League of Arab States (LAS), also provide important guarantees on women's economic empowerment. These documents are not legally binding, but the LAS has to report regularly on implementation progress. Review and discussion processes regularly take place regionally, led mostly by the United Nations Economic and Social Commission for Western Asia (ESCWA) and/or the LAS.

## **6.3. Building the evidence base**

The countries covered by this report have been undergoing constant political, economic and social change in the aftermath of the Arab Spring. The situation of women in these countries has also undergone profound change over the past decade. Legal reform can be used either to reflect changes in society (*ex post*) or can be a tool to achieve aspired changes in society (*ex ante*). In both cases, it is important to document the current situation in society that calls for legal reform. This can be done by collecting both quantitative and qualitative data.

The many case studies from the four countries indicate that building the evidence base is crucial in advocating for and securing legal, policy and institutional reform. For example, reports by CSOs and international organisations documenting the difficult situation of domestic workers in Morocco were an important starting point for advocating for a domestic workers law that was eventually adopted (Case Study 3.1). In the four countries, studies on women in the media provided the evidence base for reforms and/or initiatives in support of more gender balance in the media sector (Section 5.3 in Chapter 5 and Case Study 5.2). While the four countries have conducted evaluations of their policies and/or initiatives on women's economic empowerment, a detailed assessment of these evaluations is beyond the scope of this report.

Countries have invested heavily in collecting, analysing and disseminating different types of data on the situation of women. Countries have also improved their data systems and are increasingly collecting new types of data and involving a wider variety of actors in the collection and analysis of this data. The obligation

for countries to measure progress against the SDGs has provided a strong impetus for improving data collection and analysis on gender equality and women's empowerment. The data are being collected by a range of stakeholders, including government (NSOs), international organisations, academia, CSOs (national and international) as well as the private sector.

Driven by demands by civil society and international partners, governments in the MENA region have, in recent years, implemented a broad range of initiatives to mainstream gender data collection on gender equality. For example:

- The Tunisian National Statistics Council Act obliges all statistical bodies to disaggregate data by sex.
- Egypt, Jordan and Morocco have started to produce reports on gender statistics related to socio-economic matters.
- The national statistical offices (NSOs) in the four countries produce a range of sex-disaggregated labour and employment statistics that are supplied to and available from ILOSTAT for international comparison.

The case studies show that countries have also started collecting new types of data to build the case for legal reform in support of women's economic empowerment. A model for costing marital violence in the MENA region (UN Women/ESCWA, 2017<sup>[5]</sup>) as well as methodologies for calculating the economic cost of gender inequalities more broadly (OECD, 2019<sup>[6]</sup>) have been developed. Putting numbers on how much the economy could gain from empowering women is a very powerful advocacy tool for reform (Box 4.3 in Chapter 4). Recently, surveys have been carried out in Egypt, Morocco (UN Women/Promundo, 2017<sup>[7]</sup>) and Jordan (World Bank, 2018<sup>[8]</sup>) into the attitudes of men and women towards gender equality. It is the first time that this type of data has been collected in these countries, giving important insights into the way in which social norms and attitudes continue to hold back women's economic empowerment. Over the past decade, Egypt, Tunisia and Morocco have also built up the evidence base on how women are portrayed in the media (Chapter 5 and Case Study 5.2). Interviews carried out for this report indicated that making this type of data available helps in making sensitive topics discussable and breaking taboos around violence against women.

Improving gender data in MENA countries is also an important priority for the MENA-OECD Women's Economic Empowerment Forum. OECD research in Egypt, Morocco and Tunisia, conducted in the framework of the MENA-OECD Women's Economic Empowerment Forum (WEEF; Box 6.4), indicates that despite this progress, there are still gaps in the data needed for measuring SDG indicators related to women's economic empowerment; data are available for only half of the selected SDG indicators.<sup>6</sup> For example, statistics on informal employment are lacking, sex-disaggregated data on the average number of hours spent on paid and unpaid domestic work are limited and sporadic, and the sex-disaggregated shares of those employed part-time are not reported in all countries. The NSOs' production of gender statistics in the area of business ownership and the percentage of firms, by size, owned by women is weak.

While governments are collecting standard data on a regular basis, there is a need to collect additional gender data more regularly through additional surveys that can be compared across countries and over time. International organisations, including the World Bank and the OECD, are supporting countries in these data collection and analysis efforts. They are also providing data and analysis that is invaluable for these countries' evidence base (Box 6.2 and Box 6.3). CSOs play a unique role in collecting data at the local level and complementing official government data. The private sector is also increasingly sharing gender data. Options to capitalise on private sector data should be further explored by governments. For example, governments could use some of the data produced by enterprises on the number of female and male employees in a particular enterprise.

Interviews for this publication made it clear that disseminating this evidence base is crucial. Incorrect information has sometimes deliberately been publicised in order to negatively influence public opinion on

the need for further reforms on gender equality. It has been reported that when parliamentary discussions on legal reforms take place, a strong evidence base can help influence the discussions in order to lobby parliamentarians to vote in favour of a reform. For example, the Jordanian civil society organisation SADAQA worked on building the evidence base for amendments to enhance childcare options in the labour code. These proposals became law through the 2019 labour law amendments (Case Study 2.4).

### **Box 6.2. International initiatives for tracking reform and measuring discrimination**

The World Bank Women, Business and the Law dataset tracks legal gender gaps and reform in 190 countries including Egypt, Jordan, Morocco and Tunisia. It contains comparable data to understand the legal barriers women face in getting jobs and becoming entrepreneurs. There are also historical data on legal reforms looking back 50 years.

The OECD's Social Institutions and Gender Index (SIGI) measures gender-based discrimination by providing a clearer vision of how social institutions shape women's lives. The SIGI looks at the gaps that legislation, social norms and practices create between women and men in terms of rights and opportunities. This innovative tool enables policy makers and development practitioners to understand the barriers to gender equality better and to identify the drivers behind persistent forms of discrimination. First launched in 2009, and subsequently in 2012, 2014 and 2019, the SIGI has served as the basis for a series of reports analysing the level of discrimination in social institutions and the progress on gender equality.

Source: World Bank Group (2020<sup>[9]</sup>), *Women, Business and the Law*, <https://wbl.worldbank.org>; OECD (2019<sup>[6]</sup>), *SIGI 2019 Global Report: Transforming Challenges into Opportunities, Social Institutions and Gender Index*, <https://doi.org/10.1787/bc56d212-en>.

## **6.4. Sequencing policies towards gradual legal reform**

Legal reform is a slow and gradual process. It is not an isolated process, but takes place in the framework of the countries' overall policy priorities on gender equality. A gender equality perspective should also be embedded into countries' overall economic strategies.

Policy efforts on women's economic empowerment come in many forms. First, countries have specific gender strategies. Egypt, Jordan and Morocco have a national gender strategy. The National Strategy for the Empowerment of Egyptian Women 2030; Jordan's National Women Strategy 2020-2025 (under development); and Morocco's Government Plan for Equality (PGE II) give overall guidance on the challenges and next steps in securing enhanced gender equality and women's empowerment in the country. Tunisia does not have an overall gender strategy. Countries also have empowerment strategies for specific groups of women, such as Tunisia's strategy and action plan on rural women.

In some cases, having a policy in place first provided the leverage required for pressing for legal reform. The implementation of the policy can provide the needed evidence and argument for further legal reform. In some instances, the policy itself recommends a specific legal reform explicitly. For example, the National Strategy for the Empowerment of Egyptian Women 2030 (Box 4.1, Chapter 4) was used as leverage to negotiate the revision of Egypt's inheritance law (Case Study 4.2). In other instances, the legislation and policy complement one another. For example, Jordan's National Framework for Family Protection against Violence (2016) and Egypt's Strategy on VAW (2015) exist in parallel to the two countries' legal frameworks on VAW (Case Studies 4.5 and 4.6). Sometimes, a certain type of legal framework is in place before a more binding framework is issued. For example, in Morocco circulars were issued recommending equal access for Soualiyyate women and men in certain communities. Later on, this guarantee was enshrined in a law that now applies to the whole country (Case Study 3.3).

Another approach is to take advantage of a policy reform in a certain area in order to mainstream gender concerns. For example, in Morocco overall land reforms provided an opportunity to also address gender inequality issues in access to collective land (Case Study 3.3). In Jordan, the reform of the overall social protection system led to reforms benefiting women in particular (Case Study 2.3). Overall strategies for refugees in Jordan came to include a gender component (Case Study 3.4).

## 6.5. Securing political commitment at the highest levels

In order to make reform happen, political commitment at the highest level is necessary. Government leaders or heads of state can either create political momentum for a reform or can capitalise on existing momentum to express their support for a certain reform on women's economic empowerment. The countries covered by the publication have different political systems in place. Morocco and Jordan are constitutional monarchies, in which the King as head of state enjoys large political prerogatives; both countries' Kings have strongly supported women's empowerment. Tunisia's historically strong commitment for women's rights – exemplified at the moment of independence by the pioneering initiatives of the late President Bourguiba – has been a permanent national feature fully recognised and promoted by today's vibrant Tunisian democracy. The strong presidential system defined by the Egyptian Constitution has also allowed for crucial top-down initiatives for gender equality and women's empowerment. The case studies demonstrate how the heads of state of the four countries have played a crucial role in pushing forward legal reforms for women's economic empowerment. Often, this type of "state feminism" has been a very important factor in making reform happen, particularly in contexts where religious authorities and religious inspired political movements were not necessarily aligned in this direction.

For example, in Jordan, King Abdullah II bin Al-Hussein supported the recent labour law reforms in favour of women's economic empowerment, including on flexible work arrangements (Box 2.2). It was under the leadership of the late Tunisian President Beji Caid Essebsi that the Committee for Individual Freedoms and Equality (COLIBE) report was commissioned and the late President supported the Committee's recommendation on equality in inheritance (Case Study 4.1). The Egyptian President Abdel Fattah El Sisi proclaimed 2017 as Year of the Egyptian Women, during which the National Strategy for the Empowerment of Egyptian Women 2030 was issued (Box 4.1). President El Sisi also supported the legal reform to protect women's inheritance rights (Case Study 4.2). Morocco's King Mohammed VI supported the legal reforms on equal access to land for Soulaliyyate women (Case Study 3.3). High-level support was also needed for the recent reforms on violence against women that have taken place in the four countries (Chapter 4).

Heads of state have the power to make certain legal reforms happen without going through the parliament. For example, the late Tunisian President Caid Essebsi requested the government to cancel a circular and any other similar legal texts that prohibited a Tunisian woman from marrying a non-Muslim (Box 4.2). Support from other types of high-level personalities for the implementation of legal reforms in favour of women's economic empowerment also have good results. In Egypt, statements from Al-Azhar (its highest religious authority) and Dar Al-Ifta (Islamic research institute) against harassment and female genital mutilation were taken into account by society (Case Studies 4.4 to 4.7).

All four countries have ministries and/or semi-government structures (structures that are part of the government but also have some autonomy) that are responsible for enhancing gender equality and women's empowerment (Table 6.1). In most cases, these bodies are not very powerful within the government and do not have large budgets. Therefore, support from higher political levels is particularly important.

Tunisia and Morocco have ministries in place that are in charge of women's affairs. The Tunisian Ministry of Women, the Family, Childhood and Seniors as well as the Moroccan Ministry of Solidarity, Social Development, Equality and the Family work on women's economic empowerment in addition to other social issues. Egypt and Jordan have a dual structure. On the one hand, there are ministries with a social

mandate, also covering women's affairs. On the other hand, there are semi-government institutions working only on gender equality and women's empowerment. Egypt has both a Ministry of Social Solidarity as well as a Ministry for Family and Population. In Jordan, the Ministry of Social Development also covers issues related to women's economic empowerment. In addition to these ministries, the Egyptian National Council of Women (NCW) and the Jordanian National Commission for Women (JNCW) outline the countries' reform priorities and head the country's gender equality and women's empowerment agenda. The National Council for Women in Egypt was established by presidential decree in 2000, and is composed of 30 members drawn from government, academia, and civil society. The membership of the council reflects its close relationship with the state: its first head was Suzanne Mubarak, wife of then-President Hosni Mubarak. Likewise, in Jordan the National Commission for Women, initiated and headed by HRH Princess Basma Bint Talal, is a semi-government organisation which advocates for and promotes gender equality and women's empowerment. It was established by a cabinet decision in 1992 and has since gained recognition as the authority on women's affairs in Jordan's public sector while it also represents the Kingdom at regional and international levels in matters pertaining to women.

**Table 6.1. The institutional set up for gender equality and women's empowerment**

	National women's machinery	Ministry for women's affairs	Other ministries with social mandate
Egypt	Egyptian National Council of Women (NCW)		Ministry of Social Solidarity Ministry for Family and Population
Jordan	Jordanian National Commission for Women (JNCW)		Ministry of Social Development
Morocco		Ministry of Solidarity, Social Development, Equality and the Family	
Tunisia		Ministry of Women, the Family, Childhood and Seniors	Ministry of Social Affairs

## 6.6. Being tenacious in advocacy and lobbying

Almost all the case studies indicate that advocacy<sup>7</sup> and lobbying<sup>8</sup> have been essential for achieving legal reform in favour of women's economic empowerment. In some cases, these efforts needed to be sustained over decades in order to achieve results.

As illustrated by the case studies, a variety of advocacy and lobbying activities have taken place to press for certain reforms throughout the legislative cycle. They include building the evidence base for a certain reform, then using this information to campaign for change. Once a draft law is in the pipeline, parliamentarians can be lobbied to vote in favour of this reform. When the law is approved, advocacy for its implementation may be needed (Chapter 5).

Advocacy and lobbying have to deliver the right messages to different audiences, meaning that the arguments and evidence for reform have to be re-packaged accordingly. CSOs in the four countries have used a range of advocacy and lobbying approaches and techniques. For example, Tunisia's annual National Women's Day is an important opportunity since the President always delivers a speech discussing or announcing reforms in favour of gender equality and women's empowerment. Recently, Tunisia has also created a Rural Women's Week (Case Study 3.2). Throughout the region, social media campaigns in follow up to the #MeToo movement have influenced the recent reforms on violence against women. The region is also investing increasingly in putting forward male champions of gender equality who can advocate for further reforms. Stakeholders interviewed for this publication mentioned that the SDGs have provided important momentum for women's activists to push forward certain reforms. More traditional approaches, such as pressure from UN treaty bodies as well as Human Rights Watch calls to reform national legislation, have also worked well.

The best advocacy and lobbying results have been achieved when different types of actors have worked together to put pressure on governments. Often, the movement starts at the national level with civil society organisations taking the lead and then expands with support from international organisations such as UN agencies, Human Rights Watch or other types of development partners. For example, in Tunisia, a coalition of national CSOs was set up to advocate for a comprehensive law on VAW. In parallel, an Advocacy Committee consisting of international organisations was active to make sure that this law was in line with international standards on the topic (Case Study 4.4). In Jordan, a collective bargaining agreement and regulations for private school teachers were secured as a result of a campaign led by the Ministry of Labour, the Jordanian National Commission for Women, the Jordan's Teachers syndicate, the Social Security Corporation and CSOs, and supported by the National Coalition for Pay Equity and the ILO (Case Study 2.7). In Jordan, women's rights activists have been campaigning for equal rights for children of Jordanian women married to non-Jordanians. They gained the support of the international community, which led to an amendment of the Labour Law which no longer requires non-citizen children of Jordanian women to obtain a work permit (Case Study 4.3).

In some cases, advocacy begins at the grassroots but evolves into a national effort. For example, in Morocco, Soulaliyate women started a movement to raise awareness on the need for equal land access amongst other communities. The movement consolidated to the point where they received the support of the King, ultimately leading to legal reform that guaranteed equal land access for Soulaliyate women and men (Case Study 3.3). In Jordan, working parents formed the NGO SADAQA to advocate for better childcare options for working parents. The movement resulted in a wider coalition of different actors pushing for labour law amendments in favour of women's economic empowerment (Case Study 2.4). These advocacy and lobbying processes also provide the opportunity to build the capacity and confidence of national activists further.

## 6.7. Fostering women's participation and leadership

The case studies have indicated that having more women in leadership positions in different types of institutions is another important factor in successful legal reform for women's economic empowerment. More women in parliament and high-level government positions can help in setting priorities for reform and making reform happen. More women in the judiciary can support the implementation of these reforms. Women's political participation in the MENA region, including the barriers and the opportunities, are well documented in a series of publications in the framework of the MENA-OECD Governance Programme.<sup>9</sup>

The case studies also show that successful gender initiatives in the private sector are often initiated and championed by women leaders. Better gender balance in workers' and employers' organisations can lead to more gender-sensitive labour legislation. It is also important to give more visibility to women leaders in order to influence public opinion in favour of women's economic empowerment. More women in the media, including as role models on social media, increases their visibility and amplifies their voices (Section 5.3, Chapter 5).<sup>10</sup>

- **Women in parliament.** The literature shows that support from female parliamentarians is important in influencing the passing of gender equality legislation (Palmieri, 2011<sup>[10]</sup>). Women parliamentarians are often more sensitive to gender-related issues than their male counterparts. It is therefore important to have an adequate representation of women in the parliament. In Morocco, the GTPPE successfully lobbied for the integration of gender in the internal regulation of parliament. The regulation now mentions that at least one-third of the members of decision-making organs of the chamber of representatives should be women (Case Study 5.1).
- **Women in government.** When women hold high-level positions in the government, both at national and local levels, they are more likely than men to push for gender equality legislation. While women's participation in MENA governments has been increasing over time, it is still low.

Female ministers in the four countries typically hold posts related to social and women's affairs. However, more recently women have started occupying key ministerial posts in the government. This can lead to the inclusion of a gender equality aspect in legislation that is usually gender-blind. Including gender units within different ministries with an economic/employment mandate can also be a good way of promoting women's economic empowerment. The Egyptian Ministry of Manpower (MoM) has established a Gender and Non-discrimination Unit (Case Study 2.6) and the Jordanian Ministry of Labour has established a Directorate for Women's Work to address gender issues and contribute to policies promoting women's inclusion in the labour market. It is also important to include more women in local government authorities. In this way, they can play a key role in implementing legislation in favour of women's economic empowerment, as well as pressing for further reforms. Although women in the four countries are traditionally not included in local leadership, this has also been evolving recently. Case Study 3.3 on Soulaliyate women in Morocco shows that if more women become part of local authorities, this can positively influence the situation of many women in remote areas of the country.

- **Women in the judiciary.** According to interviews carried out for this report, having more women present in the judiciary can lead to more landmark cases that open the way to women's economic empowerment. Women judges are usually more aware of gender-specific aspects and consequences of a decision.
- **Women in the private sector.** It is mostly under female leadership that private sector initiatives in support of women's economic empowerment have been initiated in the region. For example, the Charter for Gender Diversity of the World Union of Arab Banks (Box 2.3) and the gender sensitive approaches of Jordan's Bank El Etihad were both started by women leaders of these institutions (Case Study 2.8).
- **Women in workers' and employers' organisations.** Setting up women's committees within these organisations can help women to make their voices heard and encourage more women to join the organisation. More women in workers' and employers' organisations can lead to more gender-sensitive collective bargaining agreements. The main workers' organisation in Tunisia (UGTT) has introduced a quota of two women in each of their decision-making bodies and Tunisia's main employers' organisation (UTICA) has set up a National Chamber of Women Entrepreneurs (CNFCE) as part of its structure (Case Study 2.5). Egypt's 2017 Trade Union Law stipulates that the formation of boards of trade union organisations should ensure adequate representation of women and youth, whenever possible. The Federation of Egyptian Industries (FEI) has recently established a Women in Business Unit (Case Study 2.6).
- **Women in the media.** Allowing the types of women leaders listed above to gain visibility in the media can create a more diverse picture of leadership and turn them into role models. Debates in the media that take into account the perspectives of female experts in their field can influence public opinion on the need for gender-sensitive reforms. The case studies reveal that the four countries have invested in increasing gender diversity in the media (Chapter 5 and Case Study 5.2).

How do women arrive at these positions of leadership? There are numerous examples in this publication of women who started their careers as women's rights activists working for CSOs and have then moved into leadership positions in the government or in international organisations where they managed to lead important legal reforms. In addition, measures that ensure equality at work can all help women's career progression and chances of reaching leadership positions in their chosen careers. These include flexwork, better childcare, enhanced parental leave, quotas for women on boards in the private sector, and support measures for women entrepreneurs (Chapter 2).

## 6.8. Adopting multi-stakeholder and multi-sector approaches

Reforms on women's economic empowerment touch on so many aspects of the lives of women, their families and the community at large that it is often complex to make these reforms happen. The case studies demonstrate that it is necessary to undertake reforms in different areas of the law as well as to involve different types of stakeholders in these reform processes, as well as in their implementation.

Women's economic empowerment is covered by many types of legislation, both at the international and the national level. Some of these types of national laws mentioned in this report include labour law, social protection law, penal law, family law and a range of specific laws (e.g. inheritance laws). Labour law covers women's participation in the labour market and social protection law ensures that women with family responsibilities have equal opportunities in the labour market. The penal code as well as specific legislation exist to address violence against women and girls. The family law is crosscutting in the sense that it influences all aspects of family life of women that in turn has an impact on women's participation in the labour force.

When pushing for legal reform in favour of women's economic empowerment, different types of laws that touch on it should ideally be reformed in parallel. The case studies show that reforming legislation in favour of women's economic empowerment also has an influence on families more broadly. Therefore, these reforms cannot be seen in isolation but should be linked to the situation of families overall. For example, reforming legislation to enhance childcare options for working mothers can also have a positive impact on their children. Another interesting example is the Jordan national framework for the protection of the family from domestic violence, which not only addresses violence against women, but also encompasses violence against children and the elderly (Case Study 4.5).

In reality, it is very challenging to review different types of legislation at the same time since it involves different types of stakeholders and needs much political momentum. Reforming family law has been particularly challenging. The consultations and interviews undertaken for this report indicate that almost no legal reforms in family law have taken place in the four countries since the revision of the constitutions following the Arab Spring. Family law in Egypt and Jordan still obliges wives to obey their husbands. This means that the law allows husbands full control over their wives, including their participation in the labour market. Men are still seen as financially responsible for their families, so that women's labour rights are perceived as secondary to men's participation in the labour force. However, the case studies show that countries have been creative in promoting shared family responsibilities for women and men through making changes to other types of legislation rather than the family law. For example, countries are introducing or extending paternity leave in the labour law (Box 2.6) as well as looking into flexible work arrangements (Case Study 2.1).

The case studies indicate that it is not only important to reform different areas of the law but also that it is necessary to involve different stakeholders in these reforms. Multi-stakeholder efforts have proven to be successful when advocating for legal reform, as well as for the implementation of a particular reform. For example, the recent labour law reforms in Jordan and the comprehensive law on VAW in Tunisia were mostly a result of joint advocacy efforts by different types of stakeholders. In Jordan, the National Committee for Pay Equity (NCPE) put forward a list of proposed labour code amendments. Some of these proposals led to legal reform (Box 6.3). NCPE is a multi-stakeholder committee, co-chaired by the Jordanian National Commission for Women and the Ministry of Labour. It includes representatives from trade unions, professional associations, civil society, government bodies, the Chamber of Commerce, the Chamber of Industry, other private sector representatives and the media (Case Study 2.3). In Tunisia, joint efforts from international organisations and CSOs led to a comprehensive law on VAW (Case Study 4.4). The case studies show that the private sector – from banks to agribusiness – is increasingly taking gender equality initiatives to encourage women's participation in the labour force. This approach offers much potential for creating broader economic benefits. In Egypt, different private sector initiatives have been

undertaken to support rural women (Box 3.5). Case Studies 2.8 and 2.9 show how the banking sectors in Egypt and Jordan have been actively supporting women entrepreneurs.

### **Box 6.3. In-depth: multi-stakeholder advocacy in reforming Jordan's labour law**

Jordan's labour law No. 8 of 1996 is the main legislative framework that governs labour issues in Jordan. While the law does include some provisions on women in the labour force, the law does not include a specific provision on prohibition of discrimination against women.

In order to address remaining gender inequalities in the labour law, the Jordan National Committee for Pay Equity (NCPE) put forward a list of proposed labour code amendments in favour of women's economic empowerment. In 2012, some of these proposed amendments were approved by the Labour and Social Development and Population Parliamentary Committee. However, the Labour Code never went to vote in Parliament and was shelved until 2018 when it was opened again for discussion.

In 2018, Coalition Rights was established, which included women's labour rights groups, women organisations, unions and labour entities. Coalition Rights aimed at further lobbying parliamentarians and government to accept amendments to the Labour Code articles that were open for discussion and were directly related to women's economic rights, most of which were included in NCPE's original proposed labour law reforms.

Against this backdrop came the amendments to Jordan's Labour Law through Law No. 14 of 2019 with a few important reforms in support of women's economic empowerment.

There are several factors that are contributing to the advancement of these reform processes in Jordan. In Jordan, a unique collaboration exists to push gender equality in the labour market between the Royal Court, certain personalities in the government, JNCW, civil society, social partners, private sector representatives and the media. Many of these efforts are co-ordinated by the NCPE. The NCPE has proven its worth by navigating the complex legislative reform processes in the country and finding creative ways of pushing for labour law reform by also including civil society in parliamentary discussions.

These national efforts are being supported by a range of international organisations, with ILO taking a leading role on issues related to gender equality in the labour market. The wider international community, such as the CEDAW committee, the ILO committee of experts and Human Rights Watch have been pressuring the country to take urgent action. To push for reform, these actors have invested significantly in building the evidence base for enhanced women's participation in the labour market and have issued studies on a range of specific topics so that the arguments for certain reforms are thoroughly underpinned. Once the evidence base is there, campaigns have been undertaken, again with a unique mix of actors involved. In parallel, international organisations have built the capacity of different national stakeholders on advocacy and strategies for reform.

Joint initiatives also lead to good results in the implementation of legal reforms. For example, in Tunisia different UN agencies, the government and CSOs are working together to implement the recent reforms on VAW and to provide services to women victims of violence (Case Study 4.4). Since UN agencies have specific mandates, UN joint efforts that address women's economic empowerment from different angles through UN Joint Programmes have an added value. For example, in Tunisia a 2017-2018 UN Joint Programme (led by the United Nations Population Fund) was signed on care for women victims of violence (Case Study 4.4). UN Women and WFP are joining forces in Egypt on a programme that uses of blockchain for cash transfer programmes in support of women refugees (Box 3.7). As mentioned in Chapter 2, the private sector in the four countries also complements government efforts in the implementation of legal reform. For example, the recent Egyptian law that organises microcredit opened the possibility for

commercial institutions to operate in microfinance which led to a large increase in microfinance clients, mostly women (Case Study 2.9). The corporate governance codes of Jordan and Morocco mention gender diversity on boards and Egypt's and Tunisia's codes of corporate governance include broad diversity provisions. Case Study 2.2 gives further suggestions on how companies can scale up gender balance in corporate leadership. Egypt foresees that the inclusion of a gender equality perspective in its investment law will lead to more gender-responsive investments by domestic and foreign investors and will facilitate investments by women entrepreneurs (Case Study 2.10).

## 6.9. Building capacity and learning from peers

A range of skills are needed to make legal reform on women's economic empowerment happen and to make sure the reforms are implemented.

### **Capacity building**

The case studies show that capacity building is needed for the actors involved at the different steps of the process, from advocacy to drafting and adopting legislation, as well as implementation. Peer learning between countries can be a useful mechanism for exchanging experiences on how to make legal reform happen.

While some CSOs have extensive experience in advocacy, sometimes a movement for reform starts at the grassroots level with women demanding changes in their everyday lives. Such women may not be used to participating in policy forums and advocacy efforts. For example, in Jordan, the "Stand up with teachers" campaign started as a grassroots movement and evolved into a collective bargaining process leading to a collective bargaining agreement regulating working conditions for all private school teachers and eventually to additional guarantees on pay equity in the labour law. ILO has built the capacities of the various actors involved in the collective bargaining process (Case Study 2.7).

As we saw in Chapter 5, skills are also needed to draft gender equality legislation that is in line with international standards. Those involved can draw on guidance in how to draft gender equality legislation. For example, the UN Women's *Handbook for Legislation on Violence against Women* offers guidance, models and checklists for drafting legislation on violence against women (Box 4.4, Chapter 4). In Tunisia stakeholders used this handbook to draft the comprehensive law on VAW and also received guidance from international organisations on bringing the law in line with international standards on VAW (Case Study 4.4).

When a draft law is discussed in parliament, parliamentarians need the right skills to assess the law from a gender perspective. For example, the Moroccan Thematic Group of Parliamentarians for Parity and Equality was trained by UN Women in the different areas of its mandate (Case Study 5.1).

There are also many examples of the need for training of people that are involved in the implementation of legal reforms. For example, Tunisia's National School of Administration (ENA) which trains civil servants has developed a gender module so that future policy makers can be trained on gender issues. The University of Carthage's Faculty of legal, political and social sciences based in Tunis runs a legal clinic that gives future legal professionals skills in gender-based violence and how to address VAW cases (Chapter 4). The Federation of Egyptian Industries has launched the Human Resources and Gender Academy which trains Egyptian human resources professionals in gender equality, labour law and human resources (Case Study 2.6).

## **Peer learning**

Countries can learn a lot from each other on legal reform for women's economic empowerment. Regional and global exchange on legal reform are useful ways of getting inspiration and expertise on how to make reform happen. At the global level, the Commission on the Status of Women annual meetings are a good example of a platform for exchange. At the regional level, the MENA-OECD Women's Economic Empowerment Forum (WEEF) offers the opportunity for countries to exchange experiences on legal reform. The OECD publication *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia* (OECD, 2017<sup>[11]</sup>) was launched at the 2017 WEEF, where countries expressed interest in doing follow-up research, resulting in this present report (Box 6.4).

Reform or momentum for reform can also have spill over effects in neighbouring countries. This is especially evident in the recent reforms on VAW, in that the four countries started reforming their legal framework on VAW around the same time. The Tunisian Committee for Individual Freedoms and Equality (COLIBE), which proposed equal inheritance for women and men, also sparked major debate in countries around the region on inheritance, as well as on gender equality more broadly (Case Study 4.2).

### **Box 6.4. Peer learning through the Women's Economic Empowerment Forum**

The MENA-OECD Women's Economic Empowerment Forum (WEEF) was launched in 2017 in Cairo under the co-Chairmanship of Dr Sahar Nasr, at the time Minister of Investment and International Co-operation of Egypt and H.E. Marie-Clarie Swärd Capra, Ambassador of Sweden to Algeria. The WEEF is a multi-stakeholder platform that meets on an annual basis to discuss topics related to women's economic empowerment, with a strong focus on legal reform and implementation. Other topics discussed in the WEEF include women's entrepreneurship, gender data and gender mainstreaming. The WEEF has been recognised by stakeholders in the region as a unique platform that steers an open dialogue on women's economic empowerment and provides opportunities for peer learning between MENA economies and OECD countries.

Source: <https://www.oecd.org/mena/competitiveness/women-empowerment.htm>.

## **6.10. Addressing restrictive social norms and stereotypes**

As we have seen throughout this report, restrictive social norms and stereotypes about women and men are a key factor in holding back women's economic empowerment. The UN Secretary-General's High-Level Panel on Women's Economic Empowerment recognises adverse social norms as the number one constraint to women's economic empowerment, which also contributes to the other three main constraints: discriminatory laws, unpaid care work and limited access to assets (UNHLP, 2016<sup>[12]</sup>).

All four countries are building the evidence base of what it means to be a man or a woman in today's society and the types of restrictive social norms and stereotypes that exist. This can be an important step towards legal reform. In a number of countries covered by the publication, some of these norms and stereotypes are enshrined in family law. For example, in Egypt and Jordan family law foresees the wife's duty to obey in exchange for financial maintenance by the husband.

In order to develop the evidence base on social norms and stereotypes in the countries covered by the publication, surveys have been carried out in Egypt, Morocco (UN Women/Promundo, 2017<sup>[7]</sup>) and Jordan (World Bank, 2018<sup>[8]</sup>) looking at the attitudes of men and women towards gender equality. It is the first time

that this type of data has been collected in these countries, giving important insights in where social norms and attitudes continue to hold back women's economic empowerment (see Chapter 1).

Addressing discriminatory social norms and stereotypes is challenging since action has to be taken at different levels. Changes have to occur at the level of the individual, the family, the community, organisations and public policy. The case studies show that countries are taking initiatives to address social norms. In Egypt and Morocco concrete projects are being implemented that aim to transform traditional perceptions of masculinity and fatherhood based on the findings and recommendations of the IMAGES survey (Annex Box 1.C.1, Chapter 1). Egypt, Morocco and Tunisia have also prohibited gender stereotyping in the media and are undertaking initiatives to portray a more diverse picture of women in the media (Chapter 5). In the Za'atari refugee camp in Jordan, Syrian refugee women are now engaged in income generating activities which are challenging restrictive social norms on women's economic empowerment (Case Study 3.4).

Legal reform can either precede the change in social norms or enshrine changes in social norms. An example of the former is the introduction of paternity leave in the labour law of the four countries. This legal reform aims at changing social norms that prescribe that mothers should be in charge of childcare. By introducing paternity leave, it is hoped that fathers will take up their paternity leave and share childcare responsibilities (Box 2.6). An example of where legal reform enshrines changes in society is the abolition of a circular in Tunisia, which now makes it easier for Tunisian women to marry non-Muslims. In practice, Tunisian women were already increasingly marrying non-Muslims, but the legal reform has eased the formalities for such marriages (Box 4.2). The COLIBE report from Tunisia emphasises that as culture and identity change over time, legal frameworks should reflect these changes. The report uses this reasoning to justify equal inheritance rights for women and men (Case Study 4.1).

If deeply entrenched social norms are to be overcome, society has to be convinced of the need for such changes. This can be facilitated by community leaders who advocate for change. For example, Egypt's highest religious authority, Al-Azhar, has firmly condemned sexual harassment in line with the recent legal reforms, saying that using the way women dress to justify harassment shows a misinterpretation of the issue (Case Study 4.6).

## 6.11. Ensuring implementation and compliance

Without implementation, legal reform has little value. The case studies can only give a limited overview of how countries are implementing reforms since most are very recent. Nevertheless, it is clear that mechanisms are in place that can facilitate implementation and compliance with these recent reforms.

First of all, people that are affected by a reform should be aware of the reform. Awareness will be low if the details of the reforms are not adequately disseminated. CSOs in the four countries have put a lot of effort into sensitisation campaigns to make sure that people know and understand the legislation that affects them. For example, in Jordan the Sham'a Network regularly organises educational and awareness activities for law enforcement personnel and the judicial system on the legislation related to VAW (Case Study 4.5). In Morocco, awareness-raising campaigns are underway for both Moroccans and expats to register their domestic workers and to respect the provisions of the new legislative framework on domestic workers (Case Study 3.1). The media also plays an important role in clearly communicating what a reform is about. When doing research for this publication, it was clear that legal texts are not easily available online in all four countries. These texts are also often complex and may be linked to other legislative frameworks.

Once society is aware of the reforms, women should be able to enforce their rights. While the situation as regards women's access to justice in the four countries needs further research, the interviews carried out indicated that this remains difficult for a variety of reasons. First, even though recent reforms have been

enacted that enhance women's rights, discriminatory customary laws and traditions continue to exist in parallel. Secondly, since many women are financially dependent on their male family members, they may not have the means to bring a decision to court and may prefer to avoid friction in the family. It was also mentioned in the publication interviews that the justice sector is still male dominated and conservative attitudes prevail; thus certain judges may not interpret the law in favour of enhanced women's rights. This is particularly pronounced in the higher courts where there are even fewer women judges and where conservative attitudes are more common. In the four countries, different stakeholders are supporting women to access justice and provide support on how to navigate the judicial system. For example, in Egypt a Department for Combating VAW was established within the Interior Ministry to increase women's awareness of their rights, encourage them to report violent crimes, and explain the support available from the NCW and the office of the Public Prosecutor (Case Study 4.6). In some of the countries, judges have been trained in applying international standards on women's rights, as well as in the application of the recent reforms.

Encouragingly, some court decisions show that recent reforms are being applied. For example, court decisions were made that implement the recent Tunisian VAW law and the recent reforms in the Egyptian legal framework to address VAW (Chapter 4). However, in other areas of the law, such as labour law, court decisions on recent reforms were much more difficult to find. Sometimes the media reports on important court decisions, but the actual court decisions are not available online and cannot easily be retrieved. This is problematic since landmark decisions that apply recent reforms may not be known to the public and may not actually have an impact on how other judges decide in similar cases. In addition, it was reported that even though court decisions may rule in favour of women, these decisions are not always enforced. For example, in Egypt, judges have ruled in favour of women in inheritance cases, but women have no leverage if the family decides not to implement the court decision.

Other mechanisms that can facilitate compliance with reforms include reporting, labour inspections, complaint mechanisms and scrutiny by national human rights institutions. As mentioned above, countries are obliged to report regularly on their implementation of international standards on gender equality. There are also national reporting requirements on legal implementation. For example, the VAW law in Tunisia obliges the Ministry of Women's Affairs, Family and Children to report annually on implementation progress (Case Study 4.4). In the area of labour reforms, labour inspections can promote compliance. When labour inspectors are efficiently deployed, violations can be detected, reported and addressed (Case Study 3.1 and Box 3.2). Complaint mechanisms can be another means of encouraging compliance. For example, individuals in Morocco can report media content that is not in line with gender equality principles (Case Study 5.2). As indicated in Chapter 4, national human rights institutions can also play an important role in ensuring compliance with reforms (Case Study 5.3).

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## Notes

<sup>1</sup> These were expressed in the following years: Egypt 2010, Morocco 2017, Jordan 2008 and Tunisia 2010.

<sup>2</sup> See <https://sustainabledevelopment.un.org/memberstates>.

<sup>3</sup> The Fourth World Conference on Women in September 1995, produced the Beijing Declaration and Platform for Action, the most progressive blueprint ever for advancing women's rights. As a defining framework for change, the Platform for Action made comprehensive commitments under 12 critical areas of concern. Even 20 years later, it remains a powerful source of guidance and inspiration. The declaration is available at [https://www.un.org/en/events/pastevents/pdfs/Beijing\\_Declaration\\_and\\_Platform\\_for\\_Action.pdf](https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf).

<sup>4</sup> For details of the side event, see <https://www.oecd.org/mena/competitiveness/UN-CSW-2019-Changing-Laws-Changing-Minds-Flyer.pdf>.

<sup>5</sup> The protocol is available at [https://www.un.org/en/africa/osaa/pdf/au/protocol\\_rights\\_women\\_africa\\_2003.pdf](https://www.un.org/en/africa/osaa/pdf/au/protocol_rights_women_africa_2003.pdf).

<sup>6</sup> The SDG indicators for women's economic empowerment are: SDG 5.1, 5.5, 5a, 5b, 5c, 8.3, 8.5, 8.10, 9.3 and 9c. Source: unpublished 2018 OECD paper on data collection for women's economic empowerment in Egypt, Morocco and Tunisia.

<sup>7</sup> Advocacy is “an activity by a group or individual that aims to influence decisions within political, economic and social systems and institutions. Advocacy includes activities and publications to influence public policy, laws and budgets by using facts, their relationships, the media, and messaging to educate government officials and the public” [https://www.theadvocatesforhumanrights.org/uploads/ch\\_7\\_2.pdf](https://www.theadvocatesforhumanrights.org/uploads/ch_7_2.pdf).

<sup>8</sup> Lobbying has a narrower definition, and means “any attempt to influence new or existing legislation either by contacting legislators directly or asking others to do so” (NCSL, 2020<sup>[13]</sup>).

<sup>9</sup> The MENA-OECD Governance Programme is a strategic partnership between MENA and OECD countries to share knowledge and expertise, with a view to disseminating standards and principles of good governance that support the ongoing process of reform in the region. The programme's work on gender equality is available at: <https://www.oecd.org/mena/governance/gender-equality-in-public-life/>.

<sup>10</sup> More information on women in public life can be found on the OECD's MENA-Governance Programme webpage: <https://www.oecd.org/mena/governance/gender-equality-in-public-life>.

## Annex A. Resource persons for the research

Key resource persons in **Egypt** include Nehad Aboul Komsan, Legal Expert and Chairman of the Egyptian Center for Women; Dr. Naglaa Al-Adly, Director of International Cooperation, National Council for Women; Engy Amin Ayad, Programme Manager, UN Women Egypt Country Office; Samia Archella, National Project Coordinator, Decent Work for Women in Egypt and Tunisia Project (ILO); Inès Ayari, Chief Technical Advisor, Decent Work for Women in Egypt (ILO); Ylliha Gerdovci Cancel, Regional Programme and Policy Specialist, Women's Economic Empowerment, UN Women Regional Office for Arab States; Heba Hesham, Coordinator of the Women in Business Unit, Federation of Egyptian Industry; Dr. Fatemah Khafagy, Board of Directors of Alliance for Arab Women and Egyptian Women's Association; H.E. Dr. Moushira Khattab, Diplomat, former Minister for Family and Population; Alia el Mahdi, Professor at the Faculty of Economics and Political Science, Cairo University; Dr. Maya Morsi, President of Egypt's National Council for Women; Dr. Magued Osman, Director of the Egyptian for Public Opinion Research (Baseera)/Member of National Council for Women; May Mahmoud, Director of Special Projects (Women business center), National Council for Women; Marwa Sharafeldin, Board Member of Musawah, International Movement for Muslim Family Law Reform; Azza Soliman, Lawyer and Founder of the Center for Egyptian Women's Legal Assistance; and Mona Zulficar, Lawyer and President of Tadamun Microfinance Foundation. An OECD-Egypt national consultation on women's economic empowerment was organised in Cairo in September 2019 under the leadership of Dr. Sahar Nasr, former Minister of Investment and International Co-operation of Egypt.

Key resource persons in **Jordan** include Shatha Al-Haj, Project Management Specialist, USAID Jordan; Aroub Alkhateeb, Sisterhood is Global Institute; Natalie Alnaber, Bank al Etihad; Sahar Aloul, SADAQA; Kenana Amin, Program Development Specialist, Program Office, USAID Jordan; Hazar Asfoura, Program Analyst, Women's Economic Empowerment, UN Women; Reem Aslan, Co-founder of SADAQA and ILO consultant; Jim Barnhart, Mission Director, USAID Jordan; Audrey Barthalot, Gender Justice Programme Manager, Oxfam Jordan; Victoria Goodban, Interim Policy, Influencing & Media Manager, Oxfam Jordan; Frances Guy, Gender Team Leader, Regional Bureau for Arab States, UNDP; Grace Kishik, Senior Manager Women's Market, Bank al Etihad; Taghrid Nafeisi, Jordan Forum for Business and Professional Women; Salma Nims, Secretary General, Jordanian National Commission for Women (JNCW); Amal Haddadin, Legal expert, JNCW; Nickie Monga, Country Director, Oxfam Jordan; Soman Moodley, Policy and Influencing Advisor, Oxfam Jordan; Layla Naffa, Director, Arab Women Organisation of Jordan; Eman Okour, Head of Economic Empowerment Section, Women's Work Directorate, Ministry of Labour; Nadia Shamroukh, Jordanian Women's Union; and Aisha Shtiwi, Oxfam Jordan. A special thank you to Oxfam Jordan for organising a visit to the Za'atari refugee camp and to all the Syrian refugee women who we met in the camp for sharing their stories.

Key resource persons in **Morocco** include Asmae Ibnatty Andaloussi, Ministry of General Affairs and Governance; Fatima Barkan, Director for Women, Ministry of Solidarity, Social Development, Equality and the Family; Ahmed Berrada, Deputy Director of Budget and Director of the Centre of Excellence for Gender Budgeting; Amina El Gani, Moroccan Organisation of Human Rights (OMDH); Abderrazzak El Hannouchi, Head of Cabinet, National Human Rights Council (CNDH); Sara Faivre, Programme Management Specialist, UN Women Maghreb; Asmaa Fakhoury, Programme Manager, Economic and social rights, Oxfam Morocco; Touria Faraj, Member of Parliament and President of the Thematic Group of Parliamentarians for Parity and Equality; Cristina Fernandes, Programme Officer, European Union; Oussama Gidar, Ministry of Economy and Finance, Directorate for Budget/Centre of Excellence for Gender

Budgeting; Nicolas Gravier, Country Director, Oxfam Morocco; Rita Hatimi, Member of Parliament and Member of the Finance Commission at the Chamber of Representatives; Sofie Lambert, Project Manager, UN Women Maghreb; Amina Lotfi, Former Programme Coordinator, UN Women Maghreb, Former President of the Democratic Association of Moroccan Women (ADFM); Khadija Mosleh, Law Professor, Ecole Nationale Supérieure d'Administration (ENSA); Rabéa Naciri, Activist, founding member of ADFM and OMDH; Samia Ouzgane, Focal Point, International Labour Office Morocco; Nouzha Skali, Former Minister of Solidarity, Social Development, Equality and the Family, founding member of ADFM and OMDH, President, Moroccan Association for Freedom and Equality (AWAL); and Rachida Tahri, Secretary General, AWAL. A special thank you to Fatima Gouima-Mazzi, Vice President, Arab Women Parliamentarians Network and to Asmae Ibnatty Andaloussi, Ministry of General Affairs and Governance, for facilitating the various meetings with stakeholders and for providing strategic advice.

Key resource persons in **Tunisia** include Walid Ben Amara, Programme Officer GBV/Institutions, UNFPA; Sana Azouzi, Former Executive Director in Charge of International Cooperation and External Relations, Ministry of Women, Family, Childhood and Seniors (MFFES); Sabrine Bouaicha, Project Manager, Arab Institute for Business Leaders (IACE); Besma Boussida, Project Manager, Office of the Minister of Women, Family, Childhood and Seniors; Neila Chaabane Hamouda, Dean of Faculty of Judicial, Political and Social Sciences, University of Carthage; Manel Dridi, Consultant; Hela Oueslati Gueddana, Gender and Reproductive Rights Programme Coordinator UNFPA; Ghazi Gherairi, Ambassador, Permanent Delegate of Tunisia to UNESCO; Leila Belkhiria Jaber, President, National Chamber of Women Business Owners (CNFCE); Hayet Khaled, Multilateral Cooperation Officer, MFFES; Kamel Labiad, Lead Inspector, Labour Market Analysis Unit, National Agency for Employment and Self-Employment (ANETI); Héla Elhem Ourir, Project Manager, MFFES; Salwa Kennou Sebei, President, Association of Tunisian Women for Research on Development (AFTURD); Héla Skhiri, National Programme Officer, UN Women Maghreb; Mouna Tabei, Legal expert, Faculty of Judicial, Political and Social Sciences of Tunis; Temna Tabib, Legal Affairs Officer, ATFD; Nawel Belhadj Tounsi, National Coordinator, Projects Office, International Labour Organisation in Tunisia; and Naoufel Ben Youssef, Head of Service, International Cooperation Unit, ANETI.

# Annex B. Methodology

## What is covered by the publication: scope and definitions

This publication brings together a collection of case studies that illustrate recent legislative, institutional and policy reforms in support of women's economic empowerment in Egypt, Jordan, Morocco and Tunisia. By recent reforms, we mean reforms that took place after the revision of the constitutions in the four countries following the Arab Spring over 2010-2011. Some of these reforms have already been mentioned in the 2017 OECD report on the impact of legal frameworks on women's economic empowerment in selected MENA countries (OECD, 2017<sup>[1]</sup>). However, this report highlights new evolutions and goes more into depth about how and why reforms happened, which actors were involved and how the reforms are being/will be implemented in practice. The case studies are clustered within thematic chapters, which each contain an introduction to provide context, and conclusions to highlight commonalities between the case studies and their key takeaways. The objective of the case studies is not to compare countries with each other but rather to measure the progress of countries against internationally agreed standards and benchmarks on gender equality and women's empowerment. Each chapter also provides policy recommendations on how to move forward.

In addition to the thematic chapters, a final chapter on success factors for reform provides insights into which types of policies and actions can unlock change in increasing women's economic empowerment. The report also shares examples of practical tools and resources which can guide and inspire legislators and policy makers in their reform efforts. While the four countries have conducted evaluations of their policies and/or initiatives on women's economic empowerment, a detailed assessment of these evaluations is beyond the scope of this report.

The publication looks at women's economic empowerment as a specific but critical aspect of wider gender equality. The OECD has been working on women's economic empowerment in the MENA region for the past 15 years, developing a niche in this particular topic.<sup>1</sup> While there is no universally agreed definition of women's economic empowerment, the OECD sees women's economic empowerment as covering women's participation in the economy in terms of employment and entrepreneurship.

This publication analyses legislative, institutional and policy reforms. There are different definitions of legal reform, but it basically means "changing and updating the legislation so that it reflects the current values and needs of society".<sup>2</sup> Countries have different processes of legal reform and different types of legislation. For the purpose of this publication, we define legislation to refer to the whole body of legislation, including acts of the legislature, formal laws, decrees and administrative measures. Legal reform thus refers to reform of different types of legislation, as opposed to the reform of laws in the strictest sense. Reform does not happen in a vacuum and can only be successful if the laws and policies are applied in practice. Therefore, the publication also looks at various actions that countries have taken which are complementary to the reforms.

The legal systems of all countries covered in the publication are considered civil law systems (as opposed to common law systems). However, personal status issues are still (partially) governed by Islamic law in Egypt, Jordan, Morocco and Tunisia, with great differences between the countries as to what extent Islamic law is recognised and applied as an official source of law. In civil law systems, legal codes are supposed to specify "all matters capable of being brought before a court, the applicable procedure, and the

appropriate punishment for each offense".<sup>3</sup> The judge bases his/her decision on codified laws and even though some judicial rulings are considered as important precedents, there is less space for "judge-made law" than in the common law system. Since this publication only covers countries that apply the civil law system, the case studies included in the publication cover legal reforms that have been/are being codified rather than judicial decisions. The documentation of judicial decisions that have significantly affected women's economic empowerment is an important topic that requires further research that is beyond the scope of this publication.

## How the research was conducted

The publication is the result of a participatory research process. The OECD, Centre of Arab Women for Training and Research (CAWTAR) and International Labour Organization (ILO) decided to join forces in order to tap into different networks, bring out various perspectives and capitalise on the comparative advantages of each of the organisations involved.

Two questionnaires were developed for the purpose of the publication: one questionnaire on legal reforms (Annex C) and another questionnaire on promising practices complementary to legal reform (Annex D). The questionnaires were sent out to the MENA-OECD Women's Economic Empowerment Forum (WEEF) network, which consists of over 1 300 stakeholders from the MENA region. In parallel to the questionnaires, a desk review was conducted and phone interviews were carried out with experts on gender issues in the MENA region. Fact-finding missions took place in the four countries covered by the publication, during which the publication team interviewed stakeholders from international organisations, bilateral development co-operation providers, government agencies, the private sector, civil society, academia and the legal profession (see Annex A).

A number of events were organised to gather more information and triangulate the findings. At the 2018 WEEF, in-depth group discussions were held for each country on the most important recent legal reforms. A side event at the 63rd Commission on the Status of Women allowed the publication team to gain more insights from different key actors in the region on women's economic empowerment. National consultations on women's economic empowerment were organised in the four countries to collect information on recent reforms and their implementation.

Based on all these inputs, 24 case studies were selected by the publication team to feature in the publication. The criteria used to select the case studies include:

- **Timing:** The reform needed to have taken place after the revision of the constitutions in the four countries following the Arab Spring.
- **Topic:** The reform is in support of women's economic empowerment as defined by the OECD.
- **Relevance:** The reform has or is expected to have a positive impact on women's economic empowerment in the country, with a focus on engaging women in the labour market and enhancing the competitiveness of the economy.
- **Countries:** The reform took place in one of the four countries covered by the publication, while trying to ensure a balance between the number of case studies per country.

# Annex C. Questionnaire on legal reforms

*Questionnaire on recent/ongoing **legal reforms** that have affected women's economic empowerment. For example recent changes in family law, labour law, and business law.*

*We kindly ask you to fill out this questionnaire. Your valuable responses will help us to identify the topics to include in our research. Please note that you can skip questions and only fill out the parts that you feel are most relevant. Even if you have not completed all the questions, please do submit the questionnaire. In case you would like to submit more than one legal reform, please fill out the questionnaire several times in order to describe each reform separately.*

## Information regarding the respondent

1. Please provide your contact details:
  - Name:
  - Surname:
  - Organisation:
  - Country:
  - Phone:
  - E-mail:

## Information regarding the legal reform

### Description of legal reform

2. Please describe the legal reform in favour of women's economic empowerment that you are proposing to be included in the OECD publication. Go into detail on how the reform took place. Please include the title, year and articles of the legal frameworks that you are mentioning.
3. Explain the main motive for the reform. Please go into detail about why this reform was so important to enhance women's economic empowerment.
4. What were the factors that made this legal reform a success?
5. What were the difficulties that had to be overcome to make the legal reform a success?

### Impact of legal reform

6. What has been the impact so far of this legal reform on women and their communities? If available, please also provide quantitative data.
7. In your opinion, which part of society is aware of this legal reform:
  - Majority
  - About half
  - Less than half

- Very small part

### ***Legal reform process***

8. What is the status of the legal reform?
  - The reform has been approved and entered into force
  - The reform has been approved, but it has not yet entered into force
  - The reform has not yet been approved
9. Who was behind the reform? Please only tick the most relevant options (possibility of ticking more than one box):
  - Government
  - Businesses
  - Citizens, public opinion
  - NGOs
  - International Organisations
  - Other (Please specify)
10. Has this reform gone through a standard legislative process? If not, please explain the process.
11. What forms of public consultation were used in the preparation of the legal reform: (possibility of ticking more than one box):
  - Informal consultation with selected groups
  - Broad circulation of proposals for comment
  - Public notice and comment
  - Public meeting
  - Internet
  - Advisory group
  - Preparatory public committee
  - Other
12. What was the procedure for making this legal reform known and accessible to affected parties? (possibility of ticking more than one box):
  - Television
  - Radio
  - Newspapers and magazines
  - Internet
  - Community offices
  - Acquaintances, friends, relatives
  - Other sources (please specify)
13. Please list links of information resources referring to this legal reform.
14. Please upload information resources such as the actual text of the legal reform, articles or photos.

# Annex D. Questionnaire on promising practices

*Questionnaire to collect **complementary (policy) actions** that contribute to implementation of legal frameworks or legal reform in support of women's economic empowerment.*

*Examples of possible submissions: advocacy towards legal reform, facilitating access to justice, capacity building/sensitization on women's rights, measures towards law enforcement such as labour inspection, support to women justice professionals.*

*We kindly ask you to fill out this questionnaire. Your valuable responses will help us identify the topics to include in our research. Please note that you can skip questions and only fill out the parts that you feel are most relevant. Even if you have not completed all the questions, please do submit the questionnaire.*

## Information regarding the respondent

1. Please provide your contact details:

- Name:
- Surname:
- Organisation:
- Country:
- Phone:
- E-mail:

## Information regarding the action

### Description of the action

2. Kindly describe the action that you are proposing to be included in the OECD publication. Go into detail on how the action works. Please mention the legal frameworks it refers to, including the title, year and articles if relevant.
3. Specify the country and exact locations in which the action has been undertaken.
4. List the key success factors of the action.
5. Since when has this action been adopted? Has the action been completed or is it still ongoing?

### Implementation of the action

6. Why was this action put into place? Does the action respond to a specific need in society?
7. What were the difficulties that had to be overcome to make the action a success?
8. Please list other institutions, partners, implementing agencies and donors involved in the action and the nature of their involvement.

### *Impact of the action*

9. What were the results and impact of the action on women and their communities? If available, please also provide quantitative data.
10. List the conditions necessary for successful replication of the action.
11. If relevant, please specify if this action could lead to legal reform? If yes, how and under which conditions?
12. Please list links of information resources referring to your action.
13. Please upload information resources such as articles and photos.

### Notes

<sup>1</sup> For more information, visit <https://www.oecd.org/mena>.

<sup>2</sup> See <https://lawgovpol.com>.

<sup>3</sup> Definition from <https://www.fondation-droitcontinental.org/en/2015/03/12/civil-law>.

## **Competitiveness and Private Sector Development**

# **Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia**

At a moment when many countries of the MENA region are looking to accelerate economic growth and build more stable, open societies, this report argues that greater women's economic empowerment holds one of the keys. It asserts that despite challenges some countries are facing in guaranteeing women equal access to economic opportunity, progress is underway and can be further nurtured through targeted, inclusive and coordinated policy actions. Building on the conclusions of a first monitoring report released in 2017, the report analyses recent legislative, policy and institutional reforms in support of women's economic empowerment in Egypt, Jordan, Morocco and Tunisia and seeks to identify success factors that have helped anchor reform. Moreover, it delivers actionable examples and practical tools for policy makers to help them transform policies into effective actions for women's economic empowerment.



PRINT ISBN 978-92-64-31827-4  
PDF ISBN 978-92-64-80380-0

