ENHANCING WOMEN'S VOICE, AGENCY AND PARTICIPATION IN THE ECONOMY

European Bank
for Reconstruction and Development

STUDIES IN EGYPT, JORDAN, MOROCCO, TUNISIA AND TURKEY

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The main objective of this report is to undertake a mapping of voice, agency and participation in Egypt, Jordan, Morocco, Tunisia and Turkey so as to provide the EBRD with recommendations on how to design projects that better reflect and respond to women's strategic and practical needs, while contributing to improvements in the participation of women in social and economic life in these countries' specific contexts. Egypt and Morocco are founding members of the EBRD, while Jordan and Tunisia joined as members in 2012. The Bank began investing in Turkey in 2009, and in 2012 it expanded its investments and operations to the southern and eastern Mediterranean (SEMED) region, specifically to Egypt, Jordan, Morocco and Tunisia.

FOREWORD

At the EBRD we believe that gender equality matters, not only in its own right but as a key driver of economic growth. The Bank's Strategic Gender Initiative (SGI), adopted in 2013, marked the EBRD's commitment to leveraging the "untapped potential of women" in the countries where it works. The priorities of the SGI have helped to promote operations that increase women's access to finance, employment and services. While access is the starting point, the EBRD also recognises that alongside our direct investments, our policy dialogue must more fully address, and be cognisant of, the needs, priorities and specific experiences of the women and men in its countries of operations.

The EBRD has a critical role to play in supporting the creation of an enabling environment in which women can exercise control over their movement and resources. This can apply to a myriad of situations, from applying for a loan, to seeking employment, developing a career, managing their work-life balance, starting a business and using public services, including water, sanitation and transport. Strengthening women's voice, agency and participation – or, in other words, the extent to which women are listened to, have choices and control, and can participate in the decision-making that affects their lives and the wider society – is therefore fundamental to the Bank's work.

As current Chair of the Multilateral Banks Working Group on Gender, the EBRD has established dialogue and synergies with a range of policy-makers and development agencies, so as to learn from the findings of research and share good practice examples. Our mutual aim is to improve the design of investments and policy reform programmes. In recognition of the need for focused attention, the World Bank Group produced a major report in 2014 entitled "Voice and Agency: Empowering Women and Girls for Shared Prosperity". As a contribution to this growing body of research, and designed with the EBRD's mandate in mind, the Bank commissioned research leading to the publication of this report, *"Enhancing women's voice, agency and participation in the economy. Studies in Egypt, Jordan, Morocco, Tunisia and Turkey"*.

The EBRD began working in Turkey in 2009 and in the southern and eastern Mediterranean (SEMED) region in 2012. This report presents the Bank with an opportunity to better understand the context and to apply lessons learned to the particular challenges facing women in transition in these countries. Examining the complexities and impact of plural legal frameworks and social norms on women in Egypt, Jordan, Morocco, Tunisia and Turkey, the report focuses especially on the reasons why, despite there being a relatively healthy and educated female population in all of these countries, women's labour force participation is so low. The report offers a nuanced analysis of what occurs inside this "gap", namely the interconnectedness between laws, customs and social pressures and how they influence women's choices and participation.

We hope this report will be a valuable resource to EBRD staff, consultants and the various stakeholders working in the region. We would also like to thank the EBRD Shareholder Special Fund for its generous support.

Betsy Nelson
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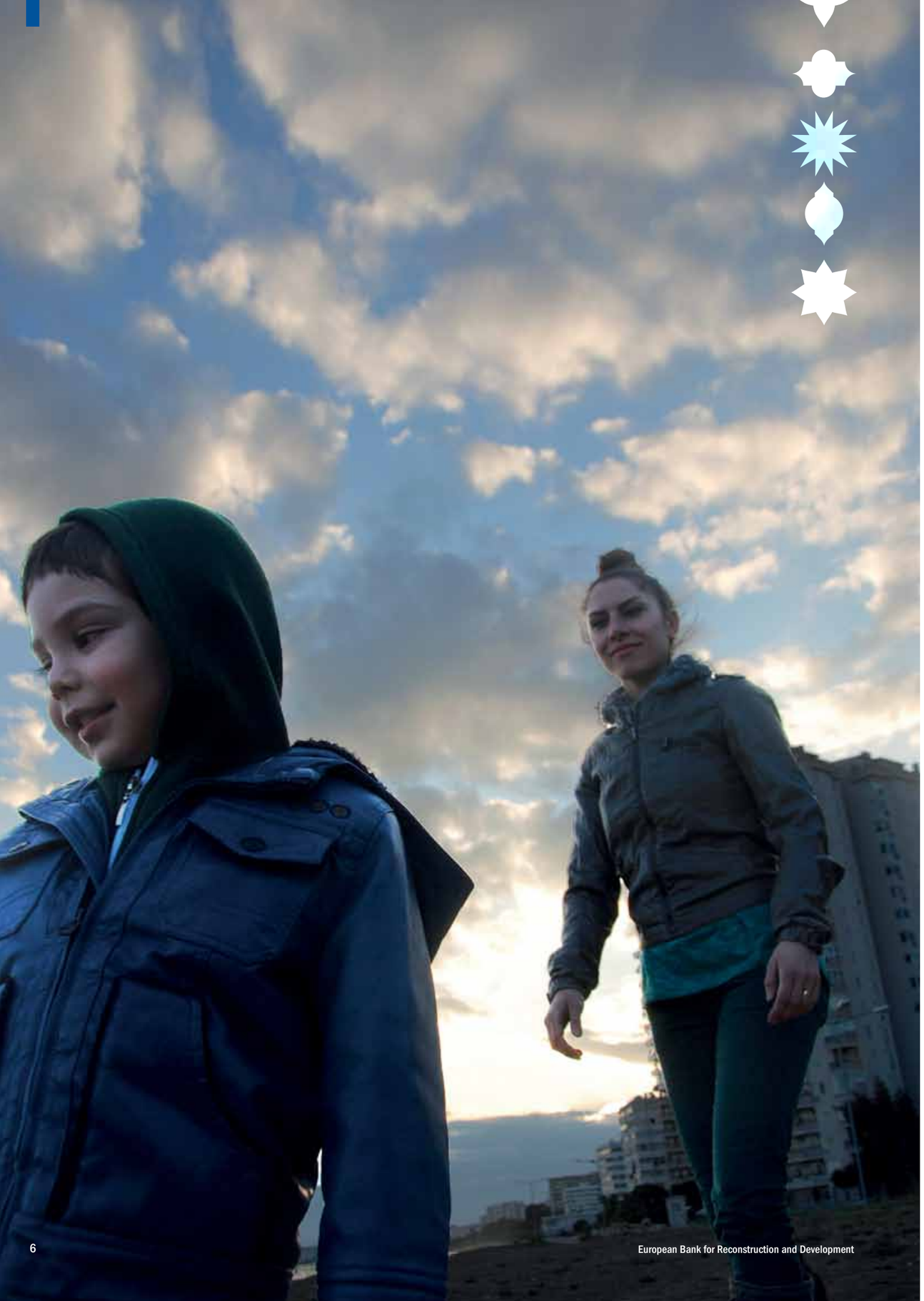
European Bank for Reconstruction and Development (EBRD)



EXECUTIVE SUMMARY

Background

The mandate of the European Bank for Reconstruction and Development (the EBRD or the Bank) is to promote transition in open market economies. To that end, the Bank operates with the belief that equality of economic opportunity is an intrinsic characteristic of a well-functioning market economy. However, gender inequality remains a constraint to equality of opportunity in most countries (if not all) around the world to varying degrees.

Evidence from the EBRD's gender gaps analysis in its Strategic Gender Initiative (SGI) shows that legal frameworks related to economic activities and participation (for example labour codes and regulatory frameworks) can appear gender neutral but mask the inequalities, discrimination and social barriers that exist in practice in the Bank's countries of operations.

Furthermore, laws tend to give different treatment to women's and men's economic and social rights in countries where legal pluralism[1] prevails. As a result, multiple legal frameworks may coexist, although not necessarily in harmony. Interactions between plural legal frameworks and social norms impact on women's ability and power to make decisions and pursue opportunities (*empowerment*), to speak up and be heard in the household and in society (*voice*), to make certain choices or act in the interests of the things they value (*agency*) and be equal contributors to economic and social life (*participation*).

This report therefore aims to understand the significance of women's *voice, agency and participation* in Egypt, Jordan, Morocco, Tunisia and Turkey,[2] offering recommendations that should enable the Bank to design its operations and investments and engage in meaningful international policy dialogue on the advancement of gender equality in these countries.

Egypt, Jordan, Morocco, Tunisia and Turkey – though diverse countries with many differences – share cultural similarities and an Islamic heritage. Countries of the Middle East and North Africa (MENA) region have struggled to translate considerable reductions in gender gaps with respect to education – as well as health – into equal participation in aspects of social and economic life; the World Bank (2012) has dubbed this the "MENA Paradox".

This study explores the disconnect between these indicators following the conceptual definition of agency in the World Bank's 2012 World Development Report (WDR 2012), specifically to examine the extent to which plural legal frameworks and social norms affect the "five expressions of women's agency", which are:

1. Access to and control over resources;
2. Freedom from the risk of violence;
3. Freedom of movement;
4. Decision-making over family formation; and
5. Having a voice in society and influencing policy.

1 Legal pluralism is the coexistence of multiple legal frameworks and systems within a particular territory or among a particular population as well as the occurrence of different legal systems governing different people within a single population, such as the coexistence of customary laws, family laws, penal code and religious laws.

2 The EBRD began investing in Turkey in 2009 and in the southern and eastern Mediterranean (SEMED) region, which encompasses Egypt, Jordan, Morocco and Tunisia, in 2012.

An international team of consultants completed the research together with the EBRD's Gender Team. Between April and June 2014, the researchers conducted statistical data collection and literature review, qualitative interviews as well as focus groups with key informants in all five countries. The research examined a series of interrelated questions about women's labour force participation, plural legal frameworks and all five expressions of agency.

While the five countries have either nearly reached or exceeded parity in school enrolment rates (at primary, secondary and tertiary levels), women's labour force participation remains persistently low and shows signs of recent decline in some instances. In some countries women's unemployment rates are systematically higher than men's among tertiary graduates (as in Turkey and Tunisia).

The region is also characterised by the heaviest burden and the highest gender gap for unpaid work (household chores and care work) resulting in a large time deficit, which works to the detriment of income-generating activities.

Women's gender-determined educational specialisations often fail to match market demands, particularly in contexts where unemployment among women has been steadily increasing over the past few years.

Women tend to prefer working in lower-paid positions in the public sector (i.e. civil service jobs) to the private sector because public sector jobs in the region tend to offer them more stability, more paid family leave and finance and credit options. The public sector also tends to have working hours that may facilitate better work and life balance

The entrepreneurial sector in all five countries is underdeveloped and women face more difficulties than men in accessing financial resources and information to start their businesses; in some cases cited by informants, women have been denied access altogether.

The low levels of labour force participation despite high levels of literacy and health indicators in all five countries suggest that there are other factors affecting women's economic agency and participation. In particular, all five countries involved in the study have considerable legal restrictions on women's labour rights and, to some extent, legal restrictions on civil rights.

Additionally, social norms in each society dictate gender segregation in both educational choices (including what to study or whether to continue schooling) and occupations, with a few exceptions. Despite high levels of men's and women's unemployment across the region, national laws and norms influence and are influenced by the societal value placed on men's productive role as breadwinners and women's reproductive role as mothers or caregivers; this in turn heavily influences women's employability.

In most of the national constitutions reviewed by the study, Islam has been proclaimed the official religion of the states (except in Turkey) and gender equality is also enshrined (except in Jordan). All countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, more conservative interpretations of *Sharia*[3] or tradition take primacy (especially when it comes to the practice of the law), while other legal frameworks, including international commitments such as CEDAW, may be viewed as inferior to this religious "framework".

3 *Sharia* includes doctrinal, social, cultural, and relational norms enacted by the sacred texts of Islam. The term *Sharia*, when used in Arabic in a religious context, means "way to enforce the law [of God]". *Sharia* is often translated as "Islamic law", which is an imprecise translation since it only partially encompasses the true sense of the word. *Sharia* codifies both the public and private aspects of life and is considered a source of law.

Despite the countries' expressed and legal commitments to gender equality, the dichotomy between equality and tradition undermines constitutions' positions in relation to domestic laws. This is evidenced by the reservations made by all countries to the CEDAW (except for Tunisia, which recently lifted all reservations), which reveal the areas where securing equal rights for women is most problematic – marriage and the family, nationality, social security and freedom of movement. These areas are also included in the family laws and personal status codes for all countries except Turkey.[4]

Penal codes have evolved but are still easily influenced by conservative interpretations of *Sharia*. Labour codes, insofar as they guarantee rights, have often remained "gender blind" and, paradoxically, still may comprise gender-based restrictions for some professions and night work.

The situation regarding legal pluralism in the region is particularly complex, with different layers of interpretation. Sometimes, contradictions and divergences emerge between positive law[5] (e.g. labour and penal codes) and religious law or interpretations of religious law (e.g. personal status codes,[6] family laws and social norms), between human rights in public arenas and human rights within the private sphere, between a call for modernisation and the conservation of principles and values, and between modernity and tradition.[7]

The research and feedback from informants revealed that women in all five countries face major discrimination over land and property ownership, inheritance rights, civil registry access and access to information. The low level of women's labour force participation especially affects choice in accessing and controlling resources, including over incomes and associated employment benefits.

Property and inheritance rights in the countries can be more or less effective for women, depending on the ways that plural legal systems interact. Rights might be recognised by statutory laws, but might also be limited, interpreted or even negated by customary laws that still permeate statutory laws or their application by the judicial system.

Bureaucratic red tape – a barrier for all entrepreneurs – is especially restrictive in the case of private business initiatives made by women, who already face greater barriers than men entrepreneurs.

All five countries have a high prevalence of violence against women (VAW) both in private (including physical, psychological, sexual and economic violence) and public spaces (including harassment and rape). Some countries have made incremental advancements towards necessary legal reforms; two have national programmes aimed at combatting VAW (Turkey and Tunisia).

4 The *Mudawana*, for instance, mentions in its preamble that it is "a pioneer code in its provisions and its formulation (written) in a contemporary juridical style, in accordance with the requirements of tolerant Islam (…), providing balanced solutions and practices that reflect the enlightened and open jurisprudential effort and devoting human rights and citizenship for all Moroccans, both men and women, in accordance with the divine references" (unofficial translation).

5 Positive law is a well-accepted term in the philosophy of law. It refers to human-made laws in opposition to natural (moral, divine) law.

6 Personal status codes are civil regulations covering personal issues, such as marriage, inheritance, filiation and nationality that exist in most Muslim-majority countries. However, Turkey as an officially secular state governs these matters via the Civil Code. In the other four countries, personal status codes define the rights, status and roles of women and men in relation to these matters. The source of law for these legal frameworks is the *Sharia*.

7 There are many interpretations of and practices in Islam; it is not the intention of this study to provide an extensive analysis of Islam and *Sharia*.

However, it may be difficult to compare various surveys on prevalence as they have been conducted using different methodologies. Additionally, all five countries lack sufficient institutional support for survivors of violence and there are indications across the region of underreporting resulting from the social norms and stigma that survivors may face.

While there may be no specific restrictions on women's movement in the countries' constitutions, women's freedom of movement across the region is reduced due to various factors. These include: family control over women's choices, marital status and age, legal discrimination in family law, a lack of safe and affordable public transportation, and attitudes towards sexually harassed women in the street. Reduced mobility lowers women's access to education, work, services and participation in community and societal activities.

Guardianship and early marriage practices inhibit women's rights to education and employment, which in turn prevent them from developing life and work skills and accessing resources, information and services.

Polygyny[8] still exists in Egypt, Jordan and Morocco, though it is restricted in the latter; in Tunisia and Turkey, it is prohibited. Egyptian and Jordanian women still need permission from a *wali* (or legal guardian) to get married. Early marriages (i.e. of a girl under the age of 18) are believed to be widespread in all five countries and increasing.

Women's representation in national parliaments across the five countries ranges from around 2 per cent (Egypt after elections in 2012)[9] to 30.1 per cent (Tunisia).[10] Most countries, with the exception of Turkey, have instituted various gender-based electoral quotas. Women in politics face stigma in the media, public and within political institutions. Women's participation at the municipal levels is increasing, as evidenced by a rising number of elected women councillors in Morocco and Turkey after most recent local elections.

The authors of this report recognise that there are critical differences between all five countries. Whilst they share common elements, the experiences of women in the economies and societies in each country are diverse, and occur within evolving social and political contexts across the region. This is particularly relevant in light of the on-going conflict in Syria and its spill over effects into the SEMED region and Turkey. This report should therefore be considered a living document that must be adapted to changing circumstances and needs.

8 The practice of having more than one wife at a time.

9 The parliament has been since dissolved, so there is no current data for women's representation in parliament; it is expected that new parliamentary and municipal elections will be announced in 2015.

10 The average percentage of women in national parliaments in all 'Arab States' is currently 18.1 per cent (IPU 2015).

Meanwhile, the report recommends that the Bank work within its mandate to contribute to the enhancement of women's voice, agency and participation in the SEMED region and Turkey via the following:

- Direct investments in the private sector, in support of women's entrepreneurship, equal opportunities and non-discrimination, and the gender-responsive design and delivery of municipal services and infrastructure, especially safe transport to increase women's movement and access to markets
- Policy dialogue particularly in sectors where women have restrictions on their ability to work on the prevalence and prevention of violence within public spaces (including workspaces), and on reducing bureaucratic processes for registering a business, which are more burdensome for women than for men
- Internal operations by increasing the presence of regional-based gender specialists to build expertise on the ground and in policy dialogue, ensuring thorough gap analyses in due diligence processes to close the gaps within plural legal frameworks as they relate to the Bank's Environmental and Social Policy, and building capacity for staff through related tools and training opportunities.

More broadly, equal participation in governance structures and decision-making processes in the five countries is essential for strengthening the ability of women to influence policy, ensuring their preferences and needs are incorporated, as well as actions that can influence their socio-economic well-being and status. This, in turn, would positively benefit the sustainability of the EBRD's projects in which women and/or communities are among the main beneficiaries.

INTRODUCTION

I. INTRODUCTION

The main objective of this report is to undertake a mapping of voice, agency and participation in Egypt, Jordan, Morocco, Tunisia and Turkey so as to provide the EBRD with recommendations on how to design projects that better reflect and respond to women's strategic and practical needs,[11] while contributing to improvements in the participation of women in social and economic life in these countries' specific contexts. Egypt and Morocco are founding members of the EBRD, while Jordan and Tunisia joined as members in 2012. The Bank began investing in Turkey in 2009, and in 2012 it expanded its investments and operations to the Middle East and North Africa (MENA), specifically to Egypt, Jordan, Morocco and Tunisia.[12]

For the EBRD to effectively operate in these countries it is important for it to understand each country's background, as well as the inequalities and institutional constraints that exist in each area and affect people's lives. This study therefore seeks to provide a comprehensive review of the prevailing plural legal frameworks, social norms and customary rules as they relate to voice, agency and participation and access to economic opportunities; all these dimensions influence the key aspects of people's social and material realities, which is what the EBRD is seeking to improve.

Despite having achieved near equal rates of primary school enrolment and a dramatic drop in illiteracy rates for both women and men, the region has struggled to translate considerable reductions in gender gaps with respect to education – as well as health – into participation in aspects of social and economic life; the World Bank (2012) has dubbed this the "MENA Paradox". This suggests that there are other factors beyond the accumulation of endowments – such as health, education and physical assets – that contribute to and perpetuate gender inequality.

The 2012 World Development Report (WDR 2012) on Gender Equality and Development highlighted two additional dimensions of gender equality: "the use of those endowments to take up economic *opportunities* and generate incomes; and the application of those endowments to take actions, or *agency*, affecting individual and household well-being".

Undertaken during a time of reflection on the post-2015 agenda[13] as well as the 20th anniversary of the Beijing Platform for Action,[14] this study by the EBRD was designed to align with the requirements of the current inclusive growth paradigm: equal access to opportunities for all members of society taking into account their specific needs.

The EBRD believes that ensuring women's voice, inclusion and participation in economic decision-making is critical for achieving women's economic empowerment, alongside other dimensions such as expanding their economic opportunities and strengthening their legal status and rights.

11 *Practical Gender Needs* (PGN) are the immediate needs identified by women, related to their socially accepted roles, within existing power structures. Policies to meet PGN tend to focus on ensuring that women and their families have adequate living conditions, such as health care and food provision, access to safe water and sanitation, but also seek to ensure access to income-earning opportunities. PGNs do not directly challenge gender inequalities, even though these may be a direct result of women's subordinate position in society. *Strategic Gender Needs* (SGNs) are those needs identified by women that require strategies for challenging men's traditionally established roles and privileges. These needs may relate to inequalities in the gender division of labour, in ownership and control of resources, in participation in decision-making, or to the experience of domestic and other sexual violence. These needs seek to change women's status and position in society in relation to men. As such, they are more likely to be resisted than PGNs.

12 The EBRD's designation for this region is the southern and eastern Mediterranean (or SEMED).

13 The post-2015 agenda is the process led by the United Nations that aims to define the future global and sustainable development framework that will succeed the Millennium Development Goals (MDGs), the eight global development targets which come to an end in 2015 (UN, 2013).

14 Thirty thousand activists participated in a summit in Beijing in 1995, producing the Beijing Declaration and Platform for Action, globally recognised as an international blueprint and "bill of rights" for the advancement of women's rights and equality.

To that end, this study will examine a number of interrelated questions focusing on the five countries, including:

To what extent do women have access to land ownership and land rights and more generally to any kind of capital asset that is critical collateral for accessing finance and credit? How much control do husbands or male heads of household exert over women's income and spending decisions?

What are the multiple forms of discrimination and potential violence that women face, such as harassment at the workplace and more generally in public spaces, especially on public transport? Do these forms of discrimination constitute an impediment with respect to accessing the labour market and job opportunities?

Is women's mobility constrained by social norms or aggravated by insecurity and the risk of violence in public spaces?

To what extent is the ability to engage in economic activity influenced by decisions such as when and whom to marry; when and how many children to have; when and from who should permission be sought before applying for a job or starting an economic activity; how should the responsibilities and duties within the household be shared; and how is the ownership of household assets organised?

What progress has been made towards greater representation of women in the political sphere and has this involved a commitment to more gender-sensitive policies that may enhance women's socio-economic status at all levels?

Section II describes the methodology and key concepts employed in the research. Section III summarises a statistical review of women's labour force participation in the five countries. Section IV reviews key legal documents and analyses the interplay of plural legal frameworks within the countries' specific contexts. Section V expounds on the findings from the literature review, interviews and focus groups undertaken as part of the field research. Section VI concludes and provides recommendations to the EBRD.

II. Methodology and key concepts

II. METHODOLOGY AND KEY CONCEPTS

Approach

An international team of consultants completed the research together with the EBRD's Gender Team. Egypt, Jordan, Morocco, Tunisia and Turkey were selected for the study for several reasons. First, four of the countries[15] are included in the SEMED region to which the EBRD has recently expanded its operations, and the Bank wishes to better understand the constraints, challenges and barriers to women's economic participation in each country. Additionally, the countries exhibit similarities in respect of their social norms, all have low labour force participation rates despite high education levels, and they share elements of their cultural and Islamic heritage.

The consulting team employed several research methods, including:

Statistical data collection and literature review: statistical data covered capabilities (education, health); opportunities (employment, access to means of production, assets and finance); and agency/voice (women in senior positions in the political sphere, civil society and public and private enterprises).

Qualitative interviews with key informants: for each country, consultants established a list of key informants in collaboration with regional experts and the EBRD's regional offices. It comprised key women's institutions and organisations, women's machineries, responsible ministries and their key contact points, trade unions, employers' associations, major civil society associations including women's rights organisations, women entrepreneurs and women in decision-making positions. National consultants were provided with harmonised statistical tabulations and interview guidelines.

Focus groups: focus groups in each country facilitated discussions on thematic items and involved five to eight women entrepreneurs from various employers' associations and beneficiaries of economic projects or micro or small credits. Sometimes the women belonged to the same entrepreneurs' association, but this was not true of all cases.

The fieldwork was conducted between April and June 2014 in each of the five countries. The informants interviewed were predominantly women and represented key stakeholders on issues related to women's voice, agency and economic participation. Sixteen in-depth interviews took place in Egypt, 15 in Jordan, 14 in Morocco, 18 in Tunisia, and 19 in Turkey.

15 Egypt, Jordan, Morocco and Tunisia.

Limitations

The study was conducted within a short time frame (April-June 2014) and consisted of a desk review of existing information and data. It was not the intention of the study to collect original and new data, except through qualitative interviews with key informants. Additionally, for various reasons, the fieldwork was limited to capital cities (as well as Casablanca in Morocco and Istanbul in Turkey) where most of the key informants were located. Data missing from the tabulations presented in the report are a result of the inexistence of surveys, the absence of related questions in the existing surveys or the absence of data that has been officially published (where collected). However, it has been possible to access some original unpublished information. The existing publications contain far more detailed information than shown in the tables of this report; the decision to present on selected data in this report was made in order to illustrate the most relevant and illustrative information.

Key concepts

EMPOWERMENT

The concept of empowerment or agency is rooted in Amartya Sen's conceptualisation of "capabilities", which inspired the first Human Development Report in 1990. Sen's approach suggests that the empowerment of women requires an increase in and an improvement of "capabilities" in terms of education and health. Such an increase in capabilities in turn enables women to seize "opportunities", such as access to employment or to means of production. Empowerment refers to the ability to make choices, but must also involve being able to experience the broad range of possible choices that can be made. Empowerment is not only the ability but the "power" to make those choices. Thus, empowerment refers to a specific type of power that is more "bottom-up" than imposed and one that challenges existing gender roles.[16]

VOICE

The ability to make choices about the use of personal resources and assets, or to participate in political, social and economic activities gives men and women a "voice" – that is "the capacity to speak up and be heard, from homes to houses of parliament, and to shape and share in discussions, discourse and decisions that affect them" (World Bank, 2014). Being heard and listened to is an essential prerequisite for having the ability to access opportunities.

AGENCY

Agency, as defined in the WDR 2012, is the process through which women and men are able to use their endowments (such as health, education or physical assets) to take advantage of opportunities that matter to them. This process is dependent on people's ability or inability to make certain choices and act in the interests of that which they "value and have reason to value". Agency is also defined as "the ability to make decisions about one's own life and act on them to achieve a desired outcome, free of violence, retribution or fear" (World Bank, 2014).

"Expressions" of Agency

The WDR 2012 highlights how voice and agency interact within the constraints of plural legal frameworks and how they influence women's ability to access economic opportunities in multiple ways. These interactions manifest in five "expressions of agency":

- Access to and control over resources
- Freedom from the risk of violence
- Freedom of movement
- Decision-making over family formation
- Having a voice in society and influencing policy.

Though ostensibly less concrete than health and education indicators, these dimensions of "capabilities", "opportunities" and "agency" can be recorded using tangible statistical indicators in order to measure progress in women's empowerment, as the next section will demonstrate.

16 Empowerment is frequently defined as "a 'bottom-up' process of transforming gender power relations, with individuals or groups developing an awareness of women's subordination and building their capacity to challenge it. […] Central to the concept of women's empowerment is an understanding of power itself. Women's empowerment does not imply women taking over control previously held by men, but rather the need to transform the nature of power relations. Power may be understood as 'power within', or self-confidence, 'power with', or the capacity to organise with others towards a common purpose and the 'power to' effect change and take decisions, rather than 'power over' others" (Rowlands, 1997).

III. Women's labour force participation in Egypt, Jordan, Morocco, Tunisia and Turkey

III. WOMEN'S LABOUR FORCE PARTICIPATION IN EGYPT, JORDAN, MOROCCO, TUNISIA AND TURKEY

A powerful statistical starting point for understanding the breadth of agency, voice and participation in economic life is the participation of women in the labour force.

Educational attainment as a global indicator of readiness for the labour force, but not in MENA

Educational attainment is usually an indicator of readiness to enter the labour force. Education can also indicate the level of economic productivity in a society (OECD 2012; 1989). In OECD countries, for example, an increase in the level of girls' and women's education between 1960 and 2008 led to a better educated population overall, which in turn raised GDP per capita by an average of 10 per cent per additional year of education. Furthermore, a more balanced gender ratio in education in this region helped to boost economic growth (Thévenon et al., OECD 2012).

Having recognised the importance of gender equality in education – not only as a basic right and public good, but also because of its positive economic impacts – the international community has made an extraordinary global push over the past decade to achieve universal primary education (e.g. via the Millennium Development Goals) and to encourage boys and girls to continue on to secondary and tertiary levels.

However, despite having achieved near-equal rates of primary school enrolment and a dramatic drop in illiteracy rates for both women and men, the MENA region has not translated considerable reductions in gender gaps with respect to education – as well as health – into its labour force participation.

Near gender parity in literacy

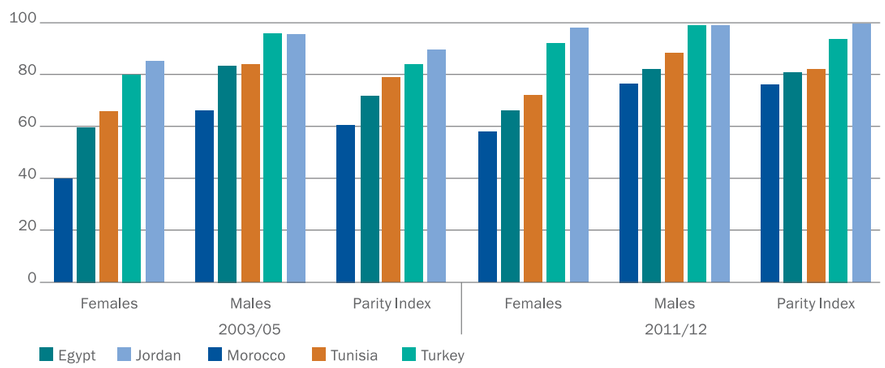
Chart 1 below illustrates the progress the five countries have achieved in various educational attainment indicators (see also Table 1 in Annex 2). *Jordan* has achieved gender parity[17] with the literacy rate of women nearly reaching that of men. *Turkey's* literacy parity index is above 93 per cent, while those of *Tunisia* and *Egypt* are above 80 per cent, and *Morocco's* is above 75 per cent (with an increase of more than 15 percentage points in the past 10 years).

Chart 1:

ADULT LITERACY RATES BY SEX AND GENDER PARITY INDICES

Source: UNESCO, UIS. Data extracted on 5 September 2014 14:39 UTC (GMT) from UIS/ISU

Note: countries are ranked in increasing order of literacy rates (population aged 15 and over)



17 The female-to-male parity index is at 99 per cent, compared with strict parity at 100 per cent.

Near gender equality in primary school enrolment, and improving secondary and tertiary level rates

Although rural areas still lag behind, overall progress has been particularly rapid thanks to major efforts in schooling and girls' enrolment. Chart 2 (see also Table 2 in Annex 2) shows that not only has parity nearly been achieved for primary education in *Tunisia* and *Jordan*, but the index exceeds the parity for secondary education in these two countries (111.6 and 116.7 respectively), while it is above 96 per cent in the other three countries. *Tunisia* and *Jordan* are also far beyond parity for tertiary education (159 and 115 respectively).

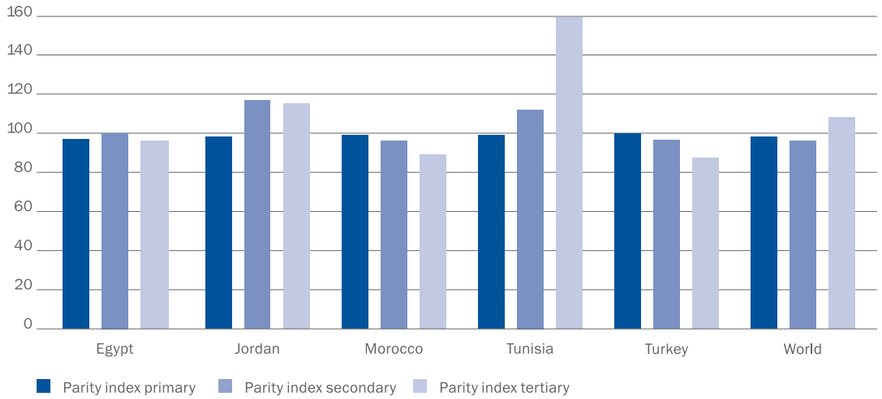


Chart 2:

GENDER PARITY INDICES FOR PRIMARY, SECONDARY AND TERTIARY EDUCATION ENROLMENT IN 2012

Source: national data and UNESCO, UIS. Data extracted on 5 September 2014 14:39 UTC (GMT) from UIS/ISU.

Relatively high enrolment of women in tertiary education

Overall, the region has a relatively high rate of women's tertiary education enrolment, as Chart 3 demonstrates (see also Table 3 in Annex 2). *Tunisian* women surpass men in higher education, representing more than 60.4 per cent of the total enrolled in all programmes of tertiary education in 2012, while they accounted for 52.8 per cent in *Jordan*. In *Egypt* the indicator stands at 48.2 per cent, while for *Turkey* and *Morocco* (where rural populations are still huge) the indicator is at 45.4 and 41.6 per cent respectively.

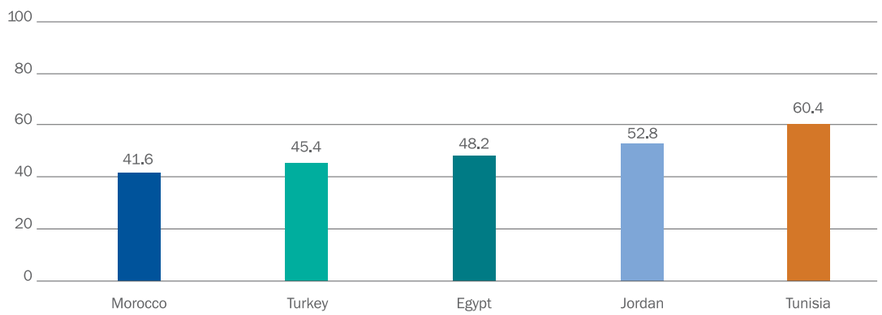


Chart 3:

SHARE OF WOMEN AMONG TOTAL NUMBER ENROLLED IN TERTIARY EDUCATION (2011-12)

Source: UNESCO, UIS. Data extracted on 5 September 2014 14:39 UTC (GMT) from UIS/ISU.

Note: countries are ranked in increasing order of enrolment rates.

Persistently low — and declining — labour force participation rates

Despite gains in education, however, women's labour force participation rates across the MENA region remain among the lowest in the world (see Chart 4, as well as Table 4 in Annex 2).

The participation rate of *Jordanian* women hardly exceeds 15 per cent (which is the global minimum) and recently declined (13.2 per cent in 2013). Less than one out of every six women of working age is economically active.[18]

Egypt has never maintained levels above 25 per cent (meaning one out of every four women of working age being economically active), and the labour force participation rates for women have been regularly declining since 2008 (See Chart 4).

Morocco's women's labour force participation rate peaked in 2004 at around 28 per cent, steadily declining to a low of just under 25 per cent in 2012, with a very slight increase in 2013.

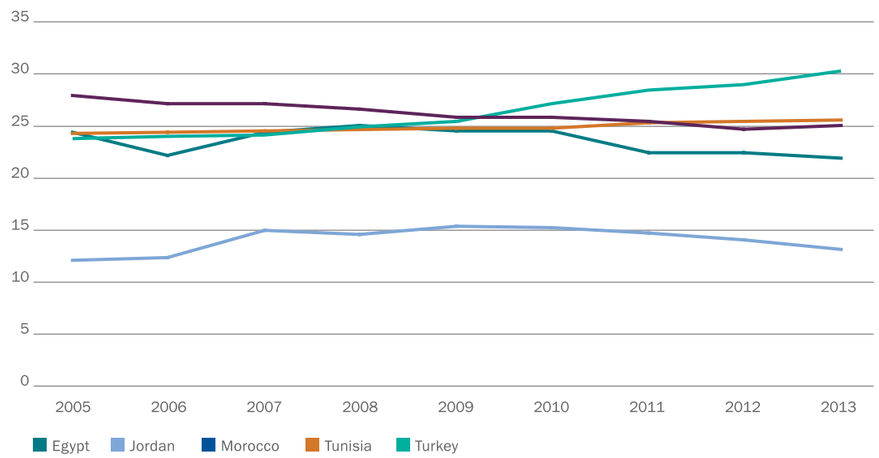
Tunisia's labour force participation rate of women plateaued at 25 per cent three years ago and seems to have been stuck at this level since then.

Only *Turkey* has experienced a regular rise in women's labour force participation rates since 2004, reaching 30 per cent in 2013 (approaching the ratio of one out of every three women of working age being economically active).

Chart 4:

WOMEN'S LABOUR FORCE PARTICIPATION RATES IN THE FIVE COUNTRIES (2005-2013)

Source: ILOSTAT and LABORSTA and national sources: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey



18 The "active population", as defined by the International Labour Organization (ILO), comprises all men and women who are "occupied" (i.e. those of working age – generally aged 15 years and over – who have spent at least one hour engaging in economic activity during the reference period – usually over the past week). The active population also includes all unemployed people (i.e., those of working age who have not been occupied in an economic activity during the reference period for reasons other than holidays, sickness or bad weather, and who are looking for a job and are available for work).

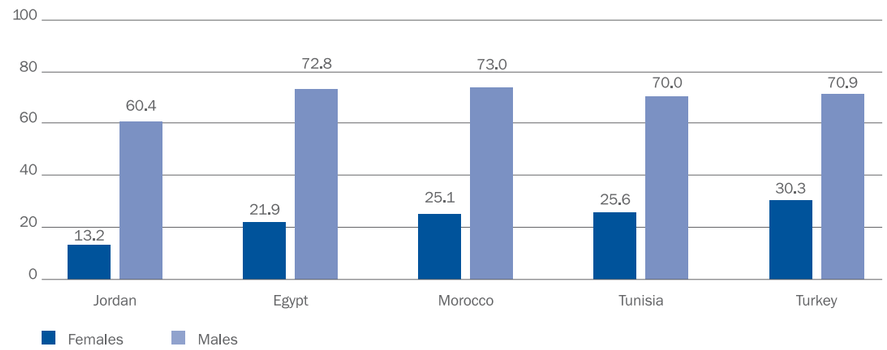


Chart 5:

LABOUR FORCE PARTICIPATION RATES BY SEX IN 2013

Source: Ibid.

Higher — often increasing — unemployment rates for women

High educational enrolment rates combined with low labour force participation rates result in high unemployment for women (See Table 5 in Annex 2 and Charts 6 and 7 below). In all five countries, women's unemployment rates exceeded those of men by more than 15 per cent in *Egypt*, by 12 per cent in *Jordan* and in *Tunisia*, but only by 1 or 2 per cent in *Morocco* and *Turkey*. These gaps are worsening in *Egypt*, *Jordan* and *Turkey*. In *Tunisia* the gap is reducing after reaching its peak in 2011, the year of the revolution, but it remains much higher than before the revolution.

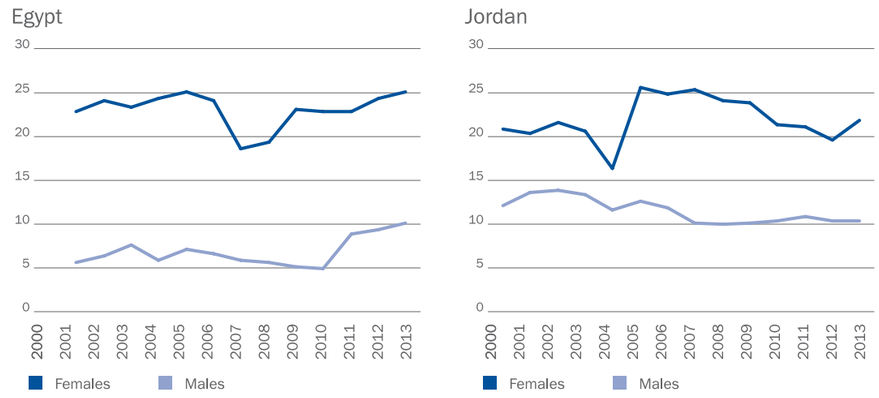


Chart 6:

MEN'S AND WOMEN'S UNEMPLOYMENT RATES (2000-13)

Source: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey.

Chart 6 (continued):

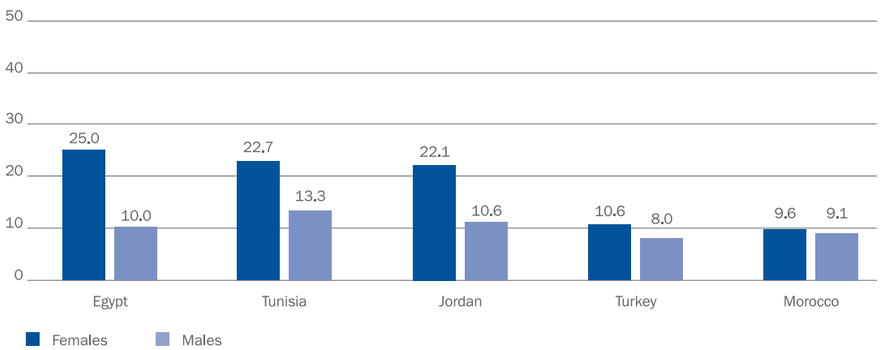
MEN'S AND WOMEN'S UNEMPLOYMENT RATES (2000-13)

Source: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey.

Chart 7:

UNEMPLOYMENT RATES BY SEX IN 2013

Source: Ibid.



Greater gender gap in unemployment among women tertiary graduates

However, it is in the unemployment rates of the active population with tertiary education levels that the contradiction between a highly educated female population and the limited numbers of women on the labour market is the most visible (Chart 8).

The gender gap is highest for educated women, with their unemployment rate being close to or sometimes more than double the rate for men: in *Tunisia*, more than four out of every 10 economically active women who are educated to tertiary level are seeking a job, and more than three out of 10 such women in *Egypt* are looking for work.

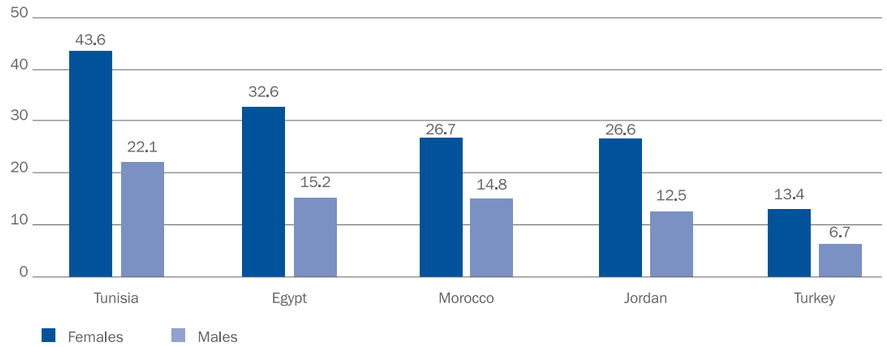


Chart 8:

TERTIARY UNEMPLOYMENT RATES BY SEX IN 2013

Source: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey.

Note: data for Egypt are taken from 2012.

Women's employment structure is diverse

The employment structures for women in the five countries are diverse. Women are mostly employed in agriculture in *Morocco* and *Egypt*, in non-trade services and in the civil service (more than two thirds of women employed in *Egypt* and *Jordan* and one third in the other three countries).

Share of employment in agriculture

Women's employment in the agriculture sector can constitute anything from more than one third of total female employment (*Turkey*) to nearly two thirds (*Morocco*), while *Tunisia* only registers 15 per cent. Figures are not available for *Jordan* (see Table 6 in Annex 2).

Women's informal employment not well captured by data

Despite continuing efforts towards a strict application of the international concepts of the labour force, women's work in agriculture and in the informal sector continues to be ill-captured and underestimated in surveys.

Gender division of household labour

The main reason why informal activities are ill-captured in the data is because they are mainly conducted at home or from home, and as such are considered as "domestic" and not "economic". Traditionally, women's roles are relegated to the home, and to reproductive and unpaid care work (i.e. the "private" sphere), whereas men's roles are associated with the marketplace, and productive and paid work (i.e. the "public" sphere).

Respondents from focus groups and interviews for this study all felt that there was a strong tendency in their countries to restrict women's activities to the private sphere. In addition, where such activities are captured in the surveys (in *Morocco*, for example), women are classified as "unpaid family workers".

Women's employment share by sector

If agricultural activities are excluded, it appears that approximately one third of women's jobs are in the civil service and in the educational and health services (more than two thirds in *Egypt*), and between three quarters and seven eighths of these jobs are salaried jobs. The proportion of women working as employers or even as self-employed is very low (6 per cent of total women's non-agricultural employment in *Tunisia*, against 16 per cent for men; 10 per cent against 16 per cent in *Turkey*). This is because time schedules are more flexible in these jobs and are more easily adapted to the constraints of picking up children from school or preparing meals at home.

Share of employment in civil service

In two countries, public employment in the civil service provides nearly or more than two thirds of total women's employment (*Jordan, Egypt*) and approximately 30 per cent in the three other countries. The share of women employers remains low in all countries: from 1.6 per cent in *Jordan* and *Turkey* to 2.0 per cent in *Morocco* and 3.1 in *Tunisia* (see Charts 9-11, as well as Table 6 in Annex 2)

Chart 9:

STRUCTURE OF WOMEN'S EMPLOYMENT BY INDUSTRY

Source: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey.

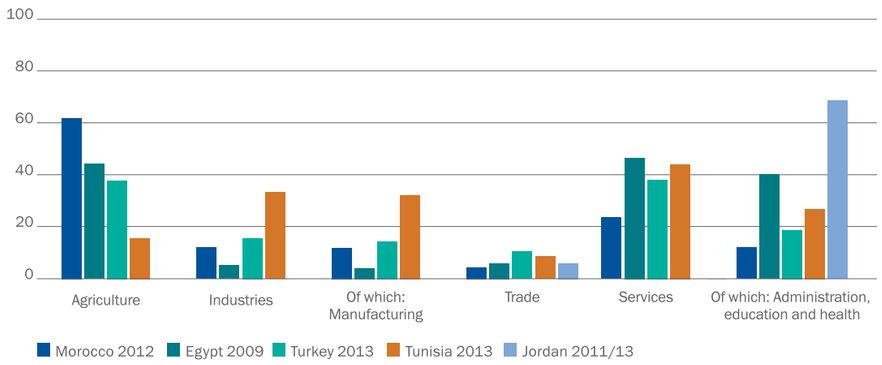
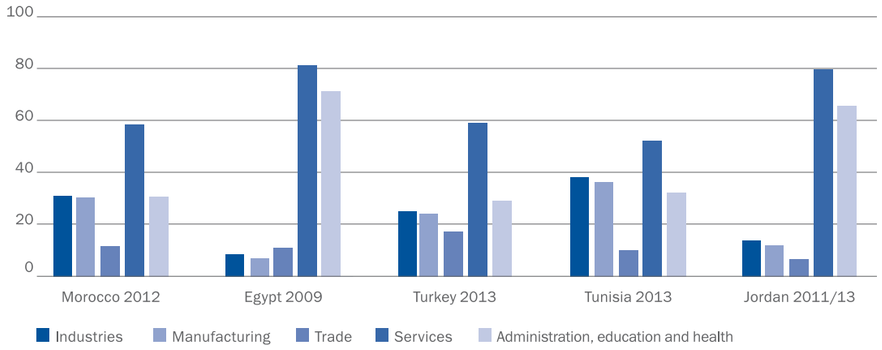


Chart 10:

STRUCTURE OF WOMEN'S NON-AGRICULTURAL EMPLOYMENT

Source: Ibid.



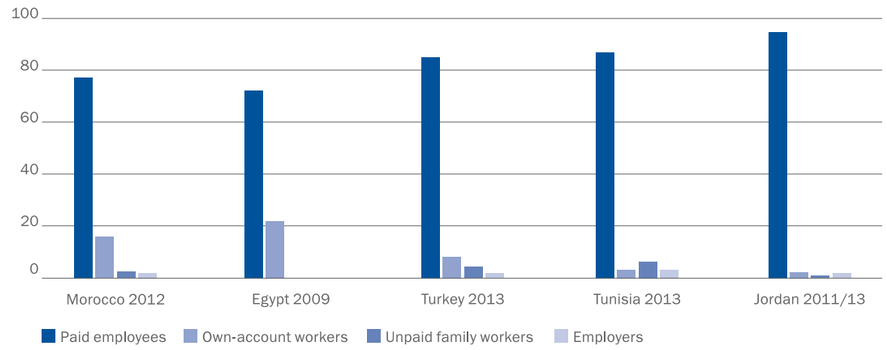


Chart 11:

STRUCTURE OF WOMEN'S NON-AGRICULTURAL EMPLOYMENT BY EMPLOYMENT STATUS

Source: Ibid.

Share of women as employers much lower than share in total employment

In all five countries, the number of women entrepreneurs is very low, and their proportion is much lower than their share in employment (4.2 per cent of the total number of employers in *Egypt*, 4.3 per cent in *Jordan*, 7.5 per cent in *Turkey* and 8.8 per cent in *Morocco*). Women tend to prefer the security of income, time flexibility and access to childcare services and nurseries provided with paid, typically civil service jobs. But entrepreneurship among women is also low because of the difficulties women face providing collateral when applying for credit, as well as having contact with clients and suppliers in public spaces – issues to which this report will return in later sections.

The region's care burden: women devote six to eight times more time to household chores and one to two more hours to total work than men

One of the reasons for women's overall low participation rates in the labour force is related to the sexual division of labour and roles within households. In this division, women are mainly responsible for domestic work and caring for children and the elderly, whereas men are the breadwinners. This leaves little room for women to engage fully in the labour market, or to remain economically active for a longer period of time. It is noticeable that women usually drop out of the labour force at an early age on account of their inability to accommodate both work requirements and household responsibilities.

Chart 12 (see also Table 7 in Annex 2) shows that in the four countries of the region which have carried out time-use surveys (TUS) in the recent past, women devote on average six to eight times more time than men to unpaid work (household duties and care work).

TUS are representative, nationwide surveys that analyse how people budget their time. TUS data are unique in that they do not come from existing living standard surveys. Thus, data are collected using a complete diary with a record of all activities performed during an entire day, based on one-hour time slots and on an international classification of time-use activities.

Only four countries in the region have carried out such surveys: Algeria (2012), Tunisia (2005-06), Turkey (2006) and Morocco (2011-12), which has just released preliminary results.[19]

19 In developing countries, it is rare that TUS are regularly conducted. Where they are carried out more than once – even in developed countries, with some exceptions – they are done more frequently than every 10 years. Tunisia is expected to prepare a new survey for 2015-16.

Although Algeria is not part of this study, its TUS results have been included for comparison because they share similar indicators as those carried out in Morocco, Tunisia and Turkey.

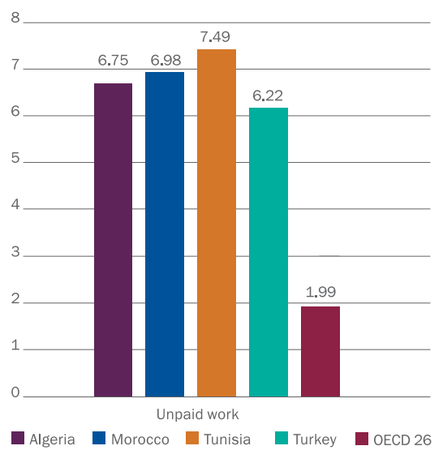
In Chart 12 the figures are given in hours and minutes per day and they can be calculated per week, month and year via simple multiplication by seven, 30.4 and 365, because they are averages based on schedules and samples having addressed the issues of weekly variations (weekends and working days) and seasonal variations over the year.

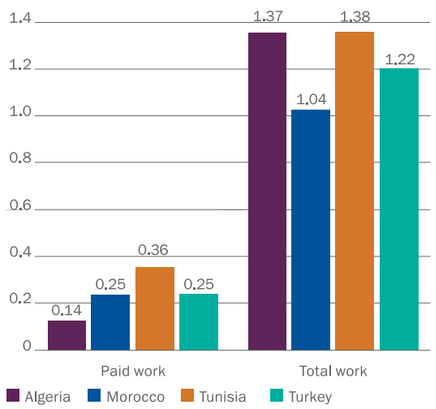
Chart 12:

GENDER GAP IN TIME SPENT ON UNPAID AND PAID WORK

Source: ONS (2013) for Algeria, HCP (2014a) for Morocco, Republic of Tunisia, Ministry of Women's Affairs (2011) for Tunisia; Turkstat: time-use survey data 2006 for Turkey; and OECD Gender Initiative 2012.

Notes: The OECD-26 countries include Turkey. "Paid work" reflects work taken into account in the GDP while "unpaid work" refers to work not taken into account in GDP (or "extended GDP"). "Unpaid work" is defined as the daily time spent on services (domestic and care work) for each household's own consumption (this is why it is unpaid in contrast with paid work which refers to work taken into account in the National Accounts for the measurement of GDP and includes work performed by "contributing family workers" (this concept replaced the term "unpaid family workers" several years ago). The surveys refer to people aged 6 years and over in Morocco, 10 and over in Algeria and 15 and over in Tunisia and Turkey.





The results show that women devote between 5 hours in *Morocco* and 5 hours and 24 minutes per day in *Algeria* to household chores and care, against only 43 minutes (in *Morocco* and *Tunisia*) or 51 minutes (in *Turkey*) for men. In comparison, women spend about twice as long as men on domestic work and care in OECD countries. On average men in OECD countries spend 141 (2h35) minutes per day doing unpaid work, women spend 273 minutes (4h55) per day cooking, cleaning or caring.

Correspondingly, women devote only between 30 minutes per day to paid work in *Algeria* and 1 hour and 32 minutes per day in *Tunisia*. This is equivalent to between three (*Tunisia*) and seven (*Algeria*) times less time than men.

Overall, the average day of work for women lasts from between 5 hours and 54 minutes in *Algeria* (against 4 hours and 18 minutes for men) to 6 hours and 54 minutes in *Tunisia* (against 5 hours for men). Women's burden of work is 1.04 times that of men in *Morocco*, 1.22 in *Turkey*, 1.37 in *Algeria* and 1.38 in *Tunisia*.

Such time budget constraints limit women's ability to enter the labour market or to undertake income-generating activities. To a large extent the typical women's time budget shown in Chart 12 not only explains women's low labour force participation rates, but also the type of economic activities in which they engage.

Gender pay gaps vary across countries, although these are reduced by the high number of women in civil service

The gender pay gap in the non-agricultural formal sector ranges from 0 in *Turkey* to 11 per cent in *Jordan*, 14 per cent in *Egypt* and 28 per cent in *Tunisia*. The most recent world average is at 15.6 per cent (for 63 countries, mostly developed countries). The gap is larger in the private sector (17 per cent in *Jordan*, 35 per cent in *Tunisia*). It is also larger in the micro-enterprises of the informal sector (30 per cent in *Tunisia*) and larger still for the income of micro entrepreneurs in the informal sector (35 per cent in *Tunisia*).

Table 8*

NON-AGRICULTURAL WAGE AND INCOME GAP BETWEEN GENDERS

Source: Turkey: TURKSTAT, Structure of Earnings Survey Monthly average gross wage and yearly average gross earnings by sex and educational attainment; Tunisia: *INS, Les micro-entreprises en Tunisie*, 2007 and CRES, Database on wages registered at CNSS in 2011; Morocco: *Royaume du Maroc, Ministère de la Fonction Publique* (2011); Jordan: Hashemite Kingdom of Jordan, Department of Statistics (2012b); Egypt: CAPMAS (2013).

* Tables 1-7 can be found at Annex 2 on page 147.

		Percentage of women's wages compared with men's				
		Egypt (2009)	**Jordan (2010)**	**Morocco (2004)**	**Tunisia (2011 and 2007)**	**Turkey (2010 and 2002)**
Formal sector	Public + private	86.2%	89.1%	N/A	71.8%	100.6%
	Private	N/A	83.0%	N/A	64.7%	101.1%
	Public	N/A	89.0%	80.3%	103.0%	100.2%
Informal sector	Wages	N/A	N/A	N/A	69.5%	76.5%
	Income	N/A	N/A	N/A	65.0%	N/A

IV.
Legal pluralism in Egypt, Jordan, Morocco, Tunisia and Turkey

IV. LEGAL PLURALISM IN EGYPT, JORDAN, MOROCCO, TUNISIA AND TURKEY

Legal pluralism

Although minority populations practise other religions, including Judaism and Christianity, Islam is the dominant religion in *Egypt, Jordan, Morocco, Tunisia* and *Turkey*. As such, most of the region's state constitutions include references to Islam, its values and its norms.

Personal status codes (PSCs), which are civil regulations covering personal issues, such as marriage, inheritance, filiation and nationality, exist in most Muslim-majority countries. However, *Turkey* as an officially secular state governs these matters via its Civil Code. In the cases of the other four countries, PSCs define the rights, status and roles of women and men in relation to these matters. The source of law for these legal frameworks is the *Sharia.*[20]

Legal pluralism is therefore particularly common in the region. In addition to positive and statutory law, states include religious and customary law in their legal frameworks. While the positive source of law is typically included in the penal or labour codes, religious sources of law are used in personal status codes (for *Tunisia* and *Morocco* where it is called the *Mudawana*) or family laws (in *Egypt* and *Jordan*).

Despite the prevalence of legal pluralism, family laws and personal status codes in the region differ from country to country. Some are based on more "progressive[21]" interpretations, while others are more conservative or following a more literal interpretation.

The divergence between Islamic law and women's human rights

The divergence between interpretations of religious law, customary law and human rights mainly occurs on matters related to marriage, nationality and inheritance.

Regarding marriage under religious law:

"in the Quran, marriage is in fact a flexible arrangement, made through mutual consent, and according to which women are expected to be 'obedient', but in return, they can expect men to provide for them the lifestyle to which they were accustomed prior to the marriage. The marriage itself is negotiated on the basis of a contract which binds the two parties: so that the marriage might be consecrated, the contract includes the payment of a dowry or Mahr. In marriage men are not only expected to financially support their wives, but also to treat them affectionately" (Tabet, 2005).

PSCs regulate marriage, with some more "progressive" interpretations, as in *Tunisia*, allowing divorce to be initiated by a woman, banning repudiation (a husband's unilateral exercise of power over the decision of divorce without the consent of his wife) and abolishing polygyny. Recent reforms to *Morocco's Mudawana* included a statute on spousal co-responsibility in the case of divorce.

Regarding nationality, in most countries in the region women do not lose their nationality by marrying a foreigner. However, with few exceptions, they cannot pass on their nationality to their husbands or children. In most cases, a mother can only pass on her nationality to her children when they are born outside marriage or of a stateless father. In this patriarchal social order, religion, identity and residence are passed on by the father (Tabet, 2005).

In *Morocco*, since the reform of the Nationality Code in 2007, women have the right to pass on their nationality to their children (Art. 6); however, this provision applies only to children born of a marriage between a Moroccan woman and a non-Moroccan Muslim, concluded under the *Mudawana*. In addition, women do not have the right to pass on their nationality to their foreign husbands, although Moroccan men can automatically transmit their nationality to their non-Moroccan spouses (Art. 10).

Regarding inheritance, or succession, PSCs often regulate transfer of all property, movable and immovable, and all rights and obligations left by a person at their death. Inheritance is often considered a more sensitive issue compared with marriage and nationality. Even in *Tunisia* there are long-standing debates over the extent to which inheritance rules outlined in the *Sharia* should be in the country's PSC.

Debates over the interpretation of *Quranic* inheritance laws are complex and beyond the scope of this study. However, the common interpretation of Muslim inheritance laws is *"to the male, a portion equal to that of two females"*. Many people claim that this is not a permanent rule which applies every time a man and a woman share an inheritance, and that in fact there are situations when women may inherit more than men (according to Professor Sheikh Muhammad Sa`îd Ramadân Al-Bûtî, as quoted in Tabet, 2005).

As described in the next section, many of the reservations states have made relating to international rights conventions are inextricably linked to the debates and discrepancies between religious law and the principles of universal human rights.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly consists of a preamble and 30 articles, and defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The CEDAW defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

All five countries in this study signed CEDAW with a number of reservations on non-discrimination articles related to divorce, marriage, inheritance and land ownership, among others. All these countries have withdrawn or intend to withdraw some of their reservations: *Turkey* in 1999, *Egypt* in 2008, *Jordan* in 2009, *Morocco* in 2011 and *Tunisia* in 2014. *Tunisia* is the only country of Muslim heritage and tradition to have lifted all its reservations. Irrespective of the degree of ratification or number of reservations to CEDAW, these countries are still far from having transposed the international commitments laid out in CEDAW into national legislation.

Table 9 summarises the history, status and progress of each country's CEDAW ratification and the reservations it has made. Details are provided in Annex 3.

20 Family codes or personal status codes are based on *Sharia*.

21 Often called "modernist", or based on free interpretation or "independent reasoning" (*Ijtihad*)

Table 9

RATIFICATION OF CEDAW AND RESERVATIONS

	Egypt	Jordan	Morocco	Tunisia	Turkey
Year of ratification	1981	1992	1993	1985	1986
Optional protocol				2008	2001
Reservations					
Article 2 (discrimination)	✓		✓		
Article 9 (filiation/nationality)	(✓)	✓	(✓)		(✓)
Article 15 (mobility)		(✓)			(✓)
Article 16 (marriage/ divorce/ownership)	✓	✓	(✓)	(✓)	✓
Article 29-1 (arbitration in case of disputes)	✓		✓	(✓)	✓
(Reservations lifted)	2008 (Art. 9)	2009 (Art. 15)	2011 (Art. 9 and Art. 16)	On 23 April 2014 the UN acknowledged receipt of the notification to withdraw reservations	1999 (Art. 9 and Art. 15)

Constitutions and personal status or family laws

Table 10A hereafter gives a rapid overview of the main features of the personal status codes or family laws in the five countries:

Table 10A

MAIN FEATURES OF THE PERSONAL STATUS CODES OR FAMILY LAWS

	Egypt	Jordan	Morocco	Tunisia	Turkey
Personal status codes					
Legal age for marriage (year instated)	18 (2005)	18 (1999)	18 (2004)	18 (2007)	18 (2001)
Guardianship	The permission of a male guardian is required for a woman to enter into marriage.	Guardianship over women is a valid condition for marriage. Women are under the guardianship of a man until the age of 30.	No	No	No
Polygyny	Permitted	Permitted	Restricted	Prohibited	Prohibited
Legal conditions in marriage contract	Work Education Residence Mobility	Work Education Residence Mobility	*Mudawana* Art. 47: all marriage covenants are binding. However, those contrary to the conditions and goals of the marriage and to the mandatory rules of law are null and void while the marriage remains valid	According to Art. 11 of the PSC, a term or condition on persons or property can be inserted into the marriage contract. However, according to Art. 21 of the PSC "the union with covenants counter to the very essence of marriage or concluded in contravention of the provisions of the first paragraphs of Art. 3, Art. 5 and Art. 15, 16, 17, 18, 19, and 20 of this Code" is null and void.	Not applicable in Turkey but a couple can draw up a marriage contract prior to the marriage to regulate property regimes in the case of divorce; the contract does not cover any other matters.
Inheritance rights	Half share of males	Half share of males	Half share of males	Half share of males	Equal rights

Egypt — principle of legal pluralism is enshrined in the constitution.

The new Egyptian constitution of 2014 stipulates in Article 2 that: "*Islam is the religion of the State and Arabic is its official language. The principles of Islamic Sharia are the main source of legislation*". Moreover Article 3 regulates family issues of people of Christian (Coptic) and Jewish faithon the same religious grounds: "*the principles of Christian and Jewish Sharia (religious law) of Egyptian Christians and Jews are the main source of legislation that regulate their respective personal status, religious affairs, and selection of spiritual leaders*". It also makes it clear that family law must be based on the interpretation of *Sharia*, despite the principle of equality stated in the constitution: "*The State shall ensure the achievement of equality between women and men in all civil, economic, social and cultural rights in accordance with the provisions of this Constitution*" (Art. 11).

The Egyptian Muslim Family Law is not codified in a comprehensive and complete charter. Provisions on matters of dispute relating to the family are organised into two sets of laws, substantive laws and procedural laws[22] and related decisions of personal status. Other provisions relating to the family can also be found in the civil laws (e.g. the validity of marriage, guardianship and custodianship).

Until 2004 the Muslim Family Law was administered within the national courts with judges trained in *Sharia*. Thereafter, family courts were established to reform the over-burdened judicial system and speed up the legal process. All family disputes (alimony, custody, divorce, etc.) are now consolidated into a single case heard by one court. Family courts, however, still suffer from judges' lack of specialisation, lengthy procedures and the absence of implementation mechanisms.

Women can request that certain legal conditions be entered into the marriage contract, including the right to attain a divorce if their future husband attempts to prevent the exercise of certain rights, such as education and work. Men can also maintain their rights by adding certain conditions into the marriage contract, including conditions that negate a woman's right to education and employment or place of residence. Women's rights to education and work are not automatic legal rights unless stated clearly in the marriage contract.

Jordan — Constitution does not explicitly mention prohibition of gender-based discrimination

Sharia is considered as the main source of the Jordanian Personal Status Law in addition to the *urf* [23] (customary law): all matters of marriage, divorce and inheritance are managed through *Sharia* courts for Muslims. The 2010 Jordanian Personal Status Law (36) specifies men as heads of the family, designates a secondary status to women in the family, and allocates to men full control over women through guardianship laws.

Polygyny and repudiation are permitted. A husband is entitled to prohibit his wife from working if he has entered this as a condition in the marriage contract or if his wife was not working before marriage.

Husbands also have the right to place conditions on and limit women's education, place of residence and freedom of movement when these rights are clearly defined in the marriage contract, or through the general authority that the law gives to husbands and male family members.

22 Substantive law is a statutory law that deals with the legal relationship between people or the people and the State: it defines the rights and duties of the people. Procedural law comprises the set of rules that governs the proceedings of the court in criminal lawsuits, as well as civil and administrative proceedings, and lays down the rules which help to enforce these proceedings.

23 *Urf* is an Arabic term, which largely refers to 'customs' and 'practices' of a particular society that may have been present at the time of the prophet Muhammad. *Urf* may sometimes be used as a source of rulings in Islamic jurisprudence (formally or informally, depending on the context), as long as it is compatible with the *Sharia*. Though *urf* may not be in the Quran or *Sunnah*, it can be used to uphold what is established in those primary texts. In some countries, '*urf*' or '*urfi*' marriages' refer to marriages without official papers issued by the state.

Customary law continues to operate through tribes. It regulates social relations and, particularly in rural and *Bedouin*[24] areas, replaces legal procedures. Formal relations between individuals and the state are exercised through the arbitration of the *sheikhs* (traditional chiefs), rather than through courts and legal institutions that handle matters relating to divorce, inheritance resolutions, domestic violence, and marriage conflict resolutions.

Morocco — Mudawana reform

In the aftermath of independence, Morocco promulgated the *Mudawana* or Code of Personal Status in 1957. The *Mudawana* was inspired by the Islamic legal tradition and reformulated the precepts of the Mālikī Jurisprudence[25] into a modern code. The *Mudawana* considered a woman as a minor under the guardianship of her father, husband or any other male relative. She could not marry without the consent and signature of her *wali,* or legal guardian. She could not be employed or obtain a passport without the permission of her male guardian. Moreover, repudiation against women could occur without justification or judicial oversight.

As a result of the women's rights movement significant changes were made to the *Mudawana* in 2004. The most remarkable reforms concerned the age of marriage, divorce and polygyny. The new version set the age of marriage for women at 18 and established the right to divorce by mutual consent, thus giving women the right to divorce on the same grounds as men. It placed polygyny and unilateral repudiation by the husband under judicial control and restricted the conditions under which a judge could grant such permissions. The need for a *wali* to be present for a woman to marry was also removed from the code.

In 2011, Morocco adopted a new constitution. It enshrined a number of human rights that were not previously included. The new constitution specifically mentions women and men in several articles, for instance, "*Men and women equally enjoy the rights and freedoms of civil, political, economic, social, cultural and environmental character, stated in this Title and in the other provisions of the constitution, as well as in the international conventions and pacts duly ratified by Morocco (…) The State endeavours to achieve gender parity. An Authority for parity and the struggle against all forms of discrimination is created, to this effect*" (Art. 19).

Nevertheless, challenges remain with the enforcement and application of the rule of law. Despite the eight-year period since the *Mudawana* reforms were promulgated, the judiciary has remained unchanged according to several women's rights activists in Morocco interviewed for this report.

A number of judges trained in the previous legislation based on the *Sharia* in its Mālikī interpretation are sometimes reluctant to apply the new tenets fully (Charrad, 2012). "*This substantial judicial discretion allows judges to simply carry on with old practices, as they most often do. And there are exceptions to the rules laid out in the Mudawana. For example, the option for couples to register their marriages after the fact means that men are still marrying underage girls and contracting second marriages without the first wife's acquiescence*" (Gomez-Rivas, 2008).

24 *Bedouin* comes from the word *Bedu* in Arabic (desert dwellers). It is generally known that the majority of Jordan's population is of Bedouin origin. Only a small portion of Bedouin can still be regarded as true nomads and pastoralists while many have settled down to cultivate crops rather than drive their animals across the desert. Most Bedouin in Jordan have combined the two lifestyles to some degree. The Jordanian government, which in the past promoted the settling of the Bedouin, recognises the unique value of their contribution to Jordan's culture and heritage.

25 The *Mālikī* School is one of the schools of *Fiqh*, or religious law, within Sunni Islam. The Mālikī School differs from the other Sunni schools of law, most notably in the sources it uses for the derivation of rulings. All schools use the *Quran* as the primary source, followed by the prophetic tradition of the prophet Muhammad, transmitted as hadiths. In the Mālikī School, said tradition includes not only what was recorded in hadiths, but also the legal rulings of the four rightly guided caliphs – especially Umar.

Tunisia — region's leader in promoting women's legal and social status

In 1956, the year of its independence, Tunisia enacted a PSC, which acknowledged the rights of women relating to family and civil matters. The code prohibited polygyny, introduced a new family organisation based on the equality of spouses before the law, made divorce available to both spouses and granted women the right to manage their own assets. The government also required parents to send girls to school.

Legislative reforms in the 1990s further advanced the status of women. For instance, Article 831 of the Code of Obligations and Contracts, requiring the authorisation of the husband for married women to sign service contracts and allowing the husband to rescind contracts signed without his approval, was repealed by Law 17 of 2000. The Constitution adopted in June 1959, stated equality between women and men by way of Article 6: "*All citizens have the same rights and obligations. All are equal before the law*".

The new Constitution, which was adopted on 26 January 2014, stipulates the following:

- **Article 1:** *"Tunisia is a free, independent and sovereign State. Islam is its religion, Arabic its language, and the republic its system. This article cannot be amended";*
- **Article 21:** *"All citizens, male and female alike, have equal rights and duties, and are equal before the law without any discrimination";* and
- **Article 46:** *"The State shall commit to protecting women's achieved rights and seek to support and develop them. The State shall guarantee equal opportunities between men and women in the bearing of all the various responsibilities in all fields. The State shall seek to achieve equal representation for women and men in elected councils. The State shall take the necessary measures to eliminate violence against women".*

Turkey — secular Civil Code governs family matters

The Civil Code governs family matters in Turkey. The constitution proclaims: "*The Republic of Turkey is a democratic, secular and social State governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights (…)*" (Art. 2). Later, in the chapter relating to "Equality before the Law" the constitution states that: "1) *All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations; 2) Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice*".

The constitution anchors the equality of spouses within marriage: *"The family is the foundation of the Turkish society and based on the equality between the spouses"* (Art. 41). Until the reform of the Civil Code in 2001, Turkish law designated the husband the head of the family. This clause has now been removed and according to the new Civil Code (Art. 186), spouses should jointly make decisions regarding the marriage union and where they will live, and should contribute towards the expenditures of the union with their labour and possessions to a degree commensurate with their capabilities. This clause deletes and replaces the old principle that the husband is responsible for maintaining his wife and children. In addition, the clause that stipulates that a wife's place of residence is the residence of her husband has been deleted from the definition of legal domicile. Most importantly, with regard to inheritance, Article 649 of the Civil Code establishes equality between heirs: women are legally entitled to the same rights of inheritance as men.

Penal codes and violence

In the five countries, penal codes have been influenced by interpretations of *Sharia* and customary laws. Penal codes deal with violence against women (VAW), and anything pertaining to violations of bodily integrity, which includes rape, "honour crimes", and female genital mutilation (FGM), which is only known to exist in *Egypt* (among the five countries).

In *Jordan*, those who commit "honour crimes" can benefit from mitigating circumstances and receive lenient sentences if their victims are over 18 years old. Penal codes are also often written in such a way that allows rapists to escape penalty if they agree to marry their victims (as is the case in *Egypt*, *Jordan* and *Tunisia*,[26] and until recently in *Morocco*).

Table 10B hereafter gives a rapid overview of the main features of the penal codes in the five countries:

Table 10B
MAIN FEATURES OF THE PENAL CODES

	Egypt	Jordan	Morocco	Tunisia	Turkey
Penal codes					
Violence against women	Multiple witnesses required. Provisions not applicable to acts committed in bona fide with rights granted by *Sharia*	Family violence law (2008), but no procedures of implementation until now	National Strategy (2003) Bill on the fight against VAW (2013)	National Strategy VAW through life cycle (2013) Constitution Art. 46 Bill on the fight against VAW and girls (2014)	Art. 96 (2004) Law to Protect Family and Prevent Violence Against Women (2012)
FGM	Penalty but no evidence of implementation and claim FGM are needed to safeguard morality	None	None	None	None
Rape	In 1999, amendments made to the Penal Code (Act No. 58 of 1937) ensured that marriage to victims of rape and abduction would not result in charges against perpetrators being dropped	Perpetrator can escape penalty if he marries the victim	Perpetrator can escape penalty if he marries the victim But Art. 475 amended in January 2014	Perpetrator can escape penalty if he marries the victim (Art. 227 bis and 239) Art. 239 to be withdrawn – announced by Ministry of Justice	Art. 102
"Honour crimes"	Penal Code (Art.17) allows for leniency and lower sentences in cases of honour crimes	Mitigating circumstances if the victim is over 18	Mitigating circumstances (Art. 418) removed since 2004	Mitigating circumstances (Art. 207) removed since 1993	New Penal Code in 2004 removed the justification of "unjust provocation". Killing in the name of custom is an aggravated circumstance

26 See Ben Achour (2012) on Article 239 of the Tunisian Penal Code.

Labour codes and discrimination

Labour codes in the region typically do not take into account the different needs and circumstances that male and female workers have in order to promote equal opportunities and protection. However, several countries have recently introduced articles on gender discrimination and equal pay.

Table 10C hereafter gives a rapid overview of the main restrictions of the labour codes in the five countries:

Table 10C

MAIN RESTRICTIONS OF THE LABOUR CODES

	Egypt	Jordan	Morocco	Tunisia	Turkey
Labour codes					
Gender discrimination	No provision	No provision	Art. 9	Art. 5	Art. 5
Equal pay	No provision	No provision	Art. 346	No provision	Art. 5
Sexual Harassment	No provision	Art. 29	Art. 40 Penal code Art. 503	Penal code Art. 226	Penal code Art. 105
Professions excluded for women	Yes	Yes	Yes	Yes	Art. 72 and 85
Hours of work prohibited	20.00 to 6.00	20.00 to 6.00	For some professions (Art. 173)	22.00 to 6.00 for at least 12 consecutive hours	For some professions (Art. 73)
Professions not covered	Free zones Foreign investment companies Agricultural workers Domestic workers	Agricultural workers	Domestic workers	None	Unpaid family workers are not covered by social security
Maternity leave	90 days (100% salary)	10 weeks (100% salary)	14 weeks (100% salary)	2 months (100% salary for civil servants) 4.3 weeks (66,7%) for others	16 weeks (67% salary)
Childcare Services	No	Companies with more than 20 married women with children under the age of 4 are required to provide childcare centres		Incentives for companies to provide childcare services	Regulation on working conditions of pregnant and nursing women (2004)

Night work still prohibited for women in some cases

Night work is still prohibited in *Egypt* and *Jordan* and in certain professions in the other countries. In *Morocco*, women are prohibited from working in quarries and in underground mining (Art. 179). They are also prohibited from working in occupations that present risks of excessive danger, exceed their capacity or may adversely affect 'good morals' (Art. 181). Women are prohibited from working at night in establishments whose activities are continuous or seasonal or in establishments where the work involves raw materials, materials in elaboration or perishable agricultural products (Art. 173).

In *Tunisia*, women are prohibited from working at night, meaning for at least 12 consecutive hours including the period between 10pm and 6am (Art. 66). This restriction does not apply to women working in establishments where the work involves raw materials, materials in elaboration or perishable agricultural products, women in managerial positions and women working in social services and those who do not carry out manual work (Art. 68). It is also prohibited to employ women in underground work in mines and quarries (Art. 77) and in the recuperation, transformation or storage of scrap metals (Art. 78).

Not all workers protected

To an extent, labour codes still do not apply to agricultural workers (*Egypt*) or domestic workers (*Egypt, Jordan* and *Morocco*), nor to foreign investment companies and free zones (*Egypt*). In *Turkey*, unpaid family workers in agriculture do not benefit from social security. The new Turkish Labour Law was adopted in 2003 in compliance with the 2001 EU Accession Partnership Agreement.

In *Tunisia*, the labour code established gender equality in 1993 through an amendment to Article 135, which contained non-egalitarian provisions concerning the salaries of women working in the agricultural sector. The amendment of Article 5 stipulates "*there should be no discrimination between men and women in implementing the provisions of the present code and the texts enforcing it*". Additionally, the Public Civil Servant Law of 1983 stipulates in Article 11 that there is no gender discrimination.

Turkey's Regulation on Working Conditions of Pregnant and Nursing Women, issued in 2004, obliged establishments employing more than 100 women workers to have nursery rooms for nursing mothers and those employing more than 150 women were required to provide childcare facilities for children aged between 36-72 months. The employer is also obliged to recruit personnel considered to be necessary for the proper functioning of these institutions.

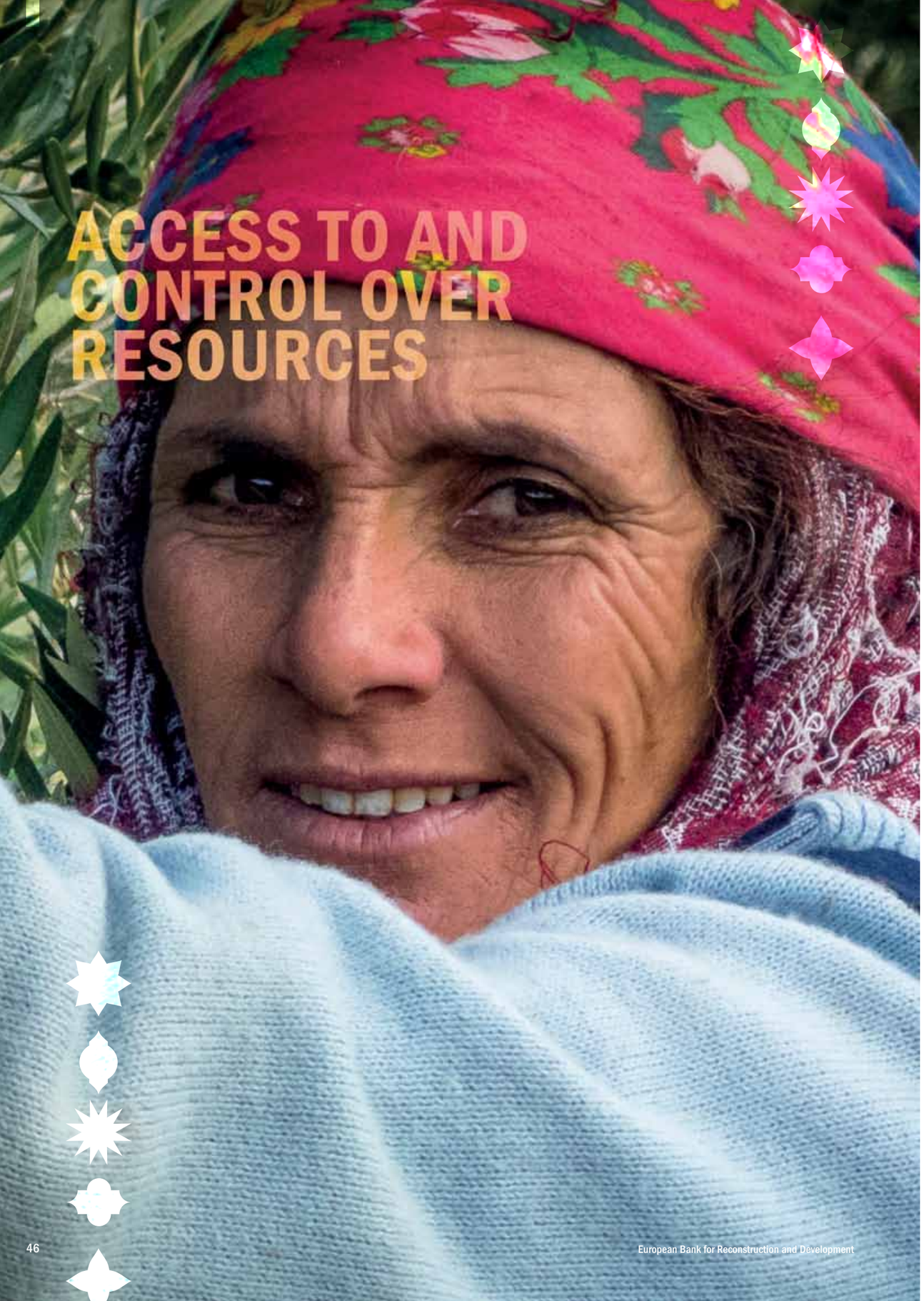
It is widely suggested among policy-makers and feminist researchers in Turkey that the regulation has a negative effect on women's employment, discouraging employers from hiring women, as it entails the additional expenses of opening and operating a nursery. Moreover, although no reliable data exist, it appears that the enforcement of the regulation has remained very limited. Many employers opt to pay fines rather than comply with the regulation if they ever get inspected (Dedeoglu, 2012b).

When the institutional framework, in which plural legal systems and social norms and traditions exist, formalises unequal rights for women society is more likely to tolerate women's subordinate position in society. This phenomenon is exacerbated when there is coexistence and a degree of tension between religious laws or traditions and positive and secular laws, as this sends a contradictory message.

It is not only in the MENA region where women are largely perceived to have a subordinate position within family relationships, as individuals within communities or as citizens. However, as the previous sections have illustrated, laws or the interpretation of laws governing many countries in this region differentiate between the sexes explicitly. This reinforces traditional gender roles within households and the wider community in a pronounced way despite the existence of laws compliant with CEDAW and international conventions and programmes that address gender inequalities.

The interaction between plural legal systems and social norms thus influences critical areas such as mobility, occupational choice, civil matters (such as marriage, divorce, nationality and inheritance), ownership of assets and land, and many other factors crucial for women's economic empowerment.

V. Voice, agency and participation findings



ACCESS TO AND CONTROL OVER RESOURCES

Inheritance rights and the right to own property, such as land, houses and more generally any type of physical assets, as well as the right to earn and use one's own income and to access credit, are fundamental to women's agency and economic participation. Property and assets, as well as savings, can be used as collateral to access credit.

EGYPT

Women's ownership of land is among the lowest in Egypt because women are encouraged to waive their inheritance rights in favour of their brothers.

Many poor, rural (but also urban) women have no identity cards, meaning they are not recognised as citizens, and they have no access to their inheritance rights, to loans or, more fundamentally, to any public institution or service.

Equal before the law, but not in practice

Before the law, Egyptian women and men have equal rights to land tenure and property ownership. In reality, however, the proportion of women owning land is very low. It is estimated by the NGOs' CEDAW shadow report (Alliance for Arab Women, 2009) to be around 5.8 per cent (women hold about 6 per cent of the cultivated area in Lower Egypt and 4 per cent in Upper Egypt). Customary traditional practices play a significant role in limiting women's ownership of land and property. It is considered more appropriate for property to be registered under a man's name, whether a husband or father.

In rural areas, such as Upper Egypt, it is particularly rare that women will collect their rightful inheritance shares. This may be for reasons relating to the control of assets and land by male family members who are unwilling to divide the inheritance or to share it with their sisters or mothers. It may also be because women tend to waive their share in favour of their brothers (Qansah, 2012).

Women often waive inheritance rights

Women's attitudes towards their inheritance rights are often based on what is appropriate as a social practice rather than legal rights. A survey of young people in Egypt revealed that 14.2 per cent of young women agreed that women should not take their share of inheritance (Population Council, 2010). Women's land ownership in Egypt was ranked one of the lowest in the African Gender Development Index (UNECA, 2009).

A recent study entitled "Women's Inheritance in Said Maser: Between Hopes and Reality", conducted in 2014 by a Cairo University sociology professor, Dr Salwa Mahdi, shows that 95 per cent of women in Al-Said are deprived of their inheritance (Shuaib, 2014). According to the research, only 4.5 per cent of women obtain their share of inheritance without any difficulty, whereas 57 per cent had to demand their inheritance rights, and 43 per cent did not make demands thereby relinquishing their inheritance altogether. Of this share, 29 per cent of women stated that they knew they would not get their inheritance anyway, while 23 per cent stated that they did not want to harm the relationship with their brothers and other relatives. The majority of the women who did not

demand their share of inheritance stated that they did not ask for their share of inheritance because of traditions, since it is considered *a'eb* (shameful) for a woman, to do so.

The same study shows that women who had brought their inheritance cases to court had been isolated and exposed to violence, and only 18 per cent of them managed to gain their full share of the inheritance through court verdicts.

"Honour crimes" closely linked to inheritance discrimination

Crimes against women and girls (including but not limited to murder) under the name of "honour" constitute a practice that inflicts punishment on women assumed to have acted in a way that the community and/or family finds reprehensible or unacceptable. Such behaviour may range from engaging in an affair with somebody outside the community to reclaiming inheritance.

Several women's rights activists interviewed for this study stated that inheritance is one of the reasons for which honour crimes are committed against women in Egypt. Indeed, there are approximately 8,000 recorded murder cases a year linked to family inheritance disputes (Mahdi, 2014). This statistic does not, however, reveal how many of those murdered were women.

Killing women is often justified in the name of "honour" in order for perpetrators to escape punishment, particularly in rural areas where the male ownership of land is the norm. If women ask for their inheritance it could be perceived as a crime, and as a consequence women aware of such risks to their lives may waive their inheritance rights out of fear.

Institutional barriers to accessing justice or civil documents, especially for the poor or illiterate

Women's access to state institutions is dependent on their ability to have connections or money, which most women usually lack. Access to justice is often limited and costly. Social norms and customary law, which permeate the implementation of rule of law, mean that court rulings may not necessarily favour women's cases.

The number of poor and illiterate Egyptians without identity cards is believed to be very high. This is the case in both rural and urban areas. This restricts people's access to decent employment opportunities and, in the case of women in particular, their ability to claim inheritance shares or to apply for loans and credits from banks or the state's social fund. It also places limitations on whether they can own property, access state institutions, make use of their services or claim social security benefits. Interviewees cited cases of widows being unable to receive pensions after their husband's death because without personal identification they could not prove they had been married to the deceased.

A number of NGOs, including the Egyptian Centre for Legal Assistance, have support units to help poor and illiterate women obtain identity cards. The cards are essential for anyone hoping to access finance in order to start a business. One of the main barriers encountered by the National Council for Women (NCW) in funding micro and small businesses, for example, is that a large number of the women who applied for micro enterprises had no national identity number; obtaining this number requires an application form to be filled out and fees to be paid.[27]

Within such a context, if women need to access any of the state's institutions, they are left with no option but to rely on a male family figure, be it a father, a husband, a son or a brother. This forces women in many cases to accept a dependency status, undermining their agency to access and control their resources; making any other choice might pose a threat to their well-being and existence.

27 Part of the NCW's project – financed by the Kuwaiti Fund – assisted three million women in obtaining their national identity number.

JORDAN

Access to family assets and properties is limited for women, and men control the share women may have.

It is usual practice for women to waive their shares of inheritance, including in urban and wealthy areas.

Banks require the husband to have joint possession in order for a woman to be granted a loan.

Micro credit programmes do not challenge the stereotyped roles of women and do not realise their objectives of eliminating poverty or empowering women.

Low land and property ownership among women, despite non-discriminatory laws

There are no legal restrictions that prevent women from owning land and property or accessing loans in Jordan. According to the Jordan Population and Family Heath Survey (JPHS) 2013, only 3 per cent of women independently own a house or land. However, data from Jordan's Department of Statistics (2012) show that women account for 8.2 per cent of the landowners and 18.8 per cent of the apartments owners; joint ownership accounts for 6.7 per cent and 10.5 per cent respectively.

The number of women employed in the public sector might explain the higher percentage of women owning apartments, because working in the public sector entitles individuals to a bank loan and/or credit.

Established companies in the private sector may apply for mortgages, allowing women to register apartments in their names as they are legally bound by the mortgage contract. Several cases discussed in the interviews with the staff of the Justice Centre for Legal Aid and the Jordanian Women's Union (JWU) Hotline, however, revealed that some women were forced to register their apartments in their husbands' names or have joint possession after the end of mortgage. Some banks also insist on the husband's joint possession of the apartment in order to grant the loan, even in cases where the husband is unemployed, as explained by a representative of the JWU Hotline. This is often because the bank's administrators do not trust women borrowers and assume men to be more credible, reliable and less risky.

Limited access to family assets and property

The low percentage of women landowners could be for various reasons: first, access to family assets and property is usually limited for women in Jordan. Mostly, it is men who are the managers of family assets and businesses and thus they control the share women can have. There is often an arrangement made before the death of the father, which divides the assets between family members. In such arrangements, women are either given money for their share or are forced to waive their rights of inheritance. While this is common practice in rural and tribal communities, it is also not unusual in urban and wealthy areas that women are deprived of their rights or that women waive their rights of inheritance.

Second, inheritance rights are administered through the Jordanian Personal Status Law (JPSL). The guiding principle of these rules is "to the male, a portion equal to that of two females". In the JPSL, this principle is applicable in cases of daughter/son, aunt/uncle, and brother/sister relationships (CEDAW, 2010).

Women own fewer securities

Of all securities owned, 43.4 per cent are owned by women, compared with 56.6 per cent by men. However, in 2010, the value of women's securities did not exceed 22 per cent of the total value of all securities (DOS, 2012). The explanation offered by some informants for the relatively high proportion of women owning securities is that a man will typically register some securities in the name of his wife, sisters or daughters to have a bigger share in a company or to avoid paying higher taxes.

Challenges for micro credit lending

Women face particular obstacles obtaining and accessing loans, and prefer to borrow from NGOs.

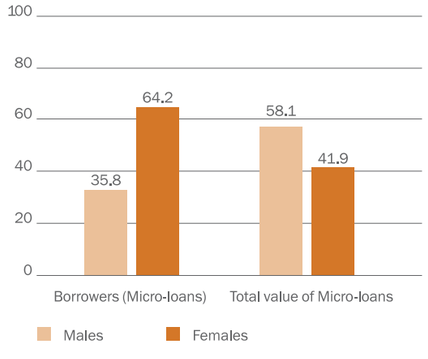
Data from 2010 shows that Jordanian women usually benefit more from micro credit loans than bank credit loans (see Chart 13 below). Women represent 64.2 per cent of the beneficiaries of microfinance, whereas their share of the total value of micro credits is only 41.9 per cent, which means that the funds men receive are of a greater value than those given to women.

By the end of 2009, there were as many as 159,518 microfinance borrowers, with credit lines totalling approximately US$ 135 million (Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation, 2012).

Chart 13:

DISTRIBUTION OF MALE AND FEMALE BORROWERS OF MICRO LOANS AND TOTAL VALUE OF THE LOANS BY SEX IN JORDAN

Source: CADOS, 2012, Men and Women, Portal Statistics.



Dissatisfaction with NGO borrowing

A 2012 DOS study indicates that women tend to borrow more from NGOs, which have programmes aimed at empowering women economically, than from banks and other financial institutions. In fact, the proportion of women borrowing from the latter is very low. Nonetheless, the majority of NGOs interviewed for this study expressed their dissatisfaction with micro loans and the failure of the micro loan programmes to contribute to empowering women or bringing about significant changes in their lives.

There are several reasons for such dissatisfaction. First, the amount of a loan from a NGO is usually very small, between JOD 100 and 500 (US$ 140-700). Often this amount is not enough for women to buy the raw materials for their projects, which means they have to find other sources of funding or produce a limited number of products so that in many cases they do not have the adequate financial return to meet the required monthly loan repayment. This often leads to a failure to pay back the loan.

Additionally, respondents stated that other reasons include a lack of marketing opportunities, a lack of training and skills in business management. Beyond skills, however, the limited distribution of products (often related to women's restricted movement and mobility), the lack of support from families and society at large given to women entrepreneurs, and the production of goods that are incapable of competing with large companies' products (as these are often much cheaper and of better quality) make such small loans undesirable.

Micro loan programmes often have the opposite effect to the one envisaged

The response to the challenges that women's microfinance programmes face seems to be concentrated on the first set of issues related to skills and the ability to manage the micro credits rather than the structural and production challenges identified by respondents. The Ministry of Social Development and the NCW have collaborated on training sessions that involve awareness programmes for small projects, creating innovative ideas for projects, technical and vocational capacity building programmes, training on action plans and budget development, and project management. But issues that hinder women at the social and legal levels, which restrict their ability to develop their businesses, have largely been unaddressed.

A 2012 study by the Ministry of Planning on gender and microfinance in Jordan revealed that around "*90 per cent of the women borrowers do not establish real projects on the ground*". This indicates that the majority of women have other motivations for borrowing; one of the reasons mentioned by respondents is to solve an immediate financial need. This includes paying for university fees for their sons or daughters, assisting husbands in improving their business, paying for medical surgery or buying furniture.

Further challenges to micro credit programmes – a lack of rules

There are also no clear rules that govern the sector. Several studies and activists have addressed this issue as it is important for the development of micro lending that a body responsible for administering the work of NGOs and other institutions is established, thus moving it from the informal sector to the registered sector, which is governed by formal rules.

The funds for micro credits come mostly from international donors. The criteria for financing projects are usually set by these donors. The value of the credits is also very small, which does not allow women to create new ideas or risk implementing them. Therefore, women tend to establish projects that are not risky. Their projects furthermore do not challenge the stereotyped roles of women in food production, handicraft or beauty products. Consequently, the micro credit programmes do not realise their stated objectives of empowering women or reducing poverty.

MOROCCO

Under the standard marital system, spouses retain their own property.

Women face the same obstacles regarding inheritance of land and assets.

Women face specific gender-related red tape in their efforts to access finance, markets and recruitment.

The collateral levels set for women by banks are too high.

Property rights and land transfers deeply rooted in historical processes

Land rights in Morocco are inextricably linked to historical processes, particularly the actions of the colonial state and post-independence state. The legal framework governing land in Morocco is a combination of customary law, Islamic traditions (such as inheritance), "tribal" practices, French civil law and a series of decrees, some of which date back to the early 1900s.

Large swathes of Morocco's rural areas have been traditionally cultivated as collective lands. Historically, these lands belonged to indigenous or tribal[28] groups and were governed by a law issued in 1919 regulating the groups' customary practices. The lands were later distributed to family groups, and more recently to male heads of households exclusively. Administrative boundaries have been redrawn and moved multiple times, which has made socio-economic data collection and recording – in terms of household statistics and registries – imprecise. Thus, legal, technical and administrative interventions by both colonial and post-colonial governments have affected women's access to property and land.

Under Morocco's standard matrimonial system, spouses retain their own property. Nevertheless, the constitution does not make specific mention of women's rights to own and control land. Additionally, customary practices, combined with a series of administrative and bureaucratic barriers and inconsistencies have systematically left women with fewer legal claims to land and property. As a result, few women own land in Morocco and even fewer women own agricultural land. This is problematic, given that banks in Morocco have high collateral requirements "even when credit guarantee schemes are available", according to the Gender Entrepreneurship Markets country brief (World Bank, 2005).

Reforms to formal laws such as the *Mudawana* have resulted in relatively progressive provisions supporting women's rights to marital property and to inherit family property. In practice, however, the rights of women to access and control land and natural resources tend to be subordinated to men's power and control.

Discriminatory inheritance laws

The law governing inheritance contains discriminatory elements. The 2004 *Mudawana* allows the children of a deceased mother to inherit from their maternal grandparents in the same way as children of a deceased father. Although this is an improvement with regard to women's inheritance rights, inequalities still exist. A woman still receives a share of inherited land that is less than half a male's share. *"Actually, women may be reluctant to challenge traditions that discriminate against them"*, stated a Moroccan activist. Interviewees who took part in this study believed that the legal framework related to inheritance is more complicated in Morocco than in other countries.

28 By "tribal" this report invokes the Arabic word "K'bila" which refers to tribal affiliation and/or appellation and not necessarily ethnic groups. "Ethnic" affiliation in Morocco has historically been used to differentiate the state-sanctioned use and identification of Arab and Amazigh ("Berber") populations, which are not synonymous with the classification used for collective land affiliation.

CASE STUDY The *Soulaliyates* movement (Democratic Association of Moroccan Women – ADFM)

The *Soulaliyates* (women of collective lands) movement is a grassroots social initiative launched in 2007 by women representing various "tribes" that advocates the recognition of their rights to historically collective lands. There are estimated to be about 12 million hectares (30 million acres) of collective lands in Morocco belonging to 4,631 indigenous communities across 48 provinces. This amounts to an estimated total population of 10 million inhabitants. Many women with historic ties to collective lands are illiterate, poor and economically dependent on male family members despite their own substantial contributions to land productivity. Traditionally, their rights to collective lands have not been recognised by the state. The predicament women faced worsened in the 1990s when the state authorised land privatisation and expropriation. Collective property was first sold to local authorities for well below the conservative market value and then resold to developers who promptly pushed up prices, sometimes selling property at 60 times its original price. In exchange, men were given a house or financial compensation. On the other hand, women who had no male descendants or who were divorced, widowed or married to an "outsider" – any Moroccan citizen belonging to another tribe – could do nothing to avoid being expropriated or to rightfully claim compensation. Many were forced to move to informal settlements adjoining formerly collective lands. In addition, some resettlement schemes enabled male outsiders living in informal settlements to purchase a 60 square metre plot for US$ 2,400.

With the support of the Democratic Association of Moroccan Women (ADFM), the *Soulaliyates* women organised themselves into interest groups to promote and protect women's rights to collective land. They grew into a national social movement that fights against injustice, gender-based discrimination and patriarchal customs and traditions in respect of access to land.

In 2012 the Moroccan government granted men and women equal rights regarding income and profits gained from their land as part of a decision by the Ministry of the Interior. However, tribal representatives rejected these rulings as they did not recognise the equal right of women to benefit from these lands and the revenues derived from them on equal terms with men. Indeed, while some did recognise this right they again applied it to only certain women, depending on established criteria, excluding for example women who are widowed, handicapped, older, unmarried or who have no family.

After continuous pressure from the Soulaliyates movement, the Moroccan government enacted legal changes that granted formal access to land for the Soulaliyates women. In March 2013, for the first time, the Soulaliyates women from urban districts of Mahdia received land plots of equal size and were entitled to the same land rights as men. As a result 867 women benefited from the distribution of 128 hectares of land and thus became landowners and attained control over land. The rights of the Soulaliyates women to collective lands have been recognised by the Ministry of Interior, which has issued ministerial decrees on the matter.

In an interview in May 2014 an elected member of the House of Representatives explained that women do not often claim their property rights and, for instance, government-allocated social housing is automatically registered under the husband's name based on civil records.
As a case in point, ethnographic research in the Anti-Atlas (or *Sousse*) region has revealed that various "tribal" naming practices – including the decision to conceal or reveal names to local authorities – combined with multiple forms of identity (e.g. national identity cards, and the *hala madania*, or family registry booklet from colonial times distributed among male heads of households) that are not universally distributed or recorded in civil registries strengthens the plausibility of gender-based discrimination in land ownership. If, for example, the family names on two identity cards for the same woman are inconsistent, she may be unable to take an inheritance dispute to court and easily prove right to ownership (Hoffman, 2000).

Low number of women entrepreneurs

The 1995 revisions of Morocco's commercial code and its code of obligations and contracts provided women with the right to start a business and enter into a contract of employment without their husband's authorisation. Nevertheless, the number of women owning businesses or commercial enterprises remains very low due to their limited access to resources. Moreover, women who seek to start their own businesses face obstacles and social constraints that are related to the general conditions of women in the country.

A 2004 survey conducted by the Association of Women Entrepreneurs of Morocco (AFEM) showed that most problems facing women entrepreneurs were linked to finance and market access and recruiting (AFEM, 2004). Women (and men) entrepreneurs generally complain about an excess of "red tape" and high production costs. But women entrepreneurs also cite specific obstacles to entrepreneurship relating to gender.

In response, women's business associations like AFEM or ESPOD offer premises where women can meet and share knowledge, gain experience, find information and solidarity, as well as receiving training.

A 2011 study on the subject concurs, pointing out that there is "discrimination on the part of customers, suppliers and banks as well as the lack of measures to support work-life balance and the scarce dissemination of information and advice" (Boussetta, 2011). Most surveys also point to a dearth of financial and non-financial information as the first obstacle for women in creating and subsequently achieving sustainability for their projects.

The study notes that pieces of information circulate by hearsay, adding that women entrepreneurs are isolated, do not spend as much time in public spaces as men and are more excluded from modern communication means. It also indicates that training in management skills is lacking, and women entrepreneurs are poorly represented in decision-making agencies in economic and political fields. Consequently, they have no forum in which to voice their needs and protect their interests as entrepreneurs.

For the same study, a survey was carried out on a representative sample of 300 enterprises created and/or directed by women, and showed that 80 per cent of women business owners surveyed believe they have faced specific constraints when creating their own business. The administrative burden and lack of access to land as collateral for finance represent major obstacles for 25 per cent of respondents. The cultural and social factor is also important, as it was cited by a quarter of respondents. The research identifies three categories of women entrepreneurs: those coming from affluent families endowed with adequate training and professional expertise; those from more disadvantaged backgrounds who launch individual initiatives of income-generating activity and self-employment; and those from poor social backgrounds and with low expertise levels working as part of an economic activity designed for survival, and whose meagre income is used to meet the family's basic needs. Thus, the so-called survival entrepreneurship is extremely important in countries where social protection is not available to a majority of women.

Access to finance

The Gender Entrepreneurship Markets country brief for Morocco (2005) notes – based on the AFEM survey – that 50 per cent of women-owned enterprises are self-financed, and only one third of financing is from external sources, with most women using funds from partnerships with family members.

It specifies:

"Banks have high collateral requirements even when credit guarantee schemes are available. In general, entrepreneurs are not informed about the different financing schemes offered via banks by donor programs or other forms of institutional financing. Some small businesses need different financial instruments to operate and grow. For instance some enterprises need financing for working capital; others need bank guarantees for tenders, even simply require bank certificates to participate in tender pre-qualification. These are difficult for women entrepreneurs to access. Banks tend to work with larger companies and/or family groups and are not prepared to assess the risks of SME banking and new clients. Banks' financial services are even less accessible outside the main economic region of Casablanca, due to centralised decision-making structures."

TUNISIA

Despite a progressive Personal Status Code, women often waive their unequal share of inheritance and lack the collateral required to access credit.

Red tape for registering and operating a business is more restrictive for women entrepreneurs than for men.

Women are the main beneficiaries of micro credit but are offered smaller amounts than men.

The inexistence of childcare services is perceived by women as a major obstacle to accessing and operating a business and for accessing employment opportunities.

Despite a progressive Personal Status Code, discrimination persists

Although Tunisia has one of the most progressive PSCs in the Arab-Muslim region, the Code still contains discriminatory provisions. It maintains gender inequality by: (i) leaving a woman's share of inheritance as half that of a man's; (ii) granting fathers extensive rights in relation to child guardianship, and (iii) requiring a wife to obey her husband.

Unequal inheritance rights and claims

According to interviewees and focus group participants, women in Tunisia are often denied an equal share of inheritance. Brothers, and sometimes any other male family members, such as cousins, are legally entitled to a share that is double that of a female heir, even though women usually contribute to the wealth of the family. A women's rights advocate and gender expert explained in an interview (April 2014) that "*women tend to refrain from claiming their share of inheritance*". A businesswoman and chair of a women's leadership organisation stated in another interview (April 2014) "*women provide for all family members when they are single but give their salary to their husband when they are married*". She added that "*even today, land and real estate are rarely registered in the woman's name, and rental contracts for family residences are usually under a man's name, and rarely under the wife's name or jointly as a couple*".

Discrimination in entrepreneurship, particularly in administrative procedures

While the legal framework relating to investments and entrepreneurs does not explicitly discriminate against women, neither does it contain specific regulations or positive actions to encourage women. "*What matters to a bank is that you provide guarantees on loans, the bank doesn't care about sex, it cares about profits*" said a women's rights activist and director with a private bank in Tunis during an interview (April 2014).

Yet women entrepreneurs cite many challenges, among the top is a culture that is unfavourable to entrepreneurship generally, and to women entrepreneurs specifically, as well as family obligations and lack of access to business networks (see Chart 14).

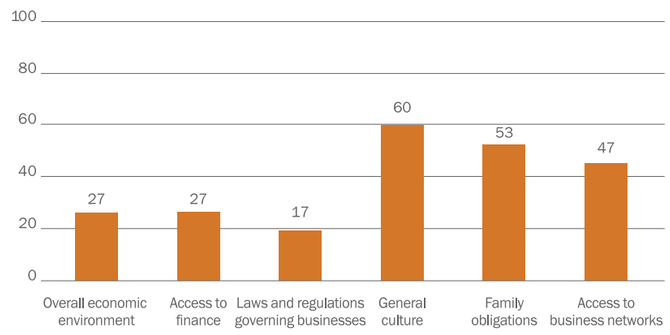


Chart 14:
MAIN CHALLENGES THAT WOMEN ENTREPRENEURS FACE IN TUNISIA (PERCENTAGE OF RESPONDENTS)
Source: Adly (2014)

In an extensive survey on post-revolution entrepreneurship in Tunisia, researcher Amr Adly (2014) found that on average, women visit as many as 4.1 agencies and bureaucratic offices to register a business, while men visit 3.22. This implies that even though formal rules and legal regulations do not discriminate based on gender, in practice women face more complex bureaucratic processes in registering and licensing their businesses. The survey found that women can wait up to 10.68 months on average to complete registration, compared with just 6 months on average for men.

The survey also revealed that 43 per cent of women respondents said they were asked to provide money under the table (e.g. cash or gifts) to state officials in order to secure their business registration. Only 26 per cent of male respondents said they had been asked to do so, and according to the survey's findings, had less negative views towards such corruption than women.

Women are main recipients of microfinance

Women are the main beneficiaries of micro credits in Tunisia. Of all the income-generating activities funded by ENDA inter-arabe, the major microfinance institution in Tunisia, 71 per cent are operated by women.

A focus group interview conducted in April 2014 with five businesswomen for this study revealed the perception that banks prefer dealing with men. Interviewees confirmed that they had been asked questions that were not connected with their work, nor their request for a bank loan, for example questions about childcare and their role as mothers.

Burden of childcare

Focus groups also revealed that women who tend to shoulder the burden of family responsibilities often see their work-life balance as the main obstacle to their professional advancement. Without a reliable and affordable childcare system, they felt that they had less time to focus on career development. The responsibilities and expectations of marriage and family life without shared care work may deter women from entering the labour force. In their Alternative Report submitted to CEDAW in October 2010, the Tunisian Association of Democratic Women (ATFD) wrote: "*the proportion of married women in work in 2008 was 16 per cent lower than the national average for women as a whole*".

Low confidence

Focus group participants also agreed that a lack of confidence was another major obstacle to starting a business. One participant who now owns a freight company confirmed that her low confidence prevented her from developing her business at first.

Furthermore, women agreed that clients generally prefer dealing with men. They added that financial proposals made by businesswomen are always expected to be lower, and that business deals are often finalised in coffee shops or other spaces traditionally occupied by men (e.g. bars or restaurants), to which women have limited access because they are not considered socially acceptable public spaces for women.

TURKEY

Turkish women benefit from equal inheritance rights and from various marital property regimes. However they remain disadvantaged and do not have collateral for accessing credit.Though women may obtain credit, men often operate the business.

Turkish women may need permission from their husbands to work or start a business.

They need more information and awareness about running a business because they are excluded from public spaces where business deals are concluded.

Despite equality before the law, unequal inheritance practices remain

Despite the fact that Turkish law grants equal rights to women and men for inheritance, and marital property regimes are regulated by the Civil Code, many women are disadvantaged in inheritance processes since the most valuable family property is typically transferred to men. This is particularly the case with productive agricultural land and in certain regions of the country.

Just as in the other countries in this study, customary laws and practices in Turkey often influence women's decisions to waive their rights in favour of male heirs. According to the Union of Chambers and Commodity Exchanges of Turkey (TOBB): *"since women do not have any property registered in their names they cannot have anything for guarantee, which is a main obstacle in women's access to credit… There is also that bureaucracy involved in having access to credit. Women have access to KOSGEB (Small and Medium Enterprises Development Organisation), which is a large funding source. However, there are a lot of women who do not know and a need arises for raising awareness".*

Business environments present dificulties for women

Traditional, male-dominated businesses discourage women from entering certain areas of employment. As a TOBB representative explained, "*business is more difficult for women since they remain outside male-dominated environments. Women are absent in social settings where men do business deals at the end of a football game for example. This is one of the main disadvantages for women*".

The Confederation of Turkish Tradesmen and Craftsmen (TESK) cited in interviews that it has seen many cases of women who must ask for their husband's permission before they can work or start a business, which is a major obstacle for their autonomy.

TESK also points out the problems related to family life and women's self-esteem: "*A family life and work balance and self-confidence of women are significant problems for women's entrepreneurship. Women face the question of 'whether I can do this'. When we examine the profile of women entrepreneurs it is evident that these women have self-confidence and have the full support of their families"*. This suggests that women's entrepreneurship in Turkey is significantly concentrated among middle and upper class women who as a result of their class privilege have greater choice and agency in the access to and control over resources.

Women may access credit, but not necessarily the business

There are also concerns about the fact that men may get their daughters or wives to apply for credit, but without involving them in business decisions or activities. According to TOBB, "*there are many examples in which women get the credit and men do the business. There are also women who are made to sign the papers for credit by their husbands but they are not aware of what they are signing for. This is why it is necessary that women get training to be an entrepreneur*".

Violence against women and girls is a global problem. It constitutes an extreme expression of the power relations established between men and women in society. There is an ever stronger international consensus that "gender-based violence" (GBV) – whenever and wherever it occurs – simultaneously stems from and reinforces traditional gender roles in the public and private spheres. When women exist or are perceived to exist in subordinate roles, they have lower levels of empowerment and agency. This decreases their ability to engage into social, economic or political activities – all considered part of the public sphere.[29]

Violence: a definition

CEDAW defines VAW as: "*a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men*".

According to the United Nations (1993), VAW refers to any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

It encompasses, but is not limited to violence:

- within the family: physical violence, sexual abuse of female children in the household, dowry-related violence, marital rape, FGM and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- in the community or public space: rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- involving physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs; and
- involving acts such as forced sterilisation and forced abortion, coercive or the forced use of contraceptives, female infanticide and prenatal sex selection.

CEDAW also recognises GBV that occurs during wars, armed conflicts and the occupation of territories (CEDAW, 1992).

Other forms of VAW may include economic abuse or violence. The US Justice Department's Office on Violence Against Women (2014)[30] defines this phenomenon "as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment".

High prevalence of violence in all countries of the study, although data is dificult to obtain and monitor

Table 11 shows the prevalence rates of VAW in Egypt, Jordan, Morocco, Tunisia and Turkey by type of violence over people's lifetimes as well as in the past 12 months. It should be noted that the survey methodology is not the same in all countries; while the Demographic and Health Surveys (DHS-type) cover ever married[31] women aged between 15 and 45 (Egypt, Jordan) with a similar questionnaire design, the Turkish survey covers ever married women aged between 15 and 59, and the Moroccan and Tunisian surveys cover all women aged between 18 and 64 with specific questionnaires designed in each country.

29 See, for example, Fraser (1989) who builds on Habermas' distinction between the public and private spheres by adding a gender dimension to both spaces, and Pateman (1996), who elaborates on the "private" as a space related to "privacy" and therefore one not subject to the authority of the public or legal protection, which means domestic issues are only supposed to be dealt with in private domains.

30 http://www.justice.gov/ovw/domestic-violence

31 Ever married women or men are people who have been married at least once in their lives, although their current marital status may not be "married"

For this reason, a lack of consistency in the study methods, study design, and the presentation of results makes it difficult to compare results across countries in such a way that might reveal the causes and consequences of violence. This is the case not only in the region covered by the study, but globally.

It should also be noted that in the five countries, statutory laws have been slow to criminalise traditional practices and to legislate on domestic violence.

Table 11

PREVALENCE OF VIOLENCE AGAINST WOMEN BY TYPE AND BY COUNTRY

Source: Egypt: El-Zanaty and Way (2006, 2009), Egyptian Demographic and Health Survey (EDHS, 2005 and 2008), National Council for Women (2009); Jordan: Hashemite Kingdom of Jordan, Department of Statistics and ICF International (2013), Jordan Population and Family Health Survey (JPHS, 2012); Morocco: Royaume du Maroc, Haut Commissariat au Plan (2011); Tunisia: Republic of Tunisia, Ministry of Health-ONFP-AECID (2010); Turkey: Turkish Republic, Prime Ministry, Directorate General on the Status of Women (2009).

(percentage of women)

	Egypt 2005/2008 (ever married women 15-45)	Jordan 2012 (ever married women 15-45)	Morocco 2009 (women 18-64)	Tunisia 2010 (women 18-64)	Turkey 2008 (ever married women 15-59)
Prevalence of violence by type, during lifetime/ (during the past 12 months)					
Physical	47.4%/ 28.3% (15.7%/ 16.1%)	34.0% (13.0%)	35.3% (15.2%)	31.7% (7.3%)	39.3% (9.9%)
Psychological	62.6% (49.5%)	32% (22.0%)	(48.4%)	28.9% (15.8%)	44.0% (25.0%)
Sexual	17.3% (13.8%)	9.0% (6.0%)	22.6% (8.7%)	15.7% (7.4%)	15.3% (7.0%)
Economic	N/A	N/A	8.1%	7.1% (3.8%)	40.0%

EGYPT

There is a high prevalence of VAW with freedom of movement and household chores among the main causes.

VAW is treated as any other crime in the Penal Code without any consideration of the sensitivity of cases, and the burden of proof is placed on the victim.

There is a degree of hostility shown by judges and police.

Rape is believed to have become more frequent since the revolution.

There is a general debate about dress codes, being outside the home until late into the evening and non-adherence to tradition.

High prevalence and acceptance of VAW

The 2005 Egyptian Demographic and Health Survey (EDHS) shows that almost half of ever married women (15 to 49 year olds) have experienced violence at some point since the age of 15. Around one in five women also reported experiencing violence in the 12 months preceding the survey. Husbands are the main offenders, while fathers, brothers and mothers are to a lesser extent.

EDHS data shows that physical violence is the most common form of violence, with one third of ever married women subjected to some form of physical violence at least once by their husbands. As shown in Table 11, figures from the 2008 survey (conducted in a sample of governorates) seem somewhat lower.

Results from the 2005 survey show that half of all women surveyed agreed that at least one of the following factors is a sufficient justification for a woman to be subjected to violence: if she neglects the children; if she refuses to have sexual relations with her husband; and if she burns the food.

Around one in six women believed that violence is justified for all three reasons. In 2008 EDHS results showed that women's attitudes towards acts of violence had changed; the proportion of women who agreed that violence towards a wife would be justified in at least one of the specified circumstances decreased from one in two to less than one in four.

In both 2005 and 2008 surveys, a woman's age, level of education, type of work, marital status and whether she lives in a rural or urban area were key factors in shaping her attitude towards domestic violence. Respondents in rural areas expressed higher levels of acceptance of violence. This suggests that education and work opportunities and capabilities could have a direct impact on women's perceptions of themselves. In turn this results in resistance to violence and exploitation.

Violence and harassment in public spaces

A quantitative VAW survey of women, men, and young people carried out by the National Council for Women (NCW) in 2008 in the Cairo, Alexandria, Sharkia, Gharbia, Beni Suef, Sohag and Qena governorates showed an extremely high prevalence of verbal VAW in the streets: 71.8 per cent of married women and 94 per cent of unmarried young people reported that they experienced such types of violence daily – 51 per cent on public transport, 21 per cent at work and 15 per cent at school (See Table 12 below).

Table 12

PREVALENCE RATE OF VIOLENCE AGAINST WOMEN IN PUBLIC SPACES IN EGYPT (2009)

Source: NCW and Combating Violence project: quantitative violence against women survey of women, men, and young people. The survey collected a wide variety of indicators of women's empowerment from a sample of 4,408 married and unmarried women, men, and young men and women throughout the governorates of Cairo, Alexandria, Sharkia, Gharbia, Beni Suef, Sohag, and Qena (National Council for Women, 2009).

(percentage of women)

Types of violence	In the streets		On public transport	At work	At school
	Married	Unmarried youths			
Verbal	71.8	94.0	51.0	21.0	15.0
Body touched	16.6	21.7	20.0	6.0	N/A
Attempt to rape	N/A	9.1	N/A	N/A	N/A

Lack of legal clarity and protection

No strategy to combat violence exists, nor is there a law that clearly criminalises violence. This intensifies the conditions under which women seek justice in cases of violence against them.

Domestic violence is still treated under the penal law as any other crime, where there is no particular attention or consideration to the sensitivity of cases of violence and issues of confidentiality and privacy. This is in addition to the fact that the burden of proof is usually placed on women. Consequently, women may find themselves obliged to drop the case because they cannot submit a full case or because of social pressure on women that increases during the prosecution process.

Therefore, complex and long procedures undermine women's ability to report the case in the first place or proceed with it. A representative from the Al-Nadeem Centre (interview April 2014) gave examples of how in reality women are marginalised in the court rooms because of the absence of laws that criminalise VAW and a from the Al-Nadeem Centre (interview April 2014) gave examples of how in reality women are marginalised in the court rooms because of the absence of laws that criminalise VAW and a lack of procedures that allow women to report violence and have fair verdicts in a timely manner and at affordable cost. This is in addition to hostile attitudes from judges and police towards women who are reporting violence. Under these conditions the inability of women to have freedom from the risks of violence is forfeited, and, in turn, male's violence against women is condoned and tolerated.

Rape is believed to have been becoming more frequent since 2011

A 2007 study by the National Centre for Criminal and Social Research estimated that there are 20,000 rape cases per year (US Department of State, 2010). Official Egyptian security enforcement reports estimate this number at 10,000 with an average of 27 cases daily (Egyptian Association for Community Participation and Enhancement, 2009). Compared with other national averages this figure is relatively low. However, the number of investigated cases could be low due to women's fear over reporting rape. It is estimated that only a very small fraction of cases of rape and sexual assault are reported to the authorities.

The number of rape crimes is also believed to have increased during the revolution and in the post-revolution period.[32] Support centres, such as Nazra, CEWLA and Al-Nadeem for the Rehabilitation of Victims of Violence have all dealt with increasing numbers of rape cases. A human rights defender affiliated with the Al-Nadeem Centre stated in an interview (2014): "*I guess the increase of sexual harassment and rape against women in post-revolution Egypt is a punishment for women because of their active role in the revolution. Women are pushed away from the street and workplaces by the high number of incidents of rape and sexual harassment*". Another activist from the Egyptian Women's Forum said she believed that recent incidents of rape are systematic; for her, it is an instrument used to scare women away from being in public spaces.

The debate surrounding rape crimes in Egypt, specifically at the state level, seems to justify such incidents by referring to women's dress codes, suggestions that they must not be away from their homes until late into the evening or allegations of misbehaviour and not adhering to tradition. Repeated statements by officials accusing women of being the reason behind the incidences of rape are met with anger by the Egyptian NGOs, which reject such statements. "*This is [an] outrage*", stated a women's human rights defender working at Nazra Centre for Feminist Studies, "*we [women] are to be blamed instead of the government [for failing] to take appropriate steps to fight rape against women*."

Activists also believe that fear caused by the increase in the incidence of rape and sexual harassment is one of the reasons why the percentage of women in the labour force has dropped in the last two years.

32 Since the January 2011 uprising.

JORDAN

There is a high prevalence of VAW.

The implementation of procedures regarding marital and family violence is lacking.

Sexual harassment is widespread; it is criminalised but few cases are reported.

Honour killings pose a threat to the rule of law.

High prevalence of VAW, especially among married women

The Jordan Demographic and Health Survey 2012 revealed that one third of the surveyed women (ever married women aged between 15 and 49) had experienced physical violence since the age of 15 (Department of Statistics, 2013). The survey also showed that 13 per cent of women had experienced physical violence in the past 12 months.

The prevalence of violence is higher among divorced, separated or widowed women than among women who are currently married (57 per cent and 33 per cent respectively). The most common perpetrator of physical violence is the current husband.

Lack of legal protection and procedures to help cases of marital and family violence

Less than 10 per cent of ever married women had experienced sexual violence at some point in their lives, while 6 per cent of these women reported that they had experienced sexual violence in the 12 months preceding the survey, and 7 per cent had experienced physical violence during pregnancy.

Research participants attributed the low percentage of women reporting violence to the lack of trust among women for the government's judicial system and the reliance on the support of their families to find a solution rather than reporting violence. This low percentage was also explained by the lack of implementation of procedures with regards the Family Violence Law, which, six years after being adopted, has yet to be used in the courts.

Women who have no work or any financial resources are more likely to stay in abusive relationships than others who are capable of sustaining themselves financially.

Sexual harassment in the workplace

According to reports by the ILO and NGOs, sexual harassment in the workplace, is widespread in Jordan. The Labour Code, following changes in 2008, criminalises sexual harassment in the workplace and grants victims of sexual harassment the right to terminate their contract and claim compensation for damages. However, this is only valid in the case of being harassed by an employer and not by another employee (OECD, 2014b). Jordan's 2010 CEDAW shadow report indicated that in reality, despite the protective measures set out in the Labour Code, few women report workplace sexual harassment out of fear of being blamed.

Thus, women may prefer to leave their jobs rather than lodge complaints, as those harassed are usually accused of being responsible for causing the sexual abuse and are thus stigmatised. Furthermore, women who are sexually harassed in the workplace fear the punishment of their families and losing their freedom of mobility. Silence and a lack of disclosure of sexual abuse and harassment is commonly practised by women so as not to be deprived of work and in order to escape family abuse and society's stigma.

Honour crimes persist

Honour killing is one of the extreme forms of violence that women face in Jordan. Based on police records, between 20 and 25 women each year are killed with the justification given being related to "honour".

MOROCCO

There is a high prevalence of VAW with 31.3 per cent of women reporting attacks on their individual freedoms (control of movement, friends, dress, study, work, contraception).

Institutional support for victims is poor.

The new bill on VAW has been drafted without consultation, falls short of expectations and is lenient towards offenders.

High prevalence of VAW, especially in urban areas

According to a survey conducted in 2009 and released in 2011 by the Higher Planning Commission (HCP) in Morocco, 35.2 per cent of Moroccan women had experienced physical violence since the age of 18 and 9.7 per cent in public spaces. The survey also revealed that 62 per cent of Moroccan women had experienced some form of GBV. Psychological violence (during the past 12 months) was the most common type of violence (see Table 11), as it was reported by 48 per cent of women surveyed, followed by physical violence including assault and battery (15.2 per cent), and sexual assault (8.7 per cent).

In the majority of cases, violence is perpetrated by male partners or family members. Women aged between 18 and 24 are the most affected by VAW followed by those aged between 25 and 35. Nearly three million women or 31.3 per cent reported attacks on their individual freedoms through tight control over their movement, their friends and of the way they dress, as well as over their freedom to study, to work or to choose a method of contraceptive. While these attacks affect both rural and urban women the HCP survey indicates that there is a statistically greater prevalence of GBV in urban zones compared with rural areas.

According to the survey, the risk for women living in urban areas of experiencing physical violence is 12.7 per cent higher than for women living in rural areas, 35.4 per cent higher for sexual violence and 7.8 per cent higher for psychological violence. An increase of one year in age reduces the risk of physical violence by 1.9 per cent, the risk of sexual violence by 2.2 per cent and the risk of psychological violence by 0.7 per cent. Six out of 10 perpetrators of VAW in public spaces are less than 35 years old. The prevalence of violence in urban areas appears to have increased with deteriorating living conditions.

High prevalence of VAW and harassment in public spaces

Table 13 shows that violence in public spaces is also widespread, reaching 25.1 per cent for verbal violence and 9.7 per cent for physical violence. It also shows the types of violence that women face in the workplace, with 13.4 per cent of women experiencing verbal violence and 1.8 per cent physical or sexual violence (with even higher prevalence rates in places of study or training spaces).

Table 13

PREVALENCE RATE OF VIOLENCE AGAINST WOMEN IN PUBLIC SPACES IN MOROCCO (2009)

Source: Royaume du Maroc, Haut Commissariat au Plan (2011).

Types of violence	Public spaces	Workplaces	Places of study or training spaces
Psychological (verbal)	25.1	13.4	16.2
Physical	9.7	1.8	5.7
Sexual	3.9	1.8	4.4

According to the OECD Social Institutions and Gender Index (SIGI) analysis on Morocco (OECD, 2014b) sexual harassment has been criminalised in Morocco, but only in certain situations. Since 2003, Morocco's Labour Code has recognised sexual harassment in the workplace as an offence, but only when committed by an employer, the head of the company, or the institution against the employee, and not necessarily by other employees. The Criminal Code states that a person who abuses a position of authority in this way could receive up to two years' imprisonment and a hefty fine. But the law does not specify exactly what constitutes abuse or harassment, which means that cases are left to judges' discretion.

Thus, these legal grey areas, combined with the fear expressed by women that by lodging complaints against their employers they will be blamed, lose their job or be judged by family and friends, cause many women to opt out of reporting cases of abuse or harassment in the workplace.

Poor institutional support for victims of violence

A Moroccan gender expert (Interview May 2014) confirmed that women and girls who are survivors of violence do not yet have access to proper institutional support for adequate social and legal protection. The expert added that people who try to help these victims of violence are considered "kidnappers". She mentioned the case of a policeman in Fez who felt compelled to bring back a woman who had escaped her violent husband. He forced her to return home; she was later murdered by her husband.

Although the new constitution is embracing the principles of gender equality and of physical integrity of all human beings as contained in Article 22 which says: "*the physical or moral integrity of anyone cannot be undermined under any circumstances whatsoever by any person whomsoever, public or private*". Morocco's legal framework is still not aligned with international treaties on women's human rights.

Legal loophole in rape cases and laws against attacks on morality

In parts of Morocco, as well as many areas of the world, girls or women who engage in sexual relations outside marriage – even if they are victims of rape or other GBV – are considered "dishonoured" and their families are shamed. Marriage is seen as a way to remedy this dishonour. Until 2014, Article 475 of the Penal Code stipulated a prison term of one to five years for anyone who "*abducts or corrupts*" a minor "*without violence, threat or fraud, or attempts to do so*". But the second clause of the Article specified that if and once the victim marries the perpetrator, "*he can no longer be prosecuted except by persons empowered to demand the annulment of marriage and then only after the annulment has been proclaimed*". In other words, rapists can escape punishment by marrying their victims.

Article 475 has been more frequently implemented than another article in the Penal Code – Article 486 – which says that rape is "*punishable by imprisonment for five to ten years*" and that if perpetrated against a minor (under 18) or against a pregnant woman or person physically or mentally impaired, the penalty is "*imprisonment from ten to twenty years*". This may be because there is greater pressure on girls to marry their perpetrators due to the social stigma associated with rape.

The law was repealed in 2014 after the case of Amina Filali, a 16-year-old girl who committed suicide in 2012 after she had been forced to marry her perpetrator and subsequently endured five months of violence. The incident prompted national and global outrage leading to the law's eventual repeal.

However, a simple repeal of Article 475 has not addressed other discriminatory laws and articles. The Penal Code, for example, includes a section on "attacks against morals", effectively justifying the prosecution of anyone who engages in sexual relationships outside of marriage (punishable by one year, including for single, pregnant mothers), same-sex sexual relationships, as well as any sexual relations with a married woman (but not a married man).

New laws still lenient to offenders

To date there are no specific laws against domestic violence, despite Morocco's accession to the COMMIT initiative to end violence against women and girls, launched by UN Women in November 2012[33], which aims to encourage governments to take a stand by making new and concrete national commitments to end violence against women and girls.

In 2013 women's groups mobilised to prevent the passage of bill 103.13 on VAW which had been drafted without consulting any women's organisations and which fell short of their expectations. They deemed the bill too lenient for offenders, among other things.

33 See more at: http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/commit#sthash.vd0dj42E.dpuf

TUNISIA

There is a high prevalence of VAW.

There is also a sharp increase in the prevalence of VAW in public spaces since the transition.

Domestic workers are subject to sexual harassment.

A draft law on VAW was announced for the end of 2014.

Amendments to articles of the Penal Code that allowed rapists to escape prosecution by marrying the victim have been announced, and aggravating circumstances for sexual harassment have been introduced.

High prevalence of VAW

A few years ago Tunisia adopted a national strategy to combat VAW; at the same time domestic violence was classified as a crime in the country's Penal Code. The government also pledged to fight impunity that protects those who perpetrate violence against women and girls. However, it has not enacted a specific and comprehensive law on VAW as demanded by women's groups and organisations. The Penal Code, and more specifically Articles 218, 227a, 226b and 239, does not provide an overriding law that criminalises all forms of VAW.[34] The Tunisian Labour Code also does not mention GBV or sexual harassment.

A nationwide survey on VAW released in 2010 by the Ministry of Public Health and the National Office for Family and Population with support from the Spanish Agency for International Cooperation and Development (Republic of Tunisia, Ministry of Health-ONFP-AECID, 2010)[35] revealed that the prevalence[36] of physical violence was 31.6 per cent at the time of the survey. This figure is high even though violence often goes unreported or is underreported on account of taboos.

Recent rape cases

In September 2012 a woman was gang raped by policemen on duty inside their car. She had been arrested while driving home with her fiancé and was falsely accused by the police and later by the prosecutor of indecent behaviour. The comments and the case triggered a wave of bitter criticism and indignation throughout the country. In March 2014 the perpetrators were sentenced to seven years' imprisonment. The verdict was criticised as lenient since the crime had been committed by the very officers who are in charge of ensuring the security of citizens. In November 2014 the Court of Appeal of Tunis increased the prison sentence to 15 years. The new verdict has been viewed as a break from impunity and abuses of power and people see this as justice having been served. Other cases reported by the press underline the escalation of violence within the cities.

34 The recommendations by the mechanisms of the United Nations' human rights system in Tunisia, OHCHR Tunisia. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/141/67/PDF/G1314167.pdf?OpenElement

35 The survey collected data from 3,873 women (18-64 years old) in all regions of Tunisia. Overall 47.6% of the women interviewed had experienced at least one of the multiple forms of violence during their lives, and 32.9% in the last 12 months. Physical and psychological violence were the most common forms of violence. It is estimated that 31.6% of women had experienced psychological violence during their lives and 7.3% in the last 12 months. The prevalence of emotional abuse was, in turn, estimated at 28.2% and 15.8% respectively. (See p. 39, pp. 45-47 and p. 62 of the survey.)

36 Prevalence is a statistical concept referring to the number of cases of a particular characteristic or condition that are present in a particular population at a given time (in this case violence).

Increase of VAW in public spaces

The same nationwide survey revealed that the prevalence of physical violence in public places reaches 3.1 per cent, the prevalence of psychological (verbal) violence 4.2 per cent and the prevalence of sexual violence at a rate of 3.0 per cent (see Table 14). The fear of being exposed to sexual harassment on public transport or in the workplace, for instance, could lead women to abstain from working or going out.

Table 14

PREVALENCE RATE OF VIOLENCE AGAINST WOMEN IN PUBLIC SPACES IN TUNISIA (2010)

Types of violence	Public spaces	Places of study or training spaces
Psychological	4.2	N/A
Physical	3.1	N/A
Sexual	3.0	0.3

Source: Own calculations based on Tables 8 and 9 (Annex 2) and Tables 32 (p. 101), 35 (p. 104) and 40 (p. 109): Republic of Tunisia, Ministry of Health-ONFP-AECID (2010).

Workplace harassment – data missing, but needed

Unfortunately, the survey does not provide information on the prevalence of sexual harassment in the workplace. The Ministry of Justice and Human Rights recorded only one conviction for harassment in the 2008-09 judicial year, for which the penalty was limited to a fine (OECD, 2014b, country analysis). However, since August 2004 sexual harassment is now a crime in Tunisia according to Article 226 of the Penal Code number 2004-73. It states "*any individual who commits sexual harassment shall be punished by a prison sentence of one year and a fine of three thousand dinars*".

Violence in informal working places is pervasive and many women report instances of violence and sexual harassment. A survey by the Association of Tunisian Women for Research on Development (AFTURD, 2009) on full time domestic workers, of whom 96.7 per cent have no employment contract, also shows that 14.2 per cent of respondents claim to have been sexually abused by their employers.

As many as 16.2 per cent of those young women surveyed said they were forced into sexual touching and 18.2 per cent into forced sexual intercourse. In addition, many informal women workers claim their low social status leaves them vulnerable to street harassment. These attacks generally go unreported, as women in informal work have no legal protection.

New law on violence to be drafted

In Article 46 of the 2014 Constitution Tunisia pledged to take all appropriate measures to eradicate VAW. The next expected step is the implementation of Article 46 and the creation and revision of laws to curb gender inequality and violence. In fact, the authorities have pledged the adoption of a comprehensive law to address GBV.

The sitting State Secretary for Women's Condition and Family announced in August 2014 that a comprehensive law on VAW was about to be drafted and that such a law would be ready on 25 November 2014 on the occasion of the International Day for the Elimination of Violence

against Women.[37] The bill, which is being prepared in line with Article 46 of the Constitution, is almost finalised and should be submitted to the parliament in early 2015. Civil society members and experts, as well as local and regional authorities, were involved in the drafting process. Preventing violence, protecting victims and prosecuting perpetrators are the main objectives of the bill, which is also expected to tackle such issues as education, awareness, justice, health, the economy and social work. Based on dignity and equal and universal rights, it also aims to provide a multi-disciplinary and a multi-sector response that is likely to address unequal relations existing between men and women.

The Justice Minister announced the forthcoming amendment of articles in the Penal Code that allowed a rapist to escape prosecution if he married his victim (whether underage or not). He also announced that aggravating circumstances would be introduced for any sexual harassment in the workplace. He revealed that county courts had indicted 551 men over VAW over the past year and that another 1,426 had been prosecuted by district courts for similar acts including sexual assaults.[38]

37 http://www.babnet.net/cadredetail-89629.asp

38 http://www.kapitalis.com/societe/24015-tunisie-mettre-fin-a-l-impunite-des-abus-au-detriment-des-femmes.html

TURKEY

There is a high prevalence of VAW.

The Penal Code was reformed in 2004 and a new Domestic Violence Law was introduced in 2012.

With the reform of the Penal Code, most of the discriminatory articles against women were abolished and heavy penalties were provided for cases of honour crimes, rape and sexual assault, and sexual harassment in the workplace.

High prevalence of VAW

Violence against women and girls is among the most commonly experienced abuses of women's rights in Turkey. A 2008 survey conducted by the Turkish Hacettepe University (Turkish Republic, Prime Ministry, Directorate General on the Status of Women, 2009) showed that 41.9 per cent of women in Turkey, aged between 15 and 60 and 46.6 per cent of women in rural areas had experienced physical and/or sexual violence by their husbands or partners at some point in their lives (Human Rights Watch, 2011).

According to the report by the General Directorate on the Status of Women (KSGM), two in every five women have experienced physical violence, while one in every two women experienced psychological violence.

Penal Code reform and new law on domestic violence

The reform of the Turkish Penal Code in 2004 was achieved as a result of a concerted campaign by women's civil society organisations. With the reform of the Turkish Penal Code, even though there is no specific article regulating the crime of domestic violence, Article 96 of the new Penal Code stipulates that anyone causing torment to their spouse or family members will be sentenced to between three and eight years in prison. Article 232 of the Penal Code provides for imprisonment of up to one year for the maltreatment of anyone inhabiting the same abode.

In 2012 Turkey adopted a new domestic violence law, Law No. 6248, the Law to Protect Family and Prevent Violence against Women. In cooperation with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, this new law seeks to protect women, children, and family members of victims of domestic violence and to provide services such as shelters, financial aid, and psychological and legal guidance services.

The law calls for the establishment of Violence Prevention and Monitoring Centres to act as shelters for victims, to design and implement programmes on violence prevention, and to collect and analyse data on preventive cautionary imprisonment and sentences. Police officers are now authorised to enforce protection as soon as the victim needs it without needing to go through lengthy court processes.

Additionally those who violate a protection order will automatically spend three days in prison. It also extends protection from "spouse" to any people who are considered as a family member whether or not they live in the same house.

Despite reform, the law maintains discrepancies and VAW in extreme forms persists

Despite these legal reforms, as well as gender equality before the law, murder of women has become a more visible public issue in recent years as the number of incidences has skyrocketed. The number of women killed in 2002 was 66, which jumped to 1,011 in 2007 and 953 in the first seven months of 2009. Although not stated explicitly, these numbers are largely believed to correspond to women killed because of domestic violence.[39] Thus, despite legal reform, GBV stems from social norms and expectations that reinforce inequality and give women secondary status in Turkish society.

Honour killings of women and girls occur today in Turkey often when they are suspected of sexual involvement that is seen as improper by communities. They are usually carried out by younger, typically minor, male members of the family, following the decision of a family council in closed tribal communities in the east and south east of Turkey or among those that have migrated from these regions.

Several NGOs, particularly KAMER, have been actively fighting against honour killings in the region. They have attempted to raise consciousness of the issue, protect women and girls from killings, monitor authorities in order to prevent honour crimes and punish perpetrators.

With the reform of the Penal Code, most of the discriminatory articles against women were abolished and heavy penalties were imposed for cases of honour crimes. Two articles particularly address honour killings in the new Penal Code. First the "Unjust Provocation" article, previously used to grant sentence reductions in honour killing cases, was amended such that the justification of Article 29 states that no reduction will be applied in killings in the name of honour.

Applications of the law so far have shown that judges tend to give the maximum penalty in cases of honour crimes. However, women's organisations point out that the justification somehow grants room for leniency since the article also states that the abolishment of the reduction of sentence is not applicable in all honour killings. In Article 82 of the Penal Code, similarly, "killings in the name of custom" are defined as an aggravated circumstance.

While Article 38 of the Penal Code states that any person who forces a person to commit a crime receives the same sentence as the perpetrator, and if the perpetrator – even if forced by someone else – is a minor, the sentence is decreased, the SIGI (OECD, 2014b) suggested that this may be used as a strategy by families who wish to carry out honour killings because they know a minor will receive a lesser sentence. Despite the overall success of the women's campaign for the reformation of the Penal Code, some of their demands have not been accepted in the new Turkish Penal Code. They still demand, for example, that "honour killings" be explicitly defined as aggravated homicide in the Penal Code in order to include all murders in the name of honour, not just those in the name of custom which might allow judges to fail to appropriately punish honour crimes.

Reform of the legal definitions of rape and sexual assault

In the old Penal Code, rape and sexual assault were defined as "forced or consensual seizure/attacks of chastity" rather than attacks on individual sexual integrity. In the reformed Penal Code, sexual assault is defined as "any sexual behaviour violating a person's bodily integrity".

Psychological coercion is recognised in the new Code as a means of coercion by the perpetrator, and damage to the victim's psychological state is acknowledged as an aggravating circumstance. Rape and sexual assault are regulated in Article 102 of the Penal Code. While punishment for sexual assault varies from two to seven years, the prison sentence for rape can be up to 12 years.

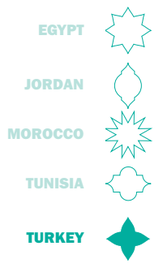
The previous notions of consensual rape and consensual sexual abuse have been removed. However, article 104 of the new Penal Code leaves room to penalise the consensual sexual relations of youths between 15 and 18 years upon complaint. Women's groups have been protesting against the adoption of this article, as it allows families and teachers to lodge formal complaints against consensual sexual relations of minors.

In the old Penal Code, there were provisions assuming that the sexual abuse of children could occur with "their consent" and foreseeing reduced sentences in such cases. In the reformed Penal Code, the notion of victim's consent has been removed. The sexual abuse of children is regulated in Article 103, which foresees prison sentences ranging from five to 20 years for sexual abuse in the family.

Criminalisation of marital rape

With the reform of the Turkish Penal Code in 2004, two important amendments for women and children in Turkey have been the explicit criminalisation of marital rape and sexual abuse in the family. Article 102 of the Penal Code criminalises marital rape, with a prison sentence of up to 12 years upon complaint.

In the old Penal Code, sexual offences were regulated under the section "Crimes against Society" in the subsection "Crimes against Morality and Family". This classification reflected a patriarchal notion that women's bodies and sexuality did not belong to themselves, but rather to their families. In the new Penal Code, crimes of sexual assault are explicitly named and properly defined in the section "Crimes and Sexual Inviolability".



39 See: http://www.ntv.com.tr/arsiv/id/25024737/.

Sexual violence, previously regulated as "Felonies against Public Decency and Family Order" under "Crimes against Society", is now defined as crimes against individuals, thereby marking a significant break with the traditional notion and discriminatory outlook of the old law.

Sexual harassment in the workplace

Women also experience physical violence and sexual harassment in workplaces but the issue remains largely invisible as women refrain from reporting the incidents over fear of damaging their public reputation.

Sexual harassment in the workplace was included in the new Turkish Penal Code. Article 105, paragraph 2 criminalises sexual harassment in the workplace. The sentence can be up to three years if it entails the abuse of the work or hierarchical relationship. It can be perpetrated by employers, superiors or co-workers. If the harassment causes the victim to leave her job, the sentence cannot be less than one year.

Article 24 of the Labour Law, however, grants workers the right to immediately terminate their contract in case of sexual harassment by the employer or co-workers, which is another improvement for women workers.

Sexual harassment in the workplace is a neglected area of study within the field of GBV in Turkey. However, it is often mentioned that sexual harassment in the workplace is quite widespread but remains underreported and not made public by the victims as they fear being seen as "dishonoured" women.

In an article in Sunday's Zaman newspaper (2010), Nilüfer Yılmaz from the Diyarbakır-based Women's Centre foundation (KAMER) says sexual harassment in the workplace constitutes a large obstacle for working women. Stating that being a woman alone can be a handicap, she adds that this problem becomes graver when women are subjected to sexual harassment.

Commenting on a sexual harassment case in an embassy, Yilmaz adds that this issue has nothing to do with education but the perception of women in society: "*no one is interested about the thoughts or education of women. What draws attention is a woman's body*". She also said that many women who are exposed to sexual harassment in the workplace remain silent and do not complain about the assailants out of fear of being blamed for having been "provocative".

The interviews conducted for this study on the other hand, rarely mentioned violence and sexual harassment in workplaces. Only one trade union representative (DISK) indicated a widespread nature of workplace bullying and harassment in Turkey. Although psychological violence and sexual harassment are complained about in workplace meetings, there are almost never any formal complaints. A DISK representative said that the most important issue is *"what the victim wants to do. For example, in one case, one member wanted to protest and around 50 women gathered there and made a public statement*".

Turkey's EU accession process, together with the strengthening women's movement has initiated an enormous change in the legislative structure, which has gone from describing women as dependents of men to protecting women's rights and freedoms as individuals. However, these regulations are not properly put into practice as preventing violence relies in part on changing norms and attitudes that perpetuate gender inequalities and sanction GBV. There is inadequate institutional support for and protection of the victims of violence. Treatment and support for victims is critical but the majority of women who experience violence never seek help or report the violence to anyone. Even those who seek help and support face institutional blockages and are discouraged by the complicated legal and procedural bureaucracy.

FREEDOM OF MOVEMENT

The ability to move freely is measured by the extent to which one has freedom to decide one's movements and the ability to travel about outside the home without restrictions. Individual mobility is critical for accessing markets, employment, business activities and services, including health and education. Scholars, such as Kishor (1995) and Kabeer (1999), argue that working women have greater agency in relation to freedom of mobility and movement than those who do not work. This is because work provides the opportunity for women to leave the house, have access to information and exposure to state and community services. Yet women (and many other groups) suffer disproportionally from poor access to markets and essential public services. In the countries involved in this study, poor transportation systems and widespread sexual harassment in public spaces (including workplaces) may also preclude women from choosing a job far from home.

Rising insecurity since 2011

Freedom of movement is also closely linked to freedom from violence. Rising insecurity after the "Arab Spring" seems to be a major factor in restricting women's mobility (Egypt, Tunisia). It has negatively impacted labour markets in Egypt and Tunisia, which are both heavily affected by the economic crisis. Conversely, as interviews for this study have revealed, in Morocco the economic crisis has led to increased mobility for women in rural areas, as they often need to travel to markets that are further away in order to sell their products.

EGYPT

Leaving the house without the husband's permission is a reason for physical abuse directed at the wife.

The right of women to hold their own passport was obtained in 2000 but there remain restrictions in practice.

There is a high risk of sexual harassment in the streets and on public transport.

There are reports of collective sexual harassment against women in the streets as a means of intimidation, resulting in decreasing economic participation rates for women.

The experience of Cairo Underground with reserving carriages for women has shown mixed results.

A set of recommendations aimed at fighting the plague of sexual harassment in public spaces has been discussed recently.

Leaving the house without the husband's permission is the main reason for violence against women in the domestic sphere

EDHS data from 2005 show that the main reason for violence against women is leaving the house without the husband's permission; 32 per cent of women surveyed agreed that this is a valid reason. Additionally, in some cases women must bargain with their families in order to search for jobs, participate in community activities or to engage in any activities outside the house. While this does not necessarily mean that women's movement is prohibited entirely, it does suggest that women are not always in control of their own movement.

Until 2000, Egyptian women needed authorisation from guardians to obtain a passport

In 2000 the Supreme Constitutional Court ruled[40] that a woman is no longer required to have her husband's or father's permission to obtain a passport and to travel. In practice, however, husbands and fathers can still restrict women from leaving the country by holding their passports or issuing a travel ban from the court, conditions that create barriers for businesswomen or employees who are required to travel for their work (Tadroz, 2010).

Very high levels of street harassment against women and girls

The Egyptian Centre for Women's Rights (ECWR) conducted a survey in 2008 of 2,000 Egyptian men and women, and 109 foreign women, in four governorates including Cairo and Giza, about sexual harassment on Egyptian streets. The Centre found that 83 per cent of Egyptian women surveyed experienced sexual harassment on the street at least once. Around half of women stated that they experienced sexual harassment on a daily basis. A representative from the ECWR stated that surveyed "*women who were harassed came from different backgrounds and dressed in different dress codes, including veiled women*". The survey also showed that around 62 per cent of men surveyed admitted to having committed sexual harassment against women.

Street harassment, although not a new problem to Egypt, seems to be increasing. Egyptian activists interviewed for this study referred to the recent trend as a "collective, systematic sexual harassment against women in the street". According to a 2013 study by UN Women, 81.8 per cent of women interviewed in Cairo said they were frequently harassed on public transportation. The highest rate was reported in densely populated urban governorates, such as Cairo and Alexandria, while harassment is less widespread in border governorates. As many as 93.4 per cent of the women victims identified by the study did not request help from the security forces at the time of harassment; 8.7 per cent of them were scared of harassment from police.

Chronic street harassment deters movement, affects labour force participation

Due to the magnitude of the problem, families who can afford to lose the income of the working women in their families have started to prevent them from leaving their houses. A number of documented cases by NGOs show that some women were forced to leave work against their will because of the unsafe environment in the streets. Other cases involved banning women university students from continuing their education. Some women also reported wearing *al-hijab*, or being forced by their families to do so, in order to minimise the risk of being harassed. In some cases women have had to rely on their brothers or sons to accompany them during night commutes or when travelling from one city to another; this has further diminished the level of control women can exercise over their movement.

Unsafe transportation perpetuates the problem

Most of the sexual harassment reported in Egypt takes place in the streets and on public transportation. With poor public transportation services and the high cost of taxis and private cars, women from poor and rural areas, many of which are not serviced by public transportation, have no choice but to use unsafe, private minibuses and *tuk-tuks*[41] driven by untrained drivers.

The Cairo underground transport system is the quickest and cheapest way to cross the city, costing E£ 1 (0.11 EUR). Women reportedly would prefer to use the underground; however, with large-scale violence, harassment and theft in the underground's carriages and stations, women have become very hesitant to use it.

The Ministry of Transportation designated the first two carriages of every underground train to be for women only, but men can still easily enter these carriages, and there have been reported cases of harassment in women's carriages. Underground routes are already limited, and two carriages are not enough to accommodate all women passengers, so they have to use the regular carriages (which are perceived as men's carriages) when there is no space for them in those designated as "women only". By just being in the cars not specifically marked for women, they are sometimes perceived as "seeking out" harassment.

Sex segregation in the metro has not solved the problem of harassment, which still occurs in stations. The UN Women and Cairo Demographic Centre (2013) study on "Ways and Methods to Eliminate Sexual Harassment in Egypt" offers several recommendations, including:

- a new law criminalising women's sexual harassment, stipulating deterrent penalties for the harasser and at the same time facilitating the procedures for arresting the harasser should be passed; and
- the sense of security in Egypt should be restored and police officers and detectives should be deployed in crowded places, especially in front of schools, universities, public squares, main streets, bus and microbus stations in all governorates and this deployment should be intensified in peak hours during feasts and holidays.

40 Case 243 of the 21st Judicial Year

41 Auto-rickshaw.

JORDAN

The right of women to hold a passport without restrictions was obtained in 2012.

However, under the Personal Status Law, fathers (or legal guardians) can prevent children from travelling; this law is applied until the age of 30 for women.

A woman can lose her financial rights after divorce if she has left her house without permission (for reasons other than visiting her parents or an emergency).

Women walking at night (but not driving cars) can be stopped by the police under the Public Moral Act.

Sexual harassment and insecurity on public transport may lead women to quit their jobs.

Repeal of 1969 Passport Law and CEDAW reservations on women's rights to movement and mobility

In 2012 the Jordanian government cancelled Article 12 of the 1969 Passport Law, which stated "women and minors can obtain regular passports only after the husband's or guardian's agreement".

Thus, women are no longer required to gain approval from a guardian in order to have a passport – a step considered by women's rights organisations to be very progressive in recognising women's rights to mobility and movement. This change came about in order to correspond with the government's withdrawal of its reservation to Article 15 of CEDAW referring to women's rights to movement and mobility (CEDAW, 2007). Previously, the government's reservation had included the statement: "A woman's residence and domicile are with her husband".

JPSL guardianship provisions justify legal restrictions on women's movement

Despite the legal reforms described above, no changes have been made to the Jordanian Personal Status Law (JPSL) in order to match the new change to the passport law. According to Article 184 of the JPSL (2010), fathers (or legal guardians) can prevent their children from travelling and decide on their place of residence and type of education. This right applies up to the age of 18 for sons, but for daughters until the age of 30. If the daughter is considered "untrustworthy" the father retains this right after she has turned 30 years of age. "Guardians" can thus legally ban their daughters from travelling, decide on their type of education and work and forbid them from any activities outside the house if they obtain a court order based on their rights in the JPSL.

Single and divorced women's freedom of movement is particularly constrained

Several cases have been recorded by women's groups of mothers and their children being banned from travelling abroad in cases of divorce or separation. In some cases, women were banned from moving houses within the country with their children due to an internal travel ban imposed by their husbands based on Article 184 of JPSL. There are also some recorded cases of married women who were asked about travel authorisation for their children even in cases where there was no court ordered travel ban.

Financial rights linked to "obedience" according to JPSL

A woman leaving her house without permission from her husband, with no valid reason, can lose her financial rights if she is addressed by the court as "*nashis*" (disobedient). Acceptable reasons for leaving the house without permission under the JPSL are limited to: visiting one's parents, or a case of emergency. If the husband has put a condition in the marriage contract forbidding his wife from working, technically, a wife can lose all her financial rights after divorce for having left the house to go to work, as she would be considered to have breached the contract's conditions.

Police harassment of women in public spaces at night

Women walking at night on their own or with male strangers (not family relatives) could be stopped for an identity check by the police. Police often practise this based on the Public Moral Act. Article 320 of the 1960 Penal Law stipulates, *"Whoever commits an indecent act or makes an indecent gesture in a public space or community in such a way that could be seen by any person in a public space, shall be punished by imprisonment for a term not to exceed six months or a fine not to exceed fifty dinars"*. If women are found to be running from home or there has been a family conflict, they can be referred to the governor, who would then order their imprisonment for "protective reasons", particularly in instances where women were found to be in the company of strangers. The act of walking alone at night and that of being in the company of a man who is not a blood relative can, based on Article 320 of the Penal Law, be considered as "flagrant acts against public modesty."

Though these incidents are rare, the possibility of being harassed by the police limits women's movement at night. This is not applied to women driving cars. The police are not allowed to stop women driving cars at night unless there is a valid reason. Therefore, for women to move at night freely they have to own cars. This is a privilege reserved for women with the personal or family means to afford a car.

Poor infrastructure and public transportation presents another barrier to mobility

The poor transportation system and network in Jordan affects women's freedom of movement. Several activists interviewed for this study stated that women leave jobs or are deprived of education because of poor transportation. Public transportation is very limited, can be unsafe for women to use particularly at night, is costly for people from poorer areas, and mainly serves the main roads and big cities, which means that women residing in rural areas have to find other means of transportation.

Some activists stated that lack of transportation in the rural areas is one of the main reasons why families withdraw their girls from school at an early age or refuse to allow them to attend universities, particularly if this involves travelling from one city to another, or moving place of residence. This limits the choices available to women in terms of education and work and can contribute to early marriages in rural areas.

Public transportation in Jordan includes buses, taxis and service taxis (known as *Serveeces*). Buses serve the main roads in big cities and between cities. *Serveeces*, which offer transport at a slightly higher price than buses, are usually not a preferred choice for women as they can be squashed in the car between five or six other passengers.

Taxi prices are much higher than buses and *Serveeces* and consequently are not affordable on a daily basis, particularly for those of low and middle income. Often women use taxis in emergencies or at night.

Walking and cycling are also not practical options for women. With narrow and crowded pavements and lack of useable pedestrian crossings and footpaths, streets are not walker or cyclist friendly. Cycling for women is not common in most of the country, except in the wealthiest areas West of Amman where young women may cycle within their neighbourhoods.

The significance of the "Nour" case, which was mentioned by most of the focus group participants from Jordan for this study, is that aside from being a brutal murder, the story encapsulates several challenges facing women and constraining their scope of movement. The first issue is the poor public transportation system and lack of safety measures in the bus stations.

The second is the tribal influence and absence of the rule of law when it comes to women's security and safety in the street, as those who are affiliated with influential tribes often enjoy impunity and can escape punishment. The third is the social pressure on women not to report sexual abuse and harassment as they will be accused rather than protected, and the fourth, the lack of protection mechanisms and legal procedures that criminalise harassment in the street.

CASE STUDY | **The *"Nour"* case**

In December 2014, Nour, a university student was killed at a bus station in Zarqa (the second biggest city in Jordan). Her killer was driving the bus that Nour used daily to go to university and had been harassing her for a month prior to the murder. Her brother started to accompany her on a daily basis to the station but on the day of her murder, he thought the driver was not on the bus. The murderer asked an accomplice to convince Nour to get into the bus because of the cold and darkness (it was 6am and the station was dark, without proper lighting), but the bus was still empty. The killer then entered, closed the doors of the bus and attacked Nour. He was a member of a large tribe in Jordan and thus some believe it would have been very difficult for Nour to report the daily sexual abuse and harassment she had been enduring.

MOROCCO

Provisions prohibiting women from travelling or having passports were removed from the law in 1994 but these practices still persist.

Poor transportation systems have a negative impact on women's economic participation and empowerment.

Having a paid job is a major source of empowerment for women, allowing them to feel free to move around in public spaces.

Poor transportation systems are also identified in Morocco as a cause that limits women's mobility. According to a survey relating to freedom of movement conducted by the World Bank (2011, p.16), in the city of Casablanca women's health, education, economic opportunities and agency are being limited on account of poor transportation. The survey noted that 60 per cent of surveyed women felt the lack of transportation had curtailed their ability to improve their income, 52 per cent felt that poor transportation had prevented them from reaching areas of employment and 47 per cent believed it had negatively affected their careers.

The lack of transportation has a negative impact on men as well but not as significantly as it does on women. Limited access to transport also puts women at a disadvantage in terms of health, education and access to recreation. The study showed that women rely on public transport when available as few women (just 18 per cent) hold driving licences and they do not ride bicycles or motorcycles, as this is seen as socially unacceptable. Also, women often opt to walk instead of taking public transport in order to avert harassment and safety problems. The effect is that such a restriction of movement limits women's presence and participation in public life and in the labour market. Indeed, 80 per cent of the women surveyed believed that poor public transport constituted a limitation on their agency.

A survey conducted under the Status of Women in the Middle East and North Africa (SWMENA) Project (International Foundation for Electoral Systems and Institute for Women's Policy Research, 2010), shows that there are significant differences in the freedom of movement among women depending on marital status, age, work status and income level. Single women who have never been married are more than three times as likely as women who have previously been married to feel partly or completely restricted from leaving the house without permission: nine in 10 women who have previously been married felt partly or completely free to leave the house without permission, compared with 68 per cent of married women and 64 per cent of single women.

Younger women are much more likely than older women to report restrictions on their freedom to leave the house, suggesting that this freedom increases with age: women aged 65 and older are more than twice as likely as women aged between 18 and 24 to feel completely free to leave the house (55 per cent and 23 per cent respectively). Women in paid work are more likely than women not in paid work to feel completely or partly free to leave the house without permission. Almost half of women in paid work (49 per cent) felt completely free to leave the house without permission, compared with little more than one third of women who were not in paid work (36 per cent).

Regulatory provisions prohibiting women from travelling or having a passport without the authorisation of their husband or guardian were cancelled in 1994. However, in reality, women's freedom of movement remains inhibited by social limitations and traditions. "*Many officials still require a woman to seek her husband's authorisation to obtain a passport or to travel*" noted a gender expert, who had experienced this herself several times at the airport in Casablanca (interview May 2014).

TUNISIA

The freedom of movement and safety that women used to enjoy is perceived as diminishing and the number of public spaces available to women as shrinking as a result of threats and intimidation after the revolution.

Poor transportation systems negatively affect women's freedom of movement.

There has been a rapid increase in the international mobility of Tunisian girls to France, Germany, Canada, the United States and Belgium.

Rising insecurity in Tunisia during the transition has tended to restrict access to markets and income-generating activities for women. A representative of the UN Human Rights Office in Tunis says that although there has been no narrowing of the laws guaranteeing women's rights since the overthrow of the regime in January 2011, there has been "*a shrinking of the freedom of movement and safety that women used to enjoy, a shrinking of women's public space, due to threats and intimidation*". There is a perception of insecurity for women and notably for those who live in more remote and poorer regions. This is in addition to the constraints linked to traditional social norms.

A businesswoman and activist stated that women's freedom of movement has been more restricted in both urban and rural areas since the revolution: "*this is connected to the deterioration of the security situation related to the development of religious extremist movements in Tunisia and driving during the night and in remote places has become impossible for many businesswomen* (…). *This situation also limits the possibility for women to undertake self-employment activities and participating in training sessions, business meetings, access to banks and sources of information*". According to a study conducted by the Tunisian Institute of Consumption in 2013, 67.5 per cent of women interviewed admitted to being worried about security issues on transport. The study also revealed that 60 per cent of women prefer using private transport for security and comfort reasons.

A study conducted in 2013 by the State Secretariat of Women and Family showed discrepancies between urban and rural areas in terms of the public transport on offer and mobility, which underlines the adverse effects of such differences on girls and women in both areas. The survey revealed that 47 per cent of women living in rural areas mentioned, in order of severity, that family restrictions, lack of training and transportation problems are the main obstacles to accessing employment (State Secretariat of Women and Family, 2013). Hence, poor means of transport are negatively affecting women in various stages of their life cycle (from school to work and overall health). Girls are reported as dropping out of school at an early age (11-12 years) on account of transport problems.

Women are also undertaking new forms of transnational migration. The Tunisian state has developed programmes to actively support skilled graduates who want to go abroad. For a long time, this opportunity had mainly interested and been offered to men. The 2004 census revealed new migration trends; women emigrate in the context of marriage (36.4 per cent) or to join family members (10 per cent). Roughly half of women who migrate do so for work (27.1 per cent) or for study (23.7 per cent) (Mahfoudh Draoui and El Madani, 2008).

Recent studies on the mobility of Tunisian students report a rapid increase in the international mobility of young women travelling to France, Germany, Canada, the United States and Belgium, in ascending order of frequency. As part of the new trend for transnational mobility, Tunisian women contribute to "*building new economic and productive spaces with frequent travel between countries of origin and countries of immigration, mobilising family and community networks both here and there*", according to a recent study of the CREDIF, showing that women's migration is complex (Abdelkhalek et al., 2008). Emigration of any kind to Europe, North America and, to a lesser extent, to the Gulf, for women and for single women in particular, is an opportunity to get the education of their choice, to escape social and family control, to have a professional activity, to gain economic independence and to be recognised as masters of their own lives.

TURKEY

Sexual harassment on public transportation is common and regular campaigns address the issue.

Poor transportation systems limit women's participation.

Another widely discussed limitation to women's mobility is the lack of childcare provisions and nurseries, despite the "Regulation on Working Conditions of Pregnant and Nursing Women", which has had mixed results.

Sexual harassment on public transport is a common problem and is addressed in regular campaigns

Sexual harassment on public transport is also common in Turkey and it is regularly addressed in the media. The first nationwide campaign against the sexual harassment of women on public transport was called the "purple needle campaign". Women carried needles to use against those who assaulted them in buses or other means of public transport.

Similar campaigns are still practised in Turkey indicating that women are easily harassed by men when using public transport. Recently Istanbul's Feminist Collective started a campaign called "Do not overspread your legs, Do not occupy my space, Do not harass me", designed to send the message that men occupy more space on public transport, making women feel unsafe as a result of their behaviour.

Poor transportation systems, lack of childcare facilities hinder women's movement

Poor transportation systems are also identified as limiting women's movement. In main cities, factories or large companies provide special bus services (*işçi servisi*) for their employees, and the firms located on the outskirts of the city (as well within the city) arrange their own means of transportation for their workers.

Another limitation to women's mobility, which is widely discussed, is the lack of childcare provisions and nurseries, another important obstacle to women's economic participation. The Regulation on Working Conditions of Pregnant and Nursing Women (2004) requires establishments employing more than 100 women workers to have nursery rooms for nursing mothers and those employing more than 150 women workers are required to provide pre-school facilities for children aged between 36 and 72 months.

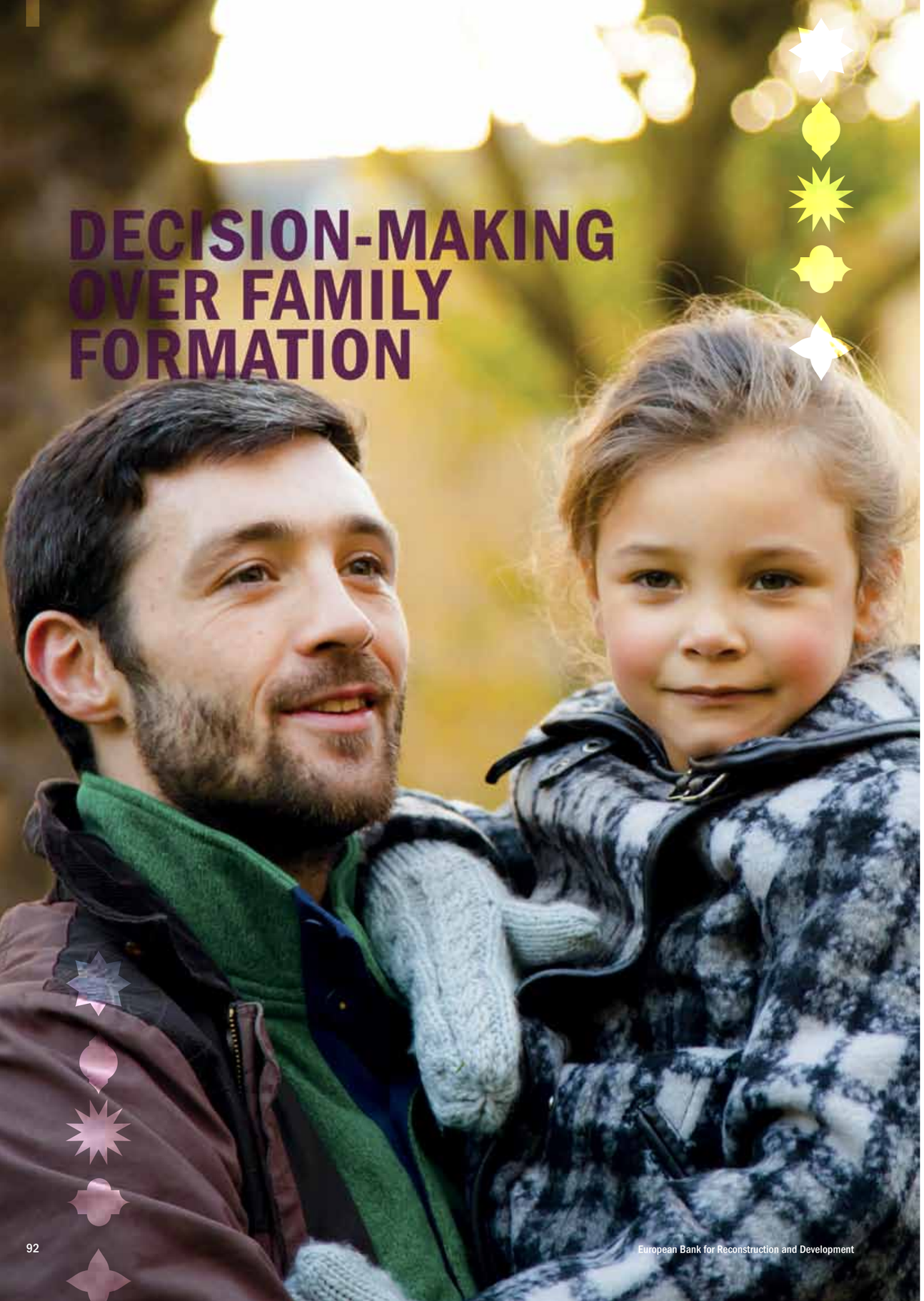
The employer is also obliged to recruit personnel considered to be necessary for the proper functioning of these institutions. However, this legislation remains weak in regulating the operation of nurseries at the workplace. The Ministry of Labour and Social Security (ÇSGB) notes that "*public nurseries are running under capacity and they are lined up for privatisation. Even now, those who are not public sector employees can send their children to public nurseries but in this case there is a price difference for them. To eliminate this difference for public and private users, all public nurseries are going to be privatised*".

According to ANGIKAD (Ankara Business Women Entrepreneurs & Enhancement Association) the law has had a negative impact and created a size threshold: "*We do not have enough to finance nurseries. The State should be a support for this. Due to the high cost of running a nursery, the employers in this country have only 149 or 99 women workers not more. If you plan for an industrial production district you plan all infrastructures so you need to plan for nurseries in them. We don't want women workers to have longer maternity leaves as it works against women*".

In fact, policies such as childcare provision in workplaces and maternity leave seem to end up discriminating against women and pushing them further out of the labour market as these policies make female labour more expensive for employers. In combating low women's employment rates, the Justice and Development Party government (AKP) also initiated a policy in 2008 to encourage employers to hire more women by offering tax reductions to hire new women employees. This tax exemption will last for three years and is applied to all women and also to employees aged 19 and 20.

Psychological control and abuse also affects women's movement

The KSGM's research has also shown that different strategies are adopted to control women. For example, 69 per cent of women are interrogated by their husbands and fathers about their whereabouts and whom they are with, while 44 per cent of women are banned from talking to men who are strangers. Over one third, (35 per cent) are restricted in their dress code and are forced to only wear outfits approved by their husbands.



DECISION-MAKING OVER FAMILY FORMATION

Women's agency and choice in decision-making over family formation is assessed in relation to women's consent to marrying, their choice about whether to have children and how many, their ability to freely divorce, and their participation in the daily and family decision-making processes. These areas are very much likely to be determined by the position women have in the family, the role they play, the contribution they make to the family's finances and their career choice.

Populations in all five countries are young; roughly a half of the population in each country is under the age of 25 (UN DESA 2010, 2015).

According to the SIGI (OECD 2014b), the Middle East and North Africa region scores poorly on indicators related to son bias, the ability to initiate divorce, early marriage and reproductive autonomy (including access to safe and affordable birth control and contraception needs being met).

The SIGI's findings also show that fertility preferences and sex ratios at birth suggest that boys are more highly valued in Jordan and Tunisia. Both countries are now categorised as having "low levels of concern" for missing women.[42]

Personal status laws can allow husbands or "guardians" to prevent women from working if it is thought that it will harm the family's unity (Jordan), unless a specific condition has been stated in a marriage contract. The right to insert a condition in the marriage contract is not usually exercised and the majority of women may not even be aware of it.

In Turkey, the new Civil Code (2002) stipulates a similar contradiction: "*neither of the spouses is obliged to seek permission from the other regarding the choice of work or profession* (…) *but the harmony and welfare of the marriage union should be borne in mind when choosing and subsequently performing a job or profession*".

Early marriages that undermine education and work, although banned by the extension of the minimum age for marriage to 18 in all countries, continue to be authorised by judges upon request of the families (Morocco, Tunisia, Jordan and Egypt) for "very important reasons" that are left to the discretion of the judges.

Only two countries have forbidden polygyny: Turkey and Tunisia.

42 Nobel Prize laureate Amartya Sen coined the term "missing women" in the 1980s to describe the large number of women in the world who were either never born or no longer alive due to family neglect and gender-based discrimination.

EGYPT

A woman has to secure the acceptance of her male guardian, and in practice the acceptance of all male members in the family for her decision to get married.

Early marriages are still widespread; they inevitably imply leaving school and limiting job opportunities, access to information, health and well-being.

Women's rights to education and work are not automatic legal rights unless stated clearly in the marriage contract.

Women's participation in decision-making in the family is still very limited.

The judicial process of divorce, when initiated by women, is very complex and tense, takes a very long time, is costly, and is unpredictable in the application of standards, while men have an autonomous and absolute right to divorce without resorting to legal proceedings.

Before asking for a divorce, women often have to secure a place of residence.

Divorced women are still stigmatised.

Discriminatory family law limits women's marriage choices

A woman's decision to marry is constrained by guardianship provisions in the Civil Law, which stipulates that she must have permission from her father before choosing to marry. This reinforces women's status as legal minors who need a male figure to validate their decision to marry. It limits their ability to choose freely about forming a family.

While officially a woman only has to secure the acceptance of her male guardian before marrying, in practice, the acceptance of all male members in the family has to be secured for the marriage to proceed; this includes brothers, uncles and cousins. In rural areas, women's decision to marry is a community and extended family issue. It goes beyond the acceptance of the father and close family members. Therefore, women in rural areas are more restricted in their choices on account of the fact that marriage is part of the social arrangement and structure.

Early marriage undermines women's agency in family formation and other aspects such as education and work

Although the marriage age has been raised to 18 (Art. 31), reports suggest that a significant number of women are forced to enter into marriages before the age of 18. Marriages are also not always officially registered in rural areas, where marriages of girls under the age of 15 are not uncommon. The SIGI 2014 country analysis for Egypt explains that according to a 2014 study by the American University of Cairo of 4,500 women in the Cairo Governorate, nearly 17 per cent of women aged 10 to 29 were married before the age of 18. The proportion increased to nearly 18 per cent among women living in low-income areas.

This is in addition to *muta'ah* (pleasure) and *urf* marriages[43] of young women and girls that take place in poor and rural areas. While *urf* marriages have to be registered, the registration of the marriage does not require the age to be stipulated, therefore marriages of underage girls take place in the form of *urf* in order to escape the age requirement.

In the past two years, several conservative groups argued that the government should reverse Article 31, suggesting there should be no minimum age for marriage for both sexes. However, for a girl to marry at the age of 15 it inevitably implies leaving school, which limits her job opportunities, access to information, and negatively affects her health and well-being.

Rights to education and work governed by marriage contracts

A woman can add certain legal conditions to the marriage contract, including the right to obtain a divorce if her future husband attempts to stop her from exercising certain rights, such as education and work. Even when such conditions are included in the marriage contract, it is necessary to obtain a judicial divorce under the grounds of breaching the conditions in the marriage contract.

Men can also maintain their rights by adding certain conditions into the marriage contract, including conditions that negate a woman's right to education and employment, or place of residence and housing type. Women's rights to education and work are not automatic legal rights unless stated clearly in the marriage contract.

Uneven household decision-making

The EDHS 2008 has shown that women's participation in decision-making in the family is still very limited. The types of decisions surveyed are limited to those of household purchases and women's own health, although they provide a good indication of women's overall participation in family decisions.

Decisions related to women's own health and visits to health centres are largely made jointly with the husband (61 per cent), with only 25.6 per cent of women able to make these choices alone. This suggests that such decisions are likely to be made as a result of either the woman being accompanied by her husband or these visits are related to childbearing and birth control, which are not often taken by women alone.

The data also shows that women have relatively more free choices in relation to dealing with the daily purchases (43.9 per cent) compared with a very small percentage of women who can make decisions in relation to large household purchases (4.7 per cent). The data also suggest the extent to which women make household decisions is linked to education levels and working status.

Choices in childbearing – son preference

The EDHS 2008 data shows that less than 1 per cent of women use contraception before having their first child. Contraceptive use increases sharply with the number of living children, peaking at 76 per cent among women with 3 children, and 71 per cent among women with four children. This indicates that a woman's choice of using contraception is conditioned by the number of children she has before she decides to use any method. It is also very common in Egypt that women would not use any contraceptive method unless she gives birth to a male child.

An informant in this regard stated, "*Our society continues to appreciate women who give birth to sons. Women also feel a sense of empowerment when they give birth to boys as that means they have done their job well*".

Thus, decisions on having children and the number of children may be determined by women's ability to bring sons to the family. A woman who gives birth to girls is often obliged to have more children.

Women who give birth to girls may be marginalised and punished as husbands may use this as an excuse to marry another woman. Hence, polygyny is commonly accepted, if not encouraged by parents of the husband and siblings.

43 *'Urf'* or *'urfi'* marriages' refer to marriages without official papers issued by the state.

Egyptian men have an autonomous and absolute right to divorce without resorting to legal proceedings

Egypt's CEDAW 2008 Shadow Report describes that husbands have a legal responsibility to provide financially for their wives because they are considered heads of households, but women have no such obligation towards their husbands. However, according to the SIGI country analysis for Egypt (OECD, 2014b), the 2014 Constitution recognises there are households headed by women and says the state has a duty to protect them.

For men, divorce may be granted through simple repudiation; men can also be granted divorce by filing a paper with the marriage registrar without even informing their wives. For women, on the other hand, the *Khulaa* Law (divorce initiated by women) obliges women to return the dowry paid by their husbands prior to the marriage. Therefore, wealthy women, or those who can afford to return the dowry, can more easily request to initiate a *Khulaa* case, while poor women have to take divorce legal proceedings, which could take years in courts. The judicial process of divorce, when initiated by women, as most of the interviewees describe it, is very complex and tense, takes a very long time, is costly, and is unpredictable in the application of standards.

Before asking for a divorce, women often have to secure a place of residence, particularly if they do not have children under the age of custody and if the house is rented. Women can stay in their houses if the husband owns the property and only in cases where they are the custodians of the children, after the children are no longer at the age of custodianship women have to leave the house. In the case of rented houses, women can easily be evicted because landlords have the authority to terminate contracts or increase the amount of rent.

Those with no children are left without a place of residence, their choice being only to return to their parents' house, an option that can lead women to stay in abusive relationships which could have dramatic consequences on a woman's well-being.

The formula of "husband maintenance and wife disobedience" in the Egyptian family law established the grounds for women to lose their right to financial support in cases where the husband confirms that his wife is disobedient. While husbands cannot force women to return to what the law referred to as the "house of obedience", as was the case before 1967, they can deny a woman her financial support upon divorce (Human Rights Watch, 2004).

Divorced women are also still stigmatised. It is still widely perceived that divorced women are either "bad" or "disobedient". Therefore, whether because of the legal barriers, economic constraints or social stigma, women may avoid divorcing unless they have been forced to or have no other options. Women are more likely to stay in abusive relationships because of these constraints and barriers.

JORDAN

Based on the guardianship provisions, women cannot enter a marriage contract unless the marriage is authorised by their guardians, while men represent themselves and can arrange the marriage without any agent acting on their behalf.

Early marriages are still widespread. They can be authorised if marriage serves certain "interests" defined in a variety of ways: those of the girl, of the family, and the tribe.

In rural areas, the practice of women giving birth to as many children as they can until they have a male child is still the norm.

Men have full legal control in marriages via guardianship status

In Jordan, the Personal Status Law entitles men to have full control over women through legal guardianship (*wali*). The guardian (father, or a male relative based on the order of the paternal blood relationship) has the right to arrange the marriage of a woman, decide on her choice of education, allow her to work, ban her from work, and manage the scope of her life activities.

Based on the guardianship provisions, women cannot enter a marriage contract unless the marriage is authorised by their guardians, who perform all procedures related to arranging the marriage contract. In this process, women are only consulted. Their consent, which is a condition for a valid marriage, is in practice only taken as a formality that is done after finalising the contract and its conditions.

Early marriage occurs despite legal minimum age of 18

While the marriage age was amended to be 18 for both sexes, a gap in the law persists in relation to conducting the marriage of a girl under 18 in those instances where the marriage serves certain "interests". The wording of the article makes it possible to interpret these "interests" in a variety of ways. As they are not defined but are enshrined in such a vague and broad term, "interests" could be those of the girl, the family or the tribe. This paves the way for early marriage to continue to be conducted, particularly in rural and poor areas.

Data from the Department of Statistics (2012) show that around 18,000 marriages of girls between the ages of 15 and 19 took place in 2011. They also reveal that 15 per cent of women were married by the age of 18 and about one in three was married by the age of 20.

Son preference

According to the SIGI index (OECD, 2014b), shifting sex ratios at birth suggest there is reason for concern over "missing women". In rural areas, the practice of women giving birth to as many children as they can until they have a male child is still the norm.

This practice contributes to a weakening of women's physical ability and it makes them more vulnerable to diseases. It also undermines a woman's ability to develop skills and capacity outside of the house and domestic work.

Daughters are also disproportionately allocated domestic work compared with sons. A 2004 research report by the Understanding Children's Work project (UCW) found that boys were 4 per cent more likely to be engaged in paid work outside the home than girls, while girls were 26 per cent more likely to be engaged in unpaid domestic work within the home (SIGI, 2014).

MOROCCO

The 2004 reforms significantly improved the legal status of women but they only protect women and children insofar as the judiciary implements them; judicial discretion allows judges to simply carry on with old practices.

Early marriages are widespread and increasing.

Despite 2004 legal reforms on personal status, judges retain significant power in arbitrating marriage, divorce and parental custody disputes.

In Morocco, the reforms have significantly improved the legal status of women and women's associations have welcomed them. Nevertheless, the 2004 reforms depend, to an unprecedented degree, on the willingness of judges to arbitrate in marriage, divorce and custody disputes.

According to several interviewees, the new law introduces substantial ambiguity with regard to its enforcement as the judge has responsibility over matters such as dividing assets, providing mediation, preventing polygyny, upholding prenuptial agreements and ensuring that custody decisions are made in the best interests of children.

The reforms, although designed to achieve greater equality in the family, only protect women and children insofar as the judiciary implements them. A major issue repeatedly evoked in Morocco is that of the enforcement of the 2004 reforms.

This is for a number of reasons. Given the eight-year period since the reforms were promulgated, the judiciary has remained unchanged according to several Moroccan women's activists. A number of judges trained in the previous legislation based on the *Sharia* in its Mālikī interpretation are sometimes reluctant to apply the new tenets fully.

This substantial judicial discretion allows judges to simply carry on with old practices. There are exceptions to the rules laid out in the *Mudawana*. In particular, the option for couples to register their marriages after the fact means that men are still marrying underage girls and contracting second marriages without the first wife's prior approval.

Early marriages widespread and increasing

One example of this is that although the 2004 Family Code raised the minimum age of marriage to 18 years, this provision is often not enforced properly. The law gives judges ample discretion to decide whether an underage girl can marry or not. In an overwhelming majority of cases, judges accept marriage requests involving underage girls.

According to a survey conducted by the Higher Planning Commission, the number of such requests introduced and aimed at early marriages reached 44,572 in 2010; 42,783 in 2012; and 43,508 in 2013 (see Table 15). The same source confirms that 99 per cent of the requests concerned girls. The number of such requests was 38,710 in 2007.

Yet, these numbers only refer to legally registered marriages; the incidence of child marriage (10.9 per cent of all marriages in 2012 and 11.5 per cent in 2013) could be higher if various forms of illegal, traditional, customary and temporary marriages were included.

	2007		2012		2013	
	Number	%	Number	%	Number	%
Male	379	1.0	106	0.25	92	0.21
Female	38,331	99.0	42,677	99.75	43,416	99.79
Total	**38,710**	**100.0**	**42,783**	**100.0**	**43,508**	**100.0**
Applications accepted	33,596	86.8	36,791	86.0	37,182	85.5
Applications rejected	4,151	10.7	5,992	14.0	6,326	14.5
Renunciation	963	2.5	—	—	—	—
Total	**38,710**	**100.0**	**42,783**	**100.0**	**43,508**	**100.0**

Table 15

APPLICATIONS FOR UNDERAGE MARRIAGE IN MOROCCO

Source: Survey by the Higher Planning Commission (HCP) in 2013; and INSAF (2014) for the year 2013.

In its report presented on the occasion of the 26th session of the Council of Human Rights in Geneva, INSAF (2014) analysed the data, indicating that 94.2 per cent of the girls married during a period of seven years were aged 16 and 17 and 5.8 per cent were aged 14 and 15. Over the period, 55 per cent of the underage marriages occurred in rural areas and 45 per cent in urban areas, but this proportion reversed in 2013 (with 52 per cent in urban areas and 48 per cent in rural areas).

Access to contraception and birth choice

Women in Morocco have the legal right to use contraception and to access information about family planning and reproductive health. According to the National Survey on Population and Family Health (ENPSF, 2011) conducted by the Ministry of Health, contraception use by married women was 67.4 per cent in 2011 (68.9 per cent in urban areas, 65.5 per cent in rural areas). It was 58.4 per cent in 1997 and as low as 19 per cent in 1980. Contraception in Morocco is seen primarily as a woman's responsibility; just 3 per cent of men reported using a modern method of contraception. As a consequence, 12 per cent of married women aged between 15 and 49 declared having unmet needs for family planning.

TUNISIA

Legal changes and an advanced legal framework do not guarantee women's full rights and are not enough to make the required social advancements.

Early marriages are still widespread.

A study on the jurisprudence of ordinary courts found that some judges holding traditional views on the family could subvert legal guarantees of equality contained in the Code of Personal Status by using religious references.

First country in the region to ban polygyny

Tunisia banned polygyny in 1956. Nonetheless, according to the SIGI (OECD, 2014b), many Tunisian Muslim men have reported that they feel entitled to multiple wives if they have the finances to support them. Unofficial second wives or mistresses are not uncommon in some households.

Near-equal marriage and divorce rights

Article 5 of the PSC requires that both spouses consent to marriage. However, equal rights in marriage apply only to Muslim women marrying Muslim men; Muslim women are not allowed to marry non-Muslim men unless the men convert, while Muslim men can marry non-Muslim women as long as the women are Judeo-Christian. In practice, there is social pressure and expectation that both parties will seek parental and/or guardian consent, yet Article 9 of the PSC prohibits fathers or guardians from letting the choice of spouse preclude the conclusion of a marriage contract. The PSC also stipulates that the dowry paid cannot be more than the symbolic sum of one dinar. Women and men have equal rights to initiate divorce and repudiation is banned by law.

Early marriages permitted with consent

Tunisia amended the PSC in 2007 to raise the minimum marriage age to 18. The change in the average age at which people marry, being 28 for women and 34 for men, has reportedly led to a fertility rate of two children per woman.

Nonetheless, individuals under the age of 18 can request authorisation from a judge with the consent of their guardians according to Article 5 of the PSC. According to the 2011-2012 Multiple Indicators Cluster Survey (MICS4), 0.4 per cent of women aged 15 to 49 were married before the age of 15, and 5.1 per cent were married before the age of 18 (SIGI 2014). The United Nations (using data from 2004) reports that 2.1 per cent of women aged 15 to 19 have been married, divorced or widowed in the past.

Contraception, family planning and unmet needs

It is worth noting that the contraceptive prevalence is 60.2 per cent according to a 2010 WHO report. Abortion is legal and carried out in the ONFP centre, but could become restricted on account of mounting conservative influence.

Resurgence of "traditional" views of women's reproductive role

Women interviewed as part of the study note that in 2011 following the revolution and the Constituent Assembly elections, the battle fought by women's rights activists focused on preserving the rights gained during Bourguiba's and Ben Ali's eras. Some even argue that the secular rule in these periods was more accepting of women's rights than the current post-revolution phase.

A professor of Law at the University of Tunis and women's rights advocate stated: "*The first draft of the [new] constitution was a shock as it contained an article stipulating that women were complementary to men. The following drafts had improved but were considering women's rights in the context of family; the rights were not human rights pertaining to any individual or any citizen. The final version was much better owing to broad and sustained mobilisation of women's movement during the drafting process*". She added that the fight would continue even on women's basic rights. She described the shortage of birth control items in family planning centres shortly after the revolution as "*deliberate*". She also reported "*more and more doctors refuse to carry out abortion though it is legal*".

Similarly, a study on the jurisprudence of ordinary courts found that some judges holding traditional views of the family were able to undermine legal guarantees of equality contained in the PSC by using religious references. Therefore legal changes and an advanced legal framework do not guarantee women's full rights and are not enough to make the required social changes. Some legal provisions or exceptions are even abused, as is the case for the approval of early marriages. A judge and researcher at the legal research centre of the Ministry of Justice said that when she was practising law as a judge in Tunis "*dispensation requests for early marriages were frequent and were introduced almost every day*". Even with the legal age of marriage being 18 for both sexes, 6,504 marriages out of 91,590 in 2011 involved girls between 15 and 19 according to national statistics (7 per cent). The adolescent fertility rate is of five births per 1,000 women aged 15 to 19.

The reality of women's rights in Tunisia is not only related to religion or traditions; it is also connected to the former dictatorship's use of women's rights. "*The image of the country's advanced women's rights was often used to justify the iron fist policy of Ben Ali and to demonstrate the bright side of the country*" a journalist and activist said. Some observers say that Bourguiba's or Ben Ali's so called "feminism of the State" was not aimed at transforming women's traditional roles but rather at making them more efficient within a patriarchal family structure that in the end served their interests.

TURKEY

Early marriages are widespread.

In the legal structure, women are granted with equality and their labour in the domestic sphere is recognised by the introduction of the Acquired Marital Property Law System.

Women and men have equal rights, such as equal custody, equal share in household decisions and equal rights in representation of the household, but not all these rights are translated into women's power and voice in the family and society.

Early marriages widespread, despite minimum age

Turkish society is still a heavily family-based society and forming a family is socially valued. In Turkey almost one third of women (28 per cent) marry under the age of 17 and more than half (59.7 per cent) marry between the ages of 18 and 24 (TAYA, 2011).

Marriage also gives women a certain status, although in a controlled and restricted way. Delaney (1987) suggests that "*unmarried women are socially invisible*" in Turkey. The relationship between husband and wife is based primarily on duties and obligations, men being the main breadwinners and responsible for the economic well-being of the family, while women are confined to the domestic sphere by the ideologies of mothering, caring and nurturing (Dedeoglu, 2012a).

This is confirmed by the Family Structure Research report (Turkstat, 2006), which shows that 42.9 per cent of women were married through arranged marriages and 11.7 per cent of women were married without their consent. Only 37.3 per cent were free to choose their spouses at their own will, providing that they had the consent of their family.

Formal equality before the law, but not substantive equality in family formation choice

Turkey presents an interesting case regarding the gap between women's legal and actual status in the society. In the legal structure, women are granted with equality and their labour in the domestic sphere is recognised by the introduction of the Acquired Marital Property Law System, brought about by the new Turkish Civil Law, which gives couples equal rights on the property acquired during the marriage.

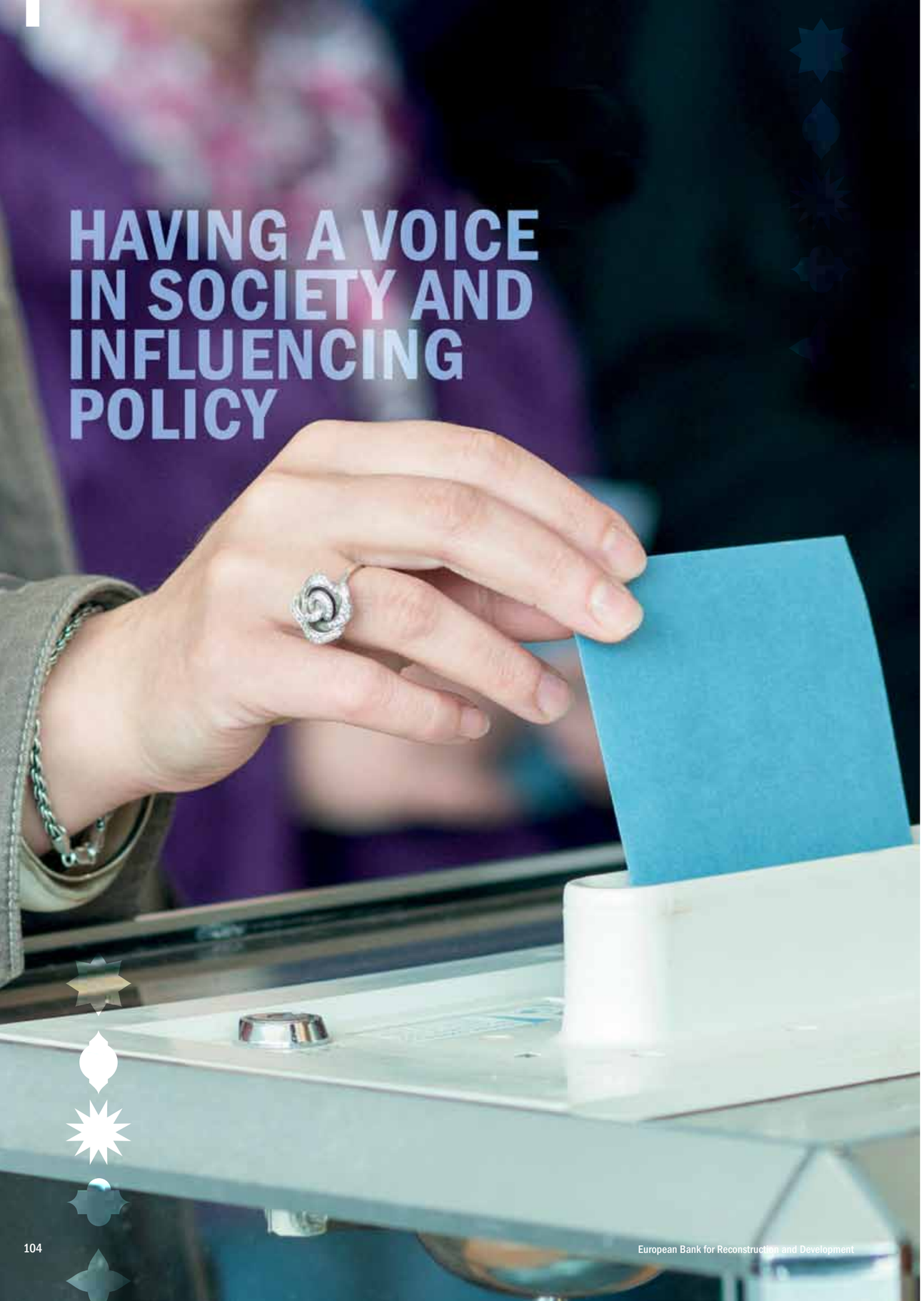
Women also enjoy other formal equal rights such as equal custody, equal share in household decisions and equal rights in the representation of the household. However, in reality not all these rights are translated into women's power and voice in the family and society in reality. The fact that women are married at a young age without their consent through arranged marriages demonstrates this point well. Thus, despite equality before the law, women are seen as the property of their family to be sold and bought at the "bride price".[44]

44 In anthropology, the bride price and the dowry are payments that represent conditions for marriage. From a gender perspective, both are an expression of gender inequalities and the lower status of women in different contexts. For some anthropologists, the bride price occurs within the context of relative wealth and abundance where an additional domestic worker or labourer is considered to be valuable (as this can be used to increase production). On the other hand, where the soil is poor brides are considered an additional "charge" because they will not be used to increase the domestic production. Families in this case will request a dowry.

Shifting cultural values

Shifting cultural values in Turkey may be affecting women's access and rights in terms of family planning. Considerable funds have been allocated to the expansion of theology education in universities. The authority of the State Directorate of Religious Affairs is also steadily increasing. Efforts are being made to revise the Penal Code and Civil Code and recent parliamentary debates about abortion, contraception, family consulting centres and the regulation of domestic violence (or the "politics of the intimate"[45]) are among the institutional measures that one can observe moving towards the propagation of a restrictive and domestic role for women (Arat 2010; Acar and Altunok, 2013).

45 This can be understood as the web of policies, decisions, discourses, laws and norms which regulate intimate and family relationships, sexualities and the reproductive capabilities of individuals.



The political dimension of agency is essential for women's empowerment. Notwithstanding the progress achieved in the educational and economic spheres and in statutory laws, social conditions and traditional roles, which customary laws and religious observances and interpretations tend to impose on women, prevent them from accessing influential positions in the political sphere, and more generally senior positions in any organisation of power from where they would be able to make their voice heard.

Unequal representation in political decision-making

Statistics from the Inter-Parliamentary Union (IPU) show that as of late 2014, the global average for women's representatives in national legislative decision-making bodies was 21.9 per cent.[46] The regional average for the Arab states is 18 per cent.[47]

This is a vast improvement, considering that 10 years ago, the Arab states ranked the lowest in the world in terms of women's political representation, with just 6 per cent women parliamentarians across the entire region. Much of the progress is due to the adoption of positive actions, such as political quotas, to increase the number of women in elected bodies.

The share of women in national parliaments in Egypt, Jordan, Morocco, Tunisia and Turkey is rising but remains relatively low, despite the use of various types of quotas in some countries. Tunisia's performance is the result of a "zipper" system of alternate-gender lists.[48] Table 16 summarises the representation of women elected to national parliaments (lower houses) and local councils in all five countries.

46 Both houses combined (http://www.ipu.org/wmn-e/world.htm).

47 By comparison, the OECD countries (including the Nordic states which tend to have higher levels of women's political representation) average 25.3 per cent.

48 The "zipper" (sometimes referred to as "zebra") system is a form of political quota that goes beyond mandating equal numbers of men and women candidates by assigning them alternate positions on a party's candidate list (typically in a PR-list electoral systems). That is, if a woman is ranked first on the list, the second person must be a man, and vice-versa. Though equality activists in Tunisia successfully lobbied to ensure the Electoral Code included a "zipper" system ahead of the 2011 National Constituent Assembly (NCA) elections, and despite the implementation of this system, many fewer women than men were elected. The reason for this is that while the lists alternated between male and female candidates on the ballot (a vertical zipper), the top positions on most party lists were occupied by men. Typically only the "head-of-list" in a given constituency had any chance of being elected. There is ongoing debate in Tunisia about instituting a "horizontal" gender equality requirement across party lists in future elections to prevent such an outcome from happening again, although the NCA decided against this for the last election.

Table 16

REPRESENTATION IN PARLIAMENT AND IN ELECTED COUNCILS (MOST RECENT DATA)

Source: Own calculations based on Tables 8 and 9 (Annex 2) and Tables 32 (p. 101), 35 (p. 104) and 40 (p. 109): Republic of Tunisia, Ministry of Health-ONFP-AECID (2010).

		Egypt	Jordan	Morocco	Tunisia	Turkey
Share of women in:						
	Parliament (Lower House)	2.2% (2012 elections) (down from 12.6% in 2010)	12% (2013 elections) (10% elected through quota)	17.0% (2011 elections) (15% elected through quota)	31.3% (2014 elections) (up from 26.3% elected through quota in 2011)	14.4% (2011 elections)
	Local councils	N/A	35% (2013 elections) (25% elected through quota)	12% (2011 elections) (all elected through quota)	N/A	3.9% (2014 elections)
Women in senior positions	Political parties	N/A	N/A	20% (quotas are used within several political parties)	N/A	14.3%
	Trade unions	N/A	N/A	1%	1.8%	5.7%
	Employers' associations	N/A	N/A	N/A	N/A	7.2%

Beyond elected representation, women's voice and influence less prominent

Aside from elected or nominated representation, women's participation in political parties, unions, employers' associations and in free speech and association remains relatively low across the region. If women are to have a greater voice in society and more easily influence policy, political representation is one step, but not the only one.

Women comprise a diverse constituency across the MENA region, all five countries within the present study and within each country itself. Not all women share the same priorities, perspectives or privileges. Therefore, it is critical that women everywhere have channels through which their voices and needs can be expressed and that they truly have mechanisms through which they can influence policies that affect their daily lives.

In reality, however, several institutional barriers, and restrictive norms and customs that constrain women's choices and movement (as evidenced in previous sections) preclude women from having such channels.

EGYPT

Women's representation in parliament dropped from 12.6 per cent in 2010 to 2.2 in 2012, after which the parliament was dissolved; the figure is likely to rise again with the adoption of a new quota for 2015 elections.

Women demonstrators have been subjected to verbal and physical assaults and threatened with rape while in detention as a form of retaliation for their role in the uprising.

Women's representation in parliament has dropped more than 10 percentage points since 2010

A few months after the 2011 revolution in Egypt, the Supreme Council of Armed Forces (SCAF) made several amendments to the Political Rights Law, one of which was the removal of the women's quota of 64 seats in the parliament that was first introduced in the November 2010 parliamentary elections and which yielded 12.6 per cent representation for women.[49] The quota was replaced with a requirement that each party nominate at least one women candidate on its list, despite opposition from women's groups who claimed that this approach would lead to a sharp drop in the number of women members of parliament (Human Rights Watch, 2012).

Indeed, the country's first free parliamentary elections in 2012 resulted in a noticeable regression. Women won only eight out of the 508 seats in parliament (1.8 per cent), which was a decrease of around 60 seats from 2010. The parliament was soon dissolved afterwards due to the ousting of the president.

Low levels of women in ministerial positions

Thus, women's representation at the policy-making level of the Egyptian state remains low. Women's representation at the cabinet level reached no more than 16 per cent in the last 10 years overall, and in the cabinet formed in 2014, women represented only 11.7 per cent of appointed ministers.

Women's participation since the uprisings

Women have actively participated in demonstrations and elections since the start of the uprising in Egypt in 2011. They have, however, faced a major backlash and violence in the three ensuing years of instability in the country.

Human Rights Watch and Amnesty International reports have revealed that Egyptian military and police officers are increasingly engaging in physical assaults against women protestors, journalists and activists. Women demonstrators have been subject to verbal and physical assaults and threatened with rape while in detention. Both security forces and private individuals are reportedly engaged in these assaults (Human Rights Watch, 2011).

With the introduction of the Protest Law of 2013, which was introduced to reinforce the repression of demonstrators, more women's rights defenders were arrested and sent to courts facing claims of breaching the Protest Law. When women's activists organised a demonstration against the Law in July 2014, nine were arrested and more were threatened with arrest.

In the face of such repression, women have actively participated in demonstrations and have lobbied for a new law criminalising sexual harassment, which is due to be approved by the president.

49 It should be noted, however, that this quota was designed in such a way as to favour women candidates backed by the most powerful political parties with the greatest level of resources. This is because the 64 reserved "women's seats" represented entire provinces as constituencies, rather than small voting districts, which all other parliamentarians are expected to represent. It is largely believed that the 64-seat women's quota was designed as a way to augment representation of the ruling party at the time, rather than increase women's voice and influence in parliamentary decision-making.

JORDAN

Women's representation is 12 per cent in parliament and 35 per cent in local councils, aided in part by quotas at the national and municipal levels.

However the decision of women, particularly in rural areas and areas governed by tribes, to run for municipal elections is often controlled by the tribe and does not automatically introduce the women's agenda into the councils.

Relatively high and increasing women's representation

In the latest revision of the municipal law in Jordan in 2011, the women's quota at the municipal level was raised from 20 per cent to 25 per cent. It is a relatively high figure compared with the parliamentary quota and women's representation at the cabinet level. The parliamentary quota is set at only 10 per cent, and as of 2014, IPU data shows the share of women in parliament is 12 per cent.

There is a total of 1,100 seats in the local councils, with 275 reserved for women. The results of the 2012 elections show that women won as much as 35 per cent of the council's seats, which is a positive sign.

This may be in part due to women's rights NGOs working with women candidates and training them on issues relating to municipal elections and leadership management skills. They have also made a concerted effort to work with journalists to better cover women in politics and improve the image of women in politics in the media.

Tribal afiliation and involvement in candidate selection, local governance

However, the only concern that arose from discussions with women and human rights activists for this study is that the choice of municipal women candidates is controlled by tribes, particularly in rural areas and areas governed by tribes. Typically, each tribe decides on a candidate who represents the tribe's interests , thus women have to first secure their family's support and then their tribe's agreement before nominating themselves for elections.

The focus group on this subject for the study further illustrated that the women's municipal quota, which has increased the number of women in local councils, has yet to reflect an expression of women's empowerment. Women councillors have not yet placed priority issues for women on the council agendas. A critical barrier is the fact that municipal councils are often supervised and managed by powerful tribes within each district.

MOROCCO

The quota of reserved seats in parliament has adverse effects; it limits the number of women elected to the constituency seats and these elected members are not considered to be fully fledged MPs.

Women are reasonably well represented in the public administration overall, but their presence is proportionally weaker than that of men as one moves up the hierarchy.

Electoral reform has helped to incrementally increase women's political representation, but changes are still needed

Before 2002, any election in Morocco was based on a simple majority of individual votes cast in one round of universal suffrage whereby women had no chance of being elected. It was in that year that the House of Representatives approved a new national list voting system.

Article 1 of the charter – understood largely as a "gentlemen's agreement" among political parties, and not binding law – which mandated the new system, stipulates that the House of Representatives is to comprise 325 members elected by direct universal suffrage based on list voting: 295 members are to be elected by districts (set by decree) and 30 women members are to be elected nationally.

A total of 35 women were elected in 2002, most through the reserved seats. One woman fewer was elected in 2007 (34 in total), demonstrating that it was nearly impossible for women to be nominated and elected outside the reserve national list since most political parties do not include women candidates on district-level lists.

According to an elected MP (interview May 2014), the introduction of a national list has been a positive and encouraging step; nevertheless it has confined the number of women within the limits allowed by the national list. She added that much remained to be done to raise women's awareness about the quota system as women MPs elected through the national list were not considered to be fully fledged MPs. She also argued "*We need to keep the national list and work on additional quota within local lists, at least 20 per cent so that we can reach a proper representation*".

Women's participation and representation after 2011 protests

Following the democratic uprising across the Arab World in 2011, activists in Morocco demonstrated in large numbers calling for several constitutional and democratic reforms.

One outcome was that the number of reserved seats for women was extended to 60, and the quota regulation was codified in the new Electoral Law for the 2011 elections. The number of MPs increased overall from 305 to 395; an additional new quota of 30 seats was reserved for young men under the age of 40.

Yet even with the reform, only seven women were elected to a constituency seat beyond the 60 reserved women's seats. This is a slight increase from four in 2007 and five in 2002.

Sub-national participation and representation

At the sub-national level, the 2008 reform introduced a 12 per cent quota in municipal elections through the creation of "additional electoral constituencies" in urban and rural communities and districts (Articles 204 (1) and (2) of the Electoral Code), as well as the creation of a "support fund for the promotion of women representativeness" (Article 288).

Although not explicitly mentioned in the Electoral Law, there was a national consensus that these seats would be reserved for women. As a result, women's local representation dramatically increased from 0.6 per cent to 12.3 per cent in the 2009 local elections. The 2011 law regarding the election of council members of local authorities, reserving seats for women in regional, communal and district councils, will be enforced in the upcoming local elections of 2015. The results indicate that for the time being quotas may have a stronger impact at the local level than at the national level in Morocco.

Government level representation and reporting

At the government level, women's representation remains very low, despite slight improvements in the number of women ministers. The number increased from one woman cabinet minister as of 2011 to six in the 2013 government.

A Gender Budget Report released by UNDP (2011) notes the following:

"Women are reasonably well represented in the public administration overall, but their presence is proportionally weaker than that of men as one moves up the hierarchy. Although women's participation is at 30 per cent or above at the professional and middle management levels, at the executive level it is just over 23 per cent. This is less than the minimum 30 per cent participation of women in decision-making, which is recommended by CEDAW (…) The professional careers of women still encounter obstacles arising from social roles based on the gendered division of labour and women's progress is impeded by traditional mind sets. Women themselves are not immune to these stereotypical mind sets".

The UNDP report highlights the case of the Ministry of Health which has reached gender parity in terms of the sector overall (53 per cent), but just 13.5 per cent of decision-making positions are occupied by women. It is nonetheless encouraging to note the high rates of women's participation in decision-making positions and overall in some ministries, such as in the Ministry for Social Development, Family and Solidarity and the Ministry of Economic and General Affairs.

It is worth noting that Morocco is among the few countries worldwide, and the only one of the five countries involved in this study, that has regularly produced a gender report, published in accordance with the Finance Law since the mid-2000s (Royaume du Maroc, Ministère de l'Economie et des Finances, 2014).

Sociocultural constraints

Interviews and focus groups conducted for this study revealed that despite legal progress and awareness raising, women's participation in Morocco's political life is still hampered by sociocultural constraints, including the conventional notion that women's voices are "*awrah*" (a shame that should be hidden from society). Patriarchal and undemocratic structures within political parties tend to exclude women, limiting their access to decision-making positions.

TUNISIA

The "zipper" quota system resulted in 26.3 per cent women representation in the National Constituent Assembly and 30.1 per cent in the new National Assembly in 2014.

Women candidates did not benefit from wide coverage by the press and the media.

Women played a crucial role in the 2011 revolution, but remain underrepresented in transitional institutions

In the face of multiple challenges, Tunisian women continue to take an active part in the political transition, in street demonstrations as well as in official processes. They have participated as voters, candidates and observers during the country's first free and democratic elections held in October 2011.

However, women remain underrepresented in various transitional institutions. They comprised only 13 per cent of the first independent electoral institution, the Independent High Authority for the Elections (ISIE), and 25 per cent of the High Authority in charge of the achievement of the revolution goals, which was established after the revolution to ensure a democratic transitional process.

Region's leader in national political representation following election in 2011 and 2014, but Parity Law failed to achieve 50:50 representation

Women secured 57 seats out of 217 (just over 26 per cent) in the 2011 National Constituent Assembly (ANC) elections – the first transparent and credible elections in the country since the democratic transition. The number of women elected fell short of the 50 per cent promised by a "zipper" quota system, described below by the Global Women's Leadership Initiative (2013):

"The Tunisian transitional government passed a revolutionary law that mandated parties have equal numbers of men and women on the electoral lists to prepare for the election of a Constituent Assembly that will help to draft the new constitution. The law also called for compulsory alternative positioning of male and female candidates on all major party lists for the October 23rd election, known as the Tunisian Zebra system.

"Unfortunately, however, men were listed first in 94% of the electoral lists, which did not help to reach the desired goal of 50 per cent women. In fact, the new assembly is roughly 27 per cent female – on par with many European countries but far from parity".

Thus the gender parity advocated by the law failed to bear fruit as political parties were reluctant to have women listed first despite Article 16 of the law warning that "*those lists that do not respect this principle will be rejected*". In fact, all political parties abided by the principle of alternative positioning, but only seven per cent of them listed women first.

Persistent stereotypes and discrimination of women in public life

As many as 5,502 women registered and ran as candidates, despite poor media coverage and persisting stereotypes. The media monitoring report produced by the Association of Democratic Women (ATFD) in 2011 revealed that women's activities in politics received 4.1 per cent of the press coverage during August and September 2011, as compared with 95.9 per cent for men.

Between 1 and 23 October 2011 the coverage of women in politics reached 6.6 per cent in the written press, 10.9 per cent in television and 8.0 per cent on the radio. After what were widely seen as successful elections in October 2011, there were only two women ministers and one secretary of state to be appointed in the first government led by the Ennahda party and formed after the elections.

A parliamentary assessment of women MPs in 2012 by the National Democratic Institute (NDI) revealed that many women MPs felt that they faced systematic discrimination in the ANC, such as unfair criticism over their choice of clothing or feeling unwelcome on the parliamentary floor during question and answer sessions.[50]

50 Source: Gender Assessment of Tunisia's National Constituent Assembly, 2012 https://www.ndi.org/files/Tunisia-Gender-Assessment-National-Constituent-Assembly-ENG.pdf

TURKEY

Turkey was the first of the five countries in the study to grant full universal suffrage in 1934.

However, it was only in 2011 that women's representation in parliament reached a peak of 14.4 per cent, without a quota.

Universal suffrage

Shortly after the foundation of the Turkish Republic in 1923, Turkey adopted a new Civil Code (1926) by which the rights of Turkish women and men were declared equal except in suffrage. After an intense struggle, Turkish women achieved voting rights in local elections four years later with Act No. 1580 on 3 April 1930. By 1934, through national legislation, they gained full universal suffrage, earlier than many other countries.

Despite rights, low participation

Despite these gains, women's representation in managerial positions in the public administration, in political parties or in trade unions remain generally limited.

The number of women in parliament began to decrease after suffrage was granted. The minimum number was two women members (in 1954), but it did not improve by much in any of the following elections up to 1991. There was a slight increase in the number of women MPs after 1999. Women's representation in the Turkish parliament reached a peak in 2011 of over 14 per cent.

In 2014 Turkey held local elections, and there were high hopes that the vote would bring more women to decision-making posts. Indeed, the number of women mayors increased by nine from 26 to 35, and given that there was an overall reduction in the number of mayoral posts, the proportion of women mayors increased significantly from 0.08 per cent to 2.5 per cent: still very low, but an improvement (Al-Monitor, 2014).

Repression of participation in political parties

Another obstacle to women was the ban on establishing women's branches or youth branches of political parties. Law No. 4445, passed in 1999, has removed this obstacle. Taking into consideration the fact that women, burdened with traditional domestic responsibilities and traditionally discouraged from becoming too visible or participating in public life, are starting from a fundamentally disadvantageous position, many informants of this study were of the opinion that the necessity for quotas is self-evident.

The women's movement in Turkey is working to achieve the establishment of quotas, which would be the next step towards the political empowerment of women and the translation of constitutional and legislative equality into equality in practice.

VI. Conclusions and recommendations

VI. CONCLUSIONS AND RECOMMENDATIONS

This study offers a nuanced description of the landscape of women's economic empowerment in the five countries of the study within a particular space and time, while recognising that the political, social and economic backdrop against which this research was conducted is both complex and fluid. The authors acknowledge that Egypt, Jordan, Morocco, Tunisia and Turkey are different countries with diverse histories and populations, economies and circumstances. Nevertheless, the data analysis, interviews and literature reviewed in this study reveal that women in all five countries face common challenges as a result of limited agency and low economic participation.

Women's access to land ownership and land rights is low across all five countries. Women face multiple forms of gender-based discrimination, sexual harassment and potential violence, including at work and on daily journeys, which could undermine the possibility for or desirability of women accepting certain jobs, according to focus groups. Women's freedom of movement is constrained by social norms and often aggravated by insecurity and the risk of violence. Women's ability to engage in economic activity is heavily influenced by unequal decision-making over family formation, particularly for young women and girls who have entered early marriages or for women who would like to continue their careers after having children. Additionally, because women's careers tend to include more interruptions than those of men, their pension levels may not be aligned with the overall time spent working in a lifetime.

Although progress has been made towards greater representation of women in the political sphere, women are still underrepresented in national and local elected bodies. Increased numbers of women in elected positions have not directly led to more gender-sensitive policies that may enhance women's socio-economic status, but the efforts and support of women's collective action from the grassroots to governments has resulted in some positive advancements towards women's equal rights.

The interplay between legal pluralism and social norms that perpetuate gender inequalities, systematically limits all expressions of women's agency in the five countries despite legal reforms and even when equality is granted by statutory or civil law. Tunisia and Turkey are, for instance, historically "secular" states in which there is a legal separation of civil and religious law; even so, recent data reveals an increasing prevalence of GBV in both countries, the perception of insecurity in the Tunisian public space and a rising number of honour killings in some regions of Turkey.

Furthermore, significant gaps exist in plural legal frameworks in all countries, leaving the prosecution and sentencing of gender-based violence and discrimination cases to the discretion of individual judges. Tensions between positive law and various interpretations of religious laws thus mean that women's rights in one facet of life may not be recognised in another. Moreover, women who are poor, less educated or living in rural areas tend to be less aware of their legal rights and those in codes of personal status. This means that they may be more afraid to go against traditions or customs than more educated women living in urban areas.

Women in the SEMED region shoulder a particularly heavy burden of unpaid domestic and care work compared with men. In OECD countries, women spend twice as much time as men on unpaid domestic and care work. Women in the SEMED region, in comparison, spend up to five times the amount of time as men on unpaid work. According to the focus groups carried out for this study, this limits women's ability to undertake income-generating activities and pursue careers. Additionally, the lack of adequate childcare facilities was cited as a major obstacle to professional advancement, as women are the ones who tend to be primarily, if not solely, responsible for family care.

The entrepreneurial sector is underdeveloped in all countries and women face difficulties accessing financial resources and information to start their businesses. Low self-confidence and inadequate access to information undermines the potential of women entrepreneurs to realise their goals, according to this study's informants.

This sector is generally characterised by inadequate registration procedures and a lack of accessible information, which exacerbates the potential for, and prevalence of, gender-based discrimination for women navigating those procedures. Discriminatory practices, such as the fact women may have to pay money "under the table" or undertake additional procedures to open a business, was highlighted by focus groups as a major barrier. In Tunisia, women can wait on average almost twice as many months as men to complete business registration, and women there are also nearly twice as likely to be asked to provide bribes to state officials in order to secure their registration. These challenges require legal and institutional reforms to facilitate registration and women's access to information and loans.

Lastly, traditional sexual division of labour relegate women to certain professions that do not respond to market needs and demands. This, may be one of the factors which explains the gender gaps in employment (and unemployment) and overall low labour force participation among women in the region. Other factors include, but are not limited to, (i) women's preference for low paying but stable civil service jobs, (ii) discriminatory retirement practices and/or (iii) a dearth of women in management positions.

The Bank is uniquely positioned to address the challenges revealed by this research, having the mandate to further progress towards "market-oriented economies" and the promotion of "private and entrepreneurial initiative", while regularly engaging in policy dialogue with governments, business leaders and regional officials to help shape policies and initiatives that are able to create favourable economic conditions for women and improve their lives.

The authors, therefore, recommend that the Bank work within its mandate to contribute to the enhancement of women's voice, agency and participation in the SEMED region and Turkey as follows:

Operations

SUPPORT WOMEN'S ENTREPRENEURSHIP

- Enhance gender-responsive financial products; for example, a comprehensive product that includes dedicated credit lines with first loss guarantee schemes, and technical assistance to help banks develop products and advisory services, and train their loan officers, for women-led businesses, should be integrated into the EBRD's partner financial institutions (PFI) and entrepreneurial support projects. This includes a component on sex-disaggregated statistics.
- Support women's leadership, mentoring and career development by developing programmes dedicated to women's career development and access to management and board positions in order to address the cited challenges of confidence and information awareness and access.

Design equal opportunity initiatives for private sector clients

- Work with the management and human resources (HR) departments of all the companies in which it is seeking or owns equity in the SEMED region and Turkey to secure commitments to, and targets for, gender equality; this includes loan covenants that stipulate the implementation of comprehensive initiatives and strategies for equal opportunity policies and diversity/talent management schemes, including the appointment of women as nominee directors or women on boards.
- Address the issue of childcare by taking into account the needs of both women and men, including by promoting the right to and provision of paternity leave for men; this could also help change stereotypical perceptions of gender roles and responsibilities.
- Promote women's positions in non-traditional roles, such as management, and sectors in order to also support changes in traditional sexual divisions of labour.

Invest in gender-responsive services and infrastructure

- Ensure the provision of adequate services, such as water, electricity and transport, which could directly affect the amount of time women have to take up paid employment given that the burden of household chores and childcare remains one of the largest obstacles preventing women from engaging in income-generating activities.
- Implement comprehensive "Safe Transport for All" initiatives which could alleviate the risk of systematic sexual harassment in crowded forms of transport and reduce petty crime thus increasing women's mobility and freedom of movement.
- Raise the awareness of EBRD staff on the importance of the risk and incidence of violence in public and workspaces to be considered in infrastructure and transport projects.

Commit resources to gender-sensitive micro lending

- Assess any microfinance programmes in which the Bank may invest in order to assess how the programme can be designed so as to be more beneficial to women and contribute to their effective economic empowerment.
- There is a need for recognition of the difficulties women face in owning and controlling economic resources, of how they are subject to discrimination in exercising family roles and administering their personal affairs, and how they still remain underrepresented in political life. Loan repayment alone is not an indicator of empowerment; careful attention should be paid on the design and type of products offered.

Encourage clients to raise awareness about all forms of harassment in the workplace

- As the report suggests, harassment is an unspoken and invisible issue in the workplace, and one that cannot be simply addressed through the implementation of policies at the national level or from a compliance perspective. There is a need for active measures in terms of prevention implementation, support to survivors and sanction for harassers, including by raising awareness, and making both men and women in companies more actively responsive to the issue through the sharing of international good practices, revising policies and practices and identifying key measures and indicators that can be put in place.

Design projects with practical and strategic gender needs in mind

- Projects relating to accessing basic services should systematically assess women's practical and strategic needs through gender assessments or audits, as part of due diligence, feasibility studies and additional components.
- Gender assessments are especially important for agriculture and agribusiness projects or for projects located in free zones.
- Designing stakeholder engagement that ensures equal participation of men and women could improve the responsiveness of services to women.
- Indicators that measure agency and participation by sector should be included in projects, for example:
- Transport and municipal and environmental infrastructure (MEI) projects: users (women, girls and boys) who feel more secure as a result of the projects (number or percentage).[51]
  - MEI: the number of beneficiaries disaggregated by age and gender.
  - MEI: the number of women who have had access to training on women's rights.
  - Services and infrastructure: women in the community who are participating in governance structures implemented by the project (number or percentage).
  - Financial institutions (FI): percentage of loans awarded to women entrepreneurs; number of women targeted by the first loss guarantee schemes; number or percentage of women (from the total) that consider the capacity-building scheme to have been useful.
  - FI: number of clients who are joining or participating in national initiatives on gender equality.
  - FI and shadow banking system: number of women entrepreneurs that are members of women's business associations.
  - Natural resources, infrastructure, MEI: number or percentage of women (compared with men) who have received compensation through the project; percentage of women who have had access to land titles as a result of the projects; number of women and men who have had access to identity cards as a result of the project
  - All projects: total beneficiaries of the projects (disaggregated by sex and age).[52]

Policy dialogue

REDUCE BUREAUCRATIC PROCESSES THAT COULD BE MORE BINDING AND MORE DISCOURAGING FOR WOMEN THAN FOR MEN

- Encourage the simplification of procedures for registering a business. The study shows, that in practice women face more complex bureaucratic processes in registering and licensing their businesses.
- Raise greater awareness at the project level of the extent to which women and men are victims of corrupt practices because of their gender; at the policy dialogue level, address these issues with governments by highlighting, for example, the cost of corruption in terms of loss and missed opportunities.

51 These are indicators based on perception.

52 Some of these indicators were inspired by or adapted from the Selected World Bank Group Gender Core Sector Indicators related to agency (World Bank, 2014, p. 190).

ENGAGE AND SUPPORT CIVIL SOCIETY AND WOMEN'S COLLECTIVE ACTION

- Civil society organisations focused on women's rights play an important role in systematically reviewing laws for signs of gender-based discrimination and holding governments and companies accountable for commitments they have made. Furthermore, they represent a wide range of women's interests and are critical to the EBRD's policy dialogue and stakeholder engagement at all levels, including in the area of project design.
- The involvement of women's business associations is also key, in order to identify the specific barriers faced by women entrepreneurs and find ways of addressing them.

CONDUCT RESEARCH TO DEMONSTRATE RESULTS THAT CAN INFLUENCE POLICY DIALOGUE

- Resources should be directed towards assessing pilot programmes or innovative initiatives (including Women in Business programmes) and to determine the extent to which increasing women's expressions of agency affects the bottom line of private companies in which the Bank invests, as well as the use and satisfaction of various public goods and infrastructure.

SUPPORT SPECIFIC POLICY DIALOGUE ON DISCRIMINATORY LAWS AND DISCRIMINATORY NORMS WHICH ADVERSELY AFFECT WOMEN'S ABILITY TO PARTICIPATE IN THE ECONOMY

- Legal restrictions relating to women's working hours and the professions women can pursue should be amended. This would enable women to participate more actively in the labour force, particularly in those sectors with potential for professional development and/or with good working conditions.
- Laws criminalising all forms of harassment and gender-based violence must be developed; harassment in public spaces and on public transport is not always recognised as a major violation of women's rights and capabilities.
- Strengthen the institutional capacity of the private sector to integrate gender-responsive policies in the recruitment, training, promotion and retention of women. This might require the introduction of innovative approaches for the private sector so that it establishes special measures that would include flexible working schemes for both men and women, such as flexible working hours, part-time employment, the option to work from home when appropriate, and other schemes that aim at facilitating equal engagement in the workforce, while contributing to a good work-life balance.
- Policy dialogue on paternity leave needs to be undertaken as it is a measure that can help to retain women in the workforce and can reduce the burden in respect of their caring roles.
- Support the development of national comprehensive strategies for working women that address issues related to the career development of women in the workforce; these could include proactive measures and capacity-building programmes that would build their skills, abilities and self-confidence, enabling them to assume leadership positions.
- Encourage certification schemes or participation in equality platform initiatives (including those for safe transport) in Morocco, Tunisia, Jordan and Egypt; Turkey already has such initiatives, including the ones launched by KAGIDER and the Equality at Work Platform.
- Promote advocacy to remove laws on early retirement.
- Participate in the different gender working groups at the country level (with other donors, MDBs, national gender machineries and civil society) to ensure consistency of messages for policy dialogue, communication exchange and identify synergies across institutions and countries.
- Low economic participation of women requires a cohesive response from states that could include the establishment of temporary special measures that work to increase women's economic participation and promote women's roles in senior and leadership positions; the EBRD could pursue policy dialogue to propose the implementation of pilot experiences to increase women in certain sectors.

Internal operations

GENDER-SENSITIVE ECONOMIC FORECASTING

- The EBRD's capacity to systematically identify opportunities in markets could be enhanced by engaging with the Gender Team from the outset in specific sectors; the Gender Team could be responsible for identifying key levers for women's economic empowerment in different areas that have the greatest relevance (safe transport initiatives, equal opportunity at work schemes, women in business programmes, diversity programmes, etc.).

GUIDANCE NOTES ON HOW TO UNDERTAKE GENDER ASSESSMENTS IN SPECIFIC SECTORS

- Develop comprehensive and user-friendly guidance tools for staff and consultants specific to gender-specific needs and contexts in the SEMED region and Turkey and on relevant investments in services, including manufacturing, oil and gas, agribusiness and trade.

INCREASE THE NUMBER OF GENDER SPECIALISTS IN KEY DEPARTMENTS AT HEADQUARTERS AND IN RESIDENT OFFICES

- This will help the Bank respond to needs and opportunities, build capacity, mainstream gender equality into operations, conduct full gender assessments when relevant and participate in policy dialogue at the country level under the coordination of the Gender Team.
- Given the particular challenges and realities in the five countries, having gender specialists in place with country-specific knowledge, cultural awareness, relevant language skills, the ability to access strong networks in the countries, and experiences in similar contexts and relevant sectors, is key.

IDENTIFY MEASURES BEYOND COMPLIANCE TO ADDRESS GAPS AND IDENTIFY OPPORTUNITIES THROUGH DUE DILIGENCE MECHANISMS

- As the report emphasises, plural legal frameworks produce many gaps that exacerbate and perpetuate gender inequality and discrimination; clients that claim to adhere to local labour laws cannot guarantee the absence of discrimination and, therefore, due diligence must ensure that clients identify and address gender gaps.

These recommendations are a result of the challenges identified through the research, including expressed needs by the study's informants, as well as the authors' review of good practices and extensive discussions with EBRD staff. They are not exhaustive, and represent an initial set of suggestions for how the EBRD can respond to the needs identified by this research.

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ANNEXES

ANNEX 1.1 – EGYPT AND JORDAN

Afaf Jabiri

Overview

The analysis of women's agency, voice and participation in Egypt illustrates that women's rights have faced a setback and there is a deterioration in the level of security and safety for women. The 2011 revolution, which was expected to bring fairness and justice to women, has instead brought instability to the country. This in turn has imposed new challenges, while at the same time it has allowed the previous systematic institutional discrimination and gender-based violence to persist. The decline in the participation of women in political processes and economic activities is evidence of the effects of conflict and the extent to which women can exercise agency over their own lives in an environment that lacks the key aspects of democracy and the rule of law.

Egypt has seen progress, however, over the last 10 years in health and education. The literacy rate of women increased to around 64 per cent in 2010, and the maternal mortality rate decreased from 84 (per 100,000 live births) in 2000 to 54 in 2011.

Jordan has been largely unaffected by the revolutions in the region. While there have been some protests and demands for reforms, the country continues to have a good level of security and stability. On the other hand, the extreme use of violence by the Syrian regime brought hundreds of thousands of Syrian refugees to Jordan, which poses a challenge to the overall development of Jordan and its economic strategies as a small economy.

In the last few decades, Jordan has also made substantial progress in areas related to women's education and health. There have been considerable efforts to address the issue of violence against women, such as the adoption of a domestic family law, the recognition of spousal abuse as a valid reason for divorce in the Jordanian Personal Status Law (JPSL), and the establishment of a shelter for women who are survivors of violence. Still, women remain underrepresented in the political processes and workforce. Gender-based discrimination continues to be a feature of the legislative system. Tribal control over women's choices in particular presents an obstacle to women's advancement. Additionally, women's roles in communities, political life and the workforce is persistently guided by traditional views on women, namely that women have lesser capabilities and therefore should only participate in specific jobs.

At the legislative level

The partial and contradictory consideration of the principles of equality and non-discrimination in the constitutions of both countries continues to restrict the legal boundaries of women's agency. Egypt's Constitution of 2014 has addressed the principles of equality and non-discrimination, whereas Jordan's Constitution does not have any statement that addresses gender equality or prohibits discrimination based on gender. However, in Egypt, it still remains for these principles to be translated into legal provisions and mechanisms of implementation need to be established in order for these principles to be applied and monitored.

The constitutions of both Egypt and Jordan embrace a plural legal system involving civil and Sharia laws. In such systems, women's rights within family relationships are determined based on the interpretation of *Sharia* for Muslims and on the decisions of special religious courts and laws for Christians and those of other religions. Consequently, women's rights within the family are shaped on the basis of religious grounds that diverge from one religion to another. In the process, both constitutions establish inequality among women depending on their faith or religious backgrounds.

Reforms to legal frameworks have varied in each country, but none have challenged the normative system of guardianship over women. Women, whether in civil or *Sharia* laws, are considered to be minor legal subjects through guardianship provisions that grant men authority to supervise and manage women's affairs in the areas of marriage, work, place of residence, education and so forth. The civil law in Egypt stipulates that a male guardian must be present in the marriage ceremony for a marriage to be valid. In Jordan, the male guardian has an absolute right in concluding the marriage of the woman or girl under his guardianship. Legal guardians enjoy a status – be it by law or through social practices – that allows them to ban women from working, travelling or engaging in any activity that they have not authorised. In this context, it means that the boundaries of women's agency are determined by a male figure and not by women themselves.

The progressive reforms in both countries have included amendments to passport laws which used to require women to have their guardian's permission for obtaining a passport. Women are no longer legally required to have this permission. In practice, however, women are still asked to provide written permission from their guardian and the guardian has the implicit right to prevent them from travelling. Egypt has amended the Nationality Law and granted women the right to pass their nationalities onto their spouses and children. On the other hand, the Jordanian Nationality Law denies Jordanian women the right to pass their nationality onto their children and husbands; a right that should be acknowledged on an equal basis with men in order for women to be recognised as full citizens.

The legal frameworks adopt a "protectionist" versus "substantive" approach to equality. Under the guise of protection, women are banned from performing certain jobs and are prohibited from working during the night hours as set out in the labour laws of both countries. These restrictions are often justified with arguments relating to biological determinism. In such arguments, a woman's role is defined based on her reproductive role and traits that encapsulate the socially constructed image of women as dependent, weak subjects. In Jordan, women can be incarcerated in prison for years for their own protection if they are threatened by their guardian. This approach of depriving women from practising certain rights not only limits the roles women can play in society, but also threatens women's well-being and safety.

Institutional barriers and challenges

Inadequate strategies for addressing gender equality in a comprehensive and sustainable way undermine the promotion of women's participation in economic, social and political life. National women's commissions in Egypt and Jordan were established in the 1990s with the goal of promoting equal rights for women and advancing women's status. However, both commissions have had neither the mandate nor resources to empower them enough to influence policy-making. The National Council

for Women in Egypt and the Jordanian National Committee for Women both established national strategies; however, these strategies continue to lack the necessary mechanisms and human resources to ensure implementation. The weak position of the national commissions has meant that they act as NGOs and focus on activities at the grassroots level rather than performing the role of strategic, state-level policy-making institutions. Consequently, strategies for promoting women's agency, voice and participation at all levels have been neither effective nor achievable.

Institutional barriers in the areas of education, health, the economy and politics weaken women's empowerment and agency. Services for women's reproductive health have been expanded in both countries however abortion is prohibited. Women's health indicators show a steady decline in maternal mortality rates and the use of contraception is also increasing. However, services vary from one area to another and access to reproductive health services is not equally distributed.

There has been some progress in relation to women's education in both countries. In Jordan, there is a notable improvement in literacy among women, with a decline in illiteracy from 15.6 per cent in 2006 to 10 per cent in 2012. In Egypt, illiteracy among women decreased from 41 per cent in 2005 to 37.5 per cent in 2012. The challenge in both countries is now to eliminate disparity between the regions, as illiteracy among women remains higher in rural areas. In Egypt, the illiteracy rate among women in some regions is 50 per cent. Female primary, secondary and university enrolment rates increased in both countries (Jordan has much higher rates). However, women represent an insignificant number in vocational education at the secondary level and in universities are clustered in particular subjects that are assumed to match women's gender characteristics. This has an effect on women's participation in the workforce and the high unemployment rate among women in both countries.

Women's gender-determined educational specialisations often fail to match market demands. This results in a low labour force participation rate among women (around 13 per cent in Jordan in 2013 and 20 per cent in Egypt in the same year). The unemployment rate among women has been steadily increasing over the last few years in both countries. In Egypt, the unemployment rate was 22.7 per cent in 2011 and it increased to 24.1 per cent in 2012. The latest statistics from 2013 reveal that the unemployment rate among Egyptian women increased to around 25 per cent. The unemployment rate for Jordanian women is 19.9 per cent compared with 10.4 per cent for Jordanian men. The female youth unemployment rate remains high in both countries. Among Jordan's female youth (aged 15 to 24) 48.8 per cent are unemployed, as compared with 25.2 per cent for male youth. The unemployment of female youth and the long waiting period for getting a job contribute to women giving up looking for jobs and thus dropping out completely from the labour market.

The low economic participation of women in both countries requires a cohesive response from the states of Egypt and Jordan that should include the establishment of temporary special measures that adequately work to increase women's economic participation and promote women's roles in senior and leadership positions. While women comprise around half of public sector employees, they are generally concentrated in lower positions.

The private sector in both countries tends to favour men in recruiting, promoting and training opportunities. The gender gap is higher in the private sector than in the public sector. Long working hours, a lack of nurseries and difficult working conditions are likely to contribute to women's lack of interest in searching for jobs in the private sector and instead choosing to wait for their chance in the public sector. Women are, however, most marginalised in the informal sector, where they operate without laws to protect their labour rights.

The entrepreneurial sector is underdeveloped in both countries and women are denied access to financial resources and information to start their businesses. The sector is generally characterised by a lack of adequate procedures of registration and a lack of information, which requires reforms at the legal and institutional levels to facilitate registration and women's access to information and loans. Besides a very low percentage of women entrepreneurs (e.g. 2.4 per cent in Egypt), women's businesses tend to take the form of small and medium-sized projects. In addition to the institutional challenges in this sector, women are more likely to favour regular, more stable employment over entrepreneurship. The challenge is to change women's perspectives on entrepreneurship, making them realise that it can be an opportunity to transform their lives, rather than a financial necessity. The implementation of small and micro credit projects by NGOs and governments has not had beneficial effects on the overall empowerment of women.

Women's agency, capabilities and opportunities

Women's access to and control over resources is challenged by legal and social norms. The low level of women's economic participation and a lack of agency in controlling income and wages for working women ultimately results in limited financial resources being placed in the hands of women, which restricts the decisions they can make on their own land and property. Furthermore, a woman's share of inheritance is half that of a man, which inevitably results in women owning less than men. Inheritance rights are administered through *Sharia*. Social practices deprive women of having their own share of the inheritance, particularly in rural areas, where studies in Egypt suggest that around 95 per cent of women are deprived of their inheritance. A similar situation is found in Jordan, particularly among rural women. This results in women owning less than 10 per cent of the land in each country and a similarly insignificant percentage of apartments and property.

Freedom from the risk of violence: practices of violence against women continue to deter women from making decisions freely and exercising full agency. Violence against women is widespread in both countries. Statistics from population and health surveys in Egypt and Jordan suggest that around half of ever married women have been exposed to at least one type of violence. Reporting violence remains difficult for women on account of a lack of adequate procedures, police hostility toward abused women, and long and costly legal procedures. This is in addition to the social norms of perceiving women who report violence as "bad mannered". While Jordan has issued a domestic violence law and included a section on violence against women in the national strategy for women, Egypt has no law or strategy that criminalises violence and prohibits abuses within the family. Jordan has also criminalised sexual violence in the workplace; however, neither the Domestic Violence Law nor the Sexual Harassment Act have implementation procedures. This undermines women's ability to use such laws. Female genital mutilation is not a problem in Jordan but it is negatively impacting women's health and lives in Egypt. Despite its criminalisation in the Penal Code, the practice is believed to be very common in rural and poor areas.

Freedom of movement: in theory, women in Egypt and Jordan have freedom of movement but in reality this is often not the case. There are no legal barriers that restrict women's movement in Egypt and Jordan. However, women's movement is hindered by a lack of appropriate, affordable and safe public transportation systems and sexual harassment in the street (the size of the problem in Egypt is serious and much higher than in Jordan). Walking in the streets and commuting is becoming more and more dangerous for most girls and women, particularly in Egypt, as commuting from one place to another could involve sexual harassment and assaults. In Jordan, sexual harassment is common both on public transport and in the streets, but its prevalence is not measured by NGOs or researchers. In Egypt, however, there have been tremendous efforts made by NGOs to address the issue and advocate legal reforms that respond to the extent and prevalence of the problem as well as its effects on women's overall scope of activities.

Decision-making over family formation: women face significant constraints in exercising agency in family relationships and decision-making processes. Provisions in personal status laws, as well as customary and social practices and norms, restrict women and undermine their abilities to decide on marriage, divorce, child custody, and childbearing. In law and in practice, women are considered to be subordinate and under the authority and supervision of male family members. Despite the increase in the age of marriage to 18 in both countries, early marriages continue to take place particularly in rural areas and among illiterate women or those with little education. In Egypt, informal forms of marriages, such as *muta'ah* (pleasure) and *urfi* (temporary) marriages of young girls that take place in poor and rural areas, also undermine women's agency as entering into such marriages exposes women to a broad variety of violence and deprives women from developing capabilities and accessing opportunities in education and in the workforce.

Having a voice in society and influencing policy: women are noticeably underrepresented in political participation and decision-making processes. Women's representation at the policy-making level in both states remains far below a critical mass. Women represented only 11.7 per cent of the appointed ministers in Egypt in 2014. In Jordan, there is only one woman in the current cabinet. Women's representation in parliament dropped severely in Egypt to 2 per cent as a result of the quota being abolished. The representation of women in the Egyptian Upper House declined from 8 per cent of the seats in 2007 to 2.8 per cent in 2011 and 4.8 per cent in 2012. In Jordan, women occupy 12 per cent of the parliament's seats (with a 10 per cent quota). In Egypt, the last three years also saw a decline in women's representation in senior and leadership positions in the public sector (from 31 per cent in 2011 to 22.6 in 2013). There is a lack of special temporary measures in both countries that could grant women equal access to jobs, equal promotion and participation within leadership positions and decision-making processes.

At the civic participation level, professional associations and unions lack gender-inclusive strategies that could encourage women to participate in their activities and run for leadership positions. In Jordan, for example, women constitute 22 per cent of the labour unions' membership, 31.2 per cent of professional union members, 6.5 per cent of the chambers of industry and just 1.1 per cent of the chambers of commerce. Women participate in a wide range of non-governmental organisations and charities. Women's activities are constrained by the NGOs laws that restrict access to funding and require NGOs' activities to obtain the authorisation and permission of the ministries of social development.

ANNEX 1.2 – MOROCCO

Soulef Guessoum

Overview

In the 1950s Morocco promulgated the *Mudawana* or Personal Status Code, based on an interpretation of the Islamic legal tradition that considers a woman a minor under the guardianship of her father, husband or any other male relative, whose consent and signature are required before marriage, getting a passport or starting a job. Under the code, a woman can be divorced unilaterally at the man's request without justification or judicial oversight.

In the 1980s and 1990s a powerful women's civic movement that advocated reforms successfully lobbied for a set of amendments to the *Mudawana*, including the requirement for the bride to give her verbal consent to marriage and the abolishment of the right of the father to compel a daughter into marriage. Male guardianship was also abolished for adult women who were no longer considered legal minors, and polygyny, as well as the husband's unilateral right to divorce, became subject to the authorisation of a judge. Legal guardianship of children was also granted to mothers.

The movement's sustained mobilisation led to another set of significant changes in 2004. The *Mudawana* was again amended, setting the minimum age of marriage for women to 18, establishing divorce by mutual consent, placing polygyny and unilateral repudiation under judicial control coupled with restrictive conditions, and removing matrimonial guardians for women. The reforms nevertheless left substantial ambiguity in the law, allowing judges to exercise their discretion in rulings. Women's rights defenders consulted as part of the present study expressed concern with the enforcement of these reforms by a judiciary that has remained largely unchanged since the reforms were enacted. Interviewees cited known cases of judges accepting the majority of applications for underage girls' marriages; the number of such marriages has gone from 38,710 in 2007 to 43,508 in 2013.

Under Morocco's standard matrimonial system spouses retain their own property but the constitution does not provide for women to own and control land. This is because under inheritance rules, women receive half of a man's share of inheritance. Interviewees spoken to as part of this report say that challenging the law would be controversial; Morocco is ruled by a monarchy and an amendment to the *Mudawana* on inheritance would imply that there could be a female heir to the throne, something which is currently thought to be unacceptable by many.

In July 2011 in the wake of the "Arab Spring" Morocco swiftly passed a new constitution. King Mohammed VI had earlier stated his desire to "*promote the participation of women in the management of regional affairs and the exercise of political rights"* and to *"favor equal access by women and men to elected office"*.

Thirty women's organisations united as part of "*The Feminist Spring for Equality and Democracy"* to lobby the government and push for women's rights to be included in the new constitution. The drafts specifically mentioned the creation of an authority for gender parity and the struggle against all forms of

discrimination (which has yet to be established). The drafts also stated that women and men equally enjoy the rights and freedoms of civil, political, economic, social, cultural and environmental character stated in the constitution as well as in the international conventions and pacts ratified by Morocco, adding, however, "with respect for the provisions of the constitution, for the permanent standards and for the laws of the kingdom". Similarly, Article 19 which establishes equality between women and men adds that this has to be in compliance with the "permanent standards of the kingdom".

Morocco ratified CEDAW in 1993 with reservations. In 2011, and after years of advocacy by women's organisations and civil society practitioners, the country ratified the Optional Protocol (though it has not yet been officially recognised by CEDAW). The country also withdrew two reservations; however, this was done without removing a declaration stating that the CEDAW provisions would be applied only to the extent that they were compatible with *Sharia* and the provisions of the *Mudawana*, thus limiting the country's obligations to fully implement the provisions.

Several other legal reforms have been made in recent decades. Changes have been made to the country's Labour Code to introduce the concept of sexual harassment in the workplace; the Penal Code now criminalises spousal violence; the Nationality Code has been amended to give women the right to transfer their nationality to their children; and the Electoral Code has been reformed to increase women's political participation through a "national list" that grants women 60 parliamentary seats. The national list is seen as a positive step, but has nevertheless limited women's opportunities to reach proper representation and participation in the country's political life.

While women account for 51.6 per cent of the population, 2012 statistics show that women's aggregate labour supply is only 26.1 per cent. Their rate of employment is 24.7 per cent compared with 73.6 per cent for men. The rate is particularly low in urban areas at 17.6 per cent, compared with 35.6 per cent in rural areas. This is because rural women are more likely to work at an early age than men (73.5 per cent of these women worked before they were 15). Girls from poor rural areas work under unspeakable conditions as domestic servants in the cities. NGOs' estimates speak of about 66,000 girls working as maids. Aged between 5 and 15, not only are they unschooled but they are often overworked and abused.

Violence is often socially and institutionally accepted and even condoned. A survey revealed that 45.3 per cent of those asked thought it was legitimate for a man to beat his wife under certain circumstances. Amid a prevailing "culture of silence" over violence against women, it is difficult to assess exact figures, but a 2011 study suggested that 62 per cent of women have experienced gender violence and no specific law against domestic violence is in the offing.

The Labour Code enshrines the principle of non-discrimination in recruitment, conduct and the division of labour, salary, promotions, benefits, discipline and dismissal, and vocational training. It does not however extend protection to domestic workers, who are mostly women and girls. Discrimination affects women in practice; inequalities have been observed in women's recruitment, wages and leave entitlements, limited job opportunities, low skilled jobs with low pay and poor working conditions, the occupational segregation and persistence of a wage gap in both the public and private sectors, the high number of women working in the informal sector with no social benefits, and a poor implementation of labour rulings.

The active population of people aged 15 and above is marked by a low education level as 60 per cent have no degree; 66.8 per cent of this group is women. As much as 33.1 per cent of working adults aged 15 and above are illiterate; 56.2 per cent of this group is women. Of all employed women, 72 per cent have no degree compared with 60.1 per cent of men. The figure reaches 92.7 per cent in rural areas, against 38.2 per cent in urban areas.

Meanwhile, women entrepreneurs face specific obstacles and social constraints and issues tied to their condition although both men and women complain about red tape and high production costs among other things. A 2004 survey revealed that women suffer from poor finance and market access and recruiting. An economist notes widespread discrimination "*on the part of customers, suppliers and banks as well as in the lack of measures to support work-life balance and in the scarce dissemination of information and advice*".

According to activists, women living in rural areas have far more limited access to transport and therefore constrained economic and educational opportunities. In comparison, women living in urban areas seem to enjoy better means of transport, higher paying jobs and higher education levels.

Although legal autonomy has long been at the centre of women's claims and progress has been made in this respect, observers say that there remain social and economic discrepancies between urban and rural areas, as well as between rich and poor.

Blatant discrimination against women persists despite the country's efforts. High illiteracy rates (30.8 per cent among men and 54.7 per cent among women) and a lack of education plague the condition of Moroccan women, leading to vulnerability and exclusion. As a consequence, their tremendous participation in both rural and urban areas is invisible or blurred. To have a voice in society they have to take on the challenges of education, become aware of their rights and articulate their needs, with a view to bringing about change and eliminating gender biases embedded in beliefs, laws and customs.

The sustained action and commitment by the powerful Moroccan women's movement is responsible for an ongoing, multi-pronged strategy aimed at reaching out to the grassroots, putting forward proposals and claims for their rights and democracy to move up the hierarchy and break the glass ceiling.

Although women's rights are subject to political negotiations in a context marked by an ascending conservative movement that might unravel women's hard won achievements, there has been some progress. One such example is that the rate of contraceptive use among married women rose from 19 per cent in 1980 to 67.4 per cent in 2011. Additionally, despite hardships, women's entrepreneurship has become part and parcel of the country's development strategy.

ANNEX 1.3 – TUNISIA

Soulef Guessoum

Overview

Tunisia has long appeared as a stable and a quasi-secular country. In the late 1950s it adopted the most advanced Personal Status Code (PSC) in the Arab world. Indeed, the advanced legal status prohibited polygyny, made divorce available to both spouses and granted women the right to manage their own assets. Also, education has been free and compulsory without discrimination of any kind. In 1973 abortion became legal in what was widely seen as considerable progress and as a unique situation among Arab countries.

Yet, our report shows that there are still rights to be won and social biases and discrimination to be fought. Although the PSC stems from secular sources it enshrines *Sharia*-inspired rules when it comes to inheritance, as a woman inherits half a man's share. To date, the country's vibrant women's movement has been calling for the withdrawal of the article to no avail. Other advanced principles have been endorsed and reinforced by the country's successive governments, including the Civil Service Law of 1983, which bans gender discrimination, and the Labour Code which explicitly stated there must be gender equality in 1993. In 2000 married women no longer required authorisation from their husbands to sign or rescind service contracts. Since 2004 sexual harassment has become a crime and in 2010 mothers were allowed to transfer their nationality.

Despite such achievements, the PSC and subsequent rulings that respected women's rights are now widely seen as a means of covering up decades of autocratic rule and corruption and concealed discrimination and violence targeting women. In December 2010 the Tunisian government was rocked to its foundations by widespread discontent at the economic hardships, and mass demonstrations erupted, starting from the area of Sidi Bouzid, where an unemployed youth self-immolated. This caused the sitting President to resign in less than a month, leading to a transitional political phase marked by the setting up of a Constituent Assembly. Under the watchful eye of women, the assembly passed a new Constitution which the world hailed as one that was bound to make history as among other advances it provided for gender parity in all legislative assemblies in the country.

The Revolution has brought about democratic changes including fair and free voting but it was felt to be fraught with danger for women's gains. As some interviewees put it "*the battle for women activists was about preserving the rights gained under the previous governments*". Others argue that previous rulers were friendlier towards women's rights compared with the post-Revolution phase. UN sources in Tunis note "*a shrinking of the freedom of movement and safety that women used to enjoy, a shrinking of women's public space, due to threats and intimidation*" since the overthrow of the regime.

An activist cited, for instance, "*a deliberate shortage of birth control items in family planning centres" and "doctors refusing to practice abortion"*. Similarly, a study on the jurisprudence of ordinary courts discovered that some judges had been able to subvert the PSC by using religious references. A judge and researcher confirmed that applications for early marriages were frequent. While the legal age for marriage is 18 for both sexes, 2011 national statistics reveal that 6,504 marriages out of 91,590 involve girls between 15 and 19.

The results of a 2010 national survey on gender violence unveiled alarming rates of gender violence that had been long considered taboo and held secret. As much as 47.6 per cent of women or almost one in every two women aged between 18 and 64 have declared to have experienced at least one form of violence during their lifetime, whether physical, sexual, psychological or economic violence.

Assaults increase in precarious situations with divorced women and older victims being targeted. Physical violence accounts for 17 per cent of the violence experienced by women aged between 25 and 39 and rises to 24.3 per cent for women aged 60+. Only 5 per cent of victims file complaints in court; this is low because there is a fear of retaliation and it is believed that violence targeting women and girls is normal. Another survey conducted between 2008-09 on full-time domestic workers, of whom 96.7 per cent have no employment contract, shows that 14.2 per cent of respondents claim to have been sexually abused by their employers, while 16.2 per cent of young women say they have been forced into sexual touching and 18.2 per cent into sexual intercourse.

The Constitution includes a pledge that all appropriate measures aimed at eradicating violence against women shall be taken and the authorities have committed to proposing a comprehensive law that will address gender-based violence before the end of the year.

Previously, the assembly had adopted an election law stipulating that applications for candidacy should be based on the rule of alternately ranking women and men on the lists. The principle of alternation was respected by all political parties but women were not placed on the top of these lists. Only 7 per cent of the first names on the lists were women in the elections of 2011 and 12 per cent in the elections of 2014. An opinion poll showed that 65 per cent of women were deeply interested in public affairs while another poll showed that two thirds of Tunisians support women's participation in politics; nevertheless, only 52 per cent would encourage a female relative to become involved in politics.

According to the Labour Code, equal pay is guaranteed in the formal sector; however, in practice women earn less than men in the formal, private sector and in the informal sector. A survey by Global Fairness Initiative revealed that 30 per cent of the informal workers surveyed were women, which implied that women face more poverty, underemployment, instability and risk as no social security programmes are granted.

As for education, while the law explicitly prohibits sexual discrimination and segregation, attendance of vocational courses is gender-segregated, with women concentrated in the "female dominated" occupations. Similarly, a division of roles along gender lines prevails in agricultural work. While husbands are mostly registered as farm heads, 65 to 70 per cent of women occupied in the agricultural sector are labelled family labourers. Only 3 per cent of farm heads are women.

The country's legal framework relating to investments and entrepreneurs seems to be non-discriminatory. However, there are no specific regulations or positive actions to encourage women. Legislation does not seem to adequately address and redress discrimination issues. A group interview conducted with businesswomen revealed that banks prefer dealing with men; women applying for bank loans have been asked questions related to their childcare in connection with their work and life.

Women described the way their family responsibilities form a major obstacle to their professional advancement: "*the absence of children care system to support women prevents women from having time for their own and professional exposure*". It seems that the changing roles of men and women have not led to any changes in the private sphere, nor have they led to men contributing their share to the housekeeping or family care. Women are deterred by the prospect of double workload, most notably when they are uneducated or have low education levels. A time-use survey between 2005-06 shows that women devote eight times more time to housekeeping and caring for children and other relatives than men and that they spend more time giving educational support to children. The survey notes that even the men who did not have a job would not take on a larger share of the household chores.

According to a 2013 employment survey by the Tunisian National Institute for Statistics, the unemployment rate is higher among women (21.5 per cent in the first quarter of 2014) than men (12.7 per cent), and affects twice as many female higher graduates (40.8 per cent) than male graduates (21.2 per cent). Similarly, recent figures show that only 25 per cent of the 62.3 per cent of higher education graduates made up by women participate in the labour market.

Transport is yet another obstacle to women's advancement. A study conducted in 2013 showed discrepancies between urban and rural areas in terms of public transport offered and mobility, underlining the adverse effects of such differences on girls and women. A total of 47 per cent of women living in rural areas mentioned family restrictions, a lack of training and transport problems as the main obstacles to accessing employment.

This report gives an outline of where women and men stand concerning their basic rights in terms of voice, agency and participation. While Tunisian women have certainly benefited from an advanced education policy carried out by the country's successive governments, they have long suffered from a reputation that they have been "offered" their rights as part of what has become known as "state feminism". The report shows that women have come forward to claim their economic and political rights before, during and after the revolution. Their sustained advocacy in support of democracy and equal rights is evidence that they are a force to be reckoned with. More than ever, women are intent on quitting "waiting lists", as a university teacher described it after the latest presidential election, for reaching full equal rights and top-level offices. Be they graduates, living in rural or urban areas or craftswomen all aim to be fully fledged citizens, to enhance their economic participation and to contribute to curbing the poverty striking the country.

ANNEX 1.4 – TURKEY

Saniye Dedeoglu

Overview

Since the early years of the foundation of the Turkish Republic gender equality has been the main yardstick of the Turkish modernisation project, involving nation-building and development. Coined as "symbolic pawns", women have come to be seen as the defenders of the Kemalist[53] reform, which promoted the sameness of women and men and granted suffrage to women. It also included the secularisation of the society and became a clear process of breaking away from the rule of *Sharia*. The result was that Turkey prohibited polygyny, outlawed unilateral divorce and recognised gender equality in inheritance rights and the custody of children. However, religious values are still powerful in asserting customary practices and cultural values that regulate gender roles and relations in the country where the Kemalist reforms failed to reach the vast majority and continue to benefit mostly privileged women living in urban areas.

Despite having recorded great achievements in women's education and life expectancy Turkey has some of the greatest gender gaps in the world. Women are almost absent in various aspects of social and economic life, but highly valued as mothers and wives. This is most visible in the area of women's employment which was declining until 2008, although it began to pick up thereafter. Despite the fact that almost 30 per cent of women form part of the labour force, the recent increase has mostly been a result of the fact that TurkStat recorded women who receive cash benefits for caring for the elderly and disabled members of their families as employed. Gender disparity is also visible in the area of unemployment as the women's unemployment rate exceeded that of men, most significantly in urban areas. With urbanisation the share of urban economic activity has become dominant in the Turkish economy; there is, however, a major proportion of employed women working in agriculture as unpaid family workers. The majority of women's work is in the service sector, while only a small proportion of women are employed in manufacturing. While the number of women employers is not significant, there has been a recent rise in the number of women working on their own account. In addition, the public sector offers educated women the most desired work opportunities, especially in health and education.

The strict gender-based division of labour in the Turkish society appears in the results of a time-use survey (2006) in which women spent more than 5 hours a day on household chores and care, while men spent only 51 minutes on chores. Adding paid work hours to this, women worked longer hours than men as a total. The unequal burden of unpaid work is the result of the traditional status of women in a patriarchal social setting, but this is also the result of difficulties women encounter when they try to gain access to the labour market or income-generating activities. Despite continued efforts to improve the data collection methods, in most of the cases official data in Turkey fails to capture women's economic activities as many describe themselves as "housewives" but engage in informal income-generating activities such as home-based or domestic work. The limited scope of the official data reflecting women's lived realities in Turkey is most visible in the gender pay gap indicator in which the gender-based non-agricultural wage and income gap failed to be captured in the formal sector, whereas women earn only 75 per cent of men's income in the informal sector.

The legal status of women in Turkey is defined by the Constitution and the Personal and Labour Codes.

53 These are the reforms implemented by Mustafa Kemal Atatürk who ruled the country from 1923-1938, and who is often referred to as the 'founder of modern Turkey'. These reforms brought sweeping political, social, cultural and religious changes intended to separate the new Turkish state from its Ottoman predecessor and embrace a 'Western' way of living and governing of society, including the establishment of democracy, universal suffrage, secularism, state support of the sciences and free education.

As a signatory of CEDAW, the Turkish Constitution obliges the state to ensure gender equality. Legal reforms took place after EU accession negotiations started in 2005. Turkey's trajectory of candidacy has provided a strong, indeed unprecedented impetus in regard to legal reforms in the area of gender equality. The attitudinal shift in relation to general gender equality policies in Turkey is reflected in four pieces of legislative reform: constitutional amendments since 2001, especially the 2004 amendment; the adoption of the new Civil Code (2001); the new Labour Law (2003); and the new Penal Code (2005). All these changes brought a shift in the legal position of women from dependent to more independent citizens. The EU accession period, however, has experienced a counter-trend as an Islamist and conservative political party took office in 2002. In the early years of coming to office, the AKP (Justice and Development Party) government greatly progressed in terms of granting equal rights for women and men in order to move in the direction of EU directives and regulations. The party actually supported the rights and public visibility of women with headscarves and championed women's roles as mothers and wives. It therefore based its discourse on the women's issues that were enmeshed with family and religious affairs. Therefore, Turkey is a good case of where the disparity between women's legal position and their actual social position is the largest.

Access to and control over resources

Women's access to and control over resources in Turkey is determined mostly by the inheritance and marital property regimes, as well as women's labour market position. Despite the fact that Turkish law grants equal rights to women and men for inheritance, the customary laws and practices work against women's access to productive land and property, and women "voluntarily" waive their rights in favour of male heirs. A recent figure shows that only 35 per cent of all deed ownership in Turkey is registered to women, which, however, does not guarantee their control over the property owned. In addition, the predominantly male-dominated nature of business discourages women from being entrepreneurs and women's entrepreneurship is limited mostly to the privileged classes, where women's social capital and access to financial resources positively influence their voice and agency. In fact, the majority of women entrepreneurs are small business owners or home-based workers.

Freedom from the risk of violence

Turkey's EU accession process, together with the rise of the women's movement, has initiated an enormous change in the legislative structure, which has moved from describing women as dependents of men to protecting women's rights and freedoms as individuals. However, these regulations are not properly put into practice because preventing violence relies in part on changing norms and attitudes that perpetuate gender inequalities and sanction gender-based violence. There is inadequate institutional support for and protection of victims of violence. Treatment and support for victims is critical but the majority of women who experience violence never seek help or report the violence to anyone. Even those who seek help and support face institutional blockages and are discouraged by complicated legal and procedural bureaucracy.

Freedom of movement

Women's restricted ability to move freely affects their access to markets, employment, business activities and services, including health and education. In Turkey, poor public transport and the overly male-dominated environment result in women's harassment and they refrain from using public transport if possible. Sexual harassment in public transportation is a common problem, and is addressed in regular campaigns. The latest one requests "Do not over spread your legs, Do not occupy my space, Do not harass me", and is designed to send the message that men are too relaxed on public transport, whereas women are made to feel uncomfortable by the behaviour of men. The poor transport system also limits women's access to work opportunities situated far from their homes and it is only considered if the companies provide special bus services (*işçi servisi*) for their workers. If not, women opt to work in places located close to their homes or to be home-based workers. It is not only overcrowded transportation facilities and the fear of sexual harassment in public transportation that limit women's mobility, but also male control over women's ability to move is one of the major restrictions. For example, research shows that 69 per cent of women are interrogated by their husbands and fathers about their whereabouts and whom they are with.

Decision-making over family formation

Turkey presents an interesting case regarding the gap between women's legal status and actual status in society. In the legal structure, women are granted equality, and their labour in the domestic sphere is recognised by the introduction of the Acquired Marital Property Law System, which was brought about by the New Turkish Civil Law. Women also enjoy other equal rights such as the right to custody, a share in household decision-making and in the representation of the household. However, in practice these rights are not translated into women's power and voice in the family and society. In Turkish society, women gain visibility and social status through their reproductive roles of mothering and wifehood. This is most clearly reflected in the fact that women marry at an early age, despite the minimum age requirement, with one third of women married under the age of 17. Despite women's legal rights, most marriages are arranged by family members, reflecting the fact that women might not have full decision-making powers over family formation. This weakens women's agency and choice.

Women's relatively weak societal position is being enforced through recent policies and programmes based on the promotion of traditional gender-based roles and relationships. The allocation of large amounts of funding to expanding theology education in universities, increasing the authority of the State Directorate of Religious Affairs (Arat, 2010), the revision of the Penal and Civil Codes for women, and recent parliamentary debates about abortion, contraception, family consulting centres and regulation of domestic violence (what Acar and Altunok (2013) recently refer to as the "politics of the intimate") are among the institutional measures that one can observe that illustrate the propagation of a restricted and domestic role for women.

Having a voice in society and influencing policy

Shortly after the foundation of the Turkish Republic in 1923, on 17 February 1926, Turkey adopted a new civil code by which the rights of Turkish women and men were declared equal except in suffrage. Four years later, through legislation enacted on 5 December 1934, they gained full universal suffrage, earlier than most other countries. Although women gained the rights of full political participation, women's representation in politics, managerial positions in the public administration, in political parties or in trade unions remains generally limited. The number of women in the parliament began to decrease after suffrage was granted. The minimum number was two women members (in 1954), but it had not improved by much in the following elections up to 1991. There was a slight increase in the number of women MPs after 1999. Women's representation in the Turkish parliament reached a peak in 2011 with over 14 per cent. The women's movement in Turkey is working to achieve the establishment of quotas, which would be the next step towards the political empowerment of women and the translation of constitutional and legislative equality into equality in practice.

ANNEX 2.0 – TABLES

Table 1

ADULT LITERACY RATES BY SEX AND GENDER PARITY INDICES

Source: UNESCO, UIS. Data extracted on 5 September 2014 14:39 UTC (GMT) from UIS/ISU.

Note: countries are ranked in increasing order of literacy rates (population aged 15 and over).

		Morocco	Egypt	Tunisia	Turkey	Jordan
2003/05	Females	39.6	59.4	65.4	79.6	84.7
	Males	65.7	83.0	83.4	95.3	95.1
	Gender parity index	**60.3**	**71.6**	**78.4**	**83.5**	**89.1**
2011/12	Females	57.6	65.8	71.7	91.6	97.4
	Males	76.1	81.7	87.8	98.3	98.4
	Gender parity index	**75.7**	**80.5**	**81.7**	**93.2**	**99.0**

Table 2

PRIMARY, SECONDARY AND TERTIARY ENROLMENT RATES BY SEX AND GENDER PARITY INDICES

Source: national data and UNESCO, UIS. Data extracted on 5 September 2014 14:39 UTC (GMT) from UIS/ISU.

	Egypt	Jordan	Morocco	Tunisia	Turkey
Female primary enrolment rate	94.7	99.1	97.2	97.8	98.6
Male primary	96.1	98.9	97.8	98.5	98.8
Parity index primary	**98.5**	**100.2**	**99.4**	**99.3**	**99.8**
Female secondary	93.0	83.2	N/A	77.0	66.1
Male secondary	94.3	71.3	N/A	69.0	68.5
Parity index secondary	**98.6**	**116.7**	**96.0**	**111.6**	**96.5**
Female tertiary	29.5	42.8	13.5	43.4	61.7
Male tertiary	30.6	37.2	15.1	27.3	70.6
Parity index tertiary	**96.4**	**115.0**	**89.4**	**159.0**	**87.4**

Table 3

SHARE OF WOMEN AMONG TOTAL NUMBER ENROLLED IN TERTIARY EDUCATION (2011-12)

Source: UNESCO, UIS. Data extracted on 5 September 2014 14:39 UTC (GMT) from UIS/ISU.

Note: countries are ranked in increasing order of enrolment rates.

Morocco	Turkey	Egypt	Jordan	Tunisia
41.6	45.4	48.2	52.8	60.4

Table 4

TRENDS IN LABOUR FORCE PARTICIPATION RATES BY SEX (15+ YEARS) IN THE FIVE COUNTRIES

Source: ILOSTAT and LABORSTA and national sources: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey.

Note: These are participation rates (i.e. the number of active women/men in total number of women/men of working age), not shares of labour force; consequently, the figures do not add up to 100%.

	Egypt	Jordan	Morocco	Tunisia	Turkey	Egypt	Jordan	Morocco	Tunisia	Turkey
	Women					Men				
2000	N/A	12.5	28.1	N/A	26.6	N/A	68.2	78.9	N/A	73.5
2001	20.2	12.2	25.6	N/A	27.1	68.6	68.4	78.1	N/A	72.5
2002	18.4	12.8	25.1	N/A	27.9	68.7	67.1	77.5	N/A	71.1
2003	13.6	11.8	27.6	17.5	26.6	45.5	66.9	77.6	48.8	69.9
2004	N/A	10.8	28.3	N/A	23.8	N/A	67.0	77.0	N/A	71.0
2005	24.4	12.1	27.9	24.3	23.8	79.7	66.9	76.2	68.3	71.2
2006	22.2	12.4	27.2	24.4	24.0	75.3	65.9	76.4	67.3	70.5
2007	24.4	15.0	27.1	24.5	24.1	75.3	66.0	76.1	67.7	70.4
2008	25.0	14.6	26.6	24.7	24.9	76.3	65.8	75.9	68.0	70.8
2009	24.5	15.4	25.8	24.8	25.5	76.2	66.6	75.3	68.7	69.4
2010	24.5	15.3	25.9	24.8	27.1	78.6	65.4	74.7	69.5	69.9
2011	22.5	14.7	25.5	25.3	28.4	74.4	62.8	74.3	70.3	71.0
2012	22.4	14.1	24.7	25.5	29.0	73.9	61.3	73.6	70.2	70.3
2013	21.9	13.2	25.1	25.6	30.3	72.8	60.4	73.0	70.0	70.9

Table 5

TRENDS IN UNEMPLOYMENT RATES BY SEX IN THE FIVE COUNTRIES

Source: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey.

	Egypt	Jordan	Morocco	Tunisia	Turkey	Egypt	Jordan	Morocco	Tunisia	Turkey
	Women					Men				
2000	N/A	21.0	12.8	16.9	6.3	N/A	12.3	13.6	15.3	6.6
2001	22.6	20.6	12.2	16.2	7.5	5.6	13.7	12.3	14.5	8.7
2002	23.9	21.9	12.1	16.3	9.5	6.3	14.0	11.1	14.9	10.7
2003	23.3	20.8	12.4	16.2	10.1	7.5	13.4	11.2	13.9	10.7
2004	24.3	16.5	11.1	17.1	11.0	5.9	11.8	10.7	13.2	10.8
2005	25.0	25.9	11.3	17.3	11.2	7.0	12.8	11.0	13.1	10.4
2006	23.9	25.0	9.7	15.1	11.1	6.7	11.9	9.7	11.5	9.9
2007	18.4	25.6	9.8	15.3	11.0	5.8	10.3	9.8	11.3	10.0
2008	19.3	24.4	9.8	15.9	11.6	5.6	10.1	9.5	11.1	10.7
2009	23.0	24.1	9.5	18.8	14.3	5.2	10.3	9.0	11.3	13.9
2010	22.6	21.7	9.6	18.9	13.0	4.9	10.4	8.9	10.9	11.4
2011	22.7	21.2	10.2	27.8	11.3	8.9	11.0	8.4	15.2	9.2
2012	24.1	19.9	9.9	25.3	10.8	9.3	10.4	8.7	14.4	8.5
2013	25.0	22.1	9.6	22.7	10.6	10.0	10.6	9.1	13.3	8.0

Table 6

STRUCTURE OF WOMEN'S EMPLOYMENT BY INDUSTRY AND EMPLOYMENT STATUS IN THE FIVE COUNTRIES

Source: CAPMAS for Egypt, Department of Statistics for Jordan, HCP for Morocco, INS for Tunisia and Turkstat for Turkey.

Notes: countries are ranked in decreasing proportion of agricultural employment; totals may not add up because of rounding.

	Morocco 2012	Egypt 2009	Turkey 2013	Tunisia 2013	Jordan 2011/13
All activities (%)					
Agriculture	60.5	43.3	37.0	15.3	N/A
Industries	11.9	5.1	15.3	32.6	N/A
Of which: Manufacturing	*11.6*	*4.1*	*14.2*	*31.6*	*N/A*
Trade	4.4	5.9	10.3	8.5	5.9
Services	23.1	45.5	37.4	43.2	N/A
Of which: Administration, Education and Health	*11.8*	*39.9*	*18.5*	*26.3*	*67.1*
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Non-agricultural activities (%)					
Industries	30.1	9.0	24.3	38.5	13.6
Of which: Manufacturing	*29.4*	*7.2*	*22.6*	*37.3*	*12.2*
Trade	11.0	10.5	16.3	10.0	6.7
Services	58.5	80.4	59.4	51.1	79.7
Of which: Administration, Education and Health	*29.8*	*69.3*	*29.4*	*31.1*	*64.5*
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Employment status for non-agricultural employment (%)					
Paid employees	78.6	76.8	85.6	87.3	95.8
Own-account workers	16.9	23.2	8.5	3.1	2.0
Unpaid family workers	2.5		4.3	6.5	0.6
Employers	2.0		1.6	3.1	1.6
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**

Table 7

TIME BUDGET (IN HOURS AND MINUTES PER DAY)

Source: ONS (2013) for Algeria, HCP (2014a) for Morocco, Republic of Tunisia, Ministry of Women's Affairs (2011) for Tunisia and Turkstat: time-use survey data 2006 for Turkey.

Notes: "paid work" reflects work taken into account in the GDP while "unpaid work" refers to work not taken into account in GDP (or "extended GDP"). "Unpaid work" is defined as the daily time spent on services (domestic and care work) for each household's own consumption (this is why it is unpaid in contrast with paid work which refers to work taken into account in the National Accounts for the measurement of GDP and includes work performed by "contributing family workers" (this concept replaced the term "unpaid family workers" several years ago). The surveys refer to people aged six years and over in Morocco, 10 and over in Algeria and 15 and over in Tunisia and Turkey.

	Algeria 2012		Morocco 2011-12		Tunisia 2005-06		Turkey 2006	
	Women	**Men**	**Women**	**Men**	**Women**	**Men**	**Women**	**Men**
Household chores and care	5h 24m	48m	5h	43m	5h 22m	43m	5h 17m	51m
Paid work	30m	3h 30m	1h 21m	5h 25m	1h 32m	4h 17m	1h 8m	4h 27m
Total	**5h 54m**	**4h 18m**	**6h 21m**	**6h 8m**	**6h 54m**	**5h**	**6h 25m**	**5h 16m**

ANNEX 3.0 — CEDAW COUNTRY HISTORIES

Egypt was the first of the five countries to ratify CEDAW in 1981, with reservations on four articles: Article 2 regarding non-discrimination and equality between men and women; Article 16 regarding equal family rights; Article 29B regarding complaints; and Article 9 regarding nationality. In 2008 the government of Egypt lifted its reservation to that article based on the changes made to its nationality law.

The reservation made to Article 2 on non-discrimination and equality, however, is significant as this article establishes the definition of non-discrimination in all areas of public and private life, which is a core principle of CEDAW. Making a reservation to this article contradicts with the ratification of CEDAW since its key role and fundamental principle is to eliminate discrimination against women. Women's organisations in Egypt have been putting pressure on the State to lift the reservation to Article 16 of CEDAW. Efforts made in this regard have included several studies, which have demonstrated that there would be no contradiction between *Sharia* and CEDAW if the State agreed to adopt a moderate and progressive interpretation of *Sharia*.

Jordan ratified CEDAW in 1992, and established in the same year the Jordanian National Committee for Women (JNCW) as a mechanism and monitoring body of the government's compliance with CEDAW. In March 2009 a Royal Decree was issued to approve the Cabinet's decision to lift its reservations to CEDAW (paragraph four, Article 15), which gives women freedom of mobility and choice of residence without requiring the consent of their husbands or other male family members.

Morocco ratified CEDAW in 1993 and in December 2008 King Mohammed VI publicly banned discrimination against women and declared: "*our country has become an international actor of which the progress and daring initiatives in this matter are readily recognised*".

After years of advocacy by women's rights organisations and civil society practitioners, the country formally withdrew two more reservations to CEDAW in April 2011. The withdrawal of reservations coupled with the ratification of the Optional Protocol to CEDAW is challenging because it requires amendments to the country's legislation to align it with the principles enunciated in CEDAW for the realisation of comprehensive women's rights in the economic, social and political areas.

Tunisia ratified CEDAW in 1985 with reservations to Article 16 (c), (d), (f), (g) and (h) on equality in marriage and family life, and Article 29 (1) relating to the administration of the Convention; i.e. arbitration in the event of dispute, in addition to the general declaration that the government "*shall not take any organisational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution*". As of April 2014, as a result of the political reforms and advocacy spurred by the 2011 revolution, Tunisia has officially withdrawn all its reservations to CEDAW.

The next step for the Tunisian government is to ensure that all domestic laws conform to international standards in order to eliminate all forms of discrimination against women.

Turkey ratified CEDAW in 1985 with some reservations to various paragraphs of Articles 15 and 16, and it entered into force in 1986. This helped make gender issues more visible. Following the ratification, the national machinery for the promotion of gender equality, Kadının Statüsü ve Sorunları Genel Müdürlüğü (KSSGM) Directorate General on the Status of Women, Prime Ministry a requirement of the CEDAW process, was also established in 1990.

In 1999, the reservations to CEDAW's Articles 15 and 16 were lifted and in 2001, Turkey ratified the Optional Protocol to CEDAW. The first case of personal complaint from Turkey to CEDAW was filed on January 2005 in the case of R. Kayhan v. Republic of Turkey. An amendment to Article 90 of the Constitution was adopted in 2004 giving supremacy to international conventions concerning basic rights and freedoms, including CEDAW, over all national laws.

Only two countries (*Turkey* and *Tunisia*) ratified the Optional Protocol that recognises the competence of the Committee on the Elimination of Discrimination against Women to receive and consider complaints from individuals or groups and have created an enquiry procedure for this purpose.

List of abbreviations and acronyms

ADFM Association Démocratique des Femmes du Maroc (Democratic Association of Moroccan Women)

AECID Agencia Española para la Cooperación Internacional y el Desarrollo (Spanish Agency for International Co-operation and Development)

AFEM Association des Femmes Chefs d'Entreprises du Maroc (Association of Women Entrepreneurs of Morocco)

AFTURD Association des Femmes Tunisiennes pour la Recherche sur le Développement (Association of Tunisian Women for Research on Development)

AKP Adalet ve Kalkınma Partisi (Justice and Development Party, Turkey)

ANC Assemblée Nationale Constituante (National Constituent Assembly, Tunisia)

ANGIKAD Ankara Girişimci İş Kadınları ve Destekleme Derneği (Ankara Business Women Entrepreneurs & Enhancement Association)

ATFD Association Tunisienne des Femmes Démocrates (Tunisian Association of Democratic Women)

CAPMAS Central Agency for Public Mobilization and Statistics (Egypt)

CCTV closed-circuit television

CEDAW Convention on the Elimination of All Forms of Discriminations against Women

CEWLA Centre for Egyptian Women's Legal Assistance

ÇSGB Çalışma ve Sosyal Güvenlik Bakanlığı (Ministry of Labour and Social Security of Turkey)

CSP/PSC Code du Statut Personnel (Code of Personal Status, Tunisia)

DISK Türkiye Devrimci İşçi Sendikaları Konfederasyonu (Confederation of Progressive Trade Unions of Turkey)

DOS Department of Statistics (Jordan)

EBRD European Bank for Reconstruction and Development

ECWR Egyptian Centre for Women's Rights

EDHS Egyptian Demographic and Health Survey

ENDA ENDA inter-arabe (a micro-finance institution in Tunisia for which the acronym's meaning, "Environnement et Développement en Afrique", or "Environment and Development in Africa", is no longer in use)

ESPOD Espace Point de Départ (Association marocaine pour la promotion de l'entreprise féminine (Moroccan Association for the Promotion of Women in Business)

FGM female genital mutilation

GBV gender-based violence

HCP Haut Commissariat du Plan (Higher Planning Commission, Morocco)

ILO International Labour Organization

ILOSTAT the ILO's new database of labour statistics

INS Institut National de la Statistique (National Institute of Statistics, Tunisia)

INSAF Institution Nationale de Solidarité avec les Femmes en Détresse (National Institution of Solidarity with Women in Distress, Morocco)

ISIE Instance Supérieure Indépendante pour les Elections (Independent High Authority for the Elections, Tunisia)

IPU Inter-Parliamentary Union

JPSL Jordanian Personal Status Law

JNCW Jordanian National Commission for Women

JWU Jordanian Women's Union

KAMER Foundation for Women's Shelters and Women's Center Foundation (Turkey)

KOSGEB Küçük ve Orta Ölçekli İşletmeleri Geliştirme ve Destekleme İdaresi Başkanlığı (Small and Medium Enterprises Development and Support Organisation, Turkey)

KSGM Kadının Statüsü ve Sorunları Genel Müdürlüğü (Directorate General on the Status of Women, Prime Ministry, Turkey)

LABORSTA the ILO's database of labour statistics

MDB WGG Multilateral Development Banks Working Group on Gender

MEI Municipal and environmental infrastructure

MENA Middle East and North Africa

NCW National Council for Women (Egypt)

NDI National Democratic Institute for International Affairs

NGO non-governmental organisation

OECD Organisation for Economic Co-operation and Development

ONFP Office National de la Famille et de la Population (National Office of Family and Population, Tunisia)

ONS Office National des Statistiques (National Office of Statistics, Algeria)

PSC Personal Status Code

SCAF Supreme Council of the Armed Forces (Egypt)

SEMED southern and eastern Mediterranean (the EBRD's designation for the current countries of operations in the MENA region)

SGI Strategic Gender Initiative (EBRD)

SIGI Social Institutions and Gender Index (OECD)

TESK Türkiye Esnaf ve Sanatkarları Konfederasyonu (Turkish Confederation of Tradesmen and Craftsmen)

TOBB Türkiye Odalar ve Borsalar Birliği (Union of Chambers and Commodity Exchanges of Turkey)

TURKSTAT Turkish Statistical Institute

TUS time-use surveys

UGTT Union Générale des Travailleurs Tunisiens (Tunisian General Labour Union)

UIS UNESCO Institute for Statistics

UNDP United Nations Development Programme

UNESCO United Nations Educational, Scientific and Cultural Organization

VAW violence against women

WDR World Development Report (World Bank)

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