



# WOMEN IN PUBLIC LIFE

Gender, law and policy in the Middle East and North Africa



# Acknowledgements

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*The Report on Women in Public Life: Gender, Law and Policy in the Middle East and North Africa* has been prepared by the MENA-OECD Governance Programme's *Women in Government Platform* (also known as Gender Focus Group), within the Public Governance and Territorial Development Directorate (GOV), Organisation for Economic Co-operation and Development (OECD) and the Centre for Arab Women for Training and Research (CAWTAR). The report undertakes a cross-country legal and policy analysis of women's rights in public and private life in the MENA region. It aims to identify the main drivers for legal and institutional reforms and active policy measures that enable greater equality between women and men. It also provides actionable recommendations to achieve and sustain gender equality in the region, supported by examples of good practices from MENA and OECD countries.



The **Organisation for Economic Co-operation and Development (OECD)** is an inter-governmental organisation founded in 1961 ([www.oecd.org/about](http://www.oecd.org/about)). The OECD mission is to promote policies that will improve the economic and social well-being of people around the world. The mission of the GOV Directorate is to help governments at all levels design and implement strategic, evidence-based and innovative policies to strengthen public governance, respond effectively to diverse and disruptive economic, social and environmental challenges and deliver on government's commitments to citizens.



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 MENA region. Its MENA-OECD Women in Government Platform, also known as Gender Focus Group, which promotes gender equality, equality of opportunity and political voice as well as gender mainstreaming in public governance.



This report has been prepared in collaboration with the **Center of Arab Women for Training and Research (CAWTAR)**, the centre of academic research and field studies relating to the status of women which strives for the improvement of lives of women in the Arab world.



# 18%

of MENA women are unemployed compared to an average of 8% in OECD countries. This is the highest rate in the world.



Photo: Scott Wallace / World Bank



Photo: Arne Hoel / World Bank



## Gender equality in the MENA region

Since the 1970s, many MENA countries have recorded the fastest rates of global progress in human development, including improvements in infant mortality and life expectancy. Literacy rates in the MENA region for females jumped from 61% in 2000 to 72% in 2011. There are also positive trends in women's participation in the economic life, in politics and decision-making (from 3.8% in 2000 to 12.8% in 2013).

Despite progress, the educational gains achieved by women are yet to translate into greater empowerment and participation in public life. Women's economic and public participation remains the lowest in the world. While South America, Central Asia and Southern Asia reduced their gaps by 13.4%, 12.2% and 9.2% respectively between 1990 and 2010, the MENA region only improved by 7.4% over the same period.

Such persistent gender inequalities incur high costs for the region and hamper a country's ability for sustainable economic growth and good governance. Strengthening women's empowerment in MENA countries can support inclusive growth by fostering investment in human capital and stimulating female labour force participation, and entrepreneurship is a largely untapped source of vital human capital for the region.

While most MENA countries have ratified the Committee on the Elimination of Discrimination against Women (CEDAW), many of them have made reservations to main articles (see Table 1). In addition, legal gaps in women's rights still exist despite the inclusion of gender equality principles into constitutions across the MENA countries.

Addressing the remaining gaps requires the elimination of legal provisions that are discriminatory in nature in accordance with international conventions.

Yet reviewing legislation and amending discriminatory laws and regulations alone are insufficient to overcome gender inequality in practice. Gender equality must include equal rights, but also demands equal access to services and resources, economic opportunities and political voice.

*“Gender equality should not be addressed at the periphery but rather as a central policy concern. Unless public policies, services, legislation and resources benefit all citizens – women as well as men – good governance cannot be fully achieved.”*

### FACTORS HINDERING GENDER EQUALITY ACROSS THE MENA REGION

- roll-backs in gender equality as a result of the rise in extremist movements;
- traditional gender norms, which tend to restrict women's rights, freedoms and protections;
- discriminatory laws and social institutions;
- demographic changes (increase in the ratio of young people from 55% of the population in 1980 to 66% in 2011), which place extraordinary pressure on the labour market to provide employment opportunities;
- remaining high rates of illiteracy among female adult population (e.g. Morocco, Yemen).

TABLE 1 · RATIFICATIONS AND RESERVATIONS TO THE CEDAW

Country	Date of ratification, accession (a), succession (d)	Reservations	Optional protocol
<b>Algeria</b>	22 May 1996	Articles 2, 15(4), 16, 29	
<b>Bahrain</b>	18 June 2002 a	Articles 2, 9(2),15(4),16,29(1)	
<b>Djibouti</b>	2 December 1998 a	No reservations	
<b>Egypt</b>	18 September 1981	Articles 2, 16, 29	
<b>Kuwait</b>	2 September 1994 a	Articles 9(2),16(f), 29(1)	
<b>Libya</b>	16 May 1989	Articles 2 and 16	June 2004
<b>Iraq</b>	13 August 1986 a	Articles 2(f),(g),16, 29(1)	
<b>Jordan</b>	1 July 1992	Articles 9(2), 16(1c) (1d) and (1g)	
<b>Lebanon</b>	21 April 1997	Articles 9(2),16(1c) (1d)(1f), 29(1)	
<b>Morocco</b>	21 June 1993 a	Articles 2, 15(4), 29	Declared accession in March 2006
<b>Oman</b>	7 February 2006 a	Articles 9(2),15(4),16(1a, c, f), 29(1)	
<b>Palestinian Authority</b>			Ratification without any reservation as a non-member state
<b>Qatar</b>	29 April 2009 a	Articles 2(a),9(2),15(1),15(4), 16(1a), (1c),(1f), 29(1).	
<b>Saudi Arabia</b>	7 September 2000	Articles 9(2), 29(1)	
<b>Somalia</b>			
<b>Sudan</b>			
<b>Tunisia</b>	23 September 2008 a	No reservations	June 2008
<b>United Arab Emirates</b>	6 October 2004 a	Articles 2(f), 9,15(2),16,29(1)	
<b>Yemen</b>	30 May 1984 a	Article 29(1)	

Source: CEDAW website: [www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx](http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx).

## KEY RECOMMENDATIONS

### Compliance with international standards and elimination of discrimination

- Lift reservations to the CEDAW provisions to enable genuine adoption of the principle of gender equality and close compliance gaps with international conventions in the area of gender equality and human rights.
- Undertake a systematic review of the legislation to eliminate all forms of discrimination in the legal system and ensure that the international norms related to gender equality are fully embedded in the national legislative framework.
- Establish effective mechanisms to monitor and improve the commitment to the implementation of international norms related to gender equality.
- Consider adding to constitutions and relevant legislation an explicit reference to the principle of equality between men and women and ensure that references to women are framed in a gender-neutral manner.
- Ensure incorporation of a definition of gender-based discrimination into the constitution and other relevant domestic legislation in line with Article 1 of the CEDAW and an explicit prohibition of such discrimination to reinforce conformity with international standards and ensure progress toward gender equality in law and practice.
- Recognise in constitutions the civil, political, economic, social, cultural and environmental rights for men and women and provide for equality in rights and duties.

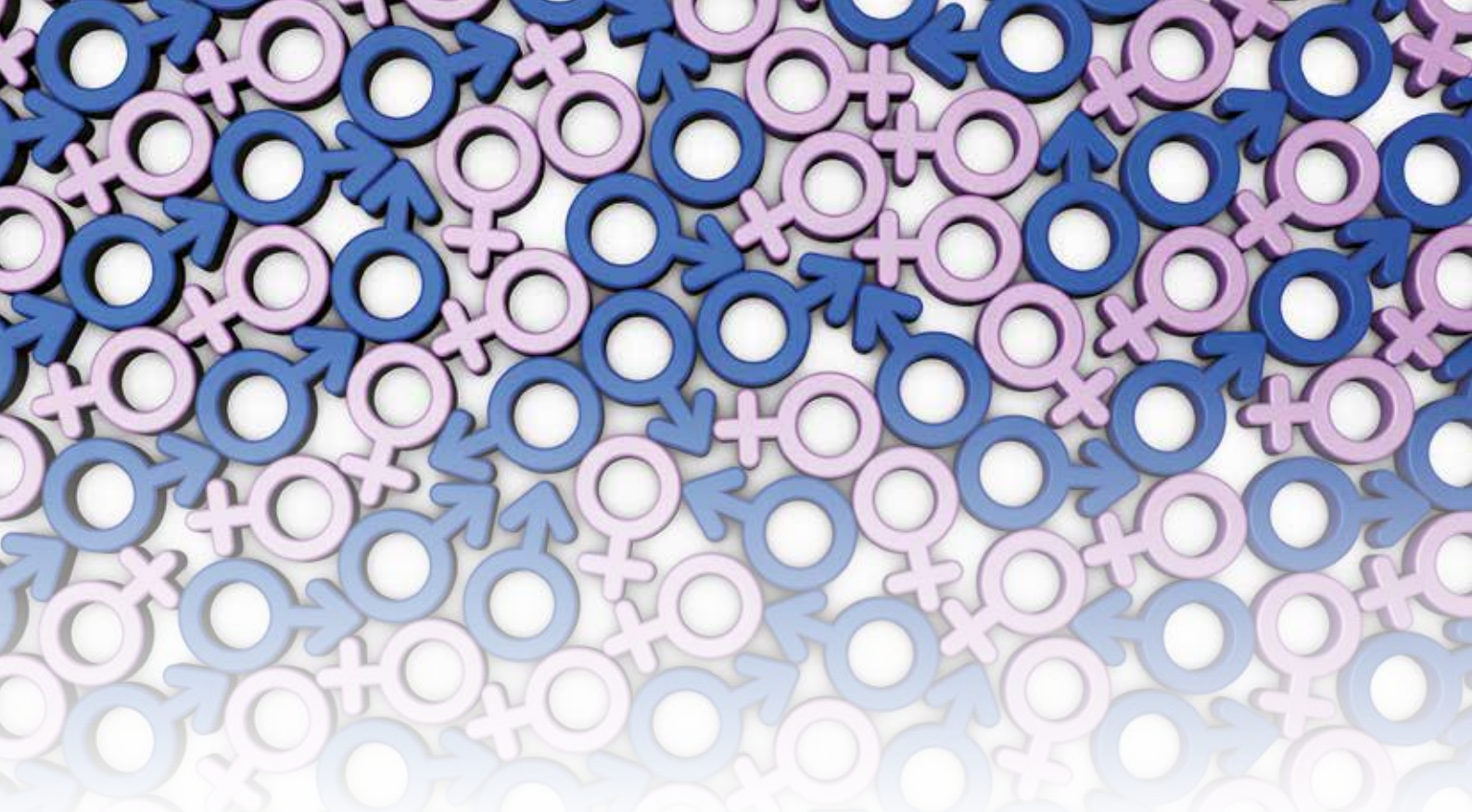




# 1 Government tools for gender equality in the MENA region

Good governance, strategic state capacities and sound public management are a driving force behind the effective, impactful and sustainable implementation of gender reforms. Indeed, reforms related to gender equality and good governance collectively reinforce each other. Planning and implementation of gender equality reforms will only succeed if there are sound planning, monitoring and implementation processes for the public sector at large.





## Vision and strategy

A shared vision and strategy for women’s empowerment are core pillars of effective gender equality reforms. Over the past decade many countries in the MENA region have developed national gender equality strategies (Table 2), thus reflecting a political commitment to advancing the status of women across the region.

TABLE 2 · NATIONAL GENDER EQUALITY STRATEGIES

NAME OF STRATEGY	
<b>Bahrain</b>	The National Plan for the Advancement of Bahraini Women (2013–2022)
<b>Egypt</b>	Egyptian National Council for Women (NCW) Strategy for Gender Equality
<b>Jordan</b>	National Strategy for Women in Jordan (2012–2015)
<b>Lebanon</b>	National Strategy for Women in Lebanon (2011–2021); and National Action Plan (2013–2016)
<b>Morocco</b>	l’Agenda gouvernemental pour l’égalité 2011–2015
<b>Palestinian Authority</b>	Cross-Sectorial National Gender Strategy 2011–2013
<b>Tunisia</b>	Stratégie de la lutte contre la violence à l’égard des femmes au sein de la famille et de la société
<b>Yemen</b>	National Strategy for Women Development (2006–2015)
<b>UAE</b>	National Strategy for Women Advancement (2002–2014)

Source: OECD Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

These strategies focus mainly on preventing gender-based discrimination, combating gender-based violence, and strengthening the economic empowerment of women. Several countries focus on work-life balance (Bahrain,

Egypt, Jordan and Morocco) or enhancing gender diversity (Bahrain, Egypt, Jordan, Lebanon, Morocco and Palestinian Authority). Yet, while relatively broad, the strategies tend to either focus narrowly on protecting women’s status related to their maternal functions and reproductive roles, or lack specific gender equality standards, principles and objectives. Such approach risks narrowing women’s role in the society, which may pose constraints for women’s empowerment in economic and public life.

In addition, strengthening alignment with regional and international gender equality standards, and ensuring implementation capacities, relevant skills and accountability measures, will be necessary to achieve full potential of gender equality reforms in the region.

### KEY RECOMMENDATIONS

#### Strengthening the vision and strategy for promoting gender equality and mainstreaming

- Increase the prominence of civil, political and economic rights of women in national visions and strategies in the MENA region.
- Embed international gender equality standards into national gender equality visions and strategies more prominently, including those specified in the CEDAW.
- Strengthen government-wide capacities for effective implementation of gender equality visions and strategies, including developing the necessary skills and knowledge, raising awareness on the high-level objectives and providing the necessary resources.

# Effective institutions

An effective institutional framework, with clearly defined roles for all actors to advance gender equality and co-ordination mechanisms is another core pillar for the achievement of gender equality objectives.

Institutions for promoting gender equality include authorities responsible for gender issues, mechanisms at the ministerial level, centre of government and independent oversight institutions, such as parliaments and gender equality commissions.

FIGURE 1 · INSTITUTIONS FOR PROMOTING GENDER EQUALITY AND MAINSTREAMING



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

There is no uniform institutional design to deal with gender issues across the MENA region. Gender institutions across the region assume different forms and structures; generally, however, institutions are designed as follows:

- **Single ministries or agencies:** Single ministries with a minister for gender equality bring visibility and enable advocacy for gender equality concerns in Cabinet (e.g. in Palestinian Authority). Yet they require clear and powerful mandates, sufficient resources and political leadership to effectively place gender issues on the policy agenda.
- **Combined portfolios:** Tunisia, Morocco and Algeria established institutions that manage combined portfolios, including women's affairs, mostly including social welfare or family affairs. This type of institution can promote co-ordination and coherence within portfolio areas.
- **Institutions linked to the centre of government:** Six MENA countries participating in the study (Yemen, Bahrain, Kuwait, Lebanon, Jordan and Egypt) established quasi-governmental or semi-governmental advisory institutions

*“It is important that gender equality not be equated only with issues that concern family and children’s affairs as that risks confining women narrowly to their roles as mothers and caregivers.”*

under the Head of Government. These institutions are most often located outside the executive branch of government and may include non-governmental members (e.g. Egypt). Such proximity to the centre of government can facilitate visibility and high-level support for gender equality, yet in the absence of a minister for gender equality, gender issues may not be fully integrated into the mainstream decision-making process both in Cabinet and across government departments.

It is also essential to ensure capacity to implement the objectives at the ministerial level and create central gender institutions to focus on generalising policy reform, developing proposals, tools, guidelines and conducting gender analysis.

Regardless of their structure, gender equality institutions often face issues related to a lack of authority, visibility and leverage. The following factors are necessary for the effective functioning of such institutions:

- Clearly defined mandates and authority
- Adequate budget, resources and staff
- Strong political commitment
- Location at the highest possible level of government

## FOCAL GENDER POINTS

While central leadership for gender equality is critical, adequate institutional mechanisms at the ministerial level can help ensure policy and programme implementation across all public institutions.

If gender considerations are not integrated into activities of all institutions, gender equality efforts risk marginalisation.

Most MENA countries reported establishing gender equality units in line ministries across the government, which often have a direct relationship to the central gender institutions.

Yet the capacities of focal gender points and their ability to influence decisions at the highest level seem to be uneven. Key challenges include:

- The lack of will and commitment to implement the decisions in some ministries.
- Limited number of qualified staff, capacity and skills in gender mainstreaming.
- Inadequate budget allocation.
- Exclusion from participation in mainstream ministerial planning and budgeting.
- Conflicting demands on time and resources.
- Unsupportive organisational culture of gender issues leading to a low level of co-ordination and co-operation between gender units and the other directorates.



# Monitoring and oversight

Independent oversight and sound accountability serve as mechanisms to ensure impact of gender equality initiatives. Most common, although not systematic, oversight mechanisms reported by MENA countries include committees in legislative bodies, ombuds offices and others (Table 3).

Legislatures also play a critical role in championing gender equality by ensuring that gender-related concerns are addressed in the legislative agenda and that relevant laws are implemented effectively across the region. Establishing

and strengthening women’s caucuses across the legislatures can also support this objective.

The role of parliaments in advancing gender equality agenda varies across the MENA region. Tunisia, Bahrain, Lebanon, Yemen and Kuwait reported establishing committees in the legislatures that deal with women’s issues on the permanent or temporary basis. In most cases, these committees focus either only on women’s issues or consider them as part of a portfolio generally related to human rights, social affairs and children’s protections (Figure 2).

TABLE 3 · INSTITUTIONS RESPONSIBLE FOR GENDER EQUALITY OVERSIGHT

	Yemen	Egypt	Lebanon	Jordan	Tunisia	Morocco	Bahrain	Palestinian Authority	Kuwait
Ombuds Office		●	●				●	●	
Commission in the Political Executive (committee appointed by the Prime Minister, President or Government)									
Independent Permanent Human Rights Commission established by law								●	
Independent Permanent Gender Equality Commission established by law									
Parliament						●			●
Parliamentary Committee dedicated to gender equality / women’s affairs	●		●				●		●
Judicial body: commission or office located in the Ministry of Justice or that adjudicates claims or advocates in court			●					●	
Advisory council: lay panel advisory to ministries or political executive								●	
Other	●	●			●		●	●	
<b>Total</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>2</b>







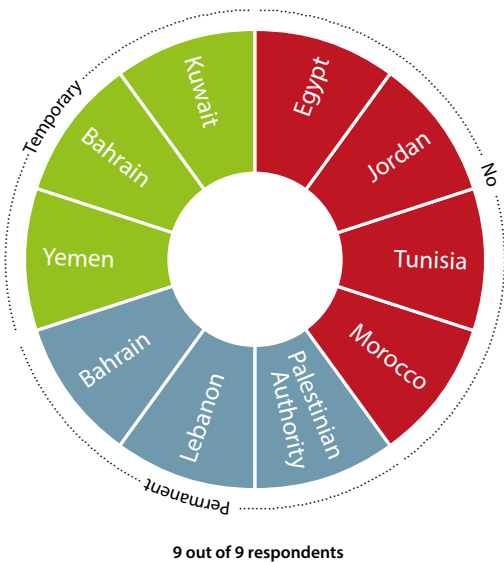
Photo: Arne Hoel / World Bank

# Policy co-ordination

Policy co-ordination is essential to ensure that gender reform remains on track. This co-ordination should take place horizontally (across central or federal government entities) and vertically (between levels of government), given that achieving gender equality and mainstreaming can include a number of cross-cutting initiatives which permeate many policy areas. Figure 3 highlights the most common co-ordination practices in the MENA region.

Public policies, laws and regulations affect all aspects of people's lives, regardless of gender. Even seemingly neutral laws and regulations can be discriminatory in nature, as they may affect men and women differently, intentionally or otherwise.

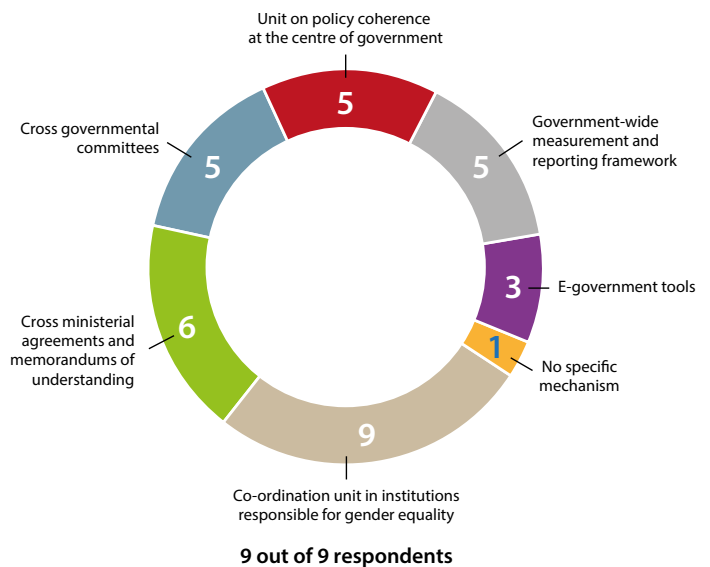
**FIGURE 2 · LEGISLATIVE COMMITTEES ON GENDER EQUALITY IN THE MENA REGION**



Note: Bahrain has both a permanent and a temporary legislative committee. Lebanon has a legislative commissions that address gender equality as well as social rights/children's rights; Tunisia used to have a similar committee before the Jasmin Revolution, but only has a temporary Committee on Social Affairs within its Constitutional Convention, as of 27 May 2013.

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014); IPU data.

**FIGURE 3 · CO-ORDINATION MECHANISMS USED TO IMPLEMENT GENDER EQUALITY IN MENA COUNTRIES**



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

## KEY RECOMMENDATIONS

### Improving the institutional framework, resources and policy coherence for the advancement of gender equality

- Improve the effectiveness of institutional frameworks for advancing gender equality in the MENA region, including clarifying roles and responsibilities and bolstering the capacities, mandate, authorities and resources of central gender institutions and gender focal points across the government.
- Expand mechanisms for oversight over the implementation of gender equality reforms, including legislative committees or independent commissions on gender equality to ensure a comprehensive approach in promoting and overseeing the implementation of gender initiatives.

## KEY RECOMMENDATIONS

### Advancing the implementation and co-ordination of gender equality/mainstreaming policies

- Strengthen co-ordination mechanisms across government bodies and levels of government to support effective implementation of gender equality and mainstreaming initiatives.
- Accompany gender equality and mainstreaming strategies with effective accountability, monitoring and evaluation mechanisms for embedding gender equality within the public service and in public policies and raise awareness on gender mainstreaming.

33%

of MENA countries implement  
Gender Mainstreaming strategies

## Gender mainstreaming

In many countries in the region there is a notable political commitment to empower women; however, there is often limited awareness, understanding and capacity across the public sector to realise effective change. In some cases there is also limited understanding that gender neutrality does not necessarily imply gender equality. Therefore, many policies run the risk of inadvertently discriminating against women by not taking into account different impacts on men and women.

Gender mainstreaming seeks to ensure that institutions, policies and services respond to the needs and interests of women as well as men, and distribute benefits equitably between women and men.

Gender mainstreaming should form the integral basis of policy formulation from the initial stage of policy and service development and throughout the implementation and evaluation of policy and service impacts.

In the MENA region, more than half of participating countries report having a mainstreaming strategy (Figure 4). Although many countries employ some form of gender mainstreaming, only a few MENA countries (e.g. the Palestinian Authority) report taking steps to systematically integrate gender equality considerations in the design, implementation and monitoring of policies, programmes and laws.

FIGURE 4 · AVAILABILITY OF GENDER MAINSTREAMING STRATEGIES IN MENA COUNTRIES



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

### KEY GENDER MAINSTREAMING CHALLENGES IN MENA COUNTRIES:

- The absence of legislation enabling gender equality and mainstreaming (Egypt, Lebanon and PA);
- The complexity of the existing laws (Egypt, Jordan and Morocco);
- Limited effective co-ordination mechanisms (Jordan, Tunisia, Morocco and Bahrain) and a limited capacity to promote gender equality reform from a "whole-of-government" perspective (Yemen, Tunisia and Egypt);
- A lack of training within the public service on gender mainstreaming (Lebanon);
- Within the public service, a lack of awareness on gender mainstreaming (Yemen and Bahrain) and lack of gender analysis skills (Yemen and Kuwait).



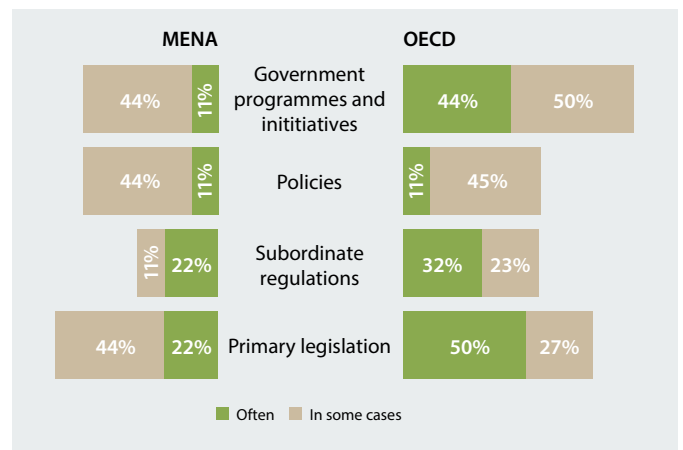


Library at Mohammed V University at Agdal, Rabat. Photo: Arne Hoel / World Bank

**Gender Impact Assessment (GIA)** is an important tool of gender mainstreaming to evaluate the different effects (positive, negative or neutral) of any policy, legislation or practice in terms of gender equality.

MENA countries increasingly undertake gender analysis of their strategies, policies and laws. More than half of MENA respondents report undertaking some form of gender analysis for all or most laws, as compared to 80 % of OECD countries (Figure 5). Yet this is rarely done in a systematic manner on a basis of robust evidence for all policies and programmes.

**FIGURE 5 · GENDER ANALYSIS PRACTICES IN MENA AND OECD COUNTRIES**



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

#### KEY RECOMMENDATIONS

##### Advancing gender mainstreaming

- Ensure the development and implementation of a gender mainstreaming strategy, either within the main gender equality strategy or as a stand-alone strategy. This would allow for gender mainstreaming to be taken into consideration more strategically and ensure buy-in at all levels of government as well as raise awareness of gender mainstreaming.
- Develop a systematic and comprehensive approach to integrate gender analysis (gender impact assessment) into the policy and programme development process.
- Build capacity within government institutions to develop gender-sensitive policies, budgets and programmes in MENA countries to address the current gaps in the understanding of and the limited skills in applying gender impact assessment.
- Raise awareness of the difference between gender-sensitive and gender-neutral policy making to help create an understanding of the importance of accounting for different impacts that policies and regulations may have on men and women across the region.



Photo: Grant Ellis / World Bank

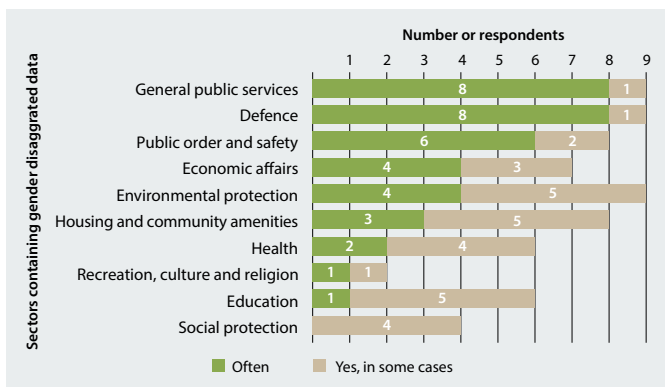


# Measurement and gender-disaggregated data

High-quality data to measure empowerment of women and men furnishes the foundation for both sound evidence-based policy making and gender monitoring and evaluation. It is the backbone of gender impact assessment or gender analysis. In the MENA region, country representatives report low availability of data on gender discrimination, data on gender-based violence, data

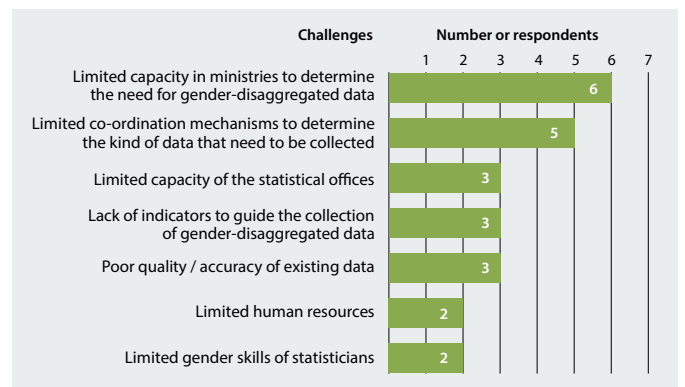
on reconciliation of professional and private life, data on women's economic empowerment and data on representation in the public service. About half of participating MENA countries report collecting gender-disaggregated statistics in such sectors as general public services, defence, public order and safety, economic affairs and environmental protection (Figure 6).

**FIGURE 6 · GOVERNMENT SECTORS WITH GENDER DISAGGREGATED DATA COLLECTION**



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

**FIGURE 7 · CHALLENGES FOR DATA COLLECTION IN THE MENA REGION**



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

## COUNTRY PRACTICES

To address gaps in gender disaggregated data, some MENA countries take measures to identify gaps in knowledge related to gender equality, including:

- Integrating gender considerations in statistical systems,
- Introducing requirements to disaggregate data by gender and setting up gender units in statistical offices.

## KEY RECOMMENDATIONS

### Strengthening collection and use of gender-disaggregated data

- Strengthen the development and implementation of data collection strategies and expand the scope and depth of gender-disaggregated statistics to support evidence-based decision making in this area.
- Increase co-ordination among data collecting and producing bodies to develop an efficient statistical system and ensure a coherent and government-wide approach to collecting gender-disaggregated data.
- Improve access to gender-disaggregated data through online dissemination or statistical yearbooks to support more effective national and international decision making.



# Citizen engagement and public consultation

Ensuring systematic, timely and inclusive consultation with affected parties, including women and women's organisations, can aid understanding of the impact on both men and women and improve the design and implementation of public policies.

MENA countries increasingly recognise the need and importance of consulting with various stakeholders in the policy-making process, including women and women's organisations. This recognition was reflected in the Regional Charter on the importance of transparency in the regulatory and rule-making process. In this context, MENA countries often report undertaking public consultations when developing draft programmes or laws (Figure 8).

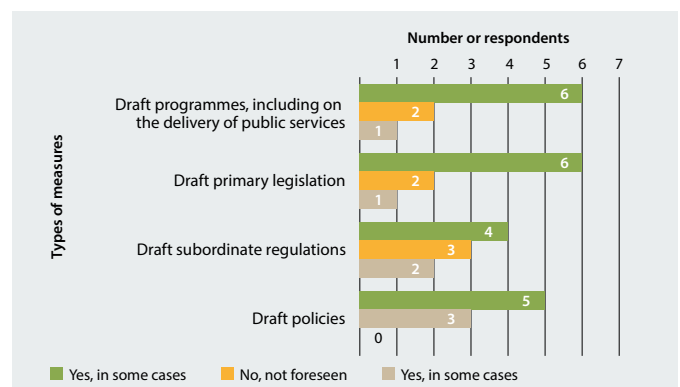
Notwithstanding these examples, the general practice of citizen engagement and public consultation, especially with regard to gender equality initiatives and mainstreaming, remains limited and sporadic.

The capacity of the public administration to be consulted also appears to be limited across the region. Most countries are lacking individual, organisational or systemic capacities or resources, without which consultation is doomed to failure.

Currently there is a strong assumption of representation of women's voices in the decision-making process through the voices of male relatives, senior officials or legislators. This also diminishes the importance attached to direct consultation with women.



FIGURE 8 · REQUIREMENTS FOR CONSULTATION PROCESSES TO INTEGRATE GENDER CONSIDERATIONS



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

## COUNTRY INITIATIVES

Some MENA countries have adopted specific initiatives to increase the engagement of citizens, including women, in the policy making process.

These include:

- Providing education or training on policy and politics in general (Yemen, Egypt, Lebanon, Jordan, Tunisia, Morocco, Bahrain and the Palestinian Authority);
- Designing consultation activities geared towards and attended only by specific groups (e.g. women or men only, female or male immigrants only, female or male elderly persons only –Yemen, Egypt, Jordan, Morocco, Bahrain);
- Offering translation services or multi-lingual consultation mechanisms (Jordan, Tunisia, Morocco, Bahrain and Palestinian Authority); and/or
- Supplying resources to support specific groups that are least engaged in the policy-making process (Yemen, Egypt, Jordan, Morocco and Bahrain).

## KEY RECOMMENDATIONS

### Introducing systematic and inclusive approaches to public consultation

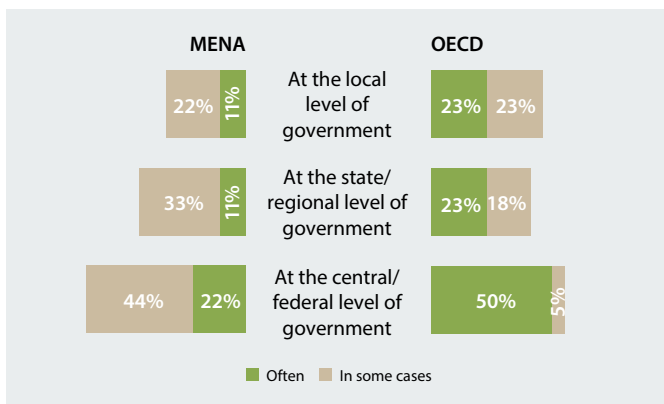
- Improve the clarity, regularity and transparency of the consultation process for policy making, including on policies related to gender equality. Strengthen mechanisms for systematic consultations. Consultation efforts should include efforts to reach out to both women and men facing various participation barriers (“willing but not able”), as well as those who have limited interest in consultation (“able but not willing”) by creating an enabling environment to ensure that government policies and programmes are reflective of and respond to the views of various groups of the population.
- Increase opportunities for women's organisations to participate in the policy-making process in an inclusive and transparent manner, for example, by including them in advisory bodies that are regularly consulted by the government.

# Gender-responsive budgeting

Gender-responsive budgeting shows how different public spending patterns may affect both men and women. It is often referred to as the capacity of government and individual government entities to develop realistic budgets on gender equality.

In the MENA region, about half of responding countries introduced some form of gender budgeting at the national level, on par with OECD countries – yet further steps would be beneficial to embed gender budgeting at all levels of government. Morocco provides a leading example of gender budgeting in the MENA region, in collaboration with the Ministry of Finance and the Ministry of Women’s and Family Affairs. Other countries (Yemen, Egypt, Jordan, Morocco and the Palestinian Authority) have introduced important elements of gender budgeting into their government-wide budgeting requirements, although further progress is needed.

**FIGURE 9 · GENDER-RESPONSIVE BUDGETING BY LEVEL OF GOVERNMENT IN MENA AND OECD COUNTRIES**



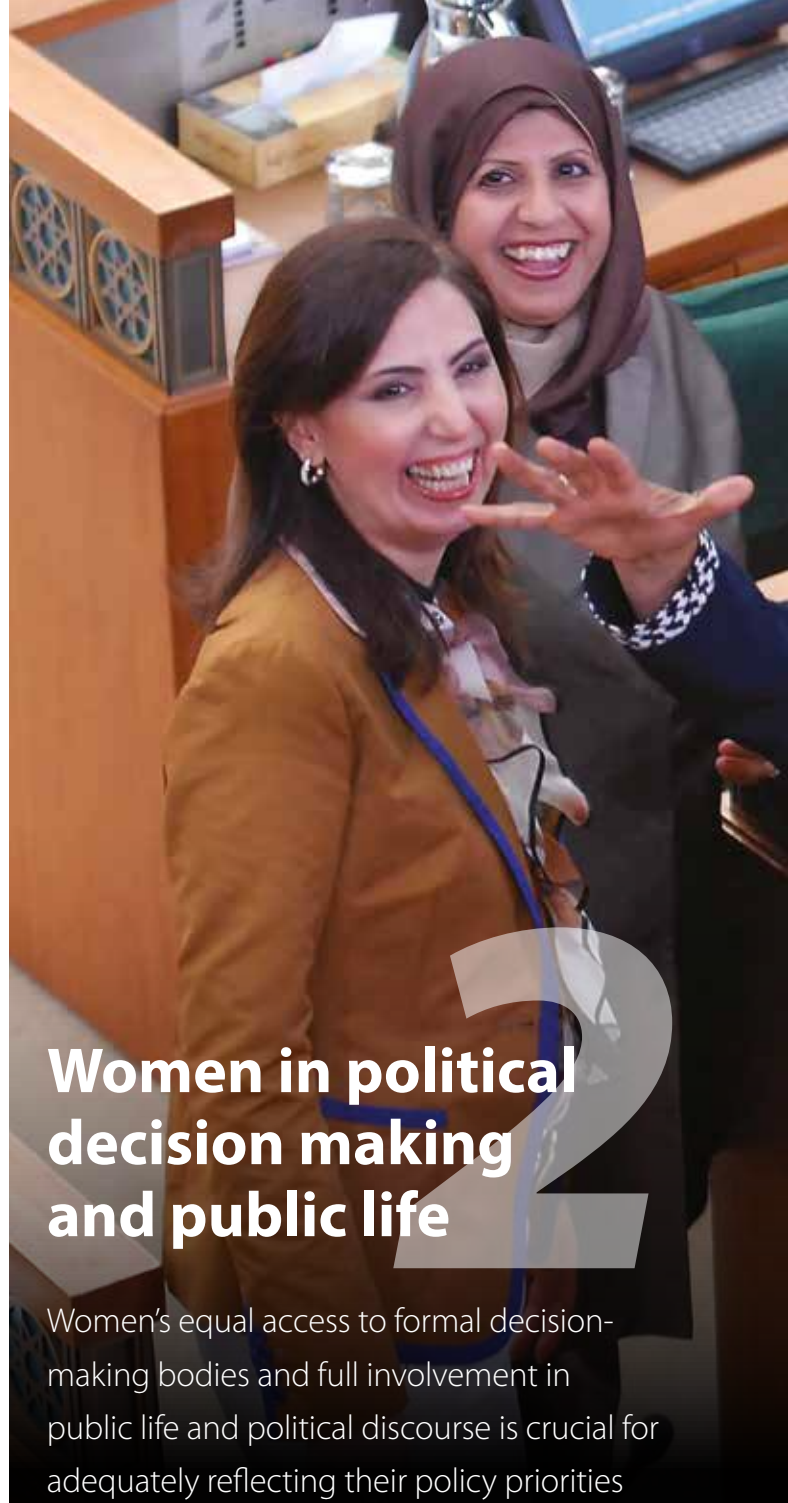
Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

Since every government and every ministry has a budget, the integration of the gender dimension into budgets is an effective way to ensure that government programmes account for gender differences.

## KEY RECOMMENDATIONS

### Implementing a robust approach to gender-responsive budgeting

- Adopt a systematic and comprehensive approach to gender-sensitive budgeting, which should be accompanied by capacity-building programmes and awareness-raising campaigns.
- Strengthen national systems to track and make public allocations for gender equality and women’s rights and report on these efforts through the post-Busan gender equality indicator.



# Women in political decision making and public life

Women’s equal access to formal decision-making bodies and full involvement in public life and political discourse is crucial for adequately reflecting their policy priorities and needs in policies, programmes, laws, regulations and institutions. Today many governments recognise that diversity, including gender diversity, in public life helps to achieve fairness, transparency and representativeness, and to improve the quality of policies and service. The ability of women to reach the top positions in the public domain and have equal access to power can also levy a significantly positive impact on economic wellbeing and productivity.

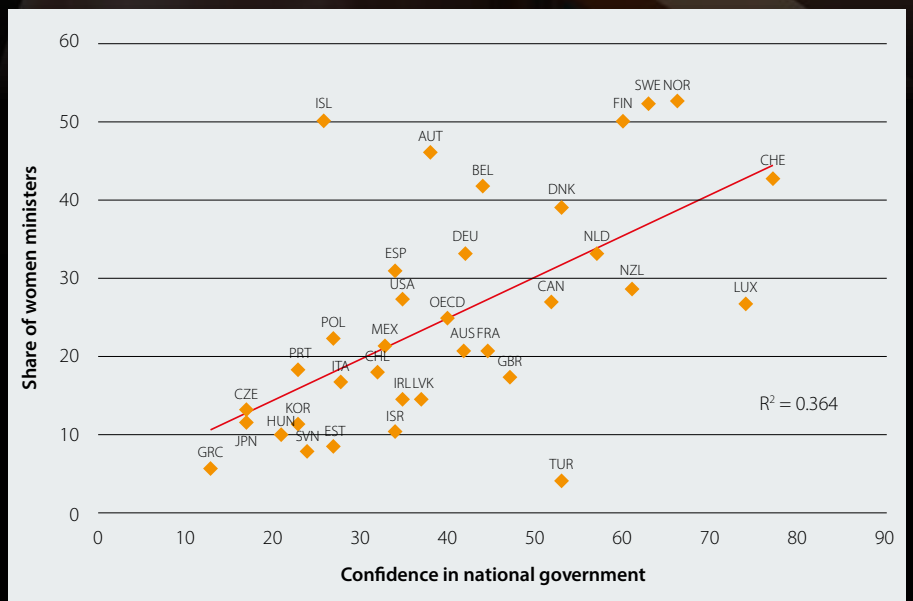




Achieving gender parity in the public domain, however, remains an elusive goal for women around the globe and particularly in the MENA region. Women's political representation in MENA countries is hampered by multiple factors, including:

- legal barriers, such as curtailed political rights and freedom of movement;
- the reluctance of political parties to support women candidates;
- cultural, attitudinal and financial barriers;
- the challenge of reconciling the demands of political life with family responsibilities.

FIGURE 10 · WOMEN MINISTERS AND CONFIDENCE IN NATIONAL GOVERNMENTS IN OECD COUNTRIES



Source: OECD report Women, Government and Policy Making in OECD Countries, 2014.

Above: Kuwaiti MPs (L-R) Salwa al-Jassar, Rola Dashti, Massuma al-Mubarak and Aseel al-Awadhi attend the inaugural session of the new parliament in Kuwait City on 31 May 2009. Photo: Yasser Al-Zayyat/Getty Images.

# Women’s participation in representative bodies in MENA countries

In the MENA region, in the follow up to the Arab spring, countries such as Egypt and Tunisia reviewed the role of parliaments in the post-revolutionary state, while countries such as Jordan and Yemen took steps to strengthen parliamentary legislative and oversight powers in response to calls for greater transparency, accountability and representation (Inter-Parliamentary Union and United Nations Development Programme, 2012; Inter-Parliamentary Union, 2011; UN Women, 2012).

The inclusion of women in representative bodies improves the consideration of women’s demands and services in the legislative and policy-making process and has been shown to promote consensus-building in minority coalitions and more legislation in majority coalitions. In practice, however, it is often more challenging for women to access and exercise these rights.

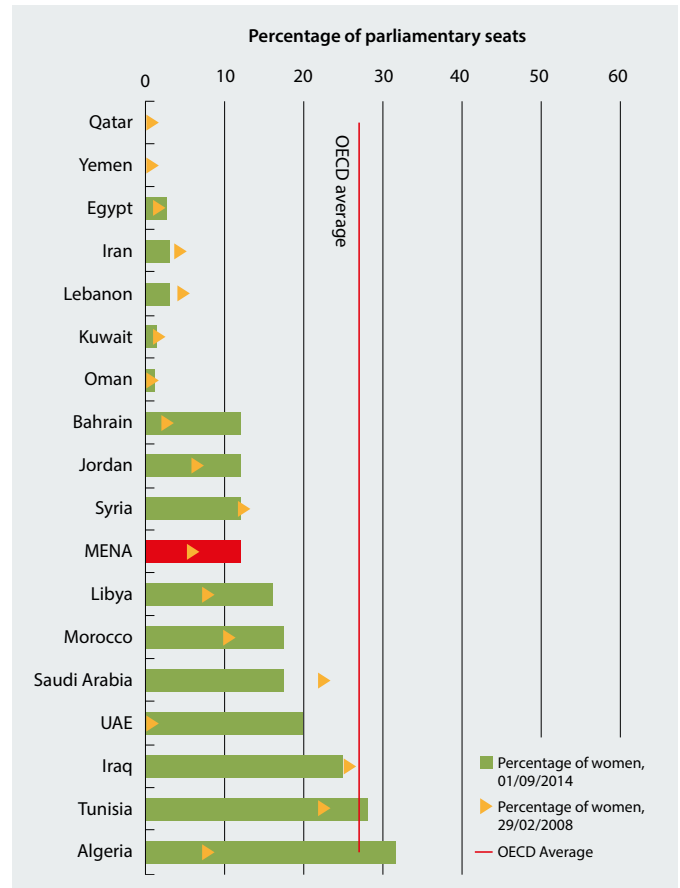
Across the MENA region, women’s participation in representative bodies shows improvements, although it is still uneven, with most countries still far from reaching the 30% critical benchmark, with the regional average of 15.9% (as compared to the world average of nearly 21.8% according to IPU). Algeria is the only Arab country that has managed to reach the target of 30% of women in its National People’s Congress. Yet in August 2012 no woman in the MENA region held the position of parliamentary president, as compared to 37 women occupying such a function worldwide (representing 13.5% of all parliamentary presidents).

Countries that have granted the right for women to participate politically through voting and running for election tend to have higher representation of women in parliaments (Figure 11), although in Saudi Arabia, while women will only be able to vote and run for parliament in 2015, 30 females (20%) were appointed to the 150-member Shura council that has the mandate of preparing draft laws.

Finally, in some Arab Spring countries women are not allowed to participate in constitutional entities that were established after the revolutions and the change movements. In some of these countries the changes in the regime have led to some setbacks in women’s civil and political rights.

In order to respond to this challenge, some countries, such as Tunisia, Iraq, Egypt and Palestinian Authority, have started to adopt gender quotas (voluntary party quotas, reserved seats and legislated gender quotas) to increase women’s political representation. Although not without controversy, without quotas it would take an estimated seventy years for governments to achieve gender parity, as opposed to twenty years with quotas. Other countries in the MENA region (e.g. Djibouti, Jordan, Morocco) reserve seats or quota requirements in parliaments for women.

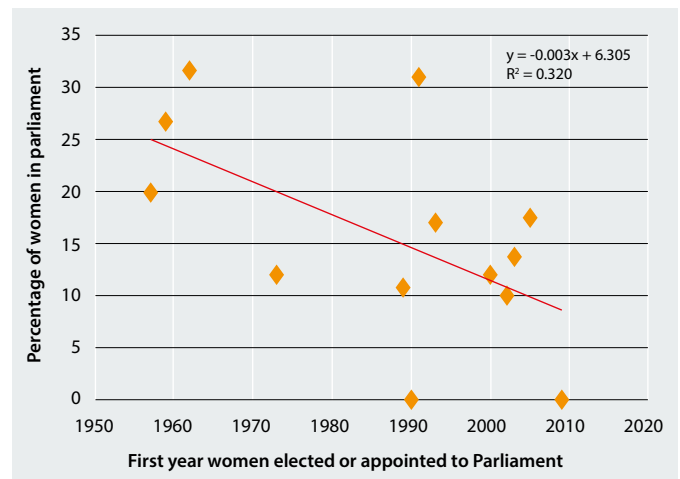
FIGURE 11 · REPRESENTATION OF WOMEN IN LEGISLATURE, 2008–2014  
Lower or single House of Parliament



Note: Bahrain had no elections between 1975 and 2002; Oman had partial suffrage in 1994 and universal suffrage in 2003; Qatar only has women’s suffrage for municipal elections; Saudi Arabia has announced suffrage for 2015; The data for Yemen is according to the year of suffrage for the Democratic Republic of Yemen. The Arab Republic of Yemen had women’s suffrage in 1970.

Sources: Inter-Parliamentary Union and national official documents.

FIGURE 12 · FIRST PARLIAMENTARY ELECTION/APPOINTMENT OF A WOMAN AND THE REPRESENTATION OF WOMEN IN MENA COUNTRIES



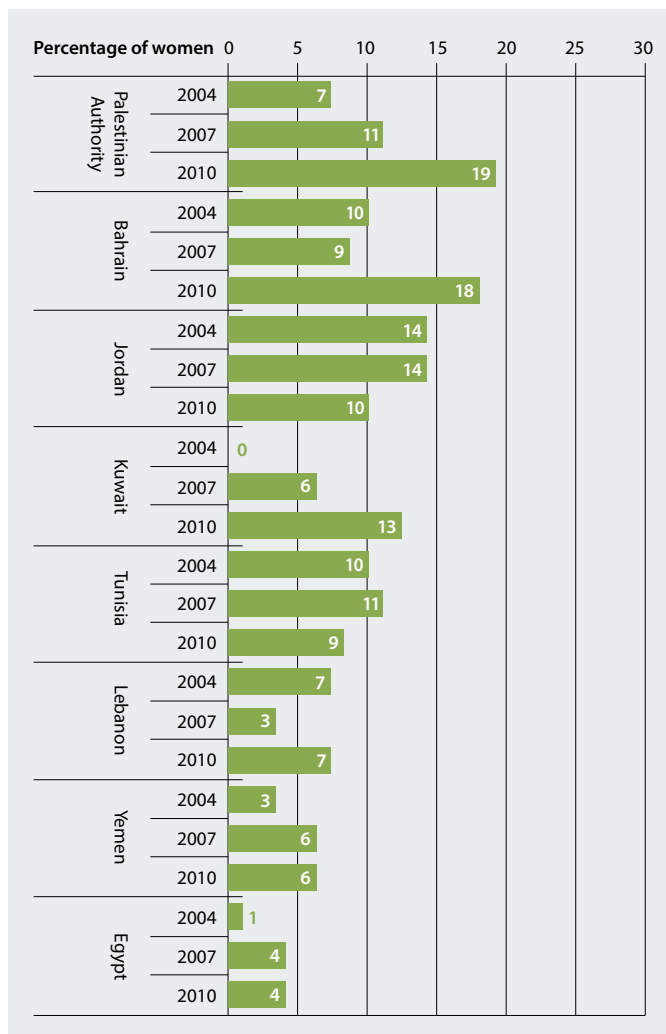
Sources: Inter-Parliamentary Union and national official documents.

# Women’s representation in executive cabinets in MENA countries

Diversity and gender equality in leadership tend to induce better decisions by drawing on multiple sources of talent and generating a greater understanding of risks.

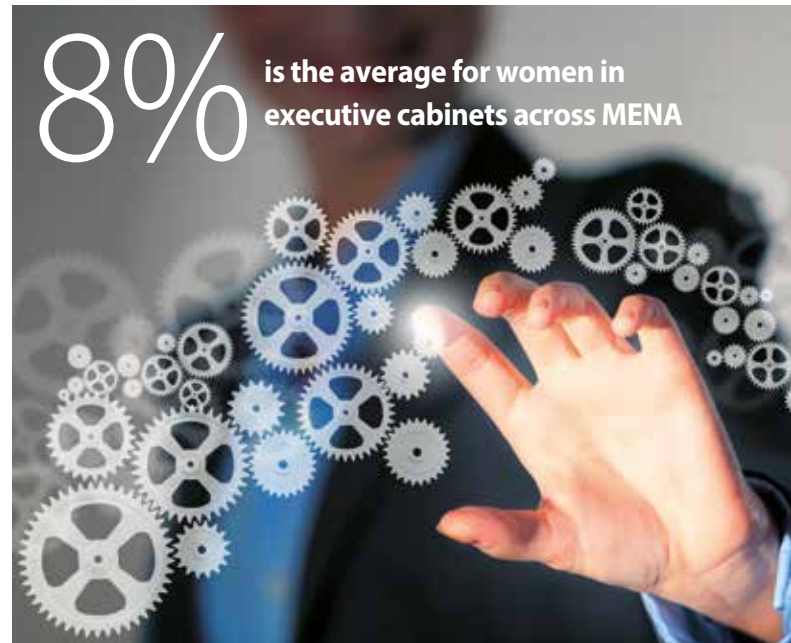
In the MENA region some countries demonstrate clear progress in women’s access to top positions in the executive branch of power. MENA countries have appointed several women ministers (the Palestinian Authority, Morocco, Algeria and Jordan), female ambassadors (Egypt, Iraq, Jordan, Kuwait, Morocco, Lebanon, Oman, the Palestinian Authority, Syria, Tunisia and Yemen), and some have elected female mayors (Egypt, Jordan, Morocco and the Palestinian Authority).

FIGURE 13 · REPRESENTATION OF WOMEN AND MEN IN CABINETS OF MENA COUNTRIES, 2012



Eight out of nine country respondents: Tunisian data is from 2003, 2008, and 2009 respectively. Two women have been nominated as heads of cabinet in different ministries: Morocco data is from 2013.

Source: OECD Survey on National Gender Frameworks, Gender Public Policies and Leadership; official government websites and CIA World Leaders website, available at <https://www.cia.gov/library/publications/world-leaders-1/index.html> Included is data for Prime Ministers, Vice-Presidents, Secretaries of State, Ministers with and without Portfolios, Ministers of State.



**8%** is the average for women in executive cabinets across MENA

Still the proportion of women ministers remains low in most MENA countries (Figure 13). When women do serve as ministers, they are often responsible for “soft” portfolios focusing on social policy issues. To date, no woman has ever held the position of head of government or head of state in an Arab country.

### KEY RECOMMENDATIONS

#### Increasing women’s participation in representative and executive bodies

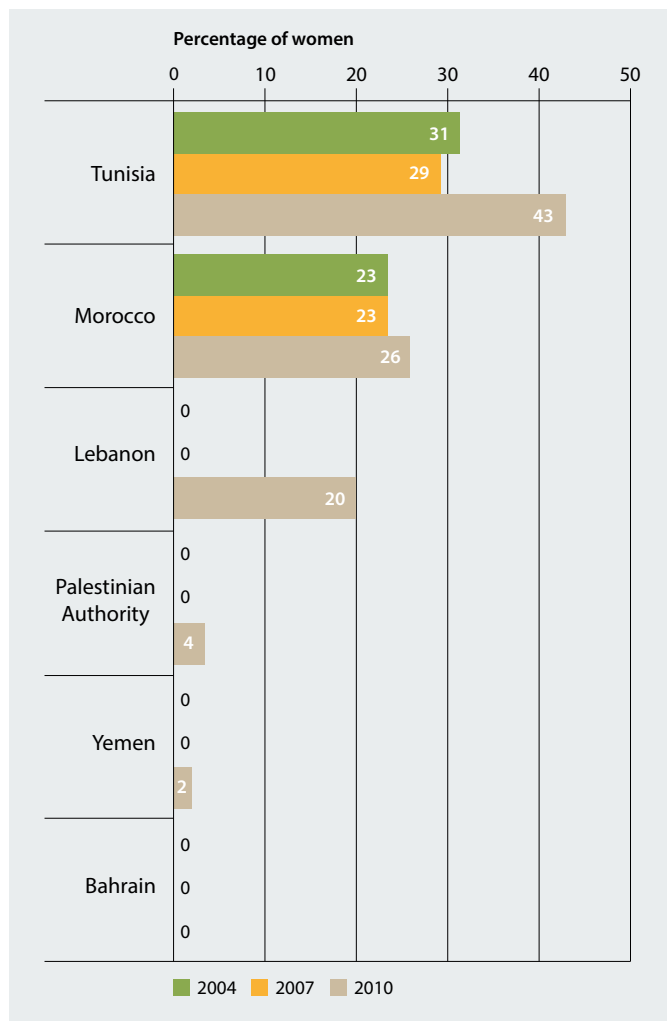
- Establish measures such as quotas (voluntary or legislative) to improve the representation of women in parliaments and the political executive; adopt measures to strengthen equal access of women and men to public office.
- Advance the use of leadership development programmes to strengthen women’s leadership capabilities.
- Adopt policies for greater work-life balance and for greater “women friendliness” of legislatures, including instituting gender-sensitive parliamentary practices and procedures.
- Support the establishment of cross-party women’s caucuses to provide support networks for women in legislatures and encourage peer co-operation.
- Take active steps to prevent, identify and address political harassment and violence experienced by women when in public office.
- Take steps to strengthen women’s access to high-level executive posts by creating an enabling environment and institutional mechanisms that provide support and access to female leaders, including networking among female leaders.



# Women’s representation in the judiciary in MENA countries

Courts function as a prime site of accountability for gender equality. Women judges can create fairer, more conducive environments for women and counter social and institutional barriers in the justice system that deny women access to legal redress (OECD, 2014).

**FIGURE 14 · TOTAL REPRESENTATION OF WOMEN AND MEN IN SUPREME COURTS OVER TIME**



Note: 6 of 9 countries participating in the survey provided data. Data for 2004 and 2007 were not available for Lebanon, Palestinian Authority and Yemen. Data for Tunisia is for 2008 instead of 2007.

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014)

**Main barriers for accessing judicial positions:**

- Gender stereotypes and attitudinal barriers about women's experience and suitability as judges
- Customary and/or religious law traditions (due to the late night requirements of public prosecutors, it can be considered “unsuitable” for women to take up these positions)

Increasing women’s appointments to the judiciary also preserves the legitimacy of the courts as representative of the societies they serve. A more diverse judiciary helps maintain public confidence in the justice system and enables courts to understand the real-world implications of their rulings.

In MENA countries, the presence of women in traditionally male-dominated ministries, such as Ministries of Interior and Justice, has increased over the past decade and women’s participation as 25% of all jurists nears the global average. Nonetheless, there are significant variations across the region. Some countries are making notable progress in closing the gender gap in the judiciary, with Tunisia boasting 28% women judges, Algeria 23.5%, and Morocco 20%, although women judges in Gulf nations are much more rare. In 2012 a woman served as president of an Administrative Court in Tunisia. Yet in some countries there are no female judges, including at the highest levels of the legal system.

Some of these trends are linked to the perception that judges and prosecutors are “hazardous” professions and therefore inappropriate for women; this is the case in several MENA countries, notably in the Gulf countries.

Consistent with global trends in electoral politics in which women’s levels of participation are higher in local politics, women generally are more prevalent as judges in lower courts.

A higher presence of women jurists is vital to ensuring the implementation and safeguarding of equality rights. Courts that operate free of gender bias and other forms of discriminatory practices can be powerful drivers of social change.

**KEY RECOMMENDATIONS**

**Advancing women’s representation in the judiciary**

- Remove legal restrictions preventing women from entering judicial and related justice sector professions, including those related to restrictions in the areas of work, night work and freedom of movement.
- Encourage women to opt for judicial and legal careers through positive reporting (in the media, schools and universities) on women’s contribution to fair decisions and adjudications, and equal access to justice and courts.
- Strengthen the capacities of judges and prosecutors to interpret and apply laws in a gender-sensitive manner in order to avoid arbitrary decisions.
- Bolster oversight mechanisms for appointments in the judiciary to ensure the adherence of legal requirements and equality measures within the process of judicial appointment.

## Women's participation in civil society

Civil society, media and social partners are critical to advance good governance, transparency, gender equality and fair employment conditions. In the MENA region, the role of civil society varies in different countries as a result of different environments, traditions and needs. Yet despite decades of social fragmentation, various elements of civil society have taken root throughout MENA, which transcend cultural, national, religious, and ethnic divides, as was also demonstrated by recent political events. Civil society organisations in fact played a critical role in promoting democratic reforms and in enabling voice of men and women to be heard.

Women often dominate the civil society sector, mainly due to accessibility and, in some cases, cultural acceptance and work-life balance considerations; yet women in leadership positions remain limited in civil society organisations.

### KEY RECOMMENDATIONS

#### Enhancing women's ability to raise their voice and participation in civil society

- Take steps to foster an active and vibrant civil society and support women's participation in and their access to leadership in these organisations.
- Provide technical skills to maximise open dialogue via digital means among women and activists in order to exchange ideas, including social media.
- Build women's capacity to communicate with officials, defend their rights and develop organisational and leadership skills.
- Provide media training on removing gender stereotypes.





# Freedom of movement

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Freedom of movement is a critical determinant of women’s ability to participate in public life. It is an indispensable condition for the free development of a person and interacts with several other rights. It has been enshrined into Article 15 of the CEDAW: “Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.”

In many MENA countries, however, women suffer from restrictions in their freedom of movement within the family or discriminations in their right to travel abroad.

Most countries in the MENA region have enshrined the principle of equality between men and women in matters of freedom of movement into their constitutions.

- In Algeria, all citizens enjoying civil and political rights have the right to freely choose their place of residence and travel throughout the country.
- In Morocco, the right to freedom of movement “is guaranteed for all, the freedom to move and settle on national territory, to leave and return in accordance with the law.”

However, gaps in domestic laws remain in most countries and several laws restrict women’s freedom of movement in different fields (e.g., education, work). **In some countries, women can still not obtain a passport and travel abroad without their husband or guardian’s permission.** Besides, many MENA countries consider the choice of the domicile as a decision to be taken by the husband solely, who also has the unilateral right to force his wife to return to the marital home.

## KEY RECOMMENDATION

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### Enabling freedom of movement

- Remove discriminatory restrictions to freedom of movement in compliance with international treaties and conventions.



27%

Women’s labour force participation is the lowest in the world compared to 65% for OECD countries.





## 3 Female participation in the workforce

Female labour force participation is one of the key contributors to gender equality, the broader competitiveness and economic development of the MENA region. It is important for countries and societies both at the level of the whole economy (at the macro and micro levels) and for the individual levels.

In the MENA region, the average female employment rate increased from 22% in 1990 to 27% in 2012 (World Bank, 2011a). There are still significant national variations, with some countries boasting over 30% of female labour force participation (Bahrain, Djibouti, Kuwait and Qatar), while in others only one in ten women are employed (e.g. Saudi Arabia and Yemen).

Above: Yosr works as a consultant for Famex 2, an export promotion agency at Maison D'Exportateur in Tunis. Photo: Arne Hoel / World Bank

Left: Sawsan Daba is happy to have found employment with the Women's Programme Centre in Gaza. Photo: Mel Frykberg/IPS

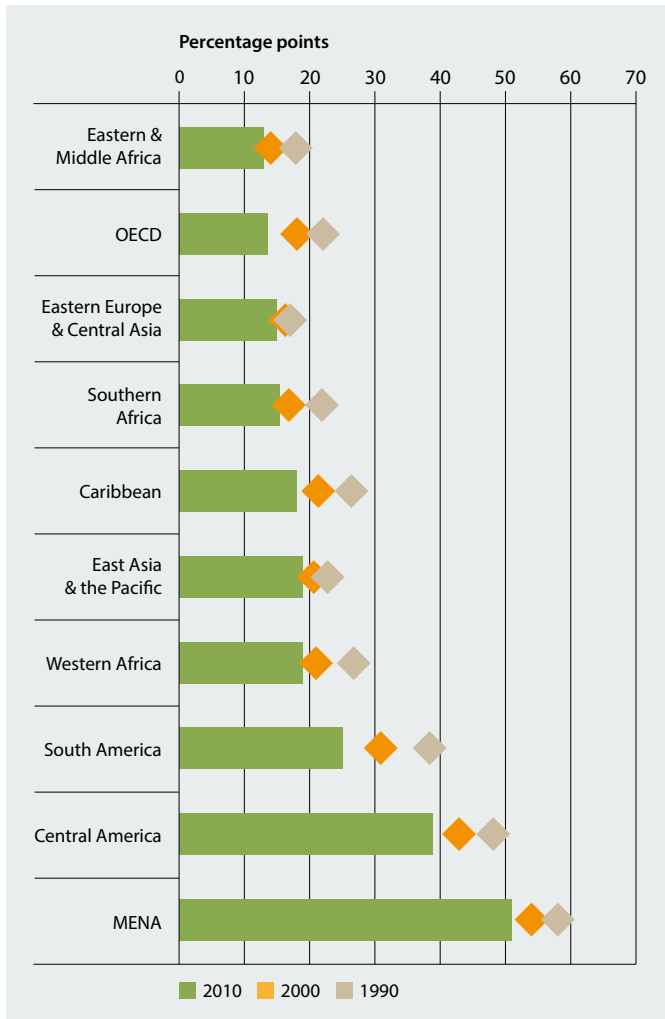
# Female participation in the workforce



Photo: Dana Smillie / World Bank

Overall, while gender gaps in labour force participation have narrowed, the rate of women's participation in MENA countries remains the lowest in the world (Figure 15).

**FIGURE 15 · GENDER GAPS IN LABOUR FORCE PARTICIPATION (MALE RATES MINUS FEMALE RATES) BY WORLD REGIONS, 15–64 YEARS OLD, 1990–2010**

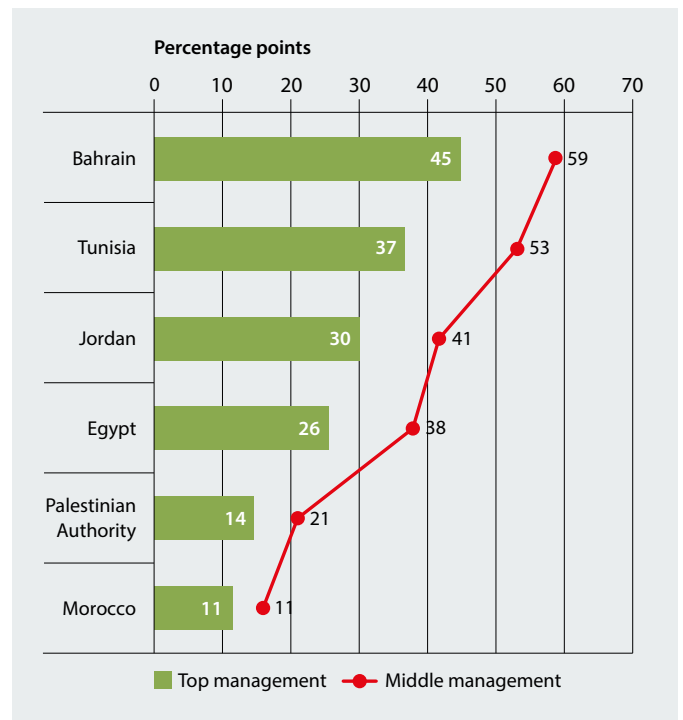


Source: OECD (2012). *Closing the Gender Gap: Act Now*, based on the OECD Annual Labour Force Survey indicators for OECD countries and Russian Federation and ILO KILM indicators accessed February 2012 for non-OECD countries; includes unweight averages for countries in each region.

In the public sector women tend to be well or even over-represented (e.g. 56% of public employees are women in Egypt, 52% in Jordan) as it tends to offer better benefits, higher job security, shorter and more flexible working hours than the private sector.

Yet women are still under-represented in the central government workforce (the OECD countries' average is 50%), and in percentage in senior positions (Figure 16). They also tend to generally earn lower salaries than men.

**FIGURE 16 · WOMEN EMPLOYED IN CIVIL SERVICE MIDDLE AND TOP MANAGEMENT**



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

Yet, women are reaching middle management positions more easily than higher levels of management.

Women still tend to work in the traditionally feminised areas and are over-represented in the service sector. Interpretations of what are deemed acceptable or unacceptable jobs for women find reinforcement in discriminatory legal provisions that limit the type and hours of work (Egypt, Kuwait, Morocco, Yemen, Saudi Arabia and Syria). Such legal restrictions, along with other barriers, hamper women's access to employment in demanding fields such as the banking sector and as prosecutors.

## BARRIERS TO WORKFORCE PARTICIPATION

### LEGAL BARRIERS

- Restrictions on women's mobility and limited access to certain professions (e.g. judges) in some countries.
- Rules related to legal guardianship and household status (e.g. restrictions on women's mobility).
- Discriminatory, protective and restrictive labour laws, which may discourage employers from hiring women.
- Different treatment of non-wage benefits (e.g. differential retirement benefits).

### INSTITUTIONAL BARRIERS

- Job segregation, wage discrimination against women and limited opportunities to reconcile professional and family life.
- Entrance and promotion rules of the judiciary and civil service, which may favour political or informal appointments.
- Administrative barriers involved in end-user access points may limit women's access to government services.

- Wage-setting practices and reinforcement of traditional gender roles by the educational system and the media.

### ECONOMIC AND SOCIAL BARRIERS

- A lack of resources, which may hinder women from having access to education or services (e.g. childcare).
- Fewer opportunities to exchange and mix with those in power, the primacy of family responsibilities in women's lives and the traditional roles assigned to women in society.
- Restrictions regarding women's status as legal head of household and their right to convey citizenship of any other region to their children. They also have more difficulties than the majority of other regions worldwide in choosing where to live, applying for a passport, getting a job, travelling outside the country and even travelling outside the home.
- Adverse political and social restrictions during times of crisis in fragile states and states in transition (e.g. the Palestinian Authority, Libya, Yemen and Egypt) may provide further barriers associated with entry into the labour force.

The remaining legal barriers contradict a range of ILO conventions, many of which have been adopted by MENA countries (Table 4).

TABLE 4 · THE ACCESSION OF MENA COUNTRIES TO CORE INTERNATIONAL LABOUR CONVENTIONS WITH GENDER RELEVANCE<sup>3</sup>

CORE INTERNATIONAL LABOUR CONVENTIONS WITH GENDER RELEVANCE	RATIFICATION OF INTERNATIONAL LABOUR CONVENTIONS BY MENA COUNTRIES										
	Algeria	Egypt	Djibouti	Morocco	Tunisia	Lebanon	Kuwait	Yemen	Jordan	Bahrain	UAE
Cx Hours of Work (Industry) Convention, x9x9	●		●								●
C29 Forced labour Convention, x93	●	●	●	●	●	●	●	●	●	●	●
C8x Labour Inspection Convention, x947	●	●	●	●	●	●	●	●	●		●
C89 Night Work (Women) Convention (Revised), x948	●	●	●		●	●	●			●	●
Cx Equal Remuneration Convention, x95x	●	●	●	●	●	●		●	●		●
Cx5 Abolition of Forced Labour Convention, x957	●	●		●	●	●	●	●	●	●	●
Cxxx Discrimination (Employment and Occupation) Convention, x958	●	●	●	●	●	●	●	●	●	●	●
Cx38 Minimum Age Convention, x973	●	●	●	●	●	●	●	●	●	●	●
C x7x Night Work Convention, x99	●										
Cx82 Worst Forms of Child Labour Convention, x999	●	●	●	●	●	●	●	●	●	●	●
C x83 Maternity Protection Convention, 2	●			●							
<b>Total</b>	<b>11</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>9</b>



## Female participation in the workforce

Most countries in the MENA region have adopted and enshrined the principle of equality between men and women in their constitution and labour legislation. Equal remuneration for equal jobs is guaranteed by national labour legislation and in some countries women have the right to work in all fields that fit with their nature and are not allowed to work in dangerous works.



Photo: Dana Smillie / World Bank



Photo: Dana Smillie / World Bank



Photo: Arne Hoel / World Bank

**In practice however, men and women are not always entitled to equal treatment and equal opportunities, and in many countries employers continue to treat women and men differently because of the gender compliance gaps in MENA countries in labour law:**

- **Night hours** The C171 Night Work Convention of 1990 stipulates that “the term night work means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements.” At the same time, some labour laws in MENA countries refer to 10–12 hours, including the period from 7 p.m. to 7 a.m. (e.g. Egypt). These restrictions may negatively affect women’s opportunities for employment by excluding them from particular types of work.
- **Restrictions for night work** Article 7, the ILO C171 Night Work Convention, asserts the necessity of safeguarding women from the negative impacts of night work during pregnancy, after childbirth and during illness; this includes preventing women from working at night. Yet the integration of these provisions into labour laws varies across the region.
- **Areas of work** Most labour laws include restrictions for women in relation to jobs that are considered hazardous and morally damaging; yet they vary in their definitions of ‘hazardous employment’ and the prohibited working hours. Some of these social policies designed to protect female workers may have opposite effects by discouraging employers from hiring women (e.g. by entailing additional costs for employers). It may prevent women from competing with men for high-level positions and concentrate them in low-paying jobs.

### KEY RECOMMENDATIONS

#### Ensuring consistency of national labour legislation with international standards

- Ratify the outstanding International Labor Organization (ILO) conventions, including the Night Work Convention, Maternity Protection Convention and Hours of Work Convention.
- Ensure incorporation of the ILO standards into the national legislations across the region, including embedding the principle of gender equality into the general provisions of the legislation, as well as equality with regard to all elements of remuneration.
- Remove unnecessary restrictions on the occupations of women and review the definition of ‘hazardous or dangerous jobs’ in light of international standards in this area; amend labour law provisions based on the standards of Articles 1 and 2 of the ILO C171 Night Work Convention (1990) and either abolish the prohibition to employ women at night or reduce the number of ‘night work’ hours.
- Consider reinforcing regulations protecting all categories of workers, including agricultural, domestic and similar types of workers.

# Work-life balance measures

To enable labour force attachment of women in their chilrearing years, ILO conventions provide for number of benefits for pregnant women and nursing mothers, including:

- **Maternity leave:** While all countries in the MENA region provide for some maternity leave (Table 5), the length of the leave and the level of benefits tend to be much lower than recommended by the ILO convention. Although formally not binding to provisions of a convention, maternity leave of 14 weeks has been established in Algeria, Morocco and Mauritania. In other MENA countries, the normal duration of the leave is shorter, being the shortest in Tunisia (30 days).

TABLE 5 · OVERVIEW OF MATERNITY LEAVE PROVISIONS IN THE MENA REGION

Country	Does the law mandate paid or unpaid maternity leave?	What percentage of wages is paid during the maternity leave?	Who pays maternity leave benefits?	What is the length in days/ weeks?
Algeria	Yes	100%	Government	14 weeks
Egypt, Arab Rep.	Yes	100%	Employer	12 weeks
Jordan	Yes	100%	Employer	11 (6 weeks for private sector 15 weeks for public sector)
Kuwait	Yes	100%	Employer	70 days
Lebanon	Yes	100%	Employer	7 weeks
Mauritania	Yes	100%	Government	14 weeks
Morocco	Yes	67%	Government	14 weeks
Oman	Yes	75%	Employer	7 Weeks
Saudi Arabia	Yes	50%	Employer	10 weeks
Syrian Arab Rep.	Yes	100%	Employer	7 Weeks
Tunisia	Yes	67%	Government	4 weeks
UAE	Yes	100%	Employer	10 weeks
Yemen, Rep.	Yes	100%	Employer	8.6 Weeks

Source: Adapted from the World Bank based on the data from MENA countries.

- **Paternity and parental leave:** While not yet widespread in the MENA region (Table 6), most OECD countries provide paternity and parental leave to support parents in their work and family decisions (in addition to maternity leave), although the length, coverage and extension of the leave vary across countries.

TABLE 6 · CHILD-RELATED LEAVE IN MENA COUNTRIES

	Yemen	Egypt	Lebanon	Jordan	Tunisia	Morocco	Bahrain	PA	Kuwait
Maternity leave (or pregnancy leave)	●	●	●	●	●	●	●	●	●
Home-care leave		●	●		●	●			
Parental leave	●		●						
Paternity leave									
<b>Total</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

- **Work-life balance measures and part-time employment:** Several MENA governments confirm an increased focus on establishing measures to facilitate work-life balance, such as additional time and specified nursing areas for women (Yemen, Egypt, Jordan, Tunisia, Morocco, Kuwait, the Palestinian Authority and Bahrain), as well as part-time employment solutions (Table 7).

TABLE 7 · WORK-LIFE BALANCE MEASURES IN MENA COUNTRIES FOR EMPLOYEES OF THE CENTRAL CIVIL SERVICE

	Yemen	Egypt	Lebanon	Jordan	Tunisia	Morocco	Bahrain	PA	Kuwait	UAE
Specific measures for breastfeeding women	●	●	●	●	●	●	●	●	●	●
Leave for sick family member		●	●		●	●		●	●	
Specific measures for pregnant women	●	●	●			●		●	●	
Leave for elderly family member		●	●	●		●				●
Part-time employment solutions	●	●		●		●				●
Flexible start and working hours and time saving	●	●				●				●
Employer-provided childcare facilities		●	●							●
Subsidies for childcare		●			●					●
Condensed/compressed work week						●				●
Tele-working										●
Other	●			●	●	●				●
<b>Total</b>	<b>5</b>	<b>8</b>	<b>-</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>1</b>	<b>3</b>	<b>11</b>

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

## Work-life balance measures



- Childcare arrangements are critical in determining access to the labour force for married women of childbearing age. In the MENA region, only a few countries reported employer-provided childcare facilities (Egypt and Jordan) or subsidies for childcare (Morocco, Egypt and Lebanon).
- Flexible work-time arrangements, including alternative work schedules and tele-work can give employees more control over when and where they can accomplish their best work. Yet the use of these measures is very rare across the region.

While the region is making important progress in establishing measures to support combined responsibilities for family and work, the emphasis is on supporting traditional responsibilities of women in the household, particularly those related to their reproductive and caretaker roles and less related to their capacity to fulfil work responsibilities.

### KEY RECOMMENDATIONS

#### Improving work-life balance

- Extending maternity leave provisions to ensure that they are in accordance with international standards, including Articles 4 and 6 of the ILO C183 Maternity Protection Convention (2000). This means ensuring a period of no less than 14 weeks of maternity leave with a 6-week post-natal compulsory leave after childbirth. In addition, salary and benefits should be ensured for a sum of no less than two thirds of the woman's previous earnings.
- Review maternity leave provisions to: i) ensure that employers do not bear the costs of this leave directly and that indirect financing mechanisms are used (e.g. social insurance funds), so that these costs are not associated with employing women; ii) ensure that the length of maternity leave does not significantly exceed the level recommended by the ILO C183 Maternity Protection Convention (2000); and iii) complement maternity leave with parental and paternity leave so as to dissociate the costs of child-rearing with women as much as possible (see following recommendation).
- Consider introducing parental and paternity leave to facilitate sharing childcare between both parents and a balanced approach to family planning.
- Facilitate effective childcare solutions, including hours of operation and availability of places to support female labour force participation.
- Design other policies that allow employees the flexibility to balance their private and public lives, such as compressed work weeks, tele-work and job sharing either through government regulations and/or by building incentives for employers to provide these types of flexible solutions.
- Incorporate work-life balance measures into legislation and regulations in both the public and private sectors.

# 23%

of MENA countries have established the length of the maternal leave in accord with ILO standards (14 weeks). 0% of MENA countries provide paternity leave.





# Institutions to promote gender equality in the public sector

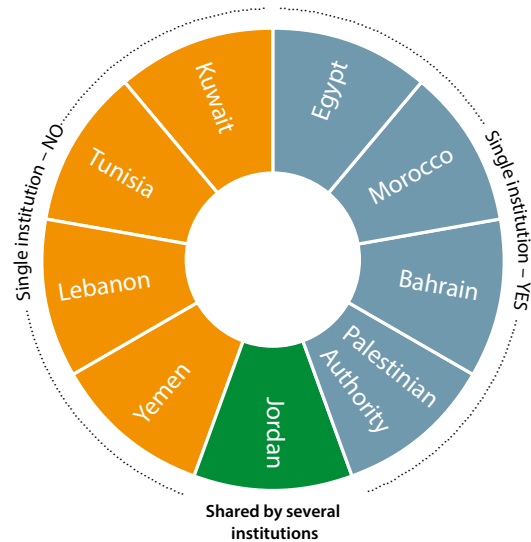
Different institutions dedicated to promoting gender equality in the public sector, usually located inside public service in units responsible for Human Resource Management policies in the Government, can provide the necessary sustainability to initiatives aimed at closing the representation gap in public organisations. Such institutions exist in approximately 80% of OECD countries. In the MENA region, Jordan, Morocco, Egypt and Bahrain report establishing structures (units) specifically responsible for embedding gender concerns in public sector human resources management processes (Figure 17).

Independent oversight institutions in turn can provide the necessary checks and enable accountability to ensure equal employment opportunities and the integrity of recruitment and promotion processes in the public sector. Such institutions are increasingly common across OECD countries, although still limited across the MENA region.

### Gender-sensitive HRM processes in the public sector

- Merit-based recruitment seeks to guarantee equal opportunities for women and men to compete for positions, ensuring that individuals are not denied employment opportunities because of attitudes, procedures, restrictive job requirements or physical barriers that discriminate against them. While some MENA countries report establishing merit-based processes, implementation remains a challenge (Table 9).

FIGURE 17 · INSTITUTIONS FOR PROMOTING GENDER EQUALITY IN HRM POLICIES IN THE PUBLIC SECTOR



9 out of 9 country respondents; Egypt's response included the Ministry of State and Administrative Development, and the Central Agency for Organization; Jordan's included gender focal points within different institutions, the Ministry of Planning and the Ministry of Education; in a follow-up question, Morocco reported that the unit/ division/ institution was located in the central government agency responsible for HRM; in the PA, this is part of the responsibilities of the gender unit at the General Employees' Council.

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

TABLE 8 · RESPONSIBILITIES OF HRM INSTITUTIONS PROMOTING GENDER EQUALITY IN THE PUBLIC SECTOR

	Morocco	Egypt	Bahrain	Palestinian Authority
Providing leadership and guidance on gender and/or diversity-responsive human resource management in general		●	●	
Designing a gender and/or diversity-responsive human resource strategy	●			
Co-ordination and supervision in the implementation of a gender-responsive HR policy/strategy	●		●	
Providing advice on the legal framework related to gender equality/diversity considerations			●	●
Designing a remuneration system that ensures equal pay for equal (the same) work (pay equality)				
Designing a remuneration system which ensures equal pay for work of equal value, requiring similar qualifications (pay equity)				
Transmitting gender equality and/or diversity as a public service value	●	●	●	
Promoting gender equality across the civil service	●	●	●	●
Provision of gender mainstreaming training	●		●	●
<b>Total</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>3</b>

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

## Institutions to promote gender equality in the public sector

TABLE 9 · USE OF MEASURES TO ENSURE GENDER EQUALITY IN THE CENTRAL CIVIL SERVICE

	Yemen	Egypt	Lebanon	Jordan	Tunisia	Morocco	Bahrain	PA	Kuwait
Regular assessment of the gender balance of the current central government workforce		●				●	●	●	
Measures to increase women's representation in sectors where they are traditionally less represented (such as quotas)		●				●			
Establishment of independent complaint and disciplinary committees		●		●		●	●		
Legal provisions to guarantee pay equality (equal pay for equal work)				●	●		●		
Legal provisions to guarantee pay equity (equal pay for work of equal value, requiring similar qualifications)					●		●		
Regular assessments of jobs of equal value to ensure pay equity									
Integration of gender/diversity targets into performance agreements for top management						●			
Integration of gender/diversity targets into performance agreements for middle management									
<b>Total</b>	-	3	-	2	2	4	4	1	-

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).

- Employment equity is critical to promote women's and men's access to a broad range of occupations in order to enable economic efficiency and gender equality in the MENA region. Proactive approaches to strengthen gender balance in the public sector are found in Egypt, Morocco and Bahrain, yet these examples remain the exception across the region. There are also only a few leadership development programmes in the region (e.g. in Morocco).

**Pay equality** Women currently earn lower salaries than men both in the public and private sectors. These gaps can be partially attributed to their relatively low representation in high-paying supervisory and executive positions in the MENA region women, as well as women's concentration in lower-paid jobs. Women's lower salaries, time taken for child-related leave, and often reduced working hours also impact their individual pensions irrespective of their husbands' pensions.



Photo: Arne Hoel / World Bank

### KEY RECOMMENDATIONS

#### Strengthening HRM institutions, processes and employment conditions in the public sector

- Strengthen oversight and enforcement mechanisms to ensure effective implementation of legal provisions with regard to the public sector appointment system.
- Reinforce standardised and merit-based recruitment processes to support the recruitment of staff with the right skills and competences and to ensure equal access by both men and women to public employment opportunities.
- Adopt affirmative action programmes or specific measures, such as quotas or targets, to improve gender balance, as a temporary solution to increase women's representation.
- Provide women and men with leadership development opportunities to enable equal access to senior posts through career counselling services, coaching and mentoring programmes.
- Improve employment conditions both in the public and the private sectors by ensuring pay equality and equity in practice, establishing and reinforcing existing social protection policies, and formalising dispute prevention and resolution processes to settle work grievances.



# 4 Equality and judicial protection in family relations

Persistent legal differentiations (or discrimination) between men and women across the MENA region in areas such as access to state institutions, property, employment, credit and the judicial system, serve as strong deterrents to women's participation in the public sphere.

MENA countries have made important progress in closing legal gaps in family relations to put their national laws in conformity with their

international commitments. Many countries in the MENA region have abolished discriminatory provisions and enshrined the principles of equality of legal capacity in marriage within their legal system, and many of them request the mutual consent of the spouses for contracting the marriage (e.g. Tunisia and Morocco). Still further progress is needed and women continue to face systematic discrimination in family law.



## Equality and judicial protection in family relations



Although most MENA countries ratified CEDAW, many reservations remain outstanding. This in particular concerns Article 16 of the Convention that covers equality in marriage and dissolution of marriage. Its provisions are critical to women’s ability to live as equal partners in the family and to care for themselves and their children.

In addition, all MENA countries ratified the 1989 **UN Convention on the Rights of the Child (CRC)**, which enumerates the basic human rights of children (some of which affect women’s rights).

Yet family law tends to discriminate against women in the MENA region, as it is mainly based on religious interpretations, cultural legacies, patriarchal systems, and customs and traditions that restrict women, thus limiting their access to public and economic life. The key gaps are as follows:

**Marriage and divorce:** National differences exist in how women express consent to the marriage contract and marital guardianship (“wilaya”), the age of consent to marry and the number of wives a spouse may marry. There are also differences as to the rights and duties of spouses during marriage and as to access to divorce. For example, in certain MENA countries

- a woman is unable to make a decision to marry, irrespective of her age and only her legal guardian (father or any male in the family) has the authority to do so on her behalf;
- child marriage is allowed, meaning marriage before the age of 18, which contradicts international conventions, including CEDAW, the Convention on the Rights of the Child and the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages;
- there is a solution to polygamy without consent, but rarely when the woman has given her consent; indeed polygamy is legally recognised in many Arab countries (except

Tunisia), but it includes principles and rules that aim to protect the rights of the concerned parties, particularly the most vulnerable – namely women and children;

- the wife is subject to her husband in all aspects of life and has the duty to obey him; the husband can limit her freedom of movement (e.g. Yemen, Djibouti);
- a man can divorce unilaterally by repudiating his wife before a notary civil servant without having to justify his decision, while women have to go to court and can only file for divorce on a number of specific grounds; in addition, most MENA countries allow unilateral repudiation of the wife by her husband;
- divorced women do not get a share in their husband’s wealth, even after a long married life and having taken care of their homes and raised their children.

**Guardianship and custody of children:** Most MENA countries distinguish between guardianship and custody. The father is the guardian of the children, even in case of divorce, while the mother can be granted custody of the children in case of divorce, to a specific age, after which custody is granted to the father. Yet Article 16.1.d and f of CEDAW grants the same rights and responsibilities to men and women as parents, irrespective of their marital status, in matters relating to their children, including with regard to guardianship, warship, trusteeship and adoption of children.

### KEY RECOMMENDATIONS

#### Ensuring gender equality in family relations

- Provide women with a greater ability to design their futures, including the free choice of a partner, in complying with the gender equality principles outlined by the CEDAW.
- Ensure an equitable distribution of duties between spouses in the Personal Status Law, which is fully consistent with the Islamic principle of mutual aid and support between spouses.
- Enable women’s protection from arbitrary divorce and grant them the right to file for divorce.
- Guarantee the right of both parents to child custody during and after the marriage until the child, girl or boy, reaches majority/adulthood, as per the recommendations of the CEDAW and the UN Convention on the Rights of the Child (CRC).
- Consider practices from other countries that provide principles and rules on polygamy, with a view to protecting the rights of all the concerned parties, particularly women and children, while conforming to the essence of the tolerant Islamic sharia.
- Reconsider inheritance laws to remove discriminatory provisions against women.



44%

of MENA countries reported collecting data on the prevalence of different forms of violence against women.

## Physical integrity and violence against women

Violence against women breaches human rights and risks creating a spiral of violence. It prevents women from reaching their full potential and can impact negatively on public health, social and economic development, and growth.

TABLE 10 · INTERNATIONAL CONVENTIONS THAT SEEK TO PROTECT WOMEN'S PHYSICAL INTEGRITY

Convention on the Elimination of All Forms of Discrimination against Women

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

International Covenant on Civil and Political Rights and Optional Protocol

International Covenant on Economic, Social and Cultural Rights

International Convention on the Elimination of all Forms of Racial Discrimination

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations

Convention against Transnational Organised Crime

Geneva Convention relative to the Protection of Civilian Persons in Times of War

United Nations Security Council Resolution 1325 (and related resolutions) on Women in Conflict Zones

Source: OECD

While some countries are taking steps to protect the rights of women against abuse and violence, in most countries there is no legal framework on violence against women. Overall, according to the OECD SIGI Index, advancement towards a legal framework for protection against gender-based violence is most limited in MENA countries. Most importantly, discrimination against women continues to grow, either legally, through the non-application of laws, or as a result of the social and economic crises currently experienced by these countries.

For example, female genital mutilation is reported to be practiced in some MENA countries such as Egypt, Djibouti, Oman, Sudan, Yemen and Iraq (Kurdistan). It puts women's health and lives at risk and is a violation of their rights and a manifestation of gender discrimination. Some countries have introduced legislation banning the practice (e.g., Egypt, Djibouti) but the law faces entrenched social norms and is not always implemented.

Some measures to overcome gender-based violence taken by some MENA countries include the criminalisation of all forms of violence within the legal framework (e.g. Egypt, Jordan, Tunisia and Kuwait) and the abolition of legal provisions offering a pardon to the abductor who marries his victim (e.g., Egypt). Others have taken steps to combat spousal abuse (e.g., Jordan) by prescribing prison time and financial penalties for abusers and specifying procedures that the police, the courts and medical authorities must follow when handling cases of domestic violence.

Efforts to reform legislation should be complemented by the strict enforcement of laws by the police and justice bodies. Reported cases of violence against women need to

## Physical integrity and violence against women

be prosecuted in a timely manner and vigorously punished with pertinent sentences.

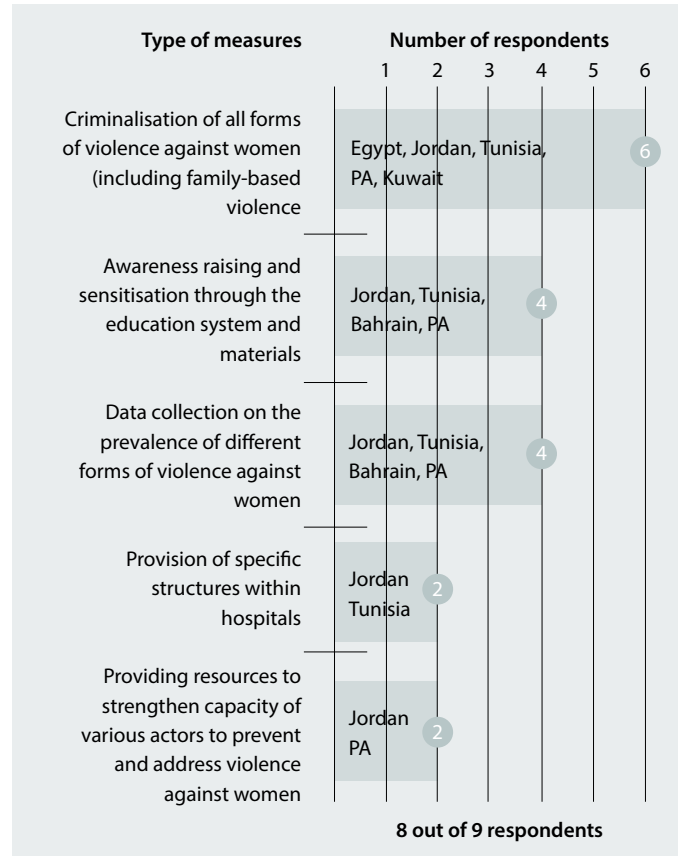
Female victims of violence are often reluctant to report cases of violence and to seek justice, in particular if family members are involved, for reasons of family honour and feelings of shame. There is a need for additional safeguards in the justice system and in courtroom procedures to ensure the anonymity, privacy, dignity and autonomy of victims of violence.

### KEY RECOMMENDATIONS

#### Eliminating violence against women

- Develop framework laws on violence against women (e.g. domestic violence, female genital mutilation, trafficking of women, prostitution and violence outside the home) and promote understanding of the relationship between violence and gender discrimination, including through criminalisation of acts of domestic violence and sexual abuse. These laws should be supported by a comprehensive and horizontal strategy to prevent and combat violence against women.
- Repeal discriminatory provisions in criminal law, in particular the laws on adultery and crimes against women in the name of honour; ensure the equal treatment of women before the law and the abolition of the diluted criminal-law liability and strengthen the penalties imposed on men who commit so-called ‘crimes of honour’.
- Promulgate laws to protect female workers from being subject to trafficking or abuse and design measures to protect categories of women in precarious situations, such as domestic workers and refugees. Help them learn about their human rights and enable them to keep their families safe.
- Facilitate provision of public and social services that seek to protect women from violence or help victims (e.g. hotlines, shelters, centres and counselling services for women victims of violence, hospital referrals).
- Strengthen law enforcement and the capacity of actors involved in the prevention, identification and suppression of violence against women, including human trafficking. Establish in the justice system and in courtroom procedures additional safeguards that ensure the anonymity, privacy, dignity and autonomy of victims of violence. Simplify procedures of proof for gender-based violence.
- Intensify awareness-raising and advocacy actions against gender-based violence targeting opinion leaders and the public at large, including improvements in research and data collection.
- Strengthen non-judicial mechanisms for the protection of women and human rights, i.e. human rights commissions, a Gender Equality Commission and/or an ombuds office, which can also support women’s access to justice (see Chapter 3).
- Address social barriers that impede access to justice in cases of gender-based violence by changing organisational behaviours towards women who report incidents to the police and judiciary, particularly through the use of media campaigns and educational institutions.

FIGURE 18 · DATA COLLECTION AND FREQUENCY OF CRIMINALISATION OF GENDER-BASED VIOLENCE



Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).





## Nationality



Nationality creates a legal relationship between an individual and a state. It provides the protection of the state and is the legal basis for the exercise of citizenship. International conventions, including CEDAW, and the Convention on the Rights of the Child affirm women's and children's rights to acquire or retain their nationality. These provisions have a profound impact on women who have married foreign nationals and on their children.

Most Arab countries made reservations to the provisions of Article 9 of the CEDAW (except Comoros, Djibouti, Libya, and Yemen), although some of them (Tunisia, Egypt, Algeria and Morocco) withdrew their reservations after reforming their national legislation in this area.

As such, in many MENA countries women do not enjoy the same nationality rights as men: a woman who marries a foreigner is not entitled to pass her nationality to a child from the marriage and in most countries she is not entitled to transmit her nationality to her foreign husband. Nationality is governed by the law of blood or by birth and by priority to the father over the mother. Some women lose their nationality when marrying foreigners.

### KEY RECOMMENDATIONS

#### Ensuring equality in nationality rights

- Enable full equality between the mother and the father in their ability to transfer their nationality to their child(ren).
- Provide for full equality between men and women with regard to the privileges in obtaining and attributing their nationality by marriage, as recommended by the CEDAW.

## Access to justice

Access to justice is a central issue that either can facilitate or hinder gender equality in all areas of public life. Yet in the MENA region, women tend to have less access to, and ownership of, judicial processes. In some countries women enjoy equal access to justice, yet other institutional and legal impediments, limited awareness and persistent societal restrictions continue to hinder de facto access.

Irrespective of whether women have equal access to the judicial system in law, discrimination and their subordinate status in other areas of life – such as family law – may have an impact on their ability to access judicial services easily and effectively.

CEDAW requires establishing legal protection for the rights of women on an equal basis with men and ensure the effective protection of women against any act of discrimination.

Women also often hesitate to appeal to courts in order to denounce discrimination, abuse or violence acts, mainly due to a fear of social exclusion and stigma. The lack of women in the justice system further discourages the use of judicial services by women. In addition, women may not be able to access justice due to the relatively high cost of litigation and lawyers' fees.

There are also differences in legal capacity and equality before the law between men and women, particularly in regard to criminal, civil and personal law. For example, while national laws do not restrict women's access to land or property ownership, bank loans and credit, in MENA countries adult women do not have the legal capacity to break a marriage contract.

To move forward, there are several areas where adjustments are needed in order for women to have equal access to justice:

- Deep cultural changes are necessary to adjust the organisational mandates and procedures of justice institutions to strengthen accountability and accessibility to women.
- All justice and government institutions should have clear mandates to implement and enforce laws in a gender-sensitive manner.
- Raising awareness, knowledge and understanding of legal rights, including through the educational system and media, is critical for women's access to justice.
- Specialised legal services can also aid in enabling women from all societal groups to have protection for their rights (e.g. free legal aid and paralegals, information sessions on legal processes and community awareness campaigns).

## Access to justice

Some of the additional measures undertaken by MENA countries are included in Table 11.

**TABLE 11 · ACTIONS TO ENSURE EQUAL ACCESS TO JUSTICE FOR WOMEN**

	Yemen	Egypt	Lebanon	Jordan	Tunisia	Morocco	Bahrain	PA	Kuwait
Provision of free legal aid services in areas related to family and civil law	●	●	●	●	●		●	●	
Establishment of non-judicial mechanisms to protect women’s and human rights, such as a Human Rights and Commissioner or Ombuds offices	●	●		●			●	●	
Encouraging independent women’s advocates, shelter workers, sexual assault and rape crisis advocates, employees in women’s centres, to help women understand their rights		●		●			●	●	
Mandatory annual reporting to Parliament on women’s access to the judiciary							●		
Implementation of a freephone service that provides legal advice and information in several languages		●		●	●		●	●	●
Provision of safe and quality childcare services during legal advisory sessions		●							
<b>Total</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>–</b>	<b>5</b>	<b>4</b>	<b>1</b>

Source: OECD-MENA Survey on National Gender Frameworks, Gender Public Policies and Leadership (updated in 2014).



### KEY RECOMMENDATIONS

#### Improving equal access to justice for men and women

- Ensure complete equality before the law, especially in instances concerning the marriage contract, nationality, child custody and alimony, and simplify the procedures involved in access to justice through specifically targeted mechanisms and financial aid.
- Make courts more accessible, including through the provision of affordable legal aid services in areas related to family and civil law, based on needs assessments.
- Strengthen non-judicial mechanisms to protect women’s and human rights, such as a Human Rights and Gender Equality Commissioner or Ombudsman and encourage independent women’s advocates to help women understand their rights, how the system works and how to fight for justice.
- Enhance awareness of legal rights through a range of methods, including free legal advice, information dissemination via commonly used media and childhood education programmes.
- Address social barriers to accessing justice by changing institutional behaviour towards women who report incidents to the police and judiciary, through criminalising all forms of discrimination or violence against women, launching an anti-stigma media campaign and using the educational institutions and the media to build women’s confidence of the police, judicial and law enforcement processes.

# Further reading

## WOMEN, GOVERNMENT AND POLICY MAKING IN OECD COUNTRIES *Fostering Diversity for Inclusive Growth*

(2014 OECD publication)

Achieving gender equality in the economy and in the political leadership remains an ongoing challenge across the world. This report aims to address this gap. It provides comparative data and policy benchmarks on women's access to public leadership and inclusive gender-responsive policy-making across OECD countries. The report is prepared in the context of the OECD Gender Initiative, launched by the OECD Ministers in 2010. The report examines barriers to women's access to decision-making positions and provided a cross-country comparison of instruments used to close gender gaps.



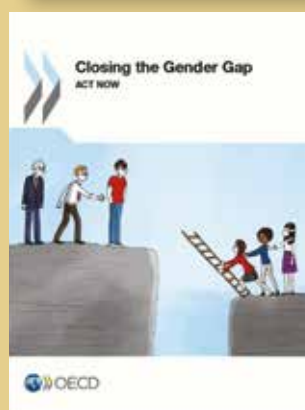
SCAN TO READ THE REPORT



## CLOSING THE GENDER GAP

(2012 OECD publication)

Gender gaps are pervasive in all walks of economic life and imply large losses in terms of foregone productivity and living standards to the individuals concerned and the economy. This new OECD report focuses on how best to close these gender gaps under four broad headings: 1) Gender equality, social norms and public policies; and gender equality in 2) education; 3) employment and 4) entrepreneurship. (Free access to the PDF file at the OECD iLibrary).



SCAN TO READ THE REPORT



## WOMEN IN BUSINESS

### Accelerating Entrepreneurship in the Middle East and North Africa Region

(2014 OECD publication)

*Women in Business 2014* provides a statistical overview of women's education, employment and entrepreneurship followed by an analysis of women's access to business development services, including incubators, and finance in 18 MENA economies. It builds on the 2012 edition's analysis of the overall policy framework and provides policy guidance for further reform in key areas.



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*Photo: Arne Hoel / World Bank*